

Gynda Schayer talked to
Charles Prude on 8/29/97
at 1:45

The Council would not
sign the executive session
minutes. Mr. Prude told
Gynda to write this note
and put it on the minutes
and she would not get
an audit finding.

SELLERSBURG TOWN COUNCIL

August 11, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Town Hall to discuss pending litigation and personnel matters. 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; and William P. McCall, Town Attorney.

Called To Order

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

Topics Of Discussion

Villa Drive/Belinda Bartley

The Town Attorney, Perry McCall, asked the clerk treasurer, chief deputy clerk, chief of police, and the towns engineer to remove themselves from the meeting so the town council could discuss Schafer vs Town of Sellersburg. The clerk treasurer cannot verify this was the topic of discussion but the "supposed" topic of discussion was Schafer vs Town of Sellersburg.

Kannapel Suspension/Resignation

Fortner/Termination

Hutchinson Transfer from Water Dept. To Street Department

Executive Session/August 19th, 1997 to discuss future development, personnel matters, and pending litigation.

Adjournment

With no further business President Eddings adjourned the executive session at 6:35 p.m.

Aulton D. Eddings Jr.

David Broady

Gary Fenner

William K. Voyles

Kenneth Alexander

Linda G. Schafer

Linda G. Schafer/Clerk Treasurer
Attest:

SELLERSBURG TOWN COUNCIL

August 11, 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 Pres.; David Broady, Council Vice President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the regular meeting to order at 6:37 p.m.

Prayer

Father Rehard offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

President Eddings dispensed with the reading of the minutes of the last meeting that was held on July 28, 1997 and requested a motion to approve the minutes as presented.

Motion made by Council Member Voyles to approve the minutes as presented and seconded by Vice President Broady.

Vote 4-0

Adjournment

President Eddings adjourned the regular meeting at 6:40 p.m.

Public Hearing/Vacation of Street Right-Of-Way/St. Paul Street

A Public Hearing on the vacation of street right-of-way was held by the Sellersburg Town Council 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; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the Public Hearing to order at 6:40 p.m.

President Eddings stated, Do we have a representative here?

Attorney Truman stated, Yes, I'm Karl Truman, I am representing St. Paul Church on this issue and we have several other representatives from the church to discuss this. What the church has done is sent everybody a copy of the petition, a copy of the plat showing the area that we are talking about here. What the purpose of this is, is to close a portion of St. Paul St. so that the church can expand it's school. The church has purchased all the land on the opposite side of the street and I'm sure everybody is familiar with the school, St. Paul School, it has grown alot lately and the past few years it has been a very quite demand for alot of people to send their children there and basically the school and the church facilities are totally out of room, they have even had to cut back and turn alot of people away that cannot go to school there, that want to go to school there so what the church has done is purchase the property on the other side of the street with plans on building new buildings and new facilities for the school to be able to expand their services and provide more opportunities for people from Sellersburg and the surrounding areas to be able to have their children go to school there. The reason closing the street is necessary is because, of course, there is alot of children going back and forth there, the safety factors and obviously with the street there it is going to present alot of hazards for school kids going back and forth between the buildings and members from the church have already talk to bus routing issues and dealt with alot of other issues that may come up in this situation and we really feel that it is in the best interest of the community to do this to facilitate the growth of the school, which is only going to encourage growth of the town and attract people to the town to have a nice facility and nice benefits of this private Catholic school. Francis Conroy is here also to represent the church. First of all I know we have several people, anybody that is here to represent the church please raise your hands, just to give you an idea of who we have, in support of this, from the church. I have ask to turn it over to Francis Conroy and he is going to explain a little bit more about what the plans of the church are.

Mr. Conroy stated, I want to thank the town board for this opportunity to tell you what are plans are and we have already got the Archdiocese approval for our building program. The black here outlines our present property, this is where the church is, the school on 31 and Schillers Ave. and then we have also bought property north of St. Paul St., which is represented in black here, this take us down to Troplay property and it's boardered on the alley and then across the alley on the same side as St. Paul we recently purchased the corner lot there. The building that we have approval for is for a gymnasium and four rooms that can be used for classrooms or meeting rooms or whatever the parish needs are. It probably will be dedicated for classrooms, part of them will but the project is for 14,800 sq. ft., the building cost is estimated by the architech at this point, is about 750,000.00. Are plans are to be building on the property north of St. Paul St. the closing of it, the Archdiocese have ask us to do that because of children going back and forth across the street. It will not effect our building plans, the building are set there and we have review it and said that we still want that street closed. Are consideration in the future, if the street is closed there in front of St. Pauls, from 31 to Schillers Ave., there would be some kind of covered access between the two buildings. I show in red here the portion of St. Paul St. that we are requesting to be closed as legally definded by David Bank of the legal description he prepared for us. I think that this is approximetly accurate with respects to the closing of it. Our present plans are hopefully in the first part of 1998 to start construction and that the building be completed and occupied along September or October of next year because we very well need at least one of the class rooms or two of the classrooms at that point in time so the real issue is to provide better access and safe

access for kids crossing the St. Paul St. between the two facilities because there will be a gymnasium there and some of the classrooms there and there is going to be a lot of crossing back and forth of the staff and the students. Does anybody have any questions about the project?

Council Member Fenner stated, Have you explored any other alternatives to closing the street, like elevated walk way or any thing else?

Mr. Conroy stated, We talked to the architect about the elevated walk and he said that you are talking about tremendous dollars.

A Resident stated, Well you all have the money, why don't you pay it out?

Mr. Conroy stated, The area in blue here would not be part of the initial construction it is just the layout for future expansion if we have a need for expanding it for additional classrooms but from a financial stand point I don't think we can justify a elevated ramp across the street. I would like to ask Father Rehard the pastor to say a few things.

Father Rehard stated, I just reiterate what both of you have said is that we requested to do this by the Archdiocese and that is what we are doing. We are not in for a fight with anybody.

President Eddings stated, Do we have anybody here with opposition? That would like to talk.

A Resident stated, Yea, all of us.

A Resident stated, We want to know about the emergency vehicles who seconds and minutes count? This is a main artery.

A Resident stated, There is only one fire plug on that whole street down there, one fire plug.

A Resident stated, When you have to make a curve around here and around there. There is no point about us getting out, the point is in case of an emergency.

A Resident stated, They got the price for a building, why didn't they get a price for a walkway.

A Resident stated, Has the zoning been approved for the gymnasium and the rest of the building?

President Eddings stated, No.

A Resident stated, That is a residential area and it is real quiet back there. We were told that there was going to be a parking lot over where the two houses were torn down along 31, we were told parking lot, we weren't told anything about expansions and now they want to build a gymnasium, that is in my front yard.

A Resident stated, That's in my back yard, and we don't need to stand for that, no way

A Resident stated, What about the value of our property, if we wanted to sell those places we couldn't do it unless if we sold it to some Catholic.

A Resident stated, And we are not getting it, I'm sorry.

A Resident stated, That is the only way we could get anything out of it.

Mr. Carter stated, Hi, my name is Mark Carter and I live on 323 Schillers Ave., which is the old Smith home, and there is a corner there where they are showing and I have the opportunity of living there and personally speaking I'm not opposed to the church expanding I mean I'm not opposed to the children being safe, I think I have a little problem with being, if you drew an X where my property you would notice that I'm totally surrounded by this facility, not being opposed to it but that does isolate me tremendously as far as safety anyone could come up and watch my son cross the street in the afternoon about 3:30 or 4:00 in the afternoon, when the children are dismissed, I mean we need to go back and look is this really benefiting Schillers Park subdivision as was originally designed? I would just say that I'm opposed to it.

Mr. Conroy stated, The principle of the school would like to say something.

Principal Fran Matusky stated, I'm Fran Matusky and I have a little problem with my voice tonight but I just would like to say that we feel for the safety of the children and no matter how close they watch the children we always seem to have one that gets just a little rambunctious and we feel like this needs to be done for the safety of the children and if not we worry about down the road what could happen and I know it might inconvenience some people and we don't want to inconvenience anyone but we are really concerned about the children.

President Eddings stated, Yes mam.

A Resident stated, One of the things that I think would make it safer for the children of St. Paul and the children of the neighborhood is if St. Paul would allow their parking lot to be used to direct the traffic, instead it is closed off so all of the traffic circles throughout the neighborhood and there is not a sidewalk where the children could walk on and that would make it safer.

Principal Matusky stated, In years past we have had the parents pick the children up on the parking lot and the reason why that we left that system was because we did almost get a child hit one day with the parents leaving and another factor is that we do have aftercare and the children do walk between the buildings at that time of day when they are dismissed so that is why we haven't opened it to parents picking up their children however we are open to any alternatives that would be safe for the children.

President Eddings stated, It sounds like there is a lot of work yet to be done. I would suggest that we table the issue right now until we can get some better plans and different alternatives on the table and look at what is best for not only St. Paul but for the surrounding citizens in the community and then bring it back up at that time.

Council Member Alexander stated, I just have one thing, even if you put a walk way there is not enough room to make it E.D.A. requirements would there, I mean as far as height and, I mean it would have to be wheel chair accessible, I mean there is no...

Mr. Conroy stated, Looking at the distance between the two buildings...

Council Member Alexander stated, Unless you took them out of the second story building and...

Attorney Truman stated, It's not like you are talking about a couple of high rises downtown Louisville that have the cat walks.

Council Member Alexander stated, Right.

Mr. Conroy state, One thing about emergency services, of course the fire department you if you are down in this area some where, I mean the most direct route for a fire truck would be straight up Utica St. with access along one of these routes anywhere along here and it would not be the most direct route and quickest route to come down 31 and then cut across.

President Eddings stated, That would probably be better left for the fire department to tell us what their routes are.

Attorney Truman stated, I think that traffic flow is a very visual thing.

Mr. Conroy stated, Parking initially, this lot here will be used for parking and this lot here will also be used for parking.

Attorney Truman stated, I think the Chief has an opinion on emergency services.

Chief Kinder stated, I don't know what the fire department would use.

Attorney Truman stated, What about police access?

Chief Kinder stated, Alot would depend on where we were located at when the call came in, we try to take the shortest route but if what you're saying is true, if you come up 31 it won't be the shortest route.

A Resident stated, They have to go all the way down 31 then turn and come back up in our territory.

President Eddings stated, Ok, there in the back.

A Resident stated, There was a discussion when all of this was started about the building and we did discuss a ramp to get between the buildings and if I'm not mistaken it would restrict 60% of the kids because kids of that age cannot climb stairs, you can't put them in that position and I think they have to be a certain grade or above before we can actually go up stairs so that would restrict kids of the school to having access to the building and that is why we didn't persue that access.

A Resident stated, I live on Lisa and coming in off of Utica St., of course I drive a truck for a living, that is my profession and I tell you to turn in off Utica St. onto Sellers and come up and to turn onto Lisa Ave. from Utica St. you don't have much more than enough room for a full size automobile, try taking a fire truck in there in a hurry.

President Eddings stated, It sounds like we have alot of work, we have alot of work to do here before this can even be brought up, to this point. Ok, we are going to table this issue until we have a chance to investigate it further, to get with some of you people and to get with some of the residents and try to find out what the best solution is to what we have got in front of us and which way we need to go so we are going to call this public hearing to an end at 6:57.

Attorney Truman stated, Do you want to put this on the agenda for the next meeting?

President Eddings stated, No, we will let you know when we are going to put it on the agenda.

Attorney Truman stated, Well, I guess how will we know what you want done next? Instead of just letting it hanging, what, do you want to set up a committee or what would you like to do? I would like to have some affirmative action to be done rather than just leaving it hanging.

President Eddings stated, What we will do is discuss it in an executive session and then we will decide if we need to select a committee or whatever and put together some residents and some people from St. Pauls, exactly what the next step will be so we have got an executive session schedule for the 19th and we will discuss it during that executive session and we can get back with you and let you know what we have decided at that time. Ok, anybody that was here for that meeting can go ahead and leave at this time if they would like to.

Called To Order The Regular Meeting

President Eddings called the regular meeting to order at 7:00 p.m.

President Eddings Presents Issue On Skunks

President Eddings stated, The only other thing that I have is we have, Bob Stewart went and obtained one quote and he tryed to get two quotes for the problem of the skunks up in, where is this place at?

Council Member Alexander stated, The same area.

Council Member Fenner stated, The center of town.

President Eddings stated, The center of town and he did get a quote from Animal Ridders of Louisville, they're looking at placing 10 traps for a total of \$45.00 or, well he did get two quotes then, and the other one is from Tom Kendrick that has agreed to set 8 traps each night for two weeks and remove all of the skunks for \$350.00.

A Resident stated, They quit delivering our paper on our porch on account of skunks and she is throwing it out on the road.

President Eddings stated, We have heard that we have a serious problem,

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Clerk Treasurer Schafer stated, We have a serious problem too. You just don't know it. We have a skunk too.

President Eddings stated, We do?

Clerk Treasurer Schafer stated, Yes, I saw it.

Council Member Fenner stated, In the town hall?

Clerk Treasurer Schafer stated, No.

President Eddings stated, In our subdivision.

Vice President Broady stated, I'll make the motion that we appropriate \$350.00 to pay the gentleman to go in and take our skunks out of here.

President Eddings stated, Ok we have got a motion on the floor by Dave to get Mr. Tom Kendrick to start the work on the skunk problem, for \$350.00, do I have a second?

Council Member Voyles stated, I'll second it.

President Eddings stated, Seconded by Bill, is there any further discussion.

Clerk Treasurer Schafer stated, Yes, we have a skunk, I saw it in my front yard, it's living in Padgett's drain going underneath the walk and it's just a matter of time when it is big enough to scare, so it may be at your house one day and I know it has been at mine, it just hasn't started stinking yet so would it not be something that we could offer to all of the residents? We have had several of those complaints why don't we, once we rid the community, is it something we can do for everyone?

Council Member Alexander stated, The practice in the past was that we have animal control for domestic animals anything outside those perimeter was up to the individual residents. The only reason why I will support this one is because we are residents over in that, the town, in that area being the Sellersburg Pool and most of the skunks as far as what I could see and what some other people have seen is they are living on our property.

President Eddings stated, That would be a good reason for us to clean it up.

Council Member Alexander stated, But that would be the only reason, this would not be something that would become common practice as far as ridding skunks of the town but I will probably almost guarantee that almost of all the skunks are over there where the drain has been dry and they are hiding out on our property.

Council Member Fenner stated, I think that I have the same concern that Kenny does, I mean that obviously we have a problem and I think that we are going to have to do something about it but it is the age old question of what is the responsibility of the town and what is the responsibility of the homeowners and I mean, government is here to help but yet I don't think we are supposed to do everything for everybody.

A Resident stated, Well give me a gun, I'll get rid of them.

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Council Member Fenners stated, I understand and I understand how frustrating it is too but I have a concern if we just do this with blanket approval then everybody in town that sees just one skunk, one time, will call and expect the same red carpet treatment and we will be in the skunk business from here on to eternity.

Council Member Alexander stated, And the deer and the squirrel and the fox and everything else that we get calls on.

Council Member Fenner stated, And so, like I have said I have some very mixed emotions about it and I would like for us to be sure that we understand we are opening Pandora's Box possible, by doing this.

President Eddings stated, As Kenny said, the skunks, the majority of what we are seeing are coming from property that the town has in that area...

Council Member Alexander stated, We have a major piece of property back there.

President Eddings stated, According to Bob's letter, they are talking about not just one or two skunks but several skunks.

Council Member Fenner stated, Yes, I have talked to Bob about it and he said between ten or twenty, that he can identify so I mean that I agree that we have a problem and I...

President Eddings stated, And I agree we should bring it up, if comes on a case by case basis and look at it that way.

Council Member Alexander stated, Right, the only reason that I will be in favor of this is because of the amount of property that the town itself owns and we are a neighbor and even though that it is town property and I think the skunks are living on our property any way. Did you put any food out? Because if you did we own them now.

Council member Fenner stated, No, we didn't do that.

President Eddings stated, Ok we have a motion on the floor and seconded, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Council Member Fenner stated, I think some squirrels are eating my tomatoes in my garden.

Carl Kramer Presented the United Way Campaign to the Council

Mr. Kramer stated, Kramer.

President Eddings stated, Kramer, there is no R in here. The R is silent.

Clerk Treasurer Schafer stated, How do you spell that?

Mr. Kramer stated, Kramer. I am here as the portfolio chairman for the government campaign for the 1997 United Way and we are making contact with all of the government units in Clark County for the campaign and I was here this evening essential to enlist the support of the town board to contact the various employee groups and have group meetings with them during the rest of the summer and the fall for the campaign. Francis Conroy is on the, as county planning director, I appreciate what your dealing with here. We would like to be

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able to meet with the police officers and the other various town employee units and tell them what the United Way Campaign is about and perhaps have a representative of one of the agency out to talk about one of the various agencies do, show the tape that gives our story and give them material and the opportunity to participate. I'm here this evening I was expecting to be here with the county United Way director and about 4:00 this evening I got a phone call from her and she had a sudden case of larengites today so I'm here alone but I would be glad to answer any questions, I have a brochure for each of you for the campaign and I will leave one for each of you but if you have any questions I would be glad to attempt to answer them or if you would like a fuller discussion she can be here at the next meeting but I felt since we were on the agenda for this evening at least someone should be here to represent us.

Council member Fenner stated, Approximately how much time are you talking about that you would want?

Mr. Kramer stated, Generally speaking I would need about 10 or 15 minutes. The people that come in are used to making quick presentations. We realize whether people are in government or in private industry have a full days work to do but I used to live here in Sellersburg, in the Speed area, this is something that I believe in and support and it a value to the entire community, we all get something back from it and I think it is something that government should participate in just as other places do.

President Eddings stated, Does anyone else have any questions? Ok, thank you.

Council Member Alexander stated, You basically want to make the town employees aware of...

Mr. Kramer stated, Yes, and we want your support so will you...

Clerk Treasurer Schafer stated, You will need to call the town hall and talk to Mark Warren and there is several different departments, the Chief of police, schedule with him an appointment to talk to his employees and then...

Council Member Fenner stated, We're not talking about making this mandatory for our employees?

Mr. Kramer stated, No.

Clerk Treasurer Schafer stated, No, that is not what he said.

Mr. Kramer stated, We just want you to be aware of it and if anyone calls you, you can say yes we know it. We never try to badger anyone.

Clerk Treasurer Schafer stated, We also had this last year so you might want to call tomorrow and talk to Mr. Warren and also...

Mr. Kramer stated, Ok, thank you.

President Eddings stated, Ok Mr. Bob Missi.

Council Member Alexander and Joe Georgen Present Sewer Tap Adjustments for Bob Missi and Jin O' Neal Ford.

Council Member Alexander stated, Basically he is on the agenda because of me. Back in

April, about April he was going to build the apartments over on Oak St. and he came in to pay for his sewer hook-ups because he new we where going through the changing them and I put him through the circles of first having to get with the road and the widening became even more intriguing and at lasted forever and he forgot about it but we did quote him a price back then, even though I told him it was going up, ok, but because of the different steps and the longivity of us getting his approval, which he did do alot as far as meeting with the people on Oak St. and coming out and I felt like he was showing good faith, I'd like to let him have the taps at the old price and adjust them to that. Does everyone understand?

President Eddings stated, Yes, do you want to make it in the form of a motion?

Council Member Alexander stated, There was one more but I'm not familiar with it. It was Jim O' Neal.

Joe Georgen stated, Basically just to make you aware that we had two situations similar, where we had been working on getting the sewer connection during the sewer tap increase.

President Eddings stated, Are those the only two that you know about, everybody is afterwards.

Council Member Fenner stated, Did Jim O'Neal have another tap that they are going to also do too?

Joe Georgen stated, There is another one but they are already aware that that is at the new rate.

Council Member Fenner stated, Ok.

Presidnet Eddings stated, Do you want to make that in the form of a motion and we will go ahead and get both of them.

Council Member Alexander stated, I'll make a motion that we go ahead and adjust the taps for Missi and Jim O' Neal Ford.

Presidnet Eddings stated, I have a motion on the floor to adjust the taps for Bob Missi and for Jim O' Neal Fords back to the old rates do to this information, delays. Do I have a second.

Vice President Broady stated, I'll second.

President Eddings stated, Seconded by Dave, is there any further discussion? If not all...

Council Member Voyles stated, Jim O' Neal Fords that is just for the one that they started.

President Eddings stated, Right, the other one goes under the new one.

Attorney Mc Call stated, Did they make an application?

Council Member Alexander stated, No, because when he came in we told him that he had to go back in and get everything else taken care of first.

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Clerk Treasurer Schafer stated, He attempted to pay the fee at the time and they would not allow it, yes.

Council Member Alexander stated, And I wished he would have paid the fee and then...

Attorney Mc Call stated, Is that the same with Jim O' Neals?

Council Member Alexander stated, I am unfamiliar with that.

Joe Georgen stated. No, we had it all set up to do and then we decided that we would do them both at the same time because it does off their property. We basically said that we would wait on that, I thought that it would be done sooner than that, it is time related, I thought that they were going to do it as soon as they tore down the old building. I do meet with them tomorrow to resolve this.

President Eddings stated, Ok, there is a motion on the floor and seconded and it has been discussed all of those in favor signify by saying I, opposed nay, I's have it. Ok, Dave.

Chief Kinder stated, I don't have anything.

President Eddings stated, Ok, EMC.

Joe Georgen stated, I have the two week revenue reports and the invoice.

Clerk Treasurer Schafer stated, I don't get this.

Council Member Alexander stated, It usually is addressed to Linda anyway. Do you need to get some white out.

Joe Georgen stated, Yea, I have some white out. Here you go Ms. Schafer.

President Eddings stated, Is this the only claim?

Joe Georgen stated, That is all I have got.

President Eddings stated, Ok, I'll entertain a motion to pay the claim submitted for NSF checks, June sales tax, quarterly sales tax and meter deposit refunds in the sum of \$4909.82 to EMC.

Council Member Fenner stated, I make the motion to pay the claim of \$4909.82 to EMC.

President Eddings stated, Ok, 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 discussion?

Attorney Mc Call stated, Yes, had that been varified that it is correct and accurate.

Clerk Treasurer Schafer stated, No.

Attorney Mc Call stated, That's all I have.

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Council Member Fenner stated, Are you suggesting that we get it varified?

Attorney Mc Call stated, No, I was just wordering if it had been varified by any outside source.

President Eddings stated, Is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, the building commissioner is not here tonight, Dave Broady.

Vice Council President Broady stated, I don't have anything.

Council Member Fenner Addresses the Council about Tarc and Air Quality Standard Coalition
President Eddings stated, Gary Fenner.

Council Member Fenner stated, I have a couple of things, one is I have been approached attentitively by, I not sure, it's some kind of a citizens group that is working in conjuction with Tarc and they have expressed some interest in running a bus line up to Sellersburg and they say in the future they would like to come and talk to us about that and I thought that was interesting because we are also talking about a cab service, at the same time so they might tie together but anyway I wanted to make you aware of it. If you hear something like that they are looking into it and that is just a point of information and also I was contacted by a lady named Heather or something like that, I don't remember her last name...

Clerk Treasurer Schafer stated, Kelley.

Council Member Fenner stated, Kelley, you guys talked to her too?

Council Member Alexander stated, Well I didn't talk to her she let a message and she didn't call me back.

Council Member Fenner stated, Ah, ok, alright, she is with the air quality standard coalition and she is very, her and the organization that she represents are very concerned about the new standards, the new air quality standards that where issued by the E.P.A. that took effect last month, there contention is that though standards where just abartrally placed upon certain communities or certain counties in certain areas, in the country, without the proper research, without the proper preparation for doing that, as far as not having the data with which to justify it. She also was concerned because it was what they also called an unfunded mandate, in other words, our county and our area is automatically in violation as of last month, I mean we didn't do anything different and we didn't do anything worst we are just in violation and now they are going to come down on us. They have not given us any money in changing that so she is asked if we would be willing to write a letter to our congressman and specifically Lee Hamilton and express our concern and ask for the fact that they delayed the implication of this until they do the proper research and investigation into it rather than to just do it arbatrally. She asked me to bring this to you and I told her I would be glad to. Would we as individual or would we as council members like to write a letter to Lee Hamilton and express, to him, our desires in this matter.

President Eddings stated, Does anybody have an opinion?

Council Member Fenner stated, I mean, I have several copies of faxed stuff that I would be glad to share with you, if you want to see it, I just got it.

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President Eddings stated, Why don't you make some copies and, get some copies and put in our boxes.

Council Member Alexander stated, I mean, she is talking about higher standards as far as going to the emmissions testing and so forth.

Council Member Fenner stated, I beleive so. I mean...

Council Member Alexander stated, I mean with the effects of Clark County I mean...

Council Member Fenner stated, Yea; my understanding is, they are talking about we are going to have to go to a different gasoline which is more expensive and your car doesn't run as well according to some people and like I said I have concerns because obviously we want our air to be clean and we don't want to say that it is good enough if it isn't good enough but if what they say is true then the fact that they just arbatrally just drew some lines and did this without investigation and research then maybe we have the right to be concerned. I'll make some copies of this and put it in your box.

Council Member Alexander stated, Can you think of what agency did it?

Council Member Fenner stated, It was the E. P. A. also I would like to bring you up to date, the pool is in the last full week of operation, for the summer and then we will be open for two weekends, until Labor Day so far I think that it has been a good summer, we will have to wait and see how all of the figures come out. In the last week we have repaired some culverts over at the pool that have been in need of repair for sometime where several of things have been washing away and we might be able to get some trucks in there now for delivery, I hope. If we have enough money left, we will be coming back to the council for a transfer of appropriations immediatly at the end of the season because we have been painting the pool every year and it has just not been working, we paint part of it and we pressure wash it and we paint part of it and as much as we paint that much pops off and we have been told the only way to take care of that is to sand blast the whole thing all the way down to the concrete, take all of the paint off of it and start over and do it right and so if we have enough money left in the budget within the next then we will be coming back to you for substancial amount of transfer of appropriations to do that. One more thing, I have had some people that live at the corner of Kay Ave. and Parallel and I think some of you are familiar with them. They are very concerned with the creek, that runs there beside the property and really runs through the middle of town. Over the last year there has been several trees that have fallen into the creek and have created some dams there it is a question and Perry I don't know if you have an answer, you probably don't off the top of your head, of who is responsibility is that and whether it's the town property and responsible for the creek whether it is personal property and it belongs to somebody personally, who is responsible for that, I have been down there a couple of times and talked with people and looked and there needs to be something done, it's not a major, I think that we can get by with something minor if we would just agree to go down there and pull three small trees out of there, that would helpimmensity as far as these people are concerned but I talked with our street department and they don't feel like it is there responsibility to do that...

Council Member Alexander stated, It basically falls into an easement question, that is an easement because of the sewer, it is no different that in the backyard of everybody in Hill-n-Dale.

Clerk Treasurer Schafer stated, It is Camp Run Creek is what it is.

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Council Member Alexander stated, Right.

Clerk Treasurer Schafer stated, It runs down through close to Ms. Kellys property, it is Camp Run Creek, it is actually, probably is DNR since it is a natural drain.

Council Member Alexander stated, The only thing that we are worried about is, it's not that we can't do it but if we do it here, is this something that we have to be repeatitive throughout.

Attorney Mc Call stated, So you want me to tell you whether or not you need to clean the creek out?

Council Member Fenner stated, Whether we are...

Attorney Mc Call stated, I can tell you right now that you don't have to clean the creek out.

Council Member Fenner stated, Ok, we don't have to, we are not responsilble to, is there anything to prevent us to?

Attorney Mc Call stated, No, there is nothing, the town can take it upon themselves to do it.

Council Member Alexander stated, And that is where the question came from that...

Attorney Mc Call stated, have we got in conjunction with the neighbors?

Council Member Fenner stated, I have talked to two out of the three property owners and they would be very happy to have us, I mean, we are not talking, we are talking about something that will take a couple of guys, a backhoe, a chain saw and you will be out of there in an hour, I mean boom, boom it's done and I, again I know, I mean that I have been struggling with issue of where does the town take responsililty and where it doesn't, do we do everything for everybody or do we, and that is a hard issue.

Attorney Mc Call stated, That seems to be a natural occurance that you didn't cause as a town and simply because you maintain an easement doesn't mean that you are fully responsible for every condition, for instance if lighting struck and the tree burned down and set their yard on fire would the town be responsible because it is their tree and no it wouldn't be.

Council Member Fenner stated, That's right, I agree.

Clerk Treasurer Schafer stated, I think that it is Jim O'Neals property, am I...

Mr. Albrand stated, I'm Tony Albrand, it's next to my mother-in-laws property and as far as I know, it's not property, unless if it's Mr. O'Neals it does not belong to the property owners on the other side. The town has a road easement that was suppose to continue Parallel on through there next to Camp Ground Creek. Now I don't know if the creek itself belongs to the town, I don't beleive it belongs to Jim O'Neal but it may, I don't know who owns the land, everybody says they don't own the land but someone must. I know that the Town of Sellersburg over the multiple years has maintained the ground as far as the mowing and so on and so forth and no one ever wants to take the responsibility as far as cleaning it out and it runs from back around the express way and it comes

around over where the video, Road Runner Video is and comes back around and crosses 31.

Council Member Alexander stated, The basic question that we always ask in these situation is do we have the resources and the money and not only do it here but satisfy everybody along every creek and the answer is we don't and I mean even though there is a twig in a creek that I can go down and pick up, can I go down and pick up the other thousand twigs down the creek?

Attorney Mc Call stated, That's why you look at it on a case by case bases and I mean you don't have to establish a policy that says that we will do that, you just consider each one as they come up.

Council Member Alexander stated, Well, I agree but there is alot of logs and limbs, I mean the creeks need dredged, there's no doubt but it, my opinion is it needs to be done in a project instead of picking and chosing.

Attorney Mc Call stated, If your going to dredge the creek you are going to get approval by the core of engineers to...

Council Member Alexander stated, Jay Broadsky was just in here and he wants the same thing but he has a much bigger problem than just three trees he's got forty trees and I mean, I guess it is just up to the individual, on the board, as far as which way to go, I mean, as far as from the street department and stuff like that, I don't have the money to go down and take care of Jay and this one and I kind of feel obligated to treat everybody equal and by picking up just the three am I not treating Jay unequal just because he has got 10 or 12, I mean that is the question that we answer every day and I mean that it is every day.

President Eddings stated, Is that it?

Council Member Fenner stated, Well that is all I have. Did I get any answer? Let me put it in the form of a motion just so we can have a decision on it then. I would like to make a motion that we send our employees down to take out these three small trees there at the edge of the property, at the corner of Kay and Parallel.

Presidnet Eddings stated, Motion on the floor by Gary, do I have a second?

Vice President Broady stated, I'll second it.

President Eddings stated, Seconded by Dave, opened for further discussion, no further discussion all of those in favor signify by saying I, opposed nay, 3 to 1.

Clerk Treasurer Schafer stated, 3 to 1.

Council Member Fenner stated, That is all I have.

Presidnet Eddings stated, Ok, Bill.

Council Member Voyles Addresses Council On Riverside Estates.

Council Member Voyles stated, Yea, I do. I would like to bring something up that is going on in Sellersburg through the development being made by Mr. Bridges and Sprigler and they are doing it over...

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Clerk Treasurer Schafer stated, Lakeside Estates.

Council Member Voyles stated, Lakeside Estates, well Lakeside Estates has created a hazard, the reason I know that it is a hazard is because I was out there and I watched them do it, it's a ditch that goes up to the people of Forrest Estates backyard that drops off 11, well it drops off 15 foot in one place, it's 11 1/2 foot deep and it's a 45 degree angle to the bottom of this pit and it's gotta be a hazard, you cannot have your grandkids or your children or anybody play in your yard because you know that a little a boy or a little girl, they want to go down that hill and if it has water in it they could drown and we have to do something, I have talked to two people in the state, DNR, and they are coming down and what they are coming down about is the, they have blocked off a ditch that goes into the woods and their going to put a pond but this water that is blocked off comes from Forrest Estates and it does not go into this retaining pond so if this water goes onto the neighbors property we may be able to get them to approve that, we need to do something, we have a couple of gentlemen from Forrest Estates here, it is not that we don't want the subdivision, we have no problem with that, we just want it so that nobody can get hurt, I mean that we are going to have erosion, if anybody in this room would like to come out and take a look at it they are perfectly welcome to walk across my property and look down and see, I feel like I lost a 25,000.00 right off the bat, on the property of my house, for the value, it just has to be, so I would like to have Perry, if there is any legal way we can, or anything we can do I would for you to...

Attorney Mc Call stated, Have you determined Bill if it is a temporary situation that is going to be rectified in the immediate future, do you know that?

Council Member Voyles stated, No, I know that for a fact. It is there, they have done it they're done with it and...

Council Member Fenner stated, The big mound...

Council Member Voyles stated, No, not the mound, we are not talking about the mound. The mound is the dirt that they have stored to put back on top of the property, there is a, it used to be flat land, or a little hill, that goes along all of the houses on Forrest Dr. North, well they have taken in two days and made a ditch that, I watched the guy put a pole in there, I asked him to, and shoot a level across there, it was 11 foot 8 inches now this is a ditch that I thought we had permits in this town or laws that you couldn't have anything over 3 1/2 foot, I was almost sure of it and then I found out we don't have those but is there anything that we can do or get the development to do to, you know, just to...

Attorney Mc Call stated, What is the purpose of it, I mean is...

Council Member Voyles stated, Apparently it is a...

Attorney Mc Call stated, It's a drainage ditch.

Council Member Fenner stated, Is it really that deep?

Council Member Voyles stated, Yes, I guarantee it.

Council Member Fenner stated, And it is in the back of the property, see when you called me I thought you were talking about the mound of dirt they just piled up out there.

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Council Member Voyles stated, No, no, no, it's a...

Council Member Fenner stated, But when you called me it started raining and I didn't make it out there through the mud.

Council Member Voyles stated, There is one gentleman that measured from the top of his property down to the hole and it was 15 foot.

Mr. Marshall stated, I'm George Marshall and I lived, I had the worlds worst nightmare, I came back from being away a week and I found out there is a cliff behind my house and it's 15 feet because I measured it from the top to the bottom and it just raped that land and they just built that ditch because basically the woods was in a, I think it was a 500 year flood plain, there was a 500 year and a 100 year flood plain in that area and there is water that comes through there in the rainy season it is a swamp so in order to get rid of the water so they can build houses, they know that they have to build the land up or the people that buy these houses are going to have problems so they took the dirt out and so you walk outside my backyard, when I left here two weeks ago, it was beautiful and nice and I come back and there is a couple of trees and then there is a big drop off and it is an erosion problem and surely the City of Sellersburg has some laws, I mean it is just like strip mining, they just came in there and just, and some of you where there and you saw it and certainly there has got to be some laws and I don't even think that they have a permit to do this and so I don't see how they have the right and so my wife called Sprigler and his arrogance his answer was I can do anything I want, that is private property and I don't think that he can do anything that he wants if it effects other people and we are not against the subdivision but certainly there is a hazard there and a health hazard if someone falls off of it and secondly you have erosion problem and I mean when you have a slope like that there is going to be erosion and ofcourse the other problem that they have deals, it won't effect me because there certainly won't be water getting on my land but that will certainly will be effecting Bill and some of our other neighbors down on the lower end when they block that off.

Council Member Voyles stated, It will effect Dave Ehringer, Ed Denton, the people next to me, Denny Amos, Norman Kratz, Caroline Makosky all of those people on that side will be effected.

Council Member Fenner stated, What happened at the last meeting when we asked our building commissioner to look into it and he talked about even issuing a stop work order?

Council Member Voyles stated, Yes, we did that and Bob Stewart made out the stop work order we found out that they can legally do just about anything they want to do with their property as long as, you know, they can develop it, they have not dumped any dirt into the flood some yet because they have not got, DNR hasn't given their premission so a Mr., I can't think of his name right off the bat, there is two gentlemen coming down from Indianapolis, this week, to address and to look at this situation we have and their going to build a dam up against the retaining pond up against the woods and it is going to be 6 foot, well there is no water from the woods that can get into the pond, no water from Forrest Estates can get into the pond just water from their property can get into the pond so this water that comes down from Forrest Estates which is a tremendous amount of water has to find a new creek so it's going to be in our neighbors yard, it going to be in Dave Ehringers yard until it can find its way into the woods, they're going to build the land up 6 feet so 6 feet is like taking your bath tub filling it up with water, you know, and throwing a big rock in it, that water is going to come out, water seeks its own level so if you take 3,4 or 5 acres away from the water that used to go on there, it has to find

its own level so it's going to go down that way and we are going to have a big problem, we are going to have a lot of lawsuits, all of the business along that road there are going to be massive lawsuits.

Attorney Mc Call stated, That is what I was going to say Bill, if they have complied and have gone to the planning and zoning and the planning commission and submitted plans and they have been approved then they have gone ahead with this work and they have done this as long as they have met the towns criteria to me, perhaps it's not going to be a town problem what it's going to be is, and as dealing with this water flow that we were talking about where someone creates a condition on their property that causes damage to your property by either increasing the flow of water of natural drainage and etc. and that it may very well be and I'm not saying that the town may not be able to, it may very well be something that you as an individual property owner...because they have created that condition and so that is the only reservation I have got, I'll check into this for you maybe I can give you some guidance that you can get something going this way or something the town can do...

Council Member Voyles stated, If the town cannot do anything about the ditch, is there anything where the town can get the developer to keep anyone, either fence it or do something.

Attorney Mc Call stated, When you first told me, I didn't understand exactly what, to me it sounds like the long area...

Council Member Voyles stated, Oh, it is, it's from almost from the Moose lodge all the way down to the a little bit past my house and it is just a tremendous drop off, there is no way anybody in here can walk up that.

Mr. Marshall stated, We were here at the meetings and they talked about a forty foot wide swale and they didn't say anything about what they have put out here.

Attorney Mc Call stated, Well then we have a little different, if that is what they have submitted to the planning commission and they approved a 40 foot, the swale as opposed to 15 foot, 45 degree angle creek and that is a different ball game, I wasn't with the planning commission what Sprigler developers told them and maybe that would be the place to start for us, is to go back and pull the minutes to that meeting and see what they submitted and what was approved by the planning commission and then if you grant permission to do something, it has to be to the specifications therefore if they are not doing to the specifications then they can pull that approval, the same way.

Mr. Marshall stated, You mean that there is no policy at all or law in this town that would keep them from making a strip mine and basically that is what it is, they just dug down just like you strip mine out something and in a residential area.

Attorney Mc Call stated, I have a tuff time visualizing, I hear...

Mr. Shuster stated, That is the problem I have. My name is Tom Shuster, I own the property next to George. I was at that meeting also and we raised the question of the drain and so forth and they said they were going to build this swale and I said well how, is this a ditch and they said no it's more of a general sloping thing it won't be more than 3 or 4 feet deep...

Council Member Voyles stated, It's tiered.

Mr. Shuster stated, and now I think that it's deeper behind my house than anyone's and I mean if someone walked back there at night and you fell in it you could actually kill yourself because I think that it is steeper than 45 degrees and that raised another question with me because at that other meeting they said, we said who is going to be responsible for keeping that area clean and supposingly they are going to plant grass on this thing and I guarantee half way down, your not going to grow grass on it, who is going to maintain this and they said the property owners are going to own that whole ditch and there is no way you could mow even if you could grow grass on it, it's too steep to mow it. I am very concerned, you know, I'm concerned with the whole project and #1 I can't see how they have got this far, when I hear that you all haven't even voted an approval on it.

Council Member Voyles stated, We found out today, I thought that the town board had the last say so, well I found out today that we don't, that the planning commission has the last say so that we don't have the last say so.

Mr. Shuster stated, Have they given the last approval on it?

Council Member Voyles stated, No.

Vice President Broady stated, August the 18.

Council Member Voyles stated, There is an August the 18 meeting, with the planning commission, and everybody and I'm talking not only Forrest Estates but people across north of 31 best be at that meeting because it is going to effect them too.

Mr. Shuster stated, I mirror Georges feelings, everybodys feelings it is a safety thing, it's a, I'm concerned on my part, personally I'm concerned about the erosion, I can see in 5 years my yard being 2 feet smaller that what it is because of the angle and because they are not going to be able to grow anything on this it's just going to wash away. I think something definately needs to be done about this and I'm like George, I'm amazed that this City has no ordinance, it has nothing, I mean I can honestly say when, if I would have known this three months ago, I would have not bought this property because it has ruined, it has taken away from our property value and I mean one of the things that I liked about it was the serenity there, I know that you cannot stop progress, I'm not trying to stop progress but my god this is nothing like they purposed at the meeting and I think something definately needs to be done about it, somebody needs to look into it because...

Mr. Marshall stated, Basically Mr. Bridges was nice but Sprigler was just a S.O.B., he just told her that, I can do anything that I want, it's private property and there is nothing that you can do about it. Well if it effects our property, I think that there is something that we should be able to do about it.

Mr. Shuster stated, I talked to project, the guy in charge of the project, Dan Christian Excavating, who is doing the work, he said that Christian wanted to leave an order of trees along there but the developer said no because then I will have to move my ditch further in and we won't be able to cram as many houses in, that is exactly what he said so they have gone right to our property line and put the Grand Canyon, I swear that is what it looks like, the rock layers, it looks like the Grand Canyon back there, you would have to come see it in person, I know some of you all did, it's bad something needs to be done about it, I'm just kind of disappointed at this City or this County or whatever doesn't have any kind of laws or ordinances against this, to be able to do something, I

know that we can't stop it now but we should be able to do something, put some pressure on some people to do what they are doing the right way to preserve our property and to think about the people that are going to buy these homes, I don't know who they are going to sell these to.

Council Member Fenner stated, I think that the key is, is the fact that if they present it at one way to planning and zoning and then they did it completely different then we need, we as a council need to back up and ask planning and zoning to look at it again and obviously I think we are willing to do that...

Mr. Shuster stated, I feel like it was misrepresented.

Attorney Mc Call stated, Because when you say there has to be something, that is something and that is why they have to come to them in the first place, well put it in this way and that is great and that sounds exceptable and then they do it a different way...

Mr. Shuster stated, I guess the hard part is that everyday they are back there gouging it more and more and nothing is being done to stop it. The guy that owns doesn't live here and the guy that is developing it doesn't live here, it's just...

Council Member Fenner stated, Do we need a motion to have planning and zoning look at this?

President Eddings stated, I think that it is going to be look into on the 18th.

Council Member Fenner stated, Ok, August 18th the planning and zoning, obviously they are going to be aware of it and I think they will, I hope we have confidence in them that they are going to take care of it and that is why they are out there.

President Eddings stated, Ok, is that it, that's it, Perry.

Attorney Mc Call Addresses the Council About Reliable Cab

Attorney Mc Call stated, Just on thing, you had the guy from Reliable Cab on today and he didn't attend and I met with him a week ago and him an Dave Lewis in conjunction with, they are going to do an ordinance for you to consider regarding taxi services to the Town of Sellersburg, this has been talked about once before and have prepared a rough draft of an ordinance, the only question that we had was who was going to be responsible for licensing these cab companies and the thing that was important to the cab company, Reliable Cab Company, was that if they received a license in one of these communities that the serve, such as New Albany, Jeffersonville, Clarksville that we will be willing to recognize their license there and maybe there will be a small license fee here but the major fees that they paid in one jurisdiction, we would recognize that and, but any way I have a copy of this, it's one that you had before and...

Council Member Fenner stated, Is it the same one?

Attorney Mc Call stated, It may be, I don't know.

Council Member Fenner stated, Ordinance establishing business regulations of taxi cab services within the Town of Sellersburg.

Attorney Mc Call stated, That is it. If you want to take a look at it I will give you one.

Council Member Fenner stated, I remember, I went through this once you, the first time you presented it and I have made some notes to myself because the main thing that we were stuck on was who it was that was going to over see this, I mean who are you going to pay the license to, who is going to be responsible for it, in the town and so I just I tried to think of all of the possibilities and I'll just run this out there and you guys think about it too, #1 we make the town council, us directly responsible for it, #2 we could, we might possibly consider the Clerk Treasurer to be responsible for it, #3 the building commissioner or #4 is to, for us to look into creating some kind of public safety board and maybe incorporate some other things into that area as well but any way.

Attorney Mc Call stated, Of course, this is not a contract with Reliable Cab, by no means it is simply setting what they believe is a fundamental necessary process for them to move into your community and provide taxi service, this is for any taxi service that comes to Sellersburg. The reason that we were talking Charlestown in conjunction is that we were going to include Charlestown in here, so he will be here at some point just to address you again but you can still take a look at it.

Attorney Mc Call Addresses the Council on The Harrison Group

Attorney Mc Call stated, The only other thing is that the Harrison Group hasn't gotten back with me yet, in regards to that contract. I don't know if anyone has a direct link to them but they haven't sent me back either an executed original or a...

Council Member Fenner stated, I talked with him on Friday of the week of the last meeting and I just expressed my concern if there was a problem to let us know and he said, no, I don't think that there is a problem, I think we are going to sign it and he said that the only question that we have that we might make a note about is just simply, that if we do realign Triangle Dr. we will have to trade property and that wasn't specifically mentioned in our agreement but we had talked about it, right Dave, and I told him that I didn't think that would be a problem at all that is just understood as far as we were concerned and he said as far as I know we are going to sign it and we will get back to you.

Attorney Mc Call stated, Ok, well I just wondered because there seemed to be...Monday at the last meeting, we had, that is the one we had.

Council Member Fenner stated, So you know what they're doing.

Attorney Mc Call stated, And then you know, based on the fact of time being the essence let's get this thing together, quickly and get it signed.

Council Member Fenner stated, But they're buying their time in the five months on there, is what they're doing, Dave.

Attorney Mc Call stated, We did that, last time we did a first reading on 97-673, Ken wasn't here so we couldn't unanimously so, just to bring it up again, this is just a change for the wording of heavy truck to semi tractor, I got it right this time, semi tractor.

President Eddings stated, I'll entertain a motion to approve ordinance #97-673.

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

President Eddings stated, On the second reading. Motion made by Bill, do I have a second?

Vice President Broady stated, I'll second.

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.

Attorney Mc Call stated, Doug I need you to sign that and send that out, have that mailed.

ORDINANCE NO. 97- 673

ORDINANCE AMENDING ORDINANCE NO. 97-672 FOR
EXEMPTION TO WEIGHT LIMITATIONS ON STREETS OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg did on the 14th day of July, 1997, pass Ordinance No. 97-672 which created exemptions to weight limitations on the streets of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said Ordinance should be amended to change wording from "heavy truck" to "semi-tractor"; and

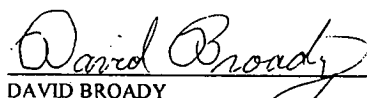
WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said Ordinance is necessary for the efficient and effective administration of Town Government.

BE IT THEREFORE NOW ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 97-672 shall be and hereby is amended to reflect the word "heavy truck" shall be stricken from said Ordinance and replaced with "semi-tractor".

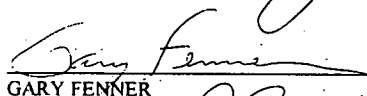
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that the width of any "semi-tractor" shall be no more than eight (8) foot eight (8) inches.

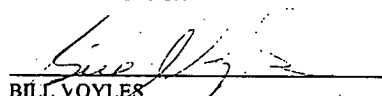
BE IT FURTHER ORDAINED that all other provisions of Ordinance No. 97-672 not hereby amended shall remain in full force and effect.

SO ORDAINED this 20th day of July, 1997.



DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFER
CLERK-TREASURER

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Attorney Mc Call stated, I have prepared just an ordinance to amend or to change a speed limit from a certain roadway, within the Town of Sellersburg. I was sent a letter from the Department of Transportation indicating that the speed limit, that was existing of 50 m.p.h., on S.R. 60, 2100 ft. west of Hunter Station and 1000 ft. east of S.R. 311, needed to be reduced to 40 m.p.h. so they could impliment the proper traffic devices in that area so I have prepared an ordinance to amend that speed limit to 40 m.p.h. as indicated by the Indiana Department of Transportation.

Council Member Fenner stated, Do you have a number on it?

Attorney Mc Call stated, No, but I can get one.

Clerk Treasurer Schafer stated, 97-674.

Attorney Mc Call stated, 97-674.

Council Member Alexander stated, Is that a state road?

Attorney Mc Call stated, Yea, that is a state road. That part is within the town, supposedly, according to this letter.

Council Member Alexander stated, Ok, so the state road in the town...

Attorney Mc Call stated, Yea, that we needed to agree with this change.

President Eddings stated, This is an ordinance, right?

Attorney Mc Call stated, That is what he indicated by the letter.

Council Member Alexander stated, 60 isn't in.

Clerk Treasurer Schafer stated, That is what I said at the last meeting.

Council Member Alexander stated, It isn't in, our border runs on the edge of 60, we don't go over 60.

Council Member Fenner stated, Yes, there are places where 60, it's zigzagged all the way down there.

Council Member Alexander stated, But in this area here it goes across because that's Clarksville and I know any place that we are not across the street we stop this side of 60. I mean I don't care, I would like to see it 40 too. Do you see what I'm saying where we cross...I mean I'm sure that some section of that is 40 m.p.h. and it would probably be ours so.

Council Member Fenner stated, Is it worded to where it would catch it?

Attorney Mc Call stated, Yea, what I have got, the description that he has put in here is what I included. Ok, I just took the description from here, it said controls to be established, speed should be controled on S.R. 60, in the Town of Sellersburg, Clark County, as follows all of the previous speeds from the point 2100 ft. west of Hunter Station to 1000 ft south of S.R 311 shall be rescinded, speed shall be as follows

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40 m.p.h. in that area.

President Eddings stated, And it is a standard letter going to everybody that has property on 60, every municipality, they are wanting all of them to agree to lower it to 40.

Council Member Alexander stated, Oh, ok.

Attorney Mc Call stated, So I just changed it to make sure that we regulate...

Council Member Fenner stated, And this is so that, so that they can redesign the intersection as far as putting turning signals.

Attorney Mc Call stated, To facilitate...traffic control devices.

Council Member Fenner stated, Which we asked them to do.

Attorney Mc Call stated, Which you asked them to do, that is correct.

President Eddings stated, I'll entertain a motion to consider ordinance #97-674 on the first reading.

Council Member Fenner stated, I would like to make the motion that we consider ordinance 97-674 on the first reading.

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, 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 approve ordinance #97-674.

Council Member Fenner stated, I would like to make a motion to approve ordinance #97-674.

President Eddings stated, Motion made by Gary, do I have a second?

Vice President Broady stated, I'll second it.

President Eddings stated, Seconded by Dave, any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Attorney Mc Call stated, That is all I have right now.

ORDINANCE NO. 97- 674
ORDINANCE TO AMEND AND CHANGE THE SPEED LIMIT
ON CERTAIN ROADWAYS WITHIN THE TOWN OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg has been contacted by the Indiana Department of Transportation concerning proposed traffic control changes on State Route 60 in the Town of Sellersburg, Indiana; and

WHEREAS, the Indiana Department of Transportation has indicated that certain traffic control changes are necessary to facilitate the movement of traffic over the Route and conform with the minimum standard established by the Indiana Department of Transportation; and

WHEREAS, the Indiana Department of Transportation has determined after proper engineering investigation that the speed limit over a certain roadway within the Town of Sellersburg must be changed and reduced; and

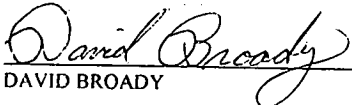
WHEREAS, the Town Council for the Town of Sellersburg has determined that the reduction of the speed limit on a certain roadway within the Town of Sellersburg is necessary as established by the Indiana Department of Transportation; and

WHEREAS, the Town of Sellersburg Town Council considered this matter at an open meeting at which the public were invited to attend and participate.

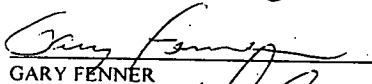
BE IT THEREFORE ORDAINED that the speed limit currently existing at 50 mph shall be reduced to 40 mph for all traffic on State Route 60 from 2,100 feet west of Hunter Station to 1,000 feet east of State Route 311; a total distance of approximately 4,140 feet.


BE IT FURTHER ORDAINED that the herein amendment and change to said speed limit shall be effective as of the date of the execution of this ordinance and proper posting as required by law.

SO ORDAINED this 11th day of August, 1997.


DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS

ATTEST:
LINDA SCHAFFER
CLERK-TREASURER

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President Eddings stated, Ok, Ken.

Council Member Alexander Addresses Council About Sellersburg Celebrates.

Council Member Alexander stated, The only thing that I have is Sellersburg Celebrates is coming soon and anybody that needs any tickets to the business luncheons contact me, I'm the only selling them. Just to reiterate that Renz Ave. will be closed August 22, 23 and 24th. That is all I have.

President Eddings stated, Ok, Linda.

Clerk Treasurer Schafer Addresses Council About Southern Indiana Awning.

Clerk Treasurer Schafer stated, Southern Indiana Awning and Sign approached me and said that they offered not only awnings that they have put on for us out here also they are doing letters, like the stand out letters like the post office or like the old letters that we had on the old town hall building and I have requested since there was no charge in an estimate to get an estimate for the Town of Sellersburg to be put on the A part of the front of the building and that is what I have come up with and one of the council members said maybe a clock or the town seal but if this was not acceptable then why go any further with bothering them with another estimate.

Council Member Fenner stated, Did they recommend the 6 inches? Is that what they recommend?

Clerk Treasurer Schafer stated, Yes, they came out and looked at the...

Council Member Fenner stated, Oh, so it is going to be inside that?

Clerk Treasurer Schafer stated, inside the top part of that A part of the front of the building.

Council Member Alexander stated, We don't have much money left in the building fund any way.

Clerk Treasurer Schafer stated, We don't have any, we don't have enough for that.

President Eddings stated, Well it is good to get a quote though, we might be able to do something with that later on.

Clerk Treasurer Schafer stated, We seem to be having alot of dead issues lately. Ok, I have, thanks, I have prepared an ordinance, a transfer of appropriations ordinance, that I would to have the council consider and pass. I have three of them, they are all the same but...

President Eddings stated, Ok.

Clerk Treasurer Schafer stated, 14.

President Eddings stated, How much is this total?

Clerk Treasurer Schafer stated, That is for a total of a 14,000.00, part of the reason for that is that the consulting services of the clerk treasurer has -0- out, still have an outstanding bill from Mr. Lewis for 2440.00 and an outstanding bill for 1400.00, that was unpaid; which was part of the bill prior to it, the court date that I had the other day was 1610.00 that is also pending and you all know what the result of the judges ruling on that, there were other options so I'm requesting that the council transfer appropriations

to allow me to pay the unpaid claims and also potential other claims.

President Eddings stated, Ok, how much, what was originally budgeted?

Clerk Treasurer Schafer stated, 5.

President Eddings stated, 5000.00.

Clerk Treasurer Schafer stated, Yes.

President Eddings stated, Ok, and then...

Clerk Treasurer Schafer stated, Well about 75 or 80% and that I'm checking right now, it could be as much as 85% it has incurred to try to get the council to pay the claims of legal services that had rendered.

President Eddings stated, Ok, what was, didn't we incur some money from last years budget for this same purpose?

Clerk Treasurer Schafer stated, I would have to look back on that, I think that part of a claim was paid from last year.

President Eddings stated, So, so far just out of this years budget alone...

Clerk Treasurer Schafer stated, I think it was 5, I would have to look back.

President Eddings stated, Ok.

Clerk Treasurer Schafer stated, If you want to stop by you can look at my books and see.

Council Member Fenner stated, This is an additional 14,000.

Clerk Treasurer Schafer stated, No, this is within the clerk treasurers' budget that the council had approved for '97 and it is transferred other appropriation within her own budget. It does not entail...

Council Member Fenner stated, But it was an additional 14,000 that would go to the attorneys.

Clerk Treasurer Schafer stated, Yes, well, I don't know, my concern is to get it to court and resolve the matter, you know, I don't want to be tied up in court trying to get attorney fees paid.

President Eddings stated, What, is there any of these that are going to be close to jeopardy, I mean we are only in August, are we funding...

Clerk Treasurer Schafer stated, I reviewed and I re-reviewed and not that I see any, the animal control, the salaries, the insurances, I reviewed and there is still enough in some of those funds, some there is not any left in like there might be 400.00 left in cleaning services, which my deputies clean the building so we won't be using the cleaning services area so I re-reviewed and reviewed and I don't see any that would be in jeopardy.

President Eddings stated, Electric.

Clerk Treasurer Schafer stated, There is enough in there based on last years figures and an average of what we have spent up to date, there is more that enough in there to pay.

President Eddings stated, Ok, do we have an ordinance number?

Clerk Treasurer Schafer stated, 97-674, I'm sorry, 675.

President Eddings stated, Ok, I'll entertain a motion to consider ordinance 97-675 on the first reading.

Vice President Broady stated, I make a motion to consider ordinance 97-675.

President Eddings stated, Motion made by Dave, do I have a second?

Council Member Alexander stated, I'll second.

President Eddings stated, Seconded by Ken, it's open for discussion.

Vice President Broady stated, I personally can't justify another 14,000.00 and I'm not against getting this thing to trial and getting it resolved and all of that but this is 14,000.00 here and you know, is this going to do the job or are we going to be back over here doing some more and I know Linda can't answer these questions and I'm not expecting her to, you know we have done spent 7500.00 and I don't know maybe some of that was our fault amybe it wasn't, I don't know but you are talking a pile of money here and we have got two attorneys we are paying, we are getting up to the point where we're paying Perry to handle the whole towns business for the whole year...

Clerk Treasurer Schafer stated, I have a comment on it also, you know the town council, and there is five council members, I'm a tax payer also, we contracted a 28,000.00 a year attorney, a good attorney, that you guys utilize, I have no one so you are expecting to utilize a town attorney here for 28,000.00 plus if it goes to appeal there is an additional for him and not allow me to have representation, my interest is to get the matter resolved.

President Eddings stated, That seems to be all of our answers but...

Clerk Treasurer Schafer stated, All of the issues have been is to go to court...

President Eddings stated, All of the interest seems to be going into the attorenys pockets.

Clerk Treasurer Schafer stated, Your absolutely right, I mean it is not my fault to do that you know, if I keep going back to court to get these fees paid where am I, it hasn't even touched the issue.

Vice President Broady stated, You have got two attorneys, people get fried in the electric chair with one attorney much less two, I don't understand what you could possible do with, my feelings are, I will not pay it unless if I have a court order that tells me that I have to pay it, and that is my feelings. I'm not trying Linda the right to get her problem resolved, I think that we would like to see that but this, what I'm scared of

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is if we go 14,000.00 and Lonnie and Mr. Lewis will find somewhere to, you know if that is the case, they will get 14,000.00 and we are going to be still short and then they will come back again, you know, I mean that is just what I feel.

Clerk Treasurer Schafer stated, Would the council consider to allow me contract a 28,000.00 year attorney then so this won't be necessary. As I said you have the best down there, me as a tax payer is paying his salary also and he is representing you, do I not have a right to legal council?

Vice President Broady stated, Well, I mean...

Clerk Treasurer Schafer stated, You know I want the matter resolved, I do not like going court to take the council to pay a claim, let's get on with it, let's get in court and find out whos job it is to collect the revenues of the town, you know if it is not my responsibility fine, if it is fine, let's get on with it and quit having an attorney duel every time we get in there to pay a bill.

Vice President Broady stated, Let me ask you this, will they come back to the price and say if you pay us this amount of money they will take it to court and get it resolved...

Clerk Treasurer Schafer stated, This could go on for ten years.

Vice President Broady stated, I know but could they do that, could they give us a price and...

Clerk Treasurer Schafer stated, Could the council just not have the attorneys stay out of it and let's go to court?

Attorney Mc Call stated, Actually, you can't give her 28,000.00, the difference is this, the reason you can't give her 28,000.00 and this will explain very clearly is because it is under terms that the clerk treasurer deems appropriate, ok, one, so therefore she is not limited to 28,000.00, she is not limited to 100,000.00, she is not limited to 200, she can contract for an hourly rate or she can contract on a set dollar amount, ok and this is based on what happened the other day was that the clairatory judgement, manditory injunction was denied, ok, and this I told you would be the next process that would probably happen, the difference is that between this is you have one attorney, ok, based on the way it is written now and based on until someone challanges it you guys are going to be the first, is that the clerk treasurer, right now, based on the statue, can hire 100 attorneys, she can go down Court Ave. and hire as many attorneys that are on Court Ave. and based upon this type of way it is being read right now to you, 150.00 a pop or whatever terms she deems appropriate, you pay everyone of them based on the way it is now. It needs to be resolved, this issue because there has to be a reasonable dollar figure and what that term is not defined anywhere now if you, you don't have any control over the terms of the contract that she would enter into with any council, competent or otherwise, you know, Lonnie Cooper, competent attorney, David Lewis, comptent attorney but you can't control it, that is the difference between what your doing with a town attorney and the difference in this situation, you are being asked to pay for something you can't contract for and it's a suit that involves the clerk treasurer suing the town council, which also leaves a bad taste in your mouths but that beside the point is that is the difference in the situations and we have discussed this, we have gone over it, we have hit it and we have been on court on it and it has been recorded and that is the difference in the way you stand, it is personal belief that there has got to be a reasonable amount and somebody needs to determined that, if it is not Judge Donahue then it will be the Court of Appeals but if it stands and it is never. that issue is never

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determined and that is never brought to light then that is the situation that you find yourself in and you will find yourself in that situation everytime, every year, it could be a 100,000.00, it could be whatever it is going to be based on the way it is now, and that is not Lindas fault, I'm not saying that, that is the way it is written and that is a bad situation to be in and you have to say ok, come with, to me with all of the claims that you have up to, no matter who's fighting, if I, like I said before, if I win, I lose, if I lose, I lose in this situation based on the fact that you pay either way so it doesn't matter what your fighting about...

Clerk Treasurer Schafer stated, That is exactly right.

Attorney Mc Call stated, Ok, but the amount of dollars that you would pay ultimately is undetermined and you can't control that now, you can't control that figure because you can't say well we contracted with you Mr. Cooper for 25 a year, to represent the clerk treasurer, you can't do that or we'll contract you at 75 an hour, you can't do that that is her decision and that is the terms and that is what the statue says so the only way it is going to get resolved is that for a reasonable dollar figure is the deny appropriations request, and I assume, I told you this, I believe that we will be back in court, two weeks from now...

Clerk Treasurer Schafer stated, I know that you will.

Attorney Mc Call stated, And then we will go ahead and...if the court has that same view and rules against you then I, my suggestion would be to you at that point is take that up in an appeal and to answer the one inquery is if we take this up on appeal my contract says that you will pay me additional dollars to go to appeal, I will wave that provision and I will take that up on appeal at no expense to the town council because it is an issue that needs to be resolved so if we are truly talking about saving tax dollars, I just saved you tax dollars and I will say that and I will do that but it is an issue that you will have to resolve at some point and there is nothing out there that will help you resolve it, to look at and have a guide.

President Eddings stated, Ok, this has been discussed...

Council Member Fenner stated, I would like to make one comment and that is I think, I mean I have spoken my peace on it before and I won't begin but I would like to say that I appreciate the fact that as difficult as it is and distressing as it is you know, we still have been able to maintain a working relationship with our clerk treasurer and I think there is something that needs to be said for that and I appreciate that.

Clerk Treasurer Schafer stated, You know and I appreciate that, well we disagree alot and I think a whole lot of all of you council members but I'm frustrated and I know you are, I have save this town thousands and thousands of dollars and I would not come in here and scrub toilets on a weekly bases to previously waste tax payers money, I do want everybody to know that, I want a resolution to the matter, if it is my job fine, if it's not fine, let's go to court, why keep fighting over paying a bill, it's costing thousands of dollars on these issues.

Attorney Mc Call stated, I wish everything was as clear cut as that, Linda, I wish, and I don't think that this is just a one way street in this situation, about us going to court...

President Eddings stated, I don't understand why we just can't resolve the issue and then whatever the attorney fees are owed pay them at that time, why do we have to pay attorney

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fees and never get to the point where we get the question in.

Clerk Treasurer Schafer stated, Well on Perry's, I issue his check everytime, I mean once a month, right on time with the councils and everybody else's check...

Clerk Treasurer Schafer stated, And that goes back to what I said, they have a contract they have a contract for a certain dollar amount that they entered into and negotiated that is the difference, I mean...

Clerk Treasurer Schafer stated, If I have retained an attorney or attorneys and I have, they have took my case in good faith, do they not deserve to be paid on time?

Attorney Mc Call stated, Linda, that is a bad taste that is left in somebodies mouth is the fact that they are paying attorneys for you to sue them so it is like they are paying on both ways...

Clerk Treasurer Schafer stated, But I inturn, I'm a taxpayer also, do I not have any rights, I mean as a clerk treasurer? Do I not have any rights...

Attorney Mc Call stated, But you didn't sue as a taxpayer...

Clerk Treasurer Schafer stated, Am I not entitle to be represented by you?

Attorney Mc Call stated, You sued as a, You as a tax payer, I assume have representation but the attorney/client privalige exist between the town council and myself...

Clerk Treasurer Schafer stated, That is exactly my point.

Attorney Mc Call stated, And that is correct, well, you know that is those things that there is a fine line here to where those duties start for that council and where they, for your legal and where they start for you to ask me a question, for example if you call me with something in regards to the town then based on the argument then you should call Mr. Cooper, I mean that is the difference in the situation and I don't know, I don't ever think that is ever going to be resolved until we find out...

Clerk treasurer Schafer stated, I have been here almost 6 years and this is the first time I have consulted a legal council.

Attorney Mc Call stated, Allen.

Clerk Treasurer Schafer stated, Well it was for the same issue...

Attorney Mc Call stated, I know, but I mean, yea the second one and, but I'm just saying and again that's, I don't even know why I said that.

President Eddings stated, Ok, let's call, let's go ahead and call this thing to a vote, it will go on forever and we don't have the answers, we have a motion on the floor whether to approve the transfer, Ok I have a motion to consider ordinance #97-675 duely seconded and discussed, all of those in favor signify by saying I, opposed nay, nay's have it:

Clerk Treasurer Schafer stated, Is that -0- to 5 ?

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Clerk Treasurer Schafer stated, I need my ordinance back.

President Eddings stated, It is still you, you are still at bat.

Clerk Treasurer Schafer stated, Ok, I would like to present the unpaid claims for Mr. Cooper in the amount of \$1400.00, in the amount of \$1610.00 and also a claim to David Lewis in the amount of \$2440.00 for the approval of the council.

President Eddings stated, I'll entertain a motion to pay the claims of the attorney fees.

Vice President Broady stated, I'll make a motion that we discuss the attorney fees.

President Eddings stated, A motion to discuss?

Council Member Voyles stated, I'll second it for purpose of discussion.

President Eddings stated, Ok, we have a motion on the floor to pay the attorney fees and seconded, it is open for discussion.

Vice President Broady stated, I think that one of the things that we done in court here just recently, the reason why we should deny those claims is because we are out of funds to pay those claims, I don't know how we could pay them without the funds to pay them and that has been deleted, am I correct?

Attorney Mc Call stated, The appropriated amount? That came up at the last meeting that the appropriated funds...

Council Member Fenner stated, Linda these were claims that were submitted to you and you where the one who hired these people, have you gone through these and checked that each on of these is a legitimate, that you think that they should be paid?

Clerk Treasurer Schafer stated, No sir, I trust my attorney as you trust yours. I would not have presented them if I felt that they should not have been paid.

Council Member Fenner stated, You know, just for instance, I mean on of them is on the 14th of April, he attended a town council meeting and charged \$140.00, was he on the agenda did he speak, did he consult, did he do anything other than be here?

Clerk Treasurer Schafer stated, You probably need to discuss that with him and he is not here.

Council Member Fenner stated, Well you are the one submitting the claim though.

Clerk Treasurer Schafer stated, He is not here and there is also a confidentiality, is that correct Perry?

Attorney Mc Call stated, Attorney/client privilege that you have that he cannot discuss your representation or anything that you discuss during that attorney/client relationship unless you give him permission.

Clerk Treasurer Schafer stated, The other \$1610.00, I have not received a claim on yet, it was for the court on the mandatory injunction that the judge denied, well can I ask you something Perry? When you talked to the judge, did he not say that there was other

alternatives such as an additional or transfer of appropriations way to go?

Attorney Mc Call stated, He said, as far as exactly what he said, I got the just of what he said, my understanding of what he said is that, because there has not been a request for additional appropriations, one, second because the mandatory injunction or declairitory judgement brought under the statue, which deals with duties and powers and not under the statue which refers to the clerk treasurers ability to hire legal council, he was dening the relief and he made a recommendation or intimated to Mr. Cooper that he should request or you go back and request additional appropriations and of course, that particular point is for the council but my response to the judge was, I think they will deny it and if they deny it then we will see back, I guess, if they file another petition but again we haven't addressed that one hearing was simply under the statue that the powers and duties and not statue that allows you to hire council so we will be under a different statue next time you come back.

Clerk Treasurer Schafer stated, Ok, I would like to present my claims...

President Eddings stated, Wait a minute, we have a motion on the floor.

Clerk Treasurer Schafer stated, Oh, I'm sorry.

Council Member Alexander stated, What was the motion again?

President Eddings stated, The motion on the floor was to pay the attorney fees and seconded attorneys claims.

Council Member Alexander stated, Alright.

Attorney Mc Call stated, You can't pass it anyway because you don't have any appropriations.

President Eddings stated, All of those in favor signify by saying I, opposed nay, nay's have it. Are we out of tape?

Council Member Fenner stated, It would beep, wouldn't it?

President Eddings stated, I just heard it click.

Council Member Voyles stated, No, it was this click, it wasn't that click.

President Eddings stated, Ok everybody has had a copy of the bills in their box and had a chance to review them, I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated, I'll make a motion...

Clerk Treasurer Schafer stated, It's not on there either.

Council Member Fenner stated, I know it isn't...

Clerk Treasurer Schafer stated, I wouldn't do that.

Council Member Fenner stated, Linda, I'm some how getting left out of this. No, I mean really, I'm not getting copies of the claims...

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Council Member Voyles stated, I didn't get a copy of it either.

Chief Deputy Shelton stated, You might have got them late.

Council Member Fenner stated, I came in at 5 after 6 and it wasn't in there.

Clerk Treasurer Schafer stated, See I was wondering why I had so many in...

Council Member Fenner stated, I was here at two and I was here at six.

Clerk Treasurer Schafer stated, Did everybody get one of these?

Council Member Fenner stated, No.

Clerk Treasurer Schafer stated, I was wondering why she put so many in my folder. You can just look at them and if you have any questions just...

Council Member Fenner stated, The print is getting smaller.

Council Member Alexander stated, It is.

Clerk Treasurer Schafer stated, Do you want my glasses?

Council Member Alexander stated, The Evening News got money this week?

Clerk Treasurer Schafer stated, Publications, legal, no...

Council Member Fenner stated, Twice.

Clerk Treasurer Schafer stated, It's hush money.

Council Member Alexander stated, Hush money, yea, boy that article is going to be good on her side isn't it.

President Eddings stated, We do have a executive session that we need to announce.

Clerk Treasurer Schafer stated, We are going to have an executive session also August the 19th at 6 p.m. at the town hall to discuss future development, pending litigation and personal matters, so it is an executive session only, we will notify the papers there is plenty enough notice.

Vice President Broady stated, What did Kamer Construction do? Linda do you know?

Chief Deputy Shelton stated, Out at the, those culverts.

Vice President Broady stated, Oh.

Council Member Fenner stated, Go down and look at the Dave they are real nice.

Council Member Alexander stated, I'll second.

President Eddings stated, Motion made by Dave and seconded by Ken, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it.

Council Member Alexander stated, Is that it?

Clerk Treasurer Schafer stated, Yea, you all did me in.

Council Member Alexander stated, I'll make a motion to close the meeting.

President Eddings stated, There is a motion on the floor to adjourn the meeting, do I have a second?

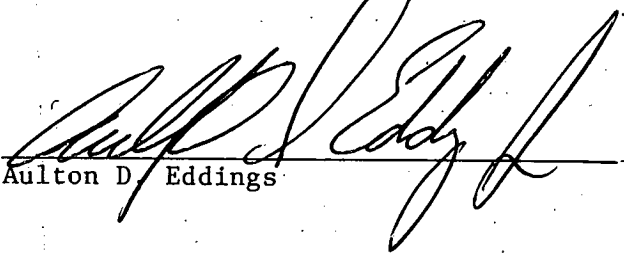
Council Member Voyles stated, I'll second.

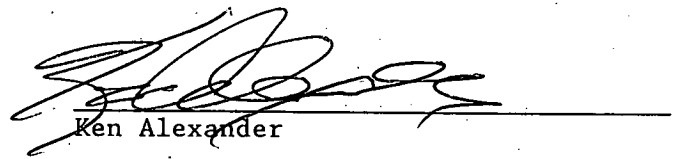
President Eddings stated, Seconded by Bill; any discussion?

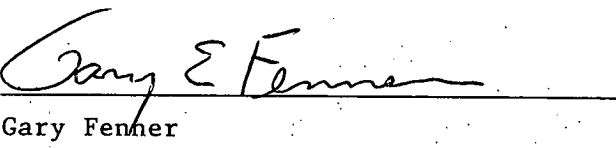
Vice President Broady stated, Not before we sign this, everybody needs to sign before they leave.

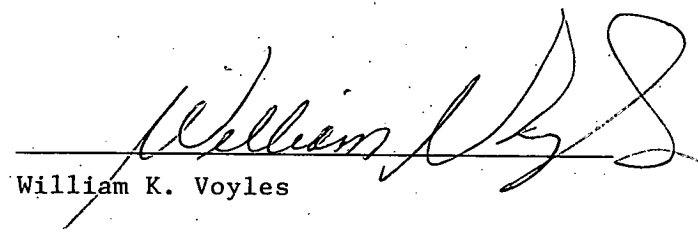
President Eddings stated, Everybody must sign these before you leave, all of those in favor signify saying I, I's have it.

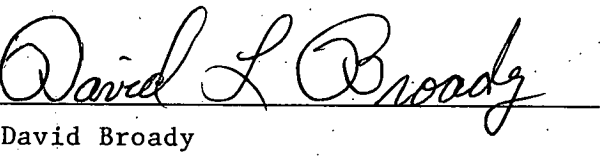
The meeting was adjourned at 8:20 p.m. with no further business.

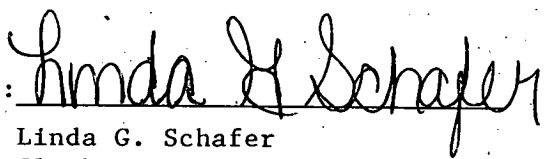

Aulton D. Eddings


Ken Alexander


Gary Fenner


William K. Voyles


David Broady

ATTEST: 
Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

August 19, 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; and William P. McCall, Town Attorney, arriving at 6:20.

CALLED TO ORDER

President Eddings called the executive session to order at 6:09.

TOPICS OF DISCUSSION

Schafer VS Town of Sellersburg
Umbaugh and Associated/ IURC
1998 Budget
Chief of Police/Results of Investigation
Graf/Voluntary Annexation
Debris behind Jim O'Neal Ford
Water Line/Taps
Collection Fee's/Sewer

Deputy Clerk Patricia Crawford took minutes of the Executive Session.

ADJOURNMENT

With no further business, President Eddings adjourned the Executive Session at 7:24 p.m.

AULTON D. EDDINGS JR.

DAVID BROADY

KENNETH ALEXANDER

WILLIAM VOYLES

GARY FENNER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

August 25, 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 Alexander, 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 Meeting

President Eddings stated OK, I think everybody has a copy of the minutes from the August 11th town board meeting. Ah, We also have a copy of the minutes from the August 19th executive session I'll entertain a motion to approve the minutes of the August 11th town board meeting.

Vice President Broady stated I make a motion to approve the minutes for town board meeting on August 11th.

President Eddings stated I have a motion on the floor to approve those minutes do I have a seconded.

Council Member Voyles stated I'll seconded.

President Eddings stated seconded by Bill, is there any discussion? If not all those in favor signify by saying I, oppose nay, I's have it, Ok also have a copy of the executive session minutes, ah my suggestion we table approving this minutes till we've had a chance to talk to ah, Linda about the way the minutes or set up.

Clerk Treasurer Schafer stated which one?

President Eddings stated In the executive session.

Clerk Treasurer Schafer stated There's two set's here, I got August 19th and August 11th.

President Eddings stated the 11th.

Clerk Treasurer Schafer stated Which one are you reference to?

President Eddings stated August the 19th we want to table, 'till we have a chance to talk to you after the meeting.

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Clerk Treasurer Schafer stated I wasn't at this meeting.

President Eddings stated I know. huh

Attorney McCall stated make the motion to table, approval of minutes ah, 'till such a time is discussion and amendment to topics, will be good enough.

President Eddings stated Ok! somebody want to make that motion?

Vice President Broady stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a seconded?

Council Member Voyles stated I'll seconded.

President Eddings stated seconded by Bill. Is there any discussion?

Clerk Treasurer Schafer stated Yes, Ok I have an August 11th executive session, is that one passed?

Attorney McCall stated ther're only doing 8-19.

President Eddings stated I don't have August 11th executive.

Clerk Treasurer Schafer stated August 11th executive session.

President Eddings stated ah, ok, It was on the same Ok.

Clerk Treasurer Schafer stated I'm sorry, and then I have August 19th.

President Eddings stated right.

Clerk Treasurer Schafer stated Executive Session that I did not attend.

President Eddings stated the 19th is the one where...

Attorney McCall stated the motions for the 19th.

President Eddings stated right.

Attorney McCall stated to note on them.

President Eddings stated lets do this, I'll make a motion or I'll entertain a motion to approve the August 11th.

Council Member Alexander stated No! No! No!

Attorney McCall stated No

Council Member Alexander stated that motion is already on the floor.

President Eddings stated OK

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Attorney McCall stated on the August 19th, Its been made, It seconded.

President Eddings stated any more discussion? If not all those in favor signify by saying I, No oppose nay, I's have it.

Council Member Alexander stated I'll abstain.

Clerk Treasurer Schafer stated who made the motion?

President Eddings stated Dave made the motion.

Council Member Voyles I seconded it.

President Eddings stated on the 19th.

Council Member Voyles stated on the 19th.

Clerk Treasurer Schafer stated to table it.

President Eddings stated to table it, 'till we had a chance to look or discuss something. Now we got, I entertain a motion on the August 11th executive session.

Council Member Voyles stated I'll make the motion that we except the August 11th executive session.

President Eddings stated motion made by Bill.

Council Member Fenner stated I'll seconded it so we can discuss it.

President Eddings stated seconded by Gary.

Council Member Fenner stated Perry are you looking at it now?

Attorney McCall stated the 11th.

Council Member Fenner stated yes.

Attorney McCall stated the reason I say that is that topics of discussion do not have to be specific as to what they concern it could be. It could be general topics of discussion such as pending litigation, employment personel whatever else that could fall under categories.

Clerk Treasurer Schafer stated excuse me, for all most six years now I have formed the executive sessions exactly the same way up to this point.

Attorney McCall stated what, what, Ok I'll back up, what was the notice that was sent out? What was the topic contained in the executive session notice?

Clerk Treasurer stated ah, I think it was a oral notice of pending litigation personel matters and future developments.

Attorney McCall stated that what should be topics of discussion, focus of the meetings.

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President Eddings stated we got a motion made and seconded to except the August 11th executive session meeting minutes any further discussion?

Council Member Fenner stated the advice of council is that we not except it right Doug?

Attorney McCall stated the motion is you not except it into motion, to amend the meeting.

Council Member Fenner stated we, we have a motion on the floor...

Attorney McCall stated this meeting needs to reflect the areas of discussion, that you noticed the public.

President Eddings stated ok, right now we had motion on the floor to except it, to except it your council is not to except the minutes.

Attorney McCall stated not to except it.

President Eddings stated ok, no further discussion all those in favor signify by saying I, oppose nay.

Council Member Alexander stated I abstain.

President Eddings stated Nay's have it.

Vice President Broady stated I make a motion we table August 11th executive session minutes, until we can reflect the topics of discussion.

Attorney McCall stated general topic of discussion.

Vice President Broady stated general topic of discussion.

President Eddings stated I have a motion on the floor, do I have a seconded?

Council Member Voyles stated I'll seconded.

President Eddings stated motion made by Dave, seconded by Bill. Any further discussion? If not all those in favor signify by saying I, oppose nay, I's have it.

Council Member Alexander stated I abstain.

President Eddings stated Ok, that takes care of the minutes. We are gonna close this meeting and go into public hearing for the 1998 Budget.

Council Member Fenner stated do it at the end.

President Eddings stated lets do that.

Clerk Treasurer Schafer stated did you?

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President Eddings stated ah! Is Belinda here or the attorneys with Belinda Bartley?

President Eddings stated ok.

Clerk Treasurer Schafer stated she said she may not be able to show up so...

AMY ABSHER ADDRESSES COUNCIL ABOUT SEWER ADJUSTMENT.

President Eddings stated Amy Absher.

Amy stated that's me.

President Eddings stated all righty.

Amy stated I'm here to protest my water bill, we had a leak which was not found for 2 or 3 months, ah, may I approach the bench.

President Eddings stated Sure!

Council Member Fenner stated Sure! were really informal.

Amy stated ah, I just wanted to go back 3 months I had talked with Gary and with Dave Broady before the meeting, regarding the issue of our water bill went up from May, it was at, the reading was at 3,000 usage it went up to 6100, which is double. Ah. it went down a few points in July which was 5,600 and then it went up to 8,100. I just wanted to protest these 3 bills and see if I could get on adjustment on June, July, and Aug?

President Eddings stated where was the leak at?

Amy stated out by the meter, it was from our home to the meter. So we paid for the repairs.

Council Member Fenner stated I can verify that you had a leak.

Amy stated hm, hm,

Council Member Fenner stated I still have muddy shoes on my front porch.

Amy stated which we had to have someone come out and fix it.

Vice President Broady stated I make a motion that we go back, it's the appropriate thing to do. Thinking that way we can average back 6 months...

President Eddings stated Yea.

Vice President Broady stated on the average out.

President Eddings stated what's the normal way, do you average back six months on an adjustment?

Joe Goergen stated It's an annual average running an annual average in the computer.

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President Eddings stated OK.

Vice President Broady stated it goes back far, it goes all the way to 12.

Amy stated Ok.

President Eddings stated motion on the floor for a sewer adjustment made by Dave. Do I have a seconded?

Council Member Voyles stated I seconded.

President Eddings stated seconded by Bill, any further discussion? If not, all those in favor say I oppose nay, I's have it.

Amy stated Thank You, appreciate it.

SHIRLEY THARP ADDRESSES COUNCIL ON SEWER ADJUSTMENT.

President Eddings stated Shirley Tharp.

Shirley stated I'm also asking for a waste water adjustment, either your fault or mine. We had an outbreak under our house and my crawl space runs from 12¹/₂ in to 3¹/₂ foot. We have a 3 bedroom with an attached garage, and it was full of water. The water bills that were effected were my water bill usually runs in the 60's, water and sewer together. This was my 2 that I got. we don't know how long the valve had been broken but, we, we called the water co. immediately and we thought she had turned it off, then when the man came to fix it he thought it was turned off, then when he cut the value it hadn't been turned off at the street, so for another hour and a half it pumped water back in. We spend 2 day's pumping water out. So it cost me, well Sears was \$168.95 and my water bill was all most, water and sewer that much.

President Eddings stated this are the 2 here?

Shirley stated yeah, the \$114.00 and \$163.75.

Council Member Fenner stated I make the motion that we adjust them the same way.

President Eddings stated the same way.

Vice President Broady stated just the sewer, not the water.

Shirley stated yeah I know, they told me I had to pay for my water, even though I didn't use it. I wish I had, had it.

President Eddings stated motion made by Gary, do I have a seconded?

Council Member Alexander stated I seconded.

President Eddings stated seconded by Ken, any further discussion? All those in favor signify by saying I, oppose nay, I's have it.

Shirley stated Thank You gentlemen.

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President Eddings stated do you want to get those?

Shirley stated Is that all I have to do?

President Eddings stated that guy right over there, is gonna refigure for you.

President Eddings stated Pauline, Nina.

NINA DIEFENBACH ADDRESSES THE COUNCIL ON LAKE SIDE ESTATES.

Pauline stated can I talk later?

President Eddings stated sure can, yeah.

Nina stated what I want to ask is Mr. Sprigler is he here yet?

President Eddings stated yeah, he's here.

Nina stated ok, I'd like to know how many house's you are gonna be building? The lot size, I'd like to know the square feet that you'll be putting in these house's, the cost range will you be putting sidewalks in, with sloped entrances for people that are handicap, lights and a fence around the water for the sake of the children. I'd like to have answers for that. Because we over in Forrest Estates we've been through, and lets not make any boo boo's now so we don't have to correct it later, and I'd like to get those answers.

President Eddings stated I don't know.

Council Member Fenner stated he doesn't have to answer to her.

Vice President Broady stated he could be gracious enough. The town board has no authority to make him tell her anything. I think there's 72 lot's.

Council Member Fenner stated there's 73.

President Eddings stated yeah.

Attorney McCall stated they appeared before the planning commission.

Council Member Alexander stated yeah.

President Eddings stated it was in the paper.

Council Member Alexander stated I was there at the last meeting and It's been approved.

President Eddings stated ok, evidently we've had public hearing meetings during the planning commission.

Nina stated but those answer haven't come out.

President Eddings stated I know it, but they...

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Attorney McCall stated was the questions answered?

President Eddings stated do what?

Attorney McCall stated was those questions asked?

President Eddings stated some of those questions were asked there, lot sizes, and those type. If the guys are gracious enough to give you the information they don't have to, they already came to the public hearing and the planning commission and all their plans have been...

Nina stated we have the right to ask.

President Eddings stated yeah, you have the right to ask.

Nina stated that's right, and I will keep asking.

Council Member Voyles stated well, the planning commission had a meeting at the last meeting.

Nina stated I didn't get a notice.

Council Member Voyles stated Ok, well I went to that meeting and there was some dicussion about what you are asking, I'm were...

Nina stated I'd been there if I'd known about it.

Council Member Voyles stated will, ok

President Eddings stated it was in the paper.

Council Member Voyles stated you could get the minutes from the meeting that's what went on in that meeting, it's up to them, if they don't wanna give you that information you know they don't have to. Because its already been approved.

Nina stated don't you think we ought to be fairly good neighbors, don't you think we ought to try and help each other?

Council Member Voyles stated I think so.

Nina stated I think so.

Council Member Fenner stated I would agree with you, I think the issue is, is they have already come to the planning commission presented their plans with the details and specifics such as most of the questions you asked if not everyone of them, they presented them to the planning commission and to the appropriate legislative body. That legislative body approved it passed it on to the town council, the town council you know dealt with what they needed dealt with, they've gone through state and gotten every permit they were required to get. Ah, theres been a few problems and questions and we gone out and talk to and they've worked with us completely and answered every one of those questions and been more than helpfull in meeting the concerns of the neighbors...

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Nina stated I think that's fine, but we people who live over in Forrest Estates, ought to know this things and I bet you go and ask them, you won't find out very few don't know the answers.

Council Member Fenner stated the reason is because they have not come to the meetings that were held.

Nina stated I received no notice or call.

Council Member Fenner stated were the planning commission meets at a regular time and it is published in newspaper, ah we can't send a letter to every home in Sellersburg everytime...

Nina stated you are the Town Council, your job is to inform us, you are our servants.

Council Member Fenner stated I will inform you, there is a planning commission meeting every month.

Nina stated you have informed me, I get that! But you need to go beyond, you know as a teacher you expect to go beyond your duty. I expect you to go a little beyond your duty to,

Council Member Fenner stated what would you like for me to do?

Nina stated I just want answers. You can get them for me, you know what they are.

Council Member Voyles stated somebody call and see if we can get the minutes for her, and have them mailed to her.

Council Member Fenner stated will see if we can get the minutes from that meeting and mail it to you.

Nina stated that would be fine, alot of people in Forrest Estates do not know this.

Council Member Voyles well the ones I've talked to up along the creek...

Nina stated where you live.

Council Member Voyles stated where the ditch, well that's where the ditch is and they a suered me what their gonna do there. It satisfied the people who lives along there as far as piping the ditch, putting the dirt back in to raise it probably 5 1/2 ft. slope instead of an 11ft. slope uh there are some answers about water. I met with the guys from Indianapolis today and uh, he assured me what they were doing was all right. It's not gonna solve our problems, your problem, my problem with the water that comes through the neighborhood, but it will solve what he was telling me, that if they went into that woods there by my house and made a ditch through the woods, it would make the water go through our area and the next area so quickly that it would flood Sellersburg and he's probably right this way it goes into the woods above ground and it goes in gradually like it has been for years and years. So thats really probably better I, I agreed with him after he told me that I didn't think of that aspect of it, but uh I, uh I talked to him for about 40 minutes and he's a very nice young man and I, he's really knowledgeable and I was satisfied with what he had to say. And it effects me I'm right there you know that, you know that.

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Nina stated we were all concerned about the situation.

Council Members Voyles stated sure well, well I think so and I think that uh I don't think uh our property will be hurt I really don't, once they get it done and completed and raised and do the work they have to do see you it's kinda easy to sit back when its not completed and say hey this is wrong and this is wrong but when they get it completed maybe the guy assured me it will be done the way the speci say before, he would come down again he said if anything was wrong call him.

Nina stated well I had been at the last, no the one before the last one the zoning board meeting. But I wasn't aware of this last meeting.

Council Member Voyles stated If I'd known I'd called I definitely would of called ya I didn't know it.

Council Member Fenner stated Paul did you have something you wanted to add?

Paul stated this is to your neighbors if you could be so kind give me just a list of the questions I see personally get the answers.

President Eddings stated Is that all?

Council Member Voyles stated Good!

EMC ADDRESSES COUNCIL MEMBERS ON MONTHLY REPORT.

President Eddings stated Dave EMC.

Joe stated do you wanna as that?

President Eddings stated Yeah

Joe stated I have purposed capitial improvements for the water system for everybody.

Council Member Alexander stated Thank You.

Joe stated the monthly report, being held up by the printer it should be here before the meetings over.

President Eddings stated do you have the invoices?

Joe stated Invoices.

President Eddings stated Ok, good enough you can just put those in our boxes.

Joe stated ok.

BUILDING COMMISSIONER ADDRESSES COUNCIL.

President Eddings stated Building Commissioner.

Mr. Stewart stated I have, where, the construction previous residential structure at this present time in addition to the two new going up to single family residents.

BUILDING COMMISSIONER ADDRESSES COUNCIL.

Mr. Stewart stated Ah, on the skunk issue we have invited 12 skunks to no longer live in Sellersburg and I, it was accomplished successful and the gentleman that's giving us on this program. I think you approved a 2 week program and I, he's gonna extend it through this coming Saturday night and I hope to take this total to about 15 before this special issue expires.

President Eddings stated Thank You! Should we ask where he's taking the skunks to, or do we not want to know.

Clerk Treasurer Schafer stated we would ask, but he didn't tell me.

Mr. Stewart stated they are kept alive.

President Eddings stated move them around like we did the birds.

Mr. Stewart stated I wanted to send them to the State Park but they didn't want them.

President Eddings stated ok, Dave.

Vice President Broady stated me?

President Eddings stated Yeah

Vice President Broady stated nothing.

President Eddings stated Gary

COUNCIL MEMBER FENNER ADDRESSES COUNCIL MEMBERS CONCERNING CRACKER BARREL.
Council Member Fenner stated two things, talked with John Beams of the Harrison Group this afternoon on the telephone, and he has told me that they have signed the agreement however, you know their attorney is talking to Perry or is going to talk to Perry about just getting legal discription of trading property if they reline Triangle Drive or we give or take.

Attorney McCall stated ran in to him on Friday Jeff Fiefer he said it was still on my desk that it would be executed, but there was two minor changes, that he did not think it would effect it.

Council Member Fenner stated ok, will what John told me...

Attorney McCall stated main purpose.

Council Member Fenner stated what John told me is that he was gonna sign it as it was written and have it to me by tomorrow morning with the understanding that we would trade those properties, if the, you know you guys work out the details on the legal description. So I, he also told me that I, their understanding is that the beginning date of the contract was when we signed it not until, not just when we signed it as far as the time frame in which the sewer tap in have had to be put in, so hopefully Cracker Barrel is still coming, and their working on it. The other thing is letter I presented to you all last meeting from, let me find it here ah, a group that is called Air Quality Standard Coalition.

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Council Member Fenner stated ah, they are concerned about the new guideline implacement by EPA ah that took effect in July of this year. There not against the improving quality of our air, but yet the guidelines were passed with out the proper reseach and study done ah and it will very definitely automatically throw us into non...

Attorney McCall stated containment

Council Member Fenner stated containment, thank you ah and it would, it is gonna cause some problems for our counties here and probably even effect the kind of gasoline we have at the pump and so they are asking us to write a letter. Ah, basically to our congressman ah asking just simply for them to delay that until the studies have been computed ah and to make sure what they have assumed is accurate. Ah, they want it to be a positive thing ah there not against improving our air quality, but they want it to be done to add quality, and so I have a letter I think each of you all have a copy of and I would like for us to consider agreeing to that letter and signing it and sending it.

President Eddings stated I entertain a motion to sign the letter.

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 seconded.

President Eddings stated seconded by Gary, is there any further discussion?

Council Member Alexander stated I talked with Robert Mayham, and in Mr. Hamilton's office, or at least put a phone call into him, he was on vacation last week. I tryed calling him again this morning he tryed calling me back about 5:30 or 6:00 we didn't connect with each other ah he, I did leave a message on which bill he was talking about and I you know I just have the utmost confidence in Mr. Hamilton as far as his staff, his impeccable history of ah, taking care of Clark County. I don't think he's gonna be behind anything, #1 that's gonna hurt the economy or force us to smell our gas tanks uh you know, I'm gonna put my faith in him, until we at least hear their side of it, ah to see what his staff has to say about it. To make sure all the information that were receiving is 100% correct.

President Eddings stated any further discussion? Motion on the floor to except the, ah, all those in favor signify by saying I, I Oppose nay.

Council Member Alexander stated Nay

President Eddings stated everybody signs it but Kenny.

Council Member Alexander stated this is the most no's and abstains I've done at a meeting.

President Eddings stated let me sign it. then well go this way.

Council Member Fenner stated ok, the swimming pool has one more weekend to be opened, then it will be closed for the year that's all.

President Eddings stated ok Bill.

Council Member Voyles stated ah, Mr. Sprigler is not on the agenda but he wanted to address us.

SONNY SPRIGLER ADDRESSES COUNCIL ON HOOKING ON TO WATER.

Mr. Sprigler stated I got a bill, I'm gonna have to pay in order to hook on to water. We...

Chief Deputy Shelton stated ok, yea

Mr. Sprigler stated I'm gonna have to run a 8 in. line under the highway then run it all the way through the subdivision and what were gonna do is run the ah, the 8 in line over to, ah Forrest Estates to hook on to you all again, and I ah what were gonna do is, were gonna bore under the highway and I, Dan Christiani to run a bid on it and, it's gonna be quite high. And I was gonna see if I could get some relief, since were running all the way over to the new road for, for Forrest Estates being I'm pulling a whole new line in. Right now it's got a 4 in.

Council Member Fenner stated the water company doesn't want that pipe buried that deep, is this the reason your moving it or changing it...

Mr Sprigler stated well...

Council Member Fenner stated Is it too deep when you add...

Mr. Sprigler stated well, what it is now that you all have a 4 in line, is we decided to run a larger line the estimate from Dan was about \$9600.00 and that's with the casing, it has to be steel. Ah 16" around casing and he's here if you want to talk to him, Danny's man.

Council Member Fenner stated we won't allow cut.

Mr. Sprigler stated do what?

Council Member Fenner stated they won't allow an open cut. I don't think they will Paul? Has anyone talk to Joe, will this expansion I mean hooking in to Forrest Estates how benefit will that be to us will it be a benefit to us.

Joe stated Yeah, It's gonna bring the line up to code basically, especially back in Forrest Estates, but then again it would also be better for this, because the original plan was for a 4" tap on th other side of this road and even though their putting in a new line that is 4" basically...

Council Member Fenner stated does that make a difference Dave?

Council Member Broady stated If I, Yeah, I'm sure it would you know I think, I think what I'd like to do, is get with Joe and see and talk to him and see just, and talk to him and see what benefits we are gonna get and come back with a recommendation to the board. So we could talk about it.

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Council Member Fenner stated we have to be careful unless its a great benefit to the town...

Council Member Broady stated right!

Council Member Fenner stated I don't think that it's, we can possibly do that if we determine its a great benefit to the town, I think we would be more willing and able to do something.

Council Member Voyles stated we didn't do this Jesse Ballew did this we didn't help, that is how we need to look at this, ok

Vice President Broady stated I make a motion we table it then...

President Eddings stated Motion made by Dave to table it.

Council Member Fenner stated I second it.

President Eddings stated seconded by Gary, any further discussion? If not all those in favor say I, I oppose nay, I's have it.

Council Member Fenner stated I'll hang on to it.

President Eddings stated ok Ken.

KEN ALEXANDER ADDRESSES COUNCIL/MARK ROBINSON ANIMAL CONTROL OFFICER.

Council Member Alexander stated I'd like to introduce Mark Robinson who's seating in the audience here, he put an application in for the animal control officer which I will pass down and let you take a look at, he was an animal control officer down in Florida, and I he's very, how would I describe him vibrant and enthusiastic about taking over the duties as animal control officer for Sellersburg and I just like him I mean he's very likeable he seems to have a real love for animals, which is kind of contradictive to what to what he's doing but ah, at least ah ah their gonna be treated like ah ah good animals.

Mr. Robinson stated If given the opportunity I'll do a wonderful job for the town and the people of the town, like he stated I love animals but I know we have to control them. So we can provide a better place to live for all the residents. I've been sent to school, I have all the cridentials been to the Florida Animal Control Association training. I've been trained in the medical aspect of it, ah I've been trained in euthanasia. I been trained in alot of wild animals, you all was talking about skunks, I have a few pictures, pictures say a thousand words. bald eagles, American Bald Eagle, thats myself with the county and a bald eagle, wild cougar here's a wild hog I got for the Sheriffs Department. We had to put it in a paddy wagon it was so large that it wouldn't fit in my animal control truck, turtles, alligators...

Council Member Alexander stated you captured an alligator in Sellersburg I'm moving Ha! Ha!

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Mr. Robinson stated I do have the experience and the love for animals. I'll do a wonderful job for the town if given the opportunity.

Council Member Alexander stated also he runs skunks for us it won't be part of the contractable agreeable with the town of Sellersburg, but as far as independent with our residents and so forth ah he has been willing to help out with our critters that might run loose ah...

Council Member Fenner stated same contract.

Council Member Alexander stated same contract we have huge estimate, we got a \$1000.00 start up cash because of the way we use to do insurance and so forth, and buy cages, we have accured amount where we have significant equipment. I'm sure he'll make some recommedations later on and were gonna support him, but ah as far as the insurance is really the state up. We have been purchasing a policy in his name in the past right? The only other thing is ah ah you live in Clarksville...

Mr. Robinson stated on 31.

Council Member Alexander stated right, if there would be on emergency call out, he has asked to use his own vehicle and I, our emergency situation, as long as he keeps a log of his mileage to pay town rate on mileage.

Mr. Robinson stated I have a brand new GMC pickup truck approximately 3 or 4 minutes away from Sellersburg. Basically I'm always on call I was always on call for the Sheriffs Police Department for emergency for Monroe County, and I will do the same for the Town Of Sellersburg and Mr. Kinder, a wonderful man, I have a good partner.

Council Member Alexander stated I'd like to make a motion to approve Mr. Robinson as the new Animal Control Officer after a contract has been signed.

President Eddings stated agreed to and signed.

Council Member Alexander stated agreed to and signed.

President Eddings stated motion on the floor by Ken do I have a second?

Council Member Voyles stated I'll seconded.

President Eddings stated seconded by Bill, any further discussion? All those in favor signify by saying I oppose nay I's have it. Thank You

Mr Robinson stated Thank You Sir.

Council Member Alexander stated Thanks Mark.

Mr. Robinson stated Thank You Ken.

Clerk Treasurer Schafer stated we won't have another meeting before Sept. 8th.

Council Member Alexander stated I need, I make a motion you allow me to sign the contract into effectiveness, because Mark's runs out the 29th.

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President Eddings stated motion on the floor by Ken do I have a second?

Council Member Voyles stated I'll seconded.

President Eddings stated seconded by Bill, is there any further discussion? All those in favor signify by saying I, I, oppose nay, you got it.

Mr Robinson stated Thanks Again.

Council Member Alexander stated begins the 29th?

Clerk Treasurer Schafer stated 29th is when the contract expires.

Council Member Alexander stated do you still have a copy of the old animal control officers contract?

Clerk Treasurer Schafer stated I'll fax you a copy.

Council Member Alexander stated Thanks.

Attorney McCall stated let me know what, they are, its probably still on the computer.

KEN ALEXANDER ADDRESSES THE COUNCIL/TRANSFER OF EMPLOYMENT.

Council Member Alexander stated we do have a transfer of employment from ah, ah, sewer to streets...

Clerk Treasurer Schafer stated water department.

Council Member Alexander stated water department.

Clerk Treasurer Schafer stated to the street department.

Council Member Alexander stated and he'll start today, and his pay did go in at \$8.27 if he obtains CDL he'll get a .50¢ increase.

President Eddings stated ok, fair enough.

Council Member Alexander stated that's all I have, oh one other note Sellersburg Celebrates man what a day.

President Eddings stated ok, Ken I got this letter from the Department of Commerce, looks like we got 1 round passed, there's a bunch of paper work for round 2, on that request for additional funding.

Council Member Alexander stated I, because, because of the land acquisition it was put on a hold pattern, until the, actually the next round, because of the property we are trying to acquire is Ivy Tech of all the different people that were still trying to sign off on the easement.

President Eddings stated the only other thing I got is John where do we stand on the retainage pond? What part, were, where in the program are we getting ready to bit yet?

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JOHN TOOMBS ADDRESSES COUNCIL MEMBER ON RETAINAGE POND.

Mr. Toombs stated finished are investigation pretty much and were deciding how big to make it, that ought to get done in the next two weeks.

President Eddings stated engineering whys are 50%, 60%, 90%?

Mr. Toombs stated It's hard to put a figure on it, but the descion making part of it is, were pretty much done with that. We've already started some drawing and plans, it's just a matter of, trying its investigate every problem. So when we put it in it will solve the problem.

President Eddings stated right.

Mr. Toombs stated Joe and I, another time last week just to make sure we all understood what the problems are and what to do about them, now its just a matter of making a set of drawing, planning out.

President Eddings stated when do you think we'll be ready to bid.

Mr. Toombs stated Oh, ah, I don't know we have to finish send them up to the state for their approval, and that usually takes about month, two or three weeks from sending them up there, then count another month that would give us to the end of September and once they tell us they don't see any problems, it takes another 3 or 4 weeks. Once we know that we don't have to change anything.

President Eddings stated we can bid then? OK Perry.

Attorney McCall stated nothing new.

President Eddings stated Linda.

CLERK TREASURER SCHAFFER ADDRESSES COUNCIL/PNC LETTER.

Clerk Treasurer Schafer stated I recieved a letter from PNC, I think it's for the council signatures. I want Perry to look at it I didn't put it in his box, I probably should of.

President Eddings stated they need it sign to night? Or you just want to revise it.

Clerk Treasurer Schafer stated he can just revise it and put it in your box, that's fine. Also I have a new Deputy Clerk for the Clerk Treasurers Office her name is Melissa Fraley she started at \$6.50 per hour at 32 hours per week so, she's doing an excellent job so far so good. I'd like to present, resubmit a ordinance that I had prepared to transfer appropriations with in my budget, it was ordinance 77-675 I'd would like to present for approval of the town council.

President Eddings stated I'd like to entertain a motion to except or adopt ordinance 97-675.

Council Member Fenner stated Is there any changes in the orginail?

Clerk Treasurer Schafer stated No, that is the orginial.

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Council Member Voyles stated If there is no changes in it, we noted on it once and noted it down, cause of reasons...

Council Member Fenner stated there's a motion.

President Eddings stated no there ain't no motion.

Council Member Voyles stated no motion.

President Eddings stated well I've asked for a motion, before we discuss it again. No motion to approve. Perry has looked this letter over for PNC Bank, and he said it's ok.

Council Member Fenner that's the same thing we signed at least a couple times before...

Clerk Treasurer Schafer stated an affirmative action.

Council Member Fenner stated maybe even more, it's the same thing so we don't discriminate...

President Eddings stated I'll entertain a motion to allow me to sign PNC Bank.

Council Member Voyles stated I'll make that motion.

President Eddings stated made by Bill, and second?

Council Member Alexander stated I'll seconded.

President Eddings stated seconded by Ken, is there any discussion? Not, all those in favor say I, I's oppose nay, I's have it.

CLERK TREASURER SCHAFER ADDRESSES COUNCIL ON OUTSTANDING LEGAL FEES.

Clerk Treasurer Schafer stated ok, I'm requesting that the town council approve the paying of legal fees, that the Clerk Treasurer Office has obtained, and they are outstanding I have presented them at every meeting ah, one is for \$1400.00 to Mr Lonnie Cooper the other is for \$1610.00 for Mr. Cooper and I have an outstanding claim for David Lewis in the amount of \$2440.00. I'm requesting that the town council approve for payment.

President Eddings stated I'll entertain a motion to pay the legal claims, Linda has presented for payment.

Clerk Treasurer Schafer stated I would like to comment that ah, since the town council refuses to ah, allow me to transfer funds within my own budget that they had approved for 1997, that there are other means out of water and sewer utilities that there able to pay these bills. So that doesn't necessarily require a transfer of appropriations that could be paid out of water and or sewer utilities or both.

Attorney McCall stated this claim form Dave Lewis is submitted on June 25, 1997.

Clerk Treasurer Schafer stated that is the claim I have presented at every meeting...

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Attorney McCall stated and its already been denied.

Clerk Treasurer Schafer stated since I have received it, Yes.

Attorney McCall stated and this one from Mr. Cooper, it not dated...

Clerk Treasurer Schafer stated I thought...

Attorney McCall stated what date was it submitted?

Clerk Treasurer Schafer stated ah, about 3 meeting ago, that's the unpaid balance of a claim that you originally paid if 17 something \$1750.00. So the \$1750.00 plus that bill was the total bill that was just carried over. That's the unpaid balance that was carried over.

Attorney McCall stated these are not new claims.

Clerk Treasurer Schafer stated well, I thought maybe the council may change their mind on grouping those.

President Eddings stated I don't have a motion to approve.

Clerk Treasurer Schafer stated ok no problem, do you have any comment?

Mr. Cooper stated No.

Clerk Treasurer Schafer stated I'd like to present to the council the bills for this meeting.

President Eddings stated has everybody had a chance to review the bills for this meeting?

Council Member Broady stated I haven't read the copies yet.

Chief Deputy Shelton stated I stuck them in everybody's mail box.

President Eddings stated I got them Thank You very much.

Chief Deputy Shelton stated everybody's but Perry.

President Eddings stated I entertain a motion to pay the bills that are presented.

Council Member Fenner stated I make a motion we pay the bills presented.

President Eddings stated motion made by Gary, do I have a seconded.

Council Member Alexander stated I seconded.

President Eddings stated seconded by Kenny, any discussion. If not all those in favor signify by saying I, I's oppose nay, I's have it.

Clerk Treasurer Schafer stated have anything Mr. Cooper.

Mr. Cooper stated just again, I read the minutes from last meeting regarding the issues you all just addressed and I know Mr. Lewis spoke with Mr. McCall earlier today I see some suggestions in here from the last meeting that I think we need to speak to Mrs. Schafer about. I keep reading everybody want's to get the issue resolved and we all get talking about attorneys getting paid, that's not issue, but one way or another I expect the Sept 5th hearing to gonna be postponed. Will try and get it done in September but one way or another. I know Mrs. Schafer myself, Mr. Lewis and I know Mr. McCall are wanting to get back to the issue of simply letting the court decide, does the Clerk Treasurer collect money or is it ok for EMC to. Were working towards that same thing and you know in reading this I see that you all have what I think might be possibilities, but we'll see what we can get that this time. That's all. Well with out blindsiding, in terms of the attorney fees, we believe that the mandatory injunction that was issued before does cover anything in those papers, inside her budget not outside the budget. We'll go back to that issue with the attorneys.

President Eddings stated ok, does anybody have anything else?

Council Member Alexander stated I want to touch...

President Eddings stated were gonna close this meeting and open another.

Con.Mem.Alexander stated I would like to touch on one other subject. Ah, we have tried for two years, I know two years ago I told you hey, I think we can contract street sweeping and have been completely unsuccessfully. Ah it is an area in our department that we do lack that were kinda in middle of, not as big as Borden but not as little as Borden but not as big as Jeffersonville. And we are looking at the possibilities of purchasing a street sweeper, because we have been unable to ah, ah repair the old one, contract services out and I, that's our last option. So I wanted to make you all aware.

Clerk Treasurer Schafer stated I forgot to, I would like to congratulate Mr. & Mrs. Rhodes, that's why she's not here to night, her daughters getting married so congratulations I know their probably having a good time right now, why were in here suffering ha! ha! So congratulations to Mrs. Rhodes.

President Eddings stated I entertain a motion to adjourn the public, I mean regular meeting.

Council Member Broady stated I make that motion.

President Eddings stated do I have a seconded?

Council Member Voyles stated I'll seconded.

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

PRESIDENT EDDINGS OPENS PUBLIC HEARING ON THE 1998 BUDGET.

Clerk Treasurer Schafer stated 7:22.

President Eddings stated 7:22, were now open the public hearing on the 1998 budget.

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Clerk Treasurer stated no, that's nothing.

President Eddings stated ok, does anybody want to start? You want me to start?

Vice President Broady stated read the total amount of each...

Clerk Treasurer Schafer stated would you like to do the budget?

President Eddings stated are these the same numbers?

Clerk Treasurer Schafer stated unless you have this, you don't have the budget. If you start reading these...

President Eddings stated ok.

Clerk Treasurer Schafer stated If you start reading there and go all the way down on each...

President Eddings stated ok.

Clerk Treasurer Schafer stated those are all originals I have to go back and recalculate if they were lost.

Council Member Alexander stated have we started the public hearing yet?

President Eddings stated Yes.

Clerk Treasurer Schafer stated It's additional information.

Council Member Alexander stated can I make a statement at the beginning of the public hearing?

President Eddings stated Sure.

Council Member Alexander stated I just wanted to thank Mrs. Schafer ah, ah and Thank her, thank her and thank her ah because I have watched her put these budget's together. It's like a big puzzle you kinda dump out on the table and you state putting pieces together and when you get a full picture and it looks great you get to take some of the picture out and I, I really appreciate all the work she's done this time of year.

President Eddings stated ok, It looks like ah, in the general fund that would include police as well.

Clerk Treasurer Schafer stated ah, town council, clerk treasurer, street and sanitation and police.

President Eddings stated what we have is the purposed budget in front of us. What we have is a 100, \$1,531,199.00 is the total budget estimated for incoming year. Necessary expenditure July 1 thur Dec. 31 of present year \$968,768.00 additional appropriations necessary to be made July 1 thur Dec. 31 to present year, zero outstanding temporary loans to be paid, not included in lines two or three. Total funds required is ah, \$2,510,100.00 the actual balance as of June 30 present year \$280,688.00.

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Taxes to be collected present year \$783,606.00, misc. revenues from July 1 to present year to Dec 31 of incoming year is \$189,376.00 and \$238,806.00 for total funds of \$1,492,476.00. That amount to be raised for expenses of Dec. 31 of incoming year is \$100,017,624.00 operating balance not in exceed the expenses Jan. 1 thur June 30, less misc. revenue for the same period \$80,605.00 ah, amount to be raised by tax levey \$1,098,229.00 property tax replacement credit for local opposition taxes zero that amount to be raised by tax levey \$1,098,229.00. That tax rate on each \$100.00 of taxable property form is \$3.50.

Clerk Treasurer Schafer stated ah, your about \$160,000.00 over the maximum levey. I was very consertative in estimatiog the revenues, espécially in the excise area well so it looks like about 163,000.00 over...

President Eddings stated over.

Clerk Treasurer Schafer stated over in the maximum levey, yeah partly some of the reason is the reduction in estimated revenues the excise tax when they reduce it the state technicality by reducing the residents and the excise tax it cost me not to be able to list a much excise revenue coming in which effected the amount of if you look from last year the budget or actually reduced a little. But the revenues were less which caused ah, more ah, more money necessary as far as tax revenue that's why there's such a big difference even though it's like where's the increase it's not the increase its the reduction in the revenues coming in that cost you to have less to utilize. Is there any questions?

Council Member Fenner stated the reduction is basically your estimate, right it could be, could be more.

Clerk Treasurer Schafer stated the révenue could be more but normally what I'll do is get a schedule from, if I can find it do you get the book from Indiana Associations Of Cities And Towns...

Council Member Fenner stated Yes

Clerk Treasurer Schafer stated Yeah, I get a schedule and I said it's with in yeah, some of these are based on figures, that they've put in, I've used current figures, I'll go back on the 96 book to see what revenues came in and it is all most an exact on some things I'm conservative on and that's what, I with the reduction in this years and maybe a resolution to reduce, mean this is the 97 budget I'm talking about with a slight reduction in the 97 budget and a reduction or cut in 98 budget with the conservative in the area of the excise tax that I put in and also the increase in accessed evaluation because I used last years figures is should bring it right in line what it should be to have a workable budget.

Council Member Alexander stated I do remember going with her last year and watching all the other towns and school corporations seating there with there pencils and calculators and we spend is minutes and we got it right to the nose. Her recomendations, doesn't hit any particular area that we didn't touch on last year and with the exception of insurance other than group. So I think she's made, she did go with me before the meeting the recomendations and I would be happy to let her explain them, but I highly recomend them and let this budget go.

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President Eddings stated that's the only, there's a couple of them on here a couple areas I just need an explanation on myself.

Clerk Treasurer Schafer stated ok.

President Eddings stated some of them are probably police or some of them are probably...

Clerk Treasurer Schafer stated well there's no reduction of the with the exception of street and sanitation and town council areas. I have not went into the areas. I checked in the chiefs budget, I don't see anything I can reduce. Most of the figures he put together and there much in line.

President Eddings stated with last years?

Clerk Treasurer Schafer stated Yes, with what they should be. Mr. Fenner and I, money is in there for storm drain, it's not gonna effect anybody's budget because it will all be in place and then if he does do, doesn't do the project this year and he does it next year, will still have the money in there. So the things stick together, if you pull one piece of the puzzle out then you put another piece in on the other side so that way, your able to function. As far as your town manager section for 97 there is 3 more months. If a town manager is hired he would probably be in 3 different areas. Water, sewer and civil which they sure share 1/3. Based on that amount of money there's still enough there will be enough left in this year's budget to fund 1/3 of what he should make which will then ah, be able to go in to the 97 budget there's no retirement for council members. So that money will be reduced except for 1/3 of what the civil liabilities would be also group insurance also this might be a little chancy but the appropriations are there, even though may have a short coming, I've never seen the town, their very conservative on doing things. Spend the last penny of money they have, so you can always transfer at the end of the year any short comings you may have in any area like what Gary and I plan to work on. When the pool closes, and the same floor the town manager this year, that could be cut \$12,500.00. Town Council Building Commissioner salary which per contract if it's gonna be the same contract I put \$25,000.00 in the 98 budget the first \$15,000 per contract is 100% paid after that is 50/50. So 5000.00 would be equivalent to \$10,000.00. So we could safely reduce that by 5000.00 and still have a comfortable \$25,000.00 in there. Insurance other than group, I reduced that, I sort-of fell comfortable \$25,000.00 in there Insurance other than group. I reduced that I sort-of fell comfortable with that. I normally put a little bit more in there in case the council has a problem or something where it's not just cut and dry to the penny. I could probably do a lighter budget but in the event of an emergency then you wouldn't be able to, to be able to do anything about it. So storm drain \$34,800.00 because we do have something in the CCD fund where it is the piece of puzzle that is adjustable where, this money may drop out here but it comes up in CCD. So were not , we wouldn't necessarily have a short coming because it would all fit together for a project that were planning this next year is a \$45,000.00 project and that's what it would be or greater if your project goes through this year, that would be 20,000.00 more added to that. So it would all fit in, so that's looking at it with that those totals. If the recommended reduction by resolution in 1997 budget and the cut recommended cut that really wouldn't effect anyone at all total \$53,300.00, \$17,200.00 reduction in che 97 total \$74,500.00 based on where I. when I first did put the budget the accessed evaluation was 30849140. When I recieved a certified letter from the auditor the accessed evaluation 31660850 which the difference in that publishing that tax rate is an additional \$28,897.00.

Clerk Treasurer Schafer stated so that brings it up, I was told that I might be able to use the 1996 auto excise aircraft excise amount coming in I was very conservative when I put the budget together, I'll leave the areas within the budget that pulled a tax rate were able to utilize that. When I refigured it, it comes up to 107,000.00 which would be an additional, the tax commissioners looked at it, they say we think you get 160,000.00 then another 53,000.00 would come in to fund the rest of that which misc. revenues, if they could decrease or increase would bring us within I'd say \$7000.00 if a workable budget which I'm sure the revenues would be there. That's how it works.

Council Member Alexander stated I'd just like to reiterate going through the budget most of increase was strictly salaries. I mean...

President Eddings stated the biggest bulk of it is...

Council Member Alexander stated right, basically everybodys using the same money, as far as misc. services or normal services during an operating year, remain the same or they have reduced and changed around and I, she knows this puzzle better than anybody, that I know of I've always had money in my budget I would like to. I know we can't make a motion at a public hearing, but I would like to have her recommendation...

Clerk Treasurer Schafer stated anyone have any questions?

Mrs. Pixley stated I would like to ask what is this, I read the budget in the little paper. What are the two items that we are the PPO, CCU.

Clerk Treasurer Schafer stated CCU.

Mrs. Pixley stated yes uh, uh.

Clerk Treasurer Schafer stated capital development is a fund that is over and above the maximum tax levey. It is a exempt levey and ours happen to \$972,587.00 that means that is an additional tax amount that you can obtain over your levey for special projects and I, looking at that budget on the CCU funds, because theres 2 and there so similar, cumulative capital improvement is also a fund that could be utilize over the maximum levey but in this particular fund, I think I put storm drain and for part of that \$45,000.00 project would come that were planning on this next year. Town parking areas in the event that something else fell through I just plugged in a small amount where they'd have more flexibility in that blasting and painting the pool. In this particular area you see if you reduce that S&S and he gets his project done, you still have enough with the money left in your S&S to still do your other projects. So that's where, what was the other one?

Mrs. Pixley stated MPP.

Clerk Treasurer Schafer stated Metro Police Pension, is it our retired police officers. let me see if I can find that one and you know that budget goes up every year simply because these officers, theres 3 of them, one they had several years in theres 3 retired police officer's and everytime the first class officer's pay comes up would you like to see this, to see the calculation's on how I figured this. Its gonna go up every year, provided the first class officers get's a raise. When theres an increase in first class officer's pay then also the salaries of MPP goes up. Yeah there is a figure in this matter.

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President Eddings stated Linda we don't have a choice in that matter do we?

Clerk Treasure Schafer stated No, you absolutely do not have a choice.

President Eddings stated It's by law.

Clerk Treasurer Schafer stated Yeah.

Mrs. Pixley stated I didn't know what it was.

Clerk Treasurer Schafer stated even though I hope that no one dies in this death benefits. I still have to put that in the budget so I mean I have no choice and they are getting older.

Mrs. Pixley stated I didn't have any idea what it was.

Clerk Treasurer Schafer stated it goes up like that, so much of the increases are in the wages.

President Eddings stated Linda what was our tax last year we went into 316?

Clerk Treasurer Schafer stated I'm sorry I have no idea.

President Eddings stated this is what...

Clerk Treasurer Schafer stated I can go back and look at the budget.

President Eddings stated were going in with 356 chances are that'll be reduced.

Clerk Treasurer Schafer stated your tax rate is gonna be reduced because you accessed evaluation and stuff is going to...

President Eddings stated right.

Clerk Treasurer Schafer stated the 356 basiced on last years accessed evaluation come up to 1098229 basiced on the new one I recieved is 1127126 and the difference if that is 28,000.00 so technically I could list a 1% tax rate every single year and even though my tax rate wouldn't go up your taxes would. So based on the accessed evaluation and theres alot of factors that...

President Eddings stated ok does anybody have any questions on any part of it? Does anybody have any observation?

Council Member Fenner stated we are gonna schedule some kind of work shop to go through this a little more or is this gonna be one of the main hearings?

Council Member Voyles stated we probably need to.

President Eddings stated September...

Clerk Treasurer Schafer stated my papers, September 8th is the adoption.

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President Eddings stated It says here September 7th last day of 2nd publication September 10th last day of pre-adoption public hearing. Hearing must be held at least 10 days before adopting the budget and then September 20th is the last day for final adoption.

Clerk Treasurer Schafer stated that is just a guideline calender. August the 25th was our public hearing the publications have already been published in the news paper, the September 8th is set for the adoption of the budget.

Council Member Fenner stated that is our next meeting.

Clerk Treasurer Schafer stated two weeks from now.

President Eddings stated yeah, ok

Council Member Alexander stated while were on this subject here that's why its important that next year, is a lot of discussion to be done with the budget as far as how the supervisors in different departments are allocating their money, it needs to start in the end of April and the beginning of May.

President Eddings stated do we, gonna schedule another workshop to go over?

Clerk Treasurer Schafer stated yeah, you either cut it or when you go in the tax commissioner's will cut it for you. It may not be a nice area that you, they just start...

President Eddings stated last year it was like a 110 we ended up with 85 and it came out all right, thats all we could cut out of it.

Council Member Alexander stated thats basically what were doing this year we still have 65 going in and crossing our fingers.

Clerk Treasurer Schafer stated yeah, because as I said...

President Eddings stated so we need to see how much? Out of 130 we need to cut about 60 some thousand...

Clerk Treasurer Schafer stated no its a \$163,000.00 is what I estimated that needs to be cut..

President Eddings stated but we got 60 something we feel comfortable.

Council Member Alexander stated Yeah.

Clerk Treasurer Schafer stated ah...

Council Member Alexander stated basically all were doing to the 97 budget as far as the reduction is in the town managers salary...

President Eddings stated right.

Council Member Alexander stated which she has figured that if you do want to have a town manager if from September on, ok you'll be able to cut that in 3rds with water,

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sewer and civil and still be able to fund that. The retirement and the group insurance she done the same way. Even though it shows reduction of 17200 if the council wants to make a decision in order to in act a town manager she has left...

President Eddings stated still enough money to do that.

Council Member Alexander stated we still have the funds to do that, and then on next years salary we cut this last year. We went in with 30,000.00 manager and we cut it in half. Then this year we only cut it 12,500 which leaves everything in 3rd's. This also reflects the building commissioner, we didn't cut last year, but with the figures she had this year and so forth were cutting it and the other insurance...

President Eddings stated these are recommended cuts then...

Clerk Treasurer Schafer stated yeah, but the council has the privilege...

President Eddings stated we have a copy of this?

Council Member Alexander stated we can make a copy.

Resident stated can I ask what a town manager does?

Council Member Alexander stated well, it just...

President Eddings stated I don't think theres a job discription.

Council Member Alexander stated right.

Resident stated what?

President Eddings stated I don't think theres a job discription.

Clerk Treasurer Schafer stated yes.

President Eddins stated we have an old one.

Attorney McCall stated it's subject to change, statue allows you to hire a town manager.

President Eddings stated right now we don't have one.

Resident stated we don't have a town manager?

President Eddings stated no.

Resident stated what are we gonna hire him to do...

President Eddings stated we don't, were probably not gonna hire one...

Attorney McCall stated were probably not gonna hire one.

Council Member Fenner stated we have no plans right now to hire one it's been in the budget for several years because there has been that discussion and because it is a

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possibility and if you don't have it in the budget we can't talk about it. So we put some in the budget so we could talk about it if the need would arise.

Clerk Treasurer Schafer stated no I have transfers.

Council Member Fenner stated we don't walk on water ha! ha!

Resident stated would he be an overseer of you?

Council Member Fenner No.

President Eddings stated No, he would be an employee of the town council.

Council Member Alexander stated thats a whole other public area.

President Eddings stated ok, lets set a workshop, somebody give me some dates, the sooner the better.

Council Member Fenner stated within the next two weeks.

President Eddings stated mornings or evenings?

Council Member Fenner stated lets do it in the evening, mornings I don't wake up till noon.

President Eddings stated this would have to go out as on executive session.

Clerk Treasurer Schafer stated No. its open to the public.

Council Member Alexander stated yea, its open to the public.

Council Member Fenner stated do we need any notice other than 24 hours?

Attorney McCall stated 40 hours.

Council Member Alexander stated post it.

President Eddings stated the 3rd.

Clerk Treasurer Schafer stated what is your 3rd on?

President Eddings stated Wednesday.

Council Member Fenner stated in the evening I can not.

President Eddings stated Monday is Labor day, ah Gary don't make it on the 3rd or 4th.

Attorney McCall stated It's still a special meeting of the town council. We need to get together 10 days prior to the meeting.

President Eddings stated for notice.

Clerk Treasurer Schafer stated for special meeting, a budget workshop.

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President Eddings stated we could do it Thursday.

Attorney McCall stated special meeting of the town council...

Council Member Alexander stated everything she wants to reduce on here has no effect in my area.

Clerk Treasurer Schafer stated it doesn't effect Daves area..

Council Member Alexander stated it's left us with more to manoeuvre if we want to in fact in act these areas. I mean are your; cut something out my truck out.

Council Member Fenner stated you got a truck in here.

Council Member Alexander stated Yea.

Clerk Treasurer Schafer stated its a tax, so they can't cut that.

Council Member Alexander stated so I mean...

President Eddings stated where are we up to now?

Attorney McCall stated it has to be 10 days before that.

Council Member Fenner stated yea, which makes it Thursday or Friday.

Attorney McCall stated 7, 8, 9, 10, yea.

Clerk Treasurer Schafer stated a special meeting, a 48 hour notice.

Council Member Alexander stated 48 hour notice, its just a workshop.

Clerk Treasurer Schafer stated 48 hour notice, theres no 10 day notice on anything.

Council Member Alexander stated its not a public hearing.

Council Member Fenner uh.

Council Member Alexander stated its not a public hearing.

Clerk Treasurer Schafer stated its not a public hearing.

Council Member Alexander stated its just a workshop.

Attorney McCall stated I thought you said a public hearing.

Clerk Treasurer Schafer stated No, thats all ready set for September 8th it has to before September 8th.

President Eddings stated it is open to the public.

Clerk Treasurer Schafer stated right, yes.

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President Eddings stated but its not a public hearing.

Clerk Treasurer Schafer stated No.

Council Member Fenner stated how about the 2nd or 4th somebody give me a date.

Clerk Treasurer Schafer stated I got to type 3 orginial copies.

President Eddings stated Tuesday, the day after Labor Day.

Council Member Fenner stated about 6:30.

Clerk Treasurer Schafer what do you think?

Council Member Fenner stated is that good.

Council Member Alexander stated I mean, I still don't understand why were having it. If none of these is gonna effect any of us ok, as far as doing it and we did basically the same thing last year. And she's comfortable going in to the tax commissioners and were gonna be right, why are we having it. Thats what I don't understand, is there some area other than what its a little late to be decreasing how much we put in for snow removal. I mean were down to wire.

President Eddings stated So what your saying Linda if we do this then you feel comfortable were cutting enough. That were not gonna have to come back...

Clerk Treasurer Schafer stated Its only...

President Eddings stated I didn't understand...

Clerk Treasurer Schafer stated Yes, its only an estimate.

Council Member Alexander stated she feels comfortable that if we do this...

President Eddings stated I was still thinking we were cutting another 100,000.00.

Clerk Treasurer Schafer stated No, if you reduce this is the accessed evaluation I use for the particular rate we published. This is the new accessed evaluation that I received after I had already done the budget. You can do it either way, this is safer, this is an additional amount of this which will reduce that liability of 163. Then of the...

President Eddings stated we need to reduce it by this much to...

Clerk Treasurer Schafer stated Yes, the 1997...

President Eddings stated Yeah, I got ya.

Clerk Treasurer Schafer stated then that, you'll end up in a comfort zone where its so close I feel...

President Eddings stated we didn't have this to look at...

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Clerk Treasurer Schafer stated I just did this just before my information alone. I hadn't planned on presenting anything like that.

President Eddings stated basically what their saying is if we adopt what you have on this sheet right here, that we are cutting these amounts out of the purposed budget then were, the budget is probably ok and will go right on through that way all right.

Council Member Alexander stated your not losing anything because she has left it in the shape, where you can manoeuvre and work around if you so want to do so. So I think when one woman can satisfy five men as far as making as this come together well maybe not... Well thats on tape obstain no ha! ha! ha! ha!

Clerk Treasurer Schafer stated you got that.

Council Member Alexander stated I think I should ha! ha!

President Eddings stated we still have a workshop scheduled Tuesday at 6:00 p.m. the 2nd. The public is invited.

Clerk Treasurer Schafer stated ok, it doesn't matter I guess I can make it on Tuesday.

President Eddings stated probably 90% of that were gonna adopt, but we gonna go through it.

Clerk Treasurer Schafer stated well its up to you I will send a representative to take minutes.

President Eddings stated that would be good yes. Tuesday at 6:00 p.m. on the 2nd ok. Anybody have anything else? 6:00 p.m.

Council Member Fenner stated I make a motion to close the public hearing.

President Eddings stated do I have a second?

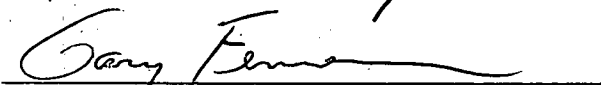
Council Member Voyles stated I second.

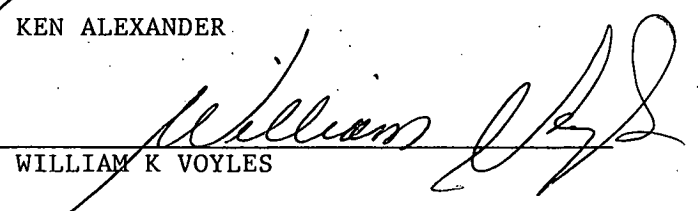
President Eddings stated all those in favor signify by saying I, I oppose nay, I have it.

The meeting was adjourned at 7:52 p.m. with no further business.

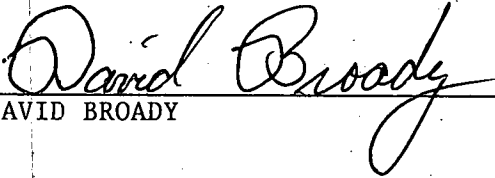

AULTON D. EDDINGS


KEN ALEXANDER

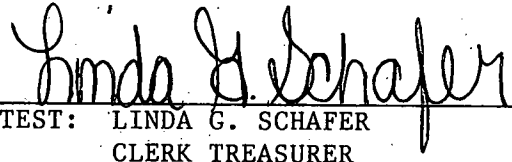

GARY FENNER


WILLIAM K VOYLES

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DAVID BROADY



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

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BUDGET WORKSHOP 1998

A Budget Workshop Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. Those present were: Aulton D. Eddings Jr., Council President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Linda Schafer, Clerk Treasurer; with David Broady, Council Vice President; and Attorney William P. McCall being absent.

Called To Order

President Eddings called the Budget Workshop meeting to order at 6:04 p.m. The meeting purpose is to go over the 1998 budget probably, or the way I suggest we handle we first take each sheet and go through little by little. The only thing I got is a couple questions in some areas why were over alot more than last years budget. Looks like the recommended changes are \$172,000.00. Did we make these recommended changes?

Clerk Treasurer Schafer stated No, by reducing 1997 budget by \$17,200.00 and by reducing this years budget \$57,300.00 in cuts, that only gets you 74,500.00.

President Eddings stated and were looking at how much money we need.

Clerk Treasurer Schafer stated that's about it, I would say that would fall right in line, it could be possible to make it a little better, let me see what I got here, reduce. I might recommend going into the general fund and reducing the operating balance to \$70,000.00 and that would be 10,000.00 more thousand and I wouldn't recommend anything else. Where its 80605 I think that if we spend every penny of the money on, what was published in the paper also, I would like to correct it the tax rate the 3.56 was only for the general fund that was not for...

President Eddings stated It wasn't the total budget.

Clerk Treasurer Schafer stated No, that was not the total, the total publish would be 3.683. Thats including there are very few funds within this budget that have a tax rate. The general fund and that makes up the police department, town council, street and sanitation, and the clerk treasurer. You've got LRS has no tax rate, it funded it self MVH has so, tax rate, the parks department .05, your CCI has no tax rate CCD automatically comes with a .12 .12 tax rate. Thats over and above the maximum levey. And I think we discussed that last...

President Eddings stated thats year after year.

Clerk Treasurer Schafer stated Yes, and the MPP .073 so the ones that have tax rates they have to be there...

President Eddings stated right.

Clerk Treasurer Schafer stated so, you know the only think I would see I may want to go in and reduce is operating balance. Maybe 10,000 more dollars.

Council Member Alexander stated ok.

Clerk Treasurer Schafer stated since, as I said if you go back up where it says necessary expenditures this is provided that you, you spend every penny of the 968,000.00 left in the appropriations, and I've never seen it to happen.

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Clerk Treasurer Schafer stated So I think \$70,000.00 would be a comfortable operating balance where the department's would be able to function if they wanted to purchase the vehicles the first part of the year they could do so, if they wanted to purchase at the end of the year that would be fine also. But since we only get two tax draws once a year. I think reducing that, which would also reduce the liability.

President Eddings stated ok, lets first start with the chiefs budget so he can get out of here if he wants to. On the police department it looks like we went up 27277 is that an additional police officer, beyond on what we have now or do we have a vacancy we didn't fill.

Chief Kinder stated Yes, its for a new officer, which we've had since the anex.

President Eddings stated but we have never added an officer?

Chief Kinder stated No Sir, it usually rolls over at the end of the year.

President Eddings stated is that the plan for next year.

Chief Kinder stated Yes, if we don't have to add a new officer.

President Eddings stated that was 1 question, off duty court pay last year we had 250.00, this year it's 600.00.

Chief Kinder stated excuse me.

President Eddings stated off-duty.

Clerk Treasurer Schafer stated \$600.00.

President Eddings stated it went from \$250.00 to \$600.00.

Clerk Treasurer Schafer stated Yeah, there again it depends on how many court appearance.

Chief Kinder stated \$600.00 to \$250.00 not \$250.00 to \$600.00.

Clerk Treasurer Schafer stated excuse me.

President Eddings stated last year it was \$250.00.

Chief Kinder stated you sure?

President Eddings stated that's what last years budget says.

Chief Kinder stated this year its 600.00 it can stay 250.00.

Clerk Treasurer Schafer stated does somebody have a pencil?

Council Member Fenner stated I ran out, I had to borrow one.

Clerk Treasurer Schafer stated thats ok.

Council Member Fenner stated do you want to trade me?

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Clerk Treasurer Schafer stated I'll mark it, if you don't mind.

Chief Kinder stated I'm sorry I didn't see it,

President Eddings stated thats all right, I got 2 different areas of uniforms, and I'm not sure how this is working. I know we passed uniforms for just about everybody had some kind of allowance...

Clerk Treasurer Schafer stated Yes, but what this is the council from the instructions from the past couple of years is to move the uniform allowances into the civil fund before they had been paid out of the utility funds, thats what the universal uniforms maintenance and supplies, that covers the rugs that go in the town hall, the soaps and all that other stuff.

President Eddings stated thats separate from the 600 for the uniforms.

Clerk Treasurer Schafer Yes, that's totally separated thats for like the carpet that you see in the utility office, the entry ways the soaps and, what do you get up there.

Chief Kinder stated the same rugs.

Clerk Treasurer Schafer stated Yeah, thats what they do, the rugs and stuff like that so its in, this is mainly the 600.00 is mainly what is used at the police department itself.

Chief Kinder stated It was allocated out of another fund.

Clerk Treasurer Schafer stated Yes it was allocated out of the sewer fund but...

President Eddings stated this is like the police portion.

Clerk Treasurer Schafer stated it's the police portion, and thats the way there split out.

President Eddings stated does anybody else have any questions?

Council Member Fenner stated what about the police auto bill it from \$38,000.00 to 42,000.00.

Clerk Treasurer Schafer stated do you want to elaborate on that.

Chief Kinder stated thats an anticipated price, nobody has...

Council Member Fenner stated it's an increase in what the cost of the cars are, ^{where} where gonna need two car's.

Chief Kinder stated right, it may not be that high, but I talk to the state police, they haven't bid them yet but thats what they were anticipating anywhere from \$16,000.00. No \$1,600.00 to \$2,000.00 for car's.

President Eddings stated which two, what two years are we rolling out?

Chief Kinder stated we got a 92 that we kept, Donnie Meyers that we retained then we have, I forget which one it is, its a 93 model its got almost 80,000 miles.

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President Eddings stated so the 92 and 93 are getting rolled out.

Chief Kinder stated yes, it might be a 91 it was the first Taurus we purchased.

Clerk Treasurer Schafer stated its a 92.

President Eddings stated both the Taurus.

Chief Kinder stated No, ones a Crown Vic. ones a Taurus.

President Eddings stated there gonna be replaced with Taurus?

Chief Kinder stated No there gonna be replaced with Crown Vic.

President Eddings stated Crown Vic's?

Chief Kinder stated well, what ever the stated bid is...

Council Member Fenner stated are you just doing this on a time table or are you doing it on how many miles the car has on it, and what the mainteance record is like on the car?

Chief Kinder stated were trying to do both, we maintain records on all the cars all the way through and like I said that ones getting up 80 some thousand miles.

Council Member Fenner stated I mean, I was kinda concerned last year when we got rid of that one at 50, 5 thousand something like that. I mean that seem like, premature.

Chief Kinder stated thats the one...

Clerk Treasurer Schafer stated water department.

Chief Kinder stated water department, excuse me.

Council Member Fenner state right, right.

Chief Kinder stated the other one we got rid of, but Donnie didn't want to give his up. The way Don Meyer took care of a car.

Council Member Fenner stated it could of probably still been used for another two or three years if someone took care of it like he did.

Chief Kinder stated if everybody treats them like he does, we have great car's/

President Eddings stated on the mainteance of the cars and the repairs to the police building, cleaning supplies we were \$640.00 above last year. Do we have a higher mainteance bills?

Chief Kinder stated the police car's were priced at \$9,000.00.

President Eddings stated its the same as last year.

Chief Kinder stated Yeah, as far as the police bldg. were still looking at a furnace. We don't know how long were gonna live with that one. We might have to purchase, even

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the old furnace is going down, the air conditioners are the same way. The old furnace and air conditioners are when John Werle put them in. It cost us 400.00 just to have.

Clerk Treasurer Schafer stated I wished I'd known that, It may of helped.

Chief Kinder stated Were gonna have to find somewhere else or freeze one of the two.

President Eddings stated the only other questions I got is subscription news, ploice training and misc. service. We were over a \$1,000.00 higher in that account, then last year.

Chief Kinder stated the police training is going up, because the free police schools are now pay schools, thats why each time its \$125.00 per person.

President Eddings stated who do we have that needs to go to school?

Chief Kinder stated every officer has to have a mandatory 16 hours.

President Eddings stated every year.

Chief Kinder stated every year, its a state law, thats just a mandatory training.

President Eddings stated they don't offer the free schools like Charlestown, or the other departments like they did?

Chief Kinder stated we do, but its the basics, but thats all you get. We can't even get the 16 hours unless everybody makes, were trying to get alot that changed to the chief's Association wether it will, I don't know.

President Eddings stated we doubled, let me switch those things around. I can't ever remember having to reallocate funds for training. But we went from \$2,000.00 to \$2,500.00 thats on up in training and we still have another \$600.00 in subcriptions and misc. services over last years budget. It just seems like theres an awful money in that account more than last year.

Chief Kinder stated Misc. Services is also for the new officers. Infact we had to transfer funds just for the hiring of a new officer. Because the money wasn't budgeted and the moneys not budget in this one. If we lose two or three officer's in one year thats where we pick up the money.

President Eddings stated out of those other accounts.

Chief Kinder stated yes, misc. services one was sent to the doctor and we received a bill for Clapp it was \$200.00 for Martin it was \$200.00 theres \$400.00 right there for just 2 councilings. The physical for Clapp is \$483.00 plus whatever the hospital sends us for his x-rays.

President Eddings stated we got a \$1,000.00 budget this year.

Chief Kinder stated Yea, thats what I'm saying.

President Eddings stated ok, but then, that other services and charges is \$600.00 higher then you come down other services and charges is \$1100.00 higher, so your 1700.00 more in those two accounts that you bang around.

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Chief Kinder stated police training is up \$500.00.

President Eddings stated right.

Chief Kinder stated ok, anytime you send an officer to Indianaopolis for Police Training, other then the mandatory training, it pays his motel room, he's meals plus his training costs. Like I said a 125.00 is as cheap as you can get anybody in. Usually it's 250.00 and thats just for one officer. If you send two you shot \$500.00. They have no crimmlal Investigation have no finger print training, no photography training, they have no advanced accident training and thats the school we try its anticipate sending them to. What they get is what they get in the academy.

President Eddings stated which doesn't have any of those trainings?

Chief Kinder stated Very basic, very basic.

Council Member Alexander stated It might of been awhile since I looked, but the only thing I saw difference between the 3½% raise and this, like \$4,000.00 for budgeting...

Chief Kinder stated the total budget difference is \$7,400.00.

Council Member Alexander stated right, I mean thats real consevative, when you can't transfer between the police dept. and street dept. and if he does have a furnace go out, we will have manuverability to transfer the funds within that dept. So I mean, you know, its not, I mean its not 20 or 30 thousand dollars.

Chief Kinder stated well the training and all is you know, the guys can stay stagnant where they all or we could them to school to try and advance them. They've never have photographic training at all, and we need that you accidents. We just had an insurance company ask for accident seen pictures from out there on 60 where...

President Eddings stated that one that way 600.00 is all we need to look at, on that.

Chief Kinder stated I'm sorry, I didn't catch that.

President Eddings stated I first mainly wanted to make sure on that salary was, were not hiring a police officer.

Chief Kinder stated No, No, its just in there in case of, like I said its been in there every year since we started the anex.

President Eddings stated do we ever get a year when we don't rotate two cars or is that year after year?

Clerk Treasurer Schafer stated we did the first couple of years, we couldn't rotate any cars, now were able to do that.

President Eddings stated every year.

Clerk Treasurer Schafer stated Yes.

President Eddings stated Ok.

Chief Kinder stated the other big thing were running into is maintenance on cars,

then again on a break down on our cars. They just all most have to go to O'Neal Ford. They got to scope it the first thing and thats \$44.00 right off the top. You know that hurts, we had one down their recently that if it wasn't for the goodness of O'Neals giving us a break and going back and collected part of it under warranty. We would of had a \$2000.00 bill, that they reduced down to \$550.00. Like with the Taurus they start collecting water. Ford will tell you its a defect in the gasket that goes around it. But they won't replace so you have to replace the whole headlight thing, not the bulb. The whole headlight assembly. I forget what they cost set there expensive.

President Eddings stated Yeah, ok chief, good enough you all won't to look at street and sanitation first or go all the way through civil.

Council Member Alexander stated it's street and civil, It's the LRS and the MVH.

President Eddings stated question I got on that one is these one has a \$4000.00 maintenance supply. Uniforms and maintenance supply increase.

Council Member Alexander stated that's because of it being transfered back in correct?

Clerk Treasurer Schafer stated un, uh, yes, thats where the chief, they have their uniforms we purchase them as they wear out, they have a uniform allowance. The street and sanitation depts. do not have. We have to actually rent their uniforms and pay the company to clean them so, there again you know I've just following the council instruction to, I think that contract also expires in 98, I'll have to look it up. There again the council may want to opt out of that contract all together and go to a self type uniform where they maintain them theirselves, it may be cheaper. We haven't got into looking at that, now the less it would see come out of this, and if the price were less that would be less, that it would cost against that appropriation.

President Eddings stated medical exams and consulting services.

Clerk Treasurer Schafer stated CDL, occasionally Mark will consult with engineering and so that was put in there for that reason.

President Eddings stated and its a \$1000.00 higher than last years budget, do we need that much more.

Clerk Treasurer Schafer Its a \$1000.00 period, I know we have directed in the street and sanitation, ah street dept. road ways, culverts and things like that and that's more or less in the event that LRS and MVH fall short, then he has the funds to be able to consult an engineer to do whatever.

Chief Kinder stated what is this hepatitis thing? Do we have to review that?

Clerk Treasurer Schafer stated right now, their doing a study I think they said it was permanent but they think its every 10 years. We haven't heard anything yet on that.

Chief Kinder stated I brought that up, because of our medical that something one of our, Jack when he got the needle the needle stick and Bernie Ash got bitten, we had to send him down to get this, and this is also something we have to look at as far as medical.

Clerk Treasurer Schafer stated there again I don't mean to over estimate anything this is just an estimate basiced on last years figures, some of them. But if you cut your budget so

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bone lean that your not able to function then you've got a problem, because your not gonna be able to do what you need to do. So the few hundred that you may be looking at, later on it may make a difference here someplace else. I know the contract garbage the garbage contract landfill. I recieved a letter from the county commissioners, that its going up 10% and you can look. I think if we use the same figures in there, that we have been for the last couple of years so...

Council Member Alexander stated they have been right at 38...

Clerk Treasurer Schafer stated so if you go on you can reduce your consulting services there, but if you have a short coming...

President Eddings stated what I'm worried with is if we go in with lets say we go in with just your recommended changes and they come back and they want to make, and they say you have to make additional cuts. We ought to be able to identify you ought to be circling this one we got questions...

Clerk Treasurer Schafer stated well I mean I am but I just don't I don't think it will happen.

Council Member Alexander stated if they come back at us well be looking at 20 or 30,000.00, and will be looking at less, basically it will be coming out of storm drain. That's where its always come out of.

President Eddings stated we got a street cleaning in here.

Council Member stated Its, its, that was the estimated budget, I don't think it ever gonna happen we've been having a hard time finding the contractor period. Let alone somebody to give us a price. That's why were looking at a street cleaner, it wouldn't even be consider this year except our engineer is busy on something, because I got servere problems coming up and I'm curious to see how were gonna address them, because we planned on doing some storm drains. Work this year we gave him what we wanted to do last April, I've yet to see the first bid go out. I've got alot of money this year to fix some some of those problems.

Clerk Treasurer Schafer stated but you know there again if your street cleaning is in there and it is not used that helps fund next years budget.

Council Member Alexander stated right.

Clerk Treasurer Schafer stated because you can always reduce that by...

President Eddings stated but if they want us to come back and reduce more heres another...

Council member Alexander stated right, basically what we did was took out, out of like storm drain which was a big enough target but then we had those other funds instead of trying to take 4 or 5 different funds to reduce the budget, we know one particular fund and its always been storm drain that we would go into and reduce but hopefully the rest of the budget was cushioned I can say enough...

President Eddings stated the only accounts I have questions on was the consulting service and them the street cleaning and then the storm drains 3,500.00. I know you were gonna come back out of it if you need to...

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Council Member Alexander stated right, thats lower 45.

President Eddings stated 45 last year it was...

Council Member Alexander stated we had...

President Eddings stated 1000.00 a year but you had...

Council Member Alexander stated but there was other areas.

Clerk Treasurer Schafer stated I got 10% but then you come back and look at garbage contract landfill. I gave a very low estimate on that and if its goes up 10% and we have that much more garbage and people don't recycle like they should then you blow your budget here.

Council Member Alexander stated basically what the storm drain and what we've been trying to do and like I said I, if he stays this busy I'm gonna have no alternative but to find an engineer thats not as busy, because the idea was get the paving done. and thats what we done for the last 7 years and then we would have real money to concentrate on strom drain problems because we've been averaging \$160,000.00 a year to do storm drain problems. Its not gonna do me any good to have it in the budget if I can't get an engineer. I hate to be hard on the guy, when he's not here but its a fact of life its Sept. and I gave it to him in April. I'm probably gonna buy a street cleaner 2 years before its time.

President Eddings stated Ok, CCI

Clerk Treasurer Schafer stated No, town council and clerk treasurer. Did you do anything with this street and sanitation?

President Eddings stated just circle in case you need to cut more...

Clerk Treasurer Schafer stated I won't be able to cut that, I can review the budget again before I present it for adoption at the next meeting when I go to, I have no authority to go in their and cut...

Council Member Fenner stated will they cut?

Clerk Treasurer Schafer stated if he starts cutting I can say, I don't know how much pull I will have I can tellhim where the council would like to take it but there again I have no authority at all.

Council Member Alexander stated but the way are budgets are structured even he went in and like I said I mean you don't wanna go bare boned. If he goes in and cuts it at least we have manuverability through, I mean you can't transfer between the depts. but at least you can do something inside the dept. transfer around and more then likely they'll hit street and sanitation before they would touch the police dept.

Clerk Treasurer Schafer stated they'll start with the #4 first Salary, I assure you then they'll gnaw on 3's and then go the 2's and your...

Council Member Alexander stated and if you got one of us in their going , yeah gnaw 4 down to nothing.

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Clerk Treasurer Schafer stated Yeah, will start fours first.

Council Member Alexander stated if you'll agree to it, they'll let you do it.

President Eddings stated basically one of the reasons I wanted to have this meeting, I just kinda wanted to see where we are heavy at and where were not heavy at, and get some explanations of why we are...

Council Member Alexander stated right...

President Eddings stated over last year that kind of stuff, so I can feel comfortable about answering questions. Five thousand in promotion is that...

Clerk Treasurer Schafer stated that is your Sellersburg Celebrates.

Council Member Alexander stated that way its budgeted.

President Eddings stated I got an answer to that question.

Council Member Alexander stated that way it's not something that can be transfered.

Council Member Fenner stated of course next year if they move it out of town I don't think we ought to give it to them.

Clerk Treasurer Schafer stated but there again...

Council Member Fenner stated but we did this year so its in here for the budget for nexy year.

Council Member Alexander stated its on the record to...

Council Member Fenner stated I don't even, why...

Council Member Alexander stated mark him down.

President Eddings stated that answered that question.

Council Member Fenner stated someone are to talk to the president elect, and figure it out.

Clerk Treasurer Schafer stated there again your consulting services of 5000.00 again for engineering services and you got to have...

President Eddings stated you have to, to have \$5000.00 that's fine. Good enough, that was the only question on that one. I didn't understand it till just now.

Council Member Fenner stated I still don't...

Clerk Treasurer Schafer stated you don't understand.

Council Member Alexander stated I'm just kidding.

Council Member Alexander I know what he wants. The big open field where Kroger's gonna be, right?

President Eddings stated Ok.

Council Member Alexander stated ok, I'll share concerns with the people of Sellersburg.

Council Member Fenner stated Thank You!

President Eddings stated universal maintenance and supplies again, were that much higher; again, is that what we did this year?

Clerk Treasurer Schafer stated there again its like the rugs and stuff for the town hall and soap and stuff that they put in and the paper towels and that type of stuff , so thats what they provide.

President Eddings stated between all three of those accounts were talking 3,000.00, 4,000.00...

Clerk Treasurer Schafer stated you know I may want to and I did run in to a man at a flea market that sold this type of mats. Since we did purchase a steam cleaner thats what I'm gearing for but still if you don't have it in their, I would like to purchase them and clean them ourselves. It would be a whole lot cheaper and we have the equipment to do it but that, I haven't been back out to buy them. I think he said 8 or \$10.00 a piece and were talking about the long runners. So it would save a whole lot of money if we could find those, those mats and clean them ourselves weekly, other than have to rent and have them cleaned.

President Eddings stated but that includes a uniform allowance doesn't it, don't we have a uniform allowance or a clothing allowance type, is that buried in that fund as well?

Clerk Treasurer Schafer stated thats under cleaning services and supplies right here. Cheryl had talked to state board of accounts there and they said that was the area to take it.

President Eddings stated Ok, education and consulting services \$2000.00 over last years budget.

Clerk Treasurer Schafer stated education was the same, or am I mistaken.

President Eddings stated well I'm looking at the professional services to \$2000.00 over than last year.

Clerk Treasurer Schafer stated education was the same if I'm not mistaken, consulting services it was \$5000.00 last year its \$1000.00 over isn't that what it was?

President Eddings stated Four Thousand last year...

Council Member Fenner stated it says \$4000.00.

Clerk Treasurer Schafer stated ok.

Council Member Alexander stated I thought it was \$5000.00 unless I was looking at ours.

President Eddings stated thats another just to keep in mind. Utilities \$1,600.00. Are we really using that much more utilities now than we did last year.

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Clerk Treasurer Schafer stated you know there again, we may or we may not. Based on what we did and a percentage of last years and just estimated but there again it may to high, it may not be enough.

Council Member Alexander stated you have animal control in your area don't you?

Clerk Treasurer Schafer stated Yes, I have animal control.

Council Member Alexander stated and see...

President Eddings stated I understand.

Council Member Alexander stated well no, I mean with animal control in that area, her budget needs to be more comfortable then...

Clerk Treasurer Schafer stated also in consulting services I hope we don't use a penny of that, but not only legal if that is a question and it has went up, look under the circumstances this year like what has happened. It can stay there but that also includes not only legal services but it could be engineering services or accounting services. So that is...

President Eddings stated I realize, your gonna need some...

Clerk Treasurer Schafer stated It's not cut and dry its strictly legal services because I'm trying to file legal charges against the council.

President Eddings stated this has nothing to do with that, all I'm trying to do is go down through here and get answers to questions to ones that are absolutely higher than last year. Alot of times I get asked these questions. I wanna have...

Clerk Treasurer Schafer stated you know the electric, I'm sure that electric is not going down. Agood example was the increase in which the electric EMC presented for reimburstment. It's not going down it can only go up. Water I speculated that water will be going up, heat and gas is also estimate, I also speculated that it is not getting any lower the utilities are gonna increase, how much I have no idea.

President Eddings stated that's the only questions I got on that one anybody else? Just, that, do general fund.

Clerk Treasurer Schafer stated thats the only questions I got on that one, anybody else? Just, that, do general fund.

Clerk Treasurer Schafer stated ah, yes.

President Eddings stated as far at the MPP we can't do a thing about.

Clerk Treasurer Schafer stated No, you know there is a built in \$6000.00 also her that is a death benefits, even though I think theirs may be paid through perf. Chief Kinders is, not.

Council Member Alexander stated you can't die alright.

Clerk Treasurer Schafer stated I mean if he died I assume since the town, since he is not eligible for perf that I don't know under this perf contract if, you know how that or if his wife is eligible or if she...

Chief Kinder stated I don't think so.

Clerk Treasurer Schafer stated you know if she would not.

President Eddings stated parks and recreation, are we blasting the pool and or we got some major repairs on the pool.

Clerk Treasurer Schafer stated ah, we may do that this year.

Council Member Fenner stated and its not reflected in next years budget.

President Eddings stated its not?

Council Member Fenner stated No.

Clerk Treasurer Schafer stated not in that area its in C, C if I'm not mistaken CCD.

President Eddings stated lets go over that one.

Clerk Treasurer Schafer stated the CCD, its sort of fits in with the pool.

President Eddings stated \$32,000.00 right no thats...

Clerk Treasurer Schafer stated CCD.

President Eddings stated where am I at? CCD

Council Member Fenner stated back page, Doug the pool page.

President Eddings stated there we go, now I'm on the right tract. And the whole, you got 38 opposed to almost 55.

Clerk Treasurer Schafer stated excuse me...

Council Member Alexander stated what was the total different.

President Eddings stated 38 on the whole thing.

Council Member Alexander stated this was storm drain reservoir out there, we won't have that next year.

President Eddings stated ah, ok

Council Member Alexander stated it is, what this was for, you got to remember while since your touching on this subject, if John doesn't get this thing bidded by the 1st of the year. This money is...

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Clerk Treasurer Schafer stated I need a signed contract.

President Eddings stated I told him last meeting...

Clerk Treasurer Schafer stated I need a signed contract.

President Eddings stated I told him last meeting...

Clerk Treasurer Schafer stated before December.

Council Member Alexander stated its more important for the civil aspect of it than it is the sewer, the sewer you can spend next year, you can't...

President Eddings stated I thought he sort of made a promise or whatever when we talked to him or pin him down that he was gonna bid it this year.

Council Member Alexander stated D & R could take it.

President Eddings stated Yeah, that's true.

Clerk Treasurer Schafer stated thats right I might want to point out in your CCD how that fits together, Mr Fenner and I had discussed blasting and painting the pool. It is 20,000.00 but what happen is they painting the pool and every year it peels off. So were waisting our money. We cannot afford to replace the pool at this time so this is the best thing to do. He had it in his regular parks budget, but by putting it over in CCD, if we are able to do it out of this years budget by reducing in the street and sanitation 34,800, what we do is we have secured still enough money to do the 45,000.00 storm drain project, we plan on doing next year. The money still falls in cause any additional money needed then this blasting and painting pool and CCD can be transfered up to your storm drain for any additional funds you need over that 46,000.00.

President Eddings stated last years storm drain project was the actual resvior of...

Clerk Treasurer Schafer stated Yes.

Council Member Alexander stated it was resvior it was about another \$160,000.00.

Clerk Treasurer Schafer stated it was about a total of \$200,000.00, 250,000.00.
Total from here.

Council Member Alexander stated what we did is look at the storm drain plan or planning they did, they had about 1.2 million. Well we got the paving done and we figured we'd have a comfortable 150 every year to take a big bite out of that before we had to go back in, because once you get back in paving it cost time and a half and we just about got to mill everything we pave from here on out. So I mean the idea was get the paving all that money into strom drains, and try and get as much as you can done.

President Eddings stated before you have to start paving again.

Council Member Alexander stated but we've only got like a 3 or 4 year window, usually were planning next years storm drain and I haven't touched this years storm drain yet.

President Eddings stated this 34800 is still part of our resvior?

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Council Member Alexander stated No.

Clerk Treasurer Schafer stated No, what this is part of our regular storm drain we plan on contracting for illegal hookups and etc.

Council Member Alexander stated ah, ok, right, right.

Clerk Treasurer Schafer stated understand? wasn't that not 45000.00.

Council Member Alexander stated Yes, your right.

Clerk Treasurer Schafer stated that fits in with the portion thats gonna be left in S&S this 34,800.00 makes up your 45,000.00 for that project it was checking for illegal hook ups and etc.

Council Member Alexander stated your right.

Clerk Treasurer Schafer stated uh.

Council Member Alexander stated your right.

Council Member Fenner stated Doug are full intentions is were gonna be able to do that pool project this fall out of this years budget so therefore it will be available to be transfered back to storm drain next year.

Clerk Treasurer Schafer stated that sounds good there.

President Eddings stated parks and recreation I didn't have anything on that then. I was thinking about the blasting.

Clerk Treasurer Schafer stated it is alot but the money were spending in trying to paint the thing every year is costing more money.

President Eddings stated does anybody have anything on parks and recreation? I dindn't see anything else.

Council Member Alexander stated I think one day move that to the new park.

Council Member Fenner stated you mean the ones thats out of town ha! ha!

Council Member Alexander stated I new your department would come around eventually.

President Eddings stated CCD was way down from last year.

Clerk Treasurer Schafer stated If I'm not mistaken that is, yeah because we had most of that bulk of the reservior in their. And then what we've put in here is I wish I'd known about the chiefs problem with his heating and air con. because these are areas for building roof repairs for the police dept. He has a flat...

Chief Kinder stated we don't have a problem yet.

Clerk Treasurer stated oh, ok.

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President Eddings stated let us know if its working.

Clerk Treasurer Schafer stated the town parking areas milling and paving like I said its an estimate. The roof could be \$5000.00 and this other could be \$20,000.00 but I, the police station parking area it is all most to the door its gonna have to be milled down, and the whole thing resurfaced. The town garage improvement for the doors and for whatever they need maybe paint that or stuff out there That again is not cut in stone this areas can be...

President Eddings stated Yea not for...

Clerk Treasurer Schafer stated No, it really doesn't.

Council Member Alexander stated since we share the entrance going between general auto are we just gonna assume to clean that all out.

Chief Kinder stated I don't know is that an alley way?

Council Member Alexander stated I don't know what that is.

Clerk Treasurer Schafer stated I think it is an alley way, Yes I think it is, so a portion of that would not be funded with this money it would be...

Council Member Alexander stated Yea.

Clerk Treasurer Schafer stated but the parking lot itself, we can use that money for that. It's gonna have it milled way down.

Chief Kinder stated the doors...

Clerk Treasurer Schafer stated So I'm really not sure those figures I estimated. I feel comfortable with that.

President Eddings stated the only one on motor vehicle and hwy. is the truck. Seems like every year were buying a truck.

Council Member Alexander stated we never, well motor vehicle hwy. we can only use for equipment paving. We've learned how to use some storm drain, culverts as far as reading up and checking on it as long as we don't have paving to do, which we don't. It doesn't have any tax rate and well have like I said 2 or 3 years to put this place back here with everything and anything it needs. But then after once we get back into this paving we go back to a poor dept. Because we use to spend a \$145,000.00 a year to do paving. And the next time we pave its gonna be in the neighborhood of 170 to 190 year to do what we use to do in that 7 years.

President Eddings stated so did we spend all that street and snow equipment, that we had last year?

Council Member Alexander stated we still got it all...

Clerk Treasurer Schafer stated we don't have all of it, were still purchasing a ...

Council Member Alexander stated we do that for a purpose, we wait till the end of the year because of the availability to transfer a little bit, and make sure for what we want is what were gonna get. He's having trouble with the trucks because their sold before they even come off the assembly line. He's been having a hard time, even a truck where we can get a contract signed.

Clerk Treasurer Schafer stated you know this MVH theres no tax rate.

Council Member Alexander stated right.

Clerk Treasurer Schafer stated if you cut it, it wouldn't effect it.

Council Member Fenner stated great!

Clerk Treasurer Schafer stated yeah, and the same with LRS. Theres zero tax rate.

President Eddings stated zero tax rate, does anybody have anymore questions? You got those areas identified if we need to cut? Anymore than your recommendations. I suggest we the board follow Linda's recommendations, Linda's purposed if we need to make any additional cuts or if we find we still there our areas, that we need to identify, maybe we can make those cuts in those areas.

Council Member Alexander stated if they go in for a major cut I say we point them into the storm drain area and then live with it the next year.

Clerk Treasurer Schafer stated now what about this, you say this would be ok, because there will have to be a resolution. I can have Perry review it or he can do it.

President Eddings stated we can do it at the next meeting because we got to have 1 more hearing on this, don't we?

Clerk Treasurer Schafer stated it is, actually its the actual adoption of the budget is what we have to do.

President Eddings stated can we do that?

Council Member Alexander stated do this 1st.

President Eddings stated 1st then adopt the budget.

Clerk Treasurer Schafer stated Yes, when you go into the budget and read all the figures and the tax rate, I don't know how the paper got it wrong, unless they were using my example on this. With what this was gonna be here, when I changed the accessed evaluation. The tax rate actually went in with out the CCD at 3.683 instead of 3.56.

President Eddings stated 3.683, what was it last year?

Clerk Treasurer Schafer stated I don't remember I should of looked, but it was lower than that.

President Eddings stated at least for the meeting.

Clerk Treasurer Schafer stated I'll have it for the meeting.

Council Member Fenner stated can I bring up 2 items real quick.

President Eddings stated Is it related to the budget.

Council Member Fenner stated well, this is a regular meeting.

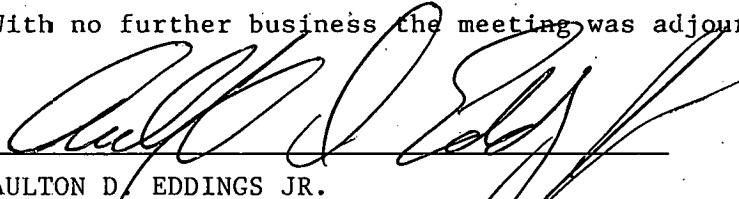
Clerk Treasurer Schafer stated this is a budget workshop.

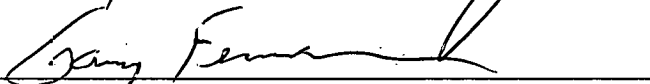
Council Member Alexander stated workshop.

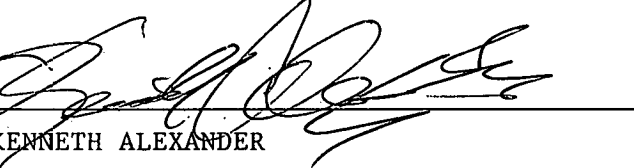
Council Member Fenner stated shute, bummer ok.

President Eddings stated ok meeting adjourned.

With no further business the meeting was adjourned at 6:48.

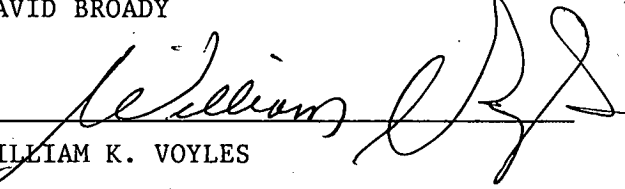

AULTON D. EDDINGS JR.

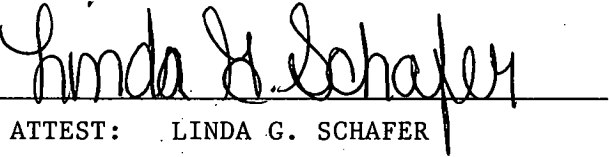

GARY FENNER


KENNETH ALEXANDER

ABSENT

DAVID BROADY


WILLIAM K. VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 9, 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 Jr., Council President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; David Broady, Council Vice. Pres. William McCall, Town Attorney; and Linda Schafer, Clerk Treasurer.

Called To Order

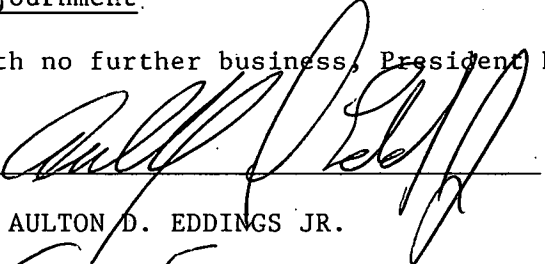
President Eddings called the executive session to order at 6:05 p.m.

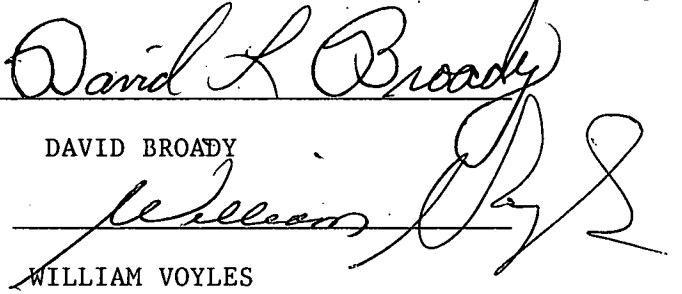
Topics of Discussion

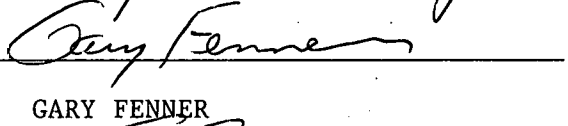
Notice of Tork Claim/Collier
Special Executive Session Scheduled
Consulting Engineer
Abatement/Tree Trim-Millview
Garbage Ordinance/Multi-House Units

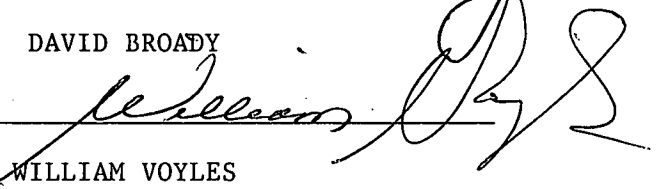
Adjournment.

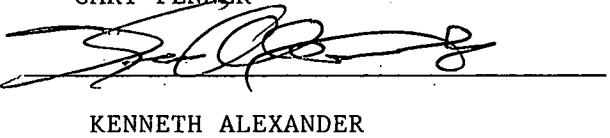
With no further business, President Eddings adjourned the Executive Session at 7:02 p.m.

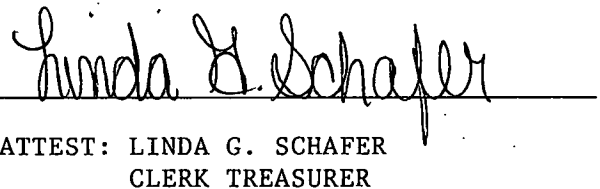

AULTON D. EDDINGS JR.


DAVID BROADY


GARY FENNER


WILLIAM VOYLES


KENNETH ALEXANDER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 9, 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; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Eddings called the regular meeting to order at 6:37 p.m.

Prayer

Father Paul offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

President Eddings stated ok, I think everyone's got a copy of the minutes from the last meeting and also a copy from the workshop session on the 1998 budget, I entertain a motion to approve the minutes as presented.

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 seconded.

President Eddings stated seconded by Ken, is there any discussion? If not all those in favor signify by saying I, I oppose nay I's have it.

Clerk Treasurer Schafer stated the signatures on this one are spilt up on two pages.

President Eddings stated ok, first order of business tonight we have a police officer we'd like to recognize, for 20 years of service. Gary would you like to make the presentation?

COUNCIL MEMBER FENNER PRESENTS A PLAQUE TO DON MEYER'S FOR 20 YEARS OF SERVICE.

Council Member Fenner stated sure I'd be glad to. Just within the last 2 weeks, Sergeant Don Meyers retired from our police department. After having served 20 years as a police officer and another 3 years as a dispatcher, I believe 2 years as a dispatcher and, we would like to recognize him and to express are appreciation to him. I have spent many hours with Sergent Meyer on patrol and I can tell you from my experence there's no one that knows this town better than Don Meyer. He remembers people he encountered] 15 years ago and he has a wealth of knowledge that were gonna be losing. And we'd like to present him with this plague that says The Town Of Sellersburg presents to Donnie Ray Meyer in appreciation of 20 years of deicated service to the Sellersburg Police Dept. and the people of Sellersburg 1977 to 1997.

President Eddings stated Thank You Donnie.

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Council Member Alexander stated I never knew your middle name till now.

PRESIDENT EDDINGS ADDRESSES COUNCIL ON 1998 BUDGET WORKSHOP MEETING.

President Eddings stated ok, second on the agenda tonight, we had workshop on the 1998 budget last Tuesday, we looked it over. We had questions about the budget that were answered. It was very well put together, I think will be going to the tax commissioner meeting or hearing, what date Linda?

Clerk Treasurer Schafer stated sometime in October, I can show you, keep on talking till I pull the letter from the auditor.

President Eddings stated well, I got to ask you again. I think our general tax rate comes in at 3.56 which is a very good budget for Sellersburg. If, do you have last years rate?

Clerk Treasurer Schafer stated last year the published rate was 3.47. The appropriating body which is the town council had reduced that budget before the hearing to 3.38 and the position rate the actual tax rate comes at 3.0219.

President Eddings stated ok.

Clerk Treasurer Schafer stated that was last years.

President Eddings stated if it follows the same program, the actual tax rate will come in less than our budgeted rate, so we think we got a good budget, budget set for 1998. Some projects on the board, and were still continuing to work on waste water not waste water, storm drains that type of things we got problems within Sellersburg, so everybody welcome to look at the budget that we have set. At this time I'd like to entertain a motion that we except or adopt the 1998 budget as presented.

Mrs. Pixley stated excuse me.

President Eddings stated go ahead.

Mrs. Pixley stated last year, I mean during the last meeting you, told Linda give a \$5000.00 check to Sellersburg Celebrates. Have you got that on the budget for this years.

President Eddings stated Yes.

Council Member Alexander stated Yes.

Mrs. Pixley stated I just don't think that the tax people of Sellersburg can't afford it. I really don't, your hollering about not having money for jobs that need to be done. And I think \$5000.00 is just to much money to give to something like that.

President Eddings stated always in the past, what we've done is let the Sellersburg Celebrates Committee use the garbage pick-up, we provided some help and paid for it. The town has always contributed in some fashion. This year instead of providing vehicles and labor to do that, we just contributed money and we set that in the budget for next year.

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Mrs. Pixley stated I still think that's way out of line, as much as your saying that we were short of money, and I just don't think they get plenty of money from Speeds and other banks and other places.

Council Member Alexander stated right and without that money the Sellersburg Celebrates wouldn't exist. The promotional part of Sellersburg, you know back in the past growing up, particularly listening to yourself over the last few years, you know there isn't a whole lot through a year I see setting on this council that really makes me stand up and see Sellersburg in a positive manner. I mean completely positive, those 3 days should last a year long, because its 3 days where politics are forgotten to where all business's come together we enjoy the company of one another. We promote ourselves, we see positive Sellersburg not the old Sellersburg its got a problem here, there and wherever ok? The \$5000.00 compared to what other towns use to promote their town ok, which promoting your town lets business leaders and other communities realize that we are a positive town. We are a town that wants to go attract businesses in. So our kids can have jobs, that grow inside our community instead of saying hey you'll have to go to another positive town across the river and find a job. It's been over due, the Town Of Sellersburg gets themselves involved in something that's positive, to where we have nothing but community leaders, business leaders and we present ourselves to the world, in a matter of speaking. That's a positive town, yes.

Mrs. Pixley stated I think its wrong.

Council Member Alexander stated well...

Mrs. Pixley stated I think its wrong that is the amount of my taxes that I am paying per year on my place down there. And I just think its too much.

Council Member Alexander stated In your place, the Bean Rd?

Mrs. Pixley stated the Bean road property yes.

Council Member Alexander stated ok.

President Eddings stated your point is noted. Thank You

Clerk Treasurer Schafer stated I have a question for Perry. Should the resolution reducing the 1997 budget be passed before the ordinance to adopt this?

Attorney McCall stated I saw that, are they gonna do that tonight?

Clerk Treasurer Schafer stated you have to, to pass this budget.

Attorney McCall stated yea, cut it first.

President Eddings stated then we need to resend the motion on the 98 budget.

Council Member Fenner stated we never even got a motion.

President Eddings stated oh, ok.

Clerk Treasurer Schafer stated we didn't get that far, but...

President Eddings stated let's go ahead and entertain a motion.

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Clerk Treasurer Schafer stated 172 I think.

President Eddings stated whats the resolution number.

Clerk Treasurer Schafer stated resolution 1997-43.

President Eddings stated ok, in order to adopt the budget, we are going to reduce this years budget. And we have the resolution in front of us to do that, the resolution is 97-43. I'll entertain a motion to except ordinance #97-43.

Council Member Voyles stated its a resolution.

President Eddings stated I'm sorry, I'll entertain a motion to except resolution 97-43.

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.

President Eddings stated seconded by Bill, is there any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Sign all three.

Clerk Treasurer Schafer stated ones for our copy, the tax commissioner's, others for county auditor.

President Eddings stated now I'll entertain amotion its except the 1998 budget as presented.

Council Member Voyles I'll make that motion.

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

Council Member Fenner stated I'll second.

President Eddings stated seconded by Gary, any discussion?

Clerk Treasurer Schafer stated does that not have to be in ordinance, heres the ordinance for that 97-676, 97-676.

Council Member Fenner stated do you still want to amend this motion?

President Eddings stated 97-676 ordinance.

Council Member Voyles stated I want to amend my motion to pass ordinance 97-676 from the first reading.

President Eddings stated motion on the floor, amended. Do I have a second.

Council Member Fenner stated I'll second.

President Eddings stated seconded by Gary on the amendment. Is there any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. I'll entertain a motion to pass ordinance 97-676.

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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.

President Eddings stated seconded by Gary, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it.

Clerk Treasurer Schafer stated I would like to say one thing if you don't mind.

President Eddings stated go ahead.

Clerk Treasurer Schafer stated the town council reduced the current budget of \$17,200.00. The current budget is a 97 budget they also reduced this budget in the amount of \$57,300.00 of the budget going in to the tax commissioners, the 98 budget, I reduced the operating balance on this budget 10,000.00. So it looks like will be coming a little bit under what we orginally planned.

President Eddings stated thats the same thing that happened last year.

Clerk Treasurer Schafer stated like 80 some thousand dollars. See I think it made the difference of a, going into this budget 3.803 the appropriating body which is the town council reduced with all the reductions of 97 and 98, 3.5280 going into the tax hearing room. By the time the accessed evaluation is consider and the conserativeness of the estimated revenues we should come in really good for a tax rate. Do you wanna go through all this?

President Eddings stated No.

Clerk Treasurer Schafer stated wait till after the meeting.

President Eddings stated yea, each one of those has to be signed separately?

Clerk Treasurer Schafer stated Yes.

President Eddings stated ok.

Clerk Treasurer Schafer stated theres 3 sets so...

President Eddings stated everybody just don't forget after the meeting we all got to sign those.

Clerk Treasurer Schafer stated all the girls...

PRESIDENT EDDINGS ADDRESSES COUNCIL ABOUT BELINDA BARTLEY'S PROPERTY.

President Eddings stated alright lets move on, next on the agenda is Belinda Bartley and George Gesenhues.

Attorney Gesenhues stated for the record I'm George Gesenhues and I'm here as Belinda's attorney. We was last here about six weeks ago. Were here on the same issue again, I don't think theres been any follow up or communication between the town council or the problem. So I guess I start from wether or not the town council any input for us as a result from our last visit.

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President Eddings stated the only thing we have discussed on the first resolution to the problem that we suggested was to clean the ditch out, make a swale out of the ditch all the way through. There was a plan on the board to look at piping the ditch all the way through, which is gonna be 20 to \$25,000.00 or more. Which is way be on the means of what the town could possible do. We discussed...

Ms. Bartley stated it was 15,000.00.

President Eddings stated well its 15,000.00 for the piping and another 5 for the swale which we'd have to do anyway, that would take it 20 plus. What we were looking at is, looking at an alternative that would be a swale down through there cleaning the ditch out and put 1 piece of pipe in or possible 2, wide enough to get lawn tractors, vehicles accross if you wanted to cross over the swale for any reason, to carry anything. So you wouldn't have to drive down in the swale and back up. Other than that that's all we'll be able to afford to do really. We wouldn't be repiping from one and to another would just be a short section. You could drive accross and the rest of it would be just, like the orginial.

Attorney Gesenhues stated could you show on this map, where were at in terms of length of the pipe. This is our previous location for the dike or dam, your talking from piping somewhere from here.

President Eddings stated we would have to get John involved to find the best and cheapest place for us to put it...

Attorney Gesenhues stated the numbers you gave or those fresh numbers or numbers...

President Eddings stated this are orginal from when they went out and tried to get some estimates on what it would cost to do it that way. If John were here, he's not here tonight, I don't know if he's went back out and rerouted it. You know what exact numbers he has come up with it, he's had a chance to do it or not. Basically were using the old numbers he had orginially. We did relook; or talk about it at a executive session you know what alternatives can we offer and that was one of the alternatives we could come up it seems it might be price visiable.

Attorney Gesenhues stated ok, I guess its just in terms of making sure the council understands Belinda's position ah, before the holding pond was eliminated in early 1996. She was able to use this back portion of her property. She was able to get to it and care for it, and took care of it and has access to it. Were talking about this area of her property, when that holding pond was filled in, and the dam breached, ah this was the result and...

Council Member Alexander stated can I see those?

Attorney Gesenhues Yea, she's got her neighbor's here again the Lewis and Mr. Sills who are in that area, dating back how many years?

Mr. Lewis stated about 26 years.

Attorney Gesenhues stated and Mr. Sills.

Mr. Sells stated I've been there 21 years.

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Council Member Alexander stated do you have the amount of rain fall that come with this picture?

Attorney Gesenhues stated No, those pictures were taken early in the year, but it wasn't just after the 13" rain it was in, it was not unusually wet period time.

Council Member Alexander stated you don't have any conformation how much rain fall it was?

Attorney Gesenhues stated No.

Ms. Bartley stated around an inch under 2".

Attorney Gesenhues stated but what I think is real important about what those people have to say is that there was no problem back there, the property was useable, it was maintainable and that was changed by verture of limination of the holding pond. I don't know why Belinda hasn't gotten an explanation as to why the holding pond was eliminated. What ever the reason was it resulted in these situation and her not being able to use that back part of the property.

Mr. Lewis stated I'm not an attorney by any means but is it still against the law for me to raise my property set higher than my neighbor and drain the water over on them.

Council Member Alexander stated back to the issue, was this the only changes that happened between the times they changed the pond, was there anything else, any other conditions that changed on the ditch, that you all can recall? I mean from the time they changed the pond, was there anything else that happened that may of added any other results to it? I mean looking at the pictures and the pictures we look and stuff like that, can you not tell abig difference of something.

Ms. Bartley stated there's alot more water there.

Council Member Alexander stated your pictures reflect basically what our pictures reflect, this is strictly me talking and my opinion, when I walked down that, back a year ago or so this brush and dirt and stuff was not there. So do you think that might have any bearing or why it holds water or retains water. None of that was there, the only thing that was there was a small pile of leaves...

Attorney Gesenhues stated you mean this here?

Council Member Alexander stated right, right the debris.

Attorney Gesenhues stated this doesn't have anything to do with...

Ms. Bartley stated this is on the west side, where that ditch is suppose to be.

Council Member Alexander stated none of that was there.

Ms. Bartley stated this is 300 yards from the problem.

Attorney Gesenhues stated I don't think that these sticks are these leaves, we, that is not what is resulted in this cornor being the area now that accumulates and holds the water, but previously was held in that holding pond. Do you think as a town think it does.

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Council Member Alexander stated who dumped all this stuff here?

Ms. Bartley stated I put it there to try and keep my rental property from flooding.

Council Member Voyles stated to me, when your water, I mean trees and all the wood and stuff, leaves and everythings you got here its not gonna help its gonna stop the water.

Ms. Bartley stated its tooling before it gets to that. Mr. Voyles if you, your the only one on the board that hasn't came out their when it floods and looked at it.

Council Member Voyles stated No, I don't live to far from there, and I see where the water comes from.

Ms. Bartley stated and everyone of you all have stood out there and said yes, you've got a problem. We've got a problem, then you sit in here and say no.

Attorney Gesenhues stated ok, Belinda, this picture is the best one I think in terms of identifying this area right here is probably the low point of the holding pond. I mean, I don't which of you guys have been around long enough, you all been around longer than I have to know that. My understanding from the description, that this area ah, this one shows it a little bit better, this area back here was that low point of the holding pond, ok. This pipe, this drainage pipe extended straight accross here in a, and there was a dam and that pipe was crossing. When it breached this shows the principal low spot now in the holding area is far before you get into any possibilities of that brush and debris impeding the flow accross the properties.

Council Member Alexander stated but in this picture here the creek is out of the banks. The creek that runs to the back side.

Attorney Gesenhues stated Yes...

Council Member Alexander stated Ok...

Ms. Bartley stated well its not running back up on your property.

Council Member Alexander stated Ok, Ok, you don't believe any of this water is a result of this creek being over its bank.

Attorney Gesenhues stated No, we didn't, I don't know that.

Council Member Alexander stated I mean its hard to tell with out knowing the amount of rain fall and so forth.

Attorney Gesenhues stated there is an environmental problem if you think the pictures don't fairly show the situation, but if anybody, and thats why I think again these neighbor's these people don't own that property, they have no, all there trying to do if give you some historial prespectives about what was there before. In fact Mr. Sills he regularly took part in mowing that back triangle.

Mr. Sills stated actually we had a garden where that brush is and that way dry. That brush is not stopping water from going through...

Attorney Gesenhues stated it's not like its fill or anything.

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Council Member Alexander stated well there is fill out there but thats...

Attorney Gesenhues stated she's saying...

Council Member Alexander stated that was just last year.

Attorney Gesenhues stated does it look as if there any kind of stopage there?

Council Member Alexander stated well...

Council Member Fenner stated it does there, doesn't look like it stopage.

Council Member Alexander stated but on that particular rain...

Attorney Gesenhues stated I suggest to you, that if you think that this is acting as a dam and thats the principle part of the water pond. That is not a realistic conclusion.

Council Member Alexander stated the amount of rain that it takes to fill that creek to the south side is more than an inch. I do know that I have watched it for a 1 1/2 years to 2 years now. It takes more than an inch to fill, because were dealing with Ram Paige, S&S Medical right down from there. It's not something that is new to me, that is more than an inch rain.

Attorney Gesenhues stated Pardon me...

Council Member Alexander stated that is more than an inch rain in that picture were viewing, and without knowing the total of the rain, the pictures so not depict properly.

Mr. Sills stated Yes.

Attorney Gesenhues stated I wish you could try and give them a feel for how, how your ability to changed. I'm not talking after 1" or 2" rains but just during a general rainy period.

Mr. Sills stated I used a John Deere 140 tractor, I had a removed tiller for it also for the garden I dug up. I could easily get next to the ditch that was there. Before, this debris is not in that ditch. These pictures I saw Belinda out taking them, this was after a 2" rain. The creek was not full after 21 years I know when that creeks is gonna come up, and I know how close it will get to my house. I am the 1st house on the left as you turn on to Villa Dr. But I could mow that area with that tractor and not sinking in. I could till it, into fine soil, now you can't drive a tractor over that land. I mean even a 140...

Council Member Alexander stated I'm just saying that the pictures I mean our pictures were taken when it was dry I can say those pictures were taken when it was dry and I have watched for the last 1 1/2 and those pictures are meaning less without accurate rain falls, as far as how much, how fast, when, ah, mean...

Ms. Bartley stated what does it matter, it shouldn't be doing it anyway.

Attorney Gesenhues stated Belings wait a minute, those picture show when it feels up, but her point is 2 or 3 weeks after this, a month after that could you get your mower back there and mow there and mow...

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Council Member Alexander stated that goes back to simple problem of debris laying around it, if you got 6 ft. of debris on each side. Where the sun can't get down and dry it up, its not gonna dry up for a long, long time.

Attorney Gesenhues stated 6 ft. of debris over the whole grade.

Council Member Alexander stated not over the whole grade. Like I said its my opinion, but from what I saw theres alot of debris back there.

Ms. Bartley stated Ken does that look like debris, that's grass.

Council Member Alexander stated again, like I said with out the rain fall totals that picture is all most meaningless.

President Eddings stated ok, it looks like were not gonna get anywhere tonight. Ah, I suggest you and Perry get together.

Attorney Gesenhues stated we've talked...

President Eddings stated see what the course of action is are, were gonna try to get John back involved, but I don't look for anything anymore than what I layed on the table, Financially wise if we could come up with a solution that would make everybody happy, for 5, 6, \$7000.00 we'd be more than glad to look at that. But 20 some thousand for pipe and...

Attorney Gesenhues stated we'd, I think we'd feel a little bit better if we new somebody actually ~~took~~ ^{took} a look at that \$20,000.00 figure from the last time we was in there.

President Eddings stated I'll have to appoligize for that, we've got John working on about 20 different things.

Attorney Gesenhues stated again going back to the basics, in terms of why she's here. She did not have this problem before that holding pond, there was a holding pond there right?

President Eddings stated one of the things I did was walded through Belinda's property there and I talked to the neighbor's on the other side of the street. By changing the system the way we changed it, the waste water system even through the 12' of rain. We had that street didn't flood. And normally 2" rain that street was impossible, so our overall...

Ms. Bartley stated your not right sir, your wrong.

Mr. Lewis stated what street are you on?

Ms. Bartley stated what street are you on?

President Eddings stated right accross from you, down that side.

Ms. Bartley stated what street are you on?

President Eddings stated Villa Dr.

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Mr. Lewis stated Villa Dr., I'm gonna tell you something. I live right accross the street from her property and I guarantee your water was that deep on...

President Eddings stated the few neighbors I talk to say you could drive through the street and it was the one...

Mr. Lewis stated drive thur where...

President Eddings stated Villa, you know where the...

Ms. Bartley stated down by the bridge?

President Eddings stated No, down by where this pipe is. The lady right dead accross the street from there and I talked to her and the next house up...

Mr. Lewis stated Good Lord.

Ms. Bartley stated where the pipe is, is the problem, its below the pipe.

Attorney Gesenhues stated are you suggest eliminating that holding pond has improved the situation.

Council Member Fenner stated we changed the complete flow...

Mrs. Lewis stated it did change it, we lived there before and after it was put in.

Attorney McCall stated my understanding that water coming in the pond, and only let it out if it reached the surface.

Attorney Gesenhues stated let it out gradually.

Attorney McCall stated when it reached a certain amount when it reached a certain level.

Mr. Lewis stated it flows over just like a falls.

Attorney Gesenhues stated and Belinda believes, and she thinks the evidence hurts in terms of the neighbor's that have been there all those years. That, where that water is accumulating right now is in that trinagle of property as oppose to that holding basin.

Council Member Alexander stated the only thing I want to add, and then it needs to go to John or whatever, regardless what the price is of the pipe is. I have still not been satisfied with, because the grade of the pipe under certain conditions of rain. That pipe will be changed because it will be submerged in water. Ok, no one has told me putting this pipe in is a correct all. Ok, I'm not only changed sewer drain of the road just to put a pipe in. John will tell ya...

Ms. Bartley stated your story is you've rerouted all of the other drains...

Council Member Alexander stated the grade that it will be, will be, it will be all most even with the creek by the time the pipe reaches the creek. Under conditions of rain fall, that comes through Sellersburg that pipe will be submerged in water. Which will not allow any water any water to come out of that pipe...

Attorney Gesenhues stated the city engineer, is this not signed by the city engineer?

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Council Member Alexander stated right a storm drain is not exact science. A storm drain under certain conditions, none of the storm drains in Sellersburg work adequate. If I know going into one that under certain conditions especially on a creek, that is known under good heavy rain falls, its come out of the banks. I'm not going to cause a problem, knowing I could be causing a problem later on.

Mr. Sills stated or, you talk about a pipe that, down close to the bottom of the creek, but you put the same thing in for the 1st house on Fern. It's after that street was raised and damage done there. There is a pipe at the back of my property, a 10" PVC with manhole that goes down to the bottom of the creek, regardless of how high that creek gets, where the water runs down the Villa and Fern Dr.

Council Member Alexander stated last time you were turned down...

Attorney Gesenhues stated well that was one of our questions last time, it wasn't clear from the letter exactly what you approved, that is what you purposed to do and what it looks like. She doesn't know ok, its hard for her to gauage wether it exceptiable or not. Lets say this...

President Eddings stated how about we do this, how about we get John involved and draw the swale where the pipe will be located and present that. And if you don't like that, you can come back and talk to Perry.

Attorney Gesenhues stated like I've said Perry and I have talked before I leave I want to do what Perry suggested, maybe the thing to do is till you make clear and specific to you, what her preference are, and what she'd like done. Again I hope, you say you talk to neighbors here are 2 live bodies they've lived ya there 30 years directly accross the street.

Mr. Lewis stated not up the street directly...

President Eddings stated the only reason I talked to them, they were out, they were out in their yard, I just stopped.

Attorney Gesenhues stated I just ask you take that into account. Then as a town, Belinga how many years have you lived on that property?

Ms. Bartley stated Twelve.

Attorney Gesenhues stated twelve years, she wasn't in here before that holding pond was removed. She wasn't in here complaining about it. Because there wasn't any problem here before that, so until, it strike's me the council at least excepts the proposition that feeling in that holding pond had a very direct inapct on her property. It's gonna be hard for us to get anywhere. So is it fair enough to ask the town that question right now. Whether your filling in that holding pond had any impact or her property next door. Is that not a fair question.

Council Member Fenner stated it may be a fair question, but ya know where not an engineer anymore than your an engineer...

Mr. Lewis stated you don't have to be an engineer, you stand back and watch it, when you see the water coming out of that big field flowing over like a water fall, then you know, you have water problems, you don't need to be an engineer to tell ya there's an excess of water there. It don't take a Scientist do that.

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Ms. Bartley stated I'd like you to answer, why you filled it in? Truthful, answer...

Attorney Gesenhues stated have you suggest filling that in improved over all drainage system. That is hard for her to except.

President Eddings stated we filled it in at one time looking and sell the property.

Mr. Lewis stated that's an honest answer.

President Eddings stated at the same time we were doing storm drain projects, through that portion of town made the over all storm drain a lot better than its ever been, even in the 12" rain.

Ms. Bartley stated in your opinion.

President Eddings stated you could get around Sellersburg but you couldn't get around Clarksville, Jeffersonville or New Albany and you would not of been able to get around Sellersburg. If we had not put those projects in.

Attorney Gesenhues stated filling that pond was part of the over all project?

Ms. Bartley stated every street was closed.

Attorney Gesenhues stated that was work that was done remote from here, though was it not? Or are you saying filling in that pond was part of that.

President Eddings stated filling in that pond we made an effort to fill in that pond to sell the property. We did not fill in that pond till after the project was done and we looked at it and said no, there'd be no effect there. And we still don't believe...

Ms. Bartley stated that was being filled in with the dirt you was taking to dig the storm sewers. The dirt was going into that holding pond, so it wasn't done after the storm system was done. It was done during.

Attorney Gesenhues stated like I said she's lived there for years on Villa Dr. Its not a coincidence ahe started complaining after that pond was filled. These people are here again to try and show ya what we think the evidence would show in terms of wether or not.

Council Member Voyles stated I feel somebody needs to clean up that area, ya know, move all the debris out and then lets wait and see what happens to this property when all that garabage everybody has dumped, all the tree limbs. I think all the neighbors must use it for, to put there yard waste...

Ms. Bartley stated I don't think so, they use the lot you filled in.

Attorney Gesenhues stated Belinda, Belinda has anybody else put debris back there besides you?

Ms. Bartley stated No.

Attorney Gesenhues stated alright now, if are you telling us, if this is leaves were removed and that brush burned or gotten rid of some manner.

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Council Member Voyles stated you can't burn.

Attorney Gesenhues stated gotten rid of, disposed of in some fashion or manner. And she comes back and still like that is she still gonna get a different reception?

Council Member Voyles stated in the town of Sellersburg, I don't know Sellersburg is...

Ms. Bartley state Double talk, Double talk.

Council Member Fenner stated from me personally it would help, that's my honest answer to that.

Council Member Alexander stated its just real hard when you depicting the picture as we closed the pond in and this resulted in a problem, and I look at it as the creek area ok, and even its landscaping is not the same as when we changed it, yes I have a difficult problem, as far as resolving the problem. We can resolve the problem by cutting the ditch out like they did in the past. They have already done this once, this is not a presents of sitting here cleaning the ditch out.

Attorney Gesenhues stated and in response to that, this gentleman is here to say, that whatever was there before in the way of the ditch was crossable, you could get to the back part of the property and Belinda to my knowledge has not been made that offer, to do anything like that.

Council Member Alexander stated that was the offer that was approved it was noted on and approved, to cut that swale back, and the agreement back then was that the property owner would maintain...

Attorney Gesenhues stated I seen a letter that says you may offer to do something, but it was impossible to tell from the letter exacts to what that meant in terms of...

Council Member Alexander stated record keeping back then wasn't the best, but talking to the superindent of the streets who has been there through that period. The deal was they went in and cut the ditch back out ok, and that the property owners would maintain it. Now I mean, when I go down and take pictures of something that is suppose to main...

Ms. Bartley stated can you show me that document?

Council Member Alexander stated like I said...

Ms. Bartley stated can you, do you want to hear the story of why that ditch was dug, because one of the council members did it for 2 gallons of homemade wine. I've got witness.

Attorney Gesenhues stated can we get more specific as to what the offer was.

Council Member Alexander stated it was approved, and we told at the end of the approval, that it was not acceptable.

Ms. Bartley stated the damage is done, if you want to fix the damage and dig the ditch, thats another story. If you want to dig the ditch around the perimeter, thats another story.

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Attorney Gesenhues stated ok, in the interest of making our, what she would like to have done. Here is a sketch a very ruff sketch that she put together. That basically routes the water around the edge of her property instead of through the middle of her property. If you were to take a look at this drawing it basically involves extending that pipe, there, there which is to the back edge, and then an open ditch across the back edge of her property open ditch there is gonna be alot less trouble for her obviously in terms of getting to this back part of this property. In terms of cost I don't know, that might not be less expensive than the others.

Council Member Voyles stated who owns this property on the back side?

Attorney Gesenhues stated thats still here, thats her back property.

Council Member Voyles stated I mean on this side of her property who owns that property?

Ms. Bartley stated Jesse Ballew owns part of it and what's his name.

Council Member Voyles stated can you stand there and tell me, that you can put a pipe in someone elses property.

Ms. Bartley stated I'm not piping water, its on...

Council Member Voyles stated your property line, but if that water goes on his property, therefore your directing, your changing the flow of the creek.

Ms. Bartley stated thats what your doing.

Attorney Gesenhues stated wait a minute, wait a minute.

Council Member Voyles stated to somebody elses property.

Ms. Bartley stated you got it thats what your doing.

Attorney Gesenhues stated that is her 1st preference.

Council Member Alexander stated ok, since we was honest about our property, what is the intent of this property being dried up.

Attorney Gesenhues stated she'd like to be able to use it.

Ms. Bartley stated I'd love to use it.

Attorney Gesenhues stated sell it someday...

Council Member Alexander stated build on it, just like the town.

Ms. Bartley stated I don't know, I don't know, I have no idea now. Its swamp land.

Attorney Gesenhues stated we have no idea, and we don't if it needs to be accomplished by way of that tile being buried back there. It could be a ditch there.

Ms. Bartley stated its like a big eyesore for the town.

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Attorney Gesenhues stated that's reflecting, that would be her preference, if that can't be done the next solution, to address the problem we say the problem is another holding pond that is what your engineer came up with. That's the one, that's her 2nd solution. Lastly ah, just to be consistent, if the holding pond would be back where it was before, we should ah, ah, she wasn't in here complaining before that, and if you put it back that way besides from cleaning up that mess and whatever else is there by the debris, or by the water running over it. It, but basically pulling the holding pond back the way it was before.

Council Member Fenner stated this doesn't include pulling the holding pond back.

Attorney Gesenhues stated No, I don't think it needs to...

Council Member Fenner stated what does this mean, it also says dig out original catch basin, to tie in to storm pipe.

Attorney Gesenhues stated that was Belinda's language, she's not an engineer either.

Council Member Fenner stated she's not referring to digging out the holding pond again.

Attorney Gesenhues stated not if it doesn't need it to be needed. I think the problem was you've got grade water running there ok, and if you do extend that pipe you got to get to the pipe somehow. But it may be nothing more than a small drain, catch basin, small drain. Whatever something to get this grade across there to this pipe.

Council Member Fenner stated ok, I understand what your saying but I'm reading what this says in writing.

Attorney Gesenhues stated when Belings wrote it, that's probably what she had in mind, was that what you had in mind.

Ms. Bartley stated I had in mind...

Council Member Alexander stated here's the copy...

Council Member Fenner stated digging out the original catch basin, the original holding.

Attorney Gesenhues stated I'm telling you...

Council Member Alexander state here's a copy of where we approved regrading the last line of that section. It was approved to have it regraded.

Attorney Gesenhues stated regraded, does that mean a swale through their, that she could get across for mowing purposes, and that kind of thing.

Council Member Alexander stated right.

Attorney Gesenhues stated right, how deep would it be?

Ms. Bartley stated that's not what you said, that's not what you said.

Council Member Alexander stated well, that would, one plan she did.

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Attorney Gesenhues stated how deep would the ditch be?

Council Member Alexander stated its been a year ago.

Attorney Gesenhues stated you can see why that would be a crucial question.

Council Member Alexander stated right I understand that, it was approved, but it was refected by the property owner. I mean it was approved though, you can see there's a 5-0 vote.

Attorney Gesenhues stated when could she expect to hear something in response to, taking a look at that issue.

President Eddings stated yea, we could put it on the 16th we can put it on the first meeting, the first public meeting after the 16th.

CouncilMem. Fenner stated what I'd like for you to do is to rewrite this.

President Eddings stated we can discuss it the 16th.

Council Mem. Fenner stated let me explain to you why, because the way I read this is not only does she want us to redo the holding pond and put it back the way it was, but then also she wants us to reroute it all the way around her property, I mean she's gonna...

Attorney Gesenhues stated do you understand?

Ms. Bartley stated Yes.

Attorney Gesenhues stated if you ask her right now, she probably tell you right now, she'd like to have both done . But the goal is simply to keep the water from coming across to her property ok. And if that can be accomplished with out that holding pond being reconstructed, that's fine. Anything that deviate, or makes the path of the water, here and here as oppose to...

Council Member Fenner stated so we can ignore the writing at the top of the page?

Attorney Gesenhues stated I don't know about ignoring it.

Ms. Bartley stated not ignoring it...

Council Member Fenner stated ok...

Attorney Gesenhues stated I don't know about ignoring it, but I...

Council Member Fenner stated ok, we can discuss it...

President Eddings stated will let you know something the 1st public meeting after the 16th we have an executive session planned and we can discuss...

Attorney Gesenhues stated the first one after the 16th of this month and would, will that be...

President Eddings stated the third Monday of this month...

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Council Member Fenner stated the fourth Monday.

President Eddings stated the fourth Monday of September, thats the 22nd.

Council Member Alexander stated the 22nd.

Attorney Gesenhues stated the first after the 16th?

President Eddings stated the 22nd.

Attorney Gesenhues stated the first meeting afer the 22nd?

President Eddings stated No, the first meeting after the 16th which would be the 22nd.

Attorney Gesenhues stated ok, the 22nd is date by which...

President Eddings stated the next scheduled town board meeting is the 22nd.

Attorney Gesenhues stated would the council benefit by, hearing anymore from actual live citizens from out here, about whether elimination of the holding pond.

President Eddings stated No.

Attorney Gesenhues stated No, sounds to me in your mind, at least a conflict about whether thats true or not, if that could, sure your interested in knowing whether thats true.

Ms. Bartley stated ok Dave, does raising the property line and making the water flow down hill does water flow down hill? You all raised the property, so the water is running down hill onto me.

President Eddings stated it blowed my time way out of line. Is Ronnie Back here?

RONNIE BACK ADDRESSES COUNCIL ON MOWING LOT.

Mr. Back stated Yea, I have no attorney or anything ah, in 1995 October we bought this piece of ground up there, and I, on the edge of Edgewood and Wildwood Rd., it was 2 lots at one time, but the previous owner sold off a half alot so there could be a Wildwood Rd. It was at 2 lots at one time, the previous owner sold off a half alot so there could be a Wildwood Rd. and nobody mows this, this part here. I came up and complain in here, and took Mark Warren over there, he looked at it. I was going on vacation the next week, and he brought a copy of this up and showed to you all.

Council Member Alexander stated he did, and we looked at it...

Mr. Back stated and when I come back from vacation, it had been mowed so I didn't say anything, so I tought the down decided to mow it, but Mr. Voyles decided to mow it, but he won't come back.

Council Member Voyles stated to long of a trip.

Mr. Back² stated I think that's 23 ft. from there to the lot, the north marker to Wildwood Rd. , and a 125 ft. deep and its to the left cause they have a drainage ah,

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culvert in their. I don't think it's my responsibility to mow that.

Council Member Alexander stated ok I'm confused with the picture here, you say there's an easement, or we actually own the property?

Mr. Back stated well, I don't admit, this here is my property line, theres the marker for my line. They bought this, to build Wildwood Rd., but they used half of it, so its 23 ft. from this marker to the edge of the road. This, drainage down thur there and a culvert and its pretty rough there with a tiny lawn mower.

Council Member Alexander stated what's the dotted line that says lot?

Mr. Back stated that was the orginial lot, they sold off half of it to build Wildwood Rd. and another thing ah, when we bought it I didn't realize but, they put a sewer line, the sewer main to drain Fulton St. through these two houses here. And when, fours times it has backed up on the Eastside and comes out this manhole and then back up into the backyard right here. Why would they run a 10", 8" or 9" line through, in between those two houses when they should of come on down to this here. You guys don't know.

President Eddings stated we don't know.

Mr. Back stated cause it wasn't...

Council Member Fenner stated thats many years ago, I assume...

Mr. Back stated Yea, I understand that.

Council Member Alexander stated we need to check and see who the ownership is of it, because no one...

Council Member Voyles stated we couldn't find it in the town.

Mr. Back stated well...

Council Member Voyles stated so were gonna have to look into see who owns it.

Council Member Alexander stated so I mean when they brought this line back you don't know who they sold the property to.

Mr. Back stated the State of Indiana, but didn't they turn it over to the...

Council Member Alexander stated the State of Indiana bought it.

Mr. Back stated they turned the road over to Sellersburg. Right there's the...

Council Member Voyles stated maybe that's why we never found anything.

Council Member Alexander stated right.

Mr. Back stated all I'm asking is they mow around the creek down by Parrell and Foothill, he could run up there with that big mower and mow that in about 10 minutes.

Council Member Voyles stated can we mow it one more time?

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Council Member Alexander stated who's got the right of way?

Attorney McCall stated the State of Indiana, the state highway dept.

Council Member Alexander stated we'll first contact the state highway dept.

Mr. Back stated Thank You.

Council Member Alexander stated will, no I mean, the reason we do things, and I know it sounds to cruel to some people, but we say hey we won't do things ok, but we can't be out mowing everybodys easements and so forth and it is a process you have to go through sometimes to find the owners.

Mr. Back stated we mow the easement, thats 23 ft and about 125 ft...

Council Member Alexander stated we'll find the correct authority who has jurisdiction over it.

Mr. Back stated but I talk to him about the sewer and he probably didn't know they go in between those two houses either. Theres nothing in the abstract that shows anybody bought an easement between those two houses.

Council Member Fenner stated but Perry you will look in to these and find out who owns that piece of property.

Attorney McCall stated well yeah, the first time we done, and had an easement or a right away or whatever. They didn't find anything in the towns name.

Council Member Fenner stated can we go back specificity with what he's gave us...

Attorney McCall stated Yea...

Council Member Fenner stated and find out who owns it.

Attorney McCall stated Yeah, we can do that, I'll get on it tomorrow.

Mr. Back stated Thank You, Bill you'll come up there and mow it one more time.

Council Member Fenner stated it will get mowed this year.

Council Member Alexander stated is it clear markers or is the grass tall enough?

President Eddings stated it will be mowed by the end of the week.

Council Member Fenner stated what, ha! ha!

Council Member Voyles stated get some coffee and some donuts.

Council Member Fenner stated ok.

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PRESIDENT EDDINGS ADDRESSES MS. DIEFENBACH AND MRS. PIXLEY.

President Eddings stated Ms. Diefenbach and Mrs. Pixley do you all have anything to say tonight.

Ms. Diefenbach stated I don't have anything to say, but I would like to talk to you sometime.

PRESIDENT EDDINGS ADDRESSES COUNCIL/EXECUTIVE SESSION.

President Eddings stated ok, Mr. Kinder, EMC, ah he's busy, Building, he's not here. I'll go ahead and get this knocked out of the way. We had an executive session back on Aug the 19th didn't we have 2 of them?

Attorney McCall stated we had 2, there's 2 sets.

President Eddings stated both of them on the 19th.

Council Member Fenner stated no, one was the 11th, we got the exact something.

President Eddings stated we had 2 executive sessions on the 11th and the 19th, ah we have recommended changes to the executive session minutes. Ah, I'll entertain a motion to amend the executive session meeting minutes.

Attorney McCall stated what date.

President Eddings stated August 11th and August 19th to reflect these topics of discussion indicated in these changes. The changes will be topics of discussion for August 11th pending the threatening litigation, employment personnel matters development and annex. For the August 19th it would be pending threatening litigations, the annual budget, employment personnel matters, and develop.

Mrs. Shelton stated does that mean all, I guess the executive session should be like that to?

President Eddings stated they should be general.

Mrs. Shelton stated let her know that.

President Eddings stated I'd like to amend the motion that...

Attorney McCall stated include...

President Eddings stated or include in the motion, that they presented to the town council for approval then submitted into public record. Do I have a second?

Council Member Voyles stated I seconded.

President Eddings stated second by Bill, any discussion?

Mrs. Shelton stated yea kinda, I'll give it to her she'll know what it is.

President Eddings stated it to make it from specific to general.

Mrs. Shelton stated yea, I'll tell her that.

Resident stated can I ask something?

President Eddings stated go ahead.

Resident stated the budget you all are talking about...

President Eddings stated yeah, right now were on something else, soon as we get done with these will come back and field your question ok.

Resident stated ok.

President Eddings stated ah, I have a motion seconded on the minutes, is there any futher discussion? If not all those in favor signify by saying I, oppose nay, I's have it.

President Eddings stated ok, go ahead mam.

Resident stated (we can't hear what she's saying.)

President Eddings stated as far as personal ah, lets say on the police dept. they have an extra officer in the budget. Should the town grow to a certain population its in the budget to go ahead an hire that officer or should someone opt some come into the town theres an officer in the budget to handle the additional population. We don't need it we don't use it. In the town other than...

Council Member Alexander stated the town manager.

President Eddings stated yea, the town manager, you know if the town grows and we decide its the right thing to do to hire a town manager or whatever that moneys in the budget, but if we can handle, handle it along with handling are full time jobs and trying to raise our familys were gonna try and handle it. I think for a town council it came in the same didn't it. I'm pretty sure.

Council Member Alexander stated the salaries?

President Eddings stated yea, salaries, right, really our budget other than the wage increases that went to effect we give everybody thats not an elected official or manager a 3% raise, that was the biggest chunk of the budget increase.

Resident stated I understand that.

Council Member Fenner stated the judgements and settlements in the town councils budget is the same at \$5000.00.

President Eddings stated ok, ah, got that taken care of. Dave do you have anything.

Council Member Broady stated me, no.

President Eddings stated Gary.

Council Member Fenner stated No, nothing yet except I got one quote on a P A system for this room Thank You, Thank You however it was very expensive, so I am searching for another quote, so I'm hoping by the next meeting I'll come back with recommendations.

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President Eddings stated Bill do you have anything.

Council Member Voyles stated I have nothing.

President Eddings stated Peryy.

Attorney McCall stated nothing.

President Eddings stated Ken.

KENNETH ALEXANDER ADDRESSES/HANDICAPP SIGN/ANIMAL CONTROL TRUCK.

Council Member Alexander stated I'll do it, quick we had a gentleman that had called in to the town hall and requested a handicapp sign in his, in front of his house, Perry's office, thank you they were vey nice to me. Did check into as far, how Jeffersonville did it and basically it was done on a case by case basics as far as whether the town warrants it, we need to be thinking if this is something the town would allow to do which I'm for. I guess the question is , we need to come up with a particular set of circumstances that we would agree these would be necessary, like this gentleman does have a drive way. But when guest come over an if his drive way is full, he's gonna be able to use the front row. So I mean theres alot of questions that need to go in there so, I'm letting you all know any input on that matter would be helpful. Jeffersonville City of Jeffersonville is building a new Animal Control Shelter and they are getting rid of their 91 Animal Control Truck as you know we are presently using a street department truck with a topper on it to do animal control ah, we could have ths fine piece of equipment with 41,000 miles. I do believe, ah, for 2250 which it does, the cage on the back of it, when we look at it was 5 grand it has the fans to keep the animals cool, its got different various size cages, places to put the poles, had a spot light a little yellow light cn the top of it, ah, ah, its really a bargin at that price. I did look at the vehicle personally. Like with any vehicle used theres no guarantee. But it looked like it was in pretty good shape.

President Eddings stated when do they have to have an offer on it?

Council Member Alexander stated ah, I don't know whether how soon or not we've been talking to them off and on for about 2 weeks now. They did put the purposal in writing, I really don't want to see it go to waste since I have a street truck in the budget that could be used for something else, because I would be gaining a street truck back. I mean even if we had to put a motor in it, like I said the cage on the back of it...

President Eddings stated you got a street truck in the budget for this year, you haven't bought.

Council Member Alexander stated I haven't bought...

President Eddings stated this looks like a pretty good price.

Council Member Alexander stated now, I can't buy it out of that fund it has to come out of the animal control fund and we are running short because we budgeted that so tightly.

President Eddings stated what, can something be allocated?

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Council Member Alexander stated no, no, no, The animal control was put in to the Clerk Treasurers budget which the state board of accounts said was ok, but the 1999 budget will reflect it into the town council budget which should be the proper place for it ot be.

President Eddings stated so how are you suggesting we appropriate the funds?

Council Member Alexander stated well, we think we can pay for it, but basically tonight all I'm asking for is a approval to purchase the truck if appropriations can be made meaning that if, we just got this, I just saw it today as far as what kind of appropriations can be made. So I'd at least like to call them, and say yes we would like the truck, were trying to find funding on it and...

Council Member Voyles stated you got bottom dollar on that truck?

Council Member Alexander stated yes, we started out much higher and our negotiating skills were good.

Council Member Voyles stated so you get it sealed off.

Council Member Fenner stated no he can't not with out our approval.

Council Member Voyles stated I mean if he figured out something we could come up with, offer him so much money. There not gonna take a bid?

Council Member Alexander stated I mean...

Council Member Fenner stated that might work against us.

Council Member Alexander stated right, I mean honestly the truck books for 5100 then the cage on that back is worth 5. So its like a 10,000.00 truck were getting for 2250.

Council Member Fenner stated if we as purchase this, we do not have to purchase a truck for the street department. How much does that save us?

Council Member Alexander stated well...

Council Member Fenner stated how much do you have budgeted?

Council Member Alexander stated ^{2500.00 md} 25,000.00, It's a good trade off I also have some real minor equipment purchases. That really don't amount, under a couple hundred dollars.

President Eddings stated animal control...

Council Member Alexander stated right but I'd like to make a motion that we approve purchasing the truck to give me the ok to purchase it, if appropriations can be made. At least send a letter to Jeffersonville, say yes we are interested.

President Eddings stated I have a motion on the floor to purchase this animal control vehicle, if appropriations can be made, do I have a second?

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Council Member Voyles stated I'll second.

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

Council Member Alexander stated then I'd like the approval to purchase the minor equipment.

President Eddings stated some additional equipment needed for the animal control officer, looks like, collars, needles, some type of apparell.

Council Member Alexander stated right, thats for the gun.

President Eddings stated ok.

Council Member Alexander stated ones a pole we can insert it the others for medicine cartages.

President Eddings stated we don't have a total do we? The total equipment anybody have a calculator?

Council Member Fenner stated 252 something like that.

President Eddings stated I'll entertain a motion to purchase the orginial, or purchase the equipment for the animal control officer for 252.00.

Council Member Voyles stated I 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 second by Ken, any further discussion all those in favor signify by saying I, oppose nay, I's have it. Is that all Ken?

Council Member Alexander stated that's all.

EMC ADDRESSES TOWN COUNCIL.

President Eddings stated EMC.

Joe Goergen stated I got the monthly reports, I have the invoice for meter deposit refunds, sales tax and NSF checks.

President Eddings stated this is the amount right here.

Joe Goergen stated Yes.

President Eddings stated it's all one invoice?

Joe Goergen stated Yes.

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President Eddings stated I entertain a motion to pay the invoice in the sum of \$4,849.68 to NSF checks, meter refunds and monthly sales tax, quarterly sales tax.

Council Member Voyles stated I make that motion.

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

Council Member Broady stated seconded.

President Eddings stated seconded by Dave, any further discussion, all those in favor signify by saying I, oppose nay, I's have it.

Joe Goergen stated ok, the next item I have is a notice of an interruption of water service to Forrest Estates, Creston and all the businesses and residents along Hwy 31 from the bowling alley through 311. Were anticipating, were gonna begin that repair 1:00 a.m. Tuesday September 16 and the repair we make there will also make alterations to the system so we won't need anymore disruptions for the new connections to the subdivision, Lakeside. I need to get your authorization, and I got copies for the paper.

President Eddings stated one of these goes to Linda I think.

Joe Goergen stated the last thing I have is a notice of hydrant flushing to begin the week of September 22 thur the 26th.

President Eddings stated those our yours, is that it?

Joe Goergen stated thats all I have.

President Eddings stated ok Linda.

CHIEF DEPUTY CLERK CINDY SHELTON PRESENTS BILLS.

Mrs. Shelton stated she wanted me to present these to be approved.

President Eddings stated everybody had a copy of the Bills? I had a chance to review them. I entertain a motion to approve to pay the bills as presented.

Council Vice President Broady stated I make a motion to do so.

Council Member Fenner stated I second.

President Eddings stated made by Dave second by Gary any further discussion if not are those in favor signify by saying I oppose nay, I's have it, is there anything else.

Mrs. Shelton stated yea, I guess she needed you all to, I guess to approve this and sign it.

President Eddings stated it's for the plague, I entertain a motion to pay for the plague we first gave away to officer Meyer. In the amount of \$24.73.

Council Member Fenner stated I make a motion we 24.73 for this plague.

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

Council Member Alexander stated seconded.

President Eddings stated motion made on the floor and seconded any discussion if not all those in favor signify by saying I oppose nay, I's have it is that it.

Mrs. Shelton stated she wants them to sign it and make sure its ok and pay it.

Council Member Alexander stated ok, we have our its an annual contribution to the animal shelter down in Jeffersonville. Last year we didn't get it because they didn't bill us. Ok, this year we did get billed, ah, checking we the stated board of accounts do we have a contract as far as the incinerator its suppose to be with the county commissioners.

Council Vice President Broady stated can we check on it.

Council Member Alexander stated can we go ahead and approve it with your checking into it.

President Eddings stated lets table it till the next meeting.

Council Member Alexander stated will you check into it.

Attorney McCall stated yea.

Council Member Alexander stated will you hold on to that then.

President Eddings stated is that it?

Council Member Fenner stated we got to sign the budgets.

Mrs. Shelton stated I got one right here if you want to start.

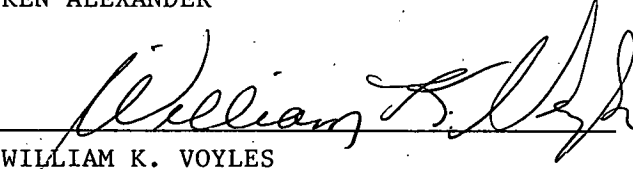
President Eddings stated I entertain a motion to adjourn the meeting. Motion made and seconded all those in favor signify by saying I, oppose nay, I's have it meeting adjourned.

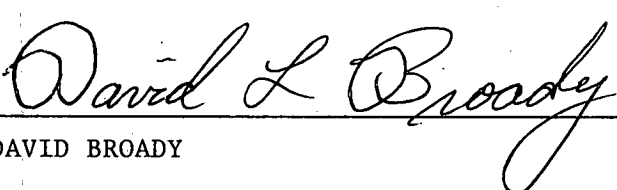
With no further business, President Eddings adjourned the meeting at 7:40p.m.


AULTON D. EDDINGS


KEN ALEXANDER


GARY FENNER


WILLIAM K. VOYLES


DAVID BROADY


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 16, 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; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall, Town Attorney; with David Broady, Council Vice President being absent.

Called To Order

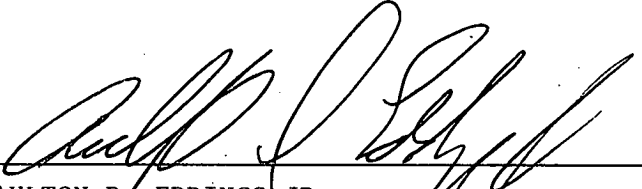
President Eddings called the executive session to order at 6:08 p.m.

Topics Of Discussion


Belinda Bartley VS Town Of Sellersburg
Linda Schafer VS Town Of Sellersburg

Adjournment


With no further business, President Eddings adjourned the Executive Session at 7:02 p.m.



AULTON D. EDDINGS JR.



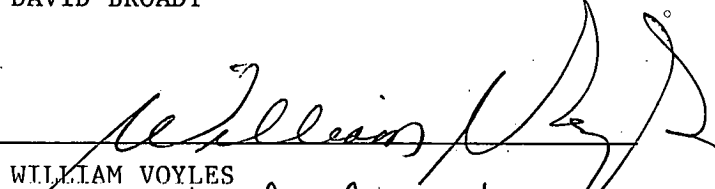
KENNETH ALEXANDER



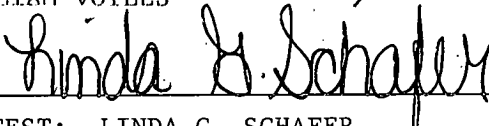
GARY FENNER

ABSENT

DAVID BROADY



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
SELLERSBURG CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 22, 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 Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall III, Town Attorney, with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

President Eddings called the regular meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Father Paul Riehart.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting.

President Eddings stated everyone had a copy of the minutes from our last meeting and the executive session ah, I'm not sure do we have 2 executive session?

Chief Deputy Shelton stated yeah.

President Eddings stated Yeah, we had a workshop executive session discussion litigation on Sept. 16, then the regular meeting on Sept. 9th. Everyone should have copies of both sets of the minutes. I'll entertain a motion to approve the minutes presented.

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 second by Ken, any discussion, if not all those in favor signify by saying I, I, oppose nay I's have it. Go ahead and pass those all around.

Chief Deputy Shelton stated you want all those passed, the regular and the executive?

President Eddings stated all in one shot, ok is Mrs. Bartley or representative...

Chief Deputy Shelton stated no, she had called this morning and said her attorney could not make it. But she would like to be on the next agenda, and that she would like the town engineer and the council members to be present for the next meeting, ok.

Council Member Voyles stated for us to be here?

Chief Deputy Shelton stated yes, she would like for, well for the engineer also. That's what she requested so...

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President Eddings stated ok is Penny or William Brown here?

PENNY AND WILLIAM BROWN ADDRESS THE COUNCIL MEMBERS CONCERNING A SEWER ADJUSTMENT.

Mr. Brown stated all I want to do is see if I could get a sewer adjustment on my bill. Heres a bill where the plumber come out and replaced my line and I went ahead and paid the other bill. But they took and wrote on back of this what the next ones even gonna be. But I went ahead and paid last months, you know if I can get a sewer adjustment on it. They can take it on the next bill.

President Eddings stated ok, would anybody like to make a motion for this repair to a water line.

Council Member Voyles stated I make a motion that we adjust it.

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

Council Member Fenner stated I'll second.

President Eddings stated I have a second, any discussion?

Mr. Goergen stated can I see the bill?

President Eddings stated everything ok.

Mr. Goergen stated ok, they hadn't called us about it, that's why I wasn't sure.

President Eddings stated ok, ah, have a motion on the floor and seconded, any discussion. If not all those in favor signify by saying I, I, oppose nay, I's have it. Give that to Joe. Ah I don't know how to pronounce it Liegner. Is it Defphia, not present how about a Steve Kline?

STEVE KLEIN ADDRESS THE COUNCIL MEMBERS CONCERNING A SEWER ADJUSTMENT.

Mr. Klein stated I'm here also to get an adjustment on a sewer bill, ah, me and John East own the point office building over there in Sellersburg. I brought my last six bills here ranging from 35 back in March to 17.88 to 19 to 17.50, 23.88 and 19.38. We watered a lawn on, I guess back in August and I had a \$176.00 water bill, and a \$587.00 sewer bill. I wanted to get that adjusted. We just planted sod during the winter then we had that dry summer, we had 3 hoses running quite a bit.

President Eddings stated ok.

Mr. Klein stated I want to see about getting my sewer bill adjusted.

President Eddings stated I don't know if you've been made aware of or not. On watering lawns from here on out, you got to have a sprinkler system tied in to a sepearte meter, ah, I'll entertain a motion to adjust the sewer bill, just one month right.

Mr. Klein stated yea, well I haven't seen next months bill yet, but we haven't watered I don't think.

Mr. Klein stated on this next billing.

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Council Member Voyles stated I'll make a motion.

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

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any futher discussion.

Council Member Broady stated are we just doing this for one month?

President Eddings stated one time shot, he understands.

Council Member Voyles stated a special condition.

President Eddings stated yea, just a case by case, the way I consider it, he understands now that if he does anymore watering he has to do it through a seperate meter with a sprinkler system, that's the way its set up here through Sellersburg.

Council Member Fenner stated you did have this checked, and made sure you didn't have a leak somewhere.

Mr. Klein stated ah, no I haven't got the next bill yet. I mean I didn't even look to see if we got a leak because I know I watered, because it was so hot this summer for, I had sometimes four sprinklers running so I didn't even think of a possibility of a water leak. I mean I can go do that, the new sod trying to keep it alive.

President Eddings stated brand new, any futher discussion? All those in favor signify by saying I, I oppose nay, I's have it. Give that to Joe. Holley Rhodes.

HOLLEY RHODES ADDRESS THE COUNCIL MEMBERS CONCERNING A WATER ADJUSTMENT.

Mr. Rhodes she's not here, I'm her father I own the apartment building at 529 Fulton, she lives in apartment C ah, a couple water bills before the problem arose, was like 28 then 20. Then she got a bill ah, July bill she got August, she paid it August 9th it was like double, she called me and I told her to call down here and have you all check to see if there was a problem, she didn't hear anymore back, and I certainly didn't think anymore about it then when she got her next bill ah, coincidental, the same day she got a call. I guess it was just estimated that day. She got a call from the water company that, they said there was a leak out here.

President Eddings stated ok.

Mr. Rhodes stated but they didn't really go, or at least they didn't go to check it, they just went to read it, a month later. I checked back down they didn't have a record calling but, she did call and she called me back and told me that's when I had it fixed. The next bill, she has not received yet, that they have looked at it and there looking at \$160.00.

President Eddings stated ok, you might want to hang on to that bill as well and get all 3 adjusted at one time. Joe can you check and see if in fact it's fixed?

Mr. Goergen stated sure.

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President Eddings stated ok, I'll entertain a motion to adjust the sewer for 3 bills for Holley Rhodes.

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? If not all those in favor signify by saying I, I oppose nay, I's have it.

Mr. Rhodes stated so when I get the next bill...

President Eddings stated so give all 3 of them to Joe, and he'll adjust the sewer.

Mr. Rhodes stated ok, Thank You!

President Eddings stated ok, Pauline or Nina do you have anything to night?

PAULINE PIXLEY AND NINA DIEFENBACK ADDRESS COUNCIL.

Mrs. Pixley stated let mine go till later.

President Eddings stated all righty, Dave.

DAVID KINDER ADDRESSES COUNCIL.

Chief Kinder stated no sir, except the announcement there I passed out.

President Eddings stated ok, is this for the entire public or town employees.

Chief Kinder stated town employees, board members.

President Eddings stated post that somewhere in the town Hall EMC.

Mr. Goergen stated I got the revenue report and our 2 week report. Kind of threw me off. The other copies are coming. I got them right outside there.

President Eddings stated we got any bills to pay?

Mr. Goergen stated No.

President Eddings stated good enough, Mr. Stewart.

BUILDING COMMISSIONER BOB STEWART ADDRESSES COUNCIL.

Mr. Stewart stated I had a slow month this month, this past month. August I do have one letter I'd like to refer to the towns attorneys. It's in reference to one person who won't cut their grass and then did not pick up my certified mail, it was returned by the post office and all other attempts to approach this person have been fueled so, according to our town ordinance procedure is to take it to...

Attorney McCall stated is that Indianola?

Mr. Stewart stated 172 Indianola, check with me after the meeting theres another matter there that needsto be looked into on behalf of the town.

Attorney McCall stated ok.

President Eddings stated Mark Robinson...

MARK ROBINSON ANIMAL CONTROL OFFICER ADDRESSES COUNCIL.

Council Member Alexander stated he's the animal control.

Mark Robinson was absent.

President Eddings stated ok, Dave.

Chief Kinder stated excuse me, can I say something about Mark, I just want to compliment him on the job he's doing, he's really going out of his way.

President Eddings stated good.

Chief Kinder stated he's doing a great job.

Council Member Alexander stated he definitely, its all most like having a full time, I mean he's going at it with that aspect.

Chief Kinder stated somebodys dog died with a disease that could of spread, and he's not only told him how to do, he went out sprayed the guys yard.

Council Member Alexander stated he helped him.

President Eddings stated I know we haven't had a complaint or a phone call about an animal issue.

Chief Kinder stated he's answering every call.

President Eddings stated great Dave.

Council Vice President Broady stated I have nothing.

President Eddings stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES COUNCIL ABOUT A P.A. SYSTEM.

Council Member Fenner stated I have a couple of things, one is I gave you some copies for a couple of bids that I received for us to amplifi the town meeting room here. To put in some microphones and a P.A system so the public can hear us and I got the first one and I thought it was kinda high so I went and got the second one and the second ended up being twice as high as the first one. So all of a sudden the first one looked a whole lot better. The first one he guarantees it. If were not satisfied you know, he'll take it out and we don't owe him nothing. So, I mean this is an issue I've been approached by also having set out there during other meeting I think we have an obligation to the people of

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the community for them to be able to hear what goes on in the Town Council meeting. So, anyway the low bid came in from Mom's Musican General Store, they are, its a great place, anyway they will have speakers mounded on each side here facing out ah, they will install all this as well they have a mixer and amp with it, with phafton power they'll have a couple microphones that will be on the table here and they will be the flat type of microphones that will not stick up and stare you in the face. They'll be flat on the table and also there suppose to be I don't see that on here, theres suppose to be another microphone for the public to use if they wish. Anyway their bid is \$1,700.00 as I said the other one I received as the base bid it was 20 was \$1,925.00 and that did not include what they suggested of 5 microphones at \$239.00 each. So that takes it way up over \$3,000.00. So anyway I would, you know when I talked with Linda about this she thought we'd be able to find the money to transfer to do this and so I'd like to make a motion that we go ahead an install a PA system here in the Town Council meeting room, with the stipulation that we can work out the transfer of a appropriation.

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

Council Member Alexander stated I'll seconded.

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

Mrs. Pixley stated I think its great.

President Eddings stated any futher discussion? All those in favor signify by saying I, I's oppose nay I's have it.

Council Member Fenner stated the other thing is I'm glad Joe came back in. Joe had put in our box an explanation of our utilities payment processing procedures is the way you explained it. The last couple of months I've had alot of different complaints about a misunderstanding as to when the due date and when they can put their payment in the box and it not be considered late and when it is considered late. It's gotten kind of complicated and people are having trouble understanding that and so some how I'd like for us communicate to the public you know the actual due dates and that type of thing. I've written something, but I don't know that if it's not short enough to get on to the actual water bill. Joe you'll have to look at this but, you know, correct me if I'm wrong does this sound accurate does this reflect our policy and that is payment are due by 4:00 on the due date or in the night drop box before 9:00 a.m. the next business day if the due date falls on a weekend or holiday.

Mr. Goergen stated Yes.

Council Member Fenner stated somehow I'd like for us to find away.

Mr. Goergen stated before the office opens, because generally the office opens at 9:00 a.m. in the drop box prior to 9:00 a.m.

Council Member Fenner stated well can you make it a point to clear the drop box right at 9:00. So that we could be a stickler for the policy.

Mr. Goergen stated basically the benefit of the doubt generally goes between the residents.

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Council Member Fenner stated yea, but I'm getting telephone calls that's all I can say. Yes, we even got one certified letter about it is there away we could communicate this a little bit more clearly I mean Joe, have we got room on the bill, is there some where, someway to attach something?

Mr. Goergen stated there's not alot of room on the bill. I mean, when we print up new ones we can actually put it on the back because we can change the wording on the back ah, the unfortunate thing is, its gonna be a while before we print new ones.

Council Member Broady stated why don't you get a bunch of hand letters made up and everybody who comes in to pay their bill...

Mr. Goergen stated we had talked about having a department news letter or something. They could set on the counter, they could take it with them, the problem is most of the people who are having this problem aren't gonna come in get it.

Council Member Fenner stated could we put a box out there next to the night drop box with a notice to all utility customers please take one.

Mr. Goergen stated or we could put a notice in the window.

Council Member Alexander stated or next to it...

Council Member Fenner stated yeah, yeah, all right either or I'm just looking for away to clear up any misunderstanding so everyone knows exactly the procedure and policy ah, because apparently you know they just think theres something different and...

Mr. Goergen stated the technically is every utilities due is the 15th regardless of the weekend.

Mr. Goergen stated we basically give them that.

Council Member Fenner stated right, but they assume they can come in anytime on Monday and paid it, because you gave them the weekend and that's not the policy it has to be in here before the office opens on Monday.

Mr. Goergen stated it does say right on the bill, 15th is the due date.

Council Member Fenner stated yeah, like I said I would like for us to clear it up a little bit, anyway we can so, so...

Mr. Goergen stated I'll draft something up and get it to you then...

Council Member Fenner stated ok, that'll be find, that'll be find. Lets see what else, I also wanted to say a word about us being in court this morning ah, we had a hearing this morning, and I think its important we say something about it in this meeting the fact that we have not, were not ever been held in contempt ah, it was not true we were held in contempt. The hearing was for that purpose, but the judge dismissed that very quickly and allowed the attorney to change his motion to something totally different than us being held in contempt and you know its important the public knows that we as a town council are doing everything we can to resolve the issues. The problem is we keep getting hit with more and more lawsuits for payments of fees, that we've never been able to get to the issue. I mean the issue keeps getting pushed back and back because the other

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attorney keeps requesting continues or extensions or delays and it keeps running up the money.

Council Member Voyles stated yes he does.

Council Member Fenner stated we have it right here in writing their request for an extension. So, you know like I said its important for the public to know we as a town council would like to resolve it with out it costing the tax payers 15, 20, \$30,000.00 and the judge is gonna rule on the last motion he made today or Friday October 3rd, all right.

President Eddings stated is that it?

Council Member Fenner stated one more thing earlier this year Chief Kinder requested of us a 2 year extension of his contract as our chief of police. Because his contract expires at the end of this year. We haven't granted that because theres been some unanswered questions about a Indiana State Police Report that was forwarded to a prosecutor that report was forwarded last year, its never been resolved, the prosecutor has been contacted by us, by our attorney by many people he refuses to release the report he refuses to close the case file. He refuses to exonerate the chief. He's just sitting on it he refuses to do anything with it, you know as a town council have been reluctant to renew the contract because of that. Because we'd like to have that, we've tryed through legal means to get that report, we have a motion on file now and a hearingscheduled for now something or other, I think ah, to see if we can request that again but you know theres a time factor in here, and the time factor is the fact that his contract runs out the end of the year. We've been, this thing has been going on for over a year now it was last April I guess when it all occured, and its continuing on and on and I don't know if we can wait much longer. And I guess the most troubling thing about it is you know through our attorney we've asked the chief to help us get the report and he has not been willing to cooperate and do that for us.

Chief Kinder stated Wo, Wo, Wo, wait a minute, I did ask...

Council Member Fenner stated Perry.

Attorney McCall stated I didn't know that.

Council Member Fenner stated you didn't know that, your report back to us Perry was...

Attorney McCall stated I had asked...

Council Member Fenner stated ok.

Attorney McCall stated I haven't heard from Indianapolis.

Council Member Fenner stated ok alright...

Attorney McCall stated whatever the chief has done by himself, I'm not aware of...

Council Member Fenner stated but your report back to us was that the chief said he was willing to let it ride the way it was.

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Attorney McCall stated that the chief had requested that and that was the last that was said. Made that request, that was the end of that. But if there was any feed back or response back I never have known that.

Council Member Fenner stated all right, well, in light of that you know the time factor and...

Attorney McCall stated I'm not gonna put you on the spot you know make you out like spot you know make you out like your incorrect. We have tryed to get the report through all the channels that were available. We tryed Roger Duvall the Indiana Stated Police, and Anthoney Summers etc. and at one point my recommendation that simply to cut through that, was to be requested by the chief. I don't know if the chief ever requested that report or not, no one has ever indicated one way or another. So that is why we took the next step that we did. Which is why theres a hearing date set in November.

Council Member Fenner stated your words to us weren't to the effect that the chief has said he wants, let it ride the way it is.

Attorney McCall stated my words may have been that. My recollection is that there was not gonna be a report coming from Indianapolis.

Council Member Fenner ok.

Chief Kinder stated that is correct, its in the prosecutors hands, the prosecutors filed it away, he's not gonna do anything with me. The prosecutor down here pass it on since were gonna discuss this passed on to this town council saying there was nothing in the report. That report came form Steve Stewart it's not offical. It's an interperatation of the case...

Council Member Fenner stated after he removed himself from it.

Chief Kinder stated that was before that was when the sheriff did it. There was nothing to it, in fact there never was. Then somebody asked for a State Police investigation, which I asked them from the very first. This be done by the State Police, instead to rush it through quote rush it through it was given to the sheriff office did an investigation and said there was nothing to it. They look it to Steve Stewart for renew, he said there was nothing to it. Then the town council who on the town council I don't know, I think you might of had a hand in it. I don't know who will get the State Police to reinvestigate this and Adam Koch in fact went to the State Police and filed a complaint and at that time he went to the FBI and filed a complaint on a civil rights violation. The FBI is taking no action on the case. The Indiana State Police did a investigation they turned over to Roger Duvall by request of Judge Donahue returned it to Roger Duvall who was the prosecutors from Scott County. I understand Roger Duvall did nothing with the case except file it away, and if I'm right Perry you can relinquish this, is this correct?

Attorney McCall stated he would not relinquish this, he has indicated he would send a correspondence to the town council regarding his determinations and was not gonna prosecute. That is correct.

Chief Kinder stated that is exactly what the second prosecutor said. Now that's two prosecutors, and two seperate investigations, and the FBI. What this town council wants I don't know, if you tell me we'll try and help you. As far as the contract thats up to you people. If you want me to stay a Chief of Police, fine if you don't thats fine.

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But don't hang your hats on me committing a crime. Because there was no crime, because two different prosecutors have said...

Council Member Fenner stated Perry have we recieved a letter from Roger Duvall of any kind saying that hes not gonna prosecute, saying that its closed.

Attorney McCall stated no, we have not, he indicated as late as March or April he would send corresponds in regard to his termination.

Council Member Fenner stated and we've asked him for that several times.

Attorney McCall stated in writing and the telephone at least three occasions.

Council Member Fenner stated ok.

Attorney McCall stated and then you know, then we made the request to Mr. Summers in regard to the report on behalf of the town council. Mr. Summers refused to we did it several ways. Then the next approach was to refuse, removed to set aside then the next step was to, we had a meeting and we discussed what we could possible do to retain this report, and at that particular point when I looked at it a couple of different ways you could do it. You could do this under statue or you can request or perhaps see if you can get the chief to get the report. And I think the chiefs statement was I'm gonna let Mr. Summers, let it ride. I don't know if thats my word to the chief but I'm gonna let Mr. Summers make those determenations if this report is, any outside, is gonna be Mr. Summers because he's the attorney for the Indiana State Police. Therefore when I found that out is when I filed the next action which is set for this November 21st on a order to appear to obtain that record, now I haven't had any other communication with Mr. Summer on what I just told you about, he is depleting through correspondents on the phone on at least one occasion about this record.

Council Member Fenner stated ok, I certainly don't, because I mean from everything we've heard there probably will not be criminal charges in that. That seems to be obvious however my point is, is I believe here may be other employment issues involved in that report that would effect how we determine wether there is a renewal of the contract or not. And with the understanding we've tried to get this report for a year now.

Council Member Fenner stated and we've not gotten in cooperation from the chief in getting the report for us knowing...

Chief Kinder stated I can't get the report, excuse me for interupting you Gary, but you keep saying uncooperating with the state or the chief in getting it. I did ask the Indiana State Police and I went right to the top of the Indiana State Police.

Council Member Fenner stated and they won't give you a report that concerns you?

Chief Kinder stated No its an investigation, there were no charges ever filed. And your saying investigation on other employment I mean what are you referring to?

Council Member Fenner stated No, No, No, I'm just saying there may be issues pertaining to your employment maybe it wasn't criminal what you did but yet you know the report may show you violated department polices, you may have misused your authority as chief. It may show you did cover something up. You know it may show alot of different things that I think this town council ought to be aware of...

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Chief Kinder stated wait, wait a minute I think your off on a fishing, a fishing expedition for something thats not gonna be in that report because if the court subpoena, I'll say right now the only thing that was done is officer Carmichael took it the initial investigation, officer Carmichael did not consult with me and I did not consult with officer Carmichael as to what was going on. We did not know for certain that the person involved in that was actually the person involved until that person came up later and made a statement to me, about that and then I never talked to Carmichael. Carmichael later on after all this started in fact made a comment, I wasn't gonna file any charges because there wasn't any laws violated and I didn't tell Carmichael not to investigate. There was no violation. We do this all the time on crime, that we don't make reports.

Council Member Fenner stated my concern and my point is simply you got a contract that's expiring at the end of December we need a Chief of Police and you know this town council hasn't felt comfortable renewing that contract basied upon these things hanging out there with question marks behind them.

Chief Kinder stated if I don't have the vote of the town council then drop it.

Council Member Voyles stated I don't, your adding me to this and I don't feel the way you feel.

Council Member Fenner stated you haven't agreed that we need to get that report before. We renew the contract.

Council Member Voyles stated I do not, I think this has gone about as far as it can go. I mean, to me it looks like all most a witch hunt. And I'm all most embarrassed about being a part of it. I don't like it and I would like to see it come to an end personally. I really do, I think the man if, the silent majority, the man's done a fantastic job. Ok were all not perfect in this room, I don't think, and I think if he wants to have another two years we as a board will be running for town more years and will be off or we run again. Let the new board pick the new chief, let the new board who is able, not let pick someone for two years and then put, then have to get somebody else into this place. They might not like the new Chief and then they'll get a new Chief. It's gonna be very hard to find someone for two years. And personally I can't see why were dragging this on and on and on. I'd like to see this over. We keep rolling stuff up and putting it off and putting it off. And we need to make a decision.

Council Member Fenner stated and that's exactly what I'm trying to do is to make a decision Bill...

Council Member Voyles stated Well...

Council Member Fenner stated I mean, let me ask you again, you haven't been in agreement fact that we need that report to make this discussion? Hm, Hm,

Council Member Voyles stated I believe if two prosecutors, two prosecutors say theres nothing there. I don't see there, who am I to judge, if you got two prosecutors they say theres nothing there, who am I to say their wrong and I'm smarter than them, I'm not. I don't know the law, but...

Council Member Fenner stated that wasn't my question.

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Council Member Voyles stated I'd like to see it over period. I mean thats just my opinion. So I thought I'd speak it.

Council Member Fenner stated I'd like to make a motion that we except applications for the position of Chief of Police and Chief Kinder is welcome to apply for that position.

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

Council Member Alexander stated I'll second.

President Eddings stated motion made and seconded. Any futher discussion?

Council Vice President Broady stated were gonna take applications for the Chief of Police. Chief Kinder can apply just like everyone else.

Council Member Alexander stated well I mean his contract ended I don't think it should be anything left out. I mean, we waited till November. I mean if the majority would like to retain the contract, I think it should of been done six months ago or three or four months ago when it was presented. And I apparently theres some questions out there and just for the fact that he may retain the job I'd like to have something in case a majority decided he won't retain the job. I mean...

Council Member Voyles stated shouldn't the motion be the first motion be about Mr. Kinder shouldn't the first motion be done except him for another two years.

Council Member Fenner stated you had six months to make that motion and you didn't. So I'm making another motion.

Council Member Voyles stated go right ahead...

President Eddings stated any futher discussion? All those in favor signify by saying I, I oppose nay, Nay. Do you abstain?

Council Vice President Broady stated I'm still a little confused here. What, I mean just of all, what was the motion on the floor?

Chief Deputy Shelton stated to except applications.

Council Vice President Broady stated I don't like to come up with stuff all of a sudden and do this with out talking to everybody. I just think its ridiculous. I don't know how we got off on this subject in the first place. I'm not, if you want to take applications that's fine, I'll go ahead vote yes. Take applications.

President Eddings stated is it tied 2 to 2, I got to vote yet.

Council Vice President Broady stated that's a majority.

Chief Deputy Shelton stated yes.

Council Vice President Broady stated my vote is yes thats a majority.

Chief Deputy Shelton stated that's a majority. Three I's one nay.

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President Eddings stated will be taking applications. Anything else Gary?

Council Member Fenner stated No.

President Eddings stated Bill.

COUNCIL MEMBER WILLIAM VOYLES ADDRESS COUNCIL.

Council Member Voyles stated yeah, I got a few things, the one thing a gentleman called me who lives on Oak St., and there building some apartments by him, or they got them completed. And theres an alley that runs behind his home and, ah he came up and asked me to take a look at it, and I feel like we should put either a sign saying dead end because he constantly having people park across his drive way where he can't get out and if were doing alleys, and this alley has apparently has no name. You talking, I'm talking about Gary Harbin, this alley apparently has no name.

Council Member Alexander stated some alleys can't have actual names.

Council Member Voyles stated yea, but it's in dier need of repair. There also a drainage ditch or a drainage pipe thats clogged thats need to be cleaned out. And I think he has a legitimate grip I think either we need to have the contractor put poles across the end of that alley where it goes into that guys yard to, into the apartment yard with poles, some type of poles, because its no street it goes into the apartment and theres grass and the guys planted grass there. For his apartment he goes right up and people are driving right through the yard and pretty soon when it rains theres gonna be...

Council Member Alexander stated No, No.

Council Member Voyles stated so what are you gonna do?

Council Member Alexander stated why didn't you call me on this?

Council Member Voyles stated you were out there, you went out to see him.

Council Member Alexander stated I went, I saw him right.

Mr. Harbin stated I asked you a question and you walked away, that's why I called Mr. Voyles.

Council Member Alexander stated Oh I'm sorry, I mean I wasn't there to meet you, but your question again when I talked you was pretty clear I mean I gave you an answer.

Mr. Harbin stated No, you gave me an answer

Council Member Alexander stated right.

Mr. Harbin stated that's not what I was asking. And I apologize to everyone for making a fool of myself I'm not that way I'm a friendly person, but when I ask something I expect to be answered I don't expect somebody to walk away and not answer or talk to me. And that's exactly what he did so that's why I called Mr. Voyles. I've called Dave Kinder and I appreciate him sitting and talking to me on the phone and telling me what to do. I don't want to call him all the time. People coming in there they park they block the alley I don't want to call him, they got stuff to do. Besides coming out there and asking somebody to move.

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All I'm doing is asking a simply thing to take and block the alley off its not gonna be a road block it off, put a sign up there. Thats a simple request.

Council Member Voyles stated a sign will do it.

Council Member Alexander stated dead end.

Council Member Voyles stated dead end, dead end sign.

Council Member Alexander stated we can put one up ther most of the residents know, and I'll give you some history now. Anytime you run into a problem like this please feel free to call me and converse with me I've had meeting's with the residents on Oak St.

Mr. Harbin stated I've talked to you, I couldn't get nothing from you.

Council Member Alexander stated no you didn't get what you wanted clarify your saying I walked away from you no that wasn't what I did, I told you what was gonna happen if you didn't get what you wanted form me.

Mr. Harbin stated the thing about it is what you did was walked away, I've got to talk to Bobby I put it in my mind right then who's the hell is Bobby...

Council Member Alexander stated Bob right.

Mr. Harbin stated is he the mayor do you have to let him make decision for you...

Council Member Alexander stated I won't even get into that. I mean you can go off on your tantrum all you want ok, I'm not even gonna get into that. I went to him with a problem with the packer going down and turning around in his facility. I had a appointment with Mr. Missi ok I did not have an appointment with you, but I did make time to converse with you for all most 10 minutes.

Mr. Harbin stated You didn't talk to me you walked away.

Council Member Alexander stated I...

Mr. Harbin stated Lighting strike me dead right here...

Council Member Alexander stated again, again to give you information that goes with what is going on ok most of the people blocking the alley were utility...

Mr. Harbin stated Wrong...

Council Member Alexander stated Indiana Gas, Mr. Missf did block the alley at the beginning of construction he had his vehicles there. Mr. Harbin son...

Mr. Harbin stated Harbin...

Council Member Alexander stated excuse me sir, I am on the council and I will finish talking.

Mr. Harbin stated I am a voter...

Council Member Alexander stated can I have him brought to order please...

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President Eddings stated were gonna bring it all to order.

Council Member Alexander stated I would like to finish the situation...

Mr. Harbin stated you go ahead and finish them I'd like to tell you something.

President Eddings stated all right were gonna bring it to order here Bill do you have a motion you'd like to make.

Council Member Voyles stated I'd like to make a motion we put up a, I think just putting up a sign. Just a simply sign dead end would suffice. Ah, no thur traffic something like that, so people know that they can't drive and go through the apartments. That's all it would take. I really believe a sign would do the job. I'd like to make a motion we put a dead end sign on the alley.

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

Council Member Alexander stated I mean the alley has been like that...

Attorney McCall stated we have a motion on the floor guys.

President Eddings stated motion...

Council Vice President Broady stated I'll seconded.

President Eddings stated motion made and seconded any futher discussion?

Mr. Harbin stated can I say one more thing?

President Eddings stated go ahead.

Mr. Harbin stated ok, he says he talked to Mr. Missi, Mr. Missi says he hasn't blocked the alley it's all utility ok, let me ask you this are you down there 7, 8, 9, 10:00 at night? Thats when people come in there and they park and they block the alley and I call Dave and his guys and thats what aggravates me. I'm a nice person I'm the nicest person you'd ever want to meet.

Council Member Alexander stated I'd like to call the vote. I'd like to call the vote.

President Eddings stated ok, we got, we got a call for a vote. Are those in favor signify by saying I, I's oppose nay, I's have it.

Mr. Harbin stated Thank You.

President Eddings stated anything else Bill?

Council Member Voyles stated that's all I have.

President Eddings stated Perry.

Attorney McCall stated nothing.

President Eddings stated Ken.

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KENNETH ALEXANDER ADDRESSES COUNCIL/PLANNING BOARD.

Council Member Alexander stated the only thing I have is on the, from the planning board. Which I am affiliated with, I'll have to abstain.

President Eddings stated ok, I've got a ordinance #97...

Council Member Alexander stated let Perry renew that.

President Eddings stated you want him to renew it first?

Council Alexander stated no, just have him read over it. It's an exact replica of it.

President Eddings stated do we go ahead and call on it?

Attorney McCall stated get a number.

President Eddings stated ok It's got ordinance #97.

Chief Deputy Shelton stated a new one ordinance 97-677.

President Eddings stated 677 I have an ordinance #97-677 has to do with the rezoning if the two plots of land showed on plot book plan page 70 ah, the request is to be changed from R 1 to R 2 zoning by recommendation of the planning commissioner's board to grant the zoning. So I'll entertain a motion to adopt, consider ordinance #97-677 on the first reading.

Council Vice President Broady stated I make a motion to consider ordinance #97-677 on the first reading.

President Eddings stated I have a motion do I have a second.

Council Member Fenner stated I'll seconded.

President Eddings stated any futher discussion, if not allthose in favor signfy by saying I, I oppose nay I's have it.

Council Member Alexander stated I'll abstain.

Attorney McCall stated you have to vote on that part.

President Eddings stated you have to vote on considering...

Council Member Alexander stated ok, yes

President Eddings stated 5.0 I entertain a motion to adopt ordinance #97-677.

Council Vice President Broady stated I make a motion we adopt ordinance #97-677

President Eddings stated motion made by Dave, do I have a second.

Council Member Voyles stated I'll second.

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President Eddings stated second by Bill do I have any futher discussion. If not all those in favor signify by saying I, oppose nay I's have it.

Council Member Alexander stated I'll abstain on that.

President Eddings stated do we have original somewhere or...

Attorney McCall stated we can use any of them.

Council Member Alexander stated Yeah.

President Eddings stated do you want me to write or type...

Attorney McCall stated just put #97-677.

President Eddings stated anything else Ken?

Council Member Alexander stated No.

PRESIDENT EDDINGS ADDRESSES COUNCIL ON A COUPLE OF ISSUES/I.U.R.C.

President Eddings stated ok, I got a couple of issues. Back in February, February 10th we had rate studies done on the water department. Looking at trying to get out of the I.U.R.C. or even if we stay in the I.U.R.C. We need to have a rate study see were we stood on our rates. And where we were going to have to be at to have to maintain the water dept. The rate study itself, the bill for the rate study from H.J. Umbaugh an Associates was \$4,500.00, which we all agreed to back in February to uh...

Attorney McCall stated uh, you asked me if I had anything and I really didn't until you brought that topic up. As you indicated before, it's the desire of the town council to seek an increase in the water rates with in I.U.R.C. its part of the cost its going to be associated with that. Of course this is part of that study thats going to be Umbaugh Associates we need to a town council you do as a town council hire bond council you have always dealt with Ice, Miller, Doniato and Ryan then you need to obtain a rate council.

President Eddings stated right.

Attorney McCall stated and the cost of Ice, Doniato and Ryan are going to be any were between 15,000 to 20,000 the cost of rate council which your going to have to have in this particular case is going to probably be 12 to 15 depends upon how much there going to be involved with the I.U.R.C. there also going to have John Toombs, John Toombs and Lanz doing the specifecation to the plans along with Umbaugh and Associates. Were taking about 60, 70, \$80,000 with expenses, just associated with those things. But you need to authorize me to engage those councils. Patty Zellmer has always done, Isom has always done your bond and these rate council is gonna be a new expenditure for you, that you haven't had in the past. So if I can get some feed back on that today, I can finalize with those people.

President Eddings stated ok, thats something we can get with you with. Just letting us know what to expect.

Attorney McCall stated your going to have those.

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President Eddings stated alright, anyway the voucher for the rate study was 4,500.00 I'll entertain a motion to pay the voucher.

Council Member Alexander stated I make a motion to pay the voucher.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion? If not all those in favor signify by saying I, I, oppose nay I's have it. Ok I got two certified letters, here one has to do with an increase on the yard waste for the Clark County Landfill. I think we expected that and budgeted for it in the 1998 budget. We first need to make sure this gets posted in the town hal. The other is a certified lettler from the Indiana Department of Conservation Soil, or whatever it is. Anyway its the permits for the Lakeside project. Whats that called? No.

Council Member Fenner stated erosion control.

President Eddings stated erosion contro, those need to be filed. The last thing I have is a, heres a stamp letter to put the check in. Is, we are preceding with going in front of the I.U.R.C. and Embaugh and Associates will be representing us on the financial side and I have a agreement with Umbaugh and Associates that details out their part in the program before the hearings. Its the filing, the accounting reports, financial advisory services, offical statement of offering the entire ball of wax.

Attorney McCall stated both the rate study and the bond issue.

President Eddings stated all right, it looks like the accounting fees with services to be rendered for the town will be not less than 10,000.00 and not exceed 13,000.00. For the accounting fees, the filing fees will be not less than 4,000.00 but will not exceed 7,000.00. The apparentive bond reports the fees for that would be, should be 4,500.00. The accountants fees for services and expenses connected with these services to be rendered to the town, shall be 3,000.00 and a sale of bond fees or the bond application, the sell of bond fees shall be not less than 6,500.00 but not more than 8,500.00. Those are the fees that would be in the contract with Umbaugh and Associates. This is a standard contract for their representation of the town of Sellersburg in the I.U.R.C. hearing.

Council Member Alexander stated I make a motion we approve the contract.

President Eddings stated I have a motion on the floor to approve the contract. Do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any futher discussion?

Mrs. Diefenbach stated how much does that total?

President Eddings stated anybody got a calculator, I can give you a range. Its low side 10 high side 13 on the first one. Low side 4 high side 7 on the 2nd one, 4,500.00 plus 3,000.00, 6,500.00 lowside 8,500.00 high side.

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Council Member Fenner stated what was the last one.

Attorney McCall stated about 35,000.00.

Council Member Voyles stated 35 to 37.

President Eddings stated 6,500.00 low.

Council Member Alexander stated some of that cost will be put in to the bond correct?

Attorney McCall stated yes it includes bond issue also. But that doesn't include your bond council.

President Eddings stated council, plus the attorney fees, basically its all the accounting fees.

Council Member Fenner stated between 28,000.00 and 37,000.00 is what I figured.

Council Member Alexander stated and the difference between this and what was used as an example is the water tower over Servend. The water tower over at Servend was a much smaller bond it didn't require, I know it was compare through when we went through the I.U.R.C. thing about the low cost and so forth.

President Eddings stated ok...

Council Member Fenner stated these fees plus the ones Perry was talking about for the attorneys which is gonna be substantial as well.

Attorney McCall stated the rate council attorneys and the bond council attorneys, then theres gonna be engineering and then you got accounting here which is gonna be...

President Eddings stated any futher discussion? Are those in favor signify by saying I, I's oppose nay I's have it. Do we need to sign all 5 contracts. Ok, will do that after the meeting don't nobody run off. We got to sign 5 copies of the contract. Ah, Linda or ah, Cindy?

Chief Deputy Shelton stated I need to present these bills to be approved.

President Eddings stated everybodys got a copy of these bills in their mail boxes, and had time to renew them. I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second.

President Eddings stated seconded by Gary, any discussion if not all those in favor signify by saying I, oppose nay I's have it. I'll entertain a motion to adjourn the meeting.

Chief Deputy Shelton stated I had a few more things.

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President Eddings stated oh, I'm sorry.

Chief Deputy Shelton stated thats are right, I don't like it.

President Eddings stated usually we do bills very last.

Chief Deputy Shelton stated I didn't know ok, this is a annual renewal of the towns Insurance it's a contract, this is to make the payments on that. She needs that, she needs you to have the authority to sign that.

President Eddings stated I'll entertain a motion to, for me to sign the premium finace agreement for the town of Sellersburg.

Council Member Alexander stated I'll make that motion.

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

Council Vice President Broady stated I'll second.

President Eddings stated second by Dave, any discussion?

Council Vice President Broady stated what is it?

Council Member Alexander stated it's the renewal.

Council Vice President Broady stated I didn't hear what it was.

President Eddings stated any futher discussion? If not all those in favor signify by saying I oppose nay I's have it.

Chief Deputy Shelton stated keep going, this is the break down of that bill for the first payment and theres 3 vouchers here she needs you to sign or approve to pay it.

Council Member Alexander stated we get a voucher even though we've approved. Because we won't...

President Eddings stated we just approved to pay it, hadn't we just signed it?

Council Member Alexander stated unless theres a different route she went.

Chief Deputy Shelton stated it was annual it was a payment as she explained it to me. I really don't know alot about it. She said you needed to approve to renew the contract, then for you to sign it and approve the bill.

President Eddings stated will do we need vote to approve this again?

Attorney McCall stated just vote to approve it, the bill submitted by the Clerk Treasurer.

President Eddings stated I'll entertain a motion to approve the voucher submitted by Clerk Treasurer for the thing we just signed...

Attorney McCall stated Insurance premiums for the town.

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President Eddings stated Insurance Premiums.

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.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, oppose nay I's have it.

Council Member Alexander stated you can talk.

Chief Deputy Shelton stated ok, this is a different premium. This for the insurance for the police cars that were exchanged she does need you to sign that to pay the bill.

President Eddings stated I'll entertain a motion to pay the voucher for premium difference on the police cars that were obtained of 213.00.

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.

President Eddings stated seconded by Gary any futher discussion, if not all those in favor signify by saying I, oppose nay I's have it.

Chief Deputy Shelton stated I'm done.

President Eddings stated is that it, ok one last item we need to form a committee that concerns the cross walk issue at the St. Pauls school. Gave has voluntered to be on the committee, was there anybody else out there would want to participate and be on the committee with some other representatives to discuss.

Council Vice President Broady stated I think, what I had in mind was just 2 of the town board members, talk to them and try to form something.

Council Member Alexander stated I'd like to be the 2nd if I could or at least...

President Eddings stated does anybody else have a problem, Dave you and Ken. Does anybody else have anything tonight? I'll entertain a motion to close the meeting.

Council Member Alexander stated I'll make a motion we adjourn.

President Eddings stated motion on the floor to adjourn do I have a second?

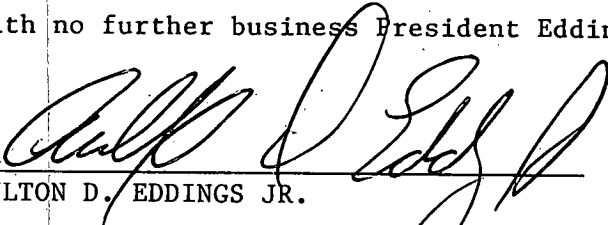
Council Member Voyles stated I'll second.

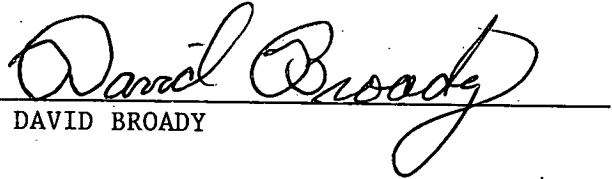
President Eddings stated second by Bill any discussion if not all those in favor signigy by saying I oppose nay I's have it, meeting adjourned.

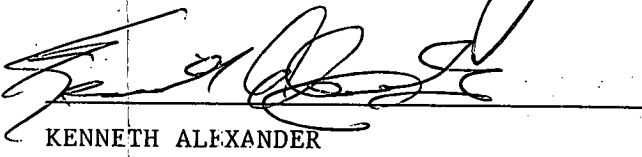
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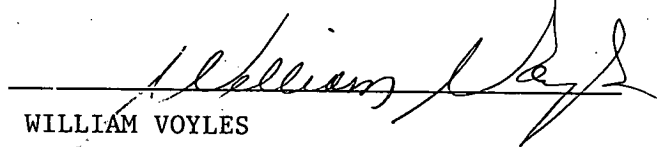
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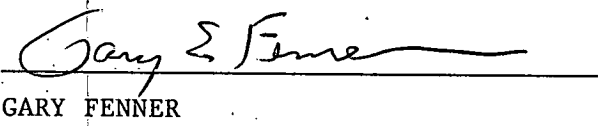
With no further business President Eddings adjourned the regular meeting at 7:30 p.m.

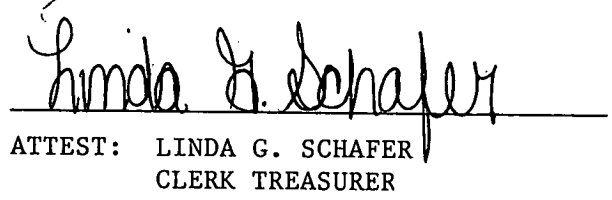

AULTON D. EDDINGS JR.


DAVID BROADY


KENNETH ALEXANDER


WILLIAM VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

OCTOBER 13, 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 arriving late; with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order


President Eddings called the executive session to order at 6:01 p.m.

Topics Of Discussion


John Toombs/Belinda Bartley/Storm Sewer Plan.
Chief Kinder/Parking Problem/Annexation
William McCall/Annexation
Ken Alexander/Ivy Tech
Chief Deputy Shelton/Application for Chief/H. J. Umbaugh.

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:17 p.m.



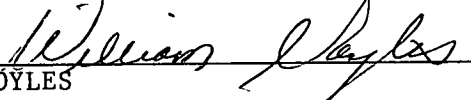
AULTON D. EDDINGS JR.



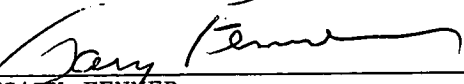
DAVID BROADY



KENNETH ALEXANDER



WILLIAM VOYLES



GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 13, 1997

Regular Meeting

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

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.

President Eddings stated ok, first on the agenda tonight is Ms. Ellen Meyer here. OK, I'd like for you to go ahead.

ELLEN MEYER ADDRESS THE COUNCIL CONCERNING DRAINAGE.

Ms. Meyer stated I live at North Forrest Dr. theres a drainage ditch that the town put in to control some of the water, that runs up the side of North and South Forrest and the ditch is falling apart and holes are developing beyond that, the water runs through there, large enough holes that somebody could step in and break an ankle...

President Eddings stated Ok...

Council Member Voyles stated the holes are like up in here and there right in the middle blocking her yard. Apparently where the pipe has a hole and the water and the mud goes down and...

Council Member Alexander stated is this down by your house?

Council Member Voyles stated yea, its right across the street.

Council Member Alexander stated ok, we've looked at it.

Council Member Voyles stated its by her yard.

Council Member Alexander stated right, right, we've looked at it, there is some small catch basins that we are doing this year. It is one that is on our list as far as needs to be takin care of, will look in at, since we've been over there so much here lately. We noticed it and it definitely needs to be taken care of.

Ms. Meyer stated I know the kids stand close to it waiting on the bus. And I'm concerned about them stepping in it, spranking their ankle.

Council Member Alexander stated right...

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Ms. Meyer stated also going the other way, is there anyway that pipe can be cleaned out that runs through there because the water is deteriorating through there and my drive. The water runs through over top that pipe, that I suppose is clogged. If the water is deteriorating this also my drive is gonna cave in I'm gonna have to have something done to...

Council Member Alexander stated right, we'll look at it, when we get ready to put it will have to have a new design, because how the water is coming above the ground, plus under the ground during the big rain, and thats what was washing it away from the catch basin. Well, we say it and we put it on there, I mean I don't know how speedy will be with it. But we, it is there. If you do see any large holes though, please let us know. We say...

Council Member Voyles stated about as big as a basketball and probably two feet deep 2½ feet deep in her yard.

Council Member Alexander Ok.

President Eddings stated thank you.

Ms. Meyer stated thank you.

President Eddings stated ok, John Walton.

JOHN WALTON ADDRESS THE COUNCIL CONCERNING A SEWER ADJUSTMENT FOR A LEAK.

Mr. Walton stated yes I was wanting to request an adjustment on the sewer portion of my water bill, I had a water leak in my home and it was discovered on August 12th and repaired on August 13th.

President Eddings stated you got copies of the bills.

Mr. Walton stated Yes.

President Eddings stated I'll entertain a motion to make a sewer adjustment on John Walton at 1711 Twinbrook Drive. I got the bill here from the plumber where it has been paid.

Council Member 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 second by Bill, any futher discussion.

Council Member Voyles are you aware of this Joe?

Mr. Georgen stated yes.

President Eddings stated all those in favor signify by saying I, I oppose nay I's have it. I'll give this to Joe and he'll take care of the adjustment. Thanks John. Ok Lee Belcher.

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LEE BELCHER ADDRESS THE COUNCIL MEMBERS WITH A REQUEST FOR A TAX ABATEMENT.

Mr. Belcher stated I'm here to ask for a Tax abatement for my business off of Bean Rd.

Council Member Voyles stated Bean Rd.

Mr. Belcher stated I'm sure of the exact road its pretty new yet.

President Eddings stated this is in the district, that's already been classified.

Town Attorney Mr. McCall stated revitalization.

President Eddings stated yea district, its already been classified, all we need to do is get the proper paper work filled out.

Mr. Belcher stated do I get something from you guys?

President Eddings stated ah, I think its the assessor office where you get the application.

Mr. Belcher stated which would be, where...

Attorney McCall stated Jeffersonville.

President Eddings stated Jeffersonville at the court house.

Attorney McCall stated the county building.

Mr. Belcher stated and send it, the instructions are on there.

President Eddings stated yeah, and they'll send it back to here, and will sign off. And you'll be on your way.

Mr. Belcher stated thank you very much.

President Eddings stated ok, Is David Frankie here. All right, Belinda and George. John is gonna make our presentation or our purposal to you.

GEORGE GESENHUES/BELINDA BARTLEY ADDRESS THE COUNCIL CONCERNING THE DRAINAGE PROBLEM.

Mr. Toombs stated I have several copies, so everybody can have one. Ah, what you all ask me to do was to design a ditch across the back of, through her property to convey the water from the flow of water from over here and as shallow as possible and then put a pipe in it. So they could get from the front to the back part of the yard, and that's what I've done. This is the same drawing we had before with all the other variations and what this would be, very flat sided type design where the thing might be two feet deep in the middle which would be, that deep and go back on a very flat slope 3 to 1 which would be a like 6 ft. up that way on a slope. And its all down hill.

President Eddings stated it would all be a new ditch all cleaned out.

Mr. Toombs stated Yes.

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President Eddings stated there would be two pipes that would be put in that you could go over, drive over two sections.

Mr. Toombs stated two sections, it comes in 4 ft. sections pushed together, and 8 ft. sections. So we can put enough pipe in so we can cover it up with dirt.

President Eddings stated right...

Mr. Toombs stated and I choose to put it up towards the rear of Villa Dr. block, that's the shortest distance from the street.

Mr. Gesenhues stated so that pipe would be buried.

Mr. Toombs stated No, No, not actually the pipe would be set at the end part of the ditch, which would be like there. The top of the pipe would stick out up above the surrounding yard at that part, then earth over the top of it.

Ms. Bartley stated would the pipe run the whole length.

Mr. Toombs stated No.

Ms. Bartley stated the pipe runs through here.

Mr. Toombs stated just till the green thing, which would be about 15 ft. long.

President Eddings stated big enough to get a lawn tractor across or whatever, if you wanna take care of the other side.

Ms. Bartley stated if your gonna dig a ditch why don't you go the perimeter of the property, its not gonna be a 100 ft. longer going all the way through like that, than going just the 45 ft. around the perimeter of the property. Extend this pipe or this ditch up here and then go around the perimeter and let me have that, let me take care of that like a yard and have it nice instead of having a ditch running through it.

President Eddings stated I think that's because that's the natural flow of where the water gonna flow. If you want all the way back it starts going up hill at that point your gonna have a natural flow.

Ms. Bartley stated that's what heavy equipment is for.

President Eddings stated you talking about moving several, several tons of earth.

Mr. Gesenhues stated did you take a look at the cost on that?

President Eddings stated No, this is the only thing were looking at as far as what were gonna be able to do financially.

Mr. Toombs stated well there is another problem with that to, this is naturally the lowest part of the yard. This yard goes up here this way and uphill that way so if you just dug a ditch back here this would still be low.

Mr. Gesenhues stated right.

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Ms. Bartley stated not if you take what you dig and put it in there and spread it out.

Mr. Toombs stated regrade the whole yard.

Ms. Bartley stated not the whole yard, just what you all damaged.

Mr. Gesenhues stated how much, what's your assessment in, how much digging this is and what, at the time you filled in the dry pond.

Mr. Toombs stated how much different will it be?

Mr. Gesenhues stated isn't that essentially what was there?

Mr. Toombs stated It'll cut down where its been filled about a foot and a half in place.

Mr. Gesenhues stated filled since when.

Mr. Toombs stated since the time I orginial put this pipe in, and cleaned the ditch all the way to the creek.

Mr. Gesenhues stated you want to put it back basically the way it was.

Mr. Toombs stated No, your speaking on what I want to do this is what the board and I discussed and this is what the board and I discussed and this is what they agreed to do.

Mr. Gesenhues ok, then my question is, your, if this plan is implemented it would it, back basically the way it was, when the dry pond was filled in.

Mr. Toombs stated no, it would be better than that.

Mr. Gesenhues stated in what way?

Mr. Toombs stated the ditch would be cleaned out over a long period of years this ditch has been filled in.

Mr. Gesenhues stated right, the period of years since the dry pond was filled in.

Mr. Toombs stated no sir I mean since 1981.

Mr. Gesenhues stated well...

Mr. Toombs stated I was there the day they built the pond in the first place.

Mr. Gesenhues stated yes...

Ms. Bartley stated when was that?

Mr. Toombs stated 1981.

Ms. Bartley stated they built the dry pond in 1981.

Mr. Toombs stated hm, hm, I was the engineer.

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Council Member Fenner stated and did you also do the ditch at that time John?

Mr. Toombs stated these two drained fine, there has always been a ditch coming through there and a piece of pipe we just made it better.

Ms. Bartley stated so you, putting that dry take in and forcing this water through made a ditch in there.

Mr. Toombs stated no mam, there was already a ditch there.

Ms. Bartley stated you just said there wasn't already a ditch there.

Mr. Toombs stated I didn't say that.

Council Member Feener stated No...

Council Member Voyles stated No...

Mr. Toombs stated I asked if they had worked on the ditch when they put the pond in.

Ms. Bartley stated the only time that ditch was dug out when I told you the town council voted for some wine they would dig it out. That's the only time that ditch has been dug out. There's never been a ditch as such.

Council Member Fenner stated do you know when that was?

Mr. Toombs stated that's not true, that's absolutely not true.

Ms. Bartley stated why didn't you get an easement when you made that original ditch.

Mr. Toombs stated there was already a ditch there.

Ms. Bartley stated there couldn't of been, I've got pictures of when there wasn't a ditch there.

Mr. Toombs stated so do I.

Ms. Bartley stated so put the ditch in.

Mr. Toombs stated I've got pictures that show all the ditch going all the way through there way back before 1981.

Ms. Bartley stated ok I'd like to see them.

President Eddings stated anyway at this point this is gonna be our proposal. So...

Mr. Toombs stated I just tryin to get a little better feel for it than if that's the proposal, how that differs from what it looked like when you filled the dry pond in. If it takes us...

Mr. Gesenhues stated back to there, then what is there to lead us to believe that from there once you clean it out your not gonna get right back to where this pictures show you are now. That's basically what we had when you filled the dry pond in. Correct me if I'm wrong.

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Mr. Toombs stated 1981 there was a ditch that ran through, all the way through this property up to this piece of property, we ran a pipe down through here.

Mr. Gesenhues stated ok.

Mr. Toombs stated water ran just fine now wait a minute, when I came back and filled up this lot this had repeatedly been filled up with materials so that the end of this pipe was buried under about this much stuff. So now that we've removed all that, and if we clean this ditch out, the water will run find, unimpeded.

Mr. Gesenhues stated and your confident of that.

Mr. Toombs stated absolutely.

Mr. Gesenhues stated how does this differ from your plans, your purposed plans to bury the pipe.

Mr. Toombs stated to bury the pipe.

Mr. Gesenhues stated no, I was under the impression that, its a ditch all the way with a pipe you can drive across.

Mr. Toombs stated you talking about that drawing right here.

Mr. Gesenhues stated Yes.

Mr. Toombs stated that is a new pipe.

Mr. Gesenhues stated and the ditch is a little deeper and how does it compare in terms to, of the ability of getting the water across.

Mr. Toombs stated this is excellent.

Mr. Gesenhues stated better than this.

Mr. Toombs stated at least as good.

Mr. Gesenhues stated the reason why, you didn't purpose it then.

Mr. Toombs stated because I wasn't asked to.

President Eddings stated and that's gonna be alot more expensive.

Mr. Gesenhues stated if it's alot more expensive and it's equivalent. I'm trying to get it, this plan in the first place.

Mr. Toombs stated it wasn't purposed by these gentleman.

Mr. Gesenhues stated I'm asking you as their engineer, at one point you told them this was the way to do it, now your telling me...

Mr. Toombs stated I didn't say that.

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Mr. Gesenhues stated the way to do it...

Mr. Toombs stated I said a way to do it.

Mr. Gesenhues stated as oppose to this.

Council Member Broady stated Mr. President I think we made our offer, ah this is not a court of law...

Council Member Fenner stated that's right.

President Eddings stated thats our offer.

Council Member Voyles stated you have 5 minutes.

Mr. Gesenhues stated Pardon.

Council Member Voyles stated you had 5 minutes.

Mr. Gesenhues stated I have 5 minutes.

President Eddings stated were not gaining anything here.

Council Member Alexander stated I don't see what were gaining either.

Council Member Broady stated were not, by arguing.

Mr. Gesenhues stated when we left last time, you told us you were gonna take a look at what it would cost to do the perimeter and then it turns out you haven't done that at all.

President Eddings stated we have done that.

Mr. Toombs stated they did look at it.

President Eddings stated we looked at it, we had a meeting the perimeter is out of the question. It runs up hill on both sides, way to much.

Mr. Gesenhues stated I understand you told the engineer to do this.

Council Member Fenner stated we discussed it.

President Eddings stated this is what we were told.

Mr. Gesenhues stated what is the cost?

Mr. Toombs stated 22, thats...

Mr. Gesenhues stated uh, yea.

Mr. Toombs stated we just know what were doing here is gonna solve the problem and cost less that go back across the perimeter instead of having a foot and half ditch, its wide enough you can mow across it, back there when theelevation could be so wide when any kind at all your gonna be, now stop and think what that'll look like, I mean it just wasn't a

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reasonable thing to do, and I'm trying to tell you, the other one you had in your possession is the pipe drawn out, we did to see if it needed to be there. We just don't have the money to do that.

Mr. Gesenhues stated this will solve the problem.

Mr. Toombs stated this will solve the problem.

Mr. Gesenhues stated ok, and again for Belinda benefit, that is the deepest point the bottom of the ditch is approximately 2 feet in depth from the high point of the grade is that right.

Mr. Toombs stated I believe so.

Mr. Gesenhues stated you'll bury it depending on where your at in the yard from the maximun, how much.

Mr. Toombs stated right here, will be approximately 2 ft. deep, right in here will be less deep than that, thats 2 feet from here to there. Right here it will be 2 feet deep on one side, less than that on the other, less than 2 feet from here to there. Exactly 2 feet deep.

President Eddings stated so it look likes it will be less than 3 feet deep.

Mr. Gesenhues stated less than 3 feet.

President Eddings stated that's what he's saying its 2 feet on everyone of those elevation, just to be safe he's saying less than 3 feet deep,

Mr. Gesenhues stated and, from the old pond ditch to the top of the ditch is a 3 slope.

Mr. Toombs stated that will depend specifically were you are. I go out 5 feet on one side or the other one place it will go out 8 feet 6, then 6, 6, then here 6 and 6 and then I leveled it off.

Mr. Gesenhues stated will it be grass surface, sodded, seeded or...

Mr. Toombs stated I don't think we ever talked about that, ordinarily its seeded.

President Eddings stated seeded yea.

Ms. Bartley stated then I'm right back to where I am. It's gonna fill in and I'm right back where I am and now, your only repelling this water in to my property.

Mr. Gesenhues stated but your saying it won't fill back up, by your accessment of that at least...

President Eddings stated I don't know I got one beside my house and its never been, its still fine, its a drainage easement right down through Celeste Way, its been there for...

Council Member Fenner some up...

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President Eddings stated it gets dry, it get wet then you don't cut it, when it dries up we cut it.

Ms. Bartley stated the towns gonna maintain that.

Mr. Gesenhues stated I would like to mention people she wouldn't be here she's not here because she likes to argue with people and likes to keep coming back and before the dry pond was filled in she didn't have this problem.

Attorney McCall stated I don't think the engineer, thinks that's the cause of the problem. I think it...

Mr. Gesenhues stated still...

Attorney McCall stated beyond the town council repeatly that filling in the dry pond caused that problem down there.

Ms. Bartley stated well, what caused it, it wasn't there before you all filled it in.

Mr. Gesenhues stated your purposal is to do this and maintain it.

President Eddings stated for the easement, we have to have the easement to maintain it, we get the easement we'll maintain it.

Mr. Gesenhues stated it is true you want us to give you an easement in order before...

President Eddings stated before we will maintain it.

Mr. Gesenhues stated your asking or suggesting.

President Eddings stated its a condition.

Mr. Gesenhues stated is one of this copies extra?

Council Member Alexander stated this won't be something where we mow grass, I mean I don't want anybody to think were gonna be mowing grass on this easement. Were not gonna be mowing grass on this easement. It's a natural easement as far as mowing.

Ms. Bartley stated your not gonna mow the grass.

Council Member Alexander stated No.

Ms. Bartley stated so its gonna be the same as the way it looks now.

Council Member Alexander stated No, the limbs and leaves and everything in the middle of it will be gone.

Mr. Toombs stated you'll be able to mow it.

Council Member Alexander stated right.

Attorney McCall stated then will have to also be by giving you this purposal to you if you except the purposal, there's gonna be some consideration going the other way by having any potential claims.

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Mr. Gesenhues stated this will work.

Attorney McCall stated if this work, of course if it does, then she comes back with another problem out there, that she says, by doing this they don't believe this is their.

Mr. Gesenhues stated of course they do.

Ms. Bartley stated sure they don't.

Attorney McCall stated and they have reason for that.

Mr. Gesenhues stated I think there has been.

Mrs. Bartley stated they said...

Mr. Gesenhues stated they haven't said, nobody has told us that before. By filling that pond in, you said existed, you say that's the origination of the problem.

President Eddings stated Yes.

Mr. Gesenhues stated the engineer says that's not the origination of the problem, that did not cause the situation that exists down there now.

President Eddings stated that's where there's a difference of opinion.

Mr. Toombs stated I think you filled in your yard.

Ms. Bartley I filled in the yard, and what would I benefit from that.

Council Member Alexander stated I'd like to add one more thing. I think we've touched on this enough is, I mean I don't want you leaving the room thinking this 100% cured ok, It's a 100% cured on normal conditions. You get a 10 in. rain in an hour. Ok I mean were kinda all most having to pen point everything down to solid rock here. I don't want you all thinking were implying that this will cure the flood of 99 and 2001 right ok, under normal conditions this will be accurate.

Ms. Bartley so if this doesn't work your gonna tell me this aren't normal conditions like you told me last year.

Council Member Alexander stated you know, if the rain record will be there. I think that's enough.

President Eddings stated ok, were gonna...

Mr. Gesenhues stated ok.

President Eddings stated dismiss this now alright Pauline.

PAULINE PIXLEY ADDRESS THE COUNCIL WITH GENERAL QUESTIONS.

Mrs. Pixley stated I've got here ten million name's.

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President Eddings stated ten million.

Mrs. Pixley stated in favor of keeping the chief now I know you all saw my letter in the paper, and I tell you somebodys got some pretty dang gone dirty mouthed friends, that called me after reading this telling me that I don't, and those are just the beginning of them. We still got more out.

President Eddings stated good, Thank You.

Mr. Pixley stated Thank You.

President Eddings stated ok, I think everybody had a copy of the minutes from Sept. 22, meeting in our box and had time to review it, I'll entertain a motion to except the minutes as presented.

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 seconded.

President Eddings stated seconded by Kenny any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Ok EMC.

EMC ADDRESS THE TOWN COUNCIL.

Mr. Georgen stated the report for the last 2 weeks. That's all I have.

President Eddings stated you don't have a voucher this week?

Mr. Georgen stated Yes.

Chief Deputy Shelton stated Yeah.

President Eddings stated I'll entertain a motion to pay the voucher for insufficient funds checks, August sales tax, meter deposits for a total of \$2,669.05.

Council Member Voyles stated I'll make that motion.

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

Mr. Georgen stated I'll second.

President Eddings stated seconded by Gary, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Chief Kinder.

Chief Kinder stated no sir, nothing.

President Eddings stated do we have a report from the building commissioner this week, I guess not Dave.

Council Member Broady I don't have anything. I just would like to relinkish some time for Mrs. Cunningham, ask to be on the agenda, she just wanted to address the council real quick on a matter.

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MRS. CUNNINGHAM ADDRESS THE COUNCIL/DAVID KINDER.

Mrs. Cunningham thank you Mr. Broady on giving me the time today. This is concerning Chief Kinder two weeks ago I came home from a very life changing experience. I attended a funeral for a man who held a strong leadership role. He is responsible for thousands of people. Everyone who new this man including me stated he was truly unique man he was. He was dedicate in. totally helping others. This man was my boss Dr. Red Adams, Superintendent of NAFC school system. Any death is sad however this particularly death stunned everyone who had association with Dr. Adams, school system or the New Albany coummunity. Because Dr. Adams put a gun in his mouth and pulled the trigger. This man was someone who everybody, totally shocked, it shocked everyone who new him. The last person in the world who would ever do something like that. In fact I actually laughed when someone called me about the story of what happened to the Doctor because it was such a ridiculous story. I started thinking what causes a really stable person like Dr. Adams to take such drastic measures. He was purposing a school bond issue for the NAFC school system he was used to critizism, he was not a weak man. The media had been camped out at his office for a week. Trying to find any kind of dirt to twist the issue. They never found anything, but Doctor Adams a true man of integrity, that gave over 30 years to education, couldn't figure out why he was being questioned. The pastor who spoke at his funeral had the best advice that we all needed to hear. You said a new level of stability in public leadership. We must treasure and honor them espically through differences. I'm not an emotional person, I've never come before any kind of board before but I don't ever remember being as shocked or moved as I have been by this senseless death. For I was sadden to say the least, to come home that same evening to sit down and pick up the Leader and read about another important person, another important leader who I felt was obviously being hounded by someone with a grudge. I've only known Chief Kinder for a couple of years but I know enough about him to know that he is a man of integrity. Like Dr. Adams he has dedicated himself to a profession he love all though I may not know all the details of the incident, for which he's been critized. I do know people in leadership positions have to make judgement calls. Sometimes certain factors offer decisions that may not be popular, but under certain circumstances. I believe this is probably the case with this incident. I believe this is porbably the case with this incident. I believe Chief Kinder is an honest and dedicated man doing a very difficult man doing a very difficult job. Chief Kinder is, had a lot of patience and wisdom in dealing with the public. I've been very impressed with him as the town council I believe you will only hurt this community by pursuing this issue. There are many more important issues you should be addressing. So lets stop with what looks like a witch hunt and get on with the towns business. Lets achieve this new stability the minster at the funeral spoke about please. Thank You.

President Eddings stated ok, Thank You, Gary.

Council Member Fenner stated Nothing.

President Eddings stated Bill.

Council Member Voyles stated No, I don't think so.

President Eddings stated Perry.

Attorney McCall stated Nothing.

President Eddings stated Ken.

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KENNETH ALEXANDER ADDRESS THE COUNCIL/ANIMAL CONTROL.

Council Member Alexander stated we have our animal control guy out there.

President Eddings stated No, do we need a report.

Council Member Alexander stated let Mark go first.

President Eddings stated Mark, animal control officer, go ahead.

Mark Robinson stated first of all I'd like to extend my Thank You to the town council. Mr. Kinder and department and citizens of Sellersburg. Everybodys been wonderful to me and I really appreciate it. In the month of September 1997 I responded to 26 calls I've impounded 11 animals, been informed by the Clark County Animal Control Shelter that I've already impounded more animals in one month than all of last year. Two wild animal responses, 3 animal hit by a car, 5 incident reports. Heres a summary sir.

President Eddings stated OK.

Council Member Alexander stated also we got a thank you card in and I would like to share with the rest of the council watching, first month now, been a whole month.

Mr. Robinson stated yes sir.

Council Member Alexander stated he's doing outstanding I wish we could make it full time and benefits and so forth. he definately has the dedication of a full time person.

Mr. Robinson stated Thank You.

Council Member Alexander stated Thanks Mark.

President Eddings stated Kenny, anything else.

Council Member Alexander stated Yes, the Animal Shelter in the past we had a inter-local agreement to pay \$5,000.00 it was with Clarksville, Jeffersonville, and so forth and so on. Going thur the records we have paid it once but we have not been able to find an actual signed copy. The other towns has already complied except for Borden. The money was budgeted and I feel like we owe it. Is there anything we need to do Perry besides vote it through?

Attorney McCall stated you need to vote on it. We need to find an agreement on it.

Council Member Alexander stated we found one but we saw none with...

Attorney McCall stated its \$5,000.00, we didn't pay the fee last year, and they've agreed not to pursue the \$5,000.00 fee of last year. If we pay this fee...

Council Member Alexander stated basically it's for the incinerator.

Attorney McCall stated it's inceneration.

Council Member Alexander stated operating and so forth. So that we have a place to you, know use. Without having our own.

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President Eddings stated alright, I think we ought to pay it myself. I think we ought to get a copy of the agreement, a signed one.

Council Member Alexander stated we got a copy of the agreement that shows everybody's agreement with the community and so forth. But we don't have anything that is actual signed agreement even though Jeffersonville and Clarksville have already submitted theirs.

President Eddings stated ok, and ours is budgeted in anyway.

Council Member Alexander stated ours was budgeted in.

President Eddings stated I'll entertain a motion to pay the \$5,000.00 fee for the animal shelter.

Council Member Alexander stated incinerator fees. I make that motion.

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

Council Member Voyles stated I'll second.

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

Council Member Alexander stated I told them for next year. That we would set and renegotiate I think your even involved already aren't you, as far as getting something hatched out with hopes for the animal control budget. Next, we published bids for a dump truck, they will be excepted from 10-6 through 10-16. Specifications were made available 6 as soon as we get those bids will let you know. And Clark County Compost I'm confused, it was before I came on the board we did sign a five year agreement with Mr. Nickeles, solid waste was picking up the ditching fees, that we were taking up there apparently Mr. Nickeles wants to I guess not honor the contract and start fresh. Pass it down, it basically says we need to call them and make arrangements with him. But before I start making arrangements and so forth and so on we need to see what...

Council Member Fenner stated I got one.

Council Member Alexander stated you got one, as far as how the contracts gonna be done. I have contacted earth first we can take it to Greenville, I do have a quote on that in case were refused up at Mr. Nickeles until this is straightened out. But until the contracts taken care of I mean as far, there is a way out I guess I don't know. weather we wish to be out.

Council Member Broady stated we ought to look at other options.

Council Member Alexander stated I...

Council Member Broady stated we had other options when we signed that before when we decided it was the best way. I still think we ought to look at other options.

Council Member Alexander stated I mean one good thing that will come out of what I talked to Mr. Cristiani at Earth First is when it come time for leaves season. Were no longer mandated to take them to a compost facility. The local farmers want them, they

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would be able to give them to them. Which we haven't been able to...

Council Member Broady stated I still think a possibility contacted through Earth First or someone about a large dumpster to set down at the plant for the larger stuff to take down there. He could give us a good rate or quoted. That may be an option.

Council Member Alexander stated right, the packer is basically only taking 1 load, I mean during this next month will start picking the service up and through the whole month of November we pick up every week, but generally we don't take but 1 load a week. But regardless were gonna have to pay the ton...

Council Member Fenner stated Ken I have a question on that.

Council Member Alexander stated sure.

Council Member Fenner stated I mean according to this letter that he sent us he says the problem is that the Clark County Solid Waste is no longer honoring the contract.

Council Member Alexander stated no, I mean I'm not in depth as far as it goes in but apparently Clark County Solid Waste was paying there was an agreement that they would pay him so much a month or so much a year to even exist. And that was to cover our cost as far as what we took out. Now my understanding is that no longer applies. So now he's no longer able to make money there. So that's why this all come about. We've been looking at the storm drain projects for this year, I think we've come up pretty much with what we can do this year and I'd like to present an ordiance to transfer some funds.

President Eddings stated ok, I got a purposed ordiance dealing with the storm drain problem. Working on some of the storm drain problems. We need to transfer some funds from the LRS account land acquisitions local road construction over to the LRS account and drainage and also a transfer of funds from motor vehicle account pay to culverts to motor vehicles account for a dump truck. I'll entertain...

Attorney McCall stated ordiance number.

President Eddings stated I need an ordiance number?

Chief Deputy Shelton stated 97-677.

Attorney McCall stated 677.

Council Member Broady stated I make a motion.

President Eddings stated we consider.

Council Member Broady stated consider ordiance number 97-677 on the first reading.

President Eddings stated I have a motion do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Kenny, any discussion all those in favor signify by saying I, I oppose nay I's have it. I'll entertain a motion to except ordiance #97-677.

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Council Member Broady stated I also make that motion.

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

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion, if not all those in favor signify by saying I oppose nay I's have it.

Council Member Alexander stated the last thing I have is the Ivy Tech retention pond. We were applying for a grant. I feel like at this time there some more investigation that needs to take place. I'm not saying, I think we need to apply for the grant in as far as the actual, was is this gonna do for us and study it a little more and then if we find that applying, reapply for the grant.

President Eddings stated is that it.

Council Member Alexander stated that's it.

PRESIDENT EDDINGS ADDRESS COUNCIL/JACOBI, TOOMBS, AND LANZ.

President Eddings stated ok I have a couple of invoices here from Jacobi, Toombs, and Lanz, one it to do with the Lakeside Project revenue meeting with the board. Primavera on the plans for Lakeside Project. This invoice is for \$270.00 and I have another invoice for the plans and purposals with the storm drain projects that Kenny is talking about that were fixin from, to start doing some work on. And this invoice is for \$5,070.00. I'll entertain a motion to pay the 2 invoices to Jacobi, Toombs and Lanz.

Council Member Alexander stated I'll make that motion.

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

Council Member Broady stated I'll second.

President Eddings stated second by Dave, any discussion?

Council Member Broady stated on that \$5,000.00 do you have that figured.

Council Member Alexander stated right.

President Eddings stated any futher discussion, if not all those in favor signify by saying I oppose nay I's have it. Ok, Clerk Treasurers report.

CHIEF DEPUTY SHELTON ADDRESS COUNCIL ON/VISION, LETTER FROM RICHARD FAULK, AND BILLS.

Chief Deputy Shelton stated she ask me, to have you sign were wanting to pick up vision again. It's a 100% employee paid. The back page needs a signature.

President Eddings stated right here?

Chief Deputy Shelton stated hm, hm.

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President Eddings stated ok.

Chief Deputy Shelton stated she also got a letter from Richard Faulk about the warranties, where he's been warranting, he's not gonna be doing it anymore.

President Eddings stated ok, drop it and find somebody to, and get prices.

Chief Deputy Shelton stated ok, and the bills.

President Eddings stated everybody has a copy of the bills in their mailbox and had a chance to review them. I'll entertain a motion to pay the bills presented.

Council Member Alexander stated I make a motion to pay the bills as presented.

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

Council Member Voyles stated I'll second.

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

President Eddings stated anybody else have anything else?

COUNCIL MEMBER ALEXANDER ADDRESSES LAKESIDE ESTATES.

Council Member Alexander stated I would like to bring something up since you said Lakeside Estates. When going through Lakeside Estates procedures one thing that was over looked was there gonna be home owners, or something to care of the pond and mowing of the grass around that pond so forth and so on...

President Eddings stated Its probably started.

Council Member Voyles stated theres no grass around that pond.

Council Member Alexander stated well I mean, is there a goat? Is there a letter we could send to require?

President Eddings stated we'd have to check the building commissioner, and see what we got in over master plans.

Mrs. Pixley stated Doug.

President Eddings stated yes mam.

Mrs. Pixley stated can I mention something that Nina would like me to say in her absence.

President Eddings stated quickly.

Mrs. Pixley stated ok, on the new place going in the Lakeside Estates she gotten a letter from the builder that says there gonna put sidewalks in, the ramps you know everything. The pond was suppose to be fenced off but there not gonna be any street lights in there. I wondering about that, because that becomes an obligation of the town. That's gonna be a bill that everybody else is gonna have to pay for.

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President Eddings stated we would have to look in to see what the master plan has as far as specifications. If there specified to put them in, they'll have to put them in.

Mrs. Pixley stated they said they weren't specified in that letter.

President Eddings stated I can check on it and see, its not a letter its a form of specification.

Mrs. Pixley stated I know state law says if you, if there is an anexation or a you know a new area goes in, that you are responsibility for them.

President Eddings stated we would be I think its a requirement under the specifications of the master plan. But I'd have to check make sure its in there.

Mrs. Pixley stated another thing she wanted me to bring up is the paper you gave us to go over for the IURC that you have turned over to us. She wants to know where the generator is the brand new generator is that was bought and never used here.

President Eddings stated I don't know anything about a brand new generator.

Mrs. Pixley stated well someone reported it was up in Austin.

President Eddings stated I don't...

Mrs. Pixley stated It has never been used here, it was a new generator bought not to long ago.

President Eddings stated I don't think that's correct.

Mrs. Pixley stated according to that, we have been in contact with the IURC. And IURC is telling us that there is no need what so ever for Sellersburg to hire, ah, this thing that your doing right now with...

President Eddings stated Umbaugh.

Mrs. Pixley stated Umbaugh, or whatever there name is. They said you could of gone directly to IURC and asked for a raise. I wonder why you didn't do that why your pulling us out for all this expense to Umbaugh.

President Eddings stated we needed a rate study. We didn't know how much the rates should be. We can't just pick a number out of the air.

Mrs. Pixley stated I know you can't pick a number out of the air, but you could of gave them the projects you were planning on doing with that.

President Eddings stated it's just not the projects, its other things as well. The cash flow of of the water department is not in the postive direction were not taking in enough money to pay normal operating expenses much less.

Mrs. Pixley stated I though they were making us money.

President Eddings stated oh no.

Mrs. Pixley stated they said they were making us money.

President Eddings stated water department hasn't made money for a long time.

Mrs. Pixley stated well thats what they said EMC said they were making money.

President Eddings stated there saving more money than we use to trying to run it ourself, but were not making any money. Its not costing near as much for them. It's costing alot of money to hire this Umbaugh and Assoc. to do the rate study. I forgot what the exact number was.

Mrs. Pixley stated way outrageous.

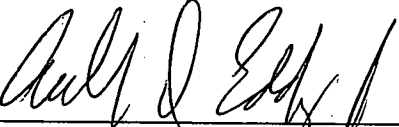
President Eddings stated no futher people on the agenda. I'll call or I'll entertain a motion to call the meeting.

Council Vice-President Broady stated I make a motion to adjourn.

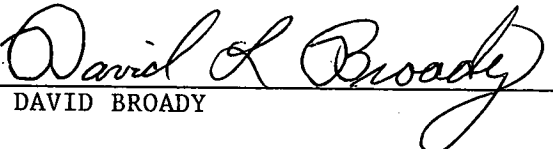
Council Member Voyles stated to adjourn, I'll second that.

President Eddings stated motion made by Dave seconded by Bill, any futher discussion all those in favor signify by saying I, I's oppose nay.

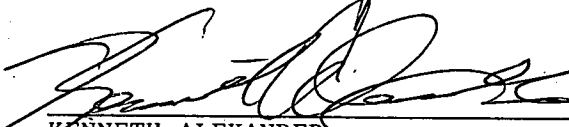
With no further business this meeting was adjourned by President Eddings at 7:17 P.m.



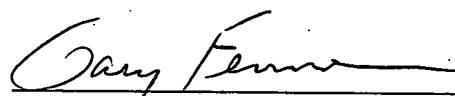
AULTON D. EDDINGS, JR.



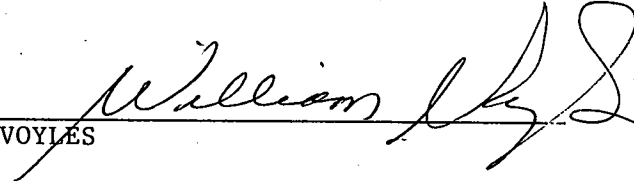
DAVID BROADY



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES

ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 27, 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 Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall III, Town Attorney, and Linda G. Schafer, Clerk Treasurer being absent.

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.

President Eddings stated ok, everyone's had a copy of our October 13th, executive session and regular meeting minutes. Had a chance to review them, I'll entertain a motion to except the minutes as presented.

Council Member Voyles stated I'll make the motion we except the minutes.

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

Council Member Alexander stated I'll second it.

President Eddings stated second by Ken any discussion? If not all those in favor signify by saying I, I oppose nay I's have it. Ok on the petitions from the citizens I have a John Mook. Is he here tonight ok. That ones taken care of, ah do you just want to go ahead and take care of Allen...

COUNCIL MEMBER ALEXANDER ADDRESS THE COUNCIL/ALLEN POPP ON SEWER ADJUSTMENT.

Council Member Alexander stated yea, well Joe's not here.

President Eddings stated it doesn't make any difference will present that to him.

Council Member Alexander stated Allen Popp from Twinbrooks is, had a sewer leak and needs an sewer adjustment. They actually read the meter on the day he got it fixed. So its actually gonna be this months bill plus next months bill since there behind. So I make a motion that we approve he does have his receipt there.

President Eddings stated ok...

Council Member Alexander stated to approve the sewer adjustment.

President Eddings stated motion made by Ken to approve the sewer adjustment for Mr. Popp. Do I have a second?

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Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Either, you or one of you two need to get that to Joe Georgan. Ok Mr. Don Russell, ok will hear from you.

DON RUSSELL WILL ADDRESS THE TOWN COUNCIL CONCERNING ON SPEED LIMITS WITHIN THE TOWN OF SELLERSBURG.

Mr. Russell stated I own and operated Sellersburg Heating and Air Conditioning here in, right off Hwy 403. And I moved here approximately about 8 years ago and I've seem to notice that as I work around all the other communities, I work in Henryville, Otisco, or Memphis, Jeffersonville, Clarksville all around and I noticed no where along any of those places do they have 20 mph speeds that seems to predomently the speed limit of Sellersburg and I can also say I don't think, any of those particular places. But in Sellersburg since I moved here 8 years ago I've gotten so many traffic tickets that I'm in constant trouble, either going to traffic school or my insurance is gone up because we have 20 mph speed limits throughout the community here and be quite honestly nobody has 20 mph, I think 20 mph might of been set up for 52 buick or something but in today's world 20 mph is awful slow and ah, we even have one area that is 15 mph through there now I know that the River Falls Mall parking lot is 20 mph. Now I work in Indian Oaks and Silver Lakes Trailer Park they have 20 mph speed limits also. I think most the residents don't do 20 mph so they put speed bumps up to try to control that a little bit. But if anybody ever runs up and down these streets and you actually go 20 mph you have to pull over and have people you know wave them by you because 20 mph is awful slow. I can do 30 mph in almost in other community if I do it in Sellersburg I'm goin get stopped and get a ticket. And also this past summer and its always been something that kind of bothered me a little bit, I noticed that the police here in Sellersburg don't do 20 mph and it happens quite a bit that I think there not doin 20 mph and we have somebody here shakin there head yea, I'm glad somebody else agrees, this past summer I got behind one of the police officers I don't know who it was and I don't know what his name was and I didn't ask but I started flashing my lights and I basically he pulled over and he got out of the car and his hands went up and said what was I doin speeding and I said as a matter of fact last week I got a ticket for doin less then you were doin and it seems to me that its kinda be a problem that I wonder if it is everbody, thought you know, maybe uping the speed limit in this town.

President Eddings stated ok, all I can really say about that is you know we've had some of the speed limits that are down around 20 mph we have complaints from the citizens in the past about speeding on those particular roads and if you notice most of the places that we have 20 mph speed limits are heavy residential areas that maybe close to St. Pauls grade school were a lot of children do walk back and forth to school and I think its 20 mph on Penn St. behind the Bowling Alley and thats basically because the street is narrow and...

Mr. Russell stated and how did you basically increase that one to 30, 20 mph our out here in front of your building.

President Eddings stated and we are in a heavy residential area with alot of kids walking back and forth to school and we've had complaints in the past from citizens that theres alot of speeding, you know and they want it patrol and they would like to have the speed limit lowered so...

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Mr. Russell state I would like to mention one other thing to most of the community that have schools they put up a sign in front of the school that has flashing red, yellow light above it and below it and it says when flashing go 25 and if you want to interrupt that sign what its saying is when there children around go extremely slow and be extremely careful and they deem that to be 25 mph. We have 20 mph which is 5 below that all over our community and I mean it is predominate its all the roads there are a few that are 30 but its basically 20 I also notice that on the highway out here right in front of Sellersburg Stone, Ideal Paint Body its 30 mph. there those trucks come out of there with a load of gravel heading for Beam road and there doin 45 mph with a load of gravel the roads are more than adquite to handle a 30 mph speed limit there more then adquite and 30 mph if you get in your car and drive down these roads at 30 mph that is an extremely safe speed and I think its reasonable. Again I work in the community and all around Sellersburg. Sellersburg has a reputation of being quote unquote a speed trap. I've even talk to people that work in this building that has told me the same thing, Sellersburg is a speed trap basically if you get out on these highways any time anywhere a police officer can pull you over and give you a ticket because nobody does 20 mph my truck don't register but 15, nobody does 20 but there really at the mercy of the police officer who's actually out there doing more than 20 himself.

President Eddings stated we will look at that and take your opinion under consideration. Thank You, ok uh, Virgil.

Mr. Bolly stated gentlemen I'm here on behalf of Arvin Block, James O'Neal, Chris O'Neal and Joel Embry on the property, which was orginally part of McDonalds, where McDonalds is located now. Mr. Block is planning to build a Comfort Motel, as you go in just past McDonalds and then there location would be on the left, just beyond it just a little bit. I have pictures for anybody who'd like copies of them. I'm gonna give you a bunch of garbage you can keep it or throw it away, and I'll try to be as brief as I can. The building may be done just a little bit different, this is there concept that they'd like to do. The building they will have will have 70, 78 rooms in it and what were seeking is to have the area, either the area the motel its self does need to be a economic revitalization area, just this part to all of McDonalds or not the McDonalds but the whole area owned by Jim O'Neal and Embry, might also interduce, before we get any futher along is Arvin Block and of course Chris O'Neal you probably all know him.

Joel Embry stated free fords for everybody.

Council Member Voyles stated I'd like to leave a copy for Perry and a copy for, I have a petition which I have just signed and it just refers to seeking the town to designate the area as a economic revitalization area and again I'm gonna clutter you up with papers, what you do with them or you want me to do something differently I don't mind.

President Eddings stated make sure Perry gets a copy of this.

Council Member Voyles stated Pardon me.

President Eddings stated make sure Perry gets a copy.

Council Member Voyles stated oh, ok.

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Virgil Bolly stated along with that I have a drawing of the McDonalds area. I got a big map and I'll show it to you and the smaller map more depicts on what were talking about doing. This is an area McDonalds is right in here Dairy Mart is right in this little area right here. The location were talking about will be right in here and right in there. In terms of the motel what were seeking is to go ahead and determine the whole area an economic revitalization area. I think it will help them to sell their product to our community and things of this nature. Along with that I do have copies, smaller reduced copies of everything. In doing this the law requires that we present to you a preliminary resolution and to determine that the area is an area of revitalization. I have drafted this after one you have done for AVCO I believe it is and what, this one does is a 10 year abatement on the property that doesn't include the land just anything that's new and also that anything in terms of manufacturing. With the motel we'd only be dealing with strictly a building because there will be no manufacturing equipment. In that regards it follows exactly what I'm talking about there. The laws requires that you pass a preliminary resolution and along with that you then hold a hearing to give parties on opportunity to come in and object to it if they want to. Also what I got requires legal discriptions and I'm gonna give you a copy of all those, but these I'll have plenty more of these, because if we need to, need to attach them to this document and then the other document. Indiana laws requires that if you adopt this you then have a hearing and I'm hoping if you all are familiar enough with this that you might adopt this tonight set a hearing on it for the next meeting which is Nov. 10th I believe at which time you could resent it, modify it or you could approve it. And, if that, I have drafted a relativity simple notice that would, I'll give you a couple copies, now if the board was to see fit to pass this tonight I would recommend to get the notice signed and actually take it to the meeting not to the meeting but to the news so it could be in the paper for the proper period of time. The motel they are ready to close and to start construction. I have advised them, since they come to me by law they cannot start construction until you actually pass these. If granted them the abatement, if they did it ahead of time they would not benefit from it at all. And I have regards, a statement of benefits a statement of benefits refers to the fact that their going to construct to a motel with 78 rooms, their going to add approximately 25 jobs in the community with the salary in the 150,000.00 range. They are going to increase the assessed evaluation abrutly 2.1 million, as far as development goes. This facility would attract tourist, travelers and community vistors. There will be money spend on the community of course for the motel for rooms, food for gas for banking and other misc. items. On the back of this is just a termination this would not be passed until after you have passed to designate this area as a economic area, its a very simple document on the back, that refers back to an to year abatement which I think you've done in the past on property for development. There are no limitations on it. In that regards I've got what we pose there, heres a copy of that. Along with that if you would see fit to conduct a, or pass the preliminary resolution on Nov 10th you'd be able to decide whether you want to grant the final resolution determing the whole area as a tax abated area and then immediately after that if you see fit to go ahead and pass the resolution approveing the abatement for this particular, at that point you'd then have benefits of that. Anything you all liked to add. Alright basically its in a nut shell, its a very simple type thing. I think it has been done in the past or we believe the area that we got there is ideal for this if it will help, but not only allow them to proceed with the hotel, but I think it will hotel, but I think it will help with the development of the other 30 some arces that's there. Is there any question I might answer or...

President Eddings stated anybody have any questions?

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President Eddings stated if we passed the preliminary resolution tonight and we find out this is not what we want to do Perry's not here tonight and we really need him to look at all this.

Mr. Bolly stated I realize that...

President Eddings stated preliminary and notification if we decide not to do this. We could turn it down or wait on the finalization on Nov. 10th meeting.

Mr. Bolly stated yes sir.

President Eddings stated ok

Mr. Bolly stated that I'd appreciate because he's not here. I'd very much appreciate it if you did pass it, you still got control until Nov. 10th. And if it's really a bad deal you wouldn't have to approve it. But if we don't get it in the paper were not gonna get it.

President Eddings stated right, ok.

Mr. Bolly stated I feel like I tried to draft it.

President Eddings stated it looks like you have did all the leg work.

Mr. Bolly stated I tried to draft it consist with what you've done in the past. There isn't anything there that would be a surprise to Perry or to you all.

President Eddings stated anybody else have any questions? Can I get a resolution here.

Chief Deputy Shelton stated 97-44.

President Eddings stated I need a copy of the orginail. Here I got one 44.

Chief Deputy Shelton stated Yes.

Mr. Bolly stated 97-44.

President Eddings stated this does not have to be a first reading resolution. Only on ordiances.

Vice-President Broady stated I make the motion preliminary pass resolution #97-44.

Council Member Voyles stated I second.

President Eddings stated I have a motion on the floor and seconded, is there any futher discussion? If not all those in favor signify by saying I, I oppose nay.

Council Member Alexander nay.

President Eddings stated I's have it.

Mr. Bolly stated I want to thank you very much one other thing I would appreciate, sign one copy and then have Linda sign and attach one copy. And I can get that later.

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Mr. Bolly stated I will be out of town on Nov. 10th which I don't like to be but I will follow and try to find out where you all are. If theres a problem I guess it can be continued. I will monitor where we are with you if you don't mind. So that we don't do anything. I don't have anything else. I certainly appreciate.

Council Member Alexander stated thanks Virgil.

President Eddings stated ok I, Mrs. Diefenbach or Mrs. Pixley. You have anything for us tonight?

MRS. DIEFENBACH ADDRESSES COUNCIL ON HOW WE DO BUSINESS.

Mrs. Diefenbach stated what I want to talk about in some concerns about how we do business. First of all I cannot find any inventory how your guys operate with out any inventory I don't know. I understand that at the last meeting we had a concern about a generator. You said you knew nothing about it. I read to you out of the minutes. September 25, 1995 Mr. Edwards stated we had a call from Crothersville asking if we could possible use one of our generators for 72 hours or a few days however our case may be. We do have a policy already made out that if anybody borrows anything they take full responsibility and I'd like the boards approval. The generators are brand new practically motion was made by Council Member Vice-President Broady to allow Crothersville to use the generator and seconded by Council Member Truman. Council Member Truman asked will they come and get it and bring it back so there won't be any man power of ours used. Mr. Edwards stated it will be at no cost to the town and the vote was 3-nothing.

Council Member Alexander stated I can answer that for you. The size generator you referring to basically just runs the small equipment we have the type of generator were talking about will actually supply enough power to run the plant in case theres a electrical...

Mrs. Diefenbach stated It says theres 2 generators.

Council Member Alexander stated yes mam.

Mrs. Diefenbach stated so you got 2 generators so where your inventory that tells that.

Council Member Alexander stated we have a complete inventory list if you'd like a copy of it.

Mrs. Diefenbach stated I did not fine an inventory list in.

Council Member Alexander stated who did you ask?

Mrs. Diefenbach stated I came down here to the town hall.

Council Member Alexander stated right I'll see that you get one.

Mrs. Diefenbach stated you did not.

Council Member Alexander stated no problem we get a complete inventory list.

Mrs. Diefenbach stated before I believe it I'd have to see it.

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Council Member Alexander stated right, right, that size generator your talking about just runs small equipment.

Mrs. Diefenbach stated the one their asking for is 85,000.00.

Council Member Alexander stated right, if we loss electricity we will be able to power our water plant.

Mrs. Diefenbach stated excuse me I have the floor.

Council Member Alexander stated go ahead.

Mrs. Diefenbach stated on the back up generator at the water facility. The cost is 7 85,000.00 this totals as I go down the list none of this has been bid on none of it has anything to back it up. There was nothing to find about any of these figures. This comes out to a million and one thousand dollars. That's alot of money now I think we need to really be able to find inventory. Whenever we come to the office to try and see where it is. Any you know the tax payers they are pay in for this sort of thing. I understand the equipment is used not only here but in Jeffersonville and in Clarksville. And I have noticed in the last 6 months that there has been some large bills that have been that have been presented. Naturally they are used alot more down there than here because they have a much bigger space to cover than we have here both in Clarksville and Jeffersonville. And if their using our equipment and we as tax payers are having it repaired or bought new. Thats a ripe off to the tax payers.

Vice-President Broady stated Ms. Diefenbach may I say something.

Mrs. Diefenbach stated pardon.

Vice-President Broady stated may I say something.

Mrs. Diefenbach stated yes sir.

Vice-President Broady stated that statement is not true at all we don't, none of the equipment that belongs to the town of Sellersburg, out of the town of Sellersburg unless brought to the board for approval for an official vote or whatever. It's just not true, that doesn't happen mam.

Mrs. Diefenbach stated you do not send or let any other use down in Clarksville?

Vice-President Broady stated no mam.

Mrs. Diefenbach stated in Jeffersonville.

Vice-President Broady stated not unless this board approves it, or it comes before this board for approval.

Mrs. Diefenbach stated has anything come before the board to be approved.

Vice-President Broady stated I think you read one there a while ago.

Mrs. Diefenbach stated I read this one.

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Vice-President Broady stated I don't know your talking, your probably saying 6 years ago this happened.

Mrs. Diefenbach stated no this was 2 years ago.

Vice-President Broady stated not with Mr. Truman on the board.

Mrs. Diefenbach stated this is just 2 years ago, its in the minutes right hear.

President Eddings stated yea.

Vice-President Broady stated was he on the board 2 years ago.

President Eddings stated yea.

Vice-President Broady stated ok.

Mrs. Diefenbach stated 2 years ago, that's why going through the minutes we could not find any recorders of where it is.

Vice-President Broady stated they would come and ask if they could borrow it or use it or whatever. And then we could get permission there would be no reason for them to come back to the board and say we returned it.

Mrs. Diefenbach stated then we ought to be able to find it on the inventory.

Vice-President Broady stated ok.

Mrs. Diefenbach stated alright and then the other thing I wanted to talk about may be you can clear this up. We have some bonds that are lower rate of interest and a, I read your material and whats in the paper these bonds are going to be consolidated into larger bonds. Well over a larger period of time at a higher rate of interest there again are bonds at a lower rate of interest because if you consolidated into a larger group of bonds at a higher rate over a longer period of time somebody is going to make some money right cause there going to pay the bill.

Council Member Alexander stated may I speak Mrs. Diefenbach.

Mrs. Diefenbach stated ok.

Council Member Alexander stated that's not true the bond they will recieve will be a separate bond. It doesn't have to be wrapped up all in one. We'd be fools to...

Mrs. Diefenbach stated will that all be consolidated with the other.

Council Member Alexander stated the interest rate where getting on those bond right now they consolidated back I think it was 93 or 94 this was the lowest interest rate will probably ever see. So I mean I'm speaking for myself, I mean I'm not going to row them over. But what were referring getting a bond there would be a separate bond yes.

Mrs. Diefenbach stated ok, the IURC of course is a protected agency and it will and very much on the line for the spring vote. And the tax payers in our community really feel they don't have much of a part they are left out and they say so and they tell us so now the

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IURC will come down and they will do there own survey and they take there figures from there own survey and they bring there own analysis they bring there own lawyers and there own consultant and they spend a lot of time looking at alot of things. Before they make there recommendation for the approval of what our water rate will be from what I read in the paper that you have put in. I understand that your talking about 39% rate increase, and do you think your going to get that?

President Eddings stated that's part of the process the IURC will come down and do there investigation.

Mrs. Diefenbach stated yes I know.

President Eddings stated there rate study.

Mrs. Diefenbach stated I know very well because I've been talking to them.

President Eddings stated right and Umbaugh will do there rate study on behalf of the board and then they'll have a hearing and that's how the process works.

Mrs. Diefenbach stated thats exactly how the process works. And were going to stay in the IURC, may be you think that they won't come out and vote but they will.

President Eddings stated being in the IURC could be a good thing.

Mrs. Diefenbach stated sure it could be a good thing thats what its here for our protection and something that I think we need to think alot about and respect. Now Dave Kinder he's help me to start the Drup Program many years ago here in the High School. He came many, many, many time's and help with the program and did alot for our young people now I really appreciate what he has done. And hes really brought professionalizem to this community he runs a tight ship and thats what it ought to be and I admire him for it. And for one thing he certainly does make as much as some of our educator and administerator here in West Clark makes. And I think he does a good job, and I for one could not set judgement of him, and I don't see how anybody else could and that's what I have to say.

President Eddings stated and Thank You Mrs. Diefenbach. Ok, Chief Kinder.

Chief Kinder stated Nothing.

President Eddings stated EMC

Mr. Georgen stated I have the report for the last two weeks and the annual report. In the annual report you'll see the Waste Water Treatment plant close, were up to 8.7% next will be putting in 9 months over the, I'm sorry 5 months. The water plant did very well actually for the same period of up flow at the wastewater plant the water goes down about 20% down on the water site. And the revenue is up about 5%. There's 18 new water taps and 19 new sewer taps and I think the revenue some of that reflects changing of the sewer.

President Eddings stated 5% revenue increase.

Mr. Georgen stated yes.

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President Eddings stated ok, know bills or anything tonight Joe, Joe, no vouchers or anything tonight.

Mr. Georgen stated No.

President Eddings stated ok, The report from the Building Commissioner.

BUILDING COMMISSIONER BOB STEWART ADDRESSES THE TOWN BOARD.

Mr. Stewart stated not much to report, we have a claim on the table for your consideration.

President Eddings stated ok, Mr. Broady.

VICE-PRESIDENT BROADY ADDRESSES COUNCIL/MR. SPRIGLER.

Vice-President Broady stated I've got one thing we as a Town Board, Mr. Sprigler he question or wanted to know if we would paid part of the boring underneath Hwy. 31. I think it was the opinion of the majority of the board that, that was something we have not done in the past nor look forward to in the future to do and decline that but, I think we never did send him official letter so stating that this request, you or have Joe order a letter sent to Mr. Sprigler and tell him the majority of the opinion of the board by pass practice we have I think that was what the opinion was is that not correct.

President Eddings stated yea, that is the opinion Joe will you draft that letter for us.

Mr. Georgen stated sure.

President Eddings stated to Mr. Sprigler.

Mr. Georgen stated one thing I need to up date you on I met with Mr. Sprigler and Christiani's crew out there we talked about the lay out of the water line in the system, and they've been very cooperative an they have 8 new values to there project and this would be also 4 on our side, well have that section one of the best water sections in the, and that well also make, so that there is ever...

Vice-President Broady stated that's all I have sir.

President Eddings stated Gary.

Council Member Fenner stated nothing.

President Eddings stated Bill.

Council Member Voyles stated nothing.

President Eddings stated Ken Alexander.

KENNETH ALEXANDER ADDRESSES COUNCIL/YARD WASTE/NO PARKING SIGN.

Council Member Alexander stated yes, we have a yard waste fall yard waste coming out, I gave a copy to the reporters it is Nov. 4th thur Nov. the 7th it runs from 8 a.m. to 6:00 p.m. Its not open as late because of the time change and its dark and the lighting

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out there. Its basically like we've always done we also have for the residents they can put out unlimited leaves as long as there in the paper bags, you can also set out your yard waste on a weekly basis through the month of November. And with the wind last night half the leaves have come down. I had a gentleman a David Warman on 311 Church Street that was having problems with cars parking I think he's contacted the plice station a couple of times, I did go out and look the road is a little narrow and it gets even worse as it goes back towards the alleys or I guess thats Ash road or something like that back there. He's requesting that we put a no parking on one side of the street which theres a small house and then the church parking lot and I guess he's feeling like it, the cars were at least not parked along that road there he would be able to get his truck and car in to his drive way with out having to get assistance of the police department. Now there is a drive way for the small house I don't think its really going to stop anything and the road definitely is undersized for two way traffic so I don't see a problem with putting a no parking on there,.but uh...

President Eddings stated is that something we would like to have the chief investigate?

Council Member Alexander stated right and one other thing I would like to do is, pardon me.

Chief Kinder stated which side.

Council Member Alexander stated It would go on the side were the church is were that one house is ok. The only thing I would like to do is, I mean he has brought to attention but there is probably 6 to 8 people that live on that road and if there was a way to at least give them notice that we would be discussing it the next meeting to at least give them an opportunity to come in an share there views before I change something like that. I think he's got probably a good idea but yet I don't want to, uh and the other resident's should have an opportunity to at least speak there mind before we do something like that. So the only thing I'm asking for can we put a notice in the news paper of some sort.

President Eddings stated why don't we let the chief investigate it and come back with a recommendation to us first. Make sure we don't have a problem there.

Council Member Alexander stated ok, the truck purchase that we bided out, again I'm having a good time on bids this year. No one sent any bids in we did get a facsimile that came in that day that was not a sealed bid it happened with our asphalt this year so it was pretty much at the leaser of the council to award the contract. I would like to a legal council to at least investigate to make sure its ok, the bid came in at \$38,911.14 and that is a Ford so I would like approval to award the contract to All-State for the Ford truck F-800 cab chassis because I'll still have to get it fitted, bid so forth for the winter so we can get the snow plow's on.

President Eddings stated do you want to make a motion?

Council Member Alexander stated I'll make a motion that we approve All-State Ford.

President Eddings stated do you want to make it?

Council Member Alexander stated uh, contingent that I talk to Perry and make sure that this type?..

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President Eddings stated have a motion on the floor uh be contingent that it passes through legal council do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill in futher discussion? If not all those in favor signify by saying I, oppose nay I's have it.

Council Member Alexander stated next on the list the planning board last Monday night had discussed the contract with the Building Commissioner its up this year and one thing going through it, it was recommended that, that we at least make all fees, some of the fees that went in as far as for uh, the \$100.00 for zoning and so forth went into a different fund and it was a split, did not go to the Building Commissioner. My intentions when we went in with the Building Commissioner regardless if it was Sellersburg Fire Department was that they make a minimum of \$15,000.00 and we basically us the calculations when we use to have a higher rate of charges, you know the average was 20 to \$30,000.00 a year. But because we made the Town Of Sellersburg more friendly as far as the building, rates and code's and got more with the other towns around us. We lowered it to an extent that even this year you know 8,000.00 and you know I'm kinda lookin to the future. Could you actually get a Building Commissioner to do what Bob's done as far as professionalism. And the extra work and all the times on the phone, I mean were definitely doing a lot better job then just with a part time person, there doin a full time job. And I would like to approve the new contract for next year but I'd like to have it to were they get a minimum of \$15,000.00 that's what we appropriated ok, we do the split and I'd like to make it retro-active for this year. I'll have to prepared a contract I'm kinda curious on some uh, uh, talkin about it and see if we can't get Perry go ahead uh make a contract up so that we can make it so.

President Eddings stated you want to make it retro-active.

Council Member Alexander stated I'd like to see them this year yes, yes. The job he's done...

President Eddings stated do we have the money to appropriate it.

Council Member Alexander stated we'll appropriate the money I think its for \$20,000.00 a year. You know the hole logic back when they first did it was you know he assume they would make at least \$15,000.00 at least I thought they would because Steve was makin any were from 25 to 30 a year. But the rates were double we were way out of line with other communities around us. So we got all are rates back in line but then uh, it became to were they were actually in 8 or 9 thousand dollars.

President Eddings stated anybody else have any thoughts on it. Why don't you draft this up and give it to Perry.

Council Member Alexander stated ok.

President Eddings stated and uh, we'll talk about it and bring it up in the next meeting.

Council Member Alexander stated ok.

President Eddings stated or have Perry draft it up.

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Council Member Alexander stated next Mark mention of a street sweeper we do have the fund uh, to purchase one there were two type's one was a little to expensive but it did more as far as cleaning out the catch basins and so forth, these are just estimates they have not been bidded, were looking about \$80,000.00 for that one and the one that had the back on it for cleaning out catch basins and so forth was \$120,000.00 which we do not have. This is an area were we need to decide is this something that we want I need some kind of direction as far as is this a zero tax it is comin out of M.V.H. The money is available doesn't matter what we want.

President Eddings stated its' in M.V.H. for 98 budget.

Council Member Alexander stated 97 this year.

President Eddings stated this years.

Council Member Alexander stated this years budget, the decision must be made on if this is not what we would like to purchase we can look at either a back hole or something but, I was needing more direction as far as is there any one does not think we need a street sweeper and it's a majority. I'd like to stop looking for a street sweeper.

President Eddings stated we didn't do anything with the street sweeper right.

Council Member Alexander stated we've tryed contracted, we've tryed everything, we tryed contracted it out the street sweeper that we've got we've tryed havin it repaired its non reparable, we want to sink hald of the, what we can buy a new one for. As far as use wise were looking at maybe 6 times a year for this is it something we need to do, I think it is mainly because most of the streets in the town, because they've been freshly paved. Look good ok, still you know 6 times a year they could be swept and we want to give the apperance when new business come into town that were a clean town and the first thing there gonna look at is when they ride in on the roads. We want to give them the best possible visibility of a clean Sellersburg which it is, but I mean you know sooner or later the roads are not going to look pretty black like they do now. Theres gonna be a need, and I'm worried there may not be funding. We do have the funding now thats the logic. That's one.

President Eddings stated anyone else, anybody have an objection to it?..

Council Member Alexander stated yeah, anybody have an objection?

Council Member Fenner stated you think that's a greater need than say a backhoe or some other piece of equipment?

Council Member Alexander yea.

President Eddings stated you buy this and we get a big snow, what will happen?

Council Member Voyles stated yeah.

Council Member Alexander stated right, I meaa as far, the only reason I'm looking at a sweeper is because of the type of money we have left over. Yes I could buy a backhoe but then I still have, I mean I'm not gonna put stuff out here were not gonna use and we do have a 100,000.00 left over and it would be a cash purchase I could buy a backhoe which they do need and so forth. Were only talking 38 to \$40,000.00 there.

This is a zero tax, and I'll make it, to get as much productive out of it as I can. I mean its one of those things I'm not gonna have this kinda of money layin around.

Mrs. Pixley stated is that backhoe gonna be used in Hill-N-Dale and every place else or just for the town here I mean the sweeper.

Council Member Alexander stated it would be used everywhere. It would be in the town of Sellersburg.

Mrs. Pixley stated how long since we swept?

Council Member Alexander stated we've never swept, we don't have a sweeper.

President Eddings stated we got one but it doesn't work..

Council Member Alexander stated right.

President Eddings stated anybody want to buy another one.

Council Member Alexander stated that answers 3 objections.

President Eddings stated do we have to know tonight can we talk among ourselves.

Council Member Alexander stated we got to Decembers is the last meeting of the month. It will take a meeting to bid it then the bids come in and then...

President Eddings stated do we have enough time?

Council Member Alexander stated we got one meeting yea.

President Eddings stated we'll let you know next meeting.

Council Member Alexander stated the only thing I was a little worried about if its a no I need to look at other alternatives.

President Eddings stated its not a no yet.

Council Member Alexander stated ok, lets talk about it, but if you deny it, I would like help to find something else.

President Eddings stated yes.

Council Member Alexander stated don't come in here and say no and leave me hanging for 3 meeting to come up with something else. The only other, the planning board approved a zoning change for the Mullen Camp property. We have a ordiance prepared for that It was for the property behind the truck stop, I mean its the property we have is what we annexed the strip along 31. It approves to go B3 which matches what the county did in his property.

President Eddings stated ok, this is recommeded by the planning.

Council Member Alexander stated yes, it was recommended by the planning.

President Eddings stated can I get an ordiance number.

Chief Deputy Shelton stated 778.

President Eddings stated I'll entertain a motion to consider ordinance 97-687 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?

Vice-President Broady stated I'll second.

President Edding stated second by Dave, any discussion.

Vice-President Broady stated what are we...

Council Member Alexander stated just the strip annex right.

President Eddings stated we own 250 or 500 ft. down 31 that's a strip used to strip annex here along time ago and its zoned residential and we need to change it to match the county.

Council Member Alexander stated yea, the county just zoned all his parcel is B3.

President Eddings stated any futher discussion, if not all those in favor signify by saying I, I oppose nay I's have it. I'll entertain a motion to adopt ordinance number 97-678.

Council Member Alexander stated I'll make that motion.

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

Vice-President Broady stated I'll second.

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

Council Member Alexander stated while your all signing that. This is something I really don't want to do in a public meeting. We need to require easement over on Broadway from a Mrs. Beyl I went over and talked to Mrs. Beyl her house is her house is here. We have an existing line that runs between two houses which is, not visible at all to run the new pipe through. We are needing to require this property it is 10 ft. off of the line ok. I gave all the information to Mrs. Beyl and she does not want us to do anything. She does not want to discuss it ok. We have no other alternatives, this ia an extinsion of the storm drain projects for that area. Everything runs off of everything else. As much as I don't like it I feel like were gonna have to pursue within the domain.

President Eddings stated this is something that is gonna have to be reviewed by Perry also.

Council Member Alexander stated we need to give him instruction on wether to go ahead and start pursuing it. And it has to be done quickly because we can't do a contract, without having the land.

President Eddings stated John have you talked to Mrs. Beyl?

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Mr. Toombs stated no I never did, there is no where else to run it, all the houses are run together. Theres no where to put it.

President Eddings stated where are we talking about 15 ft., 5 ft., 10 ft.

Council Member Alexander stated along the property line. I mean I don't like it I told her I don't like it, but I told her its just something that, I mean were flooding out the two guys over here with the metal pipe in, this will be a concrete pipe its not gonna be done like it was done in the old days. It's 10 ft. off the property line so she can never build on it. Actually it does not interreut her land except for there being a pipe underground. Sidewalks all being replaced...

Vice-President Broady stated is ~~there~~ an existing pipe now?

Council Member Alexander stated not.

Mr. Toombs stated no, there is but you probably don't remember at a meeting, year and a half 2 years ago in the summer time after a rain the guys came to me and we all went over there after the meeting and a bunch of ald clay pipe comes off the church and all that runs under the alley down through the yards its all busted up, runs all over the place. It goes down between there houses and the houses are like 8 ft. apart and theres gas service, electric service run in between the houses. Theres no way we can replace the pipe, you can't even get a piece of equipment in there.

Council Member Alexander stated so I make a motion that we go ahead and instruct Perry McCall to start the process on the domain on Beyl property.

President Eddings stated I have a motion on the floor do I have a second.

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any futher discussion?

Council Member Fenner stated this project is a priority.

Council Member Alexander stated it's coming right off of where we stopped at Hanger and everything coming over to that area. This whole area has asked and wanted better drainage for years.

Vice-President Broady it will take awhile to do this you have to get property.

Council Member Alexander stated I know.

Vice-President Broady stated the appraiser's come in and appraise it.

Council Member Alexander stated it's not a quick process, I know. I'm gonna take her over some papers and you know I'm first gonna get advice from Mr. McCall. I gave her the information and she set on it a week, she called me back and said stay off her land.

Vice-President Broady stated which Mrs. Beyl is it?

Council Member Alexander stated It's over on Broadway, ah is it Iris?

President Eddings stated it's Garÿs mom.

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Council Member Alexander stated we can't start the process but if something else comes up in between there we can always stop.

President Eddings stated any further discussion, motion on the floor and seconded. All those in favor signify by saying I, I oppose nay I's have it.

Council Member Alexander that's all I have.

President Eddings stated ok, do you have any bills for us or anything. Everybodys had a chance to look at the bills. I had a copy in their mailbox. I entertain a motion to pay the bills as presented.

Council Member Alexander stated I make a motion to pay the bills as presented.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion, if not all those in favor signify by saying I, I oppose nay I's have it. Ok, Ms. Pixley did you want to say something real quick.

Mrs. Pixley stated you said, somebody I think it was Ken, you said it was up to the contractors of the Town Of Sellersburg, do you remember that?

President Eddings stated you lost me there.

Mrs. Pixley stated well, we were talking last week about the lighting and...

President Eddings stated oh, ok.

Mrs. Pixley stated the area its going in, its gonna consist of 73 residential light, street lighting will not be provided. It is not required by the city of Sellersburg.

President Eddings stated ok.

Mrs. Pixley stated you said you were gonna find out from the builder. Ah, I have a paper from the state of Indiana that says, capital improvement such as street construction and street lighting is the responsibility of the town.

Council Member Alexander stated basically with the subdivision he's building I would of thought he would of put in alot pretty light I guess is the correct word. But basically the town doesn't own a street light in town we rent. Basically we pay PSI or REMC, and I'm assuming that even if they put in a pretty fixture the town part of our property taxes does pay for the lights. Ok so it would be up to the developer if he wants to put a lighting that is better or more decorative than a pole with a street light on it. He would assume the cost and I guess what the developer is, which I have not talk to him, but assuming he's basically gonna have like you have over in Dreyer Estates a telephone pole with a regular street light coming out. Which is an expense to the Town Of Sellersburg.

Mrs. Pixley stated thats what I'm saying, it will be an expense to the town.

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Council Member Alexander stated it's already an expense.

Mrs. Pixley stated no ones in there yet, its the people who already have paid their taxes that are gonna be paying for that.

Council Member Alexander stated no the street lights won't go intill the people move in. We don't put street lights on empty fields. When the development is close to completion and done and the streets are done if he has not put up decorative lights. We'll do just like we do through an anexation or even adding lights like we did for Forrest Estates or whatever. The lighting is strictly a rental from which ever electrical company it is.

Mrs. Pixley stated so the tax payers pay the price.

Council Member Alexander stated your paying it now. We just put up 6, 7 in Forrest Estates we've always paid for it. It's not something that's new.

President Eddings stated you'll have 75 new residents paying taxes to 73.

Mrs. Pixley stated you hope.

President Eddings stated yeah, we hope, ok I got a couple of things before we close the meeting, Linda went to the budget hearing, the budget did very well ah, we have one account the do to the lower amount excise tax recieved this year and the lower amount or lower amount of what Linda had budgeted for next year the parks dept. fund is gonna need to be adjusted. And it was no fault of Linda's she estimated it based on what she got in previous years, this year we did not recieve as much in the excise tax fund for parks as we had in prior years. And it looks like we won't recieve as much next year. So in order to be able to get some of the blasting and painting done at the pool were gonna need to shift some money around in some accounts in the parks dept. and put it in the fund for the blasting and painting and also were gonna need to shift \$15,000.00 just to maintain this years parks dept. budget.

President Eddings stated so I've got 2 ordiances in front of me the first one is to shift \$15,000.00 from the ulitiy cash reserve account into the parks dept. for this year.

Chief Deputy Shelton stated 679.

President Eddings stated 670.

Chief Deputy Shelton stated 680.

President Eddings stated that would be 97 right.

Chief Deputy Shelton stated hm, hm,

President Eddings stated I'll entertain a motion to consider ordiance #97-679 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?

Vice-President Broady stated I'll second.

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President Eddings stated seconded by Dave, any discussion, if not all those in favor signify by saying I, I oppose nay I's have it. I'll entertain a motion to adopt ordiance 97-679.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Ok this is the ordiance that will adjust the budget for next year. It allocates certain funds from salaries, social sec., conession supplies, chemical supplies, consulting services, gas, electric, water, sewer and park equipment into the blást and painting fund. So they can get that allocated this year. Need an ordiance.

Chief Deputy Shelton stated 680.

President Eddings stated 680.

Chief Deputy Shelton stated 97.

Vice-President Broady stated I'll make a motion we consider ordiance #97-680 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, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. I'll entertain a motion to adopt 97-680.

Vice-President Eddings stated motion made by Dave do I have second.

Council Member Voyles stated I'll second it again.

President Eddings stated second by Bill, any discussion if not all those in favor signify by saying I, I's oppose nay I's have it. Ok the last thing I have tonight ah, I'd like to read a letter given to us by Mr. Roger DuVall special proseuting attorney, address 1 East McCean St. Suite 220 Scottsburg, Indiana. Letter states in the matter of an investigation relating to SPD cause #10C01-9611-MC-107 report of special prosecutors comes now Roger Duvall special prosecutoring attorney in the above caption preceding and makes the following report #1 as I was appointed November 18, 1996 to serve as special prosecutor in regard to those facts and circumstances relating to the April 5, 1996 incident involving Richard D. Stepp and P. D. Makowsky and the conduct and action of the SPD and its officers relating to such incident #2. The review of said incident has been from the stand point of whether a criminal act has occured that would be set forth in the Indiana Criminal conduct code possible charges considering including criminal reckless, IC-35-4-2-2-2 intimidation IC-35-45-2-1 obstruction of justice. IC-35-44-3-4 inregard to this matter a thorough investigation was conducted by first sergent D.W. Thomas of the Indiana State Police. I have had an opporunity to review that report along with transcribed statements and other evidential items based upon that report I am of the

opinion that while there is some reason to question the appropriateness of the action of Paul D. Makowsky and Richard Stepp on April 5, 1996. Those actions did not constitute a crime see the case of N. Galtes -VS- The State Of Indiana 680NE second 860 Indiana appeal 19 1997. In regards to action taken by the SPD concerning the incident on April 5, 1996 I am of the opinion that the facts do not constitute a crime further I can find no authority which would discriminate designate as a crime a failure for a Police Department or Police Officers to file a case report of this nature. So me the President of the Sellersburg Town Board and I'm sure a few of the other Board members were gonna consider this incident closed. Anybody else have anything else they want to say. If not I entertain a motion to adjourn the meeting.

Vice-President Broady stated I make the motion.

President Eddings stated do I have a second?

Council Member Alexander stated I'll second.

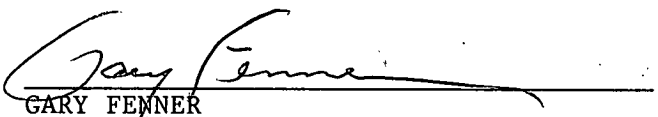
President Eddings stated any further discussion? If not all those in favor signify by saying I, oppose nay I's have it.

With no further business this meeting was adjourned by President Eddings at 7:38 p.m.


AULTON D. EDDINGS, JR.


DAVID BROADY


KENNETH ALEXANDER


GARY FENNER


WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

NOVEMBER 10, 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 pending litigation and personnel matters. 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; with Perry McCall, Town Attorney arriving at 6:06 p.m. And Linda G. Schafer being absent.

Called To Order

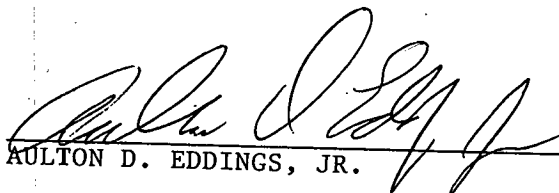
President Eddings called the Executive Session to order at 6:02 p.m.

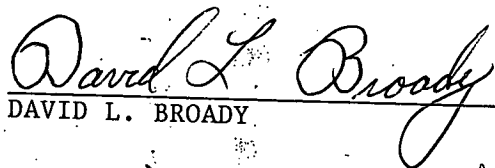
Topics of Discussion

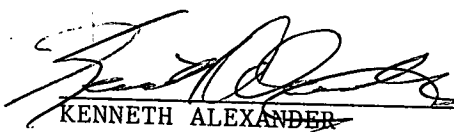
Storm Sewers
Engagement Letter
Rate Council
Revitalization
Schafer VS Town Of Sellersburg
Mrs. Beyl/Easement
Phil Hutchinson/Vacation Hours
Melissa Fraley/Full Time/Insurance

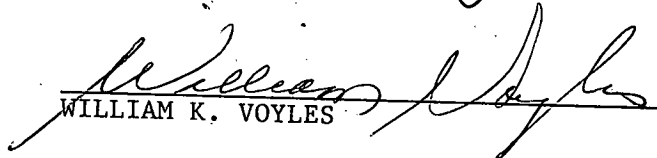
Adjournment

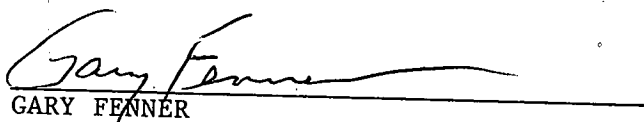
With no further business, President adjourned the Executive Session at 6:28 p.m.


AULTON D. EDDINGS, JR.


DAVID L. BROADY


KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

NOVEMBER 10, 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 pending litigation and personnel matters. 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; with Perry McCall, Town Attorney arriving at 6:06 p.m. And Linda G. Schafer being absent.

Called To Order

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

Topics of Discussion

Storm Sewers
Engagement Letter
Rate Council
Revitalization
Schafer VS Town Of Sellersburg
Mrs. Beyl/Easement
Phil Hutchinson/Vacation Hours
Melissa Fraley/Full Time/Insurance

Adjournment

With no further business, President adjourned the Executive Session at 6:28 p.m.

AULTON D. EDDINGS, JR.

DAVID L. BROADY

KENNETH ALEXANDER

WILLIAM K. VOYLES

GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 10, 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 Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall III, Town Attorney, with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

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

Prayer

Father Paul Richart offered the prayer for this meeting.

Pledge

The Pledge of allegiance to the flag was recited.

President Eddings stated ok, we got a pretty full agenda tonight, alot of things we have to do. I think we'll go ahead and get the public hearing out of the way first. So were gonna close the regular meeting at this time. Do I need a motion to do this or just close it. Were gonna call the regular meeting to close at 6:34 p.m. and we'll open the public hearing on the revitalization zone on the property up behind McDonalds owned by Chris O'Neal is Chris here? OK, can you give us a description on more or less how much property there is, and where it exactly lies at, and we can open the floor up and see if anyone has any questions or opinions.

PUBLIC HEARING/REVITALIZATION

Chris O'Neal stated basically were talkin about an area directly behind Dairy Mart and McDonalds continued back towards Hill-N-Dale over to Victor Prather on the other side and back. Immediately is the area.

Chris O'Neal stated do you want me to go to the microphone.

President Eddings stated no go ahead, your fine.

Chris O'Neal stated where it would be would be the area directly behind, across from McDonalds 1.5 acres track where Mr. Block, are purposing or commissioning to build 75 room hotel on the arce and half property a Comfort Inn.

President Eddings ok.

Chris O'Neal stated I apologize I wasn't here at the last meeting. Joel Embry and Virgil were here. Neither one of them could be here tonight and I saw this documents this afternoon. So I mean I can answer all your questions.

President Eddings stated it looks like the description say 34.68 acres. Is everyone aware the land were talking about? Anyone not aware. Ok is there anyone who would like to oppose or have an opinion about declaring the area a revitalization area? Ok if not we preliminary voted on a resolution to do so...

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Attorney McCall stated the final resolution.

President Eddings stated we have a final resolution to vote on. It would be on the same number wouldn't it.

Chief Deputy Shelton stated 97-44 was the resolution.

President Eddings stated 97-44

Chief Deputy Shelton stated hm, hm, this one.

President Eddings stated ok, at this time I'll entertain a motion to...

Attorney McCall stated we have to close the public and open a regular.

President Eddings stated oh I do.

Council Member Alexander stated don't he...

President Eddings stated do I need to make the motion in the public hearing or do I need to go back and close...

Attorney McCall stated ask if theres any other comments then close it.

President Eddings stated are there any other comments at this time will close the public hearing. I'll entertain a motion to except on final approval resolution #97-44.

Vice-President Broady stated I'll make the motion that we except #97-44 for final approval for revitalization area.

President Eddings stated motion made by Dave do I have a second.

Council Member Voyles stated I'll second.

President Eddings stated second by Bill any discussion?

Council Member Alexander stated the only thing I'd like I'd really like us to table this so we can take a full map of Sellersburg and decide where were gonna put the revitalization areas and where were not gonna have the revitalization area. Sellersburg is a small community, there is various propertys out there that could be revitalized, I guess is the word. I think we really need to sit down and start coming up with a c criteria as far as what we are gonna consider revitalization what we are gonna consider tax abatement and I mean over the past we've basically done on them as need basics. I think we ought to take a closer look before we tax abate the hotel.

Vice-President Broady stated is it my understanding by making this a revitalization area were not giving a tax abatement, this is just for a revitalization area.

President Eddings stated that is correct, each tax abatement has to be voted on by the council on any new business that moves into that area. I said each tax abatement is done on a business by business basic. All these revitalixation does is set it up so we can give tax abatement if we wish to. Any other discussion if not all those in favor signify by saying I, I oppose nay.

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Council Member Alexander stated Nay.

President Eddings stated I's have it, its already signed once.

Council Member Fenner stated it says preliminary.

President Eddings stated we need to have a second one typed up.

Attorney McCall stated there should be a final one in the packet. I believe in mine.

President Eddings stated no, I think this is it. Its word for word the same, do we just give it a new resolution number.

Attorney McCall stated its the final...

President Eddings stated ok

Attorney McCall stated which is, I'm gonna say...

President Eddings stated in your packet does it have a request for tax abatement.

Attorney McCall stated yes, the statement and benefit which is the next item considered after that is the resolution.

President Eddings stated do you have the orginials for both of them.

Attorney McCall stated yea, the copies, here is the copy of the resolution.

President Eddings stated no, does that require a new resolution number, ok what would be the next a new.

Chief Deputy Shelton stated 45.

President Eddings stated 45.

Chief Deputy Shelton stated yeah hm, hm,

President Eddings stated ok, now we have before us a resolution asking for a tax abatement for the 1.5 acres that is being developed for Comfort Inn. I'll entertain a motion to adopt or except resolution #97-45. Anyone want to make that motion.

Council Member Fenner stated I'll make the motion we except 97-45.

President Eddings stated motin made by Gary do I have a second.

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill any discussion?

Vice-President Broady stated yeah, I'd like to bring up to, Ken down I would like to postphone this til we can get with the developer and try and solve some problems we got over there or whatever, we can talk about it some more. I'm not trying to hold the project up, I think it deserves more discussion.

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President Eddings stated ok any other discussion all those in favor of 97-45 signify by saying I oppose nay. Ok nays have it. This can be resubmitted.

Council Member Fenner stated I mean the intend is, we'd like to talk to you though, to work out some other things that we've got pending. I mean I don't think it is just an out and out denial, at least it isn't on my part.

Attorney McCall stated along the lines the length of the tax abatement, requested 10, 5, 10 on property and 5 on manufacturing on other abatement.

President Eddings stated you got all the orginiál paper work still to give him ok. I think everyones had a copy of the minutes from the last meeting, in the box and had time to review those. I'll entertain a motion to accept the minutes as presented.

Council Member Voyles stated I'll make the motion we except the minutes as presented

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 discussion? If not all those in favor signify by saying I, I's oppose nay I's have it. Alright petitions from the town is Arthur McDerment.

ARTHUR MCDERMENT ADDRESSES THE COUNCIL CONCERNING HIS WATER BILL.

Mr. McDerment stated I have a problem with the water bill here. Its competely out of sight and I can't seem to get nothing done about it. That bill right there \$65.00. then \$56.00 my usually runs about 40, \$45.00 minimum show that \$65.00 bill there I was gone for about two weeks here I've got the dates down there. And so they were gonna put in a new meter so finally they did get it in now I want to show you the last bill I got it says water from 10-2 to 10-15 previous meter 0 current reading 0 usage 4600 gallon \$41.76. I got no bill from this bill I think it was up to that one. They put in a new meter on the 15th then when I go to see about it the girl informs me that, that much water went through my meter. When I complained about it, I told them there wasn't no leak. I was out of town for about 2 weeks and I still haven't got nothing settled.

President Eddings stated what I'm gonna suggest is, you got a new meter now right.

Mr. McDerment stated yeah I got a new meter now.

President Eddings stated ok, do you want to hang on to these or will let the manager of the water dept. hang on to them, see what the new meter reads if it does drop back in to the 40's rate like it normally would then the meter was bad and will make an adjustment.

Mr. McDerment stated ok, they took the meter out and said they had to send it off I told them it was either one or two things three things it could be the meter, the ones that read it, or its got to be the ones sending out the bills and so when I questioned it over there the girl said the meter already been sent off and checked, it checked out the meter was alright the water went through it. When I called the man at the water company he ain't heard nothing about it yet, so that Joe whatever his name is he ain't

heard nothing yet so how does a clerk in the office find out before the boss man does.

President Eddings stated will get to the bottom of that Kendall can you check this out please.

Mr. Coleman stated I'd like to meet with him tomorrow morning, what I'd like to do is come back out and get a reading off the meter every couple days get another reading, then another reading next week, then I'll get with you and will work it out.

President Eddings stated ok.

Mr. Coleman stated will find out if water is going through the meter or not. That's the best way to go 24, 48 to see if theres any water that way he'll be aware of how much water he's using in the house and that way we can get this problem solved.

President Eddings stated ok.

Mr. McDerment stated I don't have no leaks, I can go out there and read the meter, then when I come over and complained about it, I have no leak, when I leave the house I have a switch in there I cut it all off. Theres no water that comes into the house.

President Eddings stated that's what I'm saying if it gets back down to your normal bill, we know we have something messed up here and will adjust it. Kendall will be getting with you in the morning.

Mr. McDerment stated what are we gonna do about these one. You see right there. That ain't right at all. Now I should of had a bill from let me see here now. I should of had a bill for the month previous to that I know what they've done. This is the 6 weeks bill right there. The monthly bill like it should be. I ain't even got a bill for the month before but this is what they sent me, and this is what I owe. I was gone that many days on the previous month.

President Eddings stated ok, Kendall will be gettin with you in the morning.

Mr. McDerment stated who.

President Eddings stated Kendall the manager right there in the blue shirt.

Mr. McDerment stated is he gonna be more prompt then that gentlemen, he was suppose to come out there and check all this stuff out, and I set and waited around for him all day and he never did show up.

President Eddings stated yes I guarantee it.

Mr. Coleman stated when would it be a good time for me to come out.

Mr. McDerment stated huh.

Mr. Coleman stated when would be a good time for me to come out.

Mr. McDerment stated 7:00 in the morning, it don't make know difference.

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Mr. Coleman stated I'll be there at 8:00.

President Eddings stated Pauline do you all have anything tonight?

Mrs. Pixley stated can I wait till later.

President Eddings stated hm, hm, Dave.

CHIEF DAVID KINDER ADDRESSES COUNCIL ON THE CHURCH STREET PARKING.

Chief Kinder stated on the church street you ask me to check out the parking for the last two weeks there's been no problem.

President Eddings stated ok, should we do this or make this announcement to read this or just post it on the board.

Council Member Alexander stated would they need something, don't they need an easement.

Council Member Fenner stated they are asking us to respond.

President Eddings stated ok, the Indiana Department of Transportation is requesting our responds to design a project with I-65 and stated road 311 the project concerns a frontage road located on the northeast quadrant of this enter change along I-65 north bound travel lanes. This frontage road leads to the cabinet factory, the retaining wall is propose along the east side of I-65 north bound travel lanes to allow an extension of an acceleration lane on to I-65 north bound. This retension wall will allow this extension of the auxiliary lane without interfering with the existing location of the frontage road approximately 300 meters of this retaining wall could be eliminated if guard rail was placed in the Town Of Sellersburg right away. The guard rail would meet all Indiana Department Of Transportation standards. And the cost would be included in the construction of this project the guard rail would be placed of the west edge of frontage road and the approximate length would be 400 meters. Please respond by November the 15th that something we ought to let, the chief ought to look to.

Vice-President Broady we have to respond by November 15th and if we don't...

Council Member Fenner stated yeah, their gonna do it anyway.

President Eddings stated will you take care of the response.

Vice-President Broady stated yeah.

President Eddings stated EMC.

Council Member Alexander stated thank you.

Mr. Coleman stated the first item is a letter stating that, what I made you all aware of Friday, that I made you all aware of.

Mr. Coleman stated that as of Friday that Joe Goergen is no longer the facility manager. I've taken over those responsibilities and I will be the permanent facility manager for the Town Of Sellersburg over the Water, Sewer and billing office. If theres any questions or concerns or anything that needs to be addressed by EMC I'll be your contact person. The second item is the revenue for a period of October 22 thur Nov. 7th

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and the revenues brought into the billing office is \$51,618.32. The last item I'm gonna go ahead I don't have the documentation to follow up with this because the computer out at the plant crashed on me today, but this is a reimburstment in the \$2,480.00 and that reimburstment is for chemical expenditures in our contract with the town. It states in expenditures less than the cap the city receives 25% of that save. And that saving amounts to that total right there.

President Eddings stated great, good job John did you have something.

JOHN TOOMBS ADDRESSES THE COUNCIL ON STORM SEWERS.

Mr. Toombs stated yes sir, on the 4th of November we took bids on the storm sewer project, everyone's got a copy of the bids stipulations. The lower bidder was Gray Fox Inc. which is one of the guys who did work last fall, and did a nice job. The low bid was \$52,939.15 I'm gonna recommend the contract be awarded to them.

President Eddings stated ok, the engineering estimate on this project was \$80,000.00. So we got a pretty good bid in front of us for the storm drain project's \$52,939.15.

Council Member Alexander stated I'll make a motion we approve Gray Fox Inc. on the condition that the easement is required on Broadway.

President Eddings stated ok.

Council Member Alexander stated for that particular project.

President Eddings stated I have a motion on the floor by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill any discussion?

Vice-President Broady stated what was the condition? I didn't hear.

Council Member Alexander stated it was that easement that we acquired the easement on Broadway, so they didn't have to wait on us. I want them to know.

President Eddings stated any further discussion if not all those in favor signify by saying I, I oppose nay I's have it. You want us to go ahead and sign those now?

Mr. Toombs stated I'll get them to you before the meeting is over.

President Eddings stated anything else.

Mr. Toombs stated no.

President Eddings stated any report from the Building Commissioner tonight. I don't see him here. Ok Dave.

VICE-PRESIDENT BROADY ADDRESSES COUNCIL ON JACOBI, TOOMBS AND LANZ ON A BILL FOR THE DRAIN IMPROVEMENTS.

Vice-President Broady stated I have a bill from Jacobi, Toombs and Lanz in the amount of

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\$1,620.00 and it is for the drain improvements what they've done on that is a computer break down attached so I make a motion we approve the claim \$1,620.00 to Jacobi, Toombs and Lanz.

Council Member Voyles stated I'll second.

President Eddings stated motion on floor by Dave do I have a second, by Bill any discussion if not all those in favor signify by saying I, I oppose nay I's have it.

Vice-President Broady stated here you go sir.

President Eddings stated anything else Dave?

Vice-President Broady stated no.

President Eddings stated Bill.

Council Member Voyles stated no, I don't have anything.

President Eddings stated Gary.

Council Member Fenner stated no.

President Eddings stated Perry.

Attorney McCall stated nothing.

President Eddings stated Ken.

KENNETH ALEXANDER ADDRESSES COUNCIL/ALL-STATE FORD/STREET SWEEPER/BACKHOE.

Council Member Alexander stated I just need your signature on this All-State Ford that we purchase the truck from, it was approved and agreed to .

President Eddings stated this has already been voted on.

Council Member Alexander stated yes it has already been voted on.

President Eddings stated right here.

Council Member Alexander stated hm, hm, I think that was the only page right, the back one.

Chief Deputy Shelton stated its on the yellow one.

Council Member Alexander stated yeah, last week we talked about a street sweeper or various other items, ah, right now we have a zero tax it's not something we get from the tax-payers it from our NVH fund we have about a hundred thousand dollars that needs to, it doesn't need to be spent, but we can spend for the street and sanitation department. Suggestion of a street sweeper was brought up to you all at the last meeting, futher investigation show that we would be out of budget to get the type of street sweeper that would do more than sweep streets. So, we need ideas, we need a backhoe, a small digger...

President Eddings stated I personally would like to see that type of equipment like that

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because we use it more often. Even if its not funded as you know if your not spending as much money as we need to spend.

Council Member Alexander stated right.

President Eddings stated but still its a piece of a equipment that we'd use alot more often than a street sweeper.

Council Member Alexander stated general concenus, I'll bring you back some bids on some various items.

President Eddings stated diggers...

Council Member Alexander stated thats all I got.

President Eddings stated ok, Clerk Treasurer.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL/BILLS.

Chief Deputy Shelton stated I have the bills.

President Eddings stated just the bills thats all, ok everybodys got a copy of the bills in their box and had a chance to review them, I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make the motion to pay the bills as presented.

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

Vice-President Broady stated I'll second.

President Eddings stated seconded by Dave, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Pauline do you have anything?

PAULINE PIXLEY AND NINE DIEFENBACH ADDRESSES THE COUNCIL/INVENTORY/CHIEF DAVE KINDER.

Mrs. Pixley stated yes.

Mrs. Diefenbach stated I recieved an inventory last Friday I've been looking it over I'd like to see this organized into departments and things that are alike and put together I'd like to see this put on the computer, it really needs some reorganizatïon. I think it would help alot.

President Eddings stated ok.

Mrs. Pixley stated or you gonna say anything about Chief Kinder. Have you all decided on anything yet?

President Eddings stated I haven't went yet.

Mrs. Pixley stated do what.

President Eddings stated I said I'm saving myself for last.

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Mrs. Pixley stated ok.

PRESIDENT EDDINGS ADDRESSES COUNCIL/STORM DRAIN PROJECT/CHIEF DAVID KINDER.

President Eddings stated before we get to that issue we've got a couple other things, some of the projects were trying to do this year we had the storm drain project which you just heard recently awarded. We've got couple other projects were trying to get accomplished this year one of them has to do with holding a retention pond at our waste water treatment facility. We have recently gotten all of our engineering specifications done and were ready to go to the state to see if we can get our permits one of the things we will be needing to do is we will need to fill some positions for a rate council renew this has to do with whoever we hire or whoever bids on the jobs to put the retention basin in will have to use a rate structure to bid by and were requesting its a normal procedure that you have two taxpaying citizens that are not board members, that don't sit on this council, were looking for volunteers or committee. I'm sorry were looking for volunteers from the community to sit on this rate committee so if anyone is interested.

Attorney McCall stated actually one has to be a representative from industry and one appointed by the agency and the other a taxpayer within the county that pays the tax that funds the project.

President Eddings stated one is the industry.

Attorney McCall stated industry.

President Eddings stated leader whatever.

Attorney McCall stated involved with industry.

President Eddings stated that they please let myself know or one of the board members here so they could contact me so I can get a hold of you.

Resident stated by what date?

Attorney McCall stated the meeting will be tentatively scheduled Nov. 20th the committee will meet present at that meeting will be a representative of the governor two representatives of the department of labor, would be a representative from AFLCIO, then a representative appointed by the town council, industry then another member appointed by the Town Council which is a taxpayer then the County Commissioner appointed one, who pays taxes for the funding of the project. It would be 5 people 2 outside actually 3 outside from the Town Council. That would be on the 20th...

President Eddings stated I think its the 18th, I will request this person to be appointed at the Nov. 18th..

Attorney McCall stated that's the commissioners meeting to be set on the 20th.

President Eddings stated ok.

Attorney McCall stated or as soon as possible, it will probably last it could last 2 or 3 hours probably no more than an hour, hour and half.

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President Eddings stated yeah, if anyone interested please contact on of the Council Members. Ok, another item we've got tonight we've hired or looking a hiring a rate council as you know were going through the procedure with the IURC looking at our water rates and adjusting our water rates our rate council it. Hackman, McClarson, Pullit and Carcraft, they've got in front of us their recommendations.

Attorney McCall stated thats an engagement letter and a purposal for services.

President Eddings stated ok, engagement letter and purposal for services it also has their hourly rates for their attorneys and paralegal listed on the last page. I'll entertain a motion we except this rate council.

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

Attorney McCall stated you just need to finalize it.

President Eddings stated thats what I'm getting to...

Attorney McCall stated just formalize it, to formally engage the services of this firm at rate council.

Vice-President Broady stated ok, I make a motion we hire this firm for our rate council.

Council Member Voyles stated I'll second that.

President Eddings stated motion made by Dave seconded by Bill any discussion?

Mrs. Pixley stated I'd like a copy of that if you don't mind.

President Eddings stated you can have a copy of it. If not all those in favor signify by saying I, I oppose nay I's have it.

Attorney McCall stated the other one is for Ice, Miller, Donato and Ryan who is the bond council. This is a letter of engagement also, regarding their estimated fees and authorizing them on behalf of the Town Board, bond issue for the project.

President Eddings stated ok.

Vice-President Broady stated I make that motion we also do that.

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, I oppose nay I's have it. This one doesn't require a signature. Ok everyone on the council has had a chance to review the resumes that were given in by November 1st concerning looking at the Police Chief. At the last meeting I read the letter from Mr. Duvall the investigator from the State Police that cleared Chief Kinder from any activity or any criminal activity or not activity found that would be any kind of suspicious an nature I've got petitions here by the citizens with 365 signatures. In favor of extending the Police Chiefs contract for the next two years. Theres been numerous letters to the editor in the evening news showing support for Chief Kinder.

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President Eddings stated ah, at this time I'd like to make a motion we extend the contract for two years ah, and sign the contract as written and reviewed by Perry and the chiefs attorney. Do I have a second?

Council Member Voyles stated I second.

President Eddings stated motion made and seconded is there any discussion?

Council Member Alexander stated it should be noted that one of the application I don't have a copy of. It was turned in...

President Eddings stated the only one I got that you don't have was turned in after November 1st.

Council Member Alexander stated is that Couch?

President Eddings stated yeah, its whomever in here. To me its void if its turned after November 1st.

Council Member Alexander stated I mean I met Mr. Couch while he was turning it in and I didn't have, I mean I just wanted to make a note of that, that I don't have it, I don't know wether stayed turned in or what.

President Eddings stated ok any other discussion?

Attorney McCall stated I understand your motion the only comment I have is that indicated in the contract. there may be questions about what if there may be things in the contract that you want to talk about and that type of thing.

President Eddings stated this is basically the same contract that we are entered into right now its just an extension for the next two years. The verbiage in the contract is exactly the same.

Council Member Alexander stated no price increase.

President Eddings stated one of the things I want to bring up to you know there has been some opposition to the Police Chief and people that oppose the Chief keep bringing up certain items I'd like to make sure we all understand ah, they talk about the Police Chief's salary well its a public record our Police Chief makes \$37,685.00 a year thats what he made in 1995 and thats what he made in 1996 and 1997. Thats what he agreed to work for, for the next two years. That's five years without a raise and very few people in this room will work five years with out a raise, \$37,000.00 is not even a mid-level management position for most medium sized companys and believe me the responsibility of Police Chief for the town even the size of Sellersburg contains as much responsibility as any mid-level management position with any company in this area. Our own street supervisor makes \$32,225.00 as street supervisor I think he has something like 4 or 5 people who work for him. We have a 12 man police force that works around the clock. So we want to try and dismiss those issues right up front I think the Police Chief has done a good job, the board up here has been split on some issues concerning the Chief, myself personally once I got the letter from Indianapolis that cleared him I wanted that issue put to bed. As far as the job the police has done at least while I've been President while I've been on the Town Board I think he's done outstanding job myself we don't have a crime problem in Sellersburg theres alot of things

you can contribute that to. But most certainly you can contribute it to the excellent job the Police Chief has done. So theres a motion on the floor and seconded do we have any other discussion?

Mrs. Pixley stated Yes, I have to Thank You all because we couldn't get another Police Chief. It would take him years to get use to the city of Sellersburg like Chief Kinder. As you said he has done a good job. I think there are ten time's more than wanted him that did't want him. We really appreciate it.

President Eddings stated we haven't voted yet, so don't we have a motion and a second?

Mrs. Pixley stated put the vote in now, we'll vote on it.

Mrs. Diefenbach stated I'd like to say, I'd like to commend you for the way you handled this meeting and this situation much better than what we started out on. I'd like to say alot of teachers make more than that. So were darn lucky.

President Eddings stated ok, if theres no futher discussion, all those in favor signify by saying I oppose nay.

Council Member Fenner stated Nay.

Council Member Alexander stated Nay.

President Eddings stated I's have it. I'll entertain a motion to adjourn the meeting.

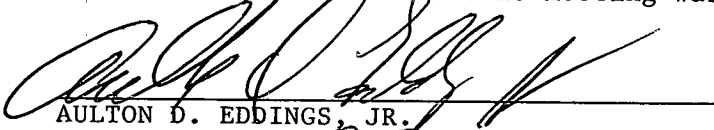
Vice-President Broady stated I'll make the motion we adjourn.

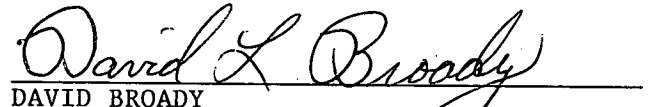
President Eddings stated motion made by Dave do I have a second?

Council Member Voyles stated I'll second.

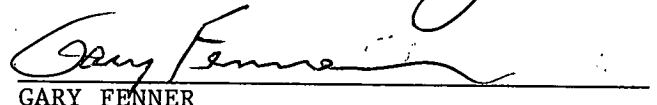
President Eddings stated seconded by Bill, any discussion? If not all those in favor signify by saying I, I oppose nay I's have it.

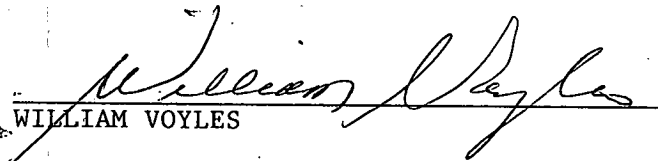
With no further business this meeting was adjourned by President Eddings at 7:14 p.m.

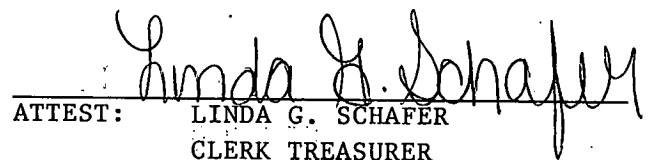

AULTON D. EDDINGS, JR.


DAVID BROADY


KENNETH ALEXANDER


GARY FENNER


WILLIAM VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 24, 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 Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall III, Town Attorney, with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

President Eddings called the meeting to order at 6:31.

Prayer

Rev. Bob Hauselman will offer up the prayer for this meeting.

Pledge

The Pledge of allegiance to the flag was recited.

PRESIDENT EDDINGS PRESENTS MINUTES.

President Eddings stated ok, everybodys got a copy of the minutes from the Executive Session on Nov. 10, 1997 for the town board meeting on November 10 in our box and had a chance to review them. I'll entertain a motion to approve the minutes as presented.

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

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill do I have any discussion on the minutes? If not all those in favor signify by saying I, I oppose nay I's have it. Ok while were signing these, Virgil would you like to go ahead and present your commissions.

VIRGIL BOLLY ADDRESSES COUNCIL ON COMFORT INN.

Virgil Bolly stated I'm Virgil Bolly and I'm here on behalf of Chris O'Neal, Joel Embry and Arvind Bhatt on behalf of the Comfort Inn. We determined it a revitalization area to my understanding that you all approved that all though I'm not for sure if anything was signed, I have those documents here. The last meeting, I was in Florida which was a nice place to be. I understand, I'm here tonight to see if you all might approve these, I understand theres, in the futher that theres probably, I think this is good property its gonna be a 2 million dollar investment, better than 250,000.00 a year.

President Eddings stated ok, those who are not familiar with the project we did claim the area as a revitalization zone, at the last town board meeting, all though we wanted to investigate the possibility of a tax abatement for the hotel, I think Dave has done a good job talking with Chris and the developers on the issue of the area that was in question our biggest concern was traffic problem that we have in the area, if Dave wants to report on this. I think they worked out something that was very very good for the town.

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Vice-President Broady state we went out and investigated it, really presay the ground the, that were talking about here, that gives us the opportunity to change the intersection, which would come out to the intersection that at...

President Eddings stated Frontage Road...

Vice-President Broady stated Ohio, we don't have the right way to do that, but we are in the process of trying to give other right of ways as possible for road development. Their willing to work with us on getting it the right way or easements or whatever we need in the futher to decide this problem. Unfortunately like I say they don't have a because they don't know if that particular piece of ground that we really need to solve as this point, but I'm asured they will have this to be a benefical to the town and also to the futher development. So I'm confident that everything has been done that they could do. And well get it resolved as soon as we can.

President Eddings stated ok, does anybody have any questions on any part of it. I think the developers and Chris and them are willing to work with the town as far as when it becomes available. Then again will be able to ease our traffic situation right there at 311 that we've got. There gonna do everything in their power to be able to do so. At this time I'd like to entertain a motion that we go ahead and grant the tax abatement for the Comfort Inn on the development.

Vice-President Broady stated I make the motion we do so.

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, do I have any discussion? If not all those in favor signify by saying I, I oppose nay.

Council Member Alexander stated nay.

President Eddings stated I's have it.

Virgil Bolly stated I got some forms here that I need you all to sign. I was just talking to John Toombs a minute ago and there is a possibility of coming out of Hill-N-Dale with another road directly in line with this McDonald drive. If we think about that we might be able to accomplish the same thing and avoid one of our problems down the road.

President Eddings stated I'm sure with the amount of property that's back there I'm sure theres a way to do it. We just have to figure out how do do it.

Virgil Bolly stated If I could get your all signatures.

President Eddings stated will get it right after the meeting. Just bring them right up here, were setting a land speed record tonight, Ok Pauline.

Mrs. Pixley stated not right now.

President Eddings stated well its either this or nothing, Dave Kinder's not here, oh, ok.

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PAT BRADSHAW ADDRESSES COUNCIL ON A REQUEST FOR ORDINANCE FOR TRANSFER OF APPROPRIATION.

Pat Bradshaw stated we got a request for ordinance for transfer of appropriation.

President Eddings stated Ok it looks like this is normal recourse close to the end of the year the people trying to fit their money into their budget they move some money around with in the specific accounts, this is with in the police department. It looks like a transfer of appropriation of \$50.00 from account 133 off-duty pay to 223 police equipment or transfer of appropriation \$3,500.00 from account 225 police gasoline to account 223 police equipment, a transfer of appropriation in the amount of \$75.00 from medical exams to police equipment evidently we had to buy alot of police equipment. A transfer of appropriation in the amount of 200.00 from postage to 223 police equipment. transfer of appropriation of 300.00 from electricity of 223 police equipment a transfer of appropriation of 2,250.00 from 354 heat and gas to 223 police equipment and a transfer of appropriation of 260.00 from account 355 water to account 223 police equipment. This would be ordinance #97-671. I'll entertain a motion to approve the appropriation request under ordinance no: I'll entertain a motion to consider on first reading ordinance #97-671.

Vice-President Broady stated I make the motion we approve #97-671 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, any discussion if not all those in favor signify by saying I oppose nay. I'll entertain a motion to accept ordinance #97-671.

Vice-President Broady stated I also 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 second by Bill, any discussion if not all those in favor signify by I, I oppose nay I's have it. Anything else? EMC

KENDALL COLEMAN ADDRESSES THE COUNCIL/MONTHLY REPORT.

Kendall Coleman stated these are attactments to the report.

President Eddigns stated those.

Kendall Coleman stated those are yours I made a copy. First I want to give you a check on reimbursemnt on chemical expenditures in the 2,480.00. This is just a break down of expenditures and I need to make you aware there is correction, there was a mistake in calculations of that. We shorted you 160.00. Cindy I'll have that check for you tomorrow. The cooperate office is over nighting that. The check you recieved at the last meeting was 2,480.00 and it should of been in the amount of 2,640.00. Then the last attachment is revenues, then the first one you see. Cindy you need to be aware of that, Angela made a mistake on that she missed one days deposit. So I gave you a revised statement from the last meeting. Then the other is for the last two weeks. And the last thing I have for you is the October monthly operations report then the last item I'd like to make the board aware of, last June we were inspected of our waste

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water treatment plant by Indiana Water Association and last week at their annual conference we were awarded 1997 safety award for Waste Water Treatment Plant.

President Eddings stated very good.

Kendall Coleman stated and the staff needs to be commended especially Robin Samples.

President Eddings stated ok, at this time I entertain a motion to pay the NSF, sales tax, meter deposits to EMC in the amount of \$6,112.74.

Council Member Alexander stated I make that motion.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion? If not all those in favor signify by saying I, I's oppose nay I's have it. Mr. Stewart how are you?

BOB STEWART ADDRESSES THE COUNCIL.

Bob Stewart stated better, since last time, Busy month.

President Eddings stated good job. Dave Broady.

Vice-President Broady stated nothing.

President Eddings stated Gary Fenner.

Council Member Fenner stated nothing.

President Eddings stated Bill Voyles.

Council Member Voyles stated nothing.

President Eddings stated Perry McCall.

Attorney McCall stated nothing.

President Eddings stated Ken Alexander.

KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/TWO HOUR PARKING.

Council Member Alexander stated a little something, the board was aware of the two hour parking in front of Silver Creek Diner, her recommendation I know she talk to the chief.

President Eddings stated ok, lets table it till the chief gets back and had a chance to review it.

Council Member Alexander stated yeah, we did see it the last thing I have is the various items we talked about for the street dept. There bidded out and will see how much money we have.

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President Eddings stated before the end of the year.

Council Member Alexander stated yeah it should be opened up on the 9th I want to say, they'll be opened up and I'll bring them in front of the board.

President Eddings stated before the last meeting of the year.

Council Member Alexander stated before the next meeting.

President Eddings stated ok, good ok, Clerk Treasurer.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL/PRESENT ORDINANCE 97-675 TRANSFER OF APPROPRIATION.

Chief Deputy Shelton stated I need to present this ordinance 97-675 its transfer of appropriation from with in the Clerk Treasurers fund for \$14,000.00.

President Eddings stated ok, we have a transfer of appropriations for consulting services this is for state board accounts do you know?

Chief Deputy Shelton stated It's for...

Council Member Fenner stated you got it right in front of you.

President Eddings stated ok, we have in front of us a transfer of appropriation for attorney fees. Electric, water, cleaning services, repairs to the town hall and misc. services. It looks like in, I don't have a total.

Chief Deputy Shelton stated \$14,000.00.

President Eddings stated \$14,000.00 total, I'll entertain a motion to consider 97-675 to transfer appropriations for attorneys fees.

Attorney McCall stated actually you need to give it a new ordinance number, because 96 had already been voted on and already been decided not to consider it, so you need to try and give it a new number.

President Eddings stated ok.

Attorney McCall stated and present it again.

Chief Deputy Shelton stated ok.

President Eddings stated 97-682, I will entertain a motion to consider ordinance #97-672 on the first reading. Ok no motion has been...

Attorney McCall stated consider it on first reading then presented again for a seconded at the next meeting.

President Eddings stated ok 97-682 has not been considered during the first reading, it can be presented again at the next.

Attorney McCall stated you can present it again to yourself now. The only time you can vote on an ordinance.

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President Eddings stated ok.

Attorney McCall stated one time, you still consider this as being the first reading then a second reading at a later date.

President Eddings stated ok, again I will call for a motion for considering ordinance #97-682. This does not entitle a full unamouus vote. This time it does not.

Attorney McCall stated that's right, just presented. If you was gonna take final action today. Right, and it has to be voted on the first time.

President Eddings stated I will entertain a motion to consider 97-682 on the first reading, ok I do not have a motion to consider 97-682 tonight on November 24th.

Chief Deputy Shelton stated I need to present this one for 97-673. Its a transfer from the Clerk Treasurers funds \$9,365.00.

President Eddings stated and again is this for the same thing?

Chief Deputy Shelton stated yeah, this is the total of the bills.

President Eddings stated I will entertain a motion to consider 97-683 on the first reading again transfer of appropriation for legal fees.

Council Member Voyles stated this is \$14,000.00.

President Eddings stated no its the same thing, no this is for \$9,000.00.

Chief Deputy Shelton stated it's \$9,000.00.

Council Member Fenner stated \$14,000.00 then another \$9,000.00.

President Eddings stated then another \$9,000.00.

Council Member Broady stated if we had approved that one it would of been for...

President Eddings stated \$23,000.00, I have a request for a motion on the floor, a request for appropriation.

Attorney McCall stated on the first reading.

President Eddings stated consider ordinance #97-683 on the first reading. I have no motion.

Attorney McCall stated now she can present it to you like she did the last one.

President Eddings stated again, let me have back again ok, now we do not need a unamouus vote. I will take a request.

Attorney McCall stated on the first reading of ordinance 97...

President Eddings stated for the first reading of 97-683 lack of motion the second time.

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Chief Deputy Shelton stated ok, I need to present this claim from David Lewis in the amount of \$3,865.00 its to be paid with a 50/50 split out of water and sewer.

President Eddings stated and this is for...

Chief Deputy Shelton stated attorneys fees.

President Eddings stated attorneys fees, I'll entertain a motion to pay out of water and sewer attorneys fees in the amount of \$3,865.00 for David Lewis.

Vice-President Broady stated for lack of discussion I'll make that motion.

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

Council Member Alexander stated I'll second it if Dave wants to discuss it.

President Eddings stated motion made and second, is there any discussion?

Vice-President Broady stated yeah, what are we doing here?

President Eddings stated were trying to pay attorney fees.

Vice-President Broady stated out of the water and sewer thats if their...

Council Member Fenner stated because we were doing it any other way.

President Eddings stated heres the activities, receipt and review of respondents request per mission, receipt 7-28 for letter from Perry McCall 7-28 Town Council meeting, meeting with Lonnie Cooper prior and after circuit court hearing, conference with Lonnie Cooper and work on dictation of response to request for admissions editing for request for admissions and filing of response, for the admissions all those in favor signify by saying I, oppose nay, nays have it.

Chief Deputy Shelton stated I need to present this claim from Lonnie Cooper in the amount \$5,500.00.

President Eddings stated I have, I'll entertain a motion to pay attorneys fees to Lonnie Cooper out of water and sewer account.

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

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

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, this is along the same lines \$5,500.00. Any discussion? All those in favor signify by saying I oppose nay, Nays have it. Ok, everybodys got a copy of the bills in there box had a chance to review them?

Council Member Fenner stated have you seen them?

President Eddings stated no I have not seen them.

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Council Member Fenner stated has anybody seen them.

Council Member Voyles stated no.

President Eddings stated is this it?

Deputy Clerk Crawford stated my fault.

President Eddings stated that's ok, no problem I got 4 minutes to break Daves record.

Mr. Toombs stated I want to remind you we have a bid opening, to be there if you can December 4th.

President Eddings stated December 4th this was on the holding pond?

Mr. Toombs stated at 1:30 here.

President Eddings stated ok I got the two members from Sellersburg.

Attorney McCall stated I don't think so.

Council Member Fenner stated I'm ready.

President Eddings stated ready everybodys had a chance to review the bills I'll entertain a motion to except the bills as presented.

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

President Eddings stated motion made by Dave do I have a second.

Council Member Alexander stated I'll second.

President Eddings stated second by Ken any discussion?

Council Member Alexander stated what is this Estes Excavating for \$1,900.00? Do you know what that is? Estes Excavating.

Kendall Coleman stated cleaned up the debris down along the plant.

Council Member Alexander stated ok.

President Eddings stated any further discussion? If not all those in favor signify by saying I oppose nay I's have it. Any further business 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 second?

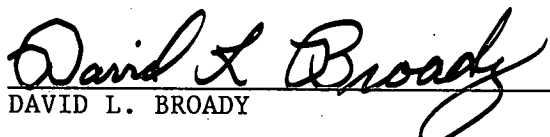
Council Member Voyles stated I'll second.

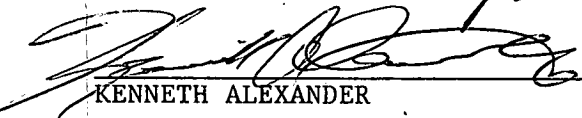
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President Eddings stated seconded by Bill any discussion? If not all those in favor signify by saying I, I's oppose nay I's have it meeting adjourned.

With no further business this meeting was adjourned by President Eddings at 6:56 p.m.


AULTON D. EDDINGS, JR.


DAVID L. BROADY


KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER