

SELLERSBURG TOWN COUNCIL
April 12, 1993

EXECUTIVE SESSION

An executive session of the Sellersburg Town Council was held at 5:30 p.m. at the Sellersburg Library to discuss sewer grants and claims. Those present were: Stanley Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Perry McCall, Attorney; Linda Schafer, Clerk Treasurer.

Called To Order

President Tucker called the executive session to order at 5:45 p.m.

Commonwealth Engineers Addresses Council on WWTP Update

Ed Tinkle from Commonwealth Engineers stated that the town had a month to go before we had to write the one year follow up report.

Mr. Tinkle stated that we have now received from IDEM, approval of all the change orders.

Mr. Tinkle presented to the council members a sewage works project cost breakdown which was a follow up of the Nov. 1992 cost estimate.

Mr. Tinkle stated that the project total cost was 11,853,623.43 but the actual cost and/or budget cost totaled 11,713,388.00.

Mr. Tinkle stated that inspection cost was 160,000.00 short that has not been spent in that account and will be left over but the government will get .75 cents on the dollar of the 160,000.00 which will leave the town about 40,000.00 extra.

Mr. Tinkle stated that there will be money left over in the O & M account and also the basic engineering acct. as well and the figures would be finalized at the May meeting.

Mr. Tinkle stated that we should have 140,235.19 left over when the project is complete and this figure will be low by at least 40,000.00.

Mr. Tinkle stated that when the project is over the money must be spent on project related expenses or transferred to the bond & interest account and this will need to be done by late June or early July as soon as the Town receives the final payment from EPA.

Mr. Tinkle stated in order to received final payment from EPA the final start up report must be written for the 11 month period starting June 1992 through April 1993.

Commonwealth Engineers Presents A Infiltration and Inflow Analysis

Ed Tinkle presented to the council members a follow-up report on infiltration and inflow of the WWTP.

CommonWealth Engineers Presents a Infiltration and Inflow Analysis--(cont)

Mr. Tinkle stated that he had met with Rick Wheeler, sewer supt., to obtain data from him and the only thing they see as a potential problem is the numbers showing the excessive infiltration inflow at the new WWTP.

Mr. Tinkle stated that IDEM will not except a one year follow-up report with those numbers.

Mr. Tinkle recommended smoke testing followed up by sump pump inspections to possibly find illegal connections.

Mr. Tinkle stated that he would help by drafting a letter to be published in the newspaper to inform residents that may have illegal connections.

CommonWealth Engineers Presents Claim Vouchers For Pres. Tucker Signature

Ed Tinkle presented a outlay report and request for reimbursement for construction to the council president for signature to be sent to the Indiana Dept. of Enviromental Mgnt. for partial pymt. request # 26 in the amount of 7,451.00.

Ed Tinkle also presented a claim voucher for the council presidents signature to be sent to In Dept. of Environmental Mgnt. for 2,710.00.

Motion made by Roy Everitt and seconded by Dave Broady to approve Pres. Tucker signing these documents.

Vote 3-0

CommonWealth Engineers Presents Claims

Ed Tinkle presented to the council members his claims for this meeting as follows:

CommonWealth Engineers, Inc.

Const. Eng. - Inv. #25 (Acct. #26)	149.25
Const. Eng. - Inv. #25 (Acct. #27)	25.44

Plant Start-up Inv. #12 (Acct. #32)	6,549.29
Plant Start-up Inv. #12 (Acct. #33)	1,116.59

Motion made to approve payment of claims made by Roy Everitt and seconded by Dave Broady.

Vote 3-0

Warranty Period On Sewer Installation Discussed

Roy Everitt stated that he had been contacted by residents with problems after the new sewer installation.

Warranty Period On Sewer Installation Discussed

Ed Tinkle stated that the best thing to do is to collect all the residents complaints before the warranty runs out so they will be corrected.

Linda Schafer, clerk treas., stated that she receives complaints and forwards them to John Toombs.

Refinancing of Bond Issue Proposal

Dave Fredrick, CPA, and Timothy J. Holmes, investment banker, presented a proposal to the council members to refinance the four outstanding bond issues in the water utility.

All council members agreed to allow them to proceed with the structure of cost and etc. to be presented at a later date.

Adjournment

With no further business President Tucker adjourned this executive session at 6:36 p.m.

REGULAR MEETING

A regular meeting of the Town Council following the executive session was called to order by President Tucker at 6:45 p.m. Those present were: Stanley 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 Schafer, Clerk Treasurer.

Prayer

The prayer was offered up by Father Herman Lutz.

Pledge of Allegiance

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 and requested a motion be made to accept them.

Motion made to approve minutes by Roy Everitt and seconded by Doug Eddings Jr.

Vote 4-0

Request To Build An Arbys In Sellersburg

Harry Wallace from Arbys and Terry Lancaster addressed the council with a request to build a new Arbys where the Sellersburg Lumber Co. was located on the feed mill side of Indiana Ave.

Mr. Lancaster presented the council with a set of site plans.

Mr. Lancaster stated that assuming that all the test work out they plan to take part of the Marathon Station that Wherles own.

President Tucker stated that we are in the middle of a master plan and are working with the Corradino Group as far as how we vision the Town of Sellersburg looking in the future, considering sign height, foliage, trees, and shrubs.

President Tucker asked how tall were they requesting the sign to be.

Mr. Lancaster said he would like to at least get it above the Five Stars banner which would be about 30ft.

President Tucker stated that he didn't know if this would be an appropriate height.

Motion made by Karl Truman to approve the request to build an Arbys subject to zoning board approval and seconded by Roy Everitt.
Vote 4-0

Tax Abatement Request for Ran Paige

President Tucker addressed the council with a request from Ran Paige to build a 4900 sq. ft. warehouse enclosure and receive a 10 year tax abatement on that portion only.

President Tucker stated that it would create 15 new additional jobs, 200,000.00 additional salaries.

Council member Everitt stated that he suggest that the town not give a tax abatement.

Council member Everitt stated that several years ago Ran Paige was awarded a million dollar contract to make tent tags and post for the army and at that time the Town of Sellersburg lended them 234,000.00 and they have since paid it back except for about 65,000.00.

Council member Everitt stated that when we first set up tax abatements it was for AVCO Park, and he felt if tax abatements were granted that the town might as well give one to everyone, and he was opposed to it.

Tax Abatement Request for Ran Paige

President Tucker stated that he is looking for any new construction in the future to create additional jobs, and in essence salaries for the people in the Town of Sellersburg.

Motion made by Doug Eddings Jr. and seconded by Karl Truman with further discussion of Council member Everitt asking could the town cut the 10 year abatement to a 6 year abatement.

President Tucker stated that it could be cut down to six but the request from Ran Paige was a 10 year abatement.

Vote 3-2 With David Broady and Roy Everitt voting against and Karl Truman and Doug Eddings voting for a 10 year abatement for Ran Paige on their building only and President Tucker voting to break the tie in favor of the 10 year abatement.

Petitions Or Comments From Those Citizens Present

Harold Sullivan stated that his water bill was extremely high and he had requested to have his meter changed out.

Mr. Sullivan stated that he figured out his water bill to be high one month and low the next but he calculated that he was using 8,200 gallons per month.

Mr. Sullivan stated that he and his wife both worked and he figured that he would have to be using 265 gallons per day, and after the third time he is getting his meter changed out.

Mr. Sullivan stated that he was at the water co. last month due to his heating elements on his hot water heater with rust in the filter that had been changed within the past 30 days.

President Tucker stated that February the water bills were estimated due to weather conditions and last month actual readings were taken.

President Tucker suggested to let the water co. change out the meter and look at it next month.

Linda Schafer, Clerk Treas., stated that a review on Mr. Sullivan's acct. had been made and the meter readings and billings were correct.

Clark Henson stated that the rust is coming from a riser at the property and would not go through the meter.

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Petitions Or Comments From Those Citizens Present

Harold Sullivan presented the council members with pictures of trash in several areas on the out skirts of the Town of Sellersburg.

Council member Everitt stated that none of the propertys mentioned by Mr. Sullivan were in Sellersburg.

President Tucker recommended that since the properties were not located in the Town of Sellersburg that Mr. Sullivan call the health dept. or EPA.

Public Hearing On Pro-Laminators Being Residents of AVCO Ind. Park

Sheila Raines from Pro laminators addressed the council stating that her company wanted to locate into the AVCO Industrial Park and she had sent out certified letters to the residents in that area notifying them of the meeting/public hearing.

President Tucker asked if anyone was present for the public hearing for Pro Laminators and there was no reply.

President Tucker stated if not, since there was no one, Mrs. Raines request was approved since the council had previously approved her request from the council members.

Sewer Hook-up Time Extension Request

Ms. Stewart addressed the council with a request for an extension on the time to connect on to the sewer.

Ms. Stewart stated that her and her husband had been out of work and she cannot afford to pay the sewer tap-in fee.

President Tucker extended the time till May 31st, 1993 and stated that for all people who have not connected on that the town can hook them up and in essence bill the resident for the work.

President Tucker stated that it would be best if the resident try to connect on by May 31, 1993.

Sewer Hook-up Problem

Mr. Odell, who owns the properties at 511 and 515 E. St. Joe Road, addressed the council concerning sewer hook-up requirments.

Mr. Odell stated that he was told if his house was a certain distance from the street he would not have to connect on to the sewer line.

Mr. Odell stated that he had a gentleman come out and barter with him on how much money the Town of Sellersburg would pay him for a lift station.

Mr. Odell stated if he could bater money that he was an agent for the Town of Sellersburg.

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Sewer Hook-up Problem (cont.)

Mr. Odell stated that he had no problem with hooking up the residence at 511 but he has put alot of money into a septic system and would like to get some return.

Attorney McCall asked if Mr. Odell had any correspondence from the trans- action.

President Tucker ask Mr. Odell to find the information and that Attorney McCall would take a look at it.

Sewer Back-Up Problem

Mrs. Mastison addressed the council members on damages to her basement due to two sewer back-ups in her basement.

Mrs. Mastison presented the council with pictures and stated that the town had put in a pressure tank to blow out the main line causing raw sewage to come up in her basement.

Mrs. Mastison stated that she had a completely ciled basement and the tile was comming loose in her basement, two 24inch cabinets are water damaged, a vanity in her basement bedroom water damaged, one quilt, one bedspread and two blankets that are damaged that she had to throw away.

President Tucker requested that Mrs. Mastison give the information to him and he would pass it along to the insurance company.

Request To Hire An Additional Employee/ Sewer Dept.

Dave Broady, Council Member over the Sewer Dept., stated that he was changing the Sewer Dept. where there will now be a split crew.

One crew would be to handle complaints and maintance on the sewer lines on a constant basis and the other crew would be responsible to maintain the Sewer Treatment Plant.

Council Member Broady stated that he wanted to hire another employee.

Dave Broady made motion to hire another employee for the Sewer Dept. giving first option to current employees who would like to apply for the job, and this motion was seconded by Roy Everitt.

Council Member Truman stated that at one time we did say that jobs would be opened up to the public to town employees first and we also said to go outside that it would have to be advertised.

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Request To Hire An Additional Employee/Sewer Dept.

President Tucker stated to move an employee from the Street Dept. to the Swere Dept. was internal, but to replace the Street Dept. employee Mark Warren, Street Superintendent will need to prepare a job description to be advertized in the newspaper.

Council Member Truman asked if the application had been reviewed to make sure the town complied with ADA.

President Tucker stated that the application had been reviewed.
Vote 4-0

Vice President Gives Information on Sale of Sewer Dept. Materials

Vice President Broady stated to the council members and public that sealed bids were going to be taken for pumps, valves, and piping at the old WWTP.

Vice President Broady stated for inspection of these materials to call the WWTP.

Council Member Gives Information On Recycling In Clark Co.

Council Member Everitt stated that he had placed folders in the council members box for review on county wide recycling.

Council Member Everitt stated that there is a meeting scheduled for April 20th, 1993 at 5:30 p.m. and the Clark County Commissioners would like for all council members and Presidents of towns and cities to be there to give their input and also have a county ordinance on recycling and their looking at a certain fee.

Mr. Everitt stated that each home in Clark Co. will receive a 18 cubic ft. plastic container to put recycles in.

Council Member Discusses Natural Drain

Council Member Everitt stated that over the hill where there talking of putting a road going back on New Albany St. at Another Carper Co. the storm ditch goes through there.

Council Member Everitt stated that he didn't know if they are planning on filling that in or what, but they are cutting alot of wood down and Council Member Everitt suggested that someone needed to tell them that there is a natural drain there.

Vice President Broady stated that they had come to the planning commission meeting.

Council Member Everitt stated that he was not aware of this.

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Clerk Treasurer Presents Claims For This Meeting

Linda Schafer, clerk treasurer, presented to the council members claims for the first two weeks of April.

Motion made by Doug Eddings Jr., to approve claims and seconded by Roy Everitt.
Vote 4-0

President Tucker presented to the council members a bill from Attorney McCall to be approved by the council in the amount of 12.00 for out of pocket recording fees.

Motion made by Doug Eddings Jr. to approve claim and seconded by Dave Broady.
Vote 4-0

Clerk Treasurer Addresses Animal Registration In Sellersburg

Linda Schafer, clerk treasurer, stated that the animal registration in Sellersburg was the month of March.

Ms. Schafer stated that there have been only a little over 100 animals registered and she feels that there are alot more that need to be registered.

She would like to notify the public through the news media to register their animals if they have not yet done so.

Council President Discusses Appropriation Of CCD Fund

President Tucker stated that he had received a suggestion from Clerk Treasurer Schafer to appropriate the CCD Fund as follows:

12,200.00 - two Police Dept. vehicles
7,520.00 - John Deer Tractor/ Street & Sanitation Dept.
8,100.00 - 1993 Ford, f-250 / Street & Sanitation Dept.
3,180.00 - roof repairs at Town Hall garage
31,000.00

Vice President Broady asked if this could be taken under advisement.

Clerk Treasurer stated that it took along time to prepare the paperwork to apply for additional appropriations and even though the supervisors might mind she did not have a problem with waiting.

Council Member Everitt made a motion to go on and allow the clerk treas. to start working on the additional appropriation and this was seconded by Doug Eddings Jr.
Vote 4-0

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Attorney McCall Presents Ordinance 93-556/ Annexation Area K

Attorney McCall presented to the council members Ord. # 93-556 an ordinance concerning the annexation of the adjacent and contiguous territories located in the area or Diamond Hgts.

Motion made by Doug Eddings Jr. to approve this ordinance and seconded by Karl Truman.
Vote 4-0

Attorney McCall Presents Ordinance 93-557/ Annexation Area I

Attorney McCall presented to the council members Ord. # 93-557 an ordinance concerning the annexation of the adjacent and contiguous territories in the Poindexter Road Area.

Motion made by Doug Eddings Jr. and seconded by Karl Truman to approve this ordinance.
Vote 4-0

Attorney McCall Presents Ordinance 93-558/ Annexation Area M

Attorney McCall presented to the council members Ord. # 93-558 an ordinance concerning the annexation of the adjacent and contiguous territories in the area of Ivy Tech and Hwy 60.

Motion made by Karl Truman and seconded by Doug Eddings Jr. to approve this ordinance.
Vote 4-0

Attorney McCall Presents Ordinance 93-559/ Annexation Area C

Attorney McCall presented to the council members Ord. # 93-559 an ordinance annexing property of AVCO Leasing, Inc., Auto F. and Ethel Koehler, Robert H. and Louise Anderson, and James E. and Bonnie Hawn.

Motion made by Dave Broady and seconded by Karl Truman to approve this ordinance.
Vote 4-0

Attorney McCall Presents Ordinance 93-560/ Annexation Area B

Attorney McCall presented to the council members Ord. #93-560 an ordinance annexing property of the Wells family.

Motion made by Doug Eddings Jr. and seconded by Dave Broady to approve this ordinance.
Vote 4-0

Attorney Request Approval of Agreement/HNTB Architech Planners

Attorney McCall request the approval of the agreement and payment not to exceed 2500.00 for expertize HNTB architech planners in Indianapolis that will be used in pending litigation of Pixley VS Town of Sellersburg.

Motion made by Dave Broady and seconded by Doug Eddings Jr. to approve this request.
Vote 4-0

Attorney McCall Presents Settlement Agreement/ Bean Rd. Remonstrance

Attorney McCall presented to the Council members a settle agreement in reference to the Bean Road Remonstrance.

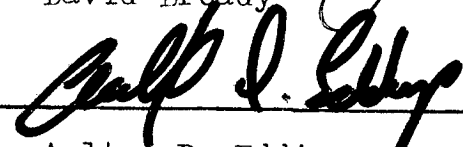
Motion made by Doug Eddings Jr. and seconded by Dave Broady to approve this agreement.
Vote 4-0

Adjournment


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



David Broady



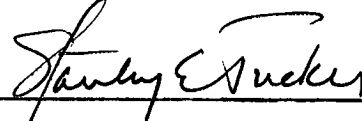
Aulton D. Eddings Jr.



Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

April 26, 1993

REGULAR MEETING

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

Called to Order

The meeting was called to order by President Tucker at 6:35 p.m.

Prayer

The prayer was offered up by Rev. Fred Reed.

Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited.

Fire Chief Addresses Council on Insurance

Mark Ball addressed the council members stating that he had talked with the commercial risk division of the insurance service office in Indianapolis.

Mr. Ball stated that they are scheduled to come down to do another rating on the fire dept., the town water system, and alarm systems in order to get another decrease in insurance premiums here in town.

Mr. Ball stated that right now we have the best rating you can get for residential, but from this point on it could get a little better on residential, but much better for businesses and the big question they have is the second water tower, it is their understanding and his that possibly its going to be taken down or out of service for a while for cleaning or some sort of repair and he doesn't want the insurance company down here when we have half a water system, this could be a big factor.

Mr. Ball stated that he came to the council to see if he could't get something together and he would like to know something as soon as possible.

President Tucker stated that the town was going to have to lower some water lines on Holmans Ln. and this will not be until the fall.

President Tucker stated that is traditional with what happens with the water tower here in town, but nothing will happen until at least fall.

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Fire Chief Addresses Council On Taxes

Mark Ball addressed the council stating that he is alittle concerned about receiving calls from people calling him wanting to know why their tax rate went up something like .75 cents, and he can't change the fact that it did but what he is getting is that town officials are telling them its because the fire dept. got a big tax increase and that is simply not true.

Mr. Ball presented to the council members a chart of averages and percentages of where the tax dollars go as follows:

- 55% School
- 16% County
- 13% City/Town
- 8% Welfare
- 4% Fire District
- 3% Library
- 1% Other(Township, State Fair Board and State Forestry)

Mr. Ball presented to the council a comparison of tax increases from 1991-1993 as follows:

	1991	1993	Increase
Sellersburg Fire Prot. Dist.	\$0.6414	\$0.6486	\$0.0072
Town of Sellersburg	\$1.9849	\$2.9902	\$1.0053
West Clark School	\$3.8406	\$4.2765	\$0.4359
Clark Co. Budget by Co. Council	\$2.0161	\$2.2260	\$0.2299
Silver Creek Twp. Trustee Budget	\$0.0974	\$0.108	\$0.0106

Mr. Ball presented figures comparing the actual cost to taxpayers of Sellersburg for services in 1993 as follows:

Sellersburg Police Dept.	\$514,185.00
Sellersburg Police Penson Fund	\$ 42,183.00
Town Clerk Treasurer's Budget	\$254,994.00
Sellersburg Street & Sanit.	\$245,598.00
Sellersburg Fire Dept.	\$186,268.00
Sellersburg Parks & Recreation	\$ 71,895.00
Sellersburg Town Council' Budget	\$ 14,398.00

Mr. Ball presented to the council members a comparison of actual cost of fire protection in Clark County as follows:

Town	1993 Budget	Pension	Cum. Cap. Fund
Charlestown	\$164,504	0	0
Sellersburg	\$186,268	0	\$2000.00
Monroe Township	\$154,036	0	0
Silver Creek Twp.	\$159,571	0	\$2000.00
New Washington	\$ 89,350	0	0
Union Township	\$ 76,531	0	\$1000.00
Carr Township	\$ 68,598	0	\$1000.00
Clarksville	\$1,882,029	\$191,540	\$60,000.00
Jeffersonville	\$1,818,407	\$763,875	\$60,000.00 est.

Fire Chief Addresses Council on Taxes (Cont.)

Mr. Ball presented to the council the following comparisons on census, square miles of areas protected, number of fire stations operated, number of firefighters, both paid and volunteer, fire insurance rates for homeowners based on fire dept. rating:

1990 Federal Census lists the following populations

Jeffersonville	21,000
Clarksville	19,000
Sellersburg Fire Prot. Dist.	17,000

Total number of square miles of areas protected

Jeffersonville, Clarksville, Jeff twp. combined.....	22 sq. mi
Sellersburg Fire Prot. Dist.....	62

Total number of fire stations operated

Jeffersonville	3
Clarksville	3
Sellersburg Fire Prot. D	3

Total number of firefighters, both paid and volunteer

Jeffersonvl	45 paid	0 volunteers
Clarksville	32 paid	25 volunteers
Sellersburg Fire Prot. Dist.	5 paid	72 volunteers

Fire insurance rates for homeowners based on fire dept. rating were all three the same.

Mr. Ball presented to the council a copy of a tax statement of Paul and Victoria Weaver and stated that on Allstate insurance for example had netted them a savings of 206.00 on their insurance.

Mr. Ball presented to the council insurance costs from Montgomery Ins. Co.

Mr. Ball stated that he wanted to get this information in the councils hands so if your asked questions they have something to come back with.

President Tucker asked if anyone had any questions and thanked Mr. Ball and stated that this took some effort and it was good information.

Request To Be Annexed Into The Town of Sellersburg

Harold Dean requested to be annexed into the Town of Sellersburg and presented three petitions of request for he and his neighbors.

Motion made by Roy Everitt and seconded by Dave Broady to approve the request.

Vote 4-0

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Request To Place Advertising Benches In Sellersburg

Mike Cozzin addressed the council members with a request for permission to place his advertisement benches in the Town of Sellersburg.

Mr. Cozzin stated that he had recently opened a bench board advertisement business.

Mr. Cozzin stated that as of now he has them in Clarksville, New Albany, Jeffersonville, Scottsburg and Corydon.

Mr. Cozzin stated that recently he had got with the county council and received permission to place them in the county.

Mr. Cozzin stated that he was fully insured with Commerce America.

President Tucker stated that he assumed Mr. Cozzin sold the advertising space locally, but where is it determined where they set.

Mr. Cozzin stated that he was very cautious where they are placed, not to close to the curb and stated that it was a community service.

Mr. Cozzin stated that he was covered with insurance and he maintains and repairs any damage to the benches.

Mr. Cozzin stated that if for example he places a bench on store property he would get permission from the store owner.

Council Member Everitt asked if they would be placed as to block views from seeing.

Mr. Cozzin stated no.

Council Member Truman asked if any municipality receives compensation or fees, such as permit fees.

Mr. Cozzin stated no.

Steve Prather stated that per town ordinance we do have an ordinance to charge permit fees on signs of \$15.00 for a 12 month period.

Motion made by Dave Broady and seconded by Roy Everitt to approve Mr. Cozzins request.

Vote 4-0

Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and stated that the correction on page 5 had been made and he requested a motion be made to accept them.

Motion made to approve minutes from last meeting made by Doug Eddings Jr. and seconded by Dave Broady.

Vote 4-0

Part-Time Dispatcher Hired

Chief Kinder stated that he had hired a part-time dispatcher to fill the vacancy and the new employee was Tammy McCurdy.

Information On Hepatitis-B Classes

Steve Prather stated that he wanted to report that the hepatitis-B classes went off last week and we are waiting on the serum to come in.

Mr. Prather stated that the shot dates were set as follows provided that the serum comes in:

Monday 11:00 a.m. - 1:00 p.m.
Wednesday 1:00 p.m. - 3:00 p.m.
Friday 10:00 a.m. - 11:00 a.m.

Mr. Prather stated that the Clerk Treasurer would get a notice to the supervisors provided the serum arrives.

Mr. Prather stated that this would bring us in compliance with the blood born pathogen program.

Building Commissioner Presents Claim For Approval

Steve Prather presented to the council members for approval his claims for the period of March 23 thru April 26, 1993 in the amount of 1,194.75.

Motion to approve claim for payment was made by Karl Truman and seconded by Doug Eddings Jr.

Vote 4-0

President Tucker Presents Information of Codification of Ordinances

President Tucker stated that he would like to mention that the town was having all their ordinances recodified and the clerk treasurer had talked with Kathleen Farrand and she stated that we should have that completed by the end of June.

Clerk Treas. Schafer stated that Ms. Farrand was correcting the original proof sent to the town and also adding ordinances passed since that time.

Council Member Broady Addressed Council on Unused Vacation Time

David Broady, council member, addressed the council members stating that the sewer superintendent, Rick Wheeler, had eight (8) days of unused vacation time that he wished to sell back to the town.

Motion made by Dave Broady and seconded by Karl Truman to allow Mr. Wheeler to sell his vacation time back to the town.

Vote 4-0

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Council Member Request Agenda For SC Jr. High Gifted & Talented

Roy Everitt, council member stated that Silver Creek Jr. High School Gifted and Talented would like to address the council members and requested that the clerk treasurer place them on the next meetings agenda May 10th.

Linda Schafer, clerk treasurer, stated that the agenda was full until June.

President Tucker stated to sneak them on.

Corrected Information Given on Heptitus-B Shots

Steve Prather stated that he had found the schedule of the dates set for the Heptitus-B shots as follows:

Monday, May 3rd. 1:00 p.m. - 3:00 p.m.
Wed. , May 5th. 11:00 a.m. - 1:00 p.m.
Fri. , May 7th. 9:00 a.m. - 10:00 a.m.

Request To Set Out Dumpsters For Spring Clean-up

Council Member Everitt requested for the council to approve him to set out dumpsters approximately the third week of May for spring clean-up.

All council members agreed to allow dumpsters to be set out for spring clean-up.

Clerk Treasurer Presents Claims For This Meeting

Clerk Treasurer, Linda Schafer, presented claims for this meeting for approval of the council members.

Motion made by Doug Eddings Jr. and seconded by Roy Everitt.
Vote 4-0

Resident Discusses Agenda And Annexation

Jim Barnett, resident asked the council if people had a chance to comment from the floor or if President Tucker went by so fast he didn't hear.

President Tucker stated that people who were already designated to be on the agenda to make their comments tonight were already called upon.

Mr. Barnett stated that he had asked to be on the agenda and now President Tucker was going to slip someone ahead of him.

President Tucker stated that he was not slipping anyone ahead of Mr. Barnett.

Resident Discusses Agenda And Annexation (Cont.)

Mr. Barnett stated that President Tucker had put someone on the agenda in front of him.

President Tucker stated, you mean the Jr. High School kids.

Mr. Barnett stated that he didn't care who they are.

Mr. Barnett stated that he had requested to be on the agenda because he doesn't wish to be annexed.

Mr. Barnett stated that they had less than three people per acre out there.

Mr. Barnett asked if there could be recreation furnished in Hamburg right away.

President Tucker stated, not right away.

President Tucker stated that there was a new park going in.

Mr. Barnett stated that he was talking about on the other side of I-65.

Mr. Barnett stated that they haven't received town services except the last couple or three years and Speed has received the town's services for the past 30 years, and why is Hamburg being annexed before Speed, was it politics.

President Tucker stated that there were no politics when your trying to complete configuration before the comprehensive plan.

President Tucker stated that they went through a process of determining who we wanted to annex in the next process of time and it is our intention that Speed will be annexed but it doesn't happen to be first.

President Tucker stated that the town has discussed as far as how the comprehensive plan was going to work and the town chose to fill in the gaps on the west side first and then look into the Speed area.

Mr. Barnett stated that he had 51% of the people in that area against annexation.

President Tucker stated that when it is presented it will be addressed.

Mr. Barnett stated that the town will not let them on the agenda.

Resident, Timothy Sells, spoke up and stated he wanted to get on the agenda to stand up and talk to the council.

President Tucker stated that he was on the agenda for May 10th.

Mr. Sells asked if the town had the second reading of the annexation tonight.

Resident Discusses Agenda And Annexation (Cont.)

Attorney McCall stated that the annexation ordinance has already been passed.

Mr. Sells stated that he thought it had to be read three times.

Attorney McCall stated not the annexation ordinance.

Mr. Sells stated that he would be there May 10th with a lawyer.

Attorney McCall stated if Mr. Sells doesn't want to be annexed a remonstrance can be filed.

Attorney Addresses Maple Manor Being Double Billed

Attorney McCall asked if any of the council members got the letter from Earl Mullins regarding Maple Manor being double billed.

Attorney McCall stated that it was his understanding that someone needed to respond to this.

Attorney Addresses Stop Sign At N. Fern and Adkins Ct.

Attorney McCall addresses a stop sign at N. Fern St. and Adkins Ct.

Attorney McCall stated that his suggestion is to ask the Dept. of Trans. to evaluate the area to see if there is a need for a stop sign.

Roy Everitt, council member, stated that the only way they would do this is on a State Hwy.

President Tucker asked Chief Kinder if there was any way to do a car count to see how many cars go through that area.

Chief Kinder stated that they did do a radar check down through there and issued two warning tickets.

Roy Everitt, council member, stated that since the council gave Mr. Sells a few minutes of the councils time could they give Wilma Beckmann a few minutes also.

Ms. Beckmann stated that the other night there were 35 cars that left the park and when they did they came speeding up the road with a 20 mph speed sign that was completely ignored until they saw her out there with a clip board.

Ms. Beckmann stated that there needs to be a sign when they come out of the park.

Sellersburg Town Council
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Attorney Addresses Stop Sign At N. Fern and Adkins Ct. Cont.

President Tucker stated that at one time it was his understanding that they did have a stop sign at N. Fern and Adkins Ct. and if he understands that some residents petitioned to have that stop sign removed.

Mark Warren stated that he lives up there too and a police officer came up there and when he left more cars came up through there at about 45 MPH.

Mr. Warren stated that they were inconsiderate jerks.

Mr. Warren stated that there are kids that play up through there.

Council Member Everitt stated that he set on his fathers front porch the other evening and they were not stopping at the stop sign.

Council Member Everitt stated that there was going to be a bad accident.

Chief Kinder stated that officer Meyer spent 35 minutes on that street and didn't write his first ticket.

Chief Kinder stated that an officer could not be there full time and he can't hide every place they want him to hide.

Mr. Warren suggested writing a letter to the editor requesting them to slow it down because children play in that area.

Chief Kinder asked if there was a plan.

President Tucker stated that he had talked to Mr. Gohmann and Mr. Gilbert and they are trying to develop a plan where there would be a back way to and from the park to eliminate Fern St.

Mr. Warren asked if this would be at the expense of the taxpayers.

President Tucker stated that in this case it would be Mr. Gilbert and Mr. Gohmann.

President Tucker stated his suggestion would be a speed bump but one can't be placed on a city street.

Roy Everitt asked Chief Kinder what he would do if someone gave him a license number of a speeder.

Chief Kinder stated that a citizen has the right to sign the affidavit but if it is the wrong license number that person could be sued.

President Tucker asked if the area could be patrolled more often.

President Tucker stated that attorney McCall will look into speed bumps for that street and look into putting a stop sign there, one or the other.

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Resident Addresses Agenda Request

Don Brown, resident, addressed the council President with a request to be placed on the May 10th agenda also to speak on annexation.

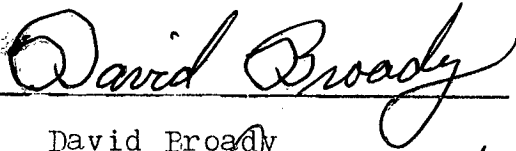
President Tucker stated that this agenda was filled up, but he would be placed on the next agenda on May 24th.

Linda Schafer, clerk Treas. stated that this agenda was also full.

President Tucker stated to place Mr. Brown on that agenda anyway.

Adjournment

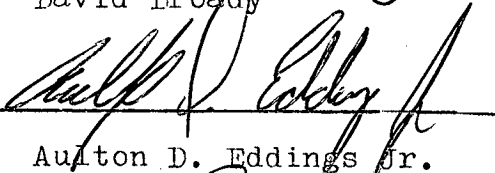
With no further business this meeting was adjourned by President Tucker at 7:30 p.m.



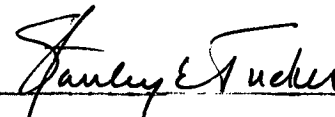
David Broady



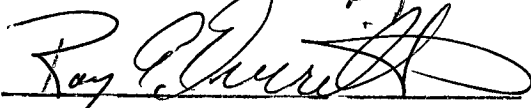
Karl Truman



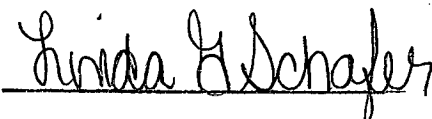
Aulton D. Eddings Jr.



Stanley E. Tucker



Roy E. Everitt

Attest: 

Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL
May 10, 1993

SPECIAL MEETING

A special meeting of the Town Council was held at the Sellersburg Library at 5:30 p.m. to discuss the sewer project. Those present were: Stanley Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treasurer.

Called to Order

The meeting was called to order by President Tucker at 5:44 p.m.

Commonwealth Engineers Presents Information on Sewer/Smoke Testing

Ed Tinkle from Commonwealth Engineers presented to the council members a letter and stated that he talked to IDEM and they want the one year certification report on the sewage works project submitted to them as soon as possible after the June 14th meeting.

Ed Tinkle stated that his company will probably have it in draft form for Rick Wheeler, sewer Supt., to review within the next two weeks.

Mr. Tinkle stated that essentially it was a summation of all the things that have been going on at the WWTP.

Mr. Tinkle stated that one thing that the report is going to show is that during rain events the plant is experiencing high inflow and most of the high inflows are during the rain events or immediately there after.

Mr. Tinkle stated that its not only exceeding the peak design of the plant on such days but exceeding the average design of the plant.

Mr. Tinkle stated as he indicated at the last meeting is getting out and getting a smoke test done.

Mr. Tinkle stated that in talking with Rick Wheeler, it is somewhat narrowed down and doesn't appear to be anything on the West side of the interstate or anything on the new construction so it isolated itself back to the old sewer system north of the high school pumping station to start doing the smoke test.

Mr. Tinkle stated that Smith Const. had found a hole in the sewer in the vicinity of the pool.

Mr. Tinkle stated that he had talked to Kerry Smith and Mr. Smith indicated that they did not see a hole but they did observe alot of flow coming up from the area of the swimming pool so that would be an area to test first and if necessary to do some dye testing.

Mr. Tinkle stated that the approximate cost of smoke testing would be about .20 cents per foot and this fee would include taking pictures, prepare a notification letter for Perry McCall to review and send out to property owners in violation.

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Commonwealth Engineers Presents Information on Sewer/Smoke Testing (cont.)

Mr. Tinkle stated that he had talked to IDEM and providing the town has to smoke test all 100,000 ft. of mainline the cost would be 20,000.00.

Motion made by Roy Everitt to authorize the smoke testing and seconded by Dave Broady.
Vote 2-0

Commonwealth Engineers Prepares News Paper Release

Ed Tinkle, from Commonwealth Engineers presented to the council members a news release as follows:

At Their June 14, 1993 town council meeting, the town council of the Town of Sellersburg will be approving their one year project certification report for the Wastewater Collection System and Treatment Facilities Project.

The Sanitary Sewer and Wastewater Treatment Plant facilities were substantially completed June 6, 1992 and placed into operation. Although the plant is consistently meeting its NPDES discharge permit limitations, influent flows to the plant have, during wet weather conditions, exceeded both average and peak design conditions. It is suspected that the system still contains several illegal connections of inflow sources, i.e., roof drains, yard drains, sump pumps, etc. These services of illegal flow must be removed from the system, therefore, the Town is proceeding with a smoke testing program to locate any such services. The town council also urges all residents to immediately remove from the system any sump pumps that are introducing groundwater or rainwater into the sewer system. The town's sewer use ordinance specifically addresses such sump pumps as illegal connections to the system.

Anyone knowing of any illegal connections to the sewer system should report them to Mr. Rick Wheeler, Wastewater Superintendent, at (812) 246-8066.

Mr. Tinkle requested that this above notice be published immediately.

Mr. Tinkle stated that he was concerned about false alarms at the Sellersburg Fire Dept. due to the smoke testing.

Mr. Wheeler, sewer supt., will give notice to the fire dept. as to when the testing will start.

Roy Everitt, council member, stated that he didn't know how the old ordinance reads to empty water out of basements out of sump pumps, but it should be addressed to be released out in the back yard and not in or on the street.

Mr. Tinkle stated that is something that Attorney McCall may want to do on an ordinance in reference to the sewer use ordinance.

Mr. Tinkle stated that all sump pumps are not illegal, for example if a

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Commonwealth Engineers Prepares News Paper Release cont.

shower in the basement has a sump pump to pump up water, this is legal, but if it has a foundation frame on it, its not.

CPA Addresses Council on Bond Issues

Dave Frederick, from H.J. Umbaugh & Associates, addressed the council in reference to refinancing the four outstanding WaterWorks Revenue Bond Issues.

Mr. Frederick stated that at a previous meeting he had presented to the council two (2) options put together by Raffensperger, Huges & Co. Inc. one was to pay the bonds off early and keep the payments the same and the other was to reduce the payments.

Mr. Frederick stated that in analyzing the revenues, obtained from the water utility that he recommended that the town reduce their payments. What this will do is stall any need for a rate increase.

President Tucker stated that it was basically the same one they had talked about before, the first assumption was that it was generating enough income to pay the 125% monthly payments as it was suppose to be and due to some change in the number of people using the water its not paying enough to pay the bond at 125%.

President Tucker stated that our option is to reduce the annual payment 30,000, which will over a 17 year period will save the town over 300,000 dollars.

Attorney McCall asked Dave Frederick if he had found where the discrepancy was in the number of water customers.

Mr. Frederick stated that he thought that in the records it showed that the amount of customers have been reduced.

Mr. Frederick stated that he felt that some of the figures originally used were not accurate.

Attorney McCall stated that he had the parameter ordinance and also the escrow agreement and he has looked it over to make sure the language is used across the board.

Mr. McCall stated that he had compared it to the one the Town of Clarksville used and it was almost identical except for some of the language bearing interest rates, cost of the issue, dates & such.

Mr. Frederick stated that this was a parameter and that a savings report will be presented at a later date.

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CPA Addresses Council on Bond Issues Cont.

Attorney McCall stated that the only other thing about the passage of the bond ordinance is that you need unanimous consent of the board members present in one motion to consider this and another motion to adopt it or not.

Attorney McCall informed the town council members that Ice Miller Donadio and Ryan will be the bond attorneys, Raffensperger, Hughes & Co. will be the underwriters and H.J Umbaugh & Associates will be the financial advisors for the new bond issues.

Consulting Engineer Addresses Council on Sewers/Essroc

John Toombs, consulting engineer addressed the council members stating that Essroc wanted to get on sewers.

Mr. Toombs presented to the council a Essroc package.

Mr. Toombs stated that Essroc sent a map and a drawing explaining how many of their facilities need to get on and based on the square footage he presented the council with a letter.

Mr. Toombs stated that out in that area everyone use to be on Essroc's septic tanks, now there are 10 or less people who still aren't on the sewers. Three of which the town will need to build new sewers.

Mr. Toombs stated that when it was originally discussed everyone wanted to give Essroc a break on their tap-in fee, but frankly Mr. Toombs stated he felt the numbers were appropriate and not to high.

Mr. Toombs recommended that they be charged 6496.88 for the Essroc complex and 1,125.00 for the C.T. Hertzsch complex.

Mr. Toombs stated that Essroc had prepared a letter to notify its neighbors that they need to get on sewers he recommended that Rick Wheeler identify the houses that are not hooked to sewers and give out these notices.

Vice-President Broady stated that the town needed to obtain easments from those occupants residing in the 10 houses not connected.

President Tucker requested that Rick Wheeler and John Toombs check on obtaining easements and for Rick Wheeler deliver the notices from Essroc, within a two week period.

Consulting Engineer Addresses Council on Holmans Ln. Water Line

John Toombs, consulting engineer, stated that in reference to the lowering of the Holmans Ln. water line, he had talked with the state and they do not have this set up for even October.

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President Tucker Addresses Sewer Problems list

President Tucker asked if Smiths Const. time has run out in May in reference to repairs due to the sewer lines being laid.

Mr. Toombs stated that this will be June 6th.

President Tucker asked if there was a list being made for this.

Vice President Broady reminded everyone to include Carl Broughton on this list.

President Tucker stated that John Toombs went out to Jim Barnetts residents and could not find a problem.

Rick Wheeler stated that the street dept. checked this also and could not find it.

Vice President Broady stated that it was a dip in the pavement.

Consulting Engineer Discusses Easement/ Collier Property

John Toombs, Consulting Engineer, stated that he has provided Attorney McCall with an easement Platt description for Mr. William Colliers property.

Mr. Toombs stated that he had talked to Attorney McCall about getting an easement along this property and the telephone co. property out to the street in front to put a sewer pipe in and to get a temporary const. easement to remove the old pipe.

Executive Session

The following topics were discussed in an executive session among the town attorney and council members:

Jim Pennington/ Diefenbach Rd. Water Line
Street Supt. Salary
Building Commissioner/ Behavior

Adjournment

With no further business the special meeting/executive session was adjourned by President Tucker at 6:15 p.m.

REGULAR MEETING

A regular meeting of the Town Council was held at the Sellersburg Library at 6:30 p.m. following the special meeting and executive session. Those present were: Stanley Tucker, Council President; David Broady, Council

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Regular Meeting (cont.)

Vice-President; Doug Eddings Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treasurer.

Called to Order

The meeting was called to order by President Tucker at 6:33p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge of Allegiance

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 and requested a motion be made to accept them.

Motion made to approve minutes of last meeting by Roy Everitt and seconded by Doug Eddings Jr.
Vote 4-0

Ron Mitchell/Request to Build Taco Bell

Ron Mitchell addressed the council members with a request to build a TACO Bell Restaurant adjacent to Chris O'neals property at the junction of I-65 and 311 on a site owned by Ken & Helen Hecker.

Mr. Mitchell presented to the council a site layout.

Mr. Mitchell stated that the Taco Bell people are two local franchises that have their office next to Virgil Bollys office in Sellersburg.

Mr. Mitchell stated that they operate four other Taco Bells in Southern Indiana areas of Tell City, Scottsburg, Seymour, Madison.

Mr. Mitchell stated that the entrance would be a common share between Dairy Mart and Taco Bell and there would be an entrance from the back to ease the traffic out of the site.

Mr. Mitchell stated that there will be three small directional signs on the property to help traffic flow in and out and through the drive thru.

Mr. Mitchell stated that the identification sign in the green area will be very similar to Burger King as far as size.

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Ron Mitchell Request To Build Taco Bell(Cont.)

Mr. Mitchell stated that the sign would be a 50ft. in height with 240 sq. ft. of face.

Mr. Mitchell stated that the perimeter will be landscaped similar to Burger King.

Mr. Mitchell stated that the DRIVE -thru window there will be eight stacks in reference to car capacity.

Mr. Mitchell stated that the building would be set back 150 ft from the Hwy to allow for widening at some future time.

Mr. Mitchell stated that the Taco Bell Bldg. has the stucco wood frame, clay tile roof and it will be 36' by 64', 2300 sq. ft. and will seat 105 people.

Mr. Mitchell stated that Taco Bell plans to hire 50 full and part-time with six management staff and they have stated that they will hire local residents.

Building Commissioner Prather stated that the maximum height of a sign in Sellersburg is limited to 25 ft.

Mr. Prather stated that it was 20 ft. if its 5 ft. off the roadway and one ft. additional height for every foot back.

Mr. Prather stated that this discussion would be a zoning appeals question.

President Tucker stated as far as the shared entrance way he voiced concern on how it is going to APPEAR.

Mr. Mitchell stated that there are easements in Virgil Bolllys office to be signed by Ken Hecker and Dairy Mart and or Chris O'neal to share of 20 ft. on each side as a common driveway, and a 100 ft. easement that traffic could flow in and out, as well as exit back in the back.

President Tucker stated that he was concerned about congestion at McDonald Drive, Ohio St., and 311, and mentioned if the drive-thru was going the other direction as to turn left and go back to McDonald Lane it would control congestion.

President Tucker stated that there will be further discussion of this at the planning and zoning meeting.

Motion made to approve the request to build a Taco Bell by Karl Truman and seconded by Roy Everitt.

Residents voice concern on how close the drive-thru was to their property line.

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Ron Mitchell Request to Build Taco Bell (Cont.)

President Tucker stated that they could attend the planning & zoning meeting for further discussion on this matter.
Vote 4-0

Silver Creek Jr. High Gifted & Talented Request Historical Marker

Ms. Salmon, teacher for the Silver Creek Jr. High Gifted & Talented, addressed the council members stating that the gifted and talented class had chosen as their project to have a historical marker for Sellersburg.

Ms. Salmon stated that she was requesting support from the Town of Sellersburg and even though the state funded the marker they appreciate any donations towards its cost of 1200.00.

President Tucker asked if the council needed to sign anything to show support.

Ms. Salmon stated that when the time comes and she calls for support and for example, you'll say, "Yes, I would like to give 100.00" and these funds will not be sent in with the application due to the application taking at least 90 days to be approved.

Motion made by Roy Everitt to allow the sixth grade to put the historical marker up and seconded by Karl Truman.
Vote 4-0

Request For Sewer Adjustment For Summer Months

Steve Hoehn addressed the council with a request for a sewer adjustment for summer months.

President Tucker stated that he thought that last year or so there was an ordinance passed if you put in a sprinkler system that in some way it could be control that by a special water meter.

President Tucker stated that if you have a swimming pool you only get an adjustment once a year.

Mr. Hoehn stated that Jeffersonville gave its residents an adjustment for the summer months.

President Tucker stated that he will check into this.

Council Member Everitt stated that he has a spice/herb garden in his back yard that his wife waters often.

Council Member Everitt stated that he has a 55 gallon water barrel and it does help some.

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Repair or Replacement of Water Department Well # 4

Clark Henson, Water Supt., stated to the council members that the Number 4 well was down and it needed to be repaired or replaced.

John Toombs, consulting engineer, stated that we needed it in service now.

Mr. Toombs stated that it may take 12,000.00 to fix the old one but his recommendation is to check to see how much the cost would be to replace it with a new one as opposed to repairing the old well.

Information on WWTP Operators Meeting/WWTP Open House

Rick Wheeler, presented information on special dates to remember as follows:

May 19, the Town of Sellersburg Sewer Dept. will host an operators assn. meeting at the Waste Water Treatment Plant with a banquet following at the Lakeview Hotel.

May 22, the Town of Sellersburg will have a open house for the new Waste Water Treatment Plant.

Mr. Wheeler stated that May 19th meeting everyone with a state license gets credit for going to this meeting and there is a banquet after the meeting so if anyone is planning on attending they need to call.

Mr. Wheeler requested that the town pay the 10.00 fee per person for the sewer/water dept. to attend the May 19, meeting.

Mr. Wheeler stated that there were six in the sewer dept and five in the water dept..

President Tucker asked the council members if they objected, with no objections.

President Tucker stated that the town would pay the 10.00 fee per person for the sewer/water employees to attend the May 19th operators meeting.

Mr. Wheeler asked if the town was interested in supplying refreshments for the open house.

After discussion Vice-President Broady made motion to allow 250.00 for the two meetings to be spent for refreshments and seconded by Doug Eddings Jr. and the 10.00 coverage for the May 19, meeting for the sewer/water employees.
Vote 4-0

President Tucker suggested to send invitations to the past town board because they had a lot to do with the sewer plant.

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Increase In Wages/Sam Harper

Vice President Broady stated that he had a request from one of the supervisors to increase the pay of Sam Harper, who works for the street & sanit. dept. but is payed out of the sewer dept., in the amount of .60 cents on the hour to compare with some of the other workers in his department.

Motion made by Dave Broady to increase Sam Harper's wages .60 cents on the hour and seconded by Karl Truman.
Vote 4-0

Bids on Old WWTP Presented to Council

Vice President Broady stated that the town took bids on some items at the old sewage plant.

Vice President Broady stated that with the assistance of the clerk treasurer he has totaled the bids and requested permission from the council members to award the salvage.

Vice President Broady stated that there were two bids he would not accept until he gets clarification on them.

Motion made by Karl Truman to give Vice President Broady the authority to sell the bid items from the old sewage plant based on the bids received and seconded by Doug Eddings Jr.
Vote 4-0

Council Member Everitt Addresses Council on Spring Clean-up

Roy Everitt, council member, stated that there will be dumpsters set out within areas of the Town of Sellersburg for spring cleanup the third weekend of May and he will get with the newspapers with further information.

Request for Wage Increase/Mark Warren

Council Member Everitt presented the council members with a comparison of the salary of the sewer dept. supt. and the salary of the street and sanit. dept supt. and requested that the council to increase the salary of Mark Warren in the amount of 20.86 per week.

Motion made by Roy Everitt to increase Mark Warrens salary 20.86 per week and seconded by Karl Truman.
Vote 4-0

Council Member Truman asked if we needed to amend the salary ordinance on this.

President Tucker stated that the wage increase will take effect on the next paycheck on May 12,.

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Clerk Treas. Presents Claim For River Hills

Linda Schafer, clerk treas., presented a claim for River Hills in the amount of 1500.00 for 50% tech. assistance on the storm water drain project.

Motion made by Dave Broady and seconded by Doug Eddings Jr. to approve payment of 1500.00 to River Hills.
Vote 4-0

Clerk Treas. Presents Claims For This Meeting

Linda Schafer, clerk treas. presented to the council members the claims on behalf of the town for this meeting.

Motion made by Doug Eddings Jr. and seconded by Roy Everitt to approve the claims for this meeting.
Vote 4-0

Attorney McCall Presented to the Council/Ord. 93-561 Add. App. CCD Fund

Attorney McCall presented to the council members Ord. 93-561, an ordinance requesting additional appropriation for the CCD Fund as follows:

Police Dept Vehicles	12,200.00
Street & Sanit. Veh.	8,100.00
Street & Sanit. Tractor	7,520.00
Town Hall Garage Roof Rep.	3,732.00
Total	<u>31,552.00</u>

Motion made by Doug Eddings Jr. to adopt this ordinance and seconded by Karl Truman.

Lloyd Dold, resident, asked if this was the one that called for public comment.

Clerk Treas. Schafer acknowledge that this was a public hearing on the CCD Fund.

Mr. Dold stated that he was here and he wanted to make a public comment.

Mr. Dold stated that the town raised their tax rates over 1.00 according to the fire dept.

Mr. Dold stated is there no shame, you give all these people tax abatements and refuse to annex the mill and raise more taxes on the people.

Mr. Dold stated that the council needed to be tarred and feathered.

Mr. Dold stated that the council should be ashamed to go out with a 1.00 more tax and ask for more.

Mr. Dold asked if it was the councils pride and joy to see if they can tax

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Ord. 93-561 CCD Fund/Public Hearing Additional Appropriations

a little more.

President Tucker stated that the money was available not additional tax.

Mr. Dold stated if it was available cut taxes with it, don't spend, spend, spend.

Mr. Dold stated that the town don't have money to run sewers out to his pla but the town has money for this stuff.

President Tucker stated that as we discussed we are in the process of getting sewers in Mr. DOLD'S area and we have certain needs within the town and posted in the paper what it was for and we are buying what the town needs and the taxes have not been increased.

With no further discussion the council voted 4-0 in favor of this ordinance

Attorney McCall Presents Ord. 93-562/Refunding of Waterworks Bonds

Attorney McCall presented to the council members ord. 93-562 in reference to the refunding of the Waterworks revenue bonds of 1961, 1986, 1988, 1991.

Attorney McCall stated to the council members that this will save the town over 300,000.00.

Motion to consider the bond made by Roy Everitt and seconded by Doug Eddings Jr.
Vote 4-0

Attorney McCall Presents Ordinance 93-562/ Refunding of Waterworks Bonds

Attorney McCall presented ordinance 93-562 and stated it was a 35 page ordinance and it was consistant with the parameters set forth in a previous meeting.

Attorney McCall stated that the maxium bond issue will be 3,500,000.00 at 6.5% interest bond will be in the year Dec. 1st. 2010 and the total cost at the end of this period will be 3,900,000.00.

Motion made to adopt ordianace 93-562 by Doug Eddings Jr. and seconded by Roy Everitt.
Vote 4-0

Attorney McCall Presents Annexation Ordinances 93-563, 93-564, 93-565

Attorney McCall presented to the council members three ordinances which had been previously before the council, petitions to be annexed into the Town of Sellersburg as follows:

Sellersburg Town Council
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Attorney McCall Presents Annexation Ord. 93-563, 93-564, 93-565 (cont.)

Ord. 93-563 request to be annexed made by Raineldes & Edna Borho
Ord. 93-564 request to be annexed made by John & Judy Ehringer
Ord. 93-565 request to be annexed made by Harold & Kimberly Dean

Motion made by Doug Eddings Jr. to approve ord. 93-563, 93-564, 93-565
and seconded by Dave Broady.
Vote 4-0

Attorney McCall Gives Information on Speed Bumps

Attorney McCall stated that he had checked with the state and there is
no statute that prohibits or regulates speed bumps.

Attorney McCall stated that he checked with the Town of Charlestown and
they don't have speed bumps due to the liability.

Attorney McCall stated that traveling over the speed bump at a high rate
of speed and if someone were injured they would then sue the town.

Attorney McCall suggested if the council was going to have a speed bump
in the area, to do a specific ordinance to do that area only along with
specific signs for marking the speed bump area.

President Tucker asked the council members to think of ways that the
people on Fern St. could be helped and bring it up at the next meeting.

Attorney McCall Miscellaneous Discussion

Attorney McCall discussed Mr. Odell in reference to hooking on to the sewer
system and said that the information sent to him there was no indication
that the Town of Sellersburg and Mr. Odell had an agreement for him not
to hook up to the sewer system. Attorney McCall stated that he had sent
Mr. Odell a letter stating that he had till the 05/31/93 deadline.

Attorney McCall stated that the Whitpan case has been resolved.

Attorney McCall stated that he had sent a letter to Mr. Mullins in ref-
erence to Maple Manor being overcharged and has not received a reply.

Attorney McCall stated that the sewer hook-up compliance letter has been
drafted and should be going out by next Friday.

Attorney McCall stated that in reference to the ADA and the swimming pool
that the town needs to comply.

President Tucker asked John Toombs to check to see what is needed and to
notify the council in reference to ADA and the swimming pool.

Adjournment

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

David Broady

David Broady

Aulton D. Eddings Jr.

Aulton D. Eddings Jr.

Roy E. Everitt

Roy E. Everitt

Karl Truman

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL
May 22, 1993

EMERGENCY MEETING

An emergency meeting of the Sellersburg Town Council was held at 9:00 a.m. at the Sellersburg Library concerning annexations. Those present were: Stanley E. Tucker, Council President; David Broady, Council Vice-President; Doug Eddings Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treasurer.

Called to Order

The meeting was called to order by President Tucker at 9:06 a.m.

Pledge

The Pledge of Allegiance to the flag was recited.

Attorney McCall Addresses Council on Annexations

Attorney McCall stated that on April 12th, at a regular meeting the Sellersburg Town Council passed annexation ordinances 556, 557, 558, 559 and 560, known as areas K, I, M, C, and B.

Attorney McCall stated that during that period of time in order to do an annexation there has to be a fiscal plan and there is a fiscal plan that has been developed for these particular areas.

Attorney McCall stated that some of these areas have been annexed by voluntary petition and some have not, however, before the town council should have adopted a resolution adopting a fiscal plan for these annexations.

Attorney McCall Presents Ordinance 93-566/Rescinding Annex. for Consideration

Attorney McCall presented to the council members for consideration Ordinance 93-566 an ordinance rescinding annexation ordinances 93-556, 93-557, 93-558, 93-559, 93-560.

Motion made to consider this ordinance was made by Dave Broady and seconded by Karl Truman.
Vote 4-0

Attorney McCall Presents Ordinance 93-566/Rescinding Annexations

Attorney McCall presented to the council members Ordinance 93-566 an ordinance of the Town of Sellersburg, Indiana rescinding Ord. 93-556, 93-557, 93-558, 93-559, 93-560.

Attorney McCall read Ordinance 93-566 as follows:

Whereas, the Town Council for the Town of Sellersburg, Indiana, did on the 12th day of April, 1993, pass in regular session of Sellersburg Town Coun-

Sellersburg Town Council
May 22, 1993
Emergency Meeting
Page 2.

Attorney McCall Presents Ordinance 93-566/Rescinding Annexations (Cont.)

cil, Annexation Ordinances No. 93-556, Annexation Ordinance No. 93-557, Annexation Ordinance No. 558, Annexation Ordinance No. 93-559, Annexation Ordinance No. 93-560; and

Whereas, the Town Council for the Town of Sellersburg, Indiana, by inadvertent mistake and omission did not pass a resolution adopting the fiscal plan for the areas to be annexed under the said annexation ordinance prior to the adoption of said annexation ordinances; and.

Whereas, the town attorney for the Town of Sellersburg, Indiana, did not present said resolutions to the Town Council for the Town of Sellersburg, prior to the adoption and passage of said annexation ordinances as is required under Indiana law; and

Whereas, the Town Council for the Town of Sellersburg, Indiana, has determined that said annexation ordinances should be rescinded, in that the failure to pass the resolution adopting the Fiscal Plan for the areas to be annexed under said ordinances threatens a disruption of the municipality's governmental activity concerning said annexation area due to the potential for remonstrance; and

Whereas, the Town Council for the Town of Sellersburg, Indiana, believes that rescinding said annexation ordinances will benefit the efficient and effective administration of Town Government; and

Whereas, this matter has been presented and considered in an open meeting in which the public have been given notice pursuant to I.C. 5-14-1.5-5, and the opportunity to address the issue currently before the Town Council.

Be it now therefore ordained by the Town Council for the Town of Sellersburg Indiana, that Annexation Ordinance No. 93-556, Annexation Ordinance No. 93-557, Annexation Ordinance No. 93-558, Annexation Ordinance 93-559 and Annexation Ordinance No. 93-560, shall be and hereby are rescinded as of this 22nd day of May, 1993.

President Tucker requested a motion to approve Ordinance 93-566.

Motion made by Roy Everitt to approve Ordinance 93-566 and seconded by Doug Eddings Jr.
Vote 4-0

Comments From Citizens Present

Don Brown asked if Sellersburg plans on annexing this area in the future.

President Tucker stated, Yes.

Sellersburg Town Council
May 22, 1993
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Page 3.

Comments From Citizens Present (Cont.)

Iana Kaelin asked the council why they wanted to annex an area that the majority of resident in that area did not wish to be annexed.

President Tucker Stated that he has not received any official notice from those residents that they didn't wish to be annexed.

Ms. Kaelin stated that they had a signed petition.

President Tucker stated that Mr. Sells was on the agenda for the last regular meeting and did not attend.

Mr. Brown asked to see the rules on request for agenda.

President Tucker stated that Mr. Brown could obtain this information from the clerk treasurer.

President Tucker stated that the reason for the annexations is to fill in areas that are already receiving services such as water and sewer in order to have a more symmetrically shaped town.

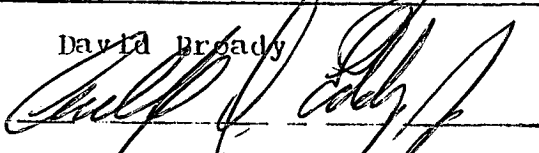
Kenneth Moore stated that at one time the Town of Clarksville had attempted to annex and did not.

Adjournment

With no further business President Tucker adjourned this meeting at 9:25 a.m.



David Broady



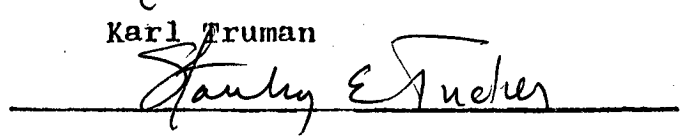
Aulton D. Eddings, Jr.



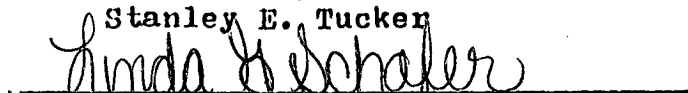
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

May 24, 1993

REGULAR MEETING

A regular session of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were Stanley E. Tucker, Council President; David 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 meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Father Herman Lutz.

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 made to approve minutes by Roy Everitt and seconded by Karl Truman.
Vote 4-0

Minutes of Emergency Meeting May 22, /Annexations

President Tucker dispensed with the reading of the emergency meeting held May 22, and requested a motion be made to accept them.

Motion made by Karl Truman and seconded by Roy Everitt.
Vote 4-0

President Tucker Presented Letter From Commonwealth Eng./ Sewer Project

President Tucker presented to the council members for approval a request from Commonwealth Engineers for additional time to prepare the One Year Certification Report on the sewage works project that needs to be submitted to the Indiana Department of Environmental Management.

Motion made by Dave Broady and seconded by Doug Eddings Jr. to extend the time for the presentation from Commonwealth Eng. from May 22, to June 21st.
Vote 4-0

President Tucker requested clerk treasurer Schafer to send a copy of the approved letter back to Commonwealth Eng.

Request To Build A Car Wash In Sellersburg and a Quick Lube

Bob Kely and Richard Snider addressed the council with a request to build a car wash/quick lube center where Sellersburg lumber vacated on Indiana Ave.

Sellersburg Town Council
Regular Meeting
May 24, 1993
Page 2.

Request To Build A Car Wash In Sellersburg And A Quick Lube Center (Cont.)

President Tucker stated they would need to make a presentation to the planning commission which meets on Tuesday nights.

President Tucker stated that a site plan would be needed and also the building commissioner, Steve Prather would have to approve the plans.

President Tucker asked the council members if there was any objections to having a car wash/quick lube center in that general location.

Council Member Truman asked if it was something like River Falls Car Wash in Clarksville.

The reply was, "Yes, it will be a full service car wash.

President Tucker asked if the quick lube center was similar to the one on Charlestown Rd. going into New Albany.

The reply was, "Yes".

President Tucker requested a motion that the two businesses can move into Sellersburg based on a presentation to the planning commission building site code.

Council Member Truman made a motion to approve subject to the approval of the planning commission and seconded by Dave Broady.
Vote 4-0

Request For Repair To Driveway Due to Sewer Line Construction

Bryan Rydberg addressed the council members concerning his driveway settling over 6" during the winter and wants the contractor who installed the new sewer lines to repair or replace it.

Mr. Rydberg stated that last year the contractor had filled some dirt in there but not his driveway is sinking in different areas and cracking.

Mr. Rydberg stated that he had contacted Mr. Toombs to get this recovered and it has been a year.

Mr. Rydberg stated that his concern was that in a year or so due to cold weather the driveway would deteriorate which would result in him replacing it.

Mr. Rydberg stated that he had petitioned the council to try to get some action.

President Tucker stated that Mr. Toombs, consulting engineer, had went out and took some pictures.

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Regular Meeting
May 24, 1993
Page 3.

Request For Repair To Driveway Due to Sewer Line Construction(Cont.)

President Tucker asked Mr. Toombs if sealer would help at all.

Mr. Toombs stated that it was sealed last year.

Mr. Toombs stated that he had examined Mr. Rydberg's driveway from crack to crack with a string and at the most it is down $1\frac{1}{2}$ to 2 inches depending where you snap the string.

President Tucker stated that he would assume that some of that is needed for draining purposes.

Mr. Toombs stated that was true but in this case it was all down hill no matter if it were perfectly straight like a pool table or had a swale like that in it but it has no effect on the drain because its steep enough where it would not matter.

President Tucker stated that if Mr. Rydberg would give the council the opportunity, Dave Broady, John Toombs and the contractor will get together and see if there is something that can be done and Mr. Rydberg would be contacted.

President Tucker stated that he could be reached through town hall and it would be done as quickly as possible but it may take a couple of weeks.

Mr. Rydberg requested he be contacted when someone comes out to look at his driveway so he can be there.

Request For Tax Abatement- Rod Pate/Bill Bridges

Rod Pate, resident, stated that June of last year he had come before the board had asked for the Town Of Sellersburg to consider giving him an abatement for a building located on 4.2 acres on Penn St.

Mr. Pate stated that he was under the impression at the time that to get an abatement it had to be part of an economic development plan where you had to have more than just one building.

Mr. Pate stated that was why he and Bill Bridges had put together the 4.2 acres and since then, in addition to his building Mr. Bridges has build another building.

Mr. Pate stated what he would like to do is in anticipation, plans to start another company that works hand in hand with his existing company. What he would do is import slabs of marble and fabricating them there and installing them in houses.

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Request For Tax Abatement- Rod Pate/Bill Bridges (Cont.)

Mr. Pate stated that there is an economic need for this because there is no one in Southern Indiana doing this and only three in Louisville on Poplar Level Rd.

Mr. Pate stated that he and Mr. Bridges would like the board to consider giving he and Mr. Bridges an abatement.

Mr. Pate stated that Mr. Bridges had a drawing.

Mr. Bridges presented to the council an aerial view of the property, 100 ft. to the inch and Mr. Bridges pointed out Mr. Pates present building and stated that they proposed putting two additional facilities in here and pointed out the building he was in the process of completing.

Mr. Bridges stated that he eventually wants to add additional shops and office space in this area and something may come up in the future as far as development there is concerned.

President Tucker stated that generally speaking that we, to increase development and create jobs for the Town of Sellersburg, probably follow along with Clark Co. and offer a tax abatement for new construction on existing buildings or new people coming into the town.

President Tucker stated that he did find out that there is a process that one needs to go through and a form to be filled out.

President Tucker stated that if he understood correctly that some research was done on the towns behalf is that the Town of Sellersburg was placed in an economic distressed category by the former board actually before Mr. Pate served on the board so that any new business that comes in can be offered a tax abatement for any new construction or the generation of any new jobs but there is a form that needs to be filled out, and basically Mr. Pate would fill out the form and get the assessment with Mark Balls help or whatever the case may be and what the value is going to be, how many employees there will be and this needs to be presented to the board in a formal since.

President Tucker stated if this is approved and the council signs off on it that needs to go back not only to Mark Ball but to the state to obtain a tax abatement on the state level as well.

President Tucker stated that when he received the information it basically stated that this was needed on any new construction and not for construction in the past.

President Tucker stated that he did check out what had been discussed before and its all new construction and if it is not permitted due to the flood plain the tax abatement does not apply unless it can be constructed.

Request For Tax Abatement- Rod Pate/Bill Bridges (cont.)

Mr. Pate asked if this form could be obtained from Assessor Mark Ball.

President Tucker stated yes, or Mr. Pate could have his form, he obtained from the Southern Indiana Economic Development Council.

Mr. Pate stated that he would make copies.

President Tucker stated that there was another company coming very soon on Bean Rd. and they went through this process filling out the form, of jumping through the hoop so to speak and this will be presented to the council soon.

President Tucker stated that Mr. Pate needed to talk to Mark Ball and find out what the assessed value is going to be.

President Tucker stated that he assumed with the expansion that it would be a couple jobs generated by that and this is the process for the tax abatement.

Council Member Truman stated, what if we tentatively approve it subject to proper completion of the form.

Council Member Truman stated that his only thought on that is it was June of last year when Mr. Pate approached the board and not its June a year later.

Council Member Truman made a motion that the council members tentatively approve the abatement request subject to the completion of the form.

Council Member Truman asked if the town could give the abatement retro-active back to June 1992 when Mr. Pate originally requested the abatement.

President Tucker stated that as far as he was concerned that was fine and whether this can be done by Mark Ball or through the state assessor.

President Tucker stated that reading the regs. as he did we do have the permission to do that, there is no law that says we can't do that.

President Tucker asked what would happen if we opened the proverbial barn door and everybody that had ever built anything would come back for a tax abatement.

President Tucker stated that since Mr. Pate had petitioned the council June 22, 1992 for the abatement he had no problem recognizing this.

Based on that information Council Member Truman made a motion that we tentatively approve the abatement for the property requested back in June 1992 subject to completing the proper form and going through the proper channels, and the new buildings, basically the reasoning is since

Sellersburg Town Council
Regular Meeting
May 24, 1993
Page 6.

Request For Tax Abatement-Rod Pate/Bill Bridges (cont.)

back in June 1992 none of us really knew what was going on and the minutes do reflect that it was requested and tabled or taken under advisement and its only fair that we go back and grant it, motion was seconded by Dave Broady.
Vote 4-0

Mr. Pate did comment that the average salary is 10.00 per hour and health insurance is provided and the employees don't pay any of it and also there are bonuses at the end of the year.

President Tucker stated that there was a section on the form that asked for the number of employees, the size and approximate value.

President Tucker stated to Mr. Pate if he runs across anymore of the forms that we should get some, either for the town or the planning commission.

Attorney McCall stated that he had sent off to the State Board of Tax Commissioners to obtain the one President Tucker had.

Discussion On Annexation

Don Brown addressed the council stated he would like to talk about annexation but stated that he would like to get on the next agenda and the one after that and so on until infinity.

Mr. Brown stated that he didn't see anything in the regulations that said you can't do that.

Clerk Treas. Schafer stated that the next two agendas were full.

President Tucker stated to put Mr. Brown of the next two agendas and not infinitely.

Mr. Brown stated that he knows that the council members occasionally have executive meetings and he would like for his group, the steering committee to meet with the town in an executive session sometime in the not to far distant future, within the next couple of weeks or so whatever is convenient.

President Tucker stated that we have one executive session a month now and its the first meeting of the month.

President Tucker stated that we would hold a special meeting and we need to figure out a time that is appropriate for everyone.

Mr. Brown stated at the towns convenience as long as they have about two weeks notice.

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May 24, 1993
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Discussion On Annexation (Cont.)

Mr. Brown stated that one other thing, in discussions and legalities and sort there is alot of confusion and also alot of communication problems, and at the meeting Sat. May 22, alot of people were not allowed to speak because they weren't on the agenda but outside the door some of the people got alittle hot and heavy on some of the people on the town council.

Mr. Brown stated that he speaks for the whole group also when he says he doesn't have any problem with any individual people or personality or organization such as the city clerks or anyone else but what we are opposed to is the actions of the council and not on any individual basis what so ever.

Mr. Brown presented the council members with a petition against annexation a preliminary petition taken some time ago.

Mr. Brown stated that there are 53 families that the council plans to annex in the near future and this doesn't include the Diamond Hgts. area or the Twin Brook area or some of the other areas that, they will be sure to get more petitions.

Mr. Brown stated that this will be an official notice that there are people opposed to the annexations.

Mr. Brown asked the council if they plan on doing annexation proceedings at this meeting.

President Tucker stated that they could begin tonight.

Mr. Brown asked if plans would be available as required by state law.

President Tucker replied, "yes".

Mr. Brown stated that he would like to have a copy.

Water Superintendent's Salary Increase

Council Member Doug Eddings Jr. addressed the council members with a request to increase Clark Henson's salary to equal the other two supervisors of the sewer dept. and street & sanit. dept.

Council Member Eddings stated that Clark Henson had done a very good job.

President Tucker stated that his concern was that he hasn't been in this job responsibility for a year yet.

Motion made by Doug Eddings Jr. to increase the salary up to equal the other 532.50 per week and seconded by Karl Truman.

Council Member Roy Everitt stated that he would like to see Mr. Henson on the job alittle longer than he has been, his salary was elevated when

Sellersburg Town Council
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Water Superintendent's Salary Increase (Cont.)

he was placed on that job and its been elevated since.

President Tucker asked when Mr. Henson took that job.

It was determined that Mr. Henson had only been on the job for eight months.

President Tucker stated that he had done an excellent job and he had no problem with the increase.

Vote 4-0

Council Member Broady Gives Sewer Information

Council Member, Dave Broady stated that he and John Toombs had the documents for the new sewer line at Speed and they were working on the easement part of that.

President Tucker asked if it was in reference to those three houses.

Council Member Broady replied, "Yes".

President Tucker Thanked Council Member For Trash Bins

President Tucker Thanked Council Member Everitt for having the trash bins set out for Spring Clean-up.

Town Hall Roof Repairs Addressed

Council Member Everitt stated that he had talked to Stan and Dave and them about bidding on getting the town hall roof fixed and he had received a bid from Keith Stayton of 9,160.00 and he will lay block and siding.

Council Member Everitt stated that the only other bid was for 11,000 something.

President Tucker asked if this was run in the paper.

Council Member Everitt stated that it wasn't necessary due to the job being under 25,000.00.

Clerk Treasurer Schafer suggested that the amount be split among the Civil, Sewer, and Water Depts. since she had only 4,000.00 approved appropriation in the Fund.

President Tucker asked if it was still leaking profusely.

Council Member Everitt replied, "yes".

Motion was made by Roy Everitt to allow Keith Stayton do the work on the town hall roof for the amount of 9,160.00 and seconded by Doug Eddings Jr. and to split the amount of 9,160.00 among the three depts.

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Town Hall Roof Repairs Addressed (Cont.)

Council Member Truman questioned putting that much into the town hall roof when we were looking to build a new town hall/police station.

President Tucker stated that this will not be anytime soon.

Vote 4-0

President Tucker asked Chief Dave Kinder if he had had any progress in checking into obtaining a town hall/police station.

Council Member Everitt asked Chief Kinder if that grant that was obtained for 75,000.00 was for only 24 months.

Chief Kinder stated that it was for 3 years.

Council Member Everitt asked Chief Kinder to check on the time of the grant because he thought it was for only for 24 months.

Building Commissioner Presents Claim For This Meeting

Steve Prather, building commissioner, presented to the council members for approval his claim for the dates of April 27 thru May 27, in the amount of 1422.90.

Motion to approve claim for payment made by Karl Truman and seconded by Doug Eddings Jr.

Vote 4-0

Building Commissioner Addresses Council On Ordinances And Drainage Problems

Mr. Prather stated that each of the board members got a letter from Mr. Wilder in reference to a fence and Mr. Prather presented to the council a copy of the ordinance which was passed Feb. or March 1992 which states only one fence is allowed per property owner, also this year an additional ordinance was passed relating to heights and locations of fences and the last ordinance doesn't supercede the other ordinance but it is an addition to and basically gets into more specifics.

Building Commissioner presented photos of the property in question and pointed out the three foot tall weeds that were growing between these fences.

Building Commissioner Prather also pointed out that the clerk treas. could not find a copy of the permit due to the three part not being issued at that time.

Council Member Everitt asked if the resident in question told Mr. Prather there was another fence.

Mr. Prather replied, " Yes, " " but he did not authorize two fences due to the ordinance.

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May 24, 1993
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Bldg. Commissioner Addresses Council on Ordinances and Drainage Prob.(Cont.)

Mr. Prather stated that the resident would have to go before the zoning appeals to petition for two fences.

Mr. Prather stated that the resident is not only in violation of the ordinance by having two fences but the up keep of the area between the two fences, but basically it is up to the town council on what they want to do to resolve the matter.

President Tucker requested Mr. Prather give or fax Attorney McCall a copy of the letter giving the resident until the 13th of June.

Mr. Prather stated that a certified letter was also sent to Mr. Mongold in reference to Mrs. Barton approaching the planning & zoning that when Mr. Mongold added on to the building he changed the drainage ditch.

Mr. Mondgold replied with a letter stating that he had not altered the ditch.

Mr. Prather stated that he was also given to June 13th. to correct this problem.

Clerk Treas. Presents Claims for Storm Water Management

Linda Schafer, clerk treas., presented claims from Jacobi, Toombs and Lanz in the amount of 12,025.00 for invoices 3,4,and 5 in their work they have done on the storm water management plan.

Motion made to approve payment of these claims made by Karl Truman and seconded by Dave Broady.
Vote 4-0

Clerk Treas. Presented Claims For Metzger Electric, Inc.

Clerk Treas. presented to the council for payment approval two claims as follows: Invoice # 7012 in the amount of 3247.48 and Invoice # 7173 in the amount of 137.86 in the amount of 137.86 to be paid out of the servend project.

Motion made by Doug Eddings Jr. and seconded by Dave Broady.
Vote 4-0

Clerk Treas. Presented Claims For Civil,Sewer, and Water For This Meeting

Clerk Treas. Schafer presented to the council members claims for this meeting.

Motion made by Roy Everitt and seconded by Doug Eddings Jr.
Vote 4-0

Sellersburg Town Council
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Attorney McCall Asked Effective Date Of Water Supt. Raise

Attorney McCall asked the effective date of Clark Henson's raise and it was established by the council president that the effective date would be May 20th, with the pay period ending May 26, 1993.

Attorney McCall Gives Information On Meeting With Clarksville/Annexation

Attorney McCall stated that there was a meeting scheduled with the town of Clarksville at 4:00 o'clock on May 27, 1993 at 125 Watt St. in reference to the Poindexter Road area and annexations.

Attorney McCall Presents Claims In Reference To Pixley VS Town Of Sellersburg

Attorney McCall presented to the council members two claims in reference to Pixley VS the Town Of Sellersburg as follows:

One copy of the depositions - 418.00
Galen A. Renwick, Ph. D. - 35.00

Motion made by Karl Truman and seconded by Roy Everitt to approve these claims for payment.
Vote 4-0


Attorney McCall Presents Ord.# 93-567 Salary Ord. Amendment

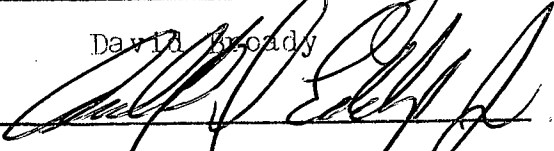
Attorney McCall presented Ord# 93-567 an amendment to the previous salary ordinance in reference to the increase of Mark Warren and Claude Harpers salary.

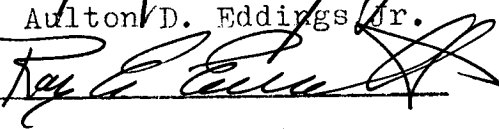
Motion made by Karl Truman and seconded by Dave Broady approving this ordinance.
Vote 4-0

Adjournment


With no further business this meeting was adjourned by President Tucker at 7:34 p.m.

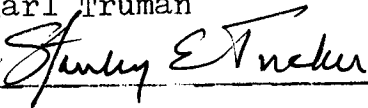


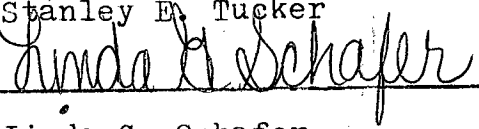
David Broady


Aulton D. Eddings Jr.


Roy E. Everitt



Karl Truman


Stanley E. Tucker


Linda G. Schafer

Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL
June 2, 1993

SPECIAL MEETING/ANNEXATION

A special meeting of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Library to discuss annexation with the steering committee of the Diamond Hgts. and Hwy 60 areas. Those present were: Stanley E. Tucker, Council President; David Broady, Council Vice President; Roy Everitt, Council Member; Karl Truman, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer. Doug Eddings Jr. was absent from this meeting.

Called To Order

President Tucker called this special meeting to order at 6:03 p.m.

Annexation Steering Committee Members Present

Don Brown	Jamesa Sells
Russell E. Appell	Robert W. Adams

Other Citizens Present

Morris Dunlevy	Faye Wildman	Al Parr
Aliene Dunlevy	Jack D. Wildman	Mary D. Hecker
Martha Mann	Iana Kaelin	Anna Ruddell
Delores Ferree	Jim Barnett	Jay D. Martin
Phyllis Rhodes	Fransy Barnett	M. Nelson
Don Beaver		

President Tucker Introduces Council, Attorney, And Clerk Treasurer

President Tucker introduced the Council Members, Town Attorney, and Clerk Treasurer to the residents present.

President Tucker stated that this meeting was set up to discuss proposed annexations.

President Tucker stated that since Don Brown was the spokesperson or at least the person to start off the meeting, he would refer the meeting over to him.

Don Brown Addressed Council

Don Brown asked the council why he and the other residents had such short notice about the meeting.

President Tucker stated as he had mentioned at the last meeting, he would try to put together a meeting with the proposed annexed people as quickly as possible, and this date was as quickly as possible, and he had asked Attorney McCall to put the notice in the paper to give Mr. Brown a chance to do this before we had our next meeting Monday, June 14th.

President Tucker stated that this happened to be the time that was available and he was not trying to be difficult on anyone, he was just trying to put a meeting together.

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Don Brown Addressed Council (Cont.)

Don Brown stated that as far as he knew there was just a notice in the Leader, and he did not see anything in the Evening News about it.

Attorney McCall stated that the Courier Journal, Evening News, the Charlestown Leader were notified and they had the information of the meeting and whether they chose to publish was their option.

Attorney McCall stated that he had not only faxed the Evening News a copy of the meeting notice he also mailed them the notice.

Attorney McCall also stated that it was mentioned at the last meeting that there was going to be a special meeting.

One resident stated that he had found out about this meeting at 4 P.M. today.

Don Brown stated that its a good thing there were residents interested enough to keep an eye on things.

Don Brown stated that you mentioned a special meeting and he did not know why this couldn't wait until a regular meeting.

President Tucker stated that Mr. Brown had asked for a special meeting at our last regular council meeting.

Mr. Brown stated that he had requested at the last meeting for President Tucker to call to give him enough time to get his group together.

Mr. Brown stated that on an hour or so notice he was not prepared to meet with the council.

Karl Truman, Council Member, asked Mr. Brown if he would like to schedule another time for the council and the steering committee to meet.

Mr. Brown stated that he was under the impression that there was going to be a meeting before the council had their regular meeting in June.

Council Member Truman suggested to cancel now, adjourn this meeting and reschedule it.

Attorney McCall requested that at this particular meeting to give notice or record to be included in the town minutes of the date and time of the rescheduled meeting so these people do know at this particular time and we will also notify in the newspapers, and also post at the town hall and the library.

Council Member Truman suggested that we adjourn this meeting and schedule a time for the steering committee to meet with us at their convenience.

Don Brown Addressed Council (Cont.)

Council Member Truman stated that the board is not trying to get away with anything and if that is what the residents want he makes this in the form of a motion. This was seconded by Roy Everitt.

Don Brown made a suggestion as to put notices of the town board meetings on the water bill.

President Tucker stated to Mr. Brown that he was the first person to suggest that and that we do put the meeting notices out at the beginning of the year for the entire year and its posted at the town hall and the library.

Council Member Truman stated to President Tucker that since there was such confusion over the meeting and its no ones position to try to hold this meeting at the last minute to try to catch these residents off guard and that is the perception he made a motion that the council at this time during this meeting that we schedulé a meeting well enough in advance that with there steering committee to present whatever they want to present.

Council Member Truman asked Mr. Brown if they had a date in mind.

President Tucker asked for a second on this motion.

Clerk Treasurer stated that Roy Everitt had seconded the motion before.

Council Member Everitt stated that he did second a while ago but then asked if anyone had a calander.

Council Member Truman asked Mr. Brown if he had a date in mind that he would like to meet.

Don Brown asked when the next regular meeting would be held.

Council Member Truman stated that personally he would rather not do it at a regular meeting.

Council Member Everitt stated that we had enough business at our regular meetings.

Council Member Truman stated that we had a pretty full plate at out regular meetings and that is the whole purpose of having a special meeting so this is the only thing we have to worry about.

President Tucker stated that they would have the councils full attention.

Mr. Brown stated that they had every bit of a hour and one half to get ready for this meeting.

Council Member Everitt requested a list of names & phone numbers on the steering committee.

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Don Brown Addressed Council (Cont.)

President Tucker stated if the residents were putting their names & addresses on the list going around if the people who are on the steering committee would go back and add their telephone numbers so that the council can call.

Council Member Truman suggested a star by the name.

One resident asked what the real purpose of these meetings were.

President Tucker stated that this meeting was at the request of Mr. Brown to talk about the residents feelings about annexation.

The resident stated that the council knows what the feelings are or they would not be here.

President Tucker replied, " Yes, Sir."

The resident stated that the way he understands it that if Sellersburg wants to annex us they are going to do it anyway so we are just prolonging the agony, is this right or not?

President Tucker stated that it is his understanding that we have the ability to annex areas that are contiguous to the town at this point in time and the question was asked by Mr. Brown a meeting or two ago if we still had an intention to annex those areas and his answer was, yes.

President Tucker stated that there was a motion on the table to change this meeting to another date.

President Tucker asked if the residents would like to reschedule or talk about this now.

Council Member Everitt asked President Tucker what he was doing on the 9th of June.

Clerk Treasurer Schafer Suggested to the council to check with the library to see if that date was available.

Council Member Everitt left the meeting room and scheduled with the library to have the meeting room reserved for June 9th. at 6:00 p.m.

Council Member Everitt seconded the motion of Karl Trumans.

President Tucker stated that the motion was made by Karl Truman and seconded by Roy Everitt all of those in favor to hold a public meeting to talk about the annexations of Black Diamond Hgts. and Old 60 on June 9th, at 6:00 p.m. at the Sellersburg Library say I.
Vote 3-0

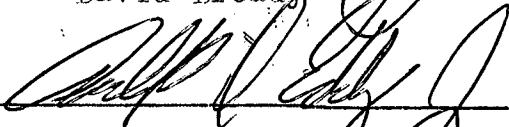
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Adjournment

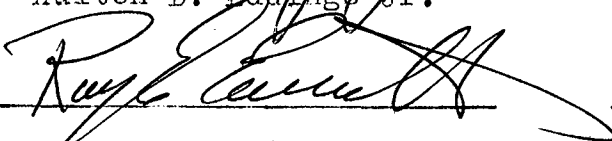
With no further business this meeting was adjourned by President Tucker at 6:15 p.m.



David Broady



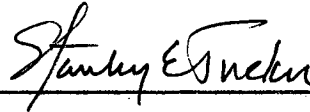
Aulton D. Eddings Jr.




Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL
June 9, 1993

SPECIAL MEETING/ANNEXATION

A special meeting of the town council was held at the Sellersburg Library at 6:00 p.m. to discuss annexations. Those present were: Stanley Tucker, Council President; David Broady, Council Vice President, Roy Everitt, Council Member; Perry McCall, Town Attorney; and Linda Schafer, Clerk Treasurer. Karl Truman and Doug Eddings Jr. were absent from this meeting.

Called To Order

President Tucker called the special meeting to order at 6:15 p.m.

Residents Present

Morris Dunlevy	Faye Wildman	Donald Beaver
Aliene Dunlevy	Jack Wildman	Shirley Beaver
Don Brown	Phyllis Yeager	Colleen Vest
Allen Walker	R. Yeager	Charlotte Wiseman
Homer L. Dobbins	Marbry Nelson	Delores Ferree
Richard Werle	Olga Nelson	Martha Mann
Bruce Blanton	Russell Appell	Darrell Miles
Debbie Blanton	Jay Martin	Debbie Miles
Nancy Lochner	Robert Adams	Dallas Davis
Jamesa Sells	Anna Ruddell	Charles Garwood
Timothy Sells		

Resident Presents Letter From Residents Against Annexation

Don Brown presented to the council members a letter from the residents against annexation as follows:

Mr. President, Council Members, Ms. Schafer, Ladies and Gentlemen of the RAA.

Our group, the Steering Committee of the organization known as the Residents Against Annexation (RAA) has requested this meeting tonight in order to try and reach a compromise on our differences before we engage in costly and lengthy litigation.

Donations for legal fees are running ahead of our expectations and we are confident of winning all of the lawsuits that lie ahead.

Feelings about the proposed annexation are already running high and many members of our organization are opposed to any form of negototation with the Sellersburg Town Council.

However the Steering Committee feels we would be doing a great disservice to our members and the people of Sellersburg if we didn't try to resolve our differences with some form of mediation.

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Resident Presents Letter From Residents Against Annexation (Cont.)

What we are proposing, for your consideration, is a moratorium on the annexation of the areas known in your documents as "I", "K", and "M" for a period of ten years. After which, with the approval of our entire group, we would not contest entering the embraces of Sellersburg.

We have several request that would have to be considered, but then, upon a satisfactory agreement with this council, we would enter a legal agreement for future annexation without fanfare.

We believe this compromise to be in the best financial interest of all parties involved and therefore submit this offer for your consideration this evening.

Donald L. Brown
Chairman
Residents Against Annexation

Don Brown asked if the council would consider any form of negotiations.

President Tucker stated that he would like to explain the rationale a little of why we came to the conclusion we did and then he will address the fact of whether the town would consider a moratorium.

President Tucker stated that Roy Everitt was the only carry over member from the previous town board and four of the present board were new and as we met in the beginning stages as you will, one of the goals that we wanted to have accomplished in our term is the rewriting of a comprehensive plan.

President Tucker stated that the last plan was written in the 1960's, 33 years ago and pretty outdated.

President Tucker stated that we went on a bid process to ask people to help us with the comprehensive plan and with the bid process John Toombs, with Jacobi, Toombs, & Lanz and The Corradino Group, who is represented by Pat Holland, was selected to help us put together a comprehensive plan.

President Tucker stated that the town has, through the planning commission, for the past five months, with at least three of the board members, Karl Truman, David Broady and himself have been working at least twice a month and sometimes more for two and three hours at a time to develop this comprehensive plan there is a rough draft, a preliminary plan that was given to them at the last meeting for approval in essence to adopt this plan sometime in the very near future.

President Tucker Addresses Residents (Cont)

President Tucker stated that it was very generic in nature and basically the common sense approach to what we feel needs to happen to the town in general and somewhat patterned after New Albany, Clarksville, and Jeffersonville who has been through the same process and also the town wants to work in conjunction with those groups, we don't want to do something totally outlandish if you will if Clarksville goes in another direction. There needs to be some uniformity to all this.

President Tucker stated that the generic plan would be available at the library, town hall, and police station for the public to review probably sometime next week.

President Tucker stated that it doesn't have the teeth in it so to speak such as zoning restrictions, subdivision regulations and they will be developed over the next 60 to 90 days again to the planning commission to be adopted by the town board and that's where we get into how high the signs go on 31 so its not 600 ft. in the air, and where we make sure curbs match and gutters and the water drainage is correct when we build new subdivisions and that's where the towns going to put the teeth in this project.

President Tucker stated that this also would encompass how we see the town growing over the next 10 to 20 years.

President Tucker stated if you look at the town boundarys now of Sellersburg which represents about 5,000 people there is sort of a logical progression if you will, where we can go to grow.

President Tucker stated that due to some restrictions we have going west cant go west past 60 because thats Clarksville.

President Tucker stated that the past town council had entered into an agreement in essence a moratorium something similar to what the RAA is proposing that there would not be any annexations north of Poindexter Lane for 10 years and its in the third year, approximately 7 years to go before there can be any additional annexations north of Poindexter Rd. on the west side of 60. ←

President Tucker stated that when your looking at a comprehensive plan you basically place a compass in the middle of town and look at a two mile radius around that compass as to see what kind of development is going or potentially could happen to that 2 mile radius and they would have to conform to the comprehensive plan restrictions that will be in place.

President Tucker stated if you can visualize a 2 mile radius from the central point in town its going to encompass the area of the proposed annexations and also the Speed area so as a progression of events our town board

President Tucker Addresses Residents (Cont.)

and the following town board will start an annexation process to annex all the areas from the airport and the Diamond Hgts. area up 60 all the way to Perry Crossing Rd. then East up Allentown, pick that up, and over to 31 and encompass Essroc and the question would be whether it would be East of Silver Creek or East of Muddy Fork so there is some demarkation.

President Tucker stated so as you can see as part of the Comprehensive Plan we are required to look for the future in the next 10 or 20 years and to map out a strategy of how this is going to take place and it so happens that the area in discussion would complete the rectangle of the town at this point in time and the next area will be the Dreyer Ln. Farm area behind the Dreyer Estates and into the Speed area, you can only annex a portion of land at a time, you can't annex everything at one time you have to have contiguous land and the land space can't be any greater than that touches it and it will probably take 20 years for all that to happen so that is the common sense approach and the logic behind the guidance we have had from the Corradino Group and Jacobi, Toombs, and Ianz and how we need to procede.

President Tucker stated that it just so happened this group had to be the first group.

President Tucker stated that as we progress there will be other groups as equally unhappy with this process of events, but that is the towns goal and our objective.

Vice President Broady stated that the fact that the sewer system, because it was pushed upon us to provide sewers to these areas it speeded up the operation because the town does provide services to these areas.

President Tucker stated that he has lived in Indiana for 18 years so he isn't actually a Hoosier yet, because he understands you have to live in Indiana for 20 years to be a true Hoosier.

President Tucker stated that there has been alot of changes in the past 18 years and the town inherited very bad water.

President Tucker stated that his son, who lives in Louisville, came over and said he remembers when the water was so brown he didn't know what to do with it.

President Tucker stated that we don't have that same problem anymore with the water system.

President Tucker stated that the EPA stated they were going to close the town down if they didn't build a sewer and the town didn't have a choice and the EPA dictated where the areas would have to be encompassed in the sewer project to pay for it. It really had to do with the bond issue more than anything else.

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President Tucker Addresses Residents (Cont.)

President Tucker stated that you really had to have a certain number of people in order to put the sewer in place, so that encompassed alot of areas such as Speed who weren't even on sewers and like alot of the residents present , all of who were paying a fee according to the bond issue but didn't have sewers yet because EPA said thats the way you have to do it

President Tucker stated that if you follow a line where the sewers went and where they are going to go and there is a sewer line going up to Fuzzie Zoellers new place thats only going to be used by the 1st section of the new subdivision because thats all the town allowed them to do and they put the sewer line in and the pumping station in.

President Tucker stated that there are people on Allentown who can hook in to that sewer line but none have chosen to do that at this point and if all the people of Allentown and the other two sections of that subdivision are developed they will have to put a bigger line in there because it is a 4 or 6 inch line.

President Tucker stated that we through the comprehensive plan and the fact that the EPA said we had to put sewers in local and where the sewers went there was a logical direction that this all took and this group happened to be the 1st group that was in line to be added on for annexation.

President Tucker stated as he understands it cities have obligations to provide sewer, water, street repair, garbage, this type of things and if you annex an area you have to provide some of this protection within a year such as police and garbage and within 3 years water and sewer and those are the 5 or 6 services that the town is required to give the people who are annexed into the town in this case you do have water and sewer and sort of police protection even though you don't legally have it they do come out there if theres a problem and the county does as well and you pay that through county tax, and we do that as well.

President Tucker stated as he understood correctly, a town that provides the majority of these services to people can annex this area and if the town can prove that they are providing all this and contested this, they don't succeed, but he doesn't know it to be a fact but he has been told this by five different people who all are in the legal profession and originally this was our goal and intent.

President Tucker stated that 2 council members were absent from this meeting to make a commitment whether to allow a 10 year moritorium or not.

President Tucker stated the other two areas asked to be in the town so the I,K,M, group don't want to be in the town and the town understands this.

President Tucker Addresses Residents (Cont.)

President Tucker stated that he has been quoted in some cases and misquoted in the newspaper recently, and the town did not try to hide or sneak or do anything like that at all and he apologized for the confusion and a short period of time that everyone didn't have an opportunity to get together and plan that was not our intention and that's why we are having this meeting now.

President Tucker stated that he can't speak for other council members Truman and Eddings not being here and that there is not any way there could be a commitment tonight for a 10 year moratorium and it will be taken in consideration.

Council Member Everitt stated that he would like to clarify one thing that President Tucker said most of the people know Old 60 and New 60 and 311 with Clarksville annexation the agreement was that the Town of Sellersburg was they would not annex West of New 60, now New 60 is on the other side North. If your looking way towards the new Sellersburg Lumber Co. any thing back this way is grabs for Clarksville or anybody. We are talking about that area going back to Ski Starlight that was the agreement with Clarksville and it doesn't say that they can't come back now and get Black Diamond Hgts. or any where else down here, just that one area.

Council Member Everitt stated that Clarksville let Sellersburg take Twin-Brook because at the time we had 98% of the people in TwinBrook wanted to be annexed and he has not seen a change in the numbers yet.

Council Member Everitt stated that he also has talked to people in the areas proposed to be annexed and they have signed the petitions but they still want to be in Sellersburg.

Timothy Sells asked Council Member Everitt why they signed the petition if they wanted to be annexed.

Jamesa Sells said, " Yes, and their giving us their money.

Don Brown stated to Council Member Everitt that they showed names of people against annexation and requested to see Council Member Everitts.

Council Member Everitt stated that he don't have names he knows people.

President Tucker stated he thought it was the way you asked the question or made the statement.

President Tucker stated if he were to say would you rather be in Clarksville Jeffersonville, or Sellersburg.

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President Tucker Addresses Residents (Cont)

Don Brown stated that this evenings explanation is the best and probably the only one given so far.

Don Brown stated that he mentioned to Mr. Truman that if the council had done a little P R work out in that area had an open house of some sort of an advertismnt rather than just saying your annexed it would have went alot smoother; still in all you mentioned that this is a 20 year process and other areas should be annexed and Mr. Brown suggested to go get some other area and leave them alone for awhile.

Don Brown stated that as far as the Clarksville threat, some sort of an agreement could be entered into which Attorney McCall could devise for us that we would sign a letter of intent and agree not to contest that they could be annexed in a number of years.

President Tucker asked Attorney McCall if the town would consider giving them a 10 year moritorium on annexation areas of I,K,M, and since Council Members Truman and Eddings are not here and its not something we can vote on anyway that all we can do is take it under consideration.

President Tucker stated that his suggestion here is that we, obviously we don't have meetings when the public is not allowed to show up except executive sessions which allows us to only talk ablut personnel matters and we can't vote or anything we can't do any town business like approve annexations.

President Tucker suggested that he be given the opportunity to talk to Council Members Truman and Eddings so they are included and to present Mr. Browns proposal and get back with an answer whether it be to agree or disagree.

Don Brown stated that he would like that before the meeting on the 15th.

Don Brown asked if there would be an answer by Monday, June 14th.

President Tucker stated he would do his best.

President Tucker stated that Council Members Broady and Everitt could be thinking about it and he would contact Council Members Truman and Eddings.

Don Brown stated at this time I suppose this is all we have to say.

Russell Appell stated that he would like to have a list of the 98% that signed that they wanted to be annexed.

Council Member Everitt stated that Mr. Appell, was probably at one of those meetings at the High School when the people came forth and signed that paper and he would get it.

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President Tucker Addresses Residents (Cont.)

Mr. Appell stated that he was not at the High School for that meeting.

Ray Yeager stated that President Tucker had come along way tonight.

Mr. Yeager stated that the people want to be part of Sellersburg but do they have to be annexed into Sellersburg to still be part of Sellersburg.

Mr. Yeager stated that people didn't like to be pushed into something and people don't like change.

Mr. Yeager stated is what they really want out of this is to feel that we are alltogether.

President Tucker stated that there have been numerous public meetings about this comprehensive plan and it was in the paper.

President Tucker stated that the Planning Commission meets the Tuesday following the Town Board meeting on June 15th and are in the final stages of the report and are going to start putting the teeth in the comprehensive plan.

President Tucker stated that he would highly suggest that anyone interested that would like to attend those meeting and participate to do so.

President Tucker stated that there have been 51 building permits since January 1st, 5 fast food restaurants are comming into the town.

President Tucker stated that we do have a moritorium on right now so people would have to come to the town board before they build anything as to channel what they do.

Don Brown requested to be placed on the agenda for the next regular meeting of the town council.

President Tucker stated Mr. Brown was on the next two agendas and the town hopes to have that settled by the next two agendas.

Ms. Lochner stated that she will be gaining from annexation at this point is police protection, maint. of roads.

Ms. Lochner stated that the state police was 3 minutes away and asked if President Tucker would know ETA or particular Dept. would be in responding to her subdivision.

President Tucker stated that he did not.

Ms. Lochner stated that the streets are maintained by the county at this

President Tucker Addresses Residents (Cont.)

time, so all she would be gaining is basically zoning and police protection is this correct she asked.

President Tucker replied, and garbage pickup.

Ms. Lochner stated yes, at a cost of \$3.00 per month.

President Tucker stated that the 5000 or so that live in Sellersburg have a pretty vested interest of how we would like to see Sellersburg grow and you people who call yourself part of Sellersburg have that same vested interest, it cost alot of money to run the Town of Sellersburg and we try to do it as fruitfully as possible.

President Tucker stated he didn't say we needed your tax dollars or we are going down the tubes, with additional needs the more tax dollars we have the better off we are and we do provide services for that tax dollar.

President Tucker stated that in some cases taxes will go up a few hundred dollars and his point was that we are all in this together and he would like everyone to work together to make Sellersburg a better town to come to the Planning Commission meetings and to help us develop a Comprehensive Plan to help Sellersburg grow the way we want it to grow.

Allen Walker asked what effect this will have on Diamond Hgts. and why don't Sellersburg just leave them alone.

Mr. Walker stated that he didn't care what Sellersburg does.

Phyllis Yeager stated she did have a question on tax abatements.

President Tucker stated that he read in the paper last week that the county is proposing that tax abatements be put in place for the county as a whole for any new industry now at this point nothing has happened but what we have done so far, as far as this town board, we have given a tax abatement, the old town board had given a tax abatement for AVCO for new industries that nove across in ACVO they do have a 10 year abatement on machinery as well as buildings, we have given one other tax abatement at the last meeting to Benita Springs, and Rhodes will want a tax abatement.

President Tucker stated if new industry moves into town and it will create additional jobs then we will consider additional tax abatements.

Jamesa Sells asked if they would be reaccessed imediately instead of like the normal time.

President Tucker stated that his understanding is that in the past you are assessed every 10 years but due to changes the assessments will be every 4 years so the next time will be 1994 payable in 1995.

President Tucker addresses Residents (Cont.)

Jamesa Sells stated that when Sellersburg put sewers in out there that citizens on fixed incomes were drained and now your immediately going to raise taxes.

Ms. Sells stated when the sewers were installed that she called EPA and they said the town council didn't know what they were talking about when they said the sewer lines were mandated.

Council Member Everitt stated that 3 years ago on this side of camp Honor Bright the EPA from Indianapolis and 2 town board members walked along the fence of 65 and they were walking in human waste and the man said that was it.

Jack Wildman addressed that he had to dig a deep hole to tie into the sewer line due to Sellersburg laying sewer lines on a ridge and he feels that they should have been installed behind the houses where water runs down hill and to him he feels that Sellersburgs main interest is in business and not in residents.

President Tucker stated that we do have interest in residence.

President Tucker stated that the engineering group that did that, he was not on the council when the sewer line was laid and the engineering firm worked with EPA and as he understands it they tried to talk to residents as they started digging.

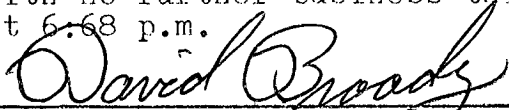
Mr. Appell stated to all council members to wait until they have to operate on a fixed income.

Mr. Appell stated that he gets \$3.00 more now than he did 16 1/2 years ago. He stated that this is forcing people to let their property go or else sell it for what little they can get for it.

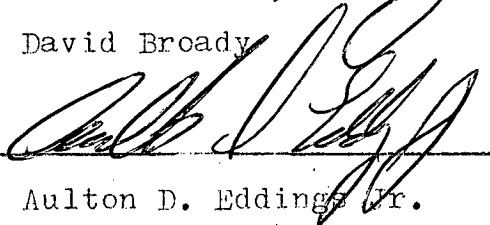
Mr. Brown thanked everyone for comming out and thanked the council members for the meeting.

Adjournment

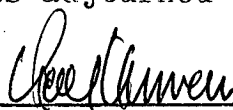
With no further business this meeting was adjourned by President Tucker at 6:68 p.m.



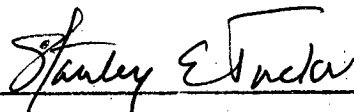
David Broady



Aulton D. Eddings Jr.

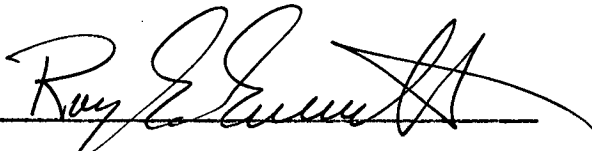


Karl Truman

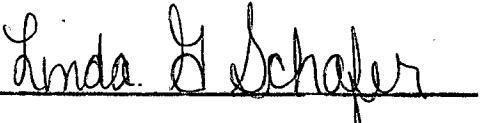


Stanley E. Tucker

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Roy E. Everitt



Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

June 14, 1993

SPECIAL MEETING/SEWER

A special meeting of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Library to discuss sewer grants and approve claims. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Doug Eddings Jr., Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treas. with Karl Truman being absent.

Called To Order

President Tucker called the special meeting to order at 6:00 p.m.

Transmittal Letter Presented On One Year Project Certification

Ed Tinkle from Commonwealth Eng. presented to the council a transmittal letter to the town transmitting the five copies of the one year project certification report, that is required by the grant.

Mr. Tinkle stated that the document needed to be signed by the Council President and on all 5 copies a signature needed to be signed, one for Pres. Tucker, one for Rick Wheeler, the sewer superintendent, and three copies to be sent to IDEM.

Mr. Tinkle stated that this is the final report that, and we got the information in from Rick for the month of May so this is through the month of May telling us everything about the plant and how its operating.

Mr. Tinkle stated that the only thing he would like to bring to the council's attention is that this report identifies the infiltration/inflow problem at the WWTP and what is being experiencing with the collection system.

Mr. Tinkle stated that he felt that the next report he is going to talk about, the smoke testing report will pretty well respond to what we have found that is causing most of the water problems in the sewer system. The smoke testing was very successful. In all likelihood IDEM will review this and ask what is the town doing, and we can come back with this card, but if we play this card now IDEM could come back and say, why don't you do the sump pump survey, even though it has been recommended in a transmittal letter from Commonwealth, lets let this show a positive reduction in flow without creating a nightmare of going and establishing a door to door sump pump survey program and if you have to do it, do it.

Motion made to approve President Tucker signing the transmittal letter was made by Dave Broady and seconded by Roy Everitt.

Vote 3-0

Commonwealth Presented Transmittal Letter/Smoke Test Report

Ed Tinkle, from Commonwealth Eng. presented to the council a transmittal letter of the smoke test report as follows:

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Commonwealth presented Transmittal Letter/Smoke Test Report (Cont.)

Please find enclosed for your review one (1) copy of the Smoke Testing Report for the above referenced project. Pursuant to our Agreement, Commonwealth smoke tested 102,936 lineal feet of the Town's system and causing the excessive flows within the system and at the treatment plant. It is our opinion that the testing was highly successful. The following table summarizes the various infiltration/inflow sources identified by the smoke testing program.

Clean-Outs (defective)	-108
Service Line Breaks	-117
Downspouts (Roof Drains)	- 6
Floor Drains	- 9
Mainline Breaks	- 29
Manhole Leaks	-49
Service Drain	- 1
Catch Basin	- 1
Inlets	- 12

The enclosed Smoke Testing Report includes photographs (Color) 1/1 source, aerial photos of the Town marked to show the 1/1 sources and a smoke testing log, which identifies the aerial photo sheet, the location of each defect, the line segment the defect is on, the street and miscellaneous remarks.

It is our opinion that these 1/1 sources, especially the catch basins, inlets, service drains and roof drains are a major cause of the problems within the system. These need to be addressed immediately by Town personnel. Although it was beyond the scope of this study, we also recommend that the Town immediately initiate a program to find illegal sump pumps connected to your system.

Since your One Year Certification Report clearly identified 1/1 problems at the plant, the Indiana Department of Environmental Management (IDEM) will require some type of follow-up report or letter from the Town indicating that these 1/1 sources along with the illegal sump pumps have been removed from your system. In fact, they may hold processing of your final EPA and State payment requests until they have such follow-up certification. This could cost the Town approximately \$42,000.00.

We remain available to work with you in addressing this problem and/or answering any questions regarding the Report.

If you have any questions regarding this information, please contact us. Sincerely, Commonwealth Engineers, Inc.

Council Member Everitt stated that he would like to ask a question concerning manhole leaks.

Council Member Everitt stated that when the town first started this we done all the manholes, did we not?

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Commonwealth Presented Transmittal Letter/Smoke Test Report (Cont.)

Mr. Tinkle stated that not every manhole was done.

Mr. Tinkle stated to council members that the previous administration did not want to take and spend a massive amount of money doing another sewer system evaluation survey, so we took the one that Wilford did expanded on it and basically wrote up on that, and that report identified some leaks, now whether or not it was extensive, we don't know, but what it identified were things that needed to be corrected and we have done that in this project.

Mr. Tinkle presented a smoke testing log and stated that when the council members go through the smoke testing log it all ties together and this is a 2 volume report, volume 1 contains the log and it has photos by page number in reference to the plan sheet its on and open up the plan sheet and you will have the numbers of all the sources so that some one can take this like, Rick Wheelers people, and go to the field, and actually go right down to the point where the smoke is coming from, an example you can see where it is defined, the street number, house number and this is a cross reference back to the report, so with a red magic marker you can check these off. If you find that in the defect column there is a blank or a space, that means that it was smoke tested and nothing was found to be wrong with that line. The reason we did that is to indicate the total length of lines tested. So this is a good as built of the sewer system if someone ever wants to know how many feet of sewer line the town has with the exception this does not include the new sewers that have been built as part of the project.

Mr. Tinkle stated that with this documentation and going out and chasing some of these down with the exception of clean outs and on lot service laterials he would suggest not to address these until the end, unless its a clean out in a low area with the top off and a big source of infiltration then get rid of it.

Mr. Tinkle stated that the real problem he thought was at the Methodist Church in that vicinity and its a low area, we found inlets and catch basins and alot of water is coming into the system down there. The photos will show this as you go through them and again the large aerial photo will get you to the point you need to be so what you need to do is look at the little legend at the bottom of each page and look for the C.B.-catch basins, D.S.-downspouts and the S.D.-service drains and going for those to basically develop a program to stay on that and so that is the smoke testing report.

Mr. Tinkle stated that he was available at anytime if there was a question, he would get the people who worked on this smoke testing project to come back down if anyone has any trouble in identifying these sources but the pictures were very clear.

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Final Letter Presented On Engineering Point Of View

Mr. Tinkle stated that the EPA project is officially over when we submit the documents and a copy was left for the town and for Rick Wheeler and he will send the other three copies to EPA, with this you can now request your final payment request from EPA.

Mr. Tinkle stated that Commonwealth Eng. have prepared all of their final invoices and have not billed for the final profit or anything, on any of the accounts and with the plant start-up, smoke testing, and final profit that's the only thing we have left to bill.

The following letter was presented to the town council members from Commonwealth Engineers, Inc.:

Gentlemen:

Please find enclosed the following final pay estimate documents for the above referenced project:

1. Project Cost Breakdown- June 14, 1993 (Final)
2. EPA Payment Request No. 27 (Final)
3. IDEM Payment Request No. 27 (Final)
4. June Checks Breakdown (Final)
5. Final Engineering Invoices for Construction Engineering, Final Plan Of Operation, O & M Manual, Inspection and Plant Start - Up.

As noted in the Final Project Cost Breakdown, based on the most current available information, your project has been completed with a final contingency balance surplus of \$196,603.41! This number could vary from your bank statements due to additional interest earnings.

The following table summarizes our final engineering fees for the construction phase of this project:

<u>Item Description</u>	<u>Total Fee</u>	<u>Total Invoiced</u>	<u>Total Savings</u>
Const. Eng.	\$286,000.00	\$269,659.27	\$16,340.73
Final Plan Of Oper.	4,500.00	3,214.50	1,285.50
O & M Manual	54,200.00	43,257.19	10,942.81
Plant Start Up	47,000.00	36,620.76	10,379.24
Inspection	<u>579,700.00</u>	<u>461,039.06</u>	<u>117,960.94</u>
Totals	\$970,700.00	\$813,790.78	\$156,909.2

Based on the above figures, the total engineering fees were approximately 16% below the original budget.

Final Letter Presented On Engineering Point Of View(Cont)

Commonwealth Engineers, Inc. and our prime subcontractors, Jacobi, Toombs, and Lanz, Inc. are extremely pleased with the final, constructed facilities and it is our hope that the Town Council and its citizens are likewise.

We are always available to answer any questions pertaining to the project and look forward to working with the Town in the future.

Sincerely, Commonwealth Engineers, Inc.

Mr. Tinkle stated that 156,909.22 was saved on the total project and keep in mind that EPA gets 75% of this money so the towns actual savings will be about 45,000.00 or 50,000.00.

Final Project Cost Breakdown Was Presented

Mr. Tinkle presented to the council members a final cost breakdown and stated that this is a complete breakdown of all the final cost that we have accumulated for the project.

Mr. Tinkle stated that if some of the legal fees have billings on the project that he is now aware of them these could be off a little bit but he doesn't believe very much.

The final cost was as follows:

EPA	= \$9,215,840.00 X 55%	=	\$5,068,712.00
IDEM	= \$9,215,840.00 X 20%	=	<u>1,843,168.00</u>
Total Grants			\$6,911,880.00
Cash-On-Hand			45,125.00
Interest Earnings			1717,077.43
Bond Issue			<u>4,625,000.00</u>
Total Funds Available			\$11,753,082.43

Final EPA Payment Request Presented For Approval

Mr. Tinkle presented to the council for the signature of President Tucker the final payment request number 27 in the amount of 31,527.00 and final payment request State claim number 27 in the amount of 11,464.00.

Mr. Tinkle stated that these are the 42,000.00 that was talked about earlier that in all likelihood until all is approved and follow up on the smoke testing, until they know that everything is clean and done the payments could be held.

Motion made to allow President Tucker to sign the final payment request was made by Roy Everitt and seconded by Dave Broady.
Vote 3-0

Final Claims For June Were Presented From Commonwealth For Approval

Mr. Tinkle presented to the council members his claims (Final) for the month of June as follows:

Commonwealth Engineers, Inc.

Const. Eng.- Inv.#26 (Acct. #26)	2,218.51
Const. Eng.- Inv.#26 (Acct. #27)	378.23
Inspection- Inv.#24 (Acct. #34)	17,930.30
Inspection- Inv.#24 (Acct. #35)	3,056.94
Plant Start-up Inv.#13(Acct.#32)	18,037.70
Plant Start-up Inv.#13(Acct.#33)	3,075.25
Final Plan of Oper.-Inv.#7 (Acct.#28)	188.53
Final Plan of Oper.-Inv.#7 (Acct.#29)	32.14
O & M Manual- Inv.#17 (Acct.#30)	1,432.23
O & M Manual- Inv.#17 (Acct.#31)	244.18
Inspection- Inv.#25 (Acct.#34)	17,588.53
Inspection- Inv.#25 (Acct.#35)	2,998.67

Motion was made by Dave Broady and seconded by Roy Everitt to approve the claims presented for June (Final).
Vote 3-0

President Tucker Addresses Commonwealth Eng. on Methodist Church

President Tucker asked Mr. Tinkle what needed to be done at the Methodist Church.

Mr. Tinkle stated that a storm sewer was needed in that area.

Mr. Tinkle stated that he had a feeling that, that was a source because no one had an answer in the past as to what to do with it.

Mr. Tinkle stated that all the things that were found on individual residence are all illegal violations of the ordinance, again its how far the town wishes to persue them and offered a suggestion for the town attorney to prepare a notice letter of the violation.

Close-Out Transmittal Letter Presented For Pres. Tucker's Signature

A close-out letter was presented to the Council President for his signature to be sent to IDEM as follows:

Dear Mr. Griffith:

Please find enclosed for your review and approval the following documents for the above referenced project:

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Close-Out Transmittal Letter Presented For Pres. Tucker's Signature (Cont.)

1. Original and four (4) copies of EPA payment request # 27 (Final)
2. Original and four (4) copies of IDEM payment request #27 (Final)
3. Project Cost Breakdown-June 14, 1993 (Final)

All cost shown in these requests and breakdowns are final based on final invoices and change orders. Final construction costs are based on IDEM's final change order eligibility decisions.

Under separate covers, the One Year Certification Report has been transmitted to Mr. Rigney of your Facility Construction Section.

If you have any questions regarding this information, please contact us.
Sincerely, Town Council Of Town of Sellersburg, Stanley Tucker, Pres.

Motion was made by Roy Everitt to allow President Tucker to sign the transmittal letter to IDEM and seconded by Dave Broady.
Vote 3-0

Adjournment

With no further business this meeting was adjourned by President Tucker at 6:27 p.m.

REGULAR MEETING

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

Prayer

The prayer was offered up by Father Herman Lutz.

Pledge of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes of Meetings on May 24, June 2, June 9,

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

Motion was made to approve minutes of the above meetings by Roy Everitt and seconded by Doug Eddings Jr.
Vote 4-0

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President Tucker Presents New Chief Deputy Clerk Treasurer

President Tucker introduced the new Chief Deputy Clerk Treas., Cheryl L. Dean to the residents present at this meeting and to the council members.

President Tucker stated that her starting salary was 7.75 per hour and in 90 days it will be increased to the positioned rate of 8.32 per hour and thanked Cheryl Dean for being on board.

There was question on the appointment of the Chief Deputy Clerk.

Clerk Treasurer, Linda G. Schafer, stated that she was requesting a motion from the council to approve the appointment of Cheryl L. Dean as Chief Deputy Clerk.

Motion was made by Doug Eddings Jr. and seconded by Dave Broady to approve the appointment of Cheryl L. Dean.

President Tucker asked if there were any discussion or questions.

Council Member Truman stated that he was concerned that the council was not consulted first.

President Tucker stated that council member Truman and he had talked about this and we checked with the attorney and in this particular case it was the Clerk Treasurers choice.

Council Member Truman stated that the reason he brought it up is because there was an issue previously brought up that all positions were suppose to be approved and none of this is directed towards Ms. Dean and Council Member Truman asked Ms. Dean not to take it personal, but all positions had to be approved by the town council, and it was a procedural issue that was raised by the council previously.

President Tucker stated that the exception was that, that particular position

Council Member Truman stated that there maybe an exception now but when that policy was passed by the council that exception was not stated.

President Tucker stated that it should have been and he is sorry that it wasn't.

Vote 3-1 Karl Truman voting against.

Karl Truman stated that again his nay was not directed to Ms. Dean personally its a procedural stand point that the policy set up was not followed.

President Tucker Gives Info. On Sellersburg Celebrates

President Tucker stated that he received a letter from Tom Hardy, who is the finance chairman for Sellersburg Celebrates and he would like to put a plug in that August 27,28,29 we will have Sellersburg Celebrates.

President Tucker stated that he thought it was the 4th year and it has been very successful and obviously they would like to have any donation of any

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President Tucker Gives Info. On Sellersburg Celebrates (Cont.)

kind and if anyone would like to give make the checks payable to Sellersburg Celebrates and mail it to P.O. Box 199, Sellersburg, In. 47172.

President Tucker Presents Letter For Signature/Refinancing Bond Issues

President Tucker presented a letter to Lloyd Jenkins of the Government Securities Division in reference to the Sellersburg Waterworks Refunding Bonds, for the council members approval to allow Clerk Treasurer, Linda Schafer to sign.

Motion was made by Doug Eddings Jr. and seconded by Dave Broady to allow the clerk treas. to sign this letter.
Vote 4-0.

Petitions Or Comments From Those Citizens Present

Bill Collier stated he would like to know what the town is doing about his storm sewer.

President Tucker stated that he may have to refer this question to John Toombs.

Bill Collier stated that John Toombs called him a couple months ago to obtain an easement or right-of-way and he has not heard from that yet.

Mr. Collier stated that he has had two people look at his wet basement and walk away.

Mr. Collier stated that he also heard that since he had his property for sale that the town wasn't going to fix it.

Mr. Collier stated that you have the money to go around and annex everyone but why don't you have money to fix the problems.

President Tucker stated that the survey was being completed and the town will fix the storm drain problem as soon as we get the money to fix it.

Council Member Everitt stated that Attorney McCall had documents for Mr. Collier to sign.

Council Member Everitt stated that 13 years ago he had asked Mr. Collier about his (Mr. Everitts) property along with six other houses and its not fixed either.

Council Member Everitt stated that the town was working on it, were working on the same grant, to fix Mr. Colliers side of town and also Council Member Everitts side of town and that Mr. Collier had been in government long enough to know that it takes time.

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Petitions Or Comments From Those Citizens Present (Cont.)

President Tucker stated that if Mr. Collier will sign an easement it will be taken care of.

Mr. Collier stated that he has offered several times.

Attorney McCall presented the easement and stated that Elaine Colliers signature was also required that Mr. & Mrs. Collier could stop by the Town Hall tomorrow.

President Tucker stated that when we obtain the easement we will take a look at it.

Don Brown stated that he would like to receive an answer from the council if they were ready to negotiate concerning the moritorium for a period of time on annexation.

President Tucker stated that we have discussed since the meeting last Wednesday and he had talked with Council Member Truman and Council Member Eddings, and naturally Dave Broady and Roy Everitt were already here, and President Tucker stated that we do intend to go on with the annexation, we will do this at the next meeting on June 28th and we will make sure all the T's are crossed and I's are dotted this time on the fiscal plan and we will provide police protection and you will get street lights and there will be sanitation pick-up and there will not be side walks because we have not provided sidewalks for any other part of town. Parks and recreation is something that will not happen immediately but we will always keep our eyes out for that, road maintenance will take place, standardization of tax abatement procedures is all part of the comprehensive plan that is being put in place. The teeth will be put in that in the next 30 to 60 days.

Don Brown presented a statement as follows:

Gentlemen of the Town Council Of Sellersburg;

It is with deep regret that I receive this sad news that you have decided not to attempt to mediate our differences on this annexation issue, Was this a unanimous decision?

This Council has repeatedly said that they are not like others before them, and that THIS Council wants to encourage people to be a part of Sellersburg.

Well, if here was ever a way to discourage anyone from wanting to be as a citizen of this town, you gentlemen have discovered it!

For a long time now this Council has run Sellersburg as they pleased, you seldom if ever see a private citizen from Sellersburg at one of these meetings or even less, someone who is allowed to ask questions.

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Petitions Or Comments From Those Citizens Present (Cont.)

However, the Residents Against Annexation are NOT within the town boundaries and we will NOT meekly defer to the dictates of despots desperately trying to distance themselves from a pecuniary pit of poverty of their own devising.

We resent this vicious attempt to seize our funds to pay for the financial shortcomings of this Council and the others before it.

If Sellersburg has spent itself into bankruptcy, then let Sellersburg pay its way out of it!

You have offered us nothing... nothing but higher taxes, without a thought as to how people of fixed incomes are will be able to afford them, and I don't think that you are concerned about Clark County residence or retirees, just so long as you get the money the town must so desperately need.

How much more money is the Council willing to squander on future annexation attempts?

With all of this money spent, and nothing to show for it but the prospect of lengthy litigation, doesn't it seem irresponsible for this Council to refuse to negotiate a reasonable settlement with the members of the RAA?

Are not the Town Council Members being totally remiss in their duties and responsibilities, as well as oath of office by refusing to negotiate?

I wonder how much longer the people of Sellersburg are going to put up with such arrogant actions? and how much longer they will allow THEIR tax money to be wasted. That remains to be seen, but I do know this, the Residents Against Annexation are resolved to resisting by all means, ANY annexation attempts!

Don Brown Chairman of Residents Against Annexation:

Mary Absher stated that her husband and her lived on Poindexter Rd. and she stated that everyone is not opposed to annexation.

Ms. Absher stated that she lived in the Twin Brook, Poindexter Rd. area and her and her husband had worked on the Hamburg Neighborhood Assn. Committee formed in their area when Clarksville attempted to annex them so they had to face the reality of annexation several years ago, and at that time the majority of people in their neighborhood decided if they were going to be annexed they would rather it be into Sellersburg.

Ms. Absher stated they felt they were more associated with this community and at that time several had turned in petitions to be annexed by Sellersburg.

Ms. Absher stated that the options in her area are whether to get annexed by Sellersburg or Clarksville and not many in her area will take the latter choice.

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Petitions Or Comments From Those Citizens Present (Cont.)

Ms. Absher stated that there is probably some in her area that are supportin Mr. Browns group but she would doubt very seriously if there is a majority of support in that area.

Jamesa Sells stated that she thought it a shame that this town is tearing up neighbors

Miscellaneous Discussion

There was discussion of traffic problems at Ohio Ave, and maybe the possibility of installing a stop sign there.

Street & Sanitation Supt. Addresses Nuisance Violations

Mark Warren, street & sanitation supt. asked the council whose resppnsibilit it was to inforce nuisance violations.

President Tucker asked was there not something in the ordinances passed by the council in reference to building commissioner, Steve Prather.

President Tucker asked Mr. Warren to get him a copy of the one on nuisance violations and he would try to fit it.

Chief Kinder Addresses the Animal Control Officer/Pager

Chief Kinder stated that he thought it was a good idea of the animal control officer carring a pager.

Clerk Treasurer, Linda Schafer stated that she had called Russel Foushee and stated that there had been several occassions where his services were needed after hours and suggested to him to obtain a pager but no reply has yet been received from Mr. Foushee.

President Tucker suggested the Clerk Treas. form a letter for his signature to the animal control officer in reference to the pager.

Water Supt Gives Information on #4 Well

Clark Henson, water supt. stated that the #4 well was down due to being struck by lightening.

Clerk Treas. Schafer stated that there insurance coverage to cover that damage.

Building Commissioner Presented Claims For Approval

Steve Prather, building commissioner presented to the council members for approval his claims for this meeting in the amount of 961.74.

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Building Commissioner Presented Claims For Approval (Cont.)

Motion was made by Karl Truman and seconded by Dave Broady to approve the claims for payment as presented.
Vote 4-0

Information On Fence Violation

Steve Prather stated that the deadline date on the letter he had sent to Mr. Conway in reference to a fence was up yesterday and he just wanted to inform the council that it was out of his hands.

Perry McCall, Attorney, stated that he had correspondance with Larry Wilder the attorney for Mr. Conway and they have agreed to take the fence down.

Council Member Everitt Gives Info. on Asphalt Bids

Council Member Everitt stated that he had requested bid for paving and had received only one bid and it was from K & I Asphalt, Inc. for \$19.78 per ton laid.

Council Member Everitt Gives Information on Recycling and Res. 93-5

Council Member Everitt stated that for the council the Clark Co Solid Waste Management district has asked about recycling and Sellersburg, Jeffersonville, and Clarksville, has approved to go along with it and Council Member Everitt made a motion that we the Sellersburg Town Board also go along with it.

President Tucker stated that we need to probably condition that with an actual ordinance or resolution and we can pass it on contengency that a resolution will be presented at next meeting.
Motion was seconded by Karl Truman.
Vote 4-0

Council Member Truman asked if the district ever recommended about the fees the billing, is the district going to handle the billing.

President Tucker stated, "yes."

Clerk Treasurer Presented Claims For This Meeting

Clerk Treasurer, Linda Schafer, presented the bills for this meeting for approval of payment.

Council Member Truman stated that catigory numbers were not put on the register in the General Fund.

Clerk Treas, Schafer stated that if the council members like she will hold these bills until the next meeting and if they like the numbers will be placed on the register and presented at the next meeting, that training a new Chief Deputy clerk was not easy.

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Clerk Treasurer Presented Information On Bond Changes

Linda Schafer, presented to the council members a letter from the insurance agency in reference to changing the necessary bonds to cover the current Chief Deputy Clerk, Cheryl L. Dean.

President Tucker Presents Request From Rhodes Systems/Tax Abatement

President Tucker stated that he had put in each council members box from Rhodes Systems, conveyor Group a request to obtain a 10 year tax abatement on their new building at 821 Bean Rd.

President Tucker stated that they currently have 21 employees with salaries of 366,000.00 and will be adding at least 20 more new employees from Sellersburg and additional salaries of 312,000.00 the approximate cost of the building is 325,000.00 and they have submitted this for the councils consideration.

President Tucker requested a motion to approve the 10 year abatement on building only.

Motion was made by Doug Eddings Jr. and seconded by Dave Broady.

Karl Truman asked if this is a warehouse.

President Tucker stated that this company made conveyors and they also used this as a sales office.
Vote 4-0

Attorney McCall Presents Ord. 93-568/ Salary Ord. Amendment -Henson

Attorney McCall presented to the council members ordinance 93-568 and amendment to original salary ordinance 92-534 concerning 1993 salary, holiday and longevity pay in reference to the pay increase of Clark Hensons.

Motion made to approve the salary increase at the meeting on the 24th of May 1993. Original motion was made by Doug Eddings Jr. and seconded by Karl Truman. Vote 4-0

Attorney McCall Presented Ord. 93-569/Garbage Dumping

Perry McCall presented Ord. 93-569 in reference to dumping garbage in someone elses receptacle.

Motion was made by Roy Everitt to accept it in the first reading and seconded by Doug Eddings Jr.
Vote 4-0

Attorney McCall Presented Ord. 93-569 For Passage/Garbage Dumping

Attorney McCall presented to the council members for approval Ord. 93-569 in reference to dumping garbage in someone elses receptacle.

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Attorney McCall Presented Ord. 93-569 For Passage/Garbage Dumping (Cont.)

Motion was made by Dave Broady and Doug Eddings to approve the above Ordinance 93-569.

Adjournment

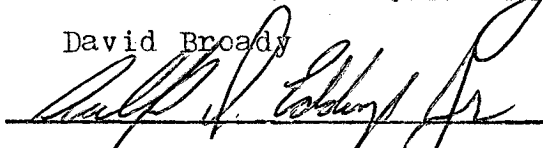
Motion was made to adjourn this meeting by Dave Broady and seconded by Doug Eddings Jr. at 7:32 p.m.
Vote 4-0



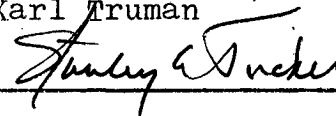
David Broady



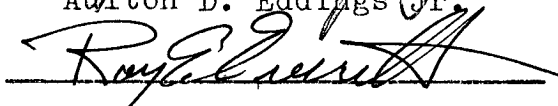
Karl Truman



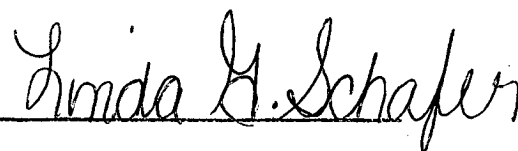
Aulton D. Eddings Jr.



Stanley E. Tucker



Roy E. Everitt

Attest: 

Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

June 28, 1993

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

President Tucker called the regular meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge Of Allegiance

The pledge of Allegiance to the Flag was recited.

Minutes Of Last Meeting

President Tucker stated that the minutes have been corrected as far as ordinance numbers and dispensed with the reading of the minutes from the above meeting and requested a motion be made to accept them.

Motion was made to approve minutes of the last meeting by Roy Everitt and seconded by Doug Eddings Jr.
Vote 4-0

Petitions Or Comments By Those Citizens Present

William Collier stated that he was back again to see what the status is of the storm drain.

President Tucker stated that he talked to John Toombs today, but he was not able to attend the meeting tonight, and he would like to come to Mr. Colliers property, survey the problem as to determine what needs to be done and put a price on it for us.

Mr. Collier stated that Aileen Popp called Perry McCall and Mr. Collier wanted to know if the town board would put something in writing that this will be fixed if he sells his property.

Mr. Collier stated that he didn't want someone buying his property and the problems stay behind.

President Tucker stated that he understood, and Mrs. Popp had called him at work this morning, so if Mr. Collier will allow Mr. Toombs to take a look at it and when we determine what it is we will put it in writing.

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Petitions Or Comments By Those Citizens Present (Cont.)

Mr. Collier stated that Perry McCall was suppose to find out something.

Attorney McCall stated, "Yes" he had talked to John Toombs and Mr. Toombs stated that he needed to do is send Rod Pate out, he does it on a case to case basis as he indicated to Attorney McCall, and to his knowledge there is no zoning map that he has in his possession to show what Mr. Colliers property is zoned.

Mr. Collier stated that years ago when he was on the town board there was a map hanging in the town office and he was sure the property was commercial but he has heard alot of things and there have been alot of changes.

Mr. Collier stated if the property has been changed he would like to know, because that is a selling factor in his property.

Attorney McCall stated that he would find out.

Mr. Collier stated that they have changed real estate companies and the lady came to his house and looked and she is kind of doubtful of the drainage problem and Mr. Collier stated that he did not blame her and if he went to look at a house with a basement like his he would betdoubtful too.

Attorney McCall stated that John Toombs had talked to him too and basically what Mr. Tucker had indicated that Mr. Toombs would like to go out and see exactly what correctivè measures need to be done to satisfy Mr. Collier.

Mr. Collier stated that one couple looked at the house and stated if they could cut it in half they would just buy half the house and then it would leave the back lot to build on but you can't build there due to the storm drain.

Mr. Collier stated that the last two or three times it has rained he has got alot of help, and he doesn't know if he is being harassed and others are b eing ignored or what but his storm sewer has been checked, no one elses has been checked.

Mr. Collier stated that the last time his storm sewer was checked it was determined it was full of roots.

Attorney McCall stated that there were correspondence to that effect.

Mr. Collier stated that they come and check his property but don't check any one elses.

Attorney McCall stated that he thought there were two people that were checked due to both having problems.

President Tucker stated that Mark Warren was absent from this meeting but what ever root cutter they have won't fit Mr. Colliers pipe so they are

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Petitions Or Comments By Those Citizens Present (Cont.)

going to borrow one from Jeffersonville, New Albany, or Clarksville or some place to try to solve the problem.

Mr. Collier stated it will not solve it, it might for a little while but the pipe is broken out with the new concrete they laid back when they put in the sanitary sewer it has already eat away at the ground by the sidewalk and a place beside Mr. Colliers house he built up the concrete to keep it from getting any bigger, and out by the mobile home he has rented it keeps getting worse and worse.

President Tucker stated that John Toombs would like to come out and assess the whole thing and put a value on it.

Mr. Collier stated that he has given the town the easement, you have it and you can send John out any time.

President Tucker stated that he couldn't be at the meeting tonight but he will be there this week.

Mr. Collier stated that he would like to have this in writing, and anyone who has looked at this property because its stopping him from selling it.

Mr. Collier stated that someone owes him something for him losing a couple of sales.

Phyllis Haas stated that Roy Everitt knows what her problem is, and also President Tucker has seen her problem, also and and nothing has been done and she can't get her driveway done.

Ms. Haas stated that the guy will not pour her driveway until the problem with her neighbors water draining in her yard is corrected, and she would like to get this taken care of.

Ms. Haas stated that she has been over a year trying to get a driveway.

President Tucker asked Council Member Everitt to get with Mark Warren and talk about that this week.

Ms. Haas stated that another problem is that the library, everyone blocks her in as you know and she has to come over and ask them to move.

Ms. Haas stated that one woman had given her a cussing and she got mad and hit the wall out there with her car and really showed herself.

Ms. Haas stated that she could park after she let her out because she was going to be gone for some time and it did not satisfy the lady, she didn't want Ms. Haas to leave until she had finished at the library.

Petitions Or Comments By Those Citizens Present (Cont.)

Ms. Haas stated that something has to be done about that.

Council Member Broady asked if they block the alley too.

Ms. Haas stated that they block the alley and also her driveway.

Council Member Truman suggested a no parking sign.

Ms. Haas stated that she had one but it did not do any good so she don't know what to do.

Council Member Truman stated if the town puts up some signs we can start writing tickets.

President Tucker asked Chief Kinder if he had any suggestions.

Chief Kinder asked Ms. Haas to call the police dept.

Ms. Haas stated that she has called before.

President Tucker asked Council Member Everitt to see about some no parking signs.

Council Member Everitt stated that, yes, we will get them.

Ms. Haas asked if there were so many feet that people are suppose to stay off your property line when they put up privacy fences.

President Tucker asked if Ms. Haas has had a survey and Ms. Haas replied yes, she has had a survey.

Steve Prather stated that it was one foot.

Ms. Haas stated that they are right on her line, she feels like she is in a penitentiary over there.

Ms. Haas stated that she thought she'd sell and asked President Tucker to get her a buyer.

President Tucker stated that he was not in that particular type of business but he would consider it.

Ms. Haas stated that it is a street and not an alley.

Council Member Everitt stated that it was a street.

Council Member Truman suggested for Ms. Haas to move into Red Buck Colliers house.

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Petitions Or Comments By Those Citizens Present (Cont.)

President Tucker stated that Council Member Everitt would get with Mark Warren and look at a no parking sign and look at what we need to do as far as the water.

Ms. Haas asked if Mr. Prather would check out the fences..

President Tucker stated that Mr. Prather was shaking his head yes.

Council Member Truman put in the form of a motion to adopt an ordinance putting up no parking signs in the area designated by the Chief and seconded by Roy Everitt.

President Tucker asked Chief Kinder to determine if there is any other area that needs a no parking sign and would he designate or tell them where they need to be based on where you think they should be.

President Tucker stated that the council put an ordinance in place that we will put these no parking signs up where they need to be based on where Chief Kinder thinks they should be.

Council Member Truman stated that what we are talking about is that we are going to put these no parking signs up here for Ms. Haas problem.

Chief Kinder asked, you mean on this alley, and is this a street or alley?

President Tucker stated it was a street.

Ms. Haas stated that it don't look like a street it looks like West Street of Louisville, I mean the West End of Louisville.

Council Member Everitt stated that it was a street and they just haven't gotten a street sign for it yet.

Council Member Everitt stated that we do need an ordinance in order for the no parking signs to be enforced.

Chief Kinder asked if we could enforce all the no parking zones in the town they are not designated.

Council Member Everitt stated that he knows when they have always put stop signs and stuff up before we have had them.

Council Member Truman stated that it is a good project for Chief Kinder to look into and let us know.

Chief Kinder stated that he would like to get with Attorney McCall because if we have to put an ordinance every stop sign on every street.

President Tucker stated that there is probably a way that you do one for all

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Petitions Or Comments By Those Citizens Present (Cont.)

President Tucker stated that there was a motion on the floor to adopt an ordinance to allow no parking signs on streets in Sellersburg.

Council Member Truman, stated if we need them, this motion was seconded by Roy Everitt.

Council Member Truman stated to include in that the sign to address Ms. Haas problem.

President Tucker stated that the 1st problem we were going to address is Ms. Haas.
Vote 4-0

United Way Presentation/Jennifer Adrio

Jennifer Adrio, Director Of United Way Clark Co. gave a presentation to the council members and residents present.

Ms. Adrio passed out brochures on the United Way and stated that she was not asking for money tonight and thanked the council for letting her be at the meeting.

Ms. Adrio stated that they are in the process of kicking off their 1993 campaign and she is going around to all the towns and councils and enlisting community leader support this year and we are going to make the biggest effort ever to raise money for the agencies that need it.

Ms. Adrio stated that on page 6 of the brochure was a list of agencies that are United Way of Clark Co. and the dollars raised in Clark Co. go to the agencies and that's decided by volunteers in Clark Co.

Ms. Adrio asked if anyone ever used one of the United Way agencies?

Ms. Adrio asked if anyone ever gave or received blood?

Ms. Adrio asked if anyone or a family member ever had been involved in Boy Scouts?

Ms. Adrio asked if anyone had ever swam in a public pool or public beach?

Ms. Adrio stated that she usually finds one out of every three people use United Way but when she goes out and gives presentations like this one that almost everyone in the room has been touched by United Way one way or another.

Ms. Adrio stated that the first question to give or receive blood is done through the American Red Cross and almost 95% of their funds are given through the United Way, so if people didn't give to the United Way and the United Way didn't give to the Red Cross there would not be a Red Cross in Clark Co.

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United Way Presentation/ Jennifer Adrio (Cont.)

The question on the Boy Scouts, over 65,000.00 was given this year to Boy Scouts in Clark Co.

The third question public pool or beach.

President Tucker stated that life guard training is obtained through the American Red Cross.

Ms. Adrio stated that through the Red Cross there is CPR and first aid training.

Ms. Adrio stated that when you think about it we all have been touched by United Way one way or another.

Ms. Adrio stated that United Way is there for the homeless people. Its there for people who can't afford to pay for day care through YMCA and its there for the elderly.

Ms. Adrio stated that the important thing to remember is that it is there for you and I to use in our everyday life and its important for our quality of life here in Clark County.

Ms. Adrio stated if you want to know who runs the United Way it is not her, she is only the executive director, but there are only three staff people and they raised over 900,000.00 last year and allocate that out to over 20 agencies there is no way three staff people can do that so they are run by volunteers, volunteers raise the money, volunteers give out the money.

Ms. Adrio stated that President Tucker was on one of the United Way committies that does that.

Ms. Adrio stated that people that are on the board of directors are listed on page 16. of the brochure.

Ms. Adrio stated that since she is in Sellersburg she would like to point out the picture of Francis Conroy, a Sellersburg resident, on the front of the brochure who is the campain chairman this year, working many hours to raise alot of money for the agencies that need it.

Ms. Adrio stated that on the back of the brochure there were a couple of 24 hour information referral numbers and if you need help or someone you know needs help and you don't know where to turn, these numbers will get you in that direction.

President Tucker Addresses Don Brown Chairmap of RAA

President Tucker called on Don Brown, chairman of the residents against annexation who had requested to be on the agenda to discuss annexation.

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President Tucker Addresses Don Brown Chairman Of RAA (Cont.)

Mr. Brown stated that basically what he had to say depended on the councils action and stated that he would like to defer his time to a little later in the meeting to comment on annexations.

Chief Kinder Addresses Council

Chief Kinder stated that he had received a call from Riverton Trucking and Bean Road will be closed from July 1st through July 6th.

Chief Kinder stated that Riverton had asked if the dump trucks could come through town.

Chief Kinder stated that Coopers Lane had just been resurfaced and they've been asked to use Coopers Lane to avoid coming through town of the Holidays.

Council Member Everitt stated that he had talked to Mike and also the county council had called and they had the date of July 2nd through the 6th.

Council Member Everitt stated that he thought there were two other ways they were going to use, Utica/S-burg and alot will be going down Allison.

Chief Kinder stated that usually the town gives them the exemption if something comes up or something happens.

Chief Kinder stated that the town ran them through when there was repaving.

Council Member Everitt stated that everything crashed and a couple other incidents out there, high waters they come through town.

President Tucker stated that if Riverton has a paving job in town or close to in town they can come through town on Utica St., but in this case what he is getting is that we would like to ask them to go some other direction than Utica St. whether it be Coopers Lane or another appropriate way to go.

Phyllis Haas Addressed Council On Junk Vehicle

Phyllis Haas addressed the council stating that there was an old junk vehicle parked on the street that is not plated.

Ms. Haas asked if an old junk vehicle could set on the street?

Ms. Haas stated that this should not be allowed and someone is going to hit head on because of this.

President Tucker stated that there is an ordinance that has to do with licensed and unlicensed vehicles.

President Tucker stated to create a letter and tell them they have to move it.

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Phyllis Haas Addressed Council On Junk Vehicle (Cont.)

Ms. Haas stated that Council Member Everitt has told them and the resident has told Council Member Everitt that it is private property.

Building Commissioner Prather stated that if it was on the street isn't that against the law.

President Tucker asked Chief Kinder if he would like to address that problem.

Chief Kinder replied, " yes, sir I would."

Don Brown Requested Information On Parades

Don Brown stated that since we have the Chief of Police here and he mentioned parades his organization is considering having a parade on the outcome on the decision tonight and Mr. Brown asked if there were any special permits or anything we need to do to have a parade down the main drag about July 11, or thereabouts.

Council Member Everitt stated that he was not sure but the black topping starts July 11.

Council Member Everitt stated that he will give Mr. Brown the dates when he finds out for sure.

Mr. Brown asked if there were any special permits other than proper notification.

Chief Kinder stated not that he knows of just notification the day before.

IOSHA Representative Steve Prather Addressed Council/ Blood Borne Pathogen

Steve Prather addressed the council members with an announcement for people at the pool who need to go through the Blood Borne Pathogen Program and one of the police officers and the new Chief Deputy Clerk.

Mr. Prather stated that he has scheduled July 9th between 8 a.m. and 10 a.m. for these classes unless the Clerk Treasurer has a conflict on that day.

Mr. Prather stated that if that date was ok there is a follow up question for Attorney McCall, if you go through the Blood Borne Pathogen course or training sessions and decide not to take the series of shots and you sign a declination form or if you do decide to take the shot you sign a form, his question is what Clerk Treasurer Schafer brought up, being that all the life guards are under the age of 18 can they legally sign a declination form or other if they are under 18 years of age or do their parents sign that form.

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IOSHA Representative / Blood Born Pathogen (Cont.)

Attorney McCall and President Tucker stated that it was safer for the parent to sign.

Mr. Prather asked if a separate form is needed or the current form taken home to parent.

President Tucker stated that the current form home to the parent.

Mr. Prather asked should they indicate that this is a parent or guardian.

President Tucker stated to indicate on the form parent or guardian of _____

Chief Kinder offered his training room that was vacant for the class.

Clerk Tres. Schafer stated she would set up the room at the town office.

Council Member Addresses Council With Letter From Jeffersonvl. Zoning

Doug Eddings addressed the council with a letter from the Jeffersonville Planning and Zoning Board where they are looking to changing zoning for residential use at 3000 block of Holmans Lane or does anyone have any objections.

Council Member Everitt asked how close they were going to be to our pumping station.

President Tucker asked Mr. Eddings to attend that meeting.

Council Member Eddings asked if its close to the pumping station is there an objection ot it.

Council Member Everitt stated that they have talked to a club wanting to purchase for a boat marina and we talked to them about this due to having 17 acres with our wells in it.

Council Member Eddings stated just the excavating or digging, we don't care what anyone puts in there right?

Council Member Everitt stated well yes if they state pushing something over the hill it could get into our water system.

President Tucker stated that this was at Holmans Lane and Holmans Lane is up on the other side of 62°.

Council Member Everitt stated that it was his mistake.

President Tucker stated he saw no objection to it and he doesn't sence there is a problem with it.

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Council Member Truman Addresses Comp. Time and Unemployment Benefits For
Ex-Employee/ Vicki Hall

Council Member, Karl Truman stated that one thing he would like to bring up is before the council is regarding the overtime request from Vicki Hall saying that President Tucker has addressed her, or written a letter to her presenting a proposal based on the hours that we are aware of and apparently there has been no response to that and Council Member Karl Truman made a motion that we go on and approve the documented hours and if there is a discrepancy later on then we can address that at that point.

Council Member Karl Truman made a motion that we go on and approve the 143 documented hours at 10.43 per hour plus five vacation days at 7.23 per hour for a total of 1839.32 to be allocated equally among the civil, water and sewer and additionally included in that motion would be to withdraw the protest regarding her claim for unemployment insurance benefits to permit her to obtain unemployment.

Clerk Treasurer, Linda Schafer stated, " I disagree".

Attorney McCall stated that we have received correspondence from that and it had already been denied.

Council Member Karl Truman stated that we do not have to, we don't have to, protest it on the appeal.

Attorney McCall stated that now that it has been denied she (Ms. Hall) had the affirmative step to go forward with it if she does not agree with the action that they took at that time.

Council Member Truman stated then there would be a hearing and the town would have to appear or you, (Attorney McCall) would have to appear on behalf of the town to protest.

Council Member Karl Truman stated that part of his motion is that we don't do that.

President Tucker stated that there is a motion on the table is there a second.

Council Member Roy Everitt seconded this motion.

President Tucker stated that he didn't think we should do that.

President Tucker stated that he didn't mind the hours that we have talked about but he doesn't think we should recind the fact that she has filed for unemployment and we is essence, I wrote a letter, you wrote a letter and I don't think that should be done that way.

Council Member Karl Truman stated that the protest was mailed on behalf of the Town without the councils knowledge anyway.

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Council Member Truman Addresses Comp. Time and Unemployment Benefits For Ex-Employee/ Vicki Hall (Cont.)

President Tucker stated that he knew about it.

Council Member Truman stated that President Tucker is the only council member that did.

President Tucker stated that he understands that.

Clerk Treasurer, Linda Schafer stated, " Excuse me, Attorney McCall also knew about it.

Council Member Roy Everitt stated that there has been a motion made and seconded.

President Tucker asked if there were any further discussion and if not all in favor say I and all opposed nay.

Vote: Karl Truman and Roy Everitt voted in favor of this motion.

Doug Eddings Jr., Dave Broady, and Stan Tucker voted against.

Council Member Everitt Addresses Council/One Way Lane Off 311

Council Member Everitt asked Attorney McCall to get off a letter, and he will talk to him further about it on a one way lane turning off of 311 possibly on Ohio Ave. going to Hill In Dale Subdivision.

Council Member Everitt stated that it would be going West on 311 and it would be addressed to Mr. Huffman, and he will give Attorney McCall a letter and address on that card.

Council Member Everitt Addresses Storm Drains

Council Member Everitt stated that he had talked to Stan about the Storm Drains and our creeks and we have actually two places for water to run out of as far as Hamburg, all the water coming West of 60 in that area comes through Sellersburg and he has asked Stan if he could contact the state and see if they couldn't get these ditches, ditched out and he has made some contacts that he may be going to Indianapolis on.

Clerk Treasurer Presents Claims For This Meeting

Clerk Treasurer presented to the council members for this meeting her claims.

Motion made by Doug Eddings Jr. and seconded by Dave Broady.

Vote 4-0

Clerk Treasurer Presents Claim /Mediation Session Pixley VS Town of S-burg

Clerk Treasurer presented a claim for Barry N. Bitzegaio in the amount of 216.67 for the mediation session of Pixley VS Town of Sellersburg.

Motion made by Doug Eddings Jr. and seconded by Karl Truman to approve claim

Vote 4-0

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Clerk Treasurer Presented Claim For U.S. Postal Service

Clerk Treas. Linda Schafer presented to the council members for approval a claim for the U.S. Postal Service in the amount of 9.95 to send the signatures of herself and President Tucker for the Water Bond Certificates.

Motion made by Doug Eddings Jr. to approve claim and seconded by David Broady.
Vote 4-0

Attorney McCall Gives Information On Bond Closing Date

Attorney McCall stated that the bond closing date was July 8th, 1993.

Attorney McCall stated that the refinancing of the Water Bonds saved the town 294,000.00.

Attorney McCall Presented Resolution 1993-5/Fiscal Plan Annexation Area C

Attorney McCall presented to the council members a resolution adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area C an area located in front of AVCO Industrial Park.

Motion was made by Roy Everitt and seconded by Karl Truman to consider this resolution in the 1st presentation.
Vote 5-0

Attorney McCall Presented Resolution 1993-5/ Fiscal Plan Annexation Area C

Attorney McCall presented to the council members Resolution 1993-5 adopting a fiscal plan establishing a policy and provisions of services to proposed Annexed area C.

Motion made by Karl Truman and seconded by Dave Broady to adopt this resolution.
Vote 5-0

Attorney McCall Presented Resolution 1993-6/Fiscal Plan Annexation Area M

Attorney McCall presented to the council members a resolution adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area M an area located at I-65 to 311, Days Inn near vocational school.

Motion was made by Dave Broady and seconded by Roy Everitt to consider this resolution in the 1st presentation.
Vote 5-0

Attorney McCall Presented Resolution 1993-6/Fiscal Plan Annexation Area M

Attorney McCall presented to the council members Resolution 1993-6 adopting a fiscal plan establishing a policy and provisions of services to proposed Annexed area M.

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Attorney McCall Presented Resolution 1993-6/Fiscal Plan Annexation Area M

Motion was made by Karl Truman and seconded by Dave Broady to adopt this resolution.
Vote 5-0

Attorney McCall Presented Resolution 1993-7/Fiscal Plan Annexation Area I

Attorney McCall presented to the council members a resolution adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area I located in the Poindexter Road Avea down to Twinbrook.

Motion was made by Roy Everitt and seconded by Karl Truman to consider this resolution in the 1st presentation.
Vote 5-0

Attorney McCall Presented Resolution 1993-7/Fiscal Plan Annexation Area I

Attorney McCall presented to the council members Resolution 1993-7 adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area I.

Motion was made by Dave Broady and seconded by Karl Truman to adopt this resolution.
Vote 5-0

Attorney McCall Presented Resolution 1993-8/ Fiscal Plan Annexation Area K

Attorney McCall Presented Resolution 1993-8 a resolution adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area K located in the area of Diamond Hgts. off 31 to State Rd. 60.

Motion was made by Karl Truman and seconded by Dave Broady to consider this resolution in the 1st presentation.
Vote 5-0

Attorney McCall Presented Resolution 1993-8/Fiscal Plan Annexation Area K

Attorney McCall presented to the council members Resolution 1993-8 adopting a fiscal plan establishing a policy and provisions of services to proposed Annexed area K.

Motion was made by Dave Broady and seconded by Karl Truman to adopt this resolution.
Vote 5-0

Attorney McCall presented Resolution 1993-9/Fiscal Plan Annexation Area B

Attorney McCall presented to the council members a resolution adopting a fiscal plan establishing a policy and provisions of services to proposed annexed area I located off new St. Rd. 60 after Hwy 311 at the stop light before Hunter Station.

Motion was made by Roy Everitt and seconded by Karl Truman to consider

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Attorney McCall Presented Resolution 1993-9/Fiscal Plan Annexation Area B

this resolution in the 1st presentation.
Vote 5-0

Attorney McCall Presented Resolution 1993-9/Fiscal Plan Annexation Area B

Attorney McCall presented to the council members Resolution 1993-9 adopting a fiscal plan establishing a policy and provisions of services to proposed Annexed area B.

Motion made by Dave Broady and seconded by Roy Everitt to adopt this resolution.
Vote 5-0

Attorney McCall Presented Ordinance 93-570/Annexation Ord. Area C

Attorney McCall presented Ordinance 93-570 for consideration on the 1st reading in reference to the property located in front of AVCO Industrial Park known as annexed area C.

Motion made by Karl Truman and second by Roy Everitt to consider this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-570/ Annexation Ord. Area C

Attorney McCall presented Ordinance 93-570 for approval of the council members in reference to the annexation of Area C.

Motion made by Roy Everitt and seconded by Karl Truman to approve this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-571/ Annexation Ord. Area M

Attorney McCall Presented Ordinance 93-571 for consideration on the 1st reading in reference to property located from Days Inn to off ramps on 65 to the area of Ivy Tech known as annexation Area M.

Motion made by Dave Broady and seconded by Roy Everitt to consider this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-571/Annexation Ord. Area M

Attorney McCall presented Ordinance 93-571 for approval of the council members in reference to the annexation of Area M.

Motion made by Roy Everitt and seconded by Karl Truman to approve this ordinance.
Vote 5-0

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Attorney McCall Presented Ord 93-572/ Annexation Ord. Area I

Attorney McCall presented Ordianace 93-572 for consideration on the 1st reading in reference to property located in the Poindexter and Twinbrook area know as annexation area I.

Motion made by Roy Everitt and seconded by Karl Truman to consider this ordinance.
Vote 5-0

Attorney McCall Presented Ord. 93-572/ Annexation Ord. Area I

Attorney McCall presented Ordinance 93-572 for approval of the council members in reference to the annexation of Area I.

Motion made by Karl Truman and seconded by Dave Broady to approve this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-573/ Annexation Ord. Area K

Attorney McCall presented Ordinance 93-573 for consideration on the 1st reading in reference to property located in the Diamond Hgts. Area known as annexation area K.

Motion made by Dave Broady and seconded by Karl Truman to consider this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-573/ Annexation Ord. Area K

Attorney McCall presented Ordinance 93-573 for approval of the council members in reference to annexation of Area K.

Motion made by Karl Truman and seconded by Dave Broady to approve this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-574/ Annexation Ord. Area B

Attorney McCall Presented Ordinance 93-574 for consideration on the 1st reading in reference to property known as the Wells Family and Annexation Area B.

Motion made by Roy Everitt and seconded by Karl Truman to consider this ordinance.
Vote 5-0

Attorney McCall Presented Ordinance 93-574/ Annexation Ord. Area B

Attorney McCall presented Ordinance 93-574 for approval of the council members in reference to tha annexation of area B.

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Attorney McCall Presented Ordinance 93-574/ Annexation Ord. Area B

Motion was made by Dave Broady and seconded by Karl Truman to approve this ordinance.
Vote 5-0

Resident Addresses Council President On Diamond Hgts.

A resident asked what the purpose of Sellersburg wanting Diamond Hgts. The little park area setting there by itself, what good is it going to be to Sellersburg.

President Tucker stated that it is our intention to have all those people that are served by the services of Sellersburg which is water, sewer to be included in the Town of Sellersburg and in turn we will provide water sewer, police protection, garbage pick up, street maint and street lights.

Don Brown Addresses The Town Council

Don Brown chairman of the RAA addressed the council as follows:

Gentlemen of Sellersburg Town Council,

Tonight, by mediation our differences, you had the opportunity to become known as statesmen of significance.

You're choice was between the path of progress promoting community cohesion, or the lane of lengthy litigation, leading to distrust, dissatisfaction, and distress between friends and neighbors.

Sadly to say, you selected to steer the Sellersburg Ship of State to the confusing and costly course of courthouse conflicts.

I suppose, this decision was based upon, and will again be blamed upon the "Comprehensive Plan," which is so often misquoted, that I wonder if anyone on the Council has ever read it!

Gentlemen, for your edification and enlightenment this evening, I will decipher divisions of the document decided on in your dilatory deliberations

This "Comprehensive Plan" consist of six chapters and 103 pages of goals and guidelines that specifically spell out every aspect of every acre of land usage for Sellersburg and the suburbs two miles surrounding, But, NOWHERE dies it DECLARE or MANDATE, that additional annexation MUST take place, much less in areas that object to being overrun.

On June 15, 1993, in this very room, Mr. Pat Holland of the Corradino Group, the town Council's chosen consultants who are the authors of the plan, state Sellersburg will grow by 25 percent over the next twenty years without any further annexation."

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Don Brown Addresses The Town Council (Cont.)

Why then, is this Council so appresensively anxious to annex additional areas who have agreed to associate with the Town well within this allotted time span?

Some negotiation on this point would save both sides a considerable financial burden. Although the poignant prospects of this extravagant expense do not appear to pester the people present at these proceedings. Perhaps, because, unlike many of the retired Residents Against annexation, who practice prudence and penny pinching to prevent poverty, the Council is permitted to pull at the peoples pursestrings as profigately as the please.

That makes me believe that here are three underlying reasons why this Council won't negotiate, and the reasons are:

MONEY--MONEY--MONEY!

At previous Council meetings I have asked;

"How much did the Comprehensive Plan cost?"

"How many taxpayers dollars did the council spend on the failed annexation attempts?"

"How much more money is the council willing to squander on future annexation attempts?"

After weeks of waiting wordlessly for a reply, I researched the records. One reality is, residents of Clark County will not be allowed to vote or decide on any portion of the plan that affects them, because they are not yet within the town boundaries. However, we are not alone, strangely enough the citizens of Sellersburg who are actually paying for this scheme, are not allowed to vote on it either!

At the last Zoning Board meeting, I was informed that the matter has been, and will be, decided entirely by the Town Council.

One must doubt if the overburdened taxpayers of the town of Sellersburg realize how much this "plan" has cost them. I suspect they are unaware, that on the preliminary version alone, they have so far spent 49,500. Thats right, 49,500. That comes to 480.58 per page, not counting the covers of course! No wonder this town needs additional capital!

Now, as to how much money the council has spent on the failed annexation attempts, and how much more money the council is willing to squander on future attempts, these questions I again direct to the councilmen present tonight, and would be obligated for the favor of a reply.

Very Truly Yours.

Don Brown, Chairman, Steering Committee, Residents Against Annexation.

copy of
mongold
Interview
Capt -
282-3651

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President Tucker Addressed Don Brown And Residents

President Tucker stated that as part of the comprehensive plan we are trying to and sort of make an indirect answer to Mr. Brown. There is about 1/2 of the comprehensive plan that hasn't been completed, such as subdivision restrictions, zoning restrictions, Ord. restrictions so if you see 103 pages of introductions, we have had public meetings that have been advertised in the paper and we have had very little attendance for the public to come in and input as to where they would like to see the town grow and how it should be changed.

Don Brown asked if President Tucker would consider input from residents who are in a threat of annexation.

President Tucker stated that the comprehensive plan effects areas outside Sellersburg and we will take input from people in that area at the zoning board meeting.

Don Brown stated that is not what they were told at the last meeting.

President Tucker stated if you go again I think that will be changed.

Don Brown stated he gusee there won't be any public there he guess he had better show up.

President Tucker stated that since Attorney McCall is on a standard salary what he does, does not cost the town any more money.

Don Brown stated so you see it as a no lose situtation.

President Tucker stated he didn't say that.

Don Brown stated that he had asked sometime back when the fiscal plans were developed and the ordinances for various areas were finished he would like to have a copy.

Don Brown stated that if you have the opportunity to make those sometime soon he will pick them up, areas I,K,M in particular.

Attorney McCall Presented Resolution 1993-10/Curb Side Recycling

Attorney McCall presented to the council members resolution 1993-10 to establish manditory curbside recycling.

Motion to approve this resolution was made by Roy Everitt and seconded by Karl Truman
Vote 4-0

Attorney McCall Presented Inter-Local Agreement/Curb Side Recycling

Attorney McCall presented to the council members an inter local agreement concerning curbside recycling with the other areas within Clark Co.

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Attorney McCall Presented Inter-Local Agreement/Curb Side Recycling

Motion made to approve the inter-local agreement by Doug Eddings Jr. and seconded by Karl Truman.
Vote 4-0

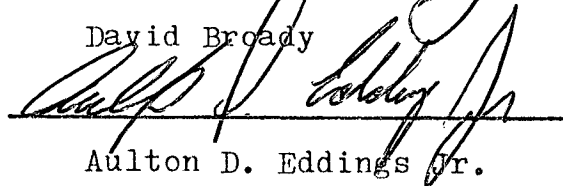
Adjournment

Motion was made by Dave Broady to adjourn this meeting and seconded by Roy Everitt.
Vote 4-0

President Tucker adjourned this meeting at 7:47 p.m.

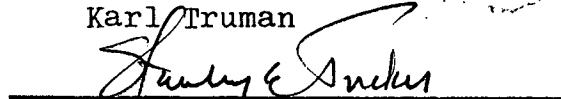


David Broady



Aulton D. Eddings Jr.

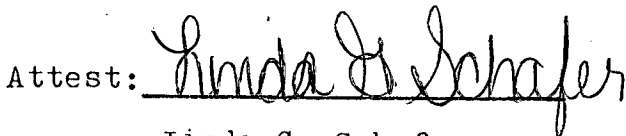
Karl Truman



Stanley E. Tucker

Roy Everitt

Attest:



Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 12, 1993

EXECUTIVE SESSION

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

Called To Order

President Tucker called the executive session to order at 6:00 p.m.

Topics Of Discussion

1994 Budget/Salary Increases
Sweat VS Town Of Sellersburg
Pixley VS Town Of Sellersburg
Annexations/Attorney Wilder

Adjournment

With no further business the executive session was adjourned by President Tucker at 6:25 p.m.

REGULAR MEETING

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library following the executive session 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; and Linda Schafer, Clerk Treasurer. Roy Everitt and Karl Truman both Council Members were absent.

Called To Order

President Tucker called the regular meeting to order at 6:34 p.m.

Prayer

The prayer was offered up by Rev. Jerald Boyer.

Pledge Of Allegiance

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 and requested a motion be made to accept them.

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Minutes of Last Meeting (Cont.)

Motion was made to approve minutes of the last meeting by Doug Eddings Jr. and seconded by Dave Broady.
Vote 3-0

President Tucker Presented Resolution 1993-11/Comprehensive Plan

President Tucker stated that we have all had the opportunity to read the comprehensive plan at least the initial part of the comprehensive plan and the planning commission has asked the town to approve the comprehensive plan by resolution and the resolution reads as follows:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA,
ADOPTING THE COMPREHENSIVE PLAN OF THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, the Plan Commission of Sellersburg, Indiana, did on June 15, 1993, hold a public hearing to consider adoption of the herein attached Comprehensive Plan for the town, and

WHEREAS, the Plan Commission did consider said Comprehensive Plan until all remonstrances were heard, and

WHEREAS, the Plan Commission found that this plan meets the requirements of IC 36-7-4-500, and that adoption of this plan element to be in the best interest of the Town to adopt said plan,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby adopts the attached as the Comprehensive Plan of the Town of Sellersburg, Indiana.

This resolution shall be effective from and after its passage.

President Tucker requested a motion be made to approve the resolution presented to us by the Planning Commission.

Motion was made to approve Resolution 1993-11 by Doug Eddings Jr. and seconded by Dave Broady.

President Tucker asked if there were any questions or comments.

Don Brown asked if this was the very same plan that we discussed the 15th, the preliminary plan.

President Tucker replied, "Yes, it is."

Don Brown stated that it was not complete then.

President Tucker stated that it was not complete.

Don Brown stated, then your adopting what you have so far.

President Tucker stated that was correct and we are still working on the

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President Tucker Presents Resolution 1993-11 (Cont.)

zoning and subdivision restrictions and etc.

Don Brown stated that he understood him to say that it was complete.

President Tucker stated that there was a motion made and seconded and all in favor say I.

Vote 3-0

Petitions Or Comments By Those Citizens Present

Kim Biesel addressed the council on storm drainage problems.

Ms. Biesel stated that she was at the council meeting to see how the study on the storm drains were coming along.

Ms. Biesel stated that the last meeting she attended she addressed the council on the flooding problems she had on her property, and since then she has had 3,900.00 worth of water proofing done to her basement and she was told that the town would not assure her that water would not come into her basement.

Ms. Biesel presented to the council pictures of her flooded property and stated she would like to know how the study is coming and whats going to be done about it.

John Toombs stated that the study was coming along fine however, where Ms. Biesel lives is not covered by the study.

President Tucker stated that we are working with River Hills on a grant for storm drain problems.

John Toombs stated that the drain study must be in by August 1st, and it will be in October before we can actually apply for the grant.

President Tucker stated that the town will have to come up with 10% of that ever the grant is, around 350,000.00 is what we are looking for so it is a question of if we get the money and then we will procede with the drainage problems.

President Tucker stated that the Hill and Dale area problem specifically he wasn't sure that there was a study area.

John Toombs stated that this particular study is for low to moderate income areas of Sellersburg and the Hill and Dale area is not one of those areas. Ms. Biesel stated that she would qualify because her house is on a farmers home loan.

Ms. Biesel stated that if her house keeps getting flooded like this again it will get washed away.

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Petitions or Comments By Those Citizens Present

President Tucker asked John Toombs to come up with a recommendation of what needs to be done.

Ms. Biesel stated that even if she sells her house she doesn't want to be sued selling a house that gets flooded all the time.

President Tucker stated that again the study that is being done doesn't include Hill and Dale and that is the initial money that we are going for and if John Toombs would look into this and come up with some recommendation to fix it then it is a question whether we find the money to do it and we don't have an answer at the moment.

The Corradino Group Addresses Council

Pat Hooland, from the Corradino Group stated that at our next meeting of the planning commission we will begin the zoning ordinance process by looking at the range of zoning districts that you put in and start selecting the ones you want to have, types of houses, density, ranges of commercial and industrial limitations then once we settle on that list of what the zoning districts will be then we will get the maps and start deciding where they will go.

President Tucker stated to Mr. Holland, " the public is invited to the planning commission meetings.

Mr. Holland stated, " Yes, to every meeting we have ever had."

Don Brown Chairman Of The RAA Addresses Council

Don Brown chairman of the residents against annexation stated to the council members as follows:

Gentlemen of the Sellersburg Town Council,

I would like to call your attention to an ordinance or requirement presently on record, which infringes upon the peoples right of free speech, and restricts public participation and comment on the actions of this council.

I am specifically referring to the "Agenda Requirements" on page four of the minutes of the regular and Special Meeting of this council, dated January 13, 1992.

This "Agenda Requirements" paragraph, which was adopted by unanimous vote, apparently was made in error, because it restricts public input or commentary of council proceedings in direct violation of the Indiana Open Door Law.

The Agenda Requirements compel anyone wishing to speak to the council, to submit a request for recognition at least one week in advance, It also

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Don Brown Chairman Of The RAA Addresses Council (Cont.)

restricts citizen participation to a maximum of five persons per meeting.

I, personally, have been told by this council the motion was adopted in order to save time. "If we let everyone speak their view, the meetings would be too lengthy" stated President Stan Tucker.

It is my belief that this "Agenda Requirements" violate Indiana Open Door Law for the following reasons:

1. It is stated in the Indiana Open Door Law, Section 1. "Inaction this chapter, the general assembly finds and declares that this state and its political subdivisions exist only to aid in the conduct of the business of the citizens of this state....in order that the citizens may be fully informed"
2. The Sellersburg Town Council has a habit of holding "Special" meetings, sometimes with as little as two hours notice and some meetings without any notice that the public is aware of.
3. The Sellersburg Town Council seldom, if ever, publishes or lets it be known in advance, the agenda for any meeting.
4. How then, is it possible for citizens to request inclusion on the agenda one week in advance, when meetings sometimes take place within hours, and the agenda is unknown?
5. When actions of the Sellersburg Town Council affect hundreds of people as in annexation proceedings, can it be fair to restrict citizen input to five speakers per council meeting?
Due to the time constraints allowed under annexation and remonstrance laws, and the fact that the council meets bi-weekly, there could be no more than twenty effected persons put of hundreds allowed to state their opinions. Assuming of course, that the Agenda was not already full, as has happened in the past.

For these reasons, I am requesting that the Sellersburg Town Council, immediately rescind the "Agenda Requirements" of January 13, 1992, and henceforth hold meetings that give sufficient notice of place, time and date along with the proposed agenda, so that the citizens effected by council ordinances may have free and unrestricted voice on the issues that concern them.

Attorney McCall Addresses Agenda And Open Door Law

Attorney McCall stated to Mr. Brown that the agenda the town acts on is in a manner in which it was adopted.

Notice requirements are not insufficient and are in accordance with Indiana law and Indiana Law requires that they are published and it it not required that every resident in Sellersburg be given a special notice.

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Attorney McCall Addresses Agenda And Open Door Law(Cont.)

Attorney McCall stated that the request to recind the agenda rules adopted by the town council when there is no restriction of free speech in this particular regard and each resident that asked to be on the agenda is placed on the agenda and no one is denied, he would not advise the town council to recind the agenda requirments.

Attorney McCall stated that the meeting that residents are attending to-night is published at the beginning of the year and whether you choose to cut it our or not is your choice.

A Special Meeting requires 48 hour notice.stated Attorney McCall.

Don Brown stated that basically what your saying this as long as you tell the newspaper whether they print it or not really doesn't make any difference.

Attorney McCall stated that no that is not what he was saying. I am saying that as long as I comply with the statue regarding notices in reference to the open door act we have met the requirments.

President Tucker stated that we did have a meeting that was called with the RAA and in Mr. Brown's opinion there wasn't enough time and it was rescheduled and everyone had the opportunity to speak.

Building Commissioner Steve Prather Gives Information On Blood Born Path. Class

Building Commissioner Steve Prather stated that the next scheduled blood born pathogen class will be Wednesday, July 21, 1993 at town hall from 8:00 a.m. till 10:00 a.m.

Mr. Prather stated that an official notice will be sent out and the pool people will be required to attend, Cheryl Dean from the town office and Bernard Ash from the Police Dept. and Danny Baker from the Sanitation Dept.

Building Commissioner Presents Claim For This Meeting

Steve Prather, building commissioner, presented to the council members for approval his claim in the amount of 1,177.20 for the period from June 15, thru July 12, 1993.

Motion made by Doug Eddings Jr. to approve claim for payment and seconded by Dave Broady.
Vote 3-0

Mr. Prather stated that he would be on vacation Wed., Thurs., and Fri., and that Rod Pate will be filling in for him,

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Clerk Treasurer Presents Claims For This Meeting

Linda G. Schafer, Clerk Treasurer, presented the claims for this meeting for approval of payment.

Motion made by Dave Broady and seconded by Doug Eddings Jr. to approve claims as presented.
Vote 3-0

Ordinance 93/575 Trans. Of Appropriations Within The MVH Fund

Clerk Treas. Schafer stated that Ordinance 93-575 was in behalf of Roy Everitt and she didn't know whether she should present it or Attorney McCall.

President Tucker stated that Roy Everitt is on vacation and he has asked the council to pass Ordinance 93-575 transferring appropriations within the MVH fund into the paving account so additional paving can be done.

Attorney McCall stated that since it is an ordinance and should be considered on the 1st reading to table it tonight and present it at the next meeting.

Attorney McCall/Sweat VS Town Of Sellersburg

Attorney McCall stated that the case of Sweat VS Town of Sellersburg currently pending, and the civil rights violations have been dismissed.

Attorney McCall stated that he has been contacted by the Attorney that represents the Town of Sellersburg through the insurance carrier and he has been authorized to settle the claim in the amount of 1500.00 with no admission of liability.

Motion was made to allow Attorney McCall to contact the Insurance Co. and authorize payment of the 1500.00 by Doug Eddings Jr. and seconded by Dave Broady.

Vote 2-1 With Dave Broady voting against.

Attorney McCall Addresses Unemployment And OverTime/Vac. Pay-Vicki Hall

Attorney McCall stated that on the meeting on July 28th there was action taken on behalf of an ex-employee and the actions were unclear and requested that the action be ratified.

Motion made to ratify the protesting of unemployment of Vicki Hall and the ratification of payment of overtime and vacation pay made by Doug Eddings Jr. and seconded by Dave Broady.

Vote 3-0

Adjournment

Motion made by Doug Eddings Jr. and seconded by Dave Broady that this

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Adjournment

meeting be adjourned. 7:05 p.m.
Vote 3-0

President Tucker adjourned this meeting at 7:05 p.m.

David L. Broady

David Broady

Aulton D. Eddings Jr.

Aulton D. Eddings Jr.

absent

Roy E. Everitt

absent

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Attest:

Linda G. Schafer
Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 26, 1993

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 Schafer, Clerk Treasurer.

Called To Order

President Tucker called the regular meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Father Herman Lutz.

Pledge Of Allegiance

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 and requested a motion to approve them.

Motion was made by Doug Eddings Jr. to approve minutes of the last meeting and seconded by Dave Broady.
Vote 4-0

Petitions Or Comments By Those Citizens Present

Dorthea Barton addressed the council in reference to a natural drain being affected when a neighbor's yard had been filled in with soil.

Ms. Barton stated that she was at the meeting to find the status of a question she gave concerning a town ordinance on existing drain ditches.

Ms. Barton stated it was at the May 11th meeting of the Planning and Zoning Committee and questioned what they were going on this and they did indicate it was a town ordinance and they would get on it and take care of it.

Ms. Barton stated that she was here to find out what is going on concerning it.

President Tucker asked Ms. Barton to refresh the council concerning this matter.

Ms. Barton stated that this is the property that is located facing Hanger Ave. and the property that was filled in is Mongold Const. place is and the adjoining property owner is Marion Barton and he had remodeled or built an existing building and filled in there quite a bit.

Ms. Barton stated that this was brought to the attention of Steve Prather

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Petitions Or Comments By Those Citizens Present

the building inspector and he said he would take care of it and this was in the winter months.

Ms. Barton stated that she had checked with Mr. Prather a time or two and he said it was to wet to do anything that they would get it taken care of because it was a town ordinance that you weren't allowed to interfere with an existing drain ditch.

Ms. Barton stated in May, Mr. Prather was directed to write a letter to Mr. Mongold and she wants to find out what is going on about this, if it is being taken care of or what.

Ms. Barton stated that her request is to correct the landscaping in order to reflect the original drain ditch.

President Tucker stated that if he was not mistaken John Toombs and Vice President Broady looked at this at one time and the concern was that they did not know what it originally looked like.

Vice President Broady stated that Mr. Prather went out and looked at it and talked with Mongold and Mr. Mongold stated that he thought he had corrected it and he had put back the ditch the best he could.

Vice President Broady asked if Ms. Barton's property was on the right or the left of Mongolds property.

Ms. Barton stated that it was the three (3) empty lots on the left.

Vice President Broady stated that he had looked at the houses.

Ms. Barton stated that if you come off Utica St. on to Hanger, his property and ours is on the left and there is an existing drain ditch that is partially obstructed at the present and he filled in I don't know how many inches and what Ms. Barton would like to do is get this corrected and if the town has an ordinance that can't be reinforced than she will be left with no alternative but to fill in on her side also.

President Tucker stated that Mr. Prather had told him that he didn't know what it looked like before therefore he couldn't tell Mr. Mongold how to put it back.

President Tucker stated that he will contact Steve Prather and have him get with Ms. Barton.

Vice President Broady stated that he will meet with Mr. Prather and Ms. Barton to review this problem since he was confused as to where the location of the property was.

Ms. Barton requested that the council provide her with a letter in the event they cannot do anything about it so she can fill in her lots too.

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Petitions Or Comments By Those Citizens Present

Council Member Everitt stated that this has happened before and asked what would happen to the residents next to her.

Council Member Everitt stated that it could effect property in an area of 4 or 5 blocks and we can't continue to let this happen.

President Tucker stated that Council Vice President Broady had agreed to meet with Ms. Barton and Mr. Prather at her house and look at the problem and see what needs to be done.

Cindy Bryant addreseed the council with a request for reinbursment for damage due to a sewer back-up.

Ms. Bryant stated that our sewer dept. had worked on the line and the next day the sewer backed up in her basement.

Ms. Bryant stated that she had received a bill for \$430.00 for the clean-up work that was done at her residence due to the sewer line back-up.

President Tucker stated that Ms. Bryant present the bill to the Clerk Treasurer who would give it to the insurance company and it would be taken care of.

Don Brown, President of the Residents Against Annexation addressed the council members stating that first of all his committee had a meeting of the RAA over at Happs Airport and he was sorry he didn't invite the council but he wanted them to know that they are welcome to attend any of the meetings and they are open to the public and as members of the public they are more than welcome to attend with or without their spouse, Ms. Schafer.

Mr. Brown stated that he had a question about the Comprehensive Plan.

Mr. Brown stated that for some time we have discussed the Comprehensive Plan and he is interpreting one way and the council is interpreting one way and as he mentioned in a statement before that in no way does that plan mandate or dictate that annexation must take place and suddenly it occured to him that prehaps the council is looking at a different plan than he is, perhaps the old plan, because he can't figure out when he sits and looks at it the annexation we have an A,B,C, and all the sudden we go to an I,K,M and this is not a logical order.

Mr. Brown stated that one of the statements made is that if you look at the plan it is in logical order that we must annex areas I,K,M, next but what happened to D,E,F,G,H, is there another plan somewhere which brings him to another question he wanted to ask tonight. In the course of the plan thousands of dollars was spent for maps and at the last meeting they were looking for some maps and he did not remember the exact total but it was close to five or six thousand dollars worth of maps that was includud in the cost of the Comprehensive Plan, but we don't ever seem to have any.

Petitions Or Comments By Those Citizens Present (Cont.)

Mr. Brown stated that he is sure the town has them somewhere and would it be possible for the council to bring some maps over here so we can discuss some of these areas that he has questions about for example I,K, and M and what happened to D,E,F,G,H.

John Toombs, consulting engineer, stated that they had already been annexed.

Mr. Brown stated that they have already been annexed so at the last meeting on June 28th you went back and annexed B and C or at least B and perhaps A and it was sort of skipped in there. How did you happen to take a slice out of the middle and not one at either end.

John Toombs stated that he didn't think there was mallice intended that years ago there were certain areas designated to be annexed and some of those areas were annexed and some of those areas were not.

Mr. Brown asked what comes after area M.

Mr. Toombs stated that he did not know.

Mr. Brown asked if that was the end of annexation because that is not what we have been talking about in the Comprehensive Plan. We have been talking about annexing North and the Speed Area and Essroc eventually and they don't come under I,K, or M so there has to be something after M, or is there?

President Tucker stated that he didn't know if he can answer the question completely and he did not know if areas of the town will be named A,B,C,D, E,F,G where they come in some alphabetical progression and, Yes there will be additional annexation whether it is going to be O,P,U,R,S,T but there will be other areas and how we picked up M and these other areas he can't answer that question of how they are defined as those letters it actually has a legal discription and for simplicity sake we called a letter instead of the description.

Mr. Brown stated that it was logical to annex these areas if you look at the Comprehensive Plan but no where in the Comprehensive Plan of June 15, by the Corradino Group does it indicate or say anything about areas K.L.M. so you have the option and I am wondering if there is some maps that have these letters on them.

President Tucker stated that there are maps available and Mr. Toombs has them at his office, all thousands of dollars worth and there hasn't been any need at this point in time in the Comprehensive Plan to include the maps due to working on the zoning part of the Comprehensive Plan but John Toombs can have maps available again it doesn't necessarily have to be I,M,N,O,P areas, when we saw the maps and the configuration of Sellersburg there were areas that were contiguous and logical for annexation and the

Petitions Or Comments By Those Citizens Present (Cont)

areas we are talking about were letters and you can see where they would fill in a parrallelogram configuration of these outlining areas.

President Tucker stated to Mr. Toombs that assuming that he would be there tomorrow night is there not a map large enough to show the outlining areas of the Town of Sellersburg and more or less the logic of how these pieces of land we are now annexing fall into place to create contiguousness.

President Tucker stated that maps do exist but they haven't been put into place because the Corradion Group basically gave us a progression of events and what we are working on now is the zoning maps as we complete the zoning map the other maps will fall into place, they do exist and Mr. Toombs has them.

Mr. Brown stated that he is following what President Tucker is saying but the town is completing zoning before annexation and it seems as though the cart is being put before the horse in this particular case.

President Tucker stated as far as the Comprehensive Plan is concerned we have to solidify the zoning of the existing town as well as the outlining areas.

Mr. Brown stated that President Tucker was speaking of the Comprehensive Plan of the 15th of June.

President Tucker stated how the town is currently zoned and what would be the best way to see the zoning in the future is being worked on now and if you look at that in a two mile circumference of the town, it does include areas outside the town limits so thats why we are working on the zoning part right now.

President Tucker stated that Mr. Brown was at the last meeting and received the questionnaire and we were trying to put some logic as to where the zoning should go and in what areas and those areas can be marked whether it be R1 and C1 what ever the case may be so we have some direction and then we will work on the next phase and the town is not sure what the next phase is because the Corradino Group hasn't told us, but the town is trying to use some progression of events.

John Toombs stated that in order to do a zoning ordinance you must 1st define what these zones are and that is what we did at the last meeting made a list expalining what we need and the idea of whether anyone objected and once we agree on that we will take the town map and decide what each area is which will result in the existing zoning map.

Mr. Toombs stated that all the other maps are made and have been made.

Mr. Brown stated that we had gotten a little bit off track on zoning but there were discussion of the maps and he was wondering if the town had

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Petitions Or Comments By Those Ctiziens Present (Cont.)

some maps.

Mr. Brown stated that zoning is: where do you think the town should go, where do you think offices should go, where do you think dentist should go, for example if I object to offices and I have a piece of property outside of town or less unless we discuss that particular area it doesn't really make a whole lot of sense, and thats why he is asking to see some of the maps.

President Tucker stated that he had no problem with that and he thinks what they were attempting to do with the questionnaire was to determine what classification of zoning should be applied in our area. One of the classifications was cattle and the suggestion was that we add a zoning defination or classification for cattle once you accept that these zoning R's and C1's and 2's and 3's are the proper way to set up the zoning and we have not looked at a map and said what is this area suppose to be, but we would be doing that at tomorrow night's meeting because we are at that point.

President Tucker asked Mr. Toombs to bring a map and suggested one of each as opposed to bringing the wrong one.

President Tucker stated that the map we have prior to Bear Road annexation which is sort of a base map, but at least thats a place to start and it may show why we picked those areas to annex next. As far as answering about the zoning, hopefully the meeting tomorrow if we get past the R's we can start looking at areas and how they should be zoned.

Mr. Brown stated that he and his committee will be at the meeting.

Insurance Quotes From Hinton & Corby and Montgomery Ins. Agencies

Mike Whalen with Hinton and Corby Ins Agency presented to the council Members a quote on the complete insurance package for the towns liability insurance.

Mr. Whalen presented an insurance specialist from Bliss-McKight to give a presentation on Risk Management Services for Local Governments and also two insurance specialist from American States who gave a presentation on Boiler & Machinery Insurance on behalf of the Hinton & Corby Ins. Co.

All council members were presented information packets for review.

Mr Whalen also presented a insurance package for the housing authority.

President Tucker asked Attorney McCall to look into the rules if the town was liable for the coverage on the Housing Authority.

Earl Bonnaville with Montgomery Ins. Agency presented his insurance quote for the towns liability insurance.

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Insurance Quotes From Hinton & Corby and Montgomery Ins. Agencies (Cont.)

President Tucker stated that he would like to do is have the council members review both presentations and if there are any questions have them call either Mr. Bonniville or Mr. Whalen and ask these questions and by the end of the week either Thursday or Friday to poll the board to get a feel for which way they want to go.

President Tucker stated that he would take the responsibility of calling either Mr. Whalen or Mr. Bonniville and let them know which way we are going.

Mr. Bonniville stated that the quote he presented was strictly the package policy and did not include the public officials liability, public liability on the Housing Authority, or vehicles or workman's compensation.

President Tucker stated that in order to make apples and apples out of it he requested Mr. Bonniville to give the council a cover sheet of what the coverage and premium is now on those four or five separate coverages.

Mr. Bonniville stated that he would do that tomorrow.

Council Member Everitt asked Mr. Bonniville if we could have those by 2:30 p.m. tomorrow.

Clerk Treas. Schafer asked Mr. Bonniville if this was less expensive than the insurance that Mr. Bonniville had given the town last year since we didn't have the opportunity to bid insurance last year.

President Tucker stated that we were talking about different coverage.

President Tucker stated that to compare apples to apples he had requested the other five quotes from Mr. Bonniville to compare what was presented from the Hinton & Corby Ins. at this meeting.

Clerk Treasurer Schafer stated, " So, you don't have an answer."

Council Member Truman stated that he didn't think the question Ms. Schafer asked was a proper question.

Mr. Bonniville stated, Yes he did have an answer that there was several variables to consider and there are some areas that are less expensive than last years policy, and some of the renewals coming up haven't come due yet will be less also, companies take rate adjustments at different times of the year and looking at the Continental premium, Yes, it is down.

Clerk Tres. Schafer stated, Ok thank you.

President Tucker stated that maybe Mr. Bonniville could have a little longer than 2:30.

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Insurance Quotes From Hinton & Corby and Montgomery Ins. Agencies (Cont.)

President Tucker stated that if Mr. Bonnville would prepare the other five quotes for the council members and drop them off at the town hall they will be put in the council members boxes.

Don Brown Gives Correction To His Statement

Don Brown wanted to correct one of his previous statements and one of which was the cost of the maps the cost of the maps was 8,000.00 according to the piece of paper he has on billing and one other thing he commented on was he saw Mr. Truman on the newa the other evening and he made a statement of it being a slight raise for some people if annexed by the town of Sellersburg and it will actually be a 45% increase in taxes for everyone that is annexed into the City of Sellersburg.

Vice President Broady Addresses Council/ Purchase of Sewer Maint. Vehicle

Vice President Broady requested that the council approve the purchase of a new pickup truck out of the sewer funds for a new sewer maint. vehicle for Jim Blincoe.

Vice Pres. Broady stated that there are considerable amounts of problems with the old van the sewer maintance crew is currently using and requested that the money come from the sewer operating fund or the sewer tap in fund.

Motion to approve to purchase a sewer maintance vehicle was made by Doug Eddings Jr. and seconded by Dave Broady.

Council Member Eddings asked if the old vehicle will be auctioned off.

Vice President Broady stated yes it will be or disposed of.

Council Member Truman stated that he would like the motion to include that Dave Broady have the discretion to designate the source of funds.

Vote 4-0

Vice President Broady Addressed The Fire Dept. Ambulance Service

Vice President Broady stated that the Fire Dept. is how prepared to offer ambulance service in there Tri Township District and out of courtesy they would like a favorable vote of the board to operate in the Town of Sellersburg.

President Tucker asked if this was the truck he read about in the paper.

Mark Ball, chief of the fire dept. stated yes.

President Tucker stated that there was already an ambulance service in Sellersburg.

Mark Ball stated that he did not understand the question.

Vice President Broady Addressed The Fire Dept. Ambulance Service (Cont.)

President Tucker stated that up to a week ago we had an ambulance service across from Big Foot in Sellersburg and he asked if this was the same thing or are they not there anymore.

Mr. Ball stated that the Operation Life is still based in Sellersburg contracted by the county they are still required to provide one ambulance in Sellersburg.

Mr. Ball stated that what they were intending to do and there are no tax dollars tied up in this, is to run a seperate program from the Fire Dept. and asked to be dispatched with operation Life on any runs and you'd get two ambulances for the price of one to give adequate protection to anyone in the district.

President Tucker stated that was fine he just didn't understand.

Council Member Truman stated that as a point of information Dave just mentioned the Tri Township Fire Dist. and asked Mr. Ball to explain the difference between the Sellersburg Fire Dept. and the Fire District.

Mr. Ball stated that the Sellersburg Fire Dept. Inc. is the Sellersburg Fire Volunteer Dept. Inc. which is a non for profit organization simular in tax status of Clark/Floyd Moose Lodge, or the American Legion where the Tri Township Protection District is made of Silvercreek Township, Carr and Union Townships and that is why they changed the name to Tri Township Fire Protection Dist. and all the residents of the area make up the district

Mark Ball stated that part of the Town of Clarksville and all the Town of Sellersburg are part of the Tri Township Protection Dist.

Council Member Truman stated but basically the point he would like to make is that the district don't have anything to do with it is the Sellersburg Fire Dept. that is doing the ambulance service.

Motion was made by Dave Broady to give a letter to Mr. Ball giving him the councils blessing on the ambulance service and seconded by Karl Truman.

Council Member Everitt asked if Mr. Ball saw any cost or tax dollars in the future that may come to the town for the cost of this ambulance service.

Mr. Ball replied none what so ever, it is separately funded down the line in fact the fire district has already submitted their budget to the Tri Township Fire Protection Dist. which will be the 3rd year in a row that we have presented a .64¢ fire tax levy which is no increase to the taxpayer for the third straight year and in fact were the only one in Clark Co government with the exception of Jeff. Township that has done that.

Council Member Everitt stated that the evening news stated that they already have two people licensed to do this job.

Vice President Broady Addressed The Fire Dept. Ambulance Service (Cont.)

Mr. Ball stated that there are two people he is keeping on staff at all times in fact there are 19 part time personnel.

Mr. Ball stated that there are as many people out there that like to do that aspect of work as there are volunteering with the fire dept. and if they happen to work for an ambulance service for a few years and they come in and work on an eight or four hour shift in case we get a run and this allows them to keep up their EMT Certifications.

Mr. Ball stated that if everything goes right there should be two ambulances running.

Mr. Brown stated so if we have a fire call there will be two ambulances running.

Mr. Ball stated that if you have a fire call you will have a fire truck.

Mr. Brown asked when the ambulances will be dispatched, in case of an auto accident or crash.

Mr. Ball stated that if you have a heart attack or something along that line

Mr. Brown stated that then there will be one from down town Sellersburg and one from the Fire Dist.

President Tucker stated that a motion was made and seconded and all in favor state I and opposed Nay.
Vote 4-0

Council Member Everitt Addressed Storm Drain Study

- Council Member Everitt stated that John Toombs had given him the plans for review of the council of the storm drain study and he knows that the budget is coming up and he would like to get the money for the grant and he will drop them off at town hall.

Council Member Everitt Presents Ord. 93-575/ Trans. of Appropriations-MVH

Council Member Everitt presented to the council members ord. 93-575 to be considered in the first presentation in reference to transferring appropriations within the MVH fund to allow the paving to be finished.

Motion made by Roy Everitt to consider this ordinance in the first presentation and seconded by Karl Truman.
Vote 4-0

Council Member Everitt Presents Ord.93-575/ Trans of App.-MVH For Approval

Council Member Everitt presented to the council members for approval Ord. 93-575 in reference to the transfer of appropriations to allow additional

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Council Member Presents Ord. 93-575 For Approval (Cont.)

paving within the MVH fund.

Motion made to approve Ord. 93-575 made by Roy Everitt and seconded by Karl Truman.
Vote 4-0

Clerk Treas. Presented Claims For Approval

Clerk Treasurer Schafer presented to the council members for approval the towns claims for this meeting.

Motion made by Doug Eddings Jr. and seconded by Dave Broady to approve the claims for this meeting.
Vote 4-0

Clerk Tres. Gives Information On Conflict Of Interest Forms

Clerk Treas. Schafer stated to the council members that she would like to remind anyone that has signed a conflict of interest in the past that they need to do it annually, so if you stop by the office she would have the forms.

Clerk Treas. Commented On Previous Statement of Council Member Trumans

Clerk Treas. Schafer stated that she had one more comment in reference to a statement made by Council Member Truman on allowing Dave Broady to designate the area where the truck for the sewer maint. dept could be purchased.

Clerk Treas. Schafer stated that the reason she was apprehensive was because she had recently refinanced the water bond issues and instead of paying penalties on CD's she transferred them into various accounts so Vice Pres. Broady will need to stop by and review those account with her.

Council Member Truman stated that thats what he intended was for Vice Pres. Broady to contact accordingly.

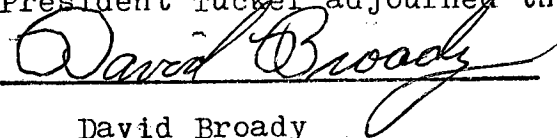
Clerk Treas. Schafer stated that she wanted to clear that up.

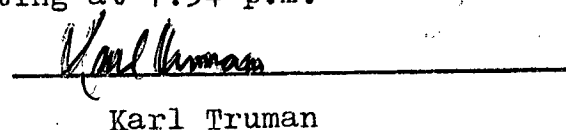
Adjournment

President Tucker requested a motion to adjourn this meeting.

Motion was made by Dave Broady and seconded by Roy Everitt to adjourn.


President Tucker adjourned this meeting at 7:54 p.m.


David Broady

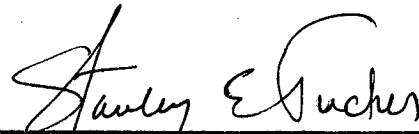

Karl Truman

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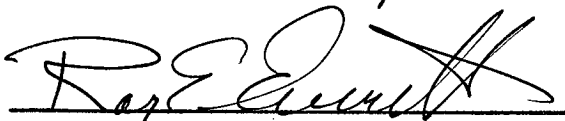
Adjournment (Cont.)



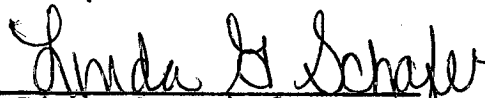
Aulton D. Eddings Jr.



Stanley E. Tucker



Roy E. Everitt

Attest: 

Linda G. Schafer
Sellersburg Clerk Treasurer

SELLERSBURG TOWN COUNCIL

August 9, 1993

EXECUTIVE SESSION

An executive session of the Sellersburg Town Council was held at 5:30 p.m. at the Sellersburg Library to discuss personnel matters. 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; with Perry McCall, Town Attorney absent.

Called To Order

President Tucker called the executive session to order at 5:30 p.m.

Topics Of Discussion

1994 Salary Ordinance
1994 Budget
Additional Employee/Town Hall
Riverboat Gambling
New Law/Family Leave

Adjournment

With no further business the executive session was adjourned by President Tucker at 6:15 p.m.

REGULAR MEETING

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

Called To Order

President Tucker called the regular meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Rev. Fred Reed.

Pledge Of Allegiance

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 and requested a motion to approve them.

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Minutes Of Last Meeting (Cont.)

Motion was made by Dave Broady to approve minutes of the last meeting as presented and seconded by Doug Eddings Jr.
Vote 4-0

Century 21/Properties Owned By The Town Of Sellersburg

Jim Baker, from Century 21, stated that he and Karen Elliott had been trying to discover all of the properties that the Town Of Sellersburg owns, and how big the properties are and they have been running into some problems.

Mr. Baker stated that they are not as far as they had hoped to be on this project.

Mr. Baker stated that they have been to the assessors office, auditors office, and the recorders office and they have put together some plat maps and some of the information that they have found may not be accurate.

Mr. Baker stated that at this point they have tried to run down at least 4 pieces of property.

Council Member Eddings stated that what the Town is trying to do is to locate all the properties the Town owns and get a market value for these properties.

Council Member Eddings stated that we have at our disposal a 75,000.00 grant and we can use that money to move the police dept, in with the new town hall and the additional funding needed would come from some properties the town does own, and once we get a market value, sell this property to build a new town hall which would include a new police dept.

President Tucker stated that it doesn't necessarily mean we need to build a new town hall it may be an expansion of the existing town hall.

Mr. Baker had questions on the property close to the bank and also another piece of property with resident Tom Garr's name on it.

President Tucker suggested that Mr. Baker check with Fred Hale from the bank and to check with Tom Garr on the other property.

Mr. Baker stated that the town may want to consider hiring a person that does abstract work to do the research on Town Of Sellersburg property.

Petitions Or Comments By Those Citizens Present

Todd Allen representing Oak Park Apartments stated that the matter of not receiving a water bill has been resolved.

Clerk Treasurer Schafer stated that, that was part of the problem and requested Roger Allen, owner of Oak Park Apts. address the other issue involved with the water utility.

Petitions Or Comments By Those Citizens Present

Mr. Allen stated that in Oct. or Nov. 1989 that he had spoke with Ms. Cheryl Adams at the Sellersburg Water Co. and a deposit was required for 14 apartments that he owns.

Mr. Allen stated that he found that rather unusual since in Louisville he wasn't required to make a deposit.

Mr. Allen stated that he made an arrangement with Cheryl Adams and what she required was a deposit for each apartment.

Mr. Allen stated that he was told that he could not get his money back for the deposits until he sold his property.

President Tucker asked Mr. Allen if he could provide receipts for the money he paid for the deposits.

Clerk Treasurer Schafer stated that Mr. Allen wanted was to obtain his meter deposits back before he sells his property.

Mr. Allen stated that he has paid his bills on time and feels that he should have his deposits back even though he is not planning on selling his property at this time.

President Tucker requested that the ordinance of the water utility be reviewed by the town attorney and for Mr. Allen needed to find his receipts where he paid his deposits.

Mr. Allen stated that he would look for his receipts of the meter deposits and asked if he understood President Tucker correctly that his deposits would then be refunded.

President Tucker stated he did not say that, what he said was he would review the ordinance with the town attorney and ask for direction as to which way to go.

Clerk Treasurer Schafer stated that the deposit serves as two purposes, one to get the interest for the water utility and the other is to use the deposit against the final bill when the customer moves.

Clerk Treasurer Schafer stated that it would not be advisable for the customer to get a refund for a meter deposit and possibly pay a meter rental fee that he would not be able to obtain back.

Andy Sparks from Paul Semonin Real. addressed the council concerning the resale of the old sewer plant facilities and equipment.

Mr. Sparks stated that he and his associate had just finished the sale of the Jeffersonville Sewer Plant that will close early next month and he wanted to talk with the Sellersburg Town Council to see if he could help with our sewer plant.

Petitions Or Comments By Those Citizens Present

Mr. Sparks stated that he understood that there was a title problem there or a disagreement on who owns it and he mostly wanted to feel out who owned it and if he could help to dispose of it.

President Tucker stated that his understanding is that there is a title question, Margaret Dreyer who lives in close proximity to there, he thought it was her husband at one time deeded the property to the Town of Sellersburg but we have not been able to find a deed.

Mr. Sparks stated that it was recorded but never signed.

President Tucker stated that he had talked to Ms. Dreyer personally and she would like to take the property back.

President Tucker stated that we have gone through the sewage treatment plant and sold all the equipment.

Mr. Wheeler, sewer supt., stated that we have tried to bid out some of the stuff but most of it is still there.

President Tucker stated that we need to work with Attorney McCall to see if we can get a clear title.

Council Member Truman stated that the town could file title action to get a clear title.

Mr. Sparks stated that the thought he had was to work together with Ms. Dreyer to sell the sewer plant jointly and this would resolve the litigation problem with Ms. Dreyer.

President Tucker stated that the last time he talked to Ms. Dreyer she was not in favor of doing this, and he isn't saying she wouldn't change her mind.

President Tucker stated that he didn't think she wanted to buy something she thinks she already owns.

President Tucker stated that the town would pursue it and he would let Mr. Sparks know if and when something happens.

Jim Banet addressed the council members with a request to build an apt. complex on New Albany St for the elderly and handicap.

Mr. Banet stated that this apartment complex would be constructed on property being a portion of PNC and Diéfenbach property and there would be anywhere from 30 to 42 apts depending on a basic study.

Mr. Banet stated that a plan is 32 units that could be expanded to 48 and they are 1 bedroom and 2 bedroom and from the drawing presented Mr. Banet stated that he has 10 units containing 2 bedrooms and 22 units containing 1 bedroom.

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Petitions Or Comments By Those Citizens Present

President Tucker stated that as he asked several weeks ago when Mr. Banet had called him on the telephone to go to the planning commission and present this, since we have a moratorium on in the Town of Sellersburg.

President Tucker stated that he had asked Mr. Banet to go to the planning commission and he is proposing to build approximately 32 or 48 units of elderly and handicap apts. on property where Diefenbachs or Frys whatever the case may be, going East up through PNCs parking lot so PNC would be selling part of the property.

President Tucker stated that basically one of the request that came from the planning commission was what type of housing it was going to be and we were concerned that if there weren't some type of conditions for understanding what type of homes, meaning that we want it for the elderly and handicap but we didn't want to create a housing project in Sellersburg so there were many questions asked to basically check out many things and the bottom line is that all the housing is going to try to be provided for the elderly and handicap but a certain percentage (20% or so) but if the elderly and handicap do not accept this housing and do not rent this housing then basically it will be open to the general public for rent.

Mr. Banet stated, yes, after a certain period of time, but it is geared for the handicap and elderly folks then it goes to the elderly then it goes to the handicap and then it would be the open market.

One resident asked at what age was considered elderly?

Mr. Banet stated that it was age 62 even though he did not consider 62 elderly but that is where it is.

Council Member Truman asked if there were some hud assistance on this.

Mr. Collier stated that if this building was government subsidized a person 35 drawing government money would qualify for these apts and nothing could be done to stop this.

President Tucker stated that this was a discussion that came up at the planning commission that the intent could be there that they would like to provide it to the elderly and handicap.

Mr. Banet asked how much space would you think elderly people would use.

Mr. Collier stated that it would be a one bedroom, living room, kitchen, and bath.

Mr. Banet stated that if I'm out there and qualify for government subsidized housing and he would be more subject to take quarters with more square ft. than what he is allowing for his apts. (500 sq. ft.).

Mr. Banet stated that it would be three story with an elevator and a laundry and a lobby.

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Petitions Or Comments By Those Citizens Present

President Tucker asked Mr. Prather, building commissioner, if he wasn't correct in saying that there had to be $1\frac{1}{2}$ parking spaces per unit and Steve Prather verified that.

President Tucker stated that he thinks the request is that we think about or give him permission to proceed with plans, specifications and etc.

Council Member Everitt stated that there is a question that Mr. Banet did not answer if hud was going to have anything to do with this, and the reason he said this is that 10 or 12 years ago it was defeated.

Council Member Everitt stated that also the downtown merchants needed to be considered, if we get a hud project then what is it going to do to the businesses in the downtown area.

Mr. Banet stated that hud has apararently developed a bad name.

Council Member Everitt stated that he has been to some of them, Scottsburg for one, and three years later it looks as if its been through the mill.

Mr. Banet stated that he didn't feel like he was addressing the questions, he feels like he is missing something and he isn't sure what it is.

Mr. Banet stated that he felt like he was in tune with the zoning board but he felt like because he answered all their questions he is failing to answer all the councils questions.

Council Member Truman stated that the concern of the public is that nobody wants a hud project like Charlestown has.

Council Member Truman suggested a zoning restriction designating for elderly or handicap.

Mr. Banet stated that he would have a problem with financing and no one would lend him money for elderly and handicap without an out if over a period of time if not rented it would be open to the public.

President Tucker stated that what he is hearing the council members say is to maybe take this under advisment and thing about it and talk about it at the next meeting.

Chief Deputy Clerk, Cheryl Dean, asked if he was taking care of maintaining the building and the grounds.

Mr. Banet asked if any of the council members would like to keep the plans of the building?

Council Member Everitt stated that he would like to keep one because he would like to talk to the merchants.

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Petitions Or Comments By Those Citizens Present

Steve Prather, building commissioner, addressed the council concerning resident complaints against Mr. Welty from the Gillenwater Subdivision of a number of junk vehicles and trash in his yard and around his house.

Mr. Prather stated that Mr. Welty had removed two of the vehicles and was in the process of plating two vehicles and had made an attempt to clean up his property.

Mr. Welty stated that he had a Semi Tractor that he couldn't move because he owed 20,000.00 on it and he can't license it due to the cost of 1700.00 for license and insurance cost of 1,200.00 per month.

President Tucker asked how many vehicles did Mr. Welty still have?

Mr. Welty stated that there was a 65 GTO, 61 Cutless, and a 63 Grand Prix.

Mr. Welty stated that there was a boat in the yard that he tried to burn to get the eye sore out of the way and some neighbor called the fire dept. on him.

Mr. Welty stated that his concern was with the Semi the the insurance co. was making payments on and if he got rid of it the insurance would no longer pay.

Mr. Welty stated that the unpaid balance was 20,000.00 and the worth of the Semi was about 7,000.00.

Mr. Ash who resides across the street from Mr. Welty presented to the council some pictures of Mr. Welty's property and stated that he was ashamed for anyone to come to his house and it has been there for about 6 or 7 years with no change.

Council Member Everitt stated that since we had installed sewers in that area that a group has really taken care of things there and he would like to see this cleaned up.

President Tucker stated that if there are old cars that are not runnable Mr. Welty needs to find some place to store them and as far as the tractor trailer, Mr. Welty needs to find some other place to park it as well.

President Tucker stated that Mr. Welty had till October 1st (45 days) to move these vehicles and also to clean up the camper and oil and etc. and a general cleaning of all Mr. Welty's property.

President Tucker asked Mr. Prather to notify Mr. Ball the fire chief or to offer assistance to help burn trash on Mr. Welty's property to clean it up.

Water Superintendent Gives Information On Hydrant Flushing

Clark Henson, water supt. stated that the water hydrants in the town will

Water Supt. Give Information On Hydrant Flushing (Cont.)

be flushed from August 19th to August 24th.

Building Commissioner Addressed Council Concerning Complaints

Steve Prather, building commissioner, stated that the property owner residing next to 323 Broadway St. has been notified to contact him concerning removing the vehicles and weeds in an over grown garden.

Steve Prather, building commissioner, stated that in reference to a complaint from Ruby Davis concerning the field behind Buchner Lodge that the lodge was not in violation of any town ordinance and that if Ms. Davis felt it necessary to take any further action in this matter her attorney would need to pursue this in civil court.

President Tucker stated that Attorney McCall would return on August 17, and for Mr. Prather to contact Attorney McCall concerning this matter.

Steve Prather, building commissioner, stated that in reference to the Conway fence problem that Attorney McCall needed to contact the Attorney for the Conway's (Larry Wilder) as to resolve this matter.

President Tucker requested for Mr. Prather to contact Attorney McCall concerning all the above matters and to have Attorney McCall contact President Tucker with recommendations on all these matters.

Council Member Everitt asked if Mr. Conway was advised that he had to take the other fence down.

Mr. Prather replied, "Yes, he was back in October or November of last year when he applied for the permit.

Mr. Prather stated that Mr. Conway commented on this by stating he didn't know to take the fence down due to not being told but it doesn't change the fact that there is a town ordinance.

Council Member Everitt stated that she (Ms. Lewis) has a fence and he (Mr. Conway) has a fence and there is a metal fence in between so what is the problem there, if you can't see the fence there and all they have to do is shoot something in between the fence there.

Mr. Prather stated that alot of rubble and garbage has built up between the Conway wood fence and the metal fence not to mention the weeds that are growing up between the two and it goes back to we have a nuisance ordinance and whether they want to inforce it or not.

Mr. Prather stated that its not a problem he personally has with the Conways the problem is that the town has ordinances and whether they want to inforce them or not or do they just want to make them up and just let everyone do as they wish.

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Building Commissioner Addresses Council Concerning Complaints (Cont.)

Council Member Everitt stated that he was hearing two sides.

Council Member Everitt stated that he was at the meeting where they gave Ms. Lewis permission to build a higher fence, and our ordinance says a 6ft fence.

Building Commissioner Presents Claims

Steve Prather, building commissioner, presented his claims for the period of July 12th thru August 9th, in the amount of 626.40.

Motion was made by Karl Truman to approve the claims as presented and seconded by Doug Eddings Jr.

Vote 4-0

Council Vice President Discusses Sale of Surplus Vehicles

Dave Broady, Council Vice President, asked Rick Wheeler to give the status of surplus vehicles that needed to be auctioned off for the sewer dept.

President Tucker requested the clerk treasurer to look for the titles to see if we have them and also for Rick Wheeler to check to see if we could sell the vehicle originally obtained from the government.

Council Vice President Request Meeting With Resident

Dave Broady, council vice president request for Steve Prather to contact Ms. Barton and set up a meeting with her to look at her property on Aug. 11, 1993.

Vice Pres. Broady requested for Steve to contact his office and give him a time that the meeting was to take place.

Council Member Everitt Addresses Council

Council Member Everitt stated that street paving should be finished by sometime this week.

Council Member Everitt stated that in reference to the request from Mr. Banet concerning the request for apts on New Albany St. he would like to state that there is a storm drain going through that property.

John Toombs stated that the storm drain would have to be routed around.

President Tucker requested for Steve Prather to make a mental note that if they deal with Mr. Banet in reference to the Elderly and Handicap Apts. on New Albany St. that Mr. Prather needs to remind them of this storm drain.

Clark Treasurer Presented Claims For This Meeting

Linda Schafer, Clerk Treas., presented to the council members for approval her claims for this meeting.

Motion was made by Roy Everitt and seconded by Dave Broady to approve the claims for this meeting.
Vote 4-0

Clerk Treasurer Presented Claim From Montgomery Ins. Agency

Linda Schafer, Clerk Treasurer, presented a claim for the councils approval from Montgomery Insurance Co. in the amount of 821.00 for 91-92 audit and for 92-93 audit done on the workmans comp. insurance.

Council Member Truman requested that we wait until we vote on the insurance company before we vote on approving this claim.

President Tucker Discusses Insurance proposals

President Tucker stated that at the last meeting we had a presentation by Mike Whalen of Hinton and Corby and a presentation from Earl Bonnaville from Montgomery Ins. Agency as to basically the commercial and type of insurance that the town carries which is liability, boiler and machinery, police liability and so forth and how he left this is that he would take a pole of board members and based on that pole we would either renew the insurance with Mr. Bonnaville or purchase insurance through Hinton & Corby.

President Tucker stated that he would like to ratify the decision made.

President Tucker made a motion that the towns insurance be moved from Montgomery agency to Hinton & Corby which would be effective August 3, 1993 and this motion was seconded by Roy Everitt.

President Tucker asked if there was any discussion or questions.

Council Member Truman stated that Yes, he would like to discuss it and stated that it bothered him that the board is going to spend about 15,000. to move this insurance and that both companies are good cretable companies although the Bliss policy is a cash value policy where the Continental policy is a replacement value policy just looking at the policies alone on their face the continental policy is 4,000 less plus in order to purchase the tail coverage it is 7,000. and then for the cancellation of the premiums it is going to be an additional 3 or 4 thousand dollars and he doesn't feel it is in the towns best interest especially the constraints of the budget. 15,000. is quiet a bit of money. One of the issues is that we never really decided on is coverage on the housing authority, is an additional 2000. due to the Bliss policy that if we decided not to do it, it will be deducted from the Titan Ins. about 6,000 less and there was some concern that the Titan Ins. Co is rated B+ rather than A but if you look at what that means is that they haven't been in the business for 10 years they are still a good company and he would be comfortable with Titan Ins which would put the savings up to 20,000.

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President Tucker Presents Insurance Proposals (Cont.)

Council Member Truman stated that this is why he thinks we should not switch companies.

President Tucker stated that he voted for Bliss Mcknight Ins. Co.

President Tucker stated that Titan Ins. Co. is a B+ Company and in talking with the other members they were uncomfortable with a B+ company.

President Tucker stated that HUD commission insurance or not he was having Attorney McCall look into that to see if the town was obligated to provide that coverage and Attorney McCall is on vacation.

President Tucker stated that he has bound the coverage for 30 days and Attorney McCall would be back on August 17th.

President Tucker stated that when Bobbie Atkins was on that board several years ago he was concerned.

President Tucker stated that one thing on the Bliss McKnight policy is that police training is provided and thats over 5,000. free of charge.

President Tucker stated that it was suggested to move the workmans comp. to another company which would save 3,000. but again the problem was that the company is a B+ company.

President Tucker stated that the current insurance is with Continental and is a claims made policy which means that if the town wished to change ins. companies the town would have to pay tail coverage insurance, another coverage to cover back one year because anyone could file a claim back a year. The policy does not cover through an expiration date like other policies, and it requires additional coverages to cover the town and people who file claims have months and even years to file and this type of ins. makes competitive bidding difficult because it not comparing apples and apples, and if the town decided to change carriers in the future that same problem would occur.

President Tucker stated that Bliss Mcknight strickly writes insurance for local governments, and their package policy includes all that is needed for local governments, and they insure more than 138 local governments in Indiana.

President Tucker stated that he was not answering for the others on the board but those were his rationals behind his decision.

Council Member Everitt stated that when the town board sets and takes bids on insurance, or bids no matter what it is and we didn't have a full bid from Montgomery Ins. Agency and we did give them the opportunity.

President Tucker stated that all in favor of changing the insurance to Bliss McKnight say I, opposed nay.

Vote: Roy Everitt, David Broady, and Stanley Tucker in favor
Karl Truman and Doug Eddings Jr. against

Sellersburg Town Council
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August 9, 1993
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President Tucker Presents Insurance Proposals (Cont.)

Council Member Truman stated that he would like to address a couple of points that Pres. Tucker brought up.

Council Member Truman stated that regarding workmans comp. the company, Montgomery Agency did address the possibility of moving to a company which was basically self insured which would be a substantial savings and Mr. Truman stated that he didn't feel that that is a significant factor because it is a sound company but at any rate it would have been less than the bid that was put in, so that would have been an additional savings if you chose to go that route.

Council Member Truman stated that the claims made policy basically is meaningless whether it is claims made VS. occurrence policy unless you decided to switch companies and what is the reason to switch companies unless you are going to save money.

Council Member Truman stated that as far as reviewing coverage the Montgomery Agency has reviewed coverages and he thinks that, that is sort of misleading.

Council Member stated that all things considered that the council is not acting in the best interest of the taxpayers by spending an additional 15,000. to switch companies.

President Tucker stated that he would restate the motion to move the current insurance from Montgomery to Hinton & Corby Ins. and seconded by Roy Everitt Vote 3-2 with Karl Truman and Doug Eddings Jr. against.

Council Member Truman asked where this is coming out of the budget at, and Clerk Treasurer replied it would be under the insurance.

Council Member Truman stated that he thought we were overspent already.

Clerk Treasurer stated that the budget was fine.

The Claim For Montgomery Ins. Agency Previously Presented

The claim for 821.00 previously presented by the clerk treasurer for Montgomery Ins. for 91-92 audits and 92-93 audits was represented.

Motion made by Dave Broady and seconded by Doug Eddings Jr.
Vote 3-1 Karl Truman against

Clerk Tres. Presented Request For Approval of Payments Due/ 1993 Bond (WTR.)

Clerk Treasurer stated that when she refinanced the water bond issue there were charges incurred in this process and she didn't know if the council needed to reapprove these bills or when the council approved refinancing the bond issues(1993 Water Bonds) if it included this also.

Clerk Treas. Presented Request For Approval of Payments Due (Cont.)

The claims in reference to refinancing the 49 outstanding bond issues which made up the 1993 Waterworks Bonds were as follows:

Escrow Trustee, Paying Agent and Registrar (already paid at closing)	12,000.
Financial Advisor (Umbaugh)	23,000.
Local Counsel (Perry McCall)	13,000.
Official Statement Printing (Insty Prints)	1,735.00
Bound Counsel (Ice Miller, Donadio & Ryan)	15,000.
Bond Printing (Bainbridge)	<u>1,882.05</u>
	66,717.05

Motion was made to approve the payment of these amounts, and Umbaugh and Associates, by Doug Eddings Jr. and seconded by Dave Broady.
Vote 4-0

Adjournment

Motion made to adjourn made by Doug Eddings Jr. and seconded by Dave Broady.
Vote 4-0

This meeting was adjourned by President Tucker at 8:00 p.m.

David Broady
David Broady

Roy Everitt
Roy Everitt

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

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

Karl Truman
Karl Truman
Stanley E. Tucker
Stanley E. Tucker

SELLERSBURG TOWN COUNCIL

August 23, 1993

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 Schafer, Clerk Treasurer.

Called To Order

President Tucker called the regular meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Rev. 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 Aug. 9th meeting and stated that on the last page there was an error (page 13.) as to the amount paid to the Financial Advisor (Umbaugh) the correct amount should be 23,100.

With this correction President Tucker requested a motion to approve minutes. Motion to approve the minutes was made by Doug Eddings Jr. and seconded by Dave Broady.

Vote 4-0

1ST Public Hearing On 1994 Proposed Budget Estimates And Tax Rates

President Tucker stated that this was the 1st public hearing on the 1994 proposed Budget.

President Tucker stated that it was published in the paper on Aug. 11 and Aug. 18, 1993 and read the proposed budget as follows:

<u>FUND</u>	<u>BUDGET EST.</u>	<u>FUNDS TO BE RAISED</u>	<u>NET TAX RATE</u>
General	1,106,166.	808,176.	3.40
Metro Pol. Pen.	47,969.	21,393.	.09
Motor Veh. Hwy.	95,450.	-0-	-0-
Local Roads & St.	36,000.	-0-	-0-
Parks	123,443.	78,441.	.33
Cum. Cap. Dev.	45,100.	28,523.	.12
Debt. Service	10,000.	7,131.	.03
Cum. Cap. Imp.	29,718.	-0-	-0-
	<u>1,493,846.</u>	<u>943,664.</u>	<u>3.97</u>

1ST Public Hearing On 1994 Proposed Budget Estimates And Tax Rates (Cont.)

President Tucker stated that the recommended changes to the Parks Dept. would reduce the total budget estimate of the Parks Dept. from 123,443. to 94,428.

President Tucker stated that one of the request from the Parks Dept. for the past couple of years is apparently the filtration system at the swimming pool is old and probably will give out at some point in time and they have asked us to try to keep under consideration approximately 35,000.00 for expense to replace it and that would be by reducing the Park Budget from 123,443. to 94,428.

President Tucker asked if there were any questions or comments from citizens present.

There were no questions or comments.

President Tucker stated that if he understands correctly there will be a second hearing on August 30, at 6:30 p.m. at the Sellersburg Library, a very short meeting, to adopt the budget and at that time. The 1994 Budget will then be presented to the State Board Of Tax Commissioners for final approval.

Council Member Truman's Request/Silver Creek Twsp. Park - Meter

Council Member Truman addressed the council members with a request from Silver Creek Township Trustee, Carl Kamer.

Council Member Truman stated that Carl Kamer had asked him to bring up that the Silver Creek Township, that everybody knows is putting in the park off Fern St. and eventually Carl Kamer is going to move his township trustee office from the church on Old Hwy 60 to the park.

Council Member Truman stated that Mr. kamer is asking the town to approve putting, basically what he wants to do is put a large meter on it but pay a minimum bill for a small meter the reason for that being on a seasonal nature of the park activities, of course during the summer they would use quite a bit of water but in the winter months they would use very little water basically all he would be doing is his office so in order to accommodate the seasonal nature of it he is asking the town to approve letting him put in the larger meter but yet letting him pay the minimum bill of the off season for the smaller meter.

Council Member Truman stated he thought it would be a good idea to support the Township Park in this matter and he didn't think it would be any burden on the town to do that.

Council Member Truman stated that just for the record so it is reflected in the minutes he is the attorney for the Silver Creek Township and he doesn't think it will present any conflict for him to vote on it in anyway but he just wanted it to be disclosed in the records so there is no question on

Sellersburg Town Council
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Council Member Truman's Request/Silver Creek Twsp. Park - Meter (Cont.)

it at a later time.

Vice President Broady stated that it was his understanding that the reason for the larger meter was due to the new shelter house at the park.

Council Member Truman stated that basically will be used in the summer months.

Vice Pres. Broady stated that they are not using quantity but they just need the volume there.

Council Member Truman stated that we are not changing the rate its just only the minimum bill which his rate would be paid as anybodys.

Council Member Truman stated again that we are not changing the rate, its only the minimum bill for the size of the meter.

Council Member Doug Eddings Jr. stated that even though that was a county commissioned office he was concerned if an adjustment was made for one party we may be opening ourselves to make adjustments in other areas and it may be opening up a can of worms and the water utility is ran strictly by set policies.

Council Member Truman stated that Mr. Kamer is not on any time table.

Vice Pres. Broady suggested that this be tabled and stated that he had no idea what the difference in the regular bill for a larger meter and the minimum bill was.

Cindy Shelton, billing clerk, for the water utility stated that there was quiet a bit of difference and recommended to the council that a smaller meter be set in addition to the larger meter.

Council Member Eddings asked water supt, Clark Henson if that was an option.

Clark Henson, replied, "Yes."

Linda Schafer, Clerk Treas., stated that this would involve two meter deposits and two water taps.

Doug Eddings, council member, stated that if there would be a way that it was not in violation of any policy set forth and it is the water utilities policy that everyone has been treated the same whether it be residential or business.

Council Member Truman stated that this isn't like it was a private business it is for the community too.

President Tucker requested that the suggestion from Vice Pres. Broady be

Council Member Truman's Request/Silver Creek Twsp. Park- Meter (Cont.)

taken to table this until the next meeting to give Council Member Eddings a chance to get with Clark Henson, water supt. and or the water dept. billing clerk to obtain more information on this as to the dollar amount.

Century 21 Addresses Council With Information On Town Property

President Tucker requested Council Member Eddings to give a brief introduction for Century 21.

Council Member Doug Eddings Jr. stated that the town has requested the services of Century 21 to investigate what properties that the town owns.

Council Member Eddings stated that what we would like to do is some marketing analysis on some of the properties that the town owns then if that looks good and we have some properties that are worth marketing we may look at the possibility of revamping the existing town hall and adding additional meeting space and offices and bring the town hall up to an image worthy of the Town of Sellersburg, at no cost to the tax payer what so ever, and the 1st part of the phase is to locate existing property that we have and obtain a market value.

Council Member Eddings stated that alot of things have happened over the past 10 or 15 years that there is property we know we have and property that we think we have in some cases no deed can be found so we have had to hire some people who are experts in this field to try to get straightened out.

Jim Baker from Century 21 stated that he met with Chuck Murphy of Stites & Harbison asking them to presue the property owned by the Town Of Sellersburg.

Karen Elliott from Century 21 stated that Mr. Murphy quoted them the price of 200.00 per property.

Jum Baker of Century 21 stated that Mr. Murphy stated that he would do a detailed search of the property but Mr. Baker suggested that on some of the property it may be obvious what the property is and some of this may be easements.

Mr. Baker stated that the letter received from Chuck Murphy stated that there are 32 parcels in the name of the Town of Sellersburg.

Mr. Baker stated that what they would like to do between now and the next meeting is to get the platt maps, highlight them and bring it back to the council and show what they found.

Karen Elliott stated that if the 200.00 fee is acceptable Mr. Murphy will waver his charge until the sale of the 1st piece of property.

President Tucker asked if there was a list that we could see that his guess is that we did not want to do 32 pieces of property.

Century 21 Addresses Council With Information On Town Property (Cont.)

Council Member Everitt stated that a part of the Prather Lane property belonged to the Church Of Christ but in talking with Charlie Ridenhour when we built Prather Lane, it may had belonged to the Church Of Christ and is probably still deeded that way but he had talked to Susan Williams the former town attorney and she said that the Church Of Christ gave that property to the town and the deed has never been changed so this may need to be looked into.

President Tucker suggested that when Century 21 got the maps prepared if copies could be distributed to the town council members and at town hall and let us take a look at them.

President Tucker asked Council Member Eddings to poll the council members as to see what route they want to go.

Mr. Baker stated that he will also give the council some ideas as far as value of the properties.

President Tucker stated that he will make a copy available at the town hall for residents to look at.

Petitions Or Comments By Those Citizens Present

Paul Branham addressed the council members concerning his wife baby sitting in their home.

Mr. Branham stated that he has been living in Dreyer Estates for a few years and his wife has been baby sitting for two or three children.

Mr. Branham stated that they saw the opportunity some time back to pick up a couple more children and his wife checked into this and found out to care for anymore children she would have to obtain a state license and she made the application and the paperwork was in the process, and at that time they received a letter from Attorney David Nachand in reference to zoning ordinances and covenant restrictions, and this information was concerning commercial business in a residential area and at that time they pulled the state application and didn't pursue that any further.

Mr. Branham stated that in a verbal conversation with Mr. Nachand within the last month he was concerned when they were told not to babysit one, two or three children in the home and why was this considered a commercial business, when it doesn't require a license.

President Tucker stated that he would have to refer this to the town attorney.

President Tucker asked Steve Prather, building commissioner, if he was aware of the rules on this.

Mr. Prather stated that he didn't know off the top of his head but he thought

Petitions Or Comments By Those Citizens Present (Cont.)

if it was over five it would be considered a business.

Attorney McCall stated that he received a letter from Attorney David Nachand and if she continued to babysit it was in violation of the covenant of the subdivision.

Mr. Branham stated that according to the welfare office the difference between a daycare and babysitting was five children.

President Tucker suggested that Mr. & Mrs. Branham contact Attorney Perry McCall in the next couple of weeks, he will either advise you to come back to the town board or he will give you an opinion on what you should do.

Steve Welch stated that what he would like to do, and he understands that there is a proposal before the board to build some multi unit housing, apartment type buildings and this will be in the New Albany St. Hanger Ave. area is this correct.

President Tucker replied, "yes".

Mr. Welch stated that there is two main reasons why the residents do not want that in there, one of which has to do with the drainage and sewer problems that we have and he can't believe anyone would think about putting something in there with the problems we now have.

Mr. Welch stated that he had 20,000. damage to the foundation to his house due to the flood last August and now everytime it rains we are flooded out and we have water one foot deep in the garage.

Mr. Welch stated that secondly and he doesn't want to sound anti-business but by the same token we understand that a portion of this apartment complex is to be funded by HUD and that opens up a problem because after a few years they are not kept up and the entire neighborhood goes down the tubes along with the property value.

Mr. Welch presented a petition to the council with 40 signatures of neighbors in the area that are against this.

Mr. Welch stated that we don't want it nor do we need it.

Marilyn Welch asked that if they are going to build something on your property line is it true that they have to send you a letter within a certain amount of time, like 120 days or so that this is proposed of can they just walk right in and slap it in there.

Ms. Welch asked how things skirt by without notifying residents in the area.

Petitions or Comments By Those Citizens Present (Cont.)

President Tucker stated that he doesn't have an answer.

President Tucker stated that one of the problems that the town has had is not having a comprehensive plan in place, and one of the things we are working on right now is zoning areas, what is currently what.

President Tucker stated that in order to put a new business in town and basically in the case of Mr. Banet wanting to build he would have to get permission.

President Tucker stated for Attorney McCall to correct him if he is wrong but anytime someone wants to build something in the area they have to give notice in the newspaper as well as to residents in that area.

Attorney McCall stated that his understanding is that they must notify the town council, then refer their plans to the zoning, then publication.

President Tucker stated that he talked to Mr. Banet and he told Mr. Tucker what he had planned to do.

President Tucker stated that he suggested to Mr. Banet that he attend a planning commission meeting and basically gave us a verbal discription of what he had in mind. No plans or specifics were given and we did not give our blessing.

President Tucker stated that as we went through the process of looking at the new zoning regulations and restrictions there were certain things that did not fit what Mr. Banet wanted to do such as fewer parking spaces for this apartment complex that would normally be more.

President Tucker stated that Mr. Banet wanted less than 1½ spaces per apt. due to there not being enough room to build the apartments he wanted and to have the space.

President Tucker stated that another reason is that he wanted to build three stories high and there are restrictions on how high property can be built based on the new zoning restrictions, so Mr. Banet came back twice and the planning commission couldn't do anything with this at that point so they suggested Mr. Banet bring this to the town board so it would be a public meeting, and again we have no plans or specifications and basically he is talking ablut 42 or 48 apts.

President Tucker stated that since Mr. Banet did not attend this meeting he didn't feel he should make the councils opinion known but we have not taken a vote.

Mr. Welch stated didn't anyone tell Mr. Banet there was a severe flooding problem in this area?

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Petitions Or Comments By Those Citizens Present (Cont)

President Tucker stated that we have not approved anything at this point and the only thing we have done is brought it to the town board and asked for time to consider it and Mr. Banet has not come back and asked for an answer at this point so there is no point to vote on this tonight.

President Tucker stated if we did vote on it tonight it still goes back to the planning commission to abide by zoning regulations which require 1½ parking spaces and requires that the building can't be over 30ft and if he cannot comply with those then he can't build the apartment complex.

Ms. Welch stated that speaking as a home owner and her husband has to be out of town and if there is an apartment complex in her backyard and they are up there on the top floor and she is down on ground level there is no security that is going to be high enough to give her privacy and she doesn't like the idea of someone looking down on her watching every move she makes and she would be very afraid.

Ms. Welch stated that her whole street is nothing but widows and people who are single and live alone and she doesn't want it getting to the point where we have all these strange people where we can't walk our dogs after dark and not feel afraid and that is why she doesn't want it there.

Bill Collier asked if he has to wait until 1994 to get his storm drain fixed.

President Tucker replied, "No".

Don Brown, chairman of the RAA asked where the 35,000. was coming from for the storm drains since he heard that the town was broke.

President Tucker stated that it is in the 1994 budget and Mr. Brown had missed that part of the meeting earlier but there is another meeting of the budget scheduled for August 30, 1993 at 6:30 p.m. at the Sellersburg Library.

Mr. Brown asked if Council Pres. Tucker had accepted the invitation from the RAA.

President Tucker replied, "No".

President Tucker stated that he has had several people call and talk to him about coming to the meeting.

Council Member Everitt stated that he felt he knew what this was leading up to and he would rather table it.

Council Member Everitt stated that what Mr. Brown wants the people to know that he wants the council to go to the meeting, Mr. Dickman didn't.

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Petitions Or Comments By Those Citizens Present (Cont.)

Council Member Everitt stated that he had no desire to go to the meetings and he thinks that the council has been as up front as anyone can be.

Attorney McCall stated that he recommended that from a legal stand point that no council members should attend the meetings at this particular point.

Attorney McCall stated that he thinks it is to the best interest of the council not to attend even though you have the right.

Mr. Brown stated that in that case he would like to offer one more chance for the council members to rescind the annexation ordinances before the RAA files the remonstrance petition on August 26, 1993.

Mr. Brown stated that the RAA is having a public meeting at Haps and every one is welcome.

President Tucker thanked Mr. Brown.

Street & Sanit Supt. Addresses Council On Tree Trimming

Mark Warren, Street & Sanitation Supt., addressed the council members on over grown trees in the town that block views and are hitting bus windows.

Mr. Warren stated that he had several calls and has trimmed several trees and it is the owners responsibility to do so and the town is suppose to charge the resident.

President Tucker stated that he had asked Mr. Warren to trim some branches due to school buses hitting them because the safety of the children is first but the tree trimming is the residents responsibility.

President Tucker stated that he was given Ord. 316 and what he would like to do is ask Attorney McCall to review this ordinance and if it is charging the property owner then that is what we should do.

Building Commissioner Addresses Council

Steve Prather stated that he had given Dave a couple of letters in reference to Mongold Const. as well as Dorthea Barton this was the original complaint and the original letter sent to Mr. Mongold.

Mr. Prather stated that he and council vice pres. Dave Broady went out there on August 12th. and talked with Mr. Mongold as well as Ms. Barton.

Mr. Prather presented a letter that Dave Broady asked him to draft basically asking two things for Mr. Mongold to take care of and Mr. Mongold and Ms. Barton were informed that after these two items that there will not be any further action and it would be between Mr. Barton and the Mongolds as far as a civil matter.

Dave Broady recommended that the letter be sent.

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Building Commissioner Presents Claims for Aug. 10th Thru Aug 23rd

Steve Prather presented to the council members a claim for Aug. 10th thru August 23rd in the amount of 1,073.70.

Motion made by Karl Truman and seconded by Doug Eddings Jr. to approve this claim.
Vote 4-0

Building Commissioner Addresses Council/ Ruby Davis

Steve Prather, building commissioner, stated that Ms. Davis had asked again about the grass behind Buchner Lodge.

Pres. Tucker stated that since Attorney McCall had been on vacation that he had asked Mr. Prather to contact Attorney McCall when he arrived back and give him the particulars so he could advise the council.

President Tucker asked Steve Prather to particular Attorney McCall.

Council Member Everitt stated that Buchner Lodge was going to mow the grass.

Clerk Treas. Presents Claims For This Meeting

Linda Schafer, clerk treasurer, presented the claims for this meeting for the approval of the council members.

Motion made by Doug Eddings Jr. and seconded by Roy Everitt to approve claims as presented.
Vote 4-0

Attorney McCall Gives Information On Housing Authority

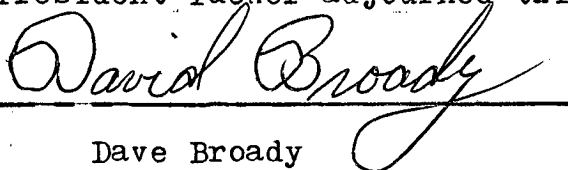
Attorney McCall stated that he was asked by the council members to check to see if the town was responsible to carry insurance on the Housing Authority.

Attorney McCall stated that the recodification of Ordinances would help and that if the town had passed an ordinance to establish the Housing Authority that they should cover them with the insurance.

Adjournment

With no further business a motion was made by Roy Everitt and seconded by Vice Pres. Broady to adjourn this meeting.


President Tucker adjourned this meeting at 7:35 p.m.

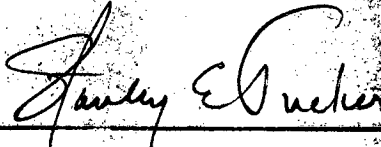



Dave Broady

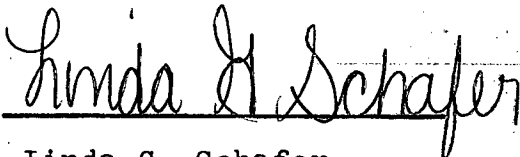
Karl Truman

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Aulton D. Eddings Jr.


Stanley E. Tucker


Roy E. Everitt

Attest: 
Linda G. Schafer
Clerk Treasurer

Sellersburg Town Council

August 30, 1993

Public Hearing/Adoption Of 1994 Budget

The second of two public hearings on the 1994 Budget 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 public hearing to order at 6:30 p.m.

President Tucker Presented The Proposed 1994 Budget

President Tucker presented to the public and council members the proposed 1994 Budget as follows:

<u>Fund</u>	<u>Budget Estimate</u>	<u>Est. Funds To Be Raised</u>	<u>Net Tax Rate</u>
General	1,106,166.	808,176.	3.40
Met. Pol. Pen	47,969.	21,393.	.09
Motor Veh. Hwy.	95,450.	-0-	-0-
Local Roads & Sts.	36,000.	-0-	-0-
Parks	123,443.	78,441.	.33
Cum. Cap. Dev.	45,100.	28,523.	.12
Debt Service	10,000.	7,131.	.03
Cum. Cap. Imp.	29,718.	-0-	-0-
	<u>1,493,846.</u>	<u>943,664.</u>	<u>3.97</u>

President Tucker stated that it has been recommended that we make an adjustment in the Parks Dept. and he has talked to Dwight Hanger who helps us with that area and he would like to change the Parks Budget from a Budget Estimate of 123,443 at a .33 tax rate to a Budget Estimate of 94,428. and a tax rate of .21, which will reduce the net tax rate from 3.97 to 3.85.

President Tucker stated that at this point when the Budget is adopted the council needs to sign the papers that need to be presented to the State Board Of Tax Commissioners and the council will meet with the State Board Of Tax Commissioners between October 1993 and December 1993 and at that time they will approve the amount we are to receive.

Clerk Treasurer, Linda Schafer stated that the maximum tax levy this year will be 3.28.

President Tucker stated that the tax rate will be 3.85.

Clerk Treasurer, Linda Schafer stated that when the assessed valuation is increased at the hearing the 3.85 will be decreased.

President Tucker requested that a motion be made to approve the 1994 Budget

President Tucker Presented The Proposed 1994 Budget (Cont.)

presented with the Park Dept. adjustment, presented on August 30, 1993 for the 1994 Budget.

Motion made to approve the 1994 Budget with the Park Adjustment by Doug Eddings Jr. and seconded by Dave Broady.
Vote 4-0

President Tucker asked if there were any questions and there were none.

President Tucker stated that there are forms to sign and Clerk Treasurer Schafer will have other forms to be signed sometime this week.

Council Member Truman stated that he thought last year at this time the council had discussed a Budget for the Water and Sewer Depts.

Council Member Truman asked if they were still going to do that?

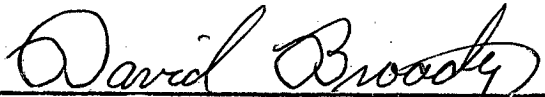
President Tucker stated that Council Vice Pres. Broady and Council Member Eddings have been working on numbers through out the year, and he thinks it is something we can work towards next year due to having a better grasp of information.

Council Member Eddings stated that we are starting to get our numbers at least on a month to month basis.

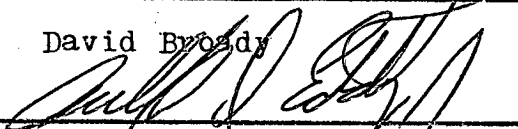
Adjournment

Motion was made by Roy Everitt to adjourn this meeting and seconded by Doug Eddings Jr.
Vote 4-0

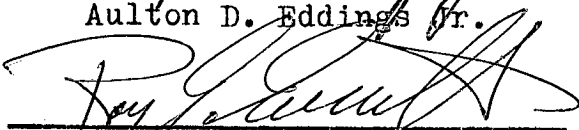
With no further business this meeting was adjourned by President Tucker at 6:45 p.m.



David Broady

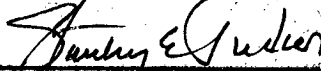


Aulton D. Eddings Jr.



Roy E. Everitt

Karl Truman



Stanley E. Tucker



ATTEST: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

September 13, 1993

EXECUTIVE SESSION

An executive session of the Sellersburg Town Council was held at the Sellersburg Library to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; David Broady, Council Vice President; Doug Eddings Jr, Council Member; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda Schafer, Clerk Treasurer. With Karl Truman, Council Member, being absent.

Called To Order

The executive session was called to order at 6:05 p.m.

Topics Of Discussion

Ratification/New Employee
1994 Salary Ordinance
Dortha Barton Letter Request/No lein on property
Karen Silvano/Unpaid Utility Bill
Ice, Miller, Donadio, & Ryan/Bill/ 1993 Water Bond
Annexation Remonstrance
Model Flood Ordinance
Pixley VS Town of Sellersburg
Hutchinson Property/Vacate Alley Way
Covered Bridge Golf Course

Adjournment

With no further business President Tucker adjourned the executive session at 6:30 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; David Broady, Council Vice President; Doug Eddings Jr., Council Member; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer. With Karl Truman being absent.

Called To Order

The regular meeting was called to order by President Tucker at 6:05 p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge

The Pledge of Allegiance to the flag was recited

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 2.

President Tucker Introduces Council Members

President Tucker stated that it was suggested at the last town council meeting that we introduce the people on the council and some people can't hear us when we talk and some people don't know who we are.

President Tucker introduced all Council Members as follows:

Perry McCall- Town Attorney
Doug Eddings- Council Member, District 5
Dave Broady- Council Vice President, District 1
Stan Tucker- Council President, District 3
Karl Truman- Council Member, District 4, absent for military leave for two weeks protecting us.
Roy Everitt- Council Member, District 2
Linda Schafer- Clerk Treasurer

Minutes Of Last Meeting

President Tucker dispensed with the reading of the minutes from the two meetings, one on August 23rd and the Public Hearing on the 1994 Budget and requested a motion be made to approve them.

Motion was made by Roy Everitt to approve minutes and seconded by Dave Broady.
Vote 3-0

Council Members Discuss Town Of Sellersburg Property

President Tucker stated that we had on the agenda for this evening an update on property from Century 21 which is actually looking at different properties that are owned by the Town Of Sellersburg and asked Council Member Eddings if he had any information on this.

Council Member Eddings stated that there were four pieces of property that we are looking to obtain a market value on and there has been a lot of research done on additional pieces of property but the ones we feel are most attractive are the:

Old Fire House
The Present Police Station
Lot on Villa Drive
A lot near the Highland Park Addition

Council Member Eddings stated that those four pieces of property we are going to do the market evaluation on.

Council Member Eddings stated that he thought Century 21 would be at the meeting tonight and they are close to having it finished.

President Tucker asked what would be the process at this point.

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 5.

Council Members Discuss Town Of Sellersburg Property

Council Member Eddings stated that they have had the lawyer in Jeffersonville to do the title search, the next step is the market evaluation and once they have that they will present that to the board and then we can continue in the project and make a decision where we want to sell the property or not.

Council Member Eddings stated that when we find out how much money we can get we will know how much we have to spend.

President Tucker asked where Prather Lane was.

Council Member Everitt stated that it was up at 31 and the stop light.

John Toombs stated that it was the road going back to Donnie Haas's.

President Tucker asked where Villa Drive was.

John Toombs stated it was the vacant lot across the street on Villa Drive.

President Tucker Discussed Annexation Meeting

President Tucker stated that last Monday or Tuesday at the REMC there was an open discussion on annexation and it went relatively well and there were questions and he tried to answer them as he had before as honest as he could and again he appreciated the opportunity to speak to try to clarify anything that he could.

Silver Creek Park/ Meter Rates and Charges

President Tucker stated that there was some questions on the Silver Creek Park in reference to meter rates and charges and this has been resolved at this point in time and the bill will be presented to Carl Kamer.

Discussion On Elderly/Handicap Housing

President Tucker stated that Mr. Bennet was not present at this meeting and there were some residents present concerned about this housing.

President Tucker stated that he had talked to Mr. Bennet the day after the last meeting and he was concerned about the way the article read in the paper and he gave him the opportunity to come back to this meeting, and again Mr. Bennet was invited to this meeting and chose not to attend, and he is not on the agenda.

President Tucker stated that unless the residents present had any questions as far as he knows nothing else has happened.

Steve Welch, resident, asked if it was possible to be notified when Mr. Bennet will be scheduled on the agenda to present another proposal.

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 4.

Discussion on Elderly/Handicap Housing

President Tucker replied that he would have to be scheduled on the agenda in order to speak and as a suggestion which may not be the best approach but requested Mr. Welch to check with the Clerk Treas. or himself concerning Mr. Bennet being scheduled on the agenda which is prepared a week prior to the meeting.

President Tucker stated that Mr. Bennet has not made up his mind whether he wishes to persue his project or not but if Mr. Welch would like to check with him at Community Savings Bank in Hamburg or check with the Clerk Treasurer and if we hear anything we will let him know.

Ms. Welch asked the council where the Highland Park area was.

Council Member Everitt stated that was the area up around Shirley Avenue.

Water Superintendent Gives Information On Hydrant Flushing

Clark Henson, water superintendent, stated that he would like to comment on the fact that the Sellersburg Water Dept. will be flushing hydrants from Sept. 19th thru Sept. 24th from 12 a.m. till 6 a.m.

Clerk Treasurer Schafer stated that she was posting notice in the newspaper but there were a couple more newspaper reporters present at this meeting.

President Tucker stated to reporters, Phyllis Rhodes and Melissa Goforth, that the water hydrants will be flushed from Sept. 19th thru Sept. 24th from midnight till six in the morning.

Chief Kinder Addresses Council/New Police Officer

Chief Kinder stated to the council members that we had a new police officer named Timothy Oldham.

Discussion On The 1st International Aviation Heritage Air Show

Chief Kinder stated that we had a great air show.

President Tucker stated that just out of curiosity do we have any numbers on how many attended the air show, about 35,000 or so? Chief Kinder stated about 50,000.

Prés. Tucker stated that he talked to some of the people who owned the truck stop in Memphis & Hamburg, and they were extremely busy.

Chief kinder stated that the traffic went good.

Building Commissioner Addresses Council On OSHA/Confined Spaces

Steve Prather stated that he had one item that he would like the town council to take into consideration that under the new OSHA requirments for personnel to be exposed to confined space areas which will be sewer and

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 5.

Building Commissioner Addresses Council On OSHA/Confined Spaces (Cont.)

water dept. personnel, they have to go through an OSHA approved or certified class teaching them how to deal with confined space areas as well as rescuing a person in a confined space area.

Mr. Prather stated that he had talked to Rick Wheeler and he will be gone for a couple weeks but something the board needs to consider is that we can do it locally as far as in house but it would have to be done on a weekend more than likely a Saturday and it will be an all day affair between 6 and 8 hours to go over what needs to be covered.

Mr. Prather stated there are a couple of options the town may want to consider the Indiana State Fire and Building Services offers courses in that every year and they just had one locally this past weekend which is not an option because its past but the 25th and 26th of this month they are having one at Fort Wayne, Indiana and the 30th and 21st of October they are having one in Lafayette at Ivy Tech campus near Purdue and with the state it is a two day 6 hour seminar and it runs 20.00 per day per person so your looking at 40.00 per person also over night stay as well as transportation.

Mr. Prather stated with the Saturday classes that the town employees would be subject to overtime or comp time.

President Tucker stated that he would rather do it locally.

Building Commissioner Presents Claims

Steve Prather Presented to the council members his claims for the period of August 24 thru September 13, 1993 in the amount of 1,259.55.

Motion was made by Doug Eddings Jr. and seconded by Roy Everitt to approve the claims for payment as presented.

Vice President Broady Gives Information On Bids/Sale Of Vehicle

Council Vice President Broady stated that a our last regular meeting we had decided to take bids on a 1984 model van used by the sewer maint. dept and an army truck we had in surplus.

Council Vice President Broady stated that we had received two bids on the 1984, Ford Van, one for 125.00 and another for 300.00, so we took the one for 300.00.

Mr. Broady stated that the military vehicle we had hoped to auction off and since then we have rejected any bids, as a matter of fact we have not received any bids and he has looked into it and he is trying to get a hold of the Civil Defense and it appears we are not going to be able to sell the vehicle.

Vice President Broady stated that we would have to go through alot of trouble to get a title for it but he is still checking and he has found somebody else that is very interested and we might be able to give it to another agency or pass it on since we have no use for it.

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 6.

Vice President Broady Discusses Infiltration

Vice President Broady stated that we are in the process of looking into our problems with infiltration and solving the problem with the state.

Council Member Everitt Addresses Fall Clean-up

Council Member Everitt stated that at the end of the month he would like to, with the approval of the council to have Fall Clean-up and we probably won't set out more than eight(8) bins total and he would like to ask residents not to put trees in the bins due to it holding up other residents.

Council Member Everitt stated that any trees, leaves or grass clippings will go to the new landfill to the compost place close to 403.

Council Member Everitt stated that when Sellersburg cleaned up last time it was like 37 bins and we had a good clean-up in the Spring.

Council Member Everitt stated that it would be the last week of this month.

Council Member Everitt Gives Info. On Old Fire House Property

Roy Everitt stated that on Doug Eddings proposal of property he was wondering if we should hold on to this property due to the water dept. using this building for storage of meters and etc.

Council Member Eddings stated that there was nothing definite on the property, and all that was being done now is the market value.

Phyllis Rhodes/Leader Newspaper Verifies Fall Clean-up

Phyllis Rhodes, writer for the Leader, asked Council Member Everitt if he meant the fall clean-up would be the 24th, 25th, and 26th of September.

Council Member Everitt stated it would be the last Fri., Sat., and Sun., of September and he would get with the street supt., Mark Warren.

Discussion On Trash Burning

Marilyn Welch asked for information concerning trash burning within the Town of Sellersburg.

Ms. Welch stated that she heard there was an ordinance against this.

Council Member Everitt stated that he thought that trash burning was allowed from dawn to dusk.

Council Member Everitt stated that there were more stipulations, no black smoke, a confined area and the best thing to do is to notify the fire dept.

Sellersburg Town Council
Regular Meeting
September 13, 1993
Page 7.

Clerk Treasurer Presented Claims For This Meeting

Linda Schafer, clerk treasurer, presented claims for this meeting for the approval of the town council.

Motion was made by Doug Eddings Jr. and seconded by Roy Everitt to approve the claims for payment.
Vote 3-0

Attorney McCall Presented Ordinance 93-576/Amending Ord.92-541- Flood Haz. Are

Attorney McCall presented to the council members an ordinance amending the original Ordinance 92-541 in reference to the Indiana Model Ordinance for Flood Hazard Areas.

Attorney McCall stated that this was an ordinance that was previously passed and we received a letter recently from people in Indianapolis stating that there are various dates that need to be changed and he has done that and he is presenting this ordinance for passage.

Motion was made by Doug Eddings Jr. to approve the ordinance as presented by Attorney McCall and this motion was seconded by Dave Broady.
Vote 3-0

Adjournment

President Tucker requested a motion be made to adjourn this meeting.

Motion was made by Doug Eddings Jr. and seconded by Dave Broady.
Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:05 p.m.

David Broady

David Broady

Karl Truman

Karl Truman

Aulton D. Eddings Jr.

Aulton D. Eddings Jr.

Stanley E. Tucker

Stanley E. Tucker

Roy Everitt
Roy Everitt

Attest:

Linda G. Schafer

Linda G. Schafer
Sellersburg Clerk Treasurer

Sellersburg Town Council

September 25, 1993

SPECIAL MEETING/DISTRIBUTION-RIVERBOAT WAGERING TAX

A special meeting of the Sellersburg Town Council was held at 9:00 a.m. at the Sellersburg Library to discuss a resolution to support an agreement concerning the distribution of a riverboat wagering tax in Clark County, Indiana. Those present were: Stanley E. Tucker, Council President; David Broady, Council Vice-President; Roy Everitt, Council Member; Perry McCall, Attorney; and Linda G. Schafer, Clerk Treasurer; with Council Members Doug Eddings Jr. and Karl Truman being absent.

Called To Order

President Tucker called the special meeting to order at 9:12 a.m.

Attorney McCall Addresses Council Members

Attorney McCall stated that this is a special meeting of the Town Council to discuss a resolution to support a proposal of distribution of the wagering tax if the referendum is passed in November.

Attorney McCall stated that Resolution 1993-11 basically stated that the Town of Sellersburg and all other surrounding communities support this particular resolution.

Council Vice President Broady voiced his concern that other proposals would give Sellersburg more revenues.

Attorney McCall stated that there were three other proposals presented by Donna Frantz but the Resolution 1993-11 was based on the proposal presented at the meeting on Wednesday night.

Attorney McCall stated that even though Sellersburg would receive less money with the proposal in Resolution 1993-11, but we agreed that this would be a proposal that we all could live with under the circumstances if we don't get together there would not be enough support to pass the referendum and if we don't have Clarksville, Charlestown, Utica, Borden and Clark Co. agreeing there will not be the support to pass the referendum

Attorney McCall stated that they could cut Sellersburg a bigger chunk and Sellersburg could support this but if it doesn't pass one half of zero is zero and we will not get anything.

Attorney McCall Presented Resolution 1993-11/Riverboat Gambling

Attorney McCall presented to the council members resolution 1993-11 in reference to the distribution of a riverboat wagering tax in Clark County Indiana, as follows:

RESOLUTION 1993-11

WHEREAS, the Indiana legislature recently passed legislation authorizing the voters of Clark County, Indiana to decide whether licenses should be issued to permit riverboat gambling in Clark County;

WHEREAS, I.C. 4-33, Chapter 13. "Wagering Taxes", authorizes a city or county designated as the "Home Dock" of a riverboat to enter into agreements with other units of government to share the city's or county's portion of the tax revenue generated from the aforementioned wagering tax;

WHEREAS, the occurrence of any riverboat gambling in Clark County, Indiana is contingent upon the passage of a referendum by special election by a majority of voters in the county permitting this activity, which includes the jurisdictional area of the _____, and

WHEREAS, the _____ has been in negotiations with the City of Jeffersonville to share in the tax revenue generated from any riverboat gaming.

NOW, THEREFORE, BE IT RESOLVED:

That the _____ favors, recommends, and supports the following proposed division of the tax revenue to be generated from riverboat gaming:

- a. The first 10% of the revenues shall be divided to pay for standard budget items out of the budgets of all the parties to this agreement for capital expenditures, based upon the respective tax bases of each entity at this time. (This portion is intended to reduce taxes to the city, town and county residents by making additional appropriation to regular budgets unnecessary). The appropriate division of this portion of the wagering tax funds is as follows:

(i)	The CITY OF JEFFERSONVILLE	28.13%
(ii)	The CITY OF CHARLESTOWN	3.44%
(iii)	The TOWN OF SELLERSBURG	4.89%
(iv)	The TOWN OF CLARKSVILLE	30.30%
(v)	The TOWN OF BORDEN	1.00%
(vi)	The TOWN OF UTICA	1.00%
(vii)	The COUNTY OF CLARK (unincorporated areas)	31.24%

b. The next 40% of the revenues to the City of Jeffersonville;

c. The remaining 50% of the revenues are to be distributed to each municipal corporation located in Clark County, Indiana, (including the Clark County Government) based primarily upon population but with it understood that the smaller communities of Borden and Utica are to receive a greater percentage of the revenues than simply based upon population. In no event shall the percentage received by any municipal corporation be less than 1%. It is recommended that this portion of the Wagering tax shall be distributed in the following percentages:

(i)	The CITY OF JEFFERSONVILLE	24.9%
(ii)	The CITY OF CHARLESTOWN	6.7%
(iii)	The TOWN OF SELLERSBURG	6.5%
(iv)	The TOWN OF CLARKSVILLE	22.6%
(v)	The TOWN OF BORDEN	4.0%
(vi)	The TOWN OF UTICA	4.0%
(vii)	The COUNTY OF CLARK (unincorporated areas)	31.3%

These figures are based upon the most recent Federal Census information available at this time.

THEREFORE, based upon the foregoing, it is recommended that the percentage of the entire Wagering tax revenues shall be divided among each community as shown in Exhibit "A" attached hereto.

PASSED AND ADOPTED this _____ day of _____,
1993, by the _____.

	Percentage from Assessed Valuation	Other	Percentage from Population	Total Percentage
CITY OF JEFFERSONVILLE	2.813%	40%	12.45%	= 55.26%
CITY OF CHARLESTOWN	.344%		3.35%	= 3.69%
TOWN OF SELLERSBURG	.489%		3.25%	= 3.74%
TOWN OF CLARKSVILLE	3.030%		11.30%	= 14.33%
TOWN OF BORDEN	.10%		2.0%	= 2.1%
TOWN OF UTICA	.10%		2.0%	= 2.1%
COUNTY OF CLARK (unincorporated areas)	3.124%		15.65%	= 18.78%
	<hr/>		<hr/>	<hr/>
	10.00%	+ 40%	+ 50.00%	= 100.00%

EXHIBIT "A"

President Tucker Addresses Council Members

President Tucker stated that basically there has been three proposals presented:

Buddy Parkers plan which in essence has been ruled out.
Ms. Frantz and Ms. Wilder presented another plan.
Grant Mortons plan which has been adjusted a little more fairer with out-
lining communities and if we don't do this then in essence there probably
won't be a referendum and there won't be anything to get in the first place
and if we don't have anything on the table we will never get anything.

Council Member Everitt asked Andrew Williams III why they are putting this
on 5 years.

Andrew Williams III stated that there is no idea of the revenues generated
from the riverboat gambling so this figure was used as an example.

President Tucker requested a motion to approve Resolution 1993-11.

Motion to approve this resolution was made by Dave Broady and seconded by
Roy Everitt.
Vote 3-0

Adjournment

Motion was made by Dave Broady to adjourn this meeting and seconded by
Roy Everitt.
Vote 3-0

With no further business this meeting was adjourned by President Tucker
at 9:27 p.m.

David A. Broady
David Broady

Absent DE

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

Roy Everitt
Roy Everitt

Linda G. Schafer
Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

Absent _____

Karl Truman
Stanley E. Tucker
Stanley E. Tucker