

MINUTES OF COUNCIL
DECEMBER 22, 2009

The Batesville City Council met in regular session on December 22, at 5:30 pm at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting. Councilmember Henley gave the invocation. Upon roll call the following councilmember answered present; Tommy Bryant, Margaret Henley, Davy Insell, Doug Matthews, Matt McDonald, Richard O'Neal and David Shetron. Also present were the City Clerk Denise Johnston and the City Attorney Scott Stalker. Councilmember Krug was absent.

Councilmember Shetron moved to approve the minutes from the previous meeting. Councilmember Insell seconded and all voted for.

Councilmember Shetron moved to approve the prepared agenda. Councilmember Insell seconded and all voted for.

COMMENTS FROM CITIZENS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

**A) PUBLIC HEARING CONCERNING THE ISSUANCE OF BONDS FOR THE
WASTEWATER TREATMENT PLANT IMPROVEMENTS**

Mayor Elumbaugh opened the meeting at 5:33 pm for a Public Hearing concerning the issuance of bonds for the Wastewater Treatment Plant

Improvements. There being no one to speak, the Public Hearing was closed at 5:34 pm.

B) CONSIDER AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A SALES AND USE TAX BOND FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS

Councilmember Matthews introduced an ordinance authorizing the issuance of a sales and use tax bond for the purpose of financing a portion of the cost of constructing extensions, betterments and improvements to the sewer facilities of the City of Batesville and providing for the payment of the principal of and interest on the bond.

Councilmember Bryant moved to suspend the rules and read the ordinance by title only and waive the second and third readings.

Councilmember Henley seconded and the roll call count was 7 for and 0 against. Attorney Stalker read the ordinance by title only. Mr. Ryan Bowman with Friday, Eldridge and Clark and City Engineer Damon Johnson were present to answer questions from the council.

Councilmember Matthews moved to adopt the ordinance and Councilmember Bryant seconded. The roll call vote was 7 for and 0 against. The ordinance was given #2009-12-1.

C) CONSIDER AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A WATER AND SEWER REVENUE BOND FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS

Councilmember Shetron introduced an ordinance authorizing the construction of extensions, betterments and improvements to the sewer facilities of the city of Batesville and authorizing the issuance of a water and sewer revenue bond for the purpose of financing a portion of the cost of construction and providing for the payment of the principal of and interest on the bond. Councilmember Bryant moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Insell seconded and the roll call count was 7 for and 0 against. Attorney Stalker read the ordinance by title only. Mr. Bowman and Mr. Johnson again answered questions from the council. Councilmember Bryant moved to adopt the ordinance and Councilmember Insell seconded. The roll call vote was 7 for and 0 against. The ordinance was given #2009-12-2.

D) CONSIDER AN ORDINANCE TO ACCEPT STREETS IN THE MOUNTAIN RIDGE DEVELOPMENT

Councilmember Shetron introduced an ordinance to accept the dedication of a City street known as Valley View Road in the Mountain Ridge Development in the City of Batesville. Councilmember Matthews moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Bryant seconded and the roll call count was 7 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember Bryant moved to adopt the

ordinance and Councilmember Henley seconded. The roll call count was 7 for and 0 against. The ordinance was given #2009-12-3.

E) EXECUTIVE SESSION

Councilmember McDonald moved to go into executive session and Councilmember Bryant seconded. All voted for.

Upon returning from executive session, Councilmember Insell moved to reappoint Mr. Brian Langston to the Historic District Commission.

Councilmember Bryant seconded and all voted for. Mr. Langston's term will end January 8, 2013.

F) CONSIDER A RESOLUTION TO INCREASE GARBAGE RATES

Councilmember Shetron introduced a resolution to increase fees for trash and garbage pickup services in the City of Batesville. Councilmember Bryant moved to suspend the rules and read the resolution by title only. Councilmember Insell seconded and the roll call count was 5 for and 1 (Shetron) against (Councilmember McDonald left the meeting after the executive session). With the motion failing, Attorney Stalker read the resolution in full. Councilmember Shetron moved to adopt the resolution and Councilmember O'Neal seconded. The roll call was 6 for and 0 against. The resolution was given #2009-12-2-R.

G) CONSIDER A RESOLUTION TO REVOKE RESOLUTION #2003-12-1-R

Councilmember Shetron introduced a resolution to revoke resolution #2009-12-1-R; revoking request for the conduct of primary elections by

recognized political parties for municipal offices in the City of Batesville. Councilmember Shetron moved to suspend the rules and read the resolution by title only. Councilmember Bryant seconded and the roll call count was 6 for and 0 against. Attorney Stalker read the resolution by title only. Councilmember Shetron moved to adopt the resolution and Councilmember Insell seconded. The roll call count was 6 for and 0 against. The resolution was given #2009-12-3-R.

H) CONSIDER AN ORDINANCE TO LEVY FINES TO HELP DEFRAY CITY PRISONER EXPENSES

Councilmember Insell introduced an ordinance to levy an additional twenty dollars (\$20.00) fine to help defray the expenses of incarcerating city prisoners pursuant to Act 209 of 2009. Councilmember Shetron moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember O'Neal moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 6 for and 0 against. The ordinance was given #2009-12-4.

I) CONSIDER AN ORDINANCE TO PROVIDE ACCESS TO HEALTH BENEFITS FOR RETIRED CITY EMPLOYEE

Mayor Elumbaugh said the council wanted to put this ordinance off until further information is provided.

**J) CONSIDER AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR DISPATCH
REMODEL**

Councilmember Insell introduced an ordinance to waive competitive bidding and authorize purchase for improvements for the City of Batesville Dispatch facility. Councilmember O'Neal moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember Insell moved to adopt the ordinance and Councilmember Henley seconded and the roll call count was 6 for and 0 against. The ordinance was given #2009-12-5. Councilmember O'Neal moved to adopt the emergency clause and Councilmember Insell seconded. The roll call count was 6 for and 0 against.

K) CONSIDER AN ORDINANCE TO ADOPT THE 2010 CITY BUDGET

Councilmember Matthews introduced an ordinance to adopt the 2010 budget for each and every department in the City of Batesville. Councilmember Shetron moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Insell seconded and the roll call count was 6 for and 0 against. Attorney Stalker read the ordinance by title only. Councilmember Shetron moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 6 for and 0

against. The ordinance was given #2009-12-6. Councilmember Bryant moved to adopt the emergency clause. Councilmember O'Neal seconded and the roll call count was 6 for and 0 against.

L) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council. Mr. Johnson gave the council a copy of an amendment to the agreement for engineering services on the Wastewater Collection and Treatment Project. Mr. Johnson said that McGoodwin, Williams and Yates has completed the necessary studies to assess their engineer fees and the amendment reflects those fees. Councilmember Shetron moved to adopt the amendment to the MWY Project No Ba-138 contract. Councilmember Bryant seconded and all voted for.

M) REVIEW NOVEMBER, 2009 FINANCIALS

The council was given a copy of the November, 2009 financials for review.

MAYOR COMMENTS

Mayor Elumbaugh gave an update on Councilmember Krug's granddaughter and Utilities Office Manager Nick Baxter's granddaughter. The mayor asked the council to keep both families in their prayers.

LIAISON REPORTS

None

COUNCIL COMMENTS

Councilmember Bryant thanked the Mayor and Street Department employees for the new striping on Myers Street.

ADJOURNMENT

There being no further business, Councilmember Matthews moved that the meeting be adjourned. Councilmember Insell seconded and all voted for.

RICK ELUMBAUGH,

MAYOR
DENISE M. JOHNSTON, CITY CLERK