

**TOWN OF MEDARYVILLE  
MONTHLY MEETING  
October 17, 2018**

The Town of Medaryville met in regular session on October 17, 2018 at 6:30 pm with the following members present:

Robert Schultz	Council President
Suzanna Wilcoxon	Council Vice President
Raymond Saltsman Sr.	Council Member
Judy Harwood	Clerk Treasurer
Jackie Hines	Deputy Clerk
Amber Lapaich	Town Attorney
Cody Foust	Deputy Town Marshal

Absent: Keith Hauptli	Maintenance Supervisor
David Combs	Chief Town Marshal

**Adoption for 2019 Budget:**

The Town Council of Medaryville held a Final Budget Adoption to pass the resolution for appropriations and tax rated for the year ending December 31, 2019.

Council Member Wilcoxon made the motion to accept the 2019 Budget, second by Council Member Saltsman Sr. **Motion was carried with a vote of 3 yes 0 no.**

**Minutes:**

The public reading of the minutes was waived this month; copies of the minutes were made available for the Council and the public to read prior to the meeting and also available on the Town's website (medaryville.net). Copies are on file in the Clerk Treasurer's office.

Council Minutes

Council Member Wilcoxon made a motion to approve the minutes from the September 19, 2018 Council Meeting, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

**Claims:**

Council Member Wilcoxon made the motion to approve claims as presented for September, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Transfer resolutions

Two transfer resolutions was submitted to the Council, one from General fund in the total amount of \$22,814 and MVH fund in the amount of \$12,800 to be transferred to the appropriation Improvements other than buildings to cover cost of the engineering for the new road construction.

Council Member Wilcoxon made the motion to approve the General transfer resolution of \$22,814 to the appropriation Improvements other than Building, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Council Member Wilcoxon made the motion to approve the MVH transfer resolution of \$12,800 to the appropriation Improvements other than Building, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Pulaski Memorial invoice:

On the July 18th Council meeting an invoice of \$1,064.40 was submitted to the Council and was decided for the Town Attorney to send a letter in response. Town Attorney Lapaich sent a letter on August 14, 2018 with explanation the Town is not responsible for the medical bill and requested an acknowledgement letter to her, and the Town's attention removing the Town as the guarantor of the invoice.

The Town received an additional invoice on September 5, 2018 for remittance promptly, Clerk Treasurer Harwood send another copy of the letter and asking again for a response. On October 2, 2018 Council received the invoice again with the response on the invoice for the Town to contact the Business office.

Clerk Treasurer Harwood advised the Council they must put a formal motion in contest of the invoice to continue not paying said invoice.

Council Member Wilcoxon made the motion for the Clerk Treasurer to resend the letter that the Council is contesting the legality of the invoice from Pulaski Memorial Hospital and it is not a valid bill for the Town in the amount of \$1064.40, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

2018 Pavement Improvement Project:

John Sturgill of McMahon submitted change order #1 for Town and Country that provided a contract adjustment for the Main Street relief stormwater that runs through 117 E. Main Street in the amount of \$40,059.50.

**Change order #1**

Council Member Wilcoxon made the motion to accept change order #1 in the amount of \$40,059.50, to add relief storm sewer of Main Street improvements drainage, including full surface restoration, and change Structure #10 to an ADS inlet style to avoid storm sewer conflict with existing utilities, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

***Application of payment #1***

A payment application #1 for Town and Country was submitted:

Original contract	\$316,744.50
Change order #1	<u>\$ 40,059.50</u>
Total amount	\$356,804.00
Retainage 5%	<u>\$ 17,840.20</u>
Payment application #1	\$338,963.80

McMahon also submitted invoice #0501532 in the amount of \$1,853.65, invoice #0501481 in the amount of \$9,168.20 of a total amount of \$11,021.85 for construction layout services eligible under the program.

Council Member Wilcoxon made the motion to accept #1 certificate of payment to Town and Country Construction, Inc. in the amount of \$338,963.80, for the 2018 Pavement Improvements Project, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Council Member Wilcoxon made the motion to pay McMahon invoice #27033 and invoice #0501471, in the total amount of \$11,021.85, from the 2018 Pavement Improvements Project, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

***Additional work under Main Street***

Town and Country Construction submitted invoice # 27073 for additional work to furnish and install 8” water main sleeve under Main Street for the future water tower site.

Council Member Wilcoxon made the motion to pay \$7,860.60 to Town and Country for the installation of the 8” water main under Main Street to be paid from the water utility fund, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

**Utility Report:**

No adjustments

**Town Marshal:**

Stats were submitted

**Maintenance:**

***Response requested for IDEM report***

Maintenance Supervisor Hauptli submitted a copy of the response that was requested from an inspection report from IDEM (Indiana Department of Environmental Management) that reported 3 (three) deficiencies that will require a written detailed explanation, documenting compliance with each of the requirements noted within 30 days.

Tree removal quote

A quote from Leroy's Tree Service of \$400 was submitted from the maintenance to remove 8 (eight) trees along the Town's property of 306 West Street.

Council Member Wilcoxon made the motion for Leroy's Tree Service to remove the 8 trees on the Town's property subject to inspection of the trees before removal, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

**Old Business:**

Unsafe building ordinance:

Council President Schultz contacted the County Building Inspector and reported they would not be taking action in regards to condemning a garage that was destroyed by fire. He requested the Town Attorney Amber Lapaich to draft an ordinance that would allow for the Town to remove unsafe buildings. Discussion pursued with questions of the Council one, they will have to name someone as the enforcement authority or Town Building Inspector to enforce the ordinance.

Clerk Treasurer Harwood also advised the Council a fund would have to be created to collect and pay the inspector. She also advised the budget for 2019 does not have funding for the new position they will be creating.

Council Member Wilcoxon made the motion to table the ordinance until further research can be done, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

**New Business:**

Council President Schultz requested for Town Attorney Lapaich to draft an amendment to the noise ordinance for excessive dog barking.

***First reading***

Town Attorney Lapaich read **Ordinance 2018-18-10-01, Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling to the List of Prohibited Unreasonable Noises in the Town of Medaryville.**

Council Member Wilcoxon made the motion to accept the first reading of, **Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling to the List of Prohibited Unreasonable Noises in the Town of Medaryville**, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

***Suspend Robert rules of Order***

Council Member Wilcoxon made the motion to suspend Robert Rules of Order to read by title only for the second and thirds readings, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Council Member Wilcoxon read by title only **Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling to the List of Prohibited Unreasonable Noises in the Town of Medaryville.**

*Second reading*

Council Member Wilcoxon made the motion to accept the second reading of **Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling to the List of Prohibited Unreasonable Noises in the Town of Medaryville** by title only, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

Council Member Wilcoxon read **Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling to the List of Prohibited Unreasonable Noises in the Town of Medaryville**, by title only.

Council Member Wilcoxon made the motion to accept the third reading of **Amending Ordinance 2018-06-02 To Add Excessive Dog Barking, Yelping, and Howling To The List of Prohibited Unreasonable Noises in the Town of Medaryville**, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

*First reading of 2019 Salary Ordinance:*

Town Attorney Lapaich read **Salary Ordinance 2019-01-01.**

Council Member Wilcoxon made the motion to accept the first reading of **Salary Ordinance 2019-01-01**, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

With nothing further to discuss, Council Member Wilcoxon made a motion to adjourn the October 2018 monthly Town Council meeting, second by Council Member Saltsman Sr.

**Motion was carried with a vote of 3 yes 0 no.**

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Robert Schultz, Council President

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Suzanna Wilcoxon, Council Vice President

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Raymond Saltsman Sr., Council Member

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Attest: Clerk Treasurer, Judy Harwood