

SELLERSBURG TOWN COUNCIL

April 14, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss personnel matters. Those present were: Aulton D. Eddings, Council President; David Broady, Council Vice President; William Voyles, Council Member; Gary Fenner; Council Member; William P. McCall, town attorney and Linda G. Schafer, Clerk Treasurer; with Kenneth Alexander, Council Member, arriving at 6:15 p.m.

Called To Order

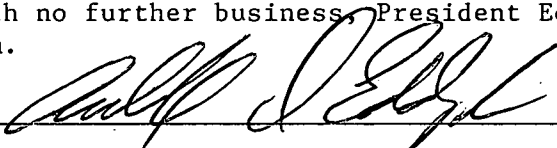
President Eddings called the executive session to order at 6:02 p.m.

Topics Of Discussion

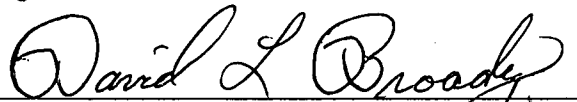
Service Drive Easement  
Lift Stations/Overflows  
Engineering Work on Sewer Reservoir  
Sump Pumps  
Paul Primavera permit application/Drainage design criteria  
Annexation  
Schafer VS Town Council  
Former Employees of Water and Sewer Depts.  
Geneva Schmitt Damages claim  
Dan Christiani VS Town of Sellersburg

Adjournment

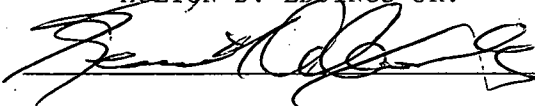
With no further business, President Eddings adjourned the Executive Session at 6:32 p.m.



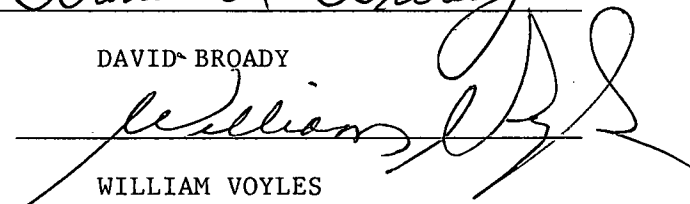
AULTON D. EDDINGS JR.



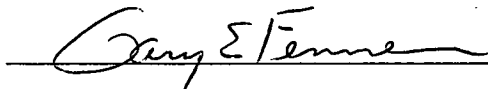
DAVID BROADY



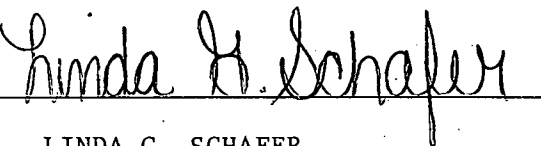
KENNETH ALEXANDER



WILLIAM VOYLES



GARY FENNER

ATTEST: 

LINDA G. SCHAFFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

April 14, 1997

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:35 p.m.

Prayer

No minister was present so President Eddings dispensed with the prayer.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meetings

President Eddings stated that everyone has had a copy of the minutes from the March 24th, 1997 meeting and they have had a chance to review those minutes and he would entertain a motion to except them as presented. President Eddings stated that we did have two sets of minutes be cause we also had an executive session.

Motion was made by Bill Voyles and seconded by David Broady.

Vote 4-0

Theresa Brading of Dept. of Commerce Addresses Council Concerning Grants

Theresa Brading stated that she was going to pass out some papers but she didn't have enough copies so if the clerk treasurer would make a couple extra copies after meeting and get these distributed she would appreciate it.

Ms. Brading stated that she worked for the Dept. of Commerce and she worked for the lieutenant governor of the State Of Indiana and that she was the towns field representative so if you need any assistance with any of our programs contact me and I'm suppose to assist you in getting that. I'm also the appointed representative for the flood damage in Clark County. I'm trying to meet with every community and find out what has happened there and report that back to Indianapolis. We intend to apply to the U.S. Dept. of HUD and get some supplemental money some new money set aside just for those new communities that had flood damage and do the long range after FEMA & SEMA leaves whats your long range problems and I have already identified a couple that are here in Sellersburg. Linda has been talking to me and a couple of other people have mentioned things. You will need dredging along the creeks where the flood brought alot of debri that kind of project we'll try to do with grant money. I would like to have about two or three minutes of your time to... because you have two new members that I have not worked with before let me just tell you about my programs so that you know what I'm...

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Theresa Brading of Dept. of Commerce Addresses Council Concerning Grants

The first page after the cover shows the structure of our department, and then the next page shows the map of the state this has my name, address and phone number and I am leaving some business cards with Linda for you to get if you wish to have one but call me if you have any questions or any problems that you think I might be able to help you solve. Page after that, I hope your pages are in the same order mine are talks about the Community focus fund this is my flagship program we get 37,000,000.00 a year from HUD into our department. This is the money we funded your storm drainage correction problem with. And I'll be glad to talk to you about all your community needs and glad to support one of those applications. The difficult thing about that, that's Federal money and you have to meet one of three national objectives benefiting low to moderate income house holds which is difficult because Sellersburg as a whole is not low to mod. so that's a harder one, and then the second national objective the one that you meet in order to do a storm water project was elimination of slum and blight the theory that the storm water had blighted the neighborhood that suffered and if we corrected it reinvestment would happen so the third one is urgent need so if you have a disaster such as the flood you would qualify under urgent need and I will continue to work to see if you have anything for me to help with. The next page is a small State grant program it is only \$10,000.00 to be matched by \$10,000.00 if your money maximum. So pretty much of this page if you were going to hire a consultant to do a feasibility study or any study call me first, with 90 days and some simple paper work if we are successful I could pay 1/2 of it up to \$10,000.00 and I'm sure from time to time you spend money on consultants and then the third page it says planning grant federal on the second line it notes that its federal this is a sequel to the first program that I talked to you about when you did your storm water project you received \$50,000.00 planning money and we didn't use all that I don't remember the number's do you?

Mrs. Schafer stated 75% federal match.

Theresa Brading stated any how we paid for consultants to study your storm water problems to identify what needed to be done and put some cost estimates on it because you needed to know that to go into implementation and the next page... Is this too much?

Doug Eddings stated no your doing great.

Theresa Brading stated it is an awful lot to tell you about the next page, these are state grant programs here. Community development action grant any not for profit organization in your community can apply or you can apply as a unit of government and this is if you are currently providing service A. and you need to expand that organization to provide service B. I can help pay 2 for one, one third of the start up cost and you pay overhead salary and those things so if you have any ideas for that call me we can go into a lot more detail on what we can and can't do with that. And the next page..

Theresa Brading of Dept. of Commerce Addresses Council Concerning Grants

Doug Eddings stated would churches be eligible for that.

Theresa Brading stated no churches are not a 501C3 non religious organizations and they must have that 501C3 alot of times I'll work with a small group in a community that doesn't have that completed they'll go through their local Chamber of Commerce or some group does have a 501 so you can partner sombody that doesn't meet the criteria I see partners happening sometimes ok the next page say neighborhood assistance program we call this NAP we like acronyms so if I say any acronyms you want me to explain I will neighborhood assistance program or NAP and its...I guess the classic example is if the community wanted to build a gazebo and make a dedicated park type space this is tax credits it's not grant dollars but you could apply for 40000 in tax credits and then you would have to form a community and go out and sell those tax credits to anyone who owned a state income tax liability. The 40000 should generate 80000 in cash inclined services to build your project. A habitat for humanity they use these dollars alot so we chip in on the homes they build and the next page just put an x through it that program is. Hoosier development page after that should say enterprise zone. I don't know if Sellersburg has ever thought about an enterprise but if you ever wanted to talk to me or find out about one you could start by calling me. There is some difficult criteria that I don't know that you could meet and that would be an industrial and residential neighborhood that meet a 25% poverty and it's not low mod. It's low poverty so it would be very hard for you but anything you would like to know about it I'd be glad to find out for you. The final page is talking about dinosaur buildings you can put an x through it I know that you do not have building that neets the 300000. square ft. I'm available to you anytime if you have individual questions someone in the community says something to you and you think it's a good idea you can call me. I take to Linda periodically. I'm in and out of town hall so leave your ideas there if you want to.

Clerk Treasurer Schafer stated that we have a meeting on the 18th also and I have invited Joe with EMC to attend the meeting and he won't be able to, so we'll have to reschedule or else not include him in on that.

Ms. Brading stated that I think I'll come just to get the initial piece. I've talked to Ken and I know Ran Paige and different people have problems but I want to come in and list all the different things that somebody in the community... it's just a starting point. I will keep all of your options open that I know about in particular as far as dredging the and cleaning of the drains. We'll mention that strongly in the first report. I'm reporting these things to Indianapolis and Indianapolis is the one who determines what kind of long range finds we could give you.

Council Member Fenner stated that you're not asking us to do anything right now specifically about the flood damage.

Ms. Brading stated not yet, long range plans aren't made are they?

Council Member Fenner stated no, I was talking about the dredging especially the creeks.

Ms. Brading stated no, we are the source of last resorts so if you have the need to do some of it go ahead. This is competitive. I've got to sell your case and hear all the other damages but I do think you have a legitimate problem there. One thing you

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can do you can tap into either one of those grant programs hire a consultant to study what has to be done now. I know you have a storm water master plan but flood water is quiet different than storm water so just let me know what direction you want to take. The 1997 legislature is when it started and the money was available and applications we're reviewed as the legislature comes to a close which ought to be in the next few weeks like four weeks that money will all be obligated for the next two year period at least that's my understanding so have you contacted anyone about one?

Council Member Alexander stated that we contacted....and they said, this was in 95, all the money was gone untill 1997.

Ms. Brading stated I didn't know that I knew that since legislation opened this year there was some more to get done. That particular program I don't work on you talk direct to your senator and representative and make sure you keep reminding me of what you want. I will meet with Linda on the 18th at 2:30.

Clerk Treasurer Schafer stated that the meeting was at 1:00 o'clock.

Ms. Brading stated that I've got meetings all day long, one o'clock and if anyone wants to attend feel free to.

Council President Eddings stated, thank you very much.

Ms. Brading stated that she would leave a wrinkled up copy and she would get more tomorrow.

Council President Eddings stated, on, is Betty Terry here?

Ms. Terry stated, yes, I came to the town meeting tonight with my neighbors and my husband and we come to let you know about a problem that we're having with strong sewer smell and I wrote this down because I was afraid I would get nervous. The sewer line that runs along a ditch through our property was no problem until two years ago more or less. When the Covered Bridge Subdivision was added on to the sewer line we began to have this problem of sewer smell really, really bad at times at times it's not so bad but most all summer you cannot set out and all of the neighbors around 908 Allentown 907, 910, and 906 they all will tell you the same thing anyway after the subdivision was added on to the sewer line we began to have this problem. My understanding is the sewer line is running to capacity and building continues out there and our yards, patios and outdoor activities have become almost unbearable because of the smell. If any of you would like to come out to see what we are experiencing your welcome to come. My husband and I spoke with the manager of the sewer, Joe Goerchen and he explained that there wasn't nothing that he could do to alleviate the problem unless some new lines were built he said he had a few things he could try but so far it hasn't made much difference and if he is here tonight I don't know what he looks like. I talked to him on the phone anyway but I'm hoping that this will be done as soon as possible and if it means curtailing the building permits until it's in operation maybe you should think about it because the more they hook on out there you know that's just making that much more sewage go by our house and it's not fair that we should have to put up with this condition and as tax payers I feel I have an obligation to bring this to your attention and please help us.

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Council Vice President Broady stated that Joe and I talked about, I learned last week about the problem, what probably is happening us because of such a long forced main the water becomes septic before it gets into our lines and gets through our system. Joe is working on two possibilities to take care of the problem we're going to solve the problem one way or another. One way Joe suggested is a chemical feed at the beginning of the line which retard the situation another problem how is we're dumping into a 6 inch line instead of 8 inch which is about 1000 ft. long that we might have to replace down the road. It's probably over feeding the 6 inch at the pump. You have to realize it only pumps twice a day that may not only be the time the smell is but that's when it actually pumps so the only thing I can tell Ms. Terry is that we're working on the problem and I'll assure you that will get it taken care of Joe is suppose to have some recommendation for us tonight for some cost ideas of what we might be able to get into or get started on immediately and we are working on it, like I say we have had this problem but I just learned about it and we finally just discussed it and we realized what it's probably doing here and we're getting on it.

Ms. Terry stated I'm not a person who likes to gripe alot about anything I have put up with it as long as possible. It's really getting unbearable. It really is and we can't enjoy anything about our home.

Council Vice President stated that he had no problem, we'll get it fixed.

Ms. Terry stated ok, I don't know if the other residents want to say anything or not.

Council Vice President Broady stated that I have no doubt that what your telling me is absolutly true and we'll get on it just as fast as possible. We may have to try a couple of different things to get it but we'll get it and just as quickly as we can.

Ms. Terry stated, alright.

Joe Goerchen stated I guess, see follow up on the Silver Creek lift station. There is a couple of chemicals. I have already ordered these chemicals.

#### EMC Presents Claims For Approval and the Revenue Report

Joe Goerchen stated that he had the revenue report for the last two weeks and the invoice for NSF checks.

Council President Eddings stated that we have the invoices for NSF checks, March sales tax and meter deposits in the amount of 2875.54. I'll entertain a motion to pay the invoice for EMC.

Motion was made by Council Member Bill Voyles and seconded by Council Member Dave Broady.

President Eddings stated that the motion was seconded by Dave Broady and any further discussion, if not all those in favor signify by saying I and opposed nay.  
vote 4-0

#### Council Member Fenner Addresses Town Council/Municipal Government Week

Council Member Fenner stated a couple things one is that at the last council meeting

we agreed to participate in municipal government week which is the week of May the 11th through the 17th. You asked me to head things up and coordinate that and so I have several things I am pursuing in regards to that for the public the Municipal Government Week that's declared by the governor to foster better relations and understandings between local municipal town governments and the citizens they do this every year. I'm not for sure whether Sellersburg had ever participated before in it exactly or not but I thought it was very worth while at least to try and it's a week where we are hoping that we're going to invite the public to come to the town hall and have a tour of all the town facilities specifically go through the entire town hall. This is a new town hall and I expect most of you have never been in the back to see what it looks like also you will be able to take a tour of the police dept. and they are going to cooperate and work with this and you may even go down to the waste water treatment plant and see how the sewer plant operated and that's, what the sewer plants only four years old it's realitively new and is alot different that the old one and so we're going to do that for the general public. I also have talked to the fire dept and some of the schools and we're going to try and see if maybe we can have some of the children come down and take a tour during school days and or some of us maybe go and talk to some of the classes about government and how it works and that type of thing, so anyway I have a Resolution that they suggested that we pass. Do we need a number on this?

Attorney McCall stated to go ahead and get one.

Council Member Fenner asked the Clerk Treasurer if she had a resolution number.

Clerk Treasurer Schafer stated that the next resoulution number was 1997-41

Council Member Fenner Presented Resolution # 1997-41/ Municipal Government Week

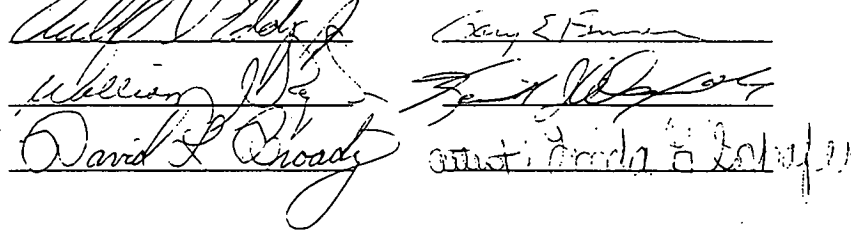
Council Member Fenner presented Resolution# 1997-41 as follows:

A RESOLUTION 1997-41

- WHEREAS, The Town of Sellersburg was incorporated in 1890 with the intention of meeting the needs of the Sellersburg citizens; and
- WHEREAS, municipal government is the closest form of government to the people and is best able to meet the people's needs; and
- WHEREAS, in order to thrive, it is vital to a town to foster understanding between local officials and the citizens which it serves; and
- WHEREAS, municipal government officials play a key role in the democratic process in America; and
- WHEREAS, Municipal Government Week is an important time to recognize the critical role played by town government in our lives; and
- WHEREAS, Gov. Frank O'Bannon has proclaimed the week of May 11-17 as Municipal Government Week; and
- WHEREAS, this week offers an important opportunity to spread the word to all the citizens in Indiana that they can shape and influence this branch of government which is closest to the people; and
- WHEREAS, municipal government provides the essential services on which Hoosiers rely;

NOW THEREFORE, BE IT RESOLVED, by the Town Council that Sellersburg does hereby participate in Municipal Government Week with the passage of this resolution; and the elected officials plan to further participate by hosting open houses in each of the town's facilities including the Town Hall, the Police Department, the Wastewater Treatment Plant, and the Sellersburg Fire Department; by inviting our elementary school children for a tour of the facilities during their school day and sponsoring an essay contest entitled, "What Is Important To Me About My town" and by being available to speak to our students in their classrooms during that week.

Approved this day, 14th of April, 1997.

The image shows several handwritten signatures in black ink, arranged in two columns. The signatures are written over horizontal lines, likely representing the names of the Council members who approved the resolution. The names are difficult to read due to the cursive style, but they appear to include names like 'William De...', 'David L. Broady', and 'Cory E. Fenner'.

Council Member Fenner stated that he would like to make a motion that we approve the resolution.

President Eddings stated that there was a motion on the floor to approve Resolution 1997-41 and asked if there was a second. The motion was seconded by Council Member Bill Voyles.  
Vote 4-0

Council Member Fenner addresses Council Concerning Sellersburg Celebrates

Council Member Fenner stated that he had one thing some of the people from Sellersburg has approached me and wanted to know if the town government would be willing to take a more active part in the Sellersburg Celebrates. I know different members have done different things at times but the town itself really from a sponsorship or a corporate type and we have not done that. They, we are thinking in terms of anything really finances, obviously, or other support through personnel. I would like for us to consider that. I don't expect an answer on that tonight. I would like for you to be aware of that and for us to consider doing that sometime in the future at least discuss it. That's all I have.

President Eddings asked Council Member Voyles if he had anything.

Council Member Voyles stated that he didn't.

President Eddings asked Council Member Alexander if he had anything.

Council Member Alexander Addresses Council Concerning Spring Clern-up

Council Member Alexander stated that Spring Clean-UP is next week April 22, Tues through Sat. It works like it always has it's the regular routine so I don't have to explain it. If you have tires or batteries you need to come into the town hall and take care of it and one other thing I have is John will have to make an appointment before you leave to take care of the Silver Creek Park.

John Toombs stated that I have already done that.



Council Member Alexander stated that you've already done that, great, great, that's all I have.

President Eddings asked Perry McCall or Linda Schafer if they had anything.

Clerk Treasurer Schafer Addresses Council Concerning Emergency Lights.

Clerk Treas. Schafer stated that I have several different things the town hall, when the lights go out and April is the month it commonly goes out because of the high wind and problems with rain, the office where EMC is currently located when the lights do go out all the areas in the building are lite up with the exception of the utility office. Mr. Goerchen asked me to check to see how much it would cost to install a security light and the other thing is a security system so I received two prices, one from Star Electric, and the other from K.M Stemler and we're requesting that the council allows us to split it 3 ways since it does involve civil funds, water funds, and sewer funds. He thought I forgot but I have been working on that for quiet a while.

Council Member Fenner asked, so it would give you emergency lighting in the utility office.

Clerk Treasurer Schafer stated that when the lights go out they automaticly come on.

Council Member Fenner asked what was the security system? Explain that.

Clerk Treasurer asked Mr. Goerchen if he would like to comment on that.

EMC Joe Goerchen stated that this was in case of a robbery, it will summons the police.

Council Member Fenner asked if it would be tied into the police dept. or just be local here in the building to another part of the building.

Clerk Treasurer Schafer stated that's right; to another part of the building. Where someone is there all the time.

Council Member Fenner stated, ok, don't think you call yell loud enough, huh.

Clerk Treasurer Schafer stated that she didn't get a price on tieing it directly to the police dept. since there are full and part time employees in the building all the time.

Council Member Broady asked if the lighting system was like these.

Clerk Treas. Schafer stated yes, with the exception of the exit sign. It's like a battery operated type system. The buzzer units are 200.00 a piece. They are expensive, but when you are dealing with the kind of things the utility office deals with it's probably important.

Council Member Fenner asked Joe if he felt like this would be important for us to do?

EMC Joe stated that he hadn't looked it over but we have talked about it.

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Council Member Fenner stated do we want to let Joe see it since he does have to pay for part of it.

Clerk Treas. Schafer stated, two thirds of it.

Council Member Fenner stated two thirds of it. He needs to see it.

Clerk Treasurer Presents Ord. 97-666/Salary Ord. Amendment

Clerk Treas. Schafer stated that she would like to present the amendment on the 1997 Salary Ordinance that was considered in the first reading in the last meeting for the acceptance of the town council.

President Eddings stated, ok, we have an ordinance 97-666 that we considered in the first reading at the last meeting. I will entertain a motion to except Ord. 97-666 on tonights 2nd reading.

Council Member Fenner made the motion to adopt Ordinance#97-666 and this motion was seconded by Bill Voyles.

President Eddings stated that it was seconded by Bill Voyles and was there any discussion?

Clerk Treas. Schafer stated that she was getting worried.

Mr. Brown stated that is there another reading?

President Eddings stated that there was a first reading.

Council Member Fenner stated that this is the second reading.

President Eddings stated that we can read it, and read the Ord. 97-666 as follows:

ORDINANCE 97-666

AN ORDINANCE AMENDING ORDINANCE NO. 96-647 CONCERNING  
1997 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 24th, day of June 1996, passed Ordinance No.96-647, establishing the 1997 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following employees of the Town of Sellersburg, Chief Deputy Clerk, Town Hall Clerk, Part-Time Deputy Clerk; and

WHEREAS, The Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the Calculations of said employees rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said changes is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 96-647 concerning 1997 Salary, Holiday and Longevity pay shall be and hereby is amended to reflect the following changes:

GENERAL FUND

CHIEF DEPUTY CLERK

The Chief Deputy Clerks pay be reduced from 387.36 per week or 9.68 per hour to 360.00 per week or 9.00 per hour retroactive back to 03/03/97.

TOWN HALL CLERK

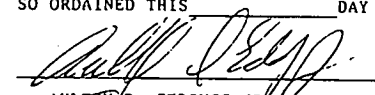
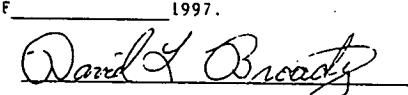
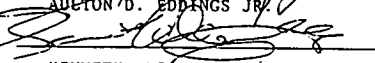
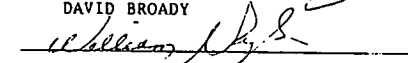
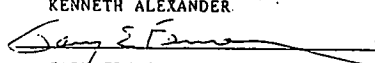
The Town Hall Clerks pay be increased from 292.40 per week or 7.31 per hour to 320.00 per week or 8.00 per hour retroactive back to 03/03/97.


SEWER DEPT.

PART-TIME DEPUTY CLERK

The part-time deputy clerks pay be reduced from 230.72 per week or 7.21 per hour to 208.00 per week or 6.50 per hour not to exceed 32 hours per week.

SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997.

 AULTON D. EDDINGS JR.	 DAVID BROADY
 KENNETH ALEXANDER	 WILLIAM VOYLES
 GARY FENNER	

ATTEST:   
LINDA G. SCHAFFER  
CLERK TREASURER

President Eddings stated that I have a motion on the floor and seconded and discussed and are there any further discussion? If not all those in favor signifying by saying I and opposed nay.  
vote 4-0

Clerk Treasurer Presents Claims Given To Her By EMC/Fire Dept.

Clerk treasurer Schafer stated that she had a couple of bills for the sewer dept. They're out of scope for materials that were used to work on the fire dept. sewer tap. I would like to present these to the town council for approval these were given to me by Mr. Goerchen.

President Eddings stated, ok.

Clerk Treasurer Schafer stated that even though they are under 2000.00 they are out of scope.

President Eddings stated that he had two invoices here one for 682.59 and one for 145.00 even both concerning the fire dept. sewer tap. I'll entertain a motion to pay the invoices as presented.

The motion was made by Council Member Voyles and seconded by Council Member Broady.  
vote 4-0

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Clerk Treas. Schafer Presents Claim From Lonnie Thomas Esquire

Clerk Treas. Schafer stated that she would like to present a claim from Lonnie Thomas Cooper, Esq. in the amount of 2210.00 to the council for approval.

President Eddings stated, Perry is this the one we were ordered to pay?

Attorney McCall stated that's a new one.

President Eddings stated that this is a new one? Do we have to pay this tonight? or can we table this till after we've... We are going to table this until after we discuss it.

Clerk Treasurer Schafer stated that she would like to comment on that. Down to here was to get the council pay the previous bill, the rest was incurred so from this on the front page...

Attorney Cooper stated, may I speak on that issue?

President Eddings stated to go ahead.

Attorney Cooper stated that if you're going to table it until you get a date on when your going to discuss it. When is that date?

President Eddings stated the 28th at 6:00 p.m.

Attorney Cooper stated, the 28th? Just in fairness to you I'll be filing a motion in circuit court tomorrow morning.

Council Vice President Broady stated, what's the reason?

Attorney McCall stated the same reason he filed the first one.

Council Member Broady stated that we haven't had a chance to look at it. Are you going to charge us for that, are we going to have a suit filed because we're going to look at it?

Attorney Cooper stated no, the bill was filed according to the time frame that was set for you all to consider it. The judges mandate is clear, that it's on terms the clerk treas. deems appropriate and if its going to continue to be put off time & time again we need to get it resolved. What I will file tomorrow morning is a rule to show cause why you should'nt be held in contempt for not following the judges orders.

Attorney McCall stated that this is again, I haven't seen it. Lonnie is this the same bill that was outstanding? or is this new work that you have performed?

Attorney Cooper stated that this was new work.

Council Member Fenner stated that this is all new?

Attorney McCall stated that the judges order is regarding the outstanding bill you had last time.

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Attorney Cooper stated that no, it was in her regards to hire.

Attorney Cooper stated that as far as that order goes the declaratory judgement is still pending, right? It's never been resolved. It is still.... it's there as no resolution to the declaratory judgement.

Attorney Cooper stated that no, the judge issued a declaratory judgement.

Attorney McCall stated no, he issued a restraining order.

Attorney Cooper stated that the judge issued both, he gave a judgement and restraining order at the same time.

Attorney McCall stated that my opinion is there is an allotted for this year, since you have allotted that amount and your obligated. I guess to pay until that resource runs out. You have for 1997 some dollar amount of 5000.00. Whatever that was you would pay until that amount was exhausted, that becomes the rule. I guess so you continue to pay up to that point.

Vice President Broady stated that he guessed that we need to make a motion.

Attorney McCall stated to make a motion to pay it and follow discussion.

Vice President Broady stated that he would make the motion that the court order that was forwarded to us and so we are not violating possible court order and in compliance with the court order that we pay this bill that we have received.

Attorney McCall stated that he submit the bill to her she submitted the bill.

Vice-President Broady made the motion and was seconded by Council Member Voyles.

President Eddings stated that a motion made by Council Vice President Broady and seconded by Council Member Voyles and asked if there were any discussion.

Clerk Treasurer stated that yes, 2210.00 is the total bill, about 4 or 5 hundred dollars of that bill is all I have requested legal research on and the other amount of money is what it cost to take the town council to court to get them to pay the previous legal services rendered for....

Council Vice Pres. Broady stated that the majority of it is for what we got for not paying the last time and the new one is for the new research.

Clerk Treas. Schafer stated that was absolutly correct.

Council Vice Pres. Broady stated that ok, that's probably not all.

Attorney Cooper stated no, sir, as we go forward...

Council Vice Pres. Broady stated ok.

Pres. Eddings stated that we have a motion on the floor and seconded.

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Council Member Fenner stated that he will be glad to speak against the motion. I voted against it before and I vote against it again. I mean especially this time I noticed there are several times we have been billed a 120.00 for the Attorney to attend the town council meetings and I know that this meeting on the 10th of March, we did not address anything concerning the EMC contract. He did not say anything. He was not addressed. He didn't say a word. We did not say a word to him and I have a problem with him coming to our meetings and just... I have a problem with us paying someone to sue us and I'll be glad to be held in contempt of court.

President Eddings stated that any further discussion? I have a motion on the floor and seconded, all those in favor signifying by saying I and opposed nay.  
vote 3-1 with Council Member Fenner voting against.

Clerk Treasurer Schafer asked if it was 4-0 or 3-0?

President Eddings stated that the vote was 4-1.

Clerk Treas. Schafer Presents the Bills of Civil, Water, and Sewer for This Meeting

Clerk Treas. Schafer stated that she would like to present the bills for this meeting.

President Eddings stated that everybody has had a copy of the bills in their mail box and I'll entertain a motion to pay the bills as presented.

Motion was made by Council Member Alexander and seconded by Council Member Fenner.  
vote 4-0

Clerk Treas. Schafer Presents New Deputy Clerk

Clerk Treas. Schafer stated that she has appointed a deputy clerk, a new deputy clerk part time at 6.50 per hour. Tricia Schafer, she is a 96 graduate of Providence High School. She has a CNA that she obtained through the Sellersburg Fire Dept. She is going to school to be a nurse. She has had windows 95 and a lot of other valuable classes that will help me keep everything going till all matters are resolved.

President Eddings Presented a Bill from Umbaugh & Associates

President Eddings stated that he had a bill from Umbaugh & Associates for the research done on Holmans Ln. tank and the water system for the rate study to determine if we wanted to sell that system or hold on to the system whether...according to the amount of revenue it could generate and I've got a bill from Umbaugh for doing that study for 3181.00. I would like to make a motion that we go ahead and pay this bill to Umbaugh & Associates for that study.

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

President Eddings asked if there was any discussion.

Council Member Alexander stated that this does include the recent rate study?

President Eddings stated that no, this is back when we done the Holmans Ln. study.

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Council Member Alexander stated, ok.

President Eddings stated that there was a motion on the floor and seconded, was there any other discussion? If not all those in favor signify by saying I and all opposed nay.

Vote 4-0

Clerk Treasurer Schafer asked President Eddings if he wanted that out of the capitol improvement or the water operating acct.

President Eddings stated that either out of the Capitol Improvement or the water operating acct.

President Eddings Addresses Residents Concerning IURC

President Eddings asked if there were any petitions from the town residents either written on other wise? Ok, tonight is the night we vote on the IURC. If we had no written petition I'm just going to call for the vote from the town council.

Ms. Diefenbach stated that she would like to say one thing.

President Eddings stated, yes mam.

Ms. Diefenbach stated that we got 60 days from tonight and as it was mentioned at the last meeting everybody thought that it was a petition to put it on the next ballot at the next election thats comming up and we have 60 days to get it in. We have over half of it done so I passed out tonight papers that are advantages and disadvantages of the getting out so that we can educate the public so they can know so I just wanted you to know whats going on.

President Eddings stated that I have no problem of holding of the vote for 60 days.

President Eddings asked if we have to vote on it?

Attorney McCall stated that you have to ask for a vote today.

President Eddings asked, but do we have to vote tonight?

Council Member Alexander stated, right.

President Eddings stated that if you get enough, if there is enough petitions are signed or if you get enough signatures on the petition then it just cancels the vote.

Council Member Fenner stated no, it will go on the referendum.

Attorney McCall stated that you pass the ordinance to opt. out of the IURC they have the right to file the petition of cause. We all know what it is, they file.

President Eddings stated that it sounds like we can go ahead and vote and if you have enough signatures it will go to the ballot then so be it. It will go to the next ballot.

A resident asked, When do we turn the petition? In the next meeting?

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President Eddings stated that they had 60 days from tonight.

Ms. Diefenbach stated that if we will turn them all in together so that we don't have no duplications and they are all registered voters in the Town of Sellersburg and it's done properly. Helen Blessinger and myself or anyone of these ladies here.

Attorney McCall stated that file with the municipal body so that would be filed at the office of the clerk treasurer where you would file it.

Clerk Treasurer stated that she was surprised because normally those are filed with the county auditor.

Attorney McCall stated that it is filed here.

President Eddings stated, yes mam.

Ms. Strom stated that she would like to know, Mr. Alexander, what your purpose was of calling people who had this petition going?

Council Member Alexander stated, just to ask to see if they had both sides of the story. I'm against it.

Ms. Strom stated that she had heard it wasn't a very friendly phone call is what I wasn't concerned about.

Council Member Alexander stated that he had talked to two people that he knew of.

Ms. Strom stated that yea, I know one right here.

Council Member Alexander stated that if he offended Ms. Strom that he was sorry.

Ms. Diefenbach stated, and then in other instantances where you have called other people too, and we've gotten it to come back to us, we've got....

Council Member Alexander stated that if you would like to know my position on it Nina, I'm voting it down.

Ms. Diefenbach stated that you've got yours and we've got ours.

Council Member Alexander stated, right, no mam I'm voting it down.

Ms. Diefenbach stated, and there is freedom of speech.

Council Member Alexander stated that you're not listening to me. I'm voting it down ok. The condition of the water company, I just don't believe that we have 60 days. Next time we have an election to set and worry about how we are going to raise rates or whatever I'm in favor of using the IURC and now with the information we have getting our rates established I gonna cost us 50,000.00. I wish it was easier but....

Ms. Diefenbach stated that the IURC has it's own guidelines about the rate increases and I have come in contact and I know what they are.



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Council Member Alexander stated that I intend to follow them to the letter and I wish we could have just done it on a local level but the condition of this water isn't what I call particularly liking. You're violated two ordinances you have violated them for the last 10 years and it is time to stop. It's time to have a water company instead of pretending it's a water company.

President Eddings stated that the ordinance number is 97-655, go ahead.

Mr. Hauselman stated that he would like to say something. I can't see why hiring an independant firm to run our water company when you are elected to be responsible. I feel like the citizenship of this nation let's people of different denominations and political parties represent them and to be there government and if government is going to give away government or part of your government, I can't see how that's democracy. It's reverse of everything this country stood for. It is the reverse of what veterans shed their blood for. Maybe you don't understand the situation but there have been alot of prices paid for the growth of Sellersburg and I moved here in 1940. The town is run out of attendance. You couldn't even find the town board. You had to go to one of the local restaurants or coffee shops to find them. I am feeling like you people are selling us.

President Eddings stated that I will call for a motion on Ordinance 97-665.

Council Member Fenner stated that he would make that motion.

President Eddings stated that there was a motion on the floor to adopt ordinance 97-665. Do I have a second?

Council Member Voyles stated that he would second that motion.

President Eddings stated that there was a motion made by Gary and seconded by Bill and asked if there was any further discussion?

Council Member Fenner stated that he would like to say a couple of things after, the public hearing five weeks ago I came away from there a little bit disappointed but now I have put it into perspective and I am not very far removed. You know I've only been on the council now for 14 or 15 months and I thought if I was the public and the town council was doing this I probably would have had much of the same mistrust and I would have had the same questions and the same concerns you all had and I felt like we as the town council didn't do a very good job at presenting it and educating and convinced you and so I'm sorry for that personally and I guess I just got caught up in the fact that I studied the issue and I have looked at it from top to bottom and I'm convinced that it is the best thing to do for this town to withdraw from the regulatory commission but like I said I know that I'm a town council member now so that automatically makes me a suspect to some degree so I appreciate and I understand your feelings and I certainly at first I almost took it personally but I certainly don't now and I hope you don't take it personally when I say yes. I think it is a good idea to do that. You seen tonight if I thought it was wrong I would say, I don't care who it was that said it, I would say it was wrong. I would be glad to talk to anyone of you individually but this is my gut instinct and my educated intelligence that I have studied it and I think it is the right thing to do. I understand that you have a right to take it to referendum and someone asked at the last meeting how much will that cost and I was told it would cost 10,000 dollars to put it on the ballot but that is the citizens right to do that and we will do that because that is our system of government and so I hope you don't have animosity and it will not come from

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me.

A resident asked, so what is it going to cost the people of Sellersburg to pay for the bills.

Council Member Fenner stated that he believed what this town council is trying to accomplish and it will save the Town of Sellersburg alot of money in the long run.

A resident asked, your talking about the Town of Sellersburg what about the people?

Council Member Fenner stated that is the people of Sellersburg. I will save the people of Sellersburg in the long run. We are trying to plan ahead and to take care of problems that should have been taken care of 25 years ago and we are trying to plan ahead so we don't have to borrow money and pay interest on that money. We are trying to take care of the needs in the future without ever borrowing money. Right now we have a 28 million dollar debt on the water utility. We are going to pay 1.3 million dollars interest. I don't know about you but I don't like paying interest if you don't have to but if you are in the IURC you will pay interest period and it's not just the 48 thousand that it would cost to just get a rate increase, thats peanuts when you're talking about 1.3 million dollars in interest. I am convinced 100% we'll save money.

Council Member Fenner stated that anything you do if you have your house and you put a new roof on it, it will cost you money but it's an investment because its going to protect the rest of your home. It's the same thing with the utilities. It's an investment and it is going to cost you something but it's going to protect it but it's going to make it better.

Council Member Fenner stated that this particular thing does not control the sewer dept. this is just the water dept. The idea is you cannot plan ahead to take care of the problems you have to wait until you get those problems and then you go and have to ask for a rate increase and you have to borrow the money to do it.

A resident stated that if I pay 50 or 60 dollars a month for utilities now what are my rates going up to?

Council Member Fenner stated that at 50 or 60 dollars only about 15.00 of it is water, any rate increase will be based on just the water and the water only it will not be based on the sewer and we don't know for sure how much and if we will or when we will raise rates we want to have the flexibility being able to do it without paying the IURC 48000. to do it we're not sure how much and if or when we raise the rates obviously everything goes up so there will be a rate increase sometime but we don't know when yet the figures we have thrown around and this is just ball park just throwing it out there are around 15, 20 or 25% if we raise it 20% say your 15.00 water bill will increase by 3.00 a month.

Mr. Brown stated, and your sewer bill will increase by 6.

Council Member Fenner that it is not based on the amount of money it's based on the flow on the quantity of water not on the quantity of money.

A resident replied, your sewer bill?

Council Member Fenner stated yes, your sewer bill is based upon the amount of water that you use.

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A resident stated, so what if you had a pool if you put all that water in the pool then are you still paying sewer.

Council Member Fenner stated that if you have an inground pool you get a rebate once a year on the sewer.

A resident asked, what about an above ground pool.

Council Member Fenner stated that if it's a permanent pool, yea you do get it on above ground.

Mr. Brown stated that can I show this to you it is a petition that has been passed around and Item # 5 is something of interest to the people that live outside of Sellersburg. You might ask a legal opinion of that if it is fact of case.

Council Member Fenner stated that we can ask him. I am pretty sure it's true. It says some of the people living outside the city limits may be served by the municipal utility but are not allowed to vote in local elections. These people would lose representation completely.

Attorney McCall stated I was just look at the law and it's says that upon the adoption of the ordinance by the municipal body signed by the lessor of 10% or 500 registered voters of the municipality.

Mr. Brown stated, so this is a very true fact then.

Attorney McCall stated that its 8-15-3-9.1

Council Member Alexander stated that I just want to add one thing. I mean I have spent the last year and 1/2 looking at the water utility and nobody is going to believe me, I have put it together hoping to be able to show it after going through this with the IURC I probably would have to do home visits for a year. I don't know whether that is going to happen. I don't thing...I want out of the IURC the URC is not doing Sellersburg because we're not an investment corporation even if I raised your rate 100% that money has to stay in your water department. The State Board of Accounts is not going to let me misuse it. If I misuse it I personally go to jail. OK, so the fear of what there going to do I don't see it there but the time of this the water is not financially in shape I feel waiting another year is or a year and 1/2 whatever it ends up being I just don't see it as a visible alternative if we want to stay in the IURC let's just go to the IURC and see what they have to say about it.

Attorney McCall stated that its Indiana Code 8-1.5-3 -9.1 and I can give you a copy of it.

A resident asked, what is the percent that the water company makes now?

Council Member Alexander stated, zero, the water dept. right now works off your deposits, your deposits that you deposit into your water company is working off that.

President Eddings stated that the operation cost are exceeding what we are taking in just to operate the facilities and is costing more then what we are taking in.

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A resident asked, and why is that?

President Eddings stated because we haven't had a rate increase in about 5 or 6 years.

Council Member Fenner stated that the last rate increase was in 1982 and the amount was 5.9% and it was all designated to the water tower down of Avco Blvd. I mean that's where all that money went, 5.9% the previous rate increase in 1987 and it was 108% increase.

President Eddings stated that's what you all will see when we go to the IURC with a submitted amount of planned work that we have to get done and add there cost into it. Your going to see that kind of rate increase probably.

President Eddings stated, instead of a slow steady one, over the years.

Council Member Fenner stated that we have a million and 1/2 dollars in capital improvements that needs to be done to our system and if we have to wait and go to the IURC to get approval then we will have to borrow the money 100% rate increase but it might not happen 4 or 5 years but I feel sorry for the town council that has to do that.

Attorney McCall stated that there are two things that you might want to look at or you might want to consider about returning to the commission of the IURC there is a procedure which mirrors the process of leaving that IURC and the town could do that for 4 years and if they get out now and an interesting fact that was in some of the information that was circulated since 1988 when they inacted this that they are not aware of jurisdiction to opt out having elected to opt back to the IURC and Mr. Fenner was talking last time that we had this discussion, he had the number of municipalities in this area that are out of the IURC. Nove have ever sought to get back in.

Attorney McCall stated, pardon?

A resident asked if it had been four years for any of them yet?

Attorney McCall stated that some of these have been opted out for years.

A resident stated that it sounds like since everyone else is doing it then why shouldn't we.

Attorney McCall stated that No, what he was telling you about are municipal towns or township that have done it some years ago and have been content with it. There is a procedure to get back in that mirrors this procedure here.

Ms. Diefenbach asked, do you need to hire a lawyer?

Attorney McCall stated, to opt back in? I think it is simply just going to your representative here and saying like you've done before, send them a petition saying that you want to opt back in. If you get it, it says mirror, so mirror means the exact opposite or the exact same thing but in a different direction you need 10% or 500 of the registered voters and petition the town.

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Council Member Fenner stated, or the town council could willingly opt back in if they chose to.

Attorney McCall stated that the way this read is they could elect to opt back in at that time so it seems there is that protection. To me I thought that was an interesting fact about this whole process.

President Eddings stated that we have a motion on the floor and seconded and discussed without any further discussion we are going to call for the vote saying I and opposed nay. Vote 4-1 with Council Member Alexander voting nay.

Ms. Diefenbach stated that she would like to say one thing. This is a protection for the consumer, money well spent by the consumer if we get out of the IURC we do not have any say. You guys can do whatever you want to and that is what you'd like to do I'm sure but I feel like we should have some say instead of leaving it there for the other people to come in behind us now.

Council Member Fenner stated, so have I.

Attorney McCall stated, just one thing in response. This opting out is not the rate increase in itself, the next process is the town has to go and approve the rate increase which that gives you again as the taxpayers the ability to... No, that regarding opting out of the IURC jurisdiction, if the opt out is still in place after 60 days and no one has filed a petition it remains in force. They have to file again statutory procedure to raise your rates which then gives you the ability to petition the circuit court if you feel those rates are unjust again petition the court and have reviewed by the circuit court and then make that determination of who will at that point set your rates so it's not like they say ok, here today we pass this ordinance for your rates of whatever and your stuck with that you still have the ability to be reviewed by a court in this county and this part is just the opt out this is not your rate increase. It doesn't mean there will be an increase.

Ms. Diefenbach asked if the petition go in front of the local voting board?

Attorney McCall stated that your petition needs to be filed with it and its says the municipal legislative body who then will get it on the ballot, within the 60 days from todays date and then reviewed to make sure you have the correct amount of voters and then at that point be placed on the ballot of the next election.

President Eddings stated, yes sir.

Mr. Hauselman stated, let me understand this right, this problem. Who pays the interest the consumer, who's the consumer? That's me, well I sure don't like to pay interest. REMC is faces with the same thing and they are about to get out of it. I think the town is wise in getting out.

Adjournment

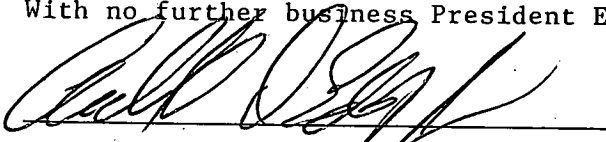
Council Vice President Broady stated that he would like to make a motion to adjourn the meeting.

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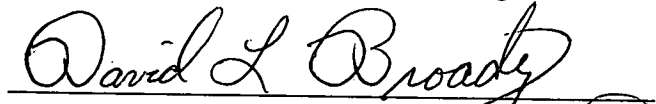
President Eddings stated that he had a motion on the floor to adjourn the meeting so do I have a second, the motion was seconded by Council Member Voyles.

President Eddings asked if there were any further discussion and if not all in favor signify by saying I and opposed, nay.  
vote 4-0


With no further business President Eddings adjourned the regular meeting at 7:45 p.m.

  
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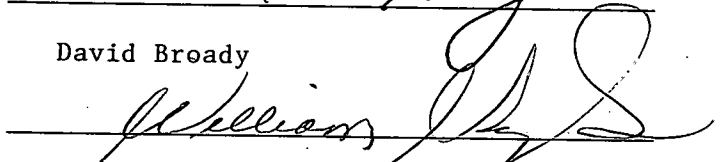
Aulton D. Eddings Jr.

  
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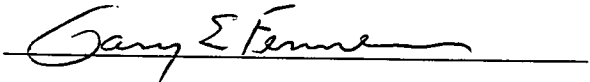
David Broady

  
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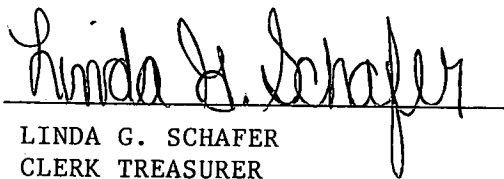
Kenneth Alexander

  
\_\_\_\_\_

William Voyles

  
\_\_\_\_\_

Gary Fenner

Attest:   
\_\_\_\_\_

LINDA G. SCHAFFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

April 28, 1997

SPECIAL EXECUTIVE SESSION

A Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss personnel matters and pending litigation. Those present were: Aulton D. Eddings, Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall III, Town Attorney; and Deputy Clerk Patricia A. Crawford.

Called To Order

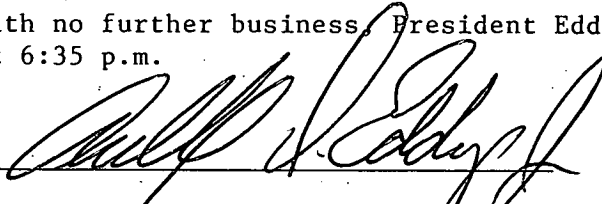
President Eddings called the Special Executive Session to order at 6:00 p.m.

Topics of Discussion

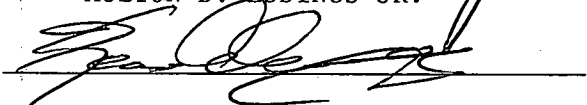
Position With David Kinder/Chief Of Police  
Schafer VS Sellersburg Town Council

Adjournment

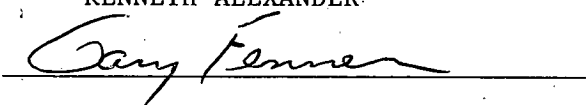
With no further business, President Eddings adjourned the Special Executive Session at 6:35 p.m.



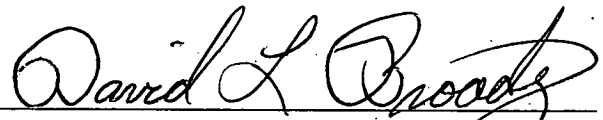
AULTON D. EDDINGS JR.



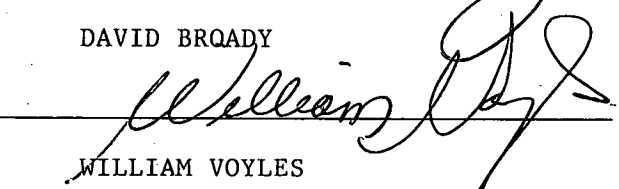
KENNETH ALEXANDER



GARY FENNER

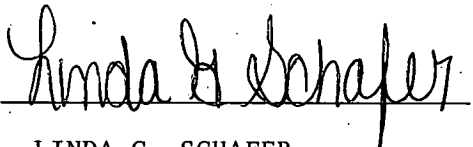


DAVID BROADY



WILLIAM VOYLES

ATTEST:



LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

April 28, 1997

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:40 p.m.

Prayer

No minister was present so President Eddings dispensed with the prayer.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Eddings stated that everyone has had a copy of the executive session and the regular meeting on April 14, 1997 and he would entertain a motion to except them as presented.

Motion was made by Council Member Alexander to approve minutes as presented and seconded by Council Member William Voyles.

Vote 4-0

Chief Kinder Addresses Council Concerning New Police Vehicles/ Selling Old Vehicles

Chief Kinder stated, yes, the police department just received their three new cars so we will have three cars to sell, three Tauruses and I would like to get Linda to advertise this in the paper and would like to get with her on what we're going to do because we want to sell all three as is one time we don't want three different things. Someone is going to buy all three. I talked to the attorney and that is true, they get all three. Put bids in and once we get it advertised we can work from the statue. Ten days they can have their bids in and we can get rid of the cars.

President Eddings stated that I don't have a problem with that. Does anyone have a problem.

Council Member Fenner asked, do you think you will be able to sell them that way?

Chief Kinder stated, yes sir, all three at one time one of them is wrecked. We're going to settle with the insurance company for the repair and the town will receive a check. We can sell all three at one time. We have got 2 or 3 people that are interested in buying all 3 of them.

President Eddings stated that he didn't have a problem with that.



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Vice President Broady stated that you can take a bid for, I don't want to complicate it but, take a bid for each one and then take a bid for all three and take the highest combination of bids.

Chief Kinder stated that the trade-in is alot more than what some people say... yea, I would buy then for this or buy them for that. We need to advertise them in the newspaper and both newspapers are here.

President Eddings stated, Dave do you want to see it done that way?

Vice President Broady stated that he didn't care.

Council Member Alexander stated that he would like to see it both ways that way if we don't have three individuals show up you can always sell them at one time.

President Eddings stated to do it both ways.

Chief Kinder stated, both ways?

Vice President Broady stated to just advertise it the same process.

Chief Kinder stated, yes, the same process.

Vice President Broady asked if it is going to cost us anymore? for a combination of three?

Chief Kinder stated that we can take the best bid, a combination as far as...

Vice President Broady stated that you can bid all three of them or you can keep the bids seperate.

#### EMC Joe Goergen Addresses Council Members

EMC Joe Goergen stated that he had a couple of things. The first thing is I have a corrected revenue report for the last time we had inadvertently left out the 24th and the 28th day of March and this makes everything current. I have the monthly report for the month of March. If you look at the flow charts you are going to see, quiet a roller coster there. We set quiet a record this month. The highest daily average was 4.57 million gallons a day and the plant is designed for 1.5 million. The new controller we installed if you look at the compliance it has helped us alot. We did have one violation for mass on weekly average. I also made an addition of the flow charts. I added the inches of rain that came down also I added in the section on page 2. We submitted 24,800. to FEMA for reimbursement for damages, but I know how much they are going to pay.

Clerk Treasurer Schafer stated only on that one piece of equipment that was 6000. something dollars they are only going to give us 25%. That is what they put in was 25% of the 6000. I signed the final paper today on that so that is what is being submitted is 25%.

EMC Joe Goergen asked, on the pump?

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Clerk Treasurer Schafer stated that the 6000. there is some change there. They are going to award us 25% and that's what they have submitted to their superiors, so we may not receive...

EMC Joe Goergen stated, yea, your not going to receive the total amount because the total amount is 75%. This is the revenue report for the 14th day thru the 25th. Well it's very difficult to tell when the pumps are running at the lift station so three have been off set until we get down into low flow, it's hard to tell. The only other thing I have is a proposal to correct the pressure problems at four and up to six houses on Paradise and Penn St. These houses are served by a galvanized water main and it's in pretty bad shape and there has since been a new 10" line run down Penn St. and the 4 on Paradise has been tied in on that so we are going to bring one line on Penn to 454 Penn and one on Paradise to 351 and then run a new section of 2" plastic to pick-up the other houses. There is a possibility two more, not sure yet, that will be tied in, but that will all be covered under maintenance & repairs.

Council President Eddings stated, thank you, Joe I have a thing from Indiana Gas that is the current numbers if you need to get a hold of someone for an emergency situation did you get a copy of it?

EMC Joe Goergen stated, I haven't seen it, no.

President Eddings stated that you can have that one it's for emergency phone calls so you can get a hold of them.

EMC Joe Goergen stated, thank you.

#### Building Commissioner Addresses Council Members

Building Commissioner stated that he had a bill for 205.00.

Council Member Alexander asked if he wanted it all at once.

Building Commissioner Bob Stewart stated no, no, it would make a big impact if it were in pennys, if you don't mind.

There has been no new homes built in Sellersburg. There is a man on South Fern that has been doing alot of work on his home, I think you should drive by and take a look. Its a big improvement to the community. The other thing is the planning commission is looking at a 73 lot subdivision across from the bowling alley. As far as the Cracker Barrel there has been no commitment.

Council Member Voyles stated that subdivision when will that come in front of the board?

Building Commissioner Bob Stewart stated I assume the next meeting John has given his recommendation to the planning commission and they can get on the agenda with the Council after the next planning commission meeting the 3rd Monday.

Clerk Treasurer Schafer stated that meeting has been cancelled May 26th that is Memorial Day. If the council wants to have a meeting...

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Council President Eddings stated that one is cancelled.

Council Member Alexander stated a recommendation to the Council has been made if they want to act on it we have 2 of them one of them was meeting on March 17, 1997 the property at 485 Indiana Ave North was recommended to be zoned PO from R1 then the previous meeting lot over where the subdivision is going to be rezoned from agriculture to R1.

Council Member Voyles stated that, that lot there had something to do with the changes they had to do.

Council Member Alexander stated, right, this is just preliminary so you can go into the next step as far as getting the final paper.

Building Commissioner Stewart stated that there were two different issues one is a request for rezoning and the other is preliminary planning.

Council Member Alexander stated that he would like to act on it.

President Eddings stated that these two things happen first.

Attorney McCall stated that normally, the planning commission approves it then you can write an ordinance which amends the previous ordinance.

President Eddings stated, right, these two things have been approved, right it hasn't come back. When you did the review of the plans you know how we always talk about whatever gallons if they generate a gallon of water into the storm sewer system they have to be able to take care of a gallon of water. In this particular plan I don't know how the rest of the board feels but the property is already in a bad area I would like to see you look at it as from a prospect of taking care of a gallon and a half of water for every gallon of water.

John Toombs stated to let me explain. What is happening the week before last I got two sets of plans and I bled over them. What I told them to do is all the water they generate has to go into a retention basin not just a pond. You can't have water running on your neighbors. I gave one set of plans back to Rod Pate and told him to revise them on the elevation of that site.

President Eddings stated, right, but at the same time my feeling is... This is just one person on the board. On that elevation of that site anyway we have got natural drainage that is coming into a bad area. I would like to see if they are going to develop that area then take care of natural drainage as well because we are already getting the drainage from the northside down to a problem area if they can take care of not only what they are going to be developing but the natural drainage from the southside into that area as long as they can take care of all of what they are going to generate and some of what we already have in existence because it's a known bad area. Wouldn't ask any other developer and this property owner wanted to put this subdivision in a flat spot with no known bad drain then the 1 for 1 ratio would be great but because they want to develop this in a an area that is susceptible to water going across the road in every severe rain it is a known bad area in order of any development. I would like to see you look at it from a stand point that they are going to take care of more than what they are going to generate. They are going to make this area...

John Toombs stated to pass a resolution.

President Eddings stated that he had to know what the rest of the board thinks.

Council Member Voyles stated to correct me if I'm wrong but I feel that way. I've lived in that area 25, 24 years and the computer says this and the computer says that I'm there and I see what happens and I don't feel it's right. It's a little creek that you can walk across in the summer time but you let it rain and I guarantee that none of you will walk across it because it would be up to your shoulders.

Council Member Alexander stated, correct me if I'm wrong, John, we looked at that area when we were doing the whole storm drain and the problem doesn't lie in the small creek or the area down there, it lies up around Ivy Tech. Where it crosses over to Calvery Christian Church. It's the amount of water going through the pipe coming down the creek that causes the problem.

John Toombs stated that it's all that, it's that plus.

Council Member Alexander stated that I mean which, we will have something to show the worse of two evils because I don't think you can build a retention basin big enough to handle all the water at Ivy Tech.

President Eddings stated that we're not going to ask them, we didn't want them to handle all of it. We just want them you know like we had 9" of rain and we had 4 ft. of water then they have actually made it better. You know that's kind of the direction. I don't want, I realize that they can't spend their money and it would be cost ineffective to completely make this road dry in 9" of rain, it's probably not going to happen. Everybody seen how severely it flooded in the last 9" of rain. What ever they can do if they can lessen that severity, that's what I am after.

Council Member Alexander stated that where I get confused, there is... are we asking them to take care of a gallon and a half of run off on their property or are we asking them to build a pond toward the creek and absorb a half a gallon out of the creek.

John Toombs stated that the way to think about it is the way drainage criteria is set up really bad if you have a table and it rains and they have a certain amount of water runs off and they have to calculate that.

Council Member Alexander stated, right, I don't want people to get the understanding that we are going to solve a problem here. We are not going to solve a problem.

John Toombs stated that you are going to help a local problem.

Council Member Voyles stated that you are going to help a problem.

Council Member Alexander stated, but I don't think I just don't think looking at what I looked at when that water come from Calvery Christian Church that I don't want people to think that when we get 5 or 6 inches of rain that you are going to see that much of a difference. I don't think...

Council Member Voyles stated that you are talking about two different things. You're

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talking about the church.

President Eddings stated that you act like that is the only bitch.

Council Member Voyles stated that's the only thing your talking about. You're not talking about the other side that adds to down the creek down 31 E., coming from the subdivision and when the Butlers develops his property you talk about water your going to have 6 Ft. 4 Ft., you have 10 Ft.

Council Member Alexander stated that as long as you understand that all I don't want people to come out thinking Mr. Alexander when you built this you said you were going to solve this and we're not. That woods is still going to flood when we get 5" of rain and anybody behind that woods is still going to see the effect even with or without the basin. The people who live in the subdivision and along that where they are going to put the ditch will see a difference.

Council Member Voyles stated that, that ditch has no purpose what so ever. The 40ft wide thing they are making by my property has nothing to do with the creek or that ditch. Basically that's it. They are going to put that 40ft ditch, which the homeowners are suppose to maintain, which if you have ever seen a drainage ditch you know what's in there sticks, weeds and everything in the world and just to dig a big hole. I walk that land and I took that map out there and it blew my mind.

President Eddings stated that anyway, does anybody on the board, does anyone have a problem with pointing John in that direction. Ok, that is the direction we want to take.

John Toombs stated to put that in your minutes.

President Eddings stated, do we do it now or when they bring the plan to us?

John Toombs stated that he would do it now, I mean it's better to do it now that you can do it rather than....

President Eddings stated, do we need a resolution number?

Attorney McCall stated to just pass a resolution to have John do it.

Council President Eddings stated, ok, Linda.

Clerk Treasurer Schafer stated it was 1997-42. She asked, did you say it didn't have to be in a paper form? What am I going to send to the Hoosier Codification people?

Attorney McCall stated, well, I don't think, it's not, it's just, it's not going to be anything that is codify as far as our ordinance goes, simply says what's going to be done.

President Eddings stated that he would entertain a motion to do this. Does this have to be on two readings?

Attorney McCall stated, no.

President Eddings stated that he would entertain a motion to direct our civil engineer

on, whats the title of this project?

Council Member Voyles stated Lakeside Estates.

President Eddings stated, on the Lakeside Estates project to look at taking care of at least a gallon and a half of water for every gallon that is generated from the development of the subdivision.

Motion was made by Kenneth Alexander and this motion was seconded by Council Member Voyles.

Vote 4-1 with Dave Broady voting against.

Building Commissioners Claim Presented

President Eddings stated that he would entertain a motion to pay the Sellersburg Fire Department for collection of permits and fees in the amount of \$205.00

Motion was made by Council Member Alexander and seconded by Council Member Voyles.

Vote 4-0

President Eddings Presents Zoning Change/485 Indiana Ave.

President Eddings stated that he would entertain a motion to change the zoning on 485 Indiana Ave. N. to be zoned residential professional office from resident only zoning.

Motion was made by Council Member Alexander.

Attorney McCall stated hold on, pending.

Council Member Alexander stated, pending ordinance.

President Eddings stated that the motion subject to final ordinance being passed do I have a second.

Council Member Voyles seconded the motion.

President Eddings stated that it was seconded by Bill, any further discussion if not all those in favor signify by saying I, and opposed, nay. The I's have it.

Vote 4-0

President Eddings Presents Zoning Change for Lakeside Estates

President Eddings stated that he would entertain a motion to change the zoning for the Lakeside Estates property to be changed from agriculture to residential.

Motion was made by Council Member Alexander.

President Eddings stated that the motion was made by Ken do I have a second? All this is doing is changing it from agriculture to residential. They have to do that first before they even.....

Council Member Fenner stated that is just a straight motion not contingent upon further approval.

Council Member Alexander stated no, they have a final draft all this does is say yea, we are interested, bring up the final draft or we can turn it down.

Council Member Fenner stated that this has already been thru by the planning commission.

President Eddings stated, right.

Council Member Fenner stated, and they voted unanimously and they agreed to do it.

President Eddings stated, yea, the other vote wasn't in but to change it from agriculture to residential was a unanimous vote.

Council Member Fenner stated that this isn't giving any.

President Eddings stated nope, all this does is rezone it.

Council Member Fenner stated that he would second it.

President Eddings stated that the motion was made by Ken and seconded by Gary and asked if there were any further discussion.

Vice President Broady stated yea, what happens if they don't decide to build this project?

President Eddings stated that the zoning would go back to agriculture.

Council Member Alexander stated, well, I mean the way it was explained by Rod was agriculture they basically can bring in a few old trailers and set them there and have a little old farm lot at least residential now, it fits into our ordinance as far as what you can do to that property.

John Toombs stated that if you zone it R1 which is what they are asking you allow them to build homes.

Attorney McCall stated that this ordinance is passed is passed to be zoned R1 not contingent on any of those things but I mean you need to make it contingent on what you want to happen or what needs to happen.

John Toombs stated that even if you don't do that they still can't build a subdivision without being approved by everybody.

Council Member Alexander stated that because they have to have a sewer approval and a water approval.

President Eddings stated that amend the motion to be contingent on the full development of the 3rd stage of the planning.

Council Member Alexander stated, are they going to extend the plans after the vote. This R1 has to go through in order to develop.

John Toombs stated, that will work.

John Toombs stated, that is the way the system is set up.

President Eddings stated that the motion has been amended to change it from agriculture to residential contingent of the plans being fully adopted by the planning commission and the town council.

Council Member Voyles seconded the motion.

President Eddings stated that the motion made by Ken and seconded by Bill, any further discussion, if not all those in favor signify by saying I, the I's have it.  
Vote 4-0

Vice President Broady Addresses Sewer Problem at Ran Paige

Vice Pres. Broady stated that he had two things and one of them is that we have a sewer problem on Penn St. by Ran Paige. I haven't got with Ran Paige or anybody like that I'm asking permission to put it in like it should be it will cost about 6500.00. Run it across Penn to the man holes there is two man holes and a cleanout and an 8" main.

Vice President Broady stated that he makes a motion to repair the sewer line at Penn St.

President Eddings stated that a motion was made by Dave to repair the sewer situation at Penn St. and is there a second.

The motion was seconded by Council Member Voyles.

President Eddings stated, is there any further discussion.

Council Member Fenner stated so, we are paying for that at our expense.

Vice President Broady stated, yes.

Council Member Fenner stated, it is our responsibility.

Vice Pres. Broady stated that they're paying a sewer bill and they paid a sewer tap.

President Eddings stated that they ought to be able to use it.

Council Member Fenner stated, ok.

President Eddings stated, any further discussion, if not all those in favor signify by saying I and opposed nay. The I's have it.  
Vote 4-0

Vice President Broady Addresses The Sidewalk on Paradise Ave.

Vice Pres. Broady stated that I have been approached by an individual that wants to put new sidewalk in. He is going to hire somebody, matter of fact he has already got prices and I think we need to make a policy or however you want to do it. I told him I thought and I would bring it to the board, If a man is willing to pay the price to pour a new sidewalk then we should be able to remove it for him. I think it would be a start in the right direction. If we could set some kind of policy that is 50/50 and this is cheap so we need to make a motion or is this a one time deal?



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President Eddings stated, why don't we do it one time and see how it works out and if it works out we can create a policy.

Council Member Alexander stated, we have looked at several different areas and the best one is up in North Vernon and it's a real good system but just because of our... some of where our sidewalks are we have got into foundations and being able to actually proceed with it. What they do up there they actually put it in and they charge. They actually went in and condemned every sidewalk in town so they were all condemned and they charged the resident 2.00 a foot and it came out to a good split. I think it was about 45 or 50,000. a year but they replaced 6 miles of sidewalk in a very short period of time.

President Eddings stated that one thing you want to be careful of is when they put it in.

Council Member Alexander stated, you get into a problem if they have a 6" sidewalk on residential. I mean they are going to have some leigh way. I mean if it is a curb sidewalk. I think it's 6".

John Toombs stated, 4".

Council Member Alexander stated, 4"s. I thought it was 4" above the asphalt. I'm curious of what it's going to look like because that is the problem we ran into when you go down Utica it's like a foot and a half and sometimes it's in grass then it veers out and touches the road then it comes back and it runs up to a retainer wall and are we equipt to go in. I mean....

Attorney McCall stated that the other thing is , you do that you have a sidewalk built and someone gets injured on that sidewalk at a later date. We would be responsible for that injury. That is something to think about. Basically if it's done, inspected and made sure it's proper and laid correctly there is no defects.

Council Member Alexander stated, I don't think we have ever taken over. If it touches the road I'm really not for sure how that works either because we have always assumed that the sidewalk was the property of the resident as far as snow removal or whatever so I mean that has always been an argument.

Attorney McCall stated that when you interject, the town would come in and be taking it all out, come in and maybe do one part of it, I mean....

Vice President Broady stated that he makes a motion to let Cecil on Paradise go ahead and replace his sidewalks.

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

This motion was seconded by Council Member Voyles.

President Eddings stated that it was seconded by Bill is there any further discussion? Is he going to give you a set of plans?

Vice Pres. Broady stated that I'll tell him when he calls to have the sidewalk removed to have Mark come out and we'll let him know to tell Cecil that it needs to be inspected before he pours the concrete.

President Eddings stated, good enough; any further discussion, if not all those in favor

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signify by saying I and opposed nay. The I's have it.  
Vote 4-0

Council Member Alexander stated, ok, I think we have it solved and thats all we are going to do.

President Eddings asked, if Dave had anything else.

Vice President Broady stated, no.

Council Member Fenner Addresses Municipal Government Week

Council Member Fenner stated that he would like to give an update on Municipal Government Week which is the week of May 11th thru the 18th. At the last meeting we designated that Tuesday night, May the 13th would be open house for all town facilities which includes the town hall, the police dept, the fire dept. has agreed to coincide with us and also the WWTP EMC has agreed to cooperate with us too. That is from 6 to 8:30 on Tuesday evening and also I have contacted the schools and ask them if they would like to participate further and we can offer tours for the different schools and so far I have three fifth grade classes that will be here on Tuesday May 13, starting at 10:00. They're will be three classes and one will start at the Town Hall and one will start at the Police Dept. and then they will rotate. They will get a tour of each of the facilities. I'm still working on some kind of an essay contest about what my town means to me and offer them a price of a pass to the pool for the season, so....it will be for grades 1-3 and 4-6, sorry.

President Eddings stated that Dave says he has two paragraphs.

Council Member Fenner stated that well this will be one page so, but anyway plans are proceeding so far everyone has been very cooperative and I even thought about what is the possibility of us serving refreshments. Do we have any kind of P R account where we can go out and buy some cookies, Linda?

Clerk Treasurer Schafer stated that we did have a promotion account, yes, there is a little money in there.

Council Member Fenner stated, ok, so anyway thats whats going on and if any of you have any kind of suggestions and or if you are available, I mean, obviously that Tuesday night I would like for as many of you to be here as possible. Tuesday May 13th from 6 to 8:30 will be open house here, the fire dept, the police dept., and the sewer plant.

Council Member Voyles asked, so you want us to come here and push us out or something.

Council Member Fenner stated, sure, that would be fine where ever you would like that would be fine but I intend on doing a little more publicity on it asking our media friends to push it alittle more for us to try to make it a positive thing then another moving on by the declaration of the president in congress the first Thursday in May which happens to be this Thursday May 1st has been the National Day of Prayer and our Sellersburg Speed Ministerial Association is going to be sponsoring a prayer service at Wilkerson Park and there will be one actually there will be two, one will be at noon and the next one will be at 7 p.m. so that people might make one or both of them and they have issued a special invitation to the members of the town council and they promise that you will be the object of the prayer, in a good sense, and so they ask me to pass that along to you

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as an invitation to attend either one or both of those and that will be for the entire community and again that will be publicized also it will be at Wilkerson Park both times ok.

#### Council Member Fenner Addresses Swimming Pool

Council Member Fenner stated that the other thing on the pool, if weather cooperates and we get everything done we still hope to open on Saturday, May 24th which is Memorial Day weekend and it will be open weekends until school lets out. We are trying to make some improvement to the pool and we hope will have them done, also I have started this is a preliminary investigation of what it might take to inlist help of the state in form of some grants to possibly replace the pool. Our pool is almost 20 years old. I'm sorry almost 30 years old now it is, its paid for thats the good news the bad news is that it's out of date, it doesn't meet federal safety standards of today. We have already dismantled the high dive because it was unsafe. We still have the low dive but they will not let us replace the low dive once it wears out we will have to take it down and we will not be able to put another one up because our pool is not big enough, deep enough or wide enough according to new standards so like I said I don't know whether it's feasible and I don't know if its possible but I want you to know that at least we are considering looking in that direction on as far as what money it would take from the town I have done a little bit of research into it. The pool was built in 1969 and it cost 110000.00 then so I'm sure it's going to be quite a bit more then that. The Aquatic Center of Clarksville ran 2.3 million dollars from start to finish.

John Toombs stated, but they have won alot of awards with it.

Council Member Fenner stated that I even had someone suggest the possibility of us looking into a county wide indoor Aquatic Center that would be used year around by people throughout the county. We could tie it into senior citizens during the day. I mean it could get alot of use but we're talking more than 2.3 million. When we are talking about that but if we had some cooperation from the other towns or cities in the county who knows what is possible. Your not going to do it unless if you think about it and dream about it. There is different ideas and we are at least thinking ahead and everyone should be aware of that, unless you tell us not to alright.

#### Council Member Fenner Addresses Intersection At Hwy 60 and 311

Council Member Fenner stated that another thing, what would it take for us to encourage the State Highway Dept. to work on the intersection at Rt. 60 and State Rd. 311, to put some turning lights up there. I mean that is a obviously a, its been a dangerous intersection and it is going to continue to get worse because you think about how much more traffic, is out there now than four years ago and the development that is going on out there and its going to get worse. They did all that work out there and I thought for sure they would put turn lights up there.

John Toombs stated that I'm not for sure that, the way that you need to do that is to write a letter to Mike Hoffman.

Council President Eddings stated that I would like very much for our town council to do that and formally put them on notice that we strongly request that they do that. Go ahead, Chief.

Chief Kinder stated that we thought they were going to do that when they fixed that thing and we begged and we wrote Mike and Mike said there was just no way David, until they redesigned. They are going to take out that intersection and redesigned it but I think what Gary has is a good idea. I would hate to have anymore tragedy but we have had enough accidents out there on personal injury accidents and I think with the town board behind it saying something has to be done.

Council President Eddings stated to go ahead and draft up a letter and get everything together and we will all sign it.

Chief Kinder stated, that's what they are doing down there at the lumber yard at Hunters Station and again we as there, please, put in a turn signal and that guy can't tell us whether they're going to or not and if they don't put a turn arrow there... Yea, I draft this up.

President Eddings stated and we will all sign it.

Vice Pres. Broady stated, but Gary you know something has to be done there.

Council Member Fenner stated that I don't want it to be the same thing that happened down at County Line Rd. and 311. It took someone being killed there and a law suit before the state did something about it and then they put a traffic light up there. There is no sense in that when we know it's dangerous and we have had numerous accidents there and..

President Eddings stated, the other place as well.

Vice Pres. Broady stated yea, I was going to say in Hunters Station there has got to be a turn signal.

Council Member Fenner stated that it is being developed and it is going to be alot worse it is not going to get better I would like to see us do everything we can to encourage them to do that.

Council Member Fenner Addresses Ord 1997-665/ Opt out of the IURC

Council Member Fenner stated that at the close of the last meeting we passed Ord. 1997-665 which was the ordinance to opt out of the IURC and we lost the copy of it and it never got signed completely. OK, someone took it home with them and if you look through your notes someone has got it because it disappeared so can we sign this tonight and it will be official?

Clerk Treas. Schafer stated, yes, does that need to be published in the legal section or...

Attorney McCall stated, I can pull it out.

Clerk Treas. Schafer stated, and then file at the auditors office.

Council Member Voyles stated that he knew that he signed it.

President Eddings stated that somebody got it, somebody did. I don't know who.

Clerk Treas. Schafer stated that we didn't have it.

Attorney McCall stated that Gary had it in a file.

Council Member Fenner stated that he had his own copy.

Attorney McCall stated and I think Bill signed it.

Council Member Voyles stated I signed it.

Clerk Treas. Schafer stated that tonights copy presented was her copy.

Attorney McCall stated and Gary might have signed it or somebody else signed it.

Council Member Fenner stated that it disappeared.

Attorney McCall stated, yea.

Council Member Alexander stated that I was him that took it.

President Eddings stated yes sir, ok Perry do you have anything?

Attorney McCall stated no, I think I have covered everything already.

Council Member Voyles Addresses Additional Street Lights For Forrest Estates

Council Member Voyles stated that he had two things. I have been approached by 95% of Forrest Estates about the lighting and so I made a few phone calls to Public Service and Public Service said they would put all the lights you wanted in at no charge to anybody fiberglass just like the ones we have right now but we need to find out if the town will take care of the electricity.

Council Member Alexander stated, is there a charge? If they put a pole in its 150.00.

Council Member Voyles stated, no I made the phone call and talked to them and if there is a charge people in Forrest Estates will pay the charge all they want is to increase the lighting in some areas and the reason for it if you have been by there alot of people walk and it just ...I think it would be safer for them and thats what they want. 95% of them has contacted ne and all of them are for it and I told them they need to have someone come to a meeting and address it or petition and they can do that.

Clerk Treas. Schafer stated, Donald Long said six. There was six street lights currently and he is on the agenda for the next meeting.

Council Member Voyles stated, oh is he? I think I can get him down less in number.

Council Member Alexander stated that there is a charge, its like 7.00 for the real small one and it just looks like a security light and it goes all the way up to 30.00.

Council Member Voyles stated that the man told him that they waved all that.

Council Member Alexander stated that we just put two up last year and they didn't wave anything.

Council Member Voyles stated that the people said if we even had to buy the poles they would pay for the poles as long as you pay for the electricity and so that's the reason we brought it up. They want to do this and if you have got 95% of the area that has approached me to do it I would like to see you do it.

Council Member Alexander stated that as long as it's in reason, just tell us where you want them.

Council Member Fenner stated, Bill the other thing us people have to be willing to put it on there property.

Council Member Voyles stated that when you have 95 people saying they don't care if it's on their property, but see what you have got is you have these boxes these electric boxes and the transformers are on their property already and the lights would be by the transformers it's not going to be...

Council Member Alexander stated make it in reason. We try to keep it the same in every area.

Council Member Voyles stated, sure, they just didn't want any wooden poles or anything like that. These are fiberglass and they are 15 to 20 ft tall and if there was a charge the subdivision would pay it.

President Eddings stated, ok, just as long as it was a reasonable number.

Council Member Voyles Addresses Sanitation Pick-up

Council Member Voyles stated that the other thing I want to talk about and I should have taken care of this along time ago is Mr. Long, who has got a 6 plex and he has got 6 single people in a 6 plex and they have a big dumpster and he wants to get rid of the dumpsters because it has been destroyed and he wants to know if we could make a resolution or something to have garbage cans you know if they are neat garbage cans and they put them out front if we will pick them up. He wanted to know if he could do that and I told him I would get an answer. I said something before and I never got an answer.

Council Member Alexander stated that you got an answer. The answer was, change the ordinance.

Council Member Voyles stated, change the ordinance, so all I have to do is find out what I would...

Council Member Alexander stated that it just goes up to a duplex.

Council Member Voyles stated that all I want to do is increase from a 4 plex. Do we cover up to a four plex now?

Council Member Alexander stated a duplex.

Council Member Voyles stated a duplex? two?

Council Member Alexander stated that we already take care of 4.

Council Member Alexander stated, two house holds.

Council Member Voyles stated that what about the Amos's? Isn't that a 4 plex?

President Eddings stated, who?

Council Member Voyles stated Denny Amos's place isn't that a 4 plex? Doesn't he have 4 apartments there? It's right there by the funeral home. I mean by the grave yard.

Council Member Alexander stated that the ordinance only covers duplexes.

Council Member stated that it covers 4 plexes you cover it now so why can't you just increase it to a 6 plex.

Attorney McCall stated, so you want to change the ordinance.

Council Member Voyles stated to a 6 plex.

Council Member Alexander stated that we have got to make it fair. I mean if you are going to pay the 3.00 ok. You can have 32 trash cans out there or 24.

Council Member Voyles stated but they would have one.

Council Member Alexander stated that means you could in reality have 24 trash cans.

President Eddings stated, could.

Attorney McCall stated, duplexes, 4 plexes, and 6 plexes is that right?

Council Member Alexander stated that you will have to watch because some of them only have one water bill.

Council Member Alexander stated four cans.

Chief Kinder stated, you can have four cans?

Council Member Alexander stated, four cans.

President Eddings stated that I thought you could only have two out there.

Council Member Alexander stated, plus a year waste can.

Council Member Fenner stated, plus recycling.

Council Member Alexander stated, plus recycling and this will also change... You have businesses that are also asking the same question.

Council Member Voyles stated, what do you want to do?

Council Member Alexander stated, I mean you have got businesses that have went into one building and have duplexed their business into small. We already do it I guess, should we add that I have had the same comment.

Council Member Fenner stated that it depends on what kind of business it is.

Council Member Alexander stated that apartments are commerical so I mean thats the argument I've got.

Chief Deputy Clerk Shelton stated that some businesses do get picked up. They either write a letter saying that they have a dumpster, don't pick us up and we will take the charge off or they have to pay the charge and we will pick them up. There is not alot that do that. Alot we've had letters come in. To where they have their own dumpsters and we don't charge them.

Council Member Alexander stated that they are wanting to get out of it. They are wanting to do what he is going to do and that is to get out of the dumpster and go back to the cans.

President Eddings stated so, does our present ordinance, does it cover businesses?

Council Member Alexander stated no, it says that we won't pick them up.

Council Member Fenner stated that I'm not talking dumpsters. I'm talking about if a business sets out 3 cans on the curb do we....

Council Member Alexander stated, we do.

Chief Deputy Shelton stated that I kind of think that it was left open because we do pick them up. I don't know what the exact ordinance says but we do.

Attorney McCall stated that the ordinance was written and when it was passed, it was passed before the board, before the last board didn't contemplate picking up the businesses and as it was developed and changed a few times they still...

Council Member Fenner stated that, I say we need to look at the entire ordinance and see what we need to do and then but once we do something we need to enforce it.

Council Member Alexander stated that we definately need, I've got a list of names I'll give you too. You can go talk to each one of these people and when you change this, that I have already visited with, that you all talk to.

#### Council Member Alexander Disappointment With Council Member Alexander

Council Member Alexander stated that I guess I'm going to be short since the minutes are getting into the 42 pages or more. The last meeting we come in and I was kind of disappointed with one of the council members and I swore I would never put one down and but you know I have got to put myself down. I mean what I did on the URC not believing in the patients of government even thought it moves real slow I kind of got a breath of fresh air. It's real nice to look out and see all these concerned citizens setting in here wondering what's the next step and what's going on and it, they might be out with the petition. I guess, but so I don't make the minutes long I will criticize myself after the meeting if anyone would like to stay because it will get lengthy.

Council Member Fenner stated, just put it into writing.

#### Council Member Alexander Addresses Paving Bids

Council Member Alexander stated that we will be bidding for the paving in the next week or so.



Claim Presented For Jacobi, Toombs and Lanz and Irish Park

John Toombs stated that he had a claim for 80.00. You don't have to pay it all at once. This is for the work, the last little bit of work we did on Larry Gilbert's putting a water line in the road. I also have a claim from Irish Park. This is the completion of Alabama drainage they did last year and they have done a very good job. They have sodded it all. I want to turn that in and then at your last meeting you authorized me, so I have prepared contracts that I am going to ask you to sign to do the storm water retention basin and here is a list of the things that will be part of the project, so I have two copies of the contract and this is basically to do all the engineering, all the surveying, present the plans to you guys and all the things we are going to do once they are approved. We send then up to the state to the Indiana Dept. of Environmental Management which has to approve all of this and it would be just a sign of your good faith to make things better which is what they write their little letters about and they after that we get our approval, we take bids and we get the amount and add it up to the list and then you get all your money together with Umbaugh and you borrow the money if you have to and then we start construction and then it's finished. I have two copies.

Council Member Alexander stated that he had a question real quick. What percent of the problem are we going to address here? Are we shooting for a 100% or are we going to take care of 60% of 70% and then start fixing some of the real problems?

John Toombs stated, well, I don't know how to accurately answer your question because part of what you have to do is get with Joe and figure out how big the basin needs to be. Those charts show you that every once in a while they are way out of the range. We calculate how much you can handle and then we try to see if we have room for a basin that size. What percentage I don't know because I don't know.

Council Member Alexander stated that I mean we won't get one census that this will take care of 100% of the problem.

John Toombs stated that it won't take care of 100% of the problem I guarantee you that.

Council Member Alexander stated, alright.

President Eddings stated that ok, I have first of all I have a claim for 80.00 for the clean up work for Larry Gilbert's property to get those easements taken care of and I'll entertain a motion to pay the 80.00 claim.

Motion was made by Council Member Voyles and seconded by Vice Pres. Broady.

President Eddings stated that the motion was seconded by Dave and was there any further discussion? If not all those in favor signify by saying I and opposed nay. The I's have it.

Vote 4-0

President Eddings stated that the second thing I have is the balance of the contract with Irish Park for a storm drainage project balance of the contract for the amount of 6301.43. I'll entertain a motion to pay the balance of the contract.

Council Member Alexander stated that I would asked if that could be tabled till I take a peak at it and talk to a few residents.

President Eddings stated, does anybody have a problem with that?

John Toombs stated that I just went out there and looked and it looked fine. The grass is growing and the water is draining.

Council Member Alexander stated no, it's been four months since we started the project and I don't see what two weeks can....

John Toombs stated well, the reason why they aren't already done is because they started in the fall and it was so muddy they couldn't sod it, maybe what you ought to do is approve the claim and have Linda hold it till Ken goes out there and blesses it.

Council Member Alexander stated that the only reason why I say this. I'm not trying to be a stickler in this but I went out I talked to residents and I haven't seen it and unless someone wants to take over my authority and if something is wrong go out and explain it I just like going through the project down there by my house. I would like to at least go through it this time.

President Eddings stated, how about this, if I entertain a motion to approve the claim contingent upon Kenny reviewing, if he seen nothing wrong with it.

Council Member Alexander stated thats fine with me, I'm probably just going to walk it.

President Eddings stated that Bill makes that motion do I have a second?

Council Member Alexander stated that he would second it.

President Eddings stated that the motion was seconded by Kenny and asked if there were any further discussion, if not all those in favor signify by saying I and opposed nay. I's have it. We still need to sign it right?

John Toombs Presented Contract For Storm Water Retention Basin/Engineering

John Toombs stated there is two copies and you need to sign both of them you keep one and I keep one.

President Eddings stated, ok, I have in front of me a copy of a contract to give John direction to go ahead and get started with the engineering of the retention basin at the Wastewater Treatment Plant. I'll entertain a motion to go ahead and sign the contract that John has presented for the engineering portion of the project.

Council Member Voyles stated that he would make that motion.

President Eddings stated that the motion was made by Bill, do I have a second.

Council Member Broady stated, I'll second it.

President Eddings stated that the motion was seconded by Dave, any further discussssion?

Council Member Fenner asked if there was any price on that?

John Toombs stated, yes.

Council Member Fenner stated that I mean I would like to see it before I sign it.

John Toombs stated that the price was on page 9. The first thing we want to know is 5 acres enough. Part of the process of this is the preliminary design phase where we try to calculate the volume how big it needs to be how deep how wide how tall all that and then I will come in here and explain to you what we have come up with and then once. That is a different problem the basin is done specifically to so that you are not in violation.

Council Member Voyles stated, that is the truth.

President Eddings stated that this problem here is what the government is forcing us to take care of we have got to do this.

John Toombs stated that there is some other situation like that we think by making some piping rearranging that we will help out the problems that's generated by the Bean Rd. lift station and on down Greenwood over to Gillenwater Subdivision, but the one you're talking about we don't have any plans for that but again with the sump pump program that will stop them and that might help that problem and that is a problem everywhere, Jeffersonville has got that problem. New Albany got the same problem.

President Eddings stated does anybody want to see this?

Council Member Fenner stated that John, what I gather that basically we have got a set price of 40000.00.

John Toombs stated not exactly, the set fee is 28000.00 and the last part is an estimate of the time it would take to over look the project and inspect and that's why at the end there is a list of hourly rates we will only charge for what we have to do. It might be half that and it also might go over that and it says if it appears to be an amount above meaning the inspection part is going to be exceeded, if it rains too much they can't get the work done or whatever, I will come back here and say that wasn't enough and I will ask for more.

Council Member Fenner stated, I understand that I guess my question is down here with the additional services is that.

John Toombs stated, ok, that part is, there is a section in here, on page 5 additional services of the engineer it authorizes by the owner to do various things which I don't believe is necessary.

Council Member Fenner stated, ok.

John Toombs stated, then you find a way to pay me for that but that is only if I come in here and say will we dig it up and there is an Indiana burial ground there and whatever and we have to go to court. Additional services is for only something that comes up and again you have to approve that before anything happens.

Council Member Fenner stated I've held the whole thing up, but I really want to understand what I'm signing.

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President Eddings stated that I think we had a motion, ok, I'll entertain a motion to sign the contract as presented by John.

Council Member Fenner stated that we have already did that.

President Eddings stated, ok, I didn't know if I did or didn't, do I have a second?

Vice Pres. Broady stated that I seconded it, and we had discussion.

President Eddings stated, any further discussion, all those in favor signify by saying I and opposed nay. The I's have it.

Vote 4-0

EMC Claim Presented/Out of Scope

Clerk Treasurer Schafer stated that this is actually Joe's claim. He keeps giving them to me so I guess I'll just have them over to you. He said that it was for supplies for the Virginia Ave. repair, Joe.

Joe stated that basically that is just some of the bill we have had to work of that project.

President Eddings stated, these are out of scope.

Joe stated, yea.

President Eddings stated, I have a bill from Water Works for an out of scope project from EMC for 121.83. I'll entertain a motion to pay the bill for Water Works Supplies.

Motion was made by Vice Pres. Broady.

President Eddings stated that the motion was made by Dave do I have a second?

Council Member Voyles stated that he would seconded it.

President Eddings stated, seconded by Bill any further discussion if not all those in favor signify by saying I, and opposed nay. The I's have it.

vote 4-0

Clerk Treasurer Presents Bills for This Meeting

President Eddings stated, ok, everybody has had a copy of the bills and had time to review. I'll entertain a motion to pay the bills as presented.

Council Member Fenner made a motion to approve the claims as presented and this motion was seconded by Council Member Alexander.

Council Member Fenner stated that he did have a question.

President Eddings stated is there any discussion?

Council Member Fenner stated, sorry, explain to me what the perimeters are if when we are required to ask for bids on purchases.

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Attorney McCall stated real property or purchases?

Council Member Fenner stated well, what I am questioning is the three police cars whether they were put out for bid or not.

Attorney McCall stated, the ones we are selling?

Council Member Fenner stated no, the three new ones we are paying for in these claims.

Attorney McCall stated the 25000.00 dollars?

Clerk Treasurer Schafer stated, it's 57000.00 to be exact.

Attorney McCall stated, the lease purchase, I can get the information on that.

Council Member Fenner stated what my concern is, is we apparently, we bought these police cars from some place in Bloomington.

Attorney McCall stated, because they could get them cheaper.

Council Member Fenner stated that I was approached by our local Ford dealership and they were a little disappointed that they weren't given the opportunity to bid on it.

Chief Kinder stated that they were very disappointed. They wanted an additional 250.00 per car which is 750.00 more. We would have been glad to do that.

Council Member Fenner stated that what the owner had conveyed to me was that they would have been willing to match that and not charge the extra 250.00. They said that just as a matter of pride of a local dealership being able to provide cars for our local police dept.

Chief Kinder stated, may I asked who you talked to?

Council Member Fenner stated, Mr. Jim O'Neal.

Chief Kinder stated that I was going to say I talked to Jim O'Neal, Bill James and Chris O'Neal all at the same time and they wanted 250.00 more for the car but they would have bought the same car in Bloomington Ford and they would have sent drivers over.

Council Member Fenner stated he said it would cost them the 250.00 but what he told me just as a matter of pride of them being able to serve our community they would have given the cars at the same price and they just felt disappointed that they weren't given that opportunity. That's the way it was presented to me.

Chief Kinder stated that we did talk to them because we tried to buy them. We would rather have bought them from Jim O'Neal, but Jim O'Neal could get a fleet package and had to go through and still want to charge 250.00 more per car.

Council Member Fenner stated, I'll go back and talk to him like I said he told me they were willing to get rid of the 200.00 that they would have matched that price.

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Chief Kinder stated that I wish they would have told us that because it doesn't matter to us who we got them from as long as we got them. They bid them at 19106.00 per. We got them for 19054.00 per car so even Bloomington Ford came down.

Council Member Fenner stated, ok, when we order them through the state supplier we don't have to put those out for bids or we do? I don't know I don't have no ideas.

Chief Kinder stated that if we want police packages we would have to go to our local dealer and ask for a police package. They intern would have to charge us whatever the sticker price on these car on 23000.00 and something dollars.

Council Member Fenner stated, yea, I know it is alot more that what we pay.

Chief Kinder stated and that is the reason we have always bought cars through the state bid it just saves 4000.00 a car.

Council Member Fenner stated that, yea, but you have bought them through Jim O'Neal many times.

Chief Kinder stated, no, we never have. The only thing we bought through Jim O'Neal is three tauruses, four taurus automobiles and those are not police packages. We went to Jim O'Neal last time and ask him about buying these and a Taurus would cost us 2800.00 more on the car and they would not have been a police package. They only let you buy a police package on the state bids is there.

Council Member Fenner stated that I will go back and talk to him because he asked me about specifically that's why I brought it up and I will go back and talk to him about it.

President Eddings stated that any further discussion if not all those if favor signify by saying I and opposed nay.  
vote 4-0

President Eddings stated ok, any further business of any kind?

Chief Kinder stated, do you mind Mr. Fenner if I went along with you on that because....

Council Member Fenner stated that would be fine.

President Eddings stated that I'll entertain a motion to adjourn the meeting.

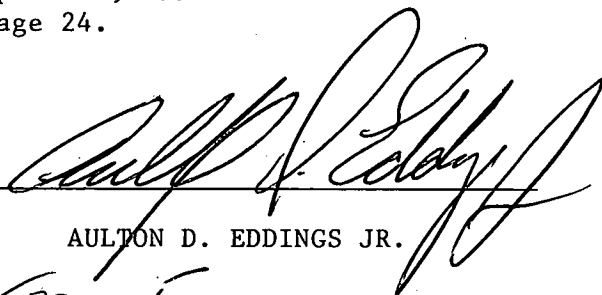
Council Member Alexander stated that he would make the motion to adjourn the meeting.

President Eddings stated that the motion was made by Ken do I have a second.

Council Member Voyles stated that he would second the motion to adjourn.

President Eddings stated that the motion was seconded by Bill, any discussion? if not all those in favor signify by saying I and opposed nay.  
Vote 4-0

With no further business the regular council meeting was adjourned by President Eddings at 7:59 p.m.



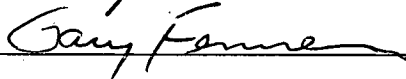
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AULTON D. EDDINGS JR.



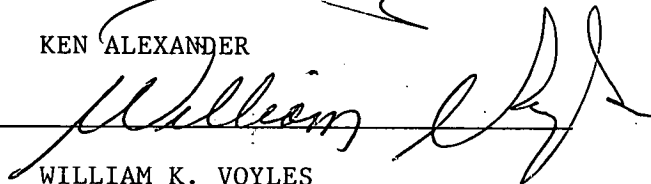
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KEN ALEXANDER



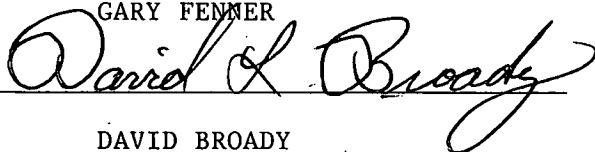
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GARY FENNER



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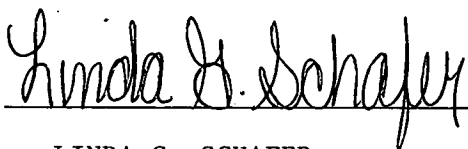
WILLIAM K. VOYLES



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DAVID BROADY

ATTEST:



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LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

May 12, 1997

EXECUTIVE SESSION

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

Called To Order

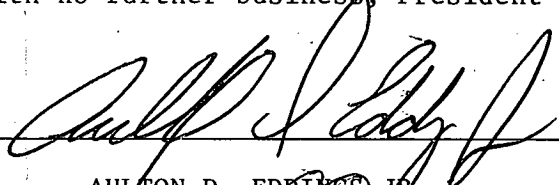
President Eddings called the Executive Session to order at 6:00 p.m.

Topics of Discussion

John Toombs/Storm Sewer Claims and Retention Basin  
Sewer Tap Fees/Public Hearing  
Garbage Collection Ordinance  
Subpoena of Documents/Chief Kinder-Investigation  
Dean VS Town of Sellersburg-Unemployment Appeal Hearing  
Poindexter/Annexation  
Salary Ordinance/ 1998

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:32 p.m.



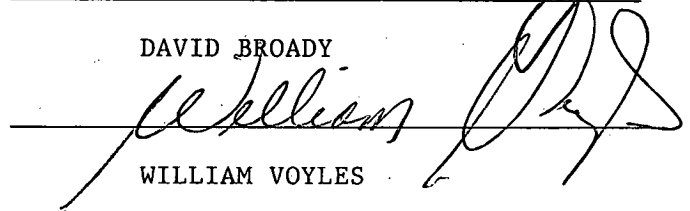
AULTON D. EDDINGS JR.



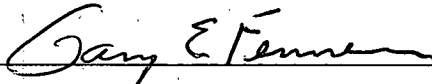
DAVID BROADY



KENNETH ALEXANDER

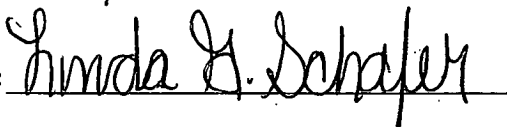


WILLIAM VOYLES



GARY FENNER

ATTEST:



LINDA G. SCHAFFER  
CLERK TREASURER



SELLERSBURG TOWN COUNCIL

May 12, 1997

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

Called To Order

President Eddings called the regular meeting to order at 6:36 p.m.

Prayer

The prayer was offered up by Rev. Dale Offutt.

Minutes Of Last Meeting

President Eddings stated that everyone has had a copy to the minutes from the Executive Session and the Regular Meeting on April 28th and had a chance to review them. I'll entertain a motion to except the minutes as presented.

Council Member Voyles stated, I'll make a motion to except the minutes from the April 28th meetings.

President Eddings stated that the motion was made by Bill, do I have a second?

Council Member Alexander stated, I'll second.

President Eddings stated, seconded by Ken is there any discussion? If not signify by saying I opposed nay. I's have it.

Vote 4-0

Gina Brooks Mooney Request Sewer Adjustment

Gina Brooks stated, I came to talk to you guys about my water bill. We had a water line break I guess in January sometime and by the time we got the bill it had already been a month and a half and we were in the flood then and they we were in cold weather. It has been fixed now but we are talking about 3 1/2 months running around 350.00 each month and I brought a print out of my regular bill of the amount of what they normally are compared to what they went to while the waterline was broken in hope that we could write off the sewer charge since the water never ran through the sewer. I have a cut off for tomorrow for 500.00. I have told them what is going on and I sent them 150.00 last month to cover the water portion.

Vice President Broady stated, you are asking for an adjustment on the sewer?

President Eddings stated, Just sewer.

Ms. Mooney stated that you can adjust the water if you want to, but it is just the sewer I'm asking for.

SELLERSBURG TOWN COUNCIL  
REGULAR MEETING  
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Page 2.

Vice President Broady stated that I would like to make a motion that we adjust the....  
Joe are you familiar?

Joe Goergen stated, yes.

Vice President Broady stated, ok, you think we should adjust the sewer?

Joe Goergen stated, yea.

Vice President Broady stated, I'll make a motion to adjust the sewer back to a normal  
monthly billing.

Council Member Fenner stated, I'll second it.

President Eddings stated, motion made by Dave seconded by Gary any further discussion  
if not all those in favor signify by saying I opposed nay. I's have it.  
Vote 4-0

Joe Goergen/EMC Presents Invoices for Meter Deposit Refunds, NSF, Sales Tax

Joe Goergen stated, I've got the invoice for this month on meter deposit refunds,  
NSF checks and monthly sales tax and also repairs to the channel monster. Those  
Channel monster repairs are eligible for FEMA.

Council Member Fenner stated, the whole thing?

Joe Goergen stated, well, it's all eligible. How much they choose to....

Council Member Fenner stated, you don't know how much they are going to pay out. OK,  
that was my question.

Clerk Treas. Schafer stated that there is a 1000.00 deductible.

Joe Goergen stated, that's the insurance.

Clerk Treas. Schafer stated yes, I know.

Joe Goergen stated, the 1000.00 deductible is on the town's insurance.

Clerk Treas. Schafer stated, right.

Joe Goergen stated, but FEMA has a 12 1/2% town match.

Joe Goergen/EMC Gives Revenue Report For Two Weeks(4-28) To(5-9)

Joe Goergen stated, ok, that the revenue for a two week period of 4-28 to 5-9. OK,  
I've got a request to purchase a flow meter which was damaged in the flood and is also  
FEMA eligible. The one that was there was submerged under the water and is not re-  
pairable, a replacement one for 4450.00.

Vice President Broady stated that he would make a motion we accept the recommendation  
of the flow meter.

TOWN OF SELLERSBURG  
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Council Member Voyles stated, I'll second that.

President Eddings stated that the motion made by Dave, seconded by Bill any further discussion. There is a motion on the floor and seconded, all those in favor signify by saying I, opposed nay. I's have it.  
Vote 4-0

President Eddings stated, ok, I have the invoice for NSF checks, March sales tax, and quarterly sales tax and meter deposit refunds from EMC totaling 5699.01 and also the repair for the channel monster 344.98. I'll entertain a motion to except both invoices as presented.

Council Member Voyles stated, I'll make the motion to except both invoices.

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

Vice Pres. Broady stated, I'll second.

President Eddings stated, seconded by Dave, is there any further discussion, if not all those in favor signify by saying I and opposed nay. I's have it.  
Vote 4-0

President Eddings stated that the building commissioner isn't here tonight. Do you have anything Dave?

Vice Pres. Broady stated, no.

#### Council Member Fenner Addresses Council Concerning Open House

Council Member Fenner stated, I would just like to emphasize that tomorrow evening is the open house here at the town hall and also at the police dept. and also at the fire dept. and at our sewer wastewater treatment plant and we are inviting the citizens to come in and see the buildings and to see you know and to let people answer questions any questions they have about the town, its just the way of us trying to make government more open and let you know more about us. Tomorrow morning we're going to have about 84 fifth graders coming up and they are going to be going through the fire dept. and the town hall, and the police dept. in groups of three, one will be going through each place and we are looking forward to that. That will be interesting but anyway I want to extend an invitation to all of our residents to participate in this. Then the other thing, that I would say is that we hope to have the town swimming pool open by Memorial Day weekend. It is going to be very close. wether. We will get it there at this point in time. We hope we are going to make it. We have also begun the process of investigation if there would be any possible state grants available for us to replace the swimming pool. The swimming pool is almost 30 years old and it does not meet federal safety standards and our diving boards... we have already taken down the high dive and we cannot put it back up and the current low dive as soon as it becomes unuseable we are not allowed to replace it and then we won't have a diving board at all because the federal standard has changed and you have got to have such a big pool, a certain amount of dimensions to qualify and plus the pool is almost 30 years old and it has been maintained for the most part for those 30 years by volunteer labor and people have spent hours and hours giving their time up there and that's been a great thing but at the same time there has been a lack in some areas where it hasn't been maintained like it should have been and so there are some maintenance problems because of that but like I said we are not... we are just looking, beginning the

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process of looking into possibilities of state grants to help us to do that and it's probably at least two to three years down the road if we ever do it, but, anyway like I said if all goes well we will be open a week from Saturday, Memorial Day Weekend. I think it's the 24th, but to be honest with you right now I don't think it's going to be warm enough for anyone to go swimming, but I'm sure there will be kids over there. That is all I have.

President Eddings stated, Bill?

Council Member Voyles stated, not a thing.

President Eddings Presents Invoices From Jacobi, Toombs, and Lanz

President Eddings stated, I have got a couple of invoices here for Jacobi, Toombs and Lanz. One is on the storm sewer retention basin project where we had gone ahead and given ok for the engineering to go ahead and get started on the retention basin. So far in the engineering to go ahead and get started on the retention basin. So far in the invoice for 5884.00 for preliminary design 8% of the final design or 30% of the preliminary design. The invoice is for 5884.00. I'll entertain a motion to pay the invoice as presented.

Vice President Broady stated, I would like to make a motion to pay the invoice as presented.

Council Member Voyles stated, I'll second.

President Eddings stated that a motion was made by Dave seconded by Bill, is there any further discussion, if not all those in favor signify by saying I and opposed nay. I's have it.

Vote 4-0

I also have an invoice for inspection of manholes and construction at River Valley. It's for going over areas with Mark Warren and Ken Alexander and inspection of possible construction sites on Alabama Ave and processing claims. That's the River Valley project. I should say. Is that right John?

John Toombs stated, no.

President Eddings stated, It's the River Valley Contract. I thought we had a new place in town we didn't know about. The invoice is for 450.00. I'll entertain a motion to pay the invoice as presented.

Council Member Alexander stated, I'll make the motion to pay the invoice.

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

Vice Pres. Broady stated, I'll second it.

President Eddings stated, seconded by Dave, any further discussion, if not all those in favor signify by saying I and opposed nay. I's have it.

Vote 4-0

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President Eddings Presents Letter To IDOT

President Eddings stated, ok, the last thing I have is the town council has prepared a letter to the Indiana Dept. of Transportation in Indianapolis also to go with the letter. The Sellersburg Speed Ministers Administration has also prepared a supplemental letter asking for some help to get some turn signals and turn signal lanes at the 60 and 311 intersection where we have had a considerable amount of accidents the last couple of years. These two letters we would like to go ahead and get them in the mail but if there is any other organization in town that would like to supplement these letters with a letter of their own just to show additional town support we would be more than glad to have them. We hope that this may get some attention with some people in Indianapolis and that it may help us get this problem corrected as quickly as possible.

Clerk Treasurer Schafer stated that she would like to thank Chief Kinder for preparing that letter.

President Eddings stated, yea, it was very well written. OK, Linda if you would like to hang on to this for a couple of days I will get ahold of the school board and see if they want to supplement it. OK, that's all I have, go ahead Ken.

Council Member Alexander Addresses Bridges/ Lake Side Subdivision

Council Member Alexander stated, I only have one thing, the last meeting that we had on the Bridges subdivision. We approved the change of agriculture to R1 but we didn't approve or disapprove the preliminary plan which was approved by the planning board.

President Eddings stated, right.

Council Member Alexander stated, so all this is going to do is allow Bridges to come up with a final plan which will have to have the correction in it that we want but at least that will let him to continue with the project and get the final plan to the planning board and then back to the council for their final approval so I would like to make a motion to approve the Bridges preliminary plan with the changes the council and John Toombs had.

President Eddings stated, a motion on the floor to except the preliminary plan with the recommendation of the town council for the... What's the name of this?

Council Member Voyles stated, Lake something...

President Eddings stated, Lake Side Project. Do I have a second?

Council Member Fenner stated, I'll second it.

President Eddings stated, motion made by Ken seconded by Gary, any further discussson?

Council Member Voyles stated, Mr. Toombs have you made all the corrections to the pond and all that? Has anybody seen the corrections.

John Toombs stated, yes and no.

Council Member Voyles stated, when would we be able to see it?

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President Eddings stated, it would go back to the planning commission.

John Toombs stated, the way the process works is the initial thought would come to you and the planning commission and then they would continue step by step. I would recommend that you go ahead and approve the preliminary plan.

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

Council Member Alexander Addresses Bids on Police Cars

Council Member Alexander stated that the only other thing I have is the bids for the police cars. I talked to Joe and there is one with 62000 miles on it that they could actually make some good use of, could we consider that?

President Eddings stated, so these are the sealed bids we need to open tonight?

Clerk Treasurer Schafer stated, yea, the utility clerks accidently opened, they had 1000's of bills out there today and they didn't notice. They put this in the night drop, so I told Joe, I didn't see it. I had Joe write an explanation. Joe probably saw it.

Joe Goergen stated, no, I didn't look at it.

President Eddings stated, OK, I had a bid, can I tell who it's from?

Clerk Treasurer Schafer stated, yea.

President Eddings stated, Mustofa Rahman, 92 Ford Taurus at 850.00, a 93 Ford Taurus damaged for 570.00, a 93 Ford Taurus 1200.00. Boy, when they say sealed they mean it.

Council Member Fenner stated, I have a knife.

Council Member Alexander stated, pull a knife on the town president?

President Eddings stated, that's a blank sheet of paper, OK, I have it, looks like a combined bill of 7000.00 for all three vehicles and the bid is from Earl Bonnaville/Sharon McKeever Indy Motors.

Vice President Broady stated, I make a motion to take the bids under advisement. I don't know what Joe and Kenny talked about so I make a motion we take it under advisement.

President Eddings stated, there is not a break down of this one at all 7000.00 for the three. This one is broke down, 2620, big difference.

Clerk Treasurer Schafer stated, hold the money until.....

President Eddings stated, yea, anything else, Ken?

Council Member Alexander stated, no.

Chief Kinder stated, can I ask a question? You advertise for bids, they are sealed bids. You put it in the paper and then you can just stop the bidding process?

Clerk Treasurer Schafer stated, how it was published was that the town council has the right to reject any or all bids.

Chief Kinder stated, what I'm getting at is....

President Eddings stated, the bids are closed today.

Chief Kinder stated, I'm not trying to deny Joe a car but what would happen if they did that?

Attorney McCall stated, they would have to reject both bids and then bid them out again.

Council Member Alexander stated, the only reason that occurred was because I assumed a police car would be over 100,000 miles. This car has only 62,000 miles. It probably still has a lot of life to it.

Clerk Treasurer Schafer stated, Carver's car.

President Eddings stated, Linda, it's your turn.

Clerk Treasurer Schafer Presents Report For Pres. Eddings Signature/Storm Drainage Proj.

Clerk Treasurer Schafer stated, I would like to present a report from River Hills Economic Development District to the council president to sign it. It is in reference to the Sellersburg Storm Drain Project.

Joe Goergen Explains B.L. Anderson Bill/Damage to Flow Meters

Clerk Treasurer Schafer stated, Joe on this bill to B.L. Anderson Co that you gave to the council, would you like to explain that particular.

Joe Goergen stated, what this is, this is part of the damage that was done during the flood the flow meters. One has been repaired but the other one needed parts and this is a service call, parts and a labor charge.

President Eddings stated, insurance?

Joe Goergen stated, it may very well be insurance. What is not, I think you submit it to the insurance first and if they don't pay then it's FEMA eligible.

President Eddings stated, so what do we do with this?

Clerk Treasurer Schafer stated, we owe that bill. It wouldn't be fair to B.L. Anderson not to pay the bill. That's my opinion.

Joe Goergen stated, it has been turned into FEMA and it has been turned into the insurance co.

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President Eddings stated, I'll entertain a motion to pay the bill as presented and turn the bill over to the insurance and see what they will pay.

Council Member Voyles stated, I'll make that motion.

President Eddings stated, Bill makes that motion do I have a second?

Council Member Alexander stated, I'll second.

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

Clerk Treasurer Presents Partial Claim For Umbaugh For Review of EMC Long Term Contract

Clerk Treasurer Schafer stated, At the last meeting the town council approved a claim for, it was right at 3000.00. I don't remember the exact amount of that bill. A portion of that bill which was 1614.00 was a water portion of that bill was mailed to one of the council members and either they didn't receive it or it got misplaced and so I had called Umbaugh & Associates and requested that they send another one. It is where you requested Umbaugh & Associates review the long term contract so actually the total of that bill was in excess of over 3000.00. So that is the other portion. I mailed the other that was passed at the last council meeting.

President Eddings stated, OK, this is Umbaugh & Associated work on review of EMC's contract it is a invoice for 1614.00. It should have been paid at the same time of the rate study and I'll entertain a motion to pay the 1614.00 to Umbaugh & Associates.

Council Member Voyles stated, I'll make that motion.

President Eddings stated, I'll make that motion do I have a second?

Vice Pres. Broady stated, second it.

President Eddings stated, seconded by Dave, any further discussion of not all those in favor signify by saying I and opposed nay. I's have it.  
Vote 4-0

Clerk Treas. Schafer Presents Bills for Civil, Water, and Sewer For This Meeting

Clerk Treas. Schafer presented to the council the civil, water, and sewer bills for this meeting for approval.

Council Member Alexander stated, I'll make a motion to approve the bills as presented.

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

Council Member Voyles stated, I'll second.

President Eddings stated, seconded by Bill any further discussssion? If not all those in favor signify by saying I and opposed nay. I's have it.  
Vote 4-0



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Council Member Fenner Addresses Council Concerning ESSROC/Tire Burning

Council Member Fenner stated, one thing that I forgot to mention is that by request of the council I serve on a committee and I can't ever remember the name of this committee concerned citizens I don't know anyway it has to do with the liaison committee between the community and ESSROC and they have been talking about burning tires as an alternative fuel source and they have been having different kinds of meetings with different people in the area. They have already had a meeting with Clark County Commissioners and this evening at 1:00 they began a public meeting at the High School and they would like to meet with the town council as well and explain what they are doing to us. I don't know how you would like to handle it as far as when you want to do that, if you would like to do that but I told them that I would be glad to bring this back to the council. Let me say that the meeting with the Clark County Commissioners lasted over two hours and that was the only thing on the agenda.

President Eddings stated, we could set it up for the 26th meeting.

Clerk Treasurer Schafer stated that we decided not to have that meeting on May 26, maybe June 9th.

Council Member Fenner stated, would you like for me to stress to them that they have a certain amount of time. Part of it, I mean they have a video, a form of presentation with a.....

Ms. Pixley stated, council you know we have been setting here waiting? We have some papers here to bring up.

President Eddings stated, we are getting to you.

Ms. Pixley stated, and you are discussing everything but what we are interested in.

Council Member Alexander stated, and you are not on the agenda.

Council Member Fenner stated, and I'm going to let you go ahead.

Clerk Treasurer Schafer stated, I told her to bring them to me. I'm sorry, I mean it's not an uncommon practice. I talked to Darlene Popp today and I told her to bring them to me and it's not an uncommon practice to not have someone on the agenda.

President Eddings stated, go ahead Miss Diefenbach.

Ms. Diefenbach stated, the first thing that I want to say is that I have some papers here that are signed by the people that live in Speed. There is 113 names and of course they will not count but they went ahead and signed it to tell you how concerned they are and how they feel. They feel like they have been left out. They would like to be more of a part of it and so that's what that represents. I would like to say that Mrs Blessinger has worked so hard on this, she is not here tonight but she deserves a lot of credit because we have had an awful lot of people help and one of the stories that has come to us another group is doing this and they are asking for money and we don't want any money so everybody that we talked to was very cooperative and very nice. The people that signed it that are in town there is 686.

President Eddings stated, is there anything else?

Council Member Alexander stated, I just want to thank your group for sticking my kids with 1.57 a month. I know you only think it's 50000. but it's a 1.57 a month on their water bill and next time we go in for a raise it gets the children of Sellersburg the people nothing. The 50000. for preparing a bond I wish we could have talked a little more and made it understandable but apparently everytime we go to that IURC and it is documented through the past we pay 1.57 for that I'm talking.....

Ms. Diefenbach stated, I'm listening.

Council Member Alexander stated, and I just wanted to thank you all.

Ms. Diefenbach stated, I just wanted to say I talked to the IURC twice.

Council Member Alexander stated, as long as you understand the next time there is a raise there is a 1.57 a month on anything. We have a 1.5 million dollar capital improvement program that pays for nothing.....nothing.

President Eddings stated, OK, you all can talk later.

Council Member Alexander stated, well, I want that on the record.

President Eddings stated, I's there no other business.

Attorney McCall stated, we need to stamp the petition today that it has been filed.

Council Member Fenner stated, I might say I talked to Richard Jones in the circuit court and the way he explained it to me is that it wouldn't be eligible to be on the referendum until next May.

Attorney McCall stated, It doesn't say a special meeting.

Council Member Fenner stated, so we have to wait a year before it's on the ballot.

Ms. Diefenbach stated, did I hear you say it would not be on the ballot this fall.

President Eddings stated, It will be next May, we said at the next election.

Council Member Fenner stated, I called the clerk of the court that's what I was explaining and the next election is May, so it will not be on the ballot until a year.

Clerk Treasurer Schafer stated, I't will be hard to read some of these names.

Council Member Fenner stated, why do we need to receive it, why don't we just go ahead and apply for a rate increase and wait for the referendum.

Council Member Alexander stated we can go ahead and reject it get our filing done with the rate increase, get that over with. I mean, we are talking a year and then start the process back over in Jan. or February.

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Council Member Fenner stated, I would rather us do it a little differently, I would rather us go ahead I want it to be on the referendum. I mean they have the signatures. We shouldn't make them go through that all over again.

Attorney McCall stated, that can be as complicated or it can be as simple as you want to make it. We can go behind and check these things, but it needs to be certified. The petition to get on referendum has to be turned in within 60 days period.

Council Member Alexander stated, we can also next January. We have to opt to go through petition sign we can opt to put it on the referendum. We don't have to go through the petition.

Attorney McCall stated, what your talking about is rescinding this ordinance, then going to the URC for the rate increase, and then letting it go to the referendum in May.

Council Member Alexander stated, I'll make a motion that we rescind the ordinance, whatever it is.

Clerk Treas. Schafer stated, I think they are going to rescind it.

President Eddings stated, no, no we are not.

Clerk Treas. Schafer stated, OK, never mind.

Attorney McCall stated, the purpose of today is to <sup>ACCEPT</sup> accept it and file it with the clerk.

Council Member Alexander stated, I just don't want to see them, I mean there is over 600, 700 here. I mean thats double. I just don't want to see them go through a bunch of work checking 700 names. If we can just go ahead and kill it.

President Eddings stated, how many does it take.

Attorney McCall stated 10% less.

Clerk Treas. Schafer stated, there is 3700 and something voters.

Council Member Voyles stated that once you get to the right amount.....

Clerk Treas, Schafer stated, thats double.

Council Member Voyles stated, once you get to the right amount.....

Ms. Diefenbach stated, are you going to be getting out of the IURC or are you going to be staying in.

Council Member Alexander stated, we'll be staying in and we.....

Ms. Pixley stated, well then why did we go to all this trouble.... you told us.

Council Member Alexander stated, no, we went through the trouble.

Ms. Pixley stated, you told us that if we got those signatures that.

Council Member Alexander stated, we need a water raise. I told you all that too. ok, we tried to do it a nicer way.

Ms. Pixley stated, there is nothing your doing that's nice. The whole bunch of you are just working against the people of Sellersburg.

Council Member Alexander stated, no we are ma'am we are working for the people of Sellersburg.

Council Member Fenner stated, the bottom line is that it will be on the referendum.

Vice President Broady stated, I make a motion that we adjourn the meeting.

President Eddings stated, we have a motion on the floor to adjourn the meeting.

Council Member Voyles stated, I'll second.

President Eddings stated, motion made and seconded any further discussion?

Ms. Diefenbach stated, I would just like to say.....

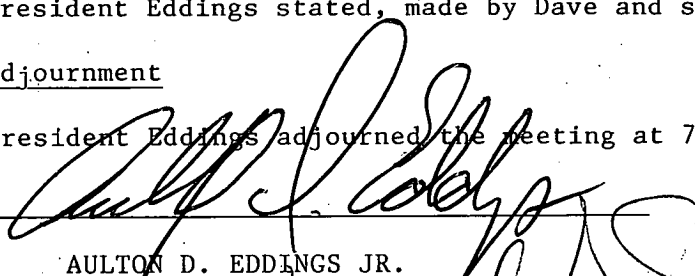
Attorney McCall stated, there is a motion, you are out of order, motion to adjourn.

Council Member Fenner stated, adjourn it, adjourn it, adjourn.

President Eddings stated, made by Dave and seconded by Bill and those in favor say I.

Adjournment

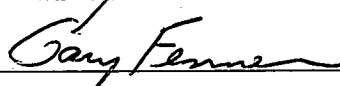
President Eddings adjourned the meeting at 7:20 p.m.

  
AULTON D. EDDINGS JR.

  
DAVID BROADY

  
WILLIAM VOYLES

  
KENNETH ALEXANDER

  
GARY FENNER

ATTEST

  
LINDA G. SCHAFER  
SELLERSBURG CLERK TREASURER

SELLERSBURG TOWN COUNCIL

09  
June 18, 1997

EXECUTIVE SESSION

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

Called To Order

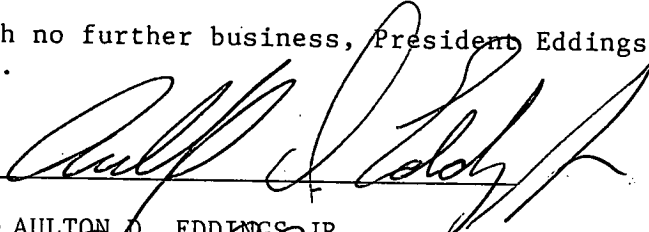
President Eddings called the executive session to order at 6:02 p.m.

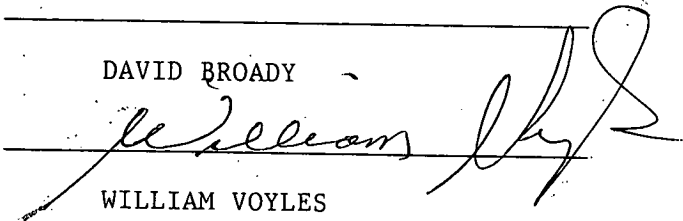
Topics of Discussion

Lakeside Subdivision  
Cracker Barrel/Harrison Group  
Oak St. Apartments  
Ran Paige/New Sewer  
Census Bureau/Report  
Garbage Ordinance  
Rezoning Mr. Bridges Property  
State Board of Accounts/Water & Sewer Tap Fees  
Water Rate Increase  
Records/Kinder- State Police Response  
Sewer Tap Notice  
Water Line At McDonalds  
Sanitation Worker Injury  
Additional hours for Part-time Deputy Clerk

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:35 p.m.

  
AULTON D. EDDINGS JR.

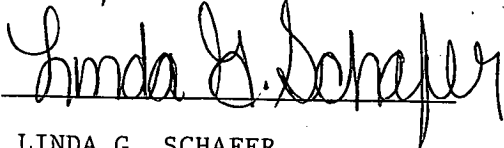
  
DAVID BROADY

  
KENNETH ALEXANDER

WILLIAM VOYLES

  
GARY FENNER

ATTEST:

  
LINDA G. SCHAFFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

JUNE 9, 1997

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

Called To Order

President Eddings called the meeting to order at 6:39 p.m.

Prayer

The prayer was dispensed with for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

President Eddings stated OK I think everyone has had a copy of the minutes from the May 12, Executive Session and the May 12, regular meeting minutes I'll entertain a motion to except the minutes as presented.

Council Member Alexander stated I'll make a motion that we except the minutes as presented.

President Eddings stated motion has been made by Ken do I have a second.

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill is there any discussion on the minutes if not all those in favor signify by saying I opposed nay the I's have it. I was supposed to do the public hearing first, wasn't I ok at this time at 6:40 we would like to open the Public Hearing for the ordinance to amend the sewer tap in fees is anyone here on behalf of the public hearing.

President Eddings open Public Hearing/ Increase of Sewer Tap-In Fees and Ordinance 97-664 for discussion.

Ms. Pixley stated I would like to say something about that if I could I have not been in on this but I have read about it. On this tap-in fee is this money going to be strictly used for the sewer part or is it going into a general fund?

President Eddings stated Basically it is sewer fund money it is spent for sewer Capital Development up keep.

Ms. Pixley stated all of it.

President Eddings stated well, Dave would you like to answer that, there are situations where you can borrow money back and forth between Water Department and Sewer Department you pay it back and forth.

Ms. Pixley stated Is this going into EMC pockets?

President Eddings stated No its the towns.

Ms. Pixley stated It's defenitely not going into EMC.

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President Eddings open Public Hearing/ Increase of Sewer Tap-In Fees and Ordinance 97-664 for discussion.

Vice President Broady stated EMC.

Ms. Pixley stated that is the sewer people what ever you call them.

Vice President Broady stated No its not going there.

Ms. Pixley stated well are they collecting the money right now?

Vice President Broady stated the tap-in fee yes they are.

Ms. Pixley stated they are collecting the money?

Vice President Broady stated they are handling on behalf of the town the same as you pay your sewer bill you pay a tap fee they collect that money and hand it to Ms. Schafer that is the way it works.

Ms. Pixley stated the tap-in fee will too?

Vice President Broady stated yea it is right now, But I don't understand what that has got to do with...

Council Member Alexander stated they turn that money over to the town they don't keep that money themselves.

Ms. Pixley stated this is what I'm trying to find out do you have any way of recording what they do get in?

Council Member Fenner stated yes.

Vice President Broady stated it is no different in what they are doing than if we had 2 girls employed by the town or somebody sitting there doing the same thing it is the same difference.

Council Member Fenner stated they work for the town and they turn the money in.

Ms. Pixley stated they work for themselves they are contractor's aren't they? They're contractors.

Council Member Fenner stated they are contractors they work for the town.

Vice President Broady stated Ms. Pixley are we trying to make a point here or something?

Ms. Pixley stated no I'm not what I am trying to find out is how much control do they have.

Vice President Broady stated they have the same basic control, I mean the state board of Accts. comes down we have an audit.

President Eddings stated the only money EMC get's is the money the pay check we pay them to manage our utility system that is it.

Ms. Pixley stated plus all the...

President Eddings stated no they don't get anything else nothing else which they have managed our utility system 150 times more efficiently than any of the town board ever has it shows up in the books.

Ms. Pixley stated there is an awful smell back there I don't know how they're manning it so well.

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President Eddings open Public Hearing/ Increase of Sewer Tap- In Fees and Ordinance 97-664 for discussion.

Ms. Pixley stated you shake your heads but if you were back there and you had to smell it you would be shaking your heads more.

President Eddings stated is there any other comments on these tap-in fees? OK the Public Hearing is now closed for Sewer Tap-In Fees.

Vice President Broady stated I would like to make a motion that we except ordinance number 97-664 on the second reading.

President Eddings stated motion is on the floor to except ordinance number 97-664 made by Dave do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill any further discussion?

Clerk Treasurer Schafer stated I have one thing where it says that the Sewer Department shall calculate the actual average and shall adjust the tap fee accordingly. Is that not the responsibility of the Chief financial officer? That is the only problem I have. I don't have a problem with it reading that they can calculate but as far as adjusting the tap fee accordingly that probably should be done by the Chief Financial Officer or at least reviewed.

President Eddings stated I don't have a problem with the review.

Attorney McCall stated and what is the basic of that?

Clerk Treasurer Schafer stated well this is a form of a revenue that comes in the sewer utility and I feel that the chief financial officer of the town should have some responsibility in reviewing.

Attorney McCall stated well I would say that would be fine if you were still the utilities Billing Clerk.

Clerk Treasurer Schafer stated but if it becomes my responsibility after the 20th and its written like this...

President Eddings stated Ordinances can be amended.

Attorney McCall stated then it would have to be amended if that changes.

Clerk Treasurer Schafer stated but I brought a point now so it wouldn't be a problem.

Attorney McCall stated I... my suggestion is to pass the ordinance.

President Eddings stated any further discussion ok I've got a motion on the floor and seconded I'll call for a vote all those in favor signify by saying I opposed nay the I's have it.



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Jim Zoeller from the Niece Group addresses the council members to introduce himself and his company and the services he offers.

President Eddings stated OK Jim Zoeller Hi.

Mr. Zoeller stated we are a new group located on Hwy 60 and old Hwy 60. We are insurance brokers. We represent about a number of people in St. Matthews Lexington a couple of people in Ohio and we would like the opportunity to introduce ourselves. I called Linda and she suggested that we get back in touch with you to introduce ourselves. I'm Tim Zoeller and I currently represent about 30 to 35 groups in the area I represent the town of Corydon. The whole idea of this is to represent a smaller group of people who don't have the where with all to set up an organization to address the issue I have done this for 25 to 30 years; with international Harvester in Louisville and 15 years with them in Chicago so having moved back here I have taken it upon myself to represent smaller groups of people. I used to represent the town of Charlestown until they recently elected a mayor. What I would like to do is, I would like to give you this it shows the various areas that we do represent. There are 125 or so Insurance Companies that we broker for. There is not only property cash but life and health long term care. In order to represent you first of all we need to sit down and find out what are your needs and then research it. Whether you go through your insurance company or if you go through a broker normally it cost. What we intend to do is research the market thoroughly to find out which is the best. Linda said she wasn't going to be here tonight.

Clerk Treasurer Schafer stated I couldn't resist...

Mr. Zoeller stated whenever you would like to address this. Do you currently... is your insurance up for bid?

Clerk Treasurer Schafer stated I think there is another year on that and it's in July or August.

Mr. Zoeller stated is it given up for bid to whoever has the lowest price or best service.

Clerk Treasurer Schafer stated the council normally reviews each individual one to see which one... It may not necessarily be the lowest premium but the quality.

Mr. Zoeller stated is that done at a specific time of the year?

Clerk Treasurer Schafer stated yes, life and health was April 1 and our property casualty is July or August every 3 years. This is the second of 3 year policy.

Mr. Zoeller stated we like to start 3 or 4 months in advance and I would appreciate the opportunity to participate.

President Eddings stated OK Mr. Wells...

Tim Wells owner of T.M. Wells Evaluations addresses the Council Members concerning appraisals of town properties.

Clerk Treasurer Schafer stated he has rescheduled, he is on the next meeting.

Tracey McGuffey addresses the Council Members concerning her dad parking his Semi Tractor in the driveway and the weight ton limit on Nevada Dr.

President Eddings stated Tracy McGuffey

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Tracey McGuffy stated I'm here for my father Frank White.

Mr. White stated basically its really simple I live over in Hill-N-Dale on Nevada and I have lived over there for 20 years I'm a truck driver and I used to drive my truck in and out of there all the time for a couple of years and I had no problems and then all the sudden the police here in town said I would have to move because we had a complaint out there of some one who had recently moved in. And they no longer live there. The truck is brought in off of St. Joe Rd. which is an 8 ton weight limit and I only use like 2/10 of a mile of St. Joe Rd. to go where I live. I live like one block over and it is a hard ship on me because I haul for UPS and when I come back in at various times I have to park at McDonalds or some place like that I either have to walk home or somebody has to come and get me so, I'm requesting a waiver or a special permit so I can drive in and out to my house. The truck is never left running to bother any neighbors and when I come in I generally coast in and shut it off so I don't bother anybody and its a new truck its a freight liner. So basically I'm asking for is some kind of permission to where I can go home with out a hard ship on me having someone to come get me or walking home in the middle of the night. Now like I say I have lived out there over 20 years and previous trucks I have had I have drove in there and I never had one complaint but...

Council Member Fenner stated Is it just the tractor?

Mr. White stated Just the tractor...

Council Member Alexander stated I didn't recognize the name but I live next to him for 10 years.

Mr. White stated I only use off St. Joe Rd. there where I turn to get to my house is like 2/10 of a mile. And I'm not in every day it's maybe a couple time a week. The truck is never set there idling to bother the neighbors or nothing. I think basically what they where complaining about was over weight to drive in there but the Chief of Police said there also something in there about that weight that it was like it wasn't all in one spot in the street it's kind of all distributed out so there is not all that weight on it. It probably doesn't weigh near as much as the truck that picks up the trash.

Chief Kinder stated the complaint originally was the weight which he was over the 6 ton limit. The last council made an exception on Terry Lane, and we have another one on Edgeland and he is going to ask to...

President Eddings stated that is the only problem that I see we put the weight limits into effect to try to keep the Semi tractors off the local road and if we start granting variances whats going to happen is everbody that has got a truck they are all going to want a variance 2/10 of a mile the next will be 3/10 the next one is going to be a 1/2 mile and everybody going to say you gave it to this guy but you didn't give me one.

Mr. White stated it was my understanding that there was somebody here in town that had been granted permission.

Council Member Fenner stated that's already been done.

Clerk Treasurer Schafer stated that was when Roy Everitt was on the board, the Gillen Water Subdivision.

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Tracey McGuffy addresses the Council Members concerning her dad parking his Semi Tractor in the driveway and the weight ton limit on Nevada Dr.

Vice President Broady stated if you get a letter from your neighbors stating there's no problem then we can exempt or somehow or another give you an exemption without changing the weight of the street.

Council Member Fenner stated would that be a problem to get that?

Mr. White stated not that I know of.

Vice President Broady stated I understand your side of it, if your neighbors don't have a problem with it I don't think the mans truck is going to damage the road with the restriction that it won't set there for days or something like that.

Mr. White stated I talk to some one that lives next door and they said we never had a complaint. But we had some people that moved in over there that just tore the house up. And I don't know but they may have been the ones but they're not there any more but I never did have no complaints from anybody and you know when I go in over there I'm real cautious and real quite and I don't leave the truck run and I mean its... When I start it up I'm gone and I just crawl right out of there so I don't think I really did bother anybody.

Council Member Fenner stated do you park it in the street?

Mr. White stated I can park in either place, I can park it in my yard or on the street but I generally get it off the street but it is a nice truck it's kept clean. Well it's a brand new truck.

Chief Kinder stated thats the only other thing that the council should consider is the width, the weight is not going to hurt anything and what he is doing parking it off the street is a real good idea because if you put a car right straight across from it the we really have a problem but I mean as far as the weight there is no problem I mean the street as long as they just park the tractor and they don't let the tractor run I think that should be in the ordinance too.

President Eddings stated can we type up an ordinance that would cover a situation like this and in the mean time go ahead and give him verbal consent and let him continue.

Chief Kinder stated that is the only one we had no one had ever complained about this before it's not a problem.

Mr. White stated well you know all the policeman that come out there they always told me as long as your neighbor aren't griping we will never say anything to you and I never had no trouble there for 2 years or so but I got a new neighbor...

Council Member Alexander stated what is the weight of just the tractor?

Mr. White stated it's probably about 18 thousand it's a little over 6 ton I mean 8 ton.

President Eddings stated that sounds like a winner to me. Go ahead an park your truck there and we are going to try create an ordinance that will address that particular type of issue.

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Mr. White stated so your saying that it's ok to go in there now.

Council Member Fenner stated as long as the neighbors don't have a problem is that what we are saying the neighbors have to agree to it, if the neighbors have a problem with it...

Mr. White stated so do you want me to go ahead and ask them around there if they have any objections?

Council Member Broady stated it would probably be to your benefit we are going to get an ordinance and try to get something squared away.

Mr White stated alright I thank you.

Carol and Steve Overton and other residents addresses the Council Members concerning the widening of Oak Street.

Mrs. Overton stated we are here about the widening of the road on Oak St. They are wanting to widen the road and all the neighbors here don't want that. If they do widen it the road will be 5 ft. from my bedroom window and we really don't want all that traffic it would be like opening a free way up.

Council Member Voyles stated do you have any problems with you coming out and meeting each other.

Mrs. Overton stated we just pull over.

Council Member Voyles stated you pull over?

Mrs. Overton stated yea we just pull over and let the other guy through.

Council Member Fenner stated how many units are they building, is it like 6?

Mrs. Overton stated 3 duplexes.

President Eddings stated so there will be 6 new residents and each of them will have a car or 2 cars so you figure you are going to add traffic to your street.

Council Member Alexander stated I meet with the people at Oak St. and I meet with the contractor Bob Missi and I think we've got a compromise so that we can agree to have an agreement that in me year after these building are complete if the street needs to be widen he will still be opligate to widen the street that will give us a year to see what the traffic is like out there and to check with the police department. I think we will be able to make a better discussion about whether to widen it or if the residents say we've had no problems and we hadn't seen any problems to widen it.

Carol Overton stated right now there is a two way stop.

Council Member Alexander stated we stood out there and it needs to be a 4 way stop.

Council Member Fenner stated are you guys satisfied with what Ken was talking about as far as a one year waiting period to evaluate them.

Resident stated yea we agreed to that.

Resident stated I live on New Albany and he loaded that equipment for the flood wall and he was going to fix street, he tore it all up and after he got all done he left so we had to fix the street. I said I didn't want to do it and he said your property is standing good for it and it was put on our taxes. I'm afraid that is what is going to happen here. The city had to fix it and when the city did they added it to my taxes.

Council Member Fenner stated we will have this contractor under contract that he will be required that if it needs to be done he will do it at his expense we will have it under contract is that correct?

Council Member Alexander stated he did have one piece of equipment that we were worried about and in talking to him that equipment will no longer be needed to be used and everything from here on out is rubber tires so...

President Eddings stated yes sir.

Resident stated what I want to say is it's not only on Oak St. it's over on the other street too which is called Haas St. You not only need to tell this man he is responsible for Oak St. but he's also responsible for Haas St. because they're running on both sides. My opinion is he is going to build a road there. We have talked to this guy and he needs to respect what these people here has lived for, for 20 years or more. I have been there for 3 years and I'm going to stand up for these people.

Resident stated If he is going to take this equipment let him Build a Temporary road out of gravel and bring the equipment in that way. The other side he has been bring equipment in and it's not going to show up now but when the time comes, who's going to pay for it? Nobody because we can't get a hole patched now I called and could'nt get ahold of nobody I had to take concrete down there and pour it in a hole to keep from busting tires. I agree with this guy I mean it is going to go in whether we like it or not but lets have some kind of protection . These people have lived there for 20 years and thats what I say. My opinion may not go very far but you should respect these people. Respect these people here who have been here for 20 years and thats all you will hear from me.

President Eddings stated thank you sir, ok the Harris Group.

Council Member Alexander stated well have Perry draw up he has got the spec's as far as what he's going to write I'll have him get a hold of you and well get something drawn up for what he is responsible for one year after he is completed.

Carol Overton stated after that year we'll find out whether he want's to build or the city want's to build a road will you contact us and let us know?

President Eddings stated right, that's part of that we have to do that.

Council Member Alexander stated ater a year of residency we're going to know whether...

Carol Overton stated we were not notified they came out there spray painting our garage.

Council Member Alexander stated I did that, he was going down to get spec's on how to widen it and he must have called for locates. And that's why.

President Eddings stated now, the Harrison Group.

The Harrison Group/John M. Beams Vice President and Less Taylor in reference to Crackerbarrel.

John Beams stated that is the Harrison Group, Thank You first let me express my appreciation to the residents for their patience and to thank the Council for giving

The Harrison Group/John M. Beams Vice President and Less Taylor in reference to Crackerbarrel.

me the opportunity to be here this evening. The Harrison Group is excited to be in agreement with Crackerbarrel restaurant and other interstate developments. We meet with the planning and zoning board a couple of weeks ago, and presented what we wanted to request and suggested for that particular inter change. My name is John Beams and I represent the Harrison Group. The Crackerbarrel associate Less Taylor sincerely express his regrets for not being here this evening his wife was put in the hospital at 11:00 this afternoon and he was unable to make the trip to be here this evening. He wanted to be here to represent and he thought it would be a good opportunity for Crackerbarrel and the Harrison Group to come to Sellersburg. They should call you this week to reconfirm their interest for this area. We presented this a couple weeks ago our request. Is there any questions you might have regarding this request in the development of Crackerbarrel. What we are trying to do in this point of time is take Crackerbarrel which has been North, South, East or West and put a package together for them that is I guess that may meet their price per square foot. And that's what we are trying to do at this time and try to make this a reality for Sellersburg and I would like to make our compliments to many of the staff members of Sellersburg for their strong effort to make this occur, for their interest and excitement about Crackerbarrel. I do not and I am not representing Carckerbarrel necessarily I want to make that perfectly clear. We are excited about what your excitement is and the excitement of what Crackerbarrel is and trying to put the pieces together to make it happen and I'm prepared to answer any questions that you have and to tie the 1-2-3's to make this process occur which is going to be good for you, good for us and good for Cracker Barrel.

President Eddings stated does anybody have any questions.

Vice President Broady stated it's hard to give an answer unless if we have closer figures. Is there someone that is with Cracker Barrel that can give us this figures.

John Beams stated what we are trying to do is Cracker Barrel has gone to a transition over the last couple of months with a new president that come from Dardin Foods and said ok we are looking between 2.75 acres and 3.25 acres. So they said ok lets look at this there are probably 8 or 10 potential designs for the sight 2 tier parking in the back and one on each side and looking at the structure here and trying to accommodate number 1 the set backs required the property at Dairy Queen and the insurance company with the ends and outs. We have looked at one lay out that gets us a, a front and back one tier parking and their spreading the parking in this direction toward the insurance company and predominate toward the exit. That is the lay out which you have. We have said to them that this is a lay out that we think fits with the realignment of Triangle Dr. and giving them the Island effect of their facility the, front porch faces the interstate if you look at the drawing there. You walk out in front of the restaurant, you would see the exit of the interstate that is their front door that is required. Then the number of spaces that is required for that particular facility. They are looking at I-65 in Sellersburg as a primary rotation. Primary meaning a 3 acre site. So that is maximum seating maximum parking for individual vehicles as well as R.V. and Busses. They are looking at this as a major destination type of Cracker Barrel. So in order to do that we have to take what we, what you and what the land owners want to put together. It's 2.95 or 3.2 with the angle of entry way off of 31 to get to the Cracker Barrel. Our request is that you consider we are waiting to purchase two additional properties beyond the Adams property and beyond the Broady property those two properties are the Taylor and the Andres properties. Were we could close that road

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The Harrison Group/ John M. Beams Vice President and Less Taylor in reference to Cracker Barrel.

way and the reason being is if we take the prorated cost of development and if we don't add that into it with the option to sell that property for a hotel or some other development in the cost per square foot that Cracker Barrel pays doesn't make sense. Once you get beyond the 6 and 7 dollars per sq. ft. they can go some where else. We are trying to keep it down to a level to where is's going to work. So we would like the option to say number 1 we want a real line, number 2 we want the opportunity to close. We want to put those two together with our option to purchase those once we purchase those then we say may we close that drive. We know as a town you don't have the opportunity as the county does to present some packages or whatever. We are trying to make it kind of fit for everybody both for the land owner, both for the developers and... We are not saying thats it, were saying please consider which areas or parameters are you able to work within and the land owners to make this happen. And again Less Taylor who is the Cracker Barrel, just return from a convention in Las Vages and said Sellersburg is, I know they have been here before and I know they looked at exit 7 and I know I've been in business for 20 years in Southern Indiana and Louisville but I think you have to look at the opportunity in front of you and say there is a viable chance that, you don't go out on a limb too much, this tree will grow for Sellersburg for Cracker Barrel and the interest involved here not only myself our group the Harrison Group but also the Broadys the Adams and making value of what some of these families have built over the years, that's what we are looking for and hopefully answering any questions you might have.

Council Member Fenner stated two questions about Triangle Dr. one is if you do close it you are still assuring us that Dairy Queen and the insurance agency will have entrance and exit so that their business will not be effected, Is that correct?

John Beams stated Dairy Queen already has one yes and in discussions with the Insurance Company because of some of the discussions they have had in the past with hand shakes, we will follow through with the hand shakes that Mr. Adams has set with the Insurance Company. We guarantee that they have at least their own or a joined entry. We may open that Island up all the way. We'll have to look at it but...

Council Member Fenner stated but that is a yes.

John Beams stated that's a yes, sir

Council Member Fenner stated Thank You, Alright the other thing is when you talk about realigning and or closing which ever one you choose. Cracker Barrel is going to bare the cost of that?

John Beams stated no, we will, the developer.

Council Member Fenner stated the developer will.

John Beams stated Cracker Barrel is looking for a price per sq. ft. plus a development cost to, whatever name we put on this, I mean we are going to put a name on it Sellersburg Crossing or whatever we want to call this, it is the signage that is going to support not only us but Dairy Queen the insurance group or whatever so they can use their advertising to promote this. The signage that we talked about we support two of the major utilities. We are going to do a scientific study based, they are opening 50 sites this year around the county, so their is a scientific magic to the

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signage that they want to do. We are going to support this whole area. And bring more traffic to South, North, East and West. And I don't think that there is any question about Southern Indiana or this enter change.

Council Member Fenner stated I don't think you need to sell us on it, I mean we would be very happy to have you. Our only concern is you know the town we want to negotiate with you but we are strapped as far as cash goes and as to actually put cash into a project, we are going to be limited that way and that is what Dave, I think was refering to we need to have some pretty basic bottom line figures of what this will cost the town.

Vice President Broady stated we would like to give a letter that we will commit to you but until we find out if it's \$5.00 or \$5,000,000 it would be hard to commit to anything and what I need to know from you is what kind of commitment letter are you asking for. I mean there are quite a few items on here. We could go down and check them on this one yes on that one yes no this one, yes on this one, yes on this one, and I don't know if that is what you would really want.

John Beams stated may I make a request that we might take this and make a committee of 3 individuals of the board or whatever or 2 or whatever and say ok lets kind of work through this because I know looking at a sewer connector for the hotel is very critical but lets look at the anchor and that's Cracker Barrel and that is the cost that we have to take back to Cracker Barrel and say this is the cost per sq. ft. I don't know if that is feasible or not but...

Vice President Broady stated at the present time we have the capacity.

John Beams stated the capacity is ok it's not that it's that tap in fee capacity is one thing but 12000 gallons a day on a tap in fee. And I think our request is fairly reasonable considering looking at a tap in fee on a per gallon bases. OK based on a particular year give us 90 days or 120 days and that will be the price. And what that does is initiate, you can say we agree in this which ever point or you can say lets put it back to the committee. A tap in fee I don't think is a major challenge we will go from there. We are excited along with some of the other individuals that want to make it happen.

Vice President Broady stated we would like to see it too,

John Beams stated I understand that sir but that is not our purpose here our purpose was to put something on the table for discussion and that is what we are trying to do. We are excited we can't wait to get to phase 2 and 3.

Council Member Alexander stated I just have one question since the last time we talked. Can we concentrate just on Cracker Barrel? As far as what it takes for Cracker Barrel or are we going to have to look at the whole picture as far as Cracker Barrel, a motel, a store and not really know what the other two are going to be can we just concentrate on what it takes for C.B. And then take the motel C-store.

John Beams stated I think we can do 80/20 that because what happens is if we don't get Cracker Barrel priced down low enough per sq. ft. it doesn't work, But if we work the two and say we put some of that additional cost to the hotel or C-store, over all tap in fees would be on an 80/20, 80% Cracker Barrel, 20% the rest of the project. Because the anchor is Cracker Barrel. Does that answer your question.



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Council Member Alexander stated Yes

John Beams stated Cracker Barrel set their price at based upon there annual sales for the first year. So they have some what of a magic formula that says this is what we will pay on the high side and on the low side. We are not sure of what that magic formula is but once you get beyond the 5 to 5.50 per sq. ft. We are dealing with a situation. if you look at Columbus or if you look at the Hilton Head where ever they purchase Myrtle Beach that was the highest price. We have to deal with those number's and their formula but I can assure you that if you purchase two major parcel in this property and said Mr. or Ms. C.B. or Mr. C.B. its not a thing that could work for them. It has to over ride some of that cost in other parts of the projects.

President Eddings stated We've got 2 members of the board that will set down with you and look at...

John Beams stated the Harrison Group number is 800-555-6887 my partner Clair Patonoid expresses her wishes. She wishes she could have been here tonight but she is on the board at Trinity High School.

President Eddings stated the two member of the board will be Gary Fenner and Dave Broady.

John Beams stated Thanks for the opportunity and lets make it a team.

President Eddings stated Thanks, ok Dave Kinder, EMC...

Mr. Goergen/EMC stated I have a revenue report from May 12th through the 23rd of May and the other one is from May 26 thru the 6th of June. I've got another one I also have an invoice for NSF checks, April sales tax and Meter Deposit Refunds. I've got the monthly report for the month of April I have also printed out a report on some of the projects we have worked on so that you have some kind of idea of where we are. I also included the fema projects. And the fema has paid \$19,096.

Clerk Treasurer Schafer stated But I helped in this.

Mr Goergen/ EMC stated yes, yes the last thing I have is a request for approval on replacement of the water meter program this will be for 200 5/8 meters for 2" meters and 1" meters and 200 remote meters for some of the more unexcessable meters. And they are basically broken into two phases the second phase which will happen later in the year.

President Edding stated there is a \$20,000 project and we have about 70,000 in the thing.

Clerk Treasurer Schafer stated 72,000 at the end of May.

President Eddings stated but this project has been paying back fairly fast.

Mr. Goergen/ EMC stated especially the larger meters and we can make in to how ever many phases we need to. I just wanted you to have the number's in front of you.

President Eddings stated we just used \$40,000 out of that budget.

Mr. Goergen/EMC stated It's just a hand held.

Council Member Alexander stated Is that up gradeable?

Mr. Goergen/ EMC stated Yes

President Eddings stated what was the first 6 month pay back?

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Mr. Goergen/ EMC stated I wasn't able to get that report.

President Eddings stated 50%...

Mr. Goergen/EMC stated like I said the largermeters will pay off.

President Eddings stated OK, does anyone want to put that into a form of a motion at least phase one.

Council Member Alexander stated this will make customers very happy I'll make a motion that we grant Joe the ability to do phase one and two for \$32,999.00.

President Eddings stated motion on the floor for the water replacement meters for \$32,999.00 do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated motion made and 2nd, is there any discussion.

Vice President Broady stated do we want to do phase 2?

Council Member Fenner stated the date on it is September.

President Eddings stated I would kind of like to see phase one done and then bring it back to see where we are at.

Council Member Fenner stated to see if we have the money.

President Eddings stated Yea...

Council Member Alexander stated why don't we split phase one in half alright. I want to amend my motion to eliminate phase 2 to a further date.

President Eddings stated motion has been amended to do only phase one for \$20,299.00.

Council Member Fenner stated and that is with the understanding that we hope to do phase 2 but we need to make sure our finances are in order before we do it.

President Eddings stated OK, I have an amended motion and an amended 2nd. Any further discussion if not all those in favor signify by saying I opposed Nay, I's have it. I have an invoice here for the NSF checks April taxes and the Meter Deposit Refunds in the sum of \$2,614.44. I'll entertain a motion to pay the invoice for June.

Council Member Voyles stated I'll make a motion to pay the invoice for June.

President Eddings stated motion on the floor by Bill do I have a 2nd?

Vice President Broady stated I'll second it.

President Eddings stated seconded by Dave any further discussion. If not all those in favor signify by saying I, I opposed Nay, I's have it. Is that it?  
Building Commissioner.

Building Commissioner/Bob Stewart

Mr. Stewart stated first of all let's talk about the Fire Department, it makes me proud and happy to go to the crusade and represent this community when we were on the air last night around 11:00 and had waited since 2:00 in the studio to get on the air our people were very, very proud and happy to deposit \$46,000 dollars in the name of the Sellersburg Community and I think... I would hope to see 2 newspaper that would take note of that. Because that is the highest total for any fire department in Southern Indiana and I think it is next to New Albany as far as the highest total so we are very proud to represent this community. I have air invoice on the table

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Building Commissioner/Bob Stewart

and requested you to consider it at this time. We had a claim in for the last meeting but you didn't have a meeting thats a good way to avoid paying bills.

President Eddings stated Ah, you caught us.

Clerk Treasurer Schafer stated do you want to go get it. It has propably already been process. It would be acivil check.

Council Member Alexander stated \$745.00 is that enough?

Council Member Fenner stated would you take \$645.00.

Clerk Treasurer Schafer stated it was processed May 23,1997.

President Eddings stated is this the invoice number?

Clerk Treasurer Schafer stated check number we process as we get the bills.

President Eddings stated OK, Dave Broady.

Vice President Broady presented a claim for Storm Water Retention Basin Project.

Vice President Broady presented a claim for estimate number 2 paid to Jacobi, Toombs and Lanz in the amount of \$7,516.00 and made a motion that the claim be approved.

President Eddings stated motion has been made by Dave 2nd by Bill any discussion if not all those in favor signify by saying I opposed Nay, I's have it.

Vice President Broady Presents Project Changes/Airport Fire Station.

Vice President Broady presented project changes in the amount of \$5,375.00 in additional cost necessary to serve the Airport Fire Station that was over the previously approved amount and made a motion to approve the additional cost of \$5,375.00.

President Eddings stated motion made by Dave for additional funding on the project \$5,375.00.

Council Member Voyles stated I'll second that.

President Eddings stated Seconded by Bill any further discussion if there is no discussion all those in favor signify by saying I opposed Nay, I's have it.

President Eddings stated OK, Gary.

Gary Fenner Addresses Letter To The State Highway Department.

Council Member Fenner stated I wanted to mention that we wrote a letter to the State Highway Department about our concerns about the intersection on State Road 311 and 60 and I got a note fax from them that they are going to redo the inter-section and put turnin g lanes and turning light signals in there I was pleased about that but I was a little disappointed that they didn't give a real firm time frame when they are going to do that I hope it's not going to be the next century. I wanted to I mean we are on a roll here why not talk to them about widening state road 311 all the way , I think 4 or 5 years ago the town council had discussed that. Roy Everritt had made some efforts to do that. There is alot of development there is alot of development there is alot of traffic and I would like for us to at least be even with the ball game or a step ahead in stead of waiting until they have to do something and I wondered if we would like to do that.

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Council Member Alexander stated It's not going to hurt it's in some sort of plan some where.

Council Member Fenner stated since there has been an explosion in growth there and the fact they are doing the intersection any way I wonder if this is a good time to prompt them?

Council Member Alexander stated can't hurt.

President Eddings stated is that something we can let John take a lead role.

Council Member Fenner stated the chief wrote the last letter and it was a great letter.

Vice President Broady stated do you know who would be the most dominate liaison for this area?

Council Member Alexander stated hall out of Seymour.

Chief Kinder stated Mike.

President Eddings stated do you know Mike?

Council Member Fenner stated maybe that is something we need to go ahead and do.

Council Member Alexander stated the thing that up sets me about it is in the enterstate study they let a representative from the Airport set on this board and they did not have anyone from the town of Sellersburg. And there was ice tea money available for interstate suggestion and we had no representation and that up set me. The airport does not have a deal for the town of Sellersburg. And that is the representation we had the Clark County Airport and I think it was a sad kind of slap in the face, and a disgrace to us. Hey we do exist here you know we are part of Southern Indiana and it just blew right over our heads.

Council Member Fenner stated let's try to make up for it and build some bridges.

President Eddings stated Bill...Perry

Attorney McCall stated I don't have nothing.

President Eddings stated Ken.

Council Member Alexander stated last time we discussed those police cars and I don't know if you all have had time to think about it but I think we need to reject the bids and give one to the sewer plant or which ever to read the water meters and then re-bid out the 93 and the other one.

President Eddings stated will you make that into a motion?

Council Member Alexander stated yes I will make that into a motion, Yes

President Eddings stated I have got a motion on the floor to reject the bids and send the 92 to the sewer plant and re-bid the remaining 2 cars.

Clerk Treasurer Schafer stated Carvers vehicle, Carvers Commission is the one they want.

President Eddings stated motion on the floor do we have a 2nd.

Council Member Fenner stated I'll second it just so we can discuss it.

President Eddings stated seconded by Gary, now it's open for discussion.

Council Member Voyles why don't we take the money for the cars, how much was it \$7,000.00?

Ken Alexander discuss Police Vehicle.

Council Member Fenner stated 7 to \$9,000.00.

Council Member Voyles stated why don't we take the 7 to 9,000 and if we need to get EMC a car then we can buy one.

Clerk Treasurer Schafer stated 7,000.

Council Member Voyles stated that's alot of money.

Council Member Fenner stated my first question was Joe do you need this car down there? I mean you didn't request it, I mean is this something you really need?

Mr. Goergen/ EMC stated we had requested a vehicle through the Capitol Improvement Program and it was put off and to me, meter reading is where the most mileage is put on and we are running heavy trucks.

Council Member Fenner stated so that is a yes?

Mr. Goergen/EMC stated yes.

Council Member Fenner stated chief do you have a problem with that?

Chief Kinder stated Oh no.

Council Member Fenner stated I mean do you have a problem with the way we are doing it?

Chief Kinder stated Oh no.

Council Member Eddings stated any further discussion if not all those in favor signify by saying I opposed nay motion is approved.

Council Member Alexander we sent out a bid for asphalt and nobody returned a bid, we can re-bid it.

Clerk Treasurer Schafer stated we are going to check the State Board to see if it is necessary since there where no takers if we could contact a company.

Council Member Alexander stated do we have to re-bid it then?

Attorney McCall stated I think with the statue you can go ahead.

Council Member Alexander so I don't have to get another bid?

President Eddings stated let him check the statue first.

Council Member Alexander stated since we are talking about another 2 weeks and we're not for sure.

Attorney McCall stated so you can go and find who ever you want and contract it.

Council Member Alexander stated but if we have any doubts.

Attorney McCall stated no I don't have any doubts.

Ken Alexander/Salary Ordinance

OK, should we go ahead and talk about the Salary Ordinance hey this is my time so I'll go crazy. My suggestion with the Salary Ordinance was after looking at it for the last 2 years was the people at the top and the people at the bottom. Using no formula at 3%, keep growing this huge gap. OK I didn't invent the wheel here but Charlestown done this last year instead of given a 3% cost of living raise they took the salary of every one times 3% and then divided it by the number of employees they had that way everyone got a fair piece of the pie.

It would be like a level raise. And then that way we don't keep spreading from the low man on the totum pole to the top man. Supervisors are making twice what labors are except for Linda I mean my department especially the supervisor is making twice as much as a laborer. And if I keep going with the 3% raises it's going to be worse.

President Eddings stated does anyone else have anything?

Vice President Broady stated what about a 3.5% raise across the board except elected officials Chief Kinder and Mark. Take the management.

Council Member Alexander stated I see you point but right now we are pretty level as far as every body has a certain level I just thought it was more fair since we appreciate all the employees. Since we are talking a raise not to discriminate but not to have such a difference between each one, I mean even though their job duties are different you know the value of that employee in my view is the same and if they are at a lower pay scale and a higher pay scale adding the same amount they are still going to be at an equal portion.

Chief Kinder stated are you talking about lumping all the town employees together?

Council Member Alexander stated Yea, and then taking 3% and dividing by the number of employees.

Council Member Fenner another words if some one was making 30,000 and some one was making 20,000 a 3% raise the person that was making 30,000 is going to get alot more of a raise then the person making 20,000. The way Kenny is talking about doing it will make everybody will get \$800.00. Everybody get's the same amount of raise, is what he has figured.

Chief Kinder stated what about a 3% for each Department. Do we have time to set here and look at this?

President Eddings stated we need to get something going now.

Clerk Treasurer Schafer stated I asked a month ago.

President Eddings stated quickly, does anyone else have an opinion.

Council Member Fenner stated I am willing to go either way because I see the merits of both ways.

Council Members Voyles stated do we have to do that tonight.

President Eddings stated we need to get the budget in process this is going to be what 60% of it?

Clerk Treasurer Schafer stated alot, all the retirement and everything is based on these figures here.

Council Member Fenner stated how about the 3.5% are we comfortable with that?

President Edding stated I'm comfortable with it.

Council Member Fenner stated I mean that is a Little bet better than cost of libing and for several years the employee's didn't get cost of living. I think 3.5% would be very good.

President Eddings stated that is taking all elected officials out and all management out.

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Clerk Treasurer Schafer stated I have a comment on that I have work on the town for going on 6 years and when I took this job I had no idea there wasn't an increase in my wage. I have not had a vacation, and I'm not giving you a sad story but I have a family to care for also and I don't see why I should be excluded because this is my real job.

Mr. Vogel stated I think your over paid anyway.

Clerk Treasurer Schafer stated who said that, I'm not over paid sir I'm the lowest paid supervisor in the whole town and I have no medical benefits or anything with the town.

Mr. Vogel stated I would have the job if I where you.

Clerk Treasurer Schafer stated Well.

Ms. Cox stated the town wouldn't be able to run without her.

Clerk Treasurer Schafer stated Thank You.

Ms. Turk stated I think that was rude.

Council Member Alexander stated I'll take A or B.

President Eddings stated this is not an ordinance so this is an informal vote so Dave's proposal is 3.5% excluding all salaries I mean all management and all, elected officials and Ken proposal is 3% across the board divided evenly we will call that plan 1 and plan 2 all those in favor of plan 1 say I, I've got three I's.

Council Member Fenner stated I well say I because of the 3.5%.

President Eddings stated I've got 4 I's, so it looks like 3.5%.

Council Member Fenner stated but I do believe Ken's idea of the way of destributing that is worth investigation. At least in the future.

President Eddings stated OK, that takes care of the Salary, does anybody have any other business besides Linda, OK Linda.

Clerk Treasurer Linda Schafer present's letter from Clark County Election Board concerning signatures needed in removal from I. U. R. C.

Clerk Treasurer Schafer stated I received a letter from the Clark County Election Board that does varify based on the information given by the State Election Board on the number of signatures needed to qualify the petitioners on the petition given by the citizens. That the petitioners did have enough registered voters to qualify to have it taken to the vote.

Attorney McCall stated go ahead and keep it and make me a copy and I'll keep it on file.

Clerk Treasurer Schafer stated also I had a call from Karl Kamer and what he requested was he had been to the Council on September the 23rd, he had requested that something be done with the drainage that was done at the Silver Creek Park nothing evidently was done and he has requested that the Council...

President Eddings stated was this Team Contractors.

Clerk Treasurer Schafer stated yes there was nothing ever resolved in the matter.

Council Member Alexander stated we told John to let us know what we need to do and we would take care of it.

President Eddings stated I'll take care of it.

Clerk Treasurer Schafer stated I would like to present my bills. OK everybody has had a copy of the bills and had a chance to review them. I'll entertain a motion to pay the bills as presented.

Council Member Voyles stated I'll make a motion to pay the bills as presented.

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

Vice President Broady stated I'll second.

President Eddings stated seconded by Dave, any further discussion if not all those in favor signify by saying I opposed nay I's have it.

Ken Alexander discusses Sellersburg Celebrates.

Council Member Alexander stated it's getting close to Sellersburg Celebrates time and I have been on the committee for 8 years now the very first year the town was very involved and then some how as it went on we became less involved. And I would like to see the town more involved with the Sellersburg Celebrates and the best way we can do it is, the best way we can keep it alive and growing is to help them with labor as far as running the festival so that 16 to 20 people aren't trying to run it all weekend and the easiest way we can do that is to give them some money to get labor so that they can keep the festival and I'm asking that we give \$5,000 to the Sellersburg Celebrates as a promotion to help promote the town. We won't be involved too because right now that to all those individual that are keeping it going. It's a really good festival it's a really good time of the year. When we can forget all of our political positions and come together. I would really like to see the town become involved in that way. I make a motion that we donate \$5,000 to Sellersburg Celebrates out of our promotional fund.

President Eddings stated motion on the floor to donate \$5,000 to Sellersburg Celebrates, do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, open for discussion.

Council Member Fenner stated are you going to designate that for volunteer labor.

Council Member Alexander stated we are going to hope that, that is their intent. I'm sure that automatically, I think it's 12 or 1,000.00 that will be going to the police and the rest of it every year they used the same 7 to do all the clean up. And help out with parking. I mean that would be the intent but I wouldn't want... When I look at Jeffersonville city what 30,000 their spending and we are spending zip. Our festival in my opinion out does them all. And we are 19 from Thunder over Louisville.

President Eddings stated what would be the feasibility, is there a way to tie that?

Council Member Alexander stated most of that is donated now like BFI does all the garbage pickup. I mean the community is very, very involved. The only piece that is missing is the town. The deal will go into to help support the Sellersburg Celebrates.

President Edding stated any further discussion?

Council Member Fenner stated I believe that we ought to be involved in this and I think it's a step in the right direction and I told Ken early my only concern is



there a possibility of them moving it out of town in the next few years. And then we would have to re-evaluate our decision here?

President Eddings stated what fund is this coming from?

Council Member Alexander stated our promotional Account if it's approved I have and ordinance here to transfer money for Linda. No we are going to transfer...

President Eddings stated Is there any money left in that account.

Clerk Treasurer Schafer stated Oh yea I calculate the rest of the years estimated payments and it looked fine.

Council Member Alexander stated plus we have the town managers.

President Eddings stated OK, I have a motion on the floor 2nd and discussed I'll call for the vote all those in favor signify by saying I opposed nay I's have it.

President Eddings stated I'll entertain a motion to consider Ordinance number 97-668 to transfer fund from the general fund of \$5,000 to the Town Council promotional fund of 5000.00 on the first reading.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill if there is no further discussion. All those in favor signify by saying I an with a 5 to 0 count. So now I'll entertain a motion to adopt Ordinance number 97-668 for the transfer of appropriations of funds.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a 2nd?

Council Member Fenner stated I'll second it.

President Eddings stated seconded by Gary, any discussion if not all those in favor signify by saying I opposed nay funds are transferred.

Attorney McCall stated what is that ordinance number?

President Eddings stated 97-668.

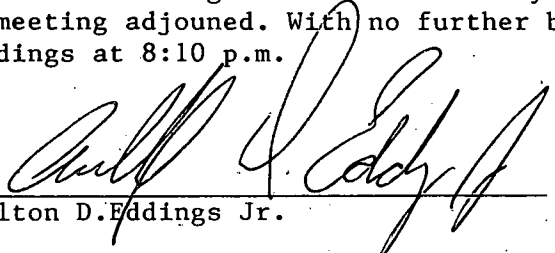
President Eddings stated I entertain a motion to adjourned the meeting.

Council Member Voyles stated I'll make that motion.

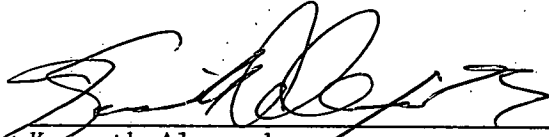
President Eddings stated motion made by Bill, do I have a second?

Council Member Fenner stated I'll second it.

President Eddings stated seconded by Gary, all those in favor signify by saying I meeting adjourned. With no further business this meeting was adjourned by President Eddings at 8:10 p.m.


  
Aulton D. Eddings Jr.

\_\_\_\_\_  
David Broady



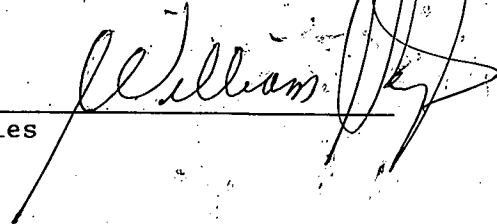
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Kenneth Alexander



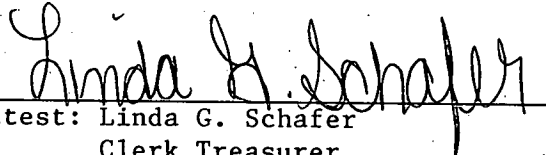
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Gary Fenner



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William Voyles



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Attest: Linda G. Schafer  
Clerk Treasurer

SELLERSBURG TOWN HALL

JUNE 23, 1997

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice President being absent, Gary Fenner, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; with Perry McCall, Town Attorney.

Called To Order

President Eddings Called the Regular Meeting to order at 6:30 p.m.

Prayer

Father Paul Richard offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes From Last Meeting

President Eddings stated OK, I think we all have had a copy of the minutes from the last executive session and town board meeting, the June 6th or 10th.

Council Member Fenner stated one of them is right and one of them is wrong, I think it was the 9th.

President Eddings stated we have all had a copy and a chance to review them, I'll entertain a motion to except the minutes as presented.

Council Member Voyles stated I'll make a motion we except the minutes from the last meeting.

President Eddings stated motion made by Bill.

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any further discussion if not all those in favor signify by saying I opposed nay I's have it. Petitions before the town I guess we will start right in with alliance municipal insurance. Do they have a representative here?

Alliance Municipal Insurance Will Address The Town Council Concerning Their Municipal Program.

Carol Staab stated Yes

President Eddings stated all righty.

Carol stated Thank You, the reason I'm here today...several weeks ago I had stopped into the town hall and talked with Linda Schafer regarding our program, the alliance program is the Indiana Municipal Insurance Alliance. It is a program for property and liability insurance coverages, including your police professionals and your public officials also we have workers compensation. We would like to ask your premission to offer a quotation to you, for your towns insurance, when it comes up for renewal. We work with cities and counties, all municipals direct. We also go through local agents. We are there for the municipal and we will follow your wishes. We can set a quote directly to you if you so desire, we can work through an agent here in your local community, whether it be the agent that currently writes the coverage or perhaps there

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Alliance Municipal Insurance Will Address The Town Council Concerning Their Municipal Program.

are other agents in the area that have quoted it in the past. We do have a fine program, we have been able to save municipals money over the past several months. We write Martin county, we write the city of Danville, just west of Indianapolis, we also write Cassios county, which is a very large county. We are in the process now of quoting alot of other municipal across the state. We are located in Greenwood.

President Eddings stated Greenwood, Indiana.

Carol stated Yes.

President Eddings stated when is our...

Council Member Voyles stated next year.

Clerk Treasurer Schafer stated it depends....Is it August of next year or September when our liability comprehensive insurance is and then our health insurance... you quote all that?

Carol stated we can quote that. That is not a part of it.

Clerk Treasurer Schafer stated is April first. We just renewed that policy.

Carol stated that is a separate type of insurance, and a separate policy.

Clerk Treasurer Schafer stated we have another year on our...

Carol stated on your health.

Clerk Treasurer Schafer stated No, we have another year on our health and also there was a three year grant, granted to the current agent for the insurances we have, so there is another year on that.

Carol stated there is another year on that? Do most of those come up for renewal in...

President Eddings stated August.

Carol stated in August? What we would like to do is maybe just set up a time with Linda, come in and review and find out exactly when everything renews and what type of coverages you currently have and then really start on a quoting process in probably in late spring of next year.

President Eddings stated that would be fine.

Carol stated then we could discuss with you. Either now or a later date, the possibility of using a local agent, if the town would like to look at the program direct or how you would like to handle that.

President Eddings stated OK

Council Member Alexander stated Thank You.

Carol stated Thank you very much.

President Eddings stated Ok Ms. Mooney.

Gina Brooks Mooney Address The Town Council Concerning Another Water Leak.

Ms. Mooney stated it's me again. Do I need to come up there?

Council Member Fenner stated so we can hear you.

Gina Brooks Mooney Address The Town Council Concerning Another Water Leak.

Ms. Mooney stated so you can hear me? It's just my water, it's still my water. We fixed the leak we found and apparently there was still a leak on the part that wasn't fixed. We fixed half... he tore my bathroom floor out, dug it all up, went and fixed it. About two weeks later we got a note from Angela Wright that there was still a leak. Well it rained and it rained and it rained, me and the kids got out there, we looked like mud monsters trying to get down in there and get it fixed. Now he has replaced all the pipes in the house but now I think there is about 700 or 800 dollars worth of water bill and there is still a small leak at the meter, but everything is replaced now. I just wanted to see if I could get the sewage part wrote off because it has been a nightmare with this, I took pictures but I haven't had my film developed yet, because I have been sick but it was full of water it was just this big huge ditch full of water.

President Eddings stated we can get with Joe.

Ms. Mooney stated I talked to him I think about a week or two ago.

President Eddings stated Yea, we will make a sewer adjustment.

Council Member Fenner stated It's a frustrating thing.

Ms. Mooney stated It's all new now, it should last for a whole long time.

President Eddings stated OK Mr. Bolly.

Virgil Bolly Address The Town Council Concerning The Rezoning Of The Hardy Property.

Mr. Bolly stated Thank You, Ladies and gentleman I'm here on behalf of Hardy development. We have ask to rezone is the old Rigdin property on 311, this side of Hamburg, in the McDonald area. Are you all familiar that? What we have asked is, part of that is zoned B3 the back part of that is zoned A 1 and the purposes of planning and developing the property we have asked the planning commission to approve the rezoning of it, which they did of all the property. Which makes more since to B 3 and I would be glad to explain or show you pictures, take whatever time that you all would like for me to if that is necessary.

President Eddings stated It has been recommend by the planning commission to change the zoning so...What's the name of the property again?

Mr. Bolly stated it is the Hardy Development Corp.

President Eddings stated I'll entertain a motion to change the zoning for the Hardy Development property from A-1 to B-3 totally.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

President Eddings stated seconded by Gary, any further discussion?

Council Member Voyles stated what are they building?

President Eddings stated I don't know... What are they going to build there?

Mr. Bolly stated they have no plans for it right now.

President Eddings stated B-3 is commercial.

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Virgil Bolly Address The Town Council Concerning The Rezoning Of The Hardy Property.

Mr. Bolly stated the front of it is B-3, the first 250 ft, the rest of it behind is agricultural. It would make it easier for them to be able to sell or to do what is necessary to whip it. I also looked at your through fair plan and unless that is changed there is some ultimate plan for a road on the back side of them at one point in time. I think that this is all commercial property and it just makes since in my opinion.

Council Member Fenner stated my question...the front part of that, a good portion of the front of that is probably in the flood plain.

Mr. Bolly stated I don't know whether that is the case or not, I wasn't aware of it if it was but that part was zoned B-2 but if it is it will restrict them from building on it but they could park on it and things of this nature, so they would have to work around it.

Council Member Fenner stated OK

President Eddings stated any further discussion? If not all those in favor signify by saying I opposed nay I's have it.

Mr. Bolly stated Thank You, Linda do you know what the ordinance number will be?

Clerk Treasurer Schafer stated do we have an ordinance to pass?

Council Member Fenner stated we might have one to night for the...

Clerk Treasurer Schafer stated yea, I mean I know, we don't normally pass an ordinance or resolution pretaining to that type of zoning.

Mr. Bolly stated which ever way you want to do it.

Attorney McCall stated the zoning procedure we have now, rezone procedure, calls for an ordinance to be submitted to the council.

President Eddings stated do we have one?

Clerk Treasurer Schafer stated we can give it a number. We don't have an ordinance

President Eddings stated do you just want to just go ahead an vote on an ordinance number?

Clerk Treasurer Schafer stated give it a number and then he can...

President Eddings stated I'll entertain a motion to except ordinance number 97-669.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken. Do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any further discussion? If not all those in favor signify by saying I opposed nay, the I's have it. Ginger and Mark Baxter.

Ginger And Mark Baxter Address The Town Council Concerning Flooding Of Their Property.

Ginger stated just Ginger, OK why I'm here is in behalf of the flooding that has been going on in our back yard, in between us and our neighbors, Phillis Rhodes, and it is just last Tuesday and Wednesday we just got flood out again. I could understand in the 1997 flood being flooded but this is just...we are having a steady...it is

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Ginger And Mark Baxter Address The Town Council Concerning Flooding Of Their Property.

incamping our home and it is flowing steady.

Council Member Fenner stated where do you live?

Ginger stated 602 Lane Ave.

Council Member Fenner stated are you on the corner, with it going through the newly converted family room?

Ginger stated Yes, Yes

Council Member Fenner stated I know where you live.

Council Member Alexander stated the engineering is in the works. We just haven't received it back yet.

Ginger stated OK.

Council Member Alexander stated It's not a simple problem because of the sewer and water being on your side of Allentown road basically what they are looking at is, do you know where it crosses the interstate in between the two houses? There will have to be a storm drain run up that side of the road and then one brought over behind your houses and the one brought over behind Nevada Dr.

Ginger stated how long... I mean just a ball park because we are looking to do some work to that room and it just...

Council Member Alexander stated A year.

Ginger stated a year at least?

Council Member Alexander stated yeah, because it depends on the cost estimates that come in on it. We may have to break it down.

Ginger stated we just hate to put money in it and get flooded next spring.

Council Member Alexander stated right, it is alot of pipe.

Council Member Fenner stated I was over there, well I was there during the flood you talked about, but I was also there last Monday night as well and I walked all the way back almost to Sharps Lane, at the end of Allen Rd. and the water starts back there and it just builds and you guys catch what has been building all the way from Allentown Rd. and St. Joe Rd.

Ginger stated what has changed? We have only lived there, like I said two springs and they said it's only happened the recent years.

Council Member Alexander stated It's with the recent growth outside. Most of the creeks that come through Sellersburg I mean you can trace them all the way up to the knobs and as Clark County progresses and you are getting new buildings, run offs are faster, it's filling the creeks faster.

Ginger stated Yea, because we are not considered a flood plain.

Council Member Alexander stated everything is coming into the creeks faster which is giving it the pressure and build up alot quicker.

Ginger stated so we are looking at possible a year though?

Council Member Alexander stated Easy.

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Ginger And Mark Baxter Address The Town Council Concerning Flooding Of Their Property.

Ginger stated Easy.

Council Member Alexander stated as soon as, I told Phil as soon as the plans come in I will call both of you and let you at least see the plans and what is developed, show you the estimated cost and then as soon as the council comes to an agreement, as far as how to expend the money, I can give you an exact time then.

Ginger stated OK

Council Member Alexander stated because the people over on Nevada have been waiting for 7 years now I think.

Ginger stated OK, it's just been coming down to a head.

Council Member Alexander stated It is coming down. I mean we are getting a handle as far as what we can do. The only other problem is, what we are looking at, which may slow it down is, we keep fixing things on this side of I-65 and all we are doing is harboring people on the other side of 65 because yeah we are getting rid of your water faster now but we are dumping it on this side of 65 so I mean alot of the storm drain problems in town are alot more complicated than what most people think. If we take it from here who are we giving it to?

Ginger stated Yeah.

Council Member Fenner stated the ultimate problem is, is everything here in town goes to Silver Creek. Do you know how fast Silver Creek fills up and then there is no place for it to go and I don't know if there is answer to it.

Ginger stated right ok just keep me up to date.

Council Member Alexander stated as soon as the plan do come in I'll be more than happy to come over and show you what they look like and there was just no way to cut the ditch out and with the drop to make it even run up to Allentown Rd. because that would have been a simple thing to do and the pitch would...

Ginger stated well please call me anytime.

Council Member Alexander stated sorry.

Ginger stated Thank You.

President Eddings stated OK Ms. Pixley and Ms. Diefenbach.

PAULINE PIXLEY/NINA DIEFENBACH ADDRESS THE TOWN COUNCIL CONCERNING THE IURC AND ETC.

Nina stated back when you people decided that you where going to get out of the IURC, you told us that if we had 500 people who were registered voters and if they were validated by Dick Jones that you would stay with it, that you would not get out. However, you have not recinded it in Indianapolis because I have been touching with them and they have not received anything from you. Now we have a letter from Dick Jones telling us that since there is nothing here and you aren't willing to have election this fall, we can have it next spring when the primary is going on and it won't cost anything other than the paper. Dick Jones said we can put it on. I just want to let you know that information that what is going on with our town board and the council here is going to get to these people. We have their names, we have their addresses. We know where they live and we are going to make contact. Mr. Allen had 150 from down at the trailer court and he said there are many



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PAULINE PIXLEY/NINA DIEFENBACH ADDRESS THE TOWN COUNCIL CONCERNING THE IURC AND ETC.

more. Now we are concerned citizens, we don't feel that sometimes that you are doing the job that you were elected to do and we feel that you need to come forward with it and when you say something that you are going to allow us to have our votes and then that you will not get out of the IURC. We also have a letter here that came from Indianapolis, the accounting department, as to what it cost in 91. What was ask for, what you got and what it cost. It is nothing near 50,000 dollars. We have the figure and she is going to tell you about it.

Pauline stated they said that in 91 the commission charge, we were told 50,000 dollars, somebody, one of you all...

Council Member Alexander stated Ok I'll take the blame.

Pauline stated I think you were the one...

Council Member Alexander stated I think it was quoted as it could probably cost up to \$50,000.

Pauline stated no way, it said that it would be 700 to 900 dollars.

Council Member Alexander on the 91 bond?

Pauline stated on this new one. It was only \$200.00 on the 91 bond, \$200.00 to file with the commission. Now that was a big, big exaggeration and if you are doing this to scare people. I just don't think it's right.

Council Member Voyles stated is that just the filing fee your are talking about?

Pauline stated excuse me?

Council Member Voyles stated your just talking about the filing fee.

Pauline stated I'm talking about the filing fee.

Council Member Voyles stated the filing fee, that is just the filing fee.

Pauline stated alright, the total of that \$1,137.50 for the 91 filing.

Council Member Alexander stated how much did we pay our engineer?

Pauline stated \$200.00

Council Member Alexander stated to John Toombs?

Pauline stated that was included in...

Council Member Alexander stated our engineer

Pauline stated Yes

Council Member Alexander stated and then how much did we pay Umbaugh & Assoc.?

Pauline stated excuse me?

Council Member Alexander stated how much did we pay Umbaugh & Assoc.?

Pauline stated Your, \$1,925.00.

Council Member Alexander stated what was that for/

Pauline stated that was...

Council Member Alexander stated what did we do in town for that bone? Do you remember?

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PAULINE PIXLEY/NINA DIEFENBACH ADDRESS THE TOWN COUNCIL CONCERNING THE IURC AND ETC.

Nina stated read it off to them, it's there.

Pauline stated Ok commission charges where \$200.00.

Council Member Alexander stated No I mean what did we go to the IURC for?

Nina stated A raise

Council Member Alexander stated For what?

Pauline stated I can give you right here what for. You went for an amount, a total increase of \$60,451.00 at 7.6%. That was the amount requested.

Council Member Alexander stated what were we building?

Pauline stated excuse me?

Council Member Alexander stated what were we building?

Pauline stated God knows, I don't

Council Member Alexander stated It was a water tower.

Pauline stated I don't know what you do with your money.

Council Member Alexander stated It was a water tower over in Hamburg.

Pauline stated I heard, just the other day, I said what are you going to do with the fees you are taking in for the increase of the sewer tap-ins, I think it was Mr. Boyles, I'm not sure, that made the remark that it was going into a general acct. and you would be able to draw from it but you wouldn't replace the money.

Council Member Voyles stated I didn't make that remark.

Pauline stated who was it then?

Council Member Voyles stated I have no idea. I didn't make that remark.

Pauline stated It was made right here at the table.

Council Member Voyles stated well it wasn't me.

Pauline stated you got an increase to 45,716.00 less than what you requested. You requested 60 not 45.

Council Member Alexander stated to build a water tower, Do you want to know the whole thing...

Nina stated that was not to build a water tower, that was an increase.

Pauline stated that was an increase of the water.

Council Member Alexander to pay for the water tower. I mean you don't have the full scope of the picture.

Council Member Voyles stated when was this increase?

Pauline stated 91

Council Member Voyles stated no we didn't have a water increase in 91.

Council Member Alexander stated No, I understand what your saying but you don't have a full picture of just picking out one year but I'm not going to argue with you.

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PAULINE PIXLEY/NINA DIEFENBACH ADDRESS THE TOWN COUNCIL CONCERNING THE IURC AND ETC.

Nina stated no because it won't do you any good.

Council Member Alexander stated no it won't do me any good.

President Eddings stated hold on, before we get to carried away, I think, didn't we already vote to rescind the ordinance?

Council Member Alexander stated No it was put off because we were sure, we didn't for sure exactly what we were doing.

President Eddings stated and the names have been verified?

Council Member Alexander stated right

Clerk Treasurer Schafer stated Yes

President Eddings stated then I'll entertain a motion to rescind the ordinance.

Pauline stated fine, that is what we have been waiting for.

Council Member Voyles stated see that doesn't mean that there isn't going to be a raise in the water rates. I hope you know that.

Clerk Treasurer Schafer stated find the number on the IURC.

Pauline stated I know that.

President Eddings stated hold on, we need to find out how legally we do this.

Attorney McCall stated you need to formalize it by written ordinance rescinding that particular ordinance that you passed, to opt out of the IURC.

President Eddings stated ok can we go ahead and vote one time without a full board? And then do it...

Attorney McCall stated I don't suggest that you do that. I suggest that you wait and have a full board.

President Eddings stated at the next full staff we're missing one board member we will adopt an ordinance rescinding the ordinance...

Pauline stated that is what we are waiting on.

President Eddings stated we will do that.

Pauline stated I have one more thing that I would like to bring in front of Mr. McCall, I don't know how legal it is, but I noticed at the last meeting that we had that the Cracker Barrel people were here and I think Mr. Broady and someone else was put on a committee to talk to Cracker Barrel and I was wondering if that was a conflict of interest.

President Eddings stated I don't see how.

Attorney McCall stated Mr. Broady doesn't think that is a conflict of interest and I think he mentioned...Mr. Broady will have to determine if that is a conflict of interest and I think he did address that particular issue and he didn't ask to be on the board I think his name was chosen and he ask if anyone thought he had a conflict of interest, he didn't believe he did and they voted and he was appointed to that committee. That's the way it went.

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Pauline stated Alright

Attorney McCall stated well that is the way it did go.

Pauline stated I know but that does seem like it is a conflict of interest. It is his brother that is selling the property.

Ms. Hood stated one more question, if I can, about the IURC, is there a time limit when the names are submitted to you to when you have to make the written request or do the formal rescinding or whatever you just stated, is there a time limit that it needs to be done?

Attorney McCall stated no, in talking to the general council for the IURC, matter fact this has been discussed that we were going to perhaps proceed with the rate increase with the IURC at the same time as this was pending. So either process could happen.

Ms. Hood stated there is no time limit as to when the names are presented.

Attorney McCall stated it would be on, when it has been certified with the names are authentic or the number has been met, the clerk makes that determination, then it gets on, my understanding is, she said is Spring, it is the next general election that it would be considered, not the primary in May.

Ms. Hood stated Ok I'm following what your saying. My question is...

Attorney McCall stated is there a time limit to rescind.

Ms. Hood stated a time limit to rescind beyond the time you received the names, the notification that hey this is what the town wants you to rescind.

Council Member Fenner stated no, we do not have to rescind it just based upon the petition, we can't withdrawl from the IURC with the petition but we can just wait until the election and let the election decided it. We don't have to rescind it, I mean we can if we chose to but we don't have to but we can't impliment it either, it's just in a holding pattern.

Ms. Hood stated so based on you all receiving the signatures it is...

Council Member Fenner stated that's right.

Nina stated the signatures have already been approved. Dick Jones says it can be put on the ballot next Spring, along with...

Attorney McCall stated we will have to talk to Dick Jones about that because it says the general election, statu..torally the general election.

Nina stated this is what he says to us.

Attorney McCall stated I hear what he says to you.

President Eddings stated Ok so we will wait for a full board meeting.

Attorney McCall stated do you want me to go ahead and get it drafted?

President Eddings stated Yea, if you will go ahead and get it drafted.

Clerk Treasurer Schafer stated to rescind ordinance #97-665.

President Eddings stated ok, Mr. Kinder is not here, do we have any representatives from EM...? Oh there he is, he did come in.

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EMC ADDRESSES COUNCIL.

Council Member Alexander stated Yeah.

President Eddings stated he did make it.

Mr. Goergen stated we got the revenue report for 6-6 to 6-20 and I have got the monthly report for the month of May.

Council Member Alexander stated well look it does have my name on it.

Mr. Goergen stated I remembered who you were. I wanted to point out we did have a violation during the month of May for amonia. It was mass limits, it was probably due to the power outage that we experience and the rest was because of the high rains.

President Eddings stated No invoices?

Mr. Goergen stated No

Council Member Alexander stated what is the 1365, any recollection? Or will you please find out tomorrow what that is?

Mr. Goergen stated I'll find out what that is. I can't recall off the top of my head.

President Eddings stated Ok Mr. Stewart

BOB STEWART/BUIDING COMMISSIONER.

Mr. Stewart stated I have to report after a very wet spring that we do have two new plexes going on and I expect to issue another on the third one within the next two weeks. Everything else is going on pretty slow in my area, alot of small jobs, alot of home maker projects going on and nothing significant at this point.

President Eddings stated Ok I have got a letter from some representatives from Taco Bell, on a complaint, about the property right next to them, if you would, would you get in touch with these people or go up and take a look and see if they are any type of violation, as far as the grass.

Mr. Stewart what I'm asking is that if anybody has a complaint like that do it in writing and if they sign it and date it and send it to me I'll be happy to look into it, in fact I just discussed this with...

President Eddings stated Gary

Council Member Fenner stated I have a couple of things, first of all in the last meeting I asked, we discussed the widening of state road 311 and the improvements of the intersection of 60 and 311 and it was suggested that I write a letter to the state highway dept., the department of transportation expressing our concerns for while they are going to improve the intersection at hwy 60 and 311 that they go ahead and consider improving it enough to handle a complete widening of the road. I have giving you all a letter that I have prepared, I gave you a copy of one letter but they are actually addressed to two different people and they are almost exactly alike. One is addressed to Mike Hoffman, who is an engineer, with the dept. of transportation, the other one is addressed to hearing examiner, who was the one who sent us the legal notice that plan improvement and I would like you guys to agree to sign that.

Council Member Alexander stated I don't have a problem with that. I think that was very nice of you.

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President Eddings stated we don't have to vote on this, do we?

Attorney McCall stated No

President Eddings stated just pass the original around and we will sign it.

Council Member Fenner stated there is two of them. Alright another thing, and I have meant to talk to Joe about this and I didn't get around to it, well I'll talk to you about it later, it's not that important or pressing that we need to talk about it right now. One other thing has to do with the request that we made of our town attorney several months to pursue and acquire for us a copy of the investigation, by the state police and we never have received that and the attorney has advised us that we need to present a written report of facts that he will prepare and then the Clerk Treasurer will need to sign it and present that to the circuit court.

Attorney McCall stated it requires the Clerk Treasurer to prepare that but if she wants me to help her do that as far as getting that drafted, basically because the procedure that has went on up to this time Linda hasn't had anything to do with that.

Council Member Fenner stated Alright.

Attorney McCall stated it has to be on an order from the Town Council.

Council Member Fenner stated I would like to make a motion that we order the Clerk Treasurer and the attorney to pursue that for us, please.

President Eddings stated I have a motion on the floor to pursue, what do I call it?

Ms. Mooney stated Gary what was this concerning?

Council Member Fenner stated I'm sorry.

Ms. Mooney stated what was this concerning.

Council Member Fenner stated this is a state police report on some things in our police dept. that they have had it and they are just sitting on it and we have never been able to, it's never been resolved and we would like to get it resolved, just get rid of it and they are just sitting on it.

Attorney McCall stated it is a petition requesting information pursuant to the town police dept.

President Eddings stated I'll entertain a motion, let's do it this way, for Linda and the Town Attorney to prepare a petition for written report to the circuit court.

Council Member Fenner stated I'll make that motion.

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

Council Member Alexander stated I'll second it for discussion.

President Eddings stated seconded by Ken, it's open for discussion.

Council Member Alexander stated there is easy method to get this, I feel like for some reason which I really, is none of my concern, it wasn't that avenue wasn't taken, I say we just go ahead and start taking applications instead of almost waiting until July, we have half a year left.

Council Member Voyles stated let's get that report first.

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Council Member Alexander stated it could take until December.

Council Member Voyles stated whatever it takes.

Council Member Alexander stated the easiest, I don't understand the conflict there I mean the easiest way to get it resolved is for him to just ask for it and I mean why, I mean that is none of my concern but I think we should just press on.

Council Member Voyles stated well I think it is everybodys concern but I think we need to get it and get it taken care of and get rid of it.

Council Member Alexander stated I agree but there is an easier method to get, rid of it instead of us having to force it out of somebody.

Council Member Voyles stated well let's force it out. If we can't get it out the easy way let's get it...

Council Member Alexander no the other alternative is to not worry about it, put it to the side and go ahead and start excepting applications.

President Eddings stated Ok I have a motion on the floor and dually seconded, is there any further discussion? All those in favor signify by saying I, opposed nay.

Council Member Alexander stated Nay.

President Eddings stated I's have it. Ok is that it Gary?

Council Member Fenner I think so except I lost the front copy of one of the letters. We need someone...

President Eddings stated it isn't this one.

Council Member Fenner stated does anyone have a copy of the letter?

Council Member Alexander stated you can search me if you want.

President Eddings stated we have a problem with this.

Clerk Treasurer Schafer stated somebody has taken it.

President Eddings stated every meeting we lose something.

Council Member Alexander stated there it is.

Clerk Treasurer Schafer stated I'm putting strings on my stuff.

President Eddings stated Ok Bill.

Council Member Voyles stated I really don't have anything right yet.

President Eddings stated Perry.

Attorney McCall stated those things I laid on the table pryor to the, one being the agreement to widen Oak St. at the expense of Bob Missi, the contractor, just take a look at that at some point if you could. At some point I'll get the original from Mr. Missi if he finds it exceptable, then we can execute it at the next meeting. If there is any changes or any suggestions in regard to what is going to be required of Mr. Missi, in that one year period, then we can discuss it at that point but I will forward it to him for his review also.

Council Member Alexander stated it needs to be...

Council Member Voyles stated this is the one we had the people.

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Council Member Alexander stated it needs to be one year after completion.

ATTORNEY MCCALL ADDRESSES COUNCIL ON HEAVY TRUCKS.

Attorney McCall stated after the completion of this duplex as opposed to the execution of this contract.

Council Member Alexander stated right, that way we get a full year of the contract.

Attorney McCall stated the other thing I put on your desks, Dave Broady had talked about giving an exemption for those individuals owning heavy trucks, on streets, in the town of Sellersburg, where they live and it was causing perhaps, some gentleman was here at the last meeting, some hardship on him to have to park his truck some distance away and travel to his home late at night and I was asked to draft a proposed ordinance to address that particular, with the exception under this section article town code there are numerous exceptions that we have for heavy trucks and this would simply fall under one of those exceptions. I ask that you take a look at that since there isn't a full town council tonight perhaps we can...

President Eddings stated plus the chief isn't here tonight either.

Attorney McCall stated the only question I had was Dave Broady had asked about some restrictions on width on these trucks that are left on the road way, I'm not familiar with width of heavy trucks or width of diesel...

Council Member Fenner stated It's not in your manual.

Attorney McCall stated I kind of left that open for discussion and then the last position that was also asked of me to address was if neighbors did or didn't have any objection, what if they did, basically if the neighbor comes and complains about a heavy truck they will be handled by the town council to determined whether or not this exemption would be allow. So that is something to take a look at if you get a chance.

Council Member Fenner stated it looks good.

Attorney McCall stated that's all right now.

President Eddings stated did John have anything for tonight? He didn't have anything. Ok Ken.

KENNETH ALEXANDER DISCUSSES SEWER TAP AT COVERED BRIDGE.

Council Alexander stated Rick Wilson, the builder, has been talking with Covered Bridge about tapping onto our forcedmain, out on Allentown Rd. I talked to Joe on 12 taps, at the end of Allentown Rd. as far as capacity, and still keeping within phase one of Covered Bridge. There is plenty of capacity. Covered Bridge doesn't have a problem. He is wanting approval for 12 sewer taps. We need to check directly with Covered Bridge but as long as Covered Bridge doesn't have a problem and we have the capacity...Do we have a problem with 12 taps on the end...

Mr. Georgen stated they would still have to pump it. They would have to have a pump...

Council Member Alexander stated right, he will...

President Eddings stated at his own expense.

Council Member Alexander right, exactly, he will still be like...

Council Member Fenner stated that won't impact any futher plans.

Council Member Alexander stated No.



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President Eddings stated I think we need to get something in writing for not rebuttaling the annexation.

Council Member Alexander stated right, he already agreed to that. He said that was no problem either. Do we want something in writing from Covered Bridge too?

President Eddings stated Yeah, I think you better.

Council Member Alexander stated Ok, that's ok. Here is something that would have to be acted on quickly, it's kind of a gray area but dealing with the flood areas that are going on, John and I have and Mark have pretty much ran around town and watched it rain. One of the solutions, that we have always talked about is if there was a retention pond over by Ivy Tech or/and a retention over by Haas Cabinet, which neither one of these have been contacted to let us see if they would let us do it but if there was it would help slow the water coming through everything, Ran-Paige and so forth through town, by letting it flex somewhere and come in at a slower pace. I talked to Mark Smith, from River Hills, this morning and we feel like it would fall under a community focus fund, which would be a 90/10 split. We have to have a preliminary turned in by July 11, which would require us to have a public hearing, before July 11, which would mean right away. Then we buy time after that, you as far as getting it together. As far as the budget in the storm drain this year, if it would all accidently fall together we would be sufficient to do it. I guess what I'm asking is could we go ahead a public hearing, for that purpose, in place? Give me a week to see how or if we could coordinate something, set down with Mark Smith a little bit more to make sure it will fit in and if worst comes to worst we have a public hearing and look at them and say no we couldn't do it. The next draw on this will be next February.

President Eddings stated what will we need the public hearing for?

Council Member Alexander it's basically to let the community know that we are going to put a pond in your neighborhood. Is my understanding. I know it's fast but he didn't call me back until 3:30 so I kind of grabbed as much information as I could and when he told me July 11 I said oh...

President Eddings stated when is the first meeting in July?

Council Member Alexander stated not until the 14th I think, so I mean it would be a special meeting.

Council Member Fenner stated Yes the 14th is the date.

Council Member Alexander but it would be a special meeting and we could give 10 days.

Council Member Fenner stated do we all have to be there?

Council Member Alexander stated no but it would have to be a quarm.

President Eddings stated I'm going to be on vacation too.

Council Member Fenner stated and I'm going to be off the week before.

President Eddings stated Dave is going out of town the forth of July weekend. I don't even know if you would have a quarm.

Council Member Alexander stated it would be, you would have to have it before close to the 10,11,9,8. Do you see anything in there?

President Eddings stated set a date and we will call and if we get a quarm and you have the information we will have the hearing and we will have hearing if you don't have the information and a quarm we will just dismiss it.

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Council Member Alexander stated Ok.

Council Member Fenner stated we will give you the dates when we will be gone.

Council Member Alexander stated so that's ok you will go ahead and give me the authority to go ahead and publish it...

President Eddings stated yeah go ahead and publish it and put a date on it.

Council Member Alexander stated so I can wait until tomorrow and try to gather a little more information and make sure it's a little more feasible. We did finally get a bid in on the asphalt. It came in at \$24.00 a ton so we can do a little paving this year. That's all I have.

President Eddings stated Ok I think we received a, is this the only bids we have? We received a bid, was it on two police cars?

Clerk Treasurer Schafer I'm not sure what they bid on. It was optional, either you could bid for a single or both.

President Eddings stated Ok.

Council Member Voyles stated the wrecked one and the other one?

President Eddings stated Yeah.

Clerk Treasurer Schafer stated the other one was transferred to the water dept.

President Eddings stated since there is only one bid it won't be hard to see who gets it. Ok the bid is from, submitted by Earl Bonnville and Sharon McKeeber, of Indy Motors, with a deposit of \$100.00 would like to place a bid for \$2500.00 for the following vehicles a 1992 Ford Taurus and one 1993 Ford Taurus. They are bidding on both cars, \$2500.00. I'll entertain a motion to except the bid.

Council Member Voyles stated I'll make a motion to except the bid.

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

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any further discussion? If not all those in favor signify by saying I opposed nay, I's have it. Do you need the envelope back?

Clerk Treasurer Schafer stated Yeah.

President Eddings stated Ok Linda.

Clerk Treasurer Schafer stated Ok I have an administrative close out letter for Mr. Eddings to sign, from River Hills on the storm water drainage grant project. That was a grant that we received in 1995 payable in 1996. It close out in 1996 for \$359,000.00. It was 75% / 25% match.

President Eddings stated I think that's all of them.

Clerk Treasurer Schafer stated Sir were you on the agenda?

Tim stated Yes Tim Wells.

Clerk Treasurer Schafer stated were you on the agenda last time and cancelled and came to this meeting.

President Eddings stated Ok, I don't have a problem with it.

Council Member Voyles stated I don't have a problem with it.

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President Eddings stated what is the business concerning?

TIM ADDRESSES COUNCIL ON DOING APPRAISALS OF FURNISHINGS MACHINERY AND EQUIPMENT.

Tim stated we do appraisals of furnishings, machinery and equipment and we have been working with alot of cities and counties.

President Eddings stated Ok

Tim stated are you ready for me now?

President Eddings stated Yeah go ahead.

Tim stated I didn't know if you where quite ready yet? We have done work with a great number of cities and counties through out Indiana and also in Ohio and currently doing some work in Michigan. I brought along a sample to give you some idea of what the format looks like. We provide values on furnishings, machinery and equipment for cities and towns for insurance purposes and also to meet state board of acct. purposes and go through on an area by area location by location bases and provide documentation. Typically what happens is even if you have blanket coverage insurance, the first questions that an adjuster ask when they arrive on scene is well you know, we had you insured for 1,000.00 on contents but what proof do you have that you had that kind of contents and what happens with a report like ours is totally, close to 95% of the work is done before an adjuster arrives on the scene. It's hard for an adjustor to argue with what they see in a writtem report that has been carefully researched. That is the kind of research we do. We do some careful homework in terms of establishing appropriate replacement cost values. You may have values on your books which typically reflect either purchase price or some other values so that the values that you are insuring for may or may not be appropriate values. So our report brings that up to date and we provide, I did work for the State Board of Accounts. I did all of the License Branches and all of the Welfare Departments throughout the state. Charlie Pride that works for all the cities and towns is very familiar with my work, he knows me personally and they have been very pleased with the quality of work that we have provided for the cities counties and towns. The visual documentation is extremely benefitial in the event of a loss also. We provide not only color still shots but also video, color video of all furnishings machinery and equipment as well.

Council Member Fenner stated is this a one time thing or is it a continuing contract thing where you update.

Tim stated it depends on what cities and towns want to do. I've got some cities that I do an annual update for, Plymouth Indiana would be a good example of one that we do an on going bases, we did an intial report and then on an on going bases we will do an annual update. I have got other clients where they said you know they are interested in the initial and then beyond that we think maybe we can keep up the work from that point on.

Council Member Fenner stated how do you base your pricing?

Tim stated typically we what I do is people tell me they need a quote it's based on the walk through, in terms of taking a look at what is here because I have to figure in terms.

Tim stated of how much time its going to take me and I have...

Council Member Fenner stated how many locations.

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Tim stated yes, so it's based on that and I'll give you a firm quotation in terms of the appraisal and a good estimate of what expenses will be for travel, word processing, photographs and many of those kinds of things.

President Eddings stated it may be something we are interested in.

Council Member Fenner stated well I would think that we should talk to our insurance people and see what they say about how beneficial it would be and see what they suggest too.

President Eddings stated is this something that we can keep here?

Tim stated not that one, but I would also encourage you to talk with your agent about possibly defraying some of the expense of an appraisal because it is to their benefit as well as yours to have thorough documentation. That way everybody knows what your insuring and for them to have record it really gets them off the hook to great extent to have a written such as this.

Council Member Fenner stated it may be something that we have to wait on. Our insurance is up for renewal next year and so it might be something that we might want to include in the new quote. That is something that we will discuss and we would like to talk to them and see what they say.

Tim stated sure, I would appreciate.

Council Member Fenner stated it sounds very good.

President Eddings stated Thank you very much.

Tim when is should I check back with you, then, would you suggest getting back in touch.

President Eddings stated you are probably looking at...

Clerk Treasurer Schafer stated at the end of the week.

President Eddings stated this week? No

Council Member Voyles stated No. it wouldn't be at the end of the week. It would probably be in April.

Clerk Treasurer Schafer stated do you want him to check with Earl to see if...

Council Member Alexander stated most of us are going to be on vacation next month so it would probably would be the first of August.

President Eddings stated yeah check them.

Tim stated check in August? Mid August?

President Eddings stated yeah sometime in there.

Tim stated should I talked to Linda again?

Council Member Alexander stated that will be in budget time. How about the first of September.

President Eddings stated that's fine.

Council Member Fenner stated that will give us plenty of time because I doubt that we will do it until we renew the insurance.

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Tim stated it might be good if your interested that I come down and give you a quote because I could make other sales calls while I'm in the ares. Scott Co. has been a client of mine now since close to 11 year's. I appreciate it.

CLERK TREASURER SCHAFER PRESENTS CLAIMS FOR ATTORNEY FEES.

Clerk Treasurer Schafer stated I have a claim from Lonnie Cooper in the amount of \$3,150.00 and I would like the Council with the exception of \$300.00 of this bill be paid split between the Water and Sewer Departments.

President Eddings stated what is your recommendation?

Attorney McCall stated let me see it. It is the first time I've seen it.

Clerk Treasurer Schafer stated I think that there was a copy in your box.

Attorney McCall stated it wasn't there yesterday. Well first the question that you can ask of yourself is that you made a \$5,000.00 appropriation this year and you can ask the question of where you stand in regard to total fees that have come from that appropriation and what the balance is and I guess you can answer whether this is going to be an additional appropriation request.

President Eddings stated is the funds used up for this year?

Clerk Treasurer Schafer stated not entirely but there is not enough to cover that.

President Eddings stated Ok so we have to...

Attorney McCall stated so what is the balance?

Clerk Treasurer Schafer stated Oh about 16 to \$1,700.00.

Attorney McCall stated so you will be approving about \$1,900.00.

Council Member Fenner stated where will that come from? The extra \$1,900.00.

Attorney McCall stated there will be an appropriating request, it will have to come from another fund. There has been a request, I assume this has to do with the...

Clerk Treasurer Schafer state Yes sir it does.

Attorney McCall stated the suit, there has been a request made for attorney fees in that particular suit. which hasn't been ruled yet so you can wait until that determination is made whether or not the Clerk Treasurer will be intitled to receive Cooper's attorney fees, after this law suit has been billed against the Town Council and make your determination then.

President Eddings stated Ok, I guess I can call for a motion, if anybody wants to make a motion to pay it. Do I have a motion to pay it?

Attorney McCall stated my advice is that you pay up to the \$5,000.00 because you appropriated \$5,000.00. I mean that is what you appropriated for in the budget.

Council Member Voyles stated so how much is that? How much is left in that...

Attorney McCall stated I don't know, we don't know the exact figure.

Council Member Voyles stated so we need to...

Council Member Fenner stated we just need to say in the motion to pay the amount...

Attorney McCall stated you can say in the motion to pay to the extent appropriated.

Council Member Voyles stated I'll make a motion to pay to the extent of the appropriate.

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CLERK TREASURER SCHAFER PRESENTS CLAIMS FOR ATTORNEY FEES.

Attorney McCall stated to the amount appropriated for attorney or to allow the Clerk Treasurer to hire Council of her own choice.

President Eddings stated Ok I have a motion on the floor by Bill, do I have a second?

Council Member Alexander stated I'll second it.

President Eddings stated seconded by Ken, do we have and further?

Council Member Fenner stated this is number 3 and I'll speak my peace of...

Clerk Treasurer Schafer stated I know Gary I already have you down.

Council Member Fenner stated I just think that we need to wait until the suit is settled until we start paying attorney fees.

Attorney McCall stated then again going back there has been a request to pay attorney fees which cover everything that is in this statement but I mean it has been appropriated for, we have gone through this twice as you said but the extent that is appropriated I believe that you are obligated to pay that based upon the circuit court and that ruling, the injunction.

Council Member Fenner stated the way that I read it is that it is amount that is appropriated for consultation fees, not for fees to be able to hire a private attorney to sue the Town Council, I just see a conflict and in good conscience I can't say yes I'm going to do that but I understatnd where we are going.

Attorney McCall stated well the next thing is going to happen though and you know that the next step in this matter is that you have appropriated \$5,000.00 and the next step is going to be a request for additional appropriation and then we are going to find ourselves back down in circuit court or at some venue dealing with the newest request for additional attorney fees over and above the \$5,000.00 that you will have to pay or perhaps not pay it depends upon how the court rules on this.

Council Member Fenner stated I would like to see us strenuously object to that, but also I would like for us, if the council agrees to pay these, I would like for the council to scrutinize the itemization on the bills to see what is legitimate to see, to check the minutes of the meeting and see if he was at the meeting, to see if he spoke...

Attorney McCall stated well that has been there and that has been discussed also and I think the itemization and the way the itemization was put on paper basically allowed Mr. Cooper to maintain the attorney/client privilege to the extent to give you as much information as he thought was appropriated, to let you know what he did. In all fairness to the Town Council the attorney/client privilege belongs to Linda, it doesn't belong to Mr. Cooper, the attorney, it belongs to the client and the client can deem to wave that and discuss anything that appears on that itemization with you, if she so desires, if she does not desire to do that she doesn't have to, so that is the bottom line there, so if you have a question about exactly what went on I assume you can ask that question, it doesn't have to be answered but you can do that.

President Eddings stated Ok I have a motion on the floor and dually seconded, is there any further discussion? If not all those in favor signify by saying, I opposed nay.

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CLERK TREASURER SCHAFER PRESENTS CLAIMS FOR ATTORNEY FEES.

Council Member Fenner stated Nay

Council Member Alexander stated do we want to address the \$300.00 one?

Clerk Treasurer Schafer stated actually this \$300.00 had nothing to do with anything...

President Eddings stated it really doesn't matter.

Attorney McCall stated actually if he was there, I mean, my understanding based on how we argued earlier and how it was presented to the Town Council if...

Clerk Treasurer Schafer stated so it doesn't what it is.

Attorney McCall stated if he is there at your request for any reason it is part of that...

President Eddings stated it's part of that appropriated fund.

Clerk Treasurer Schafer stated Yeah, if you would have been there, this fee wouldn't exist.

Attorney McCall stated David Mosley was there. David Mosley was there and a matter of fact he questioned and someone from my office represented the town.

Clerk Treasurer Schafer stated well I'm not arguing with you, nope.

Attorney McCall stated he was there and my understanding was that the ruling was favorable.

Clerk Treasurer Schafer stated not by any choice of his but I'm not going to argue that point with you.

Attorney McCall stated obvious it would be the choice of the administration judge that handle the proceedings but my understanding it was presented and there was cross examination and...

Clerk Treasurer Schafer stated well I don't care if they approve it or not. Let's just forget that, we will go on to something else.

Council Member Alexander stated so that all gets lumped together.

President Eddings stated it doesn't matter...

Attorney McCall stated it's all lumped together, it's a continuing bill.

Council Member Fenner stated forever and ever.

CLERK TREASURER SCHAFER PRESENT 1998 SALARY ORDINANCE.

Clerk Treasurer Schafer stated this is the ordinance that the council requested that I put together for them, on that it is based on an 3.5% increase and then this one is based on different figures that Dave had givin' me, anywhere from a 6. something % increase to 14. something for the dispatchers.

Council Member Voyles stated up to nine dollars, is that what we talked about last year? About the dispatchers getting up to \$9.00 for the girls on the...

Clerk Treasurer Schafer stated see I didn't recall any...

Council Member Voyles stated Yeah, we talked to, I think we brought that up last year.

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CLERK TREASURER SCHAFFER PRESENT 1998 SALARY ORDINANCE.

Council Member Fenner stated I remember we had talked about how we felt like the dispatchers were substantially below where they should be and we didn't feel like we would make it up all at one time so we were going to make it a two step increase but to be honest I just seen this right before the meeting and I don't recall exactly what we said last time but you researched it Bill.

Council Member Voyles well I researched it and I think what we said last, I think what we gave them, what did we give them 8, did we give them 8? And we said we would try to work on giving, he wanted 9 and we gave them 8 or whatever it was and this 3.5% would give them what \$8.35 or 8.24.

Clerk Treasurer Schaffer stated that is the difference, one is the 3.5 and...

Council Member Fenner stated this is 3.5 and this is what...

Clerk Treasurer Schaffer stated that is anywhere from 6. something to 14. something.

Council Member Alexander stated in that same discussion we talked about taking the rest of the street and sanitation employees up to that amount too. So I think that would be great for all of them.

President Eddings stated but that's not figured in here.

Council Member Voyles stated that's not figured in here.

Council Member Alexander stated no because the council approved 3.5% and then you know usually when five vote on something...

Council Member Voyles stated well if we go with three and one half they get 8.56 is that right?

Clerk Treasurer Schaffer stated Yes.

Council Member Voyles stated that will be alright.

Council Member Fenner stated that is the 3.5...

Council Member Voyles stated I think if we give them half of it this year and then half of it next year, it might, you know we will get there soon.

Council Member Fenner stated Linda do you need this tonight.

Council Member Alexander it helps.

Clerk Treasurer Schaffer stated Well, if everybody is going on vacation, you all are in a real pinch.

Council Member Fenner stated we will all be here the next meeting.

Clerk Treasurer Schaffer stated if I had the majority of somebody going one way or another, it doesn't matter to me really what...

Council Member Fenner stated would the next meeting be soon enough? Or do you need it before then?

Clerk Treasurer Schaffer stated I really need it now. That part of the budget is stopped. The only thing is with additional money in the Parks Department., I can put that budget together with that whole amount but some place else is going to get cut. I can use the whole amount in the budget without having type of approval, the maximum amount but when that is already put in there something has to come out and what is it?



CLERK TREASURER SCHAFFER PRESENT 1998 SALARY ORDINANCE.

Council Member Voyles stated why don't we just go with the 3.5%.

President Eddings stated I think that is what we need to do myself.

Council Member Alexander stated Yeah.

Clerk Treasurer Schaffer stated I'm concerned that we have quite a lot of money, it doesn't matter, like I said, to me but some place else is going to have to be taken out.

Council Member Alexander stated I think we pretty much agreed on...

Council Member Fenner stated we agreed on 3.5% so let's leave it at 3.5% and maybe we can keep working on it and maybe eventually we will get it right, maybe by next year or the next year.

President Eddings stated can we do this in the form of an ordinance?

Attorney McCall stated Yes.

President Eddings stated then we don't have a full board.

Clerk Treasurer Schaffer stated you can consider it in the first reading.

Attorney McCall stated do it in the first reading.

President Eddings stated we don't be able to pass it tonight.

Clerk Treasurer Schaffer stated no but at least I'll...

President Eddings stated I'll entertain a motion, give me a number.

Attorney McCall stated 670.

Clerk Treasurer Schaffer stated Yep, 670, 97-670.

President Eddings stated Ok, I'll entertain a motion to consider ordinance number 97-670 on the first reading tonight concerning salary ordinances.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill. do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any further discussion? All those in favor signify by saying I, opposed nay.

Council Member Fenner stated Nay.

President Eddings stated I's have it on the first reading.

Council Member Alexander stated always a republican in the bunch.

Clerk Treasurer Schaffer stated don't say that to him.

Council Member Fenner stated I just felt like, I made some promises last year and I wanted to abide by them.

Council Member Voyles stated you wanted to give them the raise? I understand.

Clerk Treasurer Schaffer stated I did go on, the Fire Department bill in the amount \$1,055.00 for the permits that they issued is in this, I would like to present, yea, this is the easiest way to do that.

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President Eddings stated we have all had a copy of the bills in our box and had time to review them, I'll entertain a motion to pay the bills as presented.

Council Member Fenner stated I'll make the motion that we pay the bills as presented.

President Eddings stated motion made by Gary. Do I have a second.

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill. Is there any further discussion? If not all of those in favor signify by saying I, opposed nay I's have it. Is that it Linda?

President Eddings stated I'll entertain a motion to adjourn the meeting.


Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken. Do I have a second?

Council Memver Voyles stated I'll second.

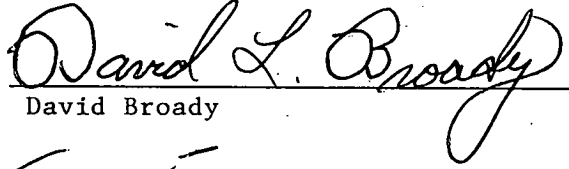
President Eddings stated seconded by Bill. Is there any further discussion? If not all those in favor signify by saying I, opposed nay,

With no further business this meeting was adjourned by President Eddings at 7:40 p.m.



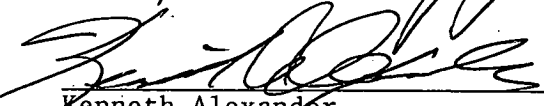
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Aulton D. Eddings, Jr.



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David Broady



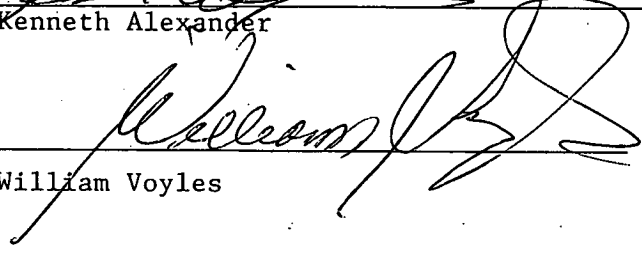
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Kenneth Alexander



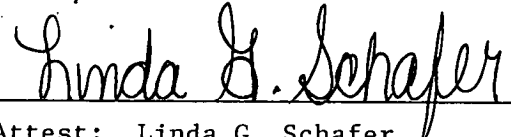
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Gary Fenner



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William Voyles



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Attest: Linda G. Schafer  
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 17, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 a.m. to discuss business development in Sellersburg. Those present were: David Broady, Council Vice-President; Aulton D. Eddings Jr., Council President; William Voyles, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney was absent.

Called To Order

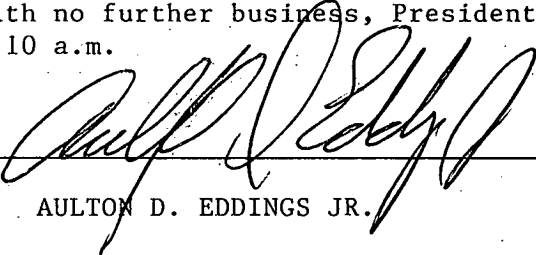
President Eddings called the Executive Session to order at 7:00 a.m.

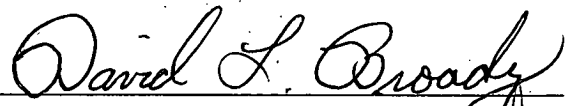
Topic of Discussion

Cracker Barrell  
Triangle Dr.  
Tap-Fees  
Tax Abatements

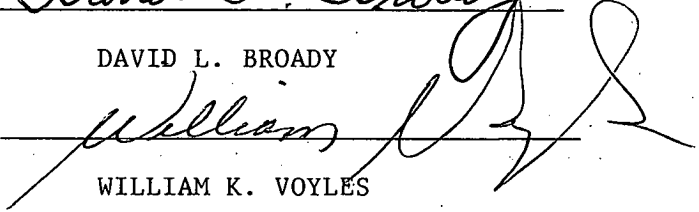
Adjournment

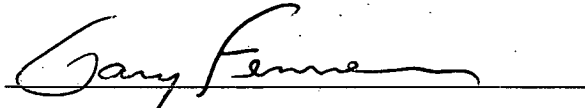
With no further business, President Eddings adjourned the Executive Session at 7:10 a.m.

  
AULTON D. EDDINGS JR.

  
DAVID L. BROADY

  
KENNETH ALEXANDER

  
WILLIAM K. VOYLES

  
GARY FENNER

ATTEST:



LINDA G. SCHAFER  
SELLERSBURG CLERK TREASURER

SELLERSBURG TOWN HALL

JUNE 14, 1997

Regular Meeting

A Regular meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice President; Gary Fenner, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; with Perry McCall, Town Attorney.

Called To Order

President Eddings called the regular meeting to order at 6:30 p.m.

Prayer

No minister was present so President Eddings dispensed with the prayer.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Eddings dispensed with the reading of the minutes from the last meeting, on June 23. Everyone has had a chance to review those minutes to see if there was any changes needed to be made. I'll entertain a motion to except the minutes as presented.

Motion made by Council Member Voyles to except the minutes of June 23 and seconded by Council Member Alexander.

Vote 5-0

Darlene Cox Addressed The Council On The Prayer

Ms. Cox stated can I ask why we don't say a prayer?

President Eddings stated the reverand wasn't here.

Ms. Cox stated but he is a preacher.

President Eddings stated not in this capacity.

Ms. Cox stated God is always here.

Council Member Fenner stated may I speak to her?

President Eddings stated go ahead.

Council Member Fenner stated we have a minister that is scheduled to opening each meeting with the word of prayer and for some reason sometimes they are not able to be here and so when that happens now, when I was just sitting out there in the audience they would call on me just the spur of the moment and I was glad to do that but the council has felt that now that I'm a council member they would rather me not be in that position as a minister offering a prayer during a town council meeting and so I respect that wish on their part and I mean some one is scheduled to do it every meeting, they just sometimes are not here.

President Eddings stated thank you. I guess we will go ahead with Cracker Barrel first. Is the Harrison Group, John Beams, here? We will go ahead and start with you all.

The Harrison Groups John Beams Addresses The Council About Cracker Barrel

Mr. Beams stated just to follow up on our previous meeting and we have had a meeting with Mr. Fenner and Mr. Broady and I believe that I forwarded a copy of the Harrison Groups outline, of the proposal, for review, to the committee and I just wanted to see if there was any comments on that or what we might need to discuss to finalize that, we would like to move forward, as soon as possible, and see what the arrangements are we need to do, at this point, with the council.

Vice President Broady stated what we come up with, John has got the proposal we are looking at and we have a schedule work shop to go over it. What we feel like is going to happen is we are going to come to an agreement or a counter offer per say and have it to you and resolve this thing by next meeting, which will be two weeks. You will have it in plenty of time to get with it to see if that is suitable to you in one way or another and at least have this thing resolved next meeting, either you except our offer or we drop it and we go on.

Mr. Beams stated would it be possible to meet again with you Mr. Broady and Mr. Fenner to review some of those concerns, to start with, to make sure, because I do have property owners that are very anxious and if we feel like we are in line, then we want to proceed with them versus waiting for the next meeting.

Vice President Broady stated I have no problem with that.

Council Member Fenner stated we were talking that we were going to give notice for this executive session and have that executive session at the earliest day possible, which I think is Thursday morning and so we will, as a council, just so we have plenty of time to discuss it, so that everyone knows what we are talking about and so do you want to meet with us before Thursday morning?

Mr. Beams stated I would like to so that if there is any pending questions, so that we can dot an I or cross a T, before you get to that meeting, so we can proceed quickly.

Council Member Fenner stated Dave?

Vice President Broady stated whatever is convenient.

Council Member Fenner stated the evenings are hard for me this week, unless it is real early or real late but if like 4 o'clock, in an afternoon or 5 o'clock, well, yea I could do 5 o'clock.

Mr. Beams stated five Wednesday? This Wednesday?

Council Member Fenner stated that would be fine with me. Dave?

Vice President Broady stated yea, here?

Mr. Beams stated yes, this would be fine.

President Eddings Presents Ordinances To Be Approved

President Eddings stated thank you very much. Do you want to go ahead and take care of these ordinances next? We might as well. Ok, we have got two or three ordinances here we need to go ahead and act on. We have got the ordinance #97-670, that is the, this is the salary ordinance, right? The salary ordinance for 1998 holiday and longevity pay,

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everybody has had a chance to review it, we talked about it last meeting, I'll entertain a motion to except ordinance #97-670, is this the first reading?

Clerk Treasurer Schafer stated no, the second.

President Eddings stated ok, I'll entertain a motion to except ordinance #97-670.

Council Member Voyles stated I'll make that motion.

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

Vice President Broady stated I'll second it.

President Eddings stated seconded by Dave, is there any further discussion? If not all those in favor signify by saying I, opposed nay,

Council Member Fenner stated nay.

President Eddings stated I's have it. One against four for. Ok, next is the ordinance for rescinding the ordinance to opt out of the IURC. This will be on the first reading and we have got an ordinance, do we have a number yet?

Clerk Treasurer Schafer stated 97-671.

President Eddings stated this ordinance was prepared to rescind 97-665 for the Town of Sellersburg to opt out of the IURC. I'll entertain a motion to consider ordinance 97-671 on the first reading.

Council Member Fenner stated there was another page that went with this.

Council Member Alexander stated I'll make a motion to approve ordinance #97-671

President Eddings stated I have a motion on the floor to consider ordinance #97-671, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, is there any further discussion? If not all those in favor signify by saying I, so you have five votes, so I'll entertain a motion to adopt ordinance #97-671.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second it.

President Eddings seconded by Ken, is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, an the last ordinance was on the weight limitation, for the street.

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Attorney Mc Call stated that is ordinance #97-672. The change that David recommended was on the last page, third paragraph, they shall be no more than eight feet in width.

President Eddings stated this needs to go through two readings?

Attorney Mc Call stated yea, just go through the same thing you just did.

President Eddings stated I'll entertain a motion to consider ordinance #97-672 with the change on the second page to read eight feet on the first reading.

Vice President Broady stated I'll make a motion to except the ordinance on the first reading.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. I'll entertain a motion to except ordinance #97-672.

Vice President Broady stated I'll make a motion to except ordinance #97-672.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any further discussion? If not signify by saying I, opposed nay, I's have it. Ok, I think we have got all of the ordinances out of the way so we will start entertaining petitions from the town. Is a Ms. Pam Voelhe, is that right?

Pam Voelhe Addressed The Council On Flooding, In Her Back Yard, On Alabama

Ms. Voelhe stated what I am here about is, I have a home on Alabama Ave., in the Hill-n-dale subdivision, that due to a problem with drainage, I'm getting flooded. There is a storm drain in the backyard. The backyard is the lowest point of the subdivision, behind the house and the houses, which there is ten of those, devour my home, which I know we have had an exceptional amount of rain this spring, but not only do I have to contend with the, my own rain water, I have everybody elses coming in to my yard, in excessive amounts. Several times the water was so bad it sat up against my house and found its way into the basement and I need to get something done right now.

President Eddings stated does anyone want to address it?

Council Member Alexander stated from my understanding is, if it is the drainage I think it is, it's right, the storm drain sets almost on the back property of where the Hamstead Heath, the development behind you, isn't that the storm drain?

Ms. Voelhe stated the storm drain is about fifteen foot from my back door.

Council Member Alexander stated John when did you all put that in? You all put that in back when they built that subdivision, didn't you? You know the one where we are coming down Alabama, where we go into Hamstead Heath, you go down the hill, the first hill and there is a storm drain that runs through. I mean something that would be associated with

all the problems in Sellersburg, it's not the size of the inlet, at your property, the only way to solve that problem, with the excessive rain, would be to build something big enough, all the way down, until it came to the outlet, which would be the interstate. I say this alot, I mean you are talking about alot of money that we just don't have. Alot of the development, the last two years we have had too much rain, that the system can't handle. There just isn't a really quick cure or a fix to solve these problems, I mean we are looking at them through town, we are trying to figure out a way to slow the water down and distribute it differently. With the sizing of the pipes, when the subdivision was put in, we just don't have the money to go back in and redo everything. I know it doesn't answer your questions or make you happy, I mean I give that speach alot but you are at the end?

Ms. Voelhe stated no one else is here because no one else has that problem, all their problems come to my back yard so I have ten houses in front of me and I have all the subdivision behind me, nobody else is here to say anything because they don't have to contend with it.

Council Member Fenner stated there is no one else here from your particular street but there are people here from two or three streets over, on Lane and Nevada, there is also people here from down on I want to say Fern, but I don't think it's Fern, also on E. Utica St., I mean Sellersburg has so much of its area that is in a flood plain, this is a problem that we have dealt with, that we are going to deal with and the town has done its best to take some action to improve it, I mean just a couple of years ago we had a major project for storm drains and we are looking at trying to get some grant money to do some more and we are trying to fix the areas as we can but it's such a big problem and is so wide spread that we can't fix every area immediately.

Ms. Voelhe stated I can't do anything to my back yard, I can't fill up my backyard because if I do you will tell me that I'm obstructing the flow of water and so the way I see it, I mean, there is not a pipe big enough to catch everybodys rain water and go into the storm drain on my property so I have the guy next door standing out there with water up to his knees trying to keep leaves and stuff away so as much of it can go in there as possible.

Council Member Alexander stated how long have you lived there?

Ms. Voelhe stated I have owned the property for about five years.

Council Member Alexander stated about five years and the last two years have been the worst.

Ms. Voelhe stated yea, real bad, I mean the whole entire backyard is soupy all the time.

Council Member Alexander stated right, one other thing the town looks at and it's not, it's kind of a gray area, as far as responsibility of the town, I mean, what the town responsibility originally was set was the run off of the roads, to keep the roadways clear and stuff, we don't usually go into backyards alot, I mean, there are easments that drain down and have a flow and have a pipe that run through, as far as an easment but...

Ms. Voelhe stated so the storm drain in my backyard is in your easment.

Council Member Alexander stated there is alot of people out there with backyard problems..



Ms. Voelhe stated but the storm drain that you all have put in my backyard...

Council Member Alexander stated we put that in, I don't know how many years ago, it was before me, I guess I was a kid, but they put it in to help but the sizing, there is nothing we can do at your end, it would have to be, it would be a whole new pipe running all the way to its exit and I mean you would be talking about going all the way through Ohio and out to I-65, I mean that is the solution and town is not equiped with the funds to accomplish anything like that.

Ms. Voelhe stated if there is nothing that can really be done, can I get some help in alleviating this problem? I mean if, if you can't say to me that you can't totally fix it, couldn't we both work together on it.

Council Member Alexander stated I mean, to take one through that, you would be talking about hundreds and thousands of dollars and we would be almost redoing what the subdivision should have done in the first place.

President Eddings stated it's no consolation probably to where you are at right now but in the last five or six years we have developed plans, master plans, and put subdivision regulations in to prevent this from happening, in the future and future development, none of this was in place back when Hill-n-Dale was developed and Hamstead Heath and all of these properties and alot of them where not developed to the standards that we have got in place today, no where near those standards but that is one of those reasons why we ran for the board and put those things in place and no it doesn't help the past problems we have had and still got and it is like Ken said as we get grant money and as we get money available we work on the problems, we have a priority list of the problems, we have alleviated alot of the flooding problems that have come through the down town area and through all the homes that are on this one path that are going over to the Silver Creek discharge but that was a tremendous amount of money and as we get more money we will work on more problems but money is the big issue, we are not a rich town, we are a relatively poor town.

Vice President Broady stated let me ask you this, when you stand out there and keep the gutter clean or the drainage thing clean, does the water disperse out pretty quickly?

Ms. Voelhe stated it just depends on how hard it is raining. If it is a hard, fast rain it doesn't soak into anybody house, it gets to mine before any of that occurs. I'm just saying that this whole entire spring, I have had a pond in the back of my yard, all the way up to my house, leaking into my house that I have had to replace alot of the inside structure of the basement.

Council Member Alexander stated one suggestion that I can make, I don't know if it will help or not, Joe do you think that we can coordinate and get a jet ran through that line just to make sure that it is clean and free of obstruction? We can schedule that with Mark.

Mr. Goergen stated I can try but I don't think it will go very far.

Council Member Alexander stated well, this is only to get to the street would be, it's not very far, we are talking one hundred fifty feet, if that, it's not very far, if anything to make sure that it is clear and that we are not clogged up and that's why it is taking so long for the recovery and I mean that is the only thing that we look at any more, is

when we go out on the big rains, it's the recovery time because the amount of rain fall that we have, we know that the system isn't going to be able to take it but what we look at is how long it takes for it to finally go down and it to go back into the system and if you are saying it's taking an abnormal long time for it to eventually drain out, the pipe could be clogged up with dirt, silt and not allowing it to drain out of your yard fast enough.

Council Member Fenner stated we understand the frustration because we, there are several people that have the same problem and we have been there and I mean we wish that we could say to make it so and we would take care of the problem but we just don't have those kind of resources...

Ms. Voelhe stated but then you will restrict me from trying to get in trying to get my backyard because I'm telling you that those ten houses ahead of me, you don't have any of them here, you do have strategic points but those people are in the same spot I'm in they are in a low lying area, they get everybody else's problem and they have to contend with it and I can't dam up either side and obstruct the flow so that I can only deal with my rain water only.

Council Member Fenner stated can we ask John to go out and take a look and see if she can do something just to help to keep it away from the house at least John? To give her some ideas and some help from our town engineer and the only thing, like I said I know that this doesn't satisfy you at all but I mean you think about how much rain we have this spring and it has been a very unusual spring and a lot of places that have never been flooded before have been flooded this spring and I mean when you have twenty-four inches of rain, twelve inches of rain in twenty-four hours, we are going to have problems. When you have two inches of rain in one hour after the ground is already saturated, we are going to have problems, I mean my basement leaks too.

Ms. Voelhe stated I know it has been exceptional, I can understand that but it hasn't just been this spring

Council Member Fenner stated we understand your frustration, we will look and see if there is something that we can do at least to get it away from the house and we will differently put it on the list and we will pursue it, I know that that isn't a very good answer.

President Eddings stated thank you. Mr. George Gesenhues. There are some tough ones to pronounce this afternoon.

Mr. Gesenhues Addressed The Council For Belinda Bartley's Drainage Problem

Mr. Gesenhues stated I'm here on behalf of Belinda Bartley, as her attorney. This is a revisited issue. Belinda tells me that this has been a issue or topic of council meeting on as many as six prior occasions, so I will try to frame the issue as quickly as possible, it is the drainage issue. She lives at the intersection of Villa and 31 and just to the south west of a town owned lot that until a year or so ago was a holding spot for a, or what I presume to be a portion or part of the the towns drainage system and at the beginning of last year, the beginning of 1996, the town filled up that holding basin and breached a dam that they had and as a result she has got four acres in that corner that a portion of which is effectively now a holding spot that was the towns property next door. I have got coorespondence in the file where the town made an offer to her to do some excavating work and but talking with Belinda it's my understanding that the offer was basically to dig a ditch across her property that would, this water.

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Along about the same time Belinda was given a drawing that looked to be a proposed solution and that proposed solution was replacing a large drainage pipe across her property and that pipe would lie in what would be a gentle swale, that cut her property, that would allow her access to the back side of her property. This is it when your driving 31, the ditch would take this general route and probably what we wanted to do is make sure that there was an understanding about the difference between that proposed solution, that is the open ditch across that property and the solution that proposed in this drawing that came from the town engineer, about a drain pipe, this solution would allow her access to that back portion of the property which the open ditch solution wouldn't allow.

Council Member Alexander stated I'm confused, are you under the assumption that there is no ditch there now or are you saying it's just a swale.

Attorney Gesenhues stated prior to the...

Council Member Alexander stated right now what's on the property? Is that just, are you considering that just a swale? Are you considering that just a ditch that has been there for awhile that water has always ran down?

Attorney Gesenhues stated well certainly before the holding pond was filled in it was a swale that she could live with because she could cross it easily and get to the back portion of her property.

Council Member Alexander stated so your understanding is then is there wasn't a ditch there it was a swale.

Attorney Gesenhues yes.

Council Member Alexander stated that no water ran down except for drainage off her property that we held it off?

Attorney Gesenhues stated no, there may have been water other than just on her property but the manner in which and rate of which it was flowing across there was effected by your holding pond and that's what has changed.

Council Member Alexander stated I was just getting clarified on the swale and the ditch because it was my understanding that was always a ditch.

Attorney Gesenhues stated no.

Council Member Alexander stated a swale is, there is a different definition between a swale and a ditch.

Attorney Gesenhues stated from her prospective the difference is, one allows her access to the back part of her property, this back corner and one does not. I don't know nearly as much about this drainage issue as you guys do for sure but Belinda has got neighbors here from the other side of Villa Dr., who have been there since the 60's, who say that that holding situation, the holding pond situation, from over here worked great in that this back part of this lot was accessable and usable and that when that was taking away, that changed. Belinda has got pictures here that I can share with you, if your interested, that don't depict her situation after the 13 inch rain or after 5 or 6 inch rain but after normal thunderstorms, for this area, it's flooded and she cannot use that property and she here so you can sum further expiration of the issue and just a kind of following up

to the last person that was here, Belinda's problem is different in that, if I understood it correctly, that lady, when it rains heavy she gets flooding that sometimes goes in her basement, it's intermittent, the situation that we have got here, that property is that way right now, it is essentially a swamp under water right now, in a way it wasn't before and it is not just after periods of heavy rain, it is there continuously and I mean it renders that property useless to her and you know she has come to me and asked me what is my solution what can I do here, what are the legal and you know we have talked about the, and I'm sure, I have talked briefly to Perry and he said you have explored this issue and been through the common and about drainage water and that type of thing and we understand all of that, we have also discussed the possibility of some sort of inverse condemnation lawsuit, I can't predict for you exactly what a court is going to do with those things and I don't know if Perry can either but I can tell you that Brenda's options are fairly limited in that if she can't work out something acceptable, she has no choice but to try that route to see if there is something that can be done. I don't know, I understand what you are saying that you are struggling with this problem and if there is nothing that can be done and you have money, what, for my own ratification what was the rationale for eliminating the holding spot, that was to the north of her property, that worked well?

Council Member Alexander stated the gallonage wasn't that much. All it did was come in swirl around and come right back out. It didn't hold, I bet it wasn't five thousands or ten thousands gallons, it isn't a holding pond like you think...

Attorney Gesenhues stated did it hurt things?

Council Member Alexander stated pardon me.

Attorney Gesenhues stated was it a detriment? The elimination of it certainly made the difference between her being able to use this property and her not being able to use this property.

Council Member Alexander stated I would have to refer that to our engineer.

Attorney Gesenhues stated again the neighbors here would confirm that, that it is clear that before that she had a usable situation and that after that she did not. This is one of her neighbors to the other side of the field.

A Neighbor stated the holding pond that you have been talking about, did a good job, it really did. It didn't flood 31. The last few rains we have had here, it just submerged 31, we didn't have that problem as long as that holding pond was there. The thing I don't understand is it seems to me that a lot of people in this area have water problems and you have destroyed the only holding pond in town.

Council Member Alexander stated would that be the solution here, just putting the holding pond back in?

Attorney Gesenhues stated we are searching for some solutions.

Council Member Alexander stated I mean if that is where everyone thinks the source of the problem is...

A Neighbor stated there is water problems all over town, apparently, and you have destroyed the only holding pond that we had.

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Council Member Voyles stated well you know that all that construction that is done up by the, where they make the bath tubs or whatever, and then they have got the little kiddy corner thing and all that fill that was brought in, the more fill that you bring in, the water has to go some place, it has to meet its own point and I think that more and more the state lets them dump dirt in to raise the level and you are going to have it and...

A neighbor stated you did it too.

Ms. Bartley stated you didn't approve the kiddy care coming in?

Council Member Voyles stated the state, the state issued that, if the state clean water people says they can dump, there really isn't too much that we can do about it.

Ms. Bartley stated you have an open 42 inch storm sewer dumping directly, pointing at my property.

Council Member Voyles stated I don't know.

Attorney Gesenhues stated I mean that the question was raised about the, was asked whether that would be a solution, from her perspective, I mean her problem was initiated when the holding basin was filled in and that damn was cut.

Council Member Alexander stated so the options are to either go back to the ditch or to put the holding pond back to its original.

A Neighbor stated the holding pond held more than I think what your saying. It was alot deeper and it did hold even a large rain fall before it spilled over into the dike. Now the dike is cut and there is a main line that is draining onto Belinda's property. So alot of things where done, that whole area, you would think that you would have a record as to how many dump truck loads of dirt was put in there but I know they where running an adverage of 8 to 10 a day for a good month and a half to six weeks.

Council Member Alexander stated we probably still have the original drawing.

A Neighbor stated that when I called up there and asked Linda, they told me that it was just temporary, they where unloading, just digging something and was dumping in there.

Attorney Gesenhues stated this is the breach of what was the dike and that is, to my understanding basically the low point of what was the holding basin, before it was filled in.

Clerk Treasurer Schafer stated is what I found out later is what you told those girls to tell them.

Council Member Alexander stated I would like to make a suggestion that we look at the three options one more time and have a chance to discuss it.

Attorney Gesenhues stated is your question about that?

Council Member Voyles stated I just wanted to know about this stuff up here, what is that?

Attorney Gesenhues stated that is debris that was washed onto her property.

Council Member Voyles stated was that waste put there or where did it come from?

Ms. Bartley stated alot of that is compost that I'm trying to put stuff there to keep it from flooding my rental property.

Council Member Voyles stated in the ditch?

Ms. Bartley stated beside the ditch.

Vice President Broady stated is that wet now?

Council Member Voyles stated because I gaurentee that would slow it down.

Vice President Broady stated it's all wet right now. Let me ask you something, we haven't had any rain here for quite some time, is that correct? It is all wet right now. The retention basin that was there come in, in size pipe and drops out immediately with another size pipe and the only thing that retains the water is the different size pipe. Do you understand what I'm saying?

Attorney Gesenhues stated I guess that it, to some extent that, it is the holding nature.

Council Member Fenner stated slow it down.

Vice President Broady stated if the flow doesn't exceed what the smaller diameter of the pipe is the flow comes in, runs out. If it exceeds the smaller diameter then that is what it retains and that is what it did and then it would drop down easily. Ok we haven't had any rain in a considerable amount of time and you're saying that it is wet and you can't even use it now.

Ms. Bartley stated that is right. There is water running from the open storm sewer.

Vice President Broady stated it would be running from the retention basin.

Ms. Bartley stated no it wouldn't.

Vice President Broady stated yes, it has to.

Ms. Bartley stated it didn't , it didn't, you have an open storm sewer.

Vice President Broady stated the pipe has always opened up to you. No you are not going to change my mind because I have built some retention basins but a retention basin it is the diameter of the pipe, water runs in and water runs out.

A Neighbor stated but it did hold water.

Vice President Broady stated in an extreme amount of rain that is exactly made to do.

Attorney Gesenhues stated are you questioning whether that property before this, the damn was breach and the thing was filled in, are you questioning whether or not it held water then?

Vice President Broady stated that is exactly what I'm questioning because what the problem is...wait a minute, let me answer, what we went down and Belinda and I talked about this

what appears to be the problem, even when the retention basin was there we was having a problem, the old ditch filled up with suit and grass and weeds, for whatever reason and we proposed that we would come down there and reclean it out and make a swale ditch so that the water would progressively come on down and run on out and eliminate this wet situation, ok, and I told Belinda then, I said, if we do that we will swale way out, the water will go on through, you know and a few dry days you will be able to go across it. You get a two inch and you will not be able to go across it, which is normal, that is with any swale. The swale has been there not since we have done anything, it has been a natural swale there for, you know ions.

Attorney Gesenhues stated yea, I think that she agrees with that.

Ms. Bartley stated No it wasn't a swale sir.

Attorney Gesenhues stated maybe there is, we need to get clear, are you saying that the suggested solution, that that would have left a swale that could have easily been crossed for her to easily get to that back side of the property? Is that your understanding Belinda?

Ms. Bartley stated when you came to my house and looked at it, you told me that you would make a ditch and you would rock it and it would be pretty, there wouldn't be weeds and stuff growing up in it.

Vice President Broady stated I don't know what I, I might have told you about the area up there but our suggestion was, our last proposal was we would clear out and make a swale down there and you said no that was not good enough, that you wanted a pipe and we said that we couldn't afford the pipe, I'm not close to what happened?

Attorney Gesenhues stated what can you tell us about the origin of that drawing, whose proposal that was?

Vice President Broady stated I had, that one there? I John our engineer draw that one up to see if it could be piped accordingly because we were concerned that the elevation fall down there, we would have this scenerio, the pipe would have had to been up in the air and covered where you would have a hump so he went down there and we paid for that, to have it engineered, to see what it would do or to see what we could do, you know if it could be piped and that is where that drawing came from and I presented that to her.

Attorney Gesenhues stated but did that not present an exceptable, at least engineering solution? The pipe?

Council Member Alexander stated no because the level of the creek, as it rises from the floods and stuff like that, it would actually cover the pipe and it would have no outlet now and everybody up that whole line would have been flooded, that was another problem with the pipe.

Attorney Gesenhues stated this solution was depicted here would not work? Belinda wasn't told that. They were told that this would work but that it was more expensive.

Council Member Alexander stated it would work to an extent but I mean...

Attorney Mc Call stated well ask John, he is right here.

Vice President Broady stated do you remember doing the drawing John? Would it work?

Mr. Toombs stated sure.

Attorney Gesenhues stated just more expensive then the other route?

Mr. Toombs stated quite a bit more.

Attorney Gesenhues stated ok, if it is an economic issue, we might as well address that instead of saying, this one wouldn't work and this one would.

Council Member Alexander stated yea, John, under the rain that we have had and the flooding that we have had, would that pipe be that high? When the creek got up out of its banks and in her backyard, would that pipe been above water?

Mr. Toombs stated no, that pipe would have been under water.

Council Member Alexander stated under water, which would have caused, what would almost be called a blockage, it would have slowed all the water down.

Mr. Toombs stated it would have just backed up.

Council Member Alexander stated it would have filled up the pipe and so forth. So, I mean, as far as my being over the storm drain, it wasn't acceptable to me, let's put it that way.

Attorney Gesenhues stated but certainly from her stand point, that situation would have been preferable to her laying constantly in a swamp.

Council Member Alexander stated what is acceptable, to purposely knowing, under a flood...

Attorney Gesenhues stated let me make sure that I'm clear on the understanding because it sounds like we might be misunderstanding. You're saying that the proposal to do excavating work would involve putting a swale in, that would be easily crossable, by her, and no open ditch, that would be rocked, that she would have to cross to get to the back part of her property.

Council Member Alexander stated it was supposed to be where you could mow it. It was supposed to be where you could go down there...

Attorney Gesenhues stated was that...

A Neighbor stated no, that was not what was said, I was at that meeting and that was not my interpretation. This drawing said there was a swale, with an underground pipe and it was stated that is would run about fifteen thousand dollars, you stated that we don't have the money...

Ms. Bartley stated Doug said that we have swamp all over Sellersburg and we cannot fix that.

Council Member Alexander stated the only other question that I have would be, what about when the creek comes out and gets in your backyard.

A Neighbor stated that drains off rather quickly, believe me, after eleven inches...

Council Member Alexander stated but I mean that it is still getting on your property and didn't that creek, during the last flood we had, didn't it get up almost to your house?



When it came across Road Runner and was flooded over and came out it didn't then?

Ms. Bartley stated the last one, when it made all the pictures in the leader?

Council Member Alexander stated yea.

Ms. Bartley stated no, it wasn't up to my house.

Council Member Alexander stated it didn't even come within fifteen feet?

Ms. Bartley stated no, but it was all the way up to my rental house, it was up to my rental house, thanks to your storms sewers directing that water in there.

Council Member Alexander stated the whole back part of that property wasn't, it didn't have water on it at all.

Ms. Bartley stated my house no, my house...

Council Member Alexander stated no, I'm talking about this whole back property back here.

Ms. Bartley stated this whole back property here, it was across here but that's, it's not up by my house.

Attorney Gesenhues stated her preferred solution is to put the holding tank back in and put the property back the way it was before early last year, she had no problem before that, that is her preferred solution. If that cannot be done...

Attorney Mc Call and then she would release any claim that she would possibly have against the town if they would accommodate her there and if it doesn't solve the problem then it is her baby at that point, is that right?

Ms. Bartley stated no.

Attorney Mc Call stated well then...

Attorney Gesenhues stated well wait a minute, you mean in terms of...

Attorney Mc Call stated in terms of, what I have heard here is we put it back exactly the way it was because this is a condition that exist now, that was supposedly created by that ok, then that puts us back to the starting point, then she would be happy and then she would be willing to release the town at that point but if it is back to the specifications of the holding pond, is that right? That she would agree to release the town at that particular point because that seems to be what everyone is saying here, if you put it back to the way it was before, then we have no problem.

Attorney Gesenhues stated she didn't, now I suppose that ignores all the possibilities, I suppose that something else that has been done back up in the drainage system has changed between now and then so that the flow through there is going to be increased.

Vice President Broady stated it decreased. The last storm sewer system that we put in took probably fifty percent of the water that used to go through there...

Attorney Gesenhues stated but then there's another problem that exist...

Ms. Bartley stated there is no way. There is no way, that water comes through there it dips and makes a big ole fall.

Attorney Gesenhues stated no Belinda, what they are asking about is, your not going to sign anything or make any comments right now but they are saying that...

Ms. Bartley stated what they did up in this town is they are directing water out of this town, is what they telling me, but it is still coming down now.

Attorney Gesenhues stated are you satisfied enough that the elimination of the holding basin caused your problems?

Ms. Bartley stated yea.

Attorney Gesenhues stated to say if they put it back to the way it was before that would solve the problems.

A Neighbor stated I would say that the specifications exactly as it was put in, when the original basin was put, and that was back when the...

Attorney Gesenhues stated she is not trying to make any money out of this, she...

Ms. Bartley stated but I wouldn't sign anything unless I think, unless there was time that went past that proved it was...

Attorney Gesenhues stated would that not be...pardon me.

Council Member Voyles stated she just said that if it, we wait until after we did it and if it rained and didn't solved the problem that it would still be our problem.

Ms. Bartley stated that is what you told me when I was calling, saying what are you all doing filling in that, filling that in and...

Council Member Voyles stated no, I didn't tell you nothing, I didn't tell you nothing.

Ms. Bartley stated you just said just shut up and wait until it's done.

Council Member Voyles stated no mam, I never told you nothing.

Attorney Gesenhues stated what we would like to do, what we would like to do is convince you that she had no problem before the elimination of the holding basin and she does afterwards and she is...

Council Member Voyles stated ok if we put the holding pit up, the holding thing back, the same way it was then that washes everything out, right? Then if we have a problem later, that is not our problem, is that what your saying or are you not saying that?

Attorney Gesenhues stated I would suppose that it would depend upon what that new problem would have stemmed from, I mean...

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Attorney Mc Call stated well that is the situation that really is the unknown quantity. She is going to hire someone to engineer and then take a look at it, to see if this water is coming from a different source or to do something on her own behalf, I mean once we agree to do this...

Attorney Gesenhues stated are you guys looking at it as putting that holding basin back in there a more economically alternative then the pipe solution?

President Eddings stated we would have to investigate. What we are going to have to do is, we can talk all night here, people are going to, you are going to have to set down with Perry and John, come up and make us, tell us what you want to do, we will tell you if we have the money to do it or if we can do it.

Attorney Gesenhues stated we want to do that right now, we want to tell you, we either want the holding basin put back in or this solution implimented.

President Eddings stated with the pipe?

Attorney Gesenhues stated yes.

Council Member Alexander stated you wouldn't consider the first solution, just the swale?

President Eddings stated just the swale?

Attorney Gesenhues stated I need to talk to Brenda a bit, from what you explained to me...

President Eddings stated we'll address all three of them and we will tell you what we can do and what we can't do, what we have the money to do and what we can't do. We can have John to put the cost together to put the pond back in, the cost on the swale and a cost on the pipe issue and see if we have any means available to help the situation.

Council Member Alexander stated what about the neighbors with the mosquito problem, are you all going to handle those for us?

Attorney Gesenhues stated those same mosquitos are attracted to this.

A Neighbor they are there but they just moved down.

Council Member Alexander stated yea, but that is a problem that does exist and we have had just as many phone calls as I do on this.

Ms. Bartley stated you can't mow this, you could mow, and they did every week, the town came out and mowed that holding pond, ok, and you cannot get in there to mow this.

A Neighbor I also use methods to keep down the mosquito population. You cannot mow through mush.

Attorney Gesenhues Bud told me that that holding basin was, at least, back there since '83 and she has been on that property since '83, bought it in '85 and up until the thing was filled in she didn't have any problems. She wishes she wasn't here you know.

Council Member Fenner stated I have a question if that is what you want to call it and that is how much of the problem is caused by the debris that is put in that swale,

that is holding that water in there? I mean I think it's up to the property owner when you have debris come on your property, it's up to you to clean it out and I mean I don't know but I question that, if that is a problem right now.

Ms. Bartley stated it wasn't before.

A Neighbor stated I have lived there since '76, I bought my property directly across the street, the old swale ran on this side of what you are calling debris here which we, was started out as a compost area, it did run with no problem but this is since the holding pond, with previous owners I used to till all of this area for a big garden, obvious I can't even get in there with a hoe and the debris is not setting where the old swale was.

Council Member Fenner stated is it setting where the new swale is?

A Neighbor stated no, the old is still there, it just doesn't take the whole...

Attorney Gesenhues stated it just doesn't take the whole flow. Like I said she is running out of options and she doesn't want to go to court over this thing but if somebody determines legally that she can't, or that the town can get rid of that drainage water as they best see fit, she do the same thing and she is literally faced with reversed, she may have to try to wall the stuff out and that doesn't work for anybody. I take it the town is in no position to tell her whether they will do either one of those things?

President Eddings stated we have to do some investigating work with John.

Attorney Gesenhues stated what do you think will be a reasonable time frame for her to get some kind of response?

Council Member Alexander stated he has alot of work that he has just now getting to me so at least a month.

President Eddings stated the meeting after next?

Attorney Gesenhues stated we haven't even explored the problem with the, and I don't know what the answer is, that certainly altered in some way the flood control over all picture of the town and...

Council Member Fenner stated that is the ironic part about it, you know we have other people here that are worried about storm water and this was before I came on the council, so you guys correct me if I'm wrong but wasn't this part of the project to help correct some of the storm problems in the rest of the town...

Attorney Gesenhues stated filling that in?

Council Member Fenner stated where we corrected it one place, I mean, we are catching it some place else.

Attorney Gesenhues stated it may help her a little bit if you could explain to her why the thing was filled in and...

Council Member Fenner stated I think that was explained the first couple times she was here

Ms. Bartley stated no it wasn't, no.

A Neighbor they filled it in with the intention of selling the property for somebody to build on, which the guy, I talked to a guy in Washington, back when all of this started, and he told me that that was the dumbest thing he had ever heard of and quite frankly that is what he said. It was filled in with the intention of somebody building.

Attorney Gesenhues stated that seems pretty fundamental to me, why was it filled in?

Council Member Alexander stated the engineer said that the system that was in there...

Vice President Broady stated we will work us up some prices and our attorney will get with your attorney and try to bring a solution to this thing, it has already been going on this long...

Attorney Gesenhues stated but in terms of a time frame, you are saying one month?

President Eddings stated the meeting after next meeting.

Attorney Gesenhues stated is there any more information that you will need from her that would be helpful on what you guys are going to do.

Council Member Alexander stated we will go by it every time it rains.

Attorney Gesenhues stated with her though, it's there even when its not raining, it's in between those rains.

Council Member Fenner stated is it ok if we go out and walk the property?

Attorney Gesenhues stated sure.

Ms. Bartley stated help yourself.

Attorney Gesenhues stated and these pictures are available. Thanks for the time.

Jay Broadsky with Ran-Paige Addresses Council On Flooding

President Eddings stated Mr. Broadsky, it's your turn. Mr. Broadsky stated what a night at the meeting. My name is Jay Broadsky and I'm the owner of Ran-Paige, on S. Penn St. and unfortunately I doubt if there is anybody in this room that can talk about the negative economic impact suffered in the flood, in March, more so than my little company can. It was devastating. I do understand that you can't stop ten inch rains in eight hours and you can't stop two inch rains in one hour and I attended the public hearing on Thursday that presented the package, for the grant that is going to be submitted for the a retention pond on the opposite side of Penn, it's probably a nice first step but my real reason for being here is to talk about what is ultimately is a global solution because with all of the people who have spoken before me it seems like the problem is like imperpituity, it is here, it is there and it's, but I haven't heard of a plan that is being developed totally to address the over all issue and what federal funding is available, what state funding is available, I understand the condition of the Town of Sellersburg, it is a small town with a relatively small tax base and if we are talking about taking the money out of business pockets and home owners pockets, we can forget the whole issue because it will never happen so the realities are obvious but the solutions, with the problem comes the opportunity and now the question is we look at what has happened at the

last two or three years verses the last ten or twelve combined, we have had a much bigger hit since 1994 and 1995, in three years, than I had in the previous ten years put together and part of it is from, you can legislate answers, you can say that in the future we can't do this, this, this and this which the town is doing now, in terms of development, construction and certain things that the builder have to do in pledge so we can't, moving forward you can change several things, but looking back it will take alot longer to correct those ills from fifteen to twenty years ago but it needs to be addressed and I have yet to see a plan put forth for the town that addresses that package, in total, not addressing Villa and not addressing Alabama, not addressing S. Penn but addressing the clongromorant issue so that all of us can see what ultimately is going to happen. In the case of many home owners, you are sort of in a position where you are stuck as a result of what's happening and you just kind of take your medicine and it goes away and it will come back in about six months and in our case I have really found it very difficult to continue to ask my associates to come in hip waders and use push brooms and mops and take care of thirty inch flooding and nine inch flooding because each one of those takes a tremendous toll and it also convinces good people that there has to be a better life then coming in here every six months and cleaning out the damn crap that came in with the flooding, now that is there opinion and I happen to own the company and I feel the same way but at the same time I also recognize that I really want to start hearing a town solution that might incorporate many, many other agencies besides just your input to what's going on and that is really what I'm here to talk about, I don't expect you to be able to stop floods, I do expect, because of the situations, that if it is going to be a continuning thing and there is no reason the think that what happened in March won't happen again, maybe it won't be as bad but it could certainly happen again, there really has to be something addressed, down the road, to solve the communities problem, not my problem specificly and not Pams problem specificly but just the total and what I have heard tonight, first of all the Town of Sellersburg has probably, per square mile, as much flood plain in it as any town around and that is part of the problem so now that we know that that is the issue then we just have to start addressing it and I even heard John say that he is not even sure if the package, that you are looking at to take care of the initial step, for the retention pond, is going to be thing more that just building a big bath tub and if that is just the case and it is just going to do this much help then maybe there has to be fifty bath tubs built or maybe we have to put more culverts under Penn St. or maybe we have to extend the creek, dredge the creek or reroute the creek, whatever it takes, we really have to start looking and what the ultimate down side economic, negative economic impact is, for not conclusions and solutions for things that might take another four or five years to take care of and in our case we are very concerned and I consider my company and myself to be very good corporate citizens, we certainly contribute into the town and we take care of issues in the town and now I'm coming to the town asking, not that I want to give away, I'll even work with the town in working towards a solution but we really have to talk about where do we go next because this problem is not going to go away, as much as we would like to wish it away, it won't go away, it might lessen itself, it might get worst but one thing we know, it won't go away so I thank you for listening and I would just like to know what is on the agenda for the future, what are we going to do as a group to address my, I call it the global solution.

Council Member Alexander stated one, this is the three years now that I have been here and this is what we have done. We go out and look for the grant, (a) the town is too rich, it is hard to believe but we have a very, compared to our size, we have a very small amount of low to moderate income and that is usually the first thing for a grant that they are going to want to see (2) when we are doing our paving schedule, we have realitively, in the budget, only fifty to seventy thousand dollars a year to do all of these projects, ok, like I said before, because of the agressiveness, with the paving that they have done in the

past, we have got a window, of maybe three or four years, that we have budgeted a hundred and twenty-five or a hundred and thirty but most of these problems are five hundred to one million dollars to take of and because a town and how it is set up, you can't save the money and then spend it, once it is appropriate you spend it or borrow it, ok. If we were to borrow what it would take to fix everything then we would have no budget to take care of the maintenance and the rest. Our options are very slim. What we are trying up at Ivy Tech is like a baby step and if it does work maybe we will be able to put the other fifty ponds in but the only thing we can do is hopefully the legislators above the Town of Sellersburg realize our problem and realize that we are half flood plain and we will maybe change, I mean it would take a change of legislative to come in and allow us to be applicable to grants in order to receive them.

Ms. Pixley stated excuse me Kenny. Why can't the grant that you are getting, which was supposed to be to clean all of those things out, why can't it be used for that before you put that pond in.

Council Member Alexander stated no, you are misinformed. The grant that was going to be for dredging the ponds and so forth was coming from the commerce department, which was supposed to be a package that the federal government was going to pass down to the total Kentuckiana area.

Ms Pixley stated down to the whole area.

Council Member Alexander stated right, right and the, my understanding, whether I'm right or wrong, I don't know, but my understanding as far as talking with Mark Smith, one million dollars was given to the whole state of Indiana so what share of that one million dollars out of Utica and so forth we are going to get is going to be...

Ms. Pixley stated that would not include putting a new pond for the new people coming into the town. That was for the whole area...

Council Member Alexander stated exactly there is one million dollars for the state... pardon me.

Ms. Pixley stated why isn't it being used for that?

Council Member Alexander stated it is because of why this pond works because it covers two roadways so we can slow the water...

Ms. Pixley stated it is going to cover the roadway from our place is all it is going to cover. With all the people in this town and all the people that has been here...

Council Member Alexander stated not to be sharp or anything but I would be more that happy to set down with you and we will have a meeting with Treasa Brading and I can give you...

Ms. Pixley stated I'm not going to believe anything you say Kenny.

Council Member Alexander stated no, please do, no I'm asking you.

Ms. Pixley stated no, I wouldn't.

Council Member Alexander stated you wouldn't, that is the problem. You won't spend the three years that I have spent, come sit down with me and Treasa Brading, now you have plenty of time Ms. Pixley. I'll call you and we can set up meetings. we will sit down with her.

you need to see it from this side, I know you are anti Sellersburg, I know that you do not like what this council is doing, I want you on this side, I want you to see the difficult decisions and how you take care of all these problems, with no money and no planning for thirty years, you were here for the thirty years that we should have had planning, you were here...

Ms. Pixley stated we will never have any money with the way that you are doing. You are paying a corporation to come in...

President Eddings stated that is enough. Jay let me address one of your questions, we did have a study done, a major storm drain system study done by Southern Indiana, who was that...

Vice Council President Broady stated they took it all the way to Silver Creek, they took it all the way, what was our problem at Silver Creek?

President Eddings stated but didn't we get help from Treasa and that group for the study? From Treasa Brading and that group?

Mr. Toombs stated the Department of Commerce, yes

President Eddings stated ok, and we had a major study done that gave us, here are the problems in Sellersburg and the severity of these problems, if you want, if you get any grant money, this is what you need to fix first, this is the most severe problem, this is the second most severe problem, this is the third most severe problem and the study was done what four years ago and we have probably have gotten problem, there was a list of ten to thirteen different areas that would be the most, if you could correct these, you could correct eighty-five percent of the flooding in Sellersburg, of those thirteen items we probably we've have probably had enough money and done two, #1 and #2, the big one being the big flood trap that went through town, that was the #1 and we did get that done and it is, even with a thirteen inch rain you can drive through Sellersburg and you couldn't drive through Clarksville, Jeff or New Albany, but you could drive through Sellersburg so that part we did get done but we are working on them and we do have a plan now the plan is four years old it may be time to upgrade the plan, especially because I'm sure they collect their numbers on, you know, the past eight or nine years worth of rain fall, which is nothing like the last three or four years worth of rain fall but we didn't go at it blindly, we did have a methodology in place and it was done as correct as we know how to do it.

Mr. Brodsky stated we will all the situation as it most dramatically impacts us and I'm not saying that what happened out on Utica as you worked on that wasn't a major problem but when it all went to that direction and nothing came to the south end of town, those of us that were impacted at the south end of town said well ghee that was very nice but we haven't solved the problem yet.

President Eddings stated right, and we haven't, you know, as money comes available, we bring that back out and we look at what is the next area that we need to concentrate on that will take care of the most amount of people and the most amount of problems with this much money and that sort of the plan that we are following, it may be time to look at an upgrade of that plan, we would have to investigate that but we didn't go in blindly.



Mr. Broadsky stated I knew that the plan was in place.

Council Member Alexander stated thanks Jay.

President Eddings stated ok, Tim Huber, Ramsey Development and Vencor Co.

Tim Huber, Ramsey Development and Vencor Co. Address the Council On Clark Co. Home Facility  
Mr. Huber stated this land is actually in the county, we are here to ask the council...

President Eddings stated let it rip.

Mr. Huber stated my company is out of Tell City, In, which by the way had a forty-five year flood problem and the city got together and they haven't had any flooding since 1977, they had some really good ideas and just it might help you out, Bill Gothinic is the mayor, you might want to talk to him and he might give you some ideas but it is a town much like Sellersburg, low, always having alot of problems but any way this property is situated between old Hwy.60 and new Hwy.60, right across the street from Metal Sales and Clark County R.E.M.C. and you have a sewer and water line coming, sewer on the other side of old Hwy 60 and water on our side of Hwy 60 with adequate capacity and we would like to pay the fees and tap on, it is that simple. It is a 120 bed nursing home facility. My company will own it and lease it to Vencor.

Council Member Fenner stated are you sure that we have the capacity. you have check with..

Mr Huber stated we have checked it with your engineer. We have also done flow test on the water because the state fire marshal wants to know that you have proper flow and pressure and this building sprinkler and that is more that adequate.

President Eddings stated would anybody owning the property have a problem coming into the Town of Sellersburg.

Mr. Huber stated we would love to. We will be the owners, we don't, I don't know why we wouldn't want to. I think that is enevitable that either Clarksville or Sellersburg gets us eventually so first come first serve

Ramsey Representative stated we prefer city services fire, police.

President Eddings stated do we just need to put it into the deed or what is the next step?

Vice President Broady stated if there isn't anything else I would like to make a motion that we allow them to tap onto our city services and contengent upon them agreeing to become part of the town

President Eddings stated I have a motion on the floor.

Council Member Fenner stated I'll second.

Mr. Huber stated does the annexation of the town, it really has a history with this piece property, I don't know if there is a time frame there or not whether it is the right thing to do for our piece of property.

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President Eddings stated we just wanted an agreement that says that you will come into town without remonsterance.

Mr. Huber stated we are the property owners. These people are not annexed. This side is Clarksville.

Council Member Alexander stated wouldn't it be just like what we did out at Covered Bridge?

Vice President Broady stated if we can legally do that, will that be a problem?

Mr. Huber stated I can't speak for all of these other property owners, I, but from our stand point as property owners, where we stand we don't pay property taxes any way, the leaser does so it would be Vencor...

Vencor Rep. stated we don't pay property taxes regardless of where we are.

Council Member Alexander stated wouldn't that be the same thing that we do up at Covered Bridge?

✓ Attorney Mc Call stated the motion is made right?

President Eddings stated the motion was made, do I have a second?

< Council Member Fenner stated yea I seconded it.

Attorney Mc Call stated get this gentleman card and this gentlemans card and we can contact them.

A resident stated speak up folks.

Mr. Huber stated if annexation is not possible then sewer and water privilages, how does all of that transpire?

Attorney Mc Call stated I think what they were indicating, again I'm not trying to speak for them, but if you would make that, if annexation was reality in the near future, that you would not fight that annexation.

Mr. Huber ok, ok, so but if annex...

Council Member Fenner stated we are granting the water and sewer tap in.

Attorney Mc Call right, granting that.

Mr. Huber regardless...

Council Member Fenner stated as long as you say that if and when we get to the point of annexating you, that you won't fight that annexation, then we will grant the sewer and water tap in right now, ok?

A Resident stated they don't have to do that, we will do that for them.

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Council Member Woyles stated do what?

Council Member Fenner stated don't no, no , don't go there.

Mr. Huber stated that is what I'm saying we can't, there is alot of residents against annexation and from our stand point we want to build this facility and we want to tap onto Sellersburg as opposed to Clarksville because you have better capacity, it's easier and we won't have to go under the highway, there is alot of reasons why.

Vice President Broady stated you seem to be concerned.

Mr. Huber stated well it is just the concern of the neighbors, if you will, is one concern and if it makes sense. I apologize for my lack of education, of the area and what is there so I was asking a question about wanting to go down a path that may not be the right path.

Attorney Mc Call stated we don't want you to commit tonight if it is not something so...

Mr Huber stated we are trying to work with those people as much as possible, they liked it as a ten acre wooded plot but it was kind of inevitable for it to become something eventually and it is industrial across the road so we convinced them that this was a nice transitional use, a nursing home rather than a Metal Sales or an R.E.M.C. and we are working with them and they are all being cooperative and we don't want to step on their toes and...

Attorney Mc Call stated and that's fine, I guess their point is that they would rather, they would like you to be a part of Sellersburg as opposed to part of Clarksville, which may be inevitable and they will be a part of Clarksville too, at some point.

Mr. Huber stated we are going to be a part of Clarksville or Sellersburg eventually, it seems like.

Council Member Alexander stated this is nothing any different than what we do out at Covered Bridge and there is no difference.

Mr. Huber stated water, sewer privileges

Council Member Alexander stated yea water and sewer privileges as long as they don't remonster us. It is not something that we just invented.

President Eddings stated motion on the floor and seconded, any further discussion?

Vice President Broady stated everybody understands the motion and they understand the motion

President Eddings stated ok, I call for the vote, all of those in favor signify by saying I, opposed nay, I's have it.

Mr. Huber stated thank you.

President Eddings stated thank you. Ok Ms.Pixley and Ms. Diefenbach.

Ms. Pixley and Ms. Diefenbach Address The Council

Ms. Pixley stated I would like to say thank you for resending that ordinance that you had and Ken I have got something on my mind, you had in the paper that the water company

brought in eight hundred thousand dollars, right?

Council Member Alexander stated and estimate, I would have to pull out the records for the correct figures but go ahead, make your point.

Ms. Pixley stated what's my point?

Council Member Alexander stated uh huh.

Ms. Pixley stated well it seems like you all go to an awful lot trouble, as far as EMC is concerned, paying them the amount of money that you are bring in, from the amount of money that you are taking in and I don't, you couldn't even pay them out of the water money, you are paying them seven hundred seventy-two thousand plus a year and you are taking in eight hundred thousand.

Council Member Alexander stated huh, I think that is two departments but go ahead.

Ms. Pixley stated I'm asking you how are you doing business, I mean it looks to me like...

Council Member Alexander stated how many departments are you talking about? Let's get your, get your, going down the list here. Are you talking about two departments or one?

Ms. Pixley stated I'm talking you taking in...

Council Member Alexander stated how many departments?

Ms. Pixley stated the water department.

Council Member Alexander ok, do we have a sewer department?

Ms. Pixley stated well I guess you do but they are getting that money too, aren't they?

Council Member Alexander stated I mean your whole motive, and it has been very clear reading in the paper and so forth, and then I am going to make this statement and just so we don't get into a fist fight and everyone can go home by eight o'clock, I'm going to get a drink of water and my statement is that you don't like EMC, that is your only thing you don't like, the whole URC, the whole reason that your here, the whole reason that you started the thing up is you think that they are ripping the town off and I want to tell you they're not, they're not, they're not and I'm going to get up and go get a drink of water now and you can talk to the rest of the council and then I will come back because I just don't understand you at all.

Ms. Pixley stated well you better start listening because...

Council Member Alexander stated I don't have to, I don't have to.

Ms. Pixley stated alot of people feel the same way. It was told to me too that Mr. Alexander went down to Indiana American, trying to sell the water department.

President Eddings stated that is something Ms. Diefenbach, you are Ms. Pixley aren't you, that is something that would have to be brought before the board, Ken can't do anything like that.

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Ms. Pixley stated well I wonder where he is getting his authority to sell these businesses to companies that are not in town.

President Eddings stated Ken is not selling anything.

Council Member Fenner stated he doesn't have the authority and he is not doing it.

Ms. Pixley stated well he has been down there.

Council Member Fenner stated I don't know whether he has been down there or whether he has talked to them or not but he hasn't done anything, he can't do that.

Ms. Pixley stated I don't want to see him do anything either, I think he has done enough.

President Eddings stated ok do you have anything else?

Ms. Pixley stated no, I will let it go for now.

President Eddings stated Dave do you have anything?

Chief Kinder stated on this ordinance, on the, I just talked to Perry, and I think that the terminology on this ordinance on trucks needs to be changed.

President Eddings stated ok if we need to change it we will recind it and put another one in.

Chief Kinder stated we need to change truck to tractor. We are not premitting semis, is that correct? So we need to change it.

Attorney Mc Call stated from truck to tractor.

President Eddings stated EMC.

Mr. Goergen stated I have got the revenue report for the last three weeks and I have got the invoice for the month of June and that is all I have.

President Eddings stated we have the invoice for nsf checks, May sales tax and meter deposit in the amount of \$2509.14, I'll entertain a motion to pay the invoice.

Council Member Voyles stated I'll make that motion.

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

Vice President Broady stated I second it.

President Eddings stated seconded by Dave, do I have any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Mr. Goergen stated I do have one more thing.

President Eddings stated let me pay this first.

Mr. Georgan stated ok.

President Eddings stated membership for refund for the REMC and sewer tap refund in the amount of \$570.00, I'll entertain a motion to pay the invoice.

Council Member Voyles stated I'll make that motion.

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

Vice President Broady stated I'll second.

President Eddings stated seconded by Dave, any further discussion? If not all of those signify by saying I, opposed nay, I's have it. Ok.

Mr Georgan stated the last thing I wanted to inform the council was that Rebecca McCualla, our billing clerk, is transferring to our Clarksville operation, which will create an opening and Angela Wright, who is also in the billing office, has become full time, effective the 7th of July. I do have a billing clerk opening that we are hoping to fill soon.

President Eddings stated ok, thank you very much. The building commissioner is not present tonight, Dave do you have anything?

Vice President Broady stated me? yea. I have two claims from Jacobi, Toombs and Lanz, one of them is for a draw, estimate #3 on the water retention basin project, in the amount of \$4250.00 and the other one is for \$270.00 for reviewing plans for the Sellersburg planning commission, I assume that is probably the possible subdivision. I would like to make a motion that we approve the two claims that were from Jacobi, Toombs and Lanz.

President Eddings stated I have a motion on the floor to approve the two claims submitted by Jacobi, Toombs and Lanz, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Gary.

Council Member Fenner stated nothing.

President Eddings stated Bill.

Council Member Voyles stated nothing.

Attorney Mc Call stated I have already done all of mine.

President Eddings stated Ken.

Council Member Alexander stated I have the agreement that Perry wrote for Mr. Missi, everything was approved, he signed it, we did add the width of it was only going to be an additional six feet, I added that and we both initialed it. I'll make a motion to sign on behalf of the town.

President Eddings stated ok, this is the agreement to widen the road at, for Bob Missi, Oak St. I'll entertain a motion that we need to sign the agreement. The motion was made

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Ken for me to sign the agreement, do I have a second?

Council Member Voyles stated I'll second it

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

Council Member Alexander stated I would like to retain that so I can make a copy for him. Animal control officer will be coming up for...

Clerk Treasurer Schafer stated his contract expires August 29.

President Eddings stated does he want another contract?

Council Member Alexander stated no he wants another animal control officer. We would like to go in an advertise. The last time I didn't have the exact quotes on the paving, \$24.00 for putting the service down and mailing us \$20.00, just to let you all know.

President Eddings stated ok. I have one more thing Linda before we get to you. I have got the bond that, in water works, when they had that coupon, they have got one more year on their bond and this is it. It's your turn.

Clerk Treasurer Schafer stated I would like to remind the newspapers that the town council will hold an executive session on the 17th at 7:00 a.m., to discuss business developments. I would like to present this claim from David Lewis for services rendered, to my office, from, through 6/20 of 97 to be approved by the council.

President Eddings stated is this more attorney fees?

Clerk Treasurer Schafer stated yes.

President Eddings stated I'll entertain a motion to pay the attorney fees, \$2440.00. The budget has already been exhusted. We have spent the appropriated balance. Ok I don't have a motion on the floor to pay the attorney fees.

Attorney Mc Call stated it dies for a lack.

Ms. Diefenbach stated can I just say one thing?

President Eddings stated quickly, quickly it is going on eight o'clock.

Ms. Diefenbach stated ok, it is not a criticism, it is more of a suggestion. The more we educate people about what's going on and the more we involve, since we are all tax-payers, the better public relations will be and we will get along better and really and truly Ken I think it is a good idea, in a way, to give to Sellersburg Celebrates but ghee that \$5000.00 would have helped out a whole lot, it would have been a start and we could turn our public relations another way by letting people know what's going on, involving them, get some of their ideas, you would be suprised how it might work.

President Eddings stated yea, communications could be improved. They could be improved.

Council Member Alexander stated I just want to say something real quick and then I will shut up again. I don't mind communications, ok but the big problem is when the guy across

street is building a house and all of his neighbors are saying you can't build that house that way, that's fine if they just want to set in the chair and say you can't build that house that way and criticise him every time he puts a different angle on it, that is not where I have a problem, I have a problem where people don't, if you want to be involved that much, that's great, this town need everybody to be involved but we need to come up with solutions and not criticisms, just because we have an idea on how to build this house, ok it may not be the most perfect way but we have good meaning.

Ms. Diefenbach stated you would be suprised with how many good ideas you would get.

Council Member Alexander stated I'm waiting on them.

Ms. Diefenbach stated we are waiting on you too.

Council Member Alexander stated I'll invite you in everything I do.

Ms. Diefenbach stated it is not necessarily you Ken, you are taking it personally. I'm talking about the board as a whole. We need to include more people. This is what I'm saying

Council Member Alexander stated the decision making is an every day event. It doesn't happen only on Monday night. The decision making will start on Tuesday night and will run for two weeks until next Monday night. That is what you have to be involved with.

President Eddings stated ok.

Council Member Alexander stated I told you give me your phone number and any time I do anything...

Ms. Diefenbach stated I'm not talking to you personally about this.

Council Member Alexander stated well then I'm up in arms about how you want to be involved between the two Monday nights.

Ms. Diefenbach stated it is a good idea for everybody to think about.

President Eddings stated we could do better, we could do better with news letters or something. We need to come up with something that would better keep people informed about all of the different stuff going on because there is alot going on.

A Resident stated I have a question, can you legally not service those people with sewers down there, when you forced us to take them.

vice President Broady stated we didn't force you to do anything. The government force us to...

Attorney Mc Call stated it was mandated.

A Resident stated I'm not talking about that, I'm talking about actually refuse them sewers legally and them go to court and make you give them sewers.

Attorney Mc Call stated Clarksville can give them sewers, they are contiguous with to Clarksville too. The county can give them sewers, let the county put sewers out there then if they want to put sewers out there but the county can't afford to do that.



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Vice President Broady stated I think to answer your question Tim, yea I think we can.

A Resident stated that's all I wanted. You can refuse them sewers and make me take them.

Attorney Mc Call stated your situation is different in that when you...

Vice President Broady stated are you on them Tim?

A Resident stated no.

Vice President Broady stated I guess we couldn't make you either.

President Eddings stated ok, Linda what else do you have?

Clerk Treasurer Schafer stated let me understand, I requested that the town council pay the claim that I submitted to David Lewis, attorney at law, and it died for a lack of a second or a lack of a motion, ok. I would like to present these bills then.

President Eddings stated that everybody has had a copy of the town bills in there mail-box and had a chance to review it. I'll entertain a motion to pay the bills as presented.

Council Member Voyles stated I'll make the motion to pay the bills.

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

Council Member Alexander stated I'll second.

President Eddings stated motion made by Bill and seconded by Ken.

Council Member Fenner stated for those that got them everything was in order, right.

President Eddings stated yea, all of those in favor signify by saying I, opposed nay, I's have it. Is there anything else Linda.

Clerk Treasurer Schafer stated no thank you.

Presented Eddings stated is that it? I'll entertain a motion to adjourn the meeting.

Vice President Broady stated I'll make that motion.

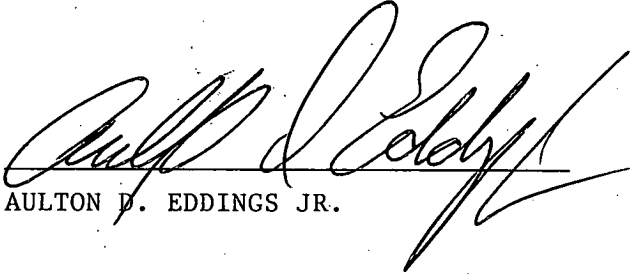
President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second

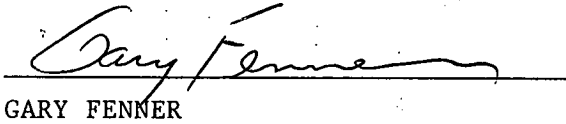
President Eddings stated seconded by Bill, any further discussion? If not all of those in favor signify by saying I, meeting adjourned.

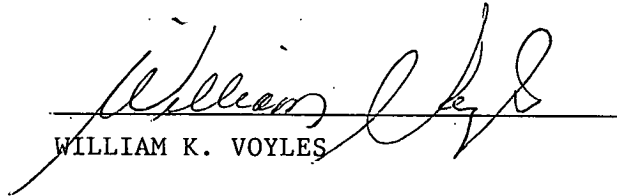
TOWN OF SELLERSBURG  
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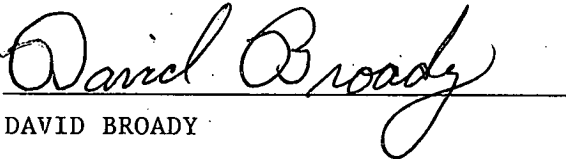
The regular town council meeting on July 14, 1997 was adjourned at 8:00 p.m.

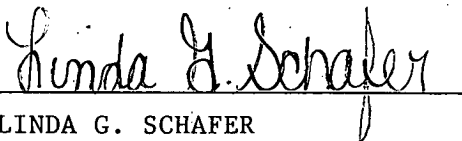
  
AULTON D. EDDINGS JR.

\_\_\_\_\_  
KEN ALEXANDER

  
GARY FENNER

  
WILLIAM K. VOYLES

  
DAVID BROADY

ATTEST:   
LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

JULY 28, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Linda Schafer, Clerk Treasurer; with Kenneth Alexander being absent, and William P. McCall, arriving late.

Called To Order

President Eddings called the regular meeting to order at 6:30 p.m.

Prayer

Doug Davis offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

John Beams, Les Taylor And Clair Patenaude Addresses The Council About Cracker Barrel  
President Eddings stated John Beams, Mr. Les Taylor and Clair Patenaude was here to talk to us for a few minutes.

Mr. John Beams stated we would like to take the opportunity to present Les Taylor, who is in from, I don't know, California, Oregon, but he did make a special trip down here, he drove down here this afternoon to enjoy our heat and humidity, I guess from the north, Les wanted to reconfirm a few points with the council and the citizens from Sellersburg regarding their interest in this area so Les.

Mr. Les Taylor stated it is a pleasure being here this evening and I just wanted to take the opportunity to stop by with Clair and John and assure you folks that we are very interested in the Sellersburg area here. We have done investigating the Southern Indiana market place in general and logestically it really make sence for us to have a restaurant here although we are very particular about where we put the sight and we have a very specific list of criteria that we adhere to, I'm one of several realastate representatives, I'm assigned to Indiana and several other states and that is why John referred to my travel schedule, in the course of the last few years, after looking at a numerous sites along the I-65 corrodor I decided that Sellersburg definatly offers us a very good opportunity for a successful restaurant. What it offers is, in particular, the criteria that we look for is both to service the local community and the interstate transient traveler and this particular interchange does both of that so we are serious about persuing this, we are working closely with the Harrison Group and we have got a numerous list of internal things we do for Cracker Barrel and we are starting to put all of that together now and once we get together with the Harrison Group we are going to insure that the property is under contract and move forward and we just wanted to let you folks know that Cracker Barrel is very serious about your town and I'll look forward to being a member of your business community in the not to distant future.

President Eddings stated thank you very much.

Minutes Of The Meeting

President Eddings stated ok I think everyone has had a copy of the minutes, in their mail box and had a chance to review the minutes, I'll entertain a motion to except the minutes as presented.

Vice President Broady stated I make a motion to except the minutes as presented for July 14, 1997.

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President Eddings stated ok we also have an executive session on July 7th workshop, that we have the minutes for, do you want to extend the motion to except those minutes as well?

Vice President Broady stated and also those minutes.

President Eddings stated ok, I have a motion to except the Monday night regular minutes and July 17th workshop executive session minutes, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, petitions, Pauline Pixley and Nina.

Ms. Pixley stated I'm going to pass tonight.

President Eddings stated passing tonight ok. As far as new business, I think we have on the agenda a public hearing set for next Mondays meeting, the 11th so there will be...

Clerk Treasurer Schafer stated the 11th, yes, to vacate St. Paul Street right a way.

President Eddings stated right in front of St. Paul School?

Clerk Treasurer Schafer stated yes.

President Eddings stated Ok, so there will be a public meeting on that issue on the next town board meeting, which is August 11th, I think.

Clerk Treasurer Schafer stated yes, that is correct, August 11th.

President Eddings stated ok Chief Kinder.

Chief Kinder stated I got a letter today from the department of transportation, in Seymour, and the stated police got a copy. They, October I think it was, are putting in turn signals out at hwy. 60 and 311. They also need to consult with the town about reducing the speed limit from 50 down to 40.

President Eddings stated would that just be an ordinance through that, I mean does the town, we don't have all of that up there do we?

Chief Kinder stated yes, you just have to agree that that should come down, but they are going to put turn signals out at hwy. 60.

President Eddings stated yea, that would be great. Are they going to have a turning lane as well?

Chief Kinder stated yes, did you get one? I was going to say the ministerial association got one as well.

Council Member Fenner stated I have got one right here. It says that we have also sent a traffic control agreement to the Town of Sellersburg asking for their concurrence in regards to their lowering the speed limit on S.R. 60 from 50 to 40 m.p.h. as soon as the concurrence is received we will be installing the proper signage.

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President Eddings stated why don't we just, can we just do that tonight or we don't have Kenny, we can't do it on first reading.

Council Member Fenner stated it says that the traffic control agreement, would that have to be an ordinance? Perry is not here.

Chief Kinder stated they did the same thing out at, they just agreed, what was the dates on the turn signals, Gary?

Council Member Fenner stated it says that this contract work should be completed by September or October of this year, alright, that is the pavement work, for the east bound approach of S.R. 60, alright, to install the detection system then that work will be done in September or October and then they will install the signal heads which will include left turn phases.

A Resident stated Gary, does that include all ways?

Council Member Fenner stated I believe so, I believe there will be a turning signal for all four directions. We have since followed this up with another letter requesting that they consider expanding hwy. 311 to four lanes all the way from Sellersburg all the way to 265 and I haven't heard anything back from that but it takes a while so.

Chief Kinder stated they did put the traffic counters in today.

Council Member Fenner stated yes, they did put traffic counters in at Enterprise Way and 311 today so I think they are looking at it.

Chief Kinder stated it's a volume count.

Council Member Fenner stated so everybody go out and drive up, no, no...

President Eddings stated back up and forth two or three times.

Mr. Stewart stated we'll have a parade.

Chief Kinder stated well that is the truth, if that is what it takes.

President Eddings stated is that it Chief?

Chief Kinder stated that's it, yes.

President Eddings stated EMC.  
Mr. Goergen Addresses The Council For EMC

Mr. Goergen stated I have a couple of things, one is Angela Robertson started in the billing office as a billing clerk, on the 21st of July. The other thing is I have been working on, I wanted to bring you up to date on the odors with Covered Bridge and Allentown Rd., the first two chemicals didn't work and I'm trying a different approach now and I have another chemical I'm going to run at no additional cost to the town, we will just work that out with our chemical budget but the first trial is going to cost \$1400.00 for this salt control and that actually is a different technology. The only other things is I have a problem with our printer so our monthly report won't be ready until tomorrow. I think Dave was going to talk about the sample.

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President Eddings stated ok, building commissioner.  
Mr. Stewart Adresses The Council

Mr. Stewart stated well the first thing I would like to report is that we have had some complaints on tall grass. I have been able to get a hold of all but one home owner, I can't get him to respond to either certified mail or regular mail in his box so I don't know how to find him. One major problem that we have had was the building next to Taco Bell, the old house over there, it's owned by a chinese firm out in the Shelby Rd. area, of Louisville and they went in and made a good faith effort to try to mow some of those weeds, there used to be a house trailer in there, a mobilehome, there are eight one inch solid steel pipes driven in the ground, they were used for anchors. They bent the first two over and on the third one they broke the blade on their bush hog, it broke the blade completely off so he was leaving on vacation, last week, so I gave him a two week state of execution on trying to clean that property up. He has since negotiated with me a permit to demolish the old house there so I have given him 90 days to get that down and off the property and he is going to get that down and mow that so I think we are progressing well with that area and I had a couple of others that was just a matter of people starting up their lawn mowers and mowing their grass, I don't know if they got behind because of the weather or what it was but that has been taken care of. I do have a smelly situation that has come up, I tried to push it off on the animal control officer and he would have no part of it, I tried to push it off on the police chief and he would have no part of it and so I asked Ken Alexander if I could be appointed, I guess as skunk sheriff because we have a problem in the area just west of 31, running from Haas St. down to South St. and out to Haas Cabinet Co. The people that deliver the Courier Journal have refused to deliver that route until after daylight because of skunks in the area. Is there any money that we can utilize that I can get rid of these critters? I would like to look into that and take the responsibility to contract someone if the board would want to do it and I think it probably needs to be addressed.

Council Member Fenner stated there is a fellow in Charlestown that will get rid of them for a price and I talked to a couple people and just suggested that they get all of their neighbors together and share the expense because I know in the past the town has said that is something that we can't control but what do you guys think?

Mr. Stewart stated right now they are sharing the scents so why don't we get them to share the cents.

Vice President Broady stated how much money are we talking about?

President Eddings stated can we get a price from the guy in Charlestown?

Mr. Stewart stated if you would like for me to do that, I would be happy to, in fact, Ken Alexander was going to let me know who the guy was. There is a couple listed in the phone book called Critter Ridders or something like that, out of Louisville that does this so I think probably what we need to do is get two prices but basically if paper is not going to be delivered until daylight and most people are going to be gone to work therefore it is the evening paper, we might as well reserect Louisville Times if they are not going to, you know you won't get the paper until after you get home from work and I think this will help sales of the Evening News and the Tribune but I think alot of people still like to read the C.J. so in December we are not going to get our papers until 10 o'clock in the morning because the sun doesn't come up until 9.

President Eddings stated if you look and get us a couple of prices and bring it back to the board, we will take a look at it.

Mr Stewart stated I'll definately do that. It seem to me, I have done some investigating on that and so far I have been able to track down two complaints, one complaint came from, from Oak St. and Haas St. and that was only about the odor there were no skunks seen. I had the skunk smell at my house that same day and I think that was the morning that one cuttin' up over on South St. but I understand that a dog got sprayed over there on South and Indianola and that seems to be the biggest concentration of critters is so I have some people that live over there that are feeding me the information, I have got some guys that get out and walk early in the morning and I told them to press these skunks and see if they can get any action out of them so we can, the paper people are telling the subscribers to call the town office and complain so we can solve this problem before it gets to be a big hassel I think it would help.

President Eddings stated ok, thanks alot. Alright, Dave do you have anything?

Vice President Broady Addresses The Council

Vice President Broady stated yea, first of all we had a developer contact us quite some time ago, a couple of years ago, about 12 sewer taps on Allentown Rd. and I was told that that was for Covered Bridge and we had an agreement with them and he would have to get an ok from them and he has since got premission and talked to them and they are willing to give us 12 sewer taps or whatever, they said they had no problem with that so I would just like premission the go ahead and issue 12 sewer taps, they would be for out of town sewer taps and I would also like to put in the deeds that they couldn't remonstrate against us for future annexation, if we ever get that far.

President Eddings stated ok, do you want to do that in a motion?

Vice President Broady stated yea, I make a motion to do these sewer taps.

President Eddings stated there is a motion on the floor to except these sewers taps from Rick Wilsons development on Allentown Rd. and Perry Crossing Rd., do I have a second?

Council Member Fenner stated I'll second it.

Vice President Broady stated part of my motion is that it has to be on the deed that we can't be remonstrated against us.

President Eddings stated motion also is amemed to read that in the deed there can't be any remonstrance against the Town of Sellersburg in an annexation issue. Do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated motion made by Dave and seconded by Bill, is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Did you need a copy of this?

Clerk Treasurer Schafer stated uh huh.

Vice President Broady stated I tell you what, here is the orginal Linda. I don't know whether you need...

Clerk Treasurer Schafer stated I really need the orginal.

President Eddings stated well give me my copy back.

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Vice President Broady stated second I would like to have the agreement that we worked out between the Town of Sellersburg and the Harrison Group, which our attorney gave us, I haven't had a chance to read it.

Attorney Mc Call stated do you want me to go ahead and read it? Ok, this is an agreement between the Town of Sellersburg and the Harrison Group, to develop a certain part of property in the Town of Sellersburg. Those of you here various needs have been held, the Harrison Group has indicated that they desire to develop a Cracker Barrel, hotel and other merchant businesses in the town. This states that,

AGREEMENT BETWEEN THE TOWN OF SELLERSBURG AND THE HARRISON  
GROUP FOR THE DEVELOPMENT OF CERTAIN COMMERCIAL PROPERTY  
IN THE TOWN OF SELLERSBURG

WITNESSETH, that the Town of Sellersburg ("Town"), by and through its Town Council, and the Harrison Group, by and through its duly authorized representative, John Beams, have on this 28th day of July, 1997, entered into the following Agreement for the development of certain property within the municipal limits of the Town.

It is expressly agreed by the aforementioned parties that the purpose of the herein Agreement is to outline and define the respective duties, responsibilities and commitments of each party.

WHEREAS, the Harrison Group has represented to the Town that the Harrison Group is involved in negotiations for the purchase of various parcels of real property located in the Town for the purpose of the development of various commercial businesses, including a Cracker Barrel Restaurant and a hotel; and

WHEREAS, the Harrison Group has represented to the Town that its construction and development of said commercial businesses is contingent upon the area of development receiving certain services, including water and sanitation sewer, as well as other benefits and incentives which the Town is capable of providing to the developer, Harrison Group; and



WHEREAS, the Town desires the development of new commercial businesses within the Town; and

WHEREAS, the Town has it within its powers as authorized by state law and local ordinance to provide the services, benefits and incentives requested by the Harrison Group for said commercial development; and

WHEREAS the Town desires and agrees to provide to the Harrison Group the various services, benefits and incentives to effect said commercial development; and

WHEREAS, the Town believes that said commercial development is in the best interest of the Town, and will result in numerous benefits to the Town, including but not limited to, employment opportunities for the Town's citizens, an additional consumer base and tax revenue for the Town.

BE IT THEREFORE AGREED that in consideration for the commercial development as proposed by the Harrison Group the Town will provide services, benefits and incentives under the terms and conditions set forth below:

1. The Town agrees to approve the realignment of Triangle Drive as set forth in Exhibit A attached hereto and incorporated herein. The Town shall pay the cost of the asphalt required to accomplish the proposed realignment of Triangle Drive. All other costs associated with the realignment of Triangle Drive shall be at the expense of the Harrison Group.

2. The Town agrees that in the event the Harrison Group subsequently acquires two additional properties for commercial development, identified as the Taylor and Andres properties, the Town will conditionally approve the closure of Triangle Drive, if requested by the Harrison Group, beginning at the Southwest property line of the Taylor and Andres properties. The Harrison Group shall provide for ingress and egress to the Dairy Queen Restaurant and the adjacent office building, which shall remain open and unobstructed, and in no way shall there be impediment to flow of traffic to and from said businesses.

3. The Town shall not take any action to close Triangle Drive if the Taylor and Andres properties are not subsequently purchased or acquired by the Harrison Group.

4. The Town agrees to provide water and sanitation sewer service to the area of development. The sanitation sewer tap-in fee to be assessed for the Cracker Barrel Restaurant shall be Twelve Thousand Dollars (\$12,000.00). The sanitation sewer tap-in fee to be assessed for the hotel shall be Eight Thousand Dollars (\$8,000.00), based on a total of Twenty Thousand (20,000) gallons per day.

5. The sanitation sewer-tap in fees set out above shall be paid within five (5) months of the date of the execution of this agreement. If the Harrison Group fails to make payment of the sanitation sewer tap-in fees within the five (5) month time period the Town's current schedule of sanitation sewer tap-in fees shall be applied to determine the total sanitation sewer tap-in fees to be assessed and paid by the Harrison Group to the Town.

6. If a sanitation sewer upgrade is required for the hotel development, the parties hereby agree the Harrison Group or the hotel owner shall pay the full costs of any required upgrade. Negotiations for sanitation sewer upgrade costs shall be between the Harrison group

and the hotel owner only. Any such negotiations or breakdown in said negotiations between the Harrison Group and the hotel owner shall in no way affect the remaining provisions of the herein Agreement.

7. Upon the submission of a proper application for tax abatement under I.C. 6-1.1-12.1-4 and I.C. 6-1.1-12.1-4.5 by the Harrison Group or the owner of the hotel, the Town shall authorize and approve a tax abatement for real property for a period of six (6) years and a tax abatement for personal property of five (5) years.

EXAMINED AND APPROVED ON THIS \_\_\_\_\_ DAY OF JULY, 1997.

SELLERSBURG TOWN COUNCIL:

HARRISON GROUP:

\_\_\_\_\_  
AULTON D. EDDINGS

\_\_\_\_\_  
JOHN BEAMS, HARRISON GROUP  
REPRESENTATIVE

\_\_\_\_\_  
DAVID BROADY

\_\_\_\_\_  
JEFF FIFER, HARRISON GROUP  
ATTORNEY

\_\_\_\_\_  
DAVID BROADY

\_\_\_\_\_  
GARRY FENNER

\_\_\_\_\_  
KEN ALEXANDER

\_\_\_\_\_  
WILLIAM VOYLES

\_\_\_\_\_  
WILLIAM P. McCALL III  
SELLERSBURG TOWN ATTORNEY

Attorney Mc Call stated that is the agreement, is there any questions? The tax abatement of property is 2-6-10 and personal property is 5-10 so.

Vice President Broady stated does that look alright to you Gary?

Council Member Fenner stated I think so.

President Eddings stated ok, I'll entertain a motion to sign the agreement.

Vice President Broady stated I'll make that motion.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any further discussion?

A Realitor stated I have one question, am I allowed to ask a question?

President Eddings stated you sure are.

A Realitor stated did I understand that any of the property that they buy, the Taylor and Andres property that they can vacate Taylor drive but did it also say that you would not vacate Tringle Dr. if they did not purchase the property.

Attorney Mc Call stated at the time we will take the steps to vacate, if they acquire the Taylor property, they have the ability to petition the town to vacate Triangle Dr., the town council can act on that and they agree to this not to oppose the vacating of that street, in the event that they do not and the Harrison Group does not petition us to vacate that...

A Realitor stated as the listing realtor of all of those properties involved, my question would be, what if the Harrison Group doesn't purchase those two properties and someone else does?

Attorney Mc Call stated it says in this agreement that the closer of Triangle Dr. is contingent upon either the purchase or that requiring an interest in that property, either through a lease...

A Realitor stated what if another entity buys the Andres property and the Taylor property? Can they petition to close that...

Attorney Mc Call stated yea, anyone can petition the town council.

President Eddings stated ok, motion is made, seconded, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Do you have the original?

A Realitor stated Mr. Beams would like a copy, he would like that delivered tonight so that his attorney can review it.

Attorney Mc Call stated he needs to execute it and then return a full executed copy back to us.

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A Realitor stated do you have an executed one by...

Attorney Mc Call stated David has the original and he will sign and it will be passed along.

Vice President Broady stated they want their attorney to look at it?

Council Member Fenner stated yea, they want it tonight. Perry, he wants it tonight to take with him.

Attorney Mc Call stated that's fine, then sign two.

Council Member Fenner stated ok, that is fine.

Clerk Treasurer Schafer stated we really need one with their signature on it so we need to send two copies.

A Realitor stated we would like a copy of that also for the property owners.

Clerk Treasurer Schafer stated we need four more copies.

President Eddings stated wait a minute, why don't we just get some signed and then they will have...

Council Member Voyles stated all we need is to have two of them signed.

President Eddings stated ok, never mind.

Council Member Fenner stated all we need is just two signed.

Attorney Mc Call stated does anyone else want a copy?

Clerk Treasurer Schafer stated just get four.

Attorney Mc Call stated you want a copy.

Clerk Treasurer Schafer stated six.

Attorney Mc Call stated seven, eight.

Clerk Treasurer Schafer stated make around ten.

President Eddings stated do we need to put approve on here for us?

Council Member Fenner stated Dave Broadys name is in there twice.

President Eddings stated Dave how many times do you need to sign?

Council Member Fenner stated does it make it illegal if my name is misspelled? Do you need to sign it too Perry?

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President Eddings stated Joe did you get your stuff?

Mr. Georgen stated yes, the revenue report and the monthly.

President Eddings stated do we have any bills to pay on this?

Mr. Georgen stated no the invoice in next month. There was a violation in the amonia and d.o.d. we exceeded those, 3.1 I believe, 2.61 is the adverage.

President Eddings stated yes, go ahead Dave.

Vice Council President Broady stated Joe informed me the other day that we had a, what was it called again?

Mr. Georgen stated pardon? Oh, influent sampler.

Vice Council President Broady stated it was part of the original plans of the plant, is that not correct?

Mr. Georgen stated the influent sampler, what it does is it samples the flow that comes into the plant and it should have been part of the original design and for some reason it was not included and it is part of what the states requires to be done in a 24 hour period and it is hard for us, we can do a graph sample in the eight hours that we are there but we can replicate what happens in 24 hours.

Vice Council President Broady stated it was brought to our attention by the higher ups that need, we need to get this and I told Joe to go ahead and pursue and, what was the estimated cost Joe?

Mr. Georgen stated the estimated cost totally installed was \$6000.00.

Vice President Broady stated I think Joe talked to them about making it two different payments so I don't know why it wasn't put in the original plans. Also, quite some time back, maybe a year, we got a thing from the census bureau that was sent to Rod Pait and Rod looked at it and he gave it to me and I looked at it and I gave it to John Toombs. John set on it until this past week and we got a call from these people and they said that we need to get this done in three days so he looked at it...is that ready?

Attorney Mc Call stated yea, it's ready.

President Eddings stated are you sure you can turn it over?

Vice President Broady stated anyhow what this was, it was broke down, they want somebody out on a street to street bases, in the Town of Sellersburg, and find out who lives on that street and find out what the address was of the whole town and varify every street, if they had all of the streets, I mean we are talking, it would take somebody months to do and he called Chicago and basically asked them if this was required by law and they no and we said well thank you, we are not going to do that, we don't have the resources to do that so I told him to prepare a letter, I thought he was gonna be here tonight and we were going to write back a letter and tell him we were going to respectfully decline to do that because we do not have the resources to have someone tied up for months and months and months to do that and that is all of the information that I have on that. That's all I have got.

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President Eddings stated ok, Gary.

Council Member Fenner stated nothing.

President Eddings stated Bill.

Council Member Voyles stated nothing.

President Eddings stated Perry.

Attorney Mc Call stated just uh, Bill do you have something?

Council Member Voyles stated yea, let me bring something up. I would like to bring up the property next to me, across from the bowling alley, that is not a done deal yet, is it? They are doing an awful lot of work out there, I mean has it been put in concrete that this is going to happen? Do we get to vote on it?

President Eddings stated I thought we already have.

Council Member Voyles stated no, we voted on it but it was supposed to come back. It is supposed to come back to this board for us to vote but now I understand them logging but not to go in and digging out the ditch and all of that stuff, this isn't supposed to be going on so if there has got to be a reason for us to be on this board, if we are on this board and a guy did the same thing back when he built that thing and we gave him the ok to go ahead and start and he went ahead and started before the final get go was put in and he is doing the same thing, now can we stop him from doing this? Do we want to stop him from doing this? I kind of would like to stop him because he is going on with whatever he wants to do. He has got money so therefore he can just do it and there is no reason for us to set here on this board if people can come in and want to do something and decide to let them do and go through the channels and if they are going to stop and say we can do it any way...

President Eddings stated where are we at with that? What phase...

Council Member Voyles stated it has to come back here.

Mr. Stewart stated it needs to come back there, I have a copy of the plans and I assume that John Toombs has a copy. There was recommendation that the street alignment on that first street be changed so that the culdesac would be desolved and the street could be contunied in the future, that was the last communication that I had.

Council Member Voyles stated at the last meeting that we had and the planning commission they decided to not have that street coming through into a culdesac, in a circle, there is no street coming through, there is no two by fours no petitions to be put up.

Mr. Stewart stated so another words they can build a house in that.

Council Member Voyles stated there is a 50 foot, they came up with a 50 foot area that might have to be mowed and I told them that if they didn't do it and nobody would do it that I would mow it, I would cross that creek or ditch or whatever they was going to put there and I would mow it but the thing is right now it is supposed to be a culdesac but all of the plans where supposed to come back here one more time.

Mr. Stewart stated right.

President Eddings stated can we stop them until they do that?

Mr. Stewart stated yes.

Vice President Broady stated I don't think we final approved them.

Council Member Voyles stated we didn't final approve them and do have to have the police go down and talk to them and see what they are doing?

Mr. Stewart stated no, I can issue a stop work order. They do not have a permit to do that but normally for excavation you don't need a permit.

President Eddings stated no, if they are just excavating, you might get in touch with them and let them know that they have one more appearance with us and tell them that they can do up to a certain point, I'm sure but then they have to stop until they get, they come back with their final plan.

Mr. Stewart stated I am going to be a little tied up tomorrow but I will try to get a hold of them Wednesday and issue a stop work order until we can get clairfied...

Council Member Voyles stated I might be all wet, I might be all wrong but I would like you to check and see.

Council Member Fenner stated Bob do you know, have they got their permit from the DNR?

Mr. Stewart stated I have not seen it yet.

Council Member Fenner stated well I don't think they can do excavating until they get that permit.

Mr. Stewart stated there is two conditions noted in the plans that I received, one was that they had to get permission from INDOT and the other was approval from the DNR to do work in there and for all of the structures that was going to be in the hundred year flood plain. Now I don't know if these have even been filed, these need to be filed in the name of Sellersburg and I would assume that he would have to do that, would he not? Do you want me to pursue that too?

President Eddings stated I don't know where that responsiblity falls, whether it is with you or the engineer.

Vice President Broady stated what was the question?

President Eddings stated that filing for those in the name of the town, is it a permit?

Mr. Stewart stated yea, there is a road cut permit from INDOT that needs to be obtained in the towns name and I believe that the permit from DNR also needs to be addressed to the town council.



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Vice President Broady stated I think that the general rule is that their engineer has to do all of that and file it under our name.

Mr. Stewart stated their engineer?

Vice President Broady stated yea.

Mr. Stewart stated ok, I will get a hold of Paul Premivara and see if we can't get that going and in the mean time we will, I will talk to Sprigler about a stop work order until we get some thing cleared up.

Attorney Mc Call stated I just, is it my turn?

President Eddings stated yea, you're up.

Attorney Mc Call stated I just have one quick thing, the other day when we passed the ordinance the Chief had mentioned that the ordinance that was regarding the exemptions on weight limits on the streets of Sellersburg for heavy trucks, he mentioned that it should be semi tractor trailers, I did an amendment to the ordinance changing the words from heavy trucks to semi tractor trailer and all of the provisions have been made, semi tractor, excuse me, gosh dang it, I got it, it's in there, ragu, so I need an ordinance number and...

Clerk Treasurer Schafer stated 97-673.

Attorney Mc Call stated 97-673 and do it first reading, no, no, no, we just amended the language, just changed it and what this will do with the codification service is they will simply make the change when they codify these thing into that town code that we have that will reflect that.

Vice President Broady stated I'll make the motion that we consider ordinance 97-673 on the first reading.

Council Member Voyles stated I'll second it.

President Eddings stated motion on the floor and seconded by Bill, is there any further discussion?

Council Member Fenner stated can we do that with all of us not here?

Attorney Mc Call stated no, it is just the first reading and if you get a chance when Ken is here in the next meeting you can approve it.

Council Member Fenner stated ok.

President Eddings stated ok, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Before I get ot Linda, we got this agreement for S.R. 60 where they are going to put the street lights and turn lights in at the intersection do we need to do an ordinance or what they are wanting is they want our cooperation I guess in lowering the speed limit.

Attorney Mc Call stated we will have to do an ordinance lowering the speed limit.

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President Eddings stated we will.

Attorney Mc Call stated on what road?

President Eddings stated it's on S.R., why don't you take it but that is the agreement they want us to sign.

Attorney Mc Call stated yea, you need to make an ordinance.

Council Member Fenner stated some of it is in Sellersburg but not all of it but some of it is.

Attorney Mc Call stated I mean you can go ahead and, it looks like they want you to go ahead and agree to this.

President Eddings stated can we do that without Kenny and an ordinance? We'll just do it next board meeting. Ok, Linda.

Clerk Treasurer Schafer stated I would like to have, ok I will start out with we published the job of animal control officer and I have a couple of applications, I just need to know if the council wanted to use the same criteria as what the former animal officer was or would they like a copy of that previous contract to review to see if they would like to change it, there is a couple of applications that have come in before that, do you all want to review the former agreement? Yea, they come in and I'm really not sure what to tell them because I didn't know if you wanted to change it or not and they have questions that I really can't answer.

President Eddings stated ok.

Attorney Mc Call stated some of the provisions of the last contract were specific to Mr. Deans, right, so you might have Linda pull that previous agreement and...

Clerk Treasurer Schafer stated and let you take a look at it and then. I just need to know if you review the vacation of, is that satisfactory, no he didn't file it.

Attorney Mc Call stated well whoever filed it.

Clerk Treasurer Schafer stated no I received, I sent it to the newspaper today to make sure it was in by the first...

Attorney Mc Call stated he didn't send you a prepared note?

Clerk Treasurer Schafer stated no sir I did it myself, but...

Attorney Mc Call stated that is fine, I'm just surprised that he didn't send a notice.

Clerk Treasurer Schafer stated he didn't send a notice.

Attorney Mc Call stated are you sure he didn't notice it?

Clerk Treasurer Schafer stated he didn't notice it, I sent him a copy.

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Attorney Mc Call stated ok, I saw it, it was fine, yes it was fine.

Clerk Treasurer Schafer stated I prepared it and had no one to read it because of the certified letter I had to move on that.

Attorney Mc Call stated well it came that late.

Clerk Treasurer Scahfer stated I didn't know if the terminology was ok or, the first and the eleventh so.

Attorney Mc Call stated that will work.

Clerk Treasurer Schafer stated I was going to send this to the newspaper also and chief Kinder said that it had to be a council approval, normally the Sellersburg Celebrates festible is at the end of August and they normally request that we close Renz Ave. only the town council has the authority to do that so Cjief Kinder said that I shaoul present it to the council for approval and he would have no problem with sending it to the Evening News to see if I can't get it published in their news briefs by August 18th.

President Eddings stated ok.

Vice President Broady stated I make a motion that we close Renz Ave. during the Sellersburg Celebrates as we have always have.

President Eddings stated ok, I have a motion on the floor to close Renz Ave. during the Sellersburg Celebrates festivities August 22, 23 and 24th. Do I hear a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Clerk Treasurer Schafer stated ok, at the last meeting I had presented a bill for David Lewis, I'm representing that bill for approval and also the balance of Lonnie Cooper for \$1400.00 the outstanding amount for Mr. Lewis is \$2440.00.

President Eddings stated I'll entertain a motion to pay the attorneys fees.

Attorney Mc Call stated are you going to do them separate, why don't you do them separate, take David Lewis first.

President Eddings stated I'll entertain a motion to the attorney fees of David Lewis. Ok, I have no motion. I'll entertain a motion to pay the attorney fees of Lonnie Cooper. Ok, I have no motion.

Clerk Treasurer Schafer stated ok, I would like to present my bill for this meeting.

President Eddings stated ok, I think we have had a copy of the bills and had a chance to review them, you picked up some in your box before the meeting, I'll entertain a motion to pay the bill as presented.

Clerk Treasurer Schafer stated wait to open that until they approve this.

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Council Member Fenner stated I make a motion to pay the bills as presented.

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

Vice President Broady stated I'll second it.

President Eddings stated seconded by Dave, is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Clerk Treasurer Schafer stated I have a personel matter that I need to see after...

Attorney Mc Call stated the one that you put in my box?

Clerk Treasurer Schafer stated no, yes, but it has went further than that.

President Eddings stated is that all you have?

Clerk Treasurer Schafer stated yea, I think so.

President Eddings stated I'll...

Clerk Treasurer Schafer stated I'm sorry, just one more thing, I forgot. I have a rough draft of the budget. This is a new form that went to the newspaper today for publication so I'll get a copy of everything in your boxes so that you all can review it. The first preadoption hearing is going to on August 25th, at 6:30, the second is for the adoption of the budget is schedule for September 8th, 6:30, we worked it in with the regular meeting so I will try to get a copy of that for your review in the box.

Vice President Broady stated I make the motion that we adjourn the meeting.

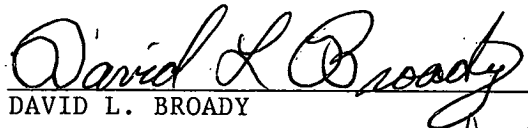
President Eddings stated motion made by Dave to adjourn the meeting, do I have a second?

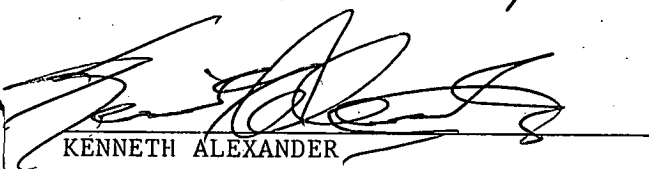
Council Member Voyles stated I'll second it.

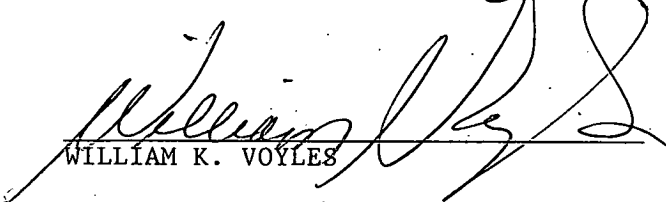
President Eddings stated seconded by Bill, is there any further discussion? If not all those in favor signify by saying I, opposed nay, meeting is adjourned.

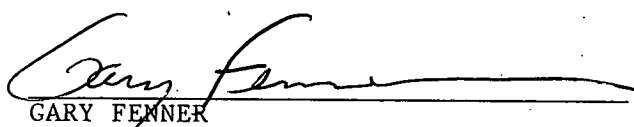
The regular meeting on July 28, 1997 was adjourned at 7:17 p.m.

  
AULTON D. EDDINGS JR.

  
DAVID L. BROADY

  
KENNETH ALEXANDER

  
WILLIAM K. VOYLES

  
GARY FENNER

  
ATTEST: LINDA G. SCHAFFER/CLERK TREASURER