

SELLERSBURG TOWN COUNCIL

October 12, 1998

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: Doug Eddings, 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 Perry McCall, Town Attorney.

Called To Order

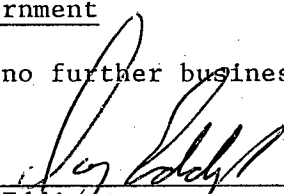
President Eddings called the Executive Session to order at 6:00 p.m.

Topics Of Discussion

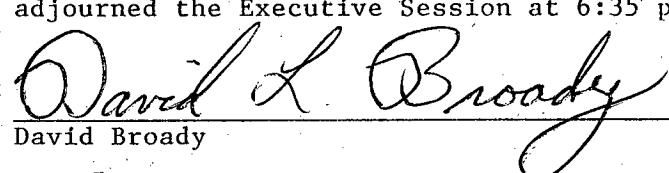
Water Retention Basin
Informal Bids On Sanatition
Confort Inn
Storm Sewers
Easement From Water/Holmans Lane Water Plant
IURC
Dave Fredrick/Rate-EPA Requirements
Jim Gillenwater/Reuse Board
Legal Notice/Annexation
Town Of Sellersburg VS Koetter Construction
Police Officers App.
Nuisance
Garbage Pick Up

Adjournment

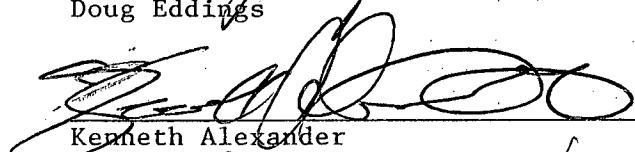
With no further business, President Eddings adjourned the Executive Session at 6:35 p.m.



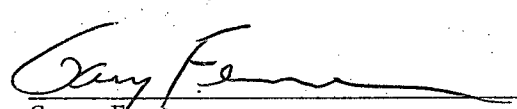
Doug Eddings



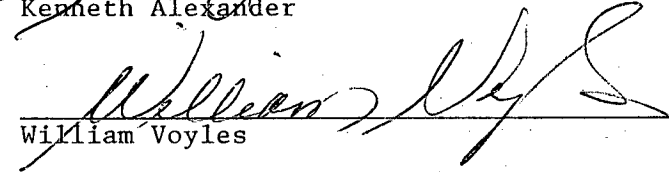
David Broady



Kenneth Alexander



Gary Fenner



William Voyles

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

October 12, 1998

Regular Meeting

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

Called To Order

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

Prayer

Rev. Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS CLOSES THE REGULAR MEETING AND OPENS THE PUBLIC HEARING.

President Eddings stated alright, at this time I'm going to close the Regular Meeting and open the Public Hearing on the Annexation Hearing on the Everett Sprigler Property. This is property adjacent to or behind the Moose's property, is that correct?

Mr. Sprigler stated Yes Sir.

President Eddings stated is anyone here at the meeting concerning the property other than the developers? Ok, do you want to explain what you're doing and where you're at? I think that will be about all we need.

JOHN KRAFT ADDRESSES THE COUNCIL ON/EVERETT SPRIGLER/ANNEXATION.

Mr. Kraft stated my name is John Kraft, I'm with the law firm of Young, Lind Endres and Kraft in New Albany. I'm here on behalf on Everett Sprigler, and I have here with me Paul Primavera as well, the engineer, and the petition that comes before you this evening is a private property owner petition or a voluntary petition for annexation. This property is contiguous to Lake View Estates, already with in the Town, and Mr. Sprigler is here this evening on a voluntary petition to annex this property into the Town. I do have a prepared proposed ordinance of annexation, uh, for review by Mr. McCall and in the event that any question would be proposed in regards to the annexation, Mr. Sprigler is here and I will try to answer any legal questions with regards to voluntary petition and Mr. Primavera with the regards to the engineering aspect of it. I'll be more than happy to address any of those questions.

President Eddings stated Perry, have you reviewed the ordinances?

Attorney McCall stated no, I haven't seen the ordinances, but I've talked to John on a couple of occasions about it, and I'm aware, the proper notice was sent, and it's a voluntary

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petition which is a little bit different than a an involuntary so, I think it's there's no objection and there's no...

President Eddings stated this is a two reading process right?

Attorney McCall stated you want to do it on a first reading, you can.

President Eddings stated would anybody object to that?

Attorney McCall stated you have to give it an ordinance number.

Mr. Kraft stated the other aspect of it, to take away your fear of doing it on a combined reading, under the statute, whether it's voluntary or involuntary, it still does require publication one time in thirty days after the passing of the ordinance.

President Eddings stated right.

Mr. Kraft stated for remonstrators, so as a result...

President Eddings stated a sixty-day period...

Mr. Kraft stated so what ever your action is, you still have that time period, it is part of the statute though, to allow remonstrators to come from within the property being annexed, well, Mr. Sprigler being the owner, I don't think he's going to remonstrate but still, we have to follow that procedure in the publication itself.

President Eddings stated you have you have an ordinance number.

Attorney McCall stated 98

Chief Deputy Shelton stated 700

President Eddings stated 98-700

Council Member Alexander stated do we need a motion or do we have to close the Public Hearing?

President Eddings stated do you have to close the Public Hearing to do this? I think we do.

Attorney McCall stated close the Public Hearing.

President Eddings stated no one has any comments?

Mrs. Pixley stated what's going in there?

President Eddings stated houses.

Mrs. Pixley stated just houses?

Mr. Sprigler stated yes ma'am, Lake View that is adjacent to that, it will be a continuation from that.

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Council Member Voyles stated you're going to build about 30 more homes there or...

Mr. Sprigler stated well the max is about 28.

Council Member Voyles stated 28, close.

Mr. Sprigler stated I don't know if I can get that may or not, I've got a location map here.

Council Member Voyles stated well, I had a couple of neighbors that had, I live there too and I had a couple of people at the end of the street, Forrest Drive North, and they were just concerned about the street, you know, they didn't want Forrest Drive North to be continued into there, there is no reason for it.

Mr. Sprigler stated ok, no problem.

President Eddings stated this is the property you have presently, right.

Mr. Sprigler stated there is two Cul-De-Sac's, now what we'll probably do is redo this and that will be it.

Council Member Fenner stated is this as much property as you own now?

Mr. Sprigler stated yeah, 6.9 acres.

Council Member Fenner stated and this is all part of the same property here? You're just going to create a Cul-De-Sac.

Mr. Sprigler stated we're just planning on moving them back.

Council Member Fenner stated ok.

PRESIDENT EDDINGS CLOSSES THE PUBLIC HEARING AND REOPENS THE REGULAR MEETING.

President Eddings stated ok at this time I'll close the Public Hearing and I'll reopen the Regular Meeting of October 12th, 1998. At this time I'll entertain a motion to consider ordinance number 98-700 on a first reading.

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

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

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any further discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)
At this time I'll entertain a motion to adopt ordinance number 98-700.

Vice-President Broady stated I'll also make that motion.

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

Council Member Fenner stated I'll second.

ORDINANCE NO. 96-700
AN ORDINANCE FOR ANNEXATION

BE IT ORDAINED by the Town Council of the Town of Sellersburg, Clark County, Indiana, under the authority of Indiana Code, as amended, that the real estate described herein shall be annexed into the Town of Sellersburg.

WHEREAS, on the 12th day of October, 1998, Everett Sprigler petitioned the Town Board of Sellersburg, Indiana, for the annexation of a 7.60 acre tract of real estate, hereinafter described, equitably owned by said Petitioner, which is adjacent to the corporate limits of the Town of Sellersburg, Indiana, as per Exhibit "A" attached hereto; and

WHEREAS, the Town Board has determined that a Fiscal Plan for annexation of said tract of real estate is not necessary; and

WHEREAS, said Petition has been duly considered by the Town Board which has determined that it is in the best interest of the Town of Sellersburg and the citizens thereof that the prayer of said Petition filed be granted.

NOW, THEREFORE, BE IT ORDAINED by the Sellersburg Town Council of Sellersburg, Indiana, that:

Section 1. The following described real estate, containing 7.60 acres, more or less, be, and the same hereby is, annexed to and made a part of the Town of Sellersburg, Indiana, to-wit:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 14TH DAY OF SEPTEMBER, 1998, OF REAL PROPERTY BEING A PART OF ILLINOIS GRANT #89, SILVER CREEK TOWNSHIP, CLARK COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

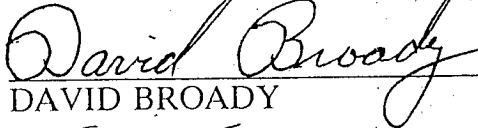
COMMENCING AT A STONE MARKING THE EASTERN CORNER OF GRANT #88 AND THE WEST LINE OF GRANT #89, THENCE NORTH 34 DEG. 22 MIN. 35 SEC. WEST ALONG THE LINE DIVIDING GRANTS #88 AND #89, A DISTANCE OF 1194.97 FEET TO A STONE, THENCE LEAVING THE GRANT LINE NORTH 54 DEG. 52 MIN. 56 SEC. EAST A DISTANCE OF 1608.06 FEET TO AN IRON PIN, SAID POINT BEING THE TRUE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED, THENCE CONTINUING NORTH 54 DEG. 52 MIN. 56 SEC. EAST 471.71 FEET TO A STONE, THENCE SOUTH 34 DEG. 57 MIN. 24 SEC. EAST 663.48 FEET,

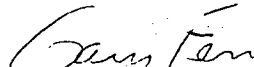
THENCE SOUTH 55 DEG. 50 MIN. 44 SEC. WEST 532.83 FEET,
THENCE NORTH 29 DEG. 37 MIN. 38 SEC. WEST 657.54 FEET, TO
THE POINT OF BEGINNING CONTAINING 7.60 ACRES, MORE OR
LESS.

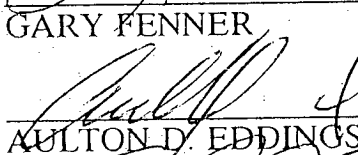
Section 2. This Ordinance shall be in full force and effect from and after its
passage and approval by the Town Board of Sellersburg, Indiana, and the due
publication thereof as required by Statute.

PASSED by the Town of Sellersburg, Indiana, this 12th day of October, 1998.

Town Board of Sellersburg:


DAVID BROADY


GARY FENNER


AULTON D. EDDINGS


KEN ALEXANDER


BILL VOYLES

ATTEST:


LINDA SCHAFER, Clerk-Treasurer

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

Mr. Sprigler stated Thank You.

President Eddings stated is Lana Kaelin here?

Chief Deputy Shelton stated no, she's not coming, she had something come up.

President Eddings stated ok, Keith Coats.

KEITH COATS ADDRESSES THE COUNCIL ON/STREET LIGHT.

Mr. Coats stated I actually came as an involuntary annexe, I'm not here to complain. Uh, four years ago I moved on Newberry Road, and the intersection over on 60 was so dark you couldn't see, so I had REMC put in a street light. I have been paying for a 250 watt street light and I was wondering if, since I am in Town now, if the Town would take that over, the expense. It's been about 12.44 a month.

President Eddings stated does it light the entrance into...

Mr. Coats stated yes, the whole intersection. As you turn off 60 uh, to the right Newberry Road and the left, Twinbrook, so it's the intersection to both subdivisions.

President Eddings stated right.

Mr. Coats stated I know in your plan, you are going to be putting up street lights any way and I was just wondering if you would take this one over also.

Council Member Alexander stated what's the address?

Mr. Coats stated it's right in the intersection.

Council Member Fenner stated Keith is 250 watts big enough is it doing the job.

President Eddings stated what's a regular street light? We'll probably if we do it, we'll replace it with a regular street light.

Mr. Coats stated it's already there, maybe at such a time when you get street lights, you can just take that one over, you can contact REMC and start paying the bill and take it off my bill.

Council Member Alexander stated and it is in your name.

Mr. Coats stated yeah.

Council Member Fenner stated who's property is it on?

Mr. Coats stated uh, it's the property I used to own, before I sold it to Alta Shields, it's right there at the right of way, at the intersection, the light shines on the intersection, that's right where it is at.

President Eddings stated ok.

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Mr. Coats stated Thanks.

President Eddings stated Dave Kinder.

Chief Kinder stated nothing.

President Eddings stated EMC.

KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/BY MONTHLY-REVENUE REPORTS.

Mr. Coleman stated the first item I have is the by-monthly revenue report, for both Water and Sewer Utilities and for Civil. The total monies collected from Sept. 28th through Oct. 9th, 78520.77. The next item I have is monthly invoice, there are no NSF's on this, there is a Sewer Tap Refund on there, that is for a lot that an individual purchased and there was already a tap in place. They tore the house down, and they paid the full amount and we reimbursed. On Virginia Heights, they paid the 1,520.00 and we reimbursed them 975.00, actually to the page it was 525.00.

President Eddings stated Ok, I'll entertain a motion to pay the reimbursement to EMC for Sewer Tap Refund of 975.00, a Meter Deposit Refund of 244.31 and the Monthly Sales Tax of 2696.84.

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?

Vice-President Broady stated yeah, uh, Kendall you said you reimbursed 975.00 and it was supposed to be 525.00, right? I mean it looks like you would reimburse the difference.

Mr. Coleman stated they paid the tap in of 1520.00, with a 20.00 Inspection Fee.

Vice-President Broady stated ok, and that is the difference.

Mr. Coleman stated yeah.

Vice-President Broady stated I misunderstood what you said.

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

Vice-President Broady stated it's already been seconded.

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

Mr. Coleman stated the next item is a request for an approval, it is expenditure out of the Sewer Utilities. We had to buy some adjusting rings, for the manholes, due to the street paving on St. Joe Road and Poindexter and several locations in Town and we bought 30 rings, I believe it was and about 10 of those are going to go into stock for other projects that are going to come around. We would like to keep them in stock,

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but it is hard to do since we have so many different size manholes we have through out the system, and purchased 30 rings at 86.00 each. The total is 2580.00.

President Eddings stated you got an invoice on it already.

Mr. Coleman stated Dave's got it.

President Eddings stated I'll entertain a motion to pay the Capital Expenditure of 2580.00 for manhole rings.

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

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

Council Member Voyles stated I'll second.

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

Mr. Coleman stated last meeting the Board asked me Mrs. Koch for a water adjustment, due to a water leak, uh, Clark and myself took a look at it. I have no way of knowing when that leak started. She did use an abnormal amount of water and its obvious that it was out of what she does throughout the year. It was for one month, one billing, and a little bit on the next month. Looked at it, there was a leak, it went through the meter, he made the repairs, the individual that was here, it's up to the Board if they want to make an adjustment or not. There was a leak, it went through the meter, it was more than her normal usage and he did make repairs.

Council Member Fenner stated did we give them an adjustment on the sewer.

President Eddings stated they don't have sewer.

Council Member Fenner stated we did turn it down last time and I did ask Kendall to do that, I'm still not sure about the time frame, and I think we should stand by our decision.

President Eddings stated Thanks, Dave Broady.

COUNCIL VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/INVOICES FROM JACOBI, TOOMBS, AND LANZ.

Vice-President Broady stated I have some invoices from Jacobi, Toombs and Lanz the engineers. One of them in the amount of 270.00 for Storm Sewers Project, job 9830, one for 125.00 for the Sellersburg Planning Commission, when we were reviewing the plans to make sure they comply with our ordinances, another for 600.00 for the Catch Storm Water Retention Basin Project, one for 300.00 for Sellersburg Pool Repair, and another one for 3953.62 and that's for Sanitary Sewer Project.

President Eddings stated is that the final bill on that John? No that's not it, we've already got the bill for the final holding.

Mr. Toombs stated that's for the Civil Mulated Sanitary Project that they're working on and trying to get into place.

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Council Member Fenner stated Dave, can I see the one on the Pool.

Vice-President Broady stated sure can, I don't have a total amount here.

Council Member Fenner stated John, is this when Nathan came up, if that...

Mr. Toombs stated I assume it is, I didn't look at it.

Vice-President Broady stated do you want to hold that one out till you can look at it further, Gary?

Mr. Toombs stated I've been wanting to get that one in for the Pool for along time.

Council Member Fenner stated on Sept. 18th and 21st, wasn't that on the weekend. Does anyone have a calendar?

Chief Kinder stated on the 18th and 21st, that's a Friday and Monday.

Council Member Fenner stated all right, I think that's good enough.

President Eddings stated ok, I'll entertain a motion to pay the bill from Jacobi, Toombs and Lanz 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 second it.

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

Vice-President Broady stated that's all I have Doug.

President Eddings stated ok, Gary.

Council Member Fenner stated nothing.

President Eddings stated Bill.

Council Member Voyles stated nothing.

President Eddings stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/S.K. WILSON.

Attorney McCall stated just the uh, temporary easement, or right of entry agreement from S.K. Wilson, it's mentioned, one of those things that go back and forth, they have asked for us to give them a right of entry to do some work, off of Holman's Lane. They have agreed to pay the Town 1046.25 for this temporary easement. John has been out to review and it was incorrect initially and now it's corrected and I'll present that to you tonight to approve that. I have three copies here.

President Eddings stated a motion or...

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Attorney McCall stated a motion.

President Eddings stated I'll entertain a motion to approve the fees paid by...

Attorney McCall stated to grant, just to grant them the right of entry.

President Eddings stated to grant S.K. Wilson the right of entry.

Mr. Toombs stated hold it, hold it.

Vice-President Broady stated Indiana American.

Attorney McCall stated Indiana American, S.K. Wilson prepared it, I'm sorry Indiana American Water Company.

Mr. Toombs stated they agreed to sell a temporary easement to Indiana American Water Corporation for 1046.25.

President Eddings stated I'll entertain a motion to sell a right of easement to, temporary right of easement to Indiana American Waters for 1000, how much?

Attorney McCall stated 1046.25.

President Eddings stated 1046.25.

Vice-President Broady stated can you repeat that motion? 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 further discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

Attorney McCall stated that's all for right now.

President Eddings stated Perry, what uh, have you looked into the legalities of changing that ordinance? Has anything been done?

Attorney McCall stated which...

President Eddings stated the ordinance about sewer size, the ordinance that we are supposed to be following?

Attorney McCall stated the one, the last meeting? yeah, we're going to go ahead and amend that ordinance from my understanding.

President Eddings stated we were going to check the legalities to see if we could do that.

Attorney McCall stated that's what we were talking about earlier.

President Eddings stated right.

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Attorney McCall stated that there was no problem, the EPA talked to Fredrick, Dave Fredrick. The only problem that he saw, was the EPA, he thought that the EPA would not have any problem with that happening. They don't come back and check. If you have done that, to amend the ordinance that would not effect the bond issue, and that is what we were talking about earlier. Yes, what I need to do is put together an amended ordinance for you to do that, and for Kendall's sake, you're going to enforce basically what you are doing now. You just going to send it back to thqt level, rather than opposing the ordinance you passed a couple of years ago.

President Eddings stated right.

Attorney McCall stated is that what you are talking about?

President Eddings stated right.

Mrs. Pixley stated Perry, are they going to recharge those higher meters?

Attorney McCall stated it's their decision, I'm just simply going to draft an amended ordinance that's going...

Mrs. Pixley stated I thought they already did that. I thought they already did that about 4 years ago, that was supposed to be...

Mrs. Pixley stated what I'm doing, is going to prepare an amended ordinance to reflect exactly what's going on now, as opposed to what is under the ordinance that was passed.

Mrs. Pixley stated I mean...

Attorney McCall stated that is what I've been instructed to do. I mean...

Mrs. Pixley stated what's the idea on that? You're not going to charge any different at all?

President Eddings stated we're not going to charge any different charges than what it is.

Mrs. Pixley stated why.

President Eddings stated really it should be based on usage, not on the size of pipe. Everything is based on usage, the size of pipe is irrelevant. If you got a bigger pipe you use more water, you pay a higher sewer bill. And it's based on usage.

Mrs. Pixley stated what about the size of the meter though?

President Eddings stated when you tap in you pay for it.

Mr. Coleman stated it's really unfair, because if you're using 50,000 with a six inch meter and you're using 50,000 with a two inch meter, you're paying...

President Eddings stated three times as much.

Mr. Coleman stated you're paying 400.00 or more a month.

President Eddings stated the fairest way to do it is strictly by usage. If you use it, you pay for it. Ok Kenny.

KENNETH ALEXANDER ADDRESS THE COUNCIL ON/NUISANCE ORDINANCE.

Council Member Alexander stated uh, on the nuisance ordinance, most of the ordinances, I mean, as far as what the ordinance says is correct. But I think, our problem comes in front of the area, is how they are enforced. I mean if we decide to give them the opportunity, if we file a nuisance abatement on someone the chances, they can come in and object to it.

Attorney McCall stated I included that.

Council Member Alexander stated Ok, but I think somewhere in here, once grass is 12 inches tall, there's nothing to come in here and talk to us about. I mean, your grass is 12 inches tall, you got two neighbors on both sides of you, you're creating a nuisance, and I guess, I think all it needs is a loop hole that allows us to be more swift as far as certain areas that are, I mean there are some areas in here that yes, they all have a right to come in and say hey this is up.

Attorney McCall stated the only part I was focusing on was weeds and grass and type of thing.

Council Member Alexander stated right, but as far as the weeds and grass and stuff go is we need to be careful on how we expedite how we handle weeds.

Attorney McCall stated well, what do you want to do, change the length of time they have to date or uh...

Council Member Alexander stated actually we need an area to give the authority to, I guess, the officer to determine the date of when it needs to be executed. I don't know if there are any other changes other than we just need to.

President Eddings stated it needs to be enforced.

Council Member Alexander stated well, I think first we need to decide on a date we'll know what the time limit is.

Attorney McCall stated if grass is 12 inches.

Council Member Alexander stated how long do you want to give them, I mean, we're not going.

Attorney McCall stated give them notice, it's been basically when you were fining people. It's not been not being able to give notice.

Council Member Alexander stated I mean, in here all we do is send out a registered letter to the last known address, it gives you a certain amount of time to do it. It doesn't matter if they don't show up.

Attorney McCall stated I understand, you give them the notice, but I'm saying trying to get them to abate the nuisance are one of the problem.

Council Member Alexander stated well, 200.00 a day.

Attorney McCall stated usually the house of the last known address the house that is the nuisance located and that's where you're sending it and it just simply sits in the

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mailbox, in a vacant house.

Council Member Alexander stated 200.00 a day, would make me want to mow my grass.

Attorney McCall stated if you ever find them. You can put the lien's and the tax lien's and the tax lien up and then go.

Council Member Voyles stated I would I would have thought, you're having trouble with, you know, with a lot of times having a, having a lot of jobs to do, he's got a lot of things to do and he has a hard time keeping up with some of this stuff and uh, a long time ago we took it away from the Police Department. There was a reason why we took it away from the Police Department, because you've got 11 Policemen out there, except when the Building Commissioner is out of town and because you've got

Council Member Alexander stated there's no, all the Building Inspector did, was help identify the area. The Building Inspector has no authority over the abatement.

Council Member Voyles stated ok, then who does it?

Council Member Alexander the Police Officer, he's the only one that has the authority.

Council Member Voyles stated ok, but that was changed to Bob Stewart wasn't it?

Chief Kinder stated it was taken away from us because the letter was too harsh.

Council Member Alexander stated I don't know how we did the change but I mean, as far as the power to do to...

Chief Kinder stated the ordinance is still the same, we still have power through the ordinance, but if the Town's Board decision to give it to the Building Commissioner, to soften the letter.

Attorney McCall stated there's another revision to that ordinance that hasn't made the book, that dealt with the Police role, or what the officers role is going to be, and took some of that away in certain circumstances. It may have been...

Council Member Alexander stated I think they went out and noticed, or saw what the problem was and turned it over to the Building Inspector, he sent out the soft letter, or the Street Department notified the Police Department and I think there was some stuff in there where somebody else could go out and do it.

Attorney McCall stated I think it was coming to me and I was having to send the letter.

Chief Kinder stated right, that's the way it was supposed to be.

Attorney McCall stated right, I would get the notice and sent out the letter to abate the nuisance, in that form letter that we had. They would send the initial one and I would send the second one I think, or...

Council Member Alexander stated the only thing I saw in the ordinance that had the highest frequency of complaints as far as residents that have to put up with the tall grass. I'd rather think that's the only area that somehow needs to be expedited, as far as speed, I mean we've got to be faster. Most time, by the time we find somebody summers over.

Attorney McCall stated are you proposing to amend it to change the time period on the grass only.

Council Member Alexander stated no, we can set the time period back, and send a letter out.

Attorney McCall stated if you go back to the abate the nuisance and it had a time limit in it, within...

Council Member Alexander stated set by the officer.

Attorney McCall stated well, I think it's been changed somewhere along the line, where they have a certain period of time to abate that nuisance, in so many days, then if they don't, this is going to happen.

Council Member Voyles stated well, you know that soft letter is not getting out, because if you go over by the Taco Bell, those weeds are dying on the front. They're 4, 5, or 6 feet tall.

Attorney McCall stated and that's in the last four or five years.

Council Member Voyles stated that's never been cut, nobody's ever sent a letter, nobody's ever done anything.

Council Member Alexander stated we've had it cut once, two years ago.

Council Member Voyles stated it hasn't been done recently and that's stuff that should have been done. Sellersburg is growing and I would think it needs to be cleaner.

Council Member Alexander stated 95% of the people keep their yard looking nice and there's 5% out there that aren't.

Attorney McCall stated you looking to do something in regard to the time period, limit for weeds only, for tall grass, for those type.

Chief Kinder stated right, with what you're saying, I think is right on the grass and stuff, what I'd like to see is where the Town would go in and cut it, and charge them.

Council Member Alexander stated I think the ordinance should read instead of there being a 200.00 a day, which serves nobody any purpose if they're not around, would somehow be read to where we can, and I don't want the Town employees going in and doing it, because then we have to affix the cost by the hour or whatever, I would rather just have them pay to someone that is in the Lawn Care Service. We would get a bill from them and say this is how much it cost, and then that bill is attached to their house. I mean, that way, it's cut. I mean, the idea was, we take too long to get it cut, and the person next to it still has the problem. We need somehow to get the authority to go in and say hey look, you have a certain amount of time to get this cut.

Council Member Fenner stated I think we need to bill them more than just the actual cost of cutting, we need to bill them to cover our cost of just labor and bookkeeping and administrative.

Council Member Alexander stated as far as time in the Lawn Care Service.

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Attorney McCall stated I think you could do both of them, to tell you the truth, cut the grass and penalize you at the same time. And maybe I'll have to pay it eventually sometime and maybe not. I'll put some things, I'll sit down with Bob Stewart and...

Council Member Voyles stated we've got another 6 months before we'll have the problem anyway.

Attorney McCall stated that's why I gave it to you tonight.

Council Member Alexander stated that's all I have.

President Eddings stated ok, Clerk Treasurers report.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL ON/MINUTES/CLAIMS.

Chief Deputy Shelton stated you've got the minutes.

President Eddings stated ok, everyone's got a copy of the minutes in their box and had a chance to review them. I'll entertain a motion to accept the minutes from the September 28th meeting as presented.

Council Member Fenner stated I make the motion that we approve the minutes of the last meeting.

President Eddings stated motion made by Gary, 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, opposed nay. I's have it. (Vote 4-0)

Chief Deputy Shelton stated I've got three claims, one from JoAnn Strickland for 98.50, one from Janet Matthews for 140.00 and one for Clark County Clerk for 318.00, it has to do with the record proceeding and the transcript.

Attorney McCall stated I know what the two are, what is the Clerk for?

Council Member Fenner stated the appeal of the lawsuit.

Council Member Alexander stated I'm confused on all this, is this coming out of the Clerk Treasurers Budget?

Attorney McCall stated no, let me see. It's probably coming out of miscellaneous. Record of proceeding.

Council Member Fenner stated doesn't this have something to do with the fact that the judge order us to pay for the court.

Attorney McCall stated yeah, but I just don't know what the...

Chief Deputy Shelton stated that's the rest of it. The first, there was a payment on the first for the two ladies.

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Attorney McCall stated I know what these two are, I just don't know what this is.

Chief Deputy Shelton stated I don't know.

Attorney McCall stated this part of it. For record of proceeding, this is for JoAnn and Janet Matthews did the transcript, they prepared the transcript, and I understand that, at 250 a page, but I'll talk to Mr. Cooper tomorrow and see what that exactly is and then at the next meeting bring it up again.

President Eddings stated ok.

Chief Deputy Shelton stated ok.

President Eddings stated I'll entertain a motion to pay.

Council Member Alexander stated where's it coming out of, that's what I need to know.

Attorney McCall stated you were ordered to pay it.

Council Member Alexander stated well, I mean which, is it coming out of the Clerk Treasurers miscellaneous, or is it coming out of Town Council?

Attorney McCall stated I don't know, I don't have a clue.

President Eddings stated where is the payment coming from?

Chief Deputy Shelton stated I would image the Clerk Treasurers, because you all only have about 64.00.

Council Member Alexander stated if it's coming out of the Clerk Treasurers Budget and we've already approved her budget, back in 97, why would we have to make a motion to pay?

Attorney McCall stated you were ordered to pay it and it's just like any claim, it's to be presented to you and you need to pay the claim. When any claim comes through to you on the appropriate voucher you need to pay the claim. It needs to be approved and presented, so I mean...

Vice-President Broady stated I make a motion we approve those two claims.

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, opposed nay.

Council Member Fenner stated nay.

Vote 3-1

Attorney McCall stated If you would table the 318 and I'll talk to Lonnie on that.

Vice-President Broady stated I make a motion to table the 318.

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Attorney McCall stated I mean it's nothing personal, I just need to see what it is.

President Eddings stated motion on the floor.

Chief Deputy Shelton stated wait a minute, I've got the bills.

President Eddings stated it's just to table the 318.

Council Member Voyles stated I'll second.

President Eddings stated motion by Dave to table the 318 and seconded by Bill, any discussion? If not all those in favor signify by saying I, opposed nay.

Council Member Fenner stated nay. (Vote 3-1)

President Eddings stated you all have had a chance to look at the bills, and I'll entertain a motion to pay the bills as presented.

Vice-President Broady stated I'll make a motion to pay the bills as presented.

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, opposed nay. I's have it. (Vote 4-0)
I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated I'll second it.

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

With no further business this meeting was adjourned by President Eddings at 7:20 p.m.



DOUG EDDINGS



DAVID BROADY



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 26, 1998

Regular Meeting

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

Bro. Dale Offutt offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/OCTOBER 12th EXECUTIVE SESSION AND THE REGULAR TOWN BOARD MEETING.

President Eddings stated ok, everyone's got a copy of the minutes from the October 12th Executive Session and the October 12th Town Meeting, I'll 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 second.

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

President Eddings stated ok, petitions from the citizens, is Keith Alexander here?

KEITH ALEXANDER ADDRESSES THE COUNCIL ON/SEWER ADJUSTMENT.

Keith Alexander stated I had a leak on my apartments, and when I got my first bill, I contacted the Water Company, and let them know I had a leak. One was like almost double the other bill, and uh, they said there was meter leaking. They fixed the meter and uh, then I got my bill again and I still had a problem, I was still getting a 166.00 water bill, it was on apartment 222. So I went to the building and checked it out, looked for a leak and I couldn't find a leak or nothing, we got the bill for July and I'm still getting a 166.00 bill. The other one's were for like 80 or 90 dollars and I contacted one of the Water Company guys down on Popp and come to find out the billing was wrong. The billing for 222 was actually the billing for 220 and that's was where the leak was. And I just wanted to see if I could get a sewer adjustment. Had I known it was 220, I could of found the leak sooner instead of it being 222. But the billing was switched from 220 to 222.

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KEITH ALEXANDER ADDRESSES THE COUNCIL ON/SEWER ADJUSTMENT.

Council Member Fenner stated so you actually had two leaks?

Keith Alexander stated I just had, I didn't have a leak in 222 that's why I couldn't find the leak. The leak was actually in 220. That's where the high bills were coming from. I just wanted to see if I could get a sewer adjustment on those, that billing. I've got the difference between, I just took the high one and next to the highest and just took the difference there.

President Eddings stated you have a way to get an average or an estimate or anything.

Keith Alexander stated I can get an average, but...

Mr. Coleman stated how long has that apartment been occupied?

Keith Alexander stated since January.

Mr. Coleman stated I can get an average over the year, throw the high out and get an average.

President Eddings stated I'll entertain a motion for a sewer adjustment.

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

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion?

Council Member Fenner stated Kendall, have you been down there and...

Mr. Coleman stated to be honest with you, I seen it on the agenda when I was coming tonight, I didn't get any record from the girls in the office, this is really the first I've heard of it.

Council Member Fenner stated you don't know whether.

Mr. Coleman stated Clark had probably taken care of it, I'll have to get with Clark and then get with the girls in the office.

President Eddings stated any further discussion?

Mr. Coleman stated I mean it's not anything out of the ordinary.

Council Member Fenner stated yeah.

Mr. Coleman stated I mean misinterpreting what reading goes to that needs to be corrected, and find out what that is.

Council Member Fenner stated ok.

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President Eddings stated if there's no more discussion, all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

President Eddings stated David Coyte.

DAVID COYTE ADDRESSES THE COUNCIL ON/COMMUTER RAIL SERVICE.

Mr. Coyte stated I'm here tonight representing a group called Cart, which is the Regional Transportation Collation and uh, a subcommittee of Kipta, which has been studying a way to do traffic congestion on the I-65 during reconstruction. I put a letter, it's a newsletter, there's two issues involved, on this corridor. I think all of you realize the, that the line outside the door here goes all the way up to Indianapolis and across the river as well. We have proposed that the uh, to deal with the six to ten year construction, is what we're looking on that corridor, that there be a Commuter Rail Line established, running from the Henryville, down across the river into Louisville, witch stops in the major, 131 corridor and in Sellersburg, Memphis, Henryville, the Industrial Parks and Clark County Hospital to get people where they need to go. This is going to be a pretty major reconstruction project. You've seen what they, what's happening, with getting 265 cleaned up so they can route them through there. This has serious impacts, just not on people getting to work, but on air quality, on the entire economic structure over here, because people are just not going to be interested in coming across the river, and a lot of people coming on 131 come from other parts of Southern Indiana dealing with the traffic that, so we're looking at the tracks and what we're concerned with is there is just not a lot of options, for getting people around this congestion. I mean, what are we going to do, go down 31 and go to Charlestown road, 265, they're going to be running into 20,000 vehicles a day of Casino Traffic in New Albany which is going to put uh, that bridge well past capacity too. So, Kipta and my organization is really concerned about this and we think this is very advisable and an important step that is not just, first of all to get people through this construction. It will also help people in this area who cannot get around, I mean what, 10% of the households in Clark County and in the Urban part of Clark County, 70% of the households people don't have vehicles. And if you deal a lot with the council for age and aged who are dealing with transportation services with these populations, that's a real problem, they are maxed out, and looking for options all the time. So, we've been working to enhance transit throughout the region and I think we've played a big role working with the Southern Indiana advisory group to get the new line here in Sellersburg and to River Falls Mall, which is kind of the Southern Indiana Hub for Transit Service. But, River Falls Mall is going to be kind of socked into this mess as well, and there's just not any crossbar of options unless we do this. This provides completely uh, a way to get across the river and throughout the whole corridor. There are very few grade crossings, there's the Train will probably not go any faster that 25 mph, you're talking about a Train that is probably two cars long at the most, I'm not talking extensive traffic tie ups. And that's the short term problem we're facing and this is a short term solution would be paid for with funds that are specifically for this. And of course because we do have air quality problems this would solve some of them, and we are certainly eligible for those funds. Indot had guaranteed, they are saying they are going to try to keep traffic open two lanes each direction during peak hours. However, Indot is leaving traffic maintenance up to the individual contractor on the job, they have no consultant or anyone integrating all this traffic maintenance plan with the different contractors. So, Kipta is concerned about this whole plan. We have an option to get a really good system in and cheap, because no local

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DAVID COYTE ADDRESSES THE COUNCIL ON/COMMUTER RAIL SERVICE.

map is required for this. It can be done quickly because it doesn't require all the extensive studies that the White Rail Program in Louisville has required. Uh, and it opens up the door for I think, so additional issues additional expansion that I think is real important. Uh, that it, the short term issue is the congestion that we are facing now. The long term issue is, uh, are we going to maintain just a highway dependent system or are we going to diversify our transportation mode as we have in our economic. You know the Louisville Metro Area has done really well with all the economic downturns in the last couple of decades. Because they have a diversified industrial base. Our transportation system is not so diversified, and you know the problem we're facing with this particular project demonstrates that. I think by adding something extra to this mix we can really improve our economic picture in terms of the transportation side of things significantly. We have I think over a half of dozen trucking firms located on this corridor that can be seriously impacted by this. Ups Trucks are going to be trying to get through here, this is going to be a nightmare, I think we would like all of our, anybody that can get off that highway, should be given the opportunity to do so, give them a option, they aren't right now, and city streets are going to be a madhouse, people will scramble to get out of the way of all of this. Uh, the long term issue is oil resources on the planet earth demish, that's the big picture, the result of this is we are an oil dependant economy. We are the most inefficient of the three worlds. And because of that, things are fine as long as the oil is cheap, as supplies go down, prices go up and our economy is going to suffer. Our Federal and Indiana State Government are planning an extensive Rail Passenger and Fright Rail System across the Midwest, but because Kentucky is not involved in this, Kentucky opted out of this Nine State Midwestern Addition, there's nothing coming South of Indianapolis. There is no Passenger Rail Service being planned in our area and certainly, that leaves us completely out of, you know we're not going to be a part of a rather extensive National Rail System and we aren't going to be able to get to Indianapolis as cheaply and quickly and safely as we could if we had that option. This is a little nine mile system we're talking about here, would be the opportunity for us to connect with the National System. And I think it's a really big opportunity, I think it has the impact that opening up our markets, opening up our resources to people. Rail uses one tenth the energy of a gasoline engine. You're talking about some big savings.

Attorney McCall stated what are they supposed to do for you?

Mr. Coyte stated oh, Indot did not want to do this, they are a highway department, I think that this group, as you see the merit here, then I would ask that you would individually or as a board write letters, contact your representatives of the Kipta Board, contact the County Commissioners, contact the Department of Transportation, contact the Governor, tell them you would like to see this idea given some consideration. It's, I think it's a win, win, if we could. Thank You, any questions?

Council Member Fenner stated where's this thing going to go down into Louisville?

Mr. Coyte stated the line is going across the falls is the Old Pennsylvania, it goes right up to the Tarc Headquarters, 9th streets to the Tarc headquarters on Broadway, so it connects with all the major Bus Lines in Louisville and would fit really nicely with the Light Rail Line that is being planned for downtown. We could have this before they lay the first piece of rail for the Tarc Line.

Council Member Fenner stated have you talked to them about this?

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DAVID COYTE ADDRESSES THE COUNCIL ON/COMMUTER RAIL SERVICE.

Mr. Coyte stated they have members on the subcommittee studying this as well.

Mr. Toombs stated are you going to use existing tracks?

Mr. Coyte stated yeah, they will probably require us to upgrade some of the track to get it up to speed.

Mr. Toombs stated who's track are you to us and you said who's paying for this?

Mr. Coyte stated well it's going to be paid for with Federal C-Mac Money, Congestion Litigation and Air Quality.

Mr. Toombs stated you mentioned two cars, two passenger car trains.

Mr. Coyte stated they wouldn't be long, it wouldn't be like a freight train or nothing like that.

Mr. Toombs stated how many cars from I-65 would this eliminate? This Train would probably run once or twice a day.

Mr. Coyte stated it would probably a dozen times a day, you would be providing not only a couple of rush hour runs both ways, but you would have runs throughout the day and night, because that construction is going to go on both day and night.

Mr. Toombs stated the location in Henryville, Memphis and Sellersburg where there will be parking area and get on, there will be parking lots there.

Mr. Coyte stated there will be one in the rural parking lot and as you get into town, where there is the Old Railway Station on Stanisfer Avenue, that would serve the Clark Memorial Hospital and various things.

Mr. Toombs stated and you mentioned construction on 65 will take 10 years, they are saying it's not a group of projects not being down all at the same time but one at a time.

Mr. Coyte stated it will be phased along different parts of the, doing a bridge here, doing paving here, and doing something else here. They haven't figured out, they haven't done the consulting on how to phase it, but they don't have anybody overseeing how well the traffic is maintained, they are leaving that up to the individual contractor. And that's a real concern.

Council Member Fenner stated why isn't Indot supporting this?

Mr. Coyte stated good question, frankly the Regional Planner told me in a meeting that it's because I'm involved in this. I sued Indot over this project because I thought they hadn't looked at this project, because I thought they hadn't look at an alternative and I have to think Frank must have been you know, exaggerate, because I hate to think that Indot was small minded that they let something like that, punish the whole region because of just me. But that's what he said, now you know, you'll have to talk to Kirk Wiley to find out why they're not supporting this. They are trying to find some money right now to do a scopeing study because they know that unless we

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DAVID COYTE ADDRESSES THE COUNCIL ON/COMMUTER RAIL SERVICE.

put out some effort locally, Indot is not going to move on this.

Council Member Fenner stated you sued them personally or Kipta did?

Mr. Coyte stated I sued them personally.

Council Member Fenner stated ok, but you're a part of Kipta?

Mr. Coyte stated no, I'm a private citizen, I'm just working with Kipta on this subcommittee. I'm representing Cart on this subcommittee. Kipta did not sue them. This is a personal issue, well not a personal issue, but personally not personally, it was not personally initiated,

Mr. Toombs stated did they think doing this rail line will in anyway take away from the two bridges being built?

Mr. Coyte stated it is not likely.

Mr. Toombs stated are you hopefully that it, a Commuter Rail, will alter their eventual plan for two new bridges?

Mr. Coyte stated I would like, I think that a downtown bridge, this is my personal opinion, is unnecessary, and I think a Commuter Rail will certainly impact that. I don't think would impact the east end one. I don't think this would impact the east end issue because there is not the population or the jobs that people move back and forth for. And there is no Rail either.

President Eddings stated anybody else got any questions? Ok, Thank You Very Much. Mr. Kinder, you have anything tonight?

Mr. Kinder stated no sir.

President Eddings stated EMC.

MR. COLEMAN/EMC ADDRESSES THE COUNCIL ON/BY-WEEKLY AND BY-MONTHLY REPORT'S.

Mr. Coleman stated I have the by-weekly and by-monthly report. The water and sewer revenue report for the period of October 12th through October 23rd, and the total money collected was \$101,440.45. I have one thing to make the board aware of, uh, we have been having problems with well number 2 down at the well field, I'd like to have Wayne Western come in and take a look at it. It looks like we've either got a problem with the motor or the pump. At this time we don't know which one. It looks like it's going to be an expensive little item, so be prepared. It looks as though the pump is not pumping near as the efficiency as what it should. We got a break in the line down at the well field, we should have that prepared tomorrow. So as that is prepared, we'll get that put on line, and we got that on line, we'll have to shut number 2 down. So I'll probably have the cost on that at the next board meeting.

President Eddings stated ok, anything from the Building Commissioner?

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Mr. Stewart stated nothing to report, Thank You.

President Eddings stated ok, Dave Broady.

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

President Eddings stated Gary.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/PARKS DEPARTMENT/INSIGHT CABLE.

Council Member Fenner stated yeah, a couple of things. Uh, first of all, for the Parks Department, we need to do a transfer of appropriations. This is just moving some money around so we can pay some bills. We had electrical motor go out on the main pump this summer on the pool and we had to replace it and also because we had a leak, the chemical expenses have been way up, because we had to treat a lot more water than we usually do. So Linda has prepared a transfer of appropriations for us and basically, we're transferring 2300.00 out of concessions or 3300.00 out of concessions, 2500.00 out of water and we're transferring it into repairs and maintenance and miscellaneous services and repairs and maintenance, a different number of categories. So I would like to, do we need an ordinance number for this?

Attorney McCall stated yeah.

Chief Deputy Shelton stated 98-701.

President Eddings stated 701. Ok, I'll entertain a motion to consider ordinance number 98-701 on a first reading.

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

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

Council Member Fenner stated I'll second it.

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

President Eddings stated I'll entertain a motion to adopt ordinance number 98-701. Motion made by Dave, do I have a second?

Council Member Fenner stated I'll second it.

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

Council Member Fenner stated do we need to sign this one?

President Eddings stated yep.

Council Member Fenner stated uh, another thing I want to, we got a note from Insight Cable, Mr. Lilly General Manager was just here in the last six weeks to two months, something like that and he expressed in this note that they are going to have a Cable increase, rate increase and I intend to write a letter just

ORDINANCE 98-701

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1998, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1998 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME & AMOUNT

TO ACCT.#, NAME, & AMOUNT

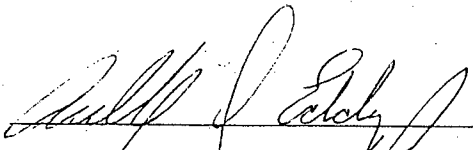
PARKS

PARKS

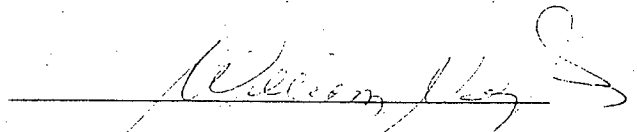
227- CONCESSION 2300.
227- CONCESSION 1000.
357- WATER 2500.

362- REPAIRS & MAINT. 2300.
394- MISC. SERVICES & CHARGES 1000.
362- REPAIRS & MAINT. 2500.

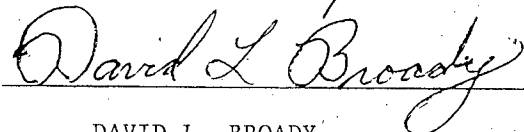
SO ORDAINED THIS _____ DAY OF _____ 1998.




AILTON D. EDDINGS JR.



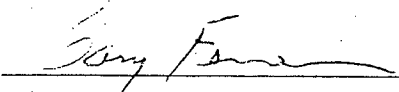
WILLIAM K. VOYLES



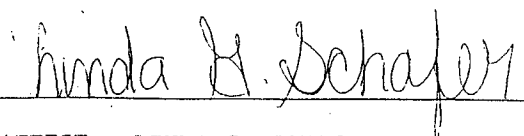
DAVID L. BROADY



KENNETH ALEXANDER



GARY FENNER



LINDA G. SCHAFER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

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COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/PARKS DEPARTMENT/INSIGHT CABLE.

expressing my displeasure that and I don't know if the council wants to join me in that or not. But, uh, I think that is the second reate increase this year. And we are the licensing body for them. So I think we have a responsibility to at least voice our feelings about it.

President Eddings stated why don't you write the letter and bring it in and we can all sign it.

Council Member Fenner stated be glad to. The other thing I have is I've been doing some doodling about the, about our Water Rate Increase proposal and the Capital Improvement Plan and I want to pass out some information for you to look at and then for us to discuss over the next meeting. Let me give you some of these and we'll go over them, not in great detail. Take out the big double piece of paper right here. This is basically just starting out uh, the balances for all the accounts in the Water Department over a one year period. Which was September 1st of 97 through August 31st of this year. And in the upper left hand corner you have the beginning balance uh, for the Water Operating and then down at the bottom you have the ending balance for the whole year for the totals and it's broken down month by month. So those are just the balance numbers for the whole year. What I was looking for was to find out you know, more of the status of the Water Company. In terms of the money we're taking and where we are spending it, and so on the other sheet of paper that's the 8 1/2 by 14 sheet, uh, that is a list of all the bills we have paid for the Water Department over that same period of time. The one's that are marked with X's are the one's that I have identified that would be listed as Capital Improvement. They were not paid out of the Capital Improvement Fund. These were paid out of the Operating Fund, please make a note of that, and these were taken out of the operating not Capital Improvements. But yet, they are Capital Improvements, they would be classified as Capital Improvements. And then you take the other piece of paper where I have summarized it and basically it showed out of the Operating Fund we have spent 42000.00 for Capital Improvements plus we still had an increase in the ending balance in the Water Department for the year of 48000.00 over the beginning balance. So, the Water Department doesn't need that kind of a balance for the year. I mean, all we have to pay out of the Operating Fund is we have to pay EMC according to the contract, and we have to pay the Sales Tax and those type of things that we average out and we know what they are going to be. So I list other things here where we can put money together for the Capital Improvements. For the last year if you go back and look and you go back and add up what we're putting into Capital Improvement, we're putting in an average of, it's an estimated average of 10750.00 a month in for Capital Improvements. That's a 129000.00 a year, we're putting in, we have 8000.00 from Sprint for the rental on our tower, we get 12000.00 a year from Clarksville for the Ser-Vend Project, we're going to be averaging 6000.00 a year interest from the DSR Fund, that is full and doesn't need anything else added to it. And then you add in you know, just the 42000.00 that we took out of it for Capital Improvements and put that into Capital Improvements instead of operating plus the 48000.00 that we accrue in the year, and that's 245000.00 that we had for Capital Improvements this year and we didn't touch any of it. So, and then list possible losses of revenue, we know that we may possibly lose money because of Henryville, and that would be a big loss for us. But we also have some definite increase in revenue coming in which I've listed there and I'd like for us to pursue other possible increases in revenue. So, anyway these are numbers for you to look at, for you to take it apart, try to pick it apart, find anything that I've done wrong, and let's come back and talk about it. Any questions?

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COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/PARKS DEPARTMENT/INSIGHT CABLE.

Council Member Alexander stated I'd like to just to add something if I may. I you want to take the, I want to Thank Gary, it's outstanding, it took a lot of time, it's very clear, the Clerk Treasurer's Office done a good job as far as having the information available, this is the type of information we need. I think it can be tested if you look into your information package that you have been given and look at what the old...came as the breakdown, for the Water Department. If you will notice on the bottom, they had a minus 8% and that also included the bonding, of the bond, it paid for Capital Improvements, which would be right at 13 and 14%, and you will see the numbers that Mr. Fenner had calculated with what the OCCU said we had will come pretty darn close. And I think that these numbers are right, I think that's why even more thought can be put into it as far as what we're doing with the IURC.

President Eddings stated very good, is that it Gary?

Council Member Fenner stated that's all.

President Eddings stated Bill.

COUNCIL MEMBER VOYLES ADDRESSES THE COUNCIL ON/ORDINANCE ON SMOKING IN THE BUILDING.

Council Member Voyles stated well I don't have much. I'd like to, I've had some people call me at home about, I think there's ordinance in this building about smoking front, back and everything. And apparently uh, we had a lot of smoking in either front and in the back, and I just wonder who I talk to about solving this problem. Whether Linda take care of it or you can find out if Linda will take care of it. But, I can give you the names of the people complaining. One of them is an asthmatic, has asthma, and she complains constantly when she comes in and she has to go to the doctor afterwards, and one of the things she does is come down here to pay her water bill. And that's all I have. So if you would talk to Linda about it, I'd appreciate it and let me know something.

President Eddings stated ok, Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ORDINANCE'S/MAPLE MANOR/RATE COUNCIL BILL.

Attorney McCall stated the easiest things first I guess. Ken, the ordinance is recorded and gone to the assessors office and been to Voter Registration. So, it looks like that's done, they will assign the district.

Council Member Alexander stated did they say what kind of time frame as far as the time at district?

Attorney McCall stated as soon as possible.

President Eddings stated is the 60 day period up.

Attorney McCall stated oh yeah, that's why I went ahead and recorded it. This is for Linda. I've got, alos you can give that to Linda, that's the voucher I had them sign off on for the payment of the recording, that's for Linda too. We got a , speaking of water rate increase, we got the latest bill, they passed over the August bill and went

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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ORDINANCE'S/MAPLE MANOR/RATE COUNCIL BILL.

to September, we didn't pay that one because I didn't submit it, it looks like almost a final bill.

President Eddings stated I'm sorry, what was that for?

Attorney McCall stated Water Rate Increase, the Council Increase, and the Rate Council.

Council Member Fenner stated who was this for, the Rate Council?

Attorney McCall stated yeah, Hackman, McClaren, Hewlett and Craycraft for up to September 29th, which would be the review and distribution of the IURC order, which is the last order indicating that they had agreed to that proposal that was submitted to you when you determined to go ahead and go forward with that. That puts us up to pretty much all the work they have completed to date and I don't think there's anything else, because I haven't had any phone calls with them since that time. The last phone call I had we're they billed us and hour and twenty-five was on the 16th was after that. That was calling them to get back to them. So the bill is and the voucher submitted is for 3048.97. And that is for the months of August and September.

Council Member Fenner stated and we also have on the claims sheet for this period through Umbaugh and Associates 19750.00 under water and 3000.00 for Umbaugh and Associates under sewer. Are both of those for the same thing?

Attorney McCall stated I didn't receive any of that, I have not a clue.

President Eddings stated that might be for the retention basin.

Council Member Fenner stated the sewer is for something else.

Attorney McCall stated yeah.

Council Member Fenner stated all right, the 19750.00 is for...

Council Member Alexander stated recording, while we were in the IURC probably, but why before we even start the project?

Attorney McCall stated I don't know, I have not a clue.

Council Member Fenner stated as far as I'm concerned, their figures weren't worth...

Attorney McCall stated I'm giving you one, ok.

Council Member Fenner stated I'm not saying Perry, those are not directed to you.

Attorney McCall stated ok, this is what was submitted and again, I didn't submit the month of August and I'm giving you both for a total of 3048.97 for approval and there's a claim voucher there so if you wanted to act on that tonight you can, if not put it off till a different date. But that should be the last Rate Council bill until you make a decision on how you're going to proceed. If you make a decision to go one way to opt out or whatever you're going to do or seek other alternatives, there shouldn't be another one. If you do decide to go second phase then of course you'll receive

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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ORDINANCE'S/MAPLE MANOR/RATE COUNCIL BILL.

other bills.

President Eddings stated I'll entertain a motion to pay the invoice of 3048.98 for Rate Council to Hackman, McClearn, Hewlett and Craycraft.

Council Member Fenner stated I'll make that motion.

President Eddings stated motion by Gary, 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, opposed nay. I's have it. (Vote 4-0)

Attorney McCall stated alright, some weeks ago the Chief gave me a call about his concerns about Maple Manor and the Housing of certain juvenile's there and concerned it was basically putting the burden on our Police Department, having to track the kids down. Most of all a lot of them were out of County Residents, up North and were coming here for placement, at Maple Manor in addition, some concerns for the Residents in that area with run-a- ways and now with any violent past. There was an article that came out in the Charlestown Leader indicating they were going to house other juveniles perhaps those had been adjudicated delinquents which means they have commented by an adult. So I wrote to them basically a letter expressing concerns with the Chief as well as when they initially addressed it and I got a response back and it verified the phone conversation that I had from Dr. Wagner that the one...

TAPE BROKE WE'RE TYPING FROM NOTES.

John Toombs talked about Town Maps, changing Zoning Map, Sewage on Foothill and Edgewood.

Ken Alexander talked about fall clean-up, underground storage tanks, C.L. McBride about the steel lines instead of fiber glass. Motion was made for the underground storage tank for gas at the Sellersburg Town Hall, Council Member Fenner made the motion for Council Member Alexander to spend up to 15,000.00. (Vote 4-0)

A motion was made for the underground storage tanks at the sewer plant the vote was 3-0 with Council Vice-President Broady voting against.

President Eddings talked about Block Grant.

Chief Deputy Shelton addresses the council on Bills, Clark County Clerk for Recorder Proceedings. Motion made to pass the bills by Council Member Alexander and Council Member Voyles second vote 4-0.

Motion made for the Clark County Clerk for Recorder Proceedings made by Council Member Voyles with Vice-President Broady seconding it vote 3-0 with Council Member Fenner voting against.

Vice-President Broady made a motion to adjourn the Regular Meeting, with Council Member Voyles seconding it. Vote 4-0

Dear Mr. McCall

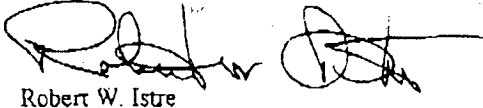
This letter is to verify a phone conversation between you and Dr. Waggoner, Maple Manor's Consultant. As he expressed, Dr. Waggoner recommended the acceptance of a child who had a "runaway" history. I, as administrator, made the decision to allow the child entrance at Maple Manor. That decision generated the issues which I am now addressing. Though Dr. Waggoner takes responsibility for recommending or guiding us to try managing "runaways," it is my decision to accept his advice or reject his advice. The buck stops with me.

The child, whom we brought into our campus, influenced others. More children began running. The police and Jeffersonville's probation officer became involved. I regret that my decision cost so much energy and expense. Jeffersonville's chief probation officer initiated a conversation to address the cost for housing our "runaways," who are wards of other Indiana counties. I understand his financial concerns, but like he, I too am accountable to a budget. Subsequently, when the issue of runaways was discussed in the council meeting, a local newspaper reporter heard of the issue and called us for an interview, stating that she wanted to be "fair" in her report.

We gave her a time. In the interview, Maple Manor's position of trying to intervene in a child's life, who appeared to be headed toward a criminal track or at least an extremely troubled path was misinterpreted or misspoken. We do offer services to tough, defiant children. We are their last hope before placement in criminal confinement or in a more restrictive institution. The position that was printed, however, seemed to suggest that we are going to be accepting criminal kids, violent juveniles, and problematic children. This interpretation misrepresented our intent, plus it created a concern that Maple Manor is outside our zoning. We are not a criminal confinement institution, nor a rehabilitation center for violent or criminal juveniles. Maple Manor has, and always will be, a residential home for abused, abandoned and neglected children. We also have learned a lesson. Maple Manor is not a campus where "runaways" can be managed due to our openness. Consequently, we are no longer accepting "runaways."

It is my desire that this letter will clarify our intent of remaining as we have always been; that we are not bringing criminals to Maple Manor and we are not wanting to change our zoning status. Please accept my apology for creating the issue by accepting a "runaway." It is my intent to be available, to be cooperative, and to be a team player with our police, our local probation office and our community.

Sincerely,



Robert W. Istre

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With no further business the Regular Meeting was adjourned at 7:40 p.m.

DOUG EDDINGS

David Broady

DAVE BROADY

Kenneth Alexander

KENNETH ALEXANDER

Gary Fenner

GARY FENNER

William Voyles

WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 9, 1998

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: Doug Eddings, Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; William P. McCall, Town Attorney; with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

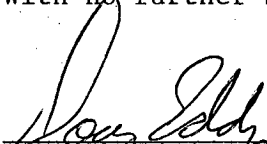
President Eddings called the Executive Session to order at 6:00 p.m.

Topics Of Discusssion

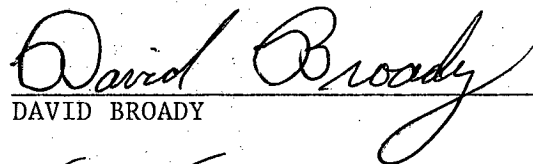
Rate Increase/Bond Issuse
Lagoons
Water Lines In Hill-N-Dale
Holmans Lane Tank
Bids On Sewers
Elections

Adjournment

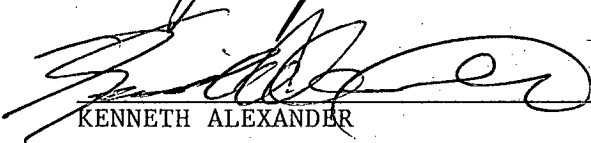
With no further business, President Eddings adjourned the Executive Session at 6:25 p.m.



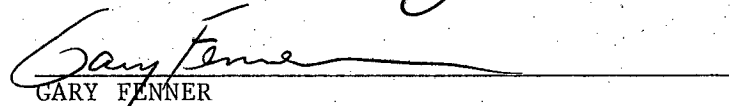
DOUG EDDINGS



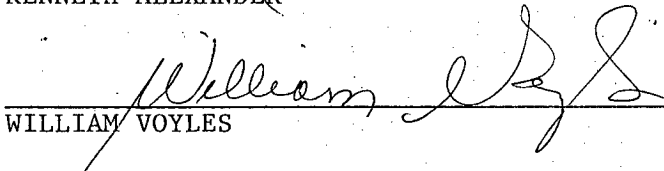
DAVID BROADY



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES

ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 9, 1998

Regular Meeting

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

Called To Order

Vice-President Broady called the Regular Meeting to order at 6:33 p.m.

Prayer

Rev. Charles Voit will offer up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/MINUTES.

Vice-President Broady stated everyone's got the minutes from the last meeting in their box and had a chance to look over them, I hope, and at this time I'll entertain a motion to approve the minutes as presented.

Council Member Voyles stated I'll make a motion that we approve them, the minutes of October 26.

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

Council Member Alexander stated I'll second.

Vice-President Broady stated I got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Minutes approved. (Vote 4-0)

Vice-President Broady stated Paulene you have anything tonight?

Mrs. Pixley stated no.

Vice-President Broady stated we don't have any petitions on the agenda tonight, Chief you have anything tonight?

Chief Kinder stated no sir.

Vice-President Broady stated ok, EMC.

KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

Mr. Coleman stated I'll try not to take all night. The first item is the Revenue Report for the period of October 25, through November 6th, the total monies collected

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Regular Meeting

Nov. 9, 1998

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

was 60393.77. Copy for Doug, Dave that goes to you. The next item I have is the monthly invoice for NSF, Meter Deposit Refund and Sales Tax, that is the copy for you to sign. The total amount due is 3711.77. That's your copy.

Council Member Fenner stated are you done?

Mr. Coleman stated nope. You want to approve that first or do you want me to go on?

Vice-President Broady stated we can do this, I'll entertain a motion to approve the claim for EMC in the amount of 3711.77, in the break down of Non-Sufficient Funds for 361.65, Meter Deposit Refund of 258.14 and Monthly Sales Tax 3198.98.

Council Member Fenner stated I make a motion that we approve the claim of 3711.77.

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

Council Member Voyles stated I'll second.

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

Mr. Coleman stated the next item is a request for approval of a purchase of a Capital Expenditure within the Sewer Utility. Uh, out at McDonalds Lift Station, Uh, we had one of the driver pump's go out which is starting a normal occurrence. We had to use our spare as well, I had to purchase a pump for installation at the Lift Station plus purchase a spare pump. The frequency of those pumps going bad are more regular, it's happening about every eight to twelve months now where before it was happening about every sixteen months uh, both pumps and a set of O rings to go with that, the total cost 2023.66.

Vice-President Broady stated can anybody tell me where we're at on getting this, Uh, Lift Station revised due to the Hotel or Motel, or whatever is going in over there. Are they going to present a claim or are they still...

Mr. Coleman stated as you recall about two months ago you, the board approved an expenditure of re-routing the force main.

Vice-President Broady stated yes.

Mr. Coleman stated the manhole, uh, the contractor that was awarded the project, he made notification to all the utilities that he was going to commence work, the Phone Company got back with him, told him that they wanted a man on site because they have Fiber Optic in the area and they want to be there on site when they start excavating that area and according to the contractor he's had a difficult time coordinating his schedule with the Phone Companies schedule. I'm going to contact the Phone Company, I'm going to be out of town tomorrow, I'm going to contact them Wednesday, find out the situation with them, contact the contractor and I'm going to give them five working days at the most. If not then back to the drawing board. The next closest bid was about 16.00 higher. As far as with the Motel, John Toombs is taking care of that project.

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

Vice-President Broady stated did we give them permission to tie on to the existing sewer temporarily, till we got new plans, is that not quite true, is that not right?

Mr. Toombs stated I believe that you wrote all the parties concerned a letter a month ago and it said you can get on the Lift Station but if anything goes wrong you go to fix it and you guys collectively got to come up with a plan, get on a gravity sewer. As of today the contractor that you are talking about is going to build a sewer from the Motel out to the Lift Station is waiting on the guy that is going to build the Motel, his engineers, providing proof that there is a right of way, an easement to get to the Lift Station.

Vice-President Broady stated the reason I asked is, you're wanting to buy two pumps, one to replace...

Mr. Coleman stated it's been purchased.

Vice-President Broady stated and one is as a back up pump.

Mr. Coleman stated right.

Vice-President Broady stated are we close enough that we could just go ahead and buy one.

Mr. Toombs stated I don't think so.

Vice-President Broady stated ok, I know that we do this to stay on top, but one of these pumps is going to be unneeded, is that not correct?

Mr. Coleman stated we got other areas that we can use them.

Vice-President Broady stated you can use them somewhere else.

Mr. Coleman stated we've got other Lift Station we can use them at.

Vice-President Broady stated ok, I'll entertain a motion that we approve the Capital Expenditure cost of 2023.66 for two pumps at the McDonald Lift Station.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second.

Vice-President Broady stated second by Gary, any discussion?

Council Member Alexander stated the two thousand is for two pumps?

Mr. Coleman stated right.

Ms. Diefenback stated can I ask a question?

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

Vice-President Broady stated sure.

Ms. Diefenbach stated what kind of guarantee do you have on these pumps?

Vice-President Broady stated what is the guarantee on the pumps.

Mr. Coleman stated 12 month warranty, depending on the application, the application at McDonald Lift Station is they are pumping a excessive amount of grease. We've got McDonald's pumping their grease trap every month trying to remove the grease, we're hoping with re-routing the force main, that will also extend the Lift of these pumps.

Council Member Alexander stated since the price of the pumps were only 977, why can't we take it out of your Capital Improvement?

Mr. Coleman stated the total cost was 2023.

Council Member Alexander stated that's for two, right?

Mr. Coleman stated uh,

Council Member Fenner stated 977 each.

Mr. Coleman stated plus the O rings.

Council Member Alexander stated one to replace it and one's for back up.

Mr. Coleman stated if you reject it, then that's where it's going to have to come out of is the M and R. The pumps have been purchased, that is the invoice to support the purchase. If the town rejects that then we will take it out of the M and R Fund. Which right now your M and R fund, since August to present, uh last year, you ran 15000.00 over

Council Member Fenner stated we're running two grand over this contract year?

Mr. Coleman stated uh hum.

Council Member Fenner stated we're running two grand year to date or the whole year?

Mr. Coleman stated Aug. 1st to present, I think we're two grand over.

Council Member Fenner stated ok.

Mr. Coleman stated the last contract year is around 16000.00 over.

Council Member Fenner stated ok.

Vice-President Broady stated I have a motion on the floor and duly seconded, and discussed.

Council Member Alexander stated ok, one more thing, you all have already put in the one.

Mr. Coleman stated right.

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

Council Member Alexander stated you've already bought both of them.

Mr. Coleman stated one of them has been installed and one is on the side at the Wastewater Plant.

Council Member Alexander stated ok, they bought two, have you considered splitting that, I mean since you're putting that on stock?

Mr. Coleman stated whatever the board wants, if the board wants me to pay for it, I'll pay for it.

Council Member Alexander stated I just hate it when it's 23.00 over.

Mr. Coleman stated I'm just going by what the contract reads.

Council Member Alexander stated I know, I hate it when it's 23.00.

Mr. Coleman stated I hate it when it's 20.00 under.

Council Member Alexander stated I can see us purchasing the one when it's a stocking item.

Mr. Coleman stated then it wouldn't be over.

Council Member Alexander stated right, so that you could have one for emergencies because under the contract you really don't need to do that.

Vice-President Broady stated have you already purchased the one?

Mr. Coleman stated that's the invoice there, the pumps are on site, one has been installed and one of them is in stock.

Vice-President Broady stated any other discussion? All those in favor, in favor of the motion signify by saying I, opposed nay.

Council Member Alexander stated nay.

Vice-President Broady stated I's have it. (Vote 3-1)

Mr. Coleman stated the next item is back in April, the board approved uh, replacement of the return flow meter out at the Wastewater Utility, uh, that piece of equipment came in the later part of August, once we got the contractors together, we got that piece of equipment installed, it was determined quite some time ago that a lot of the problems with that flow meter is moisture, that meter is located in a manhole just behind the office building, and the electrical control, the sensor, what it has done to that, is the moisture and during heavy rainfall events, if had a drain at the bottom of the manhole that goes in to our plant wet wells during high, heavy rain events that water backs up in the manhole which submerges the meter itself, we needed to correct that. That's about 6000.00 a year, that is according to Jim, is the third time I believe that the sensor has been replaced and that meter did not work

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

for approximately 18 months, it was out of service and so to correct that problem I had TNT Services move those controls above ground and they also installed a sump pump in the manhole to keep the water pumped out to keep that manhole from flooding. The total cost of that project was 2555.00. You see two invoices, one is for the installation of the controls and calibrations of the flow meter and the other one is for the stainless steel pump and some surge suppressers. We found out the plant, when it was built they had no electrical surge equipment installed in the equipment, so when a powerful storm come, it would burn the equipment up.

Vice-President Broady stated I'll entertain a motion to approve the Capital Expenditure of 2555.00.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

Vice-President Broady stated and seconded by Bill, any discussion?

Mrs. Pixley stated Dave, don't we have anybody that works over there that's electrically employed to do all this work?

Mr. Coleman stated not that can do this type of calibrations no,

Council Member Fenner stated it has to be a licensed electrician.

Mrs. Pixley stated well I wondered why, you mean the Town Of Sellersburg doesn't have one?

Council Member Fenner stated the Town Of Sellersburg, no.

Mrs. Pixley stated I didn't know, that's why I'm asking.

Council Member Fenner stated no we don't, we have to hire to have those types of things done.

Mrs. Pixley stated it seems like we put out an awful lot of money on that.

Mr. Coleman stated we spend a large amount of money on electrical work, yes we do.

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

Mr. Coleman stated the next item I have only one copy due to the length of the document. Each November we're required to submit an inventory of parts and materials located within the utilities, Dave that is for you to give to Linda, I don't know if that requires a vote for approval, that is uh in reference to the original inventory that was submitted and approved by the Town Board back in November of 95.

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KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/REVENUE REPORTS/CAPITAL EXPENDITURE
WITHIN THE SEWER UTILITY/CONTRACTOR'S/INVENTORY OF PARTS AND MATERIALS/CONTRACT.

Attorney McCall stated who signed off on it?

Mr. Coleman stated I signed off on it, whoever wants to go out and go through the list with me, I'll be more than happy to do it. I don't think the Town went through it when the original was done.

Attorney McCall stated I'll talk to you about it later.

Mr. Coleman stated ok, the next item we're also not required by contract, but every year, we provide you a report, the water loss that's in the water utility for the contract period of August 1st through July 31st, this last contract year. The water loss 26938000 gallons for a water loss of 5.4% which is actually excellent. The national loss is anywhere from 5 to 10%. The next item I have is the annual report for August 1, 1997 through July 31, 1998. A summary of activities as far as the Wastewater Operation, the Water Utility Operation, Water Production, Billing Office Procedures, Maintenance Repair, Organizational Structure has also improved, community involvement and our goals and objectives for the up coming year. And the last item, I just received this, it was in my mailbox when I came down for the meeting, it's a letter from Sun Flower Valley Water Company and everyone is aware in the past they made a request that the Town consider taking over that operation which includes the reading of the Meters, the Maintenance of the water lines and the billing. There are approximately 25 to 30 customer services by Sun Flower Valley and right now I recommend that I discuss this with Perry and then we get back with the board on it. I think I need to discuss it with Perry and John and probably Doug. I know on and off again for the past year they have made several requests that we take over.

Council Member Fenner stated have they made any progress with their problems?

Mr. Coleman stated no.

Council Member Fenner stated have they made any effort with their problems?

Mr. Coleman stated no, not as far as their taking care of, as far as the past no. And that is an issue I believe that is going to be addressed by the State Board Of Accounts.

Council Member Fenner stated Kendall I have something for you.

Mr. Coleman stated ok.

Council Member Fenner stated Excel, yeah, the uh, just we're making public bids for the swimming pool repair, Nathan down at Jacobi, Toombs and Lanz has been working with me on this, and the bids are going to be opened on Monday November 23 and you probably want to award it that night. The Parks Board meeting is the week before and it would be another month before we could do it. If any of you want to see any of this, I'll be glad to show it to you later on. We're, like I said, going to try to find a way to locate the leak, and then proceed with fixing the leak. So, that's just an update and like I said if you want more information I'll show you what I have. Uh, also, last month, last meeting I shared my concerns about Insight Cable and their proposed rate increase December the 1st, you suggested I prepare a letter and you all

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would read the letter and would sign it and I prepared a letter and I put it in your boxes, have you had a chance to read it? And I have an original here to sign if you agree to sign it. If you don't agree to sign it, then I have one here just by me that I will sign with my name, that I will sign in my name. Do you want me to read it so that everyone can here it? This is addresses to Mr. Bob Lillie the General Manager of Insight Communications.

Council Member Fenner reads letter as follows.

November 9, 1998

Mr. Bob Lillie, General Manager
Insight Communications
3408 Industrial Parkway
Jeffersonville, IN 47130

Dear Mr. Lilly,

We would like to express our concern about your forthcoming rate increase to be effective December 1, 1998. We understand your need to raise prices occasionally to recoup your investment costs and to maintain your profit margin. However, as the licensing agents for the Town of Sellersburg, we are concerned that the price for just your Basic/Classic service is becoming more than many families can afford. We would urge you to consider a new type of pricing structure that will make cable more affordable and available to all of our residents. At the least, please consider the viability of some of those channels that have become so costly. Many people would be glad to do without some of those channels.

The surveys you send out are not a true test of what people think or want in their cable service. The questions you ask are very narrow and limit people in their choices and expressions. Your letter took us by surprise because when you recently visited our council meeting, you did not mention this new rate increase. We would have expressed our concerns a little more strongly to you then. We hope you will seriously consider our concerns and observations.

Sincerely,

Sellersburg Town Council

Doug Eddings

Dave Broady

Gary Fenner

Ken Alexander

William Voyles

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Vice-President Broady stated I'll entertain a motion that we sign Gary's letter to Insight.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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

Council Member Fenner stated ok, let's see.

Vice-President Broady stated do we sign here?

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/KEITH COATS/STREET LIGHT.

Council Member Fenner stated yeah, just sign below your typed name there, I ran out of space. Alright also last meeting or two meetings ago, that Mr. Keith Coats was here from our newly annexed area talking about a street light and informed us that he had been paying a street light for several years on his own, and asked if we would be willing to take that over and I think we informally agreed to do that and however it really got officially got switched over and he's gotten a bill for it and already paid this next month and he would like to be reimburse for that. The cost is 11.75 and I'd like to make a motion that we reimburse him 11.75 and take whatever action it is.

Council Member Alexander stated I called the day after.

Council Member Fenner stated pardon.

Council Member Alexander stated I called the day after.

Council Member Fenner stated ok, well...

Council Member Alexander stated I mean it could be because of the billing cycle.

Council Member Fenner stated ok, well then let's reimburse him 11.75.

Council Member Alexander stated I will recheck and see if it is off there, because I called the day after.

Vice-President Broady stated is that for the past month, before...

Council Member Fenner stated October 13th was the reading.

Council Member Alexander stated that's during the cycle.

Council Member Fenner stated I mean it's 11.75, I don't really care.

Council Member Alexander stated I make a motion that we pay the 11.75.

Vice-President Broady stated I got a motion on the floor to pay the 11.75, do I have a second?

Council Member Voyles stated I'll second.

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COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/KEITH COATS/STREET LIGHT.

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

Council Member Fenner stated Cindy, do you just want us to sign this?

Chief Deputy Shelton stated yeah, if you would, just put your names on it.

Council Member Fenner stated I am looking into the computer upgrade, anybody wants to help me with that, I mean I just kind of did it because nobody else was doing it. But, if anybody else is interested in helping with that I'll be glad for you to do that. Uh, we're working on it. And that's all I have.

Vice-President Broady stated ok, Bill.

Council Member Voyles stated I don't have anything.

Vice-President Broady stated Ken.

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/PLANNING BOARD/ST. PAUL'S STREET.

Council Member Alexander stated we have a vacancy on the Planning Board, there's supposed to be 7 members, we always only had six. I have someone interested in filling it, Mr. Tony Bennett. He is Republican, so that will give us three Republications and four Democrats. I'd like to make a motion that we approve Mr. Bennett for the Planning Board.

Vice-President Broady stated for the Planning Board.

Council Member Alexander stated yeah.

Vice-President Broady stated you say we've only got six and we're supposed to have seven.

Council Member Alexander stated yeah.

Vice-President Broady stated you'll love this job, pays great too. Where do you live Tony?

Mr. Bennett stated Poindexter.

Vice-President Broady stated in the new annexed area.

Council Member Fenner stated a new Sellersburg resident.

Mr. Bennett stated an old new resident.

Vice-President Broady stated I'll entertain a motion that we approve Tony Bennett for the Planning Board.

Council Member Voyles stated I'll make that motion.

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

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/PLANNING BOARD/ST. PAUL'S STREET.

Council Member Alexander stated I'll second it.

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

Council Member Alexander stated next Monday night at 6:30.

Council Member Fenner stated does he realize this is a lifetime commitment.

Council Member Alexander stated you have to serve a minimum of 10 years. Uh, St. Paul's St. Paul's street, this portion that would be around St. Paul's street and Oak Street, since we discussed this the last, St. Paul's has bought all the property except for off the alley, I would like to continue that road on down. They are not going to do anything to it, so it would be, the Town's paying for the black top here, it would be at the Town's expense, from right about here. To take out the street and widen it around to where the swimming pool is.

Vice-President Broady stated do you have any idea of the cost.

Council Member Alexander stated it should be minimal, I can work the cost up. They are giving us four feet easement all the way around.

Vice-President Broady stated do we need to look into drainage.

Attorney McCall stated do they own all the way down.

Council Member Alexander stated pardon me.

Attorney McCall stated do they own all of this too.

Council Member Alexander stated yeah, they go all the way down.

Attorney McCall's stated I didn't think the easement that you're talking about was in the description that they gave us.

Council Member Alexander stated no, they didn't, it isn't actually, we're staying on ours, and they're not worried about that. Now their description is, it doesn't have it finished over here, but they're going to grant us exactly the same as what they granted here all the way around.

Mr. Toombs stated well, we had a document prepared and we were told to stop because they were buying this and wanted to extend outwards. Is that not true or...

Council Member Alexander stated right, they hadn't, at the time you all had the document here, they had not bought this.

Mr. Toombs stated and they have now.

Council Member Alexander stated it's theirs now. They own the whole block except for the old Tro-Play.

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/PLANNING BOARD/ST. PAUL'S STREET.

Mr. Toombs stated ok, so we can go ahead and add this to the description and then they can give it to you.

Attorney McCall stated that and all the way around it, right?

Council Member Alexander stated right, all the way around, all the way over.

Mr. Toombs stated all the way over here.

Council Member Alexander stated all the way over here, that way it will be a real nice radius and really.

Attorney McCall stated you're just going to redo that.

Vice-President Broady stated John, do we need to make a drainage, I mean...

Council Member Alexander stated the drainage is in the corner, where the trees are, my understanding is that the way they're doing the black top it will go to that, everything is going to go to that corner. Part of doing that road, there will be a need for a catch basin.

Mr. Toombs stated are they going to put it in.

Council Member Alexander stated they are...

Mr. Toombs stated this is just like any other Planning Commission thing you do, church or not.

Council Member Alexander stated right.

Mr. Toombs stated you have to comply with all the regulations and the building, the whole nine yards.

Vice-President Broady stated do we need a curb or something there.

Council Member Alexander stated it's just a pipe right now, there is no actual catch basin there, just a pipe.

Mr. Toombs stated I never looked at that.

Vice-President Broady stated well, I guess what I'm saying, all in favor of developing this road at the town expense.

Council Member Alexander stated right.

Vice-President Broady stated but, do we need to go ahead and get, put a curb in, or a sidewalk or etc. or this just going to be another street that's widened off at, like we have done a lot of streets in town now.

Council Member Fennner stated is this going to be a parking lot up here.

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/PLANNING BOARD/ST. PAUL'S STREET.

Council Member Alexander stated it will be just grass for a while but, yeah, it will eventually be parking lot.

Council Member Fenner stated do we have regulations for curbing?

Mr. Toombs stated yeah.

Council Member Fenner stated well I think it need to go back to the Planning and Zoning and let them tell us what we're going to do.

Mr. Toombs stated well if all we're doing is widening the street, I think the right thing to do is look at their plan and what's going to be down in future.

Council Member Alexander stated right, like I said, there is a whole bunch of trees that run down the one side, this widening here will be done as soon as this parking lot gets ready. And that's, I assuming that won't be until spring now.

Vice-President Broady stated that's incorporated into their construction.

Council Member Alexander stated right and they're willing to give up four feet to make that happen, to make it right. I mean as far as, I can get a cost of side-walks, gutters, and I can get...

Council Member Fenner stated I mean, it's going to be surrounding their school building, I just wonder if we don't need sidewalks.

Chief Kinder stated kids now have to walk in the street.

Vice-President Broady stated we can look at a couple of things.

Council Member Alexander stated can you put me on the calendar and we'll go over, we'll get a cost estimate on it or on what we think needs to be down and we'll bring it back. I don't think they're in a hurry, I don't think they're going to get this done before winter.

Vice-President Broady stated if the cost is going to be minimal, I'd like to see side-walks.

Council Member Alexander stated yeah, that's all.

Vice-President Broady stated Perry, you got anything.

Attorney McCall stated nope.

Vice-President Broady stated John.

JOHN TOOMBS ADDRESSES THE COUNCIL ON/SEWERS.

Mr. Toombs stated yes sir, we took bids on the, replacing the sanitary sewer over on Foothill road. Right now it's a small line in back of the yards and it's all connected and it's all bad and they have to keep digging it up and these are informal bids

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JOHN TOOMBS ADDRESSES THE COUNCIL ON/SEWERS.

that we opened today and the low bidder is L. D. Rice for 41097.00 and I would at this time recommend that you make a motion to award that to L.D. Rice Construction Inc.

Vice-President Broady stated I'll make a, entertain a motion to award the Sanitary Sewer Project to L.D. Rice Inc. in the amount of 41097.00.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

Vice-President Broady stated and duly seconded, any discussion. Everyone knows what this is don't they? If not all those in favor signify by saying I, opposed nay. I's have it.
(Vote 4-0)

Mr. Toombs stated ok second item is that we also took bids on the Edgewood Drive Sanitary Sewer which is a different street, different location, similar location, similar type construction. And the prices were turned in at the same time the same place and again L.D. Rice is low, it's 37642.02, so I would at this time make a recommendation that you award the Edgewood Drive Sanitary Sewer to L.D. Rice.

Vice-President Broady stated ok, I'll entertain a motion to award L.D. Rice the Edgewood Drive Sanitary Sewer Project to L.D. Rice for 37642.02.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated and seconded by Ken, everyone knows where that one is at.

Council Member Fenner stated John is there any, is there any, out of the three people that bid only two of them were there, but the fellow that had the low bid wasn't there, do you have any idea why, I mean have you talked to him since then.

Mr. Toombs stated yes.

Council Member Fenner stated ok, so he knows that he...

Mr. Toombs stated there's no rhyme or reason why they do or don't come.

Council Member Fenner stated ok, but he knows he was the low bid.

Mr. Toombs stated yeah.

Council Member Fenner stated and he still wants the job.

Mr. Toombs stated yes sir.

Council Member Fenner stated ok and he will show up.

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JOHN TOOMBS ADDRESSES THE COUNCIL ON/SEWERS.

Mr. Toombs stated well, I can not guarantee that, I believe that he will.

Vice-President Broady stated I've got a motion on the floor and duly seconded, and thoroughly discussed, all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

Vice-President Broady stated do you have a contract to sign.

Mr. Toombs stated I've got, they each turned in two copies so that you all can execute them both and then, they get on and then I could turn the rest back into you. That's all I got.

Vice-President Broady stated ok, uh, myself.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/BILLS.

Vice-President Broady stated I've got two bills here from Jacobi, Toombs and Lanz on various services preformed. On the Sanitary Sewer Project uh, I think, John the Sanitary Sewer Bill that you, is this one concerning the two projects here?

Mr. Toombs state yes sir.

Vice-President Broady stated it's in the amount of 1630.00 and the other one is on the Storm Sewer. The Storm Sewers are, which project was that?

Mr. Toombs stated they're a mulititude of locations on the map that Ken and I went an looked at and we're working on and surveying and trying to prepare.

Vice-President Broady stated this one is in the amount of 1445.00 and I'll entertain a motion pay the two claims by Jacobi, Toombs and Lanz.

Council Member Alexander stated I'll make that motion.

Vice-President Broady stated motion by Ken, do I have a second.

Council Member Fenner stated I'll second it.

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

Mr. Toombs stated Dave, on another matter entirely, Kendall gave me a copy of things about Sun Flower Valley.

Vice-President Broady stated yes.

Mr. Toombs stated I wonder if you ought to direct them to River Hills to see if they would qualify for some type of grant, based on their income.

Vice-President Broady stated I think we need to fire a letter back to them to give them some advice and where to go and what to do.

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VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/BILLS.

Mr. Toombs stated if we have to take this over we will have to tear it all out and make it all new.

Vice-President Broady stated yeah, I know, it's like they owe us a 1000.00 for a Model T, and you don't want the Model T, you know. Cindy, you got any bills we need to pay this week?

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL ON/BILLS.

Chief Deputy Shelton stated I just go these.

Vice-President Broady stated just those.

Council Member Fenner stated we haven't seen any.

Vice-President Broady stated we haven't seen them.

Chief Deputy Shelton stated you all didn't get any copies of them.

Vice-President Broady stated no.

Chief Deputy Shelton stated um, here.

Vice-President Broady stated more bills.

Chief Deputy Shelton stated I don't think they got approved.

Attorney McCall stated not that I know of, I don't remember them.

Council Member Fenner stated didn't we approve them for 19000.00.

Attorney McCall stated what's the minutes say.

Chief Deputy Shelton stated our tape machine messed up.

Attorney McCalls stated oh, well just uh...

Chief Deputy Shelton stated they were never signed and I held them and got everything else out.

Vice-President Broady stated we got two bills here, one in the amount of, I guess they are all different aren't they.

Council Member Fenner stated it looks like last time there was only two, they've multiplied.

Vice-President Broady stated ok, I'll entertain a motion to approve the bills from Umbaugh and Associated for work done on the IURC Rate Increase on Water. One is in the amount of 19750.00, one is in the amount of 4900.00, why are we paying Umbaugh for sewage?

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CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL ON/BILLS.

Council Member Alexander stated that was way back, a few years ago.

Chief Deputy Shelton stated that's all I have, that was in the minutes folder.

Vice-President Broady stated that's sewer, ok, let me restate that. We have a bill for Umbaugh and Associates for Rate Increase for 19750.00 and then we have a bill for Sellersburg Muniticiple Sewers for 33100.00.

Council Member Fenner stated no for 3100.00.

Vice-President Broady yeah, 3100.00 and for Sellersburg Sewage for 4900.00 and I'm not familiar with those bills.

Council Member Fenner stated what's on there Perry.

Attorney McCall stated it says we would appreciate payment to the extent to when the funds are available. The fees from the Water Utility can reimbursed from the Water Bond issue this spring if the bids have been received on the projects submitted to the IURC upon approval.

Council Member Fenner it doesn't say anything about the sewer bill.

Attorney McCall stated that says for utilities rate study done in March 16,1998.

Council Member Fenner stated it says here in agreement dated Feb. 24,1997 and they want 3100.00.

Attorney McCall stated we increased our sewer rates, remember when we did that, when we were billing the water and the sewer, we did do the...

Council Member Alexander stated we did the study, but I thought we paid them.

Attorney McCall stated why don't you table them and check the minutes and go back and verify, so you don't pay the claim twice. There is not any rush on them right now, they are just asking to the extent funds are available.

Council Member Voyles stated why don't we just table all three.

Vice-President Broady stated we'll just table all three.

Attorney McCall stated just table all three and check the minutes.

Vice-President Broady stated I'll resend my request for the motion and ask the board to table these until further, until the next meeting.

Council Member Fenner stated who's going to check this out?

Attorney McCall stated well they will have to go back and check the minutes and I'll just have to call Linda I guess and see if we can figure it out.

Council Member Fenner stated we may have to go all the way back to Feb. 24th, 1997, we owe this money and I don't know where all this came from.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL ON/BILLS.

Chief Deputy Shelton stated I don't know where any of this came from. It was in the folder from the last meeting. I got them from in here somewhere.

Attorney McCall stated it would have been on the cover letter.

Council Member Fenner stated on the cover letter, and this is Oct. the 19th.

Attorney McCall stated just go ahead and do the bills and I'll call them.

Vice-President Broady stated you're going to call and get an explanation.

Attorney McCall stated right.

Vice-President Broady stated do I give this to you?

Attorney McCall stated give it to her and she can fax it to me tomorrow.

Vice-President Broady stated ok, Thank You Cindy, I'll entertain a motion to pay the bills as presented.

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

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

Council Member Voyles stated I'll second.

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

Vice-President Broady stated with no other business, I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I make a motion to adjourn.

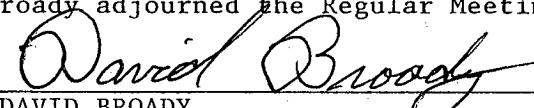
Vice-President Broady stated motion on the floor, do I have a second?

Council Member Fenner stated I'll second.


Vice-President Broady stated second by Gary, all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0)

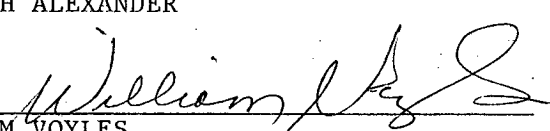
With no further business, Vice-President Broady adjourned the Regular Meeting at 7:45 p.m.


DOUG EDDINGS


DAVID BROADY


KENNETH ALEXANDER


GARY FENNER


WILLIAM VOYLES

ATTEST: LINDA G. SCHAFFER CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 23, 1998

Regular Meeting

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

Called To Order

President Eddings called the Regular Meeting to order at 6:25 p.m.

Prayer

Bro. Larry Poe will offer up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/MINUTES.

President Eddings stated ok, everyone's got a copy of the minutes from the last Town Board Meeting and Executive Session in their mailbox and had a chance to review those minutes and I'll entertain a motion to approve the minutes as presented.

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

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

President Eddings stated ok, petitions from the citizens tonight, is Paulene or Walter Blakely here? How about Sonny Sprigler?

Mr. Stewart stated he was supposed to be here.

President Eddings stated Bob, do you want to go ahead and present that?

BOB STEWART ADDRESSES THE COUNCIL ON/PLANNING AND ZONING MEETING.

Mr. Stewart stated well, last Planning and Zoning Meeting the Council approved the Rezoning of a section of the property that they have just bought, 7.6 acre's. It lies adjacent to the subdivision they have right now and around the corner from Forrest Estates. It's proposed there will be no entry through Forrest Estates for this New Subdivision. The street will hook on to the one he currently using over there and can that be rezoned from agriculture to R-1.

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President Eddings stated the Planning and Zoning Commission Board reviewed this, they voted for Rezoning this 5-0. Does anybody have any questions on this? There was a public meeting here, two residents showed up, their only concern was to deal with Mr. Sprigler for cleaning up some of the dead trees and stuff that is around. It is the same contiguously, this is the first addition, there is no connection to Forrest Estates, however there is right of way. Does anyone have any question about it?

Vice-President Broady stated is this an ordinance, zoning change?

Attorney McCall stated I don't think you have to have a two reading for a zoning change, it's straight up.

Vice-President Broady stated so we can just go ahead and vote, make a motion to rezone.

Attorney McCall stated you need to probably go ahead and put it in written form, is there a written form of it?

President Eddings stated does Mr. Sprigler have written forms of it?

Mr. Stewart stated he was supposed to be here tonight, I asked him to even bring the ordinance, I don't know where they're at, maybe they thought it was at 7:30 meeting instead of a 6:30 meeting.

President Eddings stated you want to table it till...

Attorney McCall stated if they show up, and bring it back up.

President Eddings stated ok, just table this until they show up. Mr. or Mrs. Blakely here? Ok, reports from the committees, Mr. Kinder.

CHIEF DAVE KINDER ADDRESSES THE COUNCIL ON/TRANSFER OF FUNDS.

Chief Kinder stated I have a transfer of funds, I gave a copy to the Council, Mr. McCall.

President Eddings stated Perry.

Attorney McCall stated it's just a reading deal, do you have the original or do you want me to use mine?

Chief Kinder stated use yours.

Attorney McCall stated ordinance number 98 what...

Chief Deputy Shelton stated 702.

Attorney McCall stated 702, this will be a two reading deal. You want to read it.

President Eddings stated this is ordinance 98-702 for reappropriation of funds with in the Police Department. Transfer of appropriation in the amount of 420.00 from account 133, Off Deputy Court pay to account 233, Base Equipment. A transfer of appropriations in the amount of 3357.00 from the account of 225 Police Gas Funds to the account of 213 Office Equipment. Transfer of the appropriation in the amount

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of 389.00 from account 314, Consulting Fees to account 223 Police Equipment. Transfer of 1380.00 from account 323, Telephone and Pagers, to account 223 Police Equipment. Transfer of appropriations for 400.00 from account 321 Postage to account 223 Police Equipment. Transfer of 2300.00 from account 354 Heating and Gas to 223 Police Equipment. Transfer of appropriations from 320.00 from 355 Water account to 223 Police Equipment. Also a transfer in the amount of 454.00 from account 394 miscellaneous services to 223 Police Equipment. I'll entertain a motion to consider ordinance number 98-702 on the first reading.

Council Member Voyles stated I'll make the motion.

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

Vice-President Broady stated I'll second it.

President Eddings stated second by Dave, any discussion?

Council Member Fenner stated most of this it going to Police Equipment.

President Eddings stated every bit of it.

Council Member Fenner stated you got something specific or...

Chief Kinder stated yes, we have some Computer Software for record keeping, and for updating the accident report form, also we're looking to transfer from a 9mm to 40mm side arm.

Council Member Fenner stated and you can sneak Computer Software into Police Equipment.

Chief Kinder stated yes that's all its good for.

Council Member Fenner stated ok.

Chief Kinder stated I can call it that.

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

President Eddings stated I'll consider a motion to adopt ordinance number 98-702 on a second reading.

Council Member Voyles I'll make that motion.

President Eddings stated motion 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, opposed nay. I's have it. (Vote 5-0)

Do we need to sign two?

Attorney McCall stated yeah, sign two, the Chief gave it to me tonight, so I'll take one back with me. Keep it.

President Eddings stated EMC.

ORDINANCE NO. 98- 702

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE
TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

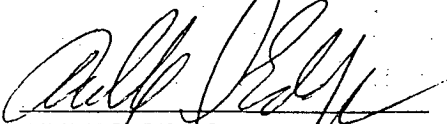
WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

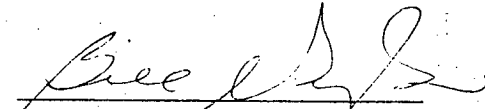
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

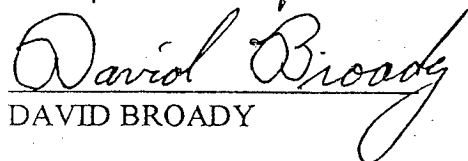
- 1.) A transfer of appropriations in the amount of Four Hundred Twenty (\$420.00) dollars from Account #133, Off Duty Court Pay to Account #223, Police Equipment.
- 2.) A transfer of appropriations in the amount of Three Thousand Three Hundred Fifty Seven (\$3,357.00) dollars from Account #225, Police Gasoline to Account #213, Office Supplies.
- 3.) A transfer of appropriations in the amount of Three Hundred Eighty-Nine (\$389.00) dollars from Account #314, Consulting Fees to Account #223, Police Equipment.
- 4.) A transfer of appropriations in the amount of One Thousand Three Hundred Eighty (\$1,380.00) dollars from Account #323, Telephone/Pagers to Account #223, Police Equipment.
- 5.) A transfer of appropriations in the amount of Four Hundred (\$400.00) dollars from Account #321, Postage to Account #223, Police Equipment.
- 6.) A transfer of appropriations in the amount of Two Thousand Three Hundred (\$2,300.00) dollars from Account #354, Heat & Gas to Account #223, Police Equipment.
- 7.) A transfer of appropriations in the amount of Three Hundred Twenty (\$320.00) dollars from Account #355, Water to Account #223, Police Equipment.

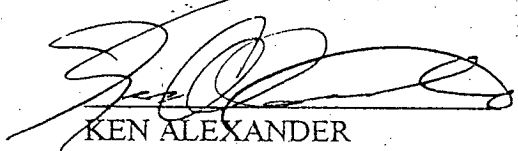
- 8.) A transfer of appropriations in the amount of Four Hundred Fifty-Four (\$454.00) dollars from Account #394, Miscellaneous Services to Account #223, Police Equipment.

SO ORDAINED THIS _____ DAY OF NOVEMBER, 1998.


AULTON D. EDDINGS


BILL VOYLES


DAVID BROADY


KEN ALEXANDER


GARY FENNER

ATTEST: _____
LINDA SCHAFFER
CLERK/TREASURER

DATE: _____

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE REPORTS.

Mr. Coleman stated the first item is the Water and Sewer Revenue Report for the period of November 9th through November 20th, the total monies collected for that period of the Water 44656.09, Sewer 76536.87 and Civil 4518.63 for a total of 125711.59. The next item, every November as per our contract we provide an updated Capital Improvement Projects listing, what I've done, at the request of Mr. Eddings and Mr. Alexander on the water, due to uh, the water rate increases and those type of things, the projects that have been pending for quite some time, I gave you two options. Option one is the projects that we are aware of and feel would enhance or improve the systems and then you have an option number two that are what we feel are the minimum projects that need to be completed through the year of 2003 and then the third document you see will be on the Wastewater Utility. And I only have you one option on the Wastewater. Please review that, highlight anything that you might have a question with, or that you feel that might need a better explanation than what I provided and I'll be happy to discuss that with you at any time. If you would like for me to discuss it again at the next board meeting, I'll be willing to do that as well. As I said option one are all the projects that we know that would enhance the system, improve the system, option two is to minimize those projects that we know we're going to have to have. And then the third document is on the Wastewater Treatment Plant. Questions?

President Eddings stated nope.

Council Member Fenner stated how much difference is there between option one and option two.

Mr. Coleman stated about 600,000.00.

Council Member Fenner stated ok.

Mr. Coleman stated I believe, the next item is the October monthly report. I discussed the monthly report with a couple of individuals a couple of weeks ago. Just to review what was in the report, something that I haven't done since I started, section one is estimate flow, that explains the estimate of flow for the Wastewater Treatment Facility for the month of October and also it details if there were any permit violations, that type of things, anything out of the ordinary that would happen at the Wastewater Treatment Facility and also gives you an explanation of the amount of sludge that is pulled out of the facility and the loading on the facility as well. In section 2.1 describes the Wastewater Flushing System, the number of calls that we received, what those calls were related to, whether it was blockage in the main line, residential line, any type of things like that, inspections, anything out of the ordinary, like if we had a bypass overflow event that happened on the flushing system, we also explained that as well in the report. Section 3 of the Water Treatment Facility explains operations of the facility, how many gallons we treated, how many gallons we pumped in the well field, and then pumped in the distributions system. And then also any maintenance activity and those type of things. Taps, etc. that occur out in the Water Distribution System. Also our water flow, we explain that in the report also, under 4.0 5.0 is for preventive and unscheduled maintenance, it gives you a explanation of all, we've tried to highlight any major projects that we might had during the month in the Water and Wastewater Utilities, 6.0 is our Maintenance Repair Expenditures, that is the money you that is the contracted agreement between the Town and EMC. Money that we spend for Maintenance and Repair. Parts, Material, Supplies, that type of thing. Year to date we, which is August 1st through October 31st, you are 4286.00 over that budget. For the

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budget being 5519.69 a month. Electrical Expenditures lists the, about 25 different bills we pay each month any year to date we are under 177.92. Chemical Expenditures, that's another item we track for the Town, year to date 1786.00 under budget. Then we also under 9.0 Billing and Collections, the total billings for October, we list that for you, delinquent and late payments, the party that is delinquent and the late payment collected and then Total Revenue Collected. And 10.0 is we just discussed facility, the safety rating for Water and Wastewater Plant. And then the attachments, the Maintenance Repair Expenditures. We got a list of Maintenance Repair Expenditures, these are all items that we purchased for the month, that were paid out of the Maintenance Repair Fund. If there is any questions you can go to that, if you ever have any more questions after that you can refer them to me. Electrical Expenditures the same for each location, that's provided, Chemical Expenditures, Revenues Collected, and then our Safety Report. There was some confusion with what we provided, so I just wanted you to look through that. The next item is we had a Capital Expenditure in the Sewer Utility. We had some alarms, our Audio and Visual Alarms at the three major Lift Stations, Bean Road, Camp Chelan, and High School, they are not operating properly. One is due to vandalism, it was shot out with a gun, the other two, Camp Chelan and the High School in particular for some reason it was never caught before, I don't know why, but when those Lift Stations were upgraded, they put the Audio and Visual Alarms on the inside of the building. So if they were to go off if you were standing right next to the building you couldn't hear or see those Alarms going off. So I had those moved to the out side and we done some work with the Alarm Post itself, rigged up a replaceable Alarm Post at the High School. So I had them moved to the outside and we done some work with the alarm folks themselves, so readjustment and so replaceable alarm floats at the High School. We did experience some problems at the High School Lift Station with the alarm. The majority of this money was billed with the High School, but it was also billed with Camp Chelan and Bean Road also. This work was done by Delta Electric and the total cost was 2601.29 of that, Dave has the breakdown of what was labor and what was Parts and Materials. Parts and Materials was 1201.29 and the remainder of that was labor.

President Eddings stated can that be turned into our insurance?

Mr. Coleman stated no, it's actually, the deductible wouldn't even cover it. Your deductible is 1000.00.

Council Member Fenner stated and that was at Bean Road.

Mr. Coleman stated yeah, that was Bean Road.

Vice-President Broady stated I make a motion that we approve the Capital Expenditure of 2601.29 as presented.

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

Mr. Coleman stated the last item, I think I relayed to you at the last Board Meeting, was that we were having problem with well number 4, we pulled that unit, and it needed to be cleaned, some minor adjustments, we also had some problems with

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the piping, as well as some gaskets. That pump is being repaired and they sent me an estimate today, the estimated cost to repair that unit is going to be right at 6500.00. That's in the Capital Improvements, we're looking, you're spending right around six grand a year on those well fields now. That's it.

President Eddings stated thanks a lot, Dave, do you have anything?

Vice-President Broady stated nope.

President Eddings stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/COMPUTER UPGRADE/BIDS ON REPAIRING THE POOL.

Council Member Fenner stated yeah, I got a couple of things. For starters, I've been working on the Computer upgrade for the Town Hall, so we'll be complaint for the year 2000 and I gave you a little sheet here that tell you some of what I've done, also in doing that, our Computer System itself had not been upgraded since 1992 I believe it was, and so the Clerk Treasurer's Office had asked me to look into that and make some suggestions and so I looked into all that. The upgrade to make it compliant with 2000 is going to cost us 5995.00. That will take care of the year 2000 and then the things that had been requested, were some other personal Computers. One of the things that I found amazing and that is back in the Clerk Treasurer's Office, we do not have one Computer back there that had a Word Processing on it of any kind. All they are, are work stations for the main Clerk, they don't have one Computer back there where they can do anything, you know at all, except to run the programs for the Billing and the Payroll. So I mean they're typing all their correspondence on the typewriter still, so anyway, we want to include some personal Computers to give them that capability of a lot more than what they are doing on the Computers, and so we boiled it down to possibly three personal Computers plus out in the Billing Office, they could use a cash drawer program that will allow them to take the money in, it will be recorded and it will balance the books at the end of the day automatically. It will save them lots and lots of time and be more accurate. Also they asked for a work order module for when you know, it will make it a lot easier for them to make and maintain histories of different work, of jobs that they've done, and call and complaints that they have and it will be automatically entered into the Computer System. And then also, they also requested for the Street Superintendent, a mapping program of our Town Streets and that could be used for the paving, it could be used for the locations of stop signs, it could be used for Water and Sewer Line, it could be used for a number of different things. And then also along with getting personal Computers back in the Clerk Treasurer's Office, one Inkjet Printer of letter quality. The total for all that, if we would do all that is 18719.00. I, you know, I'm not sure if we need to do all that, so I gave you couple of more options there. Option number three is just upgrading for the year 2000 and not do anything else, which I'm not really satisfied with that one either. So I would like to recommend option number two. Which is all of option number one, except taking out the Mapping Software and one Personal Computer. Right now the Mapping Software, number one, there is a lot of questions about, there is a lot of different Software available out there and we haven't really investigated it thoroughly enough, it's, some of it is much more expensive than this, but it is also going to be very labor intensive, as far as setting as setting up the program, we're going to have to hire people to come in and set it up because I mean, we're going to have to find the information to put it into the program and that will be a full time job for someone for quite a while to do that. So, you know, it might be something we need to look into more

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and do something in the future but right now I think we need to take care of business that is more pressing. So option number two would come out to a total of 12331.00 and it would be broken down to the Sewer portion would be 2921.50, Water would be the same and then the Civil would be 6488.00.

President Eddings stated this would be one PC in back and one in the front?

Council Member Fenner stated no, out in the front, in the Billing Office there is one PC out there.

President Eddings stated already.

Council Member Fenner stated yes, yes, it's about a year old.

Mr. Coleman stated last December.

Council Member Fenner stated yeah.

President Eddings stated does his have Word Processing Capabilitites.

Council Member Fenner stated yes it does. Then at the same time what we'll be able to do is you know, this is something we'll have to discuss in and work on, and I think Kenny might have suggested it first, and that is since we're going to be replacing two of the work stations in the back, with these PC's, I would like for us to consider moving one of those work stations into say the Town Council room and set it up so we as a Town Council would have access to uh, you know the records of the Town on the Computer, with, it would be controlled with a pass word, so that we would have access so that we could see them, but we cannot change them. Ok, it would be access controlled, password controlled so that we couldn't go in and change anything, all we could do is see them and maybe print them out, just so they would be there so we could look at them. And that wouldn't cost, it would be very minimal cost, it would just be a cost of running the cable from one place to the other place because that would be included in the setup. Eventually, you notice, the Inkjet Printer they're charging us 299.00 for that, we could get one a lot cheaper somewhere else, but they will set it up for us and they will make sure it integrates into our system and it will be part of the system that they support and provide a service on. You can go out and buy one for a 100.00 less on our own and they're not going to touch it, they're going to say it's all yours. So for an extra 100.00 I think that will be well spent. The other thing that we discussed and that was even a scanner so that we could scan documents in, I mean, for instance I think it would be wonderful if we had our ordinances on Computer. None of them are, we don't have anything on Computer here, if we bought a scanner, we could scan things into there and that way it would be ready and available for us and we can itemize, rather than us having to go through all the books. That would be something that would be a minimal expense and we could do that later.

President Eddings stated I'd like to Thank Gary for diving into this and checking out all the prices and the options, anybody like to make a motion to appropriate the money for option number two?

Council Member Alexander stated I'll make the motion.

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

Council Member Voyles stated I'll second.

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

Council Member Fenner stated next thing is we took bids on the repair for the pool and the bid opening was this afternoon. Last week at the Parks Board Meeting, the Parks Board gave approval for the Town Council to award the bid because of the time factor. We had set the bid opening for today and we need to get it done as quickly as we can, and so we received two bids and what we're doing, we're going to go about it kind of backward way of trying to narrow it down and find exactly where the leak is with minimal amount of damage, but also to make it long term so that in the future if we have a problems we'll be able to find the leaks just like that, we hope. Uh, it suppose to work, uh, anyway so the two bids that we have, one was from L.D. Rice Construction of 4007.50 and the other was from A and B Pool for 2649.32 and Nathan Grimes from Jocabi, Toombs and Lanz is handling that for me and he has recommended that we accept the bid from A and B Pool. John do you have more to add?

Mr. Toombs stated no sir.

Council Member Fenner stated do you want to explain anything, I have a picture here of the plan if you want to see it, I'll be glad to show it to you.

President Eddings stated I'll entertain a motion to accept the bid from A and B Pool Company for the repair of the pool.

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

Council Member Fenner stated ok, the next thing, we have someone here in the town that has set up a web site on the internet that and they've registered the name of WWW. Sellersburg. COM and they are willing to make, I mean they are just doing it as a community service right now, they would like maybe sometime in the future to expand it and sell some advertising and make it pay for itself, but I talked to them and they are willing to give us, as a Town Council, several pages on the web site for us to put information on there that we would like for people to know about Sellersburg or our town government and so I jsut typed up a little thing here that gives some ideas of some of the information we could put on there. We could do a lot more than this, but this is just a place to begin. But I didn't want to go ahead and tell him yes, do it, until you were aware of it, and to make sure that it was acceptable for the council.

Council Member Voyles stated I like the idea.

President Eddings stated I do too, anybody else have any comments about it?

Council Member Fenner stated all right,

President Eddings stated anything else?

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Council Member Fenner stated we don't need to vote on that?

President Eddings stated no, I think we could go ahead.

Council Member Fenner stated ok, then that led me to thinking to other terms in other ways. Several years ago, we had a company that came into town and did a street map of Sellersburg and the way they sponsored this thing was to sell advertising space all around it and I believe they have done it twice now.

President Eddings stated I think they have.

Council Member Fenner stated you know, and I really thing this is something good for us to have available and give to the new residents in the town. But I also think we need to do more than that, because there is a lot of people that come to town, move into town and they really don't know anything about our community and I would like to see us to take that incentive to find a way to introduce the community to them, you know, to give them the information they need to make Sellersburg a friendly community to new residents and I'm thinking in terms of a small booklet of some kind. Where we could give them the information, you know about the internet, but even more that that. One of the complaints that we get a lot form new residents is about our trash pick up, because they don't have any idea, they go out and buy a 40 gallon, and I had someone go out last week and buy a 45 gallon can and it was left sitting on the curb, because they are not allowed to have a 45 gallon can, because no one told them that. And so, there's a lot of things we could do to make Sellersburg a lot more friendly to new people and I talked with one of the media teachers at the high school and asked him if that possibly would be, if we would provide the information to them if maybe that would be a project for one of the classes at the school. Some of the students at the school for a grade could layout and design and do the format for a brochure about our town. And then we could start off small and eventually I would like to see us get to a point where we even sell advertising space in it and make it a very effective thing. I've got something here that comes from, this is a county one and it's in Ohio. But anyway it's professionally done but it gives a history of the county, it gives all kinds of the statisal information of the county, it has lots of advertising in it and it has lots of other things of interest. It has the different things of government in it, it has things about festivals in it, we could put Sellersburg Celebrates in here, trash pick up, there would be so much we could put into something like this and you can see how much advertising they sell. I think it could be one of those things that could be cost effective, I mean, I think we could probably, I don't want to make a profit off of it, but like I said, I'm starting it with the school, small and hopefully we can work up something big. You have suggestions or questions or...

President Eddings stated that's something that is needed, that's something that we need to start working on. Dave, does this company come back and renew every year.

Chief Kinder stated no, they were supposed to be back here, they were here not to long ago, I haven't heard from him since.

President Eddings stated do you know who this fellow is?

Chief Kinder stated yes.

President Eddings stated I mean until we get something like this, the map has been useful, we ought to keep it.

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Chief Kinder stated like Gary said people come here, think they live in Sellersburg and they don't even live in town, they have no idea of what is going on in the community. I'll call him.

President Eddings stated yeah,

Mr. Toombs stated Gary did not know this, that you all have a whole system of maps, you don't actually need the program to do a mapping because you already go it. You got a water map, sewer map, down in that building there, you got any kind of map you want and we got all that on computer disc, anytime it needs to be changed and I think the last time you did that, we offered to give him...

President Eddings stated the maps.

Mr. Toombs stated the mapping system, but I don't think we ever heard from him, which I don't know why.

Council Member Fenner stated did the company change names, change hands.

Chief Kinder stated the salesman remained the same.

Council Member Fenner stated the salesman was the same, but I just wonder if there was some, something to do with the company.

Chief Kinder stated I don't know.

Council Member Alexander stated I think when he came in the last time, I don't think we renewed, I think we wanted to wait about a year or so.

Mr. Toombs stated the other thing Gary, about your brochure for the town you've got to have some way of knowing when a person moves in.

Council Member Fenner stated I figured we could get it through the utilities office. When they come in to sign up for water, then we hit them with the brochure. Maybe the first one that we do, we could do a special mailing to every household when, one month when we do the water billing we could make a special mailing and so that everyone gets it once and then we'll have a supply on hand for the new residents. We'll have to take care of that.

Council Member Alexander stated I think it's in the EMC budget.

President Eddings stated if you would Dave, see if you can contact him.

Chief Kinder stated yes sir.

President Eddings stated and see where we stand on updates and all that.

Chief Kinder stated the map we have is two years old.

Council Member Fenner stated I think it's older than that.

President Eddings stated it's been done twice.

Council Member Fenner stated I don't see a date anywhere, I'll keep looking.

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Chief Kinder stated we'll check to make sure.

Council Member Fenner stated so is it ok if I proceed.

President Eddings stated proceed with this, but I don't want to drop that until you get something done.

Council Member Fenner stated sure, I ould like to see them both, not replacing this by any means.

Attorney McCall stated why don't you put the map inside that?

Council Member Fenner stated yeah, eventually.

President Eddings stated if you could get this where it looks something like this. This is pretty neat.

Council Member Fenner stated ok, oh, one other thing is I put an ordinance in your box, that I was researching and working on, discard that for now if you would. Because I went back, Kenny suggested I'll go back and look again and we do have a lot of that already covered, but it's just in different places. I mean, it's like in three or four different places, you bounce around and some of what was very good. So I think there is still some things we need to expand upon in that area, but I'd rather go ahead and keep it in the structure we've got, so just discard that for now, please. That's all I have.

President Eddings stated sure, how about the letter to the Insight people.

Council Member Fenner stated no response.

President Eddings stated oh you...

Council Member Fenner stated we signed it and sent it last meeting. You weren't here, you left.

President Eddings stated oh that's right.

Council Member Fenner stated and I've not received any response from that, make a note of that will you?

President Eddings stated Bill,

Council Member voyles stated no, I have nothing.

President Eddings stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ORDINANCES/PERMITS.

Attorney McCall stated I've got quite a few things, along with what Gary was just talking about, to disregard here's a ordinance for Gary, take a look at, the one on the top, you may want to consider it. Take one and pass it down, this is what Dave asked me to check out, at the last meeting regarding the ability to stagger the elections, term, or terms of office for the Town Council Members. It appears it can happen, here's another

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one dealing with different populations, one each. The only, it can be done, but you have to follow the criteria and the ordinance, which would be 3106-2.5 and the other is 3107-2.5, it jsut depends where we would fall underneath the population, however once it's done, in talking to some people in Indianapolis, the Election Board and once you do it, it's done. And you cannot change it at that point and you cannot change it back at that point, so if you stager those elections, or stager those terms.

President Eddings stated forever and ever.

Attorney McCall stated ever and ever, so that's something to consider before you start talking about it and maybe something to take up at the next executive session. What the benefits are to the Town Council as opposed to. Something that Ken and I have been dealing with, we had mediation, New Albany Ford Tractor Inc. VS the Town Of Sellersburg. As you recall, they sued us over a piece of equipment, two pieces of equipment that we purchased, saying that the bid was not appropriate. The report was, the mediation was not successful, the charge to the town is 300.00 for the mediation, for our participation.

Vice-President Broady stated the mediation was successful.

Attorney McCall stated unsuccessful, we didn't come up with an agreement. The proposal, there was various proposals on the table, one of which was give us 10% of the, our profit, which is approximately 10% of the item, secondly, well, why don't we give you a Ford piece of machinery and take your Hunt and you pay the depreciation, third, we just give you a Ford and call it even. I talked to Ken about that, he was on the phone during the mediation, he's not interested in doing anything. I know it was kind of out of turn, but we need to figure out where we're going. Right now, I want to wait till next because I'm going to do a motion for summary judgement. None the less, the mediator had a tough time swallowing there case, he can't believe that the town done anything wrong in regard to the bid process, he didn't even believe that was something that had to be bid. So if it didn't have to be bid and they still bid it what's the problem. So, I think we're fine there, I'm going to file a motion.

Council Member Alexander stated will we be able to recover the 300.00?

Attorney McCall stated if we're successful in the summary judgement, or successful in the end, we could recover the cost of the action, which would be the mediation fees, first deposition, expenses and that type of thing. You won't be able to recover any type of attorney fees, because there is none being charged, so...

Council Member Alexander stated I mean anything that is associated with it I would like to...

Attorney McCall stated the cost.

Council Member Alexander stated I would like to see the cost, I really feel like that if...

Attorney McCall stated so the is what is going on there. The, there is the check that we received from S.K. Wilson, hand that over to the Clerk Treasurer, it's for the easement, in the amount of 1046.25. Hand that to the deputy. There was, I'm trying to remember why I did this ordinance. Last time, and I don't know if I gave this to you

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last time, but I'll give it to you again, there is still talk about removing the Town form the IURC; I don't know if you got a copy of that, but, in order, everybody, a step by step, it's kind of easy to read. You can keep it for your records, while it's still on every bodies mind. This is for Ken, Ken, Brenda Hunt, Ameritech never got fax number or address, so I'm going to hand you the letter I drafted to her and if you can locate where she is to, I did though send a copy the letter to each of the effected town residents of, in fact that it did change for purposes of...

Council Member Alexander stated it's a letter for the change of Forrest Drive South and changes to make the address right.

Attorney McCall stated right, this is for Linda, to, for the town records, it's the recorded copy of the annexation ordinance, for the Poindexter area. That needs to be kept on file, I made a copy for my records. There is an ordinance that I was asked to present, the State Board of Accounts. That would be ordinance number 98-778.

Chief Deputy Shelton stated 703.

Attorney McCall stated 703, I ahead, 703. I'd been contacted by Linda and who had been, had one of the State Board Of Accounts Auditors talk to me that we needed to amend ordinance number 92-537 which dealt with the utility cash reserve fund. Uh, to allow funds to transferred to other funds or accounts, not necessarily just the General Fund. So, that ordinance needs to be amended, it needs to be done before they complete their audit so that would be ordinance number 9807 to be presented on a first reading to consider it on a first reading only.

Vice-President Broady stated this is something that was requested by the board.

Attorney McCall stated yes, that's correct.

Council Member Fenner stated they are within a couple of days of being finished here too.

President Eddings stated I'll entertain a motion to consider ordinance 98-703 on a first reading.

Attorney McCall stated 70.

Chief Deputy Shelton stated 703.

Attorney McCall stated 703, ok.

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? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

President Eddings stated I'll entertain a motion to adopt ordinance number 98-703.

ORDINANCE NO. 98- 703

ORDINANCE AMENDING ORDINANCE NO. 92-537
ESTABLISHING A UTILITY CASH RESERVE FUND

WHEREAS, the Town Council for the Town of Sellersburg did on the 24th day of August, 1992, pass Ordinance No. 92-537 thereby establishing a Utility Cash Reserve Fund; and

WHEREAS, the Town Council for the Town of Sellersburg established a Utility Cash Reserve Fund pursuant to construction and the operation of its new Water Treatment Plant; and

WHEREAS, the residents of the Town of Sellersburg, Indiana, continue to pay a tap in fee for the use of said Waste Water Treatment Plant; and

WHEREAS, the money which is generated from payment of said tap in fees is surplus earnings of the Utility; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that for the efficient administration of Town Government that it is necessary to establish a Utility Cash Reserve Fund in which said surplus funds shall be carried; and

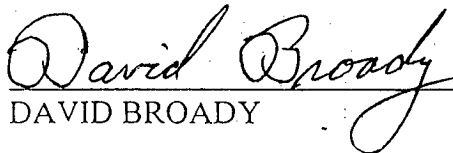
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined to establish said Utility Cash Reserve Fund under the provisions of I.C. 8-1.5-3-11; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined the Utility Cash Reserve Fund shall be maintained out of which funds may be transferred from time to time to other funds or accounts maintained by the Town as deemed necessary by the Town Council for the Town of Sellersburg, Indiana; and

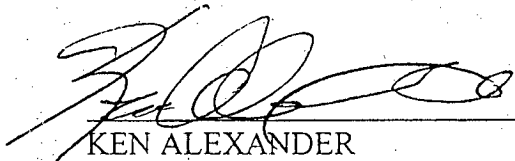
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has in an open meeting discussed, considered and determined the issue;

BE IT THEREFORE ORDAINED by the Town Council for the Town of Sellersburg, Indiana, that a Utility Cash Reserve Fund shall be and hereby is created for the purpose of depositing all surplus earnings of the Utility.

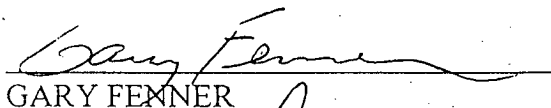
SO ORDAINED THIS 23RD DAY OF NOVEMBER, 1998.



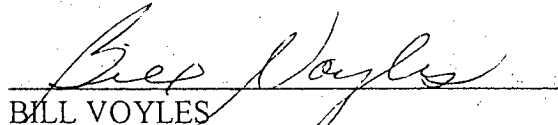
DAVID BROADY



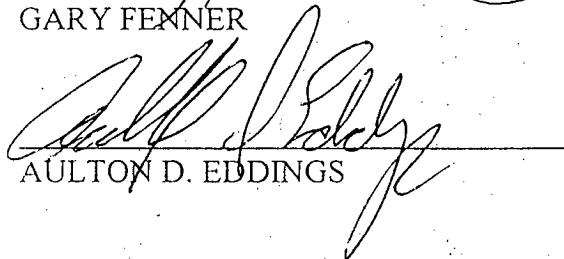
KEN ALEXANDER



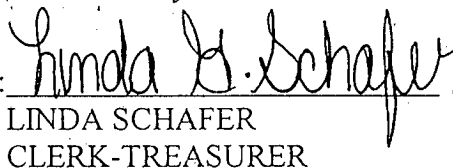
GARY FENNER



BILL VOYLES



AULTON D. EDDINGS

ATTEST: 

LINDA SCHAFFER
CLERK-TREASURER

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Vice-President Broady stated I'll make a motion to adopt ordinance number 98-703.

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

Attorney McCall stated if you will give a copy of this to the Clerk Treasurer, it's just for information purposes. It's the sale to transfer personal property, for the Town and one for the Chief, just, it's the items for the auction, just so there is no questions about the authority to do that. Lastly we need to start on the collection, not collection, excuse me, trying to record the delinquents and I think Kendall is going to get that to me very shortly, we're going to start on that and uh, also with the exit conference coming up with the State Board Of Accounts, I think it's necessary, as soon as practical, at the next meeting to change ordinance 488, which dealt with the rate, the base rate to be assessed, that we decided, or we didn't decide, you had decided or had made overtures of the best thing to do at that point was to go back to the old rate or the original rate, what ordinance number 488, because it wasn't initially applied fairly, so people would be paying absorbent amounts. So I think that needs to be done, because that was addressed in one of the exit conferences a year ago, or a year and a half ago, I believe, maybe a year ago, so that would be something to have done and therefore when you meet with the State Board Of Accounts be able to say yes, it's in the works, we know and we're doing that. That should be available to you at the next regularly scheduled meeting. While I got a little time, and I know there is a ball game on, real quick, the uh, appeal is due the first week in December, it will be done, we'll have it submitted then, and you should probably have a decision from anywhere from 90 to 180 days maybe even longer. Just depends.

Council Member Alexander stated will it make the election?

Attorney McCall stated will it make what.

Council Member Alexander stated the election.

Attorney McCall stated maybe not.

Council Member Fenner stated not at 180 days.

Attorney McCall stated the Planning Commission at our last meeting was looking at several different rates for charges for permits and that type of things that we charge that may or may not be in line with surrounding communities.

Attorney McCall stated which ones.

President Eddings stated uh.

Attorney McCall stated which one.

President Eddings stated I think what we need to do is just find a list of all the different charges for several, our perm:t charges, our Civil Permit charges that the town has.

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Attorney McCall stated yeah.

President Eddings stated and then compare those to Clarksville, New Albany, Jeff and just see what we, where we lie in those permit charges. Because I think in s places we're fairly close and in some cases we're way, way cheaper than what is charged in our surrounding communities. I'm not sure what all is involved.

Attorney McCall stated we did that two years ago.

Council Member Alexander stated we did that two years ago, but I think Clarksvil has had a raise since.

Attorney McCall stated they have and we came, we basically came in line. We look Clarksville, Jeff, and New Albany.

Council Member Alexander stated we were pretty much in line.

President Eddings stated maybe it's time to do it again, I think we're getting b think Clarksville is one of the examples we give in the Planning Commission Meet were our permit charges were like 150 to 200.00 cheaper than Clarksville.

Council Member Fenner stated that might not be bad, we might want to count that being good, that we are cheaper.

President Eddings stated let's look at it again, we may shock ourselves looking some of the stuff we charge compared to the other communities.

Council Member Alexander stated it used to be the other way around, we charging much.

President Eddings stated all right, Ken.

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/CURB.

Council Member Alexander stated first off, is Sonny here? Sonny, on the first cu that you come into your subdivision there, it's holding water. I thought I'd mak you aware of that.

Mr. Sprigler stated on the 3-curb.

Council Member Alexander stated the very first curb that you come in on the Forre Estate side water just stands, it doesn't go anywhere.

Mr. Springler stated the one on the left, I seen that. Norman is going to repave for me, Lipps, he was in there last week actually, up on the corner, he's going that one street and put the final coat on there.

Council Member Alexander stated it looks like the curb has settled down, I figur you were in there doing that.

President Eddings stated let him do his stuff.

Mr. Stewart stated he didn't bring the ordinance with him, but he does have anot

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matter he would like to discuss with you.

Mr. Sprigler stated I have the ordinance, John Craft has it and I forgot to bring it. But I got it, Craft, John Craft has it and uh, I got it done and I forgot to bring it. I got a couple of other things I want to bring up. I'm going to finish up the piping.

Council Member Voyles stated all the way through.

Mr. Springler stated I'm going to bring the pip all the way through. I've been having some water bills, I've sodded those yards and I've been running the water bill is 54.00 and the sewer was like 130.00, I got one for 60.00, and 153.00 bill and I talked to Angie over here and she said I had to bring it before the board and I had about eight or ten of them and I paid the one with the sewer bill 70.00 or 90.00 and I went ahead and paid like 6 or 7 this year. I got one here for 153.00 and 90.00, and one for 140.00. That's on houses that nobody is living in them. The water was used for sod. And she told me I should come before the board and ask the board about getting a reduced rate on the sewer.

Vice-President Broady stated we got an ordinance on that.

President Eddings stated how did we handle that in the past?

Vice-President Broady stated as long as the house is not occupied that the builder before he sells something, in fact he doesn't pay any sewer until it's occupied.

President Eddings stated until it's occupied, there's an ordinance to that effect somewhere, we ran into the same thing with Golf View Estates.

Chief Kinder stated we ran into it with Steve Klein.

Mr. Coleman stated I never seen the ordinance, but it makes sense.

Vice-President Broady stated it was done, back when...

President Eddings stated Forrest Estates.

Vice-President Broady stated no, Golf View Estates.

Mr. Sprigler stated I had about 900.00 in sewer this past month.

President Eddings stated Kendall can you check and see, I'm pretty sure we put something in effect to take care of this very thing.

Mr. Coleman stated I've read and read those ordinances and I'm never seen an ordinance that said that.

President Eddings stated there's one out there.

Vice-President Broady stated yep, there sure is.

Mr. Coleman stated then, it's not been made available to me.

President Eddings stated can you check it Cindy?

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Chief Deputy Shelton stated it's in the back.

President Eddings stated Clerk Treasurers Office and the Billing Office will check, I think we've already got something in place for it.

Mr. Springler stated the ordinance I will bring in at the next meeting. What is it? December 2nd.

President Eddings stated that will be fine.

Council Member Fenner stated December 9th.

Mr. Springler stated December 9th.

Council Member Fenner stated it's the second Monday, whatever the date is.

Chief Kinder stated the 9th or the 14th.

President Eddings stated the 14th.

Mr. Springler stated the 14th.

Mr. Coleman stated you're sure there's an ordinance to that effect?

President Eddings stated we put something in place, either an ordinance or...

Attorney McCall stated let's see if we can find the ordinance for it.

President Eddings stated let's see if we can find it.

Vice-President Broady stated it basically says anybody, a new homebuilder, as a builder doesn't pay any sewer bill until the home is occupied. Then they start paying the sewer.

President Eddings stated all right go-ahead Kenny.

KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/ST. PAUL'S.

Council Member Alexander stated all right, I'll let this pass right now while I talk about the other. All this is, is just St. Paul's and then I want to show you a picture, on the shape of the room and how wide the street will be. The next thing I have is uh, about a month and a half ago there was a Planning Board Meeting and there was some questions with some storm drain down on Popp Street. I asked the Street Superintendent if he would go over the policy or whatever and see if there were any problems. But at the Planning Board the problems came up. So, it's been kind of difficult, I apologize to my brother for it being more difficult than usual but, I am a Council Member and uh, all the I's and T's had to be crossed. Basically what I have done is what I do on any other storm drain problem, except I went a little bit over here. I took a picture, I usually go down and investigate them, I usually watch two rain incidents. I look for onw that's real heavy and quick and heavy and then I look for one that is small and slow and we go down we walk and we observe and see where the problems are. This is rain, it's a pretty good down pour, which I'll show some examples later on, this is going down in the gutter, uh, this is on this property and

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There's like four houses up the road that are uh, had drainage problems, some of the people are saying it came from the street and some of them are saying you know, because of the way the alley is, paved, it blocked everything in. I'm not going to make judgement as far as their property, but as far as the street water coming over, we found right here, and here the leaves are accumulating real heavy in the gutter. There is one part of the gutter that is in the neighbors house above Mr. Alexander that the gutter almost comes level and then it drops back down. Most of the problem is uh, leaves are blocking the gutters. This is looking at across the street, which is again here, the gutter, it comes level. There is like a 3/8-inch drop at one section. What you're seeing here, is their front yard, now we're seeing their back yard. They were saying this back here flooded, I contacted the old person with the house, Mrs. Shields even during a big flood, she said she didn't have any water standing her yard. There are some, you will see as you go back here, along this property, the lowest point of the property right here behind the tree is like 465. With the alley, they were saying that when we paved, we blocked the water in. He had a survey that, at one pin that was marked at a height. When we went back out and took, measured it from a pin, and then up the hillside to the alley and there actually is a two inch, this was at the lowest point, there is a two inch entry before you get to the pavement. Most of the problem is back here, along here. We've got down spouts, the house only has like two or three feet apart. There are down spouts coming from all kinds of directions, and their yard is just not landscaped to covey water. As you go up it gets worse, because the garages have been built, because of the driveways that have been built. The house next to this one, doesn't have any gutters, all the water is coming off the roof and going in all directions, it's not actually being transferred anywhere. You can see there are no gutters on any of the garages anywhere, there was just not a whole lot of planning as far as hey, I'm going to put a driveway in and I'm going to build a garage but, how am I going to get rid of the water. And that's really an irritating example of how much rain we did have, this is a minute later, down at Popp and Dold. As you can see, this was a good rain. I will give you a comparison to where it wasn't. You can see through here this is just down the street, half a block or block, it was a lot of water coming down. There just really isn't any problem that I can see, this is up at Utica, same thing just a couple of minutes later, just for comparison and a lot of water. We defiantly got a problem here that we are working on. But as far as the investigation went I wanted to inform you all, there is nothing for us to do as far as, I wanted to present it in case the issue did come up. Mr. Alexander has granted if they want to run drainage pipe over to his property, he does make the lowest going down to a small pipe going to the alley. He would be willing to do it. I'm sure in the next two or three months the issue will be brought up and I just wanted to bring it to your sttention. What we think, and that's all I have.

President Eddings stated ok, the only thing I have is I keep seeing in the paper is where the new facility out on old Highway 60 Vencour, keeps advertising it's Vencour of Sellersburg. How does the board feel about that advertising? Does it bother anybody?

Vice-President Broady stated it doesn't bother me.

Council Member Voyles stated it doesn't bother me.

President Eddings stated ok.

Council Member Fenner stated Sellersburg Lumber is Clarksville Lumber too, but there's not anything we can do about it.

President Eddings stated ok, Linda.

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Attorney McCall stated oh, you have your copy, ok, good.

Mark Ball stated what I am concerned about is if we get into enforcing this one verses that one, we would issues Building Permits that meet the code for each one. I think the one says,

Attorney McCall stated we got a separate one.

Mark Ball stated you got a separate one though...

Attorney McCall stated yeah, we have a separate one but it's not enforceable by the town.

Attorney McCall reads letter as follows, these regulations are not intended to interfere with abrogate, or annul any easement, covenant or any other private agreement or restriction, provided that where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction the requirements of this ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this ordinance, or the determinations of the commission in enforcing these regulations, and such private provisions are inconsistent with this ordinance or determinations thereunder. Private provisions can only be enforced privately unless a public agency such as the Town Council or Plan Commission has been made a party to such agreements. Anyway it's a private act unless you guys are made a party to such agreement.

Council Member Fenner stated every time the Town Council accepts a proposal from a contractor, a developer,

Attorney McCall stated I think it goes further than that, I think you have to be actively involved in those restrictions in those subdivisions meaning that they are brought to you and you said yes those are restrictions that are consistent with what we have in the town already and we are going to agree to those. If it's outside those normal restrictions I don't think you have to be involved in that. I mean this is what it says and this is an old ordinance.

President Eddings stated we need an ordinance to protect ourselves.

Vice-President Broady stated now how are we going to do this?

Attorney McCall stated go find that ordinance and undo it.

President Eddings stated rewrite it.

Mark Ball stated it ought to be in your latest zoning ordinance, that's what that is. What I'm afraid of is what do I do now, do I follow these restrictions.

President Eddings stated no.

Mr. Toombs stated the restrictions for a subdivision have to be presented in the subdivision plat when the subdivision is presented to Zoning Board so that you all can review all that stuff. You don't want the guy next door to build a duplex.

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Attorney McCall stated which is what has happened over the last...

Mr. Toombs stated if it is zoned single family initially that would...

Council Member Voyles stated if you don't have some, it's like if you have a house and a guy wants to put, and if he travels and he wants to put a travels and he wants to put a travel trailer on his property and live in it, then it's alright and it can't be alright.

Mr. Toombs stated I can sight a very painful example, in Clarksville, a guy I know became a paraplegic and he had to live under very special circumstances. He wanted to add on to the back of his house, on the breezeway and he was going to build a little ole' one floor, like an apartment with all that special needs for handicap and he couldn't do that because it was a single family dwelling.

President Eddings stated we need to work on that ordinance.

Attorney McCall stated it's your zoning, we just have to.

President Eddings stated right, ok, EMC.

Vice-President Broady stated I've got a question, ok, what are we going todo on the, as it is right now.

Attorney McCall stated I'm trying to take care of that and resolve that with out any...

Vice-President Broady stated but how do we, the Fire Department not going to work regular.

Presidnet Eddings stated we've only got two weeks for the next meeting don't we won't we know something by then.

Vice-President Broady stated you take care of Mr. Allen and we'll undo this thing next time.

KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE REPORT/MONTHLY REPORT/MR.COLEMAN TELLING THE COUNCIL THAT HE IS GOING TO BE LEAVING SELLERSBURG.

Mr. Coleman stated the first item is the Water and Sewer Revenue Report for the period of December 14th through December 25th, the total revenues collected for the period was 60,564.42. The next item is the Monthly Report. The next item, I didn't make copies of this because I didn't ahve it until this afternoon, last September 14th the board approved a Capital Expenditure for the replacement of the force main at the McDonald's Lift Station and the rerouting of that force main, to put a manhole in a Taco Bell, we enlarged that and the work has been completed. The reason I am bringing this to the board is there is an additional 100.00 added to that, instead of going with a two inch we put an eight inch PVC in there and we reduced that down to a two inch in case in the future we want to use that line for any future development or anything like that. So we done that and it was an additional 100.00 so, Dave if you want to sign off on this down at the bottom. It was 3960.00 and they completed the work for 4060.00.

Vice-President Broady stated I make a motion that we approve the request from Excel Excavating for the work they done for 4060.00.

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

Council Member Voyles stated I'll second it.

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

Mr. Coleman stated the last thing is I made all of you aware that I'm going to be leaving Sellersburg. I accepted director of, additional managers position for a Southern Ill. Division with EMC and I want to introduce you to, who is going to be my replacement, Mr. Tim Crawford. Tim is the Assistant Utilities Director for the City of New Albany at this time, and he has accepted the position and he will be starting January 5th. I'll be working with Tim for about a month or month and a half then through February and March I'll be slowly transitioning out of Sellersburg and transitioning into my new position. So I'll probably be around, you'll probably see me around until May or June.

President Eddings stated Welcome Aboard.

Mr. Crawford stated Thank You, I look forward to working with the Town Board, and I hope to help EMC move forward.

President Eddings stated Mr. Stewart, anything tonight.

BOB STEWART/BUILDING COMMISSIONER ADDRESSES THE COUNCIL ON/FINAL REPORT.

Mr. Stewart stated I handed in my final report today.

Clerk Treasurer Schafer stated do you want to go on this with this. I verified all the permits and variances and there was sort of a difference of opinion, I thought that the Town Council had set up fees for Variances and Zoning changes for the purpose of funding the committee. I went on anyway and figured the full amount of Building Permits Plus Variances for the year and this verified with Bob's figures of 46,271.75 for the year. Taking 15,000.00 off that, his half would be 16,635.88. I've prepared a transfer of appropriations ordinance, from the Town Manager Salary of 11,000.00. It's not going to be every year, we're going to get a Cracker Barrel or...

President Eddings stated right.

Clerk Treasurer Schsfer stated it's just because we've busted out of the seams this year. So, uh, this transfer of appropriations is necessary, if there is any differences on the variances I need for you to tell me now, if so I had to go ahead and prepare the ordinance for the Town Council to allow the Fire Department to get 50%. They we're actually involved in issuing those and so it's entirely up to the Council. Taking it off would it not any more than 11,000.00 transfer. So, it's totally up to the Town Council.

Vice-President Broady stated do you know how much money is the difference Linda?

Clerk Treasurer Schafer stated not over 2000.00, is that not right Bob?

Council Member Alexander stated it was my understanding that, I mean they do, do the work that should fall on.

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Mr. Stewart stated that's a separate fund.

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

President Eddings stated now I need an ordinance number.

Clerk Treasurer Schafer stated 98-707.

President Eddings stated I'll entertain a motion to consider ordinance number 98-707 concerning Transfer of Appropriations to pay the Building Commissioner on a first reading.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) I'll entertain a motion to approve ordinance number 98-707.

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? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Attorney McCall stated what you did with the motion, on the contract. In the future you need to attach a copy of the motion to his contract so in the future everybody knows about it.

Clerk Treasurer Schafer stated they thought it was an understanding.

Attorney McCall stated yeah, now it's an agreement, now it's two minds meeting and if you put it to the contract as an addendum the Town Council minutes will reflect that. So you might want to do that.

President Eddings stated I have another ordinance here for the Transfer of Appropriations for the Police Department. For some year-end accounts, Linda do you have a copy of this?

Clerk Treasurer Schafer stated yes, I have it.

President Eddings stated I need another ordinance number.

Clerk Treasurer Schafer stated 98-708.

President Eddings stated I'll entertain a motion to consider number 98-708.

ORDINANCE

98-707

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1998, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

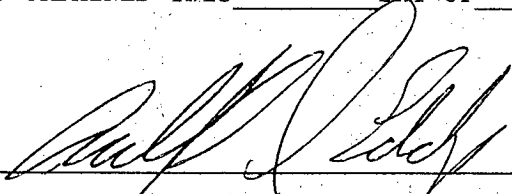
WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1998 and it is now necessary to transfer appropriations into a different categorie/s than was appropriated in the annual budget for the function of the Town Council.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL FO THE TOWN OF SELLERSBURG, INDIANA that for the expenses of the Town Government, the following appropriations are transferred unless otherwise stipulated by law.

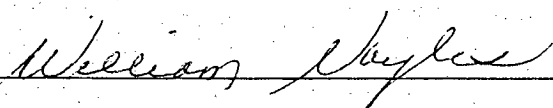
SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

<u>ACCT.#, NAME & AMOUNT</u>	<u>TO ACCT.#, NAME, & AMOUNT</u>
112-TOWN MANAGER SAL. 11000.00	312-BLDG. INSPECTOR SERVICES 11000.00

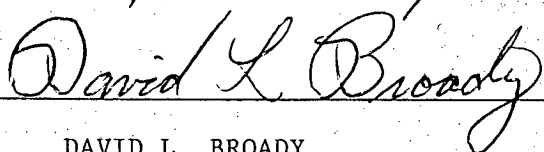
SO ORDAINED THIS _____ DAY OF _____ 1998.



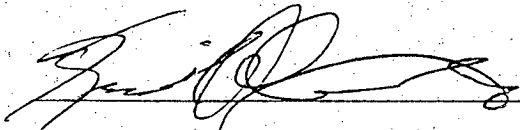
AULTON D. EDDINGS JR.



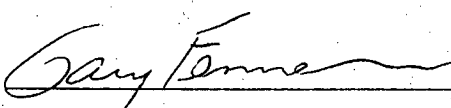
WILLIAM K. VOYLES



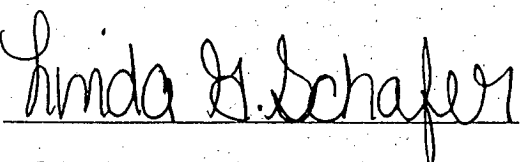
DAVID L. BROADY



KENNETH ALEXANDER



GARY FENNER

ATTEST: 

LINDA G. SCHAFFER
CLERK TREASURER

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

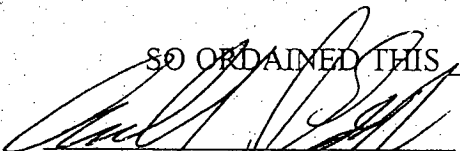
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

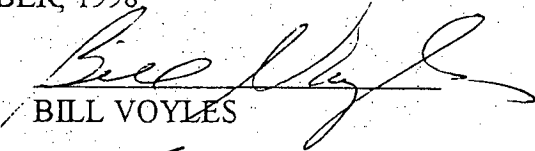
WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

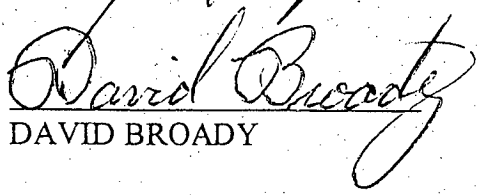
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

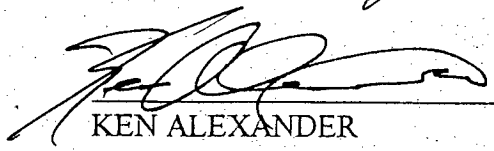
- 1.) A transfer of appropriations in the amount of One Thousand Six Hundred (\$1,600.00) dollars from Account #361, Cleaning Supplies/Services to Account #223, Police Equipment.
- 2.) A transfer of appropriations in the amount of Three Thousand (\$3,000.00) dollars from Account #363, Maintenance Police Vehicles to Account #223, Police Equipment.
- 3.) A transfer of appropriations in the amount of Two Hundred Fifty (\$250.00) dollars from Account #364, Repairs Police Building to Account #394, Miscellaneous Services.

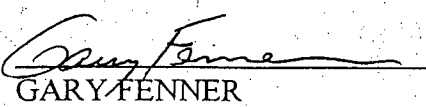
SO ORDAINED THIS _____ DAY OF DECEMBER, 1998.

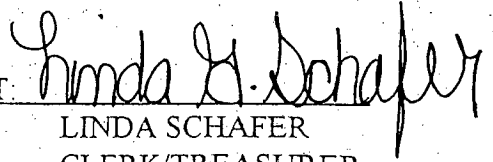

AULTON D. EDDINGS


BILL VOYLES


DAVID BROADY


KEN ALEXANDER


GARY FENNER

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

DATE: 12-28-98

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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 Alexander stated I'll second.

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

President Eddings stated Dave.

Vice-President Broady stated nothing.

President Eddings stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/MR. BALLARD WATER ADJUSTMENT.

Council Member Fenner stated Kendall, were you aware of Mr. Ballard that was here last meeting wanting a water adjustment, have you looked into that.

Mr. Coleman stated I talked to Clark and he said there was a leak, a considerable leak, uh, you are aware he is just on our water not on sewer, is leak was getting into the septic tank. That's how he noticed the leak and I actual water bill runs anywhere between 23.00 to the highest bill was 28.57. The bill in question was 286.94.

Council Member Fenner stated wow, everything else has been pretty steady with him, I mean...

Mr. Coleman stated yeah, he's real steady.

Council Member Fenner stated no other problems.

Mr. Coleman stated no.

Council Member Fenner stated what caused the leak?

Mr. Coleman stated that I don't know, all Clark told me there was a major leak and it looked like he had done some repair work to his water line. As far as what caused the leak, I don't know, I don't know.

Council Member Fenner stated the problem we have is that has suggested that he had Primestar people come in and they put a pole in for their Satellite Dish, and that they caused the problem.

Mr. Coleman stated that wasn't told to me, I don't know.

Council Member Fenner stated I mean if they did he ought to back on them rather than us, than coming back on us.

Mr. Coleman stated that wasn't relayed to me, that's the first I've heard of it.

Council Member Fenner stated someone's got his phone number.

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Mr. Coleman stated I've got it.

Council Member Fenner stated do you mind contacting him and checking into it and suggesting that if that is the case he needs to go after them. And then report back to us and let us know.

Mr. Coleman stated yep.

Council Member Fenner stated ok, also Kendall, did they make you aware that we have a meeting scheduled for next Monday night, January the 4th.

Mr. Coleman stated 6:30.

Council Member Fenner stated yes, and John you remember and the other Council Members.

Council Member Voyles stated yep.

Council Member Fenner stated all right uh,

Attorney McCall stated I'm unavailable but I have asked if you need anything from Umbaugh and Associates, or...

Council Member Fenner stated I don't think so, but if I think of anything between now and then I'll let you know.

Attorney McCall stated ok.

Council Member Fenner stated ok, Linda did the Computer Resources call today to set up a time to come.

Clerk Treasurer Schafer stated yes, I told them I would like to do the last payroll, which is December 30th before they changed. That way we could start out with the new system.

Council Member Fenner stated the only thing I have is at the end of last week I had a call from one of the other Council Members, and we had a problem with one of the Police Officers as far as a misunderstanding over his pay schedule because of him being off sick because of medical problems and then scheduling his sick days and vacation time. And you know we talked to the Chief and feel like we've resolved it basically. Uh, and he was paid for this last pay period, what he was regularly scheduled to be, The Clerk Treasurer's asked that the Council approve before she issues another check for him in his regular pay schedule that the Council approve that. And so the Chief doesn't have a problem with it and if you want me to go into great detail, I'd be glad to. Bill knows about it, Ken knows about it, I'd just like to go ahead and ask the Clerk Treasurer to pay him his regularly scheduled, that he had worked out with his vacation time and sick time.

Clerk Treasurer Schafer stated if he could only be paid until the Executive Session of the next meeting that would get you through.

Council Member Voyles stated has he filed for short term disability?

Clerk Treasurer Schafer stated yes.

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Council Member Voyles stated I mean we have that and I really can't understand why he didn't file for it in...

Clerk Treasurer Schafer stated he wasn't aware that he was supposed to, from my understanding.

Council Member Fenner stated there are two reasons why you wouldn't file it, one is because the surgery was done within a day or two after he learned, he found our one day and within two days he was in the hospital with surgery.

Council Member Voyles stated yeah,

Council Member Fenner stated so he didn't have a lot of time and number two is if you have enough vacation time and sick time already in the banks that you can take and not have to file for short term disability then you know I would much rather take the vacation time and sick time at 100% pay rather than take the short term disability at 60% pay.

Clerk Treasurer Schafer stated 66 and 2/3.

Council Member Fenner stated whatever it is, the other point is, it would be to our benefit to pay him with his sick time and vacation time rather than us to have to go back on our insurance because how many years will we, they're going to come back on us because we're drawing on the insurance.

Council Member Voyles stated right, I agree.

Council Member Fenner stated so to me, it's pretty obvious.

Council Member Voyles stated I have no problem with that.

Council Member Fenner stated you will pay him through...

Clerk Treasurer Schafer stated whenever you say.

Chief Kinder stated can we discuss this is Executive Session.

Council Member Fenner stated what was the last thing you said.

Clerk Treasurer Schafer stated pay him at least until the matter is resolved, as long as the Council agrees I have no problem with paying, but he entitled to four weeks vacation starting January 1st anyway, so if the Council agrees.

Attorney McCall stated pay him until the Executive Session and...

Council Member Fenner stated the Clerk Treasurer wants us to specify yes to pay him.

President Eddings stated we need a form of a motion.

Council Member Fenner stated I make a motion that we pay the Police Officer his vacation time, his sick time, I don't know how to put it.

Attorney McCall stated as specified in the employees manual.

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Council Member Fenner stated fine, as specified in the employees manual.

President Eddings stated motion made by Gary, 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, opposed nay. I's have it. (Vote 5-0)

President Eddings stated Bill Voyles.

Council Member Voyles stated I do not have anything.

President Eddings stated Perry McCall.

Attorney McCall stated I don't have anything.

President Eddings stated Ken.

Council Member Alexander stated John needs to go first because I go along with his things.

JOHN TOOMBS ADDRESSES THE COUNCIL ON/STORM AND ROAD DRAINAGE BUDGET.

Mr. Toombs stated ok, towards the end of the year we have certain methods that in the tune of over 260 thousand dollars in your storm and road drainage budget. So, two weeks ago you awarded a contract for 16000.00 for some small catch basin replacements. And previous to that you agreed to pay 3100.00 to put a pipe through the backyard of Mr. Gettlefinger and his neighbors. And subsequent to that we took bids today. We had 12 sets of plans out and we got 9 bids. It ranged from 910000.00 to 180000.00. So I am here to recommend that you award to L.D. Rice the 1998 Sellersburg Storm Sewer Project, for 91387.45. And since we opened the bids, we've checked the map with the three low bidders to make sure they hadn't made a map mistake and everything was fine.

President Eddings stated I'll entertain a motion that we accept the bid from L.D. Rice for 91387.45 for Storm Drain Project.

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

Mr. Toombs stated what you're seeing in here is, Beechwood and Poplar is one area, and then the other area is Prather Lane. So there is two sections in there. Now because we have additional funds, Ken and I talked it over after the bid today, and I would like to propose to you that you approve a change order to the contract that you just approved for 10598.97 which will allow us to go around the corner on Beechwood at Dryer Lane and make some corrections in a pipe and catch basin over there.

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President Eddings stated same company.

Mr. Toombs stated yes sir.

President Eddings stated I'll entertain a motion to accept the change order for 10598.97 with L.D. Rice.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

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

Mr. Toombs stated ok, now to further encumber this years budgetary fund, I'm proposing an agreement with Jacobi, Toombs and Lanz where you pay us by the hour to take care of problems and to go out and see what they are doing, inspect the construction, check out the situations that come up, check the claims and that kind of stuff. For no more than 20000.00 and this would carry over into, we did the same thing last year.

President Eddings stated I'll entertain a motion to incur the 20000.00 in engineering fees for the upcoming Storm Drain Project.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

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

Mr. Toombs stated you and you alone need to sign this.

President Eddings stated uh,

Mr. Toombs stated you and you alone need to sign this, that's the Storm Drain, everybody needs to sign that. Ok, now, what all that means is you still have funds available for use to the tune of 118913.58. So, this afternoon after we did the bids, and we talked about what to do, Ken suggested what perhaps we should do is to try to obligate that money for next year, by entering into a contract with Jacobi, Toombs and Lanz to do engineering work on Utica Street, which is right out front here, all the way down to your old Waste Treatment Plant and Silver Creek. There is an old sewer that used to take sewage to the plant, so part of which is still there. And the idea is to try to solve the drainage problem further on down the street from what we've done out here. And take it through that pipe, maybe rebuild part of it that goes into and out of Sellersburg Stone and run it past the old plant into the creek. Also, Sharps Lane and Nevada Lane, you had Mrs. Beasel come in here, she's the lady with the basement full of water. There is a Storm Sewer that runs beside her house that isn't big enough, all the land behind her drains down through there. I've seen her basement with 5 feet of water in it, this was six or seven years ago, so, this

year we took some elevations, a few measurements to what could be done. What we can do is run a big pipe back through there, block off all the drainage, take it out on Allentown Road, up over the hill, all the way down to Elk Run. But all we did was enough to make sure that would work. And then also, another thing is the Hill-N-Dale area road and Drainage Project, which would start up here on Ohio Avenue, up above Chad Nunn.

Council Member Alexander stated to follow up on that, here's the catch 22. Most of your paving is 98% completed in Sellersburg. We have 11/2 roads left to be paved is what I call it from whenever. We are going to pave St. Joe Road East, but we are watching a sewer pipe sink in the middle of the road and wondering, it looks like it's stabled out but we had problems over the last couple of summers of it having some sink holes and so forth. We didn't want to pave over it until we made sure it wasn't going to move any further. Other than that, the only other road that's coming into play that would need to be repaved in the cycle in about 4 or 5 years is going to be Ohio Avenue. So paving is pretty much done. Storm Drain, most of the projects that needed to be done, they were just Storm Drain Projects that John did, have been completed for an attempt to complete them has been at least looked over again to see where we are. I feel we're 70% completed on the Storm Drain Projects in the Town of Sellersburg, except for projects that exceed a normal Appropriation in a Capital year. The idea behind what John is talking about is we don't know how much it's going to fall until we engineer it. But on the other side, if it comes in and here's what it will cost, I know for sure that we won't be able to do it in a 1 year span. Which we'll be looking at the financing, on the back of the letter that I gave you, two possible yearly expenditures assuming that it's 5 1/2% and if it's a million dollars we're looking at 100000.00 a year, if it's 1.5, we're looking at 141000.00. If it's 1.5 I really don't believe that it would be feasible for us to go in and do anything under a million. I think where we are in the two programs for a fifteen year term, it would be feasible to get the two projects done. So A: so you want to do the project is that a priority, B: if we want to do the project will we have the engineer to fit it out to get a real cost on it. And C: if we get real cost on them are we going to go through a financing process, which will require personal signatures, to see if we can get grants on it, the grants in Hill-N-Dale have been very hard to obtain even though talking with Mr. Smith and he still wants to run us through the process which is fine. But if that fails and I would assume it would fail we would be going into a loan at a structured bank or some kind of institution that Indiana has a far...

Mr. Toombs stated here is what I have written too from this afternoon, that we, the Engineering Company would propose to do it for 96700.00 at our current hourly rate. In other words that would be the maximum and we would do the necessary going out and looking and figuring what could be done and how it could be done and that's what you would call preliminary. We don't survey or anything, we just try to figure out how this might work. What the problems are, what you know, talked to Dave, talked to Ken, talked to you guys. Then if we're going in the right direction we go further, do our property surveys, do our, take out elevations, figure out how it might work, how wide it would have to be, how high, how deep, whatever. And then that would be preliminary design. You would have a map, have estimates, how many feet, how high, what right-of-way, what easements, what problems there are. So if anywhere throughout this process you could stop, and you don't want to do that anymore.

President Eddings stated and all we'll be charged will be the current hourly rate.

Mr. Toombs stated right, and that would obligate that much money, so that if you go all

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the way on these items then you know how much it's going to cost up to that limit. And if you choose not to perhaps this money could then be transferred back into your Storm Sewer Fund to be used for something else.

Council Member Alexander stated I mean either way the money stays in the Town.

Clerk Treasurer Schafer stated it will stay there anyway.

Council Member Alexander stated the problem is with the size of these projects they are in the Comprehensive Plan and they, the Hill-N-Dale road is a priority one because of the intersection. We're never going to know anything about them until he does the preliminary and so forth. And in a normal year Appropriation I usually don't have that much money to say here John let's see how much it's going to cost. I mean we're kind of at the end of the year, the bids came at half of what we thought they were going to come in at. You have some extra money.

President Eddings stated we actually have more money than we thought three for four months ago.

Council Member Alexander stated right.

Attorney McCall stated if you encumber for this contract for future service aren't you encumbering those funds?

President Eddings stated that's the idea.

Attorney McCall stated you are going to encumber them.

President Eddings stated right.

Attorney McCall stated I didn't hear,

Council Member Alexander stated yeah, we're trying to encumber this year's funds for next year, because if I waited till next year to do something like this it wouldn't be feasible. I couldn't give him my whole...

President Eddings stated it's just simply to keep from spending that some portion of this money out of 99's budget.

Council Member Alexander stated so basically that's the reason he will be on hourly and he'll go out and look at these projects and at any point and time you can say hey stop. You really don't have a lot of storm drain problems, I ride around town quite frequently to different areas when it gets cold and freezes is a real good time especially rain and you can see where the water is till at because it's ice. In the last four years we've done an outstanding job as far as keeping water off the roadway. I will emphasis roadway, because there are still with some residents and so forth. But as far as the roadway Penn Street is not been closed this year. And that's saying a lot. We have had enough rain to where it has been closed in the past, so good things are happening to Sellersburg as far as storm drains. I feel we have a lot of maintenance items coming up, we're talking catch basins and just basic cleaning and so forth. I don't see anything else major.

President Eddings stated do you want to put this in the form of a motion.

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Council Member Alexander stated I make a motion that we accept John's contract.

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

Vice-President Broady stated I'll second it.

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

Mr. Toombs stated ok I have two of those, and last but not least, I have a contract, excuse me, a claim from L.D. Rice for the construction of sanitary sewers on Foothill for 13605.84.

President Eddings stated I'll entertain a motion to pay the claim from L.D. Rice for 13605.84.

Vice-President Broady stated does that finish that John?

Mr. Toombs stated no, it's not quite down.

Vice-President Broady stated I make a motion that we pay the claim.

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

Council Member Alexander stated the last thing I have for you John, is the Edgewood Drive, we've approved it, have we put a dollar amount with it?

Mr. Toombs stated uh,

Council Member Alexander stated we've approved a project over on Edgewood for a storm drain.

Mr. Toombs stated uh,

Council Member Alexander stated that would be encumbered.

Mr. Toombs stated yeah, maybe I ought to explain that. On Edgewood where we began the sanitary sewer, we were not sure where the manhole was or if there was even one there. The sewage guys thought there was, but with our metal detector we could not find one, there isn't one there. The pipes just all come together and we tried to start the construction, the sewer was all backed up and flooded, EMC got it's cleaning unit stuck, because the pipe was crushed. The storm sewer has crushed the pipe, so I got with the contractor, the Sewage Department, we looked it over and we agreed the Sewer Department will write a change order to the contract to put in the manhole of course and refix the sewers that are broken, and then Ken's going to sign a change order to L.D. Rice out of storm sewer to pay to fix the culvert across the street. So I guess we better do that and I don't know how much that is. It's a part of the Edgewood sewer.

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Clerk Treasurer Schafer stated it's part of the 260000.00.

Mr. Toombs stated yes ma'am and we'll get that written up and signed by myself and Ken and the contractor.

Council Member Alexander stated ok.

Mr. Toombs stated I didn't think of that.

Council Member Alexander stated the only thing else to say is Happy New Year.

President Eddings stated is that it Ken.

Council Member Alexander stated that's it.

President Eddings stated Linda.

CLERK TREASURER LINDA SCHAFFER ADDRESSES THE COUNCIL ON/FIRE DEPARTMENT/CLAIMS.

Clerk Treasurer Schafer stated I just need the voucher signed to the Fire Department to pay them 15635.88. Ok, the claims for this meeting that the receipts of goods is water and sewer have not been signed and the claims for payment are not properly submitted but I'd like to present them anyway.

President Eddings stated everybody's had a copy of the bills in their mailbox and had a chance review them and I'll entertain a motion to pay the bill as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles I'll second it.

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

President Eddings stated the only other thing we have tonight is Perry's contract.

Vice-President Broady stated is this the same contract.

Attorney McCall stated it's the same as it's always been, no change.

President Eddings stated nothing changed, I'll entertain a motion accept the contract for Perry McCall for 1999 with no changes.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

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

SELLERSBURG TOWN COUNCIL

January 11, 1999

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Doug Eddings, 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, Town Attorney.

Called To Order

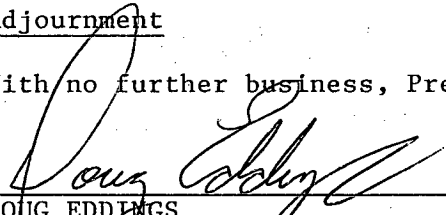
President Eddings called the Executive Session to order at 6:00 p.m.

Topics Of Discussion

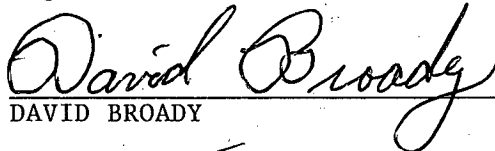
Johns Contract
Holman Lane Tank/C.T. Service
Sanitary Sewer
G. Dixon/Nuisance
Koetter Construction
Jesse Ballew
Chuck Murphy/Bringham Property/Railroad Crossing
Solid Waste Management
IURC
Subdivision Ordinance
Shuff Nuisance Letter/Mr. Allen
Mr. Owen/Alarm System
Receipt of Goods Ordinance

Adjournment

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



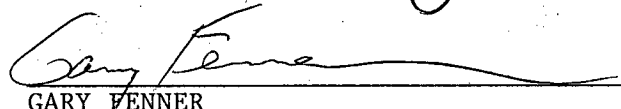
DOUG EDDINGS



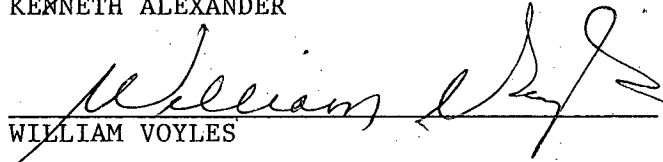
DAVID BROADY



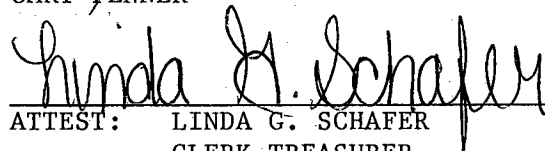
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

January 11, 1999

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Doug Eddings, Council 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, Town Attorney.

Called To Order

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

Prayer

Bro. Dale Offutt offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/ELECTION OF OFFICERS FOR THE YEAR 1999.

President Eddings stated the first order of business for tonight in going to be the Election of Officers for the year 1999. I'll entertain a motion for the Office of President of the Town Board.

Council Member Voyles stated I would like to make a motion for Dave Broady for President for 1999.

President Eddings stated do I have a second?

Council Member Fenner stated sure, I'll second it.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)
You take over form here.

President Broady stated the second order of business, I guess we will go ahead an proceed with the election of New Officers and uh, take a nomination for Vice-President. I make a nomination for Doug Eddings to take Vice-President. He's nominated for Vice-President.

Council Member Voyles stated and I'll second it.

President Broady stated is there any other nominations? If not all those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

President Broady stated nay, I's have it. Doug's the Vice-President. (Vote 4-1) Ok, moving on down, our petitions tonight, first petition is Mrs. Mara from Solid Waste Management.

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SHARON MARA ADDRESSES THE COUNCIL ON/RESOLUTION AND ORDINANCE TO AMEND THE INTERLOCAL AGREEMENT.

Ms. Mara stated good evening, what I have is a Resolution and Ordinance tonight that is going to amend the Interlocal Agreement that you signed previously last year in March or April by this Board. What we're trying to do is amend the definition of family, the way it's being covered now. It reads from a single family house, changing it to multifamily which will go to your apartment complexes of any level. The second definition of the contract is Interlocal that we're changing is changing the boundaries. Right now, it is bound by the Town limits of Clarksville, Sellersburg, and city limits of Charlestown and Jeff and then a census track, a map reading of called 506.04. Census tracks a very hard find, the tracks in the map are very hard to find, and in a year or so it's going to be outdated anyway. What the new definition is going to read is that any that is contiguous where curbside was on April of 1998, you would be able to expand. Instead of coming back to the board and asking you to expand curbside out, our intentions are any where there is a densely populated subdivision with 50 houses or more, we would be, it would be to where we are contagious now, you would be able to go on out. And that is what I have tonight for your signatures on it.

President Broady stated ok, Sharon as we expand out, you know, if they're not in the Town Of Sellersburg, I understand a new Ordinance we are responsible, if it is uncollectable that we're responsible to either collect or pay those cost. Is that correct?

Ms. Mara stated you are not responsible to collect, we will start taking them to small Claims Court, my lawyer will start taking them to small Claims Court in about a month.

President Broady stated ok.

Ms. Mara stated when we get this months family contract over, we have to deal with bad checks, we will start with collection at that point.

President Broady stated ok, and that's even for the future expanding places that may not be in the city?

Ms. Mara stated yeah you're not going to be billed for anything outside Sellersburg.

President Broady stated ok,

Ms. Mara stated Clarksville is Clarksville problem, Jeff is Jeff's problem and anything in the unincorporated area like Speed, where we're trying to go to, Bethany Farm Area, that is the industry problem.

President Broady stated ok, do you have the Resolution, is this a Resolution?

Ms. Mara stated yes I do.

President Broady stated ok, do you all want to read it. Ok, I'll entertain a motion to adopt the Resolution with, do we need a Resolution number?

Attorney McCall stated it's the same thing you had last time. It's radafiying the action of the Solid Waste District.

Council Member Fenner stated how about if I just make a motion that we accept the

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SHARON MARA ADDRESSES THE COUNCIL ON/RESOLUTION AND ORDINANCE TO AMEND THE INTERLOCAL AGREEMENT.

Resolution and Ordinances presented by the Solid Waste Board.

Attorney McCall stated the Town would be bound by it then.

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

Council Member Voyles stated I'll second it.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Do I need to sign or are all of us supposed to sign it?

Ms. Mara stated right there.

President Broady stated do I need permission to sign this.

Ms. Mara stated Thank You all.

President Broady stated Mr. Hooper, Richard Hooper, he's not here. Mrs. Pixley do you have anything tonight?

MRS. PIXLEY ADDRESSES THE COUNCIL ON/NEW BUSINESS.

Mrs. Pixley stated yes, uh, in behind me there's a new business gone in there and I was never informed that there was a business going in there. Just recently there has been an article in the paper, I don't know whether you saw it or not, where a big Plastic Company went up in flames. They had to evacuate people for a mile around the area.

President Broady stated uh,

Mrs. Pixley stated I found out that's what's gone in behind me. And we were never told that a new business was being built there or anything. I asked Mr. Stewart, Bob Stewart, what was going on behind us. They built first the Construction Company.

President Broady stated Team Contracting.

Mrs. Pixley stated Team Contracting, it cost us 2000.00 to get the attorney because Bob Stewart told us that they could do anything with that property that they want to. And they drained a lake, a man made lake from that property all down through me. Now this has gone on the same property that Team Contracting is on. That property is adjoined to us, and we were never informed. I never heard anything about it.

President Broady stated I know what you're talking about, the two businesses, they did, the ground was zoned for that type of business, and approved for that quite some time ago. As far as notifying you what would be going in there, if it meant the zoning ordinances, I don't know if they would of notified you.

Mrs. Pixley stated excuse me, Rhodes from Charlestown bought a piece of property that was adjoining ours, they were going to hook up a big place and did not accomplish it.

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We've never had one person from that piece of property where Team Contracting, there is three business come in over there now and we've never had one word from the Building Authority or any body else about what's going on in there.

President Broady stated as far as I know it is the correct zoning.

Council Member Fenner stated if Mr. Rhodes had to get your permission then obviously he needed to have his property rezoned. These people, their property was already zoned properly and so therefore they didn't need to ask anyone's permission except go through our regulations which they did.

Mrs. Pixley stated well, how about the danger of this place. I mean there's nothing ever been said about it.

President Broady stated I don't know, I mean as far as the danger, they would have to follow whatever state codes, and stuff like that.

Mrs. Pixley stated I'd like to find out if the city has checked on them if they know what's going in there or what.

President Broady stated what they obviously told us when they went to the zoning, I mean not zoning but, they had to follow certain regulations.

Council Member Fenner stated they had to receive a Building Permit and other permits to build the property and in those permits they had to spell out exactly what they were going to be doing and what process they were going to be using and you know apparently through the Building Commissioner they meet all the requirements and so therefore there is nothing we can do about it. If they meet our requirements, then they're perfectly legal.

Mrs. Pixley stated did they meet your requirements to bring that down on me.

President Broady stated we...

Council Member Fenner stated this person did not do that.

Mrs. Pixley stated Team Contracting did.

Council Member Fenner stated ok, and that, I,

Mrs. Pixley stated they own it.

Council Member Fenner stated you've already addressed it.

Mrs. Pixley stated they own all of that property.

Council Member Fenner stated and you've already addressed that issue and take care of it.

Mrs. Pixley stated what do you mean I've already, I was asking you, what that Building Inspector told me is they could do anything they wanted to with that property.

Council Member Fenner stated will I, I can't speak for what the Building Inspector said. I don't think any of us can here.

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Mrs. Pixley stated I wonder if the same process is going on with this Building of a Plastic Factory.

Council Member Fenner stated I think we would be glad to ask the Building Commissioner.

Mrs. Pixley stated I wish you would.

Council Member Fenner stated I think we could do that and Dave.

President Broady stated I will check on it. Dave you got anything.

Chief Kinder stated no.

President Broady stated while I'm thinking about it, I need to, you got the minutes before you for December 28th meeting, I like to, If everybody's had a chance to read them and I'll entertain a motion to approve the Minutes of December 28th and also the Executive Meeting of January 4th.

Council Member Alexander stated I make a motion to approve the minutes.

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

Council Member Voyles stated I'll second.

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

President Broady stated Mark is not here again tonight. EMC

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE REPORT.

Mr. Coleman stated the first item I have is the Water and Sewer Revenue Report from December 28th through October 8th. The total Revenue Collected for that period was 58108.71. The next item is the invoice. The Monthly Sales Tax and there is a Deposit Correction of 50.00 on there. The total amount being 3450.42.

President Broady stated what's the Deposit Correction?

Mr. Coleman stated there was a mistake with Billing Office Personal, they put 50.00 into the Civil Account and it was supposed to go into water, we paid that deposit with petty cash and so at this time we're asking that, that be returned, be reimbursed.

President Broady stated so you all collect it and instead of putting it into the Water it went into the Civil Account.

Mr. Coleman stated it was deposited in the wrong account, Linda can tell you more about it. I believe she took care of it at the bank, Linda did, and she called from my understanding, through Angie.

President Broady stated do you concur with this.

Clerk Treasurer Schafer stated what actually happened was they had make a mistake, and I requested that it be corrected. One of the EMC Employees went to the bank and

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transferred 50.00 out of my Civil Account into Water. I contacted the bank, they backed it back out, and did it correctly this time. That is absolutely correct.

Vice-President Eddings stated I'll entertain a motion, I'll make a motion to pay the invoices for Insufficient Funds, Meter Deposits, and Monthly Sales Tax to EMC.

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

Council Member Alexander stated I'll second it.

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

Mr. Coleman stated I have one other thing, the Vent Machine has been sent to Lima Ohio, we had some problems with the motor, antifreeze was leaking and it is being serviced as we speak. Due to the weather and everything, we had a difficult time getting it up there. We got a loaner, on loan from them and right now I can't tell what the cost of that is going to be, I want to say it is going to be approximately 4000.00 from talking with those individuals and hopefully we'll have that back sometime next week and uh, probably at the next meeting I'll have a total.

Vice-President Eddings stated how did you get it up there.

Mr. Coleman stated Robin took it up, he said it was a fun drive.

President Broady stated ok, Building Commissioner, he's not here or his Representative tonight. Animal Control is not represented, Doug you got anything?

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON/BUILDING REPAIRED BY KOETTER CONSTRUCTION/
WATER AND SEWER RATE STUDIES BY UмбаUGH AND ASSOCIATES.

Vice-President Eddings stated a couple of quick things. We had the back of the building repaired when the snow damage last year, we got the insurance proceeds and Koetter agreed to repair the building for the amount the insurance issued and I got it here somewhere if I can find it. We need to go ahead a release those funds to Koetter.

Clerk Treasurer Schafer was that in last years, or the year before? Because there's not, what's the appropriation going to come, unless you want it paid from the Sewer Reserve Fund.

Council Member Fenner stated the only appropriation there is, well there shouldn't be any appropriation.

Clerk Treasurer Schafer stated well I would be able to restore an insurance reimbursement normally but what year did that fall in, was it two years ago. I mean it's a little late to be, there's no appropriation.

Attorney McCall stated it was last year.

Council Member Fenner stated was that last March's big snowstorm.

Vice-President Eddings stated it was last year when it was done and repaired. Does anybody remember what the amount was.

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Clerk Treasurer Schafer stated 5000.00.

Council Member Fenner stated I thought it was like 39 minus the deductible.

Vice-President Eddings stated let's just do it this way, I make a motion to go ahead and pay the insurance premium, what ever the amount was.

Attorney McCall stated the insurance amount.

Vice-President Eddings stated the insurance amount to Koetter Construction for the repairs on the building.

Council Member Voyles stated I'll second that motion.

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

Vice-President Eddings stated I'll find the invoice in a second, the other thing I have is it was last year 98, March of 98 that we did the Water and Sewer Rate Studies by Umbaugh and Associates and evidently we have not paid for the services for the rate study.

Clerk Treasurer Schafer stated I checked back on that and you saw the little note on there, we called them, I guess it got misplaced.

Vice-President Eddings stated ok, we need to go ahead and pay for Umbaugh and Associates for the Sewer Rate Study that was done along with the Water Rate Study in March. It is 4900.00 for the Rate Study. I make a motion to pay Umbaugh and Associates for the Rate Study.

Council Member Voyles stated I second it.

President Broady stated I got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) That's all I've got Dave.

President Broady stated Bill.

Council Member Voyles state I don't have anything.

President Broady stated Gary.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/IURC.

Council Member Fenner stated um, last Monday night the Council gave me the permission to send the notice concerning some action by the Council in relationship to the IURC so we need to make that official and formal and I think Perry has a Resolution to introduce to that.

Attorney McCall stated you got a Resolution number Linda?

Clerk Treasurer Schafer stated 1999-52.

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Attorney McCall stated Uh, I'll read it. It's a resolution for the Sellersburg Town Council for recognition for the notice of the Town Council decision to opt out of the Utility Regulatory Commission. And the notice was issued pursuant to a mailing on the 7th day of January I believe of 1999. Furthermore there had been notice issued in the Evening News, to allow this matter to proceed on the 8th. The notice has been issued 30 days prior to the meeting, which is required by statute. This Resolution you are doing tonight is to ratify the issuance of the notice on the 7th. You need a motion.

Council Member Fenner stated what's the Resolution number.

Attorney McCall stated Resolution number 1999-52.

Council Member Fenner stated I'd like to make a motion that we ratify Resolution number 1999-52.

President Broady stated 52 or 62.

Council Member Fenner stated 52.

Clerk Treasurer Schafer stated 52.

Council Member Voyles stated I'll second that.

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

Council Member Fenner stated while we're signing that, I'll move on, the next thing is we also need to introduce the ordinance that we will consider on February the 8th and Perry has the Ordinance.

Attorney McCall stated this is a proposed Ordinance to be introduced tonight for the purpose of the February 8th, 1999 meeting at 6:30 this Ordinance will be considered by the Town Council agrees to opt out and remove the Water Utility from the jurisdiction of the Indiana Regulatory Commission pursuant to Indiana Code 8-1.5-3-9.1 and it states...

Perry reads the Ordinance as follows:

ORDINANCE NO. 99-_____

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

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

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

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

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

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

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

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

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

were invited to attend and participate; and

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

1. Pursuant to the provisions of Indiana Code 8-1.5-3-9.1 the Town of Sellersburg Water Utility shall be and hereby is withdrawn and removed from the jurisdiction of the Indiana Utility Regulatory Commission;
2. That the herein ordinance shall become effective sixty (60) days after adoption by the Sellersburg Town Council;
3. That the Sellersburg Town Council shall mail written notice of its withdrawal from the jurisdiction of the Indiana Utility Regulatory Commission to the Indiana Utility Regulatory Commission within thirty (30) days after the herein ordinance becomes effective.

SO ORDAINED THIS _____ DAY OF _____, 1999.

DAVID BROADY

BILL VOYLES

KEN ALEXANDER

AULTON D. EDDINGS

GARY FENNER

ATTEST: _____
LINDA G. SCHAFER
CLERK-TREASURER

RESOLUTION NO. ¹⁹⁹⁹~~99~~ 52

**A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL
DIRECTING THE ISSUANCE OF NOTICE OF THE TOWN COUNCIL'S
DECISION TO OPT-OUT OF THE JURISDICTION OF THE
INDIANA UTILITY REGULATORY COMMISSION**

WHEREAS, the Town Council for the Town of Sellersburg has determined that it will pursue opting out of the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Town Council for the Town of Sellersburg will consider an Ordinance to opt-out from the jurisdiction of the Indiana Utility Regulatory Commission on the 8th day of February, 1999, at 6:30 p.m.; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that notice should be issued regarding the Sellersburg Town Council's intention to opt-out from the Utility Regulatory Commission's jurisdiction; and

WHEREAS, the Town Council for the Town of Sellersburg now resolves that notice should be issued in accordance with Indiana Statute; and

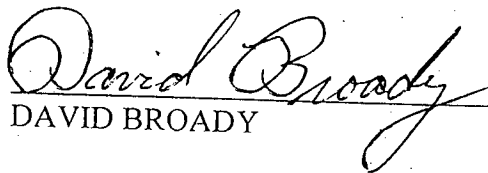
WHEREAS, the Town Council for the Town of Sellersburg directs that said notice has in fact been issued on the 7th day of January, 1999; and

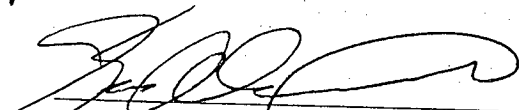
WHEREAS, the Town Council for the Town of Sellersburg now desires to ratify the issuance of said notice as indicated;

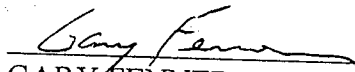
BE IT THEREFORE RESOLVED by the Town Council for the Town of Sellersburg that

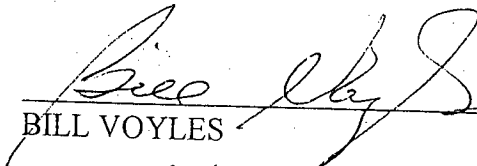
notice of the Town Council's intention to opt-out of the jurisdiction of the Indiana Utility
Regulatory Commission shall be issued and that said notice was issued on January 7, 1999, and
by the herein Resolution the Sellersburg Town Council now ratifies said notice which has been
issued in accordance with Indiana Law.

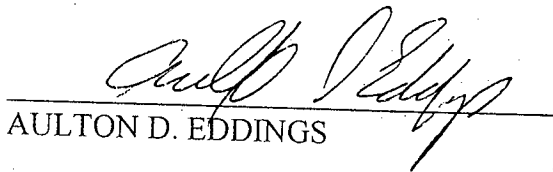
SO RESOLVED THIS 11 DAY OF January, 1999.

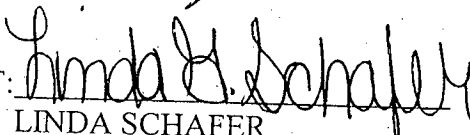

DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFFER
CLERK-TREASURER

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Attorney McCall stated that is the Ordinance that is going to be presented at the February 8th 1999 meeting, Public Hearing at 6:30. So for the purposes of tonight's meeting it has been introduced.

Clerk Treasurer Schafer stated do you need a number on that right now.

Attorney McCall stated no.

Council Member Fenner stated ok, I was also getting signals from the Chief back here, there is a gentleman that wanted to say something. Did you want...

Resident stated is now a good time.

Council Member Fenner stated sure.

Resident stated I'm Gary Kincaid and I own a triplex on Payne Koehler and Gilda. And I've had sewage problems and my neighbor said he was going to be here that's been there for four years, he's more familiar with that, I just bought the place in the spring and he told me that it has done it about once a year for the last four years on New Year's Eve sewage started backing up from the sewer line into the two lower units of it and we called the Town Hall number and it just rang, it didn't click over to an answering machine. So sewage ran through two of the apartments until Monday. Monday the town came out and told me it was fixed and it happened again this past Friday night, It flowed through the two apartments we had just finished and we had just got the tenants back in them the night before and we just finished doing them and it happened again. I guess the significance of my problem that the Council could, but it seems like the sewage problem that backs up through apartments that are a limited number of homes on the little section of streets where the sewer line runs and that runs into the stream in the creek behind us that you have sewage into apartments. The neighbor told me that he's lived there four years that it's occurred kind of regular for the last four years.

Mr. Coleman stated is this Mr. Hooper.

Mr. Kincaid stated it's the Mobile Home, the first single family residence on Gilda on your left as you turn on Payne Koehler, I'm not sure what his name is.

Mr. Coleman stated you had sewer problems from Friday until Monday.

Mr. Kincaid stated and it ran through the apartments for that time. There wasn't any answering machine on and in fact I called back in Friday late and the same thing happened again the phone just rang off the hook. I have a friend that knows Mr. Ken Alexander and called Ken at home and...

Council Member Fenner stated obviously it's something that we need to look into. For starters if you call on a weekend and don't get the answering machine here again please call the Police Department.

Mr. Kincaid stated well we actually called the Fire Department and they gave us the number in the phone book. They were nice enough, and they were real pleasant and they recognized our plight and they were trying to do something.

Council Member Fenner stated sure.

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Mr. Kincaid stated you know their best guess was, if the Fire Department didn't know it then the Police Department wouldn't.

Council Member Fenner stated the Police know everything.

Mr. Kincaid stated I think I found the number here to call.

Council Member Fenner stated Ok, Kendall.

Mr. Coleman stated we had several problems over the weekend with sewer backup at three or four different locations and this may be one of them. It disturbs me is that they had a problem from Friday until Monday, that's not right.

Council Member Fenner stated right.

Mr. Kincaid stated from Friday until Monday we didn't talk to anybody.

Mr. Coleman stated and that...

Mr. Kincaid stated excuse me from Thursday until Monday, from New Years Eve until Monday we didn't get anybody at all.

Mr. Coleman stated that's our problem, that shouldn't occur. You should have easy access to our department. We've got to correct that, the answering machine, if it is not working at the Town Hall.

Council Member Fenner stated is it working now?

Mr. Coleman stated we need to get that taken care of.

Council Member Fenner stated who's in charge of turning it on and off?

Mr. Kincaid stated I called again last Friday night and it wasn't working.

Council Member Fenner stated where is the answering machine, where is it located in the building.

Clerk Treasurer Schafer stated I have no idea.

Council Member Fenner stated Cindy, do you know where the answering machine is in the building.

Chief Deputy Shelton stated the one we used to have is in the back room, but it's not worked in a year and a half or two. It's been quite a while.

Council Member Fenner stated we haven't had an answering machine for a year and a half, Kendall do you have one out in...

Mr. Coleman stated yeah, I just replaced it.

Council Member Fenner stated you have one out there, ok.

Mr. Coleman stated I can find a place in the Billing Office to make sure that we've got

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an answering machine working.

Council Member Fenner stated ok, yeah, we apologize for that.

Mr. Coleman stated Chief Kinder called that to my attention a couple of weeks ago.

Clerk Treasurer Schafer stated someone did call from this area and I told them to call the Police Department.

Mr. Kincaid stated I guess I'm kind of hopeful that someone can look at the sewer line, I know it's a short section.

Council Member Fenner stated well, all right, we apologize for the lack of communication abilities here. Kendall can you look into the...

Mr. Coleman stated yeah, the one that was on the agenda, Mr. Hooper, what happened here is they pulled a rubber ball out of the main line. What was happening was when you go in and grout the line the nozzle was going underneath the ball and when we were pulling back it was pulling the ball back with it. When we pulled the ball back the line would open up and act as if it was running free and the problem would be corrected. I think we got called out three different occasions we got called out, the last time we got called out, they visually seen the ball go through the manhole. The ball was getting caught up as the line entered the manhole it was getting wedged in there and it was blocking everything up back down stream.

Council Member Fenner stated that was a kids play ball you mean.

Mr. Coleman stated Earl said it was a rubber ball and we looked for it at the Lift Station today and we couldn't see it but what we're going to do is still going to televise the line, we're going to get with Clarksville and borrow their TV and televise those spots and see if there is a problem with the line.

Council Member Fenner stated ok.

Mr. Coleman stated we've had problems in that area for about a week.

Council Member Fenner stated ok, Thank You, I have one more think to discuss for a moment about our notice that we mailed last week and specifically the article in the Evening News Saturday. Uh, highlighting the opposition of that article by the Clerk Treasurer and I was pretty upset by that and I have prepared some comments about that. So if you would bear with me and let me share them with you. When the Council gave me permission to do that uh, you know the Clerk Treasurer was very helpful and cooperative. We worked very well together and got it done. She was very happy to do so, and she called me to tell me that she had accomplished it. But then when she was called by some people questioning that notice instead of just saying that it was an action by the Town Council and just referring them to me, she apparently uh, called the Evening News, and discussed it with them and apparently somewhere in between, whether it came through her or through the Evening News there was a question raised to whether or not the Town Council and me specifically trying to pull something and to place responsibility upon her for this rather than take it ourselves. Uh, you know and my thoughts are she could very easily have just simply referred those people and you know I mean I have the notice here where it says at the very beginning and you know at the top, notice of action by the Sellersburg Town Council. You know that's clear, that it is by us, it

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isn't by anyone else. Her name is listed there, however I have a notice that was mailed in March of 1997 same subject matter, notice says Sellersburg Town Council final vote on Ordinance to remove as Water Utility, blah, blah, blah, and it's also listed under her name and she mailed this out and didn't have any problem with it. You know we never heard a thing about it. This time she had a problem with it. You know I think she was clearly out of bounds.

Mrs. Pixley stated I don't believe that.

Clerk Treasurer Schafer stated I do not think I was out of bounds.

Council Member Fenner stated excuse me, let me say what I have to say, and if you would like to respond you may if the Council President allows you. Uh, as I said it would have simply been, a simple thing to say this is a Sellersburg Town Council action, please call Gary Fenner at his telephone and that would have taken care of the whole matter. But I was offended by the allegations that were made against me and the Town Council and I was offended by the negative publicity but especially because you know she choose to call the press rather than us and she chose to call the press rather than just simply say I'm just doing my job. Which she was and she did her job in a very well manner, very good manner. Uh, you know the last time she mailed it on her own and did it all by herself. This time I helped her with it. Obviously I wrote the letter with the Town Council's approval and I went through and typed it, I went through and ran it off, made three trips to the print place to do it for her so she wouldn't have to, presented it to her. You know I thought we worked well in doing that. During that time she had two days to proof read it and to bring any of her concerns or suspensions to me personally, she did not do that what so ever, but she instead went to the Evening News with it. And to me that was very unprofessional, unethical and very offensive to me personally and I believe to the whole Council. The scope of the article was that she disagreed with our action, and I just think that it's important we point out to her that it's not her job to agree or disagree with the Town Council. She's the Clerk Treasurer, she's elected to keep the books, and she's elected to make the payments of the Town as directed by the Town Council. She doesn't make policies, nor is she privy to all the information that she has, or that we have. She doesn't attend all the Council meetings which is her job by the Indiana State Law and then to say in the newspaper that she would rather stay in the IURC and request a rate increase is ludicrous. I mean who would want a rate increase, if they didn't have to have one. You know she doesn't understand the situation, she doesn't know what she's talking about. I'd also like to say I was offended by the Evening News for even printing such an article. I tried to explain to the reporter that this wasn't news but he said that, that was up to his editor. The article itself was insulting because it called into question some of the statements that I made. The article states that I quote contend that the letter states clearly that it is the Town Council's Ordinance. Well you know right here it says notice of action of the Sellersburg Town Council. What is there to question about that? It is a statement of fact. You know everything I said to the reporter was questioned. But the Clerk Treasurer statement were taken and written as gospel. Why didn't the article say that the Clerk Treasurer contends that she received 20 phone calls from customers. I didn't receive any. I mean and I wonder about that, why didn't I receive any at all. No one's called me. The article promately portrayed EMC as being a major factor in this. And they absolutely are not. They have nothing to do with this what so ever. EMC is a company that works for the Town of Sellersburg, nothing more and nothing less. But again it is because the Clerk Treasurer disagrees with the Council on that issue. The fact that she doesn't want them here. That she's going to drag them into everything and try to make it look as

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bad as possible for them. She's filed a lawsuit against us because of our employment of EMC, she has lost that lawsuit. Now she's appealing that lawsuit, with the Town's money, that she is doing that with. You know during the time that we were in the midst of those lawsuits the Evening News had a headline, the top front of the page, in bold letters it said Judge holds Sellersburg Town Council in contempt. It was an absolute positive lie. It was completely false. It didn't happen that way. Just like this time the Evening News accepted what the Clerk Treasurer said and they wrote it even if it wasn't right. You know I've cancelled my subscription to the Evening News before, but I started it just simply because I need to at least know what it is saying. You know what kind of lies they're talking about us with. It didn't happen that way, but just like this time, the Evening News accepted what the Clerk Treasurer said and they wrote it and they wrote it, even if it wasn't right. You know I cancelled my subscription to the Evening News before, but I started it just simply because I need to at least know what they are saying. You know what kind of lies that they're talking about. So, you know I, for some reason they choose to print whatever she tells them, with no questions asked. And I don't know why that is. But, as you can tell I'm not happy about it and I am offended and I have a problem. When I was put on this Council, the Council Members asked me to be the lesion between the Clerk Treasurer, uh, because they felt like I had the most patience and I could do it in the best way possible. But right now I don't feel like I have much patience. And that's all I have.

Clerk Treasurer Schafer stated I have something to comment on that, number one, I might be the Chief Fiscal Officer, the Clerk Treasurer, an elected person of the Town, but I'm also a utility customer, I have every right to comment personally and Mr. Fenner if I had the opportunity to sit down and write pages on things that you've done, that you all have done, it would take a half of a year. So I have every right to make a comment in the paper and I think he's one of the best reporters that we've ever had here.

Council Member Fenner stated Linda for your...

Clerk Treasurer Schafer stated but if you want to be opinionated and attempt to insult me it was a very good sermon but it didn't work.

Council Member Fenner stated just to help you if you want to put that in, so you can write that in the minutes.

Clerk Treasurer Schafer stated I don't need to, I'll copy it.

Council Member Fenner stated ok.

Clerk Treasurer Schafer stated I'll copy it, because it didn't bother me a bit, it was your opinion. Just like the IURC letter, that's your opinion.

Mrs. Pixley stated Mr. Fenner I have something else.

President Broady stated nope, we're going to move on.

Mrs. Pixley stated excuse me.

President Broady stated Linda's said hers and I think we're going to move on. I mean I gave both of them a chance to talk and now we're going to move it on. Kenny.

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COUNCIL MEMBER KEN ALEXANDER ADDRESSES THE COUNCIL ON/ANNEXED AREA.

Council Member Alexander stated that's going to be a hard one to follow. Uh, I have a letter to send out to the newly annexed area, Poindexter to start their trash service.

President Broady stated does everybody have a copy?

Council Member Alexander stated I made this up before we came in.

President Broady stated you want to just read it or...

Council Member Alexander stated yeah, I can just read it. Enclosed is a copy of the regulations for garbage and yard waste. Your service will begin on January 25th of this month. Remember only gallon cans are allowed. Your can should be at the curb no later than 7 a.m. in the morning. The trucks start picking up between the hours of 7 and 4. Your normal scheduled day is Monday. Yard waste is picked up on the day of your recycling. If you require more information please don't hesitate to call the Town Hall. Sincerely th
Town Council in Sellersburg. Then we have a copy of the New Sellersburg Resident Paper, which goes into the specifics of everything we have including the lease law. So if it meets the criteria of the Town Council, I would ask permission to mail this out and start trash service.

President Broady stated does anybody have a problem with that. I say go for it Ken.

Clerk Treasurer Schafer stated I already have the envelopes and things ready, hope that's ok.

Council Member Alexander stated I gave you a letter, what the Street Department was requesting the Town Council to research the purchasing the existing lean type garage, located at the Sewer Plant, and about one acre of land for the purpose of a salt dome and facilities for all vehicles. We spent the last year looking for land, and the only area, I mean land we had was on Villa, which I don't think that would be a suitable site for a...

President Broady stated I read that and, are you asking to buy an acre of ground at the Sewer Plant?

President Broady stated are you asking to buy an acre of ground of land at the Sewage Treatment Plant?

Council Member Alexander stated go ahead and buy the building that is there, 70% of it is used for parking our garbage truck's there.

President Broady stated why do we have to buy it?

Council Member Alexander stated you can't have Civil, we couldn't put Civil money into a utility.

Vice-President Eddings stated could you do like a dollar.

Council Member Alexander stated we could do a dollar pay, whatever.

President Broady stated yeah.

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Council Member Alexander stated that way we could go ahead and actually construct, look at constructing a suitable area, like right now, because it is so cold we're having to park the packers up here next to the Town Hall and plug them in. It will at least give us some, at least land to look into the future as far as creating a garage like atmosphere, as far as electricity to keep our equipment running.

President Broady stated um huh, is that something you want to do tonight or just table it.

Council Member Alexander stated you can thing about it, I would like to do it.

President Broady stated the main purpose to buy ground somewhere where you have...

Council Member Alexander stated where we could actually go into and hopefully develop a Street Department, cause really honestly this building back here is...

Council Member Fenner stated have you talked to Kendall about how this would impact the Sewer Department.

Council Member Alexander stated nah,

Mr. Coleman stated are you buying the building or the ground.

Council Member Alexander stated the building and the ground, you know down where we park the packers.

Mr. Coleman stated the only thing with buying the ground, is Perry might want to look into, is a purchase agreement, for the time period.

Vice-President Eddings stated you could do a lease.

Council Member Alexander stated you could do a lease or an even exchange probably.

President Broady stated yeah, I don't think you can buy it, sell it persia, but you could do...

Council Member Alexander stated look into the legality, I mean if that is suitable, if that would be a suitable place for the Council to...

Mr. Coleman stated I know we have come across that in that our, to purchase the ground with grant money, but we couldn't do that. We had to wait for x amount of, 10 years, and 20 year or whatever. I don't know if that's in this case or not.

President Broady stated let's look into that then and see where we stand on it and decide that. There is no ground available down there but I guess we're talking 10000.00 an acre.

Council Member Alexander stated yeah and since the building is primarily used, I think we could actually use the existing building and maybe close and put some doors and stuff on there.

Clerk Treasurer Schafer stated she wanted more than that, I checked.

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Council Member Alexander stated yeah, but adding a building onto that.

President Broady stated ok, let's check into that.

Council Member Alexander stated the only other thing I have is our Animal Control Officer has spent months, redoing our Ordinances for Animal Control, wild animals and so forth. It's something that is not written anywhere in Clark County. It is very thorough, have you had a chance, Perry, I'm going to pass this down to Perry and let him have a chance to review it and I will request our Animal Control to attend the next meeting to explain the details but, from what I have read and talked to Mr. Robinson it is as thorough as I think as we have had.

Council Member Fenner stated will we get copies of it before the next meeting.

Council Member Alexander stated it's pretty thick.

President Broady stated any thing we're going to act on, I would like to request the board to have it in our boxes as quickly as you can instead of bringing it up on meeting night. John do you have anything.

Mr. Toombs stated nothing other than those claims.

President Broady stated ok, Perry.

ATTORNEY WILLIAM P. MCCALL ADDRESSES THE COUNCIL ON/ZONING ORDINANCE.

Attorney McCall stated just one thing, the Town Council asked at the last meeting to check into mending the Zoning Ordinance in particular prevision, section 1.4B which dealt with private provisions and the language in that Zoning Ordinance that required or the town obligated itself to enforce private provisions of deed or plat plans the town had been made a party too. I think in the case of Mr. Allen had complained about a trailer parked in the driveway next door, which we are addressing, by the way. But, that would be a burden that would be a heavy burden on the town to have to enforce those across the area. I don't see any legal obligation for us to enforce private provisions, the town legislative as a home rule cannot do that, and I have prepared a Ordinance that change section 1.4B to eliminate that the town, taking on responsibility to enforce a private agreement or restriction. All of the other decisions will remain the same and it's basically says a private right of action remains a private right of action.

President Broady stated I think this is the direction the town needs to go, because I don't see us being the Police over thing that is installed in there

Vice-President Eddings stated basically we just need to be responsible for Zoning Plans and Zoning Ordinances and that's it.

President Broady stated do this supercede it or if it involves us.

Attorney McCall stated if it falls under the restrictions the Town Council, if the Town Council has been made a party to such restrictions and they take responsibility to enforce them by the provisions, in the event there is no one to be available under the current Zoning Ordinance of Sellersburg, If there is one then of course the Town would be responsible. Yes.

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President Broady stated you all feel comfortable doing that tonight or do you want a copy of it to read before next week.

Council Member Voyles stated I'm comfortable.

Vice-President Eddings stated I'm comfortable.

President Broady stated you got an Ordinance number.

Attorney McCall stated 99.

Clerk Treasurer Schafer stated sure 709.

Attorney McCall stated 709.

Vice-President Eddings stated I make a motion that consider Ordinance Number 99-709.

President Broady stated I got a motion on the floor that we consider Ordinance Number 99-709 on a first reading, do I have a second?

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

President Broady stated I'll entertain a motion to adopt Ordinance Number 99-709.

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

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

Council Member Voyles stated I'll second.

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

Attorney McCall stated you need to sign it on the back so I can publish it.

President Broady stated I have two claims from L.D. Rice Company concerning the Sanitary Sewer Construction and that we have approved in a prior to these meetings. One of them is in the amount of 4152.33 which is job number 3, for the Foothill Road Sanitary Sewer Construction and the other one is for 19693.01 and this is job number 2 for the Edgewood Drive Sanitary Sewer Construction, I'll entertain a motion to approve these two claims as presented and approved by John Toombs.

Vice-President Eddings stated I make that motion.

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

Council Member Alexander stated I'll second it.

President Broady stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) I have two other claims from Jacobi, Toombs and Lanz for professional services, one is for 1229.20 for job number 9831 Sanitary Sewer Project that we have going on and the other one is for job number

ORDINANCE NO. 99- 709

**ORDINANCE AMENDING ZONING ORDINANCES FOR THE
TOWN OF SELLERSBURG, INDIANA**

WHEREAS, the Town Council for the Town of Sellersburg did on the 11th day of October, 1993, adopt Zoning Ordinance for the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said zoning ordinances are necessary for the efficient and effective administration of Town Government; and

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

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

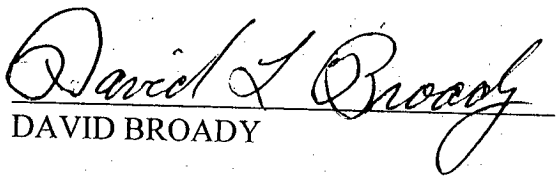
Section 1.4 (B) "Private Provisions" shall be modified as follows:

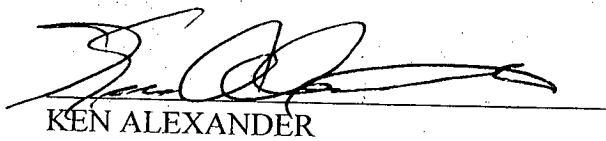
"Private Provisions - These regulations are not intended to interfere with, abrogate or annul any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant or other private agreement or restriction impose duties and obligations more restrictive, or higher standards than the Ordinance, and such private provisions are inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative to the extent they can be enforced by private right of action thereunder. All private provisions of the easement, covenant or private agreement or restrictions which impose duties and obligations thereunder or other such

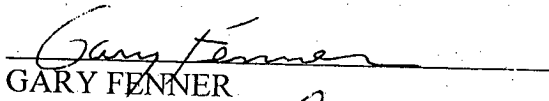
restrictions that may appear in any deed can only be enforced privately. The Town Council and/or the Plan Commission regardless if they have been made a party to such agreements or restrictions shall not take responsibility to enforce said private provisions in the event there is no remedy available under the current Zoning Ordinances of the Town of Sellersburg.

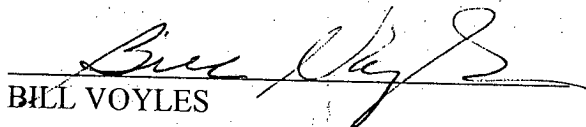
All other provisions of the Zoning Ordinances of the Town of Sellersburg shall remain in full force and effect without modification.

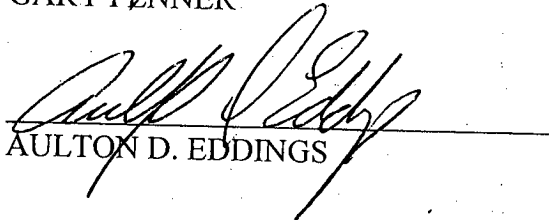
SO ORDAINED THIS 11th day of January, 1999.

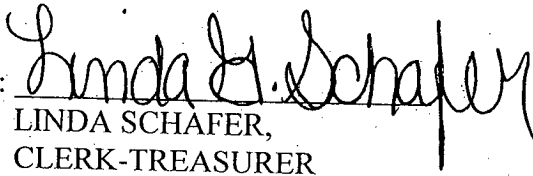

DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFER,
CLERK-TREASURER

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9830 in the amount of 4883.55. This is for what you had contracted.

Mr. Toombs stated the second one is for the plans of the Storm Sewers that you did on December the 28th and the other one is for the Sewers you were just talking about on Foothill, Edgewood and actually you are getting ready for a new sewer across US 31.

President Broady stated ok, you are working on that.

Mr. Toombs stated yes.

President Broady stated ok, I'll entertain a motion that we approve these claims in the amount of 4883.55 and 1229.20.

Council Member Fenner stated are both of those encumbered from last years budget.

Mr. Toombs stated the Storm Sewer is but not the Sanitary...

Council Member Fenner stated ok.

Mr. Toombs stated I mean, we got special just for.

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

Council Member Alexander stated I'll make that motion.

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

Vice-President Eddings stated second.

President Broady stated second by Doug, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0) Ok I have one other thing I would like to run by the Council Mr. Voit that was here a couple of meeting ago about a Light Rail Service that he would like to get started while the construction of I-65 goes on and even further develop it, the system, asked us to consider adopting just a Resolution supporting the idea, he made available a possible wording of such a thing. I think the City of Jeff and some of the others have approved such a Resolution so I would probably take it under consideration if you want to do so. John do you got any input on this?

Mr. Toombs stated I would advise you not to do that.

President Broady stated ok.

Mr. Toombs stated I mean this would be deferential to the I-65 Project and also to the East Bridge and everything else and from what I was told today is that Jeffersonville is going to resends their approval of that.

President Broady stated ok, canyou give us some input on why it's, I mean differential, I...

Mr. Toombs stated the gentleman who sued the State Of Indiana for not studying his idea, he's only an individual by himself, he doesn't represent anybody and it's contrary to what everybody else is doing.

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President Broady stated ok then I'll hold on to this, ok, so the board has officially turned that down.

Council Member Voyles stated yes.

Council Member Alexander stated I think more information needs to be heard.

President Broady stated ok, Linda.

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/ATTENDING THE MEETINGS.

Clerk Treasurer Schafer stated one other comment I'd like to make as far as attending the meetings, even though I don't attend the meetings I requested information from the State Board Of Accounts, you all are welcome to call them, because I sent those under a clerical capacity for the Town Council, I'm not required, as long as a sworn deputy is here to take minutes, is here to take minutes it's not mandatory I be in the meeting at all. Just for the record on that. I'd like to present the claims for this meeting and I'd like to point out again that the claims are not properly submitted, but I want to present them to the Council for approval anyway.

President Broady stated you all had a chance to look over the claims and I'll entertain a motion to approve the claims as presented.

Council Member Voyles stated I'll make that motion.

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

Vice-President Eddings stated I'll second.

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

President Broady stated Linda do you have anything else?

Clerk Treasurer Schafer stated any comments girls.

Laura Schafer stated I have a comment. Earlier when Mr. Fenner was talking, this meeting is open to the public, I figured it was open so there would be opinions that the public would make, and I found it unprofessional that you wouldn't let anybody speak on her behalf and I think you know, the people should have a right to speak. Whenever you just cut her off and I mean when you just cut her off and did that I think it was unprofessional.

President Broady stated Ok, I take your comment under consideration.

Laura Schafer stated you didn't even listen.

President Broady stated pardon.

Laura Schafer stated nothing.

President Broady stated what was the question.

Laura Schafer stated it wasn't a question.

President Broady stated ok.

Clerk Treasurer Schafer stated she said Thank You for listening to her.

President Broady stated ok, I didn't hear you, I'm sorry. I think I heard what you said but the last comment I thought you said I didn't answer you, ok. Dave you have a comment.

Chief Kinder stated what claims were not submitted properly.

President Broady stated it would be the claims, oh, I'm sorry.

Clerk Treasurer Schafer stated the claims of the Water and Sewer Utilities.

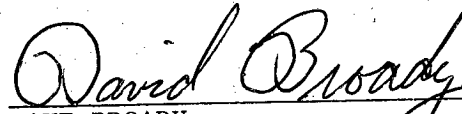
President Broady stated any thing else, if not I'll entertain a motion to adjourn a motion to...

Council Member Alexander stated I'll make a motion to adjourn.

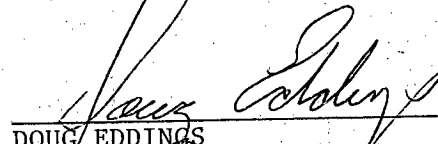
Council Member Voyles stated I'll second.

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

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



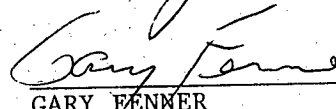
DAVE BROADY



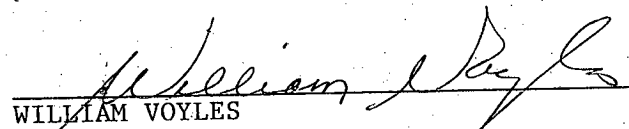
DOUG EDDINGS



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

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CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL ON/LETTER.

Chief Deputy Shelton stated I have a letter I need to read to you from Linda. We have the State Board Of Accounts in and they got the audit finding for 1997. Mrs. Shelton reads letter as follows: Dear Council Members, I would like to point out as I did in 1995 that no one is verifying receipts of goods on the water and sewer vouchers by signing them. Even though the Clerk Treasurer's Office is presenting the claims for payment they are not properly submitted. You all sign the front of them, but not the back saying they are received, we just wanted to make you all aware, because it will be written up.

President Eddings stated ok, every body has a copy of the claims in their mailbox and had a chance to review them and I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll 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 second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)
I'll entertain a motion to adjourn the meeting.

Chief Deputy Shelton stated I have another question. Would you all like to sign those, would you like for us to bring them in?

President Eddings stated I think we'll keep doing it just like we're doing it for the time being.

Chief Deputy Shelton stated ok.

Council Member Fenner stated Doug I'd like to make a note, we have a group of young people with us tonight and they are from New Washington High School, part of a government class. And they just came to observe and to see what we do. And we'd like to welcome them tonight.

Council Member Alexander stated how'd we do?

President Eddings stated glad to have you, did you learn anything? John do you have something?

MR. TOOMBS ADDRESSES THE COUNCIL ON/POOL/BRIDGE.

Mr. Toombs stated did you all sign that pool thing?

President Eddings stated yeah.

Mr. Toombs stated we're going to have two hearings on the bridge study and anybody here who is interested in having an eastern bridge built please go and stand up and be counted. December 1st at Jeffersonville High School.

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

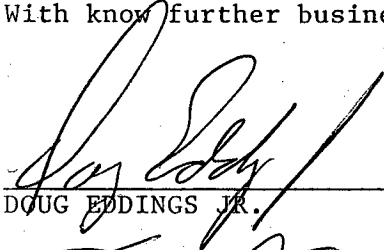
SELLERSBURG TOWN COUNCIL
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Council Member Alexander stated I'll make that motion.

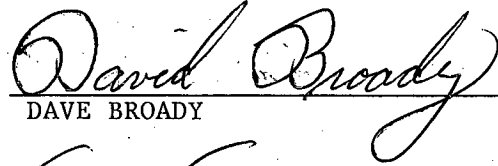
President Eddings stated motion made by Ken, do I have second?

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

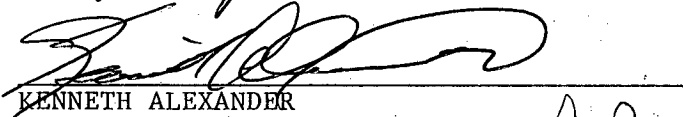
With no further business President Eddings adjourn the Regular Meeting at 7:40 p.m.



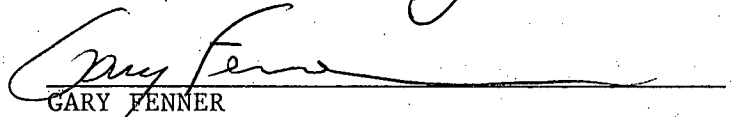
DOUG EDDINGS JR.



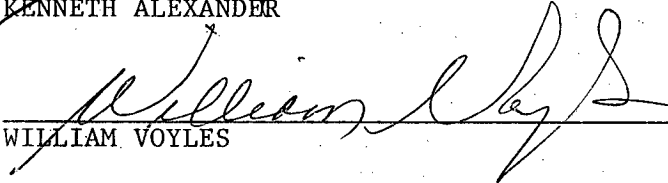
DAVE BROADY



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 14, 1998

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: Doug Eddings, 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 Perry McCall, Town Attorney.

Called To Order

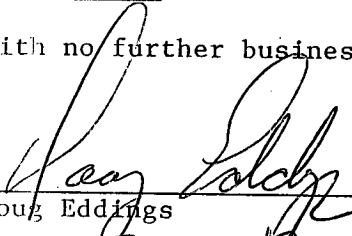
President Eddings called the Executive Session to order at 6:03 p.m.

Topics Of Discussion

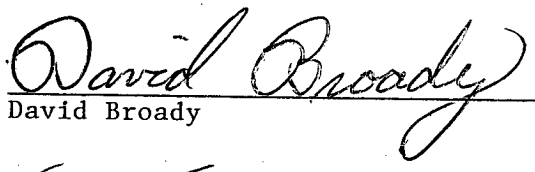
John Toombs/Storm Drains Project/Catch Basins/Final Draft For St. Paul's Church
Kinder/Imhoff's Dog/Alarms System Frank Owen
Attorney McCall/Mara-Recycling
Linda's Schafer VS Town Of Sellersburg
New Albany Ford Tractor VS Town Of Sellersburg
Facility Manager
Rate Charges
Lakeside
Annex-Hamburg Area
J. L. Gilbert-Tax Abatement

Adjournment

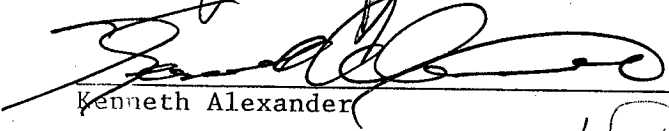
With no further business, President Eddings adjourned the Executive Session at 6:35 p.m.



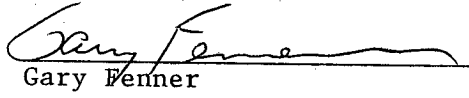
Doug Eddings



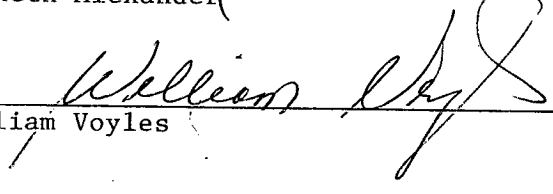
David Broady



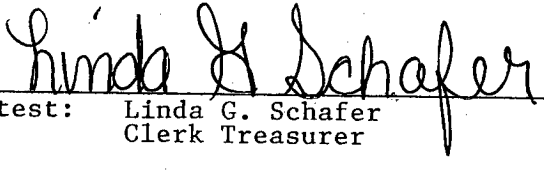
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 14, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Doug Eddings, Council President; David Broady, Council Vice-President; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Willaim Voyles, 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 6:40 p.m.

Prayer

No prayer was offered up at this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS/MINUTES.

President Eddings stated ok everyone's got a copy of the minutes in their box, had a chance to review them. I'll entertain a motion to accept the minutes as presented.

Council Member Fenner stated I make a motion that we approve the minutes as presented.

President Eddings stated motion made by Gary, 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, opposed nay. I's have it. (Vote 5-0)

President Eddings stated ok, first on the agenda tonight is Sharon Mara, with the Curbside Recycling Program.

SHARON MARA ADDRESSES THE COUNCIL ON/CURBSIDE.

Sharon Mara stated I'm Sharon Mara, I'm the Executive Director of Clark County Solid Waste District and in March you entered into an Interlocal Agreement that extended Curbside for four more years. We finally got the contract BFI finalized and per that local I need the President's signature. But, I am under the impression in this that Dave Broady is the President. And he's not so we're going to have to cross out his name and put in the proper name there. So I would need your all's decision to sign the BFI contract.

President Eddings stated if we choose to look that contract over, can we sign it at the next board meeting?

Sharon Mara stated well, I mean, I sent it to you last month.

Attorney McCall stated we had a long time between meetings.

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President Eddings stated some of us had some questions so, we may want to look at it.

Sharon Mara stated any questions I can answer for you now?

President Eddings stated anybody got any question you would like to ask now?

Sharon Mara stated is there anything I can answer for you all?

Council Member Alexander stated I just would like to have some things hashed, review them. It does make us aware, the residents still pay Solid Waste, ok. And then if there is any delinquent it will be the town's responsibility to pay those delinquents.

Sharon Mara stated that's the Interlocal, the Interlocal reads that we will try to collect the delinquencies as a town, collect those delinquencies then you as a town will be billed for each municipality.

Council Member Alexander stated that's not in the agreement.

Sharon Mara stated that's not the contract.

President Eddings stated this is strictly the contract with BFI.

Sharon Mara stated this is strictly to extend BFI.

President Eddings stated this is strictly the contract with BFI.

Sharon Mara stated this is strictly to extend BFI.

President Eddings stated this contract was negotiated with the Commissioners?

Attorney McCall stated it's the Interlocal you entered into with for four years.

President Eddings stated could we possibly request putting this off till the next meeting and signing then.

Sharon Mara stated when is your next meeting?

President Eddings stated the 28th.

Sharon Mara stated that's fine, the other thing is, the resolution for the fee's for 1999, has been passed by my board already. It has been signed by my board, it's still the same for next year, it's 19.50 and establishing a Non-Curbside fee for the remainder of the county which would be at 3.25.

Mrs. Pixley stated what do you mean by that, mine was no 3.25.

Sharon Mara stated because you're included in Curbside Mrs. Pixley.

Mrs. Pixley stated I'd like to know how I'm included.

Sharon Mara stated you were included when the town decided to recycle. This is the same resolution that was established as last year.

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President Eddings stated ok.

Attorney McCall stated has all the other municipalities signed off?

Sharon Mara stated I leave this meeting and go to Charlestown, and then Jeff City tomorrow night.

President Eddings stated does anybody have any questions? I'll entertain a motion to go ahead sign the rate structures as presented.

Council Member Fenner stated resolution.

President Eddings stated you got one prepared.

Attorney McCall stated yep.

Sharon Mara stated do you need another copy of this Perry?

Attorney McCall stated no, Thank You.

President Eddings stated is this the resolution number.

Sharon Mara stated that's our resolution number.

President Eddings stated do we need our own resolution number.

Clerk Treasurer Schafer stated we need our own.

President Eddings stated are both of these yours.

Sharon Mara stated there is two originals that I have taken from board to board. As soon as I get them all signed you will get a copy of those with the signatures on it.

Attorney McCall stated where should we put our resolution number.

President Eddings stated this goes to everybody.

Clerk Treasurer Schafer stated our copy that we keep, is should be on top.

President Eddings stated we don't have a copy.

Sharon Mara stated put it next to your signature.

President Eddings stated give me a resolution number.

Clerk Treasurer Schafer stated 1998-52

Attorney McCall stated why does it have to be a resolution.

Council Member Fenner stated it has to be for them maybe, but not for the council.

Attorney McCall stated that is to prove we've already got the contract. It is just for the particular schedule, it that correct?

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Sharon Mara stated yeah.

Clerk Treasurer Schafer stated anytime we adopt.

Attorney McCall stated this is a resolution that is going to be adopted by the Solid Waste Management District, right.

Sharon Mara stated through the Interlocal.

Attorney McCall stated to show that we agreed to it, I would just take a vote to do the rate schedule and sign off for the town if you agree with this particular schedule. So that would just, to prove...

Council Member Alexander stated I make a motion to approve that Doug sign the rate schedule as presented by Solid Waste Management.

Council Member Voyles stated I'll second it.

President Eddings stated motion made by Ken and seconded by Bill, any further questions? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Sharon Mara stated the meeting on the 28th will be at 6:30 also.

President Eddings stated yes ma'am.

Clerk Treasurer Schafer stated put Sharon on the agenda for the 28th also.

Sharon Mara stated I have another question, BFI, four years per contract, right.

President Eddings stated do we need a resolution our...

Attorney McCall stated just a contract.

Vice-President Broady stated just a contract.

Attorney McCall stated to prove BFI is the provider right.

Sharon Mara stated alright.

Council Member Alexander stated I'll make a motion to accept BFI as the provider through the Solid Waste.

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 an discussion? If not all those in favor signify by saying I, I oppose nay, I's have it. (Vote 5-0)

Sharon Mara stated do you want to go on and sign these then?

President Eddings stated yes.

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Sharon Mara stated if you don't want to change your name on them, then I change them when I get them back. It will be faster for you all. I appreciate you all, let me do this ahead of time so I can go to Charlestown.

President Eddings stated ok.

Sharon Mara stated now anytime that you all want me to come back and explain any part of this I'm available. I talk to Ken alot, but I've not had the opportunity to talk to you all. Thank You All.

President Eddings stated alright.

Sharon Mara stated have a nice Christmas.

President Eddings stated ok.

President Eddings stated next on the agenda is the Clark County Commissioners Dan Moore.

CLARK COUNTY COMMISSIONER/DAN MOORE ADDRESSES THE COUNCIL ON/CERTIFICATE OF APPRECIATION.

Dan Moore stated we thank you for having us tonight all we did is brought a certificate of appreciation in grateful recognition of your continuing service, and support. The board of Commissioners Clark County Indiana presents Sellersburg Town Council with this certificate, we appreciate your help. I know we've worked hard on this presentation and everything we've been up here trying to get it freed up for the people in Clark County, You sent us a nice letter to help get us along and everything like that we certainly appreciate that we appreciate all your help, so with that we give you a certificate of appreciation. We just appreciate all your help. Thank You very much. Thank you and if you ever have any questions with the Commissioners or anything like that don't hesitate to call us.

President Eddings stated ok Sonnie Sprigler.

SONNIE SPRINGLER ADDRESSES THE COUNCIL ON/ZONING.

Attorney McCall stated the zoning on Sonnies property we talked about the last board meeting. We did not have the ordinance drafted at that time.

President Eddings stated do we have a number on it.

Clerk Treasurer Schafer stated on ordinance yes 98-704.

President Eddings stated this needs to be a two reading ordinance right.

Vice-President Broady stated no.

President Eddings stated on a single reading, ok I'll entertain a motion to accept ordinance number 98-704.

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

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

ORDINANCE NO. 70-107

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
SELLERSBURG, INDIANA

WHEREAS, an application was properly filed with the Town of Sellersburg by Everett Sprigler for the rezoning of certain real estate located in the County of Clark, Town of Sellersburg, as the legal description which is specifically described as follows, to-wit:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 14TH DAY OF SEPTEMBER, 1998, OF REAL PROPERTY BEING A PART OF ILLINOIS GRANT #89, SILVER CREEK TOWNSHIP, CLARK COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE MARKING THE EASTERN CORNER OF GRANT #88 AND THE WEST LINE OF GRANT #89, THENCE NORTH 34 DEG. 22 MIN. 35 SEC. WEST ALONG THE LINE DIVIDING GRANTS #88 AND #89, A DISTANCE OF 1194.97 FEET TO A STONE, THENCE LEAVING THE GRANT LINE NORTH 54 DEG. 52 MIN. 56 SEC. EAST A DISTANCE OF 1608.06 FEET TO AN IRON PIN, SAID POINT BEING THE TRUE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED, THENCE CONTINUING NORTH 54 DEG. 52 MIN. 56 SEC. EAST 471.71 FEET TO A STONE, THENCE SOUTH 34 DEG. 57 MIN. 24 SEC. EAST 663.48 FEET, THENCE SOUTH 55 DEG. 50 MIN. 44 SEC. WEST 532.83 FEET, THENCE NORTH 29 DEG. 37 MIN. 38 SEC. WEST 657.54 FEET, TO THE POINT OF BEGINNING CONTAINING 7.60 ACRES, MORE OR LESS.

For the rezoning of the property to R1 (Residential); and

WHEREAS, the time and place of the meeting for the annexation was properly noticed and advertised for a meeting to take place on December 14, 1998 at 6:30 p.m. at the Town Offices of the Town of Sellersburg located at 316 E. Utica Street, Sellersburg, Indiana; and

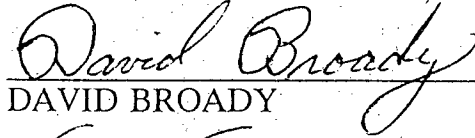
WHEREAS, the Town Council members present and voting on November 23, 1998 at the hour scheduled and notice to aforesaid meeting, voted unanimously to approve said rezoning application and to recommend the same be rezoned and the

zoning ordinance of the Town of Sellersburg, Indiana as now written, be amended to provide for said rezoning;

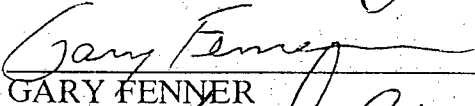
BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, that the Zoning Ordinance of Sellersburg, Indiana, be, and hereby is, amended such that the zoning map of the Town of Sellersburg, hereafter indicate the real estate located as described above is hereby rezoned to R1 (Residential).

PASSED AND ADOPTED by the Board of Trustees of the Town of Sellersburg, Indiana, on the 14th day of December, 1998.

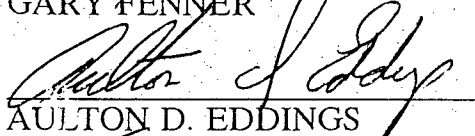
BOARD OF TRUSTEES
TOWN OF SELLERSBURG, INDIANA



DAVID BROADY



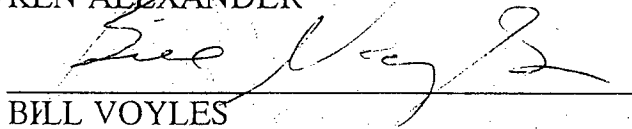
GARY FENNER



AULTON D. EDDINGS



KEN ALEXANDER



BILL VOYLES

ATTEST:



LINDA SCHAFFER, Clerk-Treasurer

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Council Member Alexander stated I'll second.

President Eddings stated second by Ken are there any questions?

Council Member Voyles stated yes, I've got a couple of questions, the last meeting we had you come in and you said you were going to pipe the ditch between Lake View and you went from maybe 200 some feet you know you piped it all the time they were going to develop this subdivision you said you would be self contained the water would stay in the lake and wouldn't come around the pond. Well when you did this the water now, we just had a little tiny rain but its all ready clear to the ditch and its adross the manhole cover to the sewer system and then goes into that creek and down to the pond. Now there almost has to be some type of grade put right there on that corner where you go up hill to make...

Mr. Springler stated at the edge of it.

Council Member Voyles stated yeah there needs to have something there because there's no way that water, that surface water you have it's a lot of water. We didn't have that much rain but it's already created a ditch.

Mr. Springler stated ok, were abouts...

Council Member Voyles stated its right there maybe 300 feet from no, 200 to 250 feet from the fire hydrant. It needs to be some type of grades put in there to catch that water.

Mr. Springler stated ok.

Council Member Voyles stated and I no you haven't seen it.

Mr. Springler stated I haven't seen it.

Council Member Voyles stated I know you haven't seen it, I no that. And I was going to call you but I'm a bussiness man to and I haven't had the time, but I do want you to come over and look at it.

Mr. Springler stated I will...

Council Member Voyles stated so when we vote on this thing I expect you to be over there.

Mr. Springler stated what is the best time.

Council Member Voyles stated anytime, anytime you tell me I'll be there.

Mr. Springler stated in the evenings.

Council Member Voyles stated you see I make my own time.

Mr. Springler stated ok.

Council Member Voyles stated so you tell me when you can come there if its in the morning or evening. Not in the rain, not in the rain, if its raining don't come.

Mr. Springler stated I won't do it in the rain, what about Wednesday.

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Council Member Voyles stated Wednesday in the evening.

Mr. Springler stated evening, what time.

Council Member Voyles stated 5 o'clock.

Mr. Springler stated how about 4 o'clock.

Council Member Voyles stated ok 4 o'clock.

Mr. Springler stated there will be more light.

Council Member Voyles stated ok 4 o'clock I'll be there, 4 o'clock I'll be there.

Mr. Springler stated ok, I'll bring Paul Primavera.

Council Member Voyles stated ok that will be good. I'm going to have John look at it to.

Mr. Springler stated ok that sounds good.

Council Member Voyles stated ok.

Mr. Springler stated alright.

President Eddings stated any more questions? If not all those in favor signify by saying I, I oppose nay. I's have it. (Vote 5-0) Thank You Sonnie.

Attorney McCall stated I got one other thing Sonnie, on that annexation ordinance 98-700 that we did some time ago, has the town ever got a copy showing that it's been filed.

Mr. Springler stated I don't know.

Attorney McCall stated ok I need to contact John Craft and find out.

Mr. Springler stated he's either filed it...

Attorney McCall stated ok, for the vote of registration and will get it all lined out.

Mr. Springler stated I'll call John.

Attorney McCall stated I'll do it.

Mr. Springler stated ok Perry Thank You, Thank You all.

President Eddings stated Is Dorthea Barton here?

MS. CARVER ADDRESSES THE COUNCIL FOR DORTHEA BARTON ON/SEWERS.

Ms. Carver stated she's, ill tonight and my name is Sandra Carver. She purchased some property from the Town Of Sellersburg on Adkins Court. It had 6 lots on it, I have a drawing. At the time of purchase of these lots, it had sewers on them, and she did

SELLERSBURG TOWN COUNCIL

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purchase them from the Town Of Sellersburg, and now she has an opportunity to sell two lots off of each end of that and whenever the owners were asking about sewers, and when she purchased it, it did have sewer, she found out that the sewer had been rerouted and is now across the street. And she wants to request that it be put back on the property as it was when she purchased it.

Council Member Alexander stated how many years ago was this?

Ms. Carver stated she purchased it in approximately 1985.

Council Member Alexander stated 1985, has she been paying a monthly bill on the sewer system.

Ms. Carver stated I don't think she's been paying on the sewer on the property. Whenever she purchased the property in 1985 it had houses on it and whenever she inquired at the Town Hall on the taxes, there is a letter here saying that it did have some property on it, it did have sewer on it and so before she purchased it, they removed all the houses and so forth. But, you know when you buy a piece of property if it doesn't have sewer on it, you expect it to have it when you get ready to use it.

President Eddings stated I think this is something we're going to have to give to our attorney and let him do some investing on. It looks like at one time there had been sewers there, probably when they did the sewer plant they did some rerouting of some pipes if in fact that's what happened.

Attorney McCall stated I guess I need to try and find out going back and retrace the purchase and sale of these, just by getting a little bit of information that they were, at the time of purchase there was not sewer on it as opposed that there was sewer at the time of purchase.

Vice-President Broady stated you know we getting, well, first of all, has the sewer been rerouted John?

Mr. Toombs stated no.

Vice-President Broady stated not that you know of.

Mr. Toombs stated I don't think that we ever did that part.

Vice-President Broady stated because I know for a fact that there was sewers on the property, if there was sewer on the property and the town has come and we have rerouted it appears to me by logic we need to put the sewers back on the property again. I mean I don't know where.

Council Member Fenner stated does it make a difference Dave if we did it before or after we sold the property?

Vice-President Broady stated before or after we sold the property.

Council Member Fenner stated yeah.

Vice-President Broady stated if we sold the property, the sewers were on the property at the time they purchased it. I remember the home and the sewers on there.

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Council Member Fenner stated when they purchased it.

Vice-President Broady stated yeah.

Council Member Alexander stated my question is, the sewers are there.

Ms. Carver stated but it's across the street.

Council Member Alexander stated right, I mean, it's 15 feet across the street.

Ms. Carver stated right, it goes all the way down the property, the whole stretch there, 300 feet she would like to have it down through there.

Council Member Fenner stated may I see the letter?

President Eddings stated it's still going to take some investing work before we can make a decision on it. We still have questions unanswered.

Ms. Carver stated well, I believe at the time of purchase it was presented as having sewer on it. That was back before the town removed the sewer.

Vice-President Broady stated do you remember who removed the buildings?

Ms. Carver stated I don't personally remember who removed the buildings, we did not at the time.

Vice-President Broady stated ok, we removed them then.

Ms. Carver stated the town probably.

Vice-President Broady stated they had been condemned, they were just real old.

Ms. Carver stated I think when Mrs. Barton purchased the property she came up and checked to see if there was sewer on that property.

Council Member Fenner stated does she have the contract for the purchase.

Ms. Carver stated real estate purchase.

Council Member Fenner stated yes.

Ms. Carver stated I'm sure she does.

Council Member Fenners stated I think that would be important.

Attorney McCall stated I'm sure the Town's got some minutes if they can find them from 85.

Clerk Treasurer Schafer stated I'll go back, in 1985.

Attorney McCall stated or maybe even before that, I don't.

President Eddings stated you need to sign up again for the next meeting and let us do

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some investigating work on this. If in fact the town did it, uh, sell the property and the sewer's were there when we sold the property and that was part of the, we just want to make sure before we put the sewer's back.

Ms. Carver stated would you like a copy of the letter.

Attorney McCall stated she's making one.

Council Member Fenner stated let me ask a question, Mark Ball this is your signature on this letter.

Mr. Ball stated congratulations.

Council Member Fenner stated uh, the letter says that they were advised the property was vacant, but the record at the Assessors Office showed buildings on property. So from what I read here, Perry you look at it, the buildings were already gone and it was vacant property but yet if the records had indicated down at the Assessors Office is though there were still tax consequences. So that letter relieved them of tax consequences. So when you bought the property there were no buildings on them.

Ms. Carver stated that's correct. But it was presented as having sewers available there on the property.

Council Member Fenner stated who presented it as having sewer there?

Ms. Carver stated whenever she purchased it, she required it.

Attorney McCall stated is this a Real Estate Contract? Was it done by contract? I assume it was. It's says when the Bolly Real Estated Office called and, I mean I don't know what to tell you.

President Eddings stated that's another question I got to have answered, did they, did the town present it as any kind of a Real Estated form, that yes sewers are available, that's why the price is this much or how was the sale of the land negotiated and contracted.

Ms. Carver stated ok, Thank You.

President Eddings stated Thank You, Lisa Walker. Ok, Ralph Ballard.

RALPH BALLARD ADDRESSES THE COUNCIL ON/WATER BILL.

Mr. Ballard stated I just want to get a little help on my water bill. It's, I had a leak, and I just wanted to know if I could get a little help on it. It's up over 300.00 dollars.

President Eddings stated on water, orewater and sewer?

Mr. Ballard stated I don't have sewer, I called the Water Company and they told me I had to talk to you all. It's 289.29.

President Eddings stated what kind of leak did you have?

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Mr. Ballard stated it was behind my house, it didn't come up to ground where I could find it. I wouldn't have found it but it was under my septic tank and my septic tank run over. That's the only way I found it.

President Eddings stated does it have an incoming pipe in your house?

Mr. Balaard stated yes sir.

President Eddings stated and it is fixed now?

Mr. Ballard stated yes.

President Eddings stated uh.

Council Member Alexander stated we've never, even on the last one, the last one we had was Mrs. Koch and we didn't do it. This would be about the same, because the water went through the meter.

President Eddings stated we are pretty flexible on giving sewer adjustments because that water is not used, but water adjustments that has been treated and went through our system, we usually do not give water adjustments.

Council Member Voyles stated what is your regular bill?

Mr. Ballard stated 24.00 a month.

Council Member Fenner stated this has all just happened in one month.

Mr. Ballard stated I talked to them and they said next month it would probably be up to 98.00.

Council Member Alexander stated how many gallons Doug?

President Eddings stated a bunch.

Council Member Fenner stated can I see it? Did you fix the leak yourself or did you have someone do it?

Mr. Ballard stated no sir, I fixed it myself.

Council Member Fenner stated how close was it to your septic system?

Mr. Ballard stated 20 feet.

Council Member Fenner stated do you know what caused it?

Mr. Ballard stated I think I know what caused it. I had Primestar put a pole in and they sit it on top of the line when they done it. I think that's what put a hole in it.

President Eddings stated does anyone on the board want to make the recommendation for an adjustment?

Council Member Voyles stated I'd like to but I don't.

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1998, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO

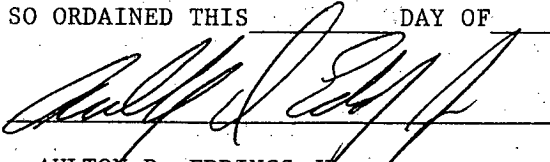
WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1998 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

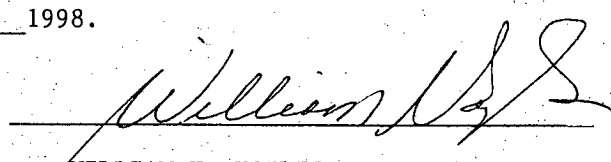
SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA that for the expenses of the Town Government, the following appropriations are transferred unless otherwise stipulated by law.

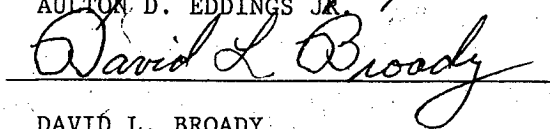
SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

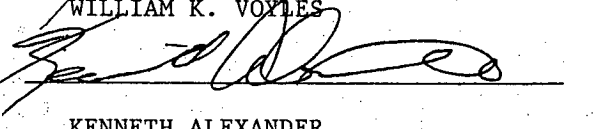
<u>ACCT.#, NAME & AMOUNT</u>		<u>TO ACCT.#, NAME, & AMOUNT</u>	
<u>CLERK TREASURER</u>		<u>CLERK TREASURER</u>	
323-TELEPHONE/PAGERS	2500.00	441-OFFICE EQUIP.	2500.00
351-ELECTRIC	2500.00	441-OFFICE EQUIP.	2500.00
354-HEAT & GAS	1488.00	441-OFFICE EQUIP.	1488.00
<u>STREET & SANIT.</u>		<u>STREET & SANIT.</u>	
368-STREET CLEANING	500.00	224-TIRES & TUBES	500.00
<u>LRS</u>		<u>LRS</u>	
397-PAVING	1000.00	398-DRAINAGE	1000.00
401-LAND ACQUISITION	25000.00	398-DRAINAGE	25000.00
434-LOCAL RD. CONST.	8000.00	398-DRAINAGE	8000.00
441-STORAGE DOME/EQUIP.	50000.00	398-DRAINAGE	50000.00
<u>MVH</u>		<u>MVH</u>	
412-TRUCK	25000.00	397-PAVING & CULVERTS	25000.00
440-ST & SNOW EQUIP.	22679.00	397-PAVING & CULVERTS	22679.00

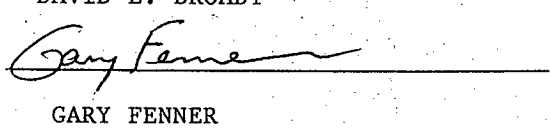
SO ORDAINED THIS _____ DAY OF _____ 1998.


AULTON D. EDDINGS JR.


WILLIAM K. VOYLES


DAVID L. BROADY


KENNETH ALEXANDER


GARY FENNER

ATTEST: _____

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Attorney McCall stated why don't, you have them average out the last 6 months prior to that.

Council Member Fenner stated I'd kind of like to check with Kendall, do a little bit more investigation just to make sure his tracks, but I'd like for us to consider it.

President Eddings stated ok, let's do this, Kendall's not here tonight, we'll try to get with him sometime this week.

Council Member Fenner stated he's the manager of the Water Utility.

Mr. Ballard stated but that's due tomorrow, they're going to cut that.

Council Member Fenner stated can we not charge him a late fee.

Clerk Treasurer Schafer stated could you tell Angie not to charge him a late fee until we find out.

President Eddings stated we're not going to charge him a late fee and we'll get with Kendall. It looks like we'll be able to make some kind of adjustment if Kendall gives us. After we investigate it, maybe we'll be able to do some kind of adjustment, but we're not, we usually do this on a case by case basis. It usually is on a severe case, we don't have a lot of leeway on water adjustments. But we can adjust on sewer's because if it's dumped on the ground it's not going in the sewer. The water is already here, is already transported and is already paid for by the time it got to your pipe. We will be back in touch with you.

Clerk Treasurer Schafer stated can I have your phone number.

Mr. Ballard stated ma'am.

Clerk Treasurer Schafer stated your phone number.

Mr. Ballard stated my phone number.

Clerk Treasurer Schafer stated yes.

Mr. Ballard stated 288-8963.

Clerk Treasurer Schafer stated I'll give it to the Water Department.

Mr. Ballard stated Thank You.

President Broady stated stated Dave Kinder.

Chief Kinder stated yes sir, nothing sir.

President Eddings stated EMC.

CLARK HENSON/EMC ADDRESSES THE COUNCIL ON/MONTHLY SALES.

Mr. Henson stated just those papers there.

President Eddings stated these here, you all got a copy of the invoice for Non-

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Sufficient Funds Checks, Meter Deposits and Monthly Sales Tax. I'll entertain a motion to pay the invoices 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 second it.

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

President Eddings stated Mr. Stewart do you have anything tonight?

Mr. Stewart stated no, I have nothing.

President Eddings stated Mr. Broady.

Vice-President Broady stated uh, I don't guess I have anything.

President Eddings stated Bill.

COUNCIL MEMBER WILLIAM VOYLES ADDRESSES THE COUNCIL ON/POLICE COMMISSION.

Mr. Voyles stated yeah, I have a couple of things. We have a member of the Police Commission that at this time is up.

Clerk Treasurer Schafer stated yes.

Council Member Voyles stated and I tlaked to him, Mr. Bonnville and he said if the town doesn't have anybody to replace him, or if anybody didn't want to he would be more than glád to stay on and he does a real good job. I can't say enough about him, but it's up to the board. And I just wanted to bring that up.

Clerk Treasurer Schafer stated at this time if he's re-elected to the position by the Town Council he will be in until 2001. It expires December 31st of 98.

President Eddings stated do you want to go ahead and, does anybody want to make a motion.

Council Member Voyles stated yeah, I'll make a motion that we retain him until 2000.

Clerk Treasurer Schafer stated 2001.

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

President Eddings stated is that it Bill?

Council Member Voyles stated yeah.

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President Eddings stated Ken you want to go ahead?

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/TRANSFER OF APPROPRIATIONS.

Council Member Alexander stated I have a Transfer Of Appropriations. We're getting ready to do some extensive storm drain work and since it's the end of the year I want to go ahead and consolidate the leftover funds in order to put them into all drainage, ordinance number.

Clerk Treasurer Schafer stated 98-705.

Council Member Alexander stated 98-705.

President Eddings stated is this a two reading for Transfer Of Appropriations?

Attorney McCall stated yes.

President Eddings stated I'll entertain a motion to consider ordinance number 98-705 on a first reading.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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

President Eddings stated I entertain a motion to adopt ordinance number 98-705.

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 it.

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

Council Member Alexander stated the only other thing I have is Service Drive over by Mr. Gilbert, it was never brought into the town. I don't know whether there is any existing documents for this or whatever. I would like to see it brought into the town, except for can you have any ditches? I mean it's a service area, it doesn't have curbs or gutters. It's an Industrial Park, it doesn't.

President Eddings stated I thought all, I thought it was turned over to the town.

Clerk Treasurer Schafer stated the street was never turned over to the town.

President Eddings stated but the property back there was.

Clerk Treasurer Schafer stated they have never had the sewers and things that were

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required before they are taken in.

President Eddings stated right.

Council Member Alexander stated it was brought up about 2½ years ago. It was never followed through.

Vice-President Broady stated to my knowledge it was taken in. And I'll tell you why, because of the right of way, there was a larger right of way down there.

President Eddings stated that's true.

Vice-President Broady stated and we took it all.

President Eddings stated yes we did.

Vice-President Broady stated we had John go out and confirm the...

Mr. Toombs stated I was going to say, I remember making the map.

Council Member Alexander stated we never approved after taking the road in.

Clerk Treasurer Schafer stated we did not approve taking the road in.

Council Member Fenner stated you mean making it a dedicated street.

Council Member Alexander stated making it a dedicated street.

Attorney McCall stated but it was in the annexed area.

Council Member Alexander stated yes, it can be a dedicated street.

Attorney McCall stated once you take it in, you're going to maintain it anyway.

Council Member Alexander stated we did take it in.

Attorney McCall stated well what I'm saying if it's annexed.

Council Member Alexander stated right.

Attorney McCall stated look at Linda's records, I've got some places over on South New Albany that are supposedly the Town Of Sellersburg that are showing up in County that was done some years ago and then also the...

Council Member Alexander stated I mean never the less can we check and make sure because I got it as a private drive. The only thing I'd like, it doesn't have curbs or gutters, when you take in a road like that can you make sure that everyone is aware over in that area the you don't come back ten years from now and ask for curbs or gutters to be put in. I mean right now its open ditch ok, that's fine for the area it's being used for. But the only thing I don't like taking in a road like that doesn't have it is who knows what the resident or person that's in there will want 10,15,20 years from now and I really don't want see where that should be put off on the Town Of Sellersburg.

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Attorney McCall stated it depends on whether or not it's a private petition for annexation or...

Vice-President Broady stated this road was approved in the Town Of Sellersburg when they build it according to the regulations. I know the regulations and we approved and it came back later and I mean, I don't understand.

Council Member Alexander stated I don't know if they allow open ditch next to a road.

Mr. Toombs stated I think there is in selective cases, in the back of your ordinances in your land copies there's all kind.

Vice-President Broady stated Industrial.

Council Member Alexander stated I guess that's my question, there is a classification that allows where there is no road, ok.

Attorney McCall stated I guess the first thing is finding out if we annexed the whole thing.

Council Member Alexander stated it's annexed, it's considered a private drive.

President Eddings stated we'll check it out. Gary.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/SCHEDULE AN EXTRA MEETING.

Council Member Fenner stated uh, I'd like to request the Council, they need to schedule an extra meeting for us to really go through the Capital Improvement Program. Have the Council, all five members of the Council ^{comment} to be there, have the Town Engineer to be there, have the Water Utilities Manager be there, for us to go through there and decide what we're going to do. So that we can nail it down and because it is holding up us on several other things that we need to move forward on. Uh, and so we have a clearer picture so we can plan for what we're going to do.

President Eddings stated do you want to do it in the first part of January, we're really going to be pushed this month.

Council Member Fenner stated I'd like to do it this week, but if we need to wait till January, then we'll have to wait till January, but I mean, I'm just a little bit frustrated by how slow we have proceeded on this simply because we're not getting together and discussing it.

Attorney McCall stated February is coming up and I believe that is the some of those time frames so that...

Council Member Fenners stated we're on some sort of a time limit because we have to make a decision one way or the other. And we're not even getting close.

President Eddings stated does anybody have a calendar, what's our first meeting in January?

Attorney McCall stated the 11th.

President Eddings stated 11th.

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Attorney McCall stated the 4th would be the first Monday.

President Eddings stated the 4th is a Monday.

Attorney McCall stated yeah.

President Eddings stated yeah.

President Eddings stated how about the fourth?

Council Member Fenner stated when is the next meeting?

Clerk Treasurer Schafer stated the 28th.

Council Member Fenner stated ok.

President Eddings stated that would give us enough time to plan out, do we have to notify like an executive session, what would we call it like a workshop.

Clerk Treasurer Schafer stated yeah, if the public was invited it would be a workshop, if it is an Executive Session, a session to discuss the Capital Improvement Project, it can.

President Eddings stated can we have an Executive, for the Capital Improvement Project.

Clerk Treasurer Schafer stated we have to notify 48 hours prior to the meeting.

Council Member Fenner stated January 4th at 6:30 p.m.

President Eddings stated yeah, just like a regular scheduled meeting, can you be here that night.

Council Member Fenner stated John, you'll be back in then?

Mr. Toombs stated yeah.

Council Member Fenner do you know what our options are on the Holman's Lane Project are?

Council Member Fenner stated another thing would be, I had prepared a letter to the Department Of Highway concerning state road 311 and talked about widening it. We asked them about the intersection before, we asked about widening it before, they did after three tries, they finally got the intersection widened to where it containing traffic better.

President Eddings stated the turning lanes are great.

Council Member Fenner stated yes, the turning lanes are a wonderful addition. And it only took them three tries to get them. But now I would like for us to go ahead and push them for the widening of stated road 311, from all the way from Sellersburg to I-265. And so I prepared a letter if it meets your approval I would like for your signatures on them.

President Eddings stated I'll entertain a motion to sign the letter Gary prepared for

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Indiana Highway.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second it.

President Eddings stated second by Ken, any discussion?

Attorney McCall stated yes.

President Eddings stated if not all those in favor signify by saying I.

Attorney McCall stated cut, cut...

President Eddings stated opposed nay.

Attorney McCall stated you have some conversation.

President Eddings stated oh,

Resident stated I'd like to, all that there turn lane down 60 and 311, before you put the turn lanes in there was no backup. I live about 6 houses down, and I've never seen it backup to my house. Since the turn lanes have been put in, I've seen it backup to my house. Since the turn lanes have been put in, I've seen it backup to the cemetery and to Jacks's Auto Parts. I think what has happened when they put the turn lanes in they didn't stretch out the full, the time for it, to let the 311 entry. I've seen cars set there through two lights before they can even get through.

Resident stated because the turn lane, if you're sitting there in the turn lane it takes up about a third of the time that they normally have to go through. And that's understanding that they left the time cycle the same that's what it seems like to me.

Council Member Fenner stated so it's a matter of timing.

Resident stated if you leave the through light a little longer and let the traffic get out, and it wouldn't back up because a lot of time especially at around 5 or 5:30 anytime between 3 and 3:30 and 6 it's a nightmare getting out of my house. And lot of times we have to wait and let traffic clear out through at least on light and maybe two.

Council Member Fenner stated ok that's something we need to ask them about, Chief do you have something?

Chief Kinder stated there is just such an abundance of traffic out there right now, you know that comes down 311 and 31. It just, I don't know how we move all those cars.

Resident stated like I said, I never seen it back up until they put turning lanes in. The turn light. It's probably a combination of maybe some timing needs to be changed a little bit, but also, there is a lot more traffic than there's ever been.

Resident stated there is a lot of traffic, but that left turn lane, people come up and make a left turn and what happens is, then those people are waiting on 31. And

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then instead of going through they are waiting to make a left turn, the people that are wanting to go through have no way of getting through.

Council Member Fenner stated and also, with the widening that will take care of some of the traffic too.

President Eddings stated ok, a motion has been made and seconded, any other discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 5-0)

Council Member Fenner stated we had some correspondence with the Fire Department over the Building Commissioner, Mark, I know Marks here tonight. Did you want to respond to us about the Building Commissioner?

MARK BALL ADDRESSES THE COUNCIL ON/BUILDING COMMISSIONER.

Mr. Ball stated I'm happy with the way things are going myself, I mean it's your all's decision.

Council Member Fenner stated ok, I don't have anything else.

President Eddings stated ok, Perry.

Attorney McCall stated nothing.

President Eddings stated you have something else.

COUNCIL MEMBER VOYLES ADDRESSES THE COUNCIL ON/MOBIL TRAILERS.

Council Member Voyles stated I've got one more thing, and I want to apologize to Mr. Allen he has called me a couple of times at my house. On Edgewood we've got a, around town we've got some mobil trailers that are parked, and on the ordinance I thought there were legally because they were parked in the driveway and Mr. Allen has got some papers I'd like Perry to look at because he's saying that they have to be at least 11 feet of the road. And so, if maybe we got a problem maybe we can get you on the next meeting.

Mr. Allen stated what I'm getting that is the, the only ones who can park a recreation vehicle off the road is truck drivers is what it's saying. They come in and they switch vehicles, they have the television and all, then they get back on the road and they're gone again. According to this abstract it says one family per dwelling. And I don't think it's right.

Council Member Voyles stated Mr. Allen do you know for sure that they are living.

Mr. Allen stated they live in it when they come in off the road. They park their big trailer there, so they got that out of the way.

Council Member Voyles stated if they live in it they can't do it.

Mr. Allen stated it extends all the way out to the street a 40 foot trailer and I can't see getting out of my driveway unless I'm halfway out in the street.

Council Member Voyles stated If someone is living in it, it is against, they can't do it.

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Mr. Allen stated the papers say over there it is a single dwelling. You can't park anything within 11 foot, you can have one garage and one dwelling on that piece of property.

Attorney McCall stated is that an ordinance or a subdivision.

Mr. Allen stated it's in here.

Attorney McCall stated that's what I was going to say, is that in your cap for your subdivision, I may be something for private action, I don't know if it violation of the town ordinance or the nuisance ordinance or not, I'll have to look at that, but it's in the subdivision plat as a condition of that particular subdivision that would be a private cause of action as a resident of that subdivision to approach you neighbor either who complaint. I don't guess you have an association there anymore but, you could probably...

Mr. Allen stated I don't know if...

Attorney McCall stated what I'm saying to you is that I think it's a private right of action that you have against these people if they violated the term.

Mr. Allen stated I'm not speaking of these people only, when I moved there I had three outlets, I could see down each side and I got a trailer setting there and you can not see down the street on Edgewood and the traffic and you got a stop sign down there and I'm going to check that sign cause I think it say's come on.

Attorney McCall stated my point being is you told me that your subdivision restrictions, saying you can't do it ok, the town doesn't enforce your subdivision restrictions.

Mr. Allen stated who does?

Attorney McCall stated you do. Now if it's in violation of a town ordinance.

Mr. Allen stated how do you go about finding out?

Attorney McCall stated for zoning ordinance, we got a big book.

Mr. Allen stated I came up here about a year ago and I went down to the courthouse in Jeffersonville, through Mrs. Schafer's Office and I never did get an answer. I've got a kinds of plat's now I'll get an answer.

Attorney McCall stated there's a complication of the ordinances that we maintain at the Town Hall, I don't know which ordinance you were looking for, but I don't know, there could be a violation of town zoning, if you got another dwelling, it could be a nuisance somehow, it could be various things. What I'm saying is, what you said it's in violation of...

Mr. Allen stated I don't want it to be a trailer park.

Attorney McCall stated I'm not going to argue with you, you're right, I'm just saying that I don't know right now what the options are. But you pointed out that it was in violation of the restrictions in your subdivision deed or whatever you got there right?

Mr. Allen stated yeah.

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Attorney McCall stated ok, I'll look at it, sure will, what's your phone number.

Mr. Allen stated you know me.

Attorney McCall stated I know, what's your phone number.

Mr. Allen stated 246-4377.

Attorney McCall stated 4377.

Mr. Allen stated ok.

President Eddings stated Linda.

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/CAFETERIA PLAN/MRS. TUCKER/FINANCIAL STATEMENTS FOR NOVEMBER.

Clerk Treasurer Schafer stated first of all I'd like to address the Town Council on the renewal of the 125 Cafeteria Plan. I received this, it was supposed to be in today, but when I received this I was very upset because of all the amendment charges that they were going to charge the Town in 1999. So I immediately contacted our agent of record. Oh, there he is, Joe Olson, I had him take a look at it and he recommended that I contact Debbie Overlay, from AFLAC, which we currently have Cancer and Accidental Insurance paid by the Town and Police. They offer a plan called the Flex One Plan, at no charge at all. So, I would like to request the Town Council not renew the current 125 Plan and to allow the Town Council President to sign I've prepared entering into that 125 with AFLAC. Also I plan on if the Council President allow us to include our Accidental and also Cancer Policy with this. In addition to our Health Insurance, it is a pretax deduction. So Joe Olson, he's back there, our Insurance Agent of record, and Debbie is, you all have any questions.

President Eddings stated all I want to know is it less money than we had before.

Mr. Olson stated yeah, well...

Clerk Treasurer Schafer stated I'm going to have a little more work, I'll be doing the 5500, where RCH currently is doing that.

Mr. Olson stated I took a look at it and from what I can see, you had a lot of things in there that you didn't need. Ok, you had too many options really you don't need a cadillac, there is no cost, there is no loopholes or anything. AFLAC they probably wanted, I guess they do more 125 business than anybody does do else does in the United States. So, that's the reason I recommended that Debbie Overlay come in and service the Town Of Sellersburg Employee 125 Plan.

President Eddings stated is it going to save the Employees of Sellersburg money?

Clerk Treasurer Schafer stated it will save them additional money and also save the Town, it will be pretaxed in their Cancer and Accident Insurance and also we do not have to match the Medicare and Social Security on that.

President Eddings stated anybody have anything.

Council Member Fenner stated you are recommending this to us?

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Mr. Olson stated yes.

President Eddings stated I'll entertain a motion to switch from, switch to the Fex One Plan from the, what do you call this one?

Clerk Treasurer Schafer stated ok, that's RCH.

President Eddings stated RCH.

Vice-President Broady stated I make a motion to do so.

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

Council Member Voyles stated I second it.

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

Clerk Treasurer Schafer stated did you all receive, you all receive a letter from Marsha Tucker, a resident, and my neighbor. The Town had, it became an issue that they get into Banner Avenue, and there is a strip of ground, she's been to the Court House and talked to Bob Isgrigg and the area in between the end of the street and the property of Davis begin that she said that Isgrigg said that the Town may own or have some sort of easement. I know that.

President Eddings stated Bob Isgrigg.

Clerk Treasurer Schafer stated yes she went to the Surveyors Office to find out who owned it because it's either them or Nagle. Which they are across the street from each other, they have lived in that area for years, what she would like to do is have the Council vacate just that grassy part where they can put some type of guardrail then she could plant trees and stuff there to.

President Eddings stated I don't know, we might want to keep that easement there between subdivisions, you never can tell what's going to happen in the Town Of Sellersburg fifty years from now. You know the residents might change and somebody may move in say we want a road through there.

Clerk Treasurer Schafer stated the issue has came up twice and I mean, that's pretty much why she's requested the Town to vacate it.

Attorney McCall stated she can petition and we can consider it.

Clerk Treasurer Schafer stated ok, I'd like to present the Financial Statements for November. And I'd also like to present a claim given to me by the Town Attorney in the amount of 300.00 for Berry for mediation for the Town Of Sellersburg VS New Albany Ford Tractor.

President Eddings stated I'll entertain a motion to pay the invoice for litigation.

Council Member Alexander stated I'll make that motion.

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

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Council Member Voyles stated I'll second it.

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

Clerk Treasurer Schafer stated I'd like to present my bill for this meeting and I would like to also let the Council know as I did in 1995 that no one is verifying the receipt of goods for water and sewer and even though I'm presenting these claims they are not properly submitted.

President Eddings stated everybody's got a copy of the claims in their mailboxes and had a chance to review them and I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make a motion to pay the bill as presented.

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

Council Member Fenner stated I'll second it.

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

President Eddings stated ok, John do you have something.

Mr. Toombs stated in regards to storm sewer, today we took what we call informal bids on an item that we think will be less than 50,000.00. This has to do with putting catch basins in several locations, you have a copy of my recommendation and my bid tabulations. We solicited nine different companies, we received five bids and I'm recommending that we award the catch basins to L. D. Rice and Company for 16,000.00.

President Eddings stated ok, everybody's got a copy of the bids and I'll entertain a motion to accept the bid from L.D. Rice for 16,000.00.

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

Mr. Toombs stated next item is that we will take bids in this room on 1:30 on Dec. 28 for the major plans for Prather Lane and Shirley Avenue, and a couple other areas in Town which will be far larger and they require formal notice in the newspaper and we hope by that night we can then recommend to you what we award or not award based on how much those bids are. I also have a pile of claims one of which has to do with the Sellersburg Wastewater Treatment Plant this is from Resher Construction earlier on in the construction we found entered into an agreement with Mr. Resher to put in a new water line over by the airport up the road because what we had wasn't big enough. What we had was a 2 inch and that wasn't big enough and he did that and during that he had to reroute himself out into the street to get away from the big new entrance of the business that are located there. And in order to pay him, I guess, Mr. Resher, Mr. Broady decided on the behalf of the Town to change over 7357.00 so I could turn Mr. Resher's

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final claim so he will be paid. And that's just a routine matter. So I have Mr. Resher's final claim for 7357.00, which he has done all the work and I have a claim for 180.00, this has to do with the Water Project that...

President Eddings stated is that a separate claim from Jacobi's.

Mr. Toombs stated yes sir.

President Eddings stated I'll entertain a motion to pay Mr. Rescher's claim of 7357.00.

Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated I'll second it.

President Eddings stated second by Dave, any discussion?

Clerk Treasurer Schafer stated I have a question, how come we don't pay this out of water.

Mr. Toombs stated well, because this is being paid by wastewater, it's a part of the wastewater.

Clerk Treasurer Schafer stated ok, I understand.

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

Mr. Toombs stated ok, I have another claim for Jacobi, Toombs and Lanz for 180.00 this has to do with the work Gary mentioned earlier, for doing the work for the existing Water Plant, the drying beds and the water tank and all that stuff so we can find out what to do.

Council Member Fenner stated can you have that finished that by Jan. 4th.

Mr. Toombs stated I'm not going to guarantee that because I have to get together with Clark. I have another claim for 1857.50 and it has to do with the work that we did on the award the little job that you just awarded. I have another one for 500.00 and this has to do with changing the town map and your zoning map when you annexed, and I have another claim that has to do with Parks, and Gary probably knows better than I, this has to do with the pool repair. I have another claim, this is for 1617.50, this is for Sanitary Sewers, it has to do with the work that is being done on Foot-hill and Edgewood to those sewers in the street and connect all the houses.

Council Member Fenner stated will that be your final bill on that?

Mr. Toombs stated no, and if you want me to explain why I will, up on Edgewood on the bottom end of the street, it is alleged that there is a manhole there, but we could never find it with our metal detector. And there is no manhole there and the contract was instructed to dig a big hole and we dug the hole out and we discovered there was no manhole, one of the lines that goes around the corner is crushed by the

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storm sewer that goes across the street. So when we got our there to do the work, and they dug up, the sewers were all backed up. So, the Sewage Department got in there and tried to clean the line out, but they couldn't cause the line is crushed. So, we unscrambled all that and now we're going to spend some storm sewer money to replace the culvert that goes across the street with a different type of pipe that's optical rather than around so that it won't be squished down in the ground so much and it won't crush the sanitary and we're going to replace all the lines and put in a manhole. We got that all figured out, I think, and Dave and Ken have approved it, but there is more to be done to get finished. And that's why I'm not done. This has to do with Sellersburg Water, it's a claim for 540.00 and this is for working on the plans to put a new line across just east from where they were talking about the traffic problem, we are going to bore under New State Road 60 just outside of 311. Because the old line that is in there is apparently crushed. And I also have two claims here for L.D. Rice for the work he has done so far on the sanitary sewer on Edgewood and the sanitary of Foothill. What they had to do is go through and dig up every lateral so that we could be sure of how deep they were when they came out of their property so that the sewer we put in the street would be deep enough. So there is one on this for 5,568.21. And the other one is 12,423.06.

President Eddings stated and these are to the...

Mr. Toombs stated the Contractor L.D. Rice.

President Eddings stated I'll entertain a motion to pay the Contractor L.D. Rice for sewer work in the amount of 5568.21 and 12,423.06.

Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated 5,000.00 and 12,000.00.

President Eddings stated yes.

Vice-President Broady stated I'll second it.

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

President Eddings stated I'll entertain a motion to Jacobi, Toombs and Lanz 540.00 for the water line in State Road 60 Project, 1617.50 for Sanitary Sewer System Project, 1586.80 for pool repair, 500.00 for the zoning and new maps of the Town, 1857.50 for the Storm Drain Project, and 180.00 for the Capital Improvement Project, the engineering work on those projects.

Mrs. Pixley stated do we get a discount John?

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

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

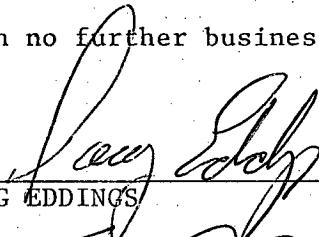
Council Member Alexander stated I'll make that motion.

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

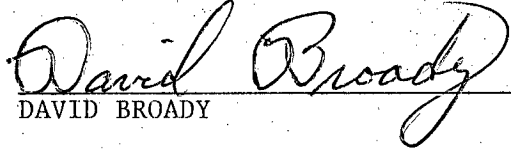
Council Member Voyles I'll second it.

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

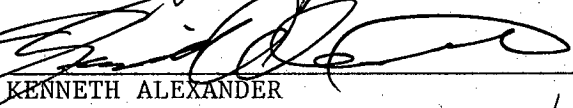
With no further business, President Eddings adjourned the Regular Meeting at 8:00 p.m.



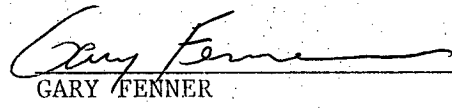
DOUG EDDINGS



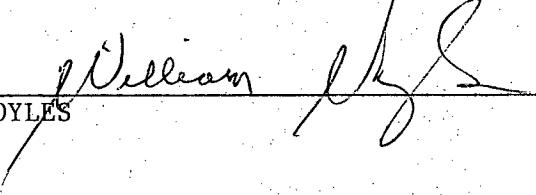
DAVID BROADY



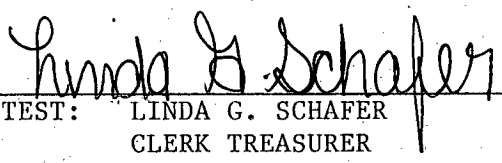
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

January 4, 1999

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. To discuss pending litigation and personnel matters. Those present were: Doug Eddings, Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; with Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney being absent.

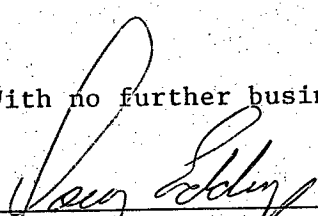
Called To Order

President Eddings called the Executive Session to order at 6:30 p.m.

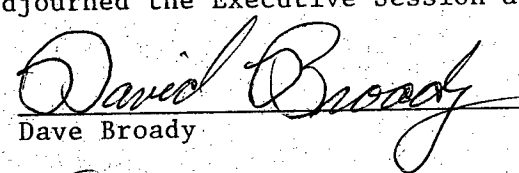
Topics Of Discussion

Water Dept. Capital Improvement Project
Bond Issue
Rate Increase
Holman's Lane
Lagoons
Well Head Protectors
Equipment
IURC

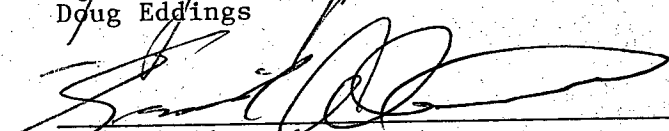
With no further business President Eddings adjourned the Executive Session at 7:50 p.m.



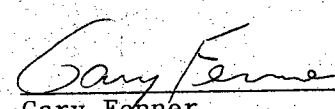
Doug Eddings



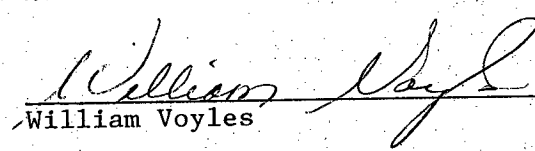
Dave Broady



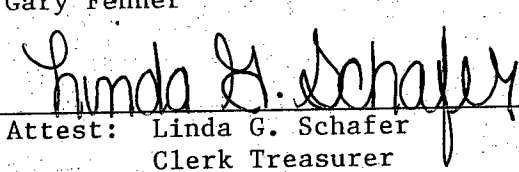
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

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

Council Member Voyles stated I'll make that motion.

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

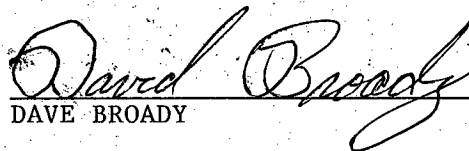
Council Member Alexander stated I'll second it.

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

With no further business President Eddings adjourned the Regular Meeting at 7:58 p.m.



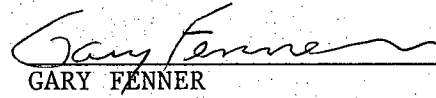
DOUG EDDINGS



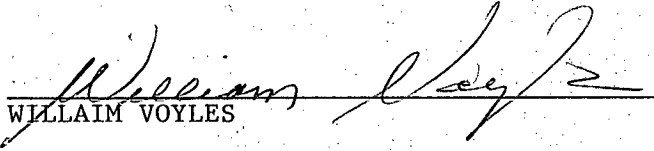
DAVE BROADY



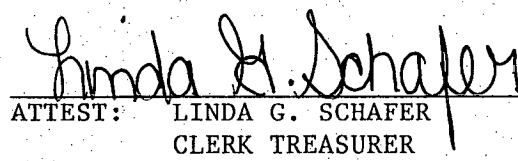
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 28, 1998

Regular Meeting

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

Called To Order

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

Prayer

Rev. Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS/MINUTES.

President Eddings stated ok, will call the December 28th meeting to order. Ok everyone has a copy of the minutes, from our last meeting and Executive Session. I'll entertain a motion to accept the minutes for both meetings as presented.

Council Member Alexander stated I'll make the motion to approve the minutes.

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 on the minutes? If not all those in favor signify by saying I, I opposed nay, I's have it. (Vote 5-0)

Ok, petition from Lisa Walker here tonight. What about Attorney Murphy.

MR. CHUCK MURPHY WILL ADDRESSES THE COUNCIL MEMBER CONCERNING EXTENDING THE ROAD AT THE SEWER PLANT.

Mr. Murphy yes, I also have with me today Dennis Ott my clients are the owners of the property that if I may is the triangle this property right in here at the corner of the roadway it's also the sewer plant property they are going to try to develop this property, the sewer plant property, they are trying to develop this property. They are going to try to get the sewer plant property. They are going to try to develop this property under the name of Airport Business Center, looking at some sort of office warehouse or office storage type of facility in that area. The problem that were coming across is that Indiana is under moratorium with any crossings other crossings over railroad tracks. We're trying, with all possibility of access in and out of that property, one of the possibilities that we see is that you have a public right of way leading in to the sewer plant and were seeking just comments or thoughts or possibility of extending that roadway on over to our property.

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Vice-President Broady stated how would you get from where, I mean extend it from where it's at, now how would you get from there, the uh west I guess in other words from, our road ends into the piece of property to Jesse Ballew's property behind you all, supposedly and then he would have to extend his down his right-of-way or how was you going to get from there over to you.

Mr. Murphy stated what we are looking at is when you get into the sewer plant you have, you continue north and you also go immediately upon entering tht drive that goes left. That goes back to the extent if you go the northern boundary you have to go through all the sewer plant. My thinking is that if I can show you if you went this roadway here, which is the southern portion if you came this way along our property.

Vice-President Broady stated from our property to Jesse Ballew's property, so how would you get from this point to this point, from here to here. Your triangle is here.

Mr. Murphy stated this property has a roadway here and my thinking is to extend this roadway here and up to our property. Thsi property here, this is Ballew, this is where this triangle right here. There's a fence here and my thinking is that you know you perhaps want to fence in this northern side of this road to separate out the sewer property. If the road way was brought this way and then up along your boundary line to my clients property.

Vice-President Broady stated I see what your taking about now. See our packer sits right in here.

Mr. Murphy stated yes.

Vice-President Broady stated right against our boundary line.

Attorney McCall stated but with us in the discussion with Jess Ballew about extending his roadway that way for you all.

Mr. Murphy stated we have and I'm not sure were they are in this discussion, we have discussed with him he's kinda of facing the same problem. But I'll ask him to do something that would work for both properties and then develop both pieces of properties that way. I think we had talked about a possible discussion with them on whether, you know it's service road along here, that would serve us both use of the property using the railroad crossing. I could go back and discuss it with them more, you would have to close down another public crossing before you could get that open.

Vice-President Broady stated it's not an ideal area to cross there anyhow because of the grade or the elevation there.

Mr. Murphy stated I think Jesse's is all-right.

Vice-President Broady stated yeah, Jesse's is all-right, but the further down you go...

Mr. Murphy stated yeah, and my people were in the discussion with the railroad about trying to get just, about a public crossing. We would like to get something that will work for everybody and that would increase the traffic flow for the developers.

Vice-President Broady stated as far as the sewer, I wouldn't car at all to turn that into a public road, that will do basically, a road for our sewer and our working area and I have no desire to change that. I don't think that's even a possibility in my

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opinion of what he's asking there. The other one, what I thought would be ideal because I looked up each, take the existing right-of-way that goes into the Sewer Plant now, extend it on over to Jesse's property, which Jesse and I, or Jesse had discussed with the board, everybody follow me?

President Eddings stated uh,

Vice-President Broady stated he could go right down there and make a 90 there and go right on down Jesse's you know, right on into Jesse's property down there and that will lead you right on into the corner of your property. You could come in right up in here, but like I said, Jesse and the board had discussed that.

Council Member Alexander stated wasn't there some discussion about a company that tried to come in because of only one entry.

Vice-President Broady stated yeah we discussed with him, we could extend that road and naming that road, or talked about naming it. But then you all have to require a right-of-way to get on Jesse's property down to, we could extend the road I guess west, that might be a possibility.

Mr. Murpyh stated ok.

President Eddings stated Lisa Walker.

LISA WALKER ADDRESSES THE COUNCIL ON/SEWER ADJUSTMENT.

Ms. Walker stated I'm here tonight to beg or ask for help on my water bill. We had a leak in our back yard and my husband thought he could put a pool in at the same time and our water bill stayed the same and then all of the sudden it jumped up to 300 plus dollars and Neal Kamer was the contractor that first found out that we had the leak. And we asked him if he would fix it. Well, he wasn't able to locate it and then he was able to locate it. Our water didn't go up any so we figured we weren't going to pressure him, but then when we got the water bill and he came out within fifteen days and had it fixed. I have my water bill from last, here's my water bill. We found the leak in August and like I said it didn't go up then and when we got the next one it went way...

President Eddings stated do you have it?

Mr. Coleman stated here's the average from April through December. The usage is 6 here and the high previously was at 13. Let's see, I talked to Clark about this and he said there was a leak, 233.88.

President Eddings stated on the sewer.

Mr. Coleman stated on the sewer and the high before that it looks like 56.50, 25 to 35.00.

President Eddings stated is that a 10-month average.

Mr. Coleman stated yeah.

President Eddings stated I'll entertain a motion to adjust the sewer bill on an average.

Council Member Fenner stated I make the motion that we adjust the sewer bill.

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Council Member Voyles stated I second it.

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

President Eddings stated Marsha Tucker.

MARSHA TUCKER ADDRESSES THE COUNCIL ON/VACATING GRASSY AREA AT THE END OF BANNER AVE.

Mrs. Tucker stated I'm a resident of Greenwood Subdivision, and I'm here tonight to discuss a dead end street. I sent a very short letter, I sent it to the Council to see if you would uphold the dead end status on the street. Currently at the end of Banner Ave. residents of the new development right behind there have decided not to use their end of the road, but to go through our end of the road. My letter had suggested one possible alternative which would be for the town to vacate the easement at the end of that street to our neighbors, the Nagles who live at the end of that street. That would be one possible solution. Comments?

Council Member Fenner stated is it just one family, one neighbor that's doing it, or is it several?

Mrs. Tucker stated several.

Council Member Alexander stated I've been back there and notice the tracks.

President Eddings stated that belongs to the town?

Attorney McCall stated yes.

Council Member Alexander stated the only reservation is were still working with the new apartment building over there as far as carving out a ditch line where the water comes out. I would like to wait and see how that comes out. Before we start...

President Eddings stated can we put some kind of barrier there on the roadway would that curb that.

Council Member Alexander stated the only thing I'm worried about putting a barrier is if they don't have any concern, would they cut through peoples yard.

President Eddings stated we could put something as wide as the street.

Council Member Alexander stated it's a wide enough area there that they could cut in the yards.

President Eddings stated I'm still against vacating an easement. Vacating an easement between subdivisions or that are connecting or even have a possibility of connecting years down the road, the town should never give that easement up. It should always be there.

Mrs. Tucker stated would the town be willing to maintain upholding the dead end status.

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President Eddings stated well that's what I'm thinking, the best alternative as far as I am concerned is some type of guardrail.

Council Member Fenner stated at this point there is some type of wooden white picket fence across part of it? Correct?

Mrs. Tucker stated the town did install wooden poles to give a visual of the dead end to the street, so perhaps we need to do that again.

Council Member Fenner stated if I lived there I wouldn't want people driving through there but I don't know if I would want an ugly guardrail there either. Something needs to be done to that.

Vice-President Broady stated does the construction crew drive through there?

Mrs. Tucker stated everyone uses it.

Council Member Alexander stated I made mention to Mr. Mongold to talk to Mr. Davis about it.

Council Member Fenner stated can we put up a barrier other than a guradrail, can we do something like that.

Council Member Voyles stated what about some kind of trees, some kind of pine trees there.

Council Member Fenner stated have we eve done something like that.

Council Member Alexander stated I think something would, the post idea, not the telephone post, but some type of post of some kind.

President Eddings stated could the Street Department do that.

Council Member Alexander stated yeah, we could do that.

President Edddings stated John, can we do something like that?

Mr. Toombs stated like Ken said, we went over there and we were not aware of this and looked at that, at the catch basin, but you can put up any type of barrier you wish. You could mark the end of the subdivision.

Mrs. Tucker stated the plat shows a separate easement.

President Eddings stated we have done this before in different areas.

Mr. Toombs stated I would think the town could put up any type of barrier it wanted to.

President Eddings stated there is not a road coming up to that, right?

Council Member Alexander stated yes.

President Eddings stated a road that comes up.

Mr. Toombs stated asphalt road that comes up and then stops and then it's grass.

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President Eddings stated so would it be best to wait until the water situation is taken care of and then barricade it?

Mr. Toombs stated I guess.

Council Member Fenner stated how long of time are you talking about John?

Mr. Toombs stated I have no idea.

Council Member Alexander stated we're probably talking...

Mr. Toombs stated Mongold is till under construction over there.

Council Member Alexander stated May, June somewhere around there.

Mr. Toombs stated I mean we're not going to do it now.

Mrs. Tucker stated in the meantime we still have people going through there.

Council Member Alexander stated I'll make a point tomorrow to call and try to see if we can locate who is doing, I mean there is only one or two houses back there.

Mr. Tucker stated it is a lot more than just the ones who live back there, so...

President Eddings stated just joy riding, can we put something temporary and then come back later and do something, would that...

Council Member Fenner stated if someone does drive up in your yard and they disregard the barrier that has been put up then I would suggest go ahead and call the Police Department.

President Eddings stated ok, Carpenters.

MRS. CARPENTER ADDRESSES THE COUNCIL ON/STOP SIGN ON NEWBERRY.

Mrs. Carpenter stated I live out on, actually I live at Twinbrook and Newberry, right here, I live right here, Here is where new 60 cuts through. Here's Twinbrook and here's Newberry. What I am asking for is you to put a stop sign here and here instead of the yield signs. See, when you come off of 60 here we have the right-of-way here. The people here and here are the first people to come off of Poindexter and cut through here they don't know the signs are there or they don't care or what. The other day I had, it was last Saturday, I come up through and there was a man stopped here, he didn't stop, he thought I was supposed to stop. He got so mad at me that he got completely out of his car come up in my drive after me.

President Eddings stated this is where we put a light isn't it?

Mrs. Carpenter stated no.

President Eddings stated I thought we talked about a light.

Council Member Fenner stated it was a street light.

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Mrs. Carpenter stated there is already a street light there.

President Eddings stated we jsut recently put one in there didn't we.

Council Member Voyles stated we took over the bill.

Mrs. Carpenter stated something is going to happen here, somebody is going to get killed right here. The day the man came up in the drive to get me, I had Sargeant Stricker out there and he sat right here and watched people coming from Twinbrook, they're coming from over here in Plum Run, something is going to happen.

President Eddings stated what do you say Chief,

Chief Kinder stated I would recommend a stop sign. Then they would have to stop and they really disregard a yield sign.

Mrs. Carpenter stated Sargeant Stricker, he was out there and he was there probably 20 or 30 minutes. He suggested that we put regular stop signs, that means these people stop and these people stop. Because there is so much traffic out there now. People coming off 60 there will 2 or 3 cars trying to get up in here. And these people are trying to decide to who has to stop. And there is going to be something serious going to happen.

President Eddings stated ok, I'll entertain a motion to put stop signs on Twinbrook and Newberry.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion 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, opposed nay. I's have it. (Vote 5-0)

Mrs. Carpenter stated Thank You.

President Eddings stated ok, Sandy Carlisle.

Council Member Fenner stated Carver.

President Eddings stated Carver, I'm sorry.

SANDY CARVER ADDRESSES THE COUNCIL ON REPRESENTING DORTHEA BARTON WITH THE PROPERTY ON ADKINS CT.

Ms. Carver stated I'm representing Dorthea Barton with the property on Adkings Ct. I was here last month and spoke to you about having the sewer at our property. Last time that I was here you asked for the purchase agreement and I do have it. It says with the purchase agreement with the Town Of Sellersburg and Dorthea Barton, and it says that purchase conditions are subject to all the utilities are available on each lot.

President Eddings stated ok, did you get a chance to look over it.

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Attorney McCall stated I haven't seen it, no.

Ms. Carver stated last time I was here, there was a question as to whether there was property on there before and I have a letter from Mark Ball.

President Eddings stated what do you know about it Dave?

Vice-President Broady stated well, I don't know why we don't have sewers on it now, I don't know where it comes from that we don't have sewers.

President Eddings stated did we make any changes when they...

Vice-President Broady stated John has gone back over all his stuff, and we've never removed the lines, they are still there as far as he knows and as far as I know. Now, maybe the sewer taps have long since been destroyed, you know in the process of tearing down the buildings, I mean the natural sewer tap on the property being right there. But they would still be in wide range over to the property. And I think where this all started was, the Superintendent over the Sewer Plant, correct me if I'm wrong Kendall, thought that we had rerouted that line and done away with line that goes along there. Is that not right?

Mr. Coleman stated from what I gathered the employee that was there at the time that, those homes were destroyed, that line was abandoned. The lateral sewer that goes up to the property, the laterals and they were not tapped. They are a six inch line that goes up that street and our laterals come off that line. The condition of that line, from my understanding, is in poor condition when it was abandoned. So what condition that line is in today I'm not sure. A six-inch line, we cannot televise it like Clarksville or Jeffersonville TV Truck in and televise the line to find out the condition of that line. A six inch line will take a special smaller camera and I haven't been able to televise that line to see what kind of condition it is in. There's a six-inch line there. There's laterals that come off that line and still go to each separate lot, from my understanding.

President Eddings stated so if the line is ok it's just a matter of hooking it back up.

Mr. Coleman stated and if not, it's probably going to be up to the town to replace whatever it takes to get them back. That's where the confusion came from, at one time, when the park was built, we rerouted the sewers and that type of work, it was some work that was supposed to do in that area that was never done. And I think that is the reason why, because we were not rerouting the lines and provide sewers to homes up the street on the other side.

Council Member Fenner stated Kendall what about the two houses on up around the corner there.

Mr. Coleman stated that's where I'm talking about.

Council Member Fenner stated those are the ones that...

Mr. Coleman stated John had drew something up at one time to provide service to those homes and also I believe up Adkins Court.

Council Member Fenner stated they are on the sewer line but...

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Vice-President Broady stated yeah, everything in there was on sewer.

Council Member Fenner stated but those two houses.

Vice-President Broady stated I think what as I said last week, if there was a line, I believe there were sewers when they bought the property and I think it's up to the town either to open up the sewers and be available to the property.

President Eddings stated would you like to make that in a motion.

Vice-President Broady stated yeah, I'd be glad to, I don't know what, I make a motion that we assure Mrs. Barton or her representative that the sewers will be provided to those lots, either that they already are or we will see that they will be.

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

Council Member Voyles stated I'll second it.

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

President Eddings stated Mr. Alexander.

KEITH ALEXANDER ADDRESSES THE COUNCIL ON/ORDINANCE TO CHANGE HIS PROPERTY.

Mr. Keith Alexander stated I've been to the Planning Board and I have an ordinance to change my property.

President Eddings stated I got an ordinance in front of me changing the zoning up on Popp Avenue for the Alexander Apartment Complex from R-1 to R-2, the Planning Board voted unanimously to recommend the change because he has done some development work up there to, or is going to do some work to help get rid of the water situation, or help alleviate that problem with the water. So I'll entertain a motion from the board to change.

Attorney McCall stated you can do that in one reading.

President Eddings stated one reading, I need an ordinance number.

Clerk Treasurer Schafer stated 98-706.

Vice-President Broady stated I make a motion that we approve ordinance number 98-706 to rezone property from R-1 to R-2.

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

Council Member Voyles stated I'll second it.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. (Vote 4-0 with Ken Alexander abstaining.)

ORDINANCE NO. 98- 706
AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE
TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for a certain parcel of real property commonly known as the Keith E. Alexander property located within the Town of Sellersburg, Indiana, which is more accurately identified and described by Exhibit A, attached hereto, and incorporated by reference herein: and,

WHEREAS, the Town of Sellersburg Plan Commission has reviewed the Petition requesting a change of zoning; and,

WHEREAS, the Town of Sellersburg Plan Commission determined that the Petition requesting a change of zoning complied with the requirements of Section 3.4.4 of the Zoning Ordinances of the Town of Sellersburg; and,

WHEREAS, the Town of Sellersburg Plan Commission has approved zoning change and recommended to the Sellersburg Town Council that said Petition for zoning change be approved; and,

WHEREAS, the Sellersburg Town Council has applied the standards and requirements as set out in Section 3.4.4(6) and has determined the requests for zoning change meets these standards and requirements: and,

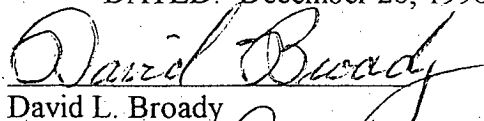
WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government: and,

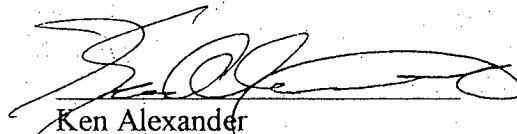
WHEREAS, this matter was considered at a public meeting at which the public were invited to attend and participate.

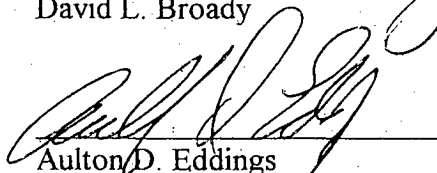
IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

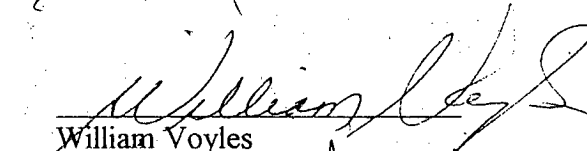
THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE KEITH E. ALEXANDER PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED AND THE CURRENT ZONING OF R1 OF THE DESCRIBED AREA SHALL BE CHANGED TO R2 ZONING.

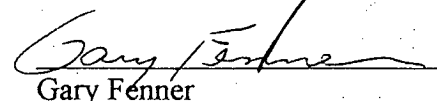
DATED: December 28, 1998

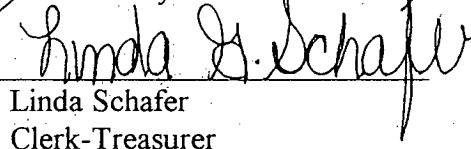

David L. Broady


Ken Alexander


Aulton D. Eddings


William Voyles


Gary Fenner

Attest 
Linda Schafer
Clerk-Treasurer

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President Eddings stated Dave Kinder.

CHIEF KINDER ADDRESSES THE COUNCIL ON/STOP SIGN/MOBIL HOME OVER ON EDGEWOOD AVE.

Chief Kinder stated I only have two things, the stop sign and number two is the mobile home over on Edgewood Ave. And I think Perry had that.

Attorney McCall stated with the new Building Inspectors Contract, he sets the restrictions and we have part of our town code is that we will enforce restrictions in the subdivisions that the town has signed off. As in regards to the subdivisions rules. Probably what we need to do is the next, and I talked to Mr. Allen, he was in the other day.

Vice-President Broady stated I have a question, just because we adopt subdivision,

Attorney McCall stated no, it wasn't that,

Vice-President Broady stated when we do actually adopt a deed,

Attorney McCall stated in regards to the subdivision plat, there is a restriction in there that we...

Vice-President Broady stated do we adopt those...

Attorney McCall stated in regards to the subdivision plat, there is a restriction in there that we...

Vice-President Broady stated do we adopt those...

Attorney McCall stated what we have done is, if we are party to those subdivision restrictions, we have another section of the code, the town code that says we will enforce them only if we are part of the original package.

Vice-President Broady stated if we adopt it though right?

Attorney McCall stated no, we...

Vice-President Broady stated we set ourselves up for...

Attorney McCall stated I don't think you're involved in every subdivision in the town, just if you sign off on.

Vice-President Broady stated that's what I'm asking how do we distinguish the ones we are and how we distinguish the we aren't.

Attorney McCall stated there is some authority of the Town Council set forth on those restrictions. They were party to them. For example I think if you go back to Covered Bridge, since you were involved in that, except to be signed off on a grievance that dealt with restrictions, that the town would enforce those restrictions if someone violated them.

Council Member Fenner stated so we're already involved in enforcing the restrictions for Covered Bridge.

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Attorney McCall stated I'm trying to handle it in a way that's not going to be a big deal or burden for the town and having to get into litigation and that type of thing with people over these.

Vice-President Broady stated and I appreciate what you're saying but I'm really concerned if we get involved with them. Did we adopt...

Attorney McCall stated you didn't adopt it, it was adopted long, long ago. The thing that activated this ordinance is that it was adopted some years ago that says if there is subdivisions restrictions that we are signing off on, that we are involved actively, that there is a signature of the Town Council. There is an ordinance that says we will enforce those as our own.

President Eddings stated but that would say that the town has an ordinance that says you can't build an eight sided house.

Attorney McCall stated no.

President Eddings stated how this subdivision also says you can't build an eight sided house so, those are the only type of ordinances that I would want to be involved in.

Attorney McCall stated I'm not saying that you would want to, I'm just saying that it says that the ordinance that you have in place the Building Inspector found it and brought it to my attention. That there is a description that the town is involved in from the get go and signed off on, they are responsible for enforcing that, it is a private act, that's an ordinance that was passed probably 15, 20 years ago.

Council Member Fenner stated how many places are there like that,

Attorney McCall stated I don't know, that's the only one I've seen since I've been here.

Council Member Fenner stated so you're saying we have signed off on this one in Creston.

Attorney McCall stated the information I was faxed the other day indicated that the town was party.

Mark Ball stated that was back in 1951 on that one, and they signed off on one on Linnwood Subdivision in 1970, I don't doubt that you approved every one that has come on town,

President Eddings stated no, I'm not saying that, the old ordinance was written is that it says...

Council Member Fenner stated we will need to amend that ordinance.

Council Member Voyles stated can you pull that ordinance out.

Attorney McCall stated yeah, I should have brought it, I didn't think it was going to come up tonight.

Mark Ball stated I just happen to have a copy of it.