

**OSSIAN TOWN COUNCIL – Regular Meeting**  
August 10, 2015 - 7:00 p.m. Ossian Town Hall – 507 North Jefferson

Council President, Brad Pursley called the meeting to order at 7:00 p.m. with Council members Bill Miller, Josh Barkley, Bill Dowty and Tom Neuenschwander present.

Council President, Brad Pursley opened the Public Hearing for Ordinance #15-8-1, AN ORDINANCE AMENDING CHAPTERS 50, 51, 52 AND 53 OF THE TOWN OF OSSIAN CODE OF ORDINANCES. There being no comments or questions from the residents in attendance, Pursley closed the hearing.

Neuenschwander moved to approve the minutes of the July meetings. Dowty seconded. Passed 5-0

Bob Miller of the Ossian Nazarene Church requested permission to use the Archbold-Wilson Park for a 5K Run at Ossian Days. He stated that the run would begin at the Nazarene Church, continue through the park and end back at the church. Neuenschwander said he had no problem with this, as long as, they obtained the proper participant's insurance required by the Ossian Days Committee. The other council members agreed with Neuenschwander.

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**OSSIAN STORMWATER BOARD**  
**WEDNESDAY, JULY 29, 2015**

The Ossian Stormwater Board meeting was called to order at 6:00 p.m. Stormwater Board members present included Tim Miller - President, Rose Barrick - V.P., and Dennis Ramey – Sec'y. Also attending: Luann Martin, Town Manager, Bill Dowty, Town Council, Jim Breckler, ERI, and local residents Tom Somers--306 Homestead, Max B & Jean Daniels - 421 Meadow Lane, Steve Jones – 613 Oakdale Dr., Amanda Hakes – 619 Millside Ct., Jim & Kay Steele – 215 N.Metts St., Jeff Petrie - 205 Bittersweet Ln., Mike Fisher – 605 N.Jefferson St., Larry & Jeanette Lundeen – 519 Hickory Ln., Peggy Cobbum – 314 Bittersweet Ln., Kyle & Tina Selking – 104 N.Bunn St., and Chris Stern – 402 Homestead.

**Minutes Approval** ----- Rose made a motion to approve the minutes for the Stormwater meeting held on June 24, 2015, Tim second, vote was 3-0 to approve.

**Old Business**

- **Smith Drain – Haldrup Inc., Industrial Park** ----- Luann reported nothing new has been decided.
- **Jeff Petrie – 205 Bittersweet Ln.** ----- Mr. Petrie expressed concerns about Stormwater draining very slow away from his property. He feels that part of the restriction is downstream to the west from his property and presented pictures of the area for reference. The Town will have a crew take elevation readings at Petrie's catch basins and investigate the swale areas to the west, in particular one which reportedly has 2 – 3" tiles restricting the flow. One of the Stormwater rules is resolving drainage issues on a "property owner complaint" policy.
- **Roe St. project**----- Jim updated group on progress of this project. He reported that an Allowance Authorization of \$9,200 is needed to resolve an unexpected conflict with wastewater line that is 3' higher than reported in survey. A modified catch basin structure will be needed to solve the problem at Homestead and Roe Sts. After discussion detailing the solution, Tim made a motion to approve the Authorization ( \$13,000.+ already approved by Town Council in contingency fund for project), Dennis second, vote 3-0 in favor. An updated completion schedule was provided due to the additional work required. Jim also provided cost estimate for Wisel to perform additional work installing new SW line up alley to Ogden Apts. in the amount of \$23,412. To bring bid amount back to original scope, Luann will check into ordering the 2 catch basins thus taking that amount out of the bid.

Rose made motion to recommend to Town Council that Wisel be awarded contract to install SW line from Roe St. up alley to Ogden Place Apts. not to exceed \$22,000. Tim second, vote was 3-0 in favor. Rose made motion to recommend to Town Council that Luann order 2 – catch Basins for the Roe St. project not to exceed \$2,860. Tim second, vote was 3-0 in favor.

- **600 block between Shady Lane and Bittersweet and adjacent area** ----- Luann reported this project is temporarily on hold as the area is still too wet to start.
- **Vactor Truck**----- Luann informed the group that only one issue has come up regarding a safety switch. Otherwise, the new truck has been in use and everyone seems very happy with it.

- **Siebold and LaFever Sts.-** Luann updated the report about resident at corner whose gravel driveway washed out to the point of her vehicle's bumper being down on the pavement. After consulting with Jim and discussing the situation, Rose made motion to recommend to Town Council placing asphalt in the parking area not to exceed \$2,000. Dennis second, vote was 3-0 in favor. Jim also suggested that some large rip-rap could be placed at the edge of the asphalt to help protect it from heavy washing events.
- **Storm Water Budget -----** 7/29/2015 Report Balances are \$ 46,446.07 in Savings and \$ 139,439.18 in Checking Acct.
- **Steve Jones, 613 Oakdale Dr.-----** Mr. Jones informed the group that he and his neighbor are moving ahead with their project to install a drainage tile between their properties. He requested the names of contractors in this area that perform that type of work. He was given 5 names and Luann reminded him to notify the Town to approve the connection in front of his home before closing the trench.
- **Mike Fisher, 605 N.Jefferson St.-----** Mr. Fisher has been trying to resolve an issue with his garage flooding whenever there is a heavy amount of Stormwater. He recently trenched across Town property trying to install a new section of tile. Luann requested him to come to our SW meeting to discuss and resolve the problem. After group discussion, all parties were satisfied with plan for new section of pipe to be installed from Mr. Fischer's property across Town lot and into existing junction.

**New Business**

**Jim Steele, 215 N.Metts St.-----** Mr. Steele spoke to the group about his concerns with drainage during heavy rains as it prevents him from being able to pump water from his basement sump pump. Luann commented that the Town had recently cleared a section near SR 1 that carries SW to the west. Mr. Steele said he has been confronting this situation for 30 years, and he still wonders if the SW drain that runs under SR 1 is big enough. Group discussion included informing Jim that with the completion of the third section on the Roe St. project, it should improve the flow capacity heading to Eight Mile Creek. In conclusion, Jim said he was going to have to replace one of his basement walls and he will likely be submitting a claim to the Town for the repair.

- **Larry Lundeen, 519 Hickory Lane-----** We don't know who has the R of W, most likely the ditch is RR property. Jim suggested the RR will need to be contacted at some point. Mr.Lundeen said his main objective tonight is to see if there is any progress in getting something rolling on the project. Previous discussions about this area has included concerns about debris flowing from the north woods and farm ground during heavy rains and as a result clogging up normal Stormwater routes. A lengthy discussion ensued about issues including the R.R., old urban track, farm field drainage, and other details. These issues will likely be explored for resolution as time goes forward.
- **Amanda Hakes, 619 Millside Ct.-----** Amanda came to the Board seeking assistance in resolving a long ongoing flooding problem in her back yard. She presented dated pictures showing the levels of water. Concerns include mosquitos, killing lawn and plants, health concerns, etc. She also presented a letter addressed to J R Parent, President of JJ Parent Corp., Fort Wayne, IN requesting that he do something to correct the water runoff from your property. The Health Dept. has already been notified by one of the neighbors seeking to resolve the issues. Luann and Jim tried to determine if this situation is in violation of any Town Ordinances. We will likely turn it over to the Town Attorney for evaluation.
- **Kyle Selking, 104 N.Bunn St.-----** Kyle was seeking assistance due to sump pump not able to pump against SW line and/or retention pond being full. After long discussion, it was decided one plan of action is to re-route sump pump drain to back yard and let it disperse on the ground.
- **Update from Town Manager on Projects-----**

With no further business to discuss, the meeting was adjourned.

The next regular scheduled meeting for the Stormwater Board will be on Wednesday, August 26, 2015 at 6:00 PM, Town Hall.

Respectfully Submitted, Dennis Ramey, Secretary

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Duane Premer of 510 Sandalwood Drive said he has had water on his driveway for thirteen (13) months. He thinks the storm drain is going uphill and he wants it corrected. He stated several times that he is willing to go to court with this. He reiterated that he has the time and he has the money to go to court.

Mike Lampton of 518 Shady Lane presented petitions with four hundred fifteen (415) signatures to Council President, Brad Pursley. Lampton read a written statement in support of keeping Police Chief, Dave Rigney as the Chief of Police. He stated that Rigney has done a great job as Ossian's Police Chief citing several instances - the robbery of PNC Bank, the murder of a woman a few years ago and a fire at Ossian Furniture. Lampton further stated that people want to know why Rigney is being replaced as chief. Several other people spoke on behalf of keeping Rigney as the Chief of Police, including Mickey Evans - Ossian resident, Mike Sponseller - Ossian resident, Mike Lautzenheiser Sr. - Bluffton resident and former Wells County Prosecutor, Robert Meyer - Bluffton resident and owner of Perma-Column in Ossian, Bob Frantz - Bluffton resident and former Wells County Sheriff, Lynn Lipp - Ossian resident, Steve Shadle - Ossian Police Commissioner, Paula Johnson - Ossian resident. Others spoke but were not identified.

Tom Woodward, former Town Council member, pointed out that the Police Commissioners only make recommendations to the Town Council and the Town Council still has the ultimate responsibility to make decisions regarding the Police Dept. Council members Barkley and Neuenschwander said that it is their wish to go back a Town Marshall set-up, but they do not know if that is feasible.

Police Chief, David Rigney presented mileage and overtime reports for July stating that July overtime was higher because of officers taking vacations. He also reported that Reserve Officer, James Robbins would be leaving Ossian's ranks because he has accepted a full-time position in Montpelier, IN. Dowty asked if there was a list of when officers are off and comp time available. Rigney said this is done at the beginning of the year and comp time is taken when the schedule allows.

Rigney presented quotes for new in-car computers for the department's squad car computers. He had stated at a previous meeting that the current computers are operating on Windows XP, which is no longer supported by Microsoft. This would propose a problem if any problems arose. Rigney presented a quote from Brite in Fisher Victor, New York for twenty one thousand four hundred ninety nine dollars and ninety two cents (\$21,499.92.) This is for equipment only. The other quote was from Innovative Concepts in Decatur, Indiana for thirty thousand sixty seven dollars (\$30,067.) This quote includes installation for six (6) cars. Rigney explained that Innovative Concepts had quoted the exact same equipment as Brite. The Council asked Rigney to get a new quote from Innovative Concepts because it had been quoted in March of 2015. Neuenschwander expressed concern that the current computers were so outdated that they may die and leave in the lurch. Rigney suggested that if we go with Windows 10 there may need to be a Spillman upgrade.

Rigney stated that he had applied for a Grant from the Wells County Foundation for these computers. He presented a letter to council members stating that this request had been turned down. Rigney further stated that there was enough money available in the LOIT Public Safety Fund to cover this expenditure.

Rigney reported that he would be on vacation for the August 24<sup>th</sup> meeting.

Rose Barrick reported for the Storm Water Board, along with Jim Breckler of Engineering Resources. They agreed that they have run into several problems regarding the Roe Street Project. Breckler stated that they have found numerous storm drains going into sanitary drain lines. Martin suggested they talk with Darrell Reynolds, Wastewater Operator, to devise a new plan for the project.

A pay request was presented on behalf of Wayne Asphalt for Nineteen hundred ninety dollar (\$1990.) Barkley moved to approve the pay request with a second from Dowty.  
Passed 5-0

Town Manager, Luann Martin reported for the Park Board stating that the Park Board has recommended that trick bikes be allowed in the skateboard park. No action was taken.

Council President, Brad Pursley read a synopsis of Utility Ordinance #15-8-1. Neuenschwander moved to accept the ordinance. Pursley seconded. Passed 5-0 This is merely an acceptance of the ordinance and not an adoption.

Jim Breckler of Engineering Resources gave an update on the Roe Street Project. There were several unknown lines found. Some we were able to hook into and others had to be replaced. There were also several instances found where storm water was going into the sanitary lines. These had to be corrected, which will create an extra charge which can be offset by the contingency built into the bid. With these changes in the bid, the amount remaining in the contingency bid is fourteen hundred forty nine (\$1449). Barrick pointed out that it's good to correct these things as we find them and, the contractors are working with us on the price since they already have equipment there. Barrick further stated that if we do these things now, the

only items remaining can be done by the town employees and even with the changes we are still within what the allotted budget without having to borrow money. We would also need to extend the date of completion since we have added more work than was originally bid. Barkley moved to approve these changes. Neuenschwander seconded. Passed 5-0

Breckler reported that the water project is going along as planned. No action was needed.

Neuenschwander recommended that Barkley and Dowty look into what can and cannot be done with the controversy concerning Police Chief Rigney. Council appointed Barkley and Dowty, by general consensus, to look into the situation further with town attorney, Mike Hartburg.

Miller asked Barkley for updates on anything going on at the industrial park. Barkley stated that he had not gotten any updates. He stated that the culvert problem had been solved and things were going along according to the original agreement.

Neuenschwander moved to approve time cards as presented plus the time cards for the reserve officers for all of 2015. Dowty seconded. Passed 5-0

Barkley moved to approve claims of \$241,422.47 as presented. Miller seconded. Passed 5-0

Neuenschwander moved to adjourn and the meeting was adjourned at 8:20 p.m.

***OSSIAN TOWN COUNCIL – Regular Meeting***  
August 24, 2015 - 7:00 p.m. Ossian Town Hall – 507 North Jefferson

Council President, Brad Pursley called the meeting to order at 7:00 p.m. with Council members Bill Miller, Josh Barkley, Bill Dowty and Tom Neuenschwander present.

Ossian resident, Lynn Lipp, Ossian resident, asked if the Council had come up with any answers yet to the Dave Rigney situation. He wanted to know if council had decided to go back to the Town Marshall set-up. Barkley stated that he had been in touch with the town attorney and a representative from the Public Employee Retirement Fund (PERF) to try to sort out the Police Chief vs. Town Marshall question. It was asked of the council - if want a marshal system how did it happen that we have a Police Chief, instead. Council stated that this was done before their time on council. Tom Woodward, Ossian resident, stated that he was on the council at the time the change was made. He stated that there a lot of differences in the jurisdiction and other areas between the Town Marshall and the Police Chief.

Lipp asked if there were scheduled meetings of the Police Commissioners and what portion of the total budget was for the police. Barkley informed him that the General Fund Budget for 2016 is six hundred thirty five thousand (\$635,000) dollars, of which four hundred seven thousand is allocated for the police department. Barkley stated that this is about 2/3 of the general fund. He went on to point out that the fire department is roughly another one hundred thousand (\$100,000) dollars, making police and fire 5/6 of the general fund. Lipp remarked that we really need to be diligent in our choice of police commissioners if they are dealing with that large amount of money. Barkley pointed out that the commissioners don't have anything to do with the budget. Financial matters are handled by the Town Council.

Paula Johnson, Ossian resident, asked if it was agreed at the last meeting that Dave would be replaced. Rose Barrick, Ossian resident, who attends nearly all of the council meetings, reminded all attending, that the Police Commissioners merely accepted a letter of resignation from Rigney and recommended that the council also approve the letter of resignation. Barrick stated that the Commissioners did not recommend the council get rid of Rigney altogether.

Johnson persisted, asking why Rigney wrote the letter. Barrick replied that she would have to ask Rigney that question.

After further questions from attendees of the meeting Pursley informed them that the council cannot make personnel issues public. Johnson stated that these are elected officials and they're not going to last long if they don't vote the way we want them to vote. Residents persisted in asking similar questions with no response from the council. Barkley said when we get it all figured it will be included on the agenda, which residents may pick up at the Town Hall prior to the meeting. Barkley gave no indication of when that would be.

Jim Smith, of Republic Services presented a six month Trash/Recycling Report to the council and gave a brief explanation. He said Ossian is about average in our trash to recycling ratio. He also stated that we had an excellent response to our June Clean-up Day. He announced the fall clean-up day as October 24.

Pursley read Utility Ordinance #15-8-1, amending sections 50, 50, 51 and 52. This was the second reading. Neuenschwander moved to adopt the ordinance. Miller seconded. Passed 5-0

Town Manager, Luann Martin presented a pay request from Wisel Enterprises for the Roe Street Drainage Project for thirty seven thousand five hundred fifty six dollars and thirty five cents (\$37,556.35). Barkley moved to honor the request with a second from Neuenschwander. Passed 5-0

Martin presented a revised quote for police in-car computers from Innovative Concepts of Decatur, IN. Barkley moved to purchase computers from Innovative Concepts for thirty thousand three hundred twenty nine (\$30,329) dollars stipulating that payment would be made from the LOIT Public Safety Fund. Neuenschwander seconded. Passed 5-0

Clerk-Treasurer, Jeannette Dickey presented the 2016 budget for discussion. Barkley questioned her request to raise the clerk-treasurer salary by ten thousand (\$10,000) dollars. He thought it had recently been raised above the customary 2%. Dickey stated that there had been no raise in her three and a half years, other than the 2% for the 2015 year. Barkley also questioned when the health insurance had started. Dickey stated that health insurance had been provided since she had been in office. Dickey pointed out the proposed increase is not for her, personally, but for the position. She stated in a memo to the council that she would be turning sixty five in 2016 and would not be Clerk-Treasurer forever. If the salary is not increased it will be more difficult to find a suitable replacement. Dickey also pointed out that the savings in health insurance premiums when she switches from standard coverage to supplemental coverage can help to offset any increase in salary. Barkley asked what has changed since she took the job. He stated that it was a part time job. Dickey said that even though she was told it was a part time job, it that it has not been part time for a long time. She went on to point out that there have been numerous changes over the years on the state level of additional reporting requirements and responsibilities.

Deputy Clerk-Treasurer, Sally Bracke stated that the job of clerk-treasurer today bears no resemblance to the job of clerk-treasurer ten (10 or fifteen (15) years ago. Rose Barrick reported that Wolcottville, a town much smaller than Ossian, paid their clerk-treasurer forty four thousand (\$44,000) dollars several years ago and she had two (2) assistants. She went on to say that if we don't increase the pay we are not going to be able to attract qualified candidates for the job in the future. Dickey brought to the attention of the council a listing of the salaries of clerk-treasurers of town similar in population to Ossian. The average salary is forty two thousand (\$42,000) dollars. This information was obtained from Gateway. Neuenschwander stated that he had no problem with the increase. Miller also said he had no problem with the increase. Bracke told the council that she had recently been at a conference and she had brought hysterical laughter to the table when she stated, in discussion, what Ossian's Clerk-Treasurer was paid. She said they honestly thought I was being funny. Vicki Johnson, an Ossian resident said she pays her receptionist more than that and all she does in answer the phone.

Dickey pointed out that the hydrant rent would be going up substantially this year due to the number of fire hydrants increasing. Our ordinance states that we pay a fee to the water department based on a per hydrant charge.

Barkley questioned whether other departments were OK with the budget. Dickey said Rigney had an issue with wages and maintenance contracts, but we worked that out. She pointed out that the police wages are on target this year for two hundred thirty four thousand (\$234,000) dollars and the budget is two hundred forty six thousand (\$246,000) dollars. If there is a 2% raise for 2016 we would still be at about two hundred forty two thousand (\$242,000) dollars which would still leave a little wiggle room in the budget. She further stated that it will eventually catch up, as Barkley had suggested, probably with the 2017 budget. Maintenance contracts can be taken from another police fund that other departments don't have access to.

Dickey announced that she will post the budget on Gateway this week. The County Council will be reviewing budgets on September 8, 2015 and the Public Hearing for Ossian's budget will be September 14<sup>th</sup> at 7:00 p.m.

Barkley asked if the council will get a raise. Dickey replied that she had budgeted for a 2% increase since that is what council had been suggesting, but an increase would be up to the council. Any increases would be handled with a salary ordinance in November.

Ossian resident, Vicki Johnson stated that she understands what a difficult job the council has and she commended and thanked them for doing it. She also suggested that they have name tags on the table because she had no clue who any of them were. The council introduced themselves at that time.

Neuenschwander moved to approve claims of \$169,910.25 as presented. Miller seconded. Passed 5-0

Neuenschwander moved to adjourn. Dowty seconded. The meeting was adjourned at 7:50 p.m.