

**Albion Town Council**  
**Tuesday, May 25, 2021, 6:00 pm**  
**TELECONFERENCE via GoToMeeting**  
**(Meeting ID# 280137509)**  
**Albion Municipal Building**  
**211 East Park Drive, Albion, IN, 46701**

**AS A RESULT OF THE WORLD HEALTH ORGANIZATION'S DECLARATION OF A GLOBAL CORONAVIRUS PANDEMIC, (aka CoVid-19) AND AS AUTHORIZED PER STATE OF INDIANA GOVERNOR ERIC HOLCOMB, VIA EXECUTIVE ORDER NO. 20-09, DATED 3/23/2020, "RELATING TO THE CONTINUITY OF OPERATIONS OF GOVERNMENT, PAGE 2, ITEM 4 (A) "OPEN DOOR LAW," THE ALBION TOWN COUNCIL HELD THIS MEETING VIA ELECTRONIC COMMUNICATION. THE MEETING WAS HELD IN CONJUNCTION WITH GOVERNOR HOLCOMB'S EXECUTIVE ORDER NO. 20-08, DATED 3/23/2020, "DIRECTIVE FOR HOOSIERS TO STAY AT HOME," AND EXTENSIONS THEREOF.**

**CALL TO ORDER:** Town Council President Vicki Jellison called the meeting to order at 6:00 pm. The Pledge of Allegiance was recited.

**ATTENDANCE:** Vicki Jellison, President (Present)  
Don Shultz, Vice-President (Present)  
Darold Smolinske, Member (Present)  
John Morr, Member (Present)  
Chris Magnuson, Member (Present)

**OTHERS:** Carol A. Selby, Clerk-Treasurer (Present)  
Tena Woenker, Town Manager (Present)  
Steve Clouse, Town Attorney (Present)  
Matt Getts, KPC Media (Electronically)  
Scott Cole, Police Dept (Present)  
Terry Forker, Water/Wastewater Depts (Electronically)  
Corey Miller, Street/Cemetery Depts (Electronically)  
John Urso, Fire Dept (Present)  
Greg Winn, The Pill Box Pharmacy (Present)  
Keith Leatherman, Monarch Development (Present)

**APPROVAL OF MINUTES:** Minutes from the regular meeting on May 11, 2021 were approved with a change to correct a typo by omitting the word "this" from a sentence under the Park/Cemetery Depts report section. Motion by Morr, seconded by Smolinske, carried 5 Ayes, 0 Nays.

**ANNOUNCEMENTS:**

**Greg Winn, The Pill Box Pharmacy – Plaque Presentation**

Greg Winn presented a plaque to the Town that used to hang in The Pill Box Pharmacy in Northridge Village. The plaque commemorated the opening of The Pill Box Pharmacy in Albion, the first Tele-Pharmacy in the State of Indiana. Winn thanked the Town, especially councilmember John Morr for help in lobbying state representatives and the Indiana Board of Pharmacy to allow for licensure of tele-pharmacies in the State of Indiana. Unfortunately, the pharmacy has been sold to CVS and they plan to close the Albion location. Council expressed disappointment about the closing, but wished Winn the best with his new endeavors.

**OPEN DISCUSSION:**

1. **Condolences** - Town Council President Vicki Jellison expressed condolences to Officer Lucas Pant and family over the passing of his grandfather.
2. **Solar Fields** - A recently held joint meeting of the Noble County Plan Commission and Noble County BZA to discuss solar fields was well attended by town representatives.
3. **On-Call Engineer** - Interviews with engineering firms that submitted an RFP will be held on June 15, 2021 at 4:30pm and 5:30pm. Those scoring the firms will be Council Vice-President Don Shultz, Councilmember Darold Smolinske, Town Manager Tena Woenker, Superintendent Terry Forker, and Superintendent Cory Miller.
4. **Food Trucks and Transient Merchants** - Councilmember John Morr asked about Food Trucks and Transient Merchants. Town Manager Tena Woenker said while she is aware of other communities restricting their locations, she didn't think Albion has any ordinances regarding them.
5. **Consideration of Tree Trimming & Removal Quotes** - Council voted to approve a recommendation by Superintendent Corey Miller to award this year's tree projects to the most responsible and responsive quoter, Matt West Tree Care in the amount of \$9,500.00. Motion made by Magnuson, seconded by Morr, carried 5 Ayes, 0 Nays. While, not the lowest quote, Miller deemed Matt West Tree Care as the most responsive and responsible vendor due to the timeframe in which the work may be completed. They will be completing other work in the Albion area this month and can get to Albion's tree work right away. Other quotes included: Top Notch Tree Service - \$7,290, Rhonda Maldeney - \$10,000, Skip Altimus - \$10,790, OnSite Tree Service - \$20,750. Clicks Tree Removal, Arbor Tamer, and B&E Tree Service were also solicited, but did not submit a quote.

**DEPARTMENT HEAD REPORTS:**

**Fire Dept** - Council acknowledged receipt of the department's monthly report. Deputy Fire Chief John Urso was present to answer questions. The fire department will be holding their Annual Fish Fry & Tenderloin Fundraiser during the first day of the Chain O' Lakes Festival, Wednesday, June 9, 2021 from 4:30pm – 7:00pm. Plans are to direct vehicles to enter off of East Park Drive through the Albion Municipal Building parking lot and exit out the Fire Station parking lot. This is a change from last year's traffic pattern, and is being done to reduce congestion in front of the EMS station.

**Police Dept** - Council acknowledged receipt of the department's monthly report. Town Marshal Scott Cole reported last month was relatively quiet, except for tall grass/weeds and public nuisance violations. Of particular concern is a property located at 214 N Elm Street. Because the warning/ticketing process has not yielded any success with getting the situation remedied, town employees will cut the grass and cleanup debris at the owner's expense. Right now, the Town-owned gravel parking lot off of S York Street has seen minimal use. However, it's expected to increase (especially during the Chain O' Lakes Festival) as more people become aware its available for public parking.

**Town Manager** - Council acknowledged receipt of the town manager's monthly report. Town Manager Tena Woenker reported she has been issuing permits every week, and been active with the Albion S.T.A.R. Team. She reported their membership is growing, and activities are being planned for the downtown area. Magnuson reported a new pump was purchased for the

water fountain on Courthouse Square. Plans are to repair the old pump, if possible, and use as a spare.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**1. Keith Leatherman, Monarch Development – Request for assistance**

Keith Leatherman, Monarch Development was present regarding a written request dated May 14, 2021, he sent to the Albion Town Council asking for assistance with infrastructure costs for Phase III, Village of White Oaks. He said he would like to move forward with preparing 10 of the 21 residential building lots. He asked the town to help in any legal way possible by sharing with material, labor or equipment costs. He indicated some of the Town's investment could be returned when each lot is sold. For example, the Town could be paid back \$5,000 per lot sold if the Town were to front Monarch Development \$50,000.

Councilmember Chris Magnuson noted the Town paid a significant amount of money to repair Village Drive and wanted to make sure the roads would be built to Town standards. Leatherman said he plans to do asphalt roads rather than concrete. He provided quotes for materials and work needed for installation of the infrastructure (i.e., water, wastewater, storm sewer, roads). The quotes totaled \$172,660.83. Town Manager Tena Woenker said if the Council is agreeable, CEDIT funds could be used. The subdivision is not located in a TIF area, and therefore not eligible for TIF funds. Similarly, the area does not appear to be eligible for creation of a Residential TIF since it does not fit the requirement for being blighted. Leatherman said he plans to sell the lots for \$40,000 but that it's really hard to keep the costs down.

Woenker reported she and Town Attorney Steve Clouse reviewed recently enacted legislation regarding the extension of utility mains (HEA 1131, passed in 2020), and determined because the lines to be installed are not town mains, but rather interior to the subdivision and serve as "spurs" or laterals, this qualifies as a unique circumstance, and therefore is not applicable to the general terms of the Main Extension Legislation. Whether the Town assists financially with the project or not, Woenker said a document should be drafted by Town Attorney Steve Clouse stating the exemption to the statute.

Councilmember John Morr asked Mr. Leatherman what the scope of what he was wanting from the Town. Leatherman said he was wanting help with material costs because he didn't want to go in debt. Morr pointed out he would still be in debt if the Town loaned him money. Leatherman said it took him 21 years to get money back from the Village of White Oaks. He is asking the Town for help, and stated other communities help developers. It was noted the Town would eventually be taking over maintenance of the roads. Woenker said big cities often enter into private-public partnerships. She said it is a risk, but thought it was worth the risk, and noted its only 10 lots. Council President Vicki Jellison said it's a lot to take in, and there are pros and cons. Council Member Don Shultz said it sounded like a way to get the homes built and the Town would get paid back.

Leatherman said he has talked with home builders who have told him if he gets the roads built, they will buy the lots. When asked about construction of the road, he said he does not plan to loop the road to connect to the stub at the top of the hill at this time. The road would dead end at the last building lot. The lots are currently owned by Monarch Development. The timing of repayment to the Town was discussed, Leatherman said he could pay a percentage of the loan amount back as each lot was sold. The length of time that would take was unclear. Clouse said whatever agreement might be drawn up would be recorded so it would show on Title Insurance.

The Town would need to check with SBOA to see if they could do an interest free loan. Morr indicated Council would be setting a precedent that may be difficult to sustain. He said the Town could be approached by another developer wanting assistance at the same amount of \$5,000 per lot for 100 lots, which would total \$500,000. Councilmember Darold Smolinske suggested Council research options to help minimize Leatherman's capital investment. Jellison asked Leatherman if this decision was going to hold him up since Council needed to do some homework before determining the best course of action.

Leatherman said he can move forward, although he wasn't sure to what extent. Holding an executive session to discuss the matter in further detail was suggested. However, Clouse confirmed this type of situation does not fit into the categories outlined in the statute governing executive sessions. Council then decided to form an ad hoc committee to discuss options and make a recommendation to Council. Committee members are Councilmembers John Morr and Darold Smolinske, Town Attorney Steve Clouse, Town Manager Tena Woenker, and Clerk-Treasurer Carol Selby. (It was later suggested Plan Commission President Scott Cole join the committee).

**2. Noble REMC Annual Meeting (Virtual) – Board of Directors 2021 Member Ballot**

Council voted to designate Councilmember John Morr as the Town's representative to cast a ballot for the Board of Directors. Motion made by Shultz, seconded by Smolinske, carried 5 Ayes, 0 Nays.

**3. Approval of 3-Year CEDIT Capital Improvement Plan & Resolution No. 2021-10**

Town Manager Tena Woenker provided a summary of the CEDIT Plan. The plan includes increasing appropriations for equipment purchases based on Departmental Capital Improvement Plans and discussions with Department Heads. She updated categories in the plan to include items listed in appropriations, and added residential infrastructure into the economic development category. Due to the Pandemic, and impact it may have on revenues, she reduced budgets slightly in anticipation of reduced revenues. The Town receives an average of \$110,000 in revenue for the CEDIT fund annually.

After discussion, Council voted to approve the 3-Year CEDIT Plan, and Resolution No. 2021-20, A resolution of the Town Council of the Town of Albion, Noble County, State of Indiana authorizing the appropriation of County Economic Development Income Tax (CEDIT) funds per the budget included in the CEDIT Capital Improvement Plan adopted by the Albion Town council and filed with the Noble County Auditor's Office. Motion to approve made by Magnuson, seconded by Morr, carried 5 Ayes, 0 Nays. (A copy of the approved plan is to be filed with the Noble County Auditor as required.)

**APPROVAL OF ACCOUNTS PAYABLE & PAYROLL VOUCHERS:** Morr motioned to approve Accounts Payable and Payroll Vouchers as of May 20, 2021 & May 25, 2021. Shultz seconded, carried 5 Ayes, 0 Nays, attested by Carol A. Selby.

**ADJOURNMENT:** There being no further business to be brought before council in regular session, the meeting adjourned at 7:23 pm. Motion by Shultz, seconded by Morr, carried 5 Ayes, 0 Nays. The next regularly scheduled meeting is to be held on June 8, 2021 at 6:00 pm, at the Albion Municipal Building, 211 East Park Drive, Albion, IN. Should the Town continue to be under a public emergency, the option to join the meeting electronically will be available.

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VICKI E. JELLISON, PRESIDENT

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DONALD J. SHULTZ, VICE-PRESIDENT

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CHRISTINA K. MAGNUSON, MEMBER

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JOHN D. MORR, MEMBER

\_\_\_\_\_  
DAROLD R. SMOLINSKE, MEMBER

ATTEST: \_\_\_\_\_  
CAROL A. SELBY, CLERK-TREASURER