

**Rocky Ripple Town Council Meeting
December 13, 2016**

Rocky Ripple Town Board Chair Carla Gaff Clark called the meeting to order at 7:35 p.m. Town board member Mandy Redmond was in attendance as well as clerk-treasurer Kandy Kendall. Town board member, Jill Morris was ill.

Update on Legislation

The Board invited Representative Ed DeLaney to share with the Town the progress that has been made on creating legislation for a river taxing district for Rocky Ripple, which would be used for flood protection. Mandy made a motion to allow Rep. DeLaney to speak before going to the clerk/treasurer reports. Carla seconded the motion.

Rep. DeLaney is from house district 86, which no longer includes Rocky Ripple. He represented the Town a few years ago and has asked to assist with creating the flood protection legislation along with Rep. Greg Porter and Sen. Greg Taylor. He said he also would like to speak to the town's residents about the Army Corps of Engineers (ACE) floodwall proposal. Rep. DeLaney indicated that the floodwall is a concern for the entire area and is not just Rocky Ripple's concern. He said ACE wants to start taking bids for the current proposal that is to run along Westfield Boulevard, outside of Rocky Ripple, and into Holcomb Gardens. AECOM, a national engineering firm, recently finished the first draft of their independent study of the North Levee System, found the ACE proposal to be acceptable. AECOM is still taking input on the draft plan prior to issuing the final report. The AECOM report states that it would take \$40 million to protect Rocky Ripple in one area of the study but suggested a much higher cost in other areas of the report.

Rep. DeLaney suggested Rocky Ripple residents have options and could try and have the current project stopped and find a solution that would protect Rocky Ripple from flooding as well. He said the most obvious way to do this would be for someone in Rocky Ripple or across the canal in Butler Tarkington to sue the City.

Rep. DeLaney said that in his opinion if someone says in a possible lawsuit to the City or ACE that the City is taking property to drown someone on the other side of canal, it would not be considered a frivolous lawsuit. He suggested that a logical path forward for Rocky Ripple flood protection would include actions that benefit not only Rocky Ripple but also are of benefit to areas outside of Rocky Ripple, such as Broad Ripple, which continues to have a flooding problem.

Rep. DeLaney reminded residents that the math is very simple; people go around saying if the floodwall is completed, certain areas will not have to have flood insurance and that is the literal truth. He suggested we say we wish to enhance the value of our homes and the safety of our neighborhood with a floodwall that provides us protection. The scenario then is to go to the Legislators and give them authority to place a fee on specific catchment areas that would be similar to the legislation that passed last year for residents around the Little Calumet River, which could then be used to assist in funding the project

Rep. DeLaney said that we have to remember Butler wins big if we get protection due to their south campus and they could be part of the discussion. He suggested residents who are in favor of a legislative taxing district contact Senator Rucklehouse, Greg Taylor, and Greg Porter. It was noted the Board has been discussing various options with a number of legislators during the last year. Finally, Rep. DeLaney ended by stating a floodwall plan to include Rocky Ripple is never going to work if the City says no so Rocky Ripple needs to stay open to the options and encourage our City County Council members and the Mayor to include Rocky Ripple in a flood protection plan.

Carla iterated that we The Board noted that it might be helpful to focus on a broad solution that solves lots of people's problems such as our neighbors in Broad Ripple and their water seepage problem. This could be a possible partnership.

AECOM/ACE Report

Mandy said the Board had been in a discussion with Jeff Bennett, DPW, and Bill Beranek to review the draft report from AECOM, received for review by the Board on Friday, December 9th. They met Monday, December 12th to discuss the report that heavily focused on review of past studies and the ACE's current plans. The report noted that the current river levee around Rocky Ripple was in disrepair and currently provided only a seven-year flood stage protection level. Carla reported that the next step in looking at levee improvements along the river, in possibly a local project, would be to take soil-boring samples along the river so that a firmer plan of action could be developed. She said the City would once again create a sample right of way that could be used when getting closer to that step.

Mandy said other flood protection options in the AECOM report included a review of the previous flood wall and levee enhancements all of which would call for the removal of homes along the river. There is also a discussion of raising affected homes. The estimated cost to raise or move some homes would be over \$100,000.

Julie Bleakley asked the Board if it would provide a blast to get residents the contact information for the four persons Rep. DeLaney suggested the residents contact.

Mike Mooney asked if the Board would be willing to put together a statement letting the City know the Town Board's position. Mandy and Carla said they could do this again but that it would be the same position they have previously voiced. Again, Carla reminded the residents that this is what the residents of Rocky Ripple should do as well.

Mandy asked if everyone in the room would be willing to go with a taxing district and the room seemed to be in consensus. A few residents noted that they would like the town to consider filing a lawsuit, as they believed it would be less cost prohibitive for a municipality.

Bart Harriman stated we need to file a lawsuit to force the City's hand. He said he believes the City wants that and that Jeff Bennett had personally told him that, indicating that it was a wink - wink type of discussion. The Board asked the Town's attorney, Felicia Locke, if she would do some research on this matter.

Mandy reminded the citizens that the Town does not have money to file a lawsuit and asked if the citizens would be willing to put money up for a lawsuit. Carla said it has never been advantageous to go out and sue as a town but that it had been noted

that a class action lawsuit by residents against the ACE in federal court was discussed at various community meetings as a way to slow the process down. Carla said that Bill Beranek stated in the meeting yesterday that Butler is up to suing the City. The Board will confirm Butler's intentions with Butler officials. A resident asked if others could provide the verbiage they would like to see used by the Board in writing to the City, the City County Council and the Statehouse. Mandy said the Board would be willing to look at verbiage suggested by the residents. Again Carla reminded everyone that they too need to contact their elected officials. Bart said he would draft something that could be sent to the City and send it to a few folks in attendance by Monday.

Carla called for the Treasurer report

Kandy reported that there were no outstanding warrants this month and that we currently have \$83,213.00 in our account. Kandy said the Town is being audited by the State Board of Accounts (SBOA) for the years 2011-2015 and that normally an audit is done every two years. The SBOA is short staffed and behind in their audits. Given that Rocky Ripple has no federal grants, the State set us aside and thus they are catching up with our Town and doing a five year audit. Kandy reported everything looked in the best order possible except for 2014. The fee is \$175/day and the SBOA thought they would be done by Christmas.

Kandy reminded the Board that the current IPL bill for Peace Park is \$38/month. Dan Foreman said the vets have purchased two lighting panels and want the electricity turned off and they will now use solar panels to light the flag and plaque. The Board approved their request and asked Kandy to have the electricity turned off at Peace Park.

Marshal Mike requested that two \$100 gas cards be bought at Marathon for the snowplow. Kandy reported Marathon would not take a town check so she had bought one card with her credit card but was unable to purchase another card due to a security warning from her cardholder. Kandy also sent in an application for a Marathon fleet gas card.

Kandy asked Marshal Mike about billing for communication with Mecca since she did not receive a bill in 2016. It is not clear why we are not being billed but we will continue as is until further notice or billing from the company.

Kandy asked about the citizens' donations towards our paving grant and Mandy said at the current time \$2550 had been received. Mandy stated that once all pledged monies have been received by the Community Association, then a check will be provided to the clerk treasurer.

With nothing further to report, Mandy moved the treasurer report be accepted and Carla seconded it.

Secretary Report

Mandy moved that the minutes be approved with corrections and Carla seconded it.

Kandy had the board members sign off on the nepotism certificates for 2016.

Kandy also suggested the Town have a salary ordinance drawn up after looking at the things required by the audit. Kandy suggested a salary ordinance be added under 1-2-3-1(d). It was also suggested that we renumber and add our nepotism

ordinance 2015-07-14 under the same title, article and chapter. Kandy will draw up a draft salary ordinance and send this to Felicia.

A discussion was held as to why we have a contract for our town marshal when this is an employee position. Kandy again asked if we needed a contract for Ms. Locke and it was decided we do not.

Finally, Kandy reported the Attorneys' General office is taking Ann Jansen back to court on January 19th to see if her income has changed which would alter the \$120 monthly payment she makes to the town for restitution on funds stolen during her time as clerk treasurer. Kandy will continue to communicate with Ms. Locke on this and let the town know at the January meeting if the date has changed.

Old Business

INDOTgrant

Marshal Mike spoke to Cassandra Hudson at INDOT to discuss the fact that Globe Paving will not be getting to our roads this year. Ms. Hudson said this is ok and that there are other towns not paving until the spring of 2017. Mike reported he will have Globe Paving come out and look at what portions of the streets could be paved in our next grant for 2017. That way we could have them do the paving for both years at the same time.

Fountain at 52nd and Canal

Carla said that Indy Runners group is moving forward with their plan to have a drinking fountain put on the canal path at 52nd street. The homeowner at 52nd and the canal does not want a drinking fountain there and it seems that further down the path near Butler's field would make more sense. Carla asked everyone to send emails and protest the placement of the fountain near the Town's entrance on 52nd Street.

Community Association Report

Dhyana Raynor and Julie Bleakley reported that the 2017 town directory is nearing completion and that they have put in all the names that have been given to them. Dhyana is now asking persons from the old directory who have not filled out an updated form if they wish to be included in the new directory. When she is done with this, she will turn it over to Angie Herrmann for final design and printing.

Marshal Report

Mike reported the snowplow truck is up and running fine and the town was plowed for the first time tonight. Whit Overstreet volunteered to be drive the snowplow. Mike is trying to find someone who is available during daytime hours. Mike got the gas card and said we are good to go.

With no further business, Mandy moved the meeting be adjourned at 9:35. Carla seconded it.

Respectfully submitted,
Kandy Kendall, Clerk Treasurer