

Sellersburg Town Council

January 25, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Dave Broady, Council President; Doug Eddings, Council Vice-President; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Broady called the Regular Meeting to order at 6:34 p.m.

Prayer

Rev. Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL ON/JANUARY 11TH MEETING.

President Broady stated ok, we have the minutes for the meeting of January the 11th in your box and enough time to read them, and if you have I'll entertain a motion to accept the minutes as presented.

Council Member Alexander stated I make a motion to accept the minutes as presented.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I second.

President Broady stated second by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Broady stated petitions from the town tonight, Mr. Harshey, Roger.

ROGER HARSHEY WILL ADDRESSES THE COUNCIL CONCERNING STORM DRAIN AND BACK WATER.

Mr. Harshey stated I just got a couple of things here, mainly what I want to talk about, is the last 30 years, we get backwater. Which is nothing more than rain is hitting for an hour, it backs up, and an hour later it's gone. We can't do anything down there without the water back up. They are filling in the hole next to it. Course that is DNR that's what I get with DNR. They filled up on the other side, they got permission from them, maybe they didn't, I don't know. They clean out the creek, they tear up the water problem up here in town and we're sitting down here with backwater. It's going into a sinkhole, you can't get it into Silver Creek. In a letter here dated April 19, 1982, the Town Of Selllersburg, Dear Mr. and Mrs. Harshey, Thank You for attending the April 12th 1982 Town Board Meeting. In commenting on Storm Sewer Project. As a result of your comments the town has directed the Project Engineer to design a retention basin to take care of the problem. The engineer has assured us the construction of the retention basin will hold the sudden rush of water, caused by the New Service Street and Storm Sewer. The water will enter the basin through a storm system and 36-inch pipe, and leave through the basin on a 21-inch pipe or smaller. In this way would be no more

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discharge in the down stream area that is designed for an existing 21 inch pipe. The water will run in at the top of the basin and then run out, slowly when the storm is over. The rim elevation of the basin will be such that the water cannot get high enough without flooding over the back down stream, the neighbors will not be effected. There will be an area of approximately one acre purchased for the retention basin, we are waiting to hear approval of the Department of Housing and Urban Development of this alternative before the project commences. If you have any questions or comments please contact either Sharon Wilson or John Toombs or myself. Signed Carl Kamer. That was the property on...

Clerk Treasurer Schafer stated Villa.

Mr. Harshey stated Villa Drive. It's been filled in, the thing is it wasn't designed right. They put the bottom, they put the pipe in the bottom of the overflow, instead of on top. Now, you also got a problem, with the new subdivision right across the street. They built huge retention pond, all summer long it was dry, we didn't get rain for three weeks, they pond is full.

Council Member Voyles stated that pond's never been dry.

Mr. Harshey stated it's not supposed to be.

Council Member Voyles stated I live back there and it's been full of water.

Mr. Harshey stated it stays full of water.

Council Member Voyles stated I agree with you.

Mr. Harshey stated the rain comes, it rushes right in and right out. Why is it full of water, it's because it's spring feed. They dug this thing down to the limestone, it's spring feed. It stays full of water. And it's going to be problems later on. Just the day before yesterday the water came up, people were driving through water driving getting into that subdivision. Can't we do something about the backwater?

President Broady stated the only thing I know, I mean it's still the problem I think the creek empties into Silver Creek. Is that, don't you agree to that?

Mr. Harshey stated I'll agree with you there.

President Broady stated yeah, right now it goes into from what I understand, a sinkhole situation and it has to go over to Silver Creek and Silver Creek backs up and then we get the backwater.

Mr. Harshey stated no, no, no, no, I disagree with you 100% on that.

President Broady stated you're saying it's backed up because it can't get Silver Creek.

Mr. Harshey stated exactly right.

President Broady stated ok.

Mr. Harshey stated now if you go down there when it's dry, they ain't a drop of water

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in Silver Creek. And you can see where the water comes out and goes through the rock, it must be 15 feet above the bend of Silver Creek. so, Silver Creek backs up and overflows. Right now we've got backwater. But the water is still not up high enough to get back into the creek.

President Broady stated well, I really looked at it one time and they were talking at that time, and I think you were at the meeting, possibly, and they were talking, I don't know, and enormous, a 102 inch pipe or something to go, to carry the water all the way over to Silver Creek.

Mr. Harshey stated a 102-inch pipe.

President Broady stated yeah, 8 foot in diameter, whatever, I'm not sure what they were talking about then, and then the price at the time was quoted around you know we could probably spend a million dollars down there getting across there and all that. I don't think we discussed it much for a good while, we can go back over it and...

Council Member Alexander stated it's a million dollars at one creek, the problem is, I know we have a disagreement here but if Silver Creek does rise and the elevation that the pipe would have to be in order to serve the purpose on this side of where the water stands now in the holding pond, would actually, when we had the rain conditions we had the other day, it would catch up to where the pipe would be under water and it wouldn't serve the purpose. I mean...

Mr. Harshey stated it laid in my back yard for 48 hours anyway.

Council Member Alexander stated right, exactly. What we did,...

Mr. Harshey stated because it couldn't get out.

Council Member Alexander stated we did do good during this one, we have made extra effort to make sure that the bridges, the bridge behind your house, we did find out last year that it collects debris because of a sewer pipe that isn't all the way in the ground, we made sure that we kept the debris out. The interesting thing about this rain incident was everything stayed level, on most rain incidents we usually have a backup up by movies to go, coming down through the creek up to the bridge and then the level drops off a foot. I've seen it where it backs up into your yard, and over at Camp Schlan it was a foot lower. Now this rain incident we stayed level everywhere including all the way down past the Lift Station we have. We go through Camp Schlan and we have an open path, the amount of water that is collected and it is collected before it actually starts running back up this way is enormous. I mean if anyone has ever went down to Bean Road and just looked at this huge area where the water is collected I really don't honestly think there is any means without spending, I mean we were quoted a million plus, of even trying to create a retention pond plus a pipe that went to Silver Creek that may or may not solve the problem that we have. I mean unfortunately you are at the end of the stream. And a lot of development has went up all the streams that come through Sellersburg now come up into Clarksville, New Albany, whatever and they all add to the problem. We have looked at putting retention pond at Ivy Tech, to see if we could slow the water down but again the amount of water we're talking about trying to make a difference you know, maybe a bucket full instead of a bathtub full.

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Mr. Harshey stated I agree with you when Silver Creek backs up then you got a problem.

Council Member Alexander stated right.

Mr. Harshey stated but when Silver Creek doesn't back up, when you get a flash inch and a half or three or four inch rain, and in the summertime it's been dry for three months, then you still get backwater.

Council Member Alexander stated most of that is due to the size of going under the road, and the way the creeks have so forth brought in it. But I meant we all know that the ditch and the endangered frogs are a different story. So, you know as far as making the water go, Mark you want to add anything?

Mr. Warren stated the railroad culvert there funnels the water too. I don't know a way to make that larger.

Mr. Harshey stated you realize back two years ago when we had that real heavy rain, a Sellersburg resident almost drowned back there. Going underneath that overpass. She stepped out of her car, she got in, and the water caught her and sucked her right up underneath that thing. She grabbed a tree, and she come out at the side.

Council Member Alexander stated I mean I'm not arguing that it is a dangerous area, and personally though, I mean as far as the total picture, and like I said unfortunately you're at the bottom of the total picture, we did do better than we had. I don't know whether that's good or bad, but we did do better than we normally have. Penn Street was closed for 10 hours.

Mr. Harshey stated not until I called the Police Department and tell them to close it.

Council Member Alexander stated I was out, I was the one that actually closed it. I like to go play in the rain, but we did do better than we have in the past.

Mr. Harshey stated so in other words you're saying just you got to live with it.

Council Member Alexander stated the United States Government, I mean really, honestly it would be cheaper to relocate the three houses down there than it would be to try to solve the problem. If you want me to be honest with you. Because we could go in and spend a million or million and a half and maybe not take care of the problem.

President Broady stated we don't have a million or a million and a half.

Mr. Harshey stated I got one other thing here. We got a letter on this withdrawal from the IURC, we got the first one with a 32 cent stamp on it, ok, then there are three more that came bulk rate all addressed to me. Now why I can see this one maybe and maybe one more, with a correction on it. But I got three, my son-in-law got two.

Council Member Fenner stated I can answer, the first one was mailed out before the postage increase so it would have a 32 cent stamp on it, I went first class, the next one went out in bulk rate, which is much cheaper, but the computer spit out labels that went back several years and so there were extra ones that were sent out that are old.

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ROGER HARSHEY WILL ADDRESSES THE COUNCIL CONCERNING STORM DRAIN AND BACK WATER.

Mr. Harshey stated I just wondered, you're wanting to save money and here's a big one right here. That's all I got.

President Broady stated ok, Thank You much. Mrs. Diefenbach, Mrs. Pixley you have anything?

MS. DIEFENBACH ADDRESSES THE COUNCIL ON/RESPECT.

Ms. Diefenbach stated what I want to say is I think all of us, all of you know how you got here. And you represent the people of this community and this is a good community. I've lived here for 58 years, and I feel like through the students that I've had and their students, I've had a lot of respect. And I want to see that respect among everybody else. I feel like that we can handle it, I feel like we can always say when we're wrong and I feel like we don't need disrespect. So what I'm asking you is to show your respect in every way, in fact, I expect it. And I think you do too. So I feel like let's get down and do it. Ok

President Broady stated Thank You, we don't have any more petitions on for today, so we'll go on. Dave Kinder.

Chief Kinder stated no.

President Broady stated Mark you got anything.

ANIMAL CONTROL OFFICER/MARK ROBINSON ADDRESSES THE COUNCIL ON/A NEW ORDINANCE TO THE SELLERSBURG TOWN COUNCIL REGARDING DOMESTIC ANIMALS IN THE TOWN OF SELLERSBURG.

Mr. Robinson stated yes sir, I'd like to propose a new Ordinance to the Sellersburg Town Council regarding domestic animals in the Town of Sellersburg. I've had a lot of corporation, help from the inside on this Ordinance and I'd like to tell you all you have been wonderful, a wonderful town. In 1998 I responded to over a 150 calls in Sellersburg, I impounded over 120 live animals not including all the Snakes. Scott Wilson with the Clark County Health Department informed me in 98 they're were 231 bag cases in Indiana reported, Clark County Reported, over 300 in 95. We just seems like I impound more and more every month, they just keep breeding. In 1998 the United States Humane Association reported that there was 14 dogs for every human, and 27 cats for every human in the United States. I feel this new Ordinance has made it, will make the law as all communities have done. This Ordinance is a big safety factor for the children, the residents, and for the animals of Sellersburg, in the future growth and the new millennium we all face. Of course the current residents will be grandfathered into this Ordinance. I give respect to that because we're just getting so over populated, with the new apartments in. This Ordinance has several benefits for the residents of Sellersburg. Number one, I feel it's safety for the residents, number 2 I feel it's safety and humane treatment for the animals of Sellersburg and this Ordinance will provide for the residents the choice to pay the fine directly to the Town of Sellersburg, which will be deposited directly into the General Fund to help defray the cost of controlling it. This system is used in New Albany and according to director Gene Maxwell works real well. They have been using it approximately 10 years and on the back of the Ordinance you will see a copy of their citation. Theirs is user friendly, it's 25.00, it's paid directly to the Clerk Treasurer. If the alleged violator does not want to contest of deny the charges and if they do they appear in court on the date the trail is set.

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ANIMAL CONTROL OFFICER/MARK ROBINSON ADDRESSES THE COUNCIL ON/A NEW ORDINANCE TO THE SELLERSBURG TOWN COUNCIL REGARDING DOMESTIC ANIMALS IN THE TOWN OF SELLERSBURG.

Mr. Robinson stated me and Perry went over that today as a matter of fact. It reduces the fine amount to residents and increases the amount the town receives for the fine. It's a win, win situation, it makes the fine fit the crime. Right now I believe it's a 97.00 citation, correct?

Attorney McCall stated 77.00 for cost and whatever you want to do with the fine...

Mr. Robinson stated actually a little excessive for an animal, of course I like to give out the courtesy of warnings as I have done in the past year and a half. The citizens have been wonderful. But a 25.00 fine is a lot more affordable than a 97.00 fine. The court cost, and only a small portion of that court cost is returned to us. Some of that will eliminate the middleman and bring the money directly back to us. The Ordinance doesn't benefit me, actually it's going to make me work a lot harder. But if it helps the residents and the animals of Sellersburg, that's my job. Last the Animal Shelter took in approximately 5600 animals, only 36% were either adopted or claimed. So that means over 3000 animals were killed last year in Clark County alone. That's an excessive amount. So I would like for you to bring in the Ordinance and I'm open to suggestions, please call me anytime, I see there's a lot of opposition in there somewhat, but I put in a good law, it's a good safety law for the children. I can't recall how many times I've gotten a large dog off of the Stout Elementary Playground. And that could really put our children in jeopardy in town. And I seem to issue warning after warning, we have some people that do wonderful, and then I can go back that afternoon and there's that dog out running again in the street. And so that's about all I have to say.

President Broady stated ok.

Council Member Alexander stated just to add to the time frame, we were hoping that you had a month to look it over, make suggestions, the areas of suggestions that I feel should at least be discussed is the fee, some of the penalties of that nature. Then after the month is up if we come to an agreement of the Ordinance so that people can, the only one's that will be grandfathered are people that have registered tagged animals with the Town of Sellersburg. Meaning that if you have 6 dogs now and you fail to tag all 6 you will not be considered as grandfathered. It's only the one's that are tagged. And if the Ordinance is acceptable then we at least give the residents a month in advance to where if they want to be grandfathered that they can take the proper steps in order to make that possible.

Mr. Robinson stated like Mrs. Pixley would be grandfathered in underneath all her fowl or poultry or whatever current animals she has. But she has the area for the animals, you get people in town want to deal with 5 or 6, I've had calls on snakes, some of the residents are wanting to purchase Bobcats in the Town and it's just, it's just, it's going a lot further than dogs and cats now. People are purchasing snakes, wild animals and I want to prohibit that. It's a safety factor, we're no longer a Rural Community, this is beginning to be a Metropolis now.

Mr. Harshey stated I've had a lot of skunks in my yard.

Mr. Robinson stated actually sir, I got a lot of skunks and raccoons last year, but I'm an animal lover, I take the wild animals and I take them up in the county a release them

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up in the wild. I don't put them down. So, I Thank You.

President Broady stated we'll look over it and bring it up at the next meeting. The other Mark, you have anything?

MARK WARREN ADDRESSES THE COUNCIL ON/GARBAGE PICKUP IN TWINBROOK AND POINDEXTER.

Mr. Warren stated we started garbage pickup in Twinbrook and Poindexter, everyone there cooperated real well.

President Broady stated good.

Mr. Warren stated everything went real good today.

President Broady stated how about the supply of cinders, do we still have cinders left?

Mr. Warren stated I got a couple I've got to check out, we might be buying some, I'm not sure.

Mr. Robinson stated I might add, I got some call from the Poindexter area and they called to inquire about the laws. Some of them had no idea that there were laws regarding an animal license or a cat has to restrained.

President Broady stated any thing else? Ok EMC.

TIM CRAWFORD/EMC ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUES/MONTHLY REPORTS.

Mr. Crawford stated the first thing I've got is the Water and Sewer Revenues for the weeks of January 11th through January 27, the total revenue being 96150.14. The next thing is the Monthly Report for the operations of the Water, Wastewater Treatment Facilities. I'm glad to say it was 0 violations. A couple of other things I just want to comment on real briefly is that we received a draft from, Mr. Broady has a copy of that, we really haven't had the opportunity to actually sit down and go through it like we want to, but once we do that then we'll submit our comments and everything back to the board, that should take, possibility by the next board meeting we'll be prepared to do that. I did send John his copy and we'll be working on it with him also. The last thing that I've got is just to advise the board that we had to pull the pump out of the Bean Road Lift Station, it's a Spencer Machine right now and it's going to cost approximately 4600.00, I've got a quote and I'll be prepared to present that to you next meeting. And that's all I have, do you have any questions? Thank You

President Broady stated Bob, Building Commissioner, you got anything Boyce?

Mr. Adams stated no sir I don't.

President Broady stated ok, Mr. Eddings.

Vice-President Eddings, stated no.

President Broady stated Mr. Voyles.

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COUNCIL MEMBER WILLIAM VOYLES ADDRESSES THE COUNCIL ON/RAINWATER GETTING INTO OUR
SANITATION SYSTEM.

Council Member Voyles stated the only thing I would like to talk to somebody, I don't know who's going to bring it up or if anybody is going to bring it up about this last rain we had and the sanitation problem we had with our you know, the street water or rainwater getting into our sanitation system. But we definitely got a problem and I'm tired of just you know saying we're going to fix it or we're going to do this. We got to either clean it out and get a TV thing or Cable and go through them and the ones we can't get through with the Cable, we got to get this problem solved because I saw some backups that I've never seen before. Been here 25 years, I haven't been here like this gentleman here, or that lady right there behind him. But I've been here going on 27 I guess now, and this corner I guess going north and south it was bubbling over, Denny Amos's place, it was bubbling and they couldn't even go flush the bathrooms at work. So there's a lot of surface water getting into the pipes and I'd like to, we got to do something to get it stopped.

President Broady stated I agree.

Council Member Voyles stated and that's all I have.

President Broady stated ok, Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/ADAM MEYERS, HE'S WITH TRY TELL
COMMUNICATIONS.

Council Member Fenner stated I had a call from a fellow named Adam Meyers, he's with Try-Tell Communications and they are interested in possibly talking with us about using our property where the Water Treatment Plant is to install a Communications Tower. And I informed them that we would be glad to discuss it with them if they first went to the City of Jeffersonville to determine if Jeff would approve that since it's in the City Limits of Jeff. So he's supposed to be getting back with me and I just wanted to bring that to your attention. They're just looking for a good location, it's high elevation, cover their area, their territory and they determined that is a prime location for them. So, you know it's a possible source of revenue and income for us, we're not going to get rich by any means, but like I said, I think first Jeff has to take the first crack at them.

Mrs. Pixley stated there may be a problem with that, with the airport, because we're not allowed to put any...

President Broady stated this is the one on Holman's Lane.

Council Member Fenner stated this is in Jeffersonville on Holman's Lane.

Mrs. Pixley stated oh, I thought you meant this one here.

Council member Fenner stated the Water Treatment Plant.

Mrs. Pixley stated oh, ok.

Council Member Fenner stated so like I said I don't know whether Jeff has anything in place to present that, I just want to let you know about it in case we do get something and you'll be aware of it.

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COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/ADAM MEYERS, HE'S WITH TRY TELL COMMUNICATIONS.

Council Member Fenner stated the other thing I have is, I had a resident call me concerned about uh, newspapers being delivered and just thrown in peoples yards and he wanted to know if the town would pass an ordinance to prohibit newspapers from being delivered to peoples front yards. They either had to be put in peoples boxes or they had to be put on peoples porches or on steps. You know, I don't know if this would go under our nuisance Ordinance and I said if you're paying to receive a paper I don't see how it can, I don't know how you can do that. I mean, I tried to explain to him that it's between him and his newspaper carrier, but he was concerned especially about elderly people who receive the newspaper who have to walk out to get it on the ice, they will slip and fall. And he basically wants it delivered to his front door. So, I told him that I would be glad to express that to the council but didn't make him any promises obviously. Mark do you want to say something about that.

Mr. Warren stated we have a problem with that, like with the little papers, they throw them in the street, like in front of the residence and the wash down on the storm drains and some people they just don't go out and get them and it start to look pretty bad in some areas like the big orange papers and sometimes it does like clog up the storm drains.

Council Member Fenner stated yeah, the, I, he was specifically targeting the Courier Journal, that he pays for. And then when I told him I just don't see how we can do that and I he says well what about that Indiana Weekly that comes free you know I the middle of the week and he went on down the line. So, and I told him that might be another issue that we can talk about. I don't know.

Ms. Diefenbach stated I'd just like to say that I had somewhat the same problem but when I called them they were very glad to hear about it and they took care about it.

Council Member Fenner stated really, well this gentleman said that he called them and they just told him that they had changed their policy and they were not going to put it on the porch and that was his problem.

Ms. Diefenbach stated they even contacted the carrier.

Council Member Fenner stated was that very long ago.

Ms. Diefenbach stated just last week.

Council Member Fenner stated all right, so anyway.

President Broady stated I don't thing we're ready to get started on the legislating the papers.

Council Member Fenner stated I didn't think...

President Broady stated I sympathize but I don't really know.

Chief Kinder stated I will comment on what Ms. Diefenbach said, I had that problem with that little girl and I called and they took care of it.

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Council Member Fenner stated this gentleman's main concern was he wanted the Courier Journal delivered to his porch and he wanted us to make an Ordinance to make them do that. That's where we started at. Ok, Perry, you said we received a bill, another bill from...

Attorney McCall stated I got a couple of them, I'll talk about them.

Council Member Fenner stated ok, the other thing was Dave I think you brought this up several months ago about us looking into the possibility of staggering the elections for the Town Council Members so that we do not have the possibility of a completely new council at every election so that there would be some continuity and dividing that up and you know and Perry sent us some information on that and said that it is possible for us to do that if we so choose. It would require the fact that if we did three board members a once and then two at the alternating years, it would require, if we were going to do it this next year, I required at least two of the board members, two of the board spots to be open for just a two year term rather than a four year term. You know I see some advantage to that, and I don't see a whole lot of downside to not doing that. And if anyone else has thought about it and has any insight I'd be glad to you know, consider it. But I was going to volunteer if we decide to do that and if we you know will decide which two seats are going to be considered for a two-year term. I don't know how we'll do that but I would volunteer my seat considered for a two-year term in case anyone wouldn't want to do that, it doesn't matter to me. I campaign less than anybody else, so it doesn't matter.

President Broady stated what was the, I know you presented us with that uh,

Attorney McCall stated I don't have it, I don't recall, the only thing I recall that was significant about it was once you do it, you do it, and it can not be changed back.

President Broady stated is it determined by this legislative body here or...

Attorney McCall stated it would be by Ordinance, he's got it right there, and he bought it.

President Broady stated I got it and looked over it a little bit, did anybody else look it over.

Council Member Voyles stated I did.

President Broady stated or toy with the idea.

Vice-President Eddings stated what about the recently annexed area are they, will they become part of an existing area or they...

Clerk Treasurer Schafer stated existing area.

Council Member Fenner stated existing area for right now.

Vice-President Eddings stated part of a existing area for right now.

Council Member Fenner stated yeah, I think it was in 2002 then it might be redistricted.

Clerk Treasurer Schafer stated no, reprecinted not be districted.

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President Broady stated aren't they going to be in four...

Clerk Treasurer Schafer stated they are going to be in four...

Council Member Fenner stated that's me, Hill-N-Dale.

Mr. Robinson stated I just wanted to ask Perry did he have a chance to look at the dog tax law today.

Attorney McCall stated I didn't get a chance to, no Mark I did not.

Mr. Robinson stated ok.

Attorney McCall stated I will though.

President Broady stated yes, ma'am

Mrs. Adkins stated with the alternating elections, will that increase the cost, will that be cost effective.

Clerk Treasurer Schafer stated it wouldn't be every other year.

President Broady stated no, it wouldn't be every other year, it would be, actually what we've got set up it would be every two years wouldn't it.

Clerk Treasurer Schafer stated yes.

President Broady stated every two years, which would be on a normal election time anyhow where we would have to open the polls anyway. That's a good point, I don't really have an exact answer for you and I don't think it would.

Council Member Fenner stated but it would not be considered a special election because it is already on a general election date.

President Broady stated what we suggested was that right now the way it's set up all five members are going out every four years. And the possibility of all five members are going out every four years. And the possibility of all five deciding for some reason that we wouldn't run or that we all got beat or whatever and you got five new faces coming in and trying to pick up the town business and we thought it might be a better idea for three to be and then two kind of rotate where somebody here would kind of have to pick it up.

Mrs. Adkins stated does the council have a program for when the board changes out like that, are they elected like that.

Council Member Fenner stated they are elected in November and they take office the first of January and to be honest with you that's something that I've had a problem with. And that is the people that run for the Town Council many of them never ever attend the meeting until after they are elected. Which has always amazed me. I mean, I can't image coming in here cold. But there's a lot.

Resident stated shouldn't that be something that is discussed as well as discussing changing the voting year of three going out.

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Mrs. Adkins stated I would just expect someone who is elected into that position to be interested enough in that position to want to come and watch and start work with whoever and hopefully there would be some sort of relationship where they could pass that information on or maybe if there was a process in place, once your elected you have that type of program, you come in twice a week and talk for two hours and discuss the business of the town.

President Broady stated as a general rule I think that's what has been tried in the past and hopefully will continue. All though I suppose in politics there is a very heated race and sometimes it doesn't get done I guess but that's whatever. Ok, why don't we still take that under advisement and get some more information on it.

Attorney McCall stated it appears it has to be in the year proceeding the municipal election.

President Broady stated so this year, I thought they was some reason.

Attorney McCall stated yeah, and then and this section, I don't think applies, this applies this applies to small towns in Marion County, this particular section that's here. The other section applies to town's but it appears to staggering, it is three years and then four years rather than two.

Council Member Fenner stated I saw that too.

Attorney McCall stated but that again deals with in Marion County but I don't image there would be much change in the application in regards a larger town, which I think Sellersburg is a larger town. Because it says 3500 or more is a large town.

Council Member Fenner stated so you don't believe that we could do it for this next election.

Attorney McCall stated I don't think so, I think you would have to set it up for the next election.

Council Member Fenner stated we should have acted on it several...

Attorney McCall stated you still wouldn't have got it, you would had to proceed in the year, that wouldn't have give you 365 days, I think it means one year proceeding it, so...

Council Member Fenner stated ok.

President Broady stated you got anything else Gary.

President Broady stated Ken.

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/SERVICE DRIVE.

Council Member Alexander stated about a month ago I brought up Service Drive, has any other investigation been done as far as, I mean I'm assuming with the minutes and so forth, does that need to be in Ordinance form or is that just we bring it in or...

Attorney McCall stated as far as dedication.

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Attorney McCall stated take it over.

Council Member Alexander stated I mean as far as making a motion to accept Service Drive as a...

Attorney McCall stated I think it's in...

Vice-President Eddings stated make another motion.

Council Member Alexander stated yeah, I mean there was some confusion on it, but we don't have any records on it.

Attorney McCall stated I never did find the Ordinance, Annexation Ordinance.

Council Member Alexander stated it was never a county road either.

Attorney McCall stated yeah, but I never found an Annexation Ordinance that concerns that area.

Council Member Alexander stated if we annex an area and it is a registered County Road, yes it automatically assumed by the Town of Sellersburg, but if it's just a driveway, just because we annex it in doesn't mean we take over.

President Broady stated it was annexed in before he built the road,

Council Member Alexander stated right.

Council Member Fenner stated John wants to say something.

Mr. Toombs stated it's annexed.

Attorney McCall stated yeah I know it's annexed but I couldn't find anything that dealt with the area.

Vice-President Eddings stated just make a motion.

Council Member Alexander stated I'd like to make a motion that we accept Service Drive as a official roadway of Sellersburg.

Attorney McCall stated dedicated street that you're going to maintain.

Council Member Alexander stated a dedicated street that we're going to maintain.

President Broady stated motion on the floor, does everyone understand the motion, ok, got a motion on the floor, do I have a second.

Vice-President Eddings stated I second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) It is now a dedicated street for the Town of Sellersburg.

Council Member Alexander stated we want to check our records to make sure that we inside...

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Mr. Warren stated the mileage and like that.

Council Member Alexander stated right, secondly this goes with Mr. Harshey comment. First of all I would like to be, if someone could educate me as far as can we have a permit, see right now we have to rely on did they get a DNR permit for filling in of property. If you're not building anything actually putting a structure on a piece of property, that, actually the first step, when you actually come to the town. I have to be sympathetic to his problem because there had been a lot of construction around, that there is no way it could have helped his property. Out of respect of the town, we don't see anything until someone comes in and says I'm going to build whatever. Can we require a permit that you must come to us showing the DNR permit before you change elevation of a property in a 100-year flood plane?

Vice-President Eddings stated for what purpose.

Council Member Alexander stated the purpose is so that we can see and get...

Vice-President Eddings stated so we can approve.

Council Member Alexander stated yes, yes, because in his situation.

Mr. Harshey stated if you don't have a permit to build in a flood plane you can't do it.

Council Member Alexander stated right, but we never see it and once it's already elevated.

Council Member Fenner stated that permit comes from the DNR not from Sellersburg.

Council Member Voyles stated it comes from the DNR.

Council Member Fenner stated so the question is if the DNR issues a permit can we still deny it if we have that in place.

Mr. Toombs stated no, what he's saying is...

Council Member Fenner stated if we have a Ordinance in place that stricter than the DNR.

Mr. Harshey stated what he's trying to say is can we have a regulation that says do you have a DNR permit.

Council Member Fenner stated I'm trying to take it a step further, ok, I understand what he's saying, but, my question is can we deny them the ability to fill it in. Because we...

Council Member Alexander stated I would say that we will be to show deferential cost to the town which is, is because to solve his problem, every time somebody puts a lost of dirt in they compound the problem to where it's going to cost everybody.

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Mr. Harshey stated it's not only dirt, it's blacktop road, it's a big roof, and it's a wetland.

Council Member Alexander stated I have to put another permit in place but, in certain areas in town really honestly there should be no new buildings in anything above, I don't want to say 100 year, but a 200 year flood there should be an Ordinance that says hey you're not going to build that here because it's only going to cost us. The little bit of revenue that comes off the tax money of that building or the jobs that come in, I mean related to his problem, I mean we're talking in excess of million to 1.5 and he's probably never going to see it unless we run into an oil well somewhere. But, you know we have to become sensible as far as yes, we know there's a problem, the way to address it is not to let them build up or let construction take part so mainly feet around designated areas.

Mr. Harshey stated do you have any idea how much area that unnamed creek and the one, there are two creeks that meet in that area there, one of them is called the unnamed creek and the other is...

Council Member Fenner stated there's a contributory B, is the one that goes.

Mr. Harshey stated that's the unnamed creek and the other one comes back from over Hill-N-Dale and over in there.

Council Member Alexander stated but most of the...

Mr. Harshey stated Camp Run originates from Floyd County and so does this contributory B, so you're draining Floyd County, over from behind Ivy Tech, all of the area over behind Poindexter Lane, all the area over in Plum run, all that water comes through Sellersburg.

Council Member Fenner stated I know it does.

Council Member Alexander stated and we get it, but it is a limited area as far as where we are in flood plane and to where basically down from highway 131 south of here, is where the, where I would assume a targeted area would be to say hey look, we know there's a problem, they will be no more elevation.

Mr. Harshey stated a few years back you said once you get this area straightened out here in town then we're going to work on the other area's in town.

Council Member Alexander stated we have taken it to the point to where I hope you've seen that, I mean I have seen it, I do go out into the rain, more than I should probably, but, the time it takes for it to recess is quicker than it has been in the past. We used to sit with a whole lot more water a lot longer. And I know that's not helping when it's sitting in your basement window but it does not.

Mr. Harshey stated it's not running in the basement window, in 30 years, it did was when they first built the house in 1956 because the water got up so high, but then they built the wet, then we didn't have any problem of water getting out but then they built Ivy Tech, they started building up the new part of Creston, and all in that area over there.

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Council Member Alexander stated back to the point, minimum I would like at least some sort of Ordinance that let's us be able to walk on somebody's property as say where's your DNR permit. And if you don't have a DNR permit and you are filling in a flood planed area I think the fine should be really, really steep.

Mr. Harshey stated here's the thing about the DNR, I've talked to DNR, the DNR...

President Broady stated we don't have the authority now.

Attorney McCall stated we were just talking now, John and I, we've got the flood plane ordinance.

President Broady stated that's approved by the state wasn't it.

Attorney McCall stated see the thing is there, it's a minimum, from my understanding it's a minimum requirement that they have as federal, stated and you could, I guess under local home rule you could make it more strict or specific as to your area, you know the only draw back, the only problem of that is again enforcing, making sure it doesn't compete with the federal, stated requirements. So I mean it's a situation you're going to have to look at real closely to do that.

Council Member Fenner stated John are you familiar with any other communities that have made their requirements to fill in a flood plane more strict than the DNR'S.

Mr. Toombs stated I'm not familiar with any but I'm sure there are some. I mean like Perry is saying, I think that Ordinance that you already got.

Council Member Alexander stated will cover that.

Mr. Toombs stated well I mean...

Attorney McCall stated I think it's just a minimum requirement that you meet.

Mr. Toombs stated we could just read it and see if it applies to what you're referring too and like you said I think it's almost always triggered by somebody wants to put up a food mart or whatever and I think that Ordinance says they first got to come here and make the application.

Council Member Fenner stated but that's the building, and we've got people filling it in, taking years to fill it in.

Mr. Toombs stated add a clause in there that you cannot do it. Because a building is a type of building.

Council Member Alexander stated as far as the permit amount, I'm not one to make money off this, even if we made us a buck at least the town becomes aware of yes they have all their permits to fill in a certain area instead of driving by it every day and wondering if he's got a permit.

Mr. Toombs stated I think you can do that.

Attorney McCall stated I think you can make it stricter, you can make it more specific to your area. Because when this Ordinance was sent down, even though it's been changed,

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over and over again to, for the town it's not dealing with very specific items that you need.

Council Member Fenner stated I think that's part of the problem and that is the town does things to help it, but we have people building things that counteract everything the town does. And it's like that on a big scale and it's also like that on a small scale. I mean my house, when I first moved in, my next door neighbor built an addition onto his house. It changed the flow of the water so it went right into my basement window, and so he and I had a talk and we worked it out and you know we fixed it and then two years later he built a garage and it changed the flow of the water again and we have to work it out and fix it. Every time somebody builds something it changes something else.

Mr. Harshey stated for years in Clerk County they have tried to get overall Zoning Plan, Building and Zoning and they just can't seem to get it together.

Council Member Fenner stated and we just happen to be sitting on Silver Creek and it ends up here.

Council Member Alexander stated can I request that we look at the possibility of just doing the minimum as far as making some sort of mechanism that will alert the town of someone filling in, just in the 100 year flood plane. Not everywhere, something over in Hill-N-Dale with an elevation of 700 and whatever, but you know in area where we know, but you know where they are in the 100 year flood plane they ought to come in at least make us aware of what is going on with out having to see a building permit as far as the structure. That's all I have.

President Broady stated that's all you have, Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/JESSE BALLEW FILED A PETITION.

Attorney McCall stated three or four things, we got situation, and John's here tonight, he probably can elaborate a little more the request by Jesse Ballew filed a petition. I had talked to I think Mr. Simco down at CSX and he had said he had talked to John, and he had talked to Mr. Ballew, and he had petitioned, and I had mentioned at the last meeting to petition on his behalf and I talking to Jesse and he probably needs to be here to talk on his own behalf, I think again a present it and I haven't had a chance to talk to him today. But in talking to Mr. Simco if the town petitions, this a private crossing now, and of course he wants it a public crossing and the town would do that, the only, the drawbacks I guess for the town and so you can make a decision is that you would have to maintain the crossing as far as the construction, and the signals for the crossing, and maintain it over the course of time. The railroad would of course would be maintained by the railroad but you would have to put together a plan, present it to the Department of Transportation, they would get an opportunity to object to that and if they approve it, there is going to be a cost associated with that crossing because you're going to be assuming that. In addition to that, and my thoughts were, is the liability of that crossing. Once you assume that liability, not only the maintenance and the signals there to warn. If it malfunctions somehow or there is some problem there you're going to take on some...

President Broady stated I don't think we're prepared to do that, we don't have the qualified people to, and the technical stuff to do that.

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Attorney McCall stated and lastly, the fact that it is on a pretty busy highway, with, even though there is a turning lane there, in talking to Mr. Simco there, if there is a signal there and there is traffic backed up, the likely hood that the train is going to pass before traffic fills that turn lane, is, he said there is a chance that is going to happen that would cause another risk. So there is some substantial factors here to be considered. And again I feel like I'm in the middle because he's asked me to present this and prepare it on behalf of the town. However I don't believe it's necessarily a good thing for the town and I may be wrong. But that's based upon what, my discussion with Mr. Simco and basically just looking at what's going to have to happen and what the town is going to assume if they do this petition for a public crossing.

Council Member Fenner stated is there a way we can get him to sign off to assume the cost and liability.

Attorney McCall stated who

Council Member Fenner stated Jesse Ballew.

Attorney McCall stated is Jesse could do it without the town he would have already done it.

Council Member Fenner stated right, can we just act as a front for him, but yet have him assume the cost and liability.

Attorney McCall stated is don't think you could do a waiver with that type of liability.

Council Member Alexander stated I would prefer instead of going into the expense of the railroad crossing that Mr. Ballew come and we become more serious on the talks as far as using the road. Utilizing the road through the sewer plant.

Attorney McCall stated with talking with Mr. Simco if that crossing becomes a public one, the other crossing which the Bingham property is going to be closed. He's going to petition that will be closed and he said he would puch for that, because you can't have that one there. And he did talk about another alternative. But, I guess basically what happened is when Jesse Ballew asked for this in the first place, he understood he was getting a private crossing and I'm just in hopes that something else could happen later that is what basically was done. John I don't want to put you on the spot, but talking to Mr. Simco he said you had this discussion some 6 months ago.

Mr. Toombs stated he did that and I didn't give him any encouragement at all.

Attorney McCall stated I didn't know that it had already been discussed, I mean when I talked to Jesse, I thought it was a new thing and it had just popped up. And had to happen ASAP.

Mr. Toombs stated every time, every 3, 4, 6 months, they call and ask me about it, I always say why don't you all build a road out to Bean Road somehow.

Attorney McCall stated but none the less, and I guess the bottom line is it's preventing, there is another side to it too. It's preventing Mr. Ballew from getting a couple of business in there because they want security that is going to be open and available for public access as opposed to a private crossing. So it's preventing that from happening

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and coming in that are. So there's another side to the whole thing.

Council Member Fenner stated so do we need to take official action and say no that we do not want this.

Attorney McCall stated my suggestion to Mr. Ballew is that he come to the Town Council himself and make his own pitch for this to be a public crossing and see if that, he may have more information than I do. I just don't believe that it is in your best interest to petition the department of transportation now for this public crossing.

Mr. Harshey stated I got a question. When they redo the interchange on highway 60 are they not going to come across that field to 31 and redo the junction there at Bean Road?

Attorney McCall stated that's on down,

Mr. Harshey stated I know where you're talking about.

Mr. Toombs stated I've heard the same thing as you're saying. I think you're both right. I think the railroad when they maintain it does say that you're responsible for that.

President Broady stated let's get Jesse in here.

Attorney McCall it may be that the CSX is opposed to it and I mean I don't know, I'm just telling you what I'm getting from Jesse one thing and these guys another and...

President Broady stated let's get together and he can present it to us.

Attorney McCall stated I'll contact him and see if he wants to get on the next agenda for the...

President Broady stated will you do that.

Attorney McCall stated yeah, uh, in the Mr. Harshey referred to the postage and that type of thing and well we sent that out and I got the invoices coping that again and I want to submit that to Linda, I think Gary had one for, what was yours Gary, 30 some dollars.

Council Member Fenner stated 32.00

Attorney McCall stated Gary has one for 32.00 to budget printing and the one I have for budget printing for that piece of paper he referred to for the amended notice is 285.00 for a total of 232.85 in additional printing cost, so I was going to submit that Linda if I could get a voucher.

Clerk Treasurer Schafer stated 230

Attorney McCall stated 232.85

Clerk Treasurer stated 232.85

Attorney McCall stated yes. Linda you sent me a filing fee for 100.00 on the Nelson Owen complaint, that got resolved, so I'm going to submit that back to you.

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Clerk Treasurer Schafer stated is that a refund?

Attorney McCall stated no, they didn't even cash it.

Clerk Treasurer Schafer stated oh, good.

Attorney McCall stated from the rate council chairman he sent a letter dated January 14, a statement from August 25, 1998 had not yet been paid and he had submitted from August 25, 1998 had not yet been paid and he had submitted that to me again and I'll have Linda check that, it's for August 1998, you can check it.

Clerk Treasurer Schafer stated what was it.

Attorney McCall stated the rate council.

Clerk Treasurer Schafer stated who is that.

Attorney McCall stated Mckerin, Hackman, Hewlett and Cracraft, there's on for August 25, 1998 for...

Clerk Treasurer stated I need to check that.

Attorney McCall stated I know, I'll give it to you. It's for 3766.83 and I'll give this to you and let you take a look at it. Because I don't know, it may be one that came to me and I didn't submit it to you.

Clerk Treasurer Schafer stated every time I get them here, they're paid.

Attorney McCall stated so if it hadn't been paid, we can do it next meeting it not going to be anything that's a rush.

Clerk Treasurer Schafer stated ok.

Attorney McCall stated in addition, in regards to this rate increase and bond issue we just received an invoice from Ice, Miller, Doradio and Ryan dated January 12, 1999, for work they have done to date, which is 2665.34, in regard to this bill, it concerns preparation of bond Ordinance, long distance charges, photograph charges, Courier Delivery Services and consultation for the Water Works, Municipal Waterworks and issuance of bonds. So, there is an additional bill that has been submitted, and that cost 2665.34 and they are requesting payment. I've got a copy, I you guys want to look at it. Also did you read in the paper, the, there has been the Indiana Army Ammunition Plant and that group out there, the INAAP, there has been some talk about perhaps interlocal agreement concerning the, this area. I happened to read in the paper yesterday, today, over the weekend, it appears that they are going to start their legal actions again so this may be a new, but they submitted it to me on the 13th of January for you guys to take a look at it, there's probably no rush on it now since there appears there's going to be legal action but none the less if it comes back around let me know. I doubt if it will. Got a couple more Linda, this for notice of publication in the paper, Jeffersonville Evening News, Jeffersonville, the Evening News for 24.39, I submit that to you and see if I can get a voucher for that and another publication for IURC, 9.38, they sent it to me rather than to you. They usually do send them to me, I guess I got an Ordinance tonight, I know you like to see them before hand but, this is one I kind of put together quickly regarding the area of annexation, doing the assigning

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a voter district, in regard to annex area I, and I got a Ordinance here tonight to make that voter district 4. That would be amending Ordinance Number 98-692 and if you would like to do this, you can do this on a first reading and then pass on the second reading. I don't know what the number would be, but Linda can...

Clerk Treasurer Schafer stated stated 99-710.

President Broady stated 99-710, I'll entertain a motion or consider Ordinance Number 99-710 on a first reading.

Council Member Alexander stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it, 5-0. I'll now consider a motion to adopt Ordinance Number 99-710.

Council Member Alexander stated I'll make that motion.

President Broady stated I got a motion by Ken, do I have a second?

Vice-President Eddings stated second.

President Broady stated second by Doug, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it, 5-0. Sign this one.

Attorney McCall stated yes, give that one to Linda and she'll make me a copy and I'll drop it off to voter registration, it's already in district 4 according to Cecile down at voter registration. She went ahead and put it there for purposes of election.

President Broady stated anything else.

Attorney McCall stated I think that's all right now.

Council Member Fenner stated I'd like to get an accurate figure of how much we have spent on this stuff. I mean, is that something we can ask the Clerk Treasurer to prepare a list of all the expenses relating to this bond issue and the water rate increase and all the attorneys.

Attorney McCall stated year to date.

Council Member Fenner yeah, expenses to date.

Attorney McCall stated sure,

President Broady stated is that a problem Linda.

Clerk Treasurer Schafer stated I'll get it to you as soon as I can.

Council Member Fenner stated could you have it by the next meeting, two weeks from tonight.

ORDINANCE NO. 99- 710

ORDINANCE AMENDING ORDINANCE NO. 98-692
CONCERNING ANNEXATION OF ADJACENT AND CONTIGUOUS
TERRITORIES FOR PURPOSES OF ESTABLISHING HEREWITH A
VOTING DISTRICT IN SAID ANNEXED TERRITORY

WHEREAS, the Town Council for the Town of Sellersburg did on the 27th day of July, 1998, pass Ordinance No. 98-692 concerning annexation of adjacent and contiguous territories; and

WHEREAS, the Town Council for the Town of Sellersburg has in fact annexed contiguous territory described as "Annexed Area I" (A copy of said description is attached hereto and marked as Exhibit A); and

WHEREAS, the Town Council for the Town of Sellersburg inadvertently did not designate a voter district for the annexed territory; and

WHEREAS, the Town Council desires to comply with Indiana Code 36-4-3-3 and designate a voter district for the annexed territory; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein ordinance is necessary for the efficient and effective administration of town government; and

WHEREAS, the Town Council for the Town of Sellersburg did at a public meeting at which the public were invited to attend and participate consider this matter;

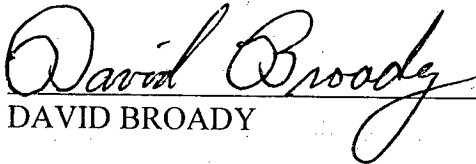
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

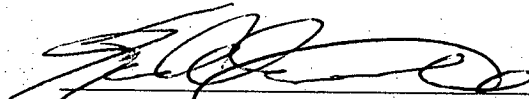
That the Town Council for the Town of Sellersburg now enters a nunc pro tunc

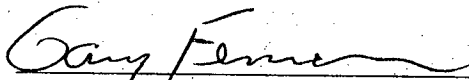
amendment to Ordinance No. 98-692 and designates the area heretofore annexed into the municipal limits of the Town of Sellersburg, known as "Annexed Area I" and as more specifically described in "Exhibit A" attached hereto, shall be and hereby is designated as part of Voter District No. 4.

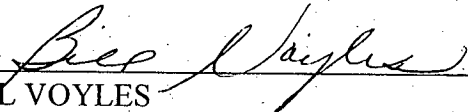
That the Town Council has determined the herein amendment to said annexation ordinance is necessary to protect and safeguard the rights of all individuals in the area of annexation who may vote or seek elective office.

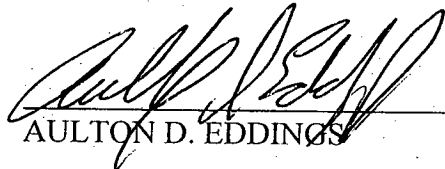
SO ORDAINED THIS 25th DAY OF JANUARY, 1999.


DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS


ATTEST: 
LINDA SCHAFFER
CLERK-TREASURER

EXHIBIT "1"

1998

DESCRIPTION OF SELLERSBURG ANNEX AREA "1"

A part of Survey No. 108 of the Illinois Grant in Clark County, Indiana, bounded as follows:

Beginning at the southeast corner of the first tract described at Deed Drawer 19, Instrument No. 1404, which point is in the southwesterly right-of-way line of new State Road 60 and in the present boundary of the Town of Sellersburg, thence the following courses:

South 69 deg. 25 min. 46 sec. West, 405.23 feet, more or less, with the south line of said tract, and the Clarksville Town line to a point in the southeasterly line of Twin Brook Subdivision, Unit 2, recorded at Plat Book 8, page 77;

South 48 deg. 24 min. 47 sec. West, 497.46 feet, more or less, with said southeasterly line and the Town line of Clarksville;

South 48 deg. 47 min. 58 sec. West, 90.39 feet, more or less, with said southeasterly line and the Town line of Clarksville to the south corner of said Twin Brook Subdivision, Unit 2;

North 41 deg. 12 min. 02 sec. West, 199.99 feet, more or less, with the southwesterly line of said Twin Brook Subdivision, Unit 2, and the Clarksville Town line to a point in the southeast line of a tract described at Deed Drawer 13, Instrument 9321;

South 48 deg. 47 min. 58 sec. West, 533.04 feet, more or less, with the southeast line of said tract and the Clarksville Town line to the south corner of said tract;

North 39 deg. 59 min. 25 sec. West, 731.14 feet, more or less, with the southwest line of said tract and the Clarksville Town line to a point in the southeast line of a tract recorded at Deed Drawer 15, Instrument No. 9623;

South 48 deg. 15 min. 02 sec. West, 2058.93 feet, more or less, with the southeast line of said tract, and others, and the Clarksville Town line to the south corner of a tract recorded at Deed Drawer 18, Instrument No. 7685;

South 48 deg. 45 min. West, 856.3 feet, more or less, with the southeast line of tracts recorded at Deed Drawer 28, Instrument No. 11807 and 11808; Deed Drawer 18, Instrument No. 3119; Deed Record 238, page 362; Deed Record 185, page 351; and Deed Drawer 4, Instrument No. 7231 and the Clarksville Town line to the north corner of a tract recorded at Deed Drawer 14, Instrument No. 4260;

South 40 deg. East, 264 feet, more or less, with the northeast line of said tract and a tract recorded at Deed Drawer 28, Instrument No. 21089 and the Clarksville Town line to the easterly corner of said tract;

South 49 deg. 59 min. 01 sec. West, 745 feet, more or less, with the southeast line of said tract and the Clarksville Town line to the northeasterly right-of-way line of County Line Road;

North 40 deg. West, 1167.5 feet, more or less, with said northeasterly right-of-way line of County Line Road to the southeasterly right-of-way line of Poindexter Road;

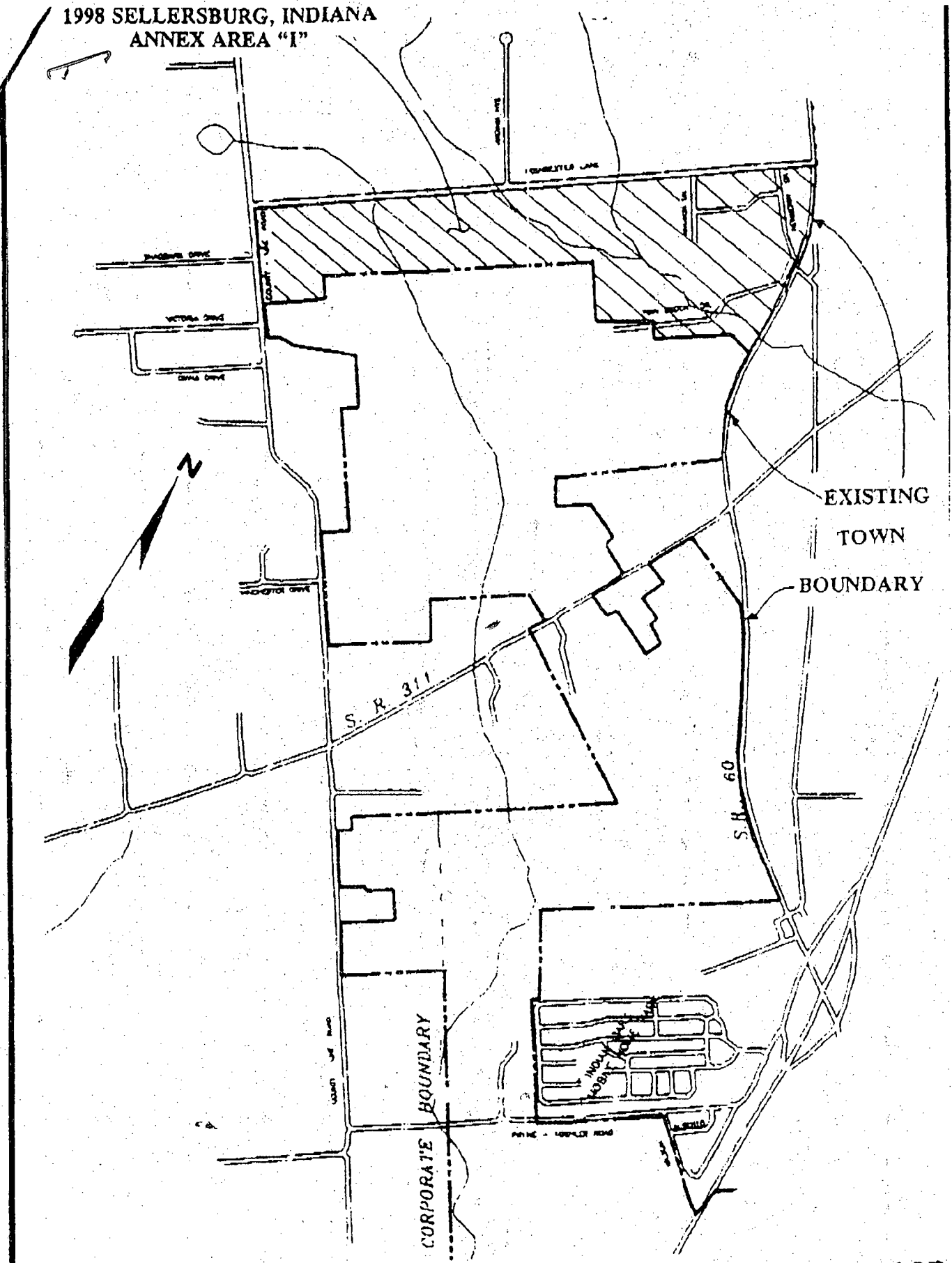
North 48 deg. 45 min. East, 5900 feet, more or less, with said southeasterly right-of-way line of Poindexter Lane, crossing new State Road 60 to its northeasterly right-of-way line, which is the present Town boundary of Sellersburg;

Southeasterly, 1200 feet, more or less, with said northeasterly right-of-way line of new State Road 60 and the Sellersburg Town line to old State Road 60;

Westerly, 205 feet, more or less, crossing new State Road 60 with the Sellersburg Town line to the southwesterly right-of-way line of new State Road 60 which is the Sellersburg Town line;

Southeasterly, 870 feet, more or less, with said right-of-way line and the Sellersburg Town line to the point of beginning, and containing 157.6 acres of land, more or less.

1998 SELLERSBURG, INDIANA
ANNEX AREA "I"



1998 SELLERSBURG, INDIANA ANNEX AREA "I"

8823B

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Clerk Treasurer Schafer stated I'll try.

Council Member Fenner stated Thank You.

Attorney McCall stated I'll give Mrs. Alma, see if she can itemize this out for us.

President Broady stated John.

MR. TOOMBS ADDRESSES THE COUNCIL ON/CLAIMS FOR CONSTRUCTION ON THE SANITARY STORM SEWER.

Mr. Toombs stated these are just claims for construction on the Sanitary Storm Sewer.

President Broady stated is that all you have.

Mr. Toombs stated yes sir.

President Broady stated ok, with the boards approval, I'd like to direct John. John, I'd like to direct you and who ever else can get together and come up with a kind of a track on and a cost estimate, of what it's going to cost to start attacking this water inflowtration problem in the sewers, tell us what we need to do, where we need to start. I'll be glad to talk to you about it this week. But this has got completely out of control, we're going to have to do something and just need to know where we're going to start and how we're going to go about it, what it's going to cost.

Mr. Toombs stated ok.

President Broady stated Ken, on the area of the salt storage, if you're still thinking about that I assume.

Council Member Alexander stated yes.

President Broady stated ok, we'll take care of that at the next meeting. I've had several people contact me concerning the parking on Utica Street, basically from the stop light to down over the hill, it's really causing problems. Some of the suggested we have no parking on Utica Street. I would like the other board members to take time to go through there and see what you think. Can you look at the streets Mark, I know that it is a problem, I hate to pass that as a limit parking but they do have access to the back alley and stuff, if we have to do it to solve it, if everybody would be kind enough to take a look and come up with some suggestions so we could tackle that problem at a later date. Right now we've got claims from L.D. Rice Construction, looks like 4 claims. Ok, they are all from L.D. Rice Construction concerning our storm sewer ongoing projects that we are teying to solve around town and one of them is for 4201.56, one of them is for 9599.58, these are all draws are they not John?

Mr. Toombs stated yes sir.

President Broady stated the two I just read is Sanitary Sewer and two are ongoing storm sewer. One is for 25470.65 and one is of 3600.00. I'll entertain a motion to approve these claims as presented and checked over by John Toombs, our engineer.

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Council Member Voyles stated I'll make that motion.

President Broady stated motion on the floor, do I have a second?

Council Member Alexander stated I'll second.

President Broady stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Broady stated we have a grant, Ken mentioned it just shortly ago from the Indiana Department of Environmental Management, our IDEM Operating Permit Grant for our Town Wastewater Treatment Plant had applied for 1995.

Mr. Coleman stated 94.

President Broady stated 94 and we've finally gotten a rough draft we're looking over and by the year 2002 we may get the real permit. That's all I have. Oh, no I don't, I got a letter from, which everybody did, from IDEM for a meeting tomorrow night, Tuesday at 7 p.m. at the Charlestown High School and it's comments on the Clark County request to form a Regional, County Regional Water and Sewer District. John weren't work on a map to show what we intended to or something with Jeffersonville, are you going to be in attendance at that meeting.

Mr. Toombs stated the map will be there.

President Broady stated a map will be there, ok.

Attorney McCall stated is it at the high school or public library.

Council Member Voyles stated library.

President Broady stated Charlestown High School, in the auditorium at the Charlestown High School. Does one of us need to be there to make comments? Any volunteers.

Mr. Toombs stated I think the comment that somebody made months ago was that you all don't care what they do as long as they leave you some territory.

President Broady stated yeah, we've got to protect our area.

Attorney McCall stated you've got until February 17th to respond in writing doesn't it.

President Broady stated February 17, why don't we get together and, have you presented, I think you have been working, something Perry and you all can get a letter to.

Mr. Toombs stated we just made a map that was long range.

President Broady stated would anybody like to go, I'll be there. What I'll do I don't know, throw a fit or something. I have no problem with the county taking over, form a water and sewer district in the far regions of the county, what we don't want them to do is and what their original plan was, was to come right to the edge of Sellersburg, it was going to privatized as we understand it. And that would just completely hurt us because we need room to expand and pay for our treatment plant. We sitting down here with an

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umpteen million-dollar treatment plant and it would be foolish thing for us to let happen. That's what we're opposing. Ok, Linda I'll turn it over to you.

Clerk Treasurer Schafer stated I'd like to have the claims signed in your hand there please, they've already been approved. These also have been presented and approved and that's the vouchers with them. I'll check on that one to Hackman and McCleraon, if it's already been paid, it doesn't matter if you sign or not, I won't repay that. Let me check back to see if it's been paid.

Attorney McCall stated I may have not submitted it to you.

Clerk Treasurer Schafer stated let me check, I had a 1099 that was quite a bit.

Council Member Fenner stated we need to approve these.

President Broady stated these.

Attorney McCall stated publication.

Clerk Treasurer Schafer stated I took the tax off that printing also, it was 9.00 and something.

President Broady stated on that one right there. Ok, I got 3 items one for rate council, this is a valid one here right.

Clerk Treasurer Schafer stated that one I'll check on.

President Broady stated you want me to approve it for payment, pending on verification.

Clerk Treasurer Schafer stated that's correct.

President Broady stated ok, I'll entertain a motion to approve the rate council payment of 3766.83 with Linda verifying whether it's already been paid, if not, to pay it. I'll entertain a motion to do so.

Council Member Alexander stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Broady stated ok, I've got two other bills, for the Evening News, one is for 223.29 and the other one is 33.77, I'll entertain a motion to pay these bills.

Vice-President Eddings stated I'll make the motion.

President Broady stated got a motion by Doug.

Council Member Fenner stated I'll second.

President Broady stated second by Gary, any discussion? If not all those in favor

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signify by saying I, opposed nay. I's have it. (Vote 5-0)

Clerk Treasurer Schafer stated I'd like to present the bills for this meeting and I'd like to point out that no one is verifying the receipt goods, by signing them, so I'll present them.

President Broady stated everybody's had a chance to look over the bills, and I'll entertain a motion to pay the bills as presented by Linda.

Vice-President Eddings stated I'll make that motion.

President Broady stated got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Broady stated anything else.

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/ANIMAL SHELTER.

Clerk Treasurer Schafer stated yes, I had a call two days ago from Jim Gillenwater, right now he is the acting supervisor of the animal shelter or he's overseeing the animal shelter right now, and he said that the Town of Sellersburg owes their fee for the incinerator of 4900.00 and I told him that I would present it to the Town Council and let them decide what they want to do with it.

Council Member Fenner stated how much was it again.

Clerk Treasurer Schafer stated 4900.00

President Broady stated do we have a contract with them Perry?

Attorney McCall stated we did, I don't know if.

Clerk Treasurer Schafer stated we could never locate a signed copy with them.

Attorney McCall stated it's somewhere.

Council Member Alexander stated we had something with them, but I think it was a gentleman's agreement.

Clerk Treasurer Schafer stated that's exactly right.

President Broady stated and they are, I think once a dog was impounded down there, they charged the people to come, are you going to add something in there Mark?

Mr. Robertson stated yeah, sir, I added the cost there per animal. As you know they charge the owner of the animal 3.00 a day boarding fee, and they charge 3.00 pickup fee, which is my pick up fee. They automatically charge 15.00 for the first offense, 25.00 for the second offense, uh, so they're pretty well paid, I mean as far as, from my understanding when this agreement was reached and maybe negotiated verbally, that's when Clarksville was running our animal control.

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President Broady stated alright so what we need to do is look at this and say if we're going to pay this amount then we want the money their collecting down there or why are they collecting down there and we have to pay too.

Mr. Robertson stated sure. I talked with him, and he gave me the contributions from each town, if you would like to have this. Charlestown I can tell you contributes 500.00 a year and they're about the size of community as us correct?

President Broady stated and they want us for 5 grand.

Council Member Alexander stated we looked at the number of animals that we took down times, it was 3.00 a day after 3 days they either decided to put it up for adoption or the animal is euthanased. So we felt like the expense to the animal shelter was the 3 days because the animal was put up for adoption that they did in deed collect fees from it's new owner. But there's some other cost that needs to go in to and then after seeing some of the other contributions, it's something that I think needs to be discussed, I don't think we're going to be swift on it. But we were wanting to kind of encumber it with our discussion of the Ordinance at the next meeting.

Attorney McCall stated I think that the 5000.00 payment raised it's head last year because they were looking at the fact of doing a new animal shelter, they were trying to raise funds and they were beating the bushes so to speak, it had never really been something I'd seen Mr. Gillenwater go out and try to enforce befor until that particular point. Plus you remember we go into the truck issue, we'll sell you this truck for a discounted price and I'd like to get this exchange. So I think it's probably like you said a lot of room for negotiation.

Council Member Alexander stated we were hoping that when they got into the grant that we could meet with them and actually put something in writing as far as what would be agreeable with the town. They do serve a purpose for the Town of Sellersburg, I mean I mean no disrespect to them. But I do believe that it's a area the...

President Broady stated I think we need to be a lettle bit more prepared though.

Council Member Alexander stated I think at the beginning though they we're actually doing our animal control calls.

President Broady stated anything else?

Attorney McCall stated I got one other thing. Back 3,4, or 5 weeks ago, situation over on Edgewood, with the trailer sitting in the driveway. I made contact, the chief sent them notice and I think they did move that trailer by Monday or Sunday had it done. They called me and I can't even remember the name, is it Vasser, something or another I can't remember, but anyway she called me and very upset, that, and she wanted me to express this. No one came and knocked on her door, no neighbor, no one in the community ever expressed to her in person their being upset with the fact that trailer was there. That if they had, if they would have knocked on the door, told them that it was an eyesore, it was obstructing the traffic, they would have been more than happy to move it. They were in Sellersburg and they thought it was a friendly community and they had no desire to come back in Sellersburg and they were moving. But none the less, I didn't know that and I don't know if the Town Council knew that no one had ever mentioned it to them in person, look get it out, it's a problem and we...

Council Member Voyles stated the trailer itself wasn't the problem, the fact that some-

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one was living in it was the problem.

Attorney McCall stated and they did explain that we were there, we would come in and we would be there two nights and we'd be gone and would be empty the rest of the time. And it wasn't, and I'll tell you the truth, Mr. Allen said it was to him it was an eyesore. And that was his main problem if you remember at the meeting. But none the less, they wanted me to express that, I said in defense of the Town Council they don't have all the facts of how it had been approached, and I thought I'd tell you.

Council Member Alexander stated last thing, February the 4th at Silver Creek High Indot will present a presentation of the Sellersburg interchange. At Sivler Creek High School.

President Broady stated I'll entertain a motion to adjourn.

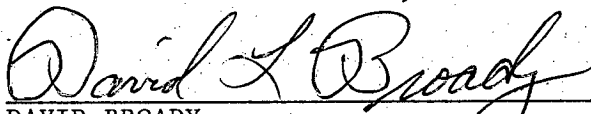
Council Member Voyles I'll make that motion.

President Broady stated got a motion on the floor, do I have a second?

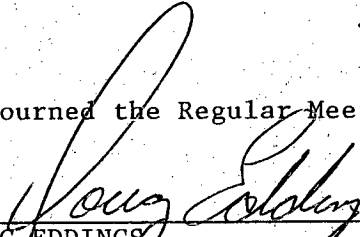
Vice-President Eddings stated I'll second.

President Broady stated second by Doug, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)


With no further business, President Broady adjourned the Regular Meeting at 8:00 p.m.




DAVID BROADY



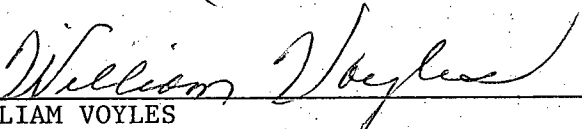
DOUG EDDINGS



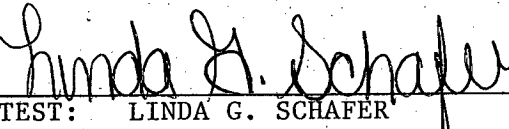
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 1, 1999

Special Meeting/Sunflower Valley

A Special Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. to discuss Sunflower Valley Water Co-op. Those present were David Broady, Council President; Doug Eddings, Council Vice-President; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Broady called the Special Meeting to order at 6:30 p.m.

President Broady stated ok, I'll go ahead and call the meeting to order. This is going to be a real informal meeting. We are here tonight to discuss some ideas for Sunflower Valley Water Co-op. The co-op is trying to dissolve, I believe, or is about to dissolve and trying to work something out with the town, possibility take over the system I believe is one idea. And just thought we would all get together and talk over the situation an uh, and I'd like to introduce Mr. Dan Moore, the County Attorney and Ralph Guthrie the President of the County Commissioners. I just wanted to see what kind of input they might have on the situation. And like I said this is just very informal and we're not here to solve the world's problem tonight. Kind of get it out on the table and what can we do, what route to go and etc. And Charlie, I think you and Tammi have just basically just learned the Co-op and have had it since. You sent us a letter effective January 1st or Dec. 31st that you were going to dissolve it. Is that pretty much it? Don't be afraid to correct me here is there any chance that the Co-op that anyone else would want to take it over or, have you talked to all the members and, I know most of you here have been involved in it? And Dan for your information, the Co-op right now consists of about how many customers?

Mrs. Hieshman stated 32 customers.

President Broady stated pardon.

Mr. Hieshman stated 32 people.

President Broady stated 32 people and to give you some background, it was established back in WWII. Mr. Dreyer and Mr. Lloyd Haas I think and some of the few members at that time put it in for the purpose of servicing their own water services out through there. The contract or agreement with the Town of Sellersburg at the time, was we feed them off a master meter and they took care of their own system and billed their own customers, I think. And then we would send them one bill, which is the way it is today. Still done today uh, it sounds like a simple solution to just go ahead and take over the 32 customers, the problem we've had with the town, a couple of problems, then again, we're just laying out our side. Our concerns are, is the system is quite old obviously since the 1940's and it's had alot of problems. The mains are extremely small and to really have, the town would like to take it over, it would need an up grade and a new 6-inch main or that size run out there to pick up the new customers. The other side of this is I also understand as of right now, is correct me if I'm wrong, the mains we laid at the time, was pretty much on a gentleman's agreement I think, and I don't know, do you have easements for the lines and stuff Charlie? I...

Mr. Hieshman stated yes.

President Broady stated because I know some of them run through your property Carl.

Mrs. Hieshman stated there are a few that we have and there are a few that you know.

President Broady stated that's a rather bad part for the town because obviously we wouldn't have easy access to it. Because some of the lines I know were basically put in from the shortest point A to shortest point B and at the time that was no problem. It would be quite a burden for like Mr. Dreyer or somebody else to come back and put easements in. You know, because it kind of cuts through the field and places you really wouldn't want easements I don't think. So that's pretty much where we stand. Ralph glad to have you. This is Ralph Guthrie everybody, President of the County Commissioners. I've been explaining the situation, Sunflower Valley Co-op has about 32 members now, they are wanting to dissolve the Co-op now and get out from under. Basically they would like for the town just to take it over and I was telling them, the problem with the Town taking them over, there are two things, one the lines are read old, small, which we would have to update them, and the other, the lines are in there with basically no easements or anything like that. So that's basically a quick scenario of what's going on. This meeting was called here tonight to just sit down with the Co-op tonight and to try to work something out. The reason I asked you all to get involved was to see if you had any ideas. What would be the best scenario to help, would be if we could get some sort of grant or federal grant that would run a new 8-inch main to Sellersburg, I think, I don't expect, we don't want to make any money off of the situation we need a new main to run out and you take them over and switch them over to us.

Mr. Guthrie stated I think if we could get some pertinent information, we could certainly try to pursue that. We could make an effort to do that and see what kind of grant money might be available, we would certainly try to assist if we could.

President Broady stated um, hum, Tammi and Charlie Hieshman are the ones who have been running that. Tammi could you tell me if you all have pursued any type of grant or anything, talked to someone at River Hills to get any kind of grant or anything. Is there any conversation down there.

Mrs. Hieshman stated there's not any thing like that, no.

President Broady stated there's not any.

Mr. Moore stated are all the customers inside or outside the town limits.

President Broady stated all out side of town.

Mr. Moore stated do you know what it might cost, or roughly might cost to do that.

President Broady stated not right, well I had Clark go ahead, Clark could you tell me what kind of footage we're talking about? A rough idea.

Mr. Henson stated no, I didn't get a chance to go out there and measure it all off. You know I can, but I didn't.

President Broady stated do you have any idea what kind of footage it would take to get them, so maybe we kind of put a cost estimate to it. We're not talking fortunes here, I don't think.

Mr. Henson stated I'd say he could follow like along the edge of St. Joe Road and follow the property.

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President Broady stated somewhere around 4000 let's say 3000 feet. So I'm talking 3000 feet just, let's say a figure of 8.00 a foot somewhere of that nature, 24 or 30000.00.

Mr. Guthrie stated there may be other monies that may be available. We could check them out and see what they are. We might be able to get something other than grant money.

President Broady stated I'm not trying to tie you guys down, I'm, we're just trying, you know this is all in the county and as far as area of the sewer, we were required by the government to put the sewers in, put our sewers out there so they would be served by the sewer.

Mr. Moore stated we will certainly try to help. If we can get some information roughly on what the cost estimate is. We have a man that works for us and he can help with the grants and he could give us some information on what grants might be available.

President Broady if we could just get somebody that would lead us in the right direction. I think that's where we need to go right now. I've been doing all the talking, do you all, you got any other ideas? Does that sound like a simple solution to you all or?

Mrs. Hieshman stated we don't want to do it anymore.

Mr. Hieshman stated the biggest thing is I like to be with my family and uh, I haven't got the time. I have another job, and I have to rush to go do that. At the end of the day I'm too tired to do anything.

President Broady stated another problem that the town, and I don't know how we're going to resolve it, how much money are we, Tim do you know?

Mr. Crawford stated outstanding? 14,932.13.

President Broady stated 14,000.00, a lot of that money was, when we put the sewer system in, we had to cross a lot of lines and of course we did it and when we hit one, we repaired it etc. I think the lines are bad enough and what happened was a lot of places crossed and several years later possibly by the way, I don't know, they broke a couple of places at least and unfortunately when it corroded, they filled up with rock, it went through the rock and we couldn't find it. So one of the major leaks that we had run up the bill, we finally ended up fixing it after we found it and we hunted for it for 2 months.

Mrs. Hieshman stated 2 years.

Mr. Hieshman stated 2 years.

President Broady stated 2 years, so there again, I don't if the board, we haven't talked about it, I don't know if we expect to recover all of that. We can be somewhat generous on how we deal with that. I know the State Board of Accounts have lifted their eyebrows at us, something's got to be resolved, but that's another problem.

Mr. Guthrie stated if there is money available is the Town of Sellersburg willing to take them over.

President Broady stated yeah, if we can get them up to speed, and take it over, yeah, we have no problem with taking it over Ralph.

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Vice-President Eddings stated yeah, but we still have the easement problem.

President Broady stated yeah, well, we would still have to have easements. But I suggest what we could do is lay the new lines with the town right-of-way with your all's permission we could do the easements.

Mrs. Dreyer stated would that not run down by Dreyer Lane and pick up the homes there.

President Broady stated yeah, what we would probalby in my term of thinking run a new line out from Speed and out from the land and those areas and pick up those bulk of homes and you all and your moms. Probably the easiest way and the cheapest way to serve those would be to go back toward Dreyer Estates or somewhere in there and get to a closer area to us to serve that area. That would be alot more feasible to do. On the house right on th corner, is it served off of there too.

Mr. Hieshman stated yeah.

President Broady stated it's served off of there too.

Mr. Hieshman stated the house on the corner and on down is served off of there.

President Broady stated ok, so we just really have to do some looking, but I think with your all's part we'd be better off going the other way.

Mr. Guthrie stated Dave, does the Town of Sellersburg have any plans or anything, or a discription of anything.

President Broady stated yeah, I'll be glad to do, have our engineer look at it and do that part Ralph, and try to come up with that.

Mr. Guthrie stated ok.

President Broady stated and I think what we need to do then, is probable go ahead an pursue that area, I mean give you all the information on what we think it is going to cost, and if you can help us and guide us in the right area why...

Mr. Moore stated Dave if we could just get a couple of things from you.

President Broady stated yeah.

Mr. Moore stated If we could get a letter from you or the Town Board, wo we have something in our office asking us to look into it. And get a letter from the Co-op giving us access and consent to look at the records and the lines and all that, and get th accurate measurments and that's all we need to get started really. And if there is an easement problem uh, maybe we can get with Perry and he can help us put together something

President Broady stated ok, any help we can get would certainly. Nobody is out to try to make enemies or shut the water off or anything of that nature. Uh, we'll be gald to persue that, I don't want to hold you up all night. I just wanted to talk about it. As far as right now, Clark, Charlie where do we stand as far as, is anyone reading the meters, and how are we billing?

Mrs. Hieshman stated I turn in the readings every two months and the girls that work down here, she doesn't us them.

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President Broady stated ok.

Mrs. Hieshman stated in other words, she estimates. I have people on the line who have been over estimated. My mother is one that I'm thinking of. She is living by herself and less than a 1000 gallons a month. She was charged 7000 this month.

President Broady stated are the reading taken off the master meter, is that where we a getting the water amount?

Mr. Crawford stated the readings that she gets?

President Broady stated no, off the readings that we're billing them for? How are we billing them?

Mr. Crawford stated off the master meter.

President Broady stated I think what we need to do to persue it right now and get Ralph and Dan the information that they requested. At the present time we'll go ahead and take the readings off the master meter and try to bill you as fair as we can be. Uh, if we have break, you know. I don't know what we're going to do, I don't know, thats the only other ou between the few months down the road, what can we do about that?

Mrs. Hieshman stated they are not using them.

President Broady stated yeah,

Mrs. Dreyer stated what we're concerned with is we don't long of time frame is going to be between bills. And our bill for two months is 50.00 this could go on for several months, what is our bill going to be like.

President Broady stated we.

Mrs. Hieshman stated this one is for 11-14.

Mrs. Hieshman stated that was the last reading.

Mrs. Dreyer stated so is anybody going to read the meters in the meantime and try to work with them or what's going to happen now?

President Broady stated ok, good question.

Mr. Hieshman stated I told Clark I would show him where the meter's are.

President Broady stated ok, Dan and Ralph, I don't want to hold you all up.

Mr. Moore stated I just want to give this to Perry.

President Broady stated sure, we're just trying to get this small talk out of the way. I appreciate you all coming out. We'll get back to you with the information as soon as we can.

Mr. Moore stated ok.

President Broady stated Tim, how much of a problem, what does the rest of the board thinks?

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Vice-President Eddings stated the only thing that bothers me is what if we have a major break, who is going to be responsible for the repairs?

President Broady stated the way that it used to work is we would bill them, you all we would get a bill from the Co-op.

Mr. Hieshman stated they would bill for sewer and we would bill for water. Everyone would get two bills, one for sewer and one for water. There is about 6 people out there that does not have sewer.

Mrs. Dreyer stated what kind of time frame are we talking about? Are we talking more than a couple of months?

President Broady stated well, as far as I'm concerned, just as soon, to be quite honest with you we'll be glad to take you over if we can get this resolved about the line out there. And how much time that takes, I don't know. I don't know whether, I would say you know, between early spring or late spring or late summer. I'd be tickled to death to get it done. If I even knew the grant would be accepted, even if we could go that way, we could take a chance and go ahead and take it and be quick and put the system in or something, you know.

Mr. Dreyer stated if we could work together with Carlie and Tammi, and there is a break, Carl could help, Charlie could help, maybe the town would work together. Maybe if we work together, we could get this resolved.

President Broady stated um.

Vice-President Eddings stated I think what we need from the Co-op is some assistance and some help on the meter part of it, the reading part of it. We need, if we're willing to see if we can find money to take the system over and put the lines in and all that kind of stuff, and we're perfectly willing to do that, we're going to need some help from you all too.

President Broady stated could everybody read their own meter?

Mrs. Hieshman stated no, no, you have meters that are stuck in ditches and holes and places you wouldn't want to crawl. And we have elderly people who are not able to get out there and do that.

Mr. Hieshman stated I would go out there and read them but I'm not able to do it.

Mrs. Hieshman stated it's a matter of are you going to use those readings, that's what ticks me off.

President Broady stated yeah.

Mrs. Hieshman stated I'm wasting my time going out there and reading those meters if you're not going to use them.

President Broady stated why is the meter and the master meter not coming out kosher, the same.

Mrs. Hieshman stated that's not it, the people here in the office are not using my readings. She's supposed to be billing a month behind. And she doesn't do it.

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President Broady stated now we're talking about water or sewer?

Mr. Hieshman stated sewer.

Mrs. Hieshman stated sewer.

Resident stated the amount of estimated water we have used. Which stands on what our sewer is based on.

President Broady stated yeah, you sewer bill is based upon the amount of water you use. Tim, lets look into this and see what the hell is going on here. I don't know whats' going on here either.

Mr. Crawford stated it's always been done that way, right..

Clerk Treasure Schafer stated no.

Mrs. Hieshman stated it's been fouled up for the last year and a half to two years now.

Mr. Crawford stated were they accurate before that.

Mrs. Hieshman stated yes, in fact I read them every month and turned them in. And they were always billed a month behind. And they would check the water bill and the sewer bill would match.

President Broady stated ok, I don't have an answer for that, uh, I guess the first thing we need to do.

Mr. Crawford stated did you take your readings and corospond them with the master.

Mr. Hieshman stated no.

Attorney McCall stated did anything in the last year and a half happen that maybe like a line was down, a break in the line.

Mrs. Hieshman stated we didn't have a bad break.

Attorney McCall stated and maybe they started doing it differently.

Vice-President Eddings stated what we're reading the meters, I would say, the readings should corospond with the master meter.

Attorney McCall stated right.

President Broady stated maybe in the accounting they need to make some adjustments.

Clerk Treasurer Schafer stated you're right, absolutely.

Vice-President Eddings stated let us get that back up to par and...

President Broady stated ok yeah, let us get ahold of this problem and find out what we've let us get this solved, obviously we got a problem here that I didn't know existed and why it does exist. We'll get on that. Would you be willing then if that's the case to furnish us readings to get back on order again.

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Mrs. Hieshman stated yeah, fi you're going to use them.

President Broady stated to get people caught back again, because I know what Toni said, we don't want people with six months worth of water, and get a water bill thats way up here.

Mr. Hieshman stated I have on question, if we turn the reading in, well the town bill for the water or...

Mrs. Hieshman stated we have a computer problem too ours is not going to survive much longer.

President Broady stated well, I mean if we get the meter readings turned in, maybe we can get the problem solved.

Mrs. Hieshman stated but I mean, I won't be able to bill them for water.

Mrs. Dreyer stated I have offered to help Tammi with the bills even if I have to use a pencil to figure them. I mean how long could it take.

President Broady stated you could work that out and maybe.

Attorney McCall stated the county commissioners were here, we invited them, and Charlie and Tammi are here, that is no guarantee of nothing. So this could be along drawn out affair. We might not have a soluation for 2 or 3 months. It could even go into next year. I mean, I think you ought to look on long term. If you're committing yourself to something today it may not be as quick as you think it might be. So with that in mind.

Mrs. Hieshman stated we are on a time limit.

Mr. Hieshman stated we want to get out of it, and the biggest thing is I'm tired of getting out there.

Mrs. Hieshman stated he's not physically able to.

Mr. Hieshman stated crawl down in a hole and back out. Carl back there has taken a bucket and lifted me out of holes.

President Broady stated Carl, you have something to say.

Mr. Dreyer stated I was just wondering what the proceedure was for the town to take them over, how have they taken over through the year's.

President Broady stated I don't know, Clark can you answer that.

Mr. Henson stated that was back before my time. I can see what I can find out for you.

Mr. Hieshman stated all they did when they took over Allentown Road, they went underneath Allentown Road.

President Broady stated they did lay some new line. The lines that we took on, I think they were on the county right-of-way. That's another problem we got.

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Mr. Hieshman stated they all had easements.

President Broady stated I think what I would prefer to do is if you could stay in operation, give us a couple of months or three to see if Mr. Guthrie and the county can come up with something, and if that's going to fall apart, then we better sit back down and do something else. At least try to go that route, because it would benefit everybody until we get the grant money. Like Perry pointed out, that might be the case, it might be a 2 or 3 months deal, or it might be a 2 or 3 year deal. I don't know. But we've got to start somewhere. It seems to me this might be a good place to start. And Toni if you can work out the billing and Charlie you can get back on and get us some meter reading and I would focus my area in the office and find out why we're not using the meter readings. And try to get it back in working smoothly here. And go from there.

Mr. Dreyer stated do you still have money to pay for breaks.

Mrs. Hieshman stated very little.

Mrs. Dreyer stated if Tammi doesn't have the time and the computer is not available I would be willing to help.

Mr. Dreyer stated if the Co-op is a thing of the past does the state have any rules about dissolving.

President Broady stated Carl, I don't, Perry do you know.

Attorney McCall stated there seems to have been some interest from the URC, the Utility Regulatory Commission last week, they had a call to make their presence here tonight.

Mrs. Hieshman stated that's because I contacted them.

Attorney McCall stated I understand, but they did not make it here because it was not a situation where the services were going to be cut off. I think there are probably some questions they can answer. I don't know, I don't know how we stand in the first place. I don't know what the charter or the by-laws are.

Resident stated they just told me that the proper thing would be for Sellersburg to take over and if they weren't interested we could offer the same deal to Indiana American Water.

Attorney McCall stated and I expressed...

President Broady stated you're more than welcome to.

Attorney McCall stated it wasn't necessarily a matter of the services, the town did not want to have a debt right off the bat. The plan was to put in new lines and I expressed that. So, none the less.

Mrs. Hieshman stated she said she did not express that there was a need to have the line in place right away. There is no state law that mandates.

President Broady stated it doesn't make any difference about state law Tammi it's what Sellersburg is going to do and that's what we're going to do.

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Attorney McCall stated its like taking on an old system it's like buying a 1940 car that you're going to have to put some work into to get the thing to run. And that was the thing. We are going to have to invest money for something that is already a debt of 14000.00. That didn't make a lot of since to the town finances. So, and I expressed that. But if there is a way to get the line up graded without costing you know, I think would be the proper approach. If Indiana wants...

President Broady stated yeah, if they want you thats fine.

Attorney McCall stated to take you over, then that maybe another course of action to persue. Maybe not to put all your eggs in a basket for Sellersburg.

Mrs. Hieshman stated no, but it is logically for you to take us over since you have sever lines there.

Attorney McCall stated I understand that, I know its logically but sometimes, I'm not saying its not going to happen. I'm saying its not going to happen today.

Mr. Hieshman stated are you looking at a 6-inch line Dave.

President Broady stated I don't know, 8-inch, it would be a minimum of 6.

Mr. Hieshman stated what would you feed it out of.

President Broady stated what are you feeding it out of now.

Mr. Hieshman stated 8-inch.

President Broady stated 8-inch.

Mrs. Dreyer stated can I ask another question as far as the town, how often are you suppose to do a water sample.

President Broady stated as long as we're pulling a water sample you're ok on yours.

Mr. Hieshman stated I take samples every month. We...

President Broady stated you had any problems.

Mr. Hieshman stated we haven't had any problem with it. The water sample, as long as we are down to 25 people we do not have to sample, we would not have to do a lead and cooper sample.

Mr. Dreyer stated is there any way you can raise the rates for this.

President Broady stated your alls rate.

Mr. Dreyer stated yeah.

President Broady stated I think with a vote of the Co-op you could do anything you wanted to do. There again Carl I'm not sure.

Attorney McCall stated just like the town you could do a rate increase, you would have to approach the URC and pay this is our situation..

Mrs. Hieshman stated no, no, we're not in the Regulatory Commission. The rates that we use are the same as yours. I have the same chart, I have since the last rate increase. The only way we could have extra revenue is when we have a maintenance fee applied to everybodys bill. Then when we try to do that we have several complain about having to pay that, they don't understand.

Attorney McCall stated this is not a reflection on you and don't take it personally, it is not something that has just occurred in the 6 months. I mean, I've heard, this has been something that has come across the Town Councils attention on 2 or 3 years. I've been here for 8 years. I think this is the first the Town Council had heard about you wanting them to take you over. So this is not novel today, or something that just occurred recently. I just think that the town just needs to look at it closely and approach it slowly and research it and see what resources are available. They're going to have to answer to the taxpayers out there. And thats a good general question. If you can find other resources you may have to have them.

President Broady stated yeah, I mean, we are going to have to get other resources that just seems like the logical thing to do.

Mr. Hieshman stated Clark has mentioned several times that a couple of pieces of the line need to be replaced. Is there a problem with getting them on the sewer.

President Broady stated well the way I think way we're going to leave it is the way I understand it, we're going to make contact with Mr. Guthrie and Mr. Dan Moore, and we'll put some engineering services into it get some cost estimate and see what it will take to up grade the line and put it on a county easement, we'll do that. We're going to that, we're going to work out our billing problem and find out why we're not accurate on the billing. And then you're going to start reading meters again for us and Toni can help maybe do some billing. Anybody got anything else.

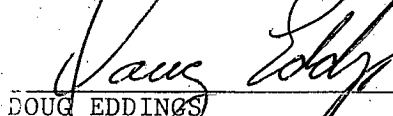
Mrs. Dreyer stated when will we know whats going on.

President Broady stated we will notify you by mail and keep you abreast of whats going on. Like I say, hopefully, in two or three months we'll know whats going in that direction and whats going in that direction. We had to start somewhere and this seemed like the place to start. Any thing else? If not I'll close the meeting at 7:15.

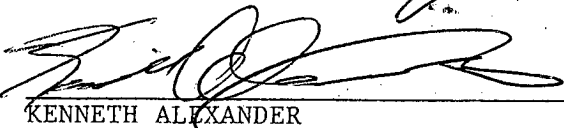
With no further business, President Broady adjourned the Special Meeting at 7:15 p.m.



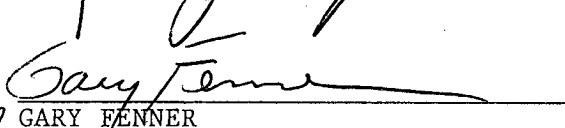
DAVID BROADY



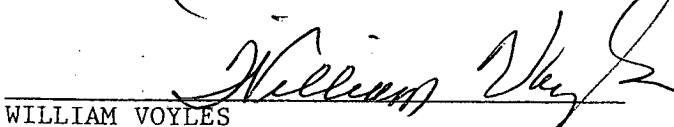
DOUG EDDINGS



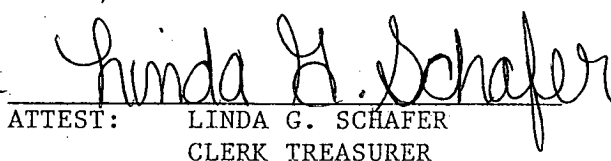
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 8, 1999

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

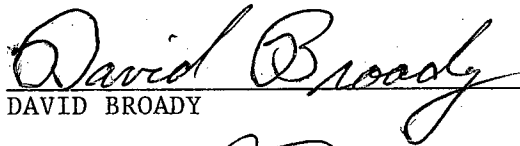
President Broady called the Executive Session to order at 6:35 p.m.

Topics Of Discussion

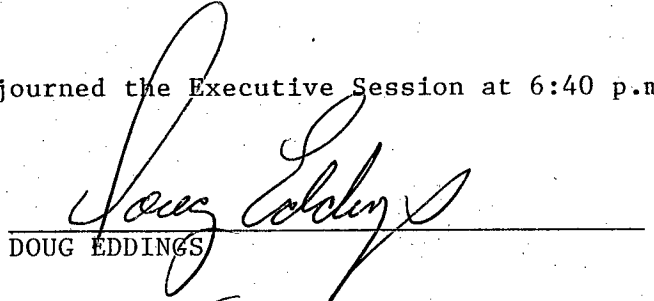
Animal Control Ordinance
Larry Gilbert/Tax Abatement on Equipment
Interlocal agreement with Army Ammunition
Chad Nunn
Animal Control Gun
Agenda

Adjournment

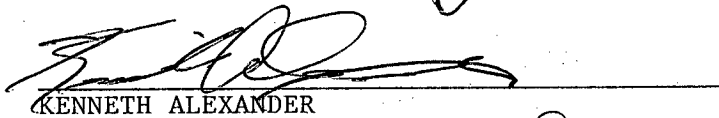
With no further business, President Broady adjourned the Executive Session at 6:40 p.m.



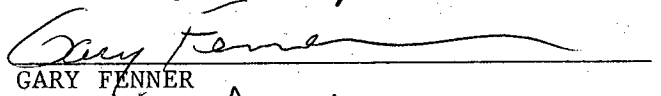
DAVID BROADY



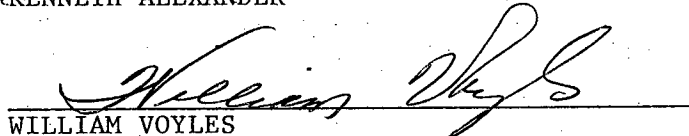
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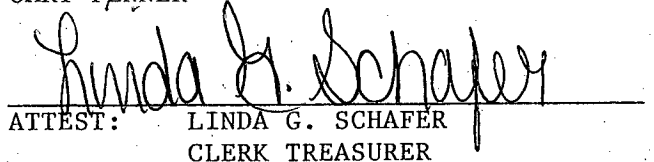
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 8, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Broady called the Regular Meeting to order at 6:40 p.m.

Prayer

No prayer was offered up for this meeting.

Pledge

The Pledge of Allegiance to the flage was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL ON/MINUTES.

President Broady stated we have the minutes of January 25th in our box and I'll entertain a motion to accept the minutes as presented.

Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Broady stated I'm going to wait on the February 1st meeting until next week, I just got it, in my mailbox tonight and I haven't had a chance to look at it. So we'll wait until the next meeting then. Ok, on our petitions tonight, Angie Hamilton you here.

ANGIE HAMILTON ADDRESSES THE COUNCIL ON/STOP SIGNS INSTALLED AT DOLD/POPP AVE. IN ORDER TO HAVE A 4-WAY STOP.

Ms. Hamilton stated I would just like to Thank You for letting me speak here tonight. I live on Popp Avenue and I live on the corner of Popp and Dold and I would like to see about a stop sign being put on Popp, making it a 4-way stop to discourage some of the traffic from speeding on that street. They speed excessively and I would like to see a stop sign put there for the safety of the kids. There are a lot of children that play in that area and there has been wrecks at that section of the street.

President Broady stated ok, uh, Chief can you look into this and find out, maybe we got a problem, and let us know by the next meeting, if you recommend a four way stop there because of excessive speed or if we need to do something else.

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ANGIE HAMILTON ADDRESSES THE COUNCIL ON/STOP SIGNS.

Chief Kinder stated yes.

President Broady stated I hate to put a stop sign if we don't need a stop sign.

Ms. Hamilton stated there are a lot of kids that play in that area and I'm afraid that one of them is going to get hit. If we had a stop sign there maybe that would slow some people down because they go 60 on that street.

Attorney McCall stated do you live on the corner.

Ms. Hamilton stated yes.

Attorney McCall stated where Jimmy Meagher used to live right there?

Ms. Hamilton stated I live in the gray house.

Attorney McCall stated ok.

Council Member Fenner stated have you talked to the other neighbors about what they think about this.

Ms. Hamilton stated yes, I've only talked to a couple of them.

Council Member Fenner stated and do they agree with you.

Ms. Hamilton stated yes, would a petition help.

Council Member Fenner stated that would help.

President Broady stated yes, if you could do that in the meantime and the Chief can check on it. Ok

Ms. Hamilton stated ok.

President Broady stated Mr. Melson.

ATTORNEY MCCALL/MR. MELSON ADDRESSES THE COUNCIL ON/FERN ST. TO SEE IF IT HAS BEEN VACATED AND WHO IS RESPONSIBLE FOR THE CLEAN-UP.

Attorney McCall stated I got it, I'm looking into it. I've got to see when it was vacated and if it was vacated.

President Broady stated did you let Mark.

Attorney McCall stated Mark called me about it, I got it and I have gone back and if it hadn't been vacated then we can vacate it again.

President Broady stated ok, do you know when it might have been vacated?

Mr. Warren stated I believe it was in the mid 80's.

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President Broady stated I don't remember.

Mr. Warren stated we don't even maintain it, there is a water line back there. I think the town had an easement there as far as the water line.

President Broady stated that's further back than I remember. Do you want to check.

Attorney McCall stated yeah.

President Broady stated Ok, Mr. Ballew, Jesse Ballew.

STAN RICHARDS/JESSE BALLEW ADDRESSES THE COUNCIL ON/ENTRANCE TO HIS PROPERTY ON 31.

Mr. Richards stated I'm Stan Richards, about two months ago, we approached the board about the situation we have with the Railroad Crossing in Sellersburg Industrial Park and the fact that Mr. Ballew may be an individual and not a municipality that the railroad cannot issue a permanent crossing, it was a temporary. There was no intent to ever take that away, but they cannot introduce a permanent crossing. And with that there has been several business that have considered locating in the Industrial Park, but when it comes to acquiring a title insurance, the companies do not want to issue title insurance without there being a permanent right-of-way there. So at this point and time, we've had discussion with John Celclour of the railroad and John is, has no problem with that being done. However, it would have to be the town and they would have the town, and the town would have to petition for that permanent right-of-way.

President Broady stated ok.

Attorney McCall stated in addition to a closure of it.

Mr. Richards stated pardon.

Attorney McCall stated condition of closing that, that they would be in favor of closing the Bingham property.

Mr. Richards stated this would be in consideration of taking in the Bingham property also.

Attorney McCall stated when I talked to Jesse Ballew, and called me and I have talked to John toombs about this again and John, I think when I first approached you all, I think there was some question about liability, John had said we had gotten several questions about the liability aspect, and also the crossing, he said he would inspect the crossing and it was a very good crossing, that it was well maintained. The only concern that I have is who would be responsible at that point. And you know, I have, and I told Jesse, I'm kind of in the middle, you know, that the town needs to petition, I know it's going to be a benefit to that area out there and business would pick up and it wouldn't be land locked because of it being a private crossing.

President Broady stated from what I understand there would be no more liability on that crossing than there would be on any other crossing in the town. Then the other thing that I understand now is as far as the gates and all that other stuff, that is maintained by the railroad. If we have a problem we call the railroad.

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Attorney McCall stated what the petition says, what happens is the railroad does concern that, according to John and you know I don't of any municipality that pays for any type of repairs on the crossing. And I think the reason for that is the railroad doesn't want anyone repairing something and then the railroad being responsible.

Council Member Fenner stated can we make sure that they don't have some kind of new rules that the town.

Attorney McCall stated I got a call in to Indiana Department of Transportation and I'm waiting on them to call me back. I called them Friday and I haven't heard from them yet.

Council Member Fenner stated what about maintaining the road part of the property do we assume liability for that.

Attorney McCall stated you would be responsible for the pavement section. But, from my understanding, the problem is at some point the town is going to take over that area anyway.

President Broady stated when a crossing is redone the railroad does it.

Attorney McCall stated I think what actually is and what really actually happens is two different things. In talking to Clarksville they are still doing there own.

Council Member Fenner stated I guess they are still doing that.

Attorney McCall stated right.

Council Member Fenner stated they haven't decided to change their mind.

Attorney McCall stated I've got a call in, and Monday if that all pans out, I'll file the petition.

President Broady stated I guess at this point I'll entertain a motion to approve it contingent provided that they still maintain the crossing itself. So I'll entertain the motion then.

Council Member Alexander stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second.

Council Member Fenner stated I'll second.

President Broady stated second by Gary, does everybody understand the motion.

Council Member Alexander stated yeah, could you read that back to me.

President Broady stated I have a motion to accept the crossing in the...

Attorney McCall stated file a petition.

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President Broady stated file a petition contingent to what we find out. We have a motion and duly seconded any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Ok Mrs. Pixley, Mrs. Diefenbach, you got anything at this time.

Mrs. Diefenbach stated I still have water running across my lot. I brought it up two years ago. I talked to Perry about it and it still runs through. There is a huge pipe that runs to the street. But it comes so fast and floods my lot. I would appreciate it if you would take a look.

Council Member Voyles stated Mr. Toombs comes down to my house, he leaves your house and comes to my house, and it does go across the road, you're right and we talked about it, we're checking on it. I think that area is in the flood zone and we're kind of stuck with it. It comes through my yard too. We will get it solved, I think when they built those three homes over there, we thought that water was going to go into the lagoon ponds, but it doesn't it goes into the woods. The DNR man said that we couldn't make a ditch to the woods because the water would go through fast, and then back up.

President Broady stated we are working on it. Ok, being there are no other petitions, Chief Kinder.

Chief Kinder stated no sir, nothing at this time.

President Broady stated ok, Mark Warren.

Mr. Warren stated nothing.

President Broady stated EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Crawford stated I've kind of changed the format on you a little but, I took the opportunity to place in your mail boxes what I'm going to present before the meeting. I will take one thing, Mr. Broady advised me that it would be nice to try and get what I can of it the Friday before the meeting, that way it will give you a little more time before the meeting to review it. So, the first thing that I got before you is the Water and Sewer Revenue for the period of January 26th through February the 8th the total revenue being 60,362.08. The next couple of items, or concerns were Capital Expenditures, the first one being a couple of pumps that had to be repaired, or that are being repaired. I should say one being for the Bean Road Lift Station and one being for the Covered Bridge Lift Station.

President Broady stated this is in the process, this is not a bill for tonight.

Mr. Crawford stated yes.

President Broady stated this is just information from you guys on what is going on.

Mr. Crawford stated yes, those pumps should be repaired by next week. As a matter of fact one of those pumps already is back in service. The next item that I have is, I believe you talked about it in the past, its concerning an 8-inch water main extension across Enterprize Way out by the Comfort Inn project.

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In talking with John Toombs, and Kendall Coleman, they speculate that with the amount of growth that is going to be going on across the road in the future, to go ahead and extend this 8-inch main across the road. Actually what I've done there, I've gave you three quotes to choose from. I guess that you approve the lower one but whether you do that tonight or not is up to you.

President Broady stated do you want to take that under advisement? How long are the bids good for.

Mr. Crawford stated most of them are good for 30 days. That won't be a problem.

President Broady stated ok, we'll table until the next meeting when John's here.

Mr. Crawford stated I got a couple of invoices, this goes to Mrs. Schafer, the first one being for the uh, February Water Department, Meter Deposits, NSF's and monthly Sales Tax. The total of that being 2915.98. The last item that I have is an item that I know has been talked about in the past, kind of an inherited on my part, the quarterly cooperate income tax for the last six quarters. To my understanding through miscommunication, misunderstanding, interpersonal miscommunication we got behind so we have got that caught up to date and any penalties or fines stemming from this will be absorbed by EMC.

President Broady stated this is the quarterly tax that we know we pay and you all mess up on and didn't pay and what we're going to pay anyway, and you all are going to pay any fines and penalties.

Council Member Fenner stated you mean the 3rd and 4th quarter of 1998 instead of 1988.

Mr. Crawford stated yeah, we are behind, yes, that is a typo I apologize.

Council Member Fenner stated just want to make sure.

President Broady stated I'll entertain a motion to pay 2915.98 for Nonsufficient Checks, Meter Deposit Refunds, Monthly Income Tax and for Quarterly Taxes for 13931.22.

Vice-President Eddings stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Mr. Crawford stated thats all I have unless you have any questions.

President Broady stated Thanks.

President Broady stated Building Commissioner is he here tonight, no. Animal Control Officer. We're working on a new animal control Ordinance and we'll bring it up at a later date. Ok, Doug.

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Vice-President Eddings stated nothing.

President Broady stated Bill.

Council Member Voyles stated nothing.

President Broady stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/LEAK AT THE SWIMMING POOL/
STORM DRAINS.

Council Member Fenner stated two things, one is we found the leak at the swimming pool, hopefully it will be fixed in two weeks. It won't be as major of project as we first thought. So we're progressing on that. I got a call from a resident over on Forrest Drive and Indiana Gas had been out and done some work out there and in one of the yards they had come across one of our storm drains and apparently the drain was not in good condition because in decentgrated and when they moved the dirt, it did dicentgrate. The contractor working for Indiana Gas called the gas people, said this is what has happened and Indiana Gas told them to fill if back in and let it go. And then later on then when we had alot of rain it caved in completely and then one end of our storm drain was exposed and was completely caved in. So I went out and looked at it and I called, I went down and talked to the contractor and he gave me the name of someone at Indaina GAs to call, they took someone out to look at it, they hem haughed around and finally said let's see if we can find a good piece of pipe and they dug about 3 more feet and found a good piece of pipe at one end and they finally agreed to fix it, to replace that section. And I told them thats great and thats what I wanted you to do but my concern is they would take one of our storm drains and collapse it and then purposely cover the thing up and let it go. I mean, you worry about water out there now, I mean if we had a bad storm and our storm drain clogged up, we're really in trouble. So I expressed my concern to the people at the job site, but I don't know whether we want to persue that a little bit further or not. But...

President Broady stated do you want to fire a letter off to them.

Council Member Fenner stated once I got there, they said how do we know how much further this thing is bad and I know its bad right there and it was carrying water until you dug it up. And of course they didn't want to admit that. But, so, while I was standing there they dug 3 or 4 more feet and found some pipe and said oh we can fix that. But like I said, it was just the fact that they would do that and cover it up knowing...

President Broady stated I think a letter should be fired off. Do you want to do that? Do you have the name and address?

Council Member Fenner stated I have the name, I can find the address, Perry.

Attorney McCall stated you want to give it to me and I'll send it. Do you have it with you?

Council Member Fenner stated I have it on my desk.

- Attorney McCall stated ok, I'll call you tomorrow.

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Council Member Fenner stated ok, other than the thing I left in all your mailboxes I need your input quickly other than that, I'm done.

President Broady stated ok, Perry you got anything?

Attorney McCall stated no.

President Broady stated note do you have anything other than the invoices. I got 3 invoices form Jacobi, Toombs and Lanz one is 450.00 on the water rate increase, one of them is for 1767.50, for Sellersburg Storm Sewer Project that occurred in 1998, and the other one is for 1998 Sanitary Sewer Project for 720.00. I'll entertain a motion to approve the calims from Jacobi, Toombs and Lanz for 2800.00.

Council Member Voyles stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated second by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

President Broady stated ok, I have two claims from L.D. Rice Company, John's out of town and these were handed to Nate today. They need to go out and see, go out and verify that everything has been done. Although I do realize that the contractor does need his money, I would like for the board to consider approving it on the condition that Nate go out there and check.

Clerk Treasurer Schafer stated you can tentavity approve it and say that the majority will sign and you can take it from there.

President Broady stated we don't have to wait for two weeks for...

Clerk Treasurer Schafer stated no, you don't have to sign it, go on and approve it, thats ok.

President Broady stated I entertain a motion to approve the claims form L.D. Rice, this is on Shirley Ave, adn Beechwood Drive, for 28618.92 adn 945.00 and I entertain a motion to approve these claims as long as their verified by the engineer.

Vice-President Eddings stated I make a motion that we approve...

President Broady stated I ahve a motion in the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all in favor signify by saying I, opposed nay, I's have it. (Vote 4-0) Ok, Nate I'm going to give you back these and you can approve these and give them back to Linda.

Mr. Grimes stated I'll do it tomorrow.

President Broady stated do you need copies of these.

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Clerk Treasurer Schafer stated no if he brings those back, bring those back with a voucher that's all I need.

President Broady stated will you verify them and bring them back. Ok, that's all I have. Linda

CLERK TREASURER LINDA SCHAFER ADDRESSES THE COUNCIL ON/CLAIMS/UNDERGROUND STORAGE TANK/BILLS.

Clerk Treasurer Schafer stated you want to go ahead and do this one for me.

President Broady stated this is the agreement for Chad Nunn, we haven't got him any water out there yet and this is his yearly allowance and I'll entertain a motion to pay Chad Nunn in the amount of 1000.00.

Council Member Voyles stated I'll make that motion.

President Broady stated motion by Bill, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

Clerk Treasurer Schafer stated you want to present these two claims and I did check MVH Street and Snow Equipment per our discussion. There's not enough money in that account as I said the Police Department used that tank and the Street and Sanitation uses that tank also. Since it was a state mandate that we had no choice in the and had no advance notice on, what I would recommend to the council is that they transfer some of the towns managers portion into the Miscellaneous Services within the Town Councils account to the uh, is that 13000.00 on the Civil. The sewer will be no problem at all, but because we're working with appropriations restrictions that's what I'd recommend the Town Council to do.

President Broady stated how about we go ahead and approve and I'll meet with you sometime this week and we'll go over this and we'll get Ken to go over this with us.

Clerk Treasurer Schafer stated ok that would be fine.

President Broady stated I'm like you, that would be a good place.

Clerk Treasurer Schafer stated you can always, if you decide to hire a town manager you can split fifty-fifty, you can budget in the next year.

President Broady stated ok, these are two claims, the one on the sewer claim and the other one is on a civil claim. The sewer claim is 12904.67 the one on civil is 13992.73, and this is all to do with the diesel storage tank.

Clerk Treasurer Schafer stated underground storage tank to be in compliance with the state because we couldn't budget for anything like that.

President Broady stated ok, I'll entertain a motion to approve these two claims.

Vice-President Eddings stated I'll make that motion.

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President Broady stated I have a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I opposed nay. I's have it. (Vote 4-0)

Clerk Treasurer Schafer stated I have a claim that the council tabled at the last meeting, does the council want to approve it, Ice, Miller and Ryan.

Attorney McCall stated I haven't got any response out of them.

Clerk Treasurer Schafer stated ok, so hold this one ok, I'd like to present the claims, the bills.

President Broady stated ok, we had the bills in our boxes and had a chance to review them I'll entertain a motion to accept the bills as presented.

Council Member Voyles stated I'll make that motion.

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded.

Council Member Fenner stated I have a question Linda, we go under Park for BFI. 76.00.

Clerk Treasurer Schafer stated yes that is for the park at the little league, you're asking the wrong person, because Kenny...

Council Member Fenner stated ok I remember something about that now.

President Broady stated any other questions?

Council Member Fenner stated it's one of those trade off.

President Broady stated I have a motion on the floor and seconded all those in favor signify by saying I, opposed no, nay, I's have it. So moved. (Vote 4-0) I'll entertain a motion to adjourn.

Council Member Voyles stated I'll make that motion.

President Broady stated motion by Bill, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

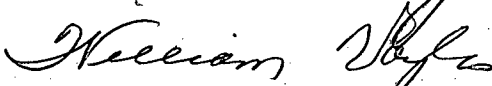
With no further business this meeting was adjourned by President Broady at 7:17 p.m.



DAVID BROADY



DOUG EDDINGS




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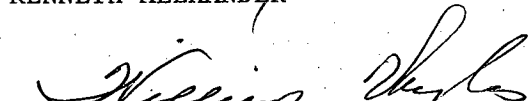
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KENNETH ALEXANDER


GARY FENNER


WILLIAM VOYLES

ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

FEBRUARY 15, 1999

IURC MEETING

A IURC Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. to consider an Ordinance to withdraw the Water Utility from the jurisdiction of the Indiana Utility Regulatory Commission. Those present were: Dave Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Broady called the IURC Meeting to order at 6:30 p.m.

Prayer

No prayer was offered up at this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Broady stated tonight's agenda, in order to keep things moving, first of all Mr. Fenner is going to give a presentation of our plans to withdraw, and how we came about the decision to look at it. After Mr. Fenner's presentation, I'll go with the list of people who would like to talk at that time. Then after that I'll open it up for questions and we'll try to answer any questions you have or any other comments. At this time I'll turn it over to Mr. Fenner.

Council Member Fenner stated we are glad that you are here tonight. It's nice, I mean, I wish every Monday night that we have meeting the room was this full that was interested in the town and you know we're glad that you came to show interest in this issue. We want to tell you what is going on, we want to explain to you. We want you to have all the information that we have. I'm going to talk along time, but if there's more that you want to hear, then you can see me at anytime and I'll be glad to go over with you at that time. Some of you are here tonight because you are interested and you really want to know what is going on and you have an open mind and we especially want you to hear what we have to say. We want your feedback and we want your questions. But I know that there are some of you here that already have your mind made up. And there is nothing I can say to change that, and I'm sorry for that, but you will have a chance to say your peace too. We ask that you do it in order and that you do it respectfully and I think that we'll have a good meeting, regardless whether we agree with one another or not. Let me start telling you a story that I heard a few weeks ago, about a farmer that was out taking care of his cattle, a truckload of politicians came by and the bus crashed right on the edge of the property. The farmer goes out and looks and he gets the tractor and digs a big hole and he buries all the politicians. The next day the sheriff comes out and says what happened to all those politicians? The farmer said the bus crashed and I buried them. The farmer said you mean they all died, I mean the sheriff said they all died, the farmer said that they said some of them didn't but you know how politicians lie. I don't like politicians, I don't like politics, and I don't like government. The problem is that I found that I am government and I am in politics. I prefer to see it as serving my town, because I don't like politics. There are some politics that take place in town, and our Town Council, the four guys sitting up there and we have had some disagreements and we don't always agree on things. I've been on the losing end of some things and but let me assure you

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tonight, and I mean this from the bottom of my heart, with every ounce of integrity that is within me that this is not a political issue. This is not a politically motivated in no way shape or form. This is five guys that think, we think that this is the best thing for the Town of Sellersburg and that's all there is to it, there is no gain for anybody by us doing this, except for what we consider to be for the people that we serve. So, we're convinced that we wanted to withdraw from the Indiana Utility Regularity Commission because it's the right thing to do. Let me give you some history on it, the IURC was originally a state agency that was founded in the late 1800's, and it was originally intended to regulate just the railroad, nothing else, just the railroads. Then in 1913, they had a different, name, I don't remember what the name is, but in 1913 then they expanded their responsibilities to include gas, water, electric and transportation. And then some time later the transportation part was taken away from it and it was formed into a new agency and new department. And so then it just finally just ended up the IURC was just to regulate the utilities. In 1933 the state made it possible for municipally owned, for non-profit utilities to withdraw from the IURC. And you need to understand the difference, municipally owned and for profit. Municipally owned means that it's not-profit, it's owned by the town, it's owned by the city, it's owned by somebody that's providing a service, their not there to make money. You have on the other side people that are in it for a profit and we're going to talk about some of those in just a minute so you can see the difference. We are municipally owned, we're not-profit, we're not trying to make money, we're trying to provide a service to our community, and to our residents the cheapest way and most effective way we can. So, since 1933 the municipalities have been able to opt out of the IURC but very few did. Until 1980 when the state in their great wisdom made it very, very difficult for any utility, whether it was profit or not-profit, they made it very difficult for any utility to receive a rate increase. They made the process very difficult, very lengthy and very expensive and soon after that they heard from the town's and from the cities saying look we can't do this. And so in 1988 the General Assembly made it very easy for towns and cities, municipally owned not-profit utilities to withdraw from the IURC simply by passing an ordinance. That's all it took. And the reason they did that is because they recognize there is a difference between municipally owned non-profit organizations and for profit corporations. And they wanted to allow for that difference. Does that make sense? Since 1988, since they passed that legislation there has been a stampede of water utilities, municipally owned non-profit and other utilities that have gotten out of the IURC. In fact, it helps if you plug it in. Linda I need a plug, there's one down here, but both of these are plugged in. As I said since 1988 there has been a stampede of municipally owned non-profit water utilities that have withdrawn from the IURC, in fact this is what that looks like. There are 386 water utilities in the State of Indiana that fit in that category, 290 have already done what we're talking about doing. That's over 75%, we're not plowing new ground, we're not taking big risks, we're not doing anything that most everyone else that has a little bit more bite, that has a little bit more knowledge is doing. We know that a couple of years ago in 1997, Clark County REMC, a non-profit electric company in our town, they did the very same thing. And they published in their newsletter an article about, they took a vote in their membership on this. And I'm not going to take time to read it all but, you notice the boxes I've highlighted in red. The business reasons to leave State Regulation are to reduce cost, increase operating flexibility, the routine rate changes can easily cost the REMC 60,000.00 for increases or decreases. This estimate also ignores the cost of maintaining records by the REMC staff. The current system is inflexible to the point that a rate filing submitted in January is unlikely to be acted upon before year end. And then down there at the bottom where I highlighted another area it says approval by the members to remove the REMC from the jurisdiction from the IURC would help us in reducing expenses and strengthening the members local control. At the time legislation was passed, it not only opened the opportunity for the members, it also

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Vice-President Broady stated I make a motion that Bill, that we appoint Bill to that Commission.

President Eddings stated motion made by Dave that we appoint Bill to that Commission, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any discussion? If not all of those in favor signify by saying I, opposed nay, congratulations.

Clerk Treasurer Schafer stated the Town Council needs to sign that certificate. I can type in Bill's name.

President Eddings stated ok, is Dorthea Barton here? Dorthea Barton?

Clerk Treasurer Schafer stated I don't see her.

President Eddings stated ok, Carl and Fred.

Mr. Everitt stated I am here to represent the Korean Veterans and we would like to get premission to put a monument where the other two are in the square.

Clerk Treasurer Schafer stated it is in Wilkerson Park. There is currently two there.

President Eddings stated two monument in the Park. Ok I'll entertain a motion for a Korean War monument along with the other two monuments in Wilkerson Park.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second that.

President Eddings stated seconded by Bill, any discussion?

Vice-President Broady stated yea, I think that, you all will be funding this entirely and we are going to get a diagram of what, I don't think that you have got it even close enough to know what you are going to put up there yet, have you? You have got your...

Mr. Everitt stated we are suppose to meet in the morning.

Resident stated it is pretty much what they have over there now Dave.

Vice-President Broady stated I think that is a good idea and we will be glad to work with you.

Council Member Fenner stated so it will be similar size and style of what we already have?

Mr. Everitt stated right.

President Eddings stated is there any other discussion?

Council Member Fenner stated we haven't voted yet have we?

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installed a safeguard that allows the members to return the REMC to the jurisdiction of the IURC if the local control does not meet its members standards. Over 75% of other water utilities have done this. This is not a difficult issue, it shouldn't be a controversial issue. But there are some people that have made it that way. And that's why it's become such a big deal and that's why we've had to spend so much time and effort and that's why you're here tonight. We're telling you we're just doing business for the town and we're trying to do it the best way that we can. You know the state has recognized that the local governments do not need the IURC. The local residents that are served by municipally owned utilities do not need the IURC. The IURC is mostly intended to protect the customer from profit oriented companies, for profit oriented companies. In 1996 privately owned water utility companies had rates that were approximately 66% more than municipally owned. I got that information from the IURC handbook, 1996, page 39. Sixty-six percent more, with the rates of the for-profit companies than the non-profit companies. Let me show you an example of that. I said there are some for-profit companies. Let me show you an example of that. I said there are some for-profit companies around, you remember seeing this headline in the paper, maybe a month ago, 52% water rate increase proposed. Indiana American Water Company requested a 52% rate increase. The Indiana American is a for-profit, privately owned corporation. They serve Jeffersonville, Clarksville, New Albany and on top of that they sell water wholesale to other communities, Floyd Knobs, Georgetown and Greenville. They have asked for a 52% rate increase. Let me show you what that looks like compared to us. Their current rate right now is 14.99 for the first 5000 gallons to residential customers. Their proposed rate it going to be 22.76 for the first 5000 gallons. Our rate right now and what we intend on keeping is 13.25 for the first 5000 gallons. If they get their rate increase they will be charging their customers more than 72% than what you're paying for your water here. Let me ask you, where would you rather be? Which company would you rather live under? I mean, from our point of view, it looks like to me, we're doing a pretty good job for our residents. So, let's talk about the IURC for a few minutes and the process that's involved. In 1983 the State made it very, very difficult for people to go and get a rate increase. And they did that so that it would protect the customers from profit orientated companies. And at the same time, they said ok, you guys that are non-profit and owned by the town, you can get out of here because, we don't need you to exercise that control over you. But because you are still in the IURC and because of a couple of years ago, and I'll talk about that in a couple of minutes, a couple of years ago we thought that we needed a rate increase. And so we were in the IURC, we thought about getting out of it, if you remember some of the residents decided it wasn't a good idea and they circulated a petition and we backed down and didn't fight and we said ok we'll stay in. We went ahead and went through the process and we filed for a rate increase. We asked for 21.71% rate increase. All right and part of that was operating and part of that was for Capital Improvements. All right, and I'll discuss Capital Improvements is just a moment. But what I want to emphasize right now is the process by which you have to go through. It's so very difficult and tedious, I mean, let's face it, it's government right. So what's it going to look like? It's going to be as complicated as they can make it and it's going to be full of red tape and you're not going to be able to do it yourself. You're going to have to hire someone to do it. All right, so that's what we had to do. We had to go out and we had to hire an accounting firm to come up with all the right figures and put them in the right form. We had to go out and hire a rate attorney to estimate the rate to give us their official form. We had to hire a bond attorney so that we could look into borrowing the 1.1 million dollars for the Capital Improvements that we are talking about. We had to pay fees to the IURC and we had to pay our local engineering company for all those things. We did all that, we've been through that process. Here's what it cost us, we paid 16500.00 to the rate attorney. We paid 20100.00 to the accounting firm. We paid 2665, well we hadn't paid that yet, we're still determining whether to pay the bond attorney, because we didn't do a bond. Local engineering was 2745, the IURC fees

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were 881.23. All right, we paid most of that, you see the bottom line on there, 43000.00. You know what we've gotten for that 43000.00, zip. Basically we padded pockets. Because they in essence approved us for an increase and now we've gone back and said that we don't need a rate increase. But they are willing to give us one. All right, that doesn't sound like good protection to me. So, the process itself is long, is what I want you to understand. Especially for municipally owned, non-profit utilities. The process is too difficult and besides that they have their set, and basically all they do, they don't know anything about our utilities, they don't know what condition they are in, how old it is. They don't know what needs to be done. They go back and they look at one year in the past. They call that their test year. They determine what the revenue was, what the expenses were and then they look at one year in the future and what we're going to need in one year. And then they use those figures to determine what our rate is going to be. Whether or not we need a rate increase or not. You know, we just think that the system is typical big government, and we don't want it and we don't need it. So, let me tell you how we got to this point. All right, three years ago when I came on the council, I was told that the water department was not in good shape. The town had been doing a good job in a lot of areas and we had recouped in the civil area, and recouped in several areas and the town was trying to get on its feet financially. But the water department was not in good shape at that point and time. And, and, it was explained to me that we had several Capital Improvements that had to be done. And like I said, I'm going to come to them in just a moment. And so we began looking at what we're going to do. And you know I already told you we tried to get out of the IURC once, and we didn't do it that time. All right, but we made some other changes, in the way that the water company was operating. It has basically turned around and we made it in better condition now than what it has ever been. You know, first of all, we removed some salaries around from out of the water, they had been the water for a long time and we moved them out of there. So we reduced expenses in the water there. Our Debt Reserve Fund, you know anytime you are in debt, you have to have so much money put beside in a fund in case of an emergency, if you can't make payments then the payments come out of that Debt Reserve Fund. We have built that Debt Reserve Account up to its limit and now we have an extra 6000.00 a month, instead of paying it into there we can put it back into the water department and specifically into the water department. We changed the percentage of the water department. We changed the percentage of the contract that we were paying our management of our water and sewer department. When they first made a contract, they split it right down the middle, 50% water and 50% sewer. But when you look at the figures, it's more expensive to run sewer than it is to run water. And so we changed the percentage of the contract from 50-50 to 60-40. And that helped of course the cash flow of the water department by just doing that. We have increased our revenue, we found some large customers that weren't paying what they should have been paying. They hadn't been paying those rates for years, we started charging them what they were supposed to be paying in the first place. And that increased the revenue. We added several, major customers. If you think about the new development, the Cracker Barrel, you think with one hotel under construction two others possibly under construction, a subdivision under construction, an apartment complex under construction. They are large users of water and that is going to increase our revenue as well. We even have Sprint paying us, because on top of the water tower over here on Scheller's Avenue they put up some antennas for their cell telephones. They are paying us 8000.00 a year just to use the top of the water tower. And we have another company that is interested in using our property on Holman's Lane for the same purpose. And so we funnel that money into the water department. And so, those are some of the things that we have done to make the water department better. And to turn it around and we're finding out that has worked to a great degree. So let me tell you about the Capital Improvements. Capital Improvements mean, we got some that are just routine and regular maintenance that has to be done every 3, 4 or five years or whatever. And some

are one time projects that are very expensive. We have some things that need to be done right now and that cost several hundred thousand dollars. They need to be done, let me show you what we've come up with, I'm not going to take time to go through all of these, because there is a lot of them. Let me see, I made a note to explain a couple of them to you. Our Capital Improvement Report, you see how we have them planned out for the next five years of the Capital Improvements that we think we need to make in our water department. And these are some things you know, just changing out the water meters, changing some water lines. We got some water line in town, the main water lines in town are only an inch in diameter and they are old and they are not in good shape. We have meters that are 20 or 30 years old and they are not reading properly. We want to do some routine maintenance and repairs and that is what most of those things are and they are not real expensive. All right, then here are some others, the second one on the list there is one that we have to do and it's very expensive. Its state mandated that we drag the lagoons. All right, if you want to know what that is you can talk to me later. But we know that it is something that needs to be done every, what was it? Every ten years and it has never been done and the state has said you will do this. We have an estimated price up there of 150000.00 to do that. We don't know if it is going to cost that much, but that is an estimate that we're going to start with. So that's a major one, and just below that is another one. It says to replace the water line, actually we're going to add a water line to the Hill-N-Dale subdivision. Back when they built the interstate, they put in a three inch water line underneath the interstated to service one house, a farm house on the end of Allentown Road. And then Hill-N-Dale gets today? The whole subdivision, from that one three inch line, the residents in Hill-N-Dale do not have good water pressure. If we had a multiple emergency up there, if we had a couple of things over there where we needed water, a couple of fires you know the whole place would burn down. Because we couldn't take care of them. And so it would be very, very expensive to put another line under the interstate, but we don't have too. Since we've got water out at McDonalds, we got the water out around 60, we can move it around and we can make a big loop and we can bring it in and do that. But again, it's an expensive propositaion. We've had estimates anywhere from 80000.00 to 155000.00 just to do that project. All right, and please excuse the scribbling on here because that is my scribbling from doing some figuring and it really doesn't mean anything and I don't know what it means now. This is the, the second on this list is Wellhead Protection. And this is something that IDEM is requiring, but you know what, you know how government does things, they say ok, you've got to do this, but they don't give you any help, they don't give you any money to do it and for that matter they have been telling us we're going to have to do it for how many years? For seven years, and they still haven't come up with the regulations. We don't know what it's going to entail, we know it's going to be expensive when we have to do it. But we don't know when we're going to have to do it. It might be a while yet. Now in this one, the top one is just simply, you know we have a lot of vehicles in the water department, you have too. We need to replace those and you can see we just schedule out a routine replacement of those vehicles. I hope I'm not boring you yet. The top one on this one is to rehab the Holman's Lane storage tank. We have 380 some water customers that is down on Holman's Land and Allison Lane, down in that area. The water tank down there that has not been touched for over 30 years. Has everyone ever seen it? It looks like-it looks awful. All right. Its rusted and corroded, and guess what? It has the Town of Sellersburg's name on it. It looks awful. I mean that's not the main consideration. The main consideration is the rust on the inside is worse than it is on the outside and it has harmed the integrity of the tank and it can't be saved. We have to have something down there. We've looked at replacing the tank, we've looked at putting a standpipe there instead of the tank and we're still investigating it. But to fix that thing, we have an

estimate of 150,000 to really to fix it like its supposed to be done, And to top that, the one over here on Seller's Avenue, a few years ago they painted on the inside. All right, it needs to be redone on the inside as well. Then, the other two, we're not sure about the one at the top, were not sure if that is going to happen or not, but I want you to look at the figures. If I can get it over here- alright, the figure down at the bottom, \$1.6 million dollars, if we chose to do all of it. We're not choosing to do all of it, we're trying to do the ones that are most important, the ones that have to be done, and we're not trying to do them all at once, and you're welcome to look at those later on if you want to. All right. So, go back with me now a minute if you would, we have all of these Capital Improvements, I'm talking about the council, we have all these Capital Improvements that have to be done. Plus, at that point in time, we think that we have no money to do them, and so, in 1997, we considered getting out of the IURC but we didn't do it. We applied for a rate increase of 21 percent, we hire all those experts, pay them almost \$43,000, and they come back and say that based upon the tests here, December 1, 1996 to November 30, 1997, that we are only running \$13,788 below the revenue requirements, which is minor compared to the total, which is over 788,000. So they say as far as operating goes, you really don't need a rate increase. But the IURC did agree that we needed the money for those Capital Improvements, with stipulations. All right. And the stipulation was that we come back, you know the prices I gave you up there, were just estimates put together by our local engineer and by our management. They said we need firm bids. We need to know for sure how much these things are going to cost. Okay, and if you give us those firm bids, and if they are close to what you say they are, then we will approve you for a water rate increase so that you can borrow \$1.1 million dollars to do those Capital Improvements. Right here is the original draft from the IURC that they sent to us outlining the agreement of exactly those things. And I have highlighted exactly what they say there. Again, if you want to read that, it will be up here too. If you want me to read it work for word, I don't want to. Okay. Let's see. We have to have those bids to the IURC by May 31st of this year, that is the deadline they have given us, and then they will approve us borrowing over \$1 million dollars, and increasing our water rates accordingly. We got that information from them, and it was this day in September and we got it the first meeting in October of 1998, just this last October. We were getting close to actually borrowing over a million dollars for the town. Now I don't know about you, but I borrowed some money to buy a house and to build a church building, but I've never borrowed a million dollars. That's kind of scary! Especially when its not my money and it's the money of the town that has been entrusted to me. So I really- I didn't feel comfortable doing it without knowing for sure that we needed it. And the problem is, is the Town Council, you know, we're five people that are elected to do a job on a part-time basis, we get paid less than \$5,000 a year to do that, we spend a lot of time. But there is so much about this town and government and red tape and regulations that one person could spend a lifetime learning it all. And, none of these guys have more than seven years experience up here. And when I was first elected, I went to a seminar up in Indianapolis for newly elected public officials, and I went to a seminar on the budgeting process. And the people leading that were some people who they thought were some pretty good experts on the subject. Well the guy leading it started off by saying, I'm beginning my fourth term on the council of my city. And that means he had been there 12 years, starting his 13th year. And he says, I think I almost understand the budgeting process after all those years. That's how complicated it is. Especially for a part-time position. So one of the ways that many councils work, and our council works this way too, is that we try to divide up the town into different areas, and each council member serves as the liaison or oversees the different areas of the town. And we have one council member that is

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the liaison of the Police Department, one that is over Street and Sanitation, one that is over Water, one is over Sewer, one that is over Parks. But you know what, I've never run a big swimming pool before, and I spent two and a half years learning how to do that, and I think that I've almost got that conquered. Almost. But, and I think the town pool now is in better condition than when I got it. But the thing is, we can't all be experts in every area. But when it came down to having to borrow over a million dollars, for me, Gary Fenner, I have to know this for sure. And so I started going into and trying to learn about it. And because I was elected as a town council member, not just to run the swimming pool, but to watch out for the whole town. And I consider myself to represent the whole town. And I consider myself to represent the whole town and not just the Parks Department. So I went back and I got out the financial statements that the Clerk Treasurer gives to us every month concerning the Water Department, this is it okay. That's the financial statement that we get every month. I got twelve of those out for a period of a year between September of 1997 and--no, wait a minute, I've got it here--yes, between September of 1997 and August of 1998. So I got every one of those out and I got someone to help me to put these numbers into the computer. And then I went through and got every one of our--this is a register of claims--these are the bills for the town. This what was entered at every meeting to tell us what we're paying for the town. And there's one page in each of these reports that is dedicated to water. There's all the bills we paid for the water for two weeks, and I got out about 24 of these, and I put all those numbers into the computer. And what I came out with was a statement that looked like this. And it showed every department of the Water Department, and every account of the Water Department, and it showed the income and it showed the disbursements, what came and went. And then, what I was looking for, was to see if we were running in the red, if we were running in the black, how we were doing. But especially I was looking for the money to fund the Capital Improvements. Okay. That's what I was looking for. So I came up with this sum, and that is basically one of the figures that I had. And I said that, basically, we have almost \$250,000 that we can use for Capital Improvements. Because, we were depositing \$10,750 a month into the Capital Improvements Fund, we were getting \$8,000 for the contract with Sprint, we were getting \$12,000 for the contract with Servend, the water tower down there, the agreement we have with Clarksville that they are paying us for that, and the \$6,000 interest from the Debt Reserve Fund that I told you about, and then there was \$42,000 in operating that was never transferred to Capital Improvements, but yet it was spent for Capital Improvements. And then there was still a growth--a net growth--of \$48,000 in operating of the previous year. That adds up to \$245,000. And those other figures are not important for what we are talking about now, I can explain it later if you want me to. All right. So, follow this direction. When I came on the council, my understanding was that the Water Department wasn't running--was not doing well financially. That we were in trouble, we were hurting. Two years ago, when the IURC gave us their test year, we were running all those----- . All right. And then this year, the year that I did, we're running ahead. Does that tell you the improvements that our management has done, in terms of all those changes that we made so that we're increasing revenue. Remember the things I told you we did to change revenue in the very beginning. It's catching up and we're finally coming up with that. So I presented this to the council in November. And since then, you know, the figures that I came up with, all these figures, we found out that they are not exactly 100 percent correct. And that has to do with some intricate accounting terms that the state uses, but yet they are still valid as far as showing us that we're in a positive situation now where before that we weren't. We're still much better off than what we thought, we're much better off than what the IURC thought. And we have money sitting there ready to be used for these Capital Improvements. It doesn't take

a whole lot of math to figure out that if we've got \$1.1 million dollars in Capital Improvements, and if we can save \$200,000 a year, how long will it take us to do those Capital Improvements? You know 5 1/2 years and we can do everything on that list, or everything that we've determined on that list that was needed to be done. If we spread them out and space them out, then we can do it without borrowing the money. We can do it by paying cash. So on January 4th of this year, the council had a meeting to talk about this, specifically to discuss this—a special meeting. And at that meeting, I'm the one that presented the proposal for us to withdraw from the IURC and for us not to borrow money, and for us to go ahead and do this ourselves because we can do this ourselves and not pay someone else to do it, and not pay tens of thousands of dollars of interest. You know, and I know that some of you here tonight see the IURC as your friend and protector from the nasty ole town council. And that is some of your attitudes. I'm telling you tath I see them as another unnecessary layer of government with all of their red tape and all of their rules and regulations that don't take everything into consideration, and no allowance to operate as practically as we should. And we're telling you tonight that we have it from the IURC that if we get those bids firmed up, that they have approved us for a rate increase, they have approved that we can borrow \$1.1 million dollars to do those Capital Improvements, and we're standing here tonight telling you we don't need to do it and we don't want to do it and we don't intend to do it. If you will cooperate with us and trust us and let us do our jobs. You elected us to run the town, and every year we do the budget, we set the Tax Rate, we make the budget out, we run the sewer with no supervision from the IURC. Its not considered a utility for some reason, and if we mess up, if we mess up, you can come to the Town Hall, you can come to the Town Council meeting, you can call us on the phone, and you can go to the ballot box in November to be involved in how your town is managed. Now its ironic to me that one of the papers that I read, it was published by the Indiana Association of Cities and Towns, they talk about this very issue and give council both the pros and the cons of doing this—what we're talking about—and what I found was ironic was that in this paper they listed one of the disadvantages was that they were afraid that a town council would not raise rates when they were needed because of public pressure. All right, did you get that? They're afraid that councils won't raise rates. Some of you are sitting here tonight saying you just want to get out of the IURC so you can raise our rates. Why do we want to do that? I mean, that is political suicide and we pay the same water bills that you do. I'll put my water bill against anybody's, because I have three kids, two of them are teenagers and one is a girl who is going to be a teenager in three months. I can guarantee you my water bills high. We don't want to raise the rates. We have no intention on raising the rates. I'm promising you that right now. But the thing is that that's part of the problem that Sellersburg has had for years, and that is we went for 25 years and we didn't raise rates when we needed to, and we didn't take care of business, we didn't manage utilities, we didn't do maintenance, we didn't do Capital Improvements. And in 1986, do you remember what your Water Rate Increase was? One hundred percent. And the same thing happened six years later with the sewer or seven years later with the sewer. It went up another—what was the rate—50 percent? And it was because the town council wasn't afraid to raise the rates because they wouldn't do it. And here you all are worried that we are. I don't think you have to worry about that. But, some of you ahve a question about if we went off the IURC who is supposed to protect us, what protection do we have left. That is a legitimate question. What we want to do, is we want to try and give you some assurance with that. The stated law says that if we opted out of the IURC, all we have to do to raise water rates is to publich the notice in the newspaper and put a sign on the town hall out here. We're going to do this. And then, so many days later, we can opt out or we could raise the water rates and nobody would have anything else to say about it.

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That's what state law says. What we are going to do is if, and when, we opt out of the IURC, we will also pass a Resolution that says that if we are going to consider raising Water Rates, that the town council will send a written notice individually to each customer, just like you got a notice of this meeting here tonight, you will get another personal individual notice 30 days in advance that we are going to consider raising the Water Rates. You will have the opportunity to come to a public hearing, and you will have the opportunity to listen and to express your opinion, your approval, your disapproval, your questions to be answered. Does your Cable TV people let you have that kind of input? Does your insurance company let you have that kind of input? They just raise your rates and send them to you in the mail and you pay them. We want you to know about it and we're willing to let you be involved in it. And the second safeguard that we have is the fact that this is not an irrevocable decision. If we determine that being out of the IURC is not a good idea, then we can go right back into it the same way we got out of it. And you know, that's always a fall back, that's always a safeguard. But let me point out this to you, that 290 out of 386 water utilities that have withdrawn, not one have asked to get back in yet. Two more things and then I'm done. Most of the town, you can't run this as a business because its government and government just isn't meant to be run as a business. It's not set up that way. But the Water Department in many ways can be run as a business. And what that means is that it too our advantage if we're able to take advantage of it, because we can provide water, not just to our customers, but we can also sell water wholesale to other water companies. And we can increase revenues that way. Plus, we have a contract with Henryville, here's a copy of the contract. We have had a contract since 1985 for us to provide a minimum of 6 million gallons of water a month. All right, six million gallons of water a month. For the last several years, we have been providing over 18 million gallons of water a year. All right that's 12 million gallons above what the contract calls for. But that extra 12 would have been increased even more if they grow and they're going to go to somebody else. And that amounts to a saving of, for them, for Henryville of 4300.00. All right that's how much they're saving by buying 12 million from them instead of us. But that's going to cost us over 76000.00 of revenue a year, 76000.00 is what it is going to cost us. If we lose all of that, we are probably going to have to rate increase, all right what we would like to be able to do is to go to Henryville and say we'll sell you water for 95 cents and we still would be making money. But guess what, we're in the IURC and we can't do that. Because to do that in the IURC, and we have to go through the same process to do get a decrease. And so we would have to wait a year to ask for a decrease and at this point and time they have a signed contract and they are not delivering that water yet and we're hoping something might change and we might be able to pull it out. And we hope that we could withdraw from the IURC and we can go up and tinker with them and we can recoup them. But that's one of the problems of being in the IURC. One more issue that we need to address and that is we keep hearing that EMC is being brought into this, Environmental Management Cooperation they are the people that we have hired to manage our Utilities Company, the Water and Sewer. They have absolutely nothing to do with this. They do not gain nothing from this, one way or the other. They are not even involved in this in any way shape or form. They do not own our utilities, they manage them for us. Here is a copy of their contract with the town. If you want to see a copy of that it will be up here as well. You know, they don't own our utilities. All they do is run them and manage them for us. We could fire them tomorrow if wanted to, the contract allows us to do that. But the point is why would we want to do that? Because they've taken responsibility of running the utilities off of the shoulders of the town and all the hassles associated with it and they are handling them for us. And they make sure that they meet Federal and State Regulation precisely. In 1994 when the town operated the Water Department, the expenditures were 354000.00 and some odd dollars. In 1997 under contract with

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EMC the expenditures were 312000.00. That's a difference of almost 42000.00. The utilities are being managed more efficiently now than they have ever been. Maintenance and Repair is being done regularly. There is a safety program that is in place that was never there before. The plants are in good operating condition and we're trying to keep them that way. There are long range plans that are being made such as the Capital Improvement Plan that, we never had one of those before. Because we didn't have the kind of management that we needed in that department. The bottom line is that we've done all that and your water rates have not gone up. And we don't intend for them to go up. We're doing better now than we have ever done before. Not all the credit goes to EMC, because the town council wants some of it. But the thing is, the fellow who works for EMC, who is the plant superintendent of our utilities, he is not a nameless, faceless agency that is not a 100 miles away in Indianapolis or a nameless, faceless company in St. Louis, He is someone that lives here in this area, he is someone that's here everyday. He is someone one of us probably talks to everyday on the phone if not in person. We are still in control of our utilities. They operate them for us and that is all. Dave Braody had a good analogy of their relationship to us. And his analogy was if you hire a chauffeur to drive you around in your car, you're going to pay him a salary. The car still belongs to you, you still pay for Maintenance and Repair on the car. That is exactly what EMC does for us, they run our utilities, they drive them for us. We still own them, we still pay for Maintenance and Repair. They are getting a fair wage for them to do a good service. They are making money and they are saving us money. It shows you how effective they are. And the only increases that they would have are cost of living increases that they would have are cost of living increases that are built in the contract. That's the only increases they've had and we're not going to deny anyone a cost of living increase. So being in or out of the IURC has absolutely nothing to do with EMC. And if somebody tells you that it does, they are either misleading you purposely or they are mistaken and they have false information. It's just not true. I guarantee you 100% with everything that's in me. Another issue we've got to clarify and that is it is possible for you to override us and stop us from doing this, 8k. If we vote to withdraw from the IURC the public has 60 days in which to gather 500 signatures on a petition that's says we must put this issue on a ballot in the general election. The last time we discussed doing this, we had a group of people that went out throughout the town and circulated these petitions and got their signatures and we backed down. I want you to know tonight we're not going to back down this time. Last time we may have been a little bit unsure of ourselves, this time we're not. We know it's for the best interest of the town. And we don't care about politics, this is an election year, you can vote all of us out. And I can say this if you do then you won't have five guys that understand this issue as well as anyone else and who just simply wants to do whats best for everyone in the town. But you can do that. You can stop by petitions. But if someone comes to your door and says sign this petition so the town council won't raise your water rates because you been at the meeting tonight and you know it's not true. Because we don't intend on rising your water rates, we're not intending on borrowing 1.1 million dollars unless we have to, unless we stay in the IURC and be bound by their regulations and red tape and legalities and we don't want to do that. And we hope that you won't listen to anyone that says other wise. The point is that we understand that there are some petitions that have been circulated. We have consulted our attorney and he says those petitions are not valid. Because they have to be signed after we vote to withdraw from the IURC. You can't legally protest something before it ever happens. Thats just kind of makes common sense. So, we will check every signature on those petitions and we will make sure that they are dated and signed after the date of the vote of the withdrawal and we will be sure that they are one individual customer on the water system. We will not back down, we believe this is right and we are going to do what you would

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like for us to do. One more thing and then I'm done, I promise. Right now we're paying over 300000.00 a year on debt for the Water Department, from previous times that we have borrowed money. Over 300000.00 a year we're paying on that. A lot of that is interest. It is scheduled to be paid off in the year 2010. If we could go ten years and not borrow anymore money, we could pay off our indebtedness and we would end up with 3000.00 a year to the good in addition to what we've already got. We could take care of every Capital Improvement that comes along. Pay cash on the barrelhead and hopefully give you a rate decrease. You don't believe that we could do that. If we stay in the IURC then we'll have to keep borrowing money and we'll keep paying interest on it and we will never get out of debt. It's the same way on your house payment, if you keep going back and borrowing money on your house and getting out of debt, you keep paying interest. You pay off the debt then you're free and clear and then you got money in your pocket. We want to put money back in and if this council is trying to do something that most councils haven't done in the past and that is to think and plan years ahead in the future. And we firmly believe that what we are doing is the proper thing. We are not tax and spend politicians because if we were we would not be having this meeting tonight. We would have already borrowed the money that we would have been approved and we would have kept us in debt for another 20 or 30 years and those guys that wanted to be re-elected would have been re-elected and nobody would have known the difference. We don't have anything to gain because of this except we believe that what we're trying to do is best for the town. So I quit because I just hope I've shown you that we've done our homework, we know what we're talking about, we've already done a good job of managing the Water Department and turning it around. We want the best for the town and we're willing to take the heat for what we're trying to do. We simply ask for you to trust us and let us do it. Dave.

President Broady stated before I go to the list of people who want to speak, we are required by statute to have our attorney read the statute.

REMOVAL OF UTILITY FROM JURISDICTION OF COMMISSION FOR APPROVAL OF RATES, CHARGES,
AND EVIDENCES OF INDEBTEDNESS, ALTERNATIVE PROCEDURE.

Continue on to the next page, Attorney McCall reads the following.

Water utilities that are owned or operated by second class cities, third class cities, or towns.

(a) A municipally owned utility to which this section applies may be removed from the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness if the municipal legislative body adopts an ordinance removing the utility from commission jurisdiction. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to all ratepayers of the utility and to the commission. For a second class city, the municipal legislative body must hold two (2) public meetings before the final vote on an ordinance removing the utility from commission jurisdiction may be adopted. An explanation of the removal process must be provided at each public meeting under this section. Each public meeting must be held in a different location.

(b) The ordinance described in subsection (a) takes effect sixty (60) days after adoption by the municipal legislative body.

(c) The question of removal from commission jurisdiction shall be submitted to the registered voters of the municipality if, within the sixty (60) day period described in subsection (a), the legislative body receives a petition:

(1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and

(2) that requests the legislative body to submit the question of removal from commission jurisdiction to the registered voters of the municipality at the next election.

The municipal legislative body shall certify the public question in subsection (c) to the county

election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3.

(e) If the legislative body receives a petition described in subsection (d) in the proper form, the legislative body shall submit the following public question to the registered voters of the municipality at the next election in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be taken out of the jurisdiction of the Indiana utility regulatory commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

The legislative body shall mail written notice of the referendum to the commission at least ten (10) days before the date of the election.

(f) If a majority of those voting on the question described in subsection (c) favor taking the municipally owned utility out of the jurisdiction of the commission, the utility is removed from the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidences of indebtedness.

(g) If the legislative body receives a petition in proper form under subsection (d), the ordinance does not take effect until after removal is approved by a majority of those voting. If a majority of those voting vote against removal, the utility remains under the jurisdiction of the commission and the ordinance does not take effect.

(h) In addition to the notice required by subsection (b), if the municipal legislative body adopts the ordinance, described in subsection (b), the municipal legislative body shall mail written notice of the withdrawal from commission jurisdiction to the commission within thirty (30) days after the ordinance becomes effective.

(i) Notwithstanding this section or section 9 of this chapter, the commission may require a municipally owned utility that generates electric power to provide information to the permanent forecasting group under IC 8-1-8.5-3.5.

(j) This section does not affect the obligations of a municipally owned utility under IC 8-1-2-3, IC 8-1-8.5, IC 8-1-22.5, or IC 8-1.5-3-14.

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Council Member Fenner stated and you all thought I was boring.

President Broady stated ok, we'll go over the list of people who asked to speak, Mr. Wildman.

Mr. Wildman stated I'm not in the Town of Sellersburg, you do a fine job and I'm pleased with what you're doing. But if what you said is wonderful, so what do you care if the Regulatory Commission sits there, it's like you are driving down the expressway and you're doing the speed limit, you don't care if the State Police are sitting there in cameros. They don't effect you. I don't see any reason to be concerned about it and keep up the good work. I like the State Police sitting there in the cameros to catch the speeders. If you all aren't going to be on the board, how do we know what the other people are going to do. And I didn't really want to be on Sellersburg Water and this was 30 years ago and the town board didn't want me on Sellersburg Water either, so I wanted to drill a well and the Board of Health wouldn't give me a permit and they made the Town Board let me hook up. That was 30 years ago. So it's funny how things change, but they don't change either. It's difficult to work, if you shoot the watchdog, it's hard to resurrect him, like you were talking about just going back into it. It would never happen, just like the rest of the people would never go back into it either. I like that camero sitting next to me. Thank You.

President Broady stated Mrs. Pixley.

Mrs. Pixley stated yes, I'm not coming up to the microphone, I think people can hear me. I would like to begin by saying I don't owe this town anything, absolutely nothing. They don't do anything for me, they annexed me and that's it. If I can say or do anything for me, they annexed me and that's it. If I can say or do anything for the people in the town I'm going to do it. The IURC is a commission that tells the council when they can give a rate increase and when they don't need one. And from all of Mr. Fenner's talk, I've got pages here that were made up by EMC telling the IURC the cost of different things that are way out of this world and that's when the IURC came back and said that they could not have a rate increase because of that. If they get this thing straightened out and get the proper amounts, put it out for bid they can have a rate increase. They can't have one until they do that. In 1997 as you said, we went through this before and as you said it was stopped. And at that time both Mr. Fenner and Mr. Alexander stood up there at the end of the table and said we want a raise. We want a 50% raise and we're going to get that. And they were told then that they didn't need that and that there was money on hand, but they still insisted they were going to get it. He jumps the gun again, using your money again to send out a notice that hadn't even been, a 30 day notice, it wasn't legal as it should have been. He spent your money to get that notice out, he wanted that notice out that they were going to withdraw from the IURC. Then he had to turn around and send another notice out and I got people that's been telling me that they have four and five notices of the one that the attorney sent out to people that hadn't even been on Sellersburg Water for ages. And the 20000.00 that Mr. Fenner mentioned to you, that wasn't anything to do with the IURC. That was money they spent to Umbaugh and Associates. The IURC, all that they charged was 881.43 for the things that they did to find out that Sellersburg did not need that raise. They didn't need it. This is two years that they have been working on it now and have been trying to get it. And now he stands up and says we don't need a raise. Why did they go to the expense of spending that 20000.00 when they know that they were told that they didn't? This is what I don't mind telling you, they are just not following up on anything. They don't check on anything, they don't have

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time, they work. Now they are paying over 800000.00 to EMC, they are the one's who fix our water, take care of the water. We had good men in this town that took care of it, that should take care of the Water Department, that did take care of it. But, I can't find a preacher that stand up and talk the way that he can. That's all I got to say.

Council Member Fenner stated our attorney says that we should respond.

Attorney McCall stated you can respond.

Council Member Fenner stated now I, I don't know where to begin. I would love to see the minutes of the meeting that said that we asked of a 50% rate increase. That is absolutely false.

Mrs. Pixley stated it was in the paper.

Attorney McCall stated you put it in there.

Council Member Fenner stated in your letter to the editor.

Mrs. Pixley stated before that.

Council Member Fenner stated as I said, we have a contract with EMC, I'll be glad to show it to you. They manage the water and sewer, not just one and as I said, we've got the figures to show you what it was like before and what its like afterward. And as I told you before there are some people that has false information. They have been mislead, they have made this into a controversy because have their own agenda to make it into a controversy. There was another issue that was totally false, what was the second thing?

Council Member Alexander stated well, basically.

Council Member Fenner stated the IURC and us, the IURC protecting you from EMC, giving you false figures. That's news to me. Like I said, I have the official, final draft document from the IURC, I'll be glad to let you look at it and you can decide for yourself. I don't know how to respond to things that just are so untrue. I'm sorry, I just don't know how to respond to them.

Council Member Alexander stated I'd just like to make a few points if I could. Basically she started out saying that the IURC could determine whether the council got a rate increase or did not get a rate increase and apparently she did contact, had good contact with the IURC. She still does not understand the process and examples of that are Watson Water Company, 92% Rate Increase, American, Indiana American, 52% Water Rate Increase. If Rate Increases were not good for customers, why then did these two companies give these types of increases through the protection of the IURC. I will explain briefly how that happens. The IURC looks at every water utility the same. They have a accounting formula, if you fill the formula correctly that's why you have lawyers, engineers, bond councils and so forth on both sides and the only argument is, it almost works like a court of law is what numbers you plug in to this formula. So as far as the IURC coming in and saying that Sellersburg sorry you're not on our Christmas list this year, you're not getting a Rate Increase. That's totally false, you go through a process, it's an equation. If we can prove our side according to the equation we will get, not, they still get to make a decision one way or the other or

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just choose if they like Sellersburg or not, you will get a rate increase. That is fact, the next thing was the cost was out of this world on the estimates on Capital Improvements. They are done as estimates for one reason Mrs. Pixley, we don't want to waste your money on something that we may not end up doing. So an engineer takes examples of other areas that have done this project, or something similar to it. It's not going to be a rocket scientist. No it wasn't put out for bid. The reason it wasn't put out for bid was because we were not ready to do the project. Now we're going through the process of, and it's very normal for water companies or the councils to work in this process of estimating the cost, going into the IURC knowing that they're going to have to have hard bids if they're going to approve. We were approved, now we're hard bids and it will be all the way approved. The other thing was why did we spend 20000.00 to get all this information? That's a good question. When I first got on the council, I thought wow, this is going to be a gravy job, it was something as small a West Clark Community Schools. I always went to all their meetings. There was a guy there that he passed out stuff, he gave you stuff, if you needed something he would get it for you. And I thought you know that's a school corporation. This is a town, it's got to be close to the same, and you don't get anything here. You get a report once a month on your water utility that has interest, transfers, it's all mingled into one. And it's up to each individual council member to divide all this back up and come up with some sort of degree of common sense to vote on things. We had to create a program to show what the bottom line is. We don't get a bottom line. We do this ourselves and you would think a town this size, a council could come in and be given the information. It looks like somebody would want to see that they got information like this, so that we could make good decisions. That's why we spent the 20000.00, it was a direction, we had too. The thing you keep talking about EMC and over 800000.00, what did the town spend before? What was the town getting ready to spend? You forget why, one reason, one important reason we went into EMC's contract, we did not have a 4th class operator at the sewer plant. We were in violation from IDEM, because there was not anyone there that was qualified to for that plant. It would have cost the town anywhere from 38 to 50000.00 to hire that operator. That cost was not put on the town, even though we're still operating below what the town used to operated, think it about 10 years before EMC, we would have been paying for that operator. That would have been another 50000.00 added on top of that. But you don't give the full picture, you give the little tid bits that made the council look like we don't know what we're talking about, that we're against, that we're out here trying to rob, that we're robbing from all the residents and stuff and you will do anything that you possibly can. Because every letter I've seen you put into the letter, the only thing I've seen you put in that was correct was where you put your name on it. I've never seen anything else in there that had any merit, I don't know where you get your information from. I want to know the source. And then the last thing you said was we used to have good people working at the town running the utilities, well Mrs. Pixley you need to go down there, the people are still there. The only difference is, there is one person that is in control as far as the operation, making sure those good people that used to work for the Town of Sellersburg are still working. That they're doing a, and above this gentleman that runs it, we have a whole company that backs us up. Before the operator was on his own. If he had a question, who did he call? Who did he go to for advice? Who did he say hey, during the operation I had this kind of trouble. EMC has a staff that goes way up and you know we're not paying for it. That is just part of the service. That is all.

President Broady stated Mrs. Diefenbach.

Mrs. Diefenbach stated I feel that we should stay in the IURC for protection of the consumer. Now that's my opinion, you have yours and I have a lot of reasons why I think

we ought to stay in. And I think we have someone here from the IURC, do we not. Ok, let's have him speak.

Mr. Leppert stated I didn't prepare anything, I didn't know I was going to speak. Most of what has been said earlier is correct. There are some things that I might take issue with, that I think might be a little inaccurate. I will be happy to answer any questions, I didn't prepare anything. I did take notes of what has been said.

Council Member Alexander stated I have a question for you Mike. On the equation as far as Capital Improvements go, that seem to be the big jist in Sellersburg is Capital Improvement. The IURC and the whole formula looks at 2% of what your company is worth, is that correct? Basically they do it off depreciation, 2% of whatever the depreciation of what your plant is worth. That is what you're allowed for Capital Improvements a year.

Mr. Leppert stated I wouldn't describe.

Council Member Alexander stated for Sellersburg that was what it was.

Mr. Leppert stated that was what was determined in your hearing.

Council Member Alexander stated right.

Mr. Leppert stated ok.

Council Member Alexander stated if 2% was inadequate, do you get to go beyond that, I mean you can argue that. I mean basically it's 2%. That's inadequate.

Mr. Leppert stated that's established in the order. The decision was made on the facts that you gave the commissions. And I would say...

Council Member Alexander stated you could borrow the money, but no, the 2% was presented to me or at least when I talked to the opposing council that was the norm.

Mr. Leppert stated the norm.

Council Member Alexander stated right because when you go back to 1991 and we went in for a rate increase that 2% figure was there. So I mean it's the norm for Sellersburg. And you know basically there was no extra...

Mr. Leppert stated again what I would say is there is a difference between the norm and the law. The commission makes the order of what your rate determines the cost should be. It was made from the evidence that was presented to us.

Council Member Alexander stated so you could go in...

Mr. Leppert stated it can be argued.

Council Member Alexander stated it can be argued, but what's the norm? Do a lot of the municipalities get a Cash Capital Improvement to do what we want to do over 5 years?

Mr. Leppert stated that's one thing I'm disagreeing with, I don't think all municipalities are regularly in it at that point. If you have been handled the same way each time you

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come, as you mentioned in the past 10 years and it hadn't been, you would feel appropriate that might...

Council Member Fenner stated Mike, I'm glad you're here. Would you say that again, that most of what we presented tonight was true.

Mr. Leppert stated yes.

Council Member Fenner stated I want that on the record please. And I'll tell the rest of you, I prepared all this and then I hashed it out and I had someone create it for me and had someone tell me Gary, you can't say this or Gary that isn't completely true and Gary you need to redo this. And I went back and redid it and then I went in and I did my best to tell the truth, the best way that I knew it. And I'm sure that, like I said I had to change some things and I'm sure that if I sat down with Mike, I'd change some more things. But I did my best to be as honest as I could.

Mr. Smith stated and that is what they have granted now, that was granted in the Ordinance.

Council Member Fenner stated it's right there in black and white.

Mr. Leppert stated what I would say about that is again that was based on evidence that was presented to the commission at the time and it appears that what you're talking about maybe was some work that was done outside the hearing room and may not have been with the commission.

Council Member Fenner stated what I understood was simply that we didn't have the right, we didn't have firm bids on those things.

Mr. Leppert stated no, what I'm saying is that you found that you didn't think the town needed a rate increase and you did more work outside the hearing.

Council Member Fenner stated absolutely.

Mr. Leppert stated what I need to clarify is the commission didn't say is if you will go out and borrow this money, you will get this rate increase based on what you know now. It was based on what we know now.

President Broady stated ok Thank You. Next on our list is Mr. Smith.

Mr. Smith stated the reason that I came is because I have my water bill with me and I have two questions. My water bill is in excess of a 1000.00 for the last 12 months. And what I want to question is our sewer.

President Broady stated the sewer stays the same, if there was an increase it would only be the water.

Mr. Smith stated the 21% that you're referring to.

President Broady stated yeah, say your water bill is 6.00 and we got a 10% rate increase the water bill will be 6.60 not tacked onto the sewer or anything else.

Mr. Smith stated that's not the way it is now. For example last month my water bill was 48.00 and my sewer bill was 85.00.

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President Broady stated yeah, your sewer is water rate, your water is water rate, ok.

Council Member Fenner stated the sewer is based on your usage of your water, not how much you pay for it. ok.

Mr. Smith stated so it would go up.

Vice-President Eddings stated it is based on what you use, not on how much you use.

Mr. Smith stated another comment Mr. Fenner, you mentioned that your job at the moment takes you a great deal of time for a small amount of money, and you run the pool, how are you going to find the extra time to do this?

Council Member Fenner stated to do what?

Mr. Smith stated to raise to rates or the work that is involved.

Council Member Fenner stated the work has already been done, it's taken care of. And furthermore in the process of us doing this work, we have developed a program that the town has never had before, where it is very easy now for us to keep track of income and expenses for us to have a bottom. This is a copy of it for the last year that we have just done and so you, I didn't know that the town council was the ones that we're going to have to do this, but we've ended up doing it.

Mr. Smith stated sounds to me like more work. My final question was you mentioned if we didn't like what you did that in principal but wouldn't that be another reason to keep the IURC as an oversight in case you are all voted out, you're going anyway, but wouldn't that be a reason to stay in.

Attorney McCall stated can I address that point.

Council Member Fenner stated sure.

Attorney McCall stated in order to adopt an ordinance, if they do opt out of the IURC, and again this is statutory, once they go through the notification process and publication process, the notice to the rate users, the rate payers have the ability to object against that. To place and do a remonstrance so to speak against the rate that has been approved. It then would be determined by Circuit Court, the judge hearing the evidence, so that's under a Indiana Code 8-1.5-3-8.2.

Attorney McCall reads as follows:

Owners of property connected or to be connected to and served by the waterworks authorized under this chapter may file a written petition objecting to the rates and charges of the waterworks so long as:

- (1) the petition contains the names and addresses of the petitioners;
- (2) the petitioners attended the public hearing.
- (3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates.

(4) the written petition stated specifically the ground or grounds of objection.

(C) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty (20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

Mr. Smith stated so, we're not going to have a 21% increase.

Attorney McCall stated this is if they opt out.

Council Member Fenner stated not if we can help it.

Mr. Smith stated Thank You.

President Broady stated ok, Mr. Zimmerman, Ron Zimmerman.

Mr. Zimmerman stated I've only been a resident of Sellersburg for 4½ years. I've been to some of your meetings and I appreciate what you do. But, I've been in management for 30 some odd years, sure you're up here with a whole stack of things here in front of you, what you are presenting should have been at the back door, back here. I've got to go to work tomorrow and I don't want to be stuck in here. The information that was presented should have been at the back door, right here. When he reads his proposal, he reads X-22, X-45! I don't know what's on there, none of us do. We need more information. The information you give us is verbal, we have nothing in black and white in front of us. Grant you, you might not have had enough time or it was an oversight or whatever. But I feel if I'm going to walk in to a meeting where I work, I've got to have my Ts crossed, my Is dotted and everything else. There's a lot of information there, I'd like to see some of the stuff. Sitting back over at the wall, I can't read it. And I've got my glasses on. We need more information from you to be on your side. That's all I can say. Thank You.

President Broady stated ok, Jim Patus.

Mr. Patus stated we opened this meeting with the Pledge of Allegiance to the Flag of the United States of America. My family came from Eastern Europe almost 75 years ago. I'm very proud to be an American. Mr. Fenner, you should be ashamed of your opening comment concerning people who disapprove with you. I don't expect the public officials to disagree that way. I'm sorry other than that, I agree with almost everything you said. You said you were that this town board was doing business for the sake of the town. And I agree that they have done a very good job at that. You mentioned some of the Capital Improvements that were necessary, such as the dragging of the Lagoons which had never been done or hadn't been done in a long time. Why not? There are tanks that need to be

maintained why not? You mentioned that rate increases were political suicide. We'll I'm sorry, if we need a rate increase, we need a rate increase, I had a very bad experience a few years ago, I came to this community in the 1970's. I was working as a Enviromental Biologist when I went over and saw the Sewage Treatment Plant here, I couldn't believe it. Finally many years later the Town Board, apparently not you gentlemen, said we have to do this now, we're being forced by the EPA and IDEM, we'll what a shame, that they were forced to do it. What did they do with the money they had for paino lessons is what I want to know. There were revenues collected for that whole time, there were no improvements made. This board wants to make improvements, I think thats very good. However, have the whatever to spend by your guns, if you need the rate increase then do it justly. A few years ago when we had that sewer, everybody's rates went up, I don't want to hear the sumantics about sewer rates and water rates. Bottom line everybody had alot more money for two reasons. One to expand the sewage system, that is the sewer line that are in the country are way overdue. I was glad to see them. I was happy to be on the sewer system. I complain like everybody else about the money we havé to pay but it was the right thing to do. It needed to be done. The other thing was the improvement of the Sewage Treatment Plant, the lack of improvements to that plant was I'm sorry, Gentlemen was incompetence by the Town Board of Sellersburg, but the Town Board of Sellèrsburg, Maybe not you Gentlemen, but the Town Board. We deal with a new Town Board periodically. You gentlemen may have good intentions, where are we going to be four years from now? Five years from now? What assurances do we have? Now there's another little quirk here. As I mentioned, the Town Board has done an excellant job for the Town of Sellersburg I haven't voted for a single one of you. I don't live in the Town of Sellersburg, gentlemen. I have no recourse over any action that this board takes. Yet I pay for the services that the Town Board provides. However you look at it, that's a tax. I'm being taxed, I have on representation concerning that. You said that this would be placed on the General Election of the Municipality, where does that put those of us who are not residents of the municipality and yet are subject to the actions of the Town Board? There are some submissions here that as a non-resident of Sellersburg I have some concerns. Not necessarily of the actions of this town board but with what the future holds. I'm sorry gentlemen, but your track record is not that good when you look at the sewer system and it's not a reflection on you, it is a reflection on the town board. So, where does that put people like me who don't live in Sellersburg? What recourse do we here, if we don't have the IURC, what is there? There's no one for us to go to. I can't go up to Mr. Broady and say I'm not going to vote for you next election, I didn't vote the last election. What recourse do we have, what assurance do we have that the town board will act also in the interest of us because we hear that you act in the interest of the Town of Sellersburg which you have in the past where we have the distant rate for sewage, where those of us not in the town paid exorbitantly high rates compared to those in the town and we were given reasons about paying for the sewers and all this stuff. Yeah, yeah, the bottom line is your voters didn't receive anywhere near the increase, where those of us who did not vote for you. Inoother words those of us who vote aren't involved in the political suicide. The political careers were protected bery well by spreading out the cost, sufficiently disproportionately to those who have no recourse. That's what a see happening here, Again, I'm not saying there is a problem with what is happening, I'm saying there's a presentment being set where by those of us who are not in the Town of Sellersburg have no recourse. If you want to do something annex,us, do something. So we have some recourse, I don't know where we stand. I was in rather an unpolular position when I was in favor of the sewer system. What can I say, I don't know if any of you have the answer, what recourse do we have?

Attorney McCall stated you can always petition to be in the Town of Sellersburg.

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Mr. Patus stated ok, but right now we're being taxed and have no representation.

Attorney McCall stated you can petition to be annexed, there is recourse, you can take your own action, you can petition to be in the town. You don't necessarily have to have to have the town annex you, if you want to be part of Sellersburg and vote in Sellersburg, Then you can do that.

Mr. Patus stated suppose I don't want to pay for the Sellersburg Sewer.

Attorney McCall stated who would you be served by otherwise if you didn't have Sellersburg Water?

Mr. Patus stated ok,

Attorney McCall stated and what would be, if it were private water what would be...

Mr. Patus stated I would suggest that the town board do what other communities have done, possibly set up a water commission. I know there's more bureaucracy, but perhaps the town board members could sit on it themselves and add some representation for those who are in the colonies. Remember gentlemen a couple of hundred years ago there was a similar situation when the Crown of England was depleting their revenue and was faced with foreign wars and they turned around and forced the foreigners who were forced to fight in their wars to replenish the causes. And what those colonists did at that time, if it were done today, basically destroying the property that they were being taxed on was called sedition today. Gentlemen, it was sedition and sedition was what this country was founded on. This is striking the very roots of what the political system is all about. And I don't know what to say and I feel like there is some action being taken that, adding some serious problems to those of us who are not in the Town of Sellersburg.

Council Member Fenner stated I would say for starters, I don't view us serving you with water as being a tax. I believe that it is us as a town, because you are not in the town, like you get service from other. You are getting something for you money and you are purchasing a product and service. So I don't see that as a tax.

Mr. Patus stated that's a point well taken, but the other sewer services where I have no alternative as to where I can get the services from are regulated. And that's why we have the IURC. So I get upset with the way Indiana Gas is doing something, if I get upset the Electric Company or whoever, I have recourse. We have a large segment of people who are being charged a service, who cannot go anywhere for that service and have no recourses for that what happens to them, from what the repercussions of your actions concerning that service are.

Council Member Fenner stated I understand that and I understand, I don't necessarily like that situation either. I mean I don't think that is something that the town purposely did, it was something, and part of it was mandated. The stated mandated us to go out and do some of the sewers.

Mr. Patus stated the stated mandated it because the town board elected to maintain the environment.

Attorney McCall stated you're right.

Council Member Fenner stated right, but the stated mandated that we did that, the town did that. I agree with you that there is, it isn't exactly right the fact that you are outside of the town and you receive our services. And I don't know completely what to do about that. The water commission you suggested is a possibility and I wouldn't say not to it off the top of my head. But at the same time I would suggest to you, you're here tonight and you have received a hearing and I've heard what you said and I thing these guys have and we haven't treated you like a step-child or a colony. I'm serious in saying that we will take your thoughts and consideration. And I would hope that in the future if need be you can come back to this town. I don't care whether you vote for me or not. I'm not in this for the votes, I'm in this to serve the community and I don't know who votes for me or not and I don't campaign.

Mr. Patus stated but the bottom line is so long as this water utility stays within the IURC I have someone to go to. If you drop out I have no one to go to.

Council Member Alexander stated I curious on the point, to go to them for what? Give me an example.

Mr. Patus stated for a rate increase, that I would like at least to be heard about and I think it is very unanimous for this town board.

Council Member Fenner stated you can't come to this.

Mr. Patus stated exactly, but I have no guarantees that five years, ten years from now, that's going to be in place. If we set the persistence now where we remove the IURC, what is there.

Attorney McCall stated it is in place, it's the law. The law says owners of property connected or to be connected to and served by the water works may file a written petition objecting. The petition shall contain the names of the petitioner, that's you.

Mr. Patus stated but you also said it would be on the ballot for the General Election.

Attorney McCall stated we're talking about two different thing here. The one is the opt out procedure that is happening now, which is what this meeting is about.

Council Member Fenner stated that's what will be on the ballot, if it comes to that.

Attorney McCall stated yes, if the correct number of signatures and then it's accepted, then it will be put on the ballot. But I'm talking about if we opt out if it is successful, if accepted, this ordinance is not being remonstrated against or the vote is in favor of it, your protection as a water user, for the Town of Sellersburg Water System will be to file a petition, you have the right to come to the public hearing and deal with it in that phase and then file an objection in court.

Council Member Fenner stated you can do it right here in person rather than in Indianapolis. In writing.

Mr. Patus stated Thank You.

President Broady stated Thank You, Keith Alexander.

Keith Alexander stated I don't know what to say. I'm just a little bit confused about if everybody's saying we opt out, or if we don't opt out, we've got protection. I don't know who you're going to call, where we're going to go, we talked. If we lose 76,000.00 from Henryville that means the revenue that was shown on the board is decreased. We got 1.1 million worth of Capital Improvements and we're going to lose 76000.00, the boards saying we're going to get a 22% increase if we stay in or say 15, pretty much. So when, 21.7% increase, so if someone is going door-to-door with a petition saying we want to stay in the IURC, saying we're not going to get a rate increase, stop the town board. But actually you need to knock on the door and say hi, I want the town to stay in the IURC, I think it's important, I think it's a way that you can go and be heard, but it's going to cost you. It's going to cost you 21.7% increase on your water bill. They need to be out front with that with these people. There are going around and saying stop the water increase. They didn't stop Watson, they got a 92% increase, they didn't stop Indiana American, they got a 52% increase. It's a matter of paperwork, if this board wants a water rate increase all they have to do is spend another 48000.00, it might take a year, but if they want water rate increase they just spend the money, indebted to the IURC, the ducks are in a row, they're going to get the rate increase. And if you people think they're not, well then something's wrong, because they are and you're going to find out if we don't get out of the IURC you're going to see a 21.7% increase on your water bill which I can't afford. I've got 6 families that I've got to pay the water for, I cannot afford a 21.7% increase when I'm on fixed income for those people and I have a lease with them. If you people can afford it, that's great, but I can't afford it. If you got something then you need to complain, come to the town board. I've been to several town board meeting and there's not one time I've seen them say, you don't live in Sellersburg, get out of here, we don't have to listen to you. I have never heard that. In fact, I watched them discuss for ten minutes about paying a 15.00 Electric Bill when they annexed on Poindexter. You've seen the turn around they've made on the Water and Sewer Department, they didn't do that because they had a lot of time, I think I'll just dig into this and see if we can turn it around for the heck of it. They did it because they are worried about you. They wanted to keep your rates down and to come up here and say we've got to keep a watchdog on them, I think that's ludicrous that's absolutely ludicrous. They could have just sat on their hands and collected their 5000.00 and not did a thing for their term. They would have just collected their checks and that would have been it. But no, they took the time out from their families and from their jobs to sit down and turn around the water company and I think when you're coming up here and saying that you're trying to tax us and you're trying to stick it to us, I think that's ludicrous, because of the time and effort they put in there. I'm just glad I don't live in Sellersburg. And I would be ashamed to say that I live in Sellersburg, come up here and condemn a board that is apparently looking out for your best interest. I'd better stop now. Thank You.

President Broady stated Mr. Werle.

Mr. Werle stated I'd like to address this to the crowd, I had the opportunity to relocate a few months ago in Floyd County. I still own property here, I charge my renters the water rate. I have nothing to gain by being here. My first water and sewer bill I received was 276.78. That's not what we're thinking, we thought it would be around 50.00. If found I had a water line break that had not been repaired. I received a notice from you all, I did some calculations because I was getting charged a lot of money. I did a lot of studies, did a lot of comparisons. I've been to New Albany and Silver Creek Water and I've been to the Town Hall and I got the Water Rates. Folks you got a good thing in comparison. My last water bill as 2900 gallons. In Sellersburg it would have

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cost me 18.15. I paid almost 9.60. My sewer would have cost me 38.17. Now I've been in this community for along time, and this is still my home, and I still appreciate these people that make this a fine community. You people can't dictate, my wife and I encourage you people to get involved and be in a like the gentleman said. I have done a study on my present utility since August, I have it right here. We here in Sellersburg need creditability and accountably. I think that's where we, out here can keep control. But don't go on a witch-hunt. Be sure you understand what you're hearing. I might share that what you're regarding, make sure that you are correct. Be prepared. Hear what the people are saying. My report that I read, I would like to see everyone in agreeance of pulling out of the Indiana Utility Regulatory Commission. The commission was designed to protect the utility users here in Indiana from for-profit and self-interest people. From my experiences in the last two years from being here the IURC, on other issues, I feel with the best of my ability it is best to walk away. We as taxpayers can benefit. I encourage you to get out and state your case, but please with respect and dignity.

President Broady stated ok that is all the speakers on my list. Would anybody else like to make a comment or speak?

Mr. Long stated I'd like to ask a question. Did you say we spent 42000.00 to go to the IURC this year.

Council Member Fenner stated not in 1999 but over the last...

Mr. Long stated ok, in 1998, we spent, we haven't done that in 99, we haven't had a chance, but in 98 we did. Ok if we spent that 42000.00 to go to the board, why did you do it if we don't need a rate increase.

Council Member Fenner stated I tried to explain that, at that point and time we didn't know where we stood and because...

Mr. Long stated you spent 42000.00 because you didn't know.

Council Member Fenner stated that's right.

Mrs. Imhoff stated why was the study done?

Council Member Fenner stated we had to pay to have the study done. That was what the payment was for.

Mrs. Imhoff stated I understand that you wanted the study done.

Council Member Fenner stated which study are you talking about.

Mrs. Imhoff stated if you had the money why didn't you go ahead and do the Capital Improvements. From my understanding, and if I'm wrong the study was done because you didn't know if we needed a rate increase or not.

Council Member Fenner stated not exactly let me explain. And that is, again look at the progression the way that I say it. When I first came on the council I was told that the Water Department was in bad condition. The next year we went through the IURC and we were told, you know in the first year we made those changes. The next year went through the IURC and that was their test year and it showed that we were much better

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off than we thought on operating, not on Capital Improvements, not on operating. And so that raised red flags in my mind and saying we're not in that bad of shape and we've made changes and we've improved so why not check the next year to see how much more we've improved. And that's what I did personally to check the next year after that and I found that we had improved a lot more again. So therefore, but we had already paid, we had already commissioned the accounting firm to do the study, and they showed us, like I said, we're coming almost even. And then we did the next year, does that explain it.

Mr. Long stated not really, if you got the ROTC there and you don't go for anything, do they charge you anything?

Council Member Fenner stated no.

Mr. Long stated ok, then you're saying right now that we've got enough money that we don't need a raise. Ok, if we don't need a raise we don't need to go to ROTC, so they're there and they're not costing us nothing.

Mrs. Imhoff stated the IURC is calling to your attention that you need a raise.

Council Member Alexander stated no, to...

Mr. Long stated we don't need them if we don't use them they don't cost us nothing.

Council Member Alexander stated remember this is an equation that gets filled when you go through the IURC.

Mr. Long stated you don't have to go through them.

Council Member Alexander stated ok, ok, if we lose Henryville, if we lose the 76000.00 from Henryville ok, if and when revenue goes down and it is predicted to go down this summer ok, if we lose we will be forced to go through, why? Because stated law requires that you keep enough funds in your account, in operating in order to pay for bonds. You cannot be running so far in the red that you can't pay your bonds. So you will go through the process. If you go through the process, remember this is where the council was real frugal about saving money as far as putting out you council pay and your Clerk Treasurer's pay and we pulled it out to save money. Because it was a necessity ok.

Mr. Long stated where did you put them, did you switch.

Council Member Alexander stated no, we put them back in the Civil Town. The Civil Town bears that, because of necessity. At that point and time when we started looking into it, we were running about 25000.00 to the good after everything was said and done that year. If we go through the IURC, all that money we were really good about saving will be conditioned into this new rate. They will take those savings and it will pay for the loss of Henryville, if you get a bond. And they will reduce. Mr. Fenner presented that 200,000.00 for Capital Improvements. Going through the IURC according to the order we will have 107000.00 for Capital Improvements. If you will notice one thing that was not on here was the backwash and the lagoons. Ok, that's 150,000.00 to do that one project. If you are collecting 107 and it takes 150 to do this one little job that came up after you had already done this process, where does the money come from? You have to borrow it again. How do you borrow money? You have to go back into the IURC, you have to spend 42000.00 and ask the commission. Everything revolves around...

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Mr. Long stated you said you didn't need a rate increase right now.

Council Member Fenner stated Don, I think I can answer very simply and that is this. That one year we paid for the accounting firm, we paid for the accounting firm to do the study for us, and we paid those other people to do those things for us. They came back and gave us these figures. Then because it raised red flags in my mind, because I wasn't comfortable with it, with voting to borrow that much money on my own, just on that say so, because of the trend I went back and did the figures myself. And since then we have gone back and done a whole program and what I'm saying is simply that we can do this ourselves, we don't have to pay anyone else to do it. But in the future if we ever need to have a reate increase, if we ever need to borrow money, however long in the future it is, if we are still in the IURC we will have to pay those people 40 to 60000.00 to go through the process. And I'm saying we don't need to, we can do it ourselves. We've proven to you that we can do it ourselves, we did it. Does that make sense, does that answer it.

Mr. Ridenour stated Gary has the board, has anything been mentioned about the consultants sometimes charge as much rate increase for the first 3 or 4 quarters of the year? Just because the rate increase is going to be 21.7.

Council Member Fenner stated that's the 42000.00 we're talking about.

Mr. Ridenour stated the IURC was put into effect back in the days when there was monopolies in this country bearing to own the town and this agency was formed many, many years and has done a beautiful job of protecting those who need it.

Mr. Wildman stated I'd like to ask one question. If I understand you right you're saying if we go ahead and get out of the IURC you will have no rate increase but if we stay in we're going to get 21.7%.

Council Member Alexander stated it's reality.

Mr. Wildman stated you're still saying if we stay in there's a 21.7% increase.

Council Member Alexander stated if we get out, we will be able to plan so we won't get a rate increase, and if we stay in we must follow the same pattern. The gentlemen referred to the reflections of the sewer ok, what happened was, we borrow, we spend, ok. We need to change that. This council is talking about change, yes it's scary. Yes, there is some questions out there, you're going to have concerns. We're talking about not letting what happened in the sewer happen to the water. And I don't know anybody taht would disagree with, we did not like what happened to the sewer, I don't like what happened with the sewer. I was just married, kids, and this big sewer bill comes in. Nobody planned more than one year. And let's look in the future farther than my term let's look into the future of my kids term. What are they going to have, what am I going to have when I'm a senior citizen and I'm on a fixed income. Ok, we have to look t the future and if we just sit and borrow and spend we're doomed. We're doomed to what happened to that sewer plant. It will happen again, maybe not next year or this year but it will happen again. Let's get out of this reputation of borrowing and spending. Let's take it by the reign and have control. Let's come in.

President Broady stated one more back here.

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Mr. Allen stated I'm ashamed of the animosity of the board and the rest. Gary you made a statement, and I believe that I'm correct, you admitted the last time around that you fellows didn't know that you were going to need a rate increase.

Council Member Fenner stated I said we weren't sure of it then.

Mr. Allen stated but you were somewhat scolding of the people that signed the petition to stop you. Which I think is really a fine example of people who are not sure of yourself. I think opting out may be the way to go now.

Council Member Fenner stated what I meant to say, or what I was trying to get across was I wasn't so much as being critical of the people who signed the petitions, as I was questing the people who passed the petitions around and saying sign this so we can keep the town council from raising your water rates. Because that was not the issue.

Mrs. Diefenbach stated I beg your pardon, I was the one...

Council Member Fenner stated call the meeting to order please.

Mrs. Diefenbach stated I was the one who was taking the petition around and that was not said. We had 560 people who had contacted us that they wanted to stay in the IURC.

Council Member Fenner stated as I said Murrel, I wasn't scolding the people who signed the petitions, because as I started off tonight, I don't like government and I don't trust government. But I felt like they weren't playing fair, they didn't play by the rules and they weren't being honest with those petitions and that's why the people signed them. So if you...

Mrs. Vick stated I beg your pardon, I worked on those petitions and I did not lie to those people. I did not lie to the people.

President Broady stated we're not going to let it get out of hand. I think everybody had had a chance to speak that wanted to. I've got one more.

Resident stated do I understand correctly, if we get out of the IURC and wanted to get back in the IURC, do we have to get a petition, would each person who signed that petition have to come to court to get back in, isn't that what he just read in the statute.

Attorney McCall stated no that's not what I was reading to you, I was reading to in regards to objections, if they were to opt, if the Town of Sellersburg were to opt out of the IURC and if they decided to do a rate increase within the water and did pass an Ordinance that did raise the water rate that the users of Sellersburg Water would have the ability to challenge it by petition and it would be similar to what a remonstrance is now. That would be filed with the Clerk of the Court and then put on the agenda, in the Superior Circuit Court and then presented to them as to why it should or should not happen.

Mrs. Maddox stated then each person who signed the petition would have to show up in court.

Attorney McCall stated no, notice is sent to the first person that signed the petition.

President Broady stated do we not vote on that tonight.

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Attorney McCall stated you need a number.

President Broady stated according to statute we are going to vote on the Ordinance tonight. This is just for a first reading.

Clerk Treasurer Schafer stated 99-711.

Attorney McCall stated 711, I'll read it.

President Broady stated ok, I entertain a motion at this time to consider Ordinance number 99-711 on a first reading.

Council Member Voyles stated I'll make that motion.

Mrs. Pixley stated we object.

President Broady stated ok, we'll make note that you object. Motion made, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated second by Doug, is there any discussion on the motion? If not all those in favor signify by saying I, opposed nay. I's have it 5-0. I'll entertain a motion to adopt Ordinance number 99-711,

Council Member Voyles stated I'll make that motion.

President Broady stated I got a motion on the floor do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. With no further business I'll entertain a motion to adjourn the meeting.

Attorney McCall stated I've got one thing. If there's anyone in this particular meeting that requires or wants individual information on what has been about today's meeting, come up here and I will take your name and address and I will mail it to you, so you will have that.

President Broady stated with no further business.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

With no further business, President Broady adjourned the IURC Meeting at 8:50 p.m.

5

ORDINANCE NO. 99- 711

ORDINANCE OF THE SELLERSBURG TOWN COUNCIL TO OPT-OUT AND REMOVE ITS WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION PURSUANT TO INDIANA CODE 8-1.5-3-9.1.

WHEREAS, the Town of Sellersburg is the owner and operator of a water utility; and

WHEREAS, the Town of Sellersburg's water utility is currently under the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, Indiana Code 8-1.5-3-9.1 authorizes and provides that a utility owned by a town may be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the Utility from Commission jurisdiction; and

WHEREAS, the Sellersburg Town Council pursuant to Indiana Code 8-1.5-3-9.1 desires to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council has determined it is in the best interest of the Town of Sellersburg to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, that the Sellersburg Town Council has complied with all notice requirements to ratepayers of the Town's Water Utility and to the IURC; and

WHEREAS, the herein ordinance is necessary for the effective and efficient administration of Town Government; and

WHEREAS, the herein ordinance was considered at an open meeting to which public

were invited to attend and participate; and

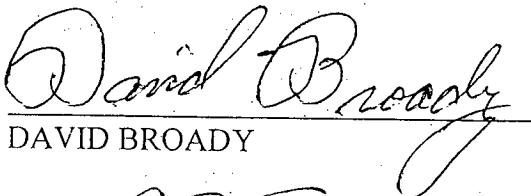
BE IT THEREFORE ORDAINED by the Sellersburg Town Council as follows:

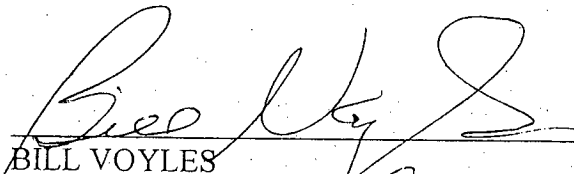
1. Pursuant to the provisions of Indiana Code 8-1.5-3-9.1 the Town of Sellersburg Water Utility shall be and hereby is withdrawn and removed from the jurisdiction of the Indiana Utility Regulatory Commission;

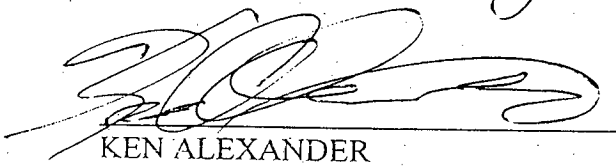
2. That the herein ordinance shall become effective sixty (60) days after adoption by the Sellersburg Town Council;

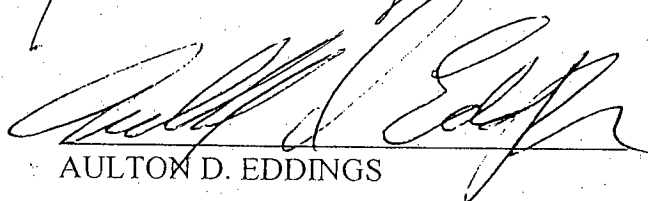
3. That the Sellersburg Town Council shall mail written notice of its withdrawal from the jurisdiction of the Indiana Utility Regulatory Commission to the Indiana Utility Regulatory Commission within thirty (30) days after the herein ordinance becomes effective.

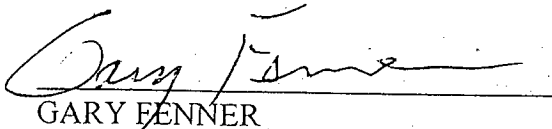
SO ORDAINED THIS 15th DAY OF February, 1999.



DAVID BROADY

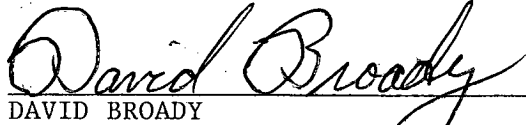

BILL VOYLES


KEN ALEXANDER

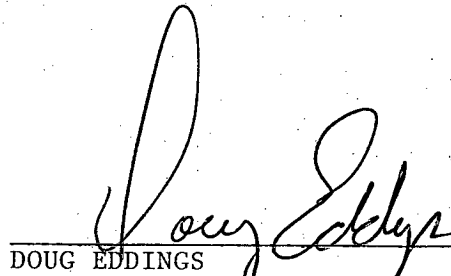

AULTON D. EDDINGS


GARY FENNER


ATTEST: 
LINDA G. SCHAFFER
CLERK-TREASURER



DAVID BROADY



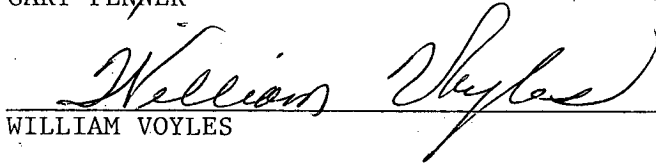
DOUG EDDINGS



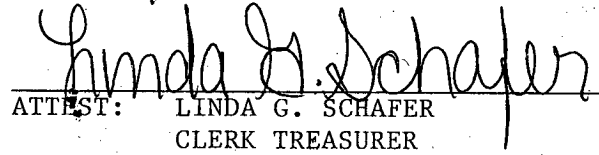
GARY FENNER



KENNETH ALEXANDER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 22, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; William P. McCall, Town Attorney and Linda G. Schafer, Clerk Treasurer.

Called To Order

President Broady called the Regular Meeting to order at 6:30 p.m.

Prayer

Rev. Larry Poe offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL ON/MINUTES.

President Broady stated first thing on the agenda is the minutes February the 1st, 1999. You all have had them quite some time. I'll entertain a motion at this time to approve the minutes for February 1st.

Council Member Alexander stated I'll make a motion that we approve the minutes.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated duly second, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. That approves 2-1, the minutes of 2-15 we've had so many meetings here we're running a little behind so we'll wait to approve them when we have a chance to read them next meeting.

Clerk Treasurer Schafer stated what about February 8th?

President Broady stated we've got one of them too.

Clerk Treasurer Schafer stated that was the regular council meeting. There's a meeting every week.

President Broady stated February the 8th Executive Session and also a Regular Meeting. I'll entertain a motion to approve those.

Council Member Voyles stated I'll make the motion.

President Broady stated we have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second it.

SELLERSBURG TOWN COUNCIL

Regular Meeting

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President Broady stated duly second it, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. First on the agenda tonight is Mr. Reardon, are you here sir?

CHARLES REARDON ADDRESSES THE COUNCIL MEMBERS CONCERNING HIS WATER AND SEWER BILL.
Mr. Reardon stated yes, I'm not a resident of Sellersburg yet. I brought some property here. And we bought an old house and we haven't moved in yet, but I'd like some information on my water service, and how it's charged.

President Broady stated ok

Mr. Reardon stated I've got a bill here for six hundred and some odd dollars. Two months know body lived in it.

President Broady stated ok.

Mr. Reardon stated the best I can get out of those women down there in that office is that I still owe 49.12 for two months service. Do you have a minimum lower than that?

President Broady stated ok

Mr. Reardon stated I think you've got bill, two months service on that. And it's been locked up for four months.

President Broady stated what you can do is 5.00 its called vacation leave. And they'll come down and shut the water off, and you won't get any bills what so ever, until you get back. Ok, or how everyone want to do that, if you leave it on and don't shut it completely then you'll get a minimum bill.

Mr. Reardon stated whats a minimum bill?

President Broady stated on the water here's, I think you owe two bills of 18.13. I believe is what you've got, thirty-six twenty-six is that right?

Mr. Reardon stated for two months we've been working on the house and that 18.00 was the minimum the last time because of this bill here.

President Broady stated ok.

Mr. Reardon stated and there's no way this could have happened because I shut the main off when I quite working on the house.

President Broady stated ok, here's what it is, 18.13 and one for 20.01, bear with me I don't understand.

Mr. Reardon stated this is the last bill I brought into the office and this is what they ended up with.

President Broady stated 41.12 right.

Mr. Reardon stated there shouldn't be anything on the meter at all for the month before.

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Mr. Crawford stated ok, what I've got here today is I've got a history for this, would be the month of January and the month of December and whats going on is that for some reason when the guys are reading the meter the 600.00 bill was a meter over read. And thats all been taken care of and we got that readjusted.

President Broady stated your saying 49.12 where's that?

Mr. Crawford stated right, I'm showing 26.60 for the month of January and 24.56 for the month of December. Ok, what I believe is going on here is the minimum usage for the water is 6.31 a month thats up to 2,000 gallons a month. Ok, now on minimum of the sewers which is calculated off of your water usage. You can see your water usage there is no accumulation of fees until after 2000 gallons, but on your sewer it starts accumulating from gallon one, thats were the increase over the minimum charge for the month is within the sewer usage. Now that, that these numbers are taken directly off of the meter readings themself.

President Broady stated 26.60 and 24.56.

Mr. Reardon stated how can those meter readings very from one month to another when its been shut off for three months.

Mr. Crawford stated Mr. Reardon I do not know. I mean, to my knowledge you talked to the personnel in the water utility itself, they're not aware that the meter is shut off.

Mr. Reardon stated well I shut if off at the main outside. They can come on talk to me.

Mr. Crawford stated that would be a possibility depending on how the service is installed. I do not know from the point of were it leaves the meter, from the main line to your house, I don't know if theres a chance and I'm not saying there is, but I don't know if there in a situation that there's a leak from that point to your house if your main is shut off in your house.

Mr. Reardon stated you could hear a leak.

Mr. Crawford stated right, right, I'm not disputing your word. According to the meter readings that we get which our actual reading its showing usage for some reason.

President Broady stated ok.

Mr. Reardon stated it hasn't even been occupied.

President Broady stated what your saying is the building is unoccupied and your still getting meter... What you need to do immediately is after, what were going to do here is go ahead and pay the 5.00 and have it shut off for vacation. That way you don't get no bills.

Mr. Reardon stated no sewer.

President Broady stated yes, you don't get nothing. What the complaint is he's saying he doesn't live there and he's got a 29.00, according to the meter readings that is right to us, but there again how could he live there could you all give him some adjustment on this, take the sewer off.

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Regular Meeting

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Mr. Reardon stated I have a recycle bill on there too.

President Broady stated ok, the recycle bill...

Council Member Alexander stated the garbage bill is there for property owner, regardless whether it is being used or no.

Mr. Reardon stated its got nothing to do with the house.

Council Member Alexander stated whether its not being used or not.

Mr. Reardon stated we bought this property the last of August.

President Broady stated now if we go on vacation that won't stop it.

Council Member Alexander stated no that won't stop that will continue.

President Broady stated that is 3.00. I'll tell you what we'll do, how about this will adjust it back out to water minimum and 6.31 plus tax drop the sewer off and then you'll still have the sanitation, will be 6.31 plus looks like 32¢ tax I think thats the way that is. That 6.63 times two would be 13.26 then you go 6.00 would be 19.26 is that the way you see it.

Mr. Crawford stated yeah.

President Broady stated well I'll just tell Tim here. Tim do you understand what I just did here.

Mr. Crawford stated yes sir.

President Broady stated 26.31 plus actually theres 2.32 on here I missed it by 32 cents.

Mr. Crawford stated you want the minimum bill of the water bill taken off.

President Broady stated the minimum water bill for two months ok, and then the sanitation fee for two months and that will be what he owes. It looks like its 19.58, I'm sorry 19.58. And you need to go ahead and have them cut it off and that 5.00 you can pay when they cut it off or you can pay it when you decide to turn it back on, is that ok.

Mr. Reardon stated that will be fine.

President Broady stated ok sir.

Mr. Reardon stated it sure beats that 600.00.

President Broady stated thats a little better.

Mr. Reardon stated Thank You.

President Broady stated your more than welcome.

Mr. Fenner stated do we need to make a motion for that.

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President Broady stated oh yeah, I'll entertain a motion to do that.

Council Member Fenner stated I make the motion.

President Broady stated got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated duly second, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Ok, Mr. Primevera you're up sir.

Mr. Primevera stated Thank You, Mr. Lynn is not here yet, could I wait.

President Broady stated ok.

Mr. Primevera stated you all go on, Thank You.

President Broady stated Mrs. Pixley and Mrs. Diefenbach do you have anything tonight?

Mrs. Pixley stated you know you all jumped the gun the other night when you said that we had got a petition together to postpone the IURC. We went around to get a petition it says to the customers of Sellersburg Water Department, which you said they were going to have to be names of the Water and Sewer. This is a petition to stay in the IURC. Please sign if you wish to remain in the IURC. This was all the petition was, was to show you how many people that use the water that wanted to stay in the IURC. We had 560 people. Now I would like to go back to the different itmes, different amounts that have come up in these meetings. In March 19th, 1997, you said there was going to be a 50% increase and then in The Leader on Oct. 1st, 1997 you had, they had reported that there was going to be 23 to 29%, but you changed it to 34 or 39%. Now, these were in the Leader in October of 97. And then in the Evening News in February you had 21.7 and Mr. Fenner had it in his speech the other night 15 to 20%. These are the different rates that you have given all along as to what this water was going to be raised. And I don't know whether you all know what you're, whether you all got your head together or not. But then Mr. Fenner had said and he made it real notable that we had to get 5% of 500 names for this petition. I would like to know where you all came up with those numbers?

President Broady stated whats the number of name they have to have on the petition, by law, Perry?

Attorney McCall stated 2%, they changed it. A petition or nomation has to signed, if you refer back to Indiana code 3863. Which says it has to be signed by at least number of registered number of voters as in Indiana code 3863 to place a canidate on the ballot. That statute says a petition or nomation must be signed by at least the number of voters equal to 2% of the total votes cast at the election for the Secretary of State in the election district that the canidate wished to represent.

Mrs. Pixley stated all right, I talked to Mr. King the other day, you know how many votes we have to have to have to have this put on petition? 50.

President Broady stated 50.

Mrs. Pixley stated 50 votes, and you've been telling us 500.

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Attorney McCall stated that was what the section was prior too, that's what Mr. Fenner was refering too.

Prèsident Broady stated it's been changed.

Mrs. Pixley stated no, 500 was for the county, 500 was for the county.

Attorney McCall stated it was amended in 1997, the statue was amended in 1997. It took effect July 1 of 98. July 1 of 98 it became effective.

Mrs. Pixley stated right. That's all I've got to say.

President Broady stated Mrs. Diefenbach.

Mrs. Diefenbach stated what I would like to say is that we are going ahead with the petiion. I was, it was a sad situation. I did not ever speak to anyone and never have in all the years that I taught school and I've had two generations of school and no one has ever called me a liar and I have never called them a liar. And I'd thought it was rather disrespectful. I don't know who's fault it was but it didn't show very much respect at all. And it's a sad situation, I would like to say I would like to see the responsible, honest government that I ask for.

President Broady stated Thank You. Mr. Kinder you're first tonight I understand.

CHIEF KINDER ADDRESSES THE COUNCIL ON/CREW

Chief Kinder stated I've got part of my crew, I don't know where the rest of them are. Maybe he got caught. I've got three of them here and I'll go ahead and introduce them. I know you've heard their names and they've heard your names but at this time I like to introduce them this is Charles Martin, he came to my department in 1997. Michael Clapp, he came to my department from Charlestown Police Department. He came to my Department Charlestown Department. He came to my Department in 1997. Last but not least Richard Goodwin. He came to us from Clark County Sheriff's Department. He came in 1998. The other two that were here earlier, oh, Jeff Pavey just came back in. Jeff came to us in 98 from Jeffersonville, in fact, Jeff is one of four brothers that are Police Officers here in Clark County. Thank You.

President Broady stated gentlemen Thank You for coming tonight, we appreciate that. Chief did you have anything else.

Chief Kinder stated no sir, that's all I had.

President Broady stated Mark Warren, do you have anything tonight?

Mr. Warren stated no.

President Braody stated don't have anything going on, are you prepared for the major snow? They're saying we're going to get 1-inch tomorrow. And it's supposed to be up to one inch this Saturday. Ok, EMC.

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TIM CRAWFORD/EMC ADDRESSES THE COUNCIL ON/MONTHLY REPORT.

Mr. Crawford stated let me go ahead and pass out the monthly report. Once again there are no violations. If any of you all have any questions on the report feel free to contact me and I would be glad to sit down and go through all of it with you. The second thing I would like to pass out is the Water and Sewer Revenue Report for the weeks of February the 9th through February 22nd, with the total revenue being \$80,962.99. The next item I have is something we talked about and presented at the last board meeting on February 8th. It pretains to the 8 inch water main extension at Enterprise Way. I think what we just needed to do, I wanted to give everybody the opportunity to look at that and I just wondered what the decision might be.

President Broady stated ok, John do you have anything.

Mr. Crawford stated the extension is on Enterprise Way across form Comfort Inn.

Mr. Toombs stated It's fine I think you ought to do it.

Vice-President Eddings stated before we put the road in there. Clark and I talked about it and...

President Broady stated ok, we had three bids. One was from Excel Excavating for 4260.00 the low bid. One from Dan Christiani 4500.00 adn the other one from L.D. Rice for 4680.00. Your recommendation is for EXcel Excavating for 4260.00 is that correct.

Mr. Crawford stated have they done work for us before?

Vice-President Eddings stated yes.

Mr. Crawford stated ok, I don't remember them.

Vice-President Eddings stated ok, and what this is, is the water main extension that we need to get done out by McDonalds underneath the roadway and back by McDonald's, is that right.

Mr. Toombs stated this is actually at the end of the road. You have when the road stops, there is nothing but a field out there. You have a water line on the McDonald's side, but you have no water line on the other side and rather then have them extend two small lin by themselves, we thought it better to take an 8-inch and run across so you would have dece water line for both of them.

Vice-President Eddings stated it will go in before the road, right?

Mr. Toombs stated yes.

President Broady stated I'll entertain a motion to accept the contract for 4260.00 for the water main extension on Enterprise Way.

Vice-President Eddings stated I'll make that motion.

Council Member Voyles stated I'll second.

President Broady stated I've got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0.

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President Broady stated do you have something here that we need to sign?

Mr. Crawford stated no, it just needed approval to proceed. The next item I have also coincides with a topic that we discussed at the board of the 8th and it concerns the Bean Road Lift Station and the Covered Bridge Lift Station. It covers the pump that went out for repair. These are the actual invoices.

President Broady stated we discussed them at the last meeting, we had them brought up and now we have the actual invoices. The invoices came for the amounts that you had proposed, is that correct?

Mr. Crawford stated yes.

President Broady stated so I have two invoices, one is for 4600.00 and the other one is for 3458.00 and I think have been signed by the facility manager as being received. I'll entertain a motion to pay these claims as presented.

Council Member Voyles stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Mr. Crawford stated the next item I handed to you is a request for a Capital Expenditure in the sewer utility. What this piece of equipment is for a sewer jet machine. The current piece of equipment that we've got, model 83 had approximately 20 or 25 years of age on it. It still is in operating condition, it is almost impossible to get replacement parts for it because of the age. What I am requesting tonight is a machine that is made by the same company, the same type of machine. The type we've got, out of the last we've got I recommend that we purchase the model D-3. I would like to put this under you for consideration.

President Broady stated ok, we'll take this under consideration for you guys until the next meeting. If you get a chance go down and look, do you have the new one in stock?

Mr. Crawford stated no, just the old one.

President Broady stated take a look at the old one, and then if you think that we need one then we can vote on it at the next meeting.

Council Member Fenner stated I didn't know that the old one had any original parts on it.

Mr. Crawford stated it probably does. One last item that I've got then I'll be finished concerns a Capital Expenditure in the sewer utility. This item is actually removal of a tree line that lines the back of the drying beds. During the summer months of April to October, with the size of these trees, it creates a shaded area over the drying beds, which is really deferential to the process. We're not getting that sludge out as often as we need to and then in October when the leaves begin falling they do fall in the beds creating a cover. Once again hindering the process that

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needs to happen in that area. Once again I just bought the proposal in for your consideration.

President Broady stated there again we got them tonight and I suggest that we go ahead and look them over. If you get a chance go down and see what he's talking about and then we will vote on this at the next meeting. And if Mark wants to volunteer his services.

Council Member Alexander stated will you look at that, do you think you could do that?

Mr. Warren stated those trees back along the drying beds.

President Broady stated yes.

Council Member Alexander stated I think some of the guys on the Street Department, they can. Just see what you can do.

President Broady stated all right we'll check into that.

Mr. Crawford stated that's all I have, Thank You.

President Broady stated Building Commissioner, head honcho you got anything tonight?

Mr. Ball stated we're proceeding.

President Broady stated nothing of importance. Thanks Mark. Mark, Animal Mark. Ok, you're going to let that go until Ken. Ok, Ken, I know you've got somewhere you have to be so I'll let you go ahead.

COUNCIL MEMBER KEN ALEXANDER ADDRESSES THE COUNCIL ON/ORDINANCE ON ANIMAL CONTROL.

Council Member Alexander stated I have an Ordinance in front of you, we've been talking about the animal control, I think this is the last revision. I've given you an outline that basically follows section, by section of the new Ordinance. It shows you where the changes are. I will try to be brief and highlight some of the changes. There are four changes in the first section in the definitions that deal with abandoned domestic animal and closure and vicious and dangerous animal.

Council Member Fenner stated Ken, are these changes to what was proposed last meeting or these...

Council Member Alexander stated these are changes to the old Ordinance.

Council Member Fenner stated ok.

Council Member Alexander stated you can briefly read over, abandoned just basically means leave unattended on public or private property. Where as the person cited has no ownership or other legal or interest or right. Various other definitions are used through the Ordinance. The second section restraint, no changes were made. The third section, impoundment, the only changes that were made was the new prices at the Clark County Shelter other than that it was left intact. Section four probably one of the biggest changes that I am recommending was the town registration. Today I got in the mail from Bruce Walker the Silver Creek Township Assessor on property taxed and it says on the bottom the dog tag form is located on the back of form 101, enclose a check and I will mail your tag

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to you. What we found out going through our investigation was that the town required a tag, which is not recognized by any Clark County Agency. And you are also required to have a township tag. If your dog was to be impounded and it was taken down to the Clark County Shelter before the dog would be released, even if you have a Sellersburg tag you would be required to purchase a township tag. So I am recommending we eliminate this section completely. And encourage everyone to get their township tag. But replace it with inforcement for the rabies tag. This Ordinance is basically put together, or had been changed to help protect the animal rights and to also protect the polulation of Sellersburg. And probably one of the most important things is if there is a dog or animal bite that we are able to respond quickly as far as if the animal has had it's up to date rabies and this section would require that the rabies tag is in place on the collar. And if your dog was running at large and picked up the Animal Control Officer could fine you for not having that in place.

President Broady stated do you all understand what is being recommended and we're going to do away with the Sellersburg tag all together.

CLerk Treasurer Schafer stated I gave him, what a 100 and something on the list. I've already ordered them this year, so we just, I can't send them back, they're do any day. And water utility is paying on the bill, so what do we do? Just hold them off for audit? I have to pay for them I can't send them back.

Council Member Alexander stated to me it looked like, we're paying county and we're getting, we are required to get a township tag. So basically we're kind of double taxing them.

Clerk Treasurer Schafer stated Tim needs to stop if from the utility bill. It will print on there.

President Broady stated ok.

Council Member Alexander stated if that is approved, that is how that section would be changed. Section five the nuisance, the only change there, even though I put no changes, we did have a change after I did my outline was number 7 unnecessary fowl or nauseous odors which offend people in the neighborhood. Over our past experience or at least in my four years we have run into where we have 3 or 4 animals in the backyard, no one has taken care of the waste and it has been nauseous to the next door neighbor and really there wasn't anything in here to obey the nuisance. Perry if you see something in here you will speak up right? Number 6 animal bites, this is completely new. Basically is put in some responsibilities to the victim or witness to notify the Health Department after seeing a bite. It also goes into the current rabies inoculation up to the health officer in quarantine. The owner is liable for the cost of the quarantine. And the animal control officers also has the ability to quarantine if no owner is present. Number 7 was the humane treatment. What's new is this is there was nothing in the old Ordinance that required an owner to be humane to his pets. The owner must provide water, food and shelter. The Ordinance basically protects the animals from the owners. You can't go out and beat your dog and think it's ok. Give them an Ordinance to protect them. Number 8, was dealing with the dwelling of animals. This basically was another protection of animals from cruelty. Number 9, animals in heat there was no changes. Number 10, animal waste, the owner is responsible for that waste. If you are walking your dog across someone else's yard you're responsible for your dog or cat. Number 11 we did talk about this to some extent last time, the keeping of live stock, would be unlawful without special permission from the Town Council and also bee-keeping would be unlawful with special permission from the Town Council. Which was number 12. Number 13 deals with the illegal dumping of animals.

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Basically fines would be imposed for each animal, not occurrence, each animal that was illegally dumped. Number 14, possession of a vicious or dangerous animal. This is all new. Basically when ever the Sellersburg Animal Control Officer or Sellersburg Police Officer returns upon incident personal observation of the animal is a vicious or dangerous animal as defined in this Ordinance, the officer shall notify the owner or person having control of said vicious or dangerous animal in writing and shall be given a 7 day notice to comply with the action. For each day past the 7-day compliance the owner or deeper does not comply violates a separate offense. What this is if an animal is considered viscous our dangerous that they would be required to competely enclose completely top, bottom and sides where that animal could not get out. It would have to have a lock so as kid could not come over and open the cage up. It also puts if it has been deened a vicious or dangerous animal the owner is aware that if it is running at large that they know that animal is on the loose so that the residents around could be made aware. And then there was some exceptions to clarify, one was acting in defense of anyone assaulting its owner or keeping resident. Any person or animal that is tormented or abused while defending its young or the young of another animal while defending it's property from a person which the animal believes is entered his property with obvious, malicious intent that is number 14, number 15 is standards for kennels. There is no change. Number 16, standard for guard or sentry dogs, no change. Number 17, citation, we talked about the resident being able to pay the 25.00 directly to the Town of Sellersburg. What we wanted to make clear in here is that it doesn't guarantee that was your one recourse of action. Only if it is indicated by the Animal Control Officer. Basically on the citation, if it says yes this is an offense, that he feels that doesn't require going to court and he would check and he would be able to do that. If this is an offense that he doesn't, like if it is a repetitive offence and the guy thinks he's going to pay the 25.00 for ever it would be up to the discretion of the animal control officer. Any resident can contest our actions through the Clark County Court System. Number 18, interference with enforcement, no changes. Number 19, penalties, no changes and number 20, no changes. And that is the new Animal Control Ordinance.

President Broady stated when do we have to have this Ordinance in place?

Council Member Alexander stated if we're going to drop the tags it would have to be before...

Clerk Treasurer Schafer stated March the first is the annual registration and they will be going on this water bill that is getting ready to process right now. You need to make a decision tonight. If you want to stop it.

President Broady stated I don't disagree with it but there are so many changes.

Council Member Alexander stated it totally understand.

Clerk Treasurer Schafer stated we can keep it from the water bill and I can refuse to sell them March the 1st if you want to do that.

Council Member Alexander stated can we make a motion to delete the section concerning from the Ordinance.

Attorney McCall stated you can make a motion to amend just that section.

Council Member Alexander stated I could make a motion to delete section 4 from the current.

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Attorney McCall stated motion to amend the new Ordinance regarding that section, do it two times. Then follow it up with a written at the next meeting to sign.

Council Member Alexander stated actually until this Ordinance was passed that section would just be taken out. Section 4 dealt with the animal registration.

President Broady stated ok, you want to make a motion that we amend Section 4.

Attorney McCall stated Ordinance number.

Clerk Treasurer Schafer stated Ordinance number 99-720. That amends Ordinance 92-535 Section 4.

Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Tim, take the notice of dog tag renewal off the bill.

Mr. Crawford stated ok.

President Broady stated Chief.

Chief Kinder stated Section 14 paragraph, all I'm asking is to go ahead and put in the name of the animal control officer.

Council Member Alexander stated you want that to be to notify the Animal Control Officer and the Sellersburg Police Department. The only other thing I have is the Animal Control Officer has requested a new dart, tranquilizer gun. Roughly around, it was under 400.00 by the time you got the darts right.

Mr. Robinson stated 309.00.

Council Member Alexander stated 309.00 and Jeffersonville Animal Control and requested to purchase the existing gun we have for 500.00. We did pay 1100.00, five years ago for the one we have, but it did require so much to load this one up.

President Broady stated I'll entertain a motion to authorize our Animal Control Officer to purchase a new gun for 409.00 and sell our old gun for 500.00 to the City of Jeffersonville.

Council Member Alexander stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0.

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Council Member Alexander stated the last thing on Animal Control is the contract is up for interlocal agreement is up for renewal.

President Broady stated I have it on my list, Ken and I have talked this over and I have a call in.

Council Member Alexander stated may I please be excused.

President Broady stated Thank You, Doug you got anything.

Vice-President Eddings stated no sir.

President Broady stated Bill.

Council Member Voyles stated no sir.

President Broady stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/SWIMMING POOL.

Council Member Fenner stated just to give you an update on the swimming pool, we found the leak, we fixed the leak. We will get a bill shortly. We are in the process of just starting to seek applications for employment for the pool for the summer and we have made decision the fees will remain the same, there will be no increase this year. Also you know this is something the Chief might be able to help us on. I have noticed and I have had a couple of people contact me about the truck driver training schools that we have in the area that use our town streets on a regular basis. You know I know they're public streets on a regular basis. You know I know they're public streets and we can't keep them from using them but they ought to be some kind of influence we can assert to make them when they let those people out on the streets they can drive more than five miles per hour. And they don't back up traffic. We already got a traffic problem and they are compounding it. And I don't know what we can do, if nothing else write a letter that, you guys got any suggestions?

Chief Kinder stated that's, by your streets, you mean 31.

Council Member Fenner stated 31, Enterprise Way, they go on Enterprise Way.

Chief Kinder stated there's not much we can do about Enterprise, they can't go on the other city streets.

Council Member Fenner stated can we send them a letter at least.

Attorney McCall stated we can try, but they can tell us to go to hell.

President Broady stated they've got a job to and that's the way they train.

Attorney McCall stated do you know which one's they are.

Council Member Fenner stated the only one I know is Truck Driver Institute.

Chief Kinder stated TDI

President Broady stated you might call them and ask them to change their route, tell them

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Clarksville likes people down there and...

Council Member Fenner stated I know we can't keep them off our streets, but when they drive five miles per hour, can we set a minimum speed limit.

President Broady stated we can write them a letter and see what kind of response we get.

Council Member Fenner stated and also after the meeting last week, I got to thinking that there are some things that we might be able to do make our meetings a little bit more comfortable. Last week we had probably about 25 or 30 people standing up because we didn't have enough chairs. I just wanted to know what you guys thought about investing in some more furniture for the town meeting room specifically about 25 chairs and while we're doing it, how about a cabinet for the PA System instead of it sitting on the floor and sideways, it ought to be protected a little bit better than that. And then also maybe even a projection screen that we hang from the ceiling so people can see a little bit better and then also a sign that hangs on the door that says Town Council is in executive Session or something like that. I looked around and the chairs are kind of expensive. The chairs that we've got now are 51.75 each. So, if we got 57 of them that's going to be almost 1300.00 for just the chairs.

Council Member Voyles stated what about just the folding chairs.

Attorney McCall stated they would be easier to store.

Council Member Fenner stated we can look into that. We did have a dolly back there for these chairs that we don't even use and then I looked at the cabinets and they are anywhere from 45.00 to 200.00 for solid oak. A projection screen about 150.00 to 200.00 and a sign for the door about 50.00. If we do it all we might spend about 1700.00. If we put the same chairs we got here.

President Broady stated it looks like you have already done some research, why don't you go back and get some more prices and come back or do you want to go ahead and get the authorization to...

Council Member Fenner stated those are solid prices, they're not down to the penny. But they're pretty close. I just, before I went any further, I wanted to know if you would consider it and if we're in the ballpark.

President Broady stated I would consider some more chairs myself, you don't need them all the time.

Vice-President Eddings stated you could keep them on the dolly until you need them.

President Broady stated I think it's worth going on with...

Council Member Fenner stated so that means go ahead and do it.

President Broady stated yep.

Council Member Fenner stated alright, then also at the special meeting I also promised that we would present a Resolution that if we opted out of the IURC that we would make it so that if the Town Council were to raise the, or consider raising water rates or decreasing water rates that we would hold ourselves to the standard of having a public

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hearing 30 days in advance and also including sending a written notice to the individual water customer 30 days in advance. That's over and above what the state law requires us to do. But we wanted to do that to allow the residents to have their impute and for the council to explain things to them. So I have a Resolution here, Linda do you have a number.

Clerk Treasurer Schafer stated 1999-53.

Council Member Fenner stated ok, this is one that Perry had prepared and we've had it in our boxes for the last week, do I need to readd this word for word, or have you guys read i and feel comfortable with it.

Vice-President Eddings stated I'm comfortable.

Council Member Voyles stated I'm comfortable.

Council Member Fenner stated I make a motion that we adopt Resolution number 1999-53.

President Broady stated I got a motion on the floor do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion?

Attorney McCall stated just to explain what this Resolution allows it gives 60 more days over and above the statute and it requires the town to hold a public hearing before the public hearing to talk about a rate increase, and to give notice of that hearing in a way that you would for the introduction. So it's going to be up to each individual customer to get all the public impute way ahead of time.

President Broady stated I've got a motion on the floor and duly discussed. All those in favor of the motion signify by saying I, opposed nay. I's have it. Vote 4-0.

Attorney McCall stated you're going to have to introduce this thing next meeting also.

President Broady stated ok.

Attorney McCall stated so just bring it back, and you've got it on record.

Council Member Fenner stated and also this we sent out a mailing last week after our meeting to our residents to ask if they had any question or comments to call me and I had several phone calls and I kept a log of them. I had several people call just expressing support in favor of what we had done concerning the IURC and I had several people asking questions, and some of them were very good questions. One of them we didn't cover that they asked was will this effect the quality of our water, we didn't ever cover that. And the answer no it won't effect the quality of the water. And then 12 people that called and they were against what we were doing. One person started off saying I want to be blunt with you from the beginning, I'm totally against what you are doing. By the time I got done talking to the both of them, the one who started off totally against it he came out and said I understand and I think you made a good decision. The other fellow said you've given me a lot to think about, I'm not so sure now, so I'll think about it some more. So, if we have to opportunity to talk to people we are able to make them understand.

RESOLUTION NO. 1999-53

A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL REGARDING
WATER RATE INCREASES IF THE TOWN OF SELLERSBURG SUCCESSFULLY
OPTS OUT OF THE INDIANA UTILITY REGULATORY COMMISSION

WHEREAS, the Sellersburg Town Council desires to opt out of the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council understands that during the course of this opt out procedure there has been and will continue to be local opposition to the opt out process and this opposition continues to circulate misinformation and half-truths about the Sellersburg Town Council's reasons and justifications for opting out of the Indiana Utility Regulatory Commission as well as the ramifications to the residents of the Town of Sellersburg, and

WHEREAS, if the Sellersburg Town Council successfully opts out of the Indiana Utility Regulatory Commission, the Sellersburg Town Council desires to go on record and make public what actions the Town Council will take to notify, inform and include all residents of the Town of Sellersburg prior to seeking any increase in the current water rates now assessed; and

WHEREAS, the Sellersburg Town Council will comply with all requirements contained under IC 8-1.5-3-8.1 (a copy of which is attached hereto and incorporated herein); and

WHEREAS, in addition to the protections provided under IC 8-1.5-3-8.1, the Sellersburg Town Council will hold a public hearing at least thirty (30) days prior to the introduction of any ordinance of the Town Council which seeks to increase the water rates of the Town of Sellersburg, in addition, at least thirty (30) days prior to the public hearing the Town of Sellersburg will publish notice in accordance with IC 5-3-1 and mail notice to each water customer of the date and time of the public hearing; and

✓ WHEREAS, the Sellersburg Town Council believes that significant input by and dialogue with its water customers will aid in determining the need for any water rate increase and the amount of any such increase.

BE IT THEREFORE ORDAINED BY THE SELLERSBURG TOWN COUNCIL ON THIS 15TH DAY OF FEBRUARY, 1999, THAT THE FOREGOING REPRESENTATIONS ARE HEREBY ADOPTED AS OFFICIAL POLICY OF THE TOWN OF SELLERSBURG.

SELLERSBURG TOWN COUNCIL

David L. Broady

Miriam Vayles

Gay Edger

Gay E. Fennell

[Signature]

ATTEST: Linda H. Schaefer
Clerk/Treasurer

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President Broady stated ok.

Mrs. Pixley stated Mr. Fenner that's what I said, if you had talked to the 560 people like we did, you would have felt the way that they all did. There's too many older in this town and there's a lot of young people with little bitsy kids that cannot afford it, they don't have any means for that.

President Broady stated ok, we've talked about this to death, go ahead.

Council Member Fenner stated that's all.

President Broady stated ok, oh, Paul.

PAUL PRIMEVERA ADDRESSES THE COUNCIL ON/COVERED BRIDGE/STERLING OAKS DEVELOPMENT.

Mr. Primevera stated I apologize for Mr. Lynn not showing up here, something unusual has happened because he's always where he's supposed to be. I would like to try to convey to you what his thoughts are. First of all Mr. Greg Furnish is here this evening, if you recall in June of last year we approached you, a commitment as far as sewer taps for Mr. Furnish is necessary for the town. They would like a letter that they will provide the sewer as long as he meets the conditions that you require. He is anticipating at this time developing over 300 lots. At a previous meeting we had discussed 150 lots at Covered Bridge.

President Broady stated the only thing that you need right now is a commitment letter that we would allow Mr. Furnish to proceed.

Mr. Primevera stated yes.

President Broady stated you want to draft this letter and I would be glad to sign it. I'll entertain a motion to let me sign the letter that John is going to draft for a 150 lot development with the provisions that John recommends that has to be done anyway.

Mr. Toombs stated I make a motion that we give the authority to the president to sign the letter drafted by the engineer concerning the development of Covered Bridge and Sterling Oaks in relationship to our sewer.

Council Member Voyles stated I second.

President Broady stated I've got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

Mr. Privevera stated Thank You.

President Broady stated Perry, you have anything?

Attorney McCall stated not for this meeting.

PRESIDENT BROADY ADDRESSES THE COUNCIL ON/CLAIMS.

President Broady stated I've got some claims here for L.D. Rice Construction Company for draw number 3 for the 17838.16 and also for 4402.80. These are encumbered appropriation.

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Also from the sewer department from L.D. Rice Construction Company 2604.51, and also for 3419.82. They have been approved by our engineer. I'll entertain a motion to pay the claims as presented.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0) I have a letter from River Valley for Sunflower Valley, I talked to the Board of Commissioners for some time and at the same time I talked to a representative of the River Hills and they're talking like it is 80000.00. However when they started they thought it was 30000.00, he said the problem of it is the time go and do a study and do all the paper work it, so I think we need to get some solid estimates that you are working on.

Mr. Crawford stated are we going to do all this by ourselves.

President Broady stated no, we're.

Mr. Crawford stated contract the water line.

President Broady stated we're talking about, I'll be glad to get with you and talk to you about it and show you my ideas on it. As soon as we get numbers I think the commissioners said they might have some funding that they might be able to help us with. And we would have to pay a 10% fee.

Attorney McCall stated I got that and I got a copy of that to Dan Moore asking if the County Commissioners would be willing to go.

President Broady stated I had a call today on the new construction where if there is a house being built, they're not charging sewer until there is actually somebody in it. They pay the minimum water, but sewer is not charged until somebody is actually in it, is that not correct.

Vice-President Eddings stated that's what I thought.

President Broady stated we send them a water bill, but we do not send them a sewer bill.

Vice-President Eddings stated what about when they pay for the house, when they're buying the lot and they go ahead and purchase the permit, then you automatically give them a bill, do they get charged a minimum bill at that time.

Vice-President Eddings stated don't the contractor have to come in and do the deposit.

President Broady stated that correct, that's the way we'll play that one Tim. The only other thing I have is I have had calls about the work on I-65 where exit ramps are going to be open and entrance ramps are going to be closed, and a lot of the merchants of the area have called and wanted to know if there is any possible way they can get the town and try and get that changed or someway of making it easier to get into town. I don't have an answer, what can we do or can't we do John.

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Mr. Toombs stated call the district engineer and see if you can have a meeting with them.

President Broady stated ok, Linda.

CLERK TREASURER LINDA SCHAFFER ADDRESSES THE COUNCIL ON/RIVER HILLS/KOETTER CONSTRUCTION/
BILLS.

Clerk Treasurer Schafer stated speaking of River Hills I don't believe you all appointed someone.

Vice-President Eddings stated no we have not.

Clerk Treasurer Schafer stated so you need to do that tonight.

Vice-President Eddings stated I think Ken Alexander would make a good candidate.

President Broady stated Bill you were on it last time.

Vice-President Eddings stated I make a motion to put Ken Alexander on it.

Council Member Voyles stated I'll second.

President Broady stated I got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

Clerk Treasurer Schafer stated I bought a certificate appointing him.

President Broady stated do you have anything else.

Clerk Treasurer Schafer stated I'd like to present the bills for this meeting even though they are not properly submitted.

President Broady stated did you see them, right here where he is signing.

Clerk Treasurer Schafer stated this is right, because he inspected it, but not all of them are properly submitted.

President Broady stated ok, we've had the bills in our box and had a chance to look them over and I'll entertain a motion to pay the bills as presented.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0) Do you have anything else.

Clerk Treasurer Schafer stated yes, Koetter Construction came today and sealed the windows.

Attorney McCall stated I sent them a letter.

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Clerk Treasurer Schafer stated I know, it had my name in and I don't recall saying anything about the windows. It was Gary.

Attorney McCall stated my letter didn't.

Clerk Treasurer Schafer stated yeah, I got a copy back there and talked to them about 15 times and I said that was Mr. Fenner that brought it to the councils attention.

Council Member Fenner stated it was definitely leaking.

Clerk Treasurer Schafer stated it was leaking and it's fixed now.

Vice-President Eddings stated it needs painted now.

President Broady stated yes sir.

Chief Kinder stated I have on more new officer, Jason Spray is here. And I would like to introduce him to the board.

President Broady stated ok at this time with no further business I'll entertain a motion to adjourn.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, Do I have a second?

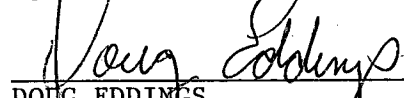
Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

With know further business President Broady adjourn the Regular Meeting at 7:50.



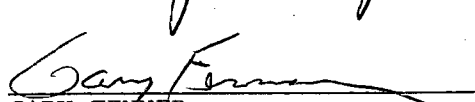
DAVID BROADY



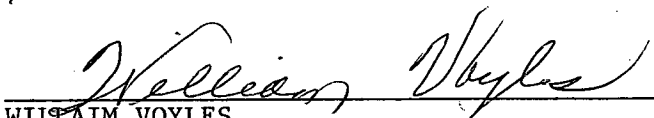
DOUG EDDINGS



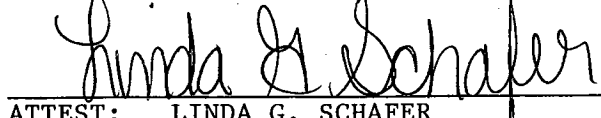
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 8, 1999

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. To discuss pending litigation and personnel matters. Those present were David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall, Town Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

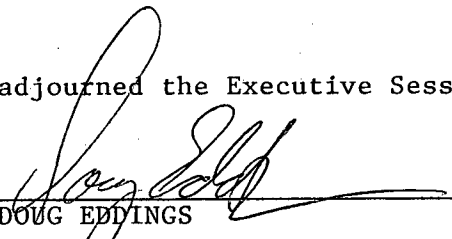
President Broady called the Executive Session to order at 6:00 p.m.

Topics of Discussion

Sunflower Valley
Jeff Zahnd

With no further business President Broady adjourned the Executive Session at 6:10 p.m.

DAVID BROADY



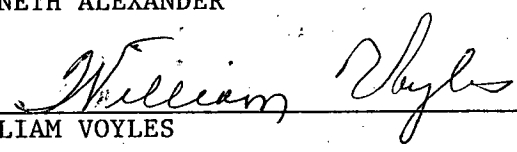
DOUG EDDINGS



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 8, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member, William P. McCall, Town Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

President Broady called the Regular Meeting to order at 6:30 p.m.

Prayer

Rev. Larry Poe offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL ON/MINUTES.

President Broady stated ok, we've had the minutes of February 15th in our possession for quite some time, and we've had a chance to read them and I'll entertain a motion to approve the minutes.

Council Member Alexander stated I'll make that motion.

President Broady stated motion on the floor, do I have a second?

Vice-President Eddings stated I'll second it.

President Broady stated I've got a motion on the floor and duly seconded, any discussion?

Council Member Fenner stated yes, I have a correction I'd like to suggest for the minutes of that meeting. Back on page 27. This is Mr. Murrel Allen the manager of Indian Oaks speaking and he was speaking from way back in the room so you couldn't hear him very well on the tapes, but I thought that he said something and then when I read the minutes I didn't think that it jived so I went back and looked at it. In the third paragraph down he finishes at, they finish at they don't have everything in there that he said because you just couldn't hear it all. But they finish by saying I for one, or they have him saying and I for one do not want to opt out. Ok, that is not correct. What he said was I think opting out may be the way to go now. Ok I talked to Mr. Allen and he concurs with that. I also have the tape of the meeting right here, its cued to the section if we need to hear it.

President Broady stated on page 27.

Council Member Fenner stated and again, instead of it saying and I for one do not want to opt out. He says I think opting out may be the way to go now.

Council Member Alexander stated I'd like to amend my motion.

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President Broady stated ok, you want to amend the motion to present it as corrected.

Council Member Alexander stated as corrected.

President Broady stated ok, I've got a motion on the floor to read the minutes as corrected. Do I have a second?

Vice-President Eddings stated I'll seconded.

President Broady stated and duly seconded again, any other discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Ok, we now have the minutes of February 22, which we've had in our possession for a while, I'll entertain a motion to approve those minutes as presented.

Council Member Voyles stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. The minutes of February 22 approved. (Vote 5-0) Ok, the public hearing is on...

Attorney McCall stated is on the petition to vacate the alley.

President Broady stated first on the petition is for St. Paul's to vacate the alley in our area up there. Frances you want to present that?

MR. FRANCES CONROY ADDRESSES THE COUNCIL ON/ST. PAUL'S TO VACATE THE ALLEY.

Mr. Conroy stated also here with me is Father Paul Richart our Pastor, Joann Kime our Parish Council President and Kenny Rush representing the School Board. I assume that you have the petition.

Clerk Treasurer Schafer stated I have it here.

Mr. Conroy stated ok, it was published in the Evening News February 25th and March 4th. there is a copy of it. This is how we, this is 31 here, this is St. Pauls St. Oak St. up here Haas St. here. We own St. Pauls and the property in black. The other property owner in the black is Phil Rogers. The alley we're requesting to vacate is, runs down through the middle of the property where we have a lot on one side and then most of it on the other side is Phil Rogers. We'd like to have it vacated. We recognize there are utilities underground there sewer and water lines and we also just recently just buried telephone lines and cable TV lines under there. And we recognize that, that has an easement, utility easement there and we do not have a problem with that.

President Broady stated ok, the easements will remain in there, thats how it is documented here. So we could get back in there and I guess on the far end where you don't own I guess, I assume that half of that goes to Mr. Rogers, is that correct?

Mr. Conroy stated right, we have no plans to build in the alley. The building is, which is constructed is in the green there. We would like at this stand point to keep traffic from

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going through. We're parking here and because of the kids, coming in and out, people, lets just close the alley off.

President Broady stated do we need a number, how do we do this?

Attorney McCall stated you can give it an Ordinance number tonight and do it tonight.

President Broady stated the Ordinance number would be, Linda.

Clerk Treasurer Schafer stated at the last meeting the Ordinance number was 720, but Patty had written down, it should have been 712, the last one. So I don't know whether to leave that one on the one you took to correct the paragraph. If you want to back up and do the ones in between or void the ones in between.

Attorney McCall stated the last one was 1997-7.

Clerk Treasurer Schafer stated 720 yes.

Attorney McCall stated it should of been...

Clerk Treasurer Schafer stated 712.

Attorney McCall stated 712.

Clerk Treasurer Schafer stated yes she just had wrote the wrong number down on my folder.

President Broady stated ok, I'll entertain, entertain, you going to read that? The Ordinance.

Attorney McCall stated request on a first reading and then do it a second time.

President Broady stated I'll entertain an motion to consider Ordinance number 99-712 to regards to vacating the alley as presented.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it, vote 5-0. I'll entertain a motion to adopt Ordinance number 99-712.

Council Member Voyles stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I opposed nay. I's have it. (Vote 5-0)

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Mr. Conroy stated Thank You all.

President Broady stated ok, next on the agenda is Mr. Mullins with Ranger Towing. Is he here? Was he on last meeting agenda?

Council Member Fenner stated yes.

President Broady stated Paul Primeveria, is he here? Ok, Joe Olson.

JOE OLSON ADDRESSES THE COUNCIL ON/HEALTH INSURANCE.

Mr. Olson stated by now I think you have recieved a copy of this information regarding the health insurance. What I'd like to do is summerize whats going on right now with the health insurance. My figures show that there is 13 single employees here and 7 families. As you can see the figures that I presented, there has been a pretty healthy increase and I want to explain why there has been an increase. Currently, according to Athem and some of the information I recieved from the employer, there seems to be about three on going pre existing conditions and as a result evidentially these claims for the existing conditions have been quite a bit. As a matter of fact, the information I got is somewhere in the neighborhood of three times the amount of premiums you pay on the insurance. Well, anyway, what I'm going to suggest is that you stay where you are at. The reason being is that I contacted two companies today and talked to the underwriter, gave them preliminary information and information concerning these conditions. They said they would look at it, but in most cases like these they would decline it after it went to underwriting. What happens is, let's say if you have a quote at this particular time you have a term quote. You would get a quote based on the census and information the company recieves and the status of everything. Then if you accept it, meaning the town for the employees. In several companies you have to go through underwriting process. Which means individual applications as well as the health conditions and then after they complete the underwriting process there is a great possibility that they will raise the substantially. What I'm preparing to do is get quotes and information from about four or five different carriers. I would like to have some time to do that and come back for the next meeting and report to you and give a comparison on health insurance, long term disability, long term disability and group life. They have an on going claim as far as short term disability. I don't believe you can change. That's where your only increase is and it's like 18.00 per month for the whole group. I suggest you don't do anything at this particular time. And once I've completed my research as far as the other insurance companies to see what they will do. I also have a comparison as far as long term disability, life insurance and short term disability. One of the other recommendations is if there is any possible way that the town could see that the employees, in other words if the town could absorb the additional cost. There is additional information here, in regards to calculations that Linda Schafer put together. She was very helpful with this and has all the information at her right hand. You might help me out here Linda.

Clerk Treasurer Schafer stated ok.

Mr. Olson stated what would the additional cost be to the employees? Ok for a single, the premium we had in 98 which is good till April 1st, it's a two tier plan. What AHDS is a four tier plan. It would benefit two employees and reduce one of the employees about 20.00 or something like that and the other one just a few dollars. The other, a single in 98 will now cost 6.29 per week to 9.19 per week, if we renew this. The employee spouse, the employee dependent, the employee family there's quite a big increase if you see a family on a two tier plan is 61.98 is what they're paying out of their check now. With

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the 99 renewal its 102.56. It just depends on the category. It only affects one person. Employee and dependant, that means like a single parent that is employed by the town, it would reduce if from 61.98 per week to 38.35, so there is one affected there. The family is going to take the blunt of the whole thing. I mean from 61.98 to 102.56 is most of their paycheck. Even though it is pre tax it's quite a big increase for them. I know some of the employees are back there. Let me mention one thing, I have spoken to the Athem representatives also and asked them if they could take a look at it and review the claims and see if these are the correct rates. So it's a possibility that I could come back and say the rates reduced.

Clerk Treasurer Schafer stated we hold a month in advance and that another problem for a delay how am I going to go back and get 40.00 per week more from the family person when they're probably barely making it on their income now. So I should of with held from the first paycheck in March for the April 1st renewal and Mr. Olson had a terrible time trying to get figures from the company because they are so big.

Mr. Olson stated I requested the renewal the 1st of February. I called three or four times and finally got it on the 3rd of March.

Mr. Olson stated their attitude was we're big and...

Clerk Treasurer Schafer we finally ended up writing a letter and this is where we're at, at this point.

Council Member Alexander stated I have a question, this is still considered a 100% policy.

Mr. Olson stated yeah.

Council Member Alexander stated will it make any difference as far as the family plan as far as a deductible.

Mr. Olson stated your talking about changing the deductible on the plan.

Council Member Alexander stated yeah.

Mr. Olson stated if you would do that, yeah it would make a difference.

Council Member Alexander stated I mean would it...

Mr. Olson stated I don't know how much but I can figure it for you.

Council Member Alexander stated I mean at least do the comparsion as far as they're paying 40.00 more a week it would pay them to have a higher deductible.

Mr. Olson stated your right.

Council Member Alexander stated it looks like the only one is family.

Mr. Olson stated I guess the number of those claims came in the picture last year. Even though the renewal is April 1, last year those claims might have taken place in February and paid for after the renewal. Let me just say this, I'm going to do the best job that I can, but I will also tell you that I would not do anything until, again there is

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a gray area when you're changing and I want to have all the facts before me and that's going to take some time and I'll come back and report to you.

President Broady stated how much time do you think we're talking about?

Mr. Olson stated I'm going to get on it right away. I'd say probably no later than April 15th.

President Broady stated and your problem is you already should have been deducting, the way I understand it, you would have been deducting the new rates already.

Clerk Treasurer Schafer stated that's exactly right.

President Broady stated had you known what they were.

Clerk Treasurer Schafer stated so at the end of the month, I mean the family person, I think there's one sitting back there. You know 120.00 unless you...

Mr. Olson stated she saw the copies and facts and everything else, you know like Humana for example. Clerk County Government, I already have those for June 1. I requested them a month ago. There is no reason for them to do this, but that's the way it is.

President Broady stated would the board, Chief.

Chief Kinder stated Joe, what you are saying, does this mean April the 1st it goes up regardless.

Mr. Olson stated yes sir.

Clerk Treasurer Schafer stated what I was concerned about was the liability there, between...

Council Member Voyles stated we could go ahead and do that, that's what we're going to have to do.

Chief Kinder stated is there money available through the town board that they could pay this part of the bill.

Clerk Treasurer Schafer stated yes there is, they would continue to pay their 61.98 a week, the 98 rate then the 6.29, the difference there if the town would agree to pick it up I'm sure the...

President Broady stated the difference the way I got it figured out today, Joe and I a 1326.64 I believe.

Clerk Treasurer Schafer stated yeah.

Council Member Fenner stated a month.

President Broady stated that's for on month.

Chief Kinder stated one month.

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President Broady stated I guess what...I'll entertain to handle this for a month until we can get a bigger hold on it and then I think we need to start thinking if this is going to be actuality what resources can we do to uh, get the premium down more.

Mr. Olson stated ok.

President Broady stated and a place that can directly handle that or we're going to have to change the percentage the town pays or you know ect. This is going to be I don't see how it could hardly be... That's a major increase. I mean 3.00 and something is not that bad but the 50.00 one is.

Clerk Treasurer Schafer stated and that's the least.

Mr. Olson stated I wish I could do something else you know that's one of the things that I plan to do is see the different options or deductables, co-insurance and that type of thing. Sorry to give you the bad news.

President Broady stated Chief.

Chief Kinder stated are there any funds available that the town can pick up a portion of this.

Clerk Treasurer Schafer yes.

President Broady stated that's what we're discussing. We're going to look at it.

Chief Kinder stated can you...

President Broady stated we didn't have it budgeted but according to Linda we could possibly move some money around or maybe do something else. I don't think that the board wants to leave the guys here. I think we're going to have to spend some time here and get some options.

Mr. Olson stated I'll get back with you as soon as I possibly can.

Clerk Treasurer Schafer stated I will have a bill due before April the 15th, so, maybe as much as six weeks to two months if you said April 15th.

President Broady stated how about me entertaining a motion to go ahead and pay the increase in cost of the health insurance until Joe gets back with us with a permanent answer which would be no more than...

Mr. Olson stated on the next meeting I'll have an answer.

President Broady stated for one month, would that be appropriate.

Council Member Alexander stated I'll make that motion.

Council Member Fenner stated the next meeting is the end of March, so you want to go the...

Mr. Olson stated I wouldn't be able to go the end of March.

President Broady stated second meeting, second Monday in April.

SELLERSBURG TOWN COUNCIL
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Mr. Olson stated I'll be here.

President Broady stated I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Pat did you have something to add there.

Pat Bradshaw stated I'll only take a minute of your time. This is in referance to the insurance. I know you all are going to do what you can do and I appreciate what you do. I'm not only speaking for myself, I want to speak for all the town employees, especially the Police Department. You know in the last five years we've lost, I'm sorry, the last year and half we've lost five guys. You go to each and everyone one of them and ask why are you leaving its always money and benefits. We can't complete with other towns I realize that. But you take the money we've invested in these employees can be thrown out the door because they did leave. We've had to replace them. You know I can go up to the people at the Police Department and ask them what kind of plan do you have, whether they're married or with children or whatever, they all have the single plan and I think I'm the only one with the family plan. Their response always is I can't afford it. What you all were just talking about. I've heard 80% or however much you all were just talking about 100.00 or whatever, that's a big chunk out of my pocket. I've got three boys that I've got to insure. And luckily I haven't had any major claims. This is very important to me and it's worring me sick. This year, correct me if I'm wrong Linda, I think I got a 19.00 increase per week on my check.

Clerk Treasurer Schafer stated it was about that.

Mr. Bradshaw stated ok, it was about that, I realize you are going to do what you can do, but please look at it close.

President Broady stated I assure you're talking to receptive ears and we're going to do everything we can do. We want to be competitive with everybody else in the area ok. For one thing I can certainly understand that thats something that you employees can't afford to concur. I assure you that we'll do everything that we can.

Mr. Bradshaw stated Thank You.

President Broady stated Mrs. Pixley you want to address the council on the phone calls you recieved concerning the town facility.

MRS. PAULINE PIXLEY ADDRESSES THE COUNCIL ON/TELEPHONE CALLS.

Mrs. Pixley stated what I wanted to talk about was the telephone calls I've been getting. And I would like to ask you all, we've got the signatures, we don't have to worry about it, the people are confused by the fact that Mr. Fenner who's saying that it doesn't make any difference if we get a petition up or not, it's going to go through.

President Broady stated well, I think Mr. Fenner was relaying the fact that we would, going to go ahead and probably vote for it to go through and then of course your petition will be taken to put it on the ballot.

Mrs. Pixley stated this is what we want, we want to with this petition to be put on the

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ballot, and not only that, I got hundreds of calls. I mean people that we're calling on the phone and we're telling me that they wanted to stay in the IURC.

President Broady stated ok, well, thats what that petitions all about.

Mrs. Pixley stated I was getting calls on water bills.

President Broady stated is your number close to the town halls number?

Mrs. Pixley stated I'll tell you...

Council Member Voyles stated I didn't get one call.

Mrs. Pixley stated uh,

Council Member Voyles stated I didn't get one phone call.

Mrs. Pixley stated you didn't. I'll refer them to you.

Council Member Voyles stated ok, I'm in the phone book.

President Broady stated what, what, I'm curious, what, those that are calling you on the water bills what are they expecting you to do, or...

Mrs. Pixley stated no, they said doesn't it just go to show you that things aren't going the way that they should be in the town hall.

President Broady stated ok, ok, all right.

Mrs. Pixley stated ok.

President Broady stated ok.

Mrs. Pixley stated Thank You.

President Broady stated ok, Mrs. Diefenbach did you, ok, Dave Kinder.

CHIEF DAVE KINDER ADDRESSES THE COUNCIL ON/TWO POLICE CARS COMING UP FOR SALE.

Chief Kinder stated we have two police cars coming up for sale. We would like to offer them for closed bids.

President Broady stated I suggest you do so, go ahead, Does any of the department want to put their names in for one of the police cars? Go ahead and get closed bids.

Chief Kinder stated could we go ahead and have Linda publish an ad in the paper, please.

President Broady stated do so, could you give her all the information.

Chief Kinder stated I will give her all the information.

President Broady stated ok, anything else.

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Clerk Treasurer Schafer stated your going to take the bids through the town, is that what you are saying? It's not going to be a sheriffs sale?

Chief Kinder stated no, we lost big time on that last time.

Clerk Treasurer Schafer stated the years and information.

Chief Kinder stated unless the Water Department wants one.

President Broady stated as it stands right now nobody does, so we'll go ahead and get bids on them. Go ahead and put them up for bid.

Chief Kinder stated ok.

President Broady stated Mark Warren, nothing Mark.

Clerk Treasurer Schafer stated wait a minute, Mark has something.

President Broady stated Mark has something.

Clerk Treasurer Schafer yeah, spring clean-up.

President Broady stated ok, EMC.

MR. TIM CRAWFORD/EMC ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUES.

Mr. Crawford stated the first thing I'm going to pass out to you is the water and sewer revenues for the week of February 23rd to March the 8th. The total being 28,850.88. Heres your monthly invoice for NSF funds, Monthly Sales Tax. There was no Meter Deposit refunds for a total of 3032.41.

President Broady stated ok, I'll entertain a motion to approve the claim for 3032.41 for Monthly Sales Tax and Nonsufficient Checks.

Council Member Alexander stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. (Vote 3-0)

Mr. Crawford stated next thing Dave is regarding the Sewer Tap Deposit, on February the 18th it was indirectly deposited in the Sanatition Account. The check is attached to your cover letter for 1520.00.

President Broady stated ok, what was done was it was inadvertently, a check that went to the town fund was inadvertently put in the wrong account. And Linda said the best way to handle it was to have them write a check to the right account, which I have got that for 1520.00 and present a bill and to be refunded out.

Clerk Treasurer Schafer stated thats correct.

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President Broady stated to be refunded out of the other account. So Linda I'll...

Clerk Treasurer Schafer stated out of the sewer operating.

President Broady stated so you know what that is for.

Clerk Treasurer Schafer stated yeah, I know what it is.

President Broady stated here's the check.

Clerk Treasurer Schafer stated we'll just give him a check for the refund.

Mr. Crawford stated or if you like, Linda, they can put it on the monthly invoice. Which ever way you like.

President Broady stated what is this.

Mr. Crawford stated that is the deposit slip.

President Broady stated ok, do we have a refund? How do you want to do that?

Clerk Treasurer Schafer stated uh, probably I need to do it on a voucher, on a sewer voucher. Uh, it needs to come from the sewer-operating account to correct it. Refunding EMC for this deposit into the correct fund the sewer tap.

Mr. Crawford stated so I just need...

Clerk Treasurer Schafer stated so, yesh, we need to get.

President Broady stated ok, you want me to handle that now.

Clerk Treasurer Schafer stated yeah,

President Broady stated ok, I'll entertain a motion to...

Clerk Treasurer Schafer stated that way I can give it to you in the morning.

President Broady stated to approve the claim for 1520.00 to voucher to EMC, does everybody understand what we are doing.

Council Member Fenner stated yeah,

Council Member Voyles stated yes.

President Broady stated ok, all those in favor, oops, I'll entertain a motion to do so.

Vice-President Eddings stated I'll make that motion.

President Broady stated ok, I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

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President Broady stated and duly seconded, any other discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Mr. Crawford stated the next thing I have Dave is the invoice concerning the sewer line jetting machine. I believe they sent it off in late December and we got this back on approximately the 10th of this last month.

President Broady stated this is our big jetting machine.

Mr. Crawford stated yes.

President Broady stated this was the one that was in Ohio.

Mr. Crawford stated Ohio, that is correct.

President Broady stated ok, I have an invoice here for 5801.13 and all the attached bills that go with it, the Flex-Rod Equipment Company in Lima Ohio. Does everybody understand what it is on? It is on very large jet cleaning machine. Ok, I'll entertain a motion to pay the invoice on the jet cleaning machine for 5801.13.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Council Member Fenner stated Tim do you have any idea how old that machine is?

Mr. Crawford stated if I had to guess and it would be a guess right now, I don't remember if you were up grading when you got that.

President Broady stated I think we did, I think we bought that when we bought the other stuff.

Mr. Crawford stated it made a world of difference.

President Broady stated I'm sure it did.

Mr. Crawford stated it's like a new piece of machinery. A couple more gentlemen, and ladies, and I'll be done. This is, I'd just like to revisit a couple of things that I put before you last time. One being the removal of a tree line behind the sludge drying beds.

President Broady stated ok, you all had a chance to look this over, did you get any response, is this going to be bigger than we want to do?

Council Member Alexander stated no, its bigger.

President Broady stated I don't personally see any hurry for this. It's been that

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way for quite some time. I'd like to give it a little more time and see what the developer may do over there. He may solve the problem for us. So I recommend to the board, lets table this until a future time.

Mr. Crawford stated the last item I have was put before the board last board meeting was the sewer line roding machine the difference between this machine and the machine you just got the invoice on was is that is a water propelled machine that actually cleans the lines. This machine actually will chew up any obstructions that are in those lines. And the reason being, and once again this machine that we have in the plant now is operating, it has 20 years of age on it. It is crcrucial to substain the integrity of the line so if they are out there and it does break and you cannot replace the parts ve quickly it will hender that.

President Broady stated ok, you all had this information last week and I invited you all to go down and take a look at the other and see what you think about it. The cost is 3404.16. How old is it?

Mr. Crawford stated 20 years.

President Broady stated it's getting...

Mr. Crawford stated thats the reason, thats the main reason why we're going with the same type of machine, by the same manufacturer because they've got such good life.

President Broady stated I'll entertain a motion to do whatever to purchase.

Vice-President Eddings stated I'll make a motion to purchase the equipment.

President Broady stated I got a motion on the floor, do I have a second.

Council Member Fenner stated I'll second.

President Broady stated and duly seconded by Gary, any discussion? If not, all those signify by saying I, opposed nay. I's have it. (Vote 5-0)

Clerk Treasurer Schafer stated I need an invoice for that.

President Broady stated we'll get an invoice for that after we get it.

Clerk Treasurer Schafer stated ok.

Mr. Crawford stated yes, I'll get it to you and if there is no questions, thats all I have.

President Broady stated ok, Thank You, Building Commissioner Boz.

BUILDING COMMISSIONER/BOZ ADAMS ADDRESSES THE COUNCIL ON/BUILDING CODE ON HOUSES AND BUILDINGS IN THE TOWN.

Mr. Adams stated yes, I've only got one thing, to bring a proposal to add to the building code addressing the houses and buildings in the town. The State Fire Code addresses it on a commerical level. There is nothing that hits the single family level residence. And the county has got one, but we can't really enforce that. The Police

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Department can but can we just add an amendment to the building code.

President Broady stated this is dealing with the numbers that is on the houses.

Mr. Adams stated yes, just the address that comes on the houses. The town itself doesn't have an ordinance that addresses that.

President Broady stated the county does.

Mr. Adams stated the county does but I can't see that on the building side of it. The Police Department could but I don't think they've really got time to go around knocking on doors and this is just to clarify, like I said the language is taking pretty much out of it when its states, it just addresses the commercial structures.

President Broady stated ok, I invite everyone to look over and we'll bring it back to the next meeting.

Mr. Adams stated Thank You.

President Broady stated Doug.

Vice-President Eddings stated Nothing.

President Broady stated Bill.

Council Member Voyles stated no.

President Broady stated Gary.

Council Member Fenner stated I got a couple of things. One is I told you last time that the leak at the pool had been fixed and we got the bill for it and it came out to 5002.75. And we were very pleased with that and, because we thought it might be 15 or 20,000.00. Uh and I wanted to say thanks to Mar and the Street Department, he did some digging and saved us some money. They also went over and put some rip rap in for us to save our walking bridge. It was about ready to get washed away, so thats taken care of. And the next thing is last time we started the Resolution, we need to finish this, don't we Perry.

Attorney McCall stated yes.

President Broady stated we only done it on the first reading.

Attorney McCall stated yeah.

Council Member Fenner stated then I would like to...

President Broady stated I'll entertain a motion to approve Resolution number 1999-53 for a second reading.

Clerk Treasurer Schafer stated I have it here.

Council Member Fenner stated I would like to make that motion.

President Broady stated I have a motion on the floor, do I have a second?

RESOLUTION NO. 1999-53

A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL REGARDING
WATER RATE INCREASES IF THE TOWN OF SELLERSBURG SUCCESSFULLY
OPTS OUT OF THE INDIANA UTILITY REGULATORY COMMISSION

WHEREAS, the Sellersburg Town Council desires to opt out of the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council understands that during the course of this opt out procedure there has been and will continue to be local opposition to the opt out process and this opposition continues to circulate misinformation and half-truths about the Sellersburg Town Council's reasons and justifications for opting out of the Indiana Utility Regulatory Commission as well as the ramifications to the residents of the Town of Sellersburg, and

WHEREAS, if the Sellersburg Town Council successfully opts out of the Indiana Utility Regulatory Commission, the Sellersburg Town Council desires to go on record and make public what actions the Town Council will take to notify, inform and include all residents of the Town of Sellersburg prior to seeking any increase in the current water rates now assessed; and

WHEREAS, the Sellersburg Town Council will comply with all requirements contained under IC 8-1.5-3-8.1 (a copy of which is attached hereto and incorporated herein); and

WHEREAS, in addition to the protections provided under IC 8-1.5-3-8.1, the Sellersburg Town Council will hold a public hearing at least thirty (30) days prior to the introduction of any ordinance of the Town Council which seeks to increase the water rates of the Town of Sellersburg, in addition, at least thirty (30) days prior to the public hearing the Town of Sellersburg will publish notice in accordance with IC 5-3-1 and mail notice to each water customer of the date and time of the public hearing; and

WHEREAS, the Sellersburg Town Council believes that significant input by and dialogue with its water customers will aid in determining the need for any water rate increase and the amount of any such increase.

BE IT THEREFORE ORDAINED BY THE SELLERSBURG TOWN COUNCIL ON THIS 15TH DAY OF FEBRUARY, 1999, THAT THE FOREGOING REPRESENTATIONS ARE HEREBY ADOPTED AS OFFICIAL POLICY OF THE TOWN OF SELLERSBURG.

SELLERSBURG TOWN COUNCIL

David L. Broady

William V. Hayes

Jay Edley

Jay E. Fenner

[Signature]

ATTEST: Linda H. Schaefer
Clerk/Treasurer

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Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Do we sign this one here?

Attorney McCall stated yeah.

Clerk Treasurer Schafer stated that is the original.

Council Member Fenner stated alright, also last meeting you gave me permission to do some things in the town meeting room here. I went back looking for extra chairs for the town meeting room and the chairs that we have, when they were purchased in 1995 they cost 51.75. Now they are 63.75. I mean, that's alot of money for chairs, we're only going to need them on a temporary basis. You know unless you guys really want me to do that. I don't want to do that.

President Broady stated what about the folding chairs?

Council Member Fenner stated that was, my next question is how about we just get some cheaper folding chairs that we can pull out when we need them and store them when we don't need them.

President Broady stated let's do that.

Council Member Fenner stated is that ok?

President Broady stated yeah, we can stack them when we don't need them.

President Broady stated these chairs are nice, but they're not that nice. Ok, the other thing is we've been tossing around this bill from Ice, Miller, Doradio and Ryan. This is the billing that we recieved from them as our Bond Attorneys and when we went through the IURC and they had sent us a bill for over 2600.00. I can't find the bottom figure there, 2595.00, no.

Clerk Treasurer Schafer stated oh, wait a minute, here it is.

Council Member Fenner stated is it 20?

Clerk Treasurer Schafer stated 2665.34 to be exact.

Council Member Fenner stated ok, alright, and you know I went through this and I have, I have a major problem with part of it. And that is they started, we called them to ask them if they would like to represent us. As soon as our attorney called them and they picked up the phone the meter started running. For us to ask them if they would represent us in a phone call they charged us 44.00. For them to talk between themselves about whether or not they're going to represent us they charged us another 44.00. To meet with the Traditional Group which I no idea what that is, that was another 44.00. And then for them to send us the letter, which they call the engagement letter which was basically the agreement between us and them that they're going to represent us. They researched the proper form of the engagement letter which I assume is almost a standard form, but they researched the proper forms of the engagement letter, they reviewed the outstanding water bond, they drafted and proofed the engagement letter, they researched proper form of closing papers, they prepared the first draft of closing papers and opinion.

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And for us to even hire, for us to get the letter that they sent to us cost 580.50. And then they reviewed the notes, they reviewed the engagement letter and the proofed the engagement letter and they charged us another 110.00. And then they sent it to us and we signed it and we owed them 822.50 before they even did a thing.

President Broady stated have you spoken with them?

Council Member Fenner stated no I haven't.

President Broady stated ok, have you spoken with...

Council Member Fenner stated I don't think I want to speak with them.

President Broady stated wonder what that would, would cost us.

Council Member Fenner stated thats right, the meter's still running. You know, I mean, obviously I have a problem with paying any of it because they didn't do anything because we didn't get a bond from them, but they did so some work on our behalf, they did alot of conferring with one another and charged us for every time they did that. But I would, I make a motion that we paid the invoice minus 822.50. I can't see us paying that much money to ask somebody to work for us.

Attorney McCall stated well why don't you.

Mrs. Diefenbach stated may I ask a question?

President Broady stated yes please.

Mrs. Diefenbach stated well how does that compare with what you paid Umbaugh?

President Broady stated does anybody have an answer?

Clerk Treasurer Schafer stated theirs was about 21000.00 I think.

President Broady stated 21000.00 I think on Umbaugh, I'm not sure.

Mrs. Diefenbach stated I have another question may I ask it. You know on the chlorine dispenser over for the water works is that being repaired?

President Broady stated chlorine dispenser.

Mr. Crawford stated I wasn't aware that there was anything wrong with it.

Mrs. Diefenbach stated I had understood that it wasn't working and they had to put the chlorine in by hand.

President Broady stated oh, no.

Vice-President Eddings stated no.

President Broady stated no, no.

Mrs. Diefenbach stated has it been repaired now?

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President Broady stated you couldn't even do that by hand Mrs. Diefenbach. That would kill you.

Mr. Crawford stated as far as I know it was never broke.

President Broady stated as far as we know it was never broke.

Mrs. Diefenbach stated is that right.

President Broady stated yeah, sure you ain't talking about the pool?

Mrs. Diefenbach stated no, I'm not talking about the pool, I'm talking the water.

President Broady stated no.

Council Member Fenner stated no.

Council Member Fenner stated we don't do that at the pool either.

President Broady stated ok, no I don't know, thats, it's never been broke that we know of. You couldn't put it in by hand. It's a gas the chlorine, it will, well if you attempt to you'd be dead. No, I don't know where that come from.

Attorney McCall stated but getting back to the topic uh, my suggestion is that we correspond in regard to this amount of 800 you got it marked right here 10-16-97 tell them that they have approved that and in the next meeting if no problem...

President Broady stated will you do so.

Attorney McCall yeah, yeah, I will, he just wanted to see the itemization. Does that satisfy you....

Council Member Fenner stated sure, sure. One other thing is I need to make an apology and a correction, some of the information we had at the meeting about the IURC it was not accurate. It was not up to date. I relied upon some old figures. At that meeting I had said that out of 386 municipality owned water companies in the stated that 290 of them had already withdrawn form the IURC which was 75%. As of December 31st the figure is 319 out of 386. For over 83% have now withdrawn. And I figure with the way were going by the end of the year we'll be the only one left.

Mrs. Diefenbach stated is that off of the Web Site.

Council Member Fenner stated yes ma'am.

Mrs. Diefenbach stated that's not always correct.

President Broady stated ok, we'll take it as the best information we've got at the present time.

Council Member Fenner stated ok, thats all.

President Broady stated ok, thats all.

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President Broady stated Ken.

COUNCIL MEMBER KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/SPRING CLEAN-UP.

Council Member Alexander stated as always the spring clean-up will be April 12th through April 16th from 8 a.m. to 8 p.m. And April 17th from 8 a.m. to 12 p.m. at the Wastewater Treatment Plant located 701 Bean Rd. Sellersburg, Indiana 47172. It works basically like we've done it for the last 4 years. No liquids, no batteries, no asbestos, no truck tires or rims, no tractor tires, anything with freon. Anything with freon you must obtain a permit from the Clerk Treasurer, car tires are 4.00 and truck tires are 8.00. This also included yard waste.

President Broady stated ok.

Council Member Alexander stated that's the notice on that. Second, we discussed the Animal Control Ordinance last time. I'd like to entertain any questions that anyone has.

President Broady stated ok, the Animal Control Ordinance we talked about last time has the amendments that we amended, we talked about last time. Ken's got the contract with the amendments in it.

Council Member Alexander stated yes.

President Broady stated ok, and it is correct to what you did and everything.

Council Member Alexander stated right, everything's the same except for section 4 where the rabies vaccination requirement is. Instead of the dog tag, they are required to have the vaccination on the collar. It helps speed up the process if there is a bite. Be not having the tag on there the person who has been bitten goes through a whole lot more that if there were a tag on there to where the Animal Control Officer could verify more rapidly the nature of the animal.

President Broady stated ok, does anybody have a problem with the New Ordinance? We talked amending it the last time. Do you want to entertain a motion that we approve the New Ordinance?

Council Member Alexander stated yeah.

President Broady stated ok, we need an Ordinance number.

Clerk Treasurer Schafer stated 99-713.

Mr. Robinson stated Ken.

Council Member Alexander stated go-ahead Mark.

Mr. Robinson stated also I put in Mr. Kinder's suggestion on the notification of the Police Department and the Animal Control Officer immediately. That reflects that change also.

President Broady stated ok, I'll entertain a motion to consider Ordinance number 99-713 on a first reading.

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Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated seconded by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) I'll now entertain a motion to approve Ordinance number 99-713 on a second reading.

Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated second by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. 5-0 Ordinance approved, is that 30 from publication, Perry?

Attorney McCall stated thirty days, that's Ordinance number 99-713.

President Broady stated yeah, you're on a roll.

Council Member Alexander stated I'm on a roll. We had a gentleman that came in January about the tornado warning siren for the Town of Sellersburg. IDI, we had visited that about a year ago and I revisited the subject talking with Radio Communications. My daughter drew you a picture so you would just know what a tornado looks like. I did some research on a far as looking at the weather pattern for this year. It looks like Indiana and States around us because of Elmania, chances of tornado's were doubled. It looks like Indiana is part of that. The system that they have would be three siren's. One would be located around the Indian Oaks Trailer Park, one would be the Hill-N-Dale area and the other would be downtown Sellersburg. The cost would run 39450.00 and it is installed where the Fire Department, or Fire Department, Police Department would activate it to make it more a local alarm instead of being alerted by weather, National Weather Service. So if there were a tornado in Oldham County it's not setting off sirens in Sellersburg. It would actually be set off by the Police Department. It also has up grades up to 10 more sirens so when toe town grows it won't be left out. What I'd love to do is, I think it's a good idea the sirens are for, a lot of people think the siren are for all the time. They are for the daytime while the business are open and the people are outside. They are not intended to wake you up in the middle of the night. The best thing the citizens of Sellersburg could do is the weather alert radios. Because if you're sleeping and especially living two doors from this siren you're not going to hear it at 3 a.m. in the morning. A weather alert radio would put off an alarm where you could get in your basement. I think it is something worth looking into as far as doing it this year I did look into our budget. The only portion of the budget could come out of would be the town council's budget. We would have to do a Resolution to eliminate one of the line items and put in sirens. We would also have to transfer money to appropriate. The only areas that I saw that you could even make any appropriation would have been in the insurance other than group. I'm not for sure what that entails other than the town insurance. Unless that is all the employees, number 341.

Clerk Treasurer Schafer stated other than group is liability.

ORDINANCE NO. 99-713

AN ORDINANCE PROVIDING FOR THE
CONTROL OF DOMESTIC ANIMALS WITHIN SELLERSBURG,
INDIANA AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG,
INDIANA, AS FOLLOWS:

SECTION ONE - DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS SHALL MEAN:

ABANDON: MEANS TO LEAVE UNATTENDED ON PUBLIC OR PRIVATE PROPERTY,
WHEREIN THE PERSON CITED HAS NO OWNERSHIP OR OTHER LEGAL OR EQUITABLE
INTEREST OR RIGHT.

ANIMAL CONTROL OFFICER: ANY PERSON DESIGNATED BY THE TOWN COUNCIL AS
AN OFFICER WHO IS QUALIFIED TO PERFORM THE DUTIES REQUIRED BY THIS ORDINANCE
OR STATE STATUTES REGARDING ANIMALS.

ANIMAL SHELTER: ANY PREMISES DESIGNATED AND OPERATED FOR
THE PURPOSE OF IMPOUNDING AND CARING FOR DOMESTIC ANIMALS HELD UNDER
AUTHORITY OF THIS ORDINANCE. THE TOWN OF SELLERSBURG SHALL UTILIZE THE
CLARK COUNTY ANIMAL SHELTER, OR SUCH OTHER PLACE DESIGNATED BY TOWN COUNCIL.

DOMESTIC ANIMAL: MEANS CATTLE, CALVES, HORSES, MULES, SWINE, SHEEP,
GOATS, DOGS, CATS, POULTRY, OR OTHER BIRDS, AND ANY ANIMAL OF THE BOVINE,
EQUINE, OVINE, PORCINE, CANINE, FELINE, AVIAN OR ANY OTHER SPECIES THAT IS
DEPENDENT UPON MAN FOR FOOD AND OR SHELTER.

ENCLOSURE: A COVERED FENCE OR STRUCTURE OF SUFFICIENT HEIGHT TO ALLOW
THE ANIMAL TO STAND ERECT WITHOUT TOUCHING THE TOP OF THE COVER; FORMING OR
CAUSING AN ENCLOSURE SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN, AND
SUITABLE TO CONFINE AN ANIMAL. THIS STRUCTURE SHALL BE CONSTRUCTED IN SUCH A
WAY AS TO PREVENT THE ESCAPE OF THE ANIMAL BY DIGGING, CLIMBING, OR GOING
THROUGH, AND SHALL BE KEPT IN A CONDITION WHICH WILL PREVENT THE SAME.
THE ENCLOSURE SHALL BE SECURELY LOCKED WITH A COMBINATION OR KEY LOCK WHICH
HAS BEEN DESIGNED TO PREVENT ACCIDENTAL OR MALICIOUS OPENING OF THE
ENCLOSURE ENTRANCE / EXIT.

KENNEL: ANY PERSON, PARTNERSHIP OR CORPORATION MAINTAINING
AN ESTABLISHMENT WHERE DOMESTIC ANIMALS OF ANY SPECIES ARE KEPT FOR THE
PURPOSE OF BREEDING, BUYING, SELLING, SHOWING OR BOARDING OF SUCH
ANIMALS OR ENGAGED IN THE TRAINING OF SUCH ANIMALS FOR GUARD OR
SENTRY PURPOSES, AND WHICH ESTABLISHMENT IS SO CONSTRUCTED THAT
THE ANIMALS CANNOT STRAY THEREFROM.

OWNER: WHEN APPLIED TO THE PROPRIETORSHIP OF A DOMESTIC ANIMAL MEANS ANY PERSON, PARTNERSHIP, OR CORPORATION OWNING, KEEPING OR HARBORING ONE OR MORE DOMESTIC ANIMALS. A DOMESTIC ANIMAL SHALL BE DEEMED TO BE HARBORED IF IT IS FED OR SHELTERED FOR THREE (3) CONSECUTIVE DAYS OR MORE.

PERSON: AN INDIVIDUAL, PARTNERSHIP, COMPANY OR CORPORATION.

POLICE OFFICER OR LAW ENFORCEMENT OFFICER: ANY PERSON EMPLOYED BY THE STATE OF INDIANA, BY THE COUNTY, OR THE TOWN OF SELLERSBURG, INDIANA WHOSE DUTY IT IS TO PRESERVE PEACE OR TO MAKE ARRESTS OR TO ENFORCE THE LAW.

RESTRAINT: A DOMESTIC ANIMAL SHALL BE DEEMED TO BE UNDER RESTRAINT IF ITS OWNER OR PERSON IN CHARGE OF IT DOES NOT CAUSE OR ALLOW IT TO RUN AT LARGE UPON ANY PUBLIC PLACE OR UPON ANY PRIVATE PROPERTY, OTHER THAN THE OWNER'S. HOWEVER, WORKING DOGS, SUCH AS LEAD DOGS, GUARD DOGS, FARM DOGS, HUNTING DOGS AND OTHER SIMILAR ANIMALS THAT ARE TRAINED NEED NOT BE LEASHED WHEN UNDER THE REASONABLE CARE OF ITS OWNER.

VICIOUS / DANGEROUS ANIMAL: ANY ANIMAL WHICH, WITHOUT PROVOCATION, ATTACKS OR INJURES A PERSON WHO IS PEACEABLY CONDUCTING THEMSELVES IN A PLACE WHERE HE OR SHE LAWFULLY MAY BE. DANGEROUS ANIMALS SHALL ALSO INCLUDE ANY ANIMAL WHICH, BECAUSE OF ITS SIZE, VICIOUS PROPENSITY OR OTHER CHARACTERISTIC, WOULD CONSTITUTE A DANGER TO HUMAN LIFE, PROPERTY OR A OTHER DOMESTIC ANIMAL, IF NOT RESTRAINED OR KEPT IN A SAFE AND ADEQUATE ENCLOSURE.

SECTION TWO - RESTRAINT

ALL DOMESTIC ANIMALS IN THE TOWN OF SELLERSBURG, INDIANA, SHALL BE KEPT UNDER RESTRAINT AT ALL TIMES.

SECTION THREE - IMPOUNDMENT

(A) UNRESTRAINED DOMESTIC ANIMALS SHALL BE TAKEN BY AN ANIMAL CONTROL OFFICER, AND IMPOUNDED IN THE ANIMAL SHELTER AND THERE CONFINED IN A HUMANE MANNER.

(B) ANIMALS WITHOUT IDENTIFICATION SHALL BE IMPOUNDED FOR THREE (3) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. ANIMALS WITH IDENTIFICATION SHALL BE IMPOUNDED FOR FIVE (5) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. IF BY LICENCE TAG, OR OTHER MEANS, THE OWNER OF AN IMPOUNDED ANIMALS CAN BE IDENTIFIED, AN ATTEMPT SHALL BE MADE TO CONTACT THE OWNER BY TELEPHONE. ANIMALS NOT CLAIMED BY THEIR OWNERS WITHIN THE ABOVE TIME LIMITS, OR PLACED IN A SUITABLE NEW HOME, SHALL BE HUMANELY EUTHANIZED. DOMESTIC ANIMALS THAT ARE SICK OR INJURED MAY BE HUMANELY EUTHANIZED PRIOR TO THE ABOVE TIME LIMITS BY AN ANIMAL CONTROL OFFICER OR HIS AGENT.

(C) AN ANIMAL OWNER RECLAIMING AN IMPOUNDED DOG/CAT SHALL PAY, A FEE OF \$15.00 FOR THE REDEMPTION OF AN DOG/CAT FOR THE FIRST REDEMPTION OF SAID DOG/CAT AND A \$3.00 PICKUP FEE. A FEE OF \$25.00 SHALL BE CHARGED FOR EACH SUBSEQUENT REDEMPTION OF THE SAME IMPOUNDED DOG/CAT, WITH A \$3.00 PICKUP FEE. A \$3.00 PER DAY BOARDING FEE WILL BE CHARGED FOR EACH DAY THAT THE ANIMAL IS IMPOUNDED.

(F) PROOF OF VACCINATION FOR RABIES AND A CURRENT DOG/CAT LICENCE SHALL BE REQUIRED FROM THE OWNER BEFORE ANY DOG/CAT IS RELEASED FROM THE ANIMAL SHELTER TO HIS OR HER OWNER. IF NO PROOF OF VACCINATION IS SHOWN, A RABIES VOUCHER MUST BE PURCHASED BY THE OWNER AND SHOW TO THE ANIMAL SHELTER OPERATOR WITHIN TEN DAYS OF RELEASE OF THE DOG/CAT. IF A CURRENT DOG/CAT LICENCE IS NOT PRODUCED BY THE OWNER AT THE TIME OF REDEMPTION, THE REDEMPTION SHALL BE DELAYED UNTIL THE OWNER PRODUCES A CURRENT DOG/CAT LICENCE FOR THE DOG/CAT SOUGHT TO BE RELEASED.

(G) ALL SUCH FEES SET FORTH HEREIN UNDER SECTION THREE, ARE SUBJECT TO CHANGE BY THE CLARK COUNTY ANIMAL SHELTER.

SECTION FOUR - RABIES VACCINATION REQUIREMENT

AN OWNER OF A DOG/CAT, SIX (6) MONTHS OF AGE OR OLDER, SHALL BE REQUIRED TO HAVE THEIR ANIMAL(S) VACCINATED AGAINST RABIES EACH YEAR. EACH VACCINATION MUST BE PERFORMED BY AN LICENSED VETERINARIAN WITH A VACCINATION CERTIFICATE BEING ISSUED WITH THE RABIES VACCINATION TAG. THE OWNER MUST HOLD IN POSSESSION THE CERTIFICATE OF RABIES VACCINATION AND THE RABIES TAG MUST BE READILY VISIBLE ON ANIMAL AT ALL TIMES.

ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.

SECTION FIVE - NUISANCE

EACH OWNER SHALL EXERCISE PROPER CARE AND CONTROL OF HIS / HER DOMESTIC ANIMAL SO AS TO PREVENT THE FOLLOWING:

1. MOLESTING OF PASSERS-BY;
2. CHASING OF PASSING VEHICLES;
3. ATTACKING OTHER DOMESTIC ANIMALS;
4. TRESPASSING UPON PRIVATE PROPERTY OR SCHOOL GROUNDS;
5. DAMAGING PRIVATE OR PUBLIC PROPERTY;
6. HABITUAL BARKING OR LOUD AND CONTINUED NOISE WHICH CAUSES SERIOUS ANNOYANCE OR DISTURBANCE TO THE NEIGHBORHOOD;
7. UNNECESSARY FOUL OR NOXIOUS ODORS WHICH OFFEND PEOPLE IN THE NEIGHBORHOOD.

SECTION SIX - ANIMAL BITES

(A) IF ANY PERSON OR ANIMAL IS THE VICTIM OF AN ANIMAL BITE, THE VICTIM OR WITNESS SHALL IMMEDIATELY NOTIFY THE COUNTY HEALTH DEPARTMENT OR ITS DESIGNEE OF THE INCIDENT, AND PROVIDE A DESCRIPTION OF THE ANIMAL AND THE IDENTIFICATION, IF POSSIBLE, OF THE OWNER. WHEN AN ANIMAL IS DETERMINED TO HAVE BITTEN A PERSON OR ANOTHER ANIMAL, THE ANIMAL SHALL BE CONFINED, IN QUARANTINE, FOR A PERIOD OF TEN DAYS, WITH THE EXACT DURATION SUBJECT TO THE JUDGEMENT OF THE COUNTY HEALTH OFFICER OR HIS DESIGNEE.

(B) IF THE OWNER OF THE BITING ANIMAL HAS PROOF OF CURRENT RABIES INOCULATION, THE ANIMAL MAY BE LEFT IN THE CHARGE OF THE OWNER UNDER QUARANTINE, UNLESS IN THE JUDGEMENT OF THE COUNTY HEALTH OFFICER, IT SHOULD BE REMOVED TO AN ANIMAL SHELTER OR VETERINARY HOSPITAL FOR THE PERIOD OF OBSERVATION.

(C) THE OWNER SHALL BE LIABLE FOR COSTS INCURRED IN THE QUARANTINE OF THE ANIMAL AND FOR ANY PERSONAL AND PROPERTY DAMAGE COMMITTED BY THE INCIDENT.

(D) IF THE OWNERSHIP OF THE BITING ANIMAL CANNOT BE DETERMINED; IF THE OWNER DOES NOT FURNISH PROOF OF CURRENT RABIES INOCULATION; OR IF THE OWNER FAILS TO SECURELY CONFINE THE ANIMAL AS REQUIRED, THE ANIMAL SHALL BE IMPOUNDED FOR THE PERIOD OF OBSERVATION.

SECTION SEVEN - HUMANE TREATMENT REQUIRED.

(A) NO OWNER SHALL FAIL TO PROVIDE HIS ANIMALS WITH GOOD AND WHOLESOME FOOD, WATER, PROPER SHELTER, PROTECTION FROM THE WEATHER, VETERINARY CARE WHEN NEEDED TO (PREVENT SUFFERING) AND WITH HUMANE CARE AND TREATMENT.

(B) NO PERSON SHALL KNOWINGLY EXPOSE ANY KNOWN POISONOUS SUBSTANCE OR TOXIC CHEMICAL SO THAT THE SAME BE LIABLE TO BE EATEN BY ANY ANIMAL, PROVIDED THAT IT SHALL NOT BE UNLAWFUL FOR A PERSON TO EXPOSE, ON HIS PROPERTY, COMMONS RAT POISON MIXED ONLY WITH VEGETABLE SUBSTANCE.

(C) IT SHALL BE UNLAWFUL FOR ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER ENTITY TO DISPLAY, SELL, OFFER FOR SALE, TRADE, OR BARTER, OR KNOWINGLY GIVE AWAY ANY DISEASED ANIMAL, OR ALLOW ANY DISEASED ANIMAL THAT IS AFFECTED WITH A CONTAGIOUS DISEASE TO BE EXPOSED IN ANY PLACE OF PUBLIC ACCESS. THAT IS NOT MEANT TO INTERFERE WITH THE DAILY OPERATION OF AN ANIMAL SHELTER OR VETERINARY CLINIC.

SECTION EIGHT - INJURING OR KILLING ANIMALS PROHIBITED.

NO PERSON SHALL INTENTIONALLY OR MALICIOUSLY BEAT, TORTURE, INJURE OR KILL ANY ANIMAL BY ADMINISTERING POISON, BY MEANS OF A DEADLY WEAPON OR OTHER DANGEROUS DEVICE.

(EXCEPT AS PROVIDED IN SECTION FOURTEEN §(F) OF THIS ORDINANCE)

IT IS A DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION FOR THE DEFENDANT TO PROVE BY THE PREPONDERANCE OF EVIDENCE, THAT THE WRONGFUL CONDUCT ALLEGED OF HIM/HER WAS REASONABLY NECESSARY:

(A) TO PREVENT DEATH OR INJURY TO HUMANS;

(B) TO PREVENT A SERIOUSLY INJURED ANIMAL FROM PROLONGED SUFFERING;

NOTHING CONTAINED HEREIN SHALL LIMIT THE ANIMAL CONTROLS AUTHORITY TO TAKE WHATEVER ACTION IS REASONABLY NECESSARY TO DEAL WITH A SICK OR INJURED ANIMAL.

SECTION NINE - ANIMALS IN HEAT.

EVERY FEMALE ANIMAL IN HEAT SHALL BE CONFINED IN A BUILDING OR SECURE ENCLOSURE IN SUCH MANNER THAT SUCH FEMALE CANNOT COME INTO CONTACT WITH ANOTHER ANIMAL EXCEPT FOR PLANNED BREEDING.

ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.

SECTION TEN - ANIMAL WASTES.

THE OWNER OF EVERY ANIMAL SHALL BE RESPONSIBLE FOR THE IMMEDIATE REMOVAL OF ANY EXCRETA DEPOSITED BY THEIR ANIMALS ON PUBLIC PROPERTY OR ON THE PRIVATE PROPERTY OF OTHERS.

SECTION ELEVEN - KEEPING LIVESTOCK, FOWL AND POULTRY PROHIBITED.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP OR HARBOR ANY LIVESTOCK OR FOWL AND OR POULTRY WITHIN THE TOWN LIMITS, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.

SECTION TWELVE - BEE KEEPING PROHIBITED.

THE KEEPING, RAISING OR MAINTAINING OF BEES AND OR BEE HIVES IN THE TOWN IS PROHIBITED, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.

SECTION THIRTEEN - ILLEGAL DUMPING OR ABANDONING OF DOMESTIC OR WILD ANIMALS.

(A) ANY PERSON WHO IS OBSERVED DUMPING, RELEASING, OR OTHERWISE DEPOSITING A DOMESTIC OR WILD ANIMAL, WHICH IS UNDER THEIR CONTROL WITHIN THE BOUNDARIES OF THE TOWN SHALL BE DEEMED TO HAVE COMMITTED A VIOLATION HEREUNDER.

(B) EACH PERSON WHO COMMITS AN ACT IN VIOLATION OF THIS SECTION SHALL BE LIABLE FOR A FINE FOR EACH ANIMAL DUMPED, ABANDONED OR OTHERWISE DEPOSITED WITHIN THE BOUNDARIES OF THE TOWN.

(C) ANY PERSON WHO IS OBSERVED OR CAUGHT VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE ISSUANCE OF A CITATION BY ANIMAL CONTROL OFFICER OF THE TOWN, OR AN OFFICER OF THE POLICE DEPARTMENT.

(D) PERSONS PROPERLY DEPOSITING ANIMALS WITH THE ANIMAL SHELTER IN ACCORDANCE WITH THE RULES AND REGULATIONS ESTABLISHED FOR SUCH FACILITY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

SECTION FOURTEEN - POSSESSION OF VICIOUS / DANGEROUS ANIMALS

(A) WHENEVER THE SELLERSBURG ANIMAL CONTROL OFFICER OR POLICE OFFICER DETERMINES UPON INCIDENT, PERSONAL OBSERVATION AND INVESTIGATION THAT AN ANIMAL IS A VICIOUS / DANGEROUS ANIMAL AS DEFINED IN THIS ORDINANCE, THE OFFICER SHALL NOTIFY THE OWNER OR ANY PERSON HAVING CUSTODY OR CONTROL OF SAID VICIOUS / DANGEROUS IN WRITING AND SHALL BE GIVEN A 7 DAY NOTICE, TO COMPLY WITH THIS SECTION. FOR EACH DAY PAST THE 7 DAY COMPLIANCE ALLOWANCE THAT THE OWNER OR KEEPER DOES NOT COMPLY VIOLATES A SEPARATE OFFENSE.

IF THE OWNER OR KEEPER WISHES TO CONTEST TO THE COMPLIANCE NOTICE, THEY MUST SUBMIT A WRITTEN DEFENSE TO THE TOWN COUNCIL THROUGH THE CLERK TREASURERS OFFICE SELLERSBURG, INDIANA WITHIN THE 7 DAY ALLOWANCE TIME.

(B) NO PERSON SHALL ALLOW ANY VICIOUS / DANGEROUS ANIMAL TO BE ON ANY PRIVATE OR PUBLIC PROPERTY, OTHER THAN THE ANIMAL'S OWNER OR KEEPERS PROPERTY, UNLESS SUCH ANIMAL IS SECURELY MUZZLED AND LEASHED OR CAGED.

(C) ADEQUATE SAFEGUARDS SHALL BE TAKEN TO PREVENT UNAUTHORIZED ACCESS TO A VICIOUS / DANGEROUS ANIMAL ON THE OWNERS OR KEEPERS PROPERTY.

(D) ANY PERSON OWNING OR KEEPING A VICIOUS / DANGEROUS ANIMAL WHICH HAS THE PROPENSITY TO ATTACK WITHOUT PROVOCATION OR HAS BEEN DETERMINED TO BE VICIOUS / DANGEROUS ANIMAL SHALL PROVIDE AN ADEQUATE ENCLOSURE AS DEFINED IN THIS ORDINANCE. EACH OWNER OR KEEPER SHALL DISPLAY A BEWARE SIGN ON HIS OR HER PROPERTY OR PREMISES WARNING THAT THERE IS A DANGEROUS ANIMAL ON THE PREMISES.

(E) ANY OWNER OR KEEPER OF A VICIOUS / DANGEROUS ANIMAL SHALL NOTIFY THE POLICE DEPARTMENT AND ANIMAL CONTROL IMMEDIATELY UPON DISCOVERING , THAT A VICIOUS / DANGEROUS ANIMAL HAS ESCAPED AND OR IS AT LARGE.

(F) IF ANY VICIOUS / DANGEROUS, FEROCIOUS ANIMAL FOUND AT LARGE CANNOT BE SAFELY CAUGHT AND IMPOUNDED, THE ANIMAL CONTROL OR LAW ENFORCEMENT OFFICER SHALL USE SUCH FORCE NECESSARY UP TO INCLUDING DESTRUCTION OF THE ANIMAL.

(G) EXCEPTIONS: ANY ANIMAL SHALL NOT BE DEEMED VICIOUS / DANGEROUS SOLELY BECAUSE IT BITES, ATTACKS, OR MENACES:

1. ACTING IN DEFENSE OF ANYONE ASSAULTING ITS OWNER, KEEPER OR RESIDENT;
2. ANY PERSON OR ANIMAL WHO HAS TORMENTED OR ABUSED IT;
3. WHILE DEFENDING ITS YOUNG OR THE YOUNG OF ANOTHER ANIMAL;
4. WHILE DEFENDING ITS PROPERTY FROM A PERSON WHICH THE ANIMAL BELIEVES HAS ENTERED ITS PROPERTY WITH OBVIOUS MALICIOUS INTENT;

EXEMPTIONS: ANY ANIMAL WHICH IS EMPLOYED BY A POLICE DEPARTMENT OR GOVERNMENT ENTITY OR ANY ANIMAL WHICH HAS BEEN CERTIFIED EITHER NATIONALLY OR BY THE STATE FOR USE IN LAW ENFORCEMENT, PROVIDED THAT THE ANIMAL IS OWNED AND IN THE POSSESSION OF A LAW ENFORCEMENT OFFICER OR IN THE HANDS OF THE CERTIFIED TRAINER.

SECTION FIFTEEN - STANDARDS FOR KENNELS

ALL KENNELS AS DEFINED HEREIN, SHALL IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE MINIMUM STANDARDS OF THIS SECTION. FAILURE TO MEET THESE STANDARDS SHALL BE GROUNDS FOR ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OWNERS TO THE PENALTIES HEREIN PROVIDED, FACILITIES SHALL BE SUBJECT TO INSPECTION BY ANY INSPECTOR TO BE APPOINTED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG. THE APPOINTED INSPECTOR SHALL INSPECT EACH KENNEL IN THE TOWN OF SELLERSBURG, INDIANA SEMI-ANNUALLY. EACH KENNEL OWNER SHALL BE CHARGED AN INSPECTION FEE OF \$20.00 FOR EACH INSPECTION WHICH SHALL BE PAYABLE WITHIN 10 DAYS AFTER THE INSPECTION. ANY DEFICIENCIES ON THE PART OF THE KENNEL OWNER OR OWNERS SHALL BE CORRECTED WITHIN 10 DAYS AFTER THE INSPECTION. IF A RE-INSPECTION IS WARRANTED, THERE SHALL BE NO ADDITIONAL CHARGE. IN ADDITION TO THE ABOVE, EACH KENNEL OWNER SHALL PURCHASE A KENNEL LICENCE FROM THE AUDITOR OR CLARK COUNTY, INDIANA AT A CHARGE OF \$5.00 ANNUALLY. THE LICENCE MUST BE PURCHASED IN JANUARY OF THE APPROPRIATE YEAR.

(A) ENCLOSURES MUST BE PROVIDED WHICH SHALL ALLOW ADEQUATE PROTECTION AGAINST WEATHER EXTREMES. FLOORS OF BUILDING, RUNS AND WALL SHALL BE IF A MATERIAL TO PERMIT PROPER CLEANING AND DISINFECTING.

(B) BUILDING TEMPERATURE SHALL BE MAINTAINED AT A COMFORTABLE LEVEL. ADEQUATE VENTILATION SHALL BE MAINTAINED.

(C) EACH ANIMAL SHALL HAVE SUFFICIENT SPACE TO STAND UP, LIE DOWN AND TURN AROUND IN A NATURAL POSITION WITHOUT TOUCHING THE SIDES OR THE TOP OF THE CAGES.

(D) CAGES ARE TO BE OF MATERIAL AND CONSTRUCTION THAT PERMIT CLEANING AND SANITIZING.

(E) CAGE FLOORS OF CONCRETE, UNLESS RADIANTLY HEATED, SHALL HAVE A RESTING BOARD OR SOME TYPE OF BEDDING.

(F) RUNS SHALL PROVIDE AN ADEQUATE EXERCISE AREA AND PROTECTION FROM THE WEATHER. RUNS SHALL HAVE AN IMPERVIOUS SURFACE.

(G) ALL ANIMAL QUARTERS AND RUNS ARE TO BE KEPT CLEAN, DRY AND IN A SANITARY CONDITION.

(H) THE FOOD SHALL BE FREE FROM CONTAMINATION, WHOLESOME, PALATABLE AND/OR SUFFICIENT QUANTITY AND NUTRITIVE VALUE TO MEET THE NORMAL DAILY REQUIREMENTS FOR THE CONDITIONS AND SIZE OF THE ANIMAL.

(I) ALL ANIMALS SHALL HAVE FRESH WATER AVAILABLE AT ALL TIMES. WATER VESSELS SHALL BE MOUNTED OR SECURED IN A MANNER THAT PREVENTS TIPPING AND BE OF THE REMOVABLE TYPE.

SECTION SIXTEEN - STANDARD FOR GUARD AND SENTRY DOGS

ANY KENNEL SHALL, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE STANDARDS OF THIS SECTION WHENEVER ANY DOG IS TRAINED AS A GUARD OR SENTRY DOG. FAILURE OF THE KENNEL OWNER OR OPERATOR TO MEET THESE STANDARDS SHALL BE GROUNDS FOR THE ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OPERATOR, OR BOTH, TO THE PENALTIES HEREINAFTER PROVIDED.

(A) RUNS MUST HAVE A LEAST EIGHT FEET HIGH FENCES COMPLETELY SURROUNDING THEM TO WHICH ARE TO BE ADDED ANTI - CLIMBERS OR THE TOP MUST BE COMPLETELY COVERED.

(B) ALL GATES AND ENTRANCES TO THE RUNS, KENNEL AND TRAINING AREA, MUST BE KEPT LOCKED WHEN NOT IN USE.

(C) A PERIMETER FENCE OF A LEAST EIGHT FEET HIGH MUST BE INSTALLED TO ENCIRCLE THE TRAINING AND KENNEL AREA TO WHICH ARE TO BE ADDED ANTI-CLIMBERS. FENCES MUST BE MAINTAINED ESCAPE PROOF.

(D) A DOG IN TRAINING AS A GUARD OR SENTRY MUST BE CONFINED AT ALL TIMES TO ITS KENNEL OR RUN OR TRAINING AREA UNLESS HE OR SHE IS UNDER THE CONTROL OF HIS OR HER HANDLER.

(E) ANY INDIVIDUAL INVOLVED IN TRAINING OR GUARD OR SENTRY DOGS MUST HAVE COMPLETED A RECOGNIZED COURSE TO QUALIFY FOR GIVING SUCH TRAINING OR BE ABLE TO DEMONSTRATE EQUIVALENT EXPERIENCE IN GIVING SUCH TRAINING.

SECTION SEVENTEEN - ISSUANCE OF CITATION

IN ADDITION TO, IN LIEU OF IMPOUNDING AN ANIMAL FOUND AT LARGE (NOT IN RESTRAINT) THE ANIMAL CONTROL OFFICER, OR LAW ENFORCEMENT OFFICER, OR OTHER AUTHORIZED PERSON, MAY ISSUE TO THE OWNER OF AN ANIMAL A CITATION SPECIFYING THE SECTION OR SECTIONS OF THIS ORDINANCE VIOLATED AND INDICATION OF THE SPECIFIC NATURE OF THE VIOLATION(S). IF INDICATED ON THE CITATION BY THE ISSUING OFFICER AND THE VIOLATOR WISHES TO ADMIT TO THE VIOLATION(S). THE VIOLATOR SHALL PAY A TWENTY-FIVE DOLLAR \$25.00 FINE FOR EACH CITATION ISSUED.

IF THE VIOLATION IS AN ANIMAL NOT SPAYED OR NEUTERED RUNNING AT LARGE, THE FINE SHALL BE FIFTY DOLLARS \$50.00. (PROOF OF ANIMAL BEING SPAYED OR NEUTERED REQUIRED TO NOT BE ASSESSED THIS FIFTY \$50.00 FINE) ALL FINES SHALL BE PAID DIRECTLY AND OR MAILED TO THE CLERK TREASURERS OFFICE IN THE TOWN OF SELLERSBURG, WITHIN 30 DAYS OF THE ISSUANCE OF SUCH CITATION.

ALL FINES IN THIS ORDINANCE SHALL BE PAID INTO THE GENERAL FUND OF THE TOWN OF SELLERSBURG, INDIANA.

IF THE ALLEGED VIOLATOR WISHES TO CONTEST AND DENY THE VIOLATION(S), THEY MUST APPEAR IN COURT ON THE DAY AND TIME INDICATED ON THE CITATION OR HAVE AN ATTORNEY FILE A WRITTEN RESPONSE BY THAT TIME.

FAILURE TO DENY THE VIOLATION(S) OR ADMIT TO THE VIOLATION(S) AND PAY THE FINE WILL RESULT IN THE TOWN ATTORNEYS OFFICE INITIATING FURTHER LEGAL PROCEEDING IN COURT FOR THE ALLEGED VIOLATION(S).

AN ANIMAL CONTROL OFFICER, POLICE OFFICERS AND LAW ENFORCEMENT OFFICERS OF OR FOR THE TOWN OF SELLERSBURG, OR ANY OTHER PERSON SO AUTHORIZED ARE EXPRESSLY AUTHORIZED TO WRITE AND ISSUE SUCH CITATIONS.

SECTION EIGHTEEN - INTERFERENCE WITH ENFORCEMENT

NO PERSON SHALL IN ANY MANNER INTERFERE WITH, HINDER, MOLEST, THREATEN OR ABUSE ANY OFFICER OR INDIVIDUAL AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.

SECTION NINETEEN - PENALTIES

ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL, UPON CONVICTION, BE FINED IN A SUM NOT LESS THAN TWENTY-FIVE DOLLARS (\$25.00) , NOR MORE THAN ONE THOUSAND DOLLARS (\$1000.00) PLUS COST. IF ANY VIOLATION BE CONTINUING , EACH DAY'S VIOLATION SHALL BE DEEMED A SEPARATE VIOLATION. ADDITIONALLY, THE COURT:

(A) MAY, ASSESS THE VIOLATOR THOSE REASONABLE ATTORNEY FEES INCURRED IN PROSECUTING THE VIOLATION, PLUS ANY COST INCURRED IN THE COURSE OF SUCH PROSECUTION;

(B) MAY, ORDER CONFISCATION OF THE ANIMAL INVOLVED, WHEN APPROPRIATE AS DETERMINED BY THE COURT, AND ITS PLACEMENT IN THE ANIMAL CONTROL FACILITY, OR ITS DESTRUCTION IF NECESSARY. ANY COST INCURRED, OR LIKELY TO BE INCURRED, BY SUCH CONFISCATION OR DESTRUCTION SHALL BE ASSESSED AGAINST THE OWNER AND ADDED TO THE JUDGEMENT AMOUNT;

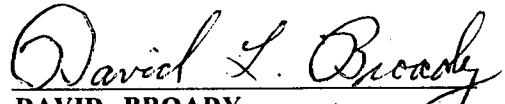
(C) MAY, IN THE EXERCISE OF ITS DISCRETION, APPROVE ANY AGREEMENTS, REDUCED TO WRITING, CONCERNING FUTURE CARE AND TREATMENT OF THE ANIMAL INVOLVED IF SAME IS RETURNED TO THE OWNER AFTER TRIAL. THE TERM OF ANY SUCH AGREEMENT SHALL NOT EXCEED THREE (3) MONTHS.

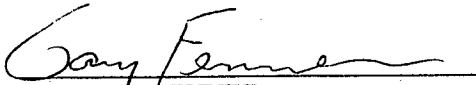
SECTION TWENTY - SEVERABILITY

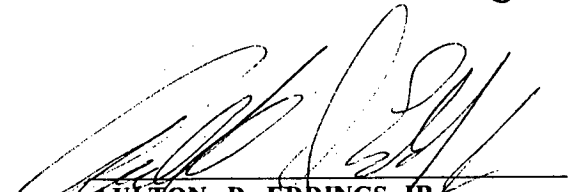
IF ANY PART OF THIS ORDINANCE SHALL BE HELD INVALID IN A COURT OF LAW, SUCH PART SHALL BE DEEMED SEVERABLE AND THE INVALIDITY THEREOF SHALL NOT AFFECT THE REMAINING PARTS OF THIS ORDINANCE.

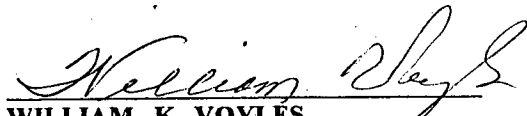
SO ORDAINED THIS 8th DAY OF March, 1999.

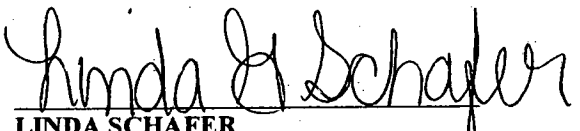

KENNETH J. ALEXANDER


DAVID BROADY


GARY L. FENNER


AULTON D. EDDINGS JR.


WILLIAM K. VOYLES

ATTEST: 
LINDA SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

Regular Meeting

March 8, 1999

Page 20.

Council Member Alexander stated liability.

Clerk Treasurer Schafer stated on the structures, the building.

Council Member Alexander stated is all that considered during the year 68000.00. I mean I know we had a lower quote when it came in, I mean we already had the budget and then we got the quote from uh, is this the Montgomery Insurance?

Clerk Treasurer Schafer stated yes.

Council Member Alexander stated see that would be about 40, I think it came in at about 40000.00. The budget had been put together before.

Clerk Treasurer Schafer stated you would run short, I mean.

Council Member Alexander stated well, it's the only place the...

Clerk Treasurer Schafer stated you couldn't do a line item, you would have to go in through the State, the Tax Commissioner for...

Council Member Alexander stated right, you would have to take out one item, you have to do a Resolution to take out one item like instruction and seminar and then you could replace the item with sirens. But then you would have to fund it from inside that budget. But I, like I said that would be 28000.00 and then the town manager, if you would consider it. If it is something that we do not want to consider this year and would like to consider for next year we can set the budget up to reflect so.

President Broady stated I think what we need to do is take it under advisement.

Council Member Alexander stated ok.

Vice-President Eddings stated with us having to pay the extra insurance right now.

Council Member Alexander stated but I don't think this insurance is take out, I think the way we do that is through each department, is that correct.

Clerk Treasurer Schafer stated no.

Council Member Alexander stated this is just the liability, the town's insurance, but I would like for everyone to be aware of it. I think it's a good idea, I think it's something that we should have. We used to have one on the Old Fire Department when they called out the volunteers. Now they use pagers, when it broke they had no use to repair that. But, you know, even if we look at it, just from a small term of maybe putting one pole up I think there should be some kind of warning over by the trailer park. They need it probably 10 times worse than anybody else in town. And it does take 30 to 40 days get it in.

President Broady stated ok and let's see, last, I'd like to request to see if I could get a copy of the bank statement that are concerned with the Water, Sewer and Civil. Could I just please have a copy of those?

Clerk Treasurer Schafer stated Water, Sewer and Civil for...

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Council Member Alexander stated just December..

Clerk Treasurer Schafer stated you've got December of 99.

President Broady stated is that it Ken?

Council Member Alexander stated yeah.

President Broady stated Perry.

Attorney McCall stated nothing.

President Broady stated John do you have anything other than the...

Mr. Toombs stated just the claims.

President Broady stated EMC one more time, I think you've got an introduction there.

Mr. Crawford stated I failed my opportunity a while ago, I wanted to introduce our newest staff member at our treatment, Mr. Kevin Wright. Kevin is coming in under the capacity of assistant facility manager. He has been an assistant facilities manager for the past year and a half in Jeffersonville. Mr. Wright has 21 years of service in the utility field.

President Broady stated welcome aboard.

Mr. Wright stated Thank You I look forward to working with all of you. And I'm excited to work for the water facility.

President Broady stated Thank You, let me get mine out of the way real quick. I got two claims for L.D. Rice Construction. They are estimate number 3 and estimate number 4. The Storm Sewer Project we've got going on in town. Estimate number 3 is for 6507.00 it is coming out of the encumbered money and estimate number 4 is for 9420.97 and it's also out of encumbered money that are for these projects. I'll entertain a motion to pay these claims for L.D. Rice Construction Company.

Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0). I have 6 claims form Jacobi, Toombs and Lanz. One is for job 9905, the Ohio Ave. Storm Sewer Project 540.00, one of them is for Sharps Lane Storm Sewer Project for 540.00, one is for the 9830 Storm Sewer Project for right now 2050.36, one is for the Sellersburg Sewer Repair for the attached breakdown for 458.88, one is for the Sellersburg Planning Commission reviewing the attached breakdown, plans for a new project 97. Thirty six, one is for the sanitary Sewer Project for attached breakdown 1195.60. I don't have it totaled up 4000.00 some odd dollars.

Vice-President Eddings stated I make a motion to approve the claims as presented.

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President Broady stated I have motion on the floor, do I have a second?

Council Member Voyles I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0). Ok, Linda.

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/BILLS.

Clerk Treasurer Schafer stated I'd like to present the bills for the meeting even though no one is verifying receipt of goods, I'm presenting like they are.

President Broady stated ok, we have the bills for the meeting, I'll entertain a motion to pay the bills as presented.

Vice-President Eddings stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion?

Council Member Alexander stated yeah, which ones are not being verified?

President Broady stated the sewer and water department, some of the sewer and water, is that correct?

Clerk Treasurer Schafer stated yes, it's the same thing that went on of like...

President Broady stated we're trying to get them corrected, we did have the ones for electric verified and I believe Spencer Machine, let me know how we're doing and we'll try to get those.

Clerk Treasurer Schafer stated all right.

President Broady stated any other discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0. Anything else Linda.

Clerk Treasurer Schafer stated no that's it.

President Broady stated with no further business before the board I'll entertain a motion to adjourn the meeting.

Mr. Coats stated sir.

President Broady stated yes sir.

Mr. Coats stated I have something I need to talk to someone about. I had a 26000.00 water and sewage bill and what happened is they changed my water meter out and went out and read the meter and uh, It matches up with my meter and I think that might be, I don't know if the other people had the same problem where they changed out the meters. I live out at Forrest Estates and I'm not here to, they did a great job in assisting and every-

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thing, I have no complaints about them.

President Broady stated you don't think you owe that much.

Mr. Coats stated I have 35000.00. Thirty five thousand gallon swimming pool and a lawn sprinkler system but I keep track of it closely and work with the town and try to pay a fair bill and so I'm not out for blaming anybody.

President Broady stated Mr. Coats what's your number there and I'll have them call you tomorrow.

Mr. Coats stated my number, I'll be 246-6497.

Clerk Treasurer Schafer stated what is your name?

Mr. Coats stated Mr. Donald D. Coats, Jr.

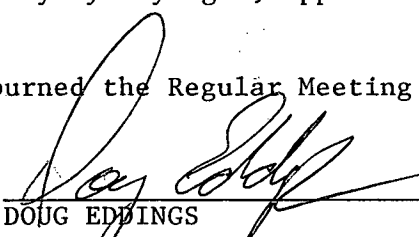
President Broady stated I'll have it taken care and get back to you.

Mr. Coats stated Thank You.

President Broady stated Thank You very much. I had a motion on the floor and seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

With no further business President Broady adjourned the Regular Meeting at 7:50 p.m.

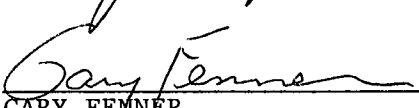
DAVID BROADY



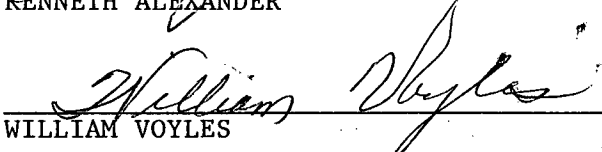
DOUG EDINGS



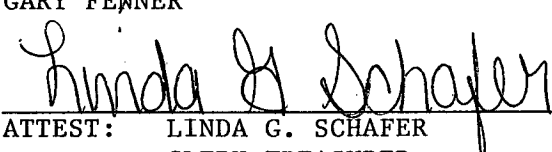
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 22, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Doug Eddings, Council Vice-President; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; with David Broady, Council President and William P. McCall, Town Attorney being absent.

Called To Order

Vice-President Eddings called the Regular Meeting to order at 6:30 p.m.

Prayer

Father Paul Richart offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/MINUTES.

Vice-President Eddings stated all the board members have had a copy of the minutes from the last meeting, Executive Session and the Town Meeting in there box, had a chance to review those minutes, I'll entertain a motion to accept those minutes as presented.

Council Member Alexander stated I'll make the motion to accept the minutes as presented.

Vice-President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. Vote 4-0. Ok, the petitions before the town tonight is Mrs. Higden, she's not here, uh Louis.

Mr. Imhoff stated I just wanted to ask a couple of questions on the memorandum to finish phase one. I'm assuming of the Lakeview apartments which I know Doug is familiar with it, its right behind him, and I talked to Kenny a couple of times the last couple of weeks. And on, when they anticipate putting the burm up and the second question would be according to what I could remember on there initial plans on there specification on the building list very little vinyl being put on the building, and I'm assuming Kenny's been over there. I'm assuming there's at least 60% of vinyl on the building instead of brick or stone.

Vice-President Eddings stated on the apartments.

Mr. Imhoff stated yeah.

Vice-President Eddings stated I didn't get that deeply involved in what they were constructing then, but I did go back and look at the burm and uh, I'm not

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satisfied myself.

Mr. Imhoff stated theres no burm I mean...

Vice-President Eddings stated yeah, theres no burm and it doesn't look like there's going to be anything where you could plant any type of...

Mr. Imhoff stated they just got black top two days ago, so I really don't know how they're going to get the trucks back there now. And they're suppose to be taking tentants the first of April so there maybe some back there now but when I called last week when they had an ad in the paper there suppose to start moving people in April 1st.

Vice-President Eddings stated I think Kenny's already got in touch with Perry our town attorney because we've got everything in the minutes of the meeting and then the planning board on the burm you know all the stuff that the residence wanted and that they did put in the planning a specification and they have to follow that--period. Or we can take some type of legal action so we will be investigating, now I don't know about the construction I didn't get that deep into the vinyl and brick.

Resident stated they went door to door, the individual that apparently works for...

Vice-President Eddings stated for that company.

Mr. Imhoff stated no he works for Davis.

Resident stated for Mr. Davis and apparently...

Vice-President Eddings stated and see Davis has already sold out.

Mr. Imhoff stated right, and see he's not really happy either because now he has to look at what he sold out to. So, and thats just what we've heard I don't know.

Council Member Alexander stated all I did was briefly talk with Perry he was getting ready to leave for California. And he told me when he got back he would at least address to the council what a recourse that we might have.

Mr. Imhoff stated that's fine I just wanted to make you all aware of it.

Vice-President Eddings stated we are aware of it.

Mr. Imhoff stated ok, that's fine I appreciate it.

Vice-President Eddings stated ok, Jessi here any one representing Jessi, Pauline.

MRS. PAULINE PIXLEY ADDRESSES THE COUNCIL ON/IURC.

Mrs. Pixley stated we got the numbers of them and everything I would like to request that a letter of certification of the names of the petition to be sent to the election board and to have the matter of the IURC put on the ballot.

Vice-President Eddings stated I entertain a motion that we put the IURC resolution on the ballot.

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Mrs. Pixley stated will you be sending a letter of certification?

Vice-President Eddings stated if this say's yes we will.

Mrs. Pixley stated will there be...

Clerk Treasurer Schafer stated I recieved this on, the first time I recieved it on March the 17th, this is the petition that was presented and I took it down to Voter Registration and he said there was adequate amount of signatures it was returned back to me on March the 19th to present to the Town Council with that letter.

Vice-President Eddings stated I'll still entertain a motion.

Council Member Fenner stated I would like for us to take time to read, look at the petition and let us review the signatures before we just automatically do it up on some ones else's say so.

Mrs. Pixley stated I, you will notice Mr. Fenner that they have already been down to the recorder and have already been approved.

Council Member Alexander stated I agree with Gary I would like to look them over to please.

Council Member Voyles stated November issue.

Clerk Treasurer Schafer stated but I think the certified letter has to be there before November.

Council Member Voyles stated I'm sure.

Clerk Treasurer Schafer stated because of printing the ballots, I'm not sure, you need to talk to...

Council Member Voyles stated we would be over...

Vice-President Eddings stated ok, were going to postpone voting on that until the next meeting. Dave Kinder

Chief Kinder stated no sir, everythings fine.

Vice-President Eddings stated Mark Warren.

Mrs. Vick stated excuse me but I think that we need to vote on this tonight.

Vice-President Eddings stated we don't have a full board tonight and we have two members on the board that wants to look it over.

Mrs. Vick stated well they've been certified and these people are voters and they live in Sellersburg and this has to be in a certain length of time other wise we'll have to take legal action.

Vice-President Eddings stated I don't think two weeks is going to make that much difference one way or the other, and we've got two board members that wants to look the list over. So were going to grant those two board members the opportunity to do that.

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Mrs. Vick stated as long as that's all in the minutes.

Vice-President Eddings stated Mark Warren is he here. EMC

EMC/MR. CRAWFORD ADDRESSES THE COUNCIL ON/MONTHLY REPORTS.

Mr. Crawford stated I have the monthly reports tonight I apologize for the incorrect spelling of your first name on that I'll have that changed.

Clerk Treasurer Schafer stated no problem you've done it for five years.

Mr. Crawford stated I just know thats not the correct...

Clerk Treasurer Schafer stated I started signing my name like that.

Mr. Crawford stated is that right.

Clerk Treasurer Schafer stated yes.

Mr. Crawford stated is thats right I hope gentlemen that these are correct, this is Daves and this is yours. The next thing I'll past out is your Water and Sewer Revenue it is for March the 9th to March 27th the total revenue is 102,967.08. The next item I've got is the invoice that coresponded with 8 inch water extension at Enterprise Way that was voted and approved on February 22nd meeting.

Vice-President Eddings stated ok this is up there behind McDonalds right.

Mr. Crawford stated right by the Comfort Inn.

Vice-President Eddings stated this is the one we voted on about two week ago. This is already been done, everything. I'll entertain a motion to approve the invoice for 4,250.00 for the water line extension at Enterprise Way.

Council Member Voyles stated I make that motion.

Vice-President Eddings stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second.

Vcie-President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. (Vote 4-0)

Mr. Crawford stated the next one I've got Doug is the Capital Expenditure in the water utility it's the cleaning and the repair of the number three drinking well pump down on Utica Pike.

Vice-President Eddings stated ok, I've got a Capital Expenditure of cleaning and repairing number three pump for 5,530.00 I'll entertain a motion to accept the invoice as presented.

Council Member Alexander stated I'll make that motion.

Vice-President Eddings stated motion made by Ken, do I have a second?

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Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. (Vote 4-0)

Mr. Crawford stated to bring you up to speed on that particular issue there Doug that brings all your well up too...

Vice-President Eddings stated before Indiana.

Mr. Crawford stated Indiana has already gone on line. They went on line as of the 15th of this month.

Vice-President Eddings stated any effects.

Mr. Crawford stated our turbidity has gone up slightly which has created a little bit of a hassle and were having to back wash maybe a little bit more-frequently it seems to be slow in back down a little bit now so it may just be that initial surge in the aquifer that's created there and were monitoring it very closely, Indiana is being very cooperative with it so...

Vice-President Eddings stated have they offered any of the help in any of the back washing or any...

Mr. Crawford stated no not really, there's not a whole lot that they can help with honestly. I mean it's just uh, it's just uh, a physical process that has to be done once you get it, a certain amount's of iron manganese as well turbid water that might come in to back wash up through there so once again it does seem like it's settling back down the iron manganese and the turbidity in the water.

Council Member Alexander stated won't you have to wait until summer almost before you see a real... August, September.

Mr. Crawford stated that's why I say were monitoring it very closely because when we get in our peak demand seasons.

Council Member Alexander stated uh, plus the level of the Ohio River, it will go down a little bit.

Mr. Crawford stated right, right, everything seems to be in pretty good shape right now.

Vice-President Eddings stated ok.

Mr. Crawford stated ok, the last thing that I've got is I just need a little direction on this particular invoice. I don't have a cover sheet to go with it uh, last two weeks ago or a week and a half ago or so the base station that is used for the Water and Waste Water Utility as well as the Sanitation and the Street Department uh, finally after what I believe to be 20 years of age know longer function. So being a crucial part of day to day operation. I went ahead and purchase the one that you have in front of you. I guess the guy I'm seeking is how should I submit this and what portion.

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Vice-President Eddings stated this should be, Linda shouldn't this be split up some what with the Sewer Department is there a certain percentage split on share?

Clerk Treasurer Schafer stated did they use a, did they use it Water, Civil and Sewer.

Mr. Crawford stated yes.

Clerk Treasurer Schafer stated then it will be one third each.

Mr. Crawford stated ok, 50-50.

Clerk Treasurer Schafer stated no it would not be, it would be one third civil one third water one third sewer your part would be two third's technically.

Mr. Crawford stated ok, based on four departments.

Clerk Treasurer Schafer stated based on three departments.

Mr. Crawford stated the Police Department wouldn't use it.

Clerk Treasurer Schafer stated Civil, Sewer and Water.

Vice-President Eddings stated ok, Chief you don't use the down town?

Mr. Crawford stated no he does not.

Clerk Treasurer Schafer stated no.

Mr. Crawford stated they have there own.

Vice-President Eddings stated radio, do you.

Chief Kinder stated no.

Vice-President Eddings stated ok, that will be two thirds, one third.

Mr. Crawford stated ok.

Vice-President Eddings stated so just submit an invoice for two third's.

Mr. Crawford stated ok.

Clerk Treasurer Schafer stated have you paid this bill?

Mr. Crawford stated no, I have not paid it yet. I have not paid it yet I've got the actual invoice here Linda. And I can either draw up the split uh...

Clerk Treasurer Schafer stated or you can drop the tax off the 39.90.

Mr. Crawford stated right I've done contacted them on that, that's why I'm not really actually submitting it tonight.

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Clerk Treasure Schafer stated ok, ok.

Vice-President Eddings stated just go at it one third, two thirds right.

Council Member Alexander stated two thirds will be out of your M&R.

Vice-President Eddings stated right and one third will come out of the...

Clerk Treasure Schafer stated if your running, aren't you running separate water and sewer M&R's.

Council Member Alexander stated right.

Mr. Crawford stated yes, yes, yes.

Clerk Treasurer Schafer stated then it would be one third, one third.

Mr. Crawford stated that is correct, correct Thank You.

Clerk Treasurer Schafer stated ok.

Mr. Crawford stated that's all I have unless you have any questions for me?

Vice-President Eddings stated nope.

Mr. Crawford stated ok.

Vice-President Eddings stated Thank You very much, Building Commissioner, do you have anything tonight?

Mr. Ball stated I wish I were in Ireland.

Vice-President Eddings stated I do too, is the Animal Control Officer here tonight?
No.

Mr. Toombs stated Jesse Ballew just came in.

Vice-President Eddings stated well he's late, go-ahead Jesse.

JESSE BALLEW ADDRESSES THE COUNCIL ON/BUILDING PERMIT/INDUSTRIAL PARK.

Mr. Ballew stated I was just wanting to find out, I don't know the exact date, two years ago we had bought a building permit that related to another building out there in the Industrial Park.

Vice-President Eddings stated right.

Mr. Ballew stated and we spent 1800.00 and if it had been a couple of hundred dollars, we wouldn't have wasted our time, but I just wanted to find out what you all thought about me trying to get credit for it.

Clerk Treasurer Schafer stated technically our permits expire.

Vice-President Eddings stated Mark.

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Clerk Treasurer Schafer stated technically our permits expire in a year.

Vice-President Eddings stated one year.

Clerk Treasurer Schafer stated one year and its been several, two or three.

Mr. Ballew stated two or three.

Clerk Treasurer Schafer stated it's been a couple or...

Vice-President Eddings stated how many permits you got?

Clerk Treasurer Schafer stated January 96.

Mr. Ballew stated two.

Vice-President Eddings stated two.

Mr. Ballew stated two, they were 800.00 a piece is what we paid for them.

Vice-President Eddings stated ok.

Mr. Ballew stated we bought them because we thought we had something going and we didn't have it going.

Vice-President Eddings stated are they 800.00 a piece or 400.00 a piece?

Mr. Ballew stated 800.00 a piece.

Clerk Treasurer Schafer stated it was January of 96.

Vice-President Eddings stated does anybody have anything to add?

Council Member Alexander stated what was, I mean when you submitted it did the Building Inspector have to review plans or anything or...

Mr. Ballew stated I went ahead and in 96 I bought the permits because we thought we were going to go ahead and do another building and in that time or right a way.

Council Member Alexander stated what I'm asking is how much work did the Building Inspector go into? Was it a matter of just you walking in here and...

Mr. Ballew stated right.

Council Member Alexander stated you didn't show the Building Inspector any plans or...

Mr. Ballew stated we had already did the one building when we had bought the permit for it and...

Clerk Treasurer Schafer stated and another thing it was also Steve Prather at the time we had and he was getting like 80/20. We were not contracted with the Fire Department so that would be another.

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Mr. Toombs stated you might have Jesse take some of those trees down on the drying beds. I don't think that they have decided whose property that is.

Council Member Fenner stated we're not sure who's line their on.

Vice-President Eddings stated is there some kind of deal we could work out to cut those down through your contractors?

Mr. Ballew stated I don't know what's involved. We would have to go out and look at them and you know... The only thing I hate, is you know I've spent 1600.00 I loose the interest and hopefully the town would pay me.

Vice-President Eddings stated right, definitely want to do something for you, I don't know if it's a full 800.00 refund on something that was 2 years ago. Why don't you let us look at this and let us contact you back. There is some work that might need to be done that you may be able to do cheaper than we do.

Mr. Ballew stated who do I need to contact.

Mr. Crawford stated my name is Tim Crawford, I'm at the Wastewater Treatment Facility.

Vice-President Eddings stated yeah, talk to Tim and let's see where we stand on that. We may be able to work something out. And we may be able to do something on the permits too.

Mr. Richards stated one other thing, at the time we purchased the permits we were not aware that there was a deadline.

Vice-President Eddings stated on the one year.

Mr. Richards stated when they had to be utilized. Where as at this point we are aware but at that time we were not aware that they had to be used in a certain period of time.

Vice-President Eddings stated let us look into it Jesse and we'll see what we can do.

Mr. Ballew stated Thank You.

Vice-President Eddings stated Gary.

Council Member Fenner stated nothing.

Vice-President Eddings stated Bill.

Council Member Voyles stated no.

Vice-President Eddings stated Ken.

Council Member Alexander stated Fred Everett is not here. Ok, tornado warning, we had, the last time I had brought it up, funding was a problem and I have since talked to Radio Communications Systems and found out with a one year lease, which puts a liability of 10000.00 for this year. Making the remainder due in the 2000, where we would have a purchase option of 1.00. It makes it to where we could actually make it

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feasible to do this year if the council so desires. It does require some change in last years budget appropriations which Mr. McCall is looking into and having it formatted is so desired.

Vice-President Eddings stated I think that is something that is really good, but it is a lot of money for a warning system that the television and radio issue a pretty good warning for this area. It's just a lot of money.

Council Member Alexander stated most of these are for when you are outside. When you are outside, you're at work. There is a lot of communities around that have them. They're beneficial, if you have the one guy standing out in the field and it goes off and he gets inside. A lot of the storms coming up anymore are quick, you may not be aware. I mean we used to have the siren on top of the Fire Department for years. It is a lot of money, but if it, mainly over near Indian Oaks Trailer Park, I mean the time that this siren goes off you have 8 minutes to find shelter. But that's 8 minutes compared to no minutes. And I like the system because it's a silent test. It isn't something that has to go off every Tuesday at 12:00. It actually does a line test everyday to make sure the lines are there and then you test actual siren quarterly or whenever you feel like they need to be checked. And you know. it is a lot of money, but if it saves one life it doesn't cost a thing. I mean, you know a lot of people think that it will wake them up in the middle of the night and it doesn't. But I think I reminded people that you need to have something in your house as far as a weather alert radio or something that will wake you up. But the problem is if there is a tornado in Oldham County, you're going to get woke up. And this make us aware, Sellersburg sets it off. If you hear this siren go off you know there is a tornado coming through Sellersburg. It's not something for Jefferson County, Floyd County. If this system goes off, there is a tornado getting ready to hit someplace in Sellersburg. I mean one good thing about this council and I think it was the last council is that we did take the town out of debt. Money is available for things like this. I think it's, if money were tight and we had other projects that were pressing I would be presenting it, but we don't have projects pressing. It is something that we can feasible do. The money is allocated in the Town Council's Budget as far as having some push to take care of this thing.

Vice-President Eddings stated that's a tough one, we've done some projects, storm sewer wise that's helped out a bunch. You know there is still some sidewalks and beautification projects that we could do. This is something that's...

Council Member Alexander stated money doesn't affect any of those accounts. The money that we're doing sidewalks with, storm drains with, this money that you're spending here is going to be money that is allocated from insurances's, Parks Department and uh...

Mrs. Pixley stated well Ken, if there is money for insurance, I think the Police Department should get it.

Council Member Alexander stated for...

Mrs. Pixley stated to help their insurance.

Council Member Alexander stated there is plenty of money for their insurance, this is strictly insurance for the town.

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Vice-President Eddings stated does anybody feel comfortable.

Council Member Voyles stated I don't.

Vice-President Eddings stated does the other two Council Members feel comfortable to vote on it tonight?

Council Member Voyles stated I don't.

Council Member Alexander stated I don't want to voted on tonight, I'm bringing information in.

Vice-President Eddings stated it's a good project, it's real good. I just, I just...

Council Member Alexander stated I know.

Vice-President Eddings stated money wise, we've got a little bit of money and I just...

Council Member Alexander stated you're not going to miss it, you're not even going to miss it. The only thing bad is if you elect to do this and you do it this way you have to make sure you put a line item to pay the rest of it off for next year.

Vice-President Eddings stated right.

Council Member Alexander stated but if there is no one that is just completely...

Vice-President Eddings stated I'm not completely against it.

Council Member Alexander stated ok, then I will go ahead and instruct Mr. McCall to go ahead and have the necessary documents so at least it can be bought to a vote.

Vice-President Eddings stated there you go.

Council Member Alexander stated because there are steps that have to be taken before you can actually vote on this.

Vice-President Eddings stated anything else?

Council Member Alexander stated yeah, I'm sorry, uh, I have a certificate of insurance from Mark and Carol McFarlin, I tried this, it's my second time at it, the street sweeping, contracting it out, they have shown an interest. Here's their certificate of insurance, again, we're working on it as a first, trying to get somebody to do a couple of roads find out what their cost is, what, if they are going to continue doing it. Once we get through town one time, it will probably become a one flat fee charge to do the areas we need to do. Areas that need to be done are curbs, streets or streets at this time of year have the cinder residue on them. It beats the 101000.00 that we tried, or that I tried to spend on the actual sweeper. There is money allocated for street sweeping.

Vice-President Eddings stated this is on a trial basis.

Council Member Alexander stated on a trial basis, if it works out, we're looking at doing it with the spring clean up.

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Vice-President Eddings stated what's the cost?

Council Member Alexander stated right now, we're still working it, it's going to range from 65 to 85.00 an hour to get us through this first time through town. We averaged up with the sweeper, if you bought one, it would cost you by manpower alone you would be running about 13 or 14000.00 a year. And plus I'm going to be pulling someone off of something else to drive it. And we've looked at the frequency the town needs to be swept and you'd be pushing it by saying 5. I'm saying that we'll be able to do everything 3 times a year.

Vice-President Eddings stated so are you ready to vote on it tonight?

Council Member Alexander stated nah, I mean basically, I'm just making it aware to you as far as it was in the budget to contract out.

Vice-President Eddings stated ok.

Council Member Alexander stated I will keep you posted as far as how efficient it is or if it's something that we can take out of the next years budget. And the last thing I have is Mark Robinson has requested to go ahead and get his door hangers and citation books completed. I don't think it requires a vote. I'm assuming, I guess for clarification is Animal Control put under Street Department?

Clerk Treasurer Schafer stated no, it's put under Town Council.

Council Member Alexander stated I know that, but the responsibilities, as far as the duties.

Vice-President Eddings stated it's still under your...

Council Member ok, then that will be the last time I bring that up, then he needs to go ahead, there is money allocated for him to do that. We do have some animal shelter expenses that will not meet what they did last year. That's all I have.

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/L.D. RICE/STORM SEWER PROJECT.

Vice-President Eddings stated ok, the only thing I have is we have an invoice from L.D. Rice who's doing our Storm Sewer Projects. The remaining projects for it looks like for the work on North New Albany Street for 3348.00 I'll entertain a motion we pay the invoice as presented.

Council Member Alexander stated by the church...

Vice-President Eddings stated over by the Methodist Church?

Council Member Alexander stated we don't have a...

Mr. Toombs stated yeah if you do it one place, you'll have to add. I mean it's not 100%.

Vice-President Eddings stated it's a 6200.00 project and he's invoicing for 3700.

Council Member Voyles stated I'll make that motion.

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Vice-President Eddings stated 3348.00, motion made by Bill.

Council Member Alexander stated I'll second.

Vice-President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0) Linda.

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/BILLS.

Clerk Treasurer Schafer stated do you have anything besides the bills? I'd like to present the bills for the meeting.

Vice-President Eddings stated everyone's had a copy of the bills in their mailbox, had a chance to review them, I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make that motion.

Vice-President Eddings stated motion by Ken, do I have a second?

Council Member Fenner stated I'll second.

Vice-President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0) Any other business before the town? If not I'll entertain a motion to adjourn.

Mrs. Vick stated I want to say something before you adjourn.

Vice-President Eddings stated ok.

Mrs. Vick stated I'd like to see that you give those petitions back to the Treasurer for safe keeping. And there just, we've got copies but these are the originals.

Vice-President Eddings stated we'll make copies if these guys want to review it, we'll make copies and they can have a copy too.

Mrs. Vick stated all right, but we'd like see that Mrs. Schafer has them in her office. For safe keeping.

Vice-President Eddings stated will do, any other business before the town? If not I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I'll make that motion.

Vice-President Edding stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second it.

Vice-President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

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With no further business Vice-President Eddings adjourned the Regular Meeting
at 7:00 p.m.

Absent

DAVID BROADY

[Signature]

KENNETH ALEXANDER

William Voyles

WILLIAM VOYLES

[Signature]

DOUG EDDINGS

[Signature]

GARY FENNER

[Signature]

ATTEST: LINDA G. SCHAFER
CLERK TREASURER