

Lynnville Town Council
September 1, 2020 Agenda

CALL TO ORDER - PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: August 4, 2020

APPROVAL OF CURRENT BILLS: August 19, 2020 – September 1, 2020

DELINQUENT NOTICES: Shut off date September 10, 2020List for Park Lessees given to Sarah****

ADJUSTMENTS:

#1 - \$80.42 – water heater pipe busted

#2 - \$267.08 – water heater issue – 2 months' worth of leak

TREASURY REPORT:

Community Center \$ 32,668.92

Fire Department \$166,074.94

General \$637,169.26

Park \$186,196.23

Utilities \$909,225.98

****Amount saved for Digital Meters \$160,486.96**

NEW BUSINESS:

-Decision concerning

Town parade – Tabled from previous meeting

Halloween at the Park

-Town Marshal

-Ordinance 2020-9 Additional Appropriation

-Estimates on new A/C unit for Community Center

-Zoning of residence – Dalton Froman

-Tecumseh Estates drainage problem updates – Missy Wallace and Peggy/Keith McCormick

Gary Holder, Town Superintendent

- Work Report

J. William Bruner, Attorney

-Update on Nuisance Complaints

426 Oak St - Abandoned trailer

217 Doerner Rd

104 Beaver Ln

301 Peach St

Lauri Stockus, Clerk-Treasurer

-Community Center electric bill down 44%

Tim Reibold, Fire Department

Doris Horn, Town Council Member

Rachel Titzer, Town Council Member

-Winter Main St banners

Stacy Tevault, Town Council President

ADJOURNMENT

NEXT MEETING: September 15, 2020 – 6:00pm@ Lynnville Park

ANY AND ALL BUSINESS TO PROPERLY COME BEFORE THE LYNNVILLE TOWN COUNCIL

September 1, 2020

- 1 Melissa Wallace
- 2 Peggy ~~van~~ Mcbride
- 3 Keith Mcbride
- 4 South ~~at~~ west
- 5 Karen Barnette
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Town of Lynnville

September 1, 2020

Present: Stacy Tevault, Rachel Titzer, Doris Horn, J. William Bruner, Lauri Stockus

Call to Order

Moment of Silence – Pledge of Allegiance

Approval of Minutes: Rachel makes the motion to approve the August 4, 2020 minutes as presented. Doris seconded. All in favor. Motion carries.

Approval of Current Bills: Doris makes the motion to approve the August 19, 2020 –September 1, 2020 bills as presented. Rachel seconded. All in favor. Motion carries.

Delinquent Bills: Shut off date September 10, 2020. Rachel makes a motion to shut off water for all delinquent accounts not paid by shut off date. Doris seconded. All in favor. Motion carries. ****List for Park Lessees given to Sarah****

Adjustments:

#1 - \$80.42 – water heater pipe busted. Doris makes the motion to approve wastewater adjustment \$80.42. Rachel seconded. All in favor. Motion carries.

#2 - \$267.08 – water heater leak (2 months’ worth of leak). Doris makes the motion to approve wastewater adjustment \$267.08. Rachel seconded. All in favor. Motion carries.

Treasury Report: Lauri Stockus Clerk-Treasurer

Community Center	\$ 32,668.92
Fire	\$166,074.94
General	\$637,169.26
Park	\$186,196.23
Utilities	\$909,225.98

****Amount saved for Digital Meters \$160,486.96**

Stacy explains they voted and approved to get the digital meters but have not started purchasing them yet. Still waiting until everything for this project is worked out before purchasing digital meters. Lauri explained Lynnville is “piggy-backing” on Boonville’s digital meter project to possibly save some money. Boonville is still in negotiations so it will be some time before Lynnville will be able to get started on digital meter project.

New Business:

Decision concerning the town parade and Halloween at the Park

Stacy: Due to the Covid Pandemic a decision on if the town parade and “Halloween at the Park” will happen this year. Doris stated she would like to table the decision for the “Halloween at the Park” until the Park Board meeting in 2 weeks. This will still give people enough time to cancel their plans if they choose. Stacy stated a decision for the town parade must be made at the 1st October Town Board meeting to give people time to plan.

Town Marshal

Stacy spoke with Warrick County Sheriff, and police officer interested in becoming Lynnville Town Marshal. The Town of Lynnville has permission to use county vehicle and equipment to work on the behalf of the Town of Lynnville. Lauri has worked the budget to pay a Town Marshal. The Town Marshal will be paid an annual salary of eight thousand seven hundred dollars (\$8700.00) with an additional annual payment of one thousand (\$1000.00) going to Warrick County Sheriff's office for the use of their equipment and vehicle. Included in the contract with the Town Marshal will be required to work 7-8 hours per week in the Town of Lynnville and provide the Town with a monthly report. The Town Marshal will not have set hours so patrolling will not be predictable. Someone in the audience asked the name of the person interested in the Town Marshal position. Stacy said until the paperwork is in order and person accepts the position, they are not releasing the name. Still working with insurance agent to figure out insurance required and what needs to be put into place before acquiring a Town Marshal. The paperwork is expected to be ready October 1, 2020, at that time more information can be made public. This announcement is to let the public know the Town Council is actively looking to fill the Town Marshal position.

Ordinance 2020-9 Additional Appropriation

Additional Appropriation Ordinance #2020-9 for a total of \$50,970.37 including:

1. \$17,951.00 for a boat to patrol/rescue and maintenance of Lynnville Lake.
2. \$33,019.37 for updates to street lights

Doris makes a motion to approve the Additional Appropriation Ordinance #2020-9 for \$50,970.37. Rachel seconded. All in favor. Motion carries.

Doris makes a motion to waive the 2nd and 3rd reading of Additional Appropriation Ordinance #2020-9. Rachel seconded. All in favor. Motion carries.

Estimates on ne A/C unit for Community Center

The estimates for the new A/C units will be tabled this meeting because waiting for some information.

Zoning of residence

Some of Dalton Froman's property is zoned commercial. He is wanting to have the property re-zoned residential so he can sell the home and property. Doris has been working on this with him and the Planning Commission to explain the situation. According to Planning Commission there should be no problems re-zoning the property. Doris makes a motion for when the re-zoning goes through the Lynnville Town Council signs off on the paperwork so Dalton may then sell his property. Rachel seconded the motion. All in favor. Motion carries.

Tecumseh Estates Drainage Problem Updates – Missy Wallace and Peggy/Keith McCormick

Keith McCormick: Since there the red barn was built at the top of the hill their properties flood. It has been getting worse and now they are getting rock and debris washing into their properties. Since the front of the property has been landscaped the ditch has been taken out. When the ditch was taken out there is nowhere for the water to go. There were Water comes all the way across the road past mailbox into driveway. They have been dealing with the problem of water in driveway for about 2 years. Stacy asked if any neighbors or they have reached out to owners of the red barn making sure they are aware there is an issue or to discuss fixing the issue. All said no they have not spoken with neighbors in regards to this issue. Keith said the water used to flow East now it flows West, the driveway used to be on East side of property now is on the West side to property, all the property behind the barn also flows through now instead of going to the "big creek" where it went before barn was built. When the water flowed to "big creek" they did not have issues with flooding. Doris had a map which she had Keith point out all the areas he was speaking about,

including properties and where water flowed in the past and where the water flowed now. With the upgrade to the barn's landscaping Keith pointed out 3 ditches that are "deep" and one that is now "shallow". The "shallow" one he believes is causing the majority of the issue. There is a culvert by the driveway but since all the changes the culvert cannot handle all the water being dumped into it. Doris asked if the property was raised when the barn was built. Keith answered the property was raised at least 3 feet. They believe the property being raised caused changed the direction of water flow which in turn is causing the flooding issues since before property being raised, they had no flooding issues. Doris asked if Keith could get the "as-built" to determine the depth and sizes of the ditches and culverts for the subdivision.

Missy Wallace: Stated she spoke with the Warrick County Assessor's office, Building Commissioner and Surveyors on this issue. She asked them what the correct size of pipe to be used. She was told the Town of Lynnville would be who she needs to contact to get that information and any codes that would need to be followed.

Doris Horn: The Town of Lynnville has the same codes and requirements as Warrick County. When the BZA Board was started in the 80s-90s, Elberfeld, Lynnville and Tennyson could not afford to pass all the Ordinances, hire an attorney and Board Members so these towns went with the Planning and BZA. Whatever codes are on the BZA books is what the Town of Lynnville uses. Any planning for the sub-division would go through the Planning Commission then the BZA not the Town of Lynnville. All the information for the approved plans would be on the "as-built" plans so if anyone could get a copy of those it would be very helpful in seeing what could be done to rectify this situation. Missy asked Doris how they could get hold of a copy of these which Doris said the people that built the subdivision, the people who built the red barn or engineers should both have a copy.

Missy Wallace: Besides the problems they have with the front of the subdivision, there are problems with the back of the subdivision also. The property behind the houses to the fire department/Community Center also floods. Doris asked who was closing up the ditches in this area. Missy said there have been 5 homes with modified ditches within the last 2 years. Each resident is modifying their ditches to only take care of their specific property. Each time one person does this it makes the problem worse. This is the water going down Vine St toward Hwy 68, which backs up behind apartments, which then backs up behind fire department and then into their yard. Missy states this is her 3-time coming to the Board to discuss these water issues. Mr. Bruner suggests they talk to an attorney about the residents modifying the waterflow which is being directed onto your property causing damage to your property by closing ditches improperly or illegally. Mr. Bruner also refers to some paperwork Missy provided saying nobody is to change anything in Tecumseh 3 in relations to drainage. If they do the land owners have the right to ask for an injunction or rectify the situation. Missy clarifies this means "let the land-owners take it up with land-owners". Mr. Bruner confirms. Missy then asks what the law is concerning changing the path of water. Mr. Bruner again says she needs to consult an attorney. Missy asks what advise in reference to an email from the surveyor from Boonville sent to Rachel Titzer (Rachel said she forwarded the email to other board members and Mr. Bruner who all said they received it) saying the surveyors feel they hold no responsibility but the Town of Lynnville would be responsible to hire a land engineer or land surveyor. Doris said she spoke with the surveyors after reading the email, the person did not realize Lynnville follows County Ordinances in regards to planning and building along with Elberfeld and Tennyson, as stated before and she did not read it as saying the Town of Lynnville is responsible. Missy states they will pay to fix their problem, the neighbors will pay to fix their problem but the issue is they cannot go into other neighbor's yards to fix their ditches, go to the Fire Department to tell them to put their ditch back, go to apartment owner to tell them to move their berm and put the ditch on the property line. These are the issues Missy would like advice on or how to go about to fix these issue that are flooding her property. Mr. Bruner said these are legitimate questions but he refers back to his advice from earlier that she needs to consult an attorney. Mr. Bruner states he cannot give her advice on this because he is not her attorney. He does refer to the email from surveyor to clarify the email is in reference to Storm Management which does not apply in this situation. Lynnville does not have a Storm Management Board or a Storm Management Program. Lynnville Town Council could establish a

Storm Management Board which would result in more taxes for property owners which is why they have not participated or established one in the past. It is a very complex Program and researching is being done to see what would have to be done to establish a program or if Lynnville could become part of Warrick County's Program. Stacy said the current Town Council would like to be a part of the program. Missy refers to pictures she provided of the water flooding her backyard and asks Mr. Bruner what she could do about the situation "right now". Mr. Bruner states she should consult an attorney and if he/she would like to talk with him, he would be willing to speak to that attorney. Missy asks what specifically needs to be said/done to address the owners of the red barn. Doris said she would get a copy of plat map to see where their water is going. The town's culvert from the driveway to across the road has been checked out and is clear and not clogged. Stacy wanted to make it clear the Town will not be contacting the resident concerning this issue. The paperwork clearly states this is an issue between landowners. Doris stated if the Town of Lynnville does become part of Warrick County's Storm Management program, she believes all the residents who have closed their ditches will be required to open them back up around Community Center and Fire Department. Missy said the fire department closed their ditch about 3 years ago. Doris and Stacy both said they didn't know anything about the Fire Department closing the ditch. Scott Whitfield (fire department) said there is a place where you can tell there was a ditch but it looks more like it had not been maintained and over time the sides caved in and filled up with grass clippings and dirt. Doris stated ditches should not be modified unless the residence comes before the board for approval. Missy asked, before the residence with the red barn purchased the property there was a six-foot deep ditch on the property, did they come and get permission to fill that ditch. Stacy said they did not come before a board she has been on. One of the problems are, the proper procedure is, residence should come before the board to get approval before modifying ditches but sometimes they do it without permission. Missy asked if a resident does not get permission before they modify the ditch, would it not be the Town's responsibility to correct it. Mr. Bruner answers, it would not be the Town's responsibility if the Town does not own the property. Missy clarified "people can do what they want on their own property". Mr. Bruner answered yes, as long as they are not channeling the water to someone else's property. Missy replied that is what is happening to their property and Mr. Bruner said this is why he has suggested she contact a lawyer in this matter.

Peggy McCormick: Peggy asks, if they decide they need to fix problem on their personal property, what do they need to do specifically. Stacy states they need to speak with an attorney, referring back to paperwork about not changing water flow they have been using during this discussion. Peggy asks how they would be able to make someone else fix their properties. Peggy was told that is why you would need to speak with an attorney. Peggy repeated her question again and was told her attorney would work this situation out between landowners. This is a situation between landowners. Peggy asks if there is something, they can do to fix their property to make the water flow correctly do they need to come to the Town Board to get permission since it was said the other residence changed the water flow without the Towns approval? Mr. Bruner said you are asking the Town to approve what you want to do to the drainage and the Town cannot approve that. The bottom line is nobody should be changing any drainage in the subdivision and if they do that is an issue between landowners and subdivision. Peggy then got upset and said they were "screwed and there was nothing anyone could do about it". Mr. Bruner told her this situation could be taken care of with speaking to an attorney so not to give up. It might even be easier than she thinks. Mr. Bruner also said if their attorney wants to call him, he can discuss it to get the situation resolved but only their attorney can give them legal advice. Peggy said it is going to cost her bunch of money to get something someone else messed up on, to get fixed. Mr. Bruner said an attorney could also give advice on damages and you might find you will get everything fixed easier than you think but you have to contact an attorney to get it started. Peggy asked if this could have been stopped while the work was going on. Mr. Bruner said he isn't sure how they would have been able to because these are not Town ditches, they are private ditches on private property.

Missy Wallace: Asked about the alley behind the residence with the red barn. Missy said people are assuming the alleys are their own and there are mounds of gravel around it. Missy would like to know who owns the alleys. Doris answered,

the Town of Lynnville owns the alleys. Doris said the gravel will be addressed at an upcoming meeting. Stacy said there are many alleys throughout town that are owned by the Town of Lynnville. They have not been abandoned and the town still owns them. Missy asked if there is a plan to open the alley behind the red barn. Doris said they legal cannot close this alley because of the way the property lines are placed. The alley has to stay open in case there is an emergency and the property back there needs to be accessed. For many years nobody knew that alley existed until Doris husband let her know. Now that the town knows it is there action can be addressed properly. Doris asked if there was anything else, they would like to talk about Peggy said no and coming here was a lost cause for them.

Keven Feldmeier: Said he wanted everyone to know the ditch on the property before the red barn was built was not 6 foot deep. He wanted to say he mowed both sides on a riding lawnmower. The reason he is here today is he has lived in the Town of Lynnville all his life and received a letter from the town on how he is supposed to start mowing. He is here today to say he is upset. Lauri clarified he received a copy of **Ordinance #2020-5 -Grass on Public Streets** to let know he would need to get grass clippings off the street. There was no letter and no official complaint was made. He said he doesn't leave grass in the street when he mows but had not gotten to it because there was too much traffic because Hwy 68 was closed so all the cars were coming down his street. Stacy explains he probably received to make you aware there is a new ordinance to keep grass off the road. It is an issue in a lot of areas around town and if he usually gets it off the road then it is not an issue. There was not an official complaint made just something to making residence aware a new ordinance was passed that applies to all residence. Stacy let him know he was not targeted; several letters went out.

Gary Holder – Town Superintendent:

There are several culverts and ditches around town that need repairs. Stacy said they have been talking with Doug Wilcox to get estimates on getting some fixed. There are also 2 sink holes that have been temporary repaired but need more of a permanent repair. The culverts are not big enough and water is washing away dirt.

Doris asked what needs to be done with the tractor, if it can even be repaired. Gary said he could get with Mike Aigner to help figure out the best options for what they need. Stacy told Gary to get some estimates together and get them to Lauri. Once that is done the budget can be looked into and see where we could go from here about getting a new tractor.

Gary said he has estimate on replacing the garage door at water tower garage. Doris makes a motion to allow Evansville Garage Doors to replace garage doors at water tower garage. Rachel seconded. All in favor. Motion carries.

Stacy said there are several areas along roads where weeds are getting tall. Make sure ditches and along roads are kept cut down. Weed eaters should be used to keep weeds and grass cut not weed killer. We do not want dead, brown grass along roads, ditches, around stop signs and poles. Make sure workers also know this. Gary said some of the ditches get sprayed with weed killer then they go back and weed eat. Stacy explained ditches erode out where weed killer is sprayed and it is also not pleasing see dead patches or "big, brown circles" around fire hydrants, stop signs, poles, etc., so weed eating needs to be done instead of weed killer.

Mr. Bruner – Town Attorney:

217 Dorner Rd

A notice was sent out but came back undeliverable due to no receptacle. A good address would need to be supplied to resend the notice. Sarah could look into providing Mr. Bruner with address as soon as possible.

Maple St

Went to court and judge gave 30 days to move the trailer off the property. Hearing for progress is set for September 24, 2020 @ 2:00pm

301 Peach St

Letter was sent. They sent a letter to answer they will get it mowed and are trying to sell the property.

Lauri Stockus – Clerk-Treasurer:

Since the lighting and gaps in the front door have been fixed the electric bill is down 44%.

The grant for playground equipment has been completed, turned in and waiting to hear from them.

Notice to Taxpayers Notice has been completed and sent for publication.

Completed training on Enforcing Ordinances – what can and cannot be done – it covered many situations concerning what is covered by which ordinance and which government entity is responsible for different situations. Stacy would like Lauri to get one of the Codification of Ordinances to Town Marshal and go over some of the information from this training with them when Town Marshal gets started.

Tim Reibold – Fire Department: Scott Whitfield here for Tim Reibold

At Fire department meeting next Monday, Scott is going to bring up the ditch behind the building. They will look into getting their ditch cleaned out and see if there is anything to be done on their part to help the drainage problems in this area.

There is an invoice to change one of the pick-up truck beds to a utility bed. A pick-up bed is not appropriate for storing some of the rope and other equipment so the utility bed will give them the storage boxes and compartments they need for this equipment.

The fire department has 83 runs for the year so far.

Waiting to hear if the Fire Department is going to receive a grant from DNR for radios. The list of departments receiving the grant has not been released yet.

Rachel asked if the tree at the falls people keep hanging ropes from has been cut down yet. Scott said he has not gotten to it yet because he has not been released by his Dr. from shoulder surgery.

Doris Horn:

Thanked Lauri for getting paperwork completed for grant application.

One of the counters at the Community Center has been installed. The wrong sink was ordered so they will be installing it as soon as the correct one is delivered. They said it will take about a week to come in and it can get it installed in a day. Once the sink is installed Doris would like Melody Garrison (Lynnville Park-gatekeeper) to paint the kitchen. Stacy and Rachel both said they were fine with that. Doris would like to have the bathrooms painted next year.

Rachel Titzer:

Contacted by Bob Thompson concerning an issue with the ditch behind his property. Lauri explained she has been working on the problem with Marcus. The dirt that was dug out to put in new lift station was supposed to be hauled off but instead was put in the existing ditch. Before this was done the water in the ditch flowed away from the lift station and now the water flows toward the lift station. The ditch now has a lift at the residence property line so the water can't get through. Stacy asks who is responsible for this and Lauri answers Thieneman Construction caused the problem. The problem is speaking with Marcus, it has been over a year since this lift station so the warranty on their work has expired. Stacy asks if the town needs to take care of the problem. Lauri said Marcus suggested contacting Wilcox Earthworks to have them fix the problem. Stacy said it would be a while until he could get do it due to the list he already has from the town. Rachel said she would let Mr. Thompson know this issue would be put on the list of projects to be completed.

Winter street banners project will be started at the first of October. The banners will not be ordered until all the donations have been received. The plan is to have them ordered in November, hung as soon as they come in and leave them up through January.

The playground money was tabled until we knew the cost of the spillway repair. The cost was only \$762.00 so there is still money available to have the groundwork completed to move the playground. Stacy and Doris both agreed to add the groundwork for playground at Lynnville Park to Wilcox Earthworks list to complete. Doris makes a motion to allow Wilcox Earthworks to do groundwork to have playground moved at Lynnville Park for the estimate of \$5461.00. Rachel seconded the motion. All in favor. Motion carries.

Stacy Tevault:

Stacy asks about the cleaning and painting of the gazebo at Town Hall. Rachel asks if anyone had talked with Diane Harris because she has funds available for maintenance of the gazebo. Stacy said they talked about painting it white instead of gray. Doris said there is a company in Evansville that will clean the copper roof to make it shine again. Rachel said she would reach out to Diana. Doris said they could have Melody Garrison paint the gazebo. Stacy wants to clarify if Melody would be doing the painting at the gazebo and Community Center, it would be as a town employee not as a vendor. She would put the time on a timesheet as hours worked. Doris and Rachel both agreed.

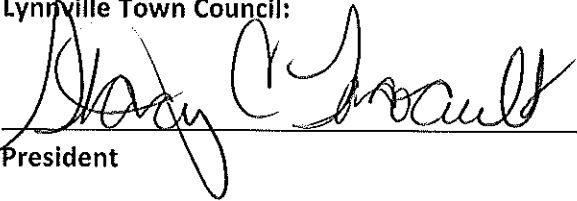
There was some discussion of decorations along Main Street and at Town Hall. Getting holiday wreaths to go under banners, using white lights to keep everything uniform and classy. Rachel asked about moving the small Japanese Maple talked about. Lauri said she talked to Diane Harris about moving it, Diane said that was fine. It needs to be moved to bring in dirt to even out ground to prevent water collection and drainage in that area. The tree needs to be moved in spring or fall to try to prevent it from dying. Rachel said if it gets moved in the fall, it would be a great place for sponsored Town Christmas tree. Rachel told Lauri to get the tree moved and she would get the sponsoring to get the Christmas Tree.

Lauri mentioned the hedges along the Frontier fence haven't been put in but should be done within the next month. It has been too hot and dry.

Next Meeting will be September 15, 2020, 6:00pm at Lynnville Park

Stacy entertains a motion to adjourn the meeting. Doris makes the motion to adjourn. Rachel seconded. All in favor. Meeting is adjourned.

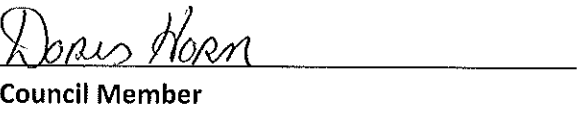
Lynnville Town Council:



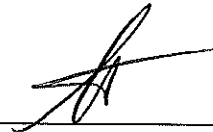
President



Council Member



Council Member

Attest: 

Clerk-Treasurer