

SELLERSBURG TOWN COUNCIL

March 14, 1994

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member, Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer, those absent were: Karl Truman, Council Member; and Doug Eddings, Jr., Council Member.

Called To Order

President Tucker called the Executive Session to order at 6:05 p.m.

Topics of Discussion

New Police Dispatcher-Bella Marie Jackson
Rate of Pay-Bella Jackson \$7.23 per hour
Annexation
American Legion Dinner-March 26, 1994
Applicants/Silver Creek Pool
HNTB Invoice/\$1400.00
Political Signs/Prather Lane
Contract/Solid Waste Management

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:18 p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member, Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

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

Invocation

The Invocation was passed at this meeting.

Pledge

The Pledge of Allegiance to the Flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes of the last meeting and requested a motion to approve them.

Motion to approve the minutes of the last meeting made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Don Brown Addresses Council/Annexation

Mr. Brown stated that he has a little speech he would like to give to the Council about annexation.

Mr. Brown passed out copies to the Council Members which read as follows:

Ladies and Gentlemen,

It is now over a year since this Council began annexation proceedings of the areas known as "I, K, and M".

I am pleased to report tonight, as of this date, none of the areas are imminent danger of being annexed.

Due to the support of most of the Residents Against Annexation group, and the efforts of our attorney, Mr. Larry Wilder, we have resisted your conscription call well past this years tax deadline.

Although some of our residents do not seem to appreciate our efforts to save them money I hope their outlook will change in the future when they realize you can fight city hall and win!

The best example is the fact that the RAA has saved the residents of Area "M" \$25,958 in additional taxes for this year.

The residents of Diamond Heights have been saved \$7076.00 in additional taxes.

The people who live in the Twinbrook/West Creek area will enjoy a savings of \$28,099.00.

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Don Brown Addresses Council/Annexation Cont.

I believe that this is a magnificent measure of a victory even though "we have not yet begun to fight".

I have several announcements to make.

First, the Residents Against Annexation will have a general meeting in April to assess the qualifications and attitudes of the candidates for public office, who reside in the areas affected by annexation.

Second, this will be a public meeting, and residents of Clark County who are in the Sellersburg "path of progress" are invited to attend.

And all members of the Sellersburg Town Council are invited.

Don Brown
Chairman, Steering Committee
Residents Against Annexation

Chief Kinder Addresses Council/New Dispatcher Bella Marie Jackson

Chief Kinder stated that we were advertising for a part-time dispatcher. While we were running the advertisement Susan Ehringer left as a full-time dispatcher. We were already interviewing, so we hired Bella Marie Jackson as the full-time dispatcher at \$7.23 an hour.

Building Commissioner Presents Claims

Building Commissioner, Stephen Prather presented a bill for the International Conference of Building Officials in the amount of \$75.00 for membership, which the Town had previously agreed to pay.

Mr. Prather also presented his report of permits and inspections from March 1st thru March 14 in the amount of \$202.50.

Motion made by Council Member Everitt to approve Building Commissioners claim and seconded by Karl Truman.

Vote 4-0

Stephen Prather Addresses Council/Classic Car Collections Nuisance Violation

Mr. Prather stated that there was one item brought up. The garage in the alley way, right up the street, I had some complaints last year about the body shop. There was painting going on in the garage next to the Cabinet Company's building. Basically, those people got out, I thought it was resolved and someone else bought the garage initially to store their antique cars. That was no problem. I was informed by one

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Stephen Prather Addresses Council/Classic Car Collections Nuisance Violation Cont.

of the neighbors that Classic Car Collections has grown into let's fix everyone else's car. They aren't doing any painting that I'm aware of but basically, they are back to running a business out of an area that is not zoned to do that. I agreed that I would make the Board aware of it. I will send out the appropriate letter tomorrow and our standard policy is giving them 30 days to correct the nuisance. This means there is nothing for the Board to do tonight, I just wanted to make you aware of this.

President Tucker stated that Mr. Prather may want to make the Planning and Zoning Board aware of this and thanked Mr. Prather.

Council Member Broady Addresses SEDA Program

Council Member Broady stated that he and Rick Wheeler were talking and I was wondering if it might be possible to hire someone under the SEDA Program.

President Tucker asked if SEDA paid for it.

Rick Wheeler stated he was not sure how it works. He had received a form on it and wasn't sure of the details.

Council Member Broady stated it might be something we could look into.

President Tucker stated assuming that I understand that a little bit, Hoosier Valley Economic Development, which is in Jeffersonville, they help youths find work and they partially pay them, if I understand this. I think it would be great to look into that. If we can find out the specifics, cost, terms or whatever and bring it back, that's fine. The director of Hoosier Valley is Jerry Stevens and he will direct you to the right person. You can use my name if that will help you.

Council Member Everitt Addresses Council/American Legion Dinner

Council Member Everitt stated that the Sellersburg American Legion has invited the Town Board Members to a dinner on Saturday, March 26th. Cocktail hour is 6:30 to 7:00. Guest Speaker is the Southern Vice Commander, Tony Riley. They will also be honoring the Policeman of the year and Firefighter of the year. I have asked Stan about a plaque from the Sellersburg Town Council. If we could vote on an award to present to the American Legion for the work they've done in our community with the Parades, Easter Egg Hunts, name it and they've just about done everything for the Town for the past 40 years.

Council Member Everitt stated I would like to put in a motion that the Town Board presents them with the Sellersburg Seal and thank them for the work they've done.

Motion made by Roy Everitt to present the American Legion with an award and seconded by Karl Truman.

Vote 4-0

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Clerk Treasurer Presents Claims

Clerk Treasurer, Linda Schafer presented claims for the last two weeks for the Civil, Sewer and Water Departments.

Motion to approve claims made by Council Member Eddings and seconded by Council Member Everitt.

Vote 4-0

Attorney Perry McCall Addresses Council/BFI Contract

Attorney McCall stated as you recall back some weeks ago in an interlocal agreement with Clark Co. Commissioners and the Solid Waste Disposal of Clark County, they are getting ready to put that plan in effect very soon. In order to get that project in place we need to execute a contract with BFI, the other communities are doing the same.

Attorney McCall stated, I would ask that the Town Council allow President Tucker to sign this agreement.

President Tucker stated he would entertain a motion to approve the agreement that the other communities in Clark Co. have agreed to.

Motion made by Council Member Truman to approve the signing of the contract and seconded by Council Member Eddings.

A resident stated that he had read in the paper that this would cost from \$2.00 to \$2.50 a month.

President Tucker stated that the way he understands it and he's not totally clear, that the first year is one amount, the second year is another and the third is another, the fourth year, we the Town are to take over basically in totality. The first, second and third year they will be subsidized with funding that they already have available. I think it's \$1.00 the first year meaning 1994. In 1995, I think it goes up, it is negotiated each year if I'm not mistaken.

President Tucker stated if it's \$2.50 you pay \$1.00, Wastemanagement pays the \$1.50 and this goes on for at least the first couple of years, at some point we inherit it.

President Tucker stated the way I understand this. it is mandatory, we don't have a choice.

Phyllis Rhodes asked who would look into the Town employees picking up the trash, if there is a problem.

Council Member Truman stated if the Town employees see a problem they would pass the information on to Wastemanagement.

Attorney Perry McCall Addresses Council/BFI Contract Cont.

President Tucker stated that Mark Warren does ride around making sure that there is some compliance to our regulations. I also find that people in Sellersburg let us know when something is not going the way that they think it ought to go. I'm sure someone will let us know. Problems need to be directed to Jerry Fuller.

President Tucker stated that it was stated that if it becomes a greater than once a week pick-up, they would put additional bins out. I think when it comes to the recycling part, we need to talk to Jerry Fuller. Nothing is simple.

Vote 4-0

Attorney McCall Presents Ord. 94-588/Est. Building Fund for Construction of New Town Hall

Attorney McCall presented Ordinance 94-588, an ordinance establishing a building fund for the construction of a new Sellersburg Town Hall.

Motion made by Council Member Everitt to approve Ordinance 94-588 and seconded by Council Member Eddings.

Vote 4-0

Council Member Truman Addresses Council/Information from Codification

Council Member Truman asked if we had heard anymore on our Codified Ordinances.

Clerk Treasurer, Linda Schafer stated that the information had been put in the box for the Council Members at the Town Hall.

President Tucker Addresses Council/Planning & Zoning Appointments and Reappointments

President Tucker stated that Dave and I have been working with Rod Pate for the last few weeks to put in place the members of the Planning Commission as well as the members for the Zoning Appeals Board. We have names to bring forth tonight and I will appreciate a motion to approve these for a two year term which would basically end with our term December 31, 1995.

Planning Commission

Rod Pate-Chairperson
Dan Vogel
Ron Arrington
Dave Broady
Stan Tucker

Zoning Appeals Board

Rod Pate-Chairperson
Francis Conroy
Charlie Ridenour
Mark Fraley
Jim Schafer

Motion made by Council Member Everitt to approve these members for a two-year term and seconded by Council Member Eddings.

Vote 4-0

President Tucker Presents Claim From Commonwealth Engineers, Inc.

President Tucker presented a claim from Commonwealth Engineers, Inc. in the amount of \$1,200.00 for the first partial payment for Engineering Services performed for the completion of the IDEM Construction Permit Application for the Town of Sellersburg.

Motion made by Council Member Eddings to approve claim and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Ordinance 94-587/Transfer of Appropriations, Police Dept.

President Tucker presented Ordinance 94-587, an Ordinance providing for the transfer of appropriations for the Town of Sellersburg Police Department, for the year of 1994.

Acct. #, Name & Amount

To Acct. #, Name & Amount

Police Dept.

Police Dept.

361-Cleaning Services \$1,200.00

364-Repairs Police Bldg. \$1,200.00

Clerk Treasurer Schafer stated that Mr. Kinder has dropped his cleaning services to be able to replace his floor, his dispatchers are going to do that in their spare time. It's not costing anymore, he's saving the Town money.

Motion made by Council Member Broady to approve Ordinance 94-587 and seconded by Council Member Truman.

Vote 4-0

President Tucker Presents Proposal/Hoosier Codification

President Tucker stated he had received a proposal from Hoosier Codification for eight additional code books that we need to pass out to various departments. The Planning Commission, Police Department, several departments need them. For the eight copies it would be \$265.00 and any additional sets would be for \$5.75 per page.

President Tucker stated that Karl had stated that we needed more copies and to get them it will cost \$265.00.

Council Member Truman stated I make a motion and as part of that motion we keep a copy here at the Library for the public.

President Tucker stated I think there is a copy here at the Library.

Motion made by Council Member Truman to approve Hoosier Codification supplying us eight more of the Town Code Books and one to stay at the Library, seconded by Council Member Eddings.

President Tucker Presents Proposal/Hoosier Codification Cont.

Resident Don Brown asked did you say they wanted \$5.75 per page to copy this.

President Tucker stated it was for updating in the future. In other words, let's assume we do two or three pages per month of additional ordinances, multiplying by twelve you have thirty six pages. It would be \$5.75 per page for 36 pages per manual.

Council Member Everitt stated I would like to be sure that each Town Board Member gets one but that when his term in office is over it be turned back in to Town Hall.

President Tucker stated that's fine.

Vote 4-0

Council Member Eddings Addresses Council/Sale of Town Properties

Council Member Eddings stated that we have three pieces of property we are looking at to sell. We have had the property surveyed by the Town Engineer. Supposedly the title searches have been done showing the legal ownership.

Council Member Eddings stated of the three pieces of property, the one on Villa Drive, we are still investigating the best possible way to sell that piece of land. According to the survey, whether or not we may have a flood issue or a drainage issue with that piece of property. We kind of want to set on that piece of property and look at that, make sure that if we sell it, it won't come back and hurt us.

Council Member Eddings stated the other two pieces, since we have the title search done and the surveys done, we want to go ahead tonight and authorize the two appraisals on those two pieces of property and put the wheels in motion to go ahead and sell those two pieces of property.

Council Member Eddings stated that we'd like to sell it by Option "B", on the last proposal. It was for us to except bids on the property and then if necessary, if we feel like we need to call the highest bidders in and have an auction on those two pieces of property, one piece being the Prather Lane property and second being the old Firehouse. It would be a sealed bid and if we deem necessary a final auction. If the bids that come in are not 90% of market value they will not be excepted.

Council Member Truman asked why do you prefer that option over the public auction with 10% buyers premium.

Council Member Eddings stated that with the bids, the secondary option the most it would cost us is 8%, if we do it that way instead of 10%.

Council Member Truman asked about the brokerage fee, is that included on Option "B".

Mr. Baker stated it is included in Option "B".

Council Member Eddings Addresses Council/Sale of Town Properties Cont.

Council Member Truman asked if Century 21 has an auctioneer they would use or a local auctioneer, do we select one or what.

Mr. Baker stated we have one.

Mr. Wm. Collier asked could we legally sell Villa Drive since it was part of the Town drainage and if we did sell it, the people who bought it wouldn't they have to maintain it as such. That is part of the Town's Storm Drain System.

President Tucker stated one of the things Doug stated at the beginning was that we are only asking permission to sell the Prather Lane property and the Old Firehouse. We are not at this time asking to do anything with Villa Drive. We are researching that. If there is a drainage problem there, that the person who buys it will inherit that problem.

Council Member Eddings stated if we sold it, the person who buys it would have to maintain it or make it better.

President Tucker stated we could put restrictions in the deed that would not allow the drainage to be changed in any shape or form. The remainder of the property could be changed somewhat. I don't want to create problems with that piece of property. We aren't going to do anything until we feel that we have the ability to do this in the correct manner.

President Tucker stated at this point in time we've kind of taken this property off the market until we can get some questions answered.

Motion made by Council Member Eddings for the 2 appraisals to be made and go ahead with the sale of the Prather Lane and Old Firehouse properties as long as the paperwork is in order, motion seconded by Council Member Broady.

There was a question on the selling process.

President Tucker stated it is a sealed bid, let's assume three people bid on that property.

Mr. Bolly stated that he has a client that is interested in the Prather Lane property. He was concerned about a private auction and thought there could be problems. His client would pay a reasonable price with some stipulations, that the alley was closed, close Bucheit Street.

Council Member Everitt asked you're talking 30 feet where the old Prather Lane was, okay, if I remember right, when we built Prather Lane back in 89 & 90, all of that was taken care of, it should be in the minutes. The alley was closed and 1/2 of that went to the older lady who lives in the house on the corner. If I'm not mistaken, whenever you give up an alley or street you give 1/2 of it to the homeowner and that was suppose to be taken care of in 89 & 90.

Mr. Bolly stated we haven't found where that was legally closed.

Council Member Eddings Addresses Council/Sale of Town Properties Cont.

Council Member Everitt stated that Old Prather Lane was 39.18 wide. The reason we went ahead and done that was because he couldn't get in and out of his building the way it was. Mr. Regan built the building on Old Prather Lane and that's the only way they could get in and out of that building.

President Tucker stated that what we have found in some cases, the documents have not been done correctly. It may have not been recorded. If we find there is a problem with the title it would have to be corrected.

President Tucker stated that we should ask Perry to check and see what needs to be done to make these properties saleable and come back to the Board with recommendations.

Attorney McCall stated he will check on these.

Council Member Broady rescinded his second of the motion.

Council Member Eddings rescinded his motion of two appraisals and going on with the sale of the two properties.

Council Member Everitt stated the reason Buchiet was closed was because the Federal Government said it would cost \$187,000. to take the fence down and make it a dead end that we wouldn't be out the money.

Council Member Truman asked what were the three things that Mr. Bolly's client wanted.

Mr. Bolly stated:

1. Close the right-of-way.
2. Closing Bucheit Street.
3. Closing the alley.

Council Member Truman stated we need to go ahead and make a motion to do these three things.

Council Member Everitt asked do we have to give the whole street up, that would be 30 feet. Do we have to give any to the existing land owner which would be to the gas station.

President Tucker stated his guess would be fifteen feet to each, the buyer and the existing property owner.

Motion made by Council Member Truman to close Bucheit Street and the alley and negotiate the right of way, seconded by Council Member Eddings.

Vote 4-0

Adjournment

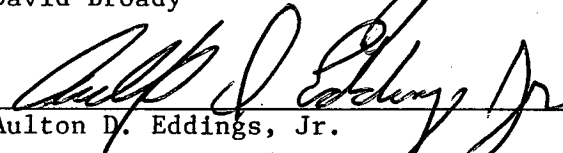
Motion was made by Council Member Eddings to adjourn the meeting and seconded by Council Member Truman.

Vote 4-0

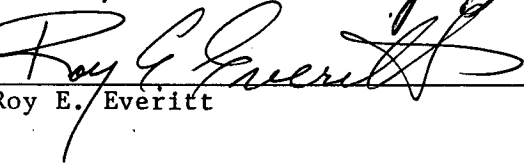
With no further business this meeting was adjourned by President Tucker at 7:27 p.m.



David Broady



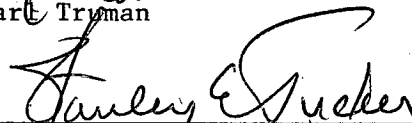
Aulton D. Eddings, Jr.



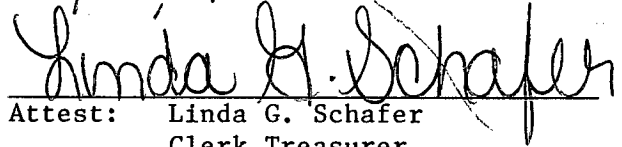
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

March 28, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were Stanley E. Tucker, Council President; Dave Broady, Council Vice President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member and Linda G. Schafer, Clerk Treasurer. Perry McCall, Attorney being absent.

Called to Order

President Tucker called the meeting to order at 6:34 P.M.

Prayer

Brother Dale Offutt offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the Flag was recited.

Jim Baker Addresses Council/Town Properties

Mr. Baker stated that we had a meeting with Mr. Toombs, Mr. Murphy and Karen Elliott.

Mr. Baker stated that there are a couple of things, first of all regarding Prather Lane, vacating the alley, 30ft. at Bucheit and 30 ft. right of way easement. The 30 ft. easement may not affect the property. Chuck Murphy will research to find out if CarMerica owns that.

John Toombs stated that legally and since it's on the edge of the property, that you would start with the Planning and Zoning Board.

President Tucker asked how we proceed from here.

Mr. Toombs stated that you would get approval from the Planning and Zoning Commission to vacate.

President Tucker stated so the next step is someone needs to tell the Planning and Zoning Commission what we need to do as far as vacating and so forth and if they agree to that it's passed on.

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Jim Baker Addresses Council/Town Properties

President Tucker stated could I ask Doug to get with Perry and get a written recommendation as to what we need to do and take it to the Planning Commission and get their approval, bring it back to the Town Council.

Council Member Eddings stated can we go ahead and set the wheels in motion for appraisals.

President Tucker stated that I have no problem with that.

Council Member Eddings stated based on the condition of sale being that the Planning Commission recommends and the Town Board accepts vacating Bucheit and the alley way and the right of way for Old Prather Lane.

Motion made that the Board approve the appraisals and the beginning process for selling the properties based on the conditions of sale being that we give up the right of way at Old Prather Lane, vacate Bucheit to the point of the two adjacent properties and vacate the 10 foot alley way.

Seconded by Council Member Broady.

President Tucker stated the Planning Commission will meet on the 12th of April and we will not be able to approve it until the 25th of April.

Vote 4-0

Mr. Murphy stated we have examined three pieces of property, one being known as the Old Firehouse, the title is in the name of the Town of Sellersburg, it's free and clear with no liens or encumbrances which are recorded.

Mr. Murphy stated that there was some discussion this afternoon and I was being told then about the money that was used for that project that involves that piece of property. My only suggestion would be that when and if you are ready to sell that property we retain a flood easement on which would keep us, I believe out of any problems. The third piece of property, as I understand that you're going to obtain, one being the Police Station, the other one being the Sewer Plant.

Mr. Murphy stated the third one is the Prather Lane property, again we find the real estate is free and clear of all encumbrances. We do find that there are some easements and some dedicated right of ways of record on that property. I tried to call Mr. McCall to discuss this with him and was unable to reach him.

Mr. Murphy stated, it is my recommendation that prior to selling this property that the right of ways be vacated. My understanding with talking with Mr. Toombs, that what is the Old Prather Lane portion of this is all within the what was the Highland Park Addition that as I believe Indiana law to be in terms of vacations, all of that property of the Old Prather Lane would belong to the City as well as that alley way. The only difference would be the alley way at Bucheit, would be split 50/50, the rest by virtue of ownership would go to the Town.

President Tucker stated that his suggestion to Mr. Murphy along with Mr. McCall get together and decide what I need to ask the Planning Commission.

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Chris Marshall Addresses Council/Community Map

President Tucker stated that Mr. Marshall came to visit him at the Bank. He has a map, a Community Map, asking if we'd be interested in having the Town of Sellersburg on this map and I'll let you take over from here.

Mr. Marshall stated that Commercial Advertising out of Jasper, Indiana, we've been in business for about 15 years. What we do is donate one side of the map to the Town and the other side is used as a street map.

Mr. Marshall stated some Towns want a county map, it's basically what you want to do with them. It is advertiser supportive. Each one of the advertisers will get a supply of maps. The bulk of the maps would come to the Town Hall for distribution.

President Tucker stated he had a chance to spend some time with Chris the other day, the chamber does have a map and it has a small insert of Sellersburg in it. This map would be an advantage to us. If we are going to do it we need to do it right.

President Tucker stated question one, is this something we would like for the Town of Sellersburg, question two, I heard that you would basically like an introduction letter. Thirdly, someone needs to, more or less, accept the responsibility of helping the Board make the verbage, Carl Kamer or whoever.

Council Member Truman asked to do something like this here, what do we need to do.

Mr. Marshall stated you need to deliver a raw map, it's all type set.

Council Member Truman stated we need to type out what we want it to say.

Mr. Marshall stated it can be hand written.

Motion made by Council Member Truman that we approve the permission for Commercial Advertising Co. to create a map for the Town of Sellersburg. Seconded by Council Member Everitt.

Chief Kinder offered help with the verbage of the map.

President Tucker asked Chief Kinder if Carl Kamer and Charlie Ridenhour wanted to work on the map, would he be interested in helping. President Tucker stated he just wanted to make sure if we did this, we did it right.

Chief Kinder replied yes, he would help.

Mr. Marshall stated as I said the advertisers would receive a supply of maps and the Town would receive the bulk of them.

Vote 4-0

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James Gregg addresses Council/Corradino Group

Mr. Gregg stated I am with the Corradino Group. We work with a number of grants from the Department of Commerce. I had written a letter to Stan about the grants from the Indiana Housing Finance. They have a few different types of programs trying to assist low to moderate incomes in Communities throughout Indiana making structural improvements to their houses. What I had written for Sellersburg was two different type of Community Block Grants. The two projects which may best suit Sellersburg are:

1. Owner-occupied or Owner-occupied/Rental Housing Minor Improvements
The maximum rehabilitation cost must not exceed an average of \$5,000 per homeowner. Funds may be used to remedy conditions that represent an ongoing threat to the structural integrity of a building and may eventually result in an emergency situation. A repair program may target specific population groups such as the elderly, handicapped, or be open to all low and moderate income families.

1. Owner-Occupied Moderate or Substantial Rehabilitation
Rehabilitation activities must bring each assisted unit totally up to IHFA Rehabilitation Standards, or local building codes or ordinances, whichever is more stringent. The IHFA has established a maximum subsidy allowance of \$15,000 per unit, however, approval may be requested to increase this amount.

We administered a number of programs throughout Southern Indiana and found out these programs were quite effective. Each of these projects require a 10% local match. Your local building inspector may be able to provide inspection services, thus, reducing you cash match requirement. Applications for this round of funding are due April 22nd, 1994, with award announcements on or about May 26, 1994.

President Tucker stated to Stephen Prather, Building Commissioner, that he would look to him as far as the houses in the Town that might be able to use this type of funding. Maybe at the next meeting you could come back and say yes, we have an area that could use this type of funding and Linda if you could check to see if we have \$10,000 to match on this grant, we may not have any surplus money.

President Tucker stated what I suggest is I make a copy of this for everyone on the Board to look at and let them read it over and Steve will be back with information and Linda will look at the budget and maybe by the next meeting we will have some direction. If I feel you need to be here to answer any questions, I'll call you.

Council Member Everitt asked is this similar to what Sellersburg had a few years back? I believe we had this once before.

Clerk Treasurer Schafer stated that was H.U.D.

Mr. Gregg stated it is probably a variation of that. It's not the same thing.

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James Gregg addresses Council/Corradino Group Cont.

Council Member Everitt stated I know it was the Kahl Court area, was one of the areas they worked on but when the people got their houses worked on they couldn't sell them for five years, is this the same thing?

Mr. Gregg stated yes, if you could set it up, the major programs would require a five year forgivable loan, you can structure that in a couple of different ways. You could have a forgivable loan were 100% is forgiven per year, they would have to payback a portion. The minor program, since you are just talking about \$5,000 is normally paid back in a two year period.

President Tucker stated is this done the the Corradino Group, by a person in the Town, a local bank, who's the one that actually sits down with the person and says this is what you need to have repaired and this is how it's going to work, here's the mortgage, how does that work?

Mr. Gregg stated it is administered by a firm, such as ours, there are other firms around that do this type of work.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes from March 14, 1994, the Executive Session and Regular Meeting.

Motion mady by Council Member Broady to approve the minutes as read and seconded by Council Member Eddings.

Vote 4-0

Chief Kinder Addresses Council/Part-Time Dispatcher, Pamela Fay Stillwell

Chief Kinder stated we are back to a part-time dispatcher because the other two dispatchers have already moved up in their current jobs. They took over new duties at Floyd County and they've already advanced.

Clerk Treasurer Linda Schafer stated she had a question, Tamara McCurdy and Shirley Yochem shared one part-time position and then Shirley moved up, you combinded those two positions into 1 full-time.

Chief Kinder stated we have Michelle, Shelley, David and Shirley, then we had Susan and we got Bella. We have Tami still at part-time and Susan was going to fill in as part-time but now she can't work part-time.

Chief Kinder stated we have a lady that was interviewed before that we'd like to bring on board.

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Chief Kinder Addresses Council/Part-Time Dispatcher, Pamela Fay Stillwell Cont.

Chief Kinder stated I also have one more thing about the nuisance ordinance, who handles this?

Steve Prather stated if it is a building violation, it is covered by ordinances and has the power of the State, if it's just a nuisance ordinance like a car parked on property that's not suppose to be there, it falls under a Town ordinance and the enforcement policy for the Town, you have two options, one is the Town Attorney can seek legal action and second the Police Department to write a citation.

Steve Prather stated he can always write a nasty-gram. The standard law is 30 days and if they refuse there is nothing else I can do.

Chief Kinder stated what we are running into now, bushes to close to the intersection, the Street Department has to cut them back free of charge.

President Tucker stated I think we can give them a citation for that. If they do not do it within a reasonable time, I assume 30 days is a reasonable period of time or less, I would think the Street Department could do that and we would bill them accordingly.

Steve Prather stated that the way it reads is all nuisances fall under me, but if there not building nuisances all I can do is write them a letter giving them 30 days.

President Tucker stated assuming that I'm understanding what you're telling me, is that if it isn't a building, if it's a nuisance that has something other than a building, then it's David's and he may pick a reasonable amount of time 10, 15, or 20 days, whatever to have that rectified. If not you have a choice of either having it rectified by the Street Department or if it's something that can't easily be done, then I think we need to refer it to Perry McCall.

Motion made by Council Member Truman to approve the hiring of Pamela Fay Stillwell at the salary rate of \$. , and seconded by Council Member Eddings.

Vote 4-0

Stephen D. Prather, Building Commissioner Presents Claims

Mr. Prather stated before I present my claims there was a permit #0385 and I inadvertently wrote the amount of \$25.00 on the permit, it was issued to Mr. Wayne Hobbs, he paid for the permit, receipt #287545, it should have been for \$20.00 instead of \$25.00, it was my error. I went to the Clerk Treasurer's office, we adjusted the receipt to reflect \$20.00 instead of \$25.00, mailed out a refund check for \$5.00. The report you have is already corrected, I just wanted to go on record that there was a \$5.00 error and the Clerk Treasurer's office has already help me correct this.

Mr. Prather stated I would like to thank the Clerk Treasurer's office, I was at a total loss on how to correct this mistake.

Sellersburg Town Council
Regular Meeting
March 28, 1994
Page 7.

Stephen D. Prather, Building Commissioner Presents Claims Cont.

Stephen D. Prather, Building Commissioner presents claims from March 15 thru March 28th in the amount of \$231.75.

Motion made by Council Member Truman to approve claims and seconded by Council Member Broady.

Vote 4-0

John Toombs, Consulting Engineer Presents Res. 1994-22, 1994-23 & 1994-24

John Toombs, Consulting Engineer presented Resolution 1994-22, a resolution in reference to set aside thirty (30) percent of its budget line items for Local Road and Street Funds, Motor Vehicle Funds, and Street Department Funds, to be used, as recommended in the approved STORM WATER MANAGEMENT PLAN, for Capital Improvements, Equipment, Employees and Materials for maintenance, repair and improvements of the storm sewer and ditch system in the Town of Sellersburg, Indiana.

Resolution 1994-23, a resolution in reference to finance, by the sale of Bonds, all those storm sewers, that need to be installed, as outlined in the approved Storm Water Management Plan, which are not to be accomplished with the grant being applied for from the Indiana Department of Commerce.

Resolution 1994-24, a resolution in reference to the Town Council of the Town of Sellersburg, Indiana, authorizing the submittal of the Community Focus Funds Application to the Indiana Department of Commerce and addressing related matters.

Motion to approve resolutions 1994-22, 1994-23 and 1994-24 made by Council Member Truman and seconded by Council Member Eddings.

Council Member Everitt asked if the 30% on LRS motor vehicle fund, what do have \$70,000 in there this year.

Clerk Treasurer Schafer stated \$6,000 in one it's LRS, Street & Sanitation and...

Council Member Everitt stated is this going to go on from now that they are going to take 30% out of this fund, I know down the line we're going to need every penny we can get for the streets.

John Toombs stated we're not taking anything out of the funds, all you're doing is to resolve what you're already doing. There will be no change at all in the budget. We aren't taking anything out or making anything different. This is just saying what you are doing officially.

President Tucker stated this is not committing us to anything.

Vote 4-0

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Regular Meeting
March 28, 1994
Page 8.

John Toombs, Consulting Engineer Presents Bid From Joe Reschar Construction

John Toombs presented a bid from Joe Reschar Construction. Mr. Toombs stated that over in the Adkins Court area we worked out a solution to the sanitary sewer problems. It has three little sections, we've got prices on these. Mr. Broady and I have looked over them. I want to recommend that we award the pink to Mr. Joe Reschar who's a contractor, his bid was \$11,375.00 and that will take care of straightening out a part of this area. I recommend that the Board except this bid.

Motion made by Council Member Broady to approve the bid from Reschar Construction and seconded by Council Member Truman.

Vote 4-0

John Toombs, Consulting Engineer Addresses Council Concerning Sewer System

Mr. Toombs stated we have been doing and done an investigation on the Sewer System and in order to comply with our Grants we are suppose to get the rain water out of our sewers. We smoke tested and took photographs of all the problems, we found places that didn't have plastic caps over their clean-outs, places where we have our own sanitary sewers running into creeks and we will probably be finished with the plans this week. I don't want to wait another two weeks. What I'd like to mention, once the plans are finished we go out for public bids. Alot of things need to be done. I need your permission.

President Tucker asked if everyone was okay with that and stated you have my permission.

Mr. Toombs stated in addition to that I've been working with Rick and Jim Blincoe looking for problems and there is an area, Indian Oak Mobile Home Park, there are things that need to be done, there are alot of homes that have the little white pipe sticking up out of the groind that do not have a cap on them. We have made a seperate list of these. I would like the Boards permission to prepare a letter detailing that they are not allowed to leave these things open, they are responsible to cap these themselves, there are about forty of them.

Council Member Truman asked if we have an ordinance requiring that.

Mr. Toombs stated probably not.

Council Member Truman asked should we pass one, I just want to make sure we have the authority to back this up.

Mr. Toombs stated there are some problems at the school with drains and again we have some more investigating to do. I would like the Boards permission to write them a letter explaining what the problem is.

President Tucker stated I don't think anyone has a problem with that, as far as a letter being processed you and I both could sign it.

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Page 9.

John Toombs, Consulting Engineer Addresses Council Concerning Sewer System Cont.

Mr. Toombs stated we can call or write but they somehow need to be informed officially.

Mr. Toombs stated in addition to all of that, back in 84, one of the Town employees went around to see if there were sump pumps, alot of people did. We asked several times for residents to get rid of their sump pumps. We have down spouts and yard drains running into the sanitary sewers. We'd like to prepare a notice to let residents know we can't have this going into our system. We need someone to check on these residents.

Mr. Toombs stated the last thing is if we are going to do all of this stuff, we need someone to go out and see that all of these things are done. We need a person to go out and make sure all of these things are done properly, to check drains, down spouts, and so forth. There are two ways this can be done, I can hire somebody or you can save alot of money by hiring you own. I'm here to recommend you do that.

Council Member Truman asked what type of rate would someone be paid.

Mr. Toombs stated it's hard for me to say, I don't know what your rate structure is.

Council Member Eddings asked would they need to be licensed.

Mr. Toombs stated no.

Council Member Truman asked would this be a temporary position, part-time, full-time or what.

President Tucker stated Rick and John and me will talk about it and come back with a recommendation.

Council Member Truman stated it sounds like a job for a utilities manager.

Dave Broady Addresses Council/Sewer Tap-In Fees

Council Member Broady stated in going over tap-in fees, I brought up a recommendation I'd like to give the Board Members, and let them look at it saying what it was and what I suggest it go to, to raise the tap-in fee which we'd do by ordinance and bring it back next meeting. It was \$450 and I'm suggesting it go to \$800. Clarksville in \$1200. I think it's well within range for the area. We are lower than Clarksville and Jeff.

Council Member Broady stated I'd also like to suggest that we get a quiet title or whatever we need to do and decide what we want to do with the old sewer plant. We can sell it or lease it. I'd like to get permission to ask Perry to see if he can get a quiet title.

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Regular Meeting
March 28, 1994
Page 10.

Karl Truman Addresses Council/Tri-Township Fire District Vacancy

Council Member Truman stated one item I'd like to bring up is the Tri-Township Fire District is having a vacancy from the person who is the representative from the Town of Sellersburg area. The Town Board does not have any direct input as far as who that person is, they are appointed by the County Commissioners. The Town Council can make a recommendation to the County Commissioners as to who they would like to see them appoint from the Town of Sellersburg. Rod Pate who is a prior Council Member and serves on the Zoning Board and been active in the community has expressed an interest in that and I'd like to make a motion that the Council President on Town letterhead, write a letter to the County Commissioners asking them to appoint him to the Fire District Board to represent Sellersburg.

Motion made by Council Member Truman and seconded by Council Member Broady.

Council Member Everitt stated I think I know what Karl is saying but I feel like that's a County Commissioners job and there's other people who are interested in that job. I know Rod and I've worked with him, I feel Rod really wants it he could call Mr. Isgrigg and Ralph Guthrie and talk to them about it. The same as I'm sure other people will do. For the Town to go ahead and put in a name for this position, I think would be asking too much for me to do it. I know Rod and he's a good man but there's other people who may be interested in that job and I don't want them to say this is who the Town wants.

Vote 3-1. With Council Member Everitt voting against.

Council Member Everitt Addresses Council/Henryville Water Company

Council Member Everitt stated that the Henryville Water Company would like to meet with Sellersburg to discuss maybe purchasing more water and they would like to have this meeting as soon as possible. I've got a card here and a name for you Stan.

President Tucker stated I'll call Mr. Masters and see what they are wanting.

Council Member Everitt stated they would like a million gallons a month.

President Tucker stated I will call Mr. Masters and see what he's wanting and call a meeting. President Tucker asked Council Member Eddings if he'd like to call Mr. Masters and find out what he's wanting and thanked Council Member Eddings.

Clerk Treasurer Presents Claims For This Meeting

Clerk Treasurer, Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion was made by Council Member Eddings and seconded by Council Member Broady to approve the claims as presented.

Vote 4-0

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March 28, 1994
Page 11.

President Tucker Addresses Animal Registration

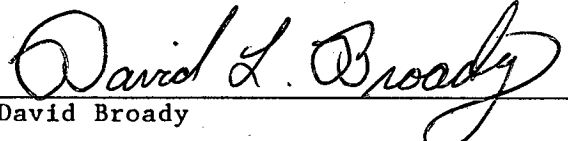
President Tucker stated that Linda brought to his attention, and I might ask the press to help us on this one. We have about three days until the licensing of animals runs out. We sell tags from March 1st to March 31st. Last year we licensed approximately 400, this year we've licensed only about 80. If they are not licensed and are picked up or complained about, they are heavily fined.

Adjournment

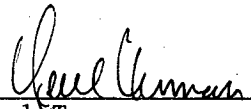
Motion was made by Council Member Eddings to adjourn the meeting and seconded by Council Member Truman.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:55 p.m.



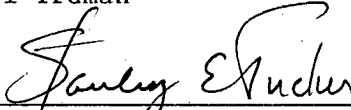
David Broady




Karl Truman

absent

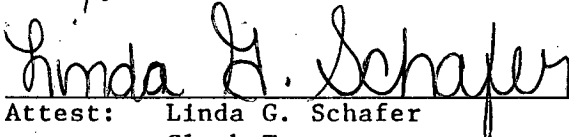
Aulton D. Eddings, Jr.



Stanley E. Tucker



Roy E. Everitt



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

April 11, 1994

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Karl Truman, Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer. Those absent were: Roy Everitt, Council Member; Doug Eddings, Jr, Council Member.

Called To Order

President Tucker called the Executive Session to order at 6:11 p.m.

Topics of Discussion

Remonstrance
Annexation
Comp. Time
State Board of Accounts

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:15 p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer; Doug Eddings, Jr, Council Member arriving late at 6:40 p.m.

Called to Order

President Tucker called the Regular Meeting to order at 6:32 p.m.

Sellersburg Town Council
Regular Meeting
April 11, 1994
Page 2.

Invocation

The Invocation was offered by Reverend Gary Fenner.

Pledge

The Pledge of Allegiance to the Flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion to approve the minutes from the last meeting made by Council Member Broady and seconded by Council Member Everitt.

Vote 4-0

Jim Baker/Karen Elliott Address Town Council/Town Properties

Mr. Baker stated appraisals have been finalized and to give you a report on the values. We are not sure at this time if the Town wants to sell the Villa Drive property but we have reported a value of \$20,000. That \$20,000 was in consideration for two-four plexes to be built on that property. Obviously if that is not the case the value would be less than that. As far as the Prather Lane properties, Tract I, the property next to CarMerica, that property we have a report of a value of \$17,000. The per square foot for that property is less than the one for Tract II because of the size of that Tract. It being so small that we really didn't know what sort of uses we could make of it. The value would be mostly for the person adjacent to that property.

Mr. Baker stated as far as the Tract II, we have a report of value of \$100,000, basically from looking at the sales in the area, the McDonalds site, Arby site and Taco Bell. We looked at some of the other similar restaurants and we have come up with a value of \$4.00 a square foot. The Old Firehouse, we have a value of \$30,000. At this point I guess we are as far along as we need to be.

President Tucker stated he had no questions on the appraisals at this time.

President Tucker stated we have a Planning Commission meeting tomorrow night and I need some type of verbage to take to the Planning commission as to what we need to tell them about what we need to do as far as closing alleys and some other things that need to be done.

President Tucker asked John Toombs to fax him a statement on what needs to be done to take it to the Planning Commission to get that step taken care of.

Sellersburg Town Council
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Page 3.

Jim Baker/Karen Elliott Address Town Council/Town Properties Cont.

Council Member Everitt stated I have one question on Bucheit, on the where we blocked the street and closed it with the bumper. The Federal Government in order for us to get Prather Lane come in there, we had to dead end that street. Now when that property is sold will we be allowed to take that out.

John Toombs stated I don't think it really matters.

President Tucker stated that he had a call from Bob Waize, he's a real estate person in Jeffersonville. He stated his family owned the gas station. Therefore his family would receive half of the closed street, at what point in time does that take place.

President Tucker asked Perry McCall if he was prepared when all of this took place.

Perry McCall stated yes, he hadn't received anything from Chuck Murphy yet.

Council Member Eddings stated he may have some of it. Chuck Murphy had dropped off some stuff at the last meeting.

Building Commissioner Presents Claims

Building Commissioner, Stephen Prather presented his claims from March 29, 1994 thru April 11, 1994 in the amount of \$280.58.

President Tucker requested a motion to approve the claims presented by Mr. Prather.

Motion made by Council Member Truman and seconded by Council Member Eddings.

Vote 4-0

Building Commissioner Addresses Council/Letter From Resident RE: Drainage Problem

Mr. Prather stated that I received a letter last Friday, I guess, pertaining to a drainage problem off of Alabama and I thought I'd let Mr. Toombs look at this or Roy or both. It says: I've lived at Alabama Ave. and had water standing in my drainage easement almost all the time, according to my neighbors approximately three years ago my next door neighbor dug a patio and filled the easement with the remaining dirt. This restraining water from passing thru the obstructed ditch. Since this happened before I came on board, I don't really know if they did it or not. Roy may have some prior knowledge on that. The property in question is 1004 Alabama.

President Tucker asked John Toombs, Engineer to look into this.

Sellersburg Town Council
Regular Meeting
April 11, 1994
Page 4.

Council Member Broady Addresses Council/Sewer Department

Council Member Broady stated we are still working on the sewer rate tap in fee and will get that back to you.

Council Member Broady stated that Perry is working on the quiet title for the sewer treatment plant and at the last meeting we sent a recommendation to the Commissioners for the Fire Board Trustee and I'd just like to follow up on that and send them a thank you letter for their consideration of our recommendation, however small that it was.

Motion made by Council Member Broady to send a thank you letter to the Commissioners and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Presents Claims

Clerk Treasurer, Linda Schafer presented claims for the last two weeks for the Civil, Sewer and Water Departments.

Motion to approve claims made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Attorney McCall Addresses Council/Waste Management District Contract

Attorney McCall stated one thing briefly. I handed you again a copy of the contract for the recycling that's going to be conducted in the Town of Sellersburg in the upcoming months. The initial contract that was presented by Dan Moore, the Attorney for the Waste Management District, this was approved by the Town of Sellerburg. However, they've made some minor corrections to the contract. It doesn't alter it in any way. I'm presenting that tonight to be executed once again.

President Tucker stated that two words had been changed.

President Tucker stated that he would entertain a motion to allow him to sign the agreement with Jerry Fuller and BFI.

Motion made by Council Member Eddings and seconded by Council Member Everitt.

Council Member Everitt stated one thing, they did go from a one year the County's going to pay for two years now.

Vote 4-0

Attorney McCall Presents Vicki Carmichael/Candidate For Judge, Clark Sup. Court #1

Attorney McCall stated that Vicki Carmichael is a candidate for Clark Superior Court #1, if you've never met Vicki that's her and asked Ms. Carmichael to stand up.

President Tucker stated that it was nice to have her and he appreciated it.

President Tucker Addresses Council/Amendment to Personnel Manual

President Tucker stated that the only item I have is to the employee manual. We made some recommendations or changes to the administration of termination of employees or the adding on of employees. Basically it says that there are certain forms, an application has to be completed and kept in the personnel file, they have to fill out a W-4 form, they have to fill out a U. S. Department of Justice employment eligibility verification, they have to sign a drug free workplace policy acknowledgement agreement, they have to take or agree not to take a blood borne pathogen shot.

President Tucker stated that it was suggested that we add these to the personnel manual as of today's date.

Motion was made by Council Member Broady and seconded by Council Member Eddings.

Clerk Treasurer Schafer stated that would be an amendment to the present.


Vote 4-0

Adjournment


Motion was made by Council Member Truman to adjourn the meeting and seconded by Council Member Everitt.

Vote 4-0


With no further business this meeting was adjourned by President Tucker at 6:54 p.m.



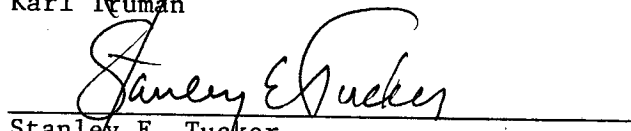
David Broady



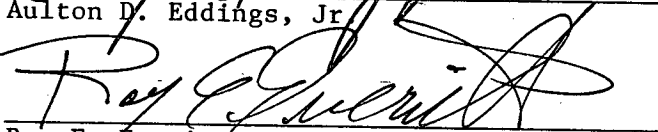
Karl Truman



Aulton D. Eddings, Jr.



Stanley E. Tucker



Roy E. Everitt

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

April 25, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Karl Truman, Council Member; Roy Everitt, Council Member; Perry McCall, Attorney; and Cheryl Dean, Chief Deputy Clerk.

Called To Order

President Tucker called the meeting to order at 6:32 p.m.

Prayer

The prayer was offered by Mr. Doug Davis.

Pledge

The Pledge of Allegiance to the Flag was recited.

Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting.

Motion made by Council Member Eddings to approve the minutes from the last meeting, seconded by Council Member Everitt.

Vote 4-0

Karen Elliott addresses Council/Town Properties

Ms. Elliott stated since the last meeting I've been in touch with Mr. McCall about preparing two public notices for publication by the Town that will announce the public hearing for May 9th. The May 9th meeting with respect to the sale of the properties. There will be one public notice and also with respect to the vacation of the alleyway which has been ruled upon by the Planning Commission.

Sellersburg Town Council
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Page 2.

Karen Elliott addresses Council/Town Properties Cont.

Ms. Elliott stated the notices must first be published or noticed within 10 days of the May 9th meeting date. We have that going out this week I imagine.

Ms. Elliott stated also at that next meeting on May 9th, Mr. Baker and I will present our marketing plan as to how it's decided your going to market the properties. If you decide upon the public auction which is the one time auction or wheter you go with the sealed bid process or the sealed bid process with the auction among the bidders. You need to have some sort of determination so that we can give you a marketing plan.

President Tucker addresses Council/World War II Monument

President Tucker stated at the last Parks Board meeting it was requested that we approve a request to put a monument in Wilkerson Park. I believe for the 11 or 12 men who parished in World War II.

President Tucker stated that the monument has been designed by Garr Funeral Home and they wanted to place the monument underneath the flag pole facing New Albany Street.

President Tucker stated that the Parks Department requested that the American Legion, who represents that group of people have a vote as to where it be located.

President Tucker stated that the American Legion agreed that it be put anywhere they wanted and if it was under the flag pole, that was fantastic. I have the letter from the American Legion and it's been approved by the Parks Department

President Tucker stated I need a motion to approve the fact that the monument can be placed in Wilkerson Park under the flag.

Council Member Truman asked what was the motion we made when they were here that day.

President Tucker stated it was that they could put it in the Park, it had to be designed and brought before the Park Board to see if they would approve it.

Motion made by Council Member Everitt to allow the monument be placed under the flag facing New Albany Street and seconded by Council Member Truman.

Vote 4-0

President Tucker stated if he's not mistaken it will be unvailed on Memorial Day, they have made arrangements for a general or higher up to be there and since that's the same day as the air show they will have a fly by.

Building Commissioner Presents Claims

Stephen D. Prather, Building Commissioner presented his claims from April 12, 1994 thru April 24, 1994 in the amount of \$1,687.50.

Building Commissioner Presents Claims Cont.

Motion was made by Council Member Truman to approve the claim as presented and seconded by Council Member Eddings.

Vote 4-0

Council Member Everitt stated I have a question concerning the weather with the storm we had. Do you charge for a permit for roof repair.

Mr. Prather stated not to his knowledge, unless someone did not state it was from storm damage.

Mr. Prather stated most of them, if they had been turned in, it would fall under insurance. The insurance would usually pay it, less the deductible.

Council Member Eddings addresses Council/Marketing Process of Town Properties

Council Member Eddings asked if we need to vote on a method of sale.

Attorney McCall stated that there is a sequence that needs to be followed.

1. To give notice to surrounding residents and send notices out that we are disposing of the property.
2. Determine method of sale and let the public know.

President Tucker stated at the last Planning Commission meeting, the Planning Commission did agree to let the Town vacate the alley way.

President Tucker stated that in the next few days notices will go out, on the 9th of May we will have a public meeting explaining what property we want to vacate and all of the specifics. We still need to determine the method of sale.

President Tucker stated that it was his understanding that there is three ways that we can sell the property.

1. We can have an auction.
2. We can have a closed bid.
3. We can have a closed bid with an auction at the end with the people who bid.

Attorney McCall stated that is correct.

President Tucker asked do we want to choose one of these methods tonight or what is your recommendation Perry.

Attorney McCall stated the method of sale should be voted on in the public hearing.

President Tucker stated he would rather do it right the first time.

It was decided the decision would be made at the May 9th meeting.

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Page 4.

Council Member Eddings addresses Council/Method of Painting Water Tower

Council Member Eddings stated we have our test results back on painting the water tower. We can paint the water tower with the new method, only a portion will have to be sandblasted and to make a long story short the cost is a whole lot cheaper with the new method. Right now we are waiting for bids from approved contractor's recommended by the engineers.

Council Member Everitt addresses Council/Spring Clean Up

Council Member Everitt stated I've got the dates for the Spring clean up but we are not sure about the sites. It will be May 13, 14 and 15. I do not have the sites yet.

Chief Deputy Clerk Dean presents Claims for this Meeting

Chief Deputy Clerk Dean presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion was made by Council Member Eddings to approve the claims as presented and seconded by Council Member Broady.

Vote 4-0

President Tucker presents Bill from A & B Pool & Recreation Supply Co.

President Tucker stated we started replacing the pool filters at the Town pool and also put in a new strainer and basket. I have a bill from A & B Pool & Recreation & Supply Co. for \$1,840.00 for putting in a new strainer and basket.

Motion made by Council Member Truman to approve the bill in the amount of \$1,840.00 and seconded by Council Member Eddings.

President Tucker stated we got twenty years out of the filters at the pool, my filter on my pool at home only lasted five years.

Vote 4-0

President Tucker presents Letter to Silver Creek High School

President Tucker stated that John gave me a letter, basically that the school system in Sellersburg has their water spouts running into the sewer system which creates overflow of water whenever it rains. The letter will go out with mine and John's signature. It asks them to remove the spouts from the sewer system and find another method to take care of the water. I'd like permission to sign this letter.

Motion made by Council Member Broady to allow President Tucker to sign the letter and seconded by Council Member Eddings.

Vote 4-0

Sellersburg Town Council
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Page 5.

Attorney McCall presents Bill from HNTB Architects Engineers Planners

Attorney McCall stated the remaining portion of the bill to John Kupke with HNTB Corp. which voucher reads: Evaluation, Consultation and Potential Expert testimony with respect to alleged concerns of runoff from your Wastewater Treatment Facility, Pixley VS Town of Sellersburg case. This is the part of the amount which we will be reimbursed. We thought we had paid the whole bill but we had not. The amount of this bill is \$1,441.74.

Motion made by Council Member Eddings to approve the bill to HNTB and seconded by Council Broady.

President Tucker stated we will get half of the total amount we paid out back. We had to have an expert, when the pond was supposedly being infiltrated we had to get technical proof that we were not liable for that.

Vote 4-0

Council Member Broady addresses Council/Inspector for Sewer Department

Council Member Broady stated we are going to have to hire an inspector. We do have a person on the payroll that has done inspections for us some years back and I'm not sure if he's qualified or not. What I'm saying is if he's qualified to do this, I think he helps out Roy's department. Actually what we need to do is get him back and put him on the inspection department or take his salary or hire somebody else.

President Tucker stated I heard a memo or something said, there was a person I guess on the Street Department that may be qualified to do this thing. What I suggest is that Dave or John or whoever would be the appropriate people, find out if he is qualified to do this. If he is then I think there would be a way we could internally swop back and forth. Can you come back with a recommendation.

John Toombs addresses Council/Water Lines at Holmans Lane

Mr. Toombs stated that the State is taking bids sometime in the month of May on the Holmans Lane and State Road 62 project for the work they are going to do out there. We will need to lower our water lines there. We will have to get bids taken.

Council Member Eddings asked what the estimate was on that.

John Toombs stated I can't remember.

President Tucker asked Mr. Toombs if he could check that out.

John Toombs addresses Council/Corrective Action Plan Sanitary Sewers

Mr. Toombs stated at 2:00 p.m. today we opened the bids for the Corrective Action Plan on the Sanitary Sewers. This is to get the rain water out of our sewers. The bids today have to do with capping cleanouts, repairing manholes, broken sewer lines. I think everyone has a copy of the bid tabulation.

Mr. Toombs stated there were four bidders:

Dave O'Mara Contractors, Inc.	\$312,822.95
Irish Park Inc.	\$157,631.48
Thompson Construction Co. Inc.	\$136,330.83
Clark Nickles Inc.	\$102,355.50

Mr. Toombs stated that our estimate was \$99,980.00, the lowest bidder was Clark Nickles Inc. with a bid of \$102,355.50. I would recommend that this project be awarded to Clark Nickles Inc. and the Board give President Tucker permission to sign the contracts to get this project started.

Motion was made by Council Member Eddings to approve that Clark Nickles Inc. be awarded the bid and also give permission for President Tucker to sign the contracts and seconded by Council Member Broady.

Vote 4-0

Mr. Toombs stated in addition there are some other things we need to do, one of them is years ago we sent the man we were talking about earlier door to door all over town checking to see who had sump pumps, down spout water and rain water going into the sanitary sewer. There were a lot that were corrected and some that were not.

Mr. Toombs stated I have made a list and Sam will need to go back to see if they have removed the sump pump and down spouts, also at Indiana Oaks, they haven't been capping them off when they move a unit out of there. They need to be trained to put the caps back on.

Adjournment

Motion was made by Council Member Eddings to adjourn and seconded by Council Member Broady.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:04 p.m.

Adjournment Cont.

David Broady
David Broady

Aulton D. Eddings, Jr.
Aulton D. Eddings, Jr.

Roy E. Everitt
Roy E. Everitt

Karl Kruman
Karl Kruman

Stanley E. Tucker
Stanley E. Tucker

Linda G. Schafer
Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

May 9, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Library to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Karl Truman, Council Member; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treasurer with Council Members Dave Broady and Doug Eddings being absent.

Called To Order

President Tucker called the Executive Session to order at 6:02 p.m.

Topics Of Discussion

Mr. Borho/sewer line lift pump
Forrest Estates/drainage ditch
Scott Lamb/natural drainage

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:10 p.m.

Public Hearing

Sale of Property/Vacation of Street & Right-of-Ways and Alley within the Town of Sellersburg

A Public Hearing of the Sellersburg Town Council was held at 6:15 p.m. at the Sellersburg Library to consider the vacation of street right-of-ways and alley within the Town of Sellersburg and to consider the sale of certain property owned by the Town of Sellersburg. Those present were Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Karl Truman, Council Member; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

The Public Hearing was called to order at 6:20 p.m. by President Tucker.

The Council discussed the purpose of the hearing which was the vacation of the following street, right-of-way and alley as described in a map presented.

Sellersburg Town Council
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May 9, 1994
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Public Hearing Cont.

1. All of that portion of Old Prather Lane right-of-way which lies within Tract 1.
2. All of that portion of the right-of-way of Bucheit Ave. lying east of lot 23 of Scheller's 2nd addition from State Road 311 to the South line of the existing ten (10) foot wide alley as shown in the attached drawing.
3. All of the existing ten(10) foot alley, between lot 17 of the Highland Park Addition and lot 25 of Scheller's 2nd addition which lies within Tract 1 and all of the existing ten (10) foot wide alley between lots 15, 16, and 17 of the Highland Park Addition and lots 23, 24, and 25 of Scheller's 2nd Addition which lies within Tract 11.

The Council also discussed to consider the sale of certain real property owned by the Town of Sellersburg and located within the Town of Sellersburg.

President Tucker asked if there was any public input or questions.

Virgil Bolly expressed interest on behalf of Don Smith, Sr. the owner of Swifty Oil Co., Inc. to purchase the Bucheit property from the Town of Sellersburg.

Mr. Bolly addressed the proposal from Swifty Oil Co., Inc. as follows:

Mr. Bolly stated that Swifty is willing to guarantee a minimum bid of 80% of the appraised value which we understand to be the sum of one hundred thousand dollars.

Our bid will be subject to the following contingencies:

1. The approval of our plans for ingress and egress by the Indiana Department of Highways (INDOT). We believe that our current plans are acceptable to INDOT at this time.
2. The release or termination of the existing thirty foot (30) right-of-way in the front of property.

Mr. Bolly stated assuming that these contingencies are acceptable, we further propose:

1. Plans for the ingress and egress could be submitted immediately and the bidding delayed until approval; or
2. Plans for ingress and egress could be submitted now with a bid date being established; or
3. Plans for the ingress and egress to be submitted after the bidding process has been completed with Swifty's bid being contingent upon the approval of the plans.

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Public Hearing Cont.

Mr. Bolly stated as a token of our good faith in this transaction, Swifty is willing to place the sum of Ten Thousand Dollars (\$10,000.00) in escrow:

1. Swifty is not the successful bidder.
2. The plans for ingress and egress is not approved by INDOT, or
3. The Town of Sellersburg is unable to obtain a release or termination of the thirty foot (30) right-of-way on the front of the property.
4. The auction has not been conducted prior to July 1, 1994.

After discussion of the Council Members it was recommended to vacate areas C, D, E, F and to table areas A and B in order to work out the details and to reschedule another public hearing on May 23rd 1993 at 6:30 for areas A and B.

Adjournment

With no further business the public hearing was ajourned at 6:55 p.m. by President Tucker.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

The regular meeting was called to order at 6:55 p.m. by President Tucker.

Prayer

The prayer was offered up by Reb. Bob Hauselman.

Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited.

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Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion be made to accept them.

Motion was made to approve minutes by Doug Eddings, Jr. and seconded by Dave Broady.

Vote 4-0

Karen Elliott introduces Auctioneer/Town Property

Karen Elliott introduced Don Erler, a Real Estate Auctioneer/Broker.

Don Erler stated that he looked forward in working with the Town Council in despending town properties.

Mr. Erler stated that he will have a proposal ready prior to the next meeting.

President Tucker suggested that Karen Elliott, Don Erler, Jim Baker meet with Doug Eddings to go over this proposal prior to this meeting and suggested that a copy of the proposal be placed in the Council Members boxes.

Chief Kinder Addresses Hiring of Police Officer

Chief Kinder stated that applications are being taken by the Sellersburg Police Department for a police officer to replace the position recently vacated by the resignation of Richard Hall.

Chief Kinder stated that application will be taken thru May 26, 1994.

Water Superintendent Gives Notification/Hydrant Flushing

Clark Henson, Water Superintendent, stated to the Council Members and the newspaper media that the Water Department will be flushing hydrants beginning May 22nd thru May 27th from 11:00 p.m. to 7:00 a.m. and also stated that Sellersburg Water customers should use caution while doing laundry.

Sale of Homemade Trailer/Water Department

President Tucker stated that there was a homemade trailer that is owned by the water department that is broken down and is not used by the water department.

President Tucker stated that there was an offer to purchase the trailer by a State Board of Accounts person for \$75.00.

Clark Henson stated that the \$75.00 offered for the trailer was a fair price.

Sellersburg Town Council
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Page 5.

Sale of Homemade Trailer/Water Department Cont.

Clerk Treasurer Schafer stated that we were not sure that the legal council for the State Board of Accounts would allow the purchase of this trailer by one of their employees.

Motion was made by Doug Eddings, Jr. to approve the sale of the homemade trailer owned by the water department for \$75.00 and seconded by Dave Broady.

Vote 4-0

Building Commissioner Presents Claims

Building Commissioner, Stephen Prather presented his claim for the period of April 25th thru May 9th in the amount of \$165.60.

Motion was made by Karl Truman to approve the claim as presented and seconded by Roy Everitt.

Vote 4-0

Approval Giving Authority To Council Member Eddings To Sell Property As Indicated

After discussion of the Town Council a motion was made by Doug Eddings, Jr. to have a public auction with a 90% minimum of the appraised value with the buyers premium, this motion was seconded by Karl Truman.

President Tucker asked for any questions with no reply.

Vote 4-0

Approval To Sign Release Of Easement

After discussion Karl Truman made a motion to allow Doug Eddings to sign the release of easement with Swifty in order to send the easement release form to the State Highway Department in Seymour to get the proper ingress and egress. This motion was seconded by Dave Broady.

Vote 4-0

Tax Abatement Request/Thoroughfab, Inc.

A request was made for a tax abatement from Thoroughfab, Inc., owner Doug Eddings, Jr.

Mr. Eddings stated that the abatement was for \$100,000.00 on equipment and his company employed 4 employees and hoped to increase his employees to 7.

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Tax Abatement Request/Thoroughfab, Inc. Cont.

Motion to give a tax abatement for 5 years on \$100,000.00 on equipment to Thoroughfab, Inc. was made by Karl Truman and seconded by Dave Broady.

Vote 3-0, with Doug Eddings abstaining from this vote.

Approval of President Tucker/Signature to Sign Abatement Letter

Motion was made to approve President Tucker to sign the abatement letter for Thoroughfab made by Roy Everitt and seconded by Karl Truman.

Vote 3-0, with Doug Eddings abstaining from this vote.

Council Member Broady Presented Bid For The Correction Of WWTP Infiltration.

Council Member Broady stated that bids were taken to correct the infiltration problem at the Waste Water Treatment Plant.

Motion was made by Dave Broady to accept the \$102,355.50 from Clark Nickles, Inc. and seconded by Karl Truman.

Vote 4-0

It was stated that Sam Harper, from the Street Department would be doing the inspection.

Council Member Truman/Reserve Police Officer Program

Council Member Truman addressed the council members concerning a reserve police officer program.

Council Member Truman stated that this program was not to replace officers but to help officers to perform their duties.

Chief Kinder stated that he had checked with the insurance company and there is no additional charge.

Council Member Truman stated that after discussion with the Police Commissioners Board they would start out with three (3) and bring it up to about five (5) within a year.

Motion was made by Karl Truman and seconded by Doug Eddings, Jr. to approve the reserve officer program and to allow Chief Kinder to prepare the guidelines.

Vote 3-1, with Dave Broady voting against.

Chief Kinder stated that he wanted to clarify that the reserve officer program is at no expense to the Town as they have to purchase their own uniforms, firearms and they pay for their own training.

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Council Member Truman/Reserve Police Officer Program Cont.

Chief Kinder stated they do not take the place of the current police department staff but will help them by riding with them on patrol. This is not to replace the number of officers now employed. This will be an additional to the officers.

Council Member Everitt/Spring Clean Up Dumpsters

Council Member Everitt stated that this weekend there would be dumpsters set out for spring clean up and the dumpsters would be picked up on the following Monday morning.

Clerk Treasurer Presents Claims

Clerk Treasurer presents claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion was made by Dave Broady and seconded by Doug Eddings, Jr. to approve the claims as presented.

Vote 4-0

President Tucker Presented A Request/CPR Course For Town Employees

President Tucker stated that he had given previous approval for Town Employees to take the CPR course for a fee of \$20.00 per employee.

Chief Kinder stated that the class was free but the supplies needed for each employee was \$20.00 per employee.

A motion was made to pay the \$20.00 for each employee to take the CPR class by Dave Broady and seconded by Doug Eddings, Jr.

Vote 4-0

Tax Abatement Request-Gainey Realty/Super Service

President Tucker stated that as part of resolution 132, a resolution confirming the adoption of a declaratory resolution designating certain areas within the Town of Sellersburg, IN, to be an economic revitalization area for purposes of real and personal property tax abatement for AVCO Leasing, Inc., Super Service, Inc., located at 1522 Avco Blvd. The description of real property and/or new manufacturing equipment to be acquired is as follows:

A new steel office building and truck maintenance shop with paved parking was constructed. Equipment consists of shop equipment, fuel tanks, a truck wash and office and computer equipment. Real Estate is owned by an affiliate corp. (Gainey Realty)

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Tax Abatement Request-Gainey Realty/Super Service Cont.

Motion to approve the tax abatement for Super Service, Inc. and to allow President Tucker to sign the abatement was made by Doug Eddings, Jr. and seconded by Dave Broady.

Vote 4-0

Council Member Broady Presents Claims

Council Member Broady presented claims to the Council Members for their signatures of approval as follows:

1. Jacobi, Toombs and Lanz, Inc. for Job #8823C-2, Sellersburg Adkins Court Area Sewers for the amount of \$206.50.
2. Jacobi, Toombs and Lanz, Inc. for Job #8823C-1 Sellersburg Renz Ave Sewers in the amount of \$375.00.
3. Jacobi, Toombs and Lanz, Inc. for Job #8823C-5 Corrective Action Plan for the Town of Sellersburg in the amount of \$6,322.94.

All Council Members approved by signing the above vouchers presented to be paid from the Waste Water Treatment Project account.

Attorney McCall Presents Ord. 94-589/Tract C-A Part of 10 Foot Wide Alley

Attorney McCall presented to the Council Members Ordinance 94-589/Description of vacation Tract C (a part of a ten (10) foot wide alley between Highland Park addition and Schellers 2nd addition to the Town of Sellersburg.)

Motion was made by Doug Eddings, Jr. to consider this Ordinance 94-589 on the lot reading and seconded by Karl Truman.

Vote 5-0

Attorney McCall Presents Ord. 94-590, 94-591, 94-592

Attorney McCall presents Ordinance 94-590 for consideration of the Council on the first reading.

Ordinance 94-590-Description of vacation Tract "D", a part of a ten (10) foot wide alley between Highland Park Addition and Scheller's 2nd addition beginning at an iron pipe which marks the south corner of Lot 15 of the Highland Park Addition and is in the northwest line of a ten (10) foot wide alley.

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Attorney McCall Presents Ordinances 94-590, 94-591, 94-592 Cont.

Ordinance 94-591-Description of vacation Tract "E" (southerly half of Bucheit Ave.)
A part of Bucheit Ave. north of State Road 311 and adjacent to Schellers 2nd
Addition, an ordinance vacating a street.

Ordinance 94-592-Description of vacation Tract "F" (northerly half of Bucheit Ave.)
A part of Bucheit Ave. north of State Road 311 and adjacent to Schellers 2nd Addition,
an ordinance vacating a street.

Motion was made by Doug Eddings, Jr. to consider these ordinances on the first reading
and seconded by Karl Truman.

Vote 5-0

Attorney McCall Presents Ordinances 94-590, 94-591, 94-592

Attorney McCall presents ordinance 94-590, ordinance 94-591 and ordinance 94-592 for
approval of Council Members.

Motion was made to approve Ordinance 94-590, ordinance 94-591 and 94-592 by Doug
Eddings, Jr. and seconded by Karl Truman.

Vote 4-0

The Council decided to table Tracts "A" & "B" until the next meeting.

Bids/Renz Ave. Area Sanitary Sewers

Bids were taken on the Renz Ave./Virginia Avenue Sanitary Sewers.

Motion was made by Doug Eddings, Jr. to award the bid to Mid-Southern Builders, Inc.
for the sum of \$11,597.00. Job #8823-C1, this motion was seconded by Roy Everitt.

Vote 5-0

President Tucker Addresses Silver Creek Pool Inc./Town of Sellersburg

President Tucker asked Virgil Bolly about the Silver Creek Pool Inc. and about how to
change the name to be titled in the Town of Sellersburg.

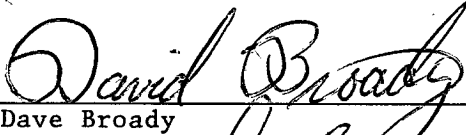
Mr. Bolly suggested that President Tucker check with Mr. McCartney concerning this matter.

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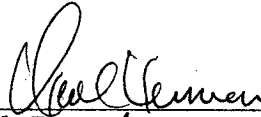
Adjournment

Motion was made by Doug Eddings, Jr. and seconded by Roy Everitt to adjourn this meeting.

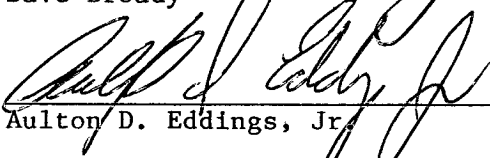
With no further business this meeting was adjourned by President Tucker at 8:00 p.m.



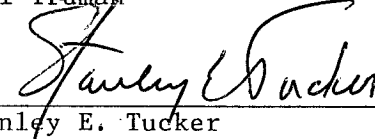
Dave Broady



Karl Truman



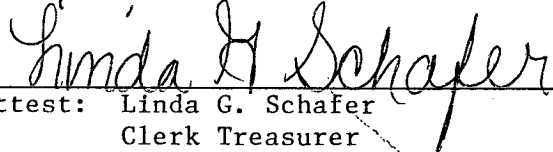
Aulton D. Eddings, Jr.



Stanley E. Tucker

ABSENT

Roy Everitt



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

May 23, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer, with Karl Truman, Council Member arriving at 6:40 p.m. and Roy Everitt, Council Member being absent.

Called To Order

President Tucker called the Regular Meeting to order at 6:32 p.m.

Prayer

The prayer was offered by Father Herman Lutz.

Minutes Of The Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion made by Council Member Broady to approve the minutes as read and seconded by Council Member Eddings.

Clerk Treasurer Schafer stated that she would like it noted that the last meeting was also a public hearing.

Vote 3-0

Public Hearing On Town Properties

President Tucker stated that the first item of business is the public hearing on town properties and asked Perry McCall if he was prepared.

Attorney McCall stated he didn't know what the decision was going to be tonight, he hadn't really heard from anyone.

Council Member Eddings stated that what is going on as far as the agreement, we've got two appraisers, there is \$2,000.00 difference in the property that the Town owns and the property that the Town wants to exchange for.

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Page 2

Public Hearing On Town Properties Cont.

Council Member Eddings stated what we are asking for is to be able to sell. We do have two appraisals, we are asking for 90% of the difference which is \$1800.00 and that is a fair price.

Attorney McCall stated that another person is interested and they should be able to do so. We have talked in the past about other people who are interested in tract one.

President Tucker stated the intention was to clear all of this up at this meeting tonight.

Motion made by Council Member Eddings that the Town Board accept the proposal with Mr. Charles Meers for the exchange for the easement that the Town owns for the piece of property, Prather Lane property for a difference of \$1800.00.

Mr. Bolly asked if he may interrupt, you haven't closed that alley, it needs to be done.

President Tucker stated if he could visualize this for everyone, Prather Lane separates CarMerica to the left in essence the piece of land that Sellersburg owns on the right there is an easement on the front of that property that touches on 31, there is some land in front of CarMerica that we own. What we are basically doing is exchanging his right of way off of 31 and crossing in front of Old Prather Lane for, in essence, a small piece of property in front of CarMerica.

Motion was seconded by Dave Broady.

Council Member Truman stated wasn't there a mention of \$1800.00, I'm sorry, I missed the first part of it.

Council Member Eddings stated the difference in the property is \$17,000 and \$15,000, a \$2,000 difference. We are asking for the 90% difference.

Vote 4-0

Meeting Adjourned

This meeting was adjourned at 6:44 p.m. so President Tucker could try to reach Roy Everitt to attend this meeting to vote on a consideration.

Called To Order

President Tucker called this meeting back to order at 6:48 and stated that they would table this until the next meeting.

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Council Member Eddings Presents Ordinance 94-593/Vacation Of 10ft. Wide Alley

Council Member Eddings made a motion to consider Ordinance 94-593 to vacate the 10 foot wide alley, Tract "B" to amend that motion, I make a motion to approve 94-594, vacation of Old Prather Lane Tract "A" on the first reading and seconded by Council Member Truman.

Vote 4-0

James Dugan Addresses Council/Recycling

Mr. Dugan stated the reason I'm here is about this recycling program. I don't mind recycling. The reason I'm here is the letter stated that businesses and apartment houses are not going to recycle. Fair is fair and I don't mind doing it but if I have to why do they not have to. Another thing is they are going to charge us \$1.00 for picking the same garbage up. Another thing is you've got Floyd County bringing their trash into Clark County and there not even going to recycle.

President Tucker stated Clarksville, Jeffersonville, Charlestown and Sellersburg have all participated in this recycling program. In order to make it work the feeling was that it had to be mandatory. There was to be an initial charge of \$1.00 and the rest was to be subsidized by the County. The cost goes up slightly in year two and year three we are to take it over totally. Starting June 1st, I believe the landfill, including the Clark Floyd Landfill will no longer take alot of the refuse that they use to take, grass clippings, refridgerators, etc. We had to start somewhere. Jerry Fuller is the person who is in charge of this on behalf of Clark County. I read the paper every night and there's at least one or two letters about the recycling. Lately there have not been as many negative letters. As far as Floyd County, I feel at some point in time they will recycle. They had to start somewhere. We have very little control. It has been in existence for about two weeks, I noticed the orange bins around town. All I can suggest is everyone participate and if you have questions or concerns call Mr. Fuller.

Harold Sullivan Addresses Council/Recycling

Mr. Sullivan stated I have something also on recycling. You charge us \$3.00 on our water bill and at 20,000 people that's \$74,000, BFI picks up these cans, they take these cans and sell them to Reynolds and American Aluminum and they get 60¢ a pound. Here's 26,000 more, BFI collects trash also from Louisville, there's paper, cans and a whole bunch of other stuff in there. They are not recycling. They are just taking it to the landfill. If I have less garbage and more recycled, my garbage should be down. We were told to have it out by 7:00 a.m. or 8:00 a.m. and it wasn't picked up until 4:00 p.m. today. I mean they are going to make money, but yet in a years time you are going to charge us more. They are not in this business to help us out. Recycling like I said is good but they are making money. Where does all of this money go. You've gotten over one million dollars.

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Harold Sullivan Addresses Council/Recycling Cont.

President Tucker stated we do not service 20,000 people.

Mr. Sullivan stated another thing, I don't like is when they put an ordinance out and it's like sticking a gun to my head and saying "hey, you're going to recycle" and that's it. I'm not use to that, I spent 20 years in the Army and I do not like that. If I want to participate that should be fine. Don't say, "if you don't", I'm still going to bury it, if I want to take my cans somewhere else, if you're going to bill me \$1.00. That's my constitutional right. Are you taking my rights away from me?

President Tucker stated we are not taking your rights away. There were at least 6 public meetings about recycling over the last one year period. When the meeting was held here in Sellersburg two (2) people showed up, one from Borden and one from Henryville. There have been opportunities for the public to come in. What I suggest is that I will call Jerry Fuller, who is in charge of this and ask him to attend the next meeting if that's possible. You can come back at that time and air your views to him. He's the one who is in control of this system. We as a Township participated in order to make it work. Someone had to start somewhere.

Mr. Sullivan stated at one time I put three cans out and now I'll be lucky if I put out one and you're still going to charge me \$3.00.

President Tucker stated the landfill has incresed the amount that we have to pay to dump the garbage.

Mr. Sullivan stated when I called today to see when they were going to pick up they said they had been working 8, 10 and 12 hours because they had such a bunch of people in this. They had an overwhelming response to this. If you can find out how much they've picked up then you could find out how much tonage you're going to have to dump. Do you pay by the tonage or by the truck.

President Tucker stated by the tonage.

Council Member Eddings stated he was sure they would be tracking the tonage and it would probably be a couple of months.

President Tucker stated we pay over \$80,000.00 a year to dump at the landfill. We collect \$74,000.00, based on the number of households in Sellersburg. We have 5,600 households. In Sellersburg we pick up garbage for about 5,600 houses.

Clerk Treasurer Schafer stated that the population of Sellersburg is 5,914.

Council Member Truman stated that the point Mr. Tucker was trying to make is that Sellersburg does not make a profit off of the \$3.00 fee.

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Harold Sullivan Addresses Council/Recycling Cont.

Mr. Sullivan stated when I talked to the engineer today they said Sellersburg serviced 20,000 people.

Mr. Truman stated do you think they meant the County.

Mr. Sullivan stated I told him where I lived.

President Tucker stated I think you were misinformed. Jerry Fuller has written letters to the Editor stating if you have any questions to call him and listed the number. Since this has only existed for about two weeks, it's probably a little premature to try and guess what it's going to do to our garbage collection. At the beginning it's going to be different than it will be on a long term basis.

Council Member Truman stated that the \$80,000.00 you were talking about is not the cost to pick up the garbage that it is just the tipping fee, what we pay at the landfill.

Karen Elliott Addresses Council/Town Properties

Ms. Elliott stated Don Erler of Remax Commercial Brokers has made a listing agreement and asked if the Council had a chance to look at it.

Council Member Eddings stated that he had no questions, that it is basically an agreement, somewhat of a guarantee on the sale of the property that covers the auctioneer, explains what his responsibilities are, his marketing and advertising fees and where the adds would run, what size the adds are. All we need is a signature from a representative of Sellersburg.

President Tucker stated if we do not receive 90% of market value we would not sell and would only owe the advertising fee.

Council Member Truman stated if it sells the 10% covers everything, auction fees, advertising, everything.

Ms. Elliott stated that's correct.

Ms. Elliott stated I was going to highlight a couple of areas that will be of interest to everybody, at the auction itself we will obtain bids and the high bid will be awarded, 10% buyers premium will be added to that high bid to determine the final sale price. That 10% will be paying all reality fees. We have engaged with other realitors by offering 1% of the high bid for agents who bring somebody in who might be interested in the property and that again would come out of the 10% buyers premium. There's going to be a down payment required of 15% at the day of auction that will keep up from running into someone backing out. That will pretty much guarantee the buyers performance. Closing will be 30 days after the sale.

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Karen Elliott Addresses Council/Town Properties Cont.

Ms. Elliott stated John Toombs will do the surveys of the Prather Lane properties. Also there is another property which is Double S Variety on Helbig. It is owned by Rod Pate. We believe that if we market this property at the same time and Mr. Pate would like to do this. It would bring a better price since it is adjacent to each other. Someone may have a need for both properties. We need to get the Board's input to see if they will allow that. Also I had asked Chuck Murphy if he would go ahead and provide a title opinion prior to the auction and also his legal opinion on the advertising and he gave us Indiana Code 5-2-1-2 and 36-111-4. The publication needs to be approved.

Motion made by Council Member Eddings to approve the listing agreement prepared by Commerical Brokers/Remax, Auctioneer Don Erler and seconded by Council Member Truman.

Vote 4-0

Mr. Bolly presented a letter from Swifty Oil Co. which indicated that they would guarantee a minimum bid of \$90,000. including the buyers premium and they will post a \$20,000. escrow amount. At this point you have agreed to do what they have asked you to do. This will in effect guarantee that it's going to sell. If they are the acceptable bidder the \$20,000. will apply as their down payment. If that's all consistant with what we've agreed.

President Tucker asked who shall act as the excrow agent for that money.

Council Member Truman asked if the Town has the money and Swifty is the successful bidder at the time of auction then the Town will end up writing a check. This is a thought, what about putting the money in Mr. Bolly's escrow account on behalf of Swifty. It would be better.

Mr. Bolly stated we were just trying to make a good faith deal with you.

Motion made by Council Member Eddings to approve the public auction on June 24th at 11:00 a.m. for the Prather Lane property and 12:00 noon for the Old Firehouse property and seconded by Council Member Truman.

Council Member Truman asked if the auction would take place at the properties.

Ms. Elliott stated yes, at the properties.

Vote 4-0

Motion made by Council Member Eddings to allow Rod Pate which is Double S Variety to be marketed along with the Town Board's property. Mr. Pate will pay his share of the marketing fees and advertising fees. The Town will not be out any money. This will make the over all property more attractive to the buyers and seconded by Council Member Truman.

Vote 4-0

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Karen Elliott Addresses Council/Town Properties Cont.

Council Member Truman stated that it was important to note that they are separate. The Town is not with Mr. Pate in any way.

Motion made by Council Member Eddings to approve the notice for sale according to Indiana Code 5-3-1-2 E & I and Indiana Code 36-1-11-4 and seconded by Council Member Broady.

Vote 4-0

Chief Kinder Addresses Council

Chief Kinder stated we need to get a couple of these traffic laws rewritten. We are also having a problem with grass and weeds finding out who owns the property. We can mow the grass and put a tax lien on the property.

President Tucker asked Chief Kinder to get with Perry McCall and find a way to solve this problem.

Chief Kinder stated that we lose our animal control officer on June 1st. We need to do something.

Chief Kinder stated that Fern Street is a real problem, the usual speeders, cars parked on one side. We are taking a lot of heat over it. We don't have an officer to set down there. We are open for suggestions.

President Tucker stated could you check with Perry McCall and the other officers. I'm brainstorming at this point. I'm not suggesting we do this but we talked about speed bumps. I don't think this would go over too well but it's a possibility. Is there a way we could keep parking off the street. I don't know that we can do that either. I know some places like Louisville, you can't park on the streets between certain hours. I don't think the alternative road will be built any time soon.

Chief Kinder stated I think this is something that the Town Council needs to set down and decide.

President Tucker stated it's kind of hard for us to set down and brainstorm, it's called a public meeting anytime we set down.

Council Member Eddings asked what was some of the complaints about speed bumps.

Chief Kinder stated to dangerous for cars.

Council Member Eddings stated it wouldn't be if they didn't fly up and down through there.

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Chief Kinder Addresses Council

Ms. Schafer stated also semi's.

Council Member Eddings stated I think that's been elevated. They are going up Service Drive.

Attorney McCall stated if you change the weight limit on that road it wouldn't happen. We've talked about that before.

President Tucker stated there is a back way for them to get in now, they don't have to use Fern Street.

Council Member Eddings stated now that we don't have the semi's going through there, we should put speed bumps through there to keep the people slowed down.

A resident asked why you couldn't put a speed camera up.

President Tucker stated I don't know that we have a camera but he appreciated the suggestion.

A resident stated that alot of the people who live on that road were told that Fern Street wouldn't be the main road for the park and that's access to their homes. Putting speed bumps on that road would really upset them.

President Tucker stated they would be upset no matter what. It's like darned if you do and darned if you don't.

President Tucker stated it's probably a couple years away before the road will be build, it's not in the budget.

Clerk Treasurer Linda Schafer Presents Claim for Building Commissioner

Linda Schafer presented the claim for the Building Commissioner, Stephen D. Prather for permits issued and inspections from May 10 thru May 23, 1994 in the amount of \$374.85.

Motion to approve claim made by Council Member Truman and seconded by Council Member Eddings.

Vote 4-0

Clerk Treasurer Linda Schafer Presents Claims

Clerk Treasurer Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

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Clerk Treasurer Linda Schafer Presents Claims Cont.

Motion to approve claim made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Clerk Treasurer Linda Schafer Presents Claim/Payoff on Police Station

Clerk Treasurer Linda Schafer stated that I had sent Dorothy Werle a letter to pay off the Police Station. I had sent her a letter, the 1994 payment was \$12,760 and the principle payment for 1995 was \$23,760 with the \$75,000 Build Indiana Fund we are able to pay the principle and not the interest for 1995. I had sent her a letter and she agreed to give us a clear title to the property for the amount of \$23,760.

Motion to approve the payoff to Dorothy Werle in the amount of \$23,760 made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Presents Claim/Indiana League of Municipal Clerks & Treasurers

Clerk Treasurer Schafer stated that she had received a bill at home today from the Indiana League of Municipal Clerks & Treasurers based on the population of the Town it would be \$30.00.

Motion made to approve the claim by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Ms. Schafer stated she would also like to get with Attorney McCall for clarification on Ordinance #509. I also put a copy in each Council Members box.

President Tucker Addresses Tax Abatement/Atlas of Indiana Inc.

President Tucker stated that he had received a tax abatement request from Atlas of Indiana Inc. They are locating in the Avco Industrial Park. They are going to have 86 employees, a building in the neighborhood of \$300,000. Since we have a standard clause that anyone in Avco can have a 10 year tax abatement on real property, I'm requesting a motion for a tax abatement for Atlas of Indiana Inc. in Avco Industrial Park.

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President Tucker Addresses Tax Abatement/Atlas of Indiana Inc. Cont.

Motion to approve the tax abatement for Atlas of Indiana Inc. made by Council Member Eddings and seconded by Council Member Truman.


Vote 4-0

Adjournment

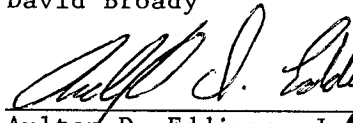
Motion made by Council Member Truman to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:30 p.m.



David Broady



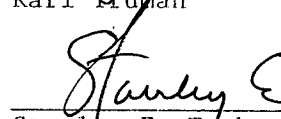
Aulton D. Eddings, Jr.




Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

Derry Ott
Karen Elliott
Paul Kramer on the
Silver Creek Park
!"

SELLERSBURG TOWN COUNCIL

June 13, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Linda G. Schafer, Clerk Treasurer; with Karl Truman, Council Member and Perry McCall, Attorney being absent.

Called to Order

President Tucker called the Executive Session to order at 6:05 p.m.

Topics of Discussion

Meters/Route Books
Animal Control Officer
Evening News/Legal Publications
Tribune/Legal Publications
Town Properties/Storage of Documents
Sewer Line Installation/Hwy. 31 at Renz
Pretreatment Ordinance/Water
Corrective Action Plan
Sprinkler Systems

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:20 p.m.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Linda G. Schafer, Clerk Treasurer; with Karl Truman, Council Member arriving at 6:30 p.m. and Perry McCall, Attorney being absent.

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Called To Order

President Tucker called the Regular Meeting to order at 6:35 p.m.

Prayer

Dispensed with prayer.

Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited.

Minutes Of The Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion made by Council Member Broady to approve the minutes and seconded by Council Member Eddings.

Vote 3-0

Jennifer Humphries Addressed Council/United Way

Ms. Humphries stated that she is the new area manager for the United Way. I'm just here to talk a little about the United Way. I've only been with the organization for about 2½ months. Jennifer Adrio has moved on to Metro United Way.

Ms. Humphries stated we have had some changes in the last year, one of the most important things I feel is to get the information out for the people to get the service they need. We do raise money and the money keeps these agencies open to provide the services. People need to know that these services are available. I will leave some brochures. These are last years, we are having new ones made. I'm not sure how many of you know that Clark Co. United Way merged with Metro United Way in Louisville, so we all are part of Metro United Way. Clark County United Way is about 50 years old and up until last year it was it's own independent United Way. Being part of Metro does not mean we are not independent. Clark County United Way has it's own Board of Directors, they have their own volunteers to raise money and it does have it's own set of agencies that funding goes to.

Mr. Humphries stated I know many of you know Mr. Francis Conroy, he lives here in Sellersburg. He is an advisory board member this year. There are 19 agencies in Clark Co. that we provide services for.

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Jennifer Humphries Addressed Council/United Way Cont.

Ms. Humphries stated you can call the Clark Co. Help Line and also get information. Clark County Government is getting ready to kick off it's campaign and all government offices are going to be running campaigns. I'm looking forward to running the campaign in Sellersburg.

President Tucker thanked Ms. Humphries and stated I might add that since Clark County and Metro has merged that Clark County has received more money than what was in their budget because Metro has given us additional money.

Carl Kamer Addresses Council/Silver Creek Township Park

President Tucker stated that we need to generate an agreement that you may use Town equipment after hours, not during town hours and you need to have a licensed operator, preferably a town employee. I have not had a chance to put that agreement together. Ed and I talked about it but Perry is out of Town, as far as the water deposit and the sewer tap in inspection fee, my personal feeling is that since that park is not in the Town of Sellersburg but we do utilize it, we do need the park to pay the \$650.00. That would make it just like everybody else. I think that covers everything, fixing it so you pay \$8.50 a month for sewer.

Mr. Kamer asked what about the water, that doesn't go into the sewer.

President Tucker stated we do have people who have sprinkler systems and they have a separate meter. My suggestion is to get a separate meter and use it for the sprinkling. We can make adjustments on that because it doesn't go through the sewer.

Council Member Truman stated it would be better if Mr. Kamer would outline for the Board exactly what he is asking for. That would be a good place to start.

Mr. Kamer stated why should I have to pay the \$600.00 inspection fee.

President Tucker stated it's a \$550.00 sewer tap in fee and \$50.00 inspection fee. Everyone who tapped into the sewer paid this fee. My feeling is that if it is not in the Town of Sellersburg persay, it's being used by the people in Sellersburg, this is my opinion, it's my feeling that the tap in fee should be paid.

Mr. Kamer stated you have 75% of the kids using that park. I would think that the Town would be willing to help out a little bit.

President Tucker stated I think to some extent we've already done that. The money that we have comes from the residents of the Town and that is not in the Town of Sellersburg, I have a hard time rationalizing the use of Sellerburg tax money into a entity that's not in the Town of Sellersburg, at some point in time it's going to be in Sellersburg. I assume. I do agree that probably 75% of the kids are from Sellersburg and some are from Charlestown, Borden and some other areas. I'm giving you my views on this. If Karl or Roy or Doug want to look at it another way that's fine, that's why we are here to talk about it.

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Karl Kamer Addresses Council/Silver Creek Township Park Cont.

Council Member Eddings asked if the \$8.50 sewer charge was the minimum charge and if that's what they'd pay every month.

President Tucker stated yes that's right.

Mrs. Schafer stated it would be \$20.40 for the meter size he has all year around.

Council Member Eddings stated you have two restroom facilities there, that would be more than \$8.50 per month during the summer.

Council Member Truman stated before we start getting into a discussion on everything, I would like to get a list of all the items they are asking for the Town to do. Let's go back and review them.

President Tucker stated if we can find a way to average the water bill would that be appropriate. That's what we are doing on the sewer. I don't have a problem with that. President Tucker asked what is the lowest fee on the water.

Mrs. Schafer stated I didn't count on water, I was considering giving him a year around fee at the lower meter because he does water the grass.

President Tucker stated that's on the sewer charge right.

Mrs. Schafer stated that's right.

President Tucker stated we know the sewer rate now we need to get the minimum water price, we will look into that.

President Tucker stated I'm going to let Clark and Doug determine the minimum amount of water, there must be some way we can average this out.

Council Member Everitt stated it should work out the same but I feel the \$550.00 is Sellersburg money and the tap in should be paid.

Council Member Truman stated I would like to get a list or is this everything. I've got

1. Is asking the waive the tap in inspection fee.
2. The water rate.
3. The sewer rate.
4. The interlocal agreement to use Town equipment.

President Tucker stated that's basically it, using the backhoe and the dump truck occasionally after working hours of the Town, with a licensed operator with insurance.

Council Member Truman stated that he would like to put into the minutes that he is the Attorney for the Silver Creek Township so this is on the table.

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Karl Kamer Addresses Council/Silver Creek Township Park Cont.

Council Member Truman stated I don't feel this presents any type of conflict of interest for me or anything. This does not prohibit me from entering into discussion on these issues. Regarding the fees, technically, it is not in the Town boundaries, it's so close it's almost part of the Town. It is another governmental agency. I don't have a problem with waiving the fees. That's my opinion.

Council Member Everitt stated the way it is set up it's \$550.00.

President Tucker stated I think what Dave said is that we charge \$450.00 for the tap in fee and waive the inspection.

Mrs. Schafer stated you are under a tariff, when you are dealing with a meter deposit through the Indiana Utilities Regulatory Commission and you have to collect the \$50.00 deposit. As far as the \$550.00 and \$50.00, I would think you would have to amend the ordinance that you currently have on sewer.

President Tucker stated let me offer a suggestion. I don't mean to table this, it sounds like a cop out and that's not what I'm saying, but Karl since you represent the Silver Creek Township Park, could you get with Perry and basically come up with some kind of agreement that covers the equipment, interlocal agreement that covers the equipment after working hours, sewer rate of \$8.50, water rate. Doug will find that out in a couple of days and I make a recommendation that we waive the water deposit. We can not waive the inspection fee, is that correct.

Mrs. Schafer stated no.

President Tucker stated we can't waive the water deposit but we can waive the sewer inspection fee.

Council Member Eddings stated that we should check with the Indiana Utilities Regulatory Commission before we do this.

Mrs. Schafer stated the Town Council governs the sewer fees only the water utility is under the Indiana Utilities Regulatory Commission.

President Tucker stated Perry will be back on the 16th and what I recommend is \$8.50 flat sewer, a minimum water rate year around and a agreement about the usage of equipment. We can not eliminate the water deposit, we can reduce the sewer inspection fee. We have to make sure we can do this where we don't have to go back and change all of the ordinances. We should have all of this before the next meeting and will try to give a copy to you before the meeting on June 27th.

Barbara Sanders Addresses Council/Public Hearing-Atlas of Indiana

Ms. Sanders stated that Atlas of Indiana, they are a trucking firm, they want to put their offices on one side and the maintenance building on the other side.

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Barbara Sanders Addresses Council/Public Hearing-Atlas of Indiana Cont.

President Tucker stated so you want permission from the Board so they can move in.

Ms. Sanders stated yes.

Motion made by Council Member Eddings to approve Atlas of Indiana moving into AVCO Industrial Park and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Ordinance 94-593 & 94-594-Vacating Alleyways

President Tucker presented Ordinance 94-593 & 94-594, vacating alleyways.

Motion made by Council Member Eddings to approve Ordinance 94-943 & 94-594 and seconded by Council Member Everitt.

Vote 4-0

President Tucker Presents Quit-Claim Deed

President Tucker presented a quit-claim deed on Lot 25 of Scheller's 2nd Addition and Lot 17 of Highland Park Addition and asked for permission to sign it to Meers Enterprises, Inc.

Motion was made by Council Member Eddings and seconded by Council Member Truman to allow President Tucker to sign the quit-claim deed.

Vote 4-0

Jim Baker Addresses Council/Town Properties

President Tucker stated this is somewhat heresay, I'm not sure what is true. I got a phone call from Virgil Bolly this morning about 9:00 a.m. and he said that the Public Notice in the Evening News had the wrong date. I called Perry's office, who is out of town. I'm not sure if we have to reprint the notice or not.

Mr. Baker stated that it was Mr. Erler's opinion that it should be run again.

President Tucker asked Mr. Baker if he would call the Evening News and get them to rerun the corrected add.

President Tucker stated we should be able to sell it on Friday the 24th.

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Jane Ash Addresses Council/Gillenwater Estates

Mrs. Ash stated I don't want you to think that we do this everytime someone drops a piece of paper in the grass. These pictures are dated April 14 which I went to the Chief directly.

Council Member Everitt stated I'd like to add that just a couple of weeks ago we had dumpsters 75 to 100 yards from here.

Mrs. Ash stated all of this stuff was moved in the backyard in October. In September when the Town furnished the dumpsters, which we appreciate, I went next door as a good neighbor and said May did you know the dumpsters at the end of the block are for all of us to use and not just the people on the corner. Anyway, she said we are bringing this in the house, so I said okay, I tried. In October, they moved it to the backyard, the mattresses were added after the first of the year. We gave them time from October to April, I went to the Chief, I made a mistake, I went next door and took pictures and told her I was going to the Town Board. Well she put everything under the house. Like the Chief said, it's out of the yard, so we had no complaint. Now, two months later things are a mess and it's other properties too.

Mr. Prather stated according to the ordinances, they should be notified by mail and given 30 days to clean it up. After the 30 days if it's not cleaned up, the council needs to decide what penalties need to occur. The Town can seek a lien on the property.

President Tucker asked Steve to send a followup letter to remind them they have 15 days to clean up or we will take legal action.

Mr. Prather stated he hasn't been by to check.

Mrs. Ash stated the grass has been cut.

Mrs. Ash stated that there are three problem areas. They don't care.

Mr. Truman asked if anyone has called the Health Department.

Mrs. Ash stated don't give us anymore agencies to call.

Mr. Truman stated I'm not passing the buck, we need to take whatever action we can, it's just another place to put pressure on them. The Clark County Health Department has the authority too.

Mrs. Ash asked Mr. Truman if he was an attorney and stated she would appreciate it if you would do that for us.

Mr. Truman asked what.

Ms. Ash stated whatever you just said, call the Health Department.

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Jane Ash Addresses Council/Gillenwater Estates Cont.

Mr. Truman stated that would be your obligation to notify the Health Department and make the complaint.

Mrs. Ash stated we are doing our obligation, I was told to write the letter, we gave it to Mr. Prather and to come before the Council.

Mr. Truman stated I guess you don't understand what I'm trying to say. I'm not saying as a matter of fact, I think that we as a Town need to persue it, I'm just giving you yet another option to persue. I'm not passing the buck is what I'm trying to say. I don't think my message is getting through to you.

Mrs. Ash stated I haven't seen a rat run out yet, now then I will call the Health Department.

Mr. Truman asked Mr. Prather if he would also call the Health Department and make a complaint with them.

President Tucker stated we have started the process. We don't have the power to throw them out. We can clean it up and put a lien on their property.

Mr. Ash asked if we have to come to every meeting.

President Tucker stated we will send them a letter and ask them to clean it up and if they don't, put a tax lien on the property and unfortunately if it happens again in 6 months we will have to go through this process again. If you will give Steve the addresses of the property we will send them a letter also.

Mr. Prather stated that Mr. & Mrs. Ash do not have to come to the Town Board Meetings, a letter would be adequate, he asked them to come to this meeting.

Motion made by Council Member Truman to allow Mr. Prather to send letters to 7004, 7014 and 7008 Wilson Lane and seconded by Council Member Everitt.

Council Member Everitt stated there is a \$250.00 fine.

Mr. Prather stated it's not in this book.

Vote 4-0

Council Member Truman stated if they clean it up this time and they do it again next month, then you have to do it again.

Council Member Everitt stated I went on the Town Board 6 years ago and Gillenwater Subdivision looks alot better than it use to. Some of the people have bought homes and they've resided, it looks alot better.

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Jane Ash Addresses Council/Gillenwater Subdivision Cont.

Mrs. Ash thanked Roy and the Board.

Mr. Conway Barlow stated he had a question on weight limit, what is the process of getting it changed from 6 ton to 8 ton.

Council Member Everitt stated I'm concerned about the packer going down that road, if we change it to 8 ton we will have semi's going down that road. I worked five years getting streets over there.

Mr. Barlow stated I would be bringing it there 3 days a week, I'd like to see it changed.

President Tucker stated let us give it some thought and see what we can do.

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen Prather presented his claim for the period of May 24th thru June 13, 1994 in the amount of \$1,986.30.

Motion made by Council Member Eddings to approve the claim as presented and seconded by Council Member Truman.

Vote 4-0

Council Member Broady Presents Claims For Sewer Department

Council Member Broady presented bills for:

1. Jacobi, Toombs and Lanz, Inc., Job # 8823C-1 in the amount of \$240.00
2. Jacobi, Toombs and Lanz, Inc., Job # 8823C-5 in the amount of \$1,249.97
3. Jacobi, Toombs and Lanz, Inc., Job # 8823B-1 in the amount of \$240.00
4. Jacobi, Toombs and Lanz, Inc., Job # 8823 in the amount of \$165.00
5. Jacobi, Toombs and Lanz, Inc., Job # 8823C-2 in the amount of \$80.00
6. Tommy Bratcher, for yard repair-Popp & Whitlatch in the amount of \$960.00
7. Reschar Sewer Service, Inc. reference #135-94 in the amount of \$11,605.00

Motion made by Council Member Broady to approve payment of these bills and seconded by Council Member Eddings.

Vote 4-0

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Council Member Broady Presents Claims for Sewer Department Cont.

Council Member Broady stated that since we have fixed Mr. Popp and Mrs. Whitlatch's yard and sodded it. It needs to be watered, they are asking for a one month adjustment on their sewer bill and I'm willing to do that if it's okay with the Board.

Motion made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady stated this is for Mr. Popp and Mrs. Whitlatch. Mr. Kaufer is not included.

Council Member Broady stated we are having a major problem down at the Park with noise down by the swimming pool. I think we need to have Perry write a noise ordinance.

President Tucker stated I think Mr. Broady needs to come to the next Parks Board Meeting and express the problem and stated that he had received several phone calls.

Council Member Everitt Addresses Council/Sign at Hamstead Heath

Council Member Everitt stated we are having a problem with people using the dumpsters at Hamstead Heath. There has been a sign there "no dumping" twice and been tore down. I'd like to ask the Town to put another one up but put it into the street at the end of it.

Motion made by Council Member Everitt and seconded by Council Member Eddings.

Vote 4-0

Council Member Everitt stated I also have a bill from BFI in the amount of \$4,509.00 for Spring clean up this year. I went through the bill, they list a few tires and a few air conditioners and refridgerators but it's still a pretty good bill.

President Tucker stated if I heard you correctly, we probably won't be able to do this next year.

Council Member Everitt stated yes we can do it but I would ask that it be taken to the Waste Water Treatment Plant like we had talked about before with Mark Warren. The reason is we could, more or less, watch what goes in the dumpsters. I'd like to put it at the new Waste Water Treatment Plant.

Motion by Council Member Everitt to pay bill from BFI and seconded by Council Member Eddings.

Vote 4-0

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Council Member Everitt Addresses Council

Council Member Everitt stated that Mr. Pass's house had not been painted for forty five years. The new residents have put alot of work into this house. It looks so nice. I'd like to present them with something. The Town Seal or something.

Clerk Treasurer Presents Claims

Clerk Treasurer, Linda G. Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion to approve claim made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Claim/Perry McCall

President Tucker presented a claim from Attorney McCall in the amount of \$48.00 for recording ordinances.

Motion made by Council Member Eddings and seconded by Council Member Broady to approve this claim.

Vote 4-0

President Tucker Addresses Council/Sprinkler Systems

President Tucker stated that we have an ordinance now that states anyone who has a sprinkler system, if I'm correct, they are suppose to pay a \$25.00 annual fee.

Mrs. Schafer stated the way the ordinance was written, it more or less contradicts itself. When the State Board of Accounts went through that, they requested clarification and they would give us until the next audit. It has an annual fee and it has at the time of application.

Council Member Everitt stated we had discussed this and it's a \$25.00 annual fee and \$25.00 application fee.

President Tucker asked Mrs. Schafer if she would get with Perry to redo ordinance #509, that there is a \$25.00 application fee and \$25.00 annual fee that goes to the water department.

President Tucker Addresses Council/Sprinkler Systems Cont.

President Tucker stated we are providing sewer to Covered Bridge, we do not provide water. Everyone of those homes are on sprinkler. How are these people treated? They are on our sewers, they have two meters.

Council Member Truman asked why are we worried if they have two meters.

President Tucker stated because they want a break on their sprinkler systems.


President Tucker stated when they become Sellersburg we will give them a break, right now they are not so we can't give them a break. The ordinance states in the Town of Sellersburg and they are not.

Adjournment

Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Everitt.

Vote 4-0


With no further business this meeting was adjourned by President Tucker at 7:55 p.m.



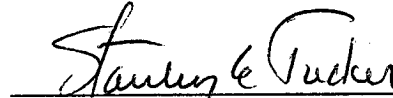
David Broady



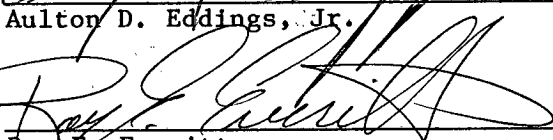
Karl Truman



Aulton D. Eddings, Jr.



Stanley E. Tucker



Roy E. Everitt

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

June 27, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer.

Called To Order

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

Prayer

The prayer was offered by Reverend Tim Weddell.

Minutes Of The Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Council Member Truman stated I have a couple of minor corrections:

Page 3, where the title refers to Carl Kamer, Carl Kamer starts his name with a "C" and not a "K".

Page 5, first paragraph, where it says Council Member Truman, second sentence, this does not permit me, I believe I said this does not prohibit me. So that's all.

President Tucker stated with those two changes do I have a motion to approve the minutes.

Motion to approve the minutes as corrected by Council Member Everitt and seconded by Council Member Broady.

Vote 4-0

Mrs. Schafer stated excuse me, I do have something to say. I put those minutes in the box one week prior to the meeting so they can be reviewed, if there is a problem in the future to correct the originals because the paper is very expensive, I would appreciate you letting me know in advance.

Council Member Truman stated that's why I brought it up tonight.

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Carl Kamer Addresses Council/Silver Creek Park

Mr. Kamer stated what are you offering me Stan.

President Tucker stated if I remember, the last meeting Karl was suppose to get with you and see in essence what you would like to see done. There is a water bill, sewer bill, tap in fee, basically four or five fees altogether which I don't even know if I have. In essence what I thought was going to happen, you were going to come back and tell us what you would like to see happen and basically we could tell you if that could be done. If I'm not mistaken, there was a \$50.00 water deposit fee, a \$550.00 sewer tap in fee and \$50.00 inspection fee, we had talked about dropping that to \$450.00 if I remember correctly. Then there was also a suggestion that we do a flat fee of \$8.50 for the sewer fee for the whole twelve months. According to the State that regulates the water utilities, we have to charge whatever water usage you use. We can't fix that.

President Tucker asked Council Member Truman if he had any input.

Council Member Truman stated no, actually I thought that Perry and I would discuss an interlocal agreement on the use of the equipment. I didn't remember anything that Carl and I were suppose to get together on.

President Tucker stated well we left it at, I think we can look back in the minutes, that it was suppose to be presented at this board meeting so we would know what Carl wanted and what we could do because at that time you weren't clear on all of the pieces that were to be put in place.

President Tucker stated there was an interlocal agreement that they could use equipment after hours with the proper person using it, \$8.50 sewer charge, basically a water charge, whatever that was going to be. We were going to drop the sewer tap in fee from \$550.00 to \$450.00, I think we could not waive the water deposit fee. The way I understand it and tell me if I'm incorrect. There is a \$50.00 meter deposit, \$450.00 sewer tap in fee, \$8.50 a month sewer, whatever the water bill comes out to be and we need to come up with some kind of agreement that says you can use the town equipment after hours, in essence under town supervision. Does everybody agree with that.

Mr. Kamer stated that the man with the State Board of Accounts said that you all could waive that sewer tap in fee and you all are not in favor of that.

President Tucker stated we reduced it, we did not waive it. I personally, as I told you two weeks ago, am not in favor of that since it is not, quote unquote, in the Town of Sellersburg.

Council Member Truman stated I'm in favor or waiving it because it's for the community, it's not like we are doing it for one person or any particular individual. I mean it's for the good of the community.

President Tucker stated if you would like to make a motion on that we can vote on it.

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Page 3.

Carl Kamer Addresses Council/Silver Creek Park Cont.

Council Member Truman stated is that the tap in fee for the sewer.

Motion made by Council Member Truman that we waive the sewer tap in fee for the Silver Creek Township Park, the \$550.00 tap in fee and seconded by Council Member Broady.

Vote 2-3, with Council Members Truman and Broady voting in favor and Council Members Everitt, Eddings and President Tucker voting against.

Council Member Eddings stated I'm not in favor to waive it but I am in favor of reducing it.

Motion made to reduce the tap in fee from \$550.00 to \$450.00 by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Mr. Kamer stated let me ask you one more question, what is the minimum fee on the water bill.

President Tucker stated I don't have the figures on that.

Clerk Treasurer Schafer stated you can't do that, it's governed by the Indiana Regulatory Commission. We would not be able to adjust the water. They are set rates through the Indiana Regulatory Commission.

President Tucker asked Perry if he could get with Karl and put something together, we are looking at a \$50.00 water deposit, \$450.00 sewer tap in , flat rate of \$8.50 a month on sewer and whatever the meter reading is for water usage and then the use of the equipment.

Council Member Everitt asked Mr. Kamer if he was in a hurry tonight.

Mr. Kamer stated yes.

Council Member Everitt stated the reason I asked is because we have some people here tonight that have some questions about the ballpark.

Mr. Kamer stated well if the Town Board wants to use it, it will be no.

Mr. Everitt stated okay, that Carl use to be President of the Town Council a few years back.

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Page 4.

Mary Carney Addresses Council/Silver Creek Pool

Ms. Carney stated I live on Dreyer Lane and the reason that I have been put on the agenda tonight is that for the area residents. There is blatant disregard of the speed limit, speeding and hot rodders. We need more police patrol in this area. I think if we could get the police out there, maybe for several weeks the word would get out.

President Tucker stated I think we have someone else here from that area, Ron and Theresa Arrington and asked if this was something similar or different.

Mr. Arrington stated it is coupled right along with that. I live at 609 Catalpa and the problems we're having or were having have been resolved because the gates were closed last Wednesday. I understand they may be reopened. The problems were kids drag racing in the street out front, I'm talking side by side drag racing in front of our homes. We can't let our kids get out and play. We have a problem with loud music. I like to see kids have a place to play, especially teenagers. The problem is they abuse it. The homes in the immediate area, we suffer from the loud noise, boom boxes, that music is really unbearable. We have called the Sellersburg Police on several occasions to ask them to turn it down, they can't tell them to turn it down. What we are really asking for is some direction or help. What do we do. How do we control this problem. We have a trash problem, kids with no respect to the regards of residents in this area, chasing balls or whatever they are doing. All kinds of problems going on besides the trash and rodent problems.

A resident asked if it would be possible to put speed bumps on Catalpa, are they costly. There are times at 3:00 a.m. cars going 50 m.p.h., are speed bumps costly. The police do a fine job when they are there but as soon as that car leaves, right back to 40 m.p.h. or whatever they want to do. When the police are there, you can see a police car, everyone slows down to 20 m.p.h. once they leave it's back up. Could we get speed bumps.

President Tucker stated we are not sure they are legal in Indiana. I've asked the Attorney to look into that number 1, number 2, they can cause liability problems for the Town because of people hitting them too hard cracking their neck or whatever they may say happened to them and they sue the Town for that, not that it's not a valuable alternative but we are looking to try to answer. There's a lot more people here tonight than usual and I assume a lot of it has to do with Catalpa and Dreyer at the Swimming Pool. I have talked to the President of the Parks Department and what we are recommending is that we hold a special meeting two weeks from now with the Parks Board which was not totally there last Tuesday night when we were there. We made some sort of emergency changes last Tuesday night to solve the immediate problem and put a lock on the gate and that's where the garbage was picked up the next day.

President Tucker stated we will have a meeting and if Chief Kinder could be there.

Chief Kinder stated he would be there.

President Tucker stated two weeks from tomorrow night, this will be in essence a special parks board meeting. It will be listed in the paper because we have to do that at least ten (10) days prior to the meeting. That's going to be the 12th, does that sound like the correct date.

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Page 5.

Mary Carney Addresses Council/Silver Creek Pool Cont.

Mrs. Garr stated I would like to thank you for the attention you gave us last week. The park is well used. Since the gates have been closed there is a different breed of kids using skates and scooters that could not play before because of all of the traffic. We want to thank you.

President Tucker stated we've heard those comments and also others. In politics half are right and half are wrong. That's why we decided to hold a meeting two weeks from tomorrow night at the Library in this same room. All interested neighbors should attend and we can get the pro's and con's. The chief will be here and we can get the legal aspect and so forth. We don't have a, quote unquote, noise ordinance persay, but according to the chief that kind of runs into a nightmare kind of like the speed bumps.

Chief Kinder stated we've looked into this and I think disorderly conduct may fall into this. I'll need to check with Attorney McCall. I think that applies to a public disturbance when you have a complaint in the neighborhood. If you call in and complain about noise or something, they will answer the complaint and get back with you.

President Tucker stated the meeting will be held at 6:30 p.m. next Tuesday night, July 12th at the Library.

Mr. Bill Peters stated when we bought our property, we were told there was one foot of property and there would be no thoroughfare as far as the loud noise it is definitely a problem.

President Tucker stated as far as the thoroughfare, that is a legal question and I will ask the Attorney to look into it. I don't perceive that as a thoroughfare going into the park.

President Tucker stated we will try to keep the gate locked, we may let some lifeguards come and park in that area but it will get locked back at night. It is not a thoroughfare.

Mr. Hanger stated he will open the gate for deliveries because it is not safe for some deliveries to be made from the entrance.

President Tucker stated this is a temporary solution until we can get everyone together and come up with a solution, to let the lifeguards and delivery trucks in seems reasonable.

Mr. Dold stated I know everyone here is on one side, but there has to be someone on the other. My daughter brings her child to the pool, she has to drive all the way down Utica to get into the park. If you have a thoroughfare there open it.

President Tucker stated his suggestion is to ask your daughter to attend the meeting.

Mr. Dold stated it's just like I told her, there's too much money in Dreyer Estates, they can get about what they want.

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Mary Carney Addresses Council/Silver Creek Pool Cont.

A resident stated we sure pay our taxes over there.

President Tucker stated those people are addressing the swimming pool and Dreyer issue, if that's satisfactory, we will be here Tuesday night, two weeks from tonight at 6:30 p.m. and it will be in the paper as well.

Dennis Ott Addresses Council/Water Standing On His Property

Mr. Ott stated I don't have anything nearly as controversial. We own the four plex right over here on New Albany Street adjacent to the library property. We bought that property in 1991 and sometime in the winter of 1991 there was work done on the sewer lines back in that area and apparently opened an underground spring which now runs onto our parking lot basically keeping a constant puddle, mud puddle at most times in our parking lot. We don't have any way of getting rid of the water. I talked to Mr. Eddings about it and he looked at it and told me that he thought the best solution would be to come and address the Board and see if there was some way of asking the contractor, who did the work on the sewer repair, upgrade or whatever, to come back and correct the situation that they apparently created. That's my request, I'd like to have something done about the water that's coming on to my property.

President Tucker stated Mr. Toombs helps us in the area of engineering. All I want you to do John is take a look at it and tell me what it is or what it isn't.

Mr. Toombs stated we can't get the contractor back, we don't know what it is. I've already looked at it. We can test it and see if it is city water or sewage. The contractor has been gone way too long.

President Tucker asked if there was a way we could tap it and put a pump on it.

Mr. Toombs stated well, I'm sure that's about all your going to be able to do.

President Tucker stated we will look into it and find out if we can fix it and find out how much it will cost to fix it. If you keep in touch with Doug or the Town Hall, we will let you know as quickly as possible.

Mark Fraley Addresses Council/Tax Abatement

I was here in September of 1992 to approve the building and tax abatement in Avco, evidently there were some forms that needed to be signed at that time.

President Tucker asked Mr. Fraley if he had the forms by any chance. If you will give them to us, basically it is standard that anyone who moves into Avco Industrial Park receive a tax abatement on the building so all we have to do is vote on it and give me permission to sign it.

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Page 7.

Mark Fraley Addresses Council/Tax Abatement Cont.

Council Member Everitt stated it had already been voted on, just the papers wasn't filled out right.

Clerk Treasurer Schafer stated she had looked back through the minutes and there was an approval for him to be there but it wasn't never voted on for the abatement.

Motion made by Council Member Everitt to approve the tax abatement for 1711 Avco Blvd., Sellersburg, Indiana for Mark Fraley Produce and seconded by Council Member Eddings.

Vote 4-0

Chief Kinder Addresses Council/Nuisances

Chief Kinder stated at present we have some memo's going out to people in town. This is for the news media mainly. We are asking for people to cut their shrubs back and if not we will come back to the Town Board and if we cut it, come back with a tax lien. We are having problems at intersections.

Chief Kinder stated number two, we just painted the intersection at Enterprise Way, we've put stop bars in. According to the highway engineers, they all recommend that a stop sign and not a yield sign be put up on Ohio. This was recommended when they put up the yield sign. I realize this is an inconvenience for the residents of Hill -n- Dale but right now it's a serious problem. I'm asking the Town Board to put a stop sign on Ohio.

Council Member Eddings asked if there was a Traffic Safety Commission that could make that recommendation.

Chief Kinder stated the engineers made that recommendation. They are going to take that island in from of Burger King our. The highway dept. is taking that out. That's going to create more of a problem since they've built Dairy Mart it's really become a major intersection.

President Tucker stated from a safety stand point, you're alot better off stopping there then trying to yield anyway.

Council Member Truman stated I was wondering who would be at fault, the person that crossed the double yellow line or the person not yielding.

President Tucker stated do you feel, Chief, since this is an issue, that we ought to give some notice and let the people have an opportunity to speak.

President Tucker stated I would like to suggest with the help of the Eveving News, Leader and Tribune, that at our next meeting we will discuss putting a stop sign up at the corner of Ohio Street and Enterprise Way. This will be discussed at our next meeting on July 11th.

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Chief Kinder Addresses Council/Nuisances Cont.

Council Member Truman stated I think we ought to put a notice in the legal section.

President Tucker asked Clerk Treasurer Schafer if she would put a notice in the newspaper that we are going to discuss putting a stop sign at the corner of Ohio and Enterprise Way. It will be discussed at the July 11th meeting.

Stephen Prather, Building Commissioner Presents Claims

Mr. Prather stated I have two issues, last month on my report we issued a permit that was found to be in the County to a Brian Beaver so we owe a \$15.00 refund, I guess I need to get that approved. What I have done is adjusted this months report so that it's already reflected on this. The receipts are actually \$15.00 less that they actually were.

Motion to approve Building Commissioner's claim from June 14 thru June 27th in the amount of \$962.55 and to have the Town refund Mr. Beaver his \$15.00 made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

Mr. Prather stated the other issued I have is a resident contacted me on Applegate Lane pertaining to a fence that was installed, the fence did have proper permits and it is the proper height however, on one side the homeowner put the fence up and has the finished side facing toward his own property. The way the houses set on Applegate Lane the neighbor looks at the back side of the fence. He would like the Council to ask him to turn around the fence so the finished side is out. My question to the Board is, our fence ordinance does not stipulate which side has to face out. He wants to know if something can be done. I don't think we have any grounds to ask them to turn it around. The only thing our ordinance states is the location and height.

President Tucker stated I basically think that's what you should tell them. We do not have an ordinance to address that, maybe the two people could get together and he could paint the fence, that's what I've done to mine.

Mr. Prather stated it is a new fence, it's not an eyesore or anything, it's the fact that you're looking at the post.

Mr. Prather stated you also asked me to follow up, I will be sending out follow up letters tomorrow on the three properties on Wilson Lane. I'm going to drive over there tonight and make sure there's been no change.

Don Erler Addresses Council/Town Properties

Mr. Erler stated I'm Don Erler. I was employed along with Karen Elliott and Jim Baker to perform the auction on the surplus properties. The lot on the corner of 311 and Prather lane and the Old Fire House on Utica Street.

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Don Erler Addresses Council/Town Properties Cont.

Mr. Erler stated that proposal had been presented to the Board and approved. The auction was scheduled to be held on June 24th. All of the promotional activities were carried out, the response was favorable but when we neared the auction date we learned that the legal notices that were to be placed in order to validate the title pursuant to Indiana Statute for some reason or another had carried an incorrect date that indicated that the auction would be held on July 24th as opposed to June 24th. In checking with that and at the request of several of the interested parties, we checked back with Chuck Murphy who had been engaged by the city to look into the statutory basis of how to sell the properties. Mr. Murphy recommended based on the fact that the later date had been published and even though corrected, that to guarantee the title, the auction be cancelled for June 24th and not be held again prior to July 24th. You have a notice in front of you, that notice was distributed at the sale date at the sale location on June 24th indicating that the auction had been cancelled for that date and would be rescheduled at a future date and that the future date would be discussed at this council meeting.

Mr. Erler stated in the process of advertising the properties something else had arisen that we felt needed to be brought to the council's attention that could be a very favorable situation, may be a good coming out of a bad situation. It was indicated to us that some parties were interested specifically in the 311/Prather Lane property. We would classify as being other than local buyers, somebody with national standing that had substantial uses for that particular tract of land and would pay a premium to purchase that property. The one thing that had been brought to our attention was that the auction format that we had recommended and we still felt would serve the purpose for the town did not necessarily meet the criteria for national type buyers, they require certain due diligent requirements before they make the final commitment to purchase a piece of property and normally operate under a sealed bid format that would permit certain due diligent periods to pass, due diligence for title, due diligence for ingress and egress, due diligence for building permits and things of this nature. In light of the interest that has been expressed to us we would recommend the following for the Town Council's consideration.

Mr. Erler stated we proceed to hold the auction at the Fire House and the additional property that had been allowed to be sold with it, Rod Pate's property, which is adjacent to the Old Fire House property. That auction be continued on Friday, June 29th. The format of the 311/Prather Lane offered by the City be amended from a public auction format to a sealed bid arrangement that would allow buyers that have more thorough requirements as to their purchase investigations to allow those parties to participate which in our judgement would possible bring a substantially higher price for the properties than as with the public auction format that we had originally proposed. Normally we don't see these buyers and didn't expect them but they did surface and have shown some indication and in our judgement should be a sealed bid arrangement be allowed which is permitted according to Mr. Murphy and to Mr. McCall because we have discusses this with them.

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Don Erler Addresses Council/Town Properties Cont.

Mr. Erler stated this is a permitted method to sell property under Indiana Statute. If we were to use this method in our judgement, we feel we will get offers which are substantially higher than we feel we would get out of a public auction format, not to ask the Board to make a final decision on this we would like to do a little bit further investigation and we feel like since Mr. Murphy has indicated that the auction can't be held until at least July 24th. We would like to return to the Council at there meeting on Monday, July 11th with a written recommendation as to exactly how this would proceed, exactly what the cost would be involved, what our proposal on commissions and arrangements would be. We are not asking to be relieved of our responsibilities. We would come back with a written recommendation for Board approval that would allow us enough time for the auction and/or sealed bid.

Mr. Erler stated that basically is our report. We apologize, sometimes there are oversites, these things happen. We have generated a number of substantial buyers and we feel they will continue to be interested. We will maintain contact with them as to the way we are going to proceed.

President Tucker asked if anyone showed up on the 24th.

Mr. Erler stated yes, we had several. We were able to recontact a number of folks before they showed up at the sites to let them know. We had posted signs prior to the 24th and indicated that the auction had been rescheduled. We didn't have the date so the date was not on the signs. The only error that was caused and this happened because I was trying to react in a fairly short period of time was we posted a banner across the advertisement in the Leader, Banner and Giveaway published on the 22nd of June that indicated that it had been rescheduled for July 11th, which we found out from Mr. Murphy that it would not satisfy the statute either.

Mr. Erler stated that the point is that we have generated good activity and there's good solid buyers out there, more than I guess I anticipated, especially on the 311/Prather Lane property.

Mr. Murphy stated that he had spoke with Mr. Bolly yesterday and he had no problem with that.

Council Member Truman stated if we are going to address changing the format, I think someone ought to notify him.

Mr. Erler stated I think it would give everybody proper breathing room if we came back to you in two weeks and said that we have done some investigation and a sealed bid doesn't seem to be heading anywhere and I think we ought to public auction all of these the way we originally assumed we should. We don't have the notice time to sell the Fire House and the 311 property on two different dates and in our judgement whatever we do needs to be a joint promotion whether we be promoting a sealed bid on the 311 properties or a public auction on the Fire House. The publications need to be carried the same. They have basically carried the headline of municipal auction.

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Page 11.

Don Erler Addresses Council/Town Properties Cont.

President Tucker stated why don't we just wait until the July 11th meeting and get your recommendations at that point.

Mr. Erler stated that's what I would recommend.

President Tucker stated I want to do it right the first time.

Mr. Erler stated there is one other issue if I may address it, in dealing with the 311/Prather Lane property we had all of the utilities marked, the water company, which is owned by the Town has not been able to determine whether or not the old water line which apparently followed the Old Prather Lane, may or may not be immediately transacting that property. The question has been raised by a potential bidder on that property, if I were to buy that property and I dig my foundation and find that the main water line is going right through the middle of my property, who's responsibility is it to move it.

President Tucker asked Clark Henson if we could find that out. Clark has indicated that soundings indicate that it may be going across the middle of the property but the drawings indicate that it's not. We don't know.

Mr. Erler stated I guess the question is the legalities and if it's on the property, is the city willing to move it.

President Tucker stated his senses are that we would be responsible.

Mr. Murphy stated that you sell basically as is and if the buyer wants the lines moved they would pay to have them moved.

Mr. Erler stated I guess we would like to know two things, one is if they are there, that would be helpful and number two, what's the council's pleasure as to how to offer it. Do we offer it being moved if it's in the way or do they pay the cost if it has to be moved.

President Tucker stated if we have more information by the July 11th meeting we can get it to you then.

Council Member Broady Addresses Council

Council Member Broady stated we have obtained the final easement for Speed's sewer problem and we will proceed next Monday.

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Council Member Everitt Addresses Council

Council Member Everitt stated back on Ohio Street by McDonald's, is there anyway that we can have the Indiana State Highway Department there. The gentleman I knew is gone. I'd like to see someone at that meeting. I know the past Board was told to put a stop sign and we put a yield sign but since the other businesses came in it may be everybody's best bet to put up stoplights with turning signals up.

President Tucker asked Chief Kinder if he would call over there and ask if someone with knowledge of that intersection could attend the next meeting.

Council Member Everitt stated I'm talking about the stoplight on 311, they may have to change that lighting system for a right and left hand turns. I would like to see the Highway Department at that meeting, they could maybe answer some questions.

Chief Kinder stated then I suggest Mr. Everitt call them, Chas Hunter told us that day that the Town of Sellersburg accepted that the way it was and they never contacted the Highway Department.

After much discussion Council Member Everitt stated he would contact the State Highway Department.

Clerk Treasurer Addresses Council/Bill Mosley Park

Clerk Treasurer Schafer stated I would like the Council President to go over the Bill Mosley Park information that we had discussed. My understanding is there should have been a street sign up there also.

President Tucker stated I gave it to Dwight, I did not read the whole thing. My understanding is that in 1990, they dedicated the pool, I guess in name to Mr. Mosley. I talked to Virgil Bolly not too long ago. The Town doesn't really own the swimming pool. It is actually owned by a corporation which has a board of directors and the board of directors no longer exist. Virgil Bolly was on that board of directors and said that he would try to put that board of directors back together in some way so they could address some of these issues. They are the ones for example, that have to deed the pool to the town, there's no other way to do that. They are the ones who have to support the erection of the sign.

President Tucker stated right now that board has to be put back in place in order for any legal action to take place. There were like seven people on that board, most of whom are not around here or deceased. If we can get in touch with Virgil and see if he will take the time to put that back together so we can take care of the legal action of naming the park and hopefully putting the swimming pool into the town's name. The town is paying all of the bills and doing all of the funding. It's only logical that it be in the town's name, according to Virgil there is only two board members alive.

Clerk Treasurer Addresses Council/Bill Mosley Park Cont.

Council Member Everitt stated I believe, Ms. Mosley, what happened with the last town board, was that we did name the street going into the park Mosley Lane, that's already on the books. We just haven't got none of the signs up yet.

Ms. Mosley stated I believe the name was Mosley Park Road.

Council Member Everitt stated that was done but as far as renaming the pool, we didn't do that. All we did was name the road going into it.

President Tucker asked Mr. McCall if he could check into deeding the pool to the town after it is paid off and also renaming the road and what we can do after it becomes ours. It will take a little while just like everything else, we will look into it.

Clerk Treasurer: Presents Claims

Clerk Treasurer, Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion to approve claims made by Council Member Broady and seconded by Council Member Eddings.


Vote 4-0

Adjournment

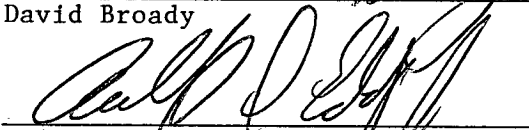
Motion made by Council Member Truman to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0

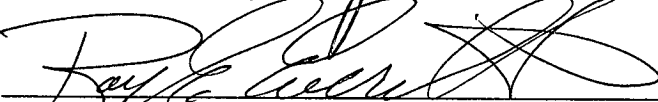
With no further business this meeting was adjourned by President Tucker at 7:46 p.m.




David Broady



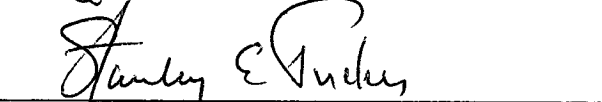
Aulton D. Eddings, Jr.



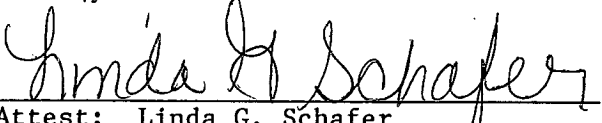
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 11, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer; with Doug Eddings, Jr., Council Member arriving at 6:25 p.m.

Called To Order

President Tucker called the Executive Session to order at 6:04 p.m.

Topics Of Discussion

Water Department purchase of 1988 Dodge Ram Charger
Police Department sale of two used police cars
1995 Salary Ordinance
Residence trimming back trees and shrubs
Safety and health hazards/adolescence picking up trash at Sellersburg Pool
Hydrants/lawn sprinklers
Noise Ordinance in Sellersburg
Ownership of Sellersburg Pool
Pixley vs Town of Sellersburg/creation of wet land
Interlocal agreement/Silver Creek Park
Old Waste Water Treatment Plant
Miller vs Town of Sellersburg
C. C. D. Fund
Closing gate at Sellersburg Pool

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:33 p.m.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Attorney.

Sellersburg Town Council
Regular Meeting
July 11, 1994
Page 2

Called To Order

President Tucker called the Regular Meeting to order at 6:44 p.m.

Prayer

The prayer was offered by Reverend Bob Hauselman.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion made by Council Member Broady to approve the minutes and seconded by Council Member Eddings.

Vote 4-0

Public Meeting/River Hills Economic Development-Storm Water Drainage Grant

President Tucker stated that River Hills Economic Development has put a notice in the paper that we are going to resubmit a CFF Grant for storm water drainage.

President Tucker stated we submitted it before and unfortunately we were not successful. We have until the end of this month to resubmit. We have made some adjustments, basically, as far as our portion of the funding, our portion of funding last time was 10%, it will be 25% this time. Hopefully it will happen because it is a major problem in Sellersburg.

Motion to approve the grant proposal for July 29th made by Council Member Everitt and seconded by Council Member Truman.

Vote 4-0

Ms. Gallitelli asked if members from the town board and other interested parties would sign the attendance sheet.

Sellersburg Town Council
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Page 3

Allen Morris, Attorney Addresses Council/Vacation of Alleyways

Mr. Morris stated I'm an attorney here in Clark County. Tonight I'm representing the Indiana Vocational Technical College, Ivy Tech, S. E. I previously filed a petition for vacation of certain alleys which are adjacent to Ivy Tech. I have with me tonight, Doyle Berry, Director of Facilities at Ivy Tech also David Clifton who is Director of Instruction. If you have any questions, I'll be more than happy to answer them or if I can't, those gentlemen will.

Mr. Morris stated in accordance with IC 36-7-3-12 and 5-3-1-2, I prepared a notice which was published in the Evening News. I will enter that to your clerk for entrance into the record. There are also two affidavits, one for the Evening News and one for the Clark County Journal indicating that the notices were properly published.

Mr. Morris stated also pursuant to those statutes we sent notice to all of the adjoining property owners certified mail, returned receipt requested, at this time I will tender to the clerk an original copy of the petition which was filed, the original green cards which were returned from the adjacent property owners and ask that those be placed in the record.

Mr. Morris stated you have, I hope, copies of the petition that I filed. I have heard no objection from any of the adjacent property owners. I did receive a call from the Indiana Attorney Generals Office, I returned that call and was unable to speak with the attorney that had called me. I haven't received any correspondence. We have the petition before you, in addition to that I have a copy of the plat map. This same petition has been brought before the county. There was some question as to whether parts of this were in the county or in Sellersburg. I have discussed that matter in great detail with your engineer, John Toombs, he said he would be here tonight and I do not see him. He has drawn the conclusion and I don't mean to speak for him, that it is within the Town of Sellersburg. I have spoken with Rollin Blankenbaker whom is a local surveyor, who has researched it and he also is of the opinion that it is within the Town of Sellersburg. The County Commissioners on September 15, 1992 voted 3-0 to vacate the alley and I'll read the language right out of the minutes, "To the extent that it is in the Commissioner's jurisdiction and authorize the use of the commissioner's stamp for an ordinance", no ordinance was ever submitted and they were of the opinion, according to their attorney, that it was not within that.

Mr. Morris stated the petitions I believe lays out for you everything that the statute requires. We do not believe that it will do any harm. The alleys are 16 foot alleys, to the best of my knowledge they have never been paved, they have never been rocked, they have never been used as alleys. They were drawn in to the initial plat map of the Fairview Addition to the Town of Sellersburg, as and I've discussed this with your town attorney as well and as is normally the case, half of the alley would go to the adjoining property owners. If we own on both sides we get it all. We don't think any of the neighborhoods would be harmed. It will not hinder the use of any public way. The adjoining owners of the properties are Willie and Marjorie Powell, the Indiana State Police and Ivy Tech, based upon that we've requested vacation of these alleys and I'll attempt to answer any questions that you might have. I have prepared a draft ordinance in the package there.

Sellersburg Town Council
Regular Meeting
July 11, 1994
Page 4

Allen Morris, Attorney Addresses Council/Vacation of Alleyways Cont.

Council Member Everitt stated I have a question you can probably answer. The alley that your talking about, are you talking about the one next to where it is the children are taken care of, the day care center.

Mr. Morris stated there is an "L" around the day care.

Council Member Everitt stated that's where the alley came off the street and went up towards the police post.

Mr. Morris stated yes.

Council Member Everitt stated this is the alley you're talking about. The last council we give you that alley on the last one, but where Adam's use to live, the day care is, that's already been done right. This is the other one going down towards Popp. I thought it was covering the state police post too. What your wanting, this will eliminate all the alleys up through there wouldn't it.

Mr. Morris stated yes, the town engineer revised my initial draft and he put in there all of the language he thought was appropriate to do that. I went to him to get everything we needed.

President Tucker stated I'm going to make an assumption, there's a piece of property that I want to say is two doors east of the day care that an individual still resides, and it's my contention that he is not in the Town of Sellersburg and John thought he was in the town, has that ever been resolved.

Mr. Morris stated it is our belief that it is in the Town of Sellersburg. I've talked to Rollin Blankenbaker who researched this to some extent sometime ago and I've talked to the engineer and they are both of the conclusion that it is in the town.

Motion to consider vacating alleyways on the first reading by Council Member Truman and seconded by Council Member Everitt.

Vote 4-0

Ordinance 94-595/Vacating Public Alleyways in Fairview Addition, Silver Creek Twsp.

Attorney Allen Morris presented to the council for approval Ordinance 94-595 in reference to vacating public alleyways in Fairview Addition, Silver Creek Township, near Ivy Tech.

Motion was made by Council Member Truman to approve Ordinance 94-595-vacating public alleyways in Fairview Addition, Silver Creek Township and seconded by Council Member Broady.

Vote 4-0

Don Erler Addresses Council/Town Properties

Mr. Erler stated I'm Don Erler. I'm the auctioneer that the town has employed to sell the excess parcels of property. I'm working with Jim Baker and Karen Elliott. We were asked to return this evening to make a recommendation, give a report, as to the activity on the property and also our recommendation as to the future sale date. We are speaking of two properties of which the town has designated as excess properties, the one property at the corner of Highway 311 and Prather Lane, that's about 6/10 of an acre parcel of vacant land and the other is the Old Firehouse property which is on Utica Street and the corner of Helbig. We had previously planned to do a live auction on the properties at 11:00 a.m. and 12 noon on June 24th, that proposal had been made and accepted and all of the advertising had been done however as we approached the auction we determined that the legal notice incorrectly carried the date of July 24th, upon advice of council, both the city and Chuck Murphy, we determined there was some question on whether or not a good title could be given on the properties. It was determined that the auction should be held sometime after the date that was given in the original legal notice which was July 24th and so we had deferred the matter until this evening. What I wanted to do at this point was to bring a couple of matters to the town council's attention so the council could make a decision.

Mr. Erler stated we have been approached since the auction was advertised by several interested parties that I would characterize as national buyers, people that would put highway related establishments on parcels throughout the country. These people would pay top dollar for real estate. Several issues have come up relating to the possibility of entertaining offers from those parties. Those parties have indicated that in order for them to purchase they require and are normally entitled to what they call a due diligence period at which time they can ensure that they have good title to the property. They put their plans before the proper authorities and get those plans approved so basically there commercial establishment is fully approved prior to the final commitment to purchase and close. This particular period of time involves sometimes up to six months from the time that an acceptable offer is actually received by the city and accepted it becomes a contingent offer in that time which means you could go six months and that party walk away from the deal and we'd go back to square one.

Mr. Erler stated we have been approached by two different entities, both of which have asked to remain anonymous but represent national interest. There is another problem involved with that particular tract, these types of buyers generally require a bigger tract of land than what we have to offer them, we have 6/10 of an acre, most of these buyers require an acre or so to put there types of establishments on. That would mean in order form them to satisfy their needs they would also need to acquire the private piece of property which is privately owned. Apparently she has been approached before and she has basically said it is not for sale. The other question which would obviously come forth is if we entertain a sealed bid that would allow a national buyer a due diligent time we also would have the contingency on whether or not they could acquire this piece of property.

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Don Erler Addresses Council/Town Properties Cont.

Council Member Truman stated I really don't want to get into contingent offers if they start putting so many different stipulations which possibly could never be met then six months down the road were back to square one.

Mr. Erler stated we have found Karl, to address your concern that generally when I think of a national buyer I think of Super America, McDonalds, either restaurants or service stations, generally they have fairly expanded requirements. If they have a deal they pay top dollar but they have all of the uncertainties.

Council Member Truman stated that's fine, I realize a large corporation has it's bureaucracy they have to go through, contingencies are normally negotiated, for them to just come in and say yes we are the highest bidder but we are listing a dozen different things, hoops that we need to jump through first. I mean if it was a situation where we could negotiate that's fine but for them to hold up the process by getting the high bid but with a list of arbitrary contingencies that's my concern.

Council Member stated he felt the same as Karl.

Council Member Eddings stated he felt the same way.

Council Member Broady stated he felt the same.

President Tucker stated I agree.

Mr. Erler presented a written recommendation and stated let me review it quickly. We would recommend that the auction be held on Friday, August 5th and this allows us the proper amount of time to give notice. The auctions would be conducted as previously scheduled on site, on the properties, at the 311 Prather Lane property at 11:00 a.m., the Fire House and Rod Pate property, not together but at the same time at 12 noon on that Friday.

Mr. Erler stated we did incur the original proposal we made, we spent \$2,600.00 or more. We also had a contribution from Rod Pate. We estimate that additional advertising expences of \$1,000.00 will be necessary to properly alert the public as to the change that the auction will be held. We are willing to underwrite and absorb that cost as part of our commission. What we had previously done is we were going to charge a 10% buyers premium, that we would absorb all of the cost as long as the property sold. We will continue to do that, we are willing even to absorb the additional \$1,000.00. It was nobody's fault, it was just an error that was made. We feel there is good activity on the property. We will take that risk with you. The one thing that we do ask, because of the extended period of time, we started this process in late May, we've spent \$2,600.00, which is basically out on the street and we're going to spend another \$1,000.00. We would ask the town board to advance the advertising money. That's what we are asking and if the council finds that satisfactory we would like to proceed.

Sellersburg Town Council
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Page 7

Don Erler Addresses Council/Town Properties Cont.

Mr. Erler stated you would get the money back as long as the property sells. The agreement was you would reimburse us for the advertising if the property did not sell.

Motion to pay the advertising fee out of the Building Fund and to collect that money at the closing and to go with the August 5th date for the auctions and seconded by Council Member Broady.

Clerk Treasurer Schafer stated the only thing that I may be thinking of is, there is no appropriation. When I received that \$75,000.00 grant, I had set things to reimburse the town. I'll check with the State Board of Accounts. We may have to take it out of consulting services or another area of the budget that's acceptable.

Vote 4-0

President Tucker Addresses Council/Stop Sign on Ohio Ave.

President Tucker stated we were going to discuss at this meeting a stop sign at McDonalds and Ohio Ave.

Victor Prather, resident, stated I live at 535 Ohio Ave. and people coming out of McDonalds do not stop. I think it's kind of confusing.

President Tucker stated right now I think there is a stop sign on Enterprise Way and a yield sign on Ohio Ave. The suggestion was that there be a stop sign at both places. We are trying to come up with the best possible solution. If we put a stop sign up at least they would have to stop.

Mr. Prather stated there is a problem with brush on Ohio. We need that cut back also.

Council Member Everitt stated that was the property of the State Highway Department and he would check with the state and see.

Council Member Everitt stated the State Highway Department recommended that when we put that yield sign up it should be a stop sign. The past town board elected to put up a yield sign and if no one here is against it that's fine.

Council Member Truman stated that's a bad intersection and I think that's it's kind of like putting a band aid on a bad wound. I think it's the only option we have at this point short of rerouting the whole intersection which obviously we can't afford to do, hopefully some day the town can afford to do it. I've talked with other people in the neighborhood about putting a stop sign up, a few people have voiced opposition to it and I urged them to come to the meeting tonight. I drive that road everyday. I don't see any other option other than rerouting the whole thing which we can't do.

Sellersburg Town Council
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Page 8

President Tucker Addresses Council/Stop Sign on Ohio Ave. Cont.

Motion made by Council Member Eddings to recommend a stop sign on the corner of Ohio Ave at the intersection of Enterprise Way and have attorney McCall prepare the ordinance for approval at the next meeting, seconded by Council Member Broady.

Vote 4-0

President Tucker Addresses Council/1995 Salary Ordinance

President Tucker stated the next item of business is the 1995 Salary Ordinance. I would entertain a motion to basically, this is a 5% increase to the town employees, they received a 3.5% increase last year, the year before it was 4%. We've held it down the past couple of years. Thanks to Linda and the guys in various departments financially we are a little better off than we were two years ago. My recommendation is to give them a 5% this time. This would be reflected in police pension pay also. I would entertain a motion to approve the 1995 salary ordinance.

Council Member Truman stated personally, I would like until the next meeting to study it because I just got it this evening and I'd like to compare it to this years.

President Tucker stated it is imperative that we pass this at the next meeting on July 25th. The deadline is August 1st. If there are any suggestions or questions, please get back with me or Linda so we can discuss it between now and then.

Council Member Truman asked if the clerks office would put a copy of this years ordinance in his box.

Motion to table the 1995 Salary Ordinance until the next meeting made by Council Member Truman and seconded by Council Member Eddings.

Vote 4-0

Police Chief Kinder Addresses Council/Sale of Police Cars

Chief Kinder stated we have two police cars, both have bad transmissions. Steve Killen from Jim O'Neal Ford has looked at them. We've had an offer of \$600.00 per car. We need to get this approved.

Clerk Treasurer Schafer stated we need to get two appraisals on them.

Motion to sell the two police cars after we have obtained the two appraisals by Council Member Truman and seconded by Council Member Broady.

Vote 4-0

Sellersburg Town Council
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Chief Kinder Addresses Council/New Police Officer

Chief Kinder stated we have a new police officer to replace Richard Hall, as of July 5th, 1994 we have Randall Carmichael.

Chief Kinder Addresses Council/Trees And Shrubs In Alleyways And Intersection

Chief Kinder stated we have had alot of complaints on trees and shrubs in alleyways and intersections. We've sent out letters and they've had until July 10th. A few have not complied. We have asked to do it or have the town do it for you and possible put a property lien on the property with Attorney McCall's help.

Council Member Eddings Addresses Council/Purchase Of 1988 Dodge For Water Department

Council Member Eddings stated we have had the opportunity to purchase a 1988 Dodge Ram 4-wheel drive vehicle. The net difference was \$5,900.00. This will allow us to get to the water field during bad weather conditions to check the wells. You have to have a 4-wheel drive to do this. I would like to ratify the purchase of this vehicle for \$5,900.00.

Motion made by Council Member Eddings to approve the purchase of the 1988 Dodge Ram for the water department for the amount of \$5,900.00 and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Schafer stated we also need to mention that the Chevy Luv vehicle was traded in.

Council Member Eddings stated the cost was \$6,350.00 less the \$450.00 trade for a total cost of \$5,900.00.

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of June 28th through July 11th, 1994 in the amount of \$405.09.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Eddings.

Vote 4-0

Sellersburg Town Council
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Council Member Broady Addresses Council/Claims From Jacobi, Toombs And Lanz, Inc.

Council Member Broady stated I've got three claims from Jacobi, Toombs and Lanz, Inc. in the amount of \$2,945.25 for work they have done for the sewer department, part of this is for the Clark Nickels job and part for the job at speed.

Motion to approve these three claims for Jacobi, Toombs and Lanz, Inc. in the amount of \$2,945.25 made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Truman Addresses Council/Budget Meeting

Council Member Truman stated he was wondering if we were going to schedule a budget work session or anything like that.

President Tucker stated we can, basically we will do whatever you want to do.

Clerk Treasurer Schafer stated the 19th of July the Tax Commissioner is going to have a budget workshop type meeting if you're interested. I didn't attend that last year.

President Tucker asked how far along are you on the budget.

Clerk Treasurer Schafer stated I've received most of the things back. I have to calculate the taxes and put in hydrant rentals and a couple of other things.

Council Member Broady asked when it was due.

Clerk Treasurer Schafer stated in August.

President Tucker asked if Council Member Truman had a time that he'd like to do that.

Council Member Truman stated no.

President Tucker asked if he wanted to wait until after the July 25th meeting to see where we are with the salary ordinance and see where Linda is on the budget.

Clerk Treasurer Schafer stated the problem is until the salary ordinance is adopted I can calculate the budget but it really doesn't do a whole lot in the areas of salaries when I don't have any figures to work with. I don't have a problem with it if you guys don't.

President Tucker stated as we left it we will hope to pass the salary ordinance on the 25th as is and at that meeting, hopefully we will schedule some sort of budget meeting and go from there.

Clerk Treasurer Schafer stated I would like to have some extra help at that time.

Sellersburg Town Council
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Council Member Everitt Addresses Council/Reception July 19th American Legion

Council Member Everitt stated the American Legion has asked me to inform the Council that they are having a reception for Ms. Cox on July 19th at 6:00 p.m. They requested the members and their wives to be present if they possibly could. This is for the young lady who became governor for the day.

President Tucker asked if anyone who would like to attend at 6:00 p.m. on the 19th, please get with Roy and let him know.

Council Member Everitt Addresses Council/Gillenwater Estates

Council Member Everitt stated on Terry and Wilson Lane in Gillenwater Estates, we discuss a 8 ton limit. I would request that these two streets have an 8 ton limit, not the whole Town of Sellersburg, just these two streets.

Council Member Everitt Addresses Council/Recycling Bins And Grass Clippings

Council Member Everitt stated I received a letter from a Ms. Tobin talking about the recycling bins, about putting wheels or a rope or something for the older people. I'm calling Jerry about this. I also got a letter from Dan Cristiani talking about the recycling and they want \$18.00 a ton if we take limbs or anything there. She's talking about the town maybe buying a piece of equipment to cup up these limbs and things. I wondered if we couldn't look into buying a piece of equipment or getting some prices to see which would be the cheapest. I mean if we grind up enough limbs and leaves and stuff we can sell it back to people or give it to them.

President Tucker stated is it not true that at the end of last month or something that no more grass would be taken at the landfill.

Council Member Everitt stated right, I'm talking about limbs and this sort of stuff.

President Tucker stated in September they will not take limbs right. What alternatives do we have, basically if we don't have any place to dump it then we can't pick it up.

Council Member Everitt stated that's right.

President Tucker stated which means people will have to take care of that themselves.

Council Member Everitt stated it's going to be up to the board how we want to do it and it needs to be looked into.

President Tucker asked Council Member Everitt if he could get ahold of Mark and look into what kind of equipment, that's not going to solve the grass problem.

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Council Member Everitt Addresses Council/Recycling Bins And Grass Clippings Cont.

Council Member Everitt stated well the grass problem would be solved if the council just said we're not going to pick up any grass. The leaves, we've been picking up leaves until we, until the peoples been taking leaves says no more then I would say the town could pick them up but once these people will not accept them.

President Tucker stated what about the limbs.

Council Member Everitt stated that's the big thing, who's responsibility is it, the town or ours, I mean the people.

President Tucker stated what do you think.

Council Member Everitt stated in case of a disaster I would say the town, otherwise I would feel it's the people.

Council Member Everitt stated we have an ordinance that says we will pick up the limbs now after a certain date we are not going to be able to take limbs.

Clerk Treasurer Presents Claims

Clerk Treasurer, Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion to approve claims made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Attorney Perry McCall Addresses Council/Pixley vs. Town of Sellersburg

Attorney McCall stated that Patricia Law has made a couple of recommendations as to the land out there, one would be planting grass, it would have to be 95% coverage. The other alternative would be to create a wet land marsh area.

Council Member Broady asked how large on an area are we talking about.

Attorney McCall stated she hasn't given me any drawings.

President Tucker asked that this be tabled until John Toombs receives a drawing to see what we have.

Attorney McCall Addresses Council/Speed Bumps

Attorney McCall stated that back to the Fern Street issue. Speed bumps are legal but they are a personal liability.

Steve Prather stated that Mark Ball has expresses concerns over speed bumps and fire trucks.

President Tucker stated he was not trying to procrastinate but little league is over and I think the problems on Fern Street has calmed down. The council will check with Mark Ball over his concerns.

Chief Kinder Addresses Council/8 Ton Weight Limit in Sellersburg

Chief Kinder stated Roy had wanted a 8 ton limit on two roads, I suggest that for all of the streets.

Council Member Everitt stated it's in the ordinance if they are delivering they can do that. If you put a 8 ton limit on the street, trucks will start hauling rock from the quarry, as long as we keep the 6 ton limit on Utica the trucks won't haul on these streets.


Chief Kinder stated that 8 ton isn't going to make a difference to the rock haulers because a triaxle, it wouldn't be a load for him. This ordinance that was being proposed is for one person and it would be favortism, we need to make it for everybody.

Adjournment

Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Truman.

Vote 4-0

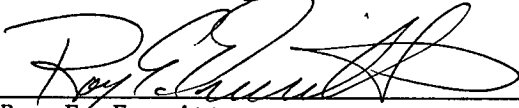
With no further business this meeting was adjourned by President Tucker at 8:02 p.m.



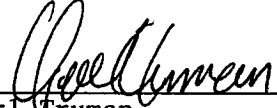
David Broady

Absent

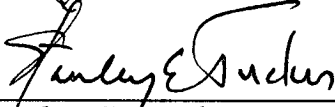
Aulton D. Eddings, Jr.



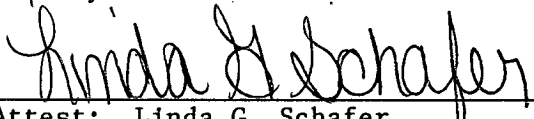
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 25, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 5:30 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; with Doug Eddings, Council Member and Perry McCall, Attorney being absent.

Called To Order

President Tucker called the Executive Session to order at 5:36 p.m.

Topics of Discussion

Definition and use of sick time
Ordinance for dispatchers clothing
Sanitation/yard waste
Errors and approval of minutes
Definition/Executive Session

Adjournment

Council Members Everitt and Truman removed themselves from the Executive Session.

With no motion to adjourn, President Tucker gaveled and stated the Executive Session is over.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member, Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; with Doug Eddings, Jr., Council Member and Perry McCall, Attorney being absent.

Called To Order

President Tucker called the Regular Meeting to order at 6:32 p.m.

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Page 2.

Prayer

The prayer was offered by Reverend Bob Hauselman.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion to approve the minutes by Council Member Broady and seconded by Council Member Everitt.

Vote 4-0

Karen Elliott Addresses Council/Town Properties

Ms. Elliott stated I'm pleased to report that we are on schedule for the auction date of August 5th. The rescheduled ads are running in the Evening News, Courier Journal, Business First, New Albany Tribune, Leader, Banner and Giveaway. Signs are up with the new date already and we've mailed out brochures of the change to interested parties and updates are going to be sent on a more general mailing this week. The legal notices have been property published also, July 16th and July 23rd in the Evening News and I have copies.

Arthur McDerment Addresses Council/Trash Pick Up

Mr. McDerment stated I would like to know why they didn't pick up my garbage because remember you told us we had to get new cans. I went out and paid forty something dollars for new cans. They said they weren't going to pick up clippings. I went out and paid \$200.00 for a lawn mower that I didn't need. I put out one can with a lid on it. There was about six or eight ounces of grass in a little bag. They picked up everybody around me, this was just a little bag with a few clippings. I'd like to know why mine ~~wasn't~~ wasn't picked up.

President Tucker stated I don't know the answer.

Mr. McDerment stated I called the landfill and they said they were taking everything until September 30.

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Arthur McDerment Addresses Council/Trash Pick Up Cont.

President Tucker stated that was not the information we had received.

Mr. McDerment stated he was told Mark Warren wanted to start early so we would get use to it.

President Tucker stated we have received some misinformation, originally it was going to be June 1st. They would no longer take grass clippings at the landfill and if it was mixed with the garbage they would turn the whole packer away. Someone though red-tape in government didn't get it taken care of so they recinded and they will take grass clippings until September 30th. I will instruct Mark to continue to pick it up until then. As I understand it after September 30th the landfill will reject any packer that has grass clippings in it. At this point in time, we do not have a solution as to how to deal with grass clippings and/or limbs. To my knowledge they have not created a compost site. I've asked Roy to look into that and try to come back with some recommendations as to what we are going to be able to do when September comes. At this point in time I do not have an answer.

Mr. McDerment stated well I've got mine right out there in the car. It's set since Friday a week ago now where do you want me to dump it.

President Tucker stated put it on top of your garbage can.

Mr. McDerment stated I'm talking the whole garbage can, they didn't just throw that little bag out they left the whole can. One can of garbage, they took everybody else around me that had grass clippings in it. Why didn't they go in and inspect them. Nobody has any business cutting my bags open.

President Tucker stated I don't ride around with the garbage truck so I don't know the answer.

Mr. McDerment stated and another thing, Monday I asked them to clean up that curb. There's grass growing all over it and I use to clean that up myself and put it in the daggone can but since you ain't taking the yard stuff I ain't gonna bother with it.

President Tucker stated all I can do is talk to Mark and have them do something about it in the future. I can't go back and fix the past. As far as the garbage can, you said you had four, set it out when you set your next ones out and they will pick it up.

Mr. McDerment stated what if I'm not here, I've got it out there right now.

President Tucker stated I don't have an answer for that, it won't fit in my car.

Mr. McDerment stated oh yes it will, where is your car.

President Tucker stated right straight across.

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Karl Truman Addresses Council/Interlocal Agreement Between The Town Of Sellersburg And
Silver Creek Township

Council Member Truman stated I've prepared the interlocal agreement between the Town of Sellersburg and Silver Creek Township which reads as follows:

Whereas, each of the political subdivisions signatory hereto are desirous of entering into an agreement by which the Town of Sellersburg will allow Silver Creek Township to utilize heavy equipment belonging to the Town of Sellersburg's;

Whereas, Silver Creek Township will utilize said heavy equipment to construct a new park;

Whereas, each citizen of the Town of Sellersburg will be entitled to use and enjoy this park;

Whereas, the Town of Sellersburg has equipment which Silver Creek Township does not possess;

Whereas, Indiana Code 36-1-7-1 et seq, provides statutory authority for Indiana political subdivisions to jointly exercise any power that could be exercised by any such subdivision individually.

Now, therefore, by this indentured, it is agreed bdtween the Town of Sellersburg and Silver Creek Township, both of which are Indiana political subdivisions, entitled to jointly exercise such powers pursuant to the provisions of Indiana Code 36-1-7-3, as follows:

1. In consideration of the construction of the Silver Creek Township Park, which shall be available for the use and enjoyment of the citizens of the Town of Sellersburg, the Silver Creek Township Trustee shall be permitted to use the dumptruck and backhoe, which is the property of the Town of Sellersburg and/or town utilities.
2. This agreement will be for a period of time of one (1) year which shall automatically renew until terminated by either party. Either party may terminate this agreement at any time by giving thirty (30) days written notice.
3. Silver Creek Township agrees to be finacially responsible for any and all damage which may result from negligent operation of the heavy equipment by Silver Creek Township, its employees, agents and/or independent contractors.

By ordinance of its Town Council, passed and adopted the 25th day of July, 1994.

President Tucker stated this is the interlocal agreement between the Town of Sellersburg and the Silver Creek Township Park. Occasionally, not during working hours, they will borrow some of the towns equipment to help with the park.

Motion to approve the interlocal agreement by Council Member Broady and seconded by Council Member Truman.

Vote 4-0

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President Tucker Addresses Council/Sprinkler Systems-Sewer Adjustments/Covered Bridge

President Tucker stated as I understand Covered Bridge is on our sewer system and they have Silver Creek water, these houses have sprinkler systems.

Clerk Treasurer Schafer stated what the problem is the residents out in that area, being that they are not actually in the Town of Sellersburg, and Silver Creek water does supply the water but they are on our sewer system. Everyone of the homes, which there is probably about 35 in this phase, have sprinkling systems. They are required to have those sprinkling systems. They would like to have a sewer adjustment, the same adjustment that the Town of Sellersburg residents have on their sewers. That is pretty much why they are on the agenda.

John Toombs stated the problem is complicated. First of all your ordinance does not allow such a thing for residence outside of Sellersburg unless you amend your ordinance. The Attorney would have the power to legally grant that wish.

Mr. Toombs stated the other problem is they get their water off of the main, as it is now Silver Creek does not read the second meter so one proposition is they pay extra to have the town read that meter.

President Tucker asked Clerk Treasurer Schafer what she thinks should be done.

Clerk Treasurer Schafer stated well we do charge a \$25.00 application fee and a \$25.00 per year fee for reading those meters to those residence within the Town of Sellersburg which there is probably three or four of those residence. There's really not an easy answer. It really wouldn't be fair for the town, even though I respect those people out there, to send one of our people out at the town's expense to afford them a sewer adjustment. There's really not an easy answer.

Clerk Treasurer Schafer stated there has been several suggestions such as let them read their own meters and periodically send out one of our workers, maybe once a year to read the meter. I have the ordinance and had asked Perry for clarification, if you would like to read it.

Council Member Everitt stated the golf course gets their water to sprinkle the golf course out of the pond. I was just letting the people know that's where they get their water.

President Tucker Addresses Council/Ordinance 94-596 Amending Ordinance 509/Sprinkler Systems

President Tucker stated I have ordinance 94-596 which amends ordinance 509 which states each owner upon application of a sprinkler system shall pay an application fee of \$25.00 and each year thereafter a service fee of \$25.00 will be assessed.

Motion to approve ordinance 94-596 on the first reading by Council Member Everitt and seconded by Council Member Truman.

Vote 4-0

President Tucker Addresses Council/Ordinance 94-596 Amending Ord. 509/Sprinkler Systems

Motion to approve Ordinance 94-596 amending 509 made by Council Member Broady and seconded by Council Member Truman.

Vote 4-0

President Tucker Addresses Council/1995 Salary Ordinance

President Tucker stated I have the Salary Ordinance for 1995 for approval on the first reading as follows:

ORDINANCE NO _____
 1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday and longevity pay of employees of the Town; and

WHEREAS, said Ordinance is necessary for the efficient administration of the Town.

NOW, THEREFORE, BE IT ORDAINED, this _____ day of _____, 1994, by the Town Council of the Town of Sellersburg, That:

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1995:

SEWER DEPARTMENT

Superintendent	578.78 per week	
Maint. Supervisor	425.60 per week	10.59 per hour
Laborer	356.00 per week	8.90 per hour
Laborer	335.20 per week	8.38 per hour
Laborer	330.00 per week	8.25 per hour
Laborer	309.20 per week	7.73 per hour
Chief Deputy Clerk	361.62 per week	
Clerk Treasurer	11,697.78 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Lab Tech	330.00 per week	8.25 per hour
Town Hall Clerk	275.20 per week	6.88 per hour
Town Manager	13,500.16 per year	

WATER DEPARTMENT

Superintendent	578.78 per week	
Heavy Equip. Oper.	450.60 per week	10.77 per hour
Plant Operator	309.20 per week	7.73 per hour
Laborer	330.00 per week	8.25 per hour
Water Repair	309.20 per week	7.73 per hour
Billing Clerk	299.60 per week	7.49 per hour
Acc. Rec. Clerk	299.60 per week	7.49 per hour
Clerk Treasurer	11,697.78 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Town Manager	13,500.16 per year	

GENERAL FUND

Town Manager	3,000.00 per year
Clerk Treasurer	2,599.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Town Attorney	2,500.00 per year

President Tucker Addresses Council/1995 Salary Ordinance Cont.

ORDINANCE NO. _____

Page 4.

STREET AND SANITATION DEPARTMENT

Superintendent	576.78 per week	
Truck Driver	335.80 per week	8.38 per hour
laborer	309.80 per week	7.73 per hour
laborer	309.80 per week	7.73 per hour
laborer	309.80 per week	7.73 per hour

POLICE DEPARTMENT

Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Part-Time Dispatcher	117.60 per week	5.44 per hour

Holiday pay for Dispatchers will be determined on 9 persons for 9 holidays which will be 27 days x 8 hours which equals 216 hours.

Chief of Police Salary 01-01-95 thru 09-30-95	724.72 per week
Chief of Police Salary 09-30-95 and 09-30-95	18.72 per hour x 16 = 299.52
Chief of Police Ins. 01-01-95 thru 09-30-95	106.70 x 9 = 960.30
Chief of Police Holiday 01-01-95 thru 09-30-95	44 x 18.12 = 797.28
Chief of Police Longevity	589.60 per year
Chief of Police Pen Compensation 3 quarters x 1,382.01 per quarter	4086.03

Chief of Police contract expires 09/30/95 at 11:59 p.m. Contract for new or current chief subject to negotiation and an amendment to salary ordinance will be presented at time of a new chief's contract or current chief's.

	Salary	Holiday	Longevity
Assistant Chief	520.58	7,022.72	175.74
Detective/Capt.	495.88	691.36	2,240.48
Sergeant	474.89	654.64	2,182.56
Sergeant -TBD-	474.89	654.64	
Patrolman	453.55	616.48	1,179.20
Patrolman	453.55	616.48	1,179.20
Patrolman	453.55	616.48	1,061.20
Patrolman	453.55	616.48	707.52
Patrolman	453.55	616.48	235.84
New Patrolman -TBA-	402.96	785.04	-0-
Patrolman 10/1/95	402.96	443.08	-0-
01-01-95 - 09-30-95	453.54	317.52	-0-

The salary ordinance is subject to change due to section 03.02-vacations in the policies and procedures manual adopted by the Sellersburg Town Council 05/11/92

SO ORDAINED THIS ____ DAY OF _____, 1994 FOR THE COMING YEAR OF 1995.

_____ David Broady	_____ Karl Truman
_____ Roy Everitt	_____ Stanley E. Tucker
_____ Aulton D. Eddings Jr.	Attest: Linda G. Schaefer Clerk Treasurer

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President Tucker Addresses Council/1995 Salary Ordinance Cont.

Council Member Truman asked do we have a meeting date.

President Tucker stated the 15th, we have a special meeting and that date is August 15th. We tried to get it sooner than that but couldn't.

Clerk Treasurer Schafer stated it's a public meeting on the budget, it will be announced in the newspapers.

Council Member Truman stated I have an alternative salary ordinance to present to the Town Council members to review at this meeting to be presented for vote at the August 15th meeting. I won't read it all because all of the numbers are the same except under the sewer department the Clerk Treasurer's salary is \$11,140.74, water department the Clerk Treasurer's salary is \$11,140.74 and under the General Fund the Clerk Treasurer's salary is \$2,475.72. The same numbers for 1995 as in 1994.

President Tucker asked the Clerk Treasurer if she had a copy.

Clerk Treasurer Schafer stated no.

President Tucker stated make a copy and put one in my box.

Chief Kinder Addresses Council/New Officer Randall CarMichael's Salary

Chief Kinder stated he would like the Council's approval for Officer CarMichael's salary in the amount of \$383.77 per week, this is the rate of pay for a new officer.

Motion to approve salary by Council Member Broady and seconded by Council Member Truman.

Vote 4-0

Chief Kinder Addresses Council/New Generator At Police Department

Chief Kinder stated that PSI gave us twenty minutes notice they were going to shut off the power, fifteen minutes later we had a fire in the building. Insurance will not pay for the generator. They are thinking that the generator caused the fire. We need to buy a generator. It was improperly installed and the ground wire was connected to PSI's wire and when the power was shut off there was no ground and it shot 225 volts up the wall. Insurance will pay for everything except the generator.

President Tucker stated you feel you need the generator back in service as soon as possible.

Chief Kinder Addresses Council/Sale Of Two Police Cars

Chief Kinder stated that the department sold the two police cars today for \$1,200.00.

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Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of July 12th through July 25, 1994 in the amount of \$351.86.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Everitt.

Vote 4-0

Council Member Truman Addresses Council/Sellersburg Pool-Park Hours

Council Member Truman stated that the committee appointed by the Parks Board wanted me to bring a couple of things to the Town Board for action. One recommendation was for the Town Council to establish hours for the park, not for the gate but for the park's hours to be from sunrise to sunset. They would like that in the form of an ordinance and if they are there before or after that time they could be asked to leave by the police. I would make a motion that we ask the Town Attorney to prepare an ordinance to that effect and present at the next meeting.

Motion by Council Member Truman to ask the Town Attorney to prepare an ordinance to present at the next meeting establishing park hours from sunrise to sunset and seconded by Council Member Broady.

Vote 4-0

Council Member Everitt stated what about when they have tournaments and such.

Council Member Truman stated this would exclude park events.

Council Member Truman Addresses Council/Additional Signs At Bottorff And Hauss Streets

Council Member Truman stated another issue that was brought up was a recommendation was made to put a no parking sign at the end of Bottorff Street where the foot bridge is and there was another sign, maybe you all can help me out. I misplaced my notes from the meeting, I thought there was another sign that they were asking for.

Chief Kinder stated a stop sign.

Council Member Truman stated yes a stop sign at Oak and Hauss.

Motion made by Council Member Truman to place a no parking sign at Bottorff, by the foot bridge and a stop sign at Oak and Hauss and seconded by Council Member Broady.

Vote 4-0

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Council Member Truman Addresses /Council/Additional Signs At Bottorff And Hauss Streets

Council Member Truman stated the only other things discussed which I am not presenting for any type of action was about having a trial run for the gate on Catalpa to be open during the pool hours and that would continue through Thanksgiving. That is being handled by the Parks Board.

Council Member Truman Addresses Council/Town's Insurance

Council Member Truman stated in reference to the town's insurance, the liability, property & casualty. Earl Bonniville has contacted me, as the town board knows he had previously had the insurance and the town went with another company last year. He's wanting to place another bid which I believe comes up for renewal sometime in August. He has indicated that he thinks he can give us a quote \$10,000.00 to \$15,000.00 less than we are currently paying and he'd like until the next board meeting to get that together.

Motion made by Council Member Truman that the town not make a long term commitment until the next town board meeting and seconded by Council Member Broady.

Council Member Everitt stated doesn't that have to be open to everyone.

President Tucker stated if I remember correctly, I seem to remember that last year when we went through this same exercise, I seem to remember that you made the motion that we would not renegotiate the insurance on an annual basis.

Clerk Treasurer Schafer stated that's correct.

Council Member Truman stated I'd like to see the minutes because I don't think that's correct.

Vote 3-1, with President Tucker voting against.

Council Member Truman stated that President Tucker wasn't suppose to vote.

President Tucker stated that he had checked with Attorney McCall and he stated I can.

Council Member Truman stated I disagree.

Council Member Truman Addresses Council/Uniform Allowance-Police Dispatchers

Council Member Truman stated the question was brought up about a uniform allowance for the police dispatchers. I make a motion that we instruct the town attorney to prepare an ordinance for the uniform allowance for the dispatchers. What is the current uniform allowance.

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Council Member Truman Addresses Council/Uniform Allowance-Police Dispatchers Cont.

Clerk Treasurer Schafer stated \$600.00 per police officer, there is no established amount for dispatchers.

Chief Kinder stated they have two uniforms and we just buy them. Dispatchers do not have an allowance.

Council Member Truman stated as far as an amount, the chief would have to get with the attorney and establish an amount.

Motion made by Council Member Truman to have Chief Kinder get with the attorney to prepare the ordinance and establish an amount. I understand that the Clerk Treasurer stated that the State Board of Accounts stated that we have to have a clothing allowance. If we don't have to have it that's fine.

Clerk Treasurer Schafer stated because uniforms were purchased the State Board of Accounts stated they would give a year, until the next audit, to have an ordinance for that.

President Tucker stated that I would only comment that other town employees who do not have uniforms, such as the Clerks office, something similar to that.

Chief Kinder stated I have no objection to that.

President Tucker asked Council Member Truman if he would be willing to add that to your request.

Council Member Truman stated no, I mean an office worker, that's different from an organization such as the police department. I just don't think it's the same thing.

Motion seconded by Council Member Broady.

Vote 3-1, with President Tucker voting against.

Council Member Everitt Addresses Council/Agreement For Road-Related Services

Council Member Everitt presented an agreement between the Clark County Commissioners and the Town of Sellersburg for removal of tree limbs and carrying away debris for \$50.00 an hour.

Motion made by Council Member Everitt to allow President Tucker to sign this agreement and seconded by Council Member Truman.

Vote 4-0

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Council Member Broady Addresses Council/Sewer Tap Interest Rates

Council Member Broady asked if the information regarding the interest rates on the sewer tap in's had been obtained.

Clerk Treasurer Schafer stated that PNC can offer 8 3/4% on low interest rates for people who have not tapped on. They would need to see Duke Wolfe at PNC Bank.

Clerk Treasurer Schafer stated we only have a few months to transfer the Servend money or utilize it so the council needs to get on the ball and decide what to do.

Clerk Treasurer Addresses Council/Check Received From Mark Ball

Clerk Treasurer Schafer stated I have received a check from Mark Ball and I'm not real sure what to do with it. I'll need council approval to accept and deposit it.

President Tucker asked each board member if they feel we should accept the check, each stated yes.

Clerk Treasurer Presents Claims For the Sewer, Water And Civil Departments

Clerk Treasurer, Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion to approve claims as presented made by Council Member Broady and seconded by Council Member Truman.

Vote 4-0

Town Employee Addresses Council Member Truman/Clerk Treasurer's Salary

Ms. Shelton stated I'd like to ask Mr. Truman why he feels the Clerk Treasurer should not get a raise when he hasn't been into her office.

Council Member Truman stated I've been in there several times.

Ms. Shelton stated not during working hours.

Council Member Truman stated well to answer that question, it's because the council members have not had raises in their salaries in at least six years or more. I'm not asking for a raise. I'm not going to set here and argue with you.

Ms. Shelton stated I just wanted to know.

Town Employee Addresses Council Member Truman/Clerk Treasurer's Salary Cont.

Council Member Truman stated I'm trying to answer and you're interrupting me. My position on it is that the town council members have not had raises for six years or longer and I feel all office holders should share the financial burden. We are constantly having budget struggles and I just don't feel that one elected official should continue to get substantial raises every year while other elected officials go for years and years on end.

Adjournment

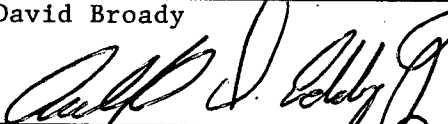
Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Everitt.

Vote 4-0

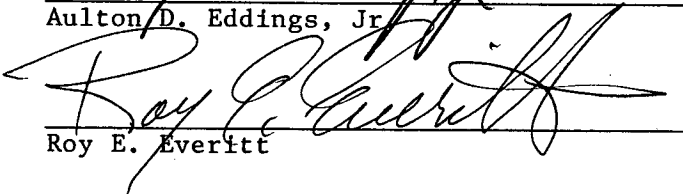
With no further business this meeting was adjourned by President Tucker at 7:34 p.m.



David Broady



Aulton D. Eddings, Jr.



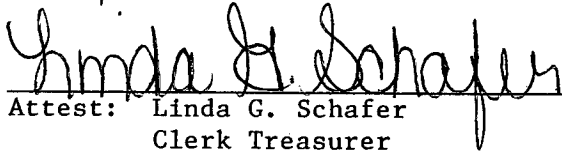
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

August 8, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member, Doug Eddings, Jr., Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with Karl Truman, Council Member arriving at 6:07 p.m.

Called To Order

President Tucker called the Executive Session to order at 6:05 p.m.

Topics Of Discussion

Remonstrance
Pretreatment Ordinance
Corrective Action Plan
Renz Ave. Sewers
Wetland/Sewer Plant
Hunter Station/Patio Homes
Ms. Dreyer/Old Sewer Plant Property

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:30 p.m.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Attorney.

Called To Order

President Tucker called the regular meeting to order at 6:36 p.m.

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Prayer

The prayer was offered by Reverend Jerald Boyer.

Pledge

The pledge of allegiance to the flag was recited.

Minutes Of The Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them.

Motion made by Council Member Broady to approve the minutes and seconded by Council Member Everitt.

Vote 5-0

President Tucker stated we are honored to have the Boy Scouts with us tonight. I think this goes towards a merit badge for them.

Don Erler Addresses Council/Sale Of Town Properties

Mr. Erler stated we are glad to come back and tell you that the auction of the surplus properties has been completed. The auctions was very successful. The property on 311 and new Prather Lane achieved a sale price of \$181,500.00. The bid price of \$165,000.00 was the net to the city and you will recover your advertising in addition to that. The appraisal on that property was \$100,000.00. The fire house was appraised at \$30,000.00. It brought a bid of \$25,000.00 plus 10% for \$27,500.00 which meets the letter of the statute. It exceeded the 90% which would of been \$27,000.00. The city will net \$25,000.00 from that sale plus recover their advertising as well so for the city out of the two sales, if approved \$190,000.00 recovery of the \$3,600.00 that was advanced, total proceeds coming back would be \$193,600.00. We ask that the council approve the contracts as they have been submitted pursuant to the statute. We were given a 15% down payment on the fire house property which was payable to Remax Commerical Brokers and will be placed in escrow, which was pursuant to our contractual agreement.

Mr. Erler stated the buyer on the Prather Lane/311 property gave us \$30,000.00 which was a little more than what was required but that's the funds that they had. Those funds were made payable to the Town of Sellersburg and I'm asking the town council to endorse those checks. The \$10,000.00 from Swifty Oil and the \$20,000.00 from Virgil Bolly's escrow acct., endorse those two checks over to Remax to be placed in escrow pending closing.

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Don Erler Addresses Council/Sale Of Town Properties Cont.

Motion to approve contract's as presented by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

President Tucker stated in addition I need a motion to approve the Clerk Treasurer to endorse the checks over to Remax.

Motion to allow the Clerk Treasurer to endorse the checks to Remax to place in their escrow acct. made by Council Member Everitt and seconded by Council Member Truman.

Vote 5-0

Mr. Erler stated we appreciated the opportunity to work for the town.

Council Member Truman asked if there were alot of bidders.

Mr. Erler stated there were two primary bidders on the 311 property, the fire house, a single bid of \$25,000.00. Swifty Oil bought the 311 property and F & S Medical bought the fire house and Rod Pate's property.

Bill Keeney Addresses Council/Park Gate at Catalpa Drive

Mr. Keeney stated I'm sure it comes as no surprise I'm here to talk about the gate at the end of Catalpa Drive. The last time we were here, we being the opposition to the way the park was being run at that time. We were directed to a special parks board meeting on July 12th. Several of us from the neighborhood attended that meeting and for your efforts and for the record here are the minutes from that meeting.

Mr. Keeney stated as you can tell from reading those there were several people there and several people made substantial comments. From that meeting there was a committee formed that was suppose to be representatives of all parties. I was not present. The meeting was held one time with one meeting of this committee. I'm told and what I've read in the paper that those of us who are opposed to the opening of the gate did not get a fair shake. I mean minds seem to be made from reading these minutes that the gates were going to be opened in some type of fashion. That's not what we agreed to do. That's not what those of us who are opposed to opening the gate anticipated would happen and in fact that's what happened. My sole purpose here tonight, since this board is the determining factor in what's been happening, or will be the determining factor, I'd like to expedite this. I'd like to move it along and I'd like to ask the town board to involve themselves in this and see if we can't reach a resolution that's satisfactory to all parties so we can all move on to other things.

President Tucker asked what would be your suggestion.

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Bill Keeney Addresses Council/Park Gate at Catalpa Drive Cont.

Mr. Keeney stated I think Mr. Broady has had some conversation with Mr. Arrington, who is part of the opposition of the reopening of that and I think Mr. Broady has a very good plan. I don't know if he's prepared to discuss it at this point. I think it deserves consideration. What is proposed by the parks department is not acceptable.

Mr. Keeney stated frankley Stan, we didn't get a fair shake at that meeting, all it's done is cause more irritation up and down the street.

President Tucker stated Karl represented the town board at that meeting and asked Mr. Truman if he had any comment.

Council Member Truman stated there was alot of discussion and I thought all of the committee members tried to do a good job and tried to deal with the situation from an objective view point. I don't think that the committee was stacked against one way or the other. I think there was alot of opened discussion so I don't think anybody went in there with a predetermined outcome as far as that committee meeting.

Mr. Keeney stated the results were the same whether they were predetermined or not, again I think Mr. Broady has a plan that will satisfy the concerns.

Mr. Truman stated maybe we should hear what that plan is.

Council Member Broady state the recommendation that I was going to make to you Karl to take back to the park board and committee after looking at it and thinking about it, a compromise for everybody.

Mr. Broady stated going down to the end on Catalpa and take part of the parking lot that's existing there and circle with pipes or whatever you want to do, that would make pedestrian traffic. This would hopefully satisfy the people from Hill N Dale. You could pull in there and drop them off. It would be a pick up point for those kids and on the other end of the pool area, I call the old parking lot, we have now a gate and an entrance to the new parking lot but the crossing at the creek is quite inefficient to handle any traffic and it's given us problems and problems and problems and needs to be replaced anyhow. It would be my recommendation what about replacing that bridge to something that's useable and we have an existing road there with very little funds at all we could make a roadway from the old parking lot to the new parking lot that way you would still utilize the parking lot. It's just a recommendation.

Council Member Truman stated you don't think that adding a turn around there is still going to cause traffic flow problems.

Mr. Broady stated no because what was happening there was kids were going in there and parking if I'm not mistaken and with a turn around you would obviously post no parking in that turn around and you'd pull in there and drop them off and pull right on out. The gate on the other end would give you access to both parking lots, there would be no need to open the gate.

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Bill Keeney Addresses Council/Park Gate at Catalpa Drive Cont.

Mr. Keeney stated the only problem I see with that is there were people in the park at 2:00 and 3:00 in the morning.

President Tucker stated we made an ordinance at the last meeting that the park would be closed from dusk to dawn until the pool is closed.

Chief Dave Kinder stated after Thanksgiving it would be closed.

President Tucker stated there is a parks board meeting Tuesday night one week from tomorrow. We also have two town board meetings, one on the 15th and one on the 22nd, in both cases we are going to be discussing the budget for 1995. As a suggestion, you can have a representative come to the parks board meeting next Tuesday night at 6:30 p.m., the meeting is at the pool and then discuss it and make the final decision at the August 22nd meeting.

Mr. Truman stated one of my concerns is I don't want to step on the toes of the parks board. That's been their job and without their involvement I would feel uncomfortable. I would like some finality to the situation. I think there needs to be some finality to it but I feel uncomfortable without them at least having some input.

Mr. Keeney stated I can understand the concern.

President Tucker stated I would rather work harmoniously with them. We've tried the last two and a half years not to resort to that type of situation and it seems reasonable to me. I have not talked to Dwight since that meeting, I was not part of that committee, Karl volunteered to do it. There hasn't been a parks board meeting since the committee met. I was just thinking it would be reasonable to discuss it at the next parks board meeting and bring it back to the meeting on the 22nd.

Mr. Truman stated I'd like to see the issue after the parks board has a chance to discuss it, that the issue be brought back to this board to review but I don't want to go around their authority when their involved. If I don't agree with what their decision is, I don't have a problem voting different from them.

President Tucker stated the meeting will be at the pool on the 16th, I will call Dwight and let him know that there will be people in attendance, it's a public meeting anyway but I'll let him know what's happening and Dave will you please come since you have a recommendation. There is two people on the parks board that live in your subdivision in Dreyer Estates and I'm sure they have feelings just like everyone else and let's try to get some resolution.

Mr. Arrington stated the only thing he would like to add to that is the possibility of moving one of the volleyball courts.

President Tucker stated I hope we can get all of that out in the open at that point. I was under the understanding that at one point they took down the net and someone came back and put one up. I hope we can get all of that ironed out.

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Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of July 26th thru August 8, 1994 in the amount of \$378.00.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Eddings.

Vote 5-0

Council Member Eddings Addresses Council/Specification's-Contract Documents C T Services

Council Member Eddings stated we have received from C T Services, Inc. specification's and contract documents for the work on the old water tank in downtown Sellersburg and painting the water tank. I'll leave one set of the specification's at the town hall so the contractor's can look at those. I'll keep a set and Clark will keep a set. Also, Gilbert Campbell and Associates have completed all of the drawings for the town hall, revamping the town hall and additions to the town hall. This doesn't mean that we necessarily have to do anything with it but pay the architect's for the drawings so they are available for anyone to review. The supervisor's have seen them and have made a few minor changes. We are real close to construction and renovation. It can be built in phases. Phase 1 will be, if we decide to do this, building the new offices and you can move into this and renovate the old town hall.

President Tucker stated this is sort of the same issue but a little different, the Holman Lane, the waterline , are we any closer to that at all.

John Toombs stated well it was suppose to be bid by the state on May 17th and they cancelled that and then in November and as of last week they still are not sure.

President Tucker stated does this not have some direct relationship with the painting of the tanks.

Mr. Toombs stated yes, we have an obligation whenever they choose to do it. I can't find out why they keep cancelling.

Council Member Broady Addresses Council/Popp And Whitlatch Sewer Adjustment

Council Member Broady stated I have two things. The board had agreed to allow Randy Popp and the Whitlatch's a sewer adjustment. This was a situation that we got into on Renz, we had allowed them a one month sewer adjustment for the sod that we layed on their property. They had to water this sod. We anticipated it would take one month and with the dry weather we've had it has run into a second month. I'm asking the board to allow them a second month sewer adjustment, it's not that month.

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Council Member Broady Addresses Council/Popp And Whitlatch Sewer Adjustment Cont.

Motion made by Council Member Broady to allow the Popp's and Whitlatch's a second month sewer adjustment and seconded by Council Member Truman.

Vote 5-0

Council Member Broady Addresses Council/Covered Bridge Sewer System

Council Member Broady stated the second item I have is Covered Bridge and I'll let John explain that.

John Toombs stated quite some time ago we gave permission to Covered Bridge to connect to your sanitary sewers and it's time for you to formally accept operation and maintenance of that sewer and lift station. Here is a letter for Mr. Broady to sign.

Motion made by Council Member Eddings to give Council Member Broady permission to sign the letter accepting the operation and maintenance of the sewer line and lift station and seconded by Council Member Everitt.

Vote 5-0

Council Member Truman Addresses Council/Town Insurance

Council Member Truman stated at the last meeting we discuss the town's insurance and brought it to the board that Earl Bonnaville had contacted me asking to put in the bid for the town's insurance. He thought he could save the town some money and the town voted to allow a presentation tonight and also I think that Mike Whalen is here with his bid quote on that too. I don't think there is any body else.

President Tucker stated Mike called me today and unfortunately Mike doesn't have his that quickly. Earl, you can make your's tonight if that's what you want to do.

Mr. Bonnaville stated he would wait until Mr. Whalen was ready.

President Tucker stated Mike if there's any way, I don't know how quickly you can do this. If you could give us a copy and let us digest this.

Council Member Truman asked if President Tucker wanted to set a deadline for that.

President Tucker stated as far as getting this in.

Council Member Truman stated yes.

President Tucker stated Mike what would be reasonable for you, since your the one that doesn't have it ready to go.

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Council Member Truman Addresses Council/Town Insurance Cont.

Mr. Whalen stated he would have to speak to the underwriter.

President Tucker stated would it be fair to say the 17th which is 5 days before the next meeting.

Ms. Dean asked does it have to be published or opened for bids.

Council Member Everitt stated it should be.

Council Member Truman stated it doesn't have to be published, it's not like purchasing a car or something.

Council Member Everitt stated yes it does.

Clerk Treasurer Schafer stated I think it does have to be opened for bids.

Council Member Truman stated well if you want to publish it that's fine. If you want to publish it in the newspaper and go through all that. I don't think that it's required.

President Tucker stated last year we kind of went through this and we done it the year before and the year before. It was kind of an understanding that we wouldn't do this every year. If we are going to do it, maybe it would be fair to open it up. When is the expiration.

Mr. Whalen stated everything expires on August 7th.

Clerk Treasurer Schafer stated it needs to be renewed right now.

Council Member Truman stated we can do it on a month to month like we did last year.

President Tucker asked Attorney McCall to check and if it needs to be published to let him know before the meeting on the 22nd.

Council Member Everitt Addresses Council/Bid From K & I Asphalt, Inc.

Council Member Everitt stated I just opened a bid, suppose to be opened, I think last Wednesday on the repaving of the streets and asphalt milling. We have one bid from K & I Asphalt. Asphalt surfacing at \$21.00 a ton, that's layed and asphalt milling that's \$16.00 a ton. The schools will be having, Sellersburg Grade School, will be having sign up the 15, 16 & 17th. I've asked them to complete that job by the 17th. We don't know for sure if we can make that date but as soon as I find out, I'll get with the Evening News and then let them know that New Albany Street will probably be closed in the daytime for maybe 3 or 4 days due to the milling and resurfacing.

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Council Member Everitt Addresses Council/Bid From K & I Asphalt, Inc. Cont.

Council Member Everitt stated the buses will be allowed to go in and out but traffic that goes from Penn Street through New Albany and over to 403 will have to use 31. I would like to make a motion to accept the bid.

Motion to accept bid from K & I Asphalt, Inc. made by Council Member Broady and seconded by Council Member Eddings.

Vote 5-0

Clerk Treasurer Presents Claims/Clark Nickles, Inc-Mid Southern Builders, Inc.

Clerk Treasurer Schafer stated I have several bids that I need the council's signatures on. We have a contract with Clark Nickles and he's been doing work in phases. This bill, an itemization is attached for \$23,670.81. I just need to get the council's signature and also from Mid Southern Builders for \$11,966.89 for Renz Ave and Virginia Ave. sanitary sewers, that's a change order.

President Tucker stated I need a motion to approve these two bills.

Motion made by Council Member Broady to approve the claims as presented and seconded by Council Member Everitt.

Vote 5-0

Clerk Treasurer Presents Claims For The Sewer, Water And Civil Departments

Clerk Treasurer, Linda Schafer presented her claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

Motion to approve claims as presented made by Council Member Everitt and seconded by Council Member Eddings.

Vote 5-0

Clerk Treasurer Addresses Council/Printer Problems-Hand Written Bills

Ms. Schafer stated we had problems with our printer when we were printing bills and several hundred, rather than to reprint over 3000 bills, we hand wrote about 300 of them. We did save money but it took alot of time and sore fingers writing those bills some of the residents may have received hand written bills but the intent was to not reprint and use all of the paper to do them all over again.

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Clerk Treasurer Addresses Council/Animal Control Officer

Ms. Schafer stated I received several offers for the animal control officer, one from one of our police officers which I didn't hear anything else. He was willing to do it for what we were paying Clarksville in the interlocal agreement and also one other. I did put it in you box. I hadn't heard anything else. I feel we do need one.

President Tucker stated the police officer, did he submit any information.

Ms. Schafer stated not in writing.

President Tucker stated I'm not trying to delay this.

Chief Kinder stated the police officer has declined.

President Tucker stated I do have one from Mark Dean where he says he would be interested in the animal control officer position, it would require a \$1,000.00 start up fee to cover liability insurance and equipment needed and in addition \$600.00 for services rendered and a contract. That totals \$8,200.00 which is a little less than half of the original bid.

President Tucker stated to be quite honest, I don't know enough about animal control. I see that Clarksville has a little truck with a cage on the back and some equipment so there has to be more to it than meets the eye. We had a situation over in our subdivision two weeks ago where a labrador got a little dog on a chain and tore it up.

Ms. Schafer stated we caught that one though.

Council Member Truman stated we really do need one. I've noticed a big difference.

President Tucker stated if someone wants to accept Mr. Dean's offer that's fine. We did publish it in the paper and didn't have anybody respond. I did get a call from the police officer and if he doesn't want to do it that's fine.

Chief Kinder stated the problem would be sometimes he's available and sometimes he isn't, that's the problem.

Council Member Everitt stated that would be the question I would have for Mr. Dean, would he be available.

Ms. Schafer stated he's going on 3rd shift.

President Tucker stated he would ask Perry to sort of determine a contract.

Ms. Schafer asked if in addition to the liability that he would carry on himself, would the town have to carry insurance on him.

Chief Kinder stated Clarksville will provide the training.

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Clerk Treasurer Addresses Council/Animal Control Officer Cont.

President Tucker stated with your permission, I would like to ask Perry to look into how Clarksville deals with it and come up with a reasonable contract. I think he's put some sort of numbers in here.

Attorney McCall stated it was cheaper for Clarksville because they were already in the vicinity and they had all of the equipment.

President Tucker Presents Ord. 94-596-An Ordinance Amending Ordinance No. 509

President Tucker stated I have Ordinance 94-596, we were not in full complement last time and we passed the Ordinance which clarified the language under which a sprinkler system would be charged, an annual \$25.00 fee and basically it says that anyone that's not in the Town of Sellersburg is not charged that. What participated this was out in Fuzzy's subdivision, they have a sprinkler system and they use our water but they are not in town so that's why we had to clarify the Ordinance so it was passed last time. I just need to pass it around and get everyone to sign it.

Motion to approve Ordinance 94/596 on the second reading made by Council Member Broady and seconded by Council Member Truman.

Vote 5-0

President Tucker Presents Ord. 94-597-An Ordinance Increasing Weight Limit On Terry Lane and Wilson Lane From Six (6) Tons To Eight (8) Tons

President Tucker stated there was a request for an Ordinance to increase the weight limit on Terry Lane and Wilson Lane from six tons to eight tons.

President Tucker stated I would entertain a motion to approve this Ordinance on the first reading increasing the weight limit on Terry and Wilson Lane from six tons to eight tons.

Motion made by Council Member Everitt to approve Ordinance 94-597 and seconded by Council Member Truman.

Vote 5-0

President Tucker Presents Ord. 94-598-An Ordinance Authorizing Placement Of A Stop Sign At The Intersection Of Ohio Avenue And Enterprise Way

President Tucker stated I have another Ordinance 94-598, this Ordinance is to authorize the placement of a stop sign at the intersection of Ohio Ave. and Enterprise Way. Currently there is a yield sign, the discussion being that we would put a stop sign basically in both directions so that everybody would have to come to a complete stop.

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President Tucker Presents Ord. 94-598-An Ordinance Authorizing Placement Of A Stop Sign At The Intersection Of Ohio Avenue And Enterprise Way Cont.

President Tucker stated I have Ordinance 94-598 to be approved on the first reading placing a stop sign at the intersection of Ohio Ave. and Enterprise Way.

Motion made by Council Member Broady to approve Ordinance 94-598 on the first reading and seconded by Council Member Truman.

Vote 5-0

President Tucker stated it was approved unanimously 5-0.

President Tucker Addresses Council/Ord. 94-599 Salary, Holiday & Longevity Pay

President Tucker stated we have to pass the 1995 Salary, Holiday and Longevity Pay Ordinance, as the last meeting I presented one and Karl also presented one. The basic difference between the two is in the case of the Clerk Treasurer. I have recommended a salary from the sewer department in the amount of \$11,697.78, out of the water department \$11,697.78 and out of the general fund \$2,599.50. Karl has proposed that there would not be an increase for 1995 that it would remain \$11,140.74, \$11,140.74 and \$2,475.72. I would like, Karl do you want to do it.

Council Truman stated I make a motion to approve the one that I submitted and seconded by Council Member Everitt.

President Tucker stated I would like to have some input. I've worked very closely with Linda over the past 2 ½ years and I've worked in a human resource capacity, as a manager and most of these positions and I find that Linda has done an excellent job, her staff has done an excellent job. We, the town, owe alot of credit to Linda and there's other people who have participated as well. Our financial condition is better in the Town of Sellersburg than it has been for a number of years. Debts have been paid off, our tax rates have not increased. I think she's done an excellent job as I understand correctly her salary would be slightly greater if it was increased to some of the surrounding communities like Madison, Charlestown and Salem. If I'm quoting this correctly, but I think she's done a perfect job that deserves an increase and she has to run for office next November and she could be elected or not elected. I think you pay people for how their performance is while they work. If she doesn't get elected, the money is not there. Karl's comment, and I'll let him speak for himself, his comment last time was that we on the town board for example have not had an increase for the last 2½ years and she's an elected official and it's his feeling that she shouldn't either. I feel strongly that she deserves this increase.

Council Member Truman stated I have no comment.

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President Tucker Addresses Council/Ord. 94-599 1995 Salary, Holiday & Longevity Pay Cont.

Council Member Everitt stated I guess I do then. Well the reason why I'm looking at this, Linda has since hired another girl and I take it as town hall clerk.

Ms. Schafer stated that's correct.

Council Member Everitt stated okay, she's making \$14,206.40 in the new budget and also your looking at and I know this council's always talking about a town manager. I thought we agreed a utilities manager at \$30,000.00. It was what, \$30,000.04 along with Linda's salary comes to \$26,000.00, it would be \$70,000.00. If we're going to hire a town manager, is it going to be a town manager or a utilities manager, I thought we discussed a utilities manager. If that was the case wouldn't this take alot of work off of Linda if we hire a utilities manager. \$70,000.00 out of the utilities fund, we're not that strong that we can continue. I know right now is right now, 6 years ago the Clerk Treasurer was making right at \$18,000.00, this is what her deputy clerk is making now. That's my arguement.

President Tucker stated six years ago we were all probably making less than we are right now.

Council Member Everitt stated well the board still makes the same.

President Tucker stated that's our choice.

Council Member Everitt stated well that's true but what I'm saying is an \$18,000.00 to \$26,000.00 in six years is a pretty good increase.

President Tucker stated I understand and my opinion is since the Clerk Treasurer has the accounting responsibilities, especially for the general fund and has done that for the sewer and water department that a town manager or a utilities manager, who in my opinion is not going to come in and do the accounting, is not going to run the books, he's going to go out and facilitate the management of the facility.

Council Member Everitt stated then I suggest that we take the \$30,000.00 for the town manager completely out of the budget.

Council Member Eddings stated we all agreed on a town manager several months ago.

Council Member Everitt stated it was a utilities manager.

Council Member Everitt stated you can call it whatever you want to call it.

Council Member Everitt stated there's a big difference.

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President Tucker Addresses Council/Ord. 94-599 1995 Salary, Holiday & Longevity Pay Cont.

President Tucker states a motion was made and seconded.

Vote 2-3 with Council Members Everitt and Truman voting for and Council Members Eddings and Broady and President Tucker voting against. This Ordinance was voted down.

President Tucker Addresses Council/Ord. 94-600 1995 Salary, Holiday & Longevity Pay

President Tucker stated the difference in the Ordinance's being \$150.00 out of the sewer, \$150.00 out of the water per month and \$125.00 from the general fund, this would be Ordinance 94-600.

Ms. Schafer stated that's not the correct amount.

President Tucker stated \$11,697.78.

President Tucker stated I would entertain a motion to approve Ordinance 94-600 which has the increase for the clerk treasurer's salary of \$11,697.78, town manager's salary of \$13,500.16 from the sewer and water department and the general fund for the clerk treasurer \$2,599.50 and town manager \$3,000.04.

Motion made to approve Ordinance 94-600 by Council Member Broady and seconded by Council Member Eddings.

Vote 3-2 with Council Members Eddings and Broady and President Tucker voting for and Council Members Everitt and Truman voting against.

President Tucker Addresses Council/Ord. 94-598 An Ordinance Authorizing Placement of A Stop Sign At The Intersection Of Ohio Avenue And Enterprise Way

President Tucker stated I need to read this Ordinance again for the final reading.

Motion to approve Ordinance 94-598 made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0

John Toombs, Engineer, Addresses Council/Hunter Station Patio Homes

Mr. Toombs stated the only thing I have is that there is a process that when someone wants to connect to the water system they have to get approval from the town council. Clark asked me in his absence to present this tonight I received it today.

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John Toombs, Engineer, Addresses Council/Hunter Station Patio Homes Cont.

Clark asked me to present this on his behalf and he and I recommend that the Town of Sellersburg allow Hunter Station Patio Homes to be connected to your water system and if you decide to do that then there are some forms that need to be signed by Mr. Eddings before an application can be made for an approval of this to the State of Indiana.

Motion made by Council Member Eddings to allow Hunter Station Patio Homes to buy water service from the Town of Sellersburg and seconded by Council Member Everitt.

Vote 5-0

President Tucker Addresses Council/Ord. 94-597 An Ordinance Increasing Weight Limit On Terry Lane And Wilson Lane From Six (6) Tons To Eight (8) Tons

President Tucker stated this Ordinance 94-597 needs to be approved on the second reading.

Motion to approve Ordinance 94-597 made by Council Member Everitt and seconded by Council Member Truman.

Vote 5-0

Mary Ann Dellarosa Addresses Council/Composting

Ms. Dellarosa asked has anything been done on the composting, the leaves and the branches.

President Tucker stated I have a letter that's from the Clark Floyd Landfill that says effective September 30th they will not take any vegetative matters resulting from landscaping maintenance and it can not be deposited there. The county is looking for a site where tree composting could go. Someone said it may be at I. C. I. unfortunately you have to buy a mechanism to do your own composting.

Council Member Everitt stated right now Nicholson over in Charlestown is taking this. This is what they are telling us. They are telling us if we can get the stuff there they will pay the cost for the first ninety days of the contract and there's about forty days left through the county.

Adjournment


Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Eddings.

Vote 5-0

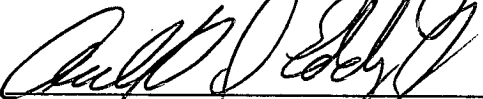
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Adjournment Cont.

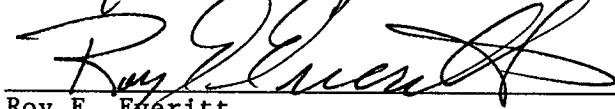
With no further business this meeting was adjourned by President Tucker at 7:38 p.m.



David Broady



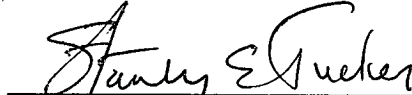
Aulton D. Eddings, Jr.




Roy E. Everitt



Karl Cruman



Stanley E. Tucker



Attest: Linda G. Schafel
Clerk Treasurer

PUBLIC HEARING/1995 BUDGET

August 15, 1994

Public Hearing

An Public Hearing for the 1995 Budget for the Town of Sellersburg was held at the Sellersburg Library at 6:30 p.m. on August 15, 1994. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Karl Truman, Council Member; Doug Eddings, Jr., Council Member; Linda G. Schafer, Clerk Treasurer with Perry McCall, Town Attorney being absent. Residents present were: Cheryl L. Dean.

Called To Order

President Tucker called the Public Hearing to order at 6:33 p.m.

President Tucker Presented the Budget Estimate For 1995 As Follows:

Town Hall Building Fund:	Professional Services	20000.
	Legal Publications	240.
	Construction/Town Hall	133000.
	Landscaping	3000.
	Total Budget Est.	<u>156240.</u>
Cum. Capital Imp.:	Grant Matching Funds	<u>15000.</u>
	Total Budget Est.	15000.
Cum. Cap. Development:	Debt. Service	<u>37669.</u>
	Total Budget Est.	37669.
Metro Police Pension:	Debt Service/Other	66816.
	Postage/Stationary	<u>100.</u>
	Total Budget Est.	66916.
Motor Vehicle Highway:	Operating Supplies	10250.
	Repairs & Maint.	700.
	Utility Services	38588.
	Repairs & Maint.	18000.
	Paving	80000.
	Machinery & Equip.	<u>60000.</u>
	Total Budget Est.	207538.
Local Roads & Streets	Paving	<u>36000.</u>
	Total Budget Est.	36000.

President Tucker Presented the Budget Estimate For 1995 As Follows Cont.

Street & Sanitation	Personal Services	130020.
	Employee Benefits	39026.
	Repair & Maint.	12600.
	Other Supplies	2650.
	Professional Services	700.
	Telephone & Pagers	600.
	Repairs & Maint.	17000.
	Debt. Service	56000.
	Other Services	2000.
	Imp./Other Than Building	105000.
	Machinery & Equip.	10000.
	Total Budget Est.	<u>375596.</u>
Town Council	Personal Services	5366.
	Employee Benefits	3690.
	Town Attorney	2500.
	Professional Services	19000.
	Ins./Other Than Group	65100.
	Hydrant Rental	60718.
	Library Cleaning	360.
	Other Services	6800.
	Total Budget Est.	<u>163534.</u>
Parks & Recreation	Personal Services	34092.
	Employee Benefits	2684.
	Operating Supplies	13000.
	Other Supplies	800.
	Professional Services	200.
	Telephone	475.
	Printing & Advertising	350.
	Insurance	1800.
	Utility Service	9850.
	Repairs & Maint.	7500.
	Other Services	8590.
	Landscaping	500.
	Machinery & Equipment	7500.
	Total Budget Est.	<u>87341.</u>
Clerk Treasurer	Personal Services	2700.
	Employee Benefits	470.
	Office Supplies	4900.
	Other Supplies	600.
	Professional Services	6600.
	Communication/Transportation	9000.
	Legal Publications	2500.
	Utility Services	8500.
	Repairs & Maintenance	3500.
	Debt. Service	13350.
	Machinery & Equipment	1100.
	Total Budget Est.	<u>53220.</u>

President Tucker Presented the Budget Estimate for 1995 As Follows Cont.

Police Department	Personal Services	422930.
	Employee Benefits	111363.
	Other Personal Services	2750.
	Office Supplies	4000.
	Operating Supplies	18000.
	Repairs & Maintenance	1000.
	Other Supplies	8100.
	Professional Services	1100.
	Communication & Transportation	4600.
	Utility Services	7100.
	Repairs & Maintenance	12320.
	Other Services & Charges	5600.
	Machinery & Equipment	45400.
	Total Budget Est.	<u>644263.</u>


After council discussion, President Tucker, suggested the following budget cuts:

Parks Department	438-Water Slide, reducing this appropriation to -0-
	Reducing the Parks Dept. total budget to 82841.
Police Department	213-Office Supplies, reducing this appropriation to 3000.
	363-Maintenance Police Autos, reducing this appropriation to 4000.
	393-Police Training, reducing this appropriation to 2000.
	415-Police Autos, reducing this appropriation to 28000.
	Reducing the Police Department Budget to 621063.
Street & Sanitation	234-Fuel for Packer, reducing this appropriation to 4800.
	224-Tires & Tubes, reducing this appropriation to 4000.
	365-Maintenance Packer, reducing this appropriation to 11000.
	Reducing the Street & Sanitation Budget to 368596.

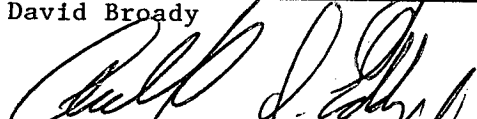
After further discussion President Tucker stated that with the recommended deductions, this budget would be presented to the council for approval at the second public hearing on the 1995 budget scheduled for August 22, 1994.

Adjournment

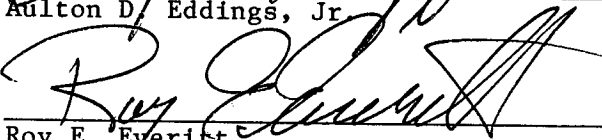
With no further business this meeting was adjourned by President Tucker at 7:20 p.m.



David Broady



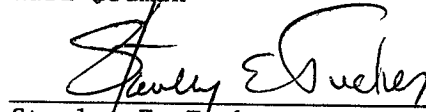
Aulton D. Eddings, Jr.




Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
• Clerk Treasurer

SELLERSBURG TOWN COUNCIL

August 22, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Karl Truman, Council Member; Roy Everitt, Council Member, Linda G. Schafer, Clerk Treasurer, Perry McCall, Attorney; with Doug Eddings, Council Member arriving at 6:38 p.m.

Called To Order

President Tucker called the Regular Meeting to order at 6:35 p.m.

Prayer

The prayer was offered by Reverend Gary Fenner.

Pledge

The Pledge of Allegiance to the Flag was recited.

Minutes Of Last Meeting

President Tucker dispensed with the reading of the minutes from the August 8th and August 15th meetings and requested approval as presented.

Motion made by Council Member Broady to approve the minutes as presented and seconded by Council Member Everitt.

Vote 4-0

Mark Ennis/Bliss McKnight Presents Awards To Police Department

Mr. Ennis stated I represent your insurance carrier and I just want to make a quick presentation tonight on some of our risk management services that we've been providing for the town.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 2.

Mark Ennis/Bliss McKnight Presents Awards To Police Department Cont.

Mr. Ennis stated I would like to present some certificates for your police department. We recently put on a emergency vehicle operations course, it was put on in conjunction with the City of Charlestown. This was put on for your police department free of charge.

Certificates were issued to:

Bernard G. Ash	Don R. Meyer
William P. Bradshaw	Timothy C. Oldham
Ricky J. Ellenbrand	Michael Stricker
Richard A. Emerick, Jr.	Thomas A. Tackett
William Huber, III	Jeff S. Zahnd
David Kinder	

President Tucker Addresses Council/Gate Located At The End Of Catalpa Drive

President Tucker stated those of you who attended the last parks board meeting, it was referred or deferred back to the committee of approximately eight individuals. Karl, for example represents the town board and what they need to do at this meeting which as far as I know the date has not been set yet. I understand Dwight Hanger, he is the chairman of that particular group will be calling everyone. Their charge is to come up with a recommendation to give to the parks department which in turn will be given to the town board.

President Tucker stated at this point we don't really have any solutions.

Rhonda Steele asked if it would be an open meeting.

Attorney McCall stated in his opinion it should be an open meeting.

Second Public Hearing/Adoption Of 1995 Budget For The Town Of Sellersburg

A Public Hearing for the adoption of the 1995 budget for the Town of Sellersburg was held at the Sellersburg Library on August 22, 1994. Those residents present were:

Cheryl Dean	Ron Back
John T. McCartin	Joe Mattingly
Boyd Martin	Tricia Schafer
Phyllis Rhodes	Janet Garr
Angela Moore	Rudolph Hamblin
Mark Ennis	Mike Whalen
Waldo Briscoe	Rhonda Steele
Waitman Steele	Brad Walker
Eddie Miller	Earl Bonnaville
Myrtle Pelton	Sandra Carver
Debra Stahl	Eldon Duvall
Nina Ang	Gary Fenner
Melissa Goforth	

Second Public Hearing/Adoption Of 1995 Budget For The Town Of Sellersburg Cont.

President Tucker stated this is a public hearing for the 1995 Sellersburg Budget. We had a previous meeting on August 15th. I would like to present the budget as originally presented and I'll try to explain that a little bit.

President Tucker stated there were a few recommended cuts. I would like to explain those. The budget for 1995 for the Town of Sellersburg and this is basically the general fund. This is not the sewer and water department, strickly the general fund. For the town hall building fund, as you may have read, we did sell some properties. We have to basically go back for an appropriation for the building fund to put in the estimated budget for 1995 for the town hall building fund of \$156,240.00, that's money that has basically been raised.

President Tucker stated the parks and recreation department. The initial budget presented was \$87,341.00, again if any of you have worked through the budgetary process, it's kind of like best guess first. We ususally have to cut it in some shape or form. Basically what we do is go to the respective departments and say if this is your wish list, how much is it going to cost. Then we have to go back and start cutting it and present it to the auditor's who in turn usually whacks on it a little bit, so end results are usually different than what you will hear tonight.

President Tucker stated the budget presented was:

Street & Sanitation Department:	\$375,596.00
Police Department:	\$644,263.00
Metro Police Pension Fund:	\$66,916.00
Local Roads & Streets:	\$51,000.00
Cum. Capital Development:	\$37,669.00
Cum. Capital Improvement:	\$15,000.00
Motor Vehicle Highway:	\$207,538.00
Town Council:	\$163,534.00
Clerk Treasurer:	\$53,220.00
Parks & Recreation:	\$87,341.00
Town Hall Building Fund:	\$156,240.00

President Tucker stated that totals \$1,858,317.00 of which we estimate \$929,079.00 will be raised by some method, either by the selling of the properties or something of this nature. It gives a tax rate of 3.81%.

President Tucker stated we had a meeting the other night and talked about some cuts. The recommended cuts at the meeting totaled approximately \$30,000.00 and I will tell you in what areas they affected. There was no change in the town hall building fund, there was a cut of \$3,500.00 in the parks and recreation department. They had requested a water slide and from a liability stand point we turned that down. The street and sanitation department we cut to \$368,596.00, we cut \$7,000.00. The police department, the recommended cut of \$25,200.00, the total of \$619,063.00.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 4.

Second Public Hearing/Adoption Of 1995 Budget For The Town Of Sellersburg Cont.

President Tucker stated so our recommendation was a reduction of roughly \$30,300.00 to \$1,828,017.00 which in essence would have an effect of 2/100's of 1% on the net tax rate which is 3.79%. That's the budget as presented.

Motion made by Council Member Eddings to adopt the 1995 budget for the Town of Sellersburg as presented and seconded by Council Member Broady.

Chief Kinder asked why \$25,200.00 was cut from the police department, as you know I've been gone for the last two weeks. I don't have any exact figures, I know office supplies were cut and the other cut was on maintenance police autos. I know we have some new police cars but just today it's going to cost us \$275.00 to fix the brakes on this car. The police officers are buying some of their items out of the uniform allowance because we are low in the police equipment fund. I'd like to see some of it restored if possible.

Council Member Everitt stated, so what you're saying is shift the money from one place to the other.

Chief Kinder stated that's correct. I'm sorry I haven't had a chance to talk to Linda about this.

Clerk Treasurer Schafer stated year to date on your police maintenance auto is \$542.49, by purchasing, paying cash for one police vehicle or purchasing a lease program two, that's going to help in that area. There is a fund, the police station fund that you would be able to purchase additional supplies out of and transfer later on that \$3,000.00 into your police training.

Chief Kinder stated the police station fund is for vest and so forth. The life of the vest is four years and the town could get stuck with a \$7,000.00 bill for replacing vests.

President Tucker stated assuming that we are correct, we've found approximately seven different accounts that are not budgeted if you will.

Council Member Truman stated would you not use we, you and Linda.

Clerk Treasurer Schafer stated you have \$2,310.00 in an accident fund that you will be able to use for supplies and transfer the money in to help if you need any additional.

Council Member Truman stated when we had our hearing last Monday, I was not in favor of these cuts. First of all, I didn't think that the Chief of Police was informed, also the police department is an easy target, obviously they are the most substantial portion of our budget but it is one of the most important too and it's an expensive operation.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 5.

Second Public Hearing/Adoption Of 1995 Budget For The Town Of Sellersburg Cont.

Council Member Truman stated I feel like some of the cuts could be spread around a little bit and not in one area. For example under the town council budget, we have dues and subscriptions \$600.00, instruction and seminars \$200.00, misc. services, which I don't know what that covers for \$1,000.00, judgements and settlements of \$5,000.00 and looking at what we spent under those catagories so far this year we've spent \$87.45 under misc. services. We haven't spent anything under those other catagories. That's through June, the first six months of the year. Under the Clerk Treasurer, dues and subscriptions \$350.00, instructions and seminars \$300.00, misc. services \$2,500.00, legal publications \$2,500.00, telephone and pagers \$6,000.00, consulting services \$6,000.00, education \$600.00 and I'm just wondering, office equipment \$1,100.00. I'm just wondering what all of that money is being used for or what is it going to be used for.

Clerk Treasurer Schafer stated excuse me, I would like to clarify that. You approve everything I write a check for so I don't want any misunderstanding about that area.

Council Member Truman stated I didn't approve the budget.

Clerk Treasurer Schafer stated as far as the budget, as I recall three meetings ago I requested any council input and Mr. Truman you've hid for the past six weeks.

Council Member Truman stated that is absolutely not true.

President Tucker stated Chief, if I understand what you said, if we add \$7,000.00 back to your budget that you would be happy with that.

Clerk Treasurer Schafer stated I have an idea, I would recommend to the council that they approve the budget as is and we go to the budget hearing and etc. we can always transfer appropriations from cleaning.

Chief Kinder stated that was okay with him.

A resident asked about the tax rate.

Clerk Treasurer Schafer stated the tax rate will probably come in at 3.37 with the maximum levy .12 above the maximum levy which is your cumulative capital development fund so it will be pretty much what it was last year, maybe just slightly higher and that's due to \$90,000.00 which was a 25% match on a storm drain grant but we could either try to put up the 25% of that match to obtain \$350,000.00 back or take law suits and take all of it out of our pockets so we had no choice but to do it like that.

President Tucker stated last year we went in with a tax rate of 3.97%, what actually came out was 3.40%, in other words, we go in and they kind of toss the numbers around. We are not asking for any tax increase.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 6.

Second Public Hearing/Adoption Of 1995 Budget For The Town Of Sellersburg Cont.

Vote 4-1 with Council Member Truman voting against the budget.

Council Member Everitt stated there are two things in the budget I would like to clarify and have on record that I was opposed to. One is the raise for the Clerk Treasurer and the second is \$30,000.00 for the Town Manager and I vote to pass the budget except for those two things.

Council Member Truman stated the reason that I voted no was not because of the police department but there are other areas that I feel are over allocated and which I feel alot of areas could be cut.

1994-1995 Insurance Proposals For The Town Of Sellersburg

Mike Whalen with Hinton & Corby Insurance presented his 1994-1995 insurance proposal.

Earl Bonniville with The Montgomery Agency presented his 1994-1995 insurance proposal.

Council Member Everitt stated my only question is I was quite upset when I went down to pick up the insurance bids, they had to be in by a certain date and I picked up Hinton & Corby's and your's wasn't in the file and I don't know how it got in there but it was in the next day so I was wondering how you got into the town hall when the town hall was closed.

Mr. Bonniville stated I talked to Stan, Wednesday afternoon and I told him I could bring it down then and the office was closed, it was a little after 4:00 p.m. and he said I could bring it down now or in the morning. Is that not correct Stan.

President Tucker stated yes.

Council Member Truman stated yours was not at the town hall Wednesday night either because I was at the town hall Wednesday night.

Clerk Treasurer Schafer stated I will clarify that, I have three deputy clerks here that will state we stamped these August 17th, Wednesday and I called President Tucker at five minutes before we closed and I had not received Mr. Bonniville's bid.

Council Member Truman stated it may of been on your desk, but it was not in the box.

President Tucker stated I did receive phone calls from both. Linda did call on the 17th, it was five minutes till 4:00, I did talk to Earl on the phone and I did state that he could wait until the following morning. He said that he could do that or maybe Karl could drop them off. I did say either option is okay.

Sellersburg Town Council
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August 22, 1994
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1994-1995 Insurance Proposals For The Town Of Sellersburg Cont.

Clerk Treasurer Schafer stated you dropped them off.

Council Member Truman stated yes, that's what he asked me to do.

President Tucker stated last year we in essence opened the insurance up for bid and both of these gentlemen put in bids at that time. Just sort of my comment, my concerns last year which is still in place was something called claims made insurance. I didn't understand exactly what that meant. Basically it has to do with when claims are paid and then if you stop insurance you still have to pay an additional premium for that coverage to take place so what Earl and I'm not trying to pick on Earl, but what Earl's company does is create what they call a claims made policy and if we decide to not use Earl's then we'd still have an additional premium that we would have to pay and again maybe I'm over simplifying this. If you would like to defend it than please do. On the other side, the Hinton & Corby policy is like your automobile or homeowners policy, from January 1 to January 1, when it ends it ends. That was my concern last year and it's my concern this year. Again the only other point I would like to make is because we went through this exercise last year, Mr. Truman suggested we not go through this on an annual basis because it became very time consuming and you suggested that a committee be formed. I guess insurance people and I don't have a copy of those minutes, perhaps Linda does. I guess my suggestion is if we are going to do this and I agree with what Karl says, we have insurance that comes due at different points in time but the majority comes due in August if I'm not mistaken. If we are going to do this every year that's fine I just think we need to get a little more prepared and I think we need to get a group together, Mike, Earl and Virgil or Virgil's brother, and get a committee together.

President Tucker stated again we paid a little more money last year when we changed over to Mike, basically from what I understand the coverage is approximately the same, there are some differences as far as coverage under the uninsured motorist for example it is 500 under one and a million under the other. Again I will entertain a motion to, I'm not sure exactly how to do this but I will entertain a motion to approve Hinton & Corby Insurance and pending that answer, I will do Montgomery Agency. I don't know how to do it any different unless you have a suggestion.

Council Member Truman stated I'll make a motion to approve or accept the proposal by the Montgomery Agency. I think that there is a \$9,192.00 difference in premium and I just don't see how the town can ignore spending \$9,000.00. That is a substantial amount of money. I mean we just went through the budget issue and cuts here and there \$9,000.00 would be a substantial amount of money we could use for other things. It would replace the police training.

Motion was seconded by Council Member Eddings.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 8.

1994-1995 Insurance Proposals For The Town Of Sellersburg Cont.

President Tucker stated right now we are paying on a month to month basis if I'm correct.

Mr. Whalen stated you are not correct on that, some of the contracts have come in and some have not. The ones that have come in are paid.

President Tucker stated if it was decided to go to another agency would they be cancelled or prorated.

Mr. Whalen stated they would be cancelled in some shape or form.

Mr. Bonnaville stated I thought at the last meeting it was agreed that the insurance would not be renewed.

President Tucker stated all we did was keep insurance. I didn't renew it. I've got it going so I have insurance. I couldn't stop and say we are not insured until we make up our minds that was my decision.

Council Member Eddings stated on workers comp. there is one half million dollars per each employee and on bodily injury and only one hundred thousand on the other, is that the state guidelines.

Mr. Whalen stated mine is by the state statute.

President Tucker stated the only comment that I would like to make is that and again as I stated earlier, was the claims made policy. In 1993 we the town paid a little over \$7,000.00 to get the claims made policy and if you add that to the \$61,000.00 and you add the \$7,000.00, then the difference is between \$70,000.00 and \$68,000.00, so the difference is not that far apart.

Council Member Truman stated but if we hadn't spent an extra \$15,000.00 to switch then we would of been \$15,000.00 to the good this year.

President Tucker stated but I also think that Mike has saved us some money on various claims. I don't have the actual numbers.

Council Member Truman stated I think that \$9,000.00 is alot of money to just totally ignore, if we don't want \$9,000.00 extra in our budget and we want to spend \$9,000.00 when we don't have to.

President Tucker stated looking at it in black and white, I understand what you say, but I think there's more to it than that. I don't want to get into personalities and this type of thing but there are other things to consider other than just flat premium dollars. The companies are rated the same.

Sellersburg Town Council
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1994-1995- Insurance Proposals For The Town Of Sellersburg Cont.

Clerk Treasurer Schafer stated I have a comment. I want to say that it has been a pleasure working with Hinton & Corby Insurance, a pleasure, the paperwork and performance has been excellent.

Council Member Truman stated none of my comments are to be in any way interpreted as anything derogatory or negative to Mike or Hinton & Corby, that's not my intention at all. I think they are both good reputable local companies. That's not my intentions. I'm looking at the dollars for what I think is pretty comparable coverage. I ask all these board members individually how they can justify spending an extra \$9,000.00.

Council Member Everitt stated I've been on the board for six years and the first four years I was not satisfied with Montgomery Agency, different things happened. There were vehicles that was never put on the insurance, there was claims it seemed like that our town board at that time felt that they would of paid and did not.

Council Member Truman stated you mean like when the town board arrested Redbuck.

Council Member Everitt stated I've been happy with the Hinton & Corby and I'm not getting into detail, I don't need no law suits but that's my feeling. I felt like that there's on what he had just presented here Karl he's added a deductible of \$2,500.00, that wasn't on the one that was in the town hall the other night, right here, this has been added on since I got this out of my box yesterday. This booklet was laying in the building open where anybody that wanted to could see what Hinton & Corby proposed bid was. My vote is for Hinton & Corby.

President Tucker stated assuming there is no further discussion the motion is that the Montgomery Agency be approved and seconded by Doug. I will now ask for a vote.

Vote 2-3, with Council Members Truman and Eddings voting in favor of the Montgomery Agency and Council Members Everitt, Broady and President Tucker voting against.

Motion made to stay with Hinton & Corby Insurance made by Council Member Broady and seconded by Council Member Everitt.

Vote 3-2, with Council Members Everitt, Broady and President Tucker voting in favor and Council Members Eddings and Truman voting against.

Chief Kinder Addresses Council/Road Markings On Highway 311

Chief Kinder stated the only thing I have tonight is and I'm sure everyone has noticed the new lines on the road. All we know is the state highway department said they were going to lay them. I'm sure it will take some time to adjust. We haven't had any accidents yet.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 10.

Council Member Everitt Addresses Council/Birds In Cresten Subdivision

Council Member Everitt stated I got a call from Linda who stated Mr. Meyer from the Health Department told her about a company that had a machine that could get rid of birds. I did get a call Friday and he came right out and we met with some of the people in Cresten. He has some tapes I would like the board to see on this and maybe discuss purchasing this or some way of getting rid of these birds.

Several residents expressed concerns over the birds.

A representative from Adams Dominion, Mr. Hancock, explained the situation with the birds and possible health problems and how his company could help with this situation. He then showed a video tape showing the problem with the birds.

President Tucker stated Mr. Hancock, I'm not trying to diminish them at all, what I'd like you to do is leave the tape with us. I think we get a pretty good idea of what the problem is. I have to go home that way so I will drive by. What I suggest, I didn't hear about this until Wednesday of this week and that's when Roy called and said there was a company that had something that could control this situation. What I suggest is this I assume you have a proposal with cost and so forth.

Mr. Hancock stated the cost would range from \$15,000.00 to down around \$7,000.00.

Mr. Meyer from the Clark County Health Department stated I just wanted to back up a step here. When Linda called me last week and asked me and I'm not endorsing this company by any means. I have looked over their literature and it seems like a good product. Today I've started investigating a little more and talking with some other folks throughout the state and in Kentucky and found that they do indeed appear to be pretty reputable. I've also talked with U.S.D.A. and the animal damage control division which deals with these kinds of things. One thing I want to point out about histoplasmosis, it is in the ground almost throughout Indiana and what happens is you get the birds fertilizing the ground and leaves start to develop spores, the spores then become airborne and that's how you pick them up so whatever we do from this point forward, if the spores and histo's are already active we won't be taking care of that problem. There's nothing we can do about it. I don't think in daily lives you can expose yourself to a lot of histo unless you start stirring up a lot of dust with heavy equipment and etc.

President Tucker stated my suggestion was and I'm not trying to procrastinate but there are only so many times that you meet and so forth. Mr. Meyer, if you can get in touch with the lady from Purdue and ask her to come to the next meeting which is Sept. 12th if you could attend and in the meantime, if you could put together a proposal of what you think it's going to be.

President Tucker asked the Clerk Treasurer to put this on the next agenda for September 12.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 11.

Council Member Everitt Addresses Council/Birds In Cresten Subdivision Cont.

Council Member Everitt asked is there anyway we can help especially the one area there in Cresten.

President Tucker stated I didn't say we weren't going to do it. All I said was we have to think about it and see what their proposal is. I mean I don't have a budget that says here's \$7,000.00 to take care of this. There's more to it than that simple answer. I didn't find out about it until Wednesday of last week. We will have a meeting on this and if we can fix it we will. It didn't start last Wednesday. I know it's been there for at least ten years. I've seen them all over that area. It takes more than taking a gun up there and blowing a tree up.

Mr. Hancock stated he and the residents will get together and present a plan to the council.

President Tucker stated we have a meeting on September 12th, with the help of Mr. Meyer and Purdue University and Mr. Hancock, we will all be back here to discuss this and see if we can't find a solution.

Stephen D. Prather, Building Inspector Presents Claims

Stephen D. Prather, Building Commissioner presented his claims from August 9th through August 22nd in the amount of \$2,723.72 and stated here is a second document for a refund for Ivy Tech. They will need to come in and sign this form.

President Tucker stated the zoning appeals board on August 9th recommended that the town council refund \$625.00 to Ivy Tech, to make a long story short, they were fined \$1,000.00 by the Building Commissioner. It was agreed by that committee as sort of a legal process that the town refund \$625.00 to Ivy Tech.

Motion to approve refund in the amount of \$625.00 to Ivy Tech made by Council Member Eddings and seconded by Council Member Everitt.

Vote 4-0

Motion made to approve claims in the amount of \$2,723.72 to the Building Commissioner made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

Council Member Eddings Addresses Council/Hydrant Flushing

Council Member Eddings stated we will be flushing hydrants in Jeffersonville on Wednesday and Thursday.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 12.

Council Member Broady Addresses Council/Request From Gail Finan On Sewer Adjustment

Council Member Broady stated I have a letter from Gail Finan requesting an additional sewer adjustment. Once upon a time we gave her a sewer adjustment and since then on three separate occasions there has been some sort of a failure on the plumbing of her pool.

Clerk Treasurer Schafer asked would her insurance compensate her on this for the loss. I have referred a couple of residents who have had success with their agents.

Council Member Broady stated it's common practice to give a one time sewer adjustment on pools.

President Tucker stated I will give you my personal opinion. Several years ago my pool had a hole in it. The water leaked out and I had to fill it up several times. I paid my sewer bills.

Council Member Truman stated I feel like if it is documented why not give the lady a break.

After much discussion a motion was made by Council Member Truman to give Ms. Finan an additional sewer adjustment and seconded by Council Member Broady.

Vote 2-3, with Council Members Broady and Truman voting in favor and Council Members Everitt, Eddings and President Tucker voting against.

Council Member Broady Addresses Council/Request From Wayne Nelis On Sewer Adjustment

Council Member Broady stated this was made out to me from Wayne Nelis in Covered Bridge and he would like to know if and when he will be able to get an adjustment on his sprinkler system.

President Tucker stated we have already discussed that issue, they are not in the Town of Sellersburg so they are not entitled to an adjustment.

Council Member Eddings stated if they have two meters installed, one for sprinkling the lawn, do we still charge them for sewer.

Clerk Treasurer Schafer stated yes, because they are not Town of Sellersburg residents.

Council Member Eddings stated you'd better look at that again folks.

Clerk Treasurer Schafer stated I had the State Board of Accounts look at it and they said due to the fact it stated Town of Sellersburg residents, it did not apply to Covered Bridge.

Sellersburg Town Council
Regular Meeting
August 22, 1994
Page 13.

Council Member Broady Addresses Council/Request From Wayne Nelis On Sewer Adjustment Cont.

Council Member Eddings stated can you legally charge somebody for something they are not using, I'm talking about the sewer.

President Tucker asked Attorney McCall to look into that.

President Tucker Presents Res. 1994-25/A Res. Authorizing Town of Sburg Council President And Clerk Treasurer To Close On The Sale Of Town Real Property

President Tucker stated let me get into this real quick. To make a long story short, the two parcels of land that we just sold, one on Highway 131 and the old fire station.. We need to pass a resolution that Linda and I sign to close on the properties.

Motion made to pass resolution 1994-25 made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Claims For The Sewer, Water And Civil Departments

President Tucker presented the claims for the sewer, water and civil departments for the last two week period.

Motion made to approve the claims as presented made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-1, with Council Member Truman voting against.

Attorney McCall Addresses Council/Pixley VS Town of Sellersburg Settlement

Attorney McCall stated I've got this thing on the Pixley case, the wetland marsh deal. Regardless of what happens. It basically says we will follow one of the recommendations, meaning we don't have to to the wetland, we can either do the soiling and planting the grass or the wetland marsh deal I'm asking tonight that the town council vote to settle this case once and for all.

Motion to settle this case by one of the two options in the Pixley VS Town of Sellersburg case made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Council Member Broady Addresses Council/Sewer Adjustment R. J. Wilson Builders

Council Member Broady stated that he had been approached by R. J. Wilson Builders on possible sewer adjustments for homes that they were building. Mr. Wilson stated that they didn't use the sewer that they watered the grass and sprayed off the road and had asked him if it would be possible to get a sewer adjustment. Mr. Wilson stated that New Albany didn't charge them until after the home had sold.


President Tucker asked Council Member Broady to check the surrounding cities and see what type of procedure they use and they would then discuss it further.

Adjournment


Motion was made by Council Member Eddings to adjourn this meeting and seconded by Council Member Truman.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 8:43 p.m.




David Broady



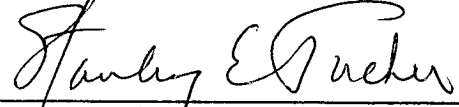
Aulton D. Eddings, Jr.



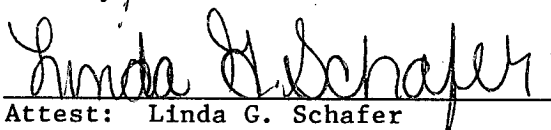
Roy E. Eyerritt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer