

MINUTES OF COUNCIL
JANUARY 10, 2012

The Batesville City Council met in regular session on January 10, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Cemetery/Landscape Supervisor Johnny Abbott gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Paige Hubbard, Davy Insell, Fred Krug, Douglas Matthews, Chris Poole, and David Shetron. Also present were the City Clerk and the City Attorney.

Councilmember Bryant moved to approve the minutes from the previous meeting. Councilmember Henley seconded and all voted for.

Councilmember Henley moved to approve the prepared agenda. Councilmember Bryant seconded and all voted for.

CITIZENS COMMENTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) HEAR FROM MR. DAN COOK WITH AMERICAN SILICA, LLC REGARDING A POSSIBLE FUTURE PROPOSED PROJECT CLOSE TO THE NORTH COMPLEX

Mr. Dan Cook with American Silica, LLC addressed the council to request an easement on a portion of the North Complex. If approved, American Silica will donate approximately 7 to 10 acres that can be used by the park. Mr. Cook explained to the council that his company is in the mining and production of "Frack" Sand and wants to build a plant in Batesville. The proposed plant

property will be east of the North Complex. He said they looked at several locations but they need to have access to a rail system. There is a rail system that stops just short of the North Complex and he has already talked to the rail companies about extending the rail to their proposed plant. Mr. Cook said the proposed facility will cost approximately \$15 million dollars and employ up to 90 local citizens. He said they would like to be in production in August, 2012. When asked if the trains would interfere with the ball programs at the North Complex, Mr. Cook said they should not. A fence will be constructed for safety and the train should not run more than twice a day so noise should not be an issue either. The Mayor said he and Mr. Cook had visited earlier with the City Attorney and he was going to check on a few legal issues. Councilmember Krug moved to support the project pending any legal issues. Councilmember Shetron seconded and all voted for except for Councilmember Bryant who abstained.

B) CONSIDER AN ORDINANCE TO ESTABLISH RULES OF PROCEDURES FOR THE TRANSACTIONS OF BUSINESS OF THE COUNCIL

City Attorney Castleberry said he visited with the Municipal League to clarify if the Council needed to adopt new rules and procedures every year. He said the procedures adopted last year were still in effect and a new ordinance is not needed unless changes to the rules and procedures are made. Mayor Elumbaugh said that no changes were being recommended so the proposed ordinance was not considered.

C) CONSIDER AN ORDINANCE TO WAIVE COMPETITIVE BIDDING ON CERTAIN ITEMS IN 2012

Councilmember Bryant introduced an ordinance to waive competitive bidding on certain items in 2012. Mr. Castleberry read the ordinance in full. Councilmember

Bryant moved to suspend the rules and waive the second and third readings.

Councilmember Insell seconded and the roll call vote was 8 for and 0 against.

Councilmember Bryant moved to adopt the ordinance and Councilmember Poole

seconded. The roll call count was 7 for and 1 (Shetron) abstained. The

ordinance was given #2012-01-02. Councilmember Bryant moved to adopt the

emergency clause. Councilmember Poole seconded and the roll call count was

7 for and 1 (Shetron) abstained.

D) CONSIDER AN ORDINANCE FOR THE ESTABLISHMENT OF A FLOOD

DAMAGE PREVENTION PROGRAM FOR BATESVILLE

Councilmember Bryant introduced an ordinance that would establish a flood

damage prevention program for Batesville. Councilmember Insell moved to read

the ordinance by title only. Councilmember Matthews seconded and the roll call

count was 8 for and 0 against. Mr. Castleberry read the ordinance by title only.

Councilmember Matthews moved to further suspend the rules and waive the

second and third readings. Councilmember Bryant seconded and the roll call

count was 8 for and 0 against. Councilmember Matthews moved to adopt the

ordinance and Councilmember Insell seconded. The roll call count was 8 for and

0 against. The ordinance was given #2012-01-03.

E) CONSIDER A RESOLUTION TO ADOPT THE 2012 BUDGET

Councilmember Bryant introduced a resolution to adopt the 2012 budget. Mr.

Castleberry read the resolution in full. Councilmember Bryant moved to adopt

the resolution and Councilmember Insell seconded. The roll call count was 8 for

and 0 against. The resolution was given 2012-01-01-R.

F) REVIEW OF THE DECEMBER 2011 PAID BILLS REPORT

The council reviewed the 2011 paid bill report.

G) ENGINEER'S REPORT

City Engineer Damon Johnson gave the council a brief update on city departments.

MAYOR COMMENTS

Mayor Elumbaugh asked for the council approval for the Fire Chief and Asst. Chief to travel out of state in their search for a used fire truck. Councilmember Insell approved the out of state travel. Councilmember Matthews seconded and all voted for.

Councilmember Insell moved to approve a cemetery resolution for Carolyn Johnson for \$1,600.00. Councilmember Henley seconded and all voted for.

LIAISON REPORTS

None

COUNCIL COMMENTS

None

ADJOURNMENT

There being no further business, Councilmember Insell moved to adjourn. Councilmember Henley seconded. All voted for.

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR