

Town of Russiaville, Indiana
Regular Council Meeting
Town Hall
February 22, 2021

Council Present – Jeff Lipinski, Don Parvin, Pat Reel, Myrna Claar, and Greg Landrum.
Corbin King, town attorney, was also present.

Jeff Lipinski opened the meeting.

Jeff Lipinski said prayer. Don Parvin led everyone in the Pledge of Allegiance.

Minutes from January 2021 were approved.

Plan Commission – Mike Kanable was present to report writing a permit for a walk-in cooler addition at Fire Pizza.

Board of Zoning Appeals – No one present to report.

TIF Board – No one present to report

Russiaville Historical Society – Megan Reel said Jan Koloszar had contacted her earlier that day, and had nothing new to report.

Park and Tree Board – Megan Reel said Jill Newby had contacted her earlier that day, and said the only thing she had was that they were looking for a date for senior/community day in May. They would let council know when as soon as they knew.

Streets and Wastewater – Craig Thompson was present and had a written report. Craig thanked Greg Landrum for bringing his snow blower down to the Community Center and doing the walkways. Don thanked Greg and thanked the guys for doing all the plowing during the recent snow.

Marshal's Dept. – Jeff Lipinski read a letter from the FOP recognizing Marshal Joshua Fulkerson for his presence and assistance 2020 cops for kid's charity program this past December. Council thanked Josh for volunteering to do this. This (including 2 picture) will get put on the bulletin board for a while for anyone who would like to read it.

Josh Fulkerson was present and had a written report.

Josh stated that with the recent snow he had slid into the fence post at the wastewater plant and got stuck. There was some damage to the bumper and side of the 2016 Tahoe. He documented what happened and got quotes to fix the vehicle. Megan Reel had the quotes as read: Erik's Chevrolet \$4,434.46 and Misfit Towing \$4,330.04. Josh and Megan will work on the this with the insurance to get it fixed.

Josh said he ordered the radar that was talked about last month, it should be here soon.

Josh asked about some training for him and Carl they would like to do. He said it would be close to \$1,400.00. This would come out of the police budget.

Josh wanted to talk about bringing the K-9 program back. He said he recently talked to Carl, and feels that Carl has lost some steam on it as he feels the council is not on board with it. Jeff Lipinski said he feels that the timing on this is not the best, stating that we are just getting past the last issues with the K-9 and doesn't want to jump in to another program just yet. He wants to do what is best for everyone in bringing a program back if that is what we decide to do. Don Parvin said there are a lot of things to be discussed and also the costs involved with this that we need to make sure of before we do it.

Josh said he would reword/add some things to the policy for the K-9 if it needed to be per the mandates.

Josh agreed that everyone needs to be on the same page and on board with this to make it work as it should.

Pat Reel said he is not sure we are in the right spot at this time but maybe in the next year or so. Myrna Claar agreed saying that she feels they are doing a good job building the PD team, and feels it is not time to add another facet to it at this time.

Josh also added he is working on the Durango that was talked about last month. He wants to take his time and make sure everything is in order before he proceeds.

Treasurer's Report – Megan Reel gave written reports and added by saying the dept management reporting had been done and also all end of year activities and the Annual Financial Report.

Dave Kieser – Don Parvin said he talked to Dave and there is a program for paving and shelters. It is 85/15 match up to \$250,000.00. Don said so we could get the 2 alleys that were previously talked about and a new shelter for under \$40,000.00 with this grant. Pat Reel made a motion to explore the grant possibility for this. Greg Landrum seconded, and the motion carried with Pat, Greg, Don, and Myrna voting for passage.

Don also said Dave is working on getting a grant for the interurban station. It will be submitted by the April 1st deadline.

Dave is still working on the South Union Street sidewalk project, and the wastewater project.

Personnel Policy – The special meeting for this was canceled due to the recent snow. Jeff asked everyone to give Megan a couple of dates that this could be rescheduled for.

Farmer's Market – Lexi Hunt was present to discuss what she had researched about doing the Farmer's Market. She would like to establish rules and bylaws, and an application. Also, the liability insurance, she had looked up some other places and it is not typically covered by the town. Some towns do cover liability, but some did not. Most places require you to have proof of insurance for your application to be approved.

What to sell at the farmer's market will also have to be determined. Most of the time it is something you have grown or made. Sometimes they allow things that are bought and resold, but not sure that is right. Something to talk about though. The other thing she wants to really think about is cost for vendors. She had some prices from other markets around the area.

Don Parvin asked about trash disposal. Lexi said she had that on her list to find out about and discuss.

Greg Landrum asked where she would like to have it set up. Lexi said there was discussion for having it behind the Town Hall, or possibly at the Community Center parking lot. There may be some need for electricity, so whatever may work better.

Jeff Lipinski asked Myrna if she would be willing to get together with Lexi and possibly Megan to talk more about this and be able to find out or make decisions from the town's aspect.

Jada Sceggell was present representing the Boy Scouts in the girl's troop. Jada attended the Russiaville Town Council meeting tonight to earn her Citizenship in the Community Merit Badge.

Council asked Jada a couple of questions, and Jeff Lipinski said that we had scouts come in several time for projects over the years and most of them did not like to get up and speak. He thanked Jada for getting up and speaking to where we could understand and hear her, and that she presented very well.

Thomas White, attorney for the Ricci's (Kinsey Drive driveway issue), was present. Mr. White said there was a meeting that took place in January 2019, that the council said there is no agreement and that they needed to go to court. And that is what they did. Mr. White asked about the decision made in the December 2020 meeting to deny the access off of Fourth Street for the Hales. He said that someone came in December and there was a decision made that he feels was different than the one made in 2019. He feels this is inconsistent. Mr. White wants to know if the judge rules that there is not easement, is it the board's position that they are not going to allow an access to Fourth Street.

Jeff Lipinski asked Corbin King to represent the town in this matter. Mr. King stated he had read the minutes from April 2019 when Mr. White was present before. Mr. King said the quote throughout those minutes states that the town does not have anything in this, but he said you (directing toward Mr. White) keep saying the town made you go to court. The town did not make you go to court, that was something that you decided to do. Mr. King said it was stated at the time by the town that it was a civil matter and that the parties involved would have to come to an agreement. In the April 2019 minutes there were statements made that the town was not going to allow access to Fourth Street as the Dunnucks/Hales were not going to use it. Mr. King said there is nothing inconsistent with the council not granting access to Fourth Street.

Mr. King told Mr. White that he has the opportunity to go to court and if the judge finds that the Dunnuck's need to do something to resolve the matter and somehow the council again is requested to look at access, then that is what municipalities do. We don't hear one issue and it is set in stone. We have heard

about it, and tried to be helpful. The owner of the back property has never come to the council and asked for access off of Fourth Street. The town is not responsible for this situation, the parties are. The council said they would try to help if the parties could come to an agreement. Mr. King said the town does not like this. These people (the council) care about all the people involved, we tried to help, but we have gotten a bunch of flak from it.

Mr. White said he feels the opposing council will go in and say to the judge that he cannot grant this because the Dunnucks/Hales do not have an alternative access, because the town denied them the access. Mr. White said if the court orders that this easement doesn't exist, and the only option is that Dunnuck/Hale have is Fourth Street, will the town allow them to use Fourth Street.

Mr. King said if Mr. White (Ricci's lawyer) wins in court, Mr. Dunnuck would have to come to the council and ask for access off of Fourth Street. At that point the council could revisit it again and could say they would look at it again and give it a yes or no vote at that point. Only the property owner can do this.

Mr. White then said he had spoken to Craig Thompson earlier in the day and asked him if it was possible to put an access off of Fourth Street. Craig said there is an area where there are no sewer lines.

Don Parvin said there is a lighting project in the works that will add a pole in there for lighting most likely very close to this access point that Mr. White is talking about. Mr. White said could this be worked around depending on what the judge said.

Jeff Lipinski asked Mr. White to go by what Mr. King has said.

Don Parvin said he is waiting on costing on the lighting project that has been being worked on over the last year or 2. Hopefully it will get finalized soon.

There being no further business to be brought before the council, and no more comments from council or guests, the claims were presented and approved. Pat Reel made a motion to adjourn the meeting. Myrna Claar seconded, and the meeting came to an end.

Jeff Lipinski, President

Megan Reel, Clerk-Treasurer