

SELLERSBURG TOWN COUNCIL

October 23, 1995

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Kenneth Alexander, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; Doug Eddings, Jr., Council Member, arriving at 6:11 p.m.; and Karl Truman, Council Member, arriving at 6:22 p.m.

Called To Order

President Tucker called the Executive Session to order at 6:09 p.m.

Topics Of Discussion

Storm Sewer Project

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:48 p.m.

REGULAR SESSION

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

Called To Order

President Tucker called the Regular Meeting to order at 6:53 p.m.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

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

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Alexander.

Vote 4-0

Vivian Hayes Addresses Council/Neighbor's Fences

Ms. Hayes stated I recently applied for a permit to put up fencing at the back of my driveway. It's not my fault that I don't own the property but I do rent it. I had to get the owners permission and as we were applying for the permit I spoke with Steve Prather regarding the fence line because of the alley on the back of my property. He said the fence line had to be at least five feet off of the property line and I needed permission from the zoning board and as I pointed out to him the neighbor directly behind me at 124 So. Fern, he has metal post's that could be used for electric fencing or those wire fences, it is 14 to 17 inches off of the property line from the alley so according to Mr. Prather he is not within the guidelines with the metal posts. I do know that he intends to put up a privacy fence. This will make it impossible for me to pull into my driveway on the back of the property so I would like for you all to do something.

President Tucker stated where do we stand Steve.

Mr. Prather stated the town has an easement off of any alley. It would be up to the town to decide if the metal post's could be grandfathered.

Mr. Hayes stated the other reason I'm here is because I have been told that he does intend to put up a privacy fence and the other corner on the back side of my lot he has a privacy fence that comes out even with the metal post's that comes around to his garage.

Mr. Prather stated he can put up a fence with permission, know that there is a easement there and if the street department needs to get through there he would have to take it down and I'm not really sure what direction to go.

President Tucker stated neither does the council. Perry is there a way you could look into the great master plan or zoning regs. and see where we stand.

Ms. Hayes stated Mr. Prather said I could go ahead and have some dirt dumped on my property and as I was doing this the truck backed into my yard and it was so low that's why I was putting it in and the truck got stuck so I asked the man if I could pull his post up so the truck could pull forward as I said the post's make it impossible for me to get in and out of my driveway.

President Tucker stated we will need your name and phone number so Perry can check on this and we will get back to you.

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Vivian Hayes Addresses Council/Neighbor's Fences

Ms. Hayes stated the other thing too, Mr. Prather told me that this may fall into the street department. I have another neighbor that has a tree at the end of his property line and the police officer told them the tree did not meet the guidelines.

Council Member Alexander stated is it on the street or on the property line.

Ms. Hayes stated on his property but the limbs and things are so long the police officer made a comment himself.

Council Member Alexander stated they are hanging out in the street.

Ms. Hayes stated they are hanging out in the street, the police officer said the limb hit his antenna. It's a tree at 129 Popp.

Angela Hutchens Addresses Council/Inconsistent Water Bills

Ms. Hutchens stated I'm here about my water bill. My normal water bill is around \$45.00 sometimes a little higher and sometimes a little lower. In July my water bill was \$77.00 and they told me that next month it would be back to normal and it was \$45.00 and in September when I got my bill it was \$92.23 and I called and they came out, they couldn't figure out why my bill was so high. They told me at that time not to worry about it and I told them I had heard that two months ago and I was worried about it. I was scared to get my next bill. I would like to be compensated for what I've over paid or somebody to tell me what the problem is and I can't get anybody to do that. I keep getting told not to worry about it and I told them I have to worry about it. I've checked the toilet, we don't have a leak. I've put dye in the tank and there's no leak. The water department has checked, they can't find a leak. I just know there's no way I could of used that much water. I don't have a pool, I haven't watered my lawn so I don't know what the problem is.

President Tucker stated Tom has someone gone out and looked at that.

Mr. Edwards stated the meter was checked in July and we couldn't find anything wrong. I don't know who told the lady not to worry about it because she does have some concerns. Her normal usage in 5.3, there is no explanation of why it spiked or why it came back down. We found no leak, no problem at the meter.

Mr. Eddings stated can we change the meter Tom.

Mr. Edwards stated we can it will be awhile before I can do that because we've used all of the meters up, we have another shipment comming in it will be a week to ten days getting them in before we can start changing them out.

Mr. Eddings stated I say it would be a good option because she's got six month's of right at 5.

Ms. Hutchens stated I've got my bills back for 2 years and its never been over, I think the highest was like 5.8. My water bill that I just paid was higher than my electric bill, my phone bill and my gas bill. You know that's ridiculous when you normally pay 45 and it doubles for no reason.

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Angela Hutchens Addresses Council/Inconsistent Water Bills

Ms. Hutchens stated nobody can explain it, I'm just asked to pay it.

Council Member Broady Broady stated so you have a water softner.

Ms. Hutchens stated no.

Council Member Broady stated I was just trying to figure it out.

Ms. Hutchens stated we've checked everything. We've even wondered if someone was stealing water. If we'd had that kind of leak even in one month we'd have to know it. If it was in our house we'd have to know it. It's double our water usage. It would be running down our walls, on the floor or somewhere, you'd have to see it.

President Tucker suggested we adjust the two months back to 5 and asked Tom if he could adjust the average back to 5 and put the credit on their bill or whatever would be appropriate and suggested this be put in the form of a motion.

Motion made by President Tucker to adjust Ms. Hutchens bill's from September and July back to their average bill and seconded by Council Member Truman.

Vote 5-0

Building Commissioner, Stephen Prather Presents Claims

Building Commissioner, Stephen Prather presented his claim for permits and inspections from Oct. 10th through October 23rd in the amount of \$1,610.30.

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

Vote 4-0

Stephen Prather Addresses Council/Vivian Hayes

Mr. Prather stated Ms. Hayes did come before the BZA last month and they did grant her the proper variances so she is okay on her side but she did have some questions so that's why I asked her to address the board.

Council Member Broady Addresses Council/Monthly Financial Statements

Council Member Broady stated on the monthly financial reports for the sewer and water, you keep those Linda, is that right?

Ms. Schafer stated I just do what I have to do for the town's records.

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Council Member Broady Addresses Council/Monthly Financial Statements

Council Member Broady stated do you send those in to the state.

Ms. Schafer stated no, that is what is audited. I reconcile with the bank statements, that's what's audited by the state board, that's town records.

Council Member Broady stated do we have to turn in a monthly financial statement to the state.

Mr. Edward's stated no, it's the state board of accounts, if they come in to audit us.

Ms. Schafer stated I'm only keeping the records that I have to to protect myself, of receipt's that you deposit. I no longer count the money so the actual records you are suppose to be keeping. I thought we had addressed that issue when the state board came in.

Mr. Edwards stated but I don't have access to anything but accounts receivable. They said it really didn't matter who kept them as long as they were kept. It's not in EMC's contract and we don't have the information.

Ms. Schafer stated well would you like a copy of every voucher that we, we can do that, that we pay. When the town council removed me as utilities clerk that removed my duties as utilities clerk. I keep the records of receipts and disbursements of the utilities, I reconcile the bank statements, as far as billing, accounts receivable, that's your responsibility.

Council Member Broady stated is there certain reports that the state board of account's want.

Ms. Schafer stated when Marty Fontaine came down here, I told here since it was in independent company I did not want to get involved since they were contracted to do that. All I'm required to do is keep records of receipts or what they actually deposit. I no longer count the money. I'm not responsible for that. They deposit, I get a deposit ticket. If they deposit \$100.00, I don't know what they bill, I have no way of knowing. I don't have access to any of their records.

Council Member Truman stated where are the financial reports, I mean what is it.

Mr. Edwards stated the financial reports are what the town is actually paying, we turn in every month to the town what we are paying.

Council Member Truman stated isn't that the same thing as what this is. I guess I don't understand what the difference is.

Ms. Schafer stated I'm not responsible for that anymore. What I'm reconciling is the actual amount he deposited. I don't handle any of the money anymore, he does. The only thing that I keep records on is the out of scope things which is really none of his concern.

Council Member Truman stated does that have to be on this report that he's talking about.

Ms. Schafer stated I wouldn't think so.

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Council Member Broady Addresses Council/Monthly Financial Statements

Mr. Edwards stated it's my understanding that we turn all of the money in to the town and the clerk treasurer is the one who writes the check's and determines how that money is dispursed. The state board of accounts wants to know how the money is dispursed. We do not write the checks.

Ms. Schafer stated he gives me vouchers and what I have done monthly, well I only get two, what I've done is a 50/50 breakdown on the total amount of his stuff..

Council Member Truman stated I'm still confused, I mean all of the stuff that EMC pays for, we actually write two checks to EMC.

Ms. Schafer stated that's correct.

Council Member Eddings stated the clerk treasurer takes that information and compiles it in the form that the state board of accounts wants.

Ms. Schafer stated well they had several meetings with the state board and she told them that I was not responsible for that work. I'm positive you were at that meeting when she told you.

Mr. Edwards stated I wasn't at the meeting.

Ms. Schafer stated Craig was, Craig Mundle.

Mr. Edwards stated Ms. Fountaine, she said if it was not in our contract that the town would have to make a decision on who was going to keep the records and because we do not write the checks.

Council Member Truman stated wait a minute, I'm confused. I thought we were talking about what EMC paid for.

Mr. Edwards stated the state board is not really concerned so much as to what we are purchasing, they want to know where the revenue is being spent, our monthly fee is I think \$60,000.00. There is one check for that.

Council Member Truman stated is that all they need to know.

Mr. Edwards stated we give an itemized breakdown of where it's being spent on a monthly report but that's just on EMC's side. There are other things such as bonds that come out of those accounts. There is alot of other bills that come out of there that we have no access to, all of this has to be in written form.

Council Member Alexander stated so does the state board want your portion itemized.

President Tucker stated why don't we get the state board of accounts down here.

Ms. Schafer stated that's an excellent idea.

Mr. Edwards stated I just spoke with her last week.

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Council Member Broady Addresses Council/Monthly Financial Statements

President Tucker stated well apparently there is still some confusion.

Mr. Edwards stated they need the town's records of what is spent. We are just one entity that the town is spending money on.

Council Member Truman stated but do they only need one line item for EMC or do they need everything that EMC spends money on.

Ms. Schafer stated they need everything that they collect in, that they bill out, the whole thing.

Mr. Edwards stated what the state board of accounts told me was if we keep itemized documentation of what it is spent for, all we have to do is submit a monthly charge. If they ever want to see this which we do keep these records in our St. Louis office, if they want to see them. but that doesn't account for sewer and water money being spent on bond issues, we have no access.

President Tucker stated I'm sure she has records of the check's she writes.

Mr. Edwards stated that's what I'm saying, Linda is keeping track of it right now because she has showed me.

Council Member Truman stated so what is the problem?

President Tucker stated I'm like Karl, all of sudden I don't understand.

Mr. Edwards stated the only thing the state board of accounts told me is that I have to get this official of who will be taking care of these records. We will be taking care of the itemization of our expenditures.

President Tucker stated well why don't you call Ms. Fountaine, our representative.

Ms. Schafer stated we can call anybody, the field representative is Ron Roberts but any of them are qualified.

President Tucker stated I'll be gone tomorrow and the next day, I'll call you and we will get together and call them and get everyone together.

Ms. Schafer stated but I did speak with her before and I assure you I keep extremely accurate records. I'm responsible for the deposit tickets that you give me. I'm responsible for the DSR, the B&I Sinking Fund and things like that. Everything else you are the collections and billing clerk or whatever, all of my duties have been removed, it's your responsibility to keep your own records.

Mr. Edwards stated it's my responsibility to keep records on what EMC spends, is that what you are saying.

Ms. Schafer stated I don't even have access to the front office, why should I be responsible for your records.

Council Member Broady Addresses Council/Monthly Financial Statements

President Tucker stated we're not going to resolve this unless we get the state board of accounts down to let us know what we need.

Mr. Edwards stated on the other hand we can't control the records without bond issues and this type.

Ms. Schafer stated I can give you a copy of that monthly when I pay it, I just paid all of those today.

Council Member Eddings stated is the problem that what she'd doing now you just want her to keep on doing.

Mr. Edwards stated right.

Ms. Schafer stated but I'm not doing it for EMC. It's my personal self, it's just my book keeping that I've always done since I've been in office but it's not to serve their purpose to take my records and serve their purpose.

Council Member Eddings stated what they are trying to make sure that everybody understands the scope of what they are doing is just simply billing, monthly expenditures, that kind of stuff, all of the bonds and sinking fund, all of that type stuff is not in the scope of their contract.

Ms. Schafer stated okay, they have an office manager, can she not do that.

Council Member Eddings stated no, that's not what we hired them to do. What we hired them to do is what they are doing. You still have your salary to do what you have been doing, the bond sinking fund, all of that.

Ms. Schafer stated but my duties as utilities clerk were removed.

Council Member Eddings stated as billing clerk.

Ms. Schafer stated as everything involving the utilities, other than the civil part of it.

Council Member Eddings stated right, the civil part of it, we feel is the bonds and the sinking fund, all of that stuff that you are doing right now. We want you to continue to do that.

Ms. Schafer stated I would like a second opinion from the state board and as far as, I will keep the records necessary by virtue of my office, anything else, I'm not responsible for. and I don't feel I should have to do.

President Tucker stated as I said a moment ago, we need to get the state board down here and Doug will you take time or I'll take time or somebody need to take time for a meeting. How about Thursday, I'll call you and we'll put something together.

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Council Member Broady Addresses Council/Planning Commission

Council Member Broady stated I received a letter from the planning commission. They would like to change part of the comprehensive plan to revise a portion on a fee structure, to make it legal to charge for certain items.

President Tucker stated we would have to amend the ordinance and asked Attorney McCall to put together a fee structure for the planning commission on filing fees and etc.

Tom Edwards Addresses Council/EMC

Mr. Edwards stated the water and waste water continue to run quite well. The billing revenue for the last two weeks was \$100,626.63. I also have a monthly report for September that I'd like to submit.

Clerk Treasurer Schafer Addresses Council/Affordable Blind & Drapery

Ms. Schafer stated I had the six new pairs of blinds installed at the town hall today. I didn't have time to put it on the list for the council so that's the total price including installation for the new meeting room.

Motion made by Council Member Truman to approve the purchase of six blinds for the meeting room at the town hall in the amount of \$288.00 and seconded by Council Member Eddings.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Parking Lot For New Town Hall

President Tucker stated do you know when we will be able to have this meeting at the new town hall.

Council Member Eddings stated we will probably want to wait for some paving to be done, right next to the door there is a big hole. other than that, everything is ready.

Council Member Truman stated we could block it off.

Council Member Alexander stated that was a suggestion made by Mark, on that side to do away with that.

Council Member Eddings stated I know I'd be in favor of it, just pave it and block it off, put a couple of poles there.

Ms. Schafer stated that would be nice.

President Tucker stated I would like for December 26th, to at least have the last meeting there.

Council Member Eddings asked if Koetter going to do the parking lot.

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Clerk Treasurer Schafer Addresses Council/Parking Lot For New Town Hall

Ms. Schafer stated what I've done, I received some form specs. from Jacobi, Toombs and Lanz today and I had already contacted six contractors for bids on that so I may have to fax them the top copy of what I received today. I have received one back on that. I tried to get Koetter to throw it in and they would not do it. I gave them a copy of the specs. and I haven't received anything back.

Council Member Eddings stated is there a shot at having the first meeting in December there.

Ms. Schafer stated oh definately.

President Tucker stated don't forget we'll have to send notices around so they won't show up at the library.

Ms. Schafer stated I will, I'm ready for that.

Clerk Treasurer Schafer Addresses Council/Claim From Mid Southern Builders

Ms. Schafer stated I would like to investigate this since John had brought it to my attention. I was already aware of it, back in 94 I had paid Mid Southern Builders the original contract amount was \$11,996.00, the first payment I paid \$10,796.40, it was for installing a residential grinder pump at 566 and 560 Linnwood Ave. The 2nd payment which was a retainage, they had either transposed numbers or came up \$80.00 short on that so John had presented a voucher with the correct amount on it but when I audited the claim it was \$80.00 less so I paid the \$80.00 less. I have a voucher here for the \$80.00 difference. I would like to go through my records to make sure that it wasn't something their accountants didn't pick up later on and I paid before we pay it but I'd like the council to go on and approve it and then if it hasn't been paid that way I'll go on and be able to send out the \$80.00.

Motion made by Council Member Truman to allow Ms. Schafer to audit the account and pay the claim if needed and seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Presents Claims For The Civil, Water And Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period.

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

Vote 4-0

Attorney McCall Addresses Council/Sewer Rates For Non Town Residents

Attorney McCall stated I received a letter from Dave Frederick with Umbaugh and Associates regarding seperate rates for sewer customers outside of the town's limits. The letter is pretty much self explanatory, the bottom line I guess is he doesn't know if it would be beneficial or not, his intent in this letter is that it really wouldn't be but if you want him to assist in rates and charges, he would be happy to do so and sent us an engagement letter with the services and fees we would incur. That was the request of Karl. It was addressed to the council so I assumed that everyone had received one.

President Tucker stated if we could all get a copy of it and bring it up at the next meeting and maybe we could get a ballpark figure of what that fee would be.

Attorney McCall stated I'll talk to Dave Frederick.

Attorney McCall Addresses Council/Margaret Dreyer Property

Attorney McCall stated the Margaret Dreyer property. I spoke with John and she wants us to go out and flag the area to get an idea for her sake I assume of the boundaries. We hope to have the deed back in by the end of the week or next week.

Attorney McCall Addresses Council/Schmidt Property

Attorney McCall stated on the Schmidt property, we've sent the release of all claims to the Indiana Department of Transportation and to Mr. Schmidt and haven't received them back as of yet. This is the property on South Indiana. It should be taken care of by May 1st.

President Tucker Presents Resolution 1995-32

President Tucker presented Resolution 1995-32 to the council as follows:

RESOLUTION NO. 1995-32

A Resolution to Reduce the 1995 Current Budget
as it Concerns the Town of Sellersburg Parks Department

WHEREAS, the Town Council for the Town of Sellersburg has adopted its 199__
budget after following all proper notice procedures; and

WHEREAS, the Town Council for the Town of Sellersburg has determined it
necessary to reduce the Town's budget as it concerns the Town of Sellersburg Parks
Department by the amount of \$25,000.00 for the 199__ year, thereby reducing the budget
of said Town of Sellersburg Parks Department to \$49,833.00; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the
reduction in the Town of Sellersburg Parks Department budget is due to unnecessary
expenditures and will result in the efficient and effective administration of Town
government.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of
Sellersburg, Indiana, that the 199__ budget for the Town of Sellersburg Parks Department
shall be and hereby is reduced by the sum of \$25,000.00 to a total budget sum of \$49,833.00
and that said reduction is warranted due to unnecessary expenditures.

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President Tucker Presents Resolution 1995-32

Motion made to ratify Resolution 1995-32 made by Council Member Alexander and seconded by Council Member Eddings.

Vote 5-0

Donal Long Presents Claim/Tree Trimming

Mr. Long stated I want to present my bill for trimming your trees as requested.

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

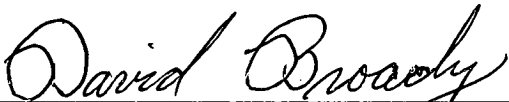
Vote 4-0

Adjournment

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

Vote 4-0


With no further bussiness this meeting was adjourned by President Tucker at 7:40 p.m.



David Broady




Karl Truman




Aulton D. Eddings, Jr.



Stanley E. Tucker



Kenneth Alexander



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

November 13, 1995

Executive Session

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

Called To Order

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

Topics of Discussion

Bids/New Parking Lot-Town Hall
Zoning Map Correction
Dreyer Property
Storm Sewer Project
Storm Sewer Easements
Claims/Jacobi, Toombs & Lanz, Inc.
Sewer Rates/Umbaugh & Associates
Claim/Donal Long-Trees Cut
Quit Claim Deed/Swimming Pool
Annexation/Knable
Remonstrance
Abatement/Nuisance Letter
Vivian Hayes/Fence
EMC Contract/Town Employees Contract

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:30 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 5:30 p.m. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney.

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Called To Order

President Tucker called the Regular Meeting to order at 6:33 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the Flag was recited.

Minutes Of The Last Meeting

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

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Broady.

Vote 4-0

President Tucker Addresses Residents/Nov. 27 Meeting In New Town Hall

President Tucker stated I'd like to make a short announcement that the next town board meeting will be on November 27th and thankfully it will be in the Town Hall, after much construction and changes. We have chairs ordered so we don't have to stand up, so it's at 6:30 p.m. on November 27th, will be the next meeting at the Town Hall.

David Phillips Addresses Council/High Water Bill

Mr. Phillips stated I have to pay my water bill. I got a bill for using 22,700 gallons of water. My average is less than 5,000. I have my bills here for 7 or 8 months and that's alot of water and I don't feel I should have to pay for 22,700 gallons.

President Tucker stated was there a leak, was it checked out.

Mr. Phillips stated they checked for a leak, they couldn't find anything.

President Tucker stated was this last months bill.

Mr. Phillips stated it's the current bill.

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David Phillips Addresses Council/High Water Bill

President Tucker stated Clark do you have anything to do with checking that out.

Clark Henson stated I have a work order here that says it was checked out, the water went through the meter, I don't know if somebody left the hose on or what, but the meter readings are in sequence.

President Tucker stated what's been happening, if this is a fluke, if this is a one time occurrence, then we go back and charge in essence, what your average bill is, the \$40.00 or \$50.00 dollars and credit that on your next bill. Tom, who represents EMC, which is a consulting firm and he's not here this evening so Clark if you'll put that information together Tom will come to the board and at the next meeting which is the 27th, we will approve it going back down and you will get the credit on your bill, okay.

Lirda Coates Addresses Council/High Water Bill

Ms. Coates stated I'm also here about my water bill. I got a bill for 28,700 gallons. My son works for Fry Plumbing, he's been under the house, he could find no leaks of any kind. We did have a small outdoor pool in July, which was only up for six days before it collapsed. My bill went up but back down. I think it was 500 gallons and I averaged from June through September around 10,050 gallons. There have been no soggy spots in my yard. I have no explanation for it. The water has not been left on and I believe there was an error made somewhere.

President Tucker stated is there a work order on it.

Mr. Henson stated it shows no leak.

President Tucker stated as we said to the Phillip's, we will turn this information over to EMC and it will be presented at the next meeting and if it's appropriate, then we will credit you back and just do the average amount of as I understand it \$60.00 or \$70.00.

Ms. Coates stated I thought I was going to have to take out a mortgage to pay the water bill.

President Tucker stated that would be the fee just to get the second mortgage.

John Toombs Addresses Council/Bids On New Parking Lot

Mr. Toombs stated Linda took prices on the paving of the town parking lot and because of the lateness of the year what we have suggested to do, we have a price from Mr. Cristiani of \$24,200.00 and Mr. Estes of \$24,037.00. I made a calculation that it would take 368 tons of asphalt to pave and we extended that number using the unit price for asphalt and what we are proposing to do is go ahead and authorize Mr. Cristiani to do the excavation and put in all of the gravel now and grade it down and let it winter over not actually do the paving before spring so if you deduct the asphalt according to my calculations, Mr. Cristiani's bid would be \$10,032.00 and Mr. Estes is \$12,997.00 and I would recommend that you award Mr. Cristiani the contract.

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John Toombs Addresses Council/Bids On New Parking Lot

Motion made by Council Member Truman to approve the excavation of the town hall parking lot in the amount of \$10,032.00 and before this can happen to have the sewer line exposed to make certain where it is located and how deep it is and seconded by Council Member Alexander.

Mr. Henson stated how much are they going to take out.

Mr. Toombs stated about 13 inches or so.

Mr. Henson stated the reason I asked is when we lowered the water line, the sewer line was at about 18 inches.

Mr. Toombs stated I heard it was two feet so I think we are going to have to have somebody out there with a backhoe and dig it up in a couple of places to make sure where it is.

Council Member Broady stated did you expose it Clark.

Mr. Henson stated we exposed it back by the shop, it was down about 18 inches.

Mr. Toombs stated I think we need to dig it up in several places to make sure where it is before we have the excavation done.

Vote 4-0

John Toombs Addresses Council/Sellersburg Storm Drain Project

Mr. Toombs stated we took bids on the grant project, the Sellersburg drainage improvement job on October 25th and we had four bidders. You have a copy of the bid tabulation. The low bidder was Team Contractors for \$334,500.00. We don't quite have that much money in our grant so we decided to take out one single bid item, it was the boring of a very large pipe and sleeve under the railroad for \$57,400.00. We ran that same analysis with all of the bids just to make sure that they would still remain the low bidder which they do. We ran all of the bids through the computer to make sure that all of the mathematics work out so I would recommend that you award the process to Team Contractors for \$277,100.00.

Motion made to approve the sewer drainage project for the Town of Sellersburg to Team Contractors in the amount of \$277,100.00 made by Council Member Truman and seconded by Council Member Broady.

Vote 4-0

Clark Henson/EMC Addresses Council

Mr. Henson stated Tom couldn't be here, his dad had surgery today. I'm not very good at this but what I understand you are suppose to give the total for the month's revenue, for the water department \$77,346.87, in the sewer department \$96,271.27. I also have a claim for meter deposits, sales tax and nsf checks. Everything is running alright.

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Clark Henson/EMC Addresses Council

Ms. Schafer stated this is a claim but there's no itemization, on behalf of EMC for meter deposit refunds, sales tax, nsf for October. I would like to have that broke down on the voucher so I'll know exactly.

Motion made by Council Member Eddings to approve the claim and also to have it broken down on the voucher and seconded by Council Member Truman.

Council Member Alexander stated is the book good enough.

Ms. Schafer stated I'll look and see and if it's not I'll call Tom.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim to the town council for permits and inspections from October 24th through November 13th in the amount of \$2,360.90 and stated Linda's got something that has to go with that.

Ms. Schafer stated there is a transfer of appropriations ordinance so this bill would be pending on the council's approval of that and also I would like to have any reports that pertain to any assessments given to me so I can notify the township trustee.

Mr. Prather stated what's that.

President Tucker stated for any improvements made to increase the value of the property.

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

Vote 4-0

Building Commissioner Addresses Council/Knable Property

Mr. Prather stated there is a Mr. Knable.

Ms. Schafer stated he's not here yet.

Mr. Prather stated okay, I don't know if it's on the agenda or not but I did speak to the county today and they said they would go on and there's an area of ground, he wants to put I believe a car wash on but like 3/4 of it is in Sellersburg and the other 1/4 of the property is in the county and the county says they will go on and relinquish there jurisdiction on that partial piece of lot and since the bulk of it is in Sellersburg anyway, I think he's requesting the board to do something there so the county has given approval on that so if he decides to go on and build he can or whatever.

President Tucker stated he's basically asking to be taken into Sellersburg, is there a formality or a letter.

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Building Commissioner Addresses Council/Knable Property

Attorney McCall stated he needs to file a petition to be taken into the town. If he files it tonight we can act on it tonight.

President Tucker stated does that include the county piece.

Mr. Prather stated the other 3/4 is already in.

Council Member Truman stated Steve's saying they can go ahead and get the permit without having to wait to be annexed right?

Mr. Prather stated yes cause actually where the building is going is like in Sellersburg already but the whole lot somehow was cut and there's a portion of that lot still in the county and in talking with them and looking at their drawing where the building is actually going is on the parcel that's in the town but I was apprehensive about doing any of this because of what I think you all discussed with Perry and otherwise, so that's why we brought up the bit about the petition to be brought in but I did clear it with the county and they said they'd relinquish their authority over that little portion even though there's no building on that anyway and I just spoke with that gentleman about 2:00 p.m., 2:30 p.m. today and he said he would be here.

President Tucker stated he said he'd be late.

Mr. Prather stated I didn't know if I'd missed him or not so that's why okay.

Council Member Broady Presents Claim/Mid Southern Builders

Council Member Broady stated I have a claim from Mid Southern Builders in the amount of \$144.38. This is for work they had done on a pump, they were called back to check it and it wasn't their fault so the bill was for \$144.38 to come out of the sewer operating account.

Motion made by Council Member Broady to approve the claim to Mid Southern Builders in the amount of \$144.38 and seconded by Council Member Truman.

Vote 4-0

Council Member Broady Presents Claims/Jacobi, Toombs and Lanz, Inc.

Council Member Broady stated I have two claims here from Jacobi, Toombs and Lanz, Inc. One of the claims is in the amount of \$260.00 for work on the Dreyer property and the second is for \$1,000.00 for work on the storm sewer project.

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

Vote 4-0

Council Member Alexander Addresses Council/Yardwaste

Council Member Alexander stated yardwaste, it's that time of year believe it or not. The leaves are falling. They are at least 100% down and if they are not your tree won't be done for a while. People are still putting out plastic bags, they are going to remain there. They have to be in a paper bag. It's been going real well. I appreciate everything solid waste has been doing, as far as working with myself on the town's behalf, suggestions, they've got them, they work. We took my yard which I have 20 trees, last year I burned too much. I would say bagging it, probably 60, 70 bags. I've only done one canister and it was real easy. I went down and bought a \$11.00 mulching blade for the riding lawn mower, plugged off it's mouth and it's great. I don't like to rake anyway so I mean suggestions at solid waste as far as I know in the beginning when Mrs. Diefenbach was here earlier in the year it was kind of whether solid waste was a good idea, I think they are. The information they bring into the town as far as their willingness to help us is valuable. I'm not doing it like my dad did it but I'm hoping my son will do it like I do because it will save him time plus it hits the environmental issues. We are going to have a central pickup at the waste water treatment plant for yard waste, if you've got bags that are plastic, full of leaves and don't want to transfer them to paper you can bring them down but the plastic you'll have to open and dump. You can't put the plastic in the bins.

Council Member Alexander stated it's going to be December 7th and 8th from 8:00 a.m. to 6:00 p.m. and December 9th which is a Saturday from 7:30 a.m. to 12:30 p.m. It will be for all kinds of yard waste, limbs, it doesn't matter the size as long as they will fit inside the dumpster, stumps, any of your bushes that your cleaning up. It will take it all and solid waste because Sellersburg's citizens have been doing their job and not throwing yard waste in the ditches and so forth, solid waste will be picking up the cost of the dumpsters out at the treatment plant. The \$1,500.00 that they let up have for illegal dumping, we can use it if the citizens do everything correctly, they will give us that money and let us use it for a central pickup at the end of the year. We also have yard waste stickers for people that don't want to write on their cans. You can have one thirty two gallon can. We have a few not an abundance at the town hall.

Council Member Alexander Addresses Council/Dumpsters

Council Member Alexander stated the town got out of picking up commercial dumpsters I guess 4 or 5 years ago. When we bid out the new trash compactor, it doesn't have a chain on it so as far as being able to pick up our own dumpsters now we would have to use the old packer and since we use the new packer we'd have just very little waste in the old dumpsters that we have. The cost will run, the one at the pool, the police station and at the treatment plant, roughly \$2,000.00 a year. It also will lower the time, Tom's getting on the truck when the pool's open like three times a week and anytime that truck goes out it's at least an hour so you know it's bad that we're spending money to pick those three up but the utilization of time and plus we just don't have the capability to put the rope back on the new packer would run us right around \$5,000.00.

Motion made to contract out the dumpsters at the pool, the police department and the treatment plant made by Council Member Alexander and seconded by Council Member Eddings.

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Council Member Alexander Addresses Council/Dumpsters

Council Member Truman stated I have a question, so you're saying that our packer won't, can't pick up dumpsters.

Council Member Alexander stated somewhere in the bid specs. with the previous council member apparently it wasn't something that they wanted to do and really when you look at the time factor, going out to the pool three times a week, I mean it's wasted time. It's a good half hour to three hours and if we ever grown, it's looking at the big picture of can we do more. We'll be spending two hours to go pick up one dumpster so no, I'm not going to be able to do more, right now it costs us money but in the future as Sellersburg grows we'll have the capability to pick up more residential and stick to just that.

Council Member Truman stated and the old packer.

Council Member Alexander stated it can still pick up but then you're left with just picking up three tons of garbage and that's kind of foolish to drive out to the landfill to dump that so you're only choices were the old packer and we just bought a new packer to set and look pretty or contract out.

Council Member Truman stated is the old packer being used as all.

Council Member Alexander stated it's used for yard waste.

Vote 4-0

Council Member Alexander Addresses Council/Paving

Council Member Alexander stated the paving is about 80% done, hopefully if the weather cooperates we will be completely done. I would like to apologize to the people in Millview that moved all of their cars and campers and for some unknown reason, I think it started to rain, it didn't get paved, so they can put their campers back out.

Council Member Alexander Addresses Council/Snowplow

Council Member Alexander stated I talked last month on operating the snow plow, they both should be done is what I was told today. Edinger and Son put a spreader box and a eight foot blade on the small dump the street department has and we are putting a spreader box on the large dump that the sewer plant has.

Council Member Alexander Addresses Council/Street & Sanitation Department

Council Member Alexander stated one thing I want to comment on tonight the attitude of the street and sanitation department is from January until now, I couldn't ask for a bunch of nicer guys, anything I want, anything I want to look into, you don't get grumble you get okay we'll figure it out and setting in this seat I really appreciate it. I want to let them know.

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Council Member Alexander Addresses Council/New Truck For Street Department

Council Member Alexander stated last but not least the street department, we transferred one of the old F150's into the animal control, They have a topper on it now. We've got the money in the department that I would like to make a motion to accept bids on a new truck for the street department.

Motion made by Council Member Alexander to accept bids on a new truck for the street department and seconded by Council Member Broady.

Council Member Truman stated where are we in the budget for that.

Council Member Alexander stated we had \$60,000.00 budgeted. I think what the idea was for the \$60,000.00 basically when I came in, I'm taking someone else's budget and trying to create what they thought they were wanting to buy. I think the purpose was to buy a 700 dump truck and to have one glorious snowplow and when we looked into it, it wasn't cost feasible. We took the 700 down and had it checked out, it's in real good shape, it had 18,000 miles on it. I think we're going to be fine for now so what we are doing is taking the \$60,000.00 and trying to utilize it for other needs in the department.

Ms. Schafer stated I think it's in MVH or LRS, anyway you could only purchase equipment for motor vehicle highway or local roads and streets. We qualify in that area.

Council Member Alexander stated I think that was the vision back then, they were just going to buy one big truck and that's how the money was going to be spent but after we checked into it, the 700 truck was in good shape and there was no need to disperse the money like that so what we're doing we've looked into the department overall to see what to purchase.

Ms. Schafer stated it was motor vehicle highway.

Council Member Broady stated you're basically replacing a pickup that you've put into animal control.

Council Member Alexander stated right, they've already got the topper on it, as far as having another truck to actually go around and clean out the storm drains and stuff like that they are going to need it.

President Tucker stated that's what they use, a pickup.

Council Member Alexander stated a pickup to get them around town and to do various things.

Vote 4-0.

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Council Member Alexander Addresses Council/Town Brochure

Council Member Alexander stated I did say last but not least and it wasn't last, one thing me and Mark has been working on for about four months is a brochure. We constantly get bombarded at the town hall of when, when and when and to make things simlicity we would like to put together a brochure. I don't want to make a motion tonight, just kind of get some thoughts from different departments but to just say this is when, when and when we do things here so that we could either send them out or have them at the town hall and let people know this is what's going on here and maybe it will slow down the phone calls comming into the town hall, maybe they'll like us because we can tell them what we are going to do.

President Tucker stated can we do that consistently.

Council Member Alexander stated I think we can. I mean the area's that we are not going to be consistent on that might fluctuate; we just briefly give them directions on what you can do like the four can ordinance. Why we do things, just to let the public know a little more instead of passing something and four years later saying why do you do it like this.

Council Member Truman stated that's a good idea.

President Tucker stated good communication, do you agree with that Mr. Fenner.

Mr. Fenner stated yes sir.

President Tucker stated I kind of set you up for that.

Mr. Fenner stated how could I say no.

President Tucker stated that's right.

Clerk Treasurer Schafer Presents Claim/Koetter Construction Payment #8

Ms. Schafer stated I have a bill for payment #8 in reference to Koetter Construction, their escrow account there needs to be a deposit of \$1,709.65 in the escrow and the payment #8 is \$32,483.25. They have been at the town hall trying to, Phil Koetter himself, make repairs and make sure everything is okay so they are still working on the building, shouldn't be too much longer, it looks like it's all pretty much comming together. I'd like to present that first.

Motion made by Council Member Eddings to approve payment #8 to Koetter Construction and seconded by Council Member Broady.

Vote 4-0

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Clerk Treasurer Schafer Addresses Council/Update Of Town's Codification Book

Ms. Schafer stated I would like to let the council know that we have received the update, the supplementary update on our codification book. We only received three copies. When Council Member Truman requested one per council member to update their books so one will be available at the library and one at the police station and one at the town hall for right now and he said that he would check to see where the rest of the copies were.

Clerk Treasurer Schafer Addresses Council/Mandatory Drug Testing

Ms. Schafer stated I had attended a meeting in Dillsboro with the Indiana Association of Cities and Towns and as of January there's going to be a mandatory drug testing for any employees that are, that did obtain or have a CDL so I've received some information on, that they had given out on a company that administer's that type of thing and I've received something also in the mail so I would like to have permission or if one of the council members would like to check to see as far as cost what would be better for the town to do, administer their own drug testing through a physician or obtain one of these companies that do that.

President Tucker stated I would suggest that you look into that especially since we have a new group of doctor's that are now in the old Garr Funeral Home, maybe they would be willing to do something.

Clerk Treasurer Schafer Presents Claims/Civil, Water And Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the last two week period.

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

Vote 4-0

Stephen Prather Addresses Council/Zoning Books

Mr. Prather stated Linda asked me to look into the zoning ordinance book that the town council passed and signed October 11, 1993, they reprinted it, what a month ago and apparently the book that was actually copied for reprinting was the September 28th book which was not the final proof copy and the problem being is there and I have marked all of these for Linda or whoever and wrote exactly what pages, page for page were missing, there are 17 pages that are missing, one group is a whole section on I-1 and the problem is we're selling this to individuals, not we, the town, for people needing a copy of the zoning ordinance and they're getting a book that has some gaps in it. I, myself, do not know where an original would be, I don't know if the Corridino Group has it or if John has one. This one has all of the pages marked as to what pages are missing and it amounts to 17 pages so I wanted to bring that up and give it to you so you would know.

Stephen Prather Addresses Council/Zoning Books

Ms. Schafer stated you don't have an original copy that could be borrowed so Superior Print could correct the mistake.

Mr. Prather stated the zoning board has one up at Rod Pate's.

Mr. Toombs stated Linda actually you have the original, the town copies, of all of these.

Ms. Schafer stated I know I have the microfilm, don't I have the microfilm or something.

Mr. Toombs stated I think they are in bound white binders, they are the original documents.

Mr. Prather stated they look like Dave's book right here.

Mr. Toombs stated dated October 11, 1993.

Mr. Prather stated and this one here the back where the board has signed it has got the October 11th date but this is actually the September 28th, this was not the final proof, it has exactly 17 pages missing, thought I'd bring that up.

President Tucker stated John will you take care of that.

Elmer Knable Addresses Council/Annexation Of His Property

Mr. Knable stated I would like to have my property entered into town.

President Tucker stated okay, we were talking earlier and apparently 3/4 of it is in town and approximately 1/4 is not. This property, what is the location of that, does it have an address.

Mr. Knable stated yes sir, everybody tells me it's across from Neil's. I have the address. I brought a description of the property.

President Tucker stated I would entertain a motion that we approve the property owned by Elmer and Kathryn Knable into the town of Sellersburg by the legal description of .1057 acres in Hamburg.

Attorney McCall stated it needs to be done as a petition to do this, we need a petition that has a description and you can act on it at the meeting that it is presented.

Council Member Broady stated I think what needs to be done is your attorney needs to file a formal petition not an ordinance, we will take care of all of that but a petition needs to be filed and when we have that we'll do an ordinance and wait 60 days and blah, blah, blah, now that's the bad news, the good news after talking to Steve is that the county is going to relinquish that property, isn't that right Steve.

Mr. Prather stated right, I talked to the county today and they said they would relinquish their jurisdiction over their portion if he wanted to be annexed into the town and we still can't issue a permit until the things come back from the state but I think he said he has already applied with the state so once that comes back then they could.

Elmer Knable Addresses Council/Annexation Of His Property

Council Member Broady stated so if all of this is done, you can go ahead and have your attorney, Jeff, get us a petition.

Mr. Knable stated can I just write something up, I really don't want to pay Jeff.

Attorney McCall stated if you would like, I've been involved with a couple in the past and I'll try to get you a copy of the petition, it's pretty straight forward.

President Tucker stated Mr. Knable why don't you call Mr. McCall, Perry McCall, our attorney.

Mr. Knable stated I brought a legal description of the property and I've asked to be annexed before and all I had to bring was the legal description.

President Tucker stated I understand but we go by the advice of our attorney.

Mr. Knable stated I understand.

President Tucker Presents Ordinance 95-635-Transfer Of Appropriations

President Tucker presented Ordinance 95-635 to the council for consideration as follows:

ORDINANCE 95-635

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1995, 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 1995 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

<u>GENERAL</u>		<u>GENERAL</u>	
TC-112 TOWN MANAGERS SAL.	1000.00	TC-312 BUILDING INSPECTOR	1000.00
MVH		MVH	
MVH-366 GRAVEL	1000.00	MVH-275 GASOLINE	1000.00

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President Tucker Presents Ordinance 95-635-Transfer of Appropriations

Motion made by Council Member Eddings to consider Ordinance 95-635 and seconded by Council Member Broady.

Vote 5-0

President Tucker Presents Ordinance 95-635-Tranfer of Appropriations

President Tucker presented Ordinance 95-635 to the council for approval.

Motion made by Council Member Eddings to approve Ordinance 95-635 and seconded by Council Member Broady.

Vote 5-0

President Tucker Requests Permission To Sign Letter To Mrs. Mosley

President Tucker stated I need a motion to approve giving me permission to sign a letter to Mrs. Mosley about an easement that was prepared by Perry and John before I sign I need the boards approval.

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

Vote 4-0

President Tucker Addresses Council/Abatement Of Nuisance

President Tucker stated another item, Roy Everitt caught me before the meeting and asked that, Steve could you get with the Chief and Perry has put together a new letter about abatement of a nuisance because we had some questions about how that was being handled and we wanted to put a procedure in place and apparently there's some people across the street from Roy, down on Utica, who have alot of cars and so forth and they're asking that it be looked into. I think it's a police matter more that an building inspector matter but he wants that looked into so this would be a good time to use the new letter to put these people on notice assuming that it is appropriate. I ask you to get in touch if you will, with the Chief and coordinate this and the letter be taken care of.

President Tucker Addresses Council/New Board Members Meeting Town Employees

President Tucker stated I have heard from some of the employees of the town that they would like the opportunity some morning to meet with the new board members sometime between now and maybe the end of the year. Typically they go to work at 7:00 a.m., I've been to meetings at 6:00 a.m. and 6:30 a.m. and if you don't like to get up that early maybe you can find another way to do it, maybe you could get with Linda and a time could be set up so they could get the opportunity to know you a little better. I did this when I came on board and some of the other guys did as well, since they asked it seems appropriate.

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Donal Long Addresses Council/Claim For Town Trees Cut By Mr. Long

Mr. Long stated you tabled mine last week.

Attorney McCall stated I forwarded Mr. Long a letter and he called me back and I left a message on his recorder today, I assume you are talking about the tree trimming.

Mr. Long stated yes sir, you may not be too informed, you said it was on my property.

Attorney McCall stated no, no, I put in the easement.

Mr. Long stated I'm sorry.

Attorney McCall stated I said the letter refers to the easement, the town's easement.

Mr. Long stated I'm sorry, there is no easement there. I have an easement which I can show you but that is not called an easement.

Attorney McCall stated so where are the trees.

Mr. Long stated they are on Sellersburg's property.

Attorney McCall stated okay so you cut the Town of Sellersburg's trees after you brought this to our attention.

Mr. Long stated I brought it to you attention and they said it didn't make any difference that the town didn't have time so I was told by the guy that sent me the letter he said it didn't make any difference, he knew it wasn't my property but that the Town of Sellersburg didn't have time to do it and I would have to do it.

Attorney McCall stated then I suggest that I get a chance to review the town minutes, I think they are pretty detailed as to what was said.

Council Member Truman stated I make a motion that we not approve the claim.

Mr. Long stated on what, why, you came down the following week.

President Tucker stated wait one second, we made a motion to not approve, we need a second. Is there someone who will second.

Council Member Alexander seconded the motion.

Mr. Long stated you came down the following week and trimmed by neighbor's trees, you called and apologized for the mistake, what's the problem.

Council Member Alexander stated who told you exactly that we know it's the Town of Sellersburg's trees.

Mr. Long stated Mr. Kinder, that's the guy that sent the letter. I walked right into his office and Mr. Bagshaw was there, Bradshaw and I said what do you want me to do it's not on my property, he said I know that Don but they don't have the manpower to do it and the homeowners were going to have to do it and I said I don't think this is right but since you've got the abatement I'll go ahead.

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Donal Long Addresses Council/Claim For Town Trees Cut By Mr. Long

Mr. Long stated it was on town property, you told me to do it and now you don't want to pay me for it.

Attorney McCall stated I don't recall it ever being a part of the meeting, again it was discussed, there was another couple here and it was addressed and again if I'm wrong about it being in the minutes then I stand corrected.

Council Member Eddings stated the first thing is are the trees actually on town property and the second thing did a public official say to do it and you would be reimbursed for it.

Mr. Long stated no he told me to do it or else.

Attorney McCall stated the notice to abate nuisance was sent to Mr. Long, after the notice to abate was sent to Mr. Long did you go to the council.

Mr. Long stated no I went to the chief.

Attorney McCall stated you went to the chief and then you came to our meeting.

Mr. Long stated that was after I had already cut them.

Attorney McCall stated after you had already cut them.

Mr. Long stated that was after the fact, I only had 15 days to do it, the town council didn't meet before then.

Council Member Broady stated I didn't know anything about what Mr. Kinder told him to do.

Council Member Truman stated first I've heard of it.

Mr. Long stated well I went to the person that sent me the letter, isn't that what I should of done.

President Tucker stated that's logical to me.

Mr. Long stated and that's what he told me to do, he said you're going to have to do it anyway they said they don't have the manpower. I said I don't think this is right but since I'm under order to do it I guess I'll have to do it.

President Tucker stated okay as far as the motion being 1st and 2nd and we've had comments, my suggestion would be to rescind the motion and talk with the chief and get more information and table it. I'm not trying to procrastinate.

Mr. Long stated I understand.

Council Member Truman stated I amend my motion to table it until the next meeting and seconded by Council Member Alexander.

Donal Long Addresses Council/Claim For Town Trees Cut By Mr. Long

Attorney McCall stated we are going through a process whereas you can approach the town council with an excuse, problem or reason why you shouldn't abate the nuisance.

Mr. Long stated this wasn't from the town council.

Attorney McCall stated right, but the way the town ordinance is set up it's going to be different subdivisions that will issue these notices of abatement, some are street department problems where there's garbage maybe laying, some will be police, like the cars we were talking about and those particular agencies will issue those notices to abate and if you feel that you are not responsible for that particular nuisance then you put yourself on the town council's agenda and raise that issue with the town council and the town council after hearing that will decide who's responsible based on the information received and you have 10 additional days to abate it.

Mr. Long stated that sounds good but that's not what happened.

Attorney McCall stated right I understand that.

President Tucker stated based on this situation, we learned and want to improve it in the future but in the meantime we are going to look into this with the chief and hopefully we'll have something at the 27th meeting.

Council Member Alexander stated can I ask one question, when did you find out it was on town property.

Mr. Long stated I looked at the tract. I knew right then but it didn't make any difference.

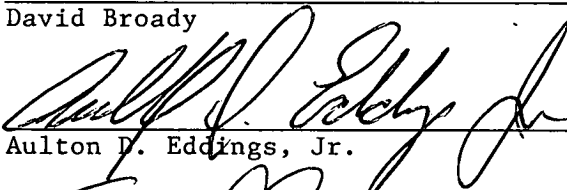
Adjournment

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

Vote 4-0

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

David Broady



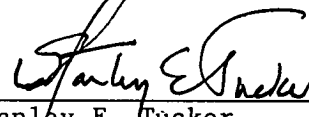
Aulton D. Eddings, Jr.



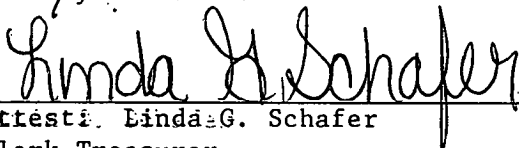
Kenneth Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

November 27, 1995

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney, with David Broady, Council Member, absent.

Called To Order

President Tucker called the meeting to order at 6:33 p.m.

Prayer

Mr. Adam Koch offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

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

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Eddings.

Vote 3-0

David Phillips Addresses Council/High Water Bill

Mr. Phillips stated I had received a water bill for 22,000 gallons of water, my last bill I think was for 4,000.

President Tucker stated okay, we have a copy, Tom just got back in town. We have a copy of the usage that you had averaged somewhere in the neighborhood of 5 to 6 thousand gallons as opposed to 22.7 and I would entertain a motion to approve that we adjust the water bill back to the normal usage which is roughly 6,000 gallons and put a credit on his next water bill.

Motion made by Council Member Eddings to adjust the water and sewer bill and seconded by Council Member Truman.

Sellersburg Town Council
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David Phillips Addresses Council/High Water Bill

President Tucker stated this will be on your next bill.

Mr. Edwards stated are you giving adjustments on the sewer and water.

Council Member Eddings stated yes, well has this been checked out for a leak.

Mr. Edwards stated yes this has been checked out and we could find no problem, I just needed to know.

Council Member Eddings stated it would have to be for both.

Council Member Truman stated Tom do you have any explanation or any reason why we've been getting so many of these lately.

Mr. Edwards stated what we're doing here we are seeing a whole bunch of one month's that shoot way up and they drop right back down. The only thing we can do is check for leaks and check the meter.

Council Member Truman stated well are the meters being read properly.

Mr. Edwards stated as far as the numbers they are being read properly.

Council Member Truman stated it just seems like we've had a sudden run of these coming before the board.

President Tucker stated we talked about it outside and there's no common denominator of any particular month or anything like that, all we can do is just you know make the adjustments and hope it doesn't happen again and if it does we'll have to adjust it accordingly.

Vote 3-0

President Tucker stated it will be adjusted on your December bill.

Mr. Edwards stated the next bill out is the December 15th bill coming out is probably already in the process so it could possibly be the January bill, I'll check on it.

President Tucker stated but it will be credited.

Adam Koch Addresses Council/Annexation Of His Property Into Sellersburg

Mr. Koch stated I live on the property just south of Diamond Heights, the property involved with the Bean Road Remonstrance Group and our group along with our attorney set down with the town and worked out our differences and we agreed to hold all legal action if the town would agree not to tax until the year 2000, unless there was a change of ownership. I don't want to be annexed by Clarksville and pay their taxes. I'd rather pay my taxes to Sellersburg. I feel if the town would offer the people on 60 the same deal they would drop their suit.

Adar Koch Addresses Council/Annexation Of His Property Into Sellersburg

President Tucker stated it's not that simple it has to do with services and stuff like that, do you live on Highway 31.

Mr. Koch stated I live where the house says Merry Christmas and the limo sets out front.

President Tucker stated I haven't seen you in awhile, I saw you at the bank, Community Savings Bank. Okay I'm not sure maybe John knows, this is the piece of property just before the creek. I don't think it's in the remonstrance. What happened with the Bean Road Remonstrance was a little different. The difference is that it was agricultural, all of the property on Bean Road was agricultural, when I talked to Mr. Koch and Mr. Green, who were the two main people that I had most of my conversations with, we basically said that nothing would happen during their lifetime so to speak, until that property changes hands or someone wants it rezoned as industrial or whatever the case may be. What is in Diamond Heights and what is on Old 60, the majority of that property is residential and not agricultural. I don't know how and I'd have to refer to our attorney. I don't know how we could go in and say we are not going to do anything to your assessments until you die.

Mr. Koch stated I feel if you go to these people and make them some kind of offer, say until 1999 or the year 2000.

Council Member Alexander asked how does that work like with Clarksville, they can't come in as long as we are appealing. If we were to drop it could they come in the very next day.

Mr. Koch stated I don't want to be annexed by Clarksville for example the police department, their police would have to come 6 or 7 miles.

Council Member Truman stated I think this is an idea worth pursuing, I guess my concern right now would be the timing since we're going to have two new board members here in another month.

Council Member Alexander stated what would happen if the appeal was dropped, how many years would it take or how many years would we have to wait before we could go back in. If we were to drop the appeal process right now what would happen.

President Tucker stated I think they would have to talk attorney to attorney, a representative from Diamond Heights or Old 60 would need to talk to Perry so if negotiations could be worked out that's fine because I think what I'm hearing here is that the timing is critical. This would have to be done simultaneously because I know what happened last time before when there was a big annexation attempt and we backed off and Clarksville came in and took it and I'm not trying to be difficult but what Karl is saying is two of us are going to be gone in 35 days or something like that but one of the new members is setting in the back to get the experience, whether this can be done in 35 or 40 days, I have no idea. I think the two attorneys would have to talk first and Perry would come back to this group and say is there a negotiation and then what I heard you say if there's some way we can say that the taxes won't go up until the year 2000, I don't know whether we can do that, we don't control reassessments.

Sellersburg Town Council
Regular Meeting
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Adam Koch Addresses Council/Annexation Of His Property Into Sellersburg

Council Member Alexander stated can we look into it, looking into it would ususally be about 35 days so that way we'd be prepared for the next board comming in.

President Tucker asked Mr. Fenner if he felt it would be worth pursuing.

Mr. Fenner stated I came in during the conversation, I missed the first part, I would say if it is a way of taking care of some other problems we should talk about it.

Prasident Tucker stated that's what we're doing at this point is talking, so Mr. McCall will pursue it.

Chief Kinder Addresses Council/Replacement Of Damaged Police Car

Chief Kinder stated a couple of weeks ago we had a 89 Tempo, it belonged to the police department through a drug deal and it was like an undercover car and Russell Carver was driving it to the acadamy. We went to get the oil changed and the car fell off the lift. There were two estimates on the car, one was \$3,200.00 and one was \$3,900.00 to get it repaired. The book value of the car was \$3,500.00. The dealer offered to pay for it, and Ron Roberts said this could be transacted but it should be run through the minutes and approved by the council. It's just a swop out of a 89 Tempo for a 89 Tempo, the town doesn't lose anything. We got a 4 door car instead of a 2 door car. Karl was made aware of it.

Motion made to allow the swop of the two cars to be traded by Council Member Truman and seconded by Council Member Alexander.

Vote 3-0

Tom Edwards-EMC/Addresses Council

Mr. Edwards stated just briefly the water and waste water plants continue to operate quite well. We are having some problems at the billing office with the computer system and hopefully it will be taken care of by the end of this week. The revenue for the past twc weeks is \$67,898.90. I also have a monthly report of operations I'd like to submit at this time.

President Tucker stated Tom could I ask you that since Mr. Mewmaw is not here tonight maybe you could forward a copy of our letter to him and maybe you could answer his questions and Doug said he'd get together with you on these other two, Linda Coates and Renae Robinson, after the meeting.

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Council Member Eddings Addresses Council/New Town Hall Project

Council Member Eddings stated the only thing I have is I'd like to take the time to thank everybody involved with the new town hall. All of the good, hard work everybody put in, Koetter Construction, Gilbert Campbell and Associates, I'd like to thank Linda for the good job that she's done, after we got the ball rolling and got it to a point where we weren't going to stop she kind of took over and followed it the rest of the way through, she did an excellent job, now we're setting in a new building, we don't have to hold our public meetings at the library any longer, it's a nice facility. Out front you can come in and pay your water and sewer bills in a nice office, it's a whole lot better than what we had before. I think it's something the citizens of Sellersburg can be proud of, it looks good when you drive down the street. I'd like to thank everybody involved. It was a real team effort. The total cost of the building was, what, was it about \$100,000.00 more than what was projected.

Ms. Schafer stated with furniture probably about \$105,000.00 for the building, \$25,000.00 for equipment.

Council Member Eddings stated we used very little of the Cumulative Capital Development Fund, most of the money came from the sale of properties, so we built the town hall without raising taxes at all.

President Tucker stated I'd also like to thank Linda for adding the feminine touch because we forgot things like shades and covers and such.

Ms. Schafer stated that's real important too.

A resident asked is there a sign coming?

President Tucker stated is there a sign ordered.

Ms. Schafer stated yes.

Council Member Truman stated I'd just like to reiterate what Doug said, I think we've got a very nice town hall here for the needs of the town and the key point is to emphasize that we didn't have to go into debt to do it and lot of thanks to Doug because he spirited the project and Linda also for taking care of alot of the details on it. I think those two people need special recognition.

President Tucker stated I do like it as much as Clarksville's.

Council Member Alexander Addresses Council/Animal Control After Hour Call Outs

Council Member Alexander stated we have a criteria here for animal control after hour call outs, Dave hasn't seen it yet and I won't say anymore.

Council Member Alexander Addresses Council/Town Brochure

Council Member Alexander stated the street department has started, the last time I was here we talked about putting together some type of brochure for the town as far as what do we do as far as our services. I gave you all a copy of them to look over, some of the other departments if they have something they think the residents, most common questions that you get a phone call on, if they'll group them together and get them to me, I'll try to put something in a format of togetherness that we might be able to have something ready for next year.

Council Member Alexander Addresses Council/Villa Drive Property

Council Member Alexander stated they are going to take out the drain or the dam or whatever and fill it in. I had a resident call me and I think everything is going to be okay alright but there are some residents that have a concern over it. My question is, are we in a hurry to sell this property. I don't have a problem with taking the dam out and putting it all together but we can we furlow it for two years so that we don't cause any problems.

Council Member Truman stated I don't think we have any plans to sell it.

Council Member Eddings stated if the storm drain system goes in, we will no longer need it, if it proves itself out.

Council Member Alexander stated okay we are going to fill it in and if we cause problems we will correct them.

Council Member Alexander Addresses Council/Purchase Of Dart Gun-Animal Control

Council Member Alexander stated the equipment on animal control that we are buying is a dart gun, a couple more cages, basically we don't want to end up like the Southern Kentucky counties where we are shooting dogs, this is humane darts.

Ms. Schafer stated it is a tranquilizer gun actually to make it simple.

Council Member Truman stated is there some type of training program that somebody puts on for that.

Council Member Alexander stated you can send one out for training but basically right now I think the Clark County Commissioners can be very proud of their Jeffersonville Kennel and the animal control officer down there have been an immense help.

Council Member Truman stated well my point being that and this does not intend to reflect anything about our employees but I don't want to give someone a tranquilizer gun and say here it is go out and use it.

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Council Member Alexander Addresses Council/Purchase of Dart Gun-Animal Control

Council Member Alexander stated they all have a gun permit so they do know how to operate a gun. They are being, Jeffersonville is training, they are helping with their training as far as actual training, shooting the gun, you've just got to use common sense, if there's a resident standing next to the dog.

Council Member Truman stated that's a big assumption and you know again it's not meant...

Council Member Alexander stated right.

Council Member Truman stated I just thought there ought to be some training.

Council Member Alexander stated I feel safe because basically the street department was kind of forced into this, at first they were kind of wanting to buck it back, once they got into it they opened up, they took it in, all of the papers that I'm bringing forth they created, they're doing a good job. I have all of the confidence that they're not going out and make a bad move, the biggest difference that I see from now and then was they are taking alot of pride with how this job gets done. They've shown me that they can handle it and that they are going to make sure that anybody that goes out on an animal control call is going to do it by the book as far as kind of procedure that they are starting to put together because I think that the procedure that they put together for the call outs you can tell had alot of thought put into it, it wasn't just something that said hey I don't want to be bothered after 10:00 o'clock, it had alot of basic's behind it and they are learning alot as it goes on that's why we don't talk about it so much because they are probably 6 months away from being where they can say hey we really know how to do it so I mean as they progress forward and they do have a gun permit I mean basically it's the same as shooting a dog but you're shooting a dart that puts it to sleep.

Clerk Treasurer Schafer Presents Claims From Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the past two weeks for the civil, water and sewer departments.

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

Vote 3-0

Clerk Treasurer Schafer Presents Hoosier Codification Contract & Claim

Ms. Schafer stated I have a copy of a renewal for the loose leaf supplement contract from Hoosier Codification and also a bill for the 8 copies of the town code book. If you'd like the opportunity to review those I don't have a problem with that, it's similar to the last contract that the council signed.

Motion made by Council Member Truman to approve the contract with Hoosier Codification and seconded by Council Member Eddings.

Vote 3-0

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Clerk Treasurer Schafer Presents Hoosier Codification Contract & Claim

Council Member Truman stated I think it looks real good and they did a nice job. I think it's something that will be very beneficial.

Ms. Schafer stated I have two bills from Hoosier Codification, one was for 105 pages supplement upgrade for \$525.00 at \$5.00 per page, 8 Sellersburg Town Code Books for \$528.42 counting the UPS charge.

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

Vote 3-0

Attorney McCall Addresses Council/Purchase of Dreyer Property

Attorney McCall stated on the Margaret Dreyer property, the five acres that we purchased the week before the holiday's, the deed has been recorded so that's it on that.

Attorney McCall Addresses Council/Claim From Donal Long-Cutting Of Town Trees

Attorney McCall stated I talked to the chief, at the last meeting Mr. Long was concerned with a letter regarding the cutting of some trees and presented a bill for \$500.00 to the town and in talking with the chief, which he is here tonight, he did have a conversation with the chief and the chief did send him a letter regarding the cutting of the trees and I don't know if any amounts of money were discussed.

Chief Kinder stated the only thing that was said and I did have a conversation with Mr. Long, he had the letter and he, what he said was about cutting the trees and billing the town and I said okay bill them.

Attorney McCall stated and that was the jest of the conversation and based upon the explanation I don't feel the town is under obligation to pay him, you can do what you want to do.

Council Member Truman stated when you said bill the town, I mean was it done in a sarcastic tone.

Chief Kinder stated I just said bill them, he was talking about having to cut the trees, the trees were on his property and he didn't like the letter.

President Tucker stated I thought the trees were on our property.

Mr. Long stated they are.

Chief Kinder stated at that time we didn't know.

Mr. Long stated and he told me to cut them and I told him I didn't feel it was right but I'd go ahead and do it because the letter was sent.

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Attorney McCall Addresses Council/Claim From Donal Long-Cutting Of Town Trees

Council Member Truman stated how did you arrive at this value of \$500.00

Mr. Long stated well I had a tree guy stop there and wanted him to cut a few limbs out of my tree and he wanted \$250.00 and I worked for about 3 days on these here plus disposing of the tree refuse and so forth. I could not get a tree cutter to do it for that amount. I figured it was a fair amount.

Council Member Alexander stated the only thing I'm concerned about is from day one when he got the letter he knew it wasn't on his property.

Mr. Long stated I told you that but you told me it was on my property and they told me I had to do it anyway because you guys didn't have the time to do it.

Council Member Alexander stated I mean Mark Warren didn't tell you, nobody from the street.

Mr. Long stated I didn't talk to Mark, why would I talk to Mark, I didn't get the letter from Mark.

Chief Kinder stated I got the letter from Mark.

Council Member Alexander stated right.

Chief Kinder stated saying have the trees cut, we at that time sent him a nuisance letter.

Council Member Alexander stated right, we were under the assumption that it was on his property.

Council Member Truman stated you're saying he knew it from the very beginning.

Mr. Long stated I told you it wasn't, he said you've got to do it anyway, he said you all don't have the time and the people to do it and I said I don't think it's right but I said I'm not going to break the law.

Council Member Alexander stated but since it wasn't on your property you had to know that you weren't breaking the law.

Mr. Long stated yes I was according to him I was.

Council Member Truman stated my feeling on it is since he knew that it wasn't on his property, I don't feel the town is responsible for it.

Attorney McCall stated the notice to abate the nuisance letter was sent September 14th and the bill the town received was on October 16th so about 30 days passed. I know there were meetings in there and again I don't think we are under obligation to pay it.

President Tucker stated well my feeling is that with what has happened with Mr. Long, we have revised the letter and it's not going to say the same thing again and again we are dealing with taxpayers money but I feel that since it is sort of a commitment that maybe if you will negotiate we will pay you half, \$250.00, I'm just trying to be as fair as I can.

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Attorney McCall Addresses Council/Claim From Donal Long-Cutting Of Town Trees

Mr. Long stated I know what you're saying, I know what you're trying to do but here you come and tell me I've got to do something, I tell you it's mine and I shouldn't have to do it and you say to do it anyway.

President Tucker stated I'm just trying to come to a reasonable solution so...

Chief Kinder stated we sent the same letter to his neighbor because the trees were on the same easement, his neighbor was the one that brought it to everybody's attention, that it belonged to the town, I mean that it was in the town and we said once we found that out said then don't cut the trees.

Mr. Long stated I'd already cut my trees.

Council Member Alexander stated and the next day we went out and cut them.

Council Member Truman stated it's my understanding and correct me if I'm wrong that at the time you cut them you knew it was not on your property.

Mr. Long stated I was told it didn't make any difference, did it, when I came up and told you that, in other words I was still suppose to cut them right, at that time.

Chief Kinder stated we had sent the letter because they would be his trees, these trees belonged to Mr. Long.

Mr. Long stated and I told you they weren't mine and you said I still had to do it anyway.

Council Member Truman stated my feeling on it is that if there was some mistake where everybody including Mr. Long thought they were on your property and the way it turned out then I think to be fair the town would owe you something but since you knew of it at that time.

Mr. Long stated yeah, but you wouldn't except it.

Council Member Alexander stated we were never addressed.

Council Member Truman stated I don't remember it coming before the board.

Mr. Long stated I addressed the person that sent me the letter right, you didn't sent me the letter why would I address you.

Council Member Truman stated well the appropriate person to address it with is right here in the town council.

Mr. Long stated there wasn't anything about the town council on this.

Council Member Alexander stated the town council made the ordinance that made him send you the letter.

Mr. Long stated there's nothing on this letter here that says anything about the council.

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Attorney McCall Addresses Council/Claim From Donal Long-Cutting Of Town Trees

Council Member Truman stated I think it's common knowledge that any type of appeal like that on any issue always comes before the town council.

Mr. Long stated like I said he came up, he said it had to be done, I said okay, I went right home after he got through when he told me I had to do it, I went home and started on it, same day.

Council Member Truman stated in light of that fact, I can't vote in favor of it, of paying him to do it.

Mr. Long stated yeah but I told you...

Council Member Truman stated you didn't tell me anything, you keep saying I told you, I told you, you didn't tell me anything.

Mr. Long stated why would I tell you, you didn't send me the letter.

Council Member Truman stated then don't say I told you, say I told the chief.

Mr. Long stated I told the chief.

Council Member Truman stated okay.

President Tucker stated would somebody like to make a motion.

Council Member Truman stated I make a motion that we deny the claim and seconded by Council Member Alexander.

Mr. Koch stated does the chief represent the Town of Sellersburg and did the chief send him a letter telling him to cut the trees.

Mr. Long stated yes he did, would you like to read it.

Attorney McCall stated there was a letter to abate the nuisance, giving him until Friday, September 29th to abate the nuisance. There is such a thing as the nuisance ordinances that the town citizens are suppose to have knowledge of and if you question the ordinance, which was never done and as far as if you refuse to abate such a nuisance if they specify and you're not responsible for such a nuisance then that was the process at that particular time that we had to go by and at that particular point it was up to the town council.

Mr. Long stated I was told I was responsible.

Attorney McCall stated I don't know the exact words that were expressed basically a notice to abate nuisance has a process, it wasn't the best but it's what was in place at that time.

Vote 2-2, with President Tucker and Council Member Eddings voting in favor.

Mr. Long stated may I have a letter to that affect of why you turned me down.

Sellersburg Town Council
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November 27, 1995
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Attorney McCall Addresses Council/Claim From Donal Long-Cutting Of Town Trees

Council Member Eddings stated we are still voting.

Council Member Truman stated the clerk treasurer has to break the tie.

Clerk Treasurer Schafer stated I vote against the payment.

Mr. Koch asked how much did it cost the City of Sellersburg to cut them down.

Council Member Alexander stated we cut them down.

Mr. Long stated they had four people and a dumpster to do it.

Mr. Koch stated how much did it cost them.

Council Member Alexander stated nothing the salaries were already being paid, there was no other equipment used, about \$3.00 worth of gas probably.

Mr. Long stated okay you have turned me down right.

President Tucker stated yes sir.

Mr. Long stated can I have a letter from you saying you turned me down.

Attorney McCall stated you can give him a copy of the town minutes.

Mr. Long stated can I have that please.

President Tucker stated it won't be typed for a few days.

Ms. Schafer stated they won't be legal until they are adopted at the next council meeting the next meeting on the 11th.

Attorney McCall Addresses Council/Nuisance Letter

Attorney McCall stated the next thing I have we had talked about the notice to abate nuisance letter and we have changed that to allow the individual to appear at the next regular scheduled meeting.

Council Member Truman stated I don't see anything on here for them to call to be placed on the agenda rather than simply showing up and we have no idea they are coming.

Attorney McCall stated I can revise that and put it in there.

President Tucker Presents Ordinance 95-636/Transfer Of Appropriations

President Tucker presented Ordinance 95-636 to the council to consider on the first reading as follows:

ORDINANCE 95-636

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1995, 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 1995 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	
<u>GENERAL</u>		<u>GENERAL</u>	
CT-314 CONSULTING SER.	3000.00	CT-371 ANIMAL CONTROL	3000.00
TC-112 TOWN MANAGERS SAL.	1700.00	TC-341 INS. OTHER THAN GR	1700.00
TC-311 CONSULTING SER.	1000.00	TC-341 INS. OTHER THAN GR	1000.00
<u>CCD</u>		<u>CCD</u>	
CCD-381 LEASE PUR. PACKER	5799.23	CCD-430 OFFICE FURNITURE	5799.23
<u>PARKS</u>		<u>PARKS</u>	
PARKS-357 WATER & SEWER	150.00	PARKS-341 INSURANCE	150.00

Motion made by Council Member Eddings to consider Ordinance 95-636 on the first reading and seconded by Council Member Alexander.

Vote 4-0

Adjournment

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

Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:23 p.m.

absent

David Broady

Aulton D. Eddings, Jr.

Aulton D. Eddings, Jr.

Kenneth Alexander

Kenneth Alexander

Karl Truman

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 11, 1995

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: Stanley E. Tucker, Council President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with Aulton D. Eddings, Jr., Council Member being absent.

Called To Order

President Tucker called the executive session to order at 6:03 p.m.

Topics Of Discussion

Margaret Dreyer Property
Old Waste Water Treatment Plant
Pretrial/January 4, 1996
Transcript/Appeal/Remonstrance
Dan Cristiani/Waste Management
Ordinance Amending Building Code
Clear Connected Signals/Trains
Claims/John Toombs
Storm Sewer Project/Change Order
Comprehensive Plan
Reimbursement/Stephen Prather

Adjournment

With no further business, President Tucker adjourned the executive session at 6:23 p.m.

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: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney.

Called To Order

President Tucker called the regular meeting to order at 6:33 p.m.

Sellersburg Town Council
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Page 2.

Prayer

Reverend Steve Johnson offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Swearing In Of Town Officials

Judge Jerry Jacobi swore in Kenneth J. Alexander, Aulton D. Eddings, Jr., David Broady, Gary Fenner, William Voyles as Town Council Members, Linda G. Schafer, Clerk Treasurer, Cheryl L. Dean, Chief Deputy Clerk Treasurer.

Minutes Of The Last Meeting

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

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Alexander.

Vote 4-0

Jesse Ballew Addresses Council/Sellersburg Industrial Park

Mr. Bob Isgrigg stated I'm doing a little engineering work for Mr. Ballew, this is a preliminary lay out that we've made of a parcel of ground just south of town here that he's wanting to develop an industrial park on and I guess we're looking for some direction here tonight, he's in the process right now of bulldozing out and putting in a roadway. There's some question as to what the width of the roadway should be, I think construction techniques are probably pretty well agreed upon so we've got some questions tonight as to the roadway, what we are proposing, a road which is a 24 foot wide asphalt road, 3 inches of asphalt, 9 inches of stone, there's a detailed sheet that indicates that particular lay-out and we're planning on running an 8" water line to the development so we can have fire protection and possible commercial residents there and also a somewhat unique somewhat different, a pressure sewer service as opposed to gravity sewers to provide primarily the sanitary sewage to the offices that would be involved in the complex. Any industrial use or industrial waste water would be a different application and we would approach that in a different manner. What we're showing here as part of the preliminary lay out of what we could do in the way of lots, the number of lots, a large part of this property, some of the open spaces there is undermined with caverns from the lime stone quarry operation that took place at Camp Chalon and alot of the areas shown in the trees there, there are some sink holes due to the aging of the lime stone, it's an area that you probably wouldn't be doing any building in. The rest of the area seems to be pretty solid has traditionally been pretty solid and that's where the road and the potential building sites are at so alot of those rough areas we're including as large parcels right now at this point of the process.

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Jesse Ballew Addresses Council/Sellersburg Industrial Park

Mr. Isgrigg stated I think what we would like to propose is on this development is rather than the traditional platting of an industrial park with lots of easements and all these things already preset I think what we'd like to propose to the town is that we build the road, put the utilities in at your direction, the question is how we are going to hook up and where we're going to hook up, we might hash some of that out tonight and then we, I think Jesse Ballew would like to convey to the town by deed the road and the utilities thereby creating a public roadway and then I think he would like to be able to sell these parcels off of that roadway by a more traditional meets and bounds description, those parcels being controlled by the planning commission. The idea there is we don't want to plat something that then becomes a problem for us if a guy wants more than one plot we've got an easement in the way or a lock line and you've got to go through the process of selling off part of a lot and it's just real cumbersome kind of process to actually put a plat in place so we'd like to convey the roadway to you, create the right of way, sell parcels off as clients come in and it would be a lot cleaner way to approach the matter. There's a question as to the utility for instance, the water line, the water right now is on the opposite side of State Road 31 there and we are wondering if the town is going to bring that service to the property. That's one question that I'm throwing around tonight and how that's going to work if there's an obligation there with the annexation and such to provide that service. The sewer connection, we are proposing to run the sewer to the sewer treatment plant and connect that on at a point designated by your people. I think at this point in time we don't see any particular difficulty with doing that as long as there's no connection problem. We got, if you've been by there, the rail road crossing put in this past week, they've been bulldozing and putting in gravel right where the roadway is indicated in this drawing right here. We're putting some culverts in at key locations, sort of simple stuff right now but in the near future, the very near future I think we are at a point where Mr. Ballew needs to get some feedback from the town as to if what he's doing is proper, will you accept it that sort of thing before we go ahead with it. I guess we should open it up for any further discussion.

Mr. Ballew stated I'd like to answer any questions you may have.

Mr. Isgrigg stated it's somewhat different than for instance a housing subdivision. The problem that we're burdened with here is we're not sure of what size parcels are going to be desired. We may sell a 20 acre piece, a 10 acre piece, maybe a 2 acre piece, so the cleanest way to go about it unless there's something I'm not familiar with is simply convey the roadway and utilities in a deed to the town so that all contracts and agreements with the town are taken care of prior to that.

President Tucker stated you said convey road and what.

Mr. Isgrigg stated utilities, which will be on the roadway.

Council Member Alexander stated doesn't the road have to be in existence for a year.

President Tucker stated well that's some of the questions that we're going to have to iron out.

Mr. Isgrigg stated bonding, we would put up the bond for construction costs.

Council Member Truman stated why use a pressure system instead of a gravity system.

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Jesse Ballew Addresses Council/Sellersburg Industrial Park

Mr. Isgrigg stated at that particular site, even though the sewage treatment plant is right there we would also have to put in a pump station, a central pump station to handle all of the sewer and for that particular site it's just inefficient, the cost of doing it right now, there's no need to it where as each of these sites would have their own private pressure pump to maintain by the property owner, the town has no obligation, in the street you have a 3" or 4" pressure sewer line for those people to pump into and that's a very economical plan and the town would have a sewage pumping station to deal with. The cost of pumping the sewage is absorbed by the business, the maintenance on the pump is absorbed by the business, all that the town would have would be the 3 to 4 inch plastic line in the street.

Mr. Ballew stated Karl another thing the gravity flow won't flow into it.

Mr. Isgrigg stated we would have to put in about a thirty to 40 thousand dollar lift station. We felt with commercial applications there couldn't be much advantage to it.

President Tucker stated Steve in our master plan and I assume we address some of these issues, how subdivisions are layed out, street sizes, utilities, this type of thing, are they addressed in the master plan.

Mr. Prather stated they are for subdivisions but industrial parks were not addressed it would be up to the council, they are not required to have any curbing, it's really the call of the council.

Council Member Truman stated at this point I'm concerned about us you know two members having one more meeting, making that decision on such an important project. There's going to be two new members in a couple of weeks. I know they are probably anxious to get some definite commitments but I don't want to be a lame duck, it's just a pretty important thing with only one meeting left to go.

Mr. Ballew stated we're trying to get into our building before the end of the year or the first of next year. We need to know if the city will bring the water over to the property. We can start running the water line down through there. When we first started this a long time ago, we we're all going the same direction so I don't see why making the decision now or waiting three weeks would make a difference, you guys are in control.

President Tucker stated well there's a little more to it that that Jesse and I'm not trying to be negative but I think it's only fair we are all not engineers sitting up here so we don't have the answers to all of these questions, we try to common sense our way through it as much as anything and in some cases we aren't as familiar with the master plan maybe as we should be at times. I did think that Bill and Gary ought to have some kind of understanding of this even if they are not a part of the decision process if you want to call it that and I think there are some questions that we have of John Toombs since he's the engineer that's helped up all along with the town. I know past history I know some of the things that have and have not taken place as far as AVCO Industrial Park as far as Larry Gilbert's Industrial Park, in both of those cases we the town did not run the water and sewer to them as an example okay the question about as part of the annexation did we commit in some way to do things like that, at this point in time we haven't talked to Perry to know if he's looked that up to know whether that's an answer.

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Jessew Ballew Addresses Council/Sellersburg Industrial Park

President Tucker stated so again I'm not trying to be negative about it but I think the safest thing for us to do is this great catch phrase called we need to take it under advisement for at least a couple of weeks to kind of digest it, talk to John, some of the legal answers I guess come up with and try to come up and talk to Gary and talk to Bill so they have some idea of what this is all about and hopefully by the 26th of December which I know is the day after Christmas, it's when we are going to have our meeting on that day just in case you have to move monies around and so forth for the town we almost have to have that meeting and my suggestion would be that we need to digest it in a little bit and talk it over and hopefully can come up with, I think I've written down the four or five questions that you have and try to give you that direction by the 26th. That's my opinion.

Council Member Broady stated well I think the roads and sewers, the stuff like that, it looks good to me, on the water it looks or there's a possibility that you could go out by the treatment plant. We've got a water line out there and we've got a good supply out there, have you checked on that, could you as easily go out there without fooling with this railroad and highway, would that be another option.

Mr. Isgrigg stated yes it could the cost would be about the same either way, the distance to run from Bean Road, I'm not sure what size you've got on Bean Road.

Mr. Edwards stated I believe it's an 8", either 6" or 8".

Mr. Isgrigg stated there had been some talk about looping too, crossing the state highway you're looking at about 150 feet of jack and bore so you know you're into that 15,000 kind of category for an 8", the same token we could probably run 1500 feet of 8" and come in the other way, not too much difference between the two.

Mr. Ballew stated if the 8" meets your requirements, I'm going to have to run it all the way up my property anyway. Down the road I think you all are going to tie in with Bean Road anyway right, I think that's what we've talked about before. I don't have a problem with bringing it that way if it's more feasible. Is that a 12" line over there on 31.

Mr. Toombs stated it's 12", it's the main line.

Council Member Broady stated I think we need to take it under advisement.

President Tucker stated it's our opinion that we need to take it under advisement for at least a couple of weeks and get a chance to talk to John, I think we understand some of the options now. You've brought up the road which hadn't come up tonight but we had talked about that before so there's about 7 or 8 issues that are pretty significant here and we will try to get them into some order and get answers for them hopefully by the next meeting.

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Rick Cadle Addresses Council/Tax Abatement Sellersburg Industrial Park

Mr. Cadle stated one other thing I wanted to address in following through with that area being named a revitalization area, we were wondering if we could submit the statement of benefits for the building that we have finished, that is some of the information and I do have copies for everybody to see.

President Tucker stated we made this a revitalization area several months ago which is like step one before you give a tax abatement. It is in the form of 10 years on buildings and 5 years on equipment and I would entertain a motion to allow the tax abatement on and I'm not sure what to call it Jesse, do you have a name for your park.

Mr. Ballew stated I think we're going to call it Sellersburg Industrial Park.

President Tucker stated okay we will call it 101 Industrial Boulevard for now, 1001.

Motion made by Council Member Truman to approve the tax abatement.

President Tucker stated it would be for anyone in this industrial park, not only for your building but for anyone who moves in will also have that opportunity, that's what we did with AVCO. They still have to file this form. It's like understood if you sell a piece of property they are going to get a tax abatement.

Motion to approve the tax abatement made by Council Member Eddings.

Vote 4-0

Jack Hunter Addresses Council/Water Problems 449-451 N. New Albany Street

Mr. Hunter stated I've approached numerous people concerning a water problem at 449-451 N. New Albany Street. There seems to be some sort of water cistern or spring. I'm not sure if there's a breakage but there's water going across a parking lot there. I realize this is kind of a folly to bring up in ice weather but that's when it is compounded even more. The water is going into the street and turning to ice. Can we somehow get some kind of study or some kind of engineering work to find out where the water is coming from, if it's a city problem or a neighbor problem or whatever. I'm willing to try to get it fixed with the city, it is causing me problems, it's also going across the street onto N. New Albany at times and causing the Town of Sellersburg problems.

President Tucker stated John have we not looked at this .

Mr. Toombs stated about three or four months ago the subject came up and he talked to me about it and Mark. You all had a meeting, I believe and voted to write a letter to be written to the property owner telling him to fix it himself.

Mr. Hunter stated if that is true I have not received a letter. In this letter is it stating that the problem is on my property, the city or what.

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Jack Hunter Addresses Council/Water Problems 449-451 N. New Albany Street

Mr. Toombs stated the way I recall it is this historically when the apartments were built they had just a road, two lanes and a pipe under there in a ditch, someone filled that in and paved it wall to wall. There has been alot of investigation done, they've looked at the water, it isn't city water, it isn't sewage, it has no chlorine in it. I spoke with a number of people about it and apparently the problem wasn't created by the town but with the property owner paving the ditch. I don't know about the letter because I didn't write the letter.

President Tucker stated was it your opinion that Mark was going to write the letter.

Mr. Toombs stated I don't know who was suppose to send it, I don't remember. I'd have to go back and look.

President Tucker stated Mr. Hunter, let me address the issue in some kind of order, let us go back to the minutes of that meeting that I'm sure happened in the last six months and find the decision and we'll provide you a copy of that and if I can ask Mr. Toombs if you could do some kind of research from back a few months ago to see if you can find the answer to that and at that point in time we will provide that information to you assuming it says what John says it says which it becomes your responsibility then, we can address that when it occurs but we will get you that information.

Mr. Hunter stated I'm not the original owner of the property, granted they may have filled the ditch in, I may have to put a pipe under the parking lot but the water is bubbling out of the ground so it is either a drainage problem somewhere up the street, a cistern, a broken pipe, there's something wrong, the water is flowing down it's not created by the complex. The gentleman who is with the town stated he had been concerned about it for awhile. I'm talking about Mark and now the problem is with the ice across the street and I did talk to this gentleman three or four months ago.

President Tucker stated well if we can look at the minutes and John can look back and let us get a letter to you, whatever it says and then if we need to address it again maybe John and you can give a little direction on what he just said, if he feels it comes from some other level and obviously we would ask you to look into that.

Council Member Broady stated John if there was a pipe put under the parking lot would that change the water flow in some way.

Mr. Toombs stated yes, it wouldn't run across the parking lot or street.

President Tucker stated well maybe that could be a recommendation.

Mr. Hunter stated my concern is why does the water bubble out of the ground, do we have a cistern there.

President Tucker stated again I think John is alluded to the fact that they've looked at that numerous times and nobody knows the answer yet, all we can do is look and see.

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Chief Kinder Addresses Council/Outstanding Job By The Street Department

Chief Kinder stated at this time I would like to compliment Mark and the street department on the wonderful job they did Friday night and Saturday morning. Sellersburg was one of the few communities where you could drive on every city street. They should be commended.

Council Member Alexander stated the new equipment worked out perfect, I mean and they were, they were out until midnight and they did everything. I didn't have anything to do with it except help them get the new equipment. They did an outstanding job.

Tom Edwards Addresses Council/Environmental Management Corp.

Mr. Edwards stated just briefly the revenue for the past two weeks was \$68,049.07. and I have a claim for out of scope expenses.

Building Commissioner, Stephen D. Prather Addresses Council

Mr. Prather presented his claim from November 14th through December 11th, 1995 and stated I'd like to request a stipulation on the claim if I could. There's only \$37.59 that was allocated to pay the building commissioner's fees for the fiscal year of 95 and to save the clerk treasurer paperwork from having to redo a budget allocation, again to cover the \$774.00 I'd like to just make a recommendation to the board that they approve it but don't pay the claim until the 2nd of January of 96 which will be under the new budget, if that is possible, if that would save some paperwork on the clerk treasurer's office. This is probably a busy time of the year.

Ms. Schafer stated it's not the paperwork, it's probably the lack of appropriations.

Mr. Prather stated and if that is legal to just wait until January 2nd because January 1st would be a holiday.

Ms. Schafer stated I'm going to try to get this court recorder done in another appropriation and if all of the council members show up at the 26th meeting we shouldn't have any problems, they can consider in the 1st reading and pass it. I don't have a problem with it and I have to do one anyway.

Mr. Prather stated it's not a problem, we just went through this about a month ago and I didn't want to cause the clerk treasurer's office to have to do this again.

Motion made by Council Member Truman to approve the claim in the amount of \$774.00 and pay it on January 2, 1996 and seconded by Council Member Alexander.

Vote 4-0

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Council Member Broady Addresses Council/Claims From Jacobi, Toombs & Lanz, Inc.

Council Member Broady stated I have three claims for Jacobi, Toombs and Lanz that I would like to get approve tonight as follows:

1. Job #8823/Meeting WWTP with Tom Edwards & Jesse Ballew \$85.00
2. Job #8915-A/Sellersburg Treatment Plant \$384.00
3. Job #9222/Sburg Storm Drainage Improvement IDOC CF 94-257 \$1589.20

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

Vote 4-0

Council Member Broady Addresses Council/Claim From Ready Electric-Chlorinators

Council Member Broady stated at the treatment plant one of our chlorinators went down about two months ago and Tom came to me and we talked it over. We've got two chlorinators. This one went down, we looked at repairing it and we looked at buying a new one. They are about \$2,000.00 to \$2,500.00. We checked into it, the chlorinator that we've got are really larger than what they need to be at the treatment plant and they are suppose to be one of the finest chlorinator's available so we decided at that time or I did, seemed like the logical thing to do was go ahead and fix this one, well as the law of average had it we fixed this one and before we could get it fixed, two weeks later to one month later the other one went down and then we were without a chlorinator and had to but one for \$2000.00 and reinstall it and we haven't got the bill for the one that we replaced that was existing in the treatment plant for \$4051.92 and in another thirty days or so we should be getting a bill.

Mr. Edwards explained that the warranty starts when you get the chlorinators and we wouldn't be using them again until April, he is waiting to talk to the company to see what can be done so we don't use up part of the warranty while we are not using the chlorinators.

Motion made by Council Member Broady to approve the claim to Ready Electric in the amount of \$4051.92 and seconded by Council Member Truman.

Vote 4-0

Council Member Broady Presents Claim From EMC/Out Of Scope

Council Member Broady presented the claim from EMC for out of scope services per their contract.

Motion made by Council Member Broady to approve the claim from EMC for out of scope services in the amount of \$3490.43 and seconded by Council Member Truman.

Vote 4-0

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Council Member Alexander Addresses Council/1995 Paving

Council Member Alexander stated we did some paving this year and due to weather and some kind of complications down at the plant we didn't get all of it done. We're lacking 623 tons. I'd like to make a motion that we encumber the amount of \$13,020.70 which will take care of the 623 tons of paving for next year.

Motion made by Council Member Alexander to encumber the amount of \$13,020.70 for the 1995 paving and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Schafer Presents Claims From The Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments and requested that they be approved as presented.

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

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Drug Testing

Ms. Schafer stated I checked with several companies in reference to our drug testing for the employees that are eligible for CDL's and the same people the Indiana Testing, that does the county highway department seems like since both are similiar that both offer to keep the town in compliance with the drug testing program. I have requested that Mr. William's come down and meet with Mark and also show training films to the people under the CDL's so he will be here on the 18th if anybody would like to come in.

Clerk Treasurer Addresses Council/Fixed Asset Records

Ms. Schafer stated we have since we've been in office, one of the things that the town council and I have done is create fixed asset records so what I'm requesting now at this point is to have the town council develope a policy setting an amount on the amount of what we need to, setting up a tagging system. The reports that I received from EMC were excellent, they logged wrenches, hammers. I feel like the town council, since there is so much to keep up with and to have records, should set up a policy say if it's anything \$100.00 or above, we could establish a tag program as the state does so we would be able to simply go through the inventory by numbers so that's what I'm requesting from the council to set up a policy in reference to the amount for the fixed asset records.

President Tucker stated is that something that you could type so that we could do it at the next meeting.

Ms. Schafer stated well I thought it may be something that Perry would want to check into the other surrounding areas.

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Clerk Treasurer Schafer Addresses Council/Fixed Asset Records

Council Member Alexander stated as far as tagging, we had talked back in May about putting a computer system into Mark's office and it is an excellent program. I mean the program that they've got is an excellent addition. Even if we are going to do it we have to have a way for Mark to keep a good record of it. I'm really impressed with it.

Ms. Schafer stated this would simplify even for clerk treasurer's after me or town council's after it would just be a matter of going down the list and it would be just a simple inventory.

President Tucker stated would you like to get with Perry and at the 26th meeting which we are going to have even though Dave isn't going to be here.

Ms. Schafer stated I'd like for Perry to get with the State Board of Accounts, if he could and see exactly how that's set up.

President Tucker stated is that done in Clarksville, Jeffersonville, and New Albany, is it done in other places.

Ms. Schafer stated I don't know if it's so perfected or not but it is required by the State Board of Accounts to keep inventory.

Clerk Treasurer Schafer Addresses Council/Claim From Gilbert Campbell

Ms. Schafer stated I have a claim here from Gilbert Campbell. I did talk to Mark Warren and he agreed to do a walk through with Mr. Campbell so we'd like to set that up for Wednesday. It is his final payment that was part of his retainage fee that I would like the council to approve tentatively upon the walk through.

Motion made by Council Member Eddings to approve payment to Gilbert Campbell in the amount of \$2225.00 after the walk through has been completed and seconded by Council Member Broady.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Final Payment To Koetter Construction

Ms. Schafer stated I have the final bill to Koetter Construction which most of it the \$6,758.00 is what we physically owe them from the civil town, the retainage I've held is \$16,878.85 but it's actually \$17,000.00 and something due to interest being drawn at PNC so what Koetter Construction is requesting is their final payment and also a release of their funds at the bank from the escrow account and I would also like this pending the satisfaction of the council or the walk through.

Motion made by Council Member Eddings to make final payment to Koetter Construction after the walk through has been completed.

Ms. Schafer stated that also included a change order that needs to be signed and this was for the adding of the window and the telephone outlets and this and that which wasn't part of their contract, they are requesting a signature on this.

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Clerk Treasurer Schafer Addresses Council/Final Payment To Koetter Construction

Motion seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Presents Claim/EMC Contract Agreement

Ms. Schafer stated I have the claim from EMC for the sewer and water utility for the service fee for the month of December in the amount of \$31,145.71 for the water department and \$31,145.71 less \$117.94 for the electric discount for the sewer department. The discount comes from REMC.

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

Vote 4-0

Attorney McCall Presents Ordinance 95-637

Attorney McCall presented Ordinance 95-637 as follows:

ORDINANCE NO. 95-637

AN ORDINANCE AMENDING
THE TOWN OF SELLERSBURG BUILDING CODE

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town's Building Commissioner that the Town of Sellersburg Building Code should be amended regarding the construction of pole barns; and

WHEREAS, the Town Council for the Town of Sellersburg has determined at an open meeting at which the public were invited to attend and participate that said amendment should be made; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said amendment to the Town's Building Code will result in the efficient and effective administration of Town Government.

BE IT THEREFOR ORDAINED by the Town Council for the Town of Sellersburg that the Town of Sellersburg Building Code shall be amended as follows:

The building of a pole type structure in the following zones RPO IB1, B1, B2, B3, MHP is restricted without a variance from the Board of Zoning Appeals.

The building of a pole type structure in the following zones R1, R2, R3 is restricted to a maximum height of 10 (ten) feet (eve height), and a footprint not to exceed 24 (twenty four) feet wide and 40 (forty) feet deep without a variance from the Board of Zoning Appeals.

The building of a pole type structure in the following zones I1, I2 is not restricted in any way so long as it does not violate any other existing building codes and/or ordinances of the State of Indiana and/or the Town of Sellersburg.

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Attorney McCall Presents Ordinance 95-637/Building Code

Motion made by Council Member Eddings to consider Ordinance 95-637 on the first reading and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Presents Ordinance 95-637/Building Code

Attorney McCall presented Ordinance 95-637

Motion made by Council Member Eddings to approve Ordinance 95-637 and seconded by Council Member Broady.

Vote 5-0

President Tucker Addresses Council/Reimbursement From Building Commissioner

President Tucker stated I would like to make a motion that we approve the receipt of \$56.20 from the Building Commissioner, Steve Prather for payment of telephone charges.

Motion made by President Tucker to approve the reimbursement from Mr. Prather and seconded by Council Member Truman.

Vote 4-0

President Tucker Presents Ordinance 95-636/Transfer Of Appropriations

President Tucker presented Ordinance 95-636 to the council for approval, this ordinance was considered at the last meeting as follows:

ORDINANCE 95-636

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1995, 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 1995 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	
<u>GENERAL</u>		<u>GENERAL</u>	
CT-314 CONSULTING SER.	3000.00	CT-371 ANIMAL CONTROL	3000.00
TC-112 TOWN MANAGERS SAL.	1700.00	TC-341 INS. OTHER THAN GR	1700.00
TC-311 CONSULTING SER.	1000.00	TC-341 INS. OTHER THAN GR	1000.00
<u>CCD</u>		<u>CCD</u>	
CCD-381 LEASE PUR. PACKER	5799.23	CCD-430 OFFICE FURNITURE	5799.23
<u>PARKS</u>		<u>PARKS</u>	
PARKS-357 WATER & SEWER	150.00	PARKS-341 INSURANCE	150.00

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President Tucker Presents Ordinance 95-636/Transfer Of Appropriations

Motion made by Council Member Eddings to approve Ordinance 95-636 and seconded by Council Member Truman.

Vote 5-0

President Tucker Presents Ordinance 95-638/Transfer Of Appropriations

President Tucker presented Ordinance 95-638 to the council for consideration on the first reading as follows:

ORDINANCE 95-638

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1995, 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 1995 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	
<u>POLICE DEPT</u>		<u>POLICE DEPT.</u>	
PD-133 OFF DUTY COURT PAY	150.00	PD-231 TIRES & TUBES	150.00
PD-314 CONSULTING FEES	200.00	PD-231 TIRES & TUBES	200.00
PD-351 ELECTRIC	350.00	PD-363 MAINTENANCE POLICE VEH.	350.00
PD-354 HEAT/GAS	2100.00	PD-223 POLICE EQUIPMENT	2100.00
PD-355 SEWER/WATER	225.00	PD-223 POLICE EQUIPMENT	225.00
PD-225 POLICE GASOLINE	1000.00	PD-223 POLICE EQUIPMENT	1000.00
PD-323 TELEPHONE/PAGERS	1000.00	PD-413 POLICE RADIOS	1000.00
<u>TOWN COUNCIL</u>		<u>TOWN COUNCIL</u>	
TC-311 CONSULTING SERVICES	1300.00	TC-341 INS OTHER THAN GR.	1300.00
<u>CLERK TREAS.</u>		<u>CLERK TREAS.</u>	
CT-323 TELEPHONE/PAGERS	2500.00	CT-371 ANIMAL CONTROL/SHELTER	2500.00

Motion made by Council Member Broady to consider Ordinance 95-638 on the first reading and seconded by Council Member Truman.

Vote 5-0

Sellersburg Town Council
Regular Meeting
December 11, 1995
Page 15.

President Tucker Presents Ordinance 95-638/Transfer Of Appropriations

President Tucker presented Ordinance 95-638 to the council for approval.

Motion made by Council Member Broady to approve Ordinance 95-638 and seconded by Council Member Truman.

Vote 5-0

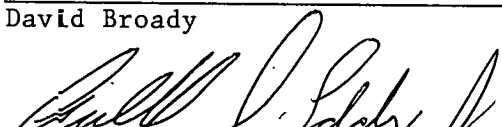
Adjournment

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


Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:45 p.m.

David Broady




Aulson D. Eddings, Jr.




Kenneth Alexander

Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 26, 1995

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Kenneth Alexander, Council Member; Doug Eddings, Jr., Council Member; Perry McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer, with David Broady, Council Member and Karl Truman, Council Member, being absent.

Called To Order

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

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

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

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Eddings.

Vote 3-0

Paul Primavera Addresses Council/Spriger-Wilson Tract

Mr. Primavera stated I'm here representing Rick Wilson tonight, he and Bill Sprigler are in the process of purchasing an 8 acre tract from Indiana Homes Sanitation Inc., West of Highway 60 and North of Clark County REMC. Mr. Sprigler is out of town and Mr. Wilson had surgery on his knee so I was asked to represent them the best I could. They wish to obtain permission to tap onto the Town of Sellersburg Sewer and Water system. It is anticipated this property will be developed into a series of warehouse, office buildings and some self storage. We would anticipate approximately 64 total employees at 20 gallons per person per day which equals about 1280 gallons per day. The sewers would be accessed in one of two ways, through the Naville-Allison property to the South to the Clark County REMC sewers, if access if possible this system should be gravity flow.

Sellersburg Town Council
Regular Meeting
December 25, 1995
Page 2.

Paul Primavera Addresses Council/Sprigler-Wilson Tract

Mr. Primavera stated the second would be thru an existing easement through M.C. Sales property via a lift station and force line to the sewer line North of Highway 31 east. The lift station will be located so that access for sewer lines from the Naville-Allison property to the South will be possible. The wet well will be designed to accommodate the additional flow from the Naville-Allison tract. In either event necessary easements will be furnished to the Town of Sellersburg. Water will be accessed by the Sellersburg town water line passing through their property.

President Tucker stated they are asking permission to hook onto our sewer and water, any comments.

Council Member Alexander stated the only comment I've got is where it's located, it's located in the Town of Clarksville. I think that sums it all up as far as my opinion on it I'm really, in this position here I'm not in favor of developing land for Clarksville. I think being in the Town of Clarksville that they should provide services for it or release the land.

President Tucker stated is it possible to ask Clarksville if they will deannex. We need to give them some direction on this, would someone like to make a motion.

Motion to allow Mr. Wilson and Mr. Sprigler to tap onto the Sellersburg Water and Sewer system made by Council Member Eddings and seconded by President Tucker.

Vote 2-1 with Council Member Alexander voting against.

President Tucker stated the I's have it but it can not be passed. I guess my suggestion I think it's Ken that had some concerns, I think one of the things that he said was to see if the property could be deannexed. Perry is this something they could persue.

Attorney McCall stated they can present a petition for deannexation.

President Tucker stated I think that is the direction you should go first.

Larry Rothbauer Addresses Council/Water & Sewer Waiver

Mr. Rothbauer stated we are building a house on St. Joe Road East, 609 St. Joe Road, we were wondering if we could get the monthly fee waived until August. We probably won't be moving in until late August.

President Tucker stated Perry and I talked about this a little bit before the meeting so I really don't know how to answer this. The sewer system that we have going out there goes to Fuzzy's development and no one else but Fuzzy's developers can get on that sewer, now is this the same sewer.

Mr. Rothbauer stated no, this is on St. Joe Road.

President Tucker stated have we ever issued a waiver before.

Sellersburg Town Council
Regular Meeting
December 26, 1995
Page 3.

Larry Rothbauer Addresses Council/Water & Sewer Waiver

Ms. Schafer stated only to construction work people when Covered Bridge was built.

President Tucker stated is this something you could look into Perry, I don't know how to answer the question.

Attorney McCall stated this came up several meetings ago and I don't know if the town ever developed a policy.

President Tucker stated I don't think we can answer your question tonight. I think the attorney is going to have to look back through the minutes to see if we have something in place to address this whether we will or will not offer the waiver and so I can ask Perry to look into this and hopefully by the next meeting, which is January 9th we will have an answer for you.

President Tucker Addresses Council/Jesse Ballew Property

President Tucker stated we have talked this past couple of weeks and got with John and so forth and we are not going to be able to run the sewer and water to your property, that's something that you're going to have to do and John and I have read the plans and there are several things that need to be addressed in the way the plans were made up. There also needs to be some storm drains put in there and we basically have a letter that I have signed to you that puts the perimeters of what we need to do basically it is to follow the master plan and I don't think that's exactly been done. I also have a copy of the Bean Road Remonstrance because there was a question of whether when we did that remonstrance if we said we'd do anything special on sewer and water and the answer is in there. I have this for you this evening.

Mr. Ballew stated I was under the impression that when you annex you have 3 years, it's a state law, that you provide the utilities.

President Tucker stated we have to provide it but we don't have to pay to get it there. It's across the road and you can tap into it.

Mr. Ballew stated but aren't you suppose to provide it to the property line.

President Tucker stated well my understanding again from our engineer, that's not what we have to do, it has to be available in the area where you can access it. There is accessible sewer and water it's just not to your property line. The agreement that we had with Mr. Bringham and Mr. Koch basically said as long as they lived there and didn't develop it, then it would remain agricultural and nothing would happen, if however, they sold it to someone and it was going to be used industrial or any other purpose, then they would be required to hook onto the sewer and water.

Mr. Ballew stated the part we're on was not in the remonstrance, it was already zoned commercial.

Sellersburg Town Council
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Page 4.

President Tucker Addresses Council/Jesse Ballew Property

President Tucker stated but there was some reference to since that property was built next to it, the conditions that were put on those particular people I have a copy of it that explains if for example Mr. Koch, I think, passed away and if that property gets developed or changes hands then they will have to hook up to the sewer and water. This letter is for you, I knew you were coming so I had this done for this meeting to kind of give you what you need to do and Mr. Isgrigg I think, is your engineer, he needs to get with John.

Council Member Eddings stated I don't think it's really any different than any other industrial park. When Larry Gilbert put his in he had to go across the road and AVCO was done the same way. We are giving you exactly what everybody else got.

President Tucker Presents Resolution 1995-33/Uniform Allowance

President Tucker stated this is a resolution whereby money is set aside to pay for uniforms for the police department, also the dispatchers and it's included in here for the clerk treasurer's personnel. It's the minimal allowance that would be given to them each year. I think right now it's \$600.00.

Chief Kinder stated it's \$700.00.

President Tucker stated \$700.00 and then \$100.00 for the dispatchers and would be \$100.00 for the clerks. Would someone like to make a motion to approve Resolution 1995-33.

Motion made by Council Member Eddings to approve Resolution 1995-33 and seconded by Council Member Alexander.

Council Member Alexander stated this covers their office too, right.

President Tucker stated right.

Vote 3-0

Ms. Schafer stated I have a question, does this cover myself also or not.

President Tucker stated clerk treasurer's office, I think Perry is going to redo this and then we will sign it at the next meeting. This is retroactive back to January 1, 1995.

Ms. Schafer stated what is the, I don't see an amount on here.

President Tucker stated whatever is budgeted, make some adjustments to the budget in 1996, I didn't know how else to do it.

Mr. Schafer stated there really needs to be a set figure in here as far as....

Council Member Eddings stated is it the same as last year.

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December 26, 1995
Page 5.

President Tucker Presents Resolution 1995-33/Uniform Allowance

Chief Kinder stated ours is.

Ms. Schafer stated what is set, the resolution would be the amount that you want to give to each uniform police officer, a set amount, whether it's \$400.00, \$1000.00, \$1500.00.

Council Member Eddings stated is it a set amount.

Ms. Schafer stated there should be a set amount.

Chief Kinder stated the amount was budgeted at \$700.00 per officer and then \$400.00 for the dispatchers.

Council Member Eddings stated can you just write in the amount.

Ms. Schafer stated well it was \$600.00 established in 1991 by the previous town council, I looked back in the minutes.

President Tucker stated \$700.00.

Ms. Schafer stated well I thought it was \$600.00 so I checked back on the resolution and one officer was reimbursed back \$700.00 or I wouldn't of questioned it so it was set at \$600.00 in 1991 by a former town council but there was no resolution. Last year I was billed back for such small amounts that I didn't realize that it was not still \$600.00 that someone had changed it, so what is approved in the budget is not necessarily what...

Council Member Eddings stated can I amend my motion to say \$700.00.

Ms. Schafer stated yes you can do that.

Council Member Eddings stated I amend my motion to read \$700.00 per officer and \$400.00 per dispatcher.

Chief Kinder stated no, \$400.00 for dispatchers.

Council Member Eddings stated \$400.00 for dispatchers and the same for the clerk treasurers office.

Ms. Schafer stated okay its \$700.00 and \$400.00.

President Tucker stated except in your case it would be \$100.00 per person.

Council Member Eddings stated \$700.00, \$400.00 and \$300.00.

Ms. Schafer stated \$700.00 and \$100.00 per dispatcher and \$100.00.

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Page 6.

President Tucker Presents Resolution 1995-33/Uniform Allowance

Chief Kinder stated if you say \$100.00 per dispatcher then it's going to have to go up and that wasn't part of it, it's \$700.00 per police officer and the total dispatcher's was just \$400.00 to cover however many there are whether we have 6, 2 part-time or whatever.

Council Member Eddings stated alright \$700.00 per officer, \$400.00 for dispatchers total, and \$300.00 for the clerk treasurer's office and seconded by Council Member Alexander.

Vote 3-0

Clark Henson Addresses Council/Environmental Management Corp.

Mr. Henson stated the revenue for the water department was \$29,395.77 and for the sewer department was \$52,621.73.

President Tucker Addresses Resignation of Building Commissioner, Stephen Prather

President Tucker stated Steve Prather isn't here tonight but he has submitted his resignation effective the second meeting in December probably about the 23rd, does that sound right.

Ms. Schafer stated the second meeting in January.

President Tucker stated in January, right and Dave and Rod Pate has agreed to continue on the planning and zoning commission board and they are looking into how to fill that position.

Motion made by President Tucker to approve the resignation of the Building Commissioner effective January 22nd and seconded by Council Member Eddings.

Vote 3-0

Jesse Ballew Addresses Council/Letter From President Tucker

Mr. Ballew stated Stan on #5 where it says road design as presented is not acceptable, please provide complete road design plans, what does that mean.

President Tucker stated well if I understood correctly and I don't have all of those memorized but in our master plan we have specific criteria, I'm not trying to be difficult but John understands all of this and John is really the person that either Craig or you need to talk to because there are plans and specs that can be picked up at the town hall that he needs to go by.

Mr. Ballew stated we've got that. That's not a problem. I just didn't know where it says the road design was incorrect, I didn't know what he meant by that.

President Tucker stated I can't tell you, I'm sorry, I don't know the answer.

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Page 7.

Jesse Ballew Addresses Council/Letter From President Tucker

Mr. Ballew stated one thing we did talk about was the width of the road, we talked to Rod Pate and he said 24 foot so we made the road 24 foot and that's off the specs.

President Tucker stated again I don't know that. I think the safest thing to do is for John and Mr. Isgrigg to get together.

Mr. Ballew stated but they said width, if you have to make it to specs what it called for, that's why I talked to Rod Pate and he said 24 foot would be okay.

President Tucker stated Doug, do you have a problem with that.

Mr. Ballew stated a subdivision is 28 but he said this was okay.

Council Member Eddings stated what is Larry's.

Mr. Ballew stated it's 24 foot.

Council Member Eddings stated we don't have any trouble with that.

President Tucker stated the 24 foot is fine.

Mr. Ballew stated I just wanted to make sure of that.

Council Member Eddings Presents Plaque To President Tucker

Council Member Eddings stated I'd just like to take this time to present Stan with a plaque to thank him for four years of service to the Town of Sellersburg. When we all started as pups four years ago not knowing what we had in store for the next four years, Stan stepped up to the bar and took the President's position and believe me that's the hardest position on this town board and I'm really thankful that Stan got the part and to be a part of the town board and to be friends with Stan and to have him as a leader over the town board and we've got alot of stuff accomplished over the last four years. I don't think you're going to find anybody that has had this position with more honesty, integrity, professionalism and the people of Sellersburg should be grateful to Stan, he has made the town look good, his dealings with the different issues, we haven't had any legal battles to speak of. The whole thing has operated pretty smoothly for the past four years and I just really appreciate having him as the president of the town council.

President Tucker stated thank you sir, nice words, I appreciate it very much.

Council Member Eddings stated I'd like to thank Kenny too, he kind of put this together.

Council Member Alexander stated I'd like to echo what Doug said and being a freshman councilman and having a senior council member kind of guide me through the first three or four months, I'll have to remember it's apples and oranges and you never disagree you always make a suggestion.

President Tucker stated words to live by, thank you very much and Linda I appreciate very much working with you and we will continue to chat.

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Page 8.

Council Member Eddings Presents Plaque To President Tucker

Ms. Schafer stated what does that mean.

President Tucker stated that it's been a pleasure, I've had a good time and it's been quite an experience, it really has. I'm glad I did it. I think it made me a better person. I think I was always the most mature one but I guess I got to be even more mature through this experience. I appreciate it very much and it was a very nice applause. Thank you very much.

Council Member Alexander Addresses Council/Purchase Of Equipment For Street Department

Council Member Alexander stated we've got some equipment purchases that I would like to finish up before the end of the year. I'll just give you this list here, basically some more supplies for the street department. The only item that is not on there and is coming through Jacobi's and I do not have a list with me, is the chipper and basically we went in with \$60,000.00 to spend, we were very conservative and I think we took care of our snow problem, we'll find out when we get 16" of snow, basically the chipper would run, we found one up in Fort Wayne with 30 hours on it, they are selling it to us for \$9,750.00, it will take a branch up to about 6" as far as the use of it we are going to have to develop it to one of our pieces of equipment next year.

Motion made by Council Member Alexander to approve this list from Ray's Lawn and Garden and also the purchase of the chipper from Jacobi and seconded by Council Member Eddings.

Vote 3-0

Clerk Treasurer Schafer Addresses Council/Resolution 1995-34 RCH Cafeteria Plan

Ms. Schafer stated I had Perry McCall review this document from RCH Administrator's, it's in reference to our employee cafeteria plan and what I need is the approval of the council with the signature of the, this is adopting a resolution that the council needs to pass and then they need to sign.

Motion made by Council Member Eddings to approve Resolution 1995-34 and seconded by Council Member Alexander.

Vote 3-0

Clerk Treasurer Schafer Addresses Council/Indiana Testing Inc.

Ms. Schafer stated I met with Mike Williams with the Indiana Testing Inc. which January 1st it is mandated by the federal government to have a drug and alcohol policy in place on behalf of the town. There is a couple of policies but for now this is a simplified one that will keep us in compliance along with several other documents and there's no contract it's just a simple written agreement between I guess, since they have my name one here, I'll be authorized to sign with the approval of the council. This has to be in place by January 1st to be in compliance with the CDL federal regulations.

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Page 9.

Clerk Treasurer Schafer Addresses Council/Indiana Testing Inc.

Motion made by President Tucker to approve the drug and alcohol policy for the Town of Sellersburg to be in place as of today, the 26th.

Attorney McCall stated does this replace your ordinance.

President Tucker stated to replace the current one that is in our employee manual.

Seconded by Council Member Eddings.

Vote 3-0

Ms. Schafer stated later on if the council wished to administer a second policy for all of the town employees to include them then this is another policy they can review at a later date. We just need to get in compliance, I have scheduled a meeting with Mike Williams and the CDL drivers and they will do the onsite testing sometime the first, January 4th, so this will bring us up to date on the forms that we need to have in place by January 1st.

Clerk Treasurer Schafer Presents Claim From EMC/Reimbursement On Indiana Gas Bill

Ms. Schafer stated I have a bill here, it's for reimbursement for a gas bill for the month's of August, September, October and November. It was an error that EMC paid because they had changed the gas bills name on the town hall into EMC's name by accident. You can either not approve it or pay it. They are wanting reimbursement.

President Tucker stated the total is \$34.57.

Motion made by Council Member Eddings to approve the reimbursement to EMC in the amount of \$34.57 for the gas bill and seconded by Council Member Alexander.

Vote 3-0

Clerk Treasurer Schafer Presents Claims From The Civil, Water And Sewer Departments

Clerk Treasurer Schafer presented the claims from the civil, water and sewer departments for the last two week period.

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

Vote 3-0

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December 26, 1995
Page 10.

President Tucker Read Letter Regarding Council Member Eddings

President Tucker stated July 2, 1973, Mr. James E. Barnett, Forman Mechanics, US Postal Service, Louisville, Kentucky, Dear Mr. Barnett, Thank you very much for your letter written on behalf of Aulton Douglas Eddings and the information in which you have provided me, he certainly appears to be an outstanding young man and it will be gratifying indeed to be of assistance to him in his military career. I do appreciate the reference provided regarding this young man and I thank you for this recommendation and please be assured that his application will be given every possible consideration, Vance Harkey, U. S. Senator.

Ms. Schafer stated I'd like Mr. Eddings to have that, it came into my hands by accident and I thought it was really nice. It's when he was a young guy thinking about a military career.

President Tucker stated he's still a young guy.

Council Member Eddings stated I was almost on the plane going to the Air Force Academy.

Attorney McCall Addresses Council/Court Reporter's Claim

Attorney McCall stated the voucher for the court reporter, will it be the next meeting.

Ms. Schafer stated I can't do anything because I don't have the appropriation's. I would of done a transfer of appropriation's but we weren't going to have the majority to consider it in the first reading so that knocked everything out.

Attorney McCall stated she asked so that's why I brought it up.

President Tucker Addresses Executive Session Changes

President Tucker stated have you changed the Executive Session to the first Monday, which is different than it is now.

Ms. Schafer stated no, it's not different.

President Tucker stated that's not what this says, the 2nd and 4th were the times that the town board would meet.

Ms. Schafer stated the Executive Session is the first Monday of every month.

President Tucker stated it's before the first meeting of the month.

Ms. Schafer stated is that what that says.

President Tucker stated it says the first Monday and the first Monday is different than the first meeting which is the second Monday.

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President Tucker Addresses Executive Session Changes

Ms. Schafer stated it's the wording, you understand, it's the first meeting, the first Monday's meeting.

President Tucker stated I just happened to notice that.

President Tucker Addresses Council/Reimbursement From Building Commissioner-Phone Calls

President Tucker stated I would like a motion to approve the receipt of \$16.67 for telephone calls from the Building Commissioner.

Motion made by President Tucker to accept the amount of \$16.67 from the Building Commissioner for reimbursement for phone calls from the town hall and seconded by Council Member Alexander.

vote 3-0

President Tucker stated again folks it's been a pleasure, it really has. I've enjoyed it and I know these guys are going to carry on forward. I'm probably going to be back January 9th just so I can watch Gary and Bill squirm in their seats.

Adjournment

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

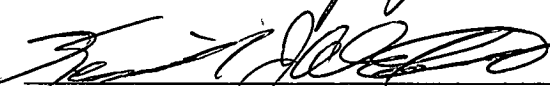
Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:10 p.m.

Absent

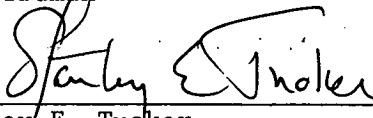
David Broady

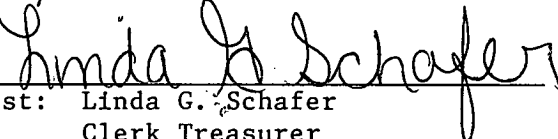

Aulton D. Eddings, Jr.


Kenneth Alexander

Absent

Karl Truman


Stanley E. Tucker


Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

January 8, 1996

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: David Broady, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Doug Eddings, Jr., Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with William Voyles, Council Member arriving at 6:07 p.m.

Called To Order

Council Member Broady called the executive session to order at 6:05 p.m.

Topics Of Discussion

Quit Claim Deep/Old Waste Water Treatment Plant
Annexation/Remonstrance
Jacobi, Toombs & Lanz/Claims
Storm Sewer System
Servend Water Service
Contract Renewal/Attorney McCall
Dorthea Barton vs. Team Contractors

Adjournment

With no further business, Council Member Broady adjourned the executive session at 6:40 p.m.

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 Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Doug Eddings, Jr., Council Member; Perry McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer.

Called To Order

Council Member Broady called the regular meeting to order at 6:44 p.m.

Prayer

The prayer was dispensed at this meeting.

Sellersburg Town Council
Regular Meeting
January 8, 1996
Page 2.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

Council Member Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Election Of Officers

Council Member Eddings nominated Council Member Broady as President of the Sellersburg Town Council and seconded by Council Member Voyles, with no other nominations, Council President was voted on.

Vote 5-0 to elect Council Member Broady as Town Council President.

President Broady stated thank you gentlemen. I hope I live up to your expectations.

The floor was open for nominations for Council Vice President.

Council Member Alexander nominated Doug Eddings, Jr. for Council Vice President and this was seconded by Council Member Voyles, with no other nominations, Council Vice President was voted on.

Vote 5-0 to elect Council Member Eddings as Town Council Vice President.

Committee Appointments

President Broady stated committee appointments:

Police Department:	Bill Voyles
Street & Sanitation:	Ken Alexander
Sewer Department:	Dave Broady & Ken Alexander
Water Department:	Doug Eddings, Jr.
Parks/Liason	Gary Fenner

Committee Appointments

President Broady stated there will be a new position available and we are going to try it, to make things better. Gary is going to first of all be over the Parks Department, liason with the Parks Department and also he's going to work as the liason between Linda's office and the town board and kind of work with Linda on the everyday administrative problems. Gary wants to learn how it works and perhaps that would be a good idea to go in and try to get some of the smaller things taken care of with Linda's help. I know Linda's got as much as she can do, maybe that will benefit and try to get as much accomplished that way so Gary will be, I'm not sure what to officially call that but that's what he's going to be. Does anybody have any objections, if not, that's how it will be.

Other Committees

President Broady stated the Planning and Zoning and other committees we need to fill. I will get a list as soon as possible and get it in your boxes, some of them are full, some of them we are going to need appointments at this time but we do have enough right now to fill the duties of the committee but we still have some that are checking on and deciding whether they want it or not. One of the ones that we will need several members on is the Parks Department. The Planning Commission, it looks like the Zoning Board is going to be okay. The Zoning Appeals board looks like it's alright but I'll get a list in your boxes and let you know what positions need to be filled and kind of coordinate with you guys and get some names to fill the other positions. One position I think we need to look at tonight is the Police Commissioner's, we have one police commissioner that's up, his assigned time has run out, that's Earl Bonnville, his term expired 12-31-95. Who ever we appoint would be through 12-31-98. I have talked to Earl and he is willing to serve again and be glad to do so. If there's any other people we'd like to discuss we can do so and table it until the next meeting or we can go ahead and vote Earl back in, however you want to do it. I have not been contacted by anybody else who wants the job.

Motion made by Council Member Eddings to reappoint Earl Bonnville as Police Commissioner and seconded by Council Member Voyles.

Vote 4-0

President Broady stated the Planning Commission is probably going to need someone. The Parks Department looks like they need several. The only other positions that we need to fill tonight is the Housing Authority. I have here a recommendation from the Housing Authority, they have one person leaving. I'll read this from the Housing Authority, "Please be advised the term of office for Ms. Linda Baird expired 12-31-95 and she has asked to not be reappointed to the commission because of her employment. The Board of Commissioner's of the Housing Authority of Sellersburg hereby submits our recommendation: Lee R. Gray, Florida Drive, Sellersburg."

President Broady stated would there be any other nominations or would you like to take this under advisement. The Housing Authority does kind of a unique, well I'm not exactly sure what they do. I know we need them and they are in charge, it's something probably not everyone in Sellersburg knows we have.

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Other Committees

Motion made by Council Member Eddings to appoint Lee R. Gray to replace Linda Baird on the Housing Authority and seconded by Council Member Alexander.

Council Member Fenner stated I have a question, how many people serve on that board.

President Broady stated five.

Vote 4-0

Mike Whalen Addresses Council/Reimbursement On His Sidewalk

Mr. Whalen stated what I'm asking for is reimbursement of 1/2 of my sidewalk which I replaced. This was promised to me about 2 1/2 years ago by Roy Everitt. I talked to Mr. Alexander about this and he thought I should bring this before the board since his term had already expired. About 2 1/2 years ago Mr. Everitt came to me and asked me if I was interested in a reimbursement program, if I'd split 1/2 of the cost to replace my sidewalk and I agreed to do that and there had been some problems in getting this job done, the reason it took so long to do it and I think Dave was aware of the agreement and stuff like that.

President Broady stated I'm aware that you were told at that time that the town would pay 1/2 and then you might go through with the other board members why it's been so long in happening. I know that the town was going to do part wasn't they.

Mr. Whalen stated well part of the reason was when he came to me, approached me about doing 1/2 of the sidewalk is that it would be done prior to the paving along New Albany Street there and somehow the street got paved and the sidewalk wasn't put in at that time. At that time after I got back with Mr. Everitt and asked him why the sidewalk wasn't put in he said it kind of slipped up on him and he forgot. I really don't know word for word the exact thing we discussed so since the road was in we had to rebid on it and Mr. Prather came out and made the inspection and we made a rebid to the town at that time with Kenny Hecker Construction Co. and the bid at that time was because the road was already put in, the bid went up quite considerably from the first bid to the second bid and at that time Mr. Everitt said we would get the town employees to tear out the sidewalk themselves so I waited and they said they would do this as a winter job so I agreed to do that so another year basically went by and the winter job came and gone and this past year or spring I talked to Mr. Warren, head of the Street Department and he said that he did not have the equipment to do this and he wasn't able to do this because he was scared of tearing the building up, there's a storm sewer there and he was concerned of tearing that up as well so I got hold of Mr. Hecker and said let's go ahead and get this job done and then again he got back with Mr. Prather and thought they could redo it a different way since the town had put their sidewalks in a little different in front of the office building here.

Council Member Alexander stated we had discussed this probably six months ago. I think he brought it to our attention one night but was it ever brought to the full council or just Roy.

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Mike Whalen Addresses Council/Reimbursement On His Sidewalk

Mr. Whalen stated Mr. Everitt came to me.

Council Member Alexander stated I mean he never brought it to the full council.

Mr. Whalen stated I wouldn't know.

President Broady stated what I remember Ken was that Roy went to him and it was just kind of left up to his department, it wasn't brought to a full board vote.

Council Member Alexander stated I don't see a problem. I mean I do know that the construction of the sidewalk would of been a lot thicker, it would of been like what we ve got out front here. The only problem that runs into by not having it that thick, when we go to pave up to that corner there, one more paving and we'll have to auger up the asphalt to where out front here we're not and the difference between them was \$750.00 and \$4100.00 so I mean basically what Roy was doing was obligating himself to half of \$7150.00

Mr. Whalen stated I'm only asing for half of \$4100.00.

Council Member Alexander stated right, what my point is in the future it's going to cost the town more because it's not the type sidewalk like we've got out front here, see what I'm saying, we've got at least 2 or 3 more pavings to come up on it to where we would have to take it down.

President Broady stated one of the problems you had up here is you couldn't go any higher on the concrete because of your door.

Council Member Alexander stated I don't understand the variance of \$7150.00 and \$4100.00.

Mr. Whalen stated I can only tell you with Mr. Prather, the difference is some of the stuff he required the first time and the second time. I'm not a contractor either. Mr. Hecker would be the gentleman to tell you the difference on that.

Council Member Alexander stated I mean 1/2 of \$7150.00 when you can get it done for \$4100.00. I mean I don't know.

Council Member Fenner stated so the original bid was \$7100.00.

Mr. Whalen stated the original bid was in the \$4000, \$3000, \$3500, \$3800 range.

Council Member Fenner stated and then it went up because the road had already been paved.

Mr. Whalen stated that's the explanation that was told to me, yes sir.

Council Member Fenner stated it went up to \$7150.00.

Mr. Whalen stated plus some other requirements were done at that time.

Council Member Fenner stated but then the actual cost went down to \$4100.00.

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Mike Whalen Addresses Council/Reimbursement On His Sidewalk

President Broady stated so you're asking for \$2,050.00 reimbursement.

Mr. Whalen stated correct.

President Broady stated do we have any money in sidewalks.

Ms. Schafer stated I'll have to look on my appropriations.

Council Member Eddings stated we have to be careful on those. I'm in favor on going ahead and doing this but what happens to the next guy down the street that wants to repair and wants the town to pay half and the next guy down the street and the next guy. It could open up a can or worms you may not buy your way out of it.

President Broady stated I'm going to ask Ken to start looking into a policy of what we might be able to do down the road.

Council Member Alexander stated there's a million dollars worth of sidewalks out there and the only money that's available is ice tea money, on the planning commission we're gonig to try to develop something on a downtown program but that's all there is, we have over a million dollars worth of sidewalks that need to be replaced.

President Broady stated I didn't know if we could pull some money out of paving.

Council Member Alexander stated I'm not sure if we've got a sidewalk fund or not.

President Broady stated I know Jeffersonville has got a simular 50/50 deal down there, 50/50 is better than 100. It's something we need to look at.

Council Member Alexander stated we could get something up to where we've got X amount of money and if you want it 50/50 it's a first come first serve basis, we'd have to keep limits on it. It's something you would have to commit to every year, you couldn't just do it for three years and 12 people got it and then stop.

Council Member Eddings stated would you pull this out of paving.

Council Member Alexander stated no it would have to be an appropriation under sidewalks.

Ms. Schafer stated if it's in the budget it's listed under sidewalks.

Council Member Eddings stated do we have it under sidewalks.

Ms. Schafer stated I can go get my budget.

Council Member Eddings stated you don't remember if you've got any listed under there.

Ms. Schafer stated I had it last year but since I restructured the budget I'm not really sure, it would just take a second.

Council Member Eddings stated you can move it if you need to right?

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Mike Whalen Addresses Council/Reimbursement On His Sidewalk

Ms. Schafer stated if I have an appropriation named sidewalks there'd be no problem.

Council Member Fenner stated does anybody know what Roy Everitt's original plan was as far as making the offer and did he have a plan.

Ms. Schafer stated I think the original problem was there was no storm drain there and due to the street out front being built up water was flooding through that building.

Council Member Fenner stated so this was an exception due to flooding problems.

Ms. Schafer stated it was an exception.

Council Member Voyles stated personally I feel like we ought to do this.

President Broady stated I would entertain a motion to resolve this problem.

Motion made by Council Member Eddings to pay Mr. Whalen \$2050.00, half of the cost of replacing his sidewalk and seconded by Council Member Voyles.

Council Member Alexander stated could I have it amended to as long as there's an appropriation.

Council Member Eddings stated we just talked about if there's not we can have a resolution to take it back out of paving and put it into sidewalks.

Ms. Schafer stated we could take it out of judgements and settlements. I think for that matter it would qualify. I'll get it somewhere.

President Broady stated does that satisfy you.

Council Member Alexander stated that satisfies me.

Vote 4-0

Charlie Ridenour Addresses Council/Street Department

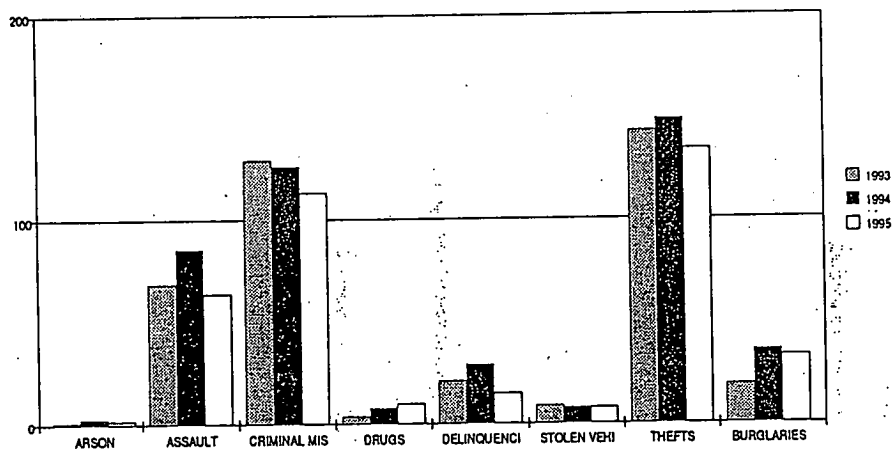
Mr. Ridenour stated I just wanted to congratulate the street department on the roads for this past weekend. I traveled the county Friday night into the late hours when the storm started. I traveled in New Albany, Jeffersonville and Clarksville and nowhere was there such a response as in Sellersburg. I had a chance to talk with some of the guys and we got really good comments from WHAS and Chuck Holmstead, it was very positive.

President Broady stated thank you and I agree with you. I voiced my opinion to the drivers this morning and I think they did a real good job. I'm very proud of them.

Chief Kinder Presents Crime Statistics From 1993 To 1995

Chief Kinder presented the crime statistics from 1993 to 1995 as follows:

CRIME STATISTICS FROM 1993 TO 1995



CRIME STATISTICS	ARSON	ASSAULTS	CRIMINAL MISCHIEF	DRUGS	DELINQUENCIES	STOLEN VEHICLES	THEFTS	BURGLARIES
1993	1	69	129	4	21	9	143	19
1994	3	86	126	8	29	8	149	36
1995	2	64	113	10	15	8	134	33

Council Member Alexander stated sorry I added one to that.

Chief Kinder stated yes, we had one bank robbery and one armed robbery, those were the two major crimes. They were both resolved within an hour.

Council Member Alexander stated two minutes on mine.

Chief Kinder stated we did have a fatality today, we hadn't had one in quite a while.

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Tom Edwards/Environmental Management Addresses Council

Mr. Edwards stated just briefly in the waste water and water plant we are experiencing some problems due to weather but overall quality continues to be excellent. The billing officer over the past two weeks has taken in \$149,506.17. I do have a claim to submit for payment along with supporting documentation.

Stephen D. Prather, Building Commissioner Addresses Council

Mr. Prather stated this is a corrected claim from November 14th through December 11th 1995. There was a duplicate receipt that had been added in the amount of \$50.00 which would of affected the Building Commissioner's portion by \$45.00 and the town's portion by \$5.00 so it's a corrected voucher for \$729.00.

Council Member Eddings stated that's already been voted on and approved.

Mr. Prather stated will but the one that you voted on was incorrect.

Motion made by Council Member Eddings to approve the correct claim in the amount of \$729.00 and seconded by Council Member Alexander.

Vote 4-0

Mr. Prather presented his claim from December 12, 1995 through January 8, 1996 in the amount of \$711.90.

Motion made by Council Member Eddings to pay the claim as presented and seconded by Council Member Alexander.

Vote 4-0

Mr. Prather stated it would be up to the Clerk Treasurer's office but if her office would like to make those as one check I don't have a problem with that I mean it's up to however you have to do your books. Is there anyway that I could request that those be ready by 2:00 p.m. tomorrow afternoon since the one was suppose to already be issued.

Ms. Schafer stated well I'm sorry about that the first voucher you presented was not correct.

Mr. Prather stated but it's already checked off.

Ms. Schafer stated I'll get it as soon as possible. I'll have to check these off to verify them also, so as soon as possible.

Mr. Prather stated thank you.

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Council Member Alexander Addresses Council/Street Department

Council Member Alexander stated thanks for the comments on the street department. They were up all night. They did a really good job, if the wind just wasn't blowing it would of been better. I think they were cleaned three times completely and because of the wind there were drifts out on various roads that kept them pretty busy. They all had smiles on their faces when they came in.

Council Member Alexander Addresses Council/Corrected Price On Chipper

Council Member Alexander stated the last time we met I had a claim on a chipper that I incorrectly stated the wrong amount. I said \$9,750.00 and it was \$9,835.00. I just wanted to bring that to your attention.

Council Member Eddings Addresses Council/Resolution 1995-33-Uniform Allowance

Council Member Eddings stated we have a resolution or maybe it was in Stan's box.

Attorney McCall stated Stan had the original, it's the Resolution 1995-33, Doug, Ken and Stan passed it at the last meeting, it simply has the specific dollar figures in it. It just needs to be signed by Ken and Stan.

President Broady stated if that's what you want to do but I know the State Board of Accounts changed it.

Attorney McCall stated that's got the changes, the changes that were made.

President Broady stated in the dispatcher's, the way it was worded if they are part time or work full schedules.

Attorney McCall stated simply I was told to put an allowance in there for all dispatchers.

Council Member Eddings stated for all dispatchers.

Attorney McCall stated it changed, \$700.00 for, I'll read it, \$700.00 is allotted to each town police officer for uniform allowance, \$100.00 will be allotted to each town dispatcher for uniform allowance, \$100.00 will be allotted to the clerk treasurer and \$100.00 will be allotted for each clerk treasurer employee. It was my understanding this was what it needed to say.

Ms. Schafer stated that's correct.

Chief Kinder stated it's not correct.

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Council Member Eddings Addresses Council/Resolution 1995-33-Uniform Allowance

President Broady stated I know what was passed according to the minutes is not the way it was read. The State Board of Accounts made them clarify the exact amount for each person. They told us today that it has to be that way, is it not correct.

Attorney McCall stated I wasn't there when they discussed that.

Ms. Schafer stated that's correct, Mr. Tucker was there.

President Broady stated that is correct chief.

Chief Kinder stated what do we do when we don't have that much money in the budget.

President Broady stated well that's something we need to look at. What if you have a part timer and you hire them one month before the end of the year. You know it would be a dispatcher and it would say \$100.00, that would not be right.

Council Member Eddings stated does this thing need to be amended again.

President Broady stated I think that we need to take another look.

Attorney McCall stated I'll change it to whatever you want it changed to but that was the last discussion I got.

President Broady stated do you understand though.

Chief Kinder stated I'll go along with that except we only allocated \$8100.00 in our budget and we won't have enough because of part time dispatchers.

President Broady stated I think it's meant for full time people, we certainly wouldn't want to get into the way that reads, correct me if I'm wrong.

Attorney McCall stated it says \$400.00.

President Broady stated if I hire a person in November and it comes time to pay, then that employee is a dispatcher or a clerk.

Attorney McCall stated according to this they get that balance back.

President Broady stated I don't think that's quite the way it should be. I think it's for a yearly full time.

Attorney McCall stated I understand what you are saying.

President Broady stated I think we'd better regroup.

Attorney McCall stated okay, I've got it.

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Council Member Eddings Presents Claims/Jacobi, Toombs & Lanz, Inc.

Council Member Eddings stated I have three claims here, two are from Jacobi, Toombs and Lanz, Inc. and the other one is from the contractor. We can just approve all three claims at once. The claims were as follows:

Team Contracting, LLC, in the amount of \$76,866.65 for Sellersburg Storm Drainage Improvements, IDOC #CF-94-257.

Jacobi, Toombs and Lanz, Inc. in the amount of \$2,383.80 for Job #9222-Sellersburg Storm Drainage Improvement Project IDOC CF-94-257.

Jacobi, Toombs and Lanz, Inc. in the amount of \$170.00 for Job #8823 for Engineering Services in regards to Wilson Project.

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

Council Member Alexander stated on the Wilson thing, can we, do we have a policy set up, can we not wait until something's approved before we spend engineering services on a project.

Council Member Eddings stated sometimes you have to do the engineering before you can make a decision one way or another.

Mr. Toombs stated I can answer that, generally what happens is when somebody approaches you guys and says what do I do about this or that and one of you guys sends this guy over to talk to me so they get educated before they come here.

Council Member Alexander stated but I mean we voted it down and pretty much where is the expended work.

Mr. Toombs stated they were sent to me.

Council Member Alexander stated but don't they have to have a plan or something like that ahead of time anyway as far as how their plots are going to be layed out.

Mr. Toombs stated sometimes they do, sometimes they don't.

Council Member Alexander stated can anybody do that.

Mr. Toombs stated no, not without one of you guys sending them to me.

Vote 4-0

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Council Member Fenner Addresses Council

Council Member Fenner stated I don't have any real business. I missed the last meeting of the year. I didn't get a chance to express my appreciation to Stan Tucker and Karl Truman the outgoing board members and I just hope that Bill and I can do as good of a job coming in as they did the last four years and I also echo the sentiments of Mr. Ridenour for the street department. They did a super job all weekend long. That's all.

Attorney McCall Addresses Council/Resolution 1995-33-Uniform Allowance

Attorney McCall stated I want to jump back to this Resolution 1995-33 and just some language that may satisfy everyone, include those employees that are employed as of January 1st of that year.

Mr. Schafer stated their anniversary date.

Attorney McCall stated or as of their anniversary date.

Ms. Schafer stated that would be better, their anniversary date.

Council Member Eddings stated you may want to work that out with the chief and Linda, he's got a budget that he has to follow and she's got certain terminology. He needs to do it in his budget the way she needs it to state.

Attorney McCall Addresses Council/Settlement On Old Waste Water Treatment Plant

Attorney McCall stated in regards to the old waste water treatment plant, there has been an offer, a settlement in regards to that matter. For those people that don't know we had been contesting the ownership of the old waste water treatment plant. It's come to a point where it's going to have to proceed to court of settle, at this particular time an offer of settlement has been proposed by Virgil Bolly on behalf of Margaret Dreyer to settle the matter for \$540.27. It appears and based upon the time and cost of litigation involved with that I suggest that the town end this matter once and for all. It's been pending for some time. It has been brought to me by Virgil Bolly on behalf of Margaret Dreyer. I brought it to you tonight for your consideration.

Council Member Eddings stated I'd like to make the motion that we agree to pay the settlement of \$541.00 for the title of deed to the old waste water treatment plant.

President Broady stated motion on the floor by Doug to pay Ms. Dreyer \$541.00.

Attorney McCall stated \$547.20.

President Broady stated \$547.20 for...

Attorney McCall stated for her execution and in turn she writes a quit claim deed to that property whereby the dispute is over.

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Attorney McCall Addresses Council/Settlement On Old Waste Water Treatment Plant

President Broady stated a quit claim deed.

Motion seconded by Council Member Alexander.

President Broady stated now this would take care of everything, the deed and all and everybody's happy.

Attorney McCall stated it will take care of it and everybody's happy.

President Broady stated okay.

Vote 4-0

President Broady Addresses Council/Renewal Of Attorney McCall's Contract

President Broady stated I have a proposal by our attorney for a year contract, well actually it's for a two year contract and we've all read it. I will entertain a motion it's our desire to sign this contract.

Motion made by Council Member Eddings to approve the contract but to have it amended to a one year contract and seconded by Council Member Alexander.

Vote 4-0

President Broady Addresses Council/River Hills Economic Development Committee

President Broady stated River Hills Economic District requests that we have a person appointed to their committee.

Council Member Alexander stated I make a motion that I stay on it.

President Broady stated Ken has graciously accepted it.

Motion was seconded by Council Member Eddings.

Council Member Alexander stated I'll make it easy.

President Broady stated what this is Gary and Bill, it's a, we put one representative on the River Hills Economic Development and Regional Planning Commission, he was on it last year and will continue.

Council Member Alexander stated basically when we need grant money they are the ones who develop the process as far as in order to help achieve our goals. They have a proxy system now so anytime you all want to go down just let me know, it's not a problem.

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President Broady Addresses Council/River Hills Economic Development Committee

Council Member Fenner stated is it a five county area.

President Broady stated Washington, Scott, Jefferson, Floyd and Clark.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/River Hills Quarterly Report

Ms. Schafer stated the River Hills Economic District, this is a quarterly report for the new town council president to sign. I did let Perry review that and he said it's standard and then the president will sign.

President Broady stated do I need to get authority from the board to do so.

Ms. Schafer stated yes.

President Broady stated I'd like a motion that you give me, on behalf of the town to sign this document to River Hills Economic Development, it has been reviewed by the attorney and he says it's okay.

Motion made by Council Member Eddings to allow President Broady to sign the document on behalf of the town and seconded by Council Member Voyles.

Vote 4-0

Clerk Treasurer Schafer Presents Claim From Environmental Management Corp.

Ms. Schafer stated I'd like to present this bill on behalf of EMC for meter deposits, nsf checks and sales tax in the amount of \$2,496.43.

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

Vote 4-0

Clerk Treasurer Schafer Presents Claims From Civil, Water And Sewer Departments

Ms. Schafer stated I'd like to presents the claims for the civil, water and sewer departments for the last two week period.

Motion made by Council Member Eddings to approve the claims as submitted and seconded by Council Member Alexander.

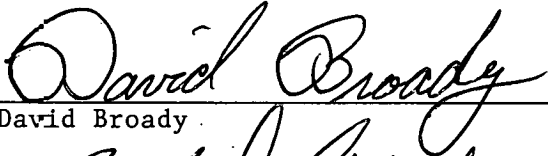
Vote 4-0

Adjournment

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

Vote 4-0

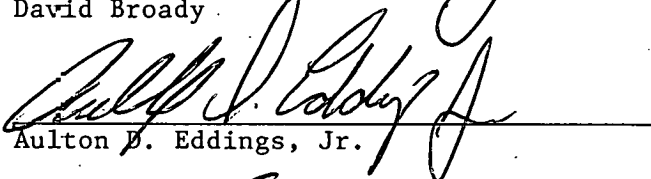
With no further business this meeting was adjourned by President Broady at 7:35 p.m.



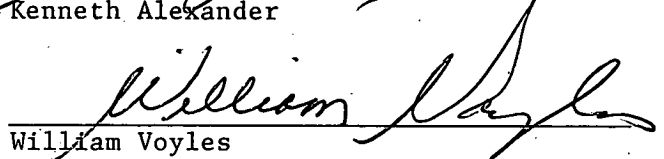
David Broady



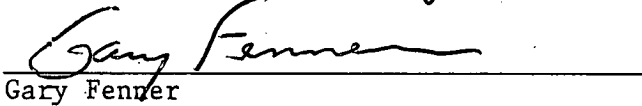
Kenneth Alexander



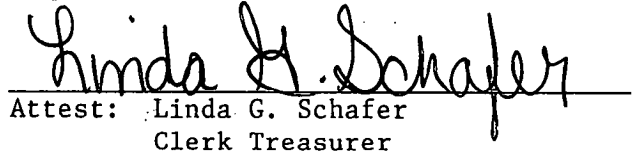
Aulton D. Eddings, Jr.



William Voyles



Gary Fenner



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

January 22, 1996

Regular Meeting

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

Called To Order

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

Prayer

The prayer was dispensed with at this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Alexander.

Vote 4-0

Diane Carpenter Addresses Council/Water Bill @ 829 E. Utica Street

Ms. Carpenter stated I use to live down there at 829 E. Utica and my water bill, I have a three month bill here and we moved at the end of November. I got a bill for \$212.00 which I thought was the final bill and then I got the final bill and it's \$344.00, at the end of November they read my meter and the meter man left a note on my door that said the meter was spinning, to check for leaks. We checked everything, the water heater, we thought maybe it was in the ground, we couldn't find it, we've moved and I'd like to get an adjustment.

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Diane Carpenter Addresses Council/Water Bill @ 829 E. Utica Street

President Broady stated okay I have the meter readings here, I got them from Tom and we went from 10,400, 11,400 and 12,700 and all of a sudden 18,500 and 19,200, they don't have any explanation. Doug do you want to make a recommendation.

Council Member Eddings stated did we check for a water leak.

Mr. Edwards stated there appeared to be a leak, the meter wasn't running last time we checked it. There doesn't appear at this time to be a leak there but the meter is shut off.

Council Member Eddings stated what are the guidelines on that.

Mr. Edwards stated from the meter to the trailer the park is responsible.

Council Member Eddings stated I think we should adjust back to her average.

President Broady stated adjust the whole bill back to her average, does anybody have a problem with that.

Mr. Edwards stated adjust the two.

President Broady stated we'll take the three and go back.

Ms. Carpenter stated you said something about a mobile home park. We owned the trailer but we rent the lot. We moved December 1st. We rent from Margaret Dreyer.

Mr. Edwards stated well apparently I've got this young lady confused with another but I'll check into that.

President Broady stated this is the right paperwork.

Council Member Fenner stated so you're not living there now, is the trailer still there.

Ms. Carpenter stated yes.

Council Member Fenner stated but no one is living in it.

Ms. Carpenter stated no, the meter has been shut off the weekend of December 1st.

Council Member Fenner stated okay, you own the mobile home but not the lot.

Ms. Carpenter stated right.

President Broady stated Tom will contact you tomorrow, make sure he's got your phone number or you can call him at 246-8066.

Mr. Edwards stated before we go down there to detect a leak she will have to call us so she can be there to check for the leak, she'll have to sign a release and be there to make sure everything is turned off inside.

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Donnal Long Addresses Council/Building Ordinances & Permits

Mr. Long stated I just wanted to make you aware of the fact, this was quite awhile back, on your building ordinances I told you I didn't feel a person should have to have a permit to put a roof on their house. Jeffersonville and New Albany doesn't require it and I understood your's were set up by theirs but I went ahead and did it. I follow the laws so I applied for a permit to put a roof on my house on September 18th and I came back over to the office here and I talked to Andrea the following week and the permit was still in the box so I waited another week and came back and it was still in the box so I asked her and she said you can go ahead and start and so I went ahead and started. I took the roof off and I put the new one on and I worked for a couple of months, never any contact, never any word, nothing so I thought to myself, maybe they forgot about me or maybe he still hadn't picked it up and I guess maybe that's what it was because January 3rd of this year I get a call, it says your building permit is up here and I needed to pick it up within three days or I'm going to be fined \$1000.00 a day and have a lien put on my home. I had three days to pick it up so I went in and paid for my permit and the permit was approved the same day that I had applied for it. I don't have any problem at all with the ordinance if it is administered correctly and carried out correctly. I have no problem with it but I don't think that's happening. I just wanted to make you aware of it.

President Broady stated Mr. Long I will apologize for the inconvenience that caused you. It is ridiculous that it happened. We are in the process right now of changing building inspectors. Our current inspector has resigned, there will be a new one. I hope to have these problems solved. I wasn't aware of that and I will apologize.

Mr. Long stated ultimately you are the ones who are responsible. I was just letting you know.

President Broady stated that's right, the buck stops here. I thank you for the information and we will try to see that it doesn't happen again.

Rose West Addresses Council/Town Vehicle Hit Her Car

Ms. West stated on November 10th my car was hit at Five Star by Eddie Thompson. Well the insurance they paid for the car repair. I had to rent a car and they won't pay on all of the car rental. I had a trip planned, my husband's sister is sick and we went to Florida over Thanksgiving to see her. I'm out \$119.80. I'd like to get my money back.

President Broady stated let me go over what I know about this with the other board members here and give them some information. One of our vehicles backed into her automobile which was a Toyota Carolla and since that time I think we have fixed the auto and paid for that. What the insurance did was offer her a car equivalent to the same size that she had, from what I understand, they would pay around \$15.00 a day.

Ms. West stated \$20.00 a day.

President Broady stated well she decided that wasn't really the size car that she liked, she wanted a little larger car so they went back and offered her a Taurus, I believe, a little larger car and it raised the rental rate to \$20.00 a day which is above what they thought they should be paying. I'm not sure how that worked.

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Rose West Addresses Council/Town Vehicle Hit Her Car

Ms. West stated they said they'd pay \$20.00 a day and the company said there was unlimited mileage on the car and when I brought the car back it had changed.

President Broady stated to make a long story short, what happened, the difference between the car rental rates was \$20.00 a day and the bill that she got, she took a trip to Florida and ran the car over the mileage that was allowed by the car rental agency so that's kind of the scenario. It is my opinion and correct me if I'm wrong but I think this should go back to the insurance agency between her and the insurance.

Ms. West stated I've gone back to the insurance company.

President Broady stated well Perry do you have any, he's our attorney, what we're looking at is we have an insurance company and that's what we pay them to do and they are suppose to settle with you. I don't know that we could do anything if we wanted to under the circumstances. Perry do you want to have some input into this.

Attorney McCall stated you're saying that the insurance company has exhausted their funds and they have told you verbally or in writing that this is the maximum they will pay, is that correct.

Ms. West stated that's correct.

Attorney McCall stated and again the difference is because it's a larger car.

Ms. West stated no, the difference is the mileage, they told me it was unlimited mileage and when I brought the car back they told me it was not.

Attorney McCall stated did you have an agreement with them.

Ms. West stated I left it in the glovebox of the car and they said it's not there.

Attorney McCall stated, so the fee was based on the unlimited mileage of the car and if our insurance company said this is what we are going to do and this was prior to your renting the car. The fact that the rental agency which is not connected to our insurance company at all, is that right, is this someone that you sought out. It would be a contractual disagreement between you and them. My belief is that the agreement that you had with the rental company and she had a misunderstanding about that and that's the difference that we're talking about. The agreement was with the rental company and she can't expect the town to pick up the tag. I'd like to see the agreement in writing.

Ms. West stated I had already had this trip planned. I didn't ask the town truck to hit my car, a hit and run. I feel I'm being pushed aside and greatly inconvenienced.

Attorney McCall stated anytime you have an accident it's going to be an inconvenience. I guess what I'm saying is if the policy says \$20.00 a day and they did up the \$20.00 per day and by some misunderstanding between yourself and the rental agency and the fee is more then your asking the town to pay the difference because of that misunderstanding.

Ms. West stated I'm asking to pay the difference because I had this trip planned.

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Rose West Addresses Council/Town Vehicle Hit Her Car

Attorney McCall stated but you indicated that you had unlimited mileage you thought, through this rental company and that was your understanding when you rented the car and the amount of money that the town's insurance carrier would pay would cover that amount except for the unlimited mileage that's my point, is that your understanding with them was unlimited mileage and when you got back they said no it wasn't unlimited mileage and you had a contractual relationship with them and that was the understanding and what I'm saying is that is where the problem lies. If the town believed that \$20.00 a day would get you an unlimited mileage vehicle and they paid you that amount because there was a contractual agreement between you and that company. I don't feel the town should be responsible for that.

Ms. West stated then you show me a company where you can get a car for \$20.00 a day with unlimited mileage, you show me that.

Attorney McCall stated I'm not saying there is even one out there, but you're saying that is what they told you or that's what the contractual agreement was at that time and you don't have the paperwork today, you've lost it somehow or you left it in the car and they lost it or they don't have it now to confirm that and if anyone had an agreement with them and I'm not trying to be difficult, I'm just trying to reason it out.

Ms. West stated I just can't afford to be out this amount of money.

Attorney McCall stated who was the rental agency.

Ms. West Stated First Choice Rental in Jeffersonville, 1401 Truckers Blvd.

President Broady stated why don't we call our insurance agent and make sure that they have settled and see if we can help her at all and then let us get your address ma'am and your telephone number and we will look into it and see what we can do and anything we can help you with we will do our best. We'll call our insurance and give First Choice Rental a call and we'll do what we can to help.

Council Member Fenner stated Ms. West I think the people up here are very sympathetic to your predicament and we certainly feel bad about the accident to start with but I don't think any of our town employees would do that purposely and I do think it was an accident.

Ms. West stated he backed into it and he pulled forward and he looked around after he hit the car and he drove off. I have it on video tape at my work.

Council Member Fenner stated okay, well you know like I said we are sympathetic to the accident and to your predicament and we are going to do what we can to help you but I hope you realize at the same time that what we see here is your problem really isn't with us as much as it is with this First Choice Rental people that told you one thing one time and then they changed their rates on you but like I said we are going to try to do our best to speak on your behalf but your real complaint is with First Choice Rental rather than the Town of Sellersburg.

Ms. West stated but I wouldn't of had to rent a car if I hadn't been hit.

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Rose West Addresses Council/Town Vehicle Hit Her Car

Council Member Fenner stated I understand but that's why the town has insurance so that these things are taken care of.

Ms. West stated then you need to check out your insurance company and get a good one.

Council Member Fenner stated I think that we probably have a good insurance company that covers the car rental but what you're saying is the car rental place, they are the ones causing the problems.

Ms. West stated they were the cheapest one around.

Council Member Fenner stated yes, but they turned out not to be cheap apparently because they misinformed you didn't they, well like I said we will look into it and we'll do the best we can for you but I think the ultimate problem is between you and the rental company but we might be able to do something for you.

Tom Edwards-EMC Addresses Council

Mr. Edwards stated the waste water facility and water facility, we've had extremely bad weather but they continue to work excellent. We've had some water leaks but they were repaired with no interruption in service. The billing office revenue for the past two weeks was \$106,151.35 and I have a monthly report for the month of December that I would like to submit at this time. Any questions or comments. Thank you.

Stephen Prather, Building Inspector Presents Claims

Stephen Prather presented his claims from January 9th through January 22, 1996 in the amount of \$1972.26.

President Broady stated is this the last one.

Mr. Prather stated yes sir.

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

Ms. Schafer stated I'd like to comment. Auditing last years claims there's a permit that I was billed for with the same receipt number and permit number and I would like the opportunity to review a little further by Friday and if this is not the exact amount, reduce the amount that was presented.

President Broady stated are you saying there may be one bill that was duplicated that we may have to subtract.

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Stephen Prather, Building Inspector Presents Claims

Ms. Schafer stated there's also a Alma Burr. There is a receipt for \$15.00, there was no deposit on that receipt. This was on September 7th also I have a bill here that I would like for Mr. Prather to attend to, it's seriously past due and the Town of Sellersburg's name is on the top of this bill.

Mr. Prather stated that's my bill from the printing company for \$80.00, it's not suppose to be sent here.

Ms. Schafer stated but it has the town's name on it and I take pride in paying the bills on time so I would like that matter also resolved before he gets paid.

Mr. Prather stated I'll take care of that in the morning. That wasn't suppose to be sent here so I wasn't aware that was here. That's the first time it's been brought to my attention.

Ms. Schafer stated it's for \$99.43 and it is seriously past due.

Mr. Prather stated it was suppose to be sent to me so if it came here that's probably why it's not paid.

Ms. Schafer stated I'm concerned because it does have the town's name on it and I would like it taken care of before I pay him.

Mr. Prather stated that is my account there. It is not your all's account. This is the first time that I've seen that bill.

President Broady stated so you're going to take care of that and your going to take care of the duplication.

Ms. Schafer stated there is a definate duplication.

Mr. Prather stated what was the amount of that.

Ms. Schafer stated \$25.00 and on Alma Hamby, I've got 0667 presented on, well it was paid to you 11-14 and the same exact receipt paid to you again October and there it is the same one so I would like the opportunity to have a little more time reviewing all of the bills since this will be the final payment to him and if it does require a reduction have the approval of the council to reduce it however much it should be.

Mr. Prather stated instead of tying up \$1900.00 for a \$22.50 possible error could I just ask that the bill be amended by \$22.50, which would be my portion.

Ms. Schafer stated well then also this Alma Burr, it was \$15.00, it could of been refunded I don't know, I'd have to investigate it further.

Mr. Prather stated well those were basically all investigated when you all supposedly checked the receipts before you issue the check, it's been your policy for four years.

Ms. Schafer stated there's no deposit on that.

Stephen Prather, Building Commissioner Presents Claims

Mr. Prather stated I don't take the money and I don't handle your deposits but you do have a receipt for that amount so that means someone was paid the money and it was not me.

Ms. Schafer stated well it wasn't any of my staff I assure you but that's beside the point I mean the money is not there so I would like to request from the council to make sure everything is okay since this is the last check.

Mr. Prather stated I don't think it's fair to hold up my whole check for a \$22.50 possible error.

President Broady stated how much possibility is there.

Mr. Prather stated \$22.50.

Ms. Schafer stated 90% of \$25.00.

Mr. Prather stated which is \$22.50.

Ms. Schafer stated \$30.00 or \$40.00, if this was a refund you were not entitled to it, there's \$15.00 there and \$25.00 on the other.

Mr. Prather stated okay so'd it would be \$36.00.

Ms. Schafer stated I really would like, that bothers me because I do take pride in paying the town's bills on time. It does bother me to have that with the town's name on it.

Mr. Prather stated it would be \$36.00 then or 90% of that amount so it's only a possibility of \$36.00.

President Broady stated how about if we deduct the \$36.00 and pay the rest of that amount until we get the other squared away.

Mr. Prather stated I can bring you a receipt on that tomorrow, like I said it's the first I've seen this, if I may have a copy of this or is this a copy that I can take down there. It is stuff I had done but the bill should of come to me and obviously it didn't and that's why I never paid the bill.

Ms. Schafer stated I don't have a problem with that I have a problem that it has the Town of Sellersburg's name on it.

Mr. Prather stated that's no problem.

President Broady stated okay bring in a receipt tomorrow for that and we'll deduct \$36.00 until it all has been taken care of.

Motion made by Council Member Eddings to amend his motion to pay Mr. Prather \$4936.46 and seconded by Council Member Voyles.

Council Member Fenner stated this is your last payment.

Mr. Prather stated yes sir, as of tomorrow or as of 4:00 p.m. today.

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Stephen Prather, Building Commissioner Presents Claims

Council Member Fenner stated so to your knowledge everything else is taken care of, there isn't anything else hanging around out there.

Mr. Prather stated that's all I know of sir, this would of been taken care of had I had prior knowledge of this.

Vote 4-0

Stephen Prather Addresses Council/Purchase Of His Inventory As Building Commissioner

Mr. Prather stated I have one more item, I'm not sure if the town has made any provisions or any applications for permits or certificate of occupancy's, inspections stickers, building commissioner letterhead or whatever. I've made an inventory of all of the supplies that are in my possession at this time and I have quantities listed out to the side of each of the five applications for various permits, building, electric, mechanical, which is HVAV, miscellaneous as well as the application for certificate of occupancy. The actual building permits, the actual c of o, the finish wiring stickers that are required by PSI and REMC. The abatement of dangerous posters, violation notices and building commissioner letterhead and if the town has already made provisions to take care of all of this that's fine, if not I'd be willing to let them have this whole lot tomorrow if they deem they might need some applications and permits. That is the total cost of this around \$750.00 to \$800.00. I don't need it anymore not being the inspector so if the town would like this I would turn everything over for \$450.00, one lump sum. That includes the originals for the typesetting so the forms can be reproduced at a future date when the supply runs low again since all of that was my personal expense that's the way that the contract was made between myself and the town. I was required to purchase all of the inventory so as of today the town doesn't have any permits, applications or whatever because those were purchased by myself.

President Broady stated I wouldn't be prepared tonight to entertain a motion on that but I would like to check into it tomorrow to see if it's something we are going to need.

Mr. Prather stated like I said I don't need them anymore, I don't want them but I did have to incur the cost of having all of the typesetting done, printing cost done, I do have all of the originals, the forms were not only approved by the State Building Commission but also by the State Board of Accounts and like I said the certain documents like the warning stickers were approved by PSI and REMC, both the letterhead and the certificate of occupancy, they have the town seal on those, that would all have to be redone, well basically that's tomorrow, you have nothing.

Council Member Fenner stated none of these things have your name on them anywhere that would compromise them.

Mr. Prather stated the only statement, the letterhead, does have if fine print, in the upper left hand corner, it does have my name that could be covered easily but the rest of it as far as town address and telephone numbers.

President Broady stated let us look into this.

Stephen Prather Addresses Council/Purchase Of His Inventory As Building Commissioner

Mr. Prather stated if they decide to, I don't want to keep inventory on these and pack them around. The other department never did contact me in the past four weeks so I don't know if they are under the impression that the town owned all of this and the town was going to hand it over to them or what their impression was but the town doesn't own any of the documents.

President Broady stated I think we should table it until we decide what we are going to do. I'm not saying that we are not interested or the new party isn't, I don't know.

Mr. Prather stated could I ask that it be put this way, if you table it you couldn't really make a decision until February 12th which is your next meeting which puts you over two weeks without anything running the department on, could you make the motion on it pending what the other party says like if they decide yes, that they do need this then the town could go ahead and purchase these tomorrow and if they decide that they don't want this then there would be no purchase agreement that way you are covering yourself.

Council Member Eddings stated I don't think we should until it is decided what we will need.

Council Member Fenner stated but we can talk with the people that are interested in performing the service for us right, and tell them they need to make a decision.

Mr. Prather stated they need to make a decision tomorrow, I'm not keeping it past tomorrow as I said they are of no use to me whatsoever but I don't want to give something away that I had to pay for to start with.

President Broady stated have you got these in your possession.

Mr. Prather stated yes sir, every single one here.

President Broady stated okay, just thought I'd bring that up.

Council Member Eddings Addresses Council/Possible Sale Of Water Plant In Jeffersonville

Council Member Eddings stated the town hall project is complete, one other project that we've talked about back in November, was the sale of the water treatment plant in Jeffersonville and the water tower and I'd like to ask John Toombs and Tom if they would put their heads together and at the next meeting bring back to us the steps that we need to make that happen. There is probably a whole list of stuff that we will have to do before we can begin.

Attorney McCall stated along those lines, the waste water treatment plant is almost done, we did a quit claim.

President Broady stated is there a potential sale on that.

Attorney McCall stated if you remember Jeffersonville auctioned their's two times, the first time the sale was not legal due to publication's and etc.

Mr. Toombs stated you may call Mike Gillenwater, he would know better than anybody what the process is. What happened is they didn't advertise correctly.

Council Member Fenner Addresses Council/Jesse Ballew Properties

Council Member Fenner stated I just had one thing that came up late this afternoon, about 5:00 p.m. in my office. Late last year the council had talked with Mr. Jesse Ballew about running some services to his industrial park down here off of 31 and he had approached me this afternoon with an estimate of what it would cost to run the water, to bore underneath Route 31 and the railroad to get the water to his property and you know his belief is we are pretty much obligated by the law's governing the annexation to bring the water to his property so he gave me that estimate and I've got copies for each of you and it comes out to almost \$40,000.00 to do that so I told him that I would share that with the rest of you this evening but I assured him that we would not take any action on it tonight but that I would bring it to your attention so I have done so.

President Broady stated I might add that Gary and I have spoke about this and I told him that I would bring him up to date on all of the transactions we've had and the letters, what's suppose to be done on the annexation in that area and how it's stated. I'll try to get that in your box so you can take a look at it.

Council Member Fenner Addresses Council/Liason Between Council & Clerk Treasurer's Office

Council Member Fenner stated I think we've gotten off to a good start and I think it's going fine and I hope she feels the same way.

Council Member Alexander Addresses Council/Yard Waste

Council Member Alexander stated yard waste is over, last week of it until April, it will start again. I think it was a good success this year we didn't run into many problems. The complaints once we got use to it because it was a partnership and not a complete program, I think people really got use to it, there's improvements but they are small. All complaints stopped after the first months of the program. The guys did a real good job.

Council Member Alexander Addresses Council/1996 Paving

Council Member Alexander stated we are starting the paving program early this year, so if you all have any suggestions, we hope to have it completed by April 1st. We don't want to do like we did last year.

President Broady stated please don't forget Shirley Avenue.

Council Member Alexander stated that requires some construction because of the driveway's but that is one.

President Broady Addresses Council/Rick Wilson's Request To Tap On To Sewer & Water

President Broady stated first of all the request for Rick Wilson and Bill Sprigler, in December of 1995 to tie onto the sewers in what is actually Clarksville on Highway 60. The board voted on at the last meeting in December and there were only three members present and it was carried by a 2-1 vote to give them permission to tie onto our water and sewer.

President Broady Addresses Council/Rick Wilson's Request To Tap On To Sewer & Water

President Broady stated after looking into it permission to do so requires a majority vote of the board and not of the members present so we need to take another vote on that and reapprove it that's the case or disapprove if that be the case on this same subject. The request is still pending until we vote.

Motion made by Council Member Eddings to allow Rick Wilson and Bill Sprigler to tap on to the town's sewer and water system on Highway 60.

Council Member Voyles stated I need more information on this, whether it involves a pumping station or...

Attorney McCall stated we have to get a second on it first.

Motion was seconded by President Broady.

Council Member Voyles stated well I would like to just you know, they are asking to hook onto the sewer and water and some how I heard something about a pumping station, is that correct.

Council Member Alexander stated a lift station.

Council Member Voyles stated are we responsible for that.

President Broady stated what happens in that particular case, they have two different options that they can go with here, one from what I know and John you may correct me if I'm wrong, one way would be a gravity flow and they would go across properties and they would have to get easements, another way that which they do already have access to would require a lift station. They would be required to put the lift station in and be responsible for it, maintain it for a year and pick up all of the cost on it for a year I believe and then the town would take it over, okay that's the way it happens. The property is in Clarksville, one thing that needs to be brought to the attention of the board is that Clarksville, back when we built the water tower to make a water improvement, at that time they felt the need to help us out because I guess they thought down the road, they may need water and they agreed to pay us \$200,000.00.

Ms. Schafer stated \$12,000.00 at twenty payments.

President Broady stated \$12,000.00 at twenty payments to help us out on that. It is Clarksville, we are providing the services to Clarksville, obviously we would be paid for our services, it does increase the taxes for our school system.

Council Member Alexander stated one thing bad about the lift station aspect, Tom what does the electricity on the lift station cost.

Mr. Edwards stated it would depend on the size.

Mr. Edwards stated around \$30.00.

President Broady Addresses Council/Rick Wilson's Request To Tap On To Sewer & Water

Council Member Alexander stated what kind of income would be generated on that, \$80.00, right now we'd be taking in \$80.00, we'd be spending \$30.00 and every lift station we add to the system, we've got to give them more money because of our maintenance contract, I mean as long as it doesn't require a lift station I don't have a problem with it to where there is no cost to us at all. There's only one piece of property, it can't be added to, you can't add more customers on that line but to have a lift station put in and have a income of \$80.00 when we know we are going to be spending out in maintenance and electricity probably \$60.00.

Council Member Voyles stated we'd have to have somebody inspect to make sure they put adequate horsepower and pumps. If you can get a small pump for less money, they are going to do it and then we might down the road have a problem.

Council Member Eddings stated there are guidelines they have to follow.

Council Member Voyles stated oh do they.

President Broady stated anything they do has to come back to our engineer and he has to approve it. The last time I talked to him I expressed our concerns about this with Mr. Wilson and he said he understands the concerns and they are trying or in the process of buying more ground there so it could possibly be amplified. They are in negotiations, I'm not sure what ground he was referring to.

Council Member Eddings stated Clarksville helped us when we were building the water tower. They put up money to help us.

Council Member Alexander stated I don't remember the loan going through like that, the \$200,000.00 was after it was already approved and done as far as help to approve that water tower Clarksville didn't do anything but give us money above and beyond, after it was already approved. There was no actual money put into to make that bond happen, it was already done.

Council Member Fenner stated let me ask why is Clarksville, why did Clarksville do that, what are they getting out of it right now.

President Broady stated there are businesses out there that are in Clarksville that are already on that water line.

Council Member Fenner stated so there are some businesses out there that are in Clarksville that are on that line.

President Broady stated Metal Sales is on the water and sewer.

Council Member Alexander stated the money Clarksville pays doesn't go towards the bond that's what I mean, I don't understand. If it was set up like that the money would go directly to the bond payment correct, it was just a above and beyond. I went back through the minutes, way back through there and I mean there was no link to the money and the actual water tower and that's what was so intriguing I guess.

Council Member Fenner stated I have another question if they go with the gravity flow will that go to our sewers or Clarksville's.

President Broady Addresses Council/Rick Wilson's Request To Tap On To Sewer & Water

Mr. Toombs stated it will go to Sellersburg's.

Council Member Fenner stated I guess I will express my opinion. I'm torn several different ways, one is I would like for them to explore every other possibility and prove to us that they've explored every other possibility before we agree to put in a lift station for them. I know what Doug is saying and I agree with him if there was a gentleman's agreement I think we should live up to our part of it I don't know if we should live up to it at our expense necessarily. I kind of like to see them take the responsibility for the lift station. The other thing the water tower agreement was that before or after the annexation wars with them.

Mr. Toombs stated I think that was all at the same time, you stay over there and we'll stay over here.

Council Member Fenner stated I guess I have a problem with us running sewers at our expense with some expense to us to people that are outside of our town and in another town when we can't even provide all of the sewers and services to everybody that's within our town's limits. I think we have an obligation to them first.

Council Member Eddings stated we aren't running sewers, they are already there.

Attorney McCall stated you can set the conditions in the agreement, you can state any conditions you want and they would have to comply.

Council Member Fenner stated I think that we need some more conditions in the motion before I would agree to it.

Council Member Eddings stated I'll amend my motion.

President Broady stated why don't we just vote that one down.

Vote 2-3, with Council Member Eddings and President Broady voting yes.

Motion made by Council Member Eddings to allow Rick Wilson to hook up to Sellersburg's water and sewer on Highway 60 with the understanding that if a lift station is required, they build and maintain it for at least one year.

Council Member Alexander stated wouldn't we be obligated by law that once the lift station is there if there is a problem and nobody fixes it, we have to fix the problem because of health hazard.

Mr. Edwards stated you could fix it and then bill them back.

Attorney McCall stated you'd have to fix it.

Council Member Fenner stated and then we would bill them for it.

Attorney McCall stated you put in the conditions.

President Broady stated there were simular conditions like this when the airport was put in, when they built Clark County Airport they were under the same conditions and then after X number of years they came back and asked the town if they'd take it over.

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President Broady Addresses Council/Rick Wilson's Request To Tap On To Sewer & Water

Mr. Toombs stated I think the motion should state they need to show why if they can't build a gravity sewer and they pay all cost and operate the lift station.

Council Member Eddings stated I amend my motion that they seek all alternatives for gravity sewers and they own, operate and maintain the lift station if needed.

Motion was seconded by Council Member Voyles.

Vote 4-1 with Council Member Alexander voting against.

President Broady stated John will you write the letter since you know what it is all about and get it in the mail.

Mr. Toombs stated I'll let you read it first.

President Broady Addresses Council/Claim For Sewer Department-Chlorinator

President Broady stated I have a bill for the sewer department, it is for the other induction unit, the chlorinator went out as I had discussed back in November or December for Gary & Bill's information, we had back in the summer of last year one of the induction units went out and we checked on getting it repaired and it was, what the problem is, it was made much larger and it's a very fine unit so we went ahead and repaired it, it cost like \$5000.00 I think and we could of bought a smaller unit for \$2309.00 but it wasn't as good of a unit and it would of ran at capacity so the logic of it was this must be a fluke so let's go ahead and repair this one and the other one will last forever and within 30 days the other one went out so then we had no induction unit. Then we got wise and said let's buy the \$2309.00 one, besides the one that we had fixed for \$5000.00 and now what we've done we've got one that we repaired, it was one or the original down there and we put a new one in, it's a smaller unit.

Mr. Edwards stated we haven't put it in yet because it's not the season and I have an agreement with the manufacturer to give me an extended warranty until after it's put in use so I refused to pay the bill until I received the warranty.

President Broady stated because you don't use it in the winter time so that's what the story is on this bill.

Council Member Fenner stated so it isn't installed and it isn't running yet.

President Broady stated no but the warranty starts when it's put in operation.

Motion made by Council Member Alexander to approve the claim to Indiana United in the amount of, \$2309.00 and seconded by Council Member Voyles.

Vote 4-0

President Broady Addresses Council/Various Committees And Board Appointments

President Broady stated I still need candidates for the planning commission and some candidates for the parks and recreation. I do have three new members for the parks board that I'd like to run past you and see if there's any problems with them. Kelly Fitchett, she lives in Hill n Dale, Jim Meagher, Reid Bailey, Bill Paschal and I'm still looking for another, if you'd like to approve these four tonight.

Council Member Alexander stated Terry Purlee would like to serve.

President Broady stated can you contact him.

Council Member Alexander stated I've already contacted him, he came to me.

President Broady stated does anybody have any problems with the folks on here. I'll get you a list up to date of everything I've got, Bill Paschal will be the Parks Board President.

Attorney McCall Addresses Council/Uniform Allowance

Attorney McCall stated I just wanted to touch base with you back on the resolution regarding uniform allowance. I'll just go over it briefly, what I've done in talking with the chief, there will be \$400.00 allotted for the town dispatchers to be divided between the full time dispatchers receiving \$100.00 and the part time giving them \$50.00 which is the total of \$400.00 and if I'm not mistaken the council stated if more money is needed we'll have to do an additional appropriation.

Ms. Schafer stated transfer.

Attorney McCall stated transfer of appropriation.

Chief Kinder stated transfer from what.

Ms. Schafer stated one of your other funds.

Chief Kinder stated I don't have any other funds, that's what I'm saying, I don't have anything to transfer from. You asked me for a bare bone budget last time and that's what we gave you and the clothing allowance was set up from the year before, the same amount \$8100.00 and that's how it was set up this year to stay within the same budget and now if we have to add the part time then that money is going to have to come from someplace else because I don't have any money right now in January to transfer.

Council Member Eddings stated you need a uniform allowance for part time.

Chief Kinder stated they have to wear a uniform when they are on duty.

Attorney McCall stated you can spell it out in a lump sum total however.

Chief Kinder stated for five years we've been doing this since I've been here we've just had a lump sum amount we didn't do it per person, we just said dispatchers, full time or part time.

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Attorney McCall Addresses Council/Uniform Allowance

Attorney McCall stated which I think would still work it just needs to be spelled out as the amount for dispatchers but according to the State Board of Accounts there has to be some way to account for it. This way they would know specifically what was done.

Chief Kinder stated then just say \$400.00 for dispatchers.

Attorney McCall stated you could do a total for the Clerk Treasurer's Office and I talked to the State Board of Accounts and because it's never been spelled out it needs to be for clarification so I'm still working on it. I'm trying to get specifically what everyone feels comfortable with.

Chief Kinder stated \$400.00 dispatchers, \$7700.00 for police officers.

Ms. Schafer stated we still have to have a set amount where I would be able to run a declining balance, that's the problem.

Council Member Eddings stated couldn't we just do a set amount for dispatchers and then per officer, would that work.

Chief Kinder stated that's the way we've always done it.

Attorney McCall stated we've always done it but we've never had anything that they could look at. That's the way it's been done in the past but they need something they can see for next year so they can say okay that's what you're doing, don't ask me, I listened to what she said.

President Broady stated okay we'll have this at the next meeting.

Ms. Schafer stated the only disadvantage to that is if the town grows and he has \$400.00 for 5 full time dispatchers including buying a part time dispatchers uniform then he's going to have a problem.

Chief Kinder stated we'd have a problem anyway because we don't have any money for clothing or a car.

Ms. Schafer stated what about the police station fund.

Attorney McCall stated his situation is unique because if you have a new officer come in he needs a uniform ASAP, it's not like another employee who can get by in regular clothes.

President Broady stated if that problem arises, we'll have to handle it then.

Ms. Schafer stated well there is a police station fund, what is that money set aside for.

Chief Kinder stated it's set aside for vests and things, it's money donated by the town.

Attorney McCall stated I will have three or four, you can pick and choose.

Ms. Schafer stated I would really like to have my office set up per person to run a declining balance.

Attorney McCall stated I have it per person.

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Clerk Treasurer Schafer Addresses Council/River Hills Economic Development

Ms. Schafer stated I received the draw down voucher from River Hills Economic Development and I need council approval to sign the signature card and also to sign the draw down documents for the storm drain project.

Motion made by Council Member Eddings to approve the signing of the signature card and the draw down voucher and seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Electronic Transfer From CSX

Ms. Schafer stated I recieved this application and it looks like an electronic transfer of funds from CSX, isn't that the railroad company that we purchased the easements from. I really don't wish to do this since I don't feel that we owe them anything and I was in a conversation today where a gentleman said that Indiana Gas refused to pay it simply because they could not provide ownership to the property that the railroad was setting on.

Mr. Toombs stated that's from CSX.

Ms. Schafer stated CSX, what it is it's for a pipeline encroach.

Mr. Toombs stated the agreement that we had was with Conrail.

Council Member Fenner stated how much is it.

Ms. Schafer stated it's \$12.00 but they may want \$1200.00 tomorrow.

President Broady stated John how about looking into that, it makes you wonder what it is, I saw it, I didn't know what it was.

Council Member Fenner stated is CSX a parent company of Conrail.

Mr. Toombs stated no, the only thing I can think of is down by the river, have you been paying an annual fee.

Ms. Schafer stated no, absolutely not.

Mr. Toombs stated as far as I know with the railroad's we've paid a one time fee and that's it. I don't remember anything with CSX before.

Clerk Treasurer Schafer Addresses Council/Thanks To Claude & Donna Meyer

Ms. Schafer stated I would like to thank Donna & Claude Meyer, Dr. Meyer came up today and updated an annual update on the blood borne pathogens class, he instructed the class for the three employees that needed to take the shots. We are scheduling the appointments so for the past 2½ years Dr. Meyer and Donna have donated syringes and have either given the shots to our employees free or provided the nurse to do so. They really have done a service to the town and I really appreciate them.

Clark Treasurer Schafer Addresses Council/Thanks To Claude & Donna Meyer

President Broady stated could you get a nice letter out to them.

Ms. Schafer stated we do have a certificate of appreciation that I could put in the council's box if you'd like to send them one of them.

President Broady stated that would be nice.

Clerk Treasurer Schafer Presents Claims For The Civil, Water & Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the past two week period.

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

Council Member Fenner stated as the new guy on the block, where the sewer bill is blank is that because we didn't have any out of scope expenses.

President Broady stated yes.

Vote 4-0

President Broady Addresses Council/Claim From IDEM

President Broady stated I have one other thing, I got a nice little bill and a letter from IDEM and the State of Indiana, it gives us the right to operate our treatment plant and for those of you who don't know how much that is it's \$7,500.00 a year. This is due every year, I had Tom look at it and verify it and it doesn't have to be paid immediately, so don't pay it until you have to.

Wesley "Whitey" Bringham Addresses Council/Annexation

Mr. Bringham stated I tell ya, I came down here just to see what's going on with the new administration. I wanted to see in my own mind if there's any chance for improving the moral conditions over the next four years as to what there was in the past four. After what I've heard tonight I'd say yes there's a good chance for great improvement. I'm not a bitter man but I do think that I was brutally raped in the 1993 annexation. When they annexed my farm without any hopes of ever receiving full city services, town services in my lifetime. I wouldn't hook on if it was available. You can't feed farm animals city water and come out on top. I tell ya, I'm not bitter I am thoroughly disgusted as to what happened and the methods used. If anyone had of come to me, read chapter 8 in the annexation laws and come to me and talked with me I would be agreeable to anything but I'm kind of like an old mule you can lead them to water but you can not make them drink. I'm in a mood where I'm thoroughly cooperative, I'm in the town and I'm for you. I'll do anything that you want to do if it's moral. I know immoral acts happened, I've got all of the records to prove it. I suggest that you get out the agreement and read it thoroughly that we all signed, all of the town board members, all of the land owners and the county judge and the county attorney, everybody signed it, it's a legal document and you read it because I know there is something comming up soon that you are going to protest against but I've got the legal gounds. I suggest you read that. If you don't have a copy I'm sure Mr. Perry McCall has one.

Wesley "Whitey" Bringham Addresses Council/Annexation

President Broady stated we've got a copy, we had it out here awhile back looking for something else. Thank You Mr. Bringham.

Mr. Bringham stated it only protects the farmers that are farming and used as farmland. It it's zoned farming and used as agricultural. There's only two farms out of 24 used that way and in my opinion I'm the only existing one. I can not be reassessed. The county auditor is behind me 100%. The township assessor said we only want to reevaluate your home and I spoke to my attorney and you can't have two different rates on one parcel. If you were to run new sewer lines one foot from my property you can't force me to hook on to that. I tell you to read it. I do feel thoroughly raped. Intentional fraud can be corrected, you have 90 days, it was done on day 88. I have called an attorney. I couldn't find one, no one wanted to touch it but one man but he was working for the judge, he depended on that judge for his salary and he would not file a motion to correct error, flatly refused. I don't want to cause any animosity I'm here to help.

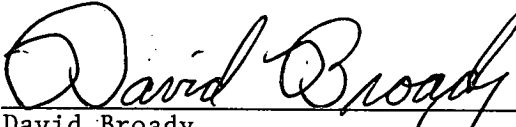
President Broady stated what's by gone it by gone and we hope to go from here.

Adjournment.

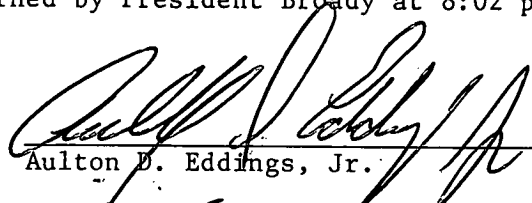
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 4-0

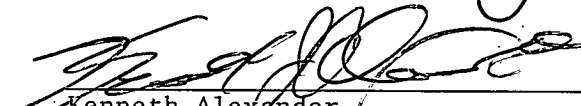
With no further business this meeting was adjourned by President Broady at 8:02 p.m.



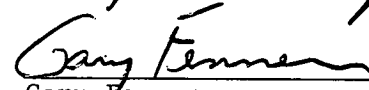
David Broady



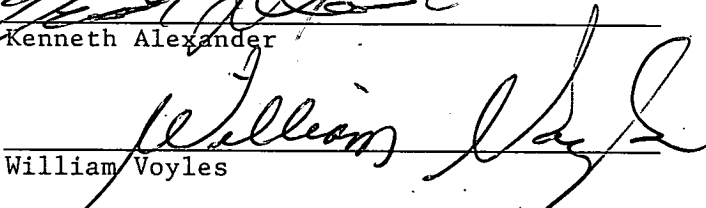
Aulton B. Eddings, Jr.



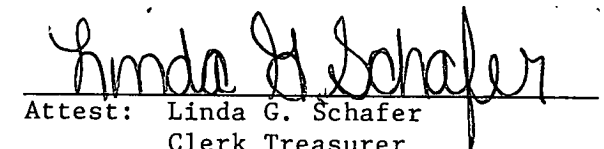
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

February 12, 1996

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

Called To Order

President Broady called the executive session to order at 6:00 p.m.

Topics Of Discussion

Team Contractor's Claim
Jacobi, Toombs & Lanz Claim
Easement/Gas Line
Holmans Lane Tank
Water Line @ McDonald Lane
Villa Drive
Storm Sewer Project
Chio Ave.
Diamond Heights
Foindexter Lane
Interlocal Agreement/Fire Department
Resolution 1996-35

Adjournment

With no further business, President Broady adjourned the executive session at 6:32 p.m.

Regular Session

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 President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney.

Called To Order

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

Prayer

Father Herman Lutz offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

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

Vote 5-0

President Broady Addresses Council/Granting Easement To Indiana Gas

President Broady stated due to the storm sewer construction we are going to have to move the gas line at the end of the building and I need an easement for Indiana Gas 10 foot by 40 foot and the lot belongs to the town and John is requesting that we pass that easement so we can continue with our storm sewer project. I would entertain a motion at this time to grant the utility easement to Indiana Gas to move the gas line.

Motion made by Council Member Eddings to approve the easement to Indiana Gas and seconded by Council Member Voyles.

Council Member Alexander stated one thing I didn't get to ask, if the town hall does grow out that way it's not going to be a problem right?

Mr. Toombs stated you can't build on top of the easement.

President Broady stated it will be 10 ft. off the road.

Council Member Alexander stated looking at it, it doesn't give us any problems.

President Broady stated well we couldn't build any closer than 10 ft. from the road anyhow.

Vote 5-0

President Broady Presents Claims/Storm Sewer Project-Jacobi, Toombs & Lanz-Team Contractor's

President Broady stated I have two statement of claims involving the storm sewer project, one is for \$129,816.88 to Team Contractor's and the other one is for \$7,946.00 for engineering services for the project to Jacobi, Toombs & Lanz. All of this money is coming out of the grant, the matching funds that we had applied for and at this time I'll entertain a motion to approve these two claims for the storm sewer project.

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

Vote 5-0

Adam Koch Addresses Council/Annexation Of His Property

Mr. Koch stated I am here tonight to request the Town of Sellersburg annex my property on Highway 31 just past Silver Creek. I've been told that I've already been annexed by Clarksville. I don't want to be in Clarksville. I've been told that I'm in the county. I want to be in the Town of Sellersburg.

Council Member Alexander stated I think he would like to come into the Town of Sellersburg and he can't until his property is contiguous, isn't that right.

Attorney McCall stated I've talked to Ron Davis, I've looked at the statute, I've looked at the maps and number one, I don't think you can do an individual annexation because the statute says you have to be contiguous to the area that you want to be annexed into and in looking at the map none of your property touches to the property in town.

Mr. Koch stated the City of Clarksville says you are in the City of Clarksville. I asked them to produce the paperwork where I was annexed and they've failed to do so.

Council Member Alexander stated to help alleviate his problem, since it hasn't been recorded apparently, can we send a letter to Clarksville and say he is part of tract 7 of Diamond Heights and ask them to please put back one property.

Mr. Koch stated I was born and raised in the City of Sellersburg, the chief can verify that. I operate a business down there. I currently own three businesses and have a partnership in two others.

Attorney McCall stated basically we need to find out from Clarksville what the status of that property is and if it's annexed, how did that occur and when did it occur.

Council Member Fenner stated when we eventually annex or if we eventually annex Black Diamond Heights then we can take him in at the same time.

President Broady stated okay, why don't you proceed and try to find out where he is and then we'll know how to proceed if and when we get to annex Diamond Heights, that's what we need to find out now, where he is right?

Attorney McCall stated where he's at right now I don't think it really matters for us to take him in either way really.

Adam Koch Addresses Council/Annexation Of His Property

Council Member Alexander stated but the agreement with Clarksville, if it does pan out Adam is that Clarksville will not touch Diamond Heights period, it's indefinate.

A resident stated I checked with the courthouse last week and they said nothing on this side of Silver Creek has been annexed.

Council Member Fenner stated this is your map that I've colored in and it shows him being in Clarksville.

President Broady stated and in the agreement they were not suppose to annex anything on that side. I think at the present time, no matter where you're at Adam, at the present time whether your in the county or Clarksville, we'll have to check to find out which one you are in, it still puts us in the position that we don't have anything contingent to you as of now. to bring you into the town and the way the law reads now if I'm correct is, we have to be contingent.

Attorney McCall stated you have to be contiguous for a private property annexation and that's where an individual comes in and asks to be annexed.

President Broady stated it isn't like we don't want you, not to many years ago they had what they called strip annexation, they'd take a one foot strip along the highway and go way out and annex somebody and the state seen that wasn't good and that law changed 5, 6, 10 years ago, something like that. I know some of the places around here were strip annexed. Adam at this time we're kind of hands tied, that's not much of an answer but it's the law.

Mr. Koch stated what is the proposed time for the annexation of Diamond Heights.

Attorney McCall stated well negotiations are in the process.

Council Member Alexander stated but if indeed you are found not to be in Clarksville and there was no agreement past 1990 okay, and if they came in in 1989 and took the parcel you'd probably have to stay Clarksville, if it's after 1990, we do have an agreement with them that they will not touch Black Diamond Heights, the worst case scenario is you would be county until it comes the time for Sellersburg to annex it in. Jeffersonville is not in position, the only one in position is Clarksville and we have an agreement that they won't.

Mr. Koch stated but where am I.

Council Member Fenner stated you are either in Clarksville or the county but either way we cannot annex you at the moment no matter where you are setting now, we can't annex you at the moment.

Mr. Koch stated let's say something fell through with the negotiations with Diamond Heights.

Council Member Fenner stated if you were found to be in the county and we annex Diamond Heights, however that happens, if and when, then you would be contiguous with Diamond Heights and we could annex you at the same time or right after Diamond Heights but basically your fate hangs as far as your annexation in the Town of Sellersburg, it hangs with Diamond Heights, whatever Diamond Heights does then you can do according to the law until Diamond Heights is annexed, you can't come into the Town of Sellersburg.

President Broady stated it isn't us, that's the way the law reads, we don't have any choice in the matter, I'm sorry.

Jeff Janes From PSI Energy Addresses Council/Energy Efficient Equipment

Mr. Janes stated I'm with PSI Energy and I'm here to drop off a check for \$3,824.00 for energy efficient equipment that they installed for the new town hall, the lighting and air conditioning.

President Broady stated thank you very much.

Clark Henson Addresses Council/Environmental Management

Mr. Henson stated the billing revenue for the past two weeks was \$108,622.35. If there are any questions.

Council Member Voyles Addresses Council/Reimbursement From Police Officer's For Training

Council Member Voyles stated I went to a meeting with the police department on February 5th and something was brought up about the new recruits and the cost of training and presently if a person, male or female, leaves after the training within twenty four months, they pay 50% back of the training expense, back to the Town of Sellersburg and we'd like to get that changed, get the wording changed to 100% so that if we spend \$3,000.00 on a trooper we would like for the town to get this money back and to me I think it's a good idea. If the trooper or the persons signs the contract, that contract would be you know, he knows what he's doing or getting into before he goes into it. If it's going to cost him \$1,000.00, \$1,500.00 if he leaves before two years after he gets the good training we give him he'll have to pay it back.

President Broady stated what time frame are we talking about.

Council Member Voyles stated two years, all they are doing is extending it, right now it's 50%.

President Broady stated from what I understand this is done quite often.

Chief Kinder stated this is modeled after the City of Evansville.

President Broady stated so the cost is about \$3000.00.

Council Member Voyles stated oh we don't know exactly what the cost is, I don't think you can put a dollar amount on it.

Motion made by Council Member Voyles to change the payback to the town by a police officer that leaves within twenty four months of employment from a 50% payback to the town to a 100% payback for the cost of his/her training and seconded by Council Member Eddings.

Attorney McCall stated has it been to the police commissioner's.

President Broady stated this is a recommendation by the police commissioner's I understand.

Council Member Voyles Addresses Council/Reimbursement From Police Officer's For Training

Council Member Fenner stated I had a question, chief are you talking about taking this exactly the way it is or are you going to redo this because I have a question. I don't think it's a major problem but under the first item on it says the agency will pay the employee the basic salary of a probationary police officer while attending the ILEA Academy, this is my question, plus the necessary and reasonable overtime during the course of this training.

Chief Kinder stated we've never had any overtime but it has to be in there.

Council Member Fenner stated so we're not saying that it really happens.

Chief Kinder stated no, we've never as of yet had any.

Vote 5-0

Council Member Voyles Addresses Council/Office Space For Housing Authority

Council Member Voyles stated I've had a couple of people from the Housing Authority ask me about an office or a meeting place and right now I think they are currently meeting at the library and they don't want to meet at the library.

Ms. Schafer stated they can get with me tomorrow and I'll give them a schedule of the other meetings.

President Broady stated the meetings are no problem, they can start having meetings here anytime.

Ms. Schafer stated they need a key, Bill doesn't have a key yet, so that's the only problem, honestly, I've tried to get you a key.

Council Member Fenner stated Sellersburg Lumber is out of the copies for his key and they can't seem to get it in for some reason, it's been three weeks now. We may have to go to Scottsburg to get some made.

President Broady stated I think what we've discussed is they could possibly have a room back there in the back.

Ms. Schafer stated I talked to someone Sunday, if it's okay with the council to get an estimate on how much a couple of walls would be. They could either meet in here or have their own private access area so we've discussed that for a long time, now that the building is complete and the accounts are closed out if the council will allow me I will check and find out.

Council Member Alexander stated they are not in there all of the time just basically to interview somebody and they need a place for a file cabinet. What would be wrong in the meantime to use the one in the Town Manager's office.

Ms. Schafer stated nothing really.

Council Member Alexander stated it's not like they have office hours.

Ms. Schafer stated they do actually have office hours.

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Council Member Voyles Addresses Council/Office Space For Housing Authority

Council Member Alexander stated it's just for interview purposes, it's just an option until we figure something else out.

President Broady stated I think their office right now is at the bank isn't it. They could have their meetings here.

Ms. Schafer stated I'll look and see when the other boards are having their meetings.

President Broady stated so you'll get a price on what it would cost.

Ms. Schafer stated yes, they said to wait until the building was completed and I probably wrote the last check four days ago on the building.

Council Member Alexander Addresses Council/Claim From Spencer Machine & Tool

Council Member Alexander stated I've got a claim for the sewer department, we had a scum pump go down basically there were three motors within the pump and combined they are over \$2000.00. There was a faulty pop off fuseable, when one of the motors went out there was nothing to shut it off and it burned out the rest of the scum pump kit. Tom could of put everything together and it would of came in as one bill and it would of been over \$2000.00 so to save us money he went to various supplier's and I've got the first bill in.

Motion made by Council Member Alexander to approve the claim to Spencer Machine and Tool in the amount of \$1250.00 and seconded by Council Member Eddings.

Vote 5-0

Council Member Alexander Addresses Council/Claim For EMC Out Of Scope

Council Member Alexander stated we've got the bill from EMC on the out of scope, meter deposits, NSF's, sales tax, quarterly tax, overpay on an account. The total is \$5,227.64 plus we have an account pay to the sewer for \$517.50, making the total \$5,745.14.

Motion made to approve the claim with a corrected invoice by Council Member Alexander and seconded by Council Member Voyles.

Vote 5-0

Council Member Alexander Addresses Council/Sellersburg Celebrates

Council Member Alexander stated it's Sellersburg Celebrates time, Charlie Ridenhour is the President of the 96 Celebrates. He has sent the board a nice letter that I would like to read:

Council Member Alexander Addresses Council/Sellersburg Celebrates

As President of the 1996 Sellersburg Celebrates Festival I would like to proudly announce the dates of August 23rd through August 25th for this years event, as in the past Sellersburg Celebrates provides to the citizens of Sellersburg and surrounding areas an opportunity to come together in fellowship to celebrate the pleasures of living in such a great little town. We invite the town board members to offer the festival committee any suggestions they might have to enhance our town celebration. The festival committee is requesting that the town board once again grant us a courtesy to waive the electrical inspection fees for the festival and have the town inspector inspect the electrical boxes at Silver Creek High School. Bill Paschal is once again in charge of the electrical set up for the festival. Please notify me in writing that this waiver has been granted in advance to eliminate delays in setting up the event. The festival committee appreciates the cooperation of the town board in this matter and looks forward to a wonderful civic celebration.

Motion made by Council Member Eddings to waive the permit fees for Sellersburg Celebrates and seconded by Council Member Fenner.

President Broady stated I think the fire department has agreed to waive their's too.

Council Member Alexander stated they just wanted a letter so we are sending them a letter.

Council Member Eddings stated also in the past we've provided garbage.

Council Member Alexander stated last year BFI came in and put dumpsters and location boxes the town has always, if we need help they will.

Vote 5-0

Council Member Alexander Addresses Council/Trash Pick Up

Council Member Alexander stated there was a lady that was suppose to be here tonight that was discussing garbage and I really miss the opportunity not to be able to discuss garbage so I'm going to go ahead and take a privilege and pretend she is here. She was asking about the \$3.00 charge. The \$3.00 charge regardless of whether you put trash out you pay it, it is just an appropriation of your tax and basically when the landfill went up in price they put a surcharge in place to help off set the price of the landfill so regardless you pay the \$3.00. We've also had problems in the last six months, our biggest complaint with the trash right now is people are finding trash laying next to their trash can. The reason they are is they are still placing trash on top of their cans and the sanitation workers have been pretty relaxed on the ordinance as far as picking them up so what's happening is with the windy days it's blowing the trash onto the ground, if it's on the ground they won't pick it up. We seem to be having an arguement between the partners, the Sellersburg town and the citizen's and starting May 1st we will no longer be lenient on the trash above the can. Right now for the last year solid waste, Sellersburg allow's you to have four cans with lids on them. Solid Waste give you a recycleable container which out of those four cans, Sellersburg plus other communities, but Sellersburg in particular has reduced their four can trash 22% plus our yard waste, which we feel like was in the neighborhood of anywhere from 3% to 4% takes you to a 25% reduction of what you use to be able to put out so in the old days you had four cans and that was it, 1996 you've got four cans plus another almost full can if you recycle and use your yard waste and we feel like in order to go with the evolution of our reduction of the solids going out to the landfill we need to start getting our trash in the cans, following the ordinance because eventually what the hopes are as far as the solids and how it works as solid waste puts new ventures in as far as recycleables and as they increase it your trash will actually, you're still putting out the same but it's just what we are taking to the landfill.

Council Member Alexander Addresses Council/Trash Pick Up

Council Member Alexander stated so starting May the 1st trash has got to be in the trash can there should be a lid put on top, for a little while longer if there's not a lid on it we will probably still be lenient but the trash level should not come above the trash can and solid waste sent us a paper they saved us \$6,067.94 through the recycling program, that is diverted trash that we would of just sent to the landfill and it's really impressive because that gives the Town of Sellersburg \$6,000.00 to do more as far as help the residents deal with some of the other trash items and hopefully we will be able to do the spring clean up one time more than just spring maybe spring and summer so the question always is, is Solid Waste doing their job and I guess it's because it's just a change, I really feel they are doing us a good job, I mean the \$6000.00 we saved required no effort upon ourselves.

Attorney McCall Presents Resolution 1996-35/Additional Part-Time Deputy Clerk

Attorney McCall presented Resolution 1996-35 as follows:

RESOLUTION NO. 1996-35

A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL ESTABLISHING
ADDITIONAL POSITION OF DEPUTY CLERK-TREASURER.

WHEREAS, the Town Council of the Town of Sellersburg has determined that it is necessary for the efficient and effective administration of Town Government that the Clerk-Treasurer of the Town of Sellersburg be authorized to hire an additional Deputy Clerk-Treasurer; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said Deputy Clerk-Treasurer shall during the first thirty (30) days work forty (40) hours per week; thereafter, the hours of said Deputy Clerk-Treasurer shall be thirty-two (32) hours per week, unless the Town Council determines that it is necessary for the Deputy Clerk-Treasurer to work additional hours; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said Deputy Clerk-Treasurer shall be paid \$7.00 per hour, and that no benefits are available to said employee, as his/her employment is part-time; and

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

BE IT THEREFORE RESOLVED by the Town Council for the Town of Sellersburg that the Town of Sellersburg Clerk-Treasurer shall be, and hereby is, authorized to hire a part-time Deputy Clerk-Treasurer who will, during the first thirty (30) days of employment, work forty (40) hours per week; thereafter his/her hours will be established as thirty-two (32) hours per week, unless the Town Council for the Town of Sellersburg determines that additional hours are required for said position.

BE IT FURTHER RESOLVED by the Town Council for the Town of Sellersburg that said employee shall be paid at the rate of \$7.00 per hour, and there should be no benefits paid on behalf of said employee due to part-time employment status.

Attorney McCall Presents Resolution 1996-35/Additional Part-Time Deputy Clerk

Motion made by Council Member Fenner to approve Resolution 1996-35 and seconded by Council Member Voyles.

Vote 5-0

Attorney McCall Addresses Council/Interlocal Agreement With Sellersburg Fire Department

Attorney McCall stated just to bring you up to date, the building commissioner resigned and it became necessary to engage the services of the Town of Sellersburg's Fire Department and I have a preliminary interlocal agreement and I hope to have the agreement back into our hands to be voted on. They are performing the services for us at the present time.

President Broady Addresses Council/Southern Indiana Transit Advisory Group

President Broady stated I have a letter here from the Southern Indiana Transit Advisory Group, which we I guess normally, it's \$10.00 a year for a business to get involved or be a member of this group. I guess we don't have to do it. If we want to continue to do so it will cost us \$10.00.

Council Member Fenner stated can you share with us what exactly they do.

President Broady stated no.

Ms. Schafer stated I can check into that to see if it would be beneficial to the town.

Council Member Fenner stated at least it's cheap.

President Broady stated it may be cheap but I really don't know what it is.

Ms. Schafer stated it may be cheap now but get expensive later.

President Broady Addresses Council/Water Line Relocate For Storm Sewer Project

President Broady stated I have an estimate of what it would cost to lower a water line for the storm sewer project, the estimated cost is \$2000.00 and I'd like the boards approval to be able to investigate this a little further. We have to keep the project moving but give me permission to investigate a little further and see what the best possible way to get this taken care of and move on with it.

Motion made by Council Member Eddings to allow President Broady to investigate further and if he can get it done for less give him permission to do so and seconded by Council Member Fenner.

Vote 5-0

President Broady Addresses Ord. 95-633/Compensation For Various Committee Members

President Broady stated at the end of the year in 1995 we passed a resolution to pay the committee members of all of the committees except the police commissioner's and they were different amounts, \$25.00 for each meeting that the committee members attended and we passed the resolution no problem but unfortunately we didn't fund the resolution. We have no money to pay them, is that correct.

Ms. Schafer stated that's correct.

President Broady stated so all of these people that were going to get rich serving on these committees, we've got a problem. Now it's up to the board, if we want to find the money some where else, how would we go about this, do we transfer funds.

Ms. Schafer stated you can't transfer funds into something that doesn't exist, if there's no appropriations. What we would need to do, it would probably take six weeks to do it, is to go in for additional appropriations, that means approval to spend.

Council Member Eddings stated could we take it from somewhere else.

Ms. Schafer stated maybe consulting, I would think that would be acceptable.

President Broady stated we could wait until next year, put it in the budget and fund it.

Council Member Alexander stated we could also make it payable January 1st of 1997 in one lump sum.

President Broady stated that would be alot of record keeping.

Ms. Schafer stated there is no problem with the police commissioner's, that money is in there.

President Broady stated that's always been there, how are we going to solve this.

Council Member Fenner stated well were any of these people asked to be on these committees, I would hope that their willingness to serve wasn't dependent on the \$25.00 per meeting, will any of them have hard feelings if we do not fund it this year. Would any of them feel like we were trying to renege if so then maybe we need to do something about it.

President Broady stated I don't know if I can give you an answer on that I really don't think they are, obviously \$25.00 is more of a gesture of good faith. I don't think we're going to have a problem. I did tell them the ones that served on the committee's I've got good news for you this year, I guess I could go back and tell them I was just kidding.

Council Member Alexander stated I would say if we can't find the money through consulting, I would just double it in next year's budget and pay them one lump sum the first of January.

President Broady stated they could still sign the voucher and just keep the vouchers.

Ms. Schafer stated I haven't received anything from the first meeting of the police commissioner's. They are paid on a monthly basis unless you want to take a census that they'd rather be paid in December.

Chief Kinder stated they aren't sure how they are to be paid, it wasn't really clear.

President Broady Addresses Ord. 95-633/Compensation For Various Committee Members

President Broady stated it was intended to pay the people that showed up for the meetings and not pay the ones who didn't so if you show up for a meeting in February you get a voucher and sign it and if you don't show up you don't get a voucher and you don't get paid for that month.

Chief Kinder stated one meeting is scheduled but some months there are more.

President Broady stated if they show up they get paid, there is a cap on the amount they are going to get paid.

Chief Kinder stated let's say they miss January and February's meeting and there are three in March, how are they paid.

President Broady stated let's table it for a little more research.

Clerk Treasurer Schafer Presents Claims For Civil, Water & Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve the claims as presented.

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

Vote 5-0

Clerk Treasurer Schafer Addresses Council/Additional Part-Time Deputy Clerk

Ms. Schafer stated I had selected a deputy clerk for the part-time position, with the tentative approval of the council. She starting working for the Town of Sellersburg on February 5th. Ms. Shelton had worked for the town's utility for 3 1/2 years prior to taking the part-time position so she's extremely qualified for the position and what I'm requesting from the council is that they will approve my selection for my part-time deputy clerk at \$7.00 per hour.

President Broady stated I make the motion to approve the selection made by Linda.

Attorney McCall stated the way I read the statute they serve at her pleasure, you don't need approval.

Ms. Schafer stated I know but you can ask Gary, she's not serving at anybody's pleasure right now, is she Gary. She's really working, I just need the approval of the council.

Attorney McCall stated you've created the position, you don't need the approval.

Ms. Schafer stated okay.

Chief Kinder Addresses Council/Key To New Town Hall

Chief Kinder stated the police department doesn't have a key to the town hall. I do feel we should have one in case of emergencies.

President Broady stated Linda will you take care of that.

Council Member Fenner stated if we ever get a key for Bill we will consider getting one for you. We will put you on the list.

Clerk Treasurer Schafer Addresses Council/Plaque For New Town Hall

Ms. Schafer stated I don't know if you all noticed the plaque finally arrived from Best Stamp and Seal. If anyone didn't view it coming in it's on the outside of the front door and it really looks nice on the front of the building.

President Broady stated the fire department wanted the one.

Ms. Schafer stated Mr. Beyl also wanted that, I have that one. The fire department wanted it and so did Mr. Beyl.

Council Member Alexander stated I think it ought to go on the wall, they can come and admire it.


President Broady stated I don't think they have a problem as long as we put it back up.

Adjournment

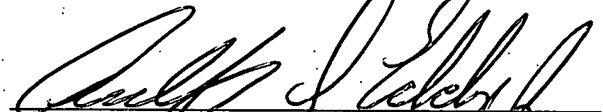
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 5-0

With no further business this meeting was adjourned by President Broady at 7:40 p.m.




David Broady



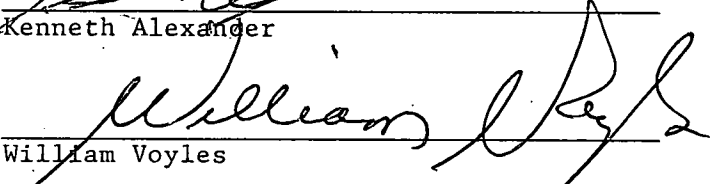
Aulton D. Eddings, Jr.



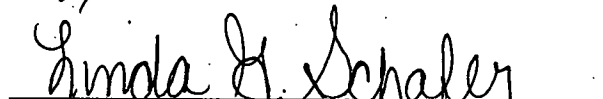
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

February 26, 1996

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 President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney.

Called To Order

President Broady called the meeting to order at 6:30 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Broady Addresses Council/Water Adjustment For Donald Garrett

President Broady stated we've looked this over and what we're going to do is adjust the water bill back to what it normally is for you and in the process move the meter back over to your side and if the leak is on our side we'll repair it and if it's on your side you'll have to repair it. If you'll get with Tom or Tom will get with you and he'll take care of that for you.

President Broady Addresses Council/Water Adjustment For Nancy New-Hemphill

President Broady stated in looking at yours also, for some reason it went sky high one month. We are trying to find out why this is happening. We've had several of them do it and then it jumps back to normal. I'm lost for words. I'm checking with other companies to see why this may happen. We will adjust that back for you and again Tom, if you will get back with her to take care of that.

Danny Lotich Addresses Council/1996 Benefit Package For Town Of Sellersburg Employees

Mr. Lotich stated I have the 1996 Benefit Package for the Town of Sellersburg Employees and passed out the following information: (see next pages)

TOWN OF SELLERSBURG

BENEFIT PACKAGE

1996

Danny L. Lotich, LUTCF
Lotich Insurance Agency
3610 Doe Run Way
New Albany, IN 47150

HEALTH INSURANCE COMPARISON

TOWN OF SELLERSBURG

BENEFITS	PLAN NAME	PLAN NAME	PLAN NAME	
	A.H.D.S.	GOLDEN RULE MSA	HUMANA HMO /	PPO
DEDUCTIBLE	\$000.000	\$750.00	\$000.000	\$200.00 NON-PART.
CO-INSURANCE	CO-PAYS ONLY	\$000.000	CO-PAYS ONLY	80/20
OUT-OF-POCKET MAX.	20 CO-PAYS	\$750.00 SINGLE \$1,000.00 FAMILY	20 CO-PAYS	\$1,200 S. \$3,600 F.
HOSPITAL CO-PAY	\$000.000	FIRST \$750 100% THEN \$750 DED.	\$000.000	\$000.000
HOSPITAL E.R.	\$15 CO-PAY	FIRST \$750 100% THEN \$750 DED.	\$50 CO-PAY	\$40 CO-PAY
PRIMARY PHYSICIAN	\$10 CO-PAY	FIRST \$750 100% THEN \$750 DED.	\$10 CO-PAY	\$10 CO-PAY
REFERRAL PHYSICIAN	\$10 CO-PAY	SAME AS ABOVE	\$10 CO-PAY	\$10 CO-PAY
PRESCRIPTION DRUGS	\$10 CO-PAY	\$8 GENERIC \$10 NAME BRAND	\$10 CO-PAY	\$10 CO-PAY
IMMEDIATE CARE CTR.	\$15 CO-PAY	FIRST \$750 100% THEN \$750 DED.	\$15 CO-PAY	\$20 CO-PAY
MENTAL & NERVOUS	\$20 CO-PAY 20 VISIT MAX.	SAME AS ABOVE	\$10 CO-PAY 20 VISIT MAX.	DED. THEN 80/20
DRUG & ALCOHOLISM	SAME AS ABOVE	SAME AS ABOVE	SAME AS ABOVE	SAME
ALLERGY INJECTIONS	\$4 CO-PAY	SAME AS ABOVE	\$3 CO-PAY	\$3 CO-PAY
MATERNITY BENEFITS	\$10 CO-PAY	SAME AS ABOVE	\$10 CO-PAY 2 VISIT OUT-OF-POCKET	\$10 CO-PAY NO MAXIMUM
AMBULANCE	100%	SAME AS ABOVE	100%	DED. THEN 80/20 CO-INS.
LIFE TIME MAXIMUM	\$1,000,000	\$2,000,000	\$1,000,000	\$1,000,000
END OF YEAR REIMBURSEMENT FOR EMPLOYEE'S	\$000.000	BALANCE OF UNUSED FIRST \$750 SINGLE OR \$1,000 FAMILY	\$000.000	\$000.000
PREMIUM	S. \$147.78 F. \$421.18	S. \$178.77 F. \$398.64	S. \$126.46 F. \$354.08	S. \$138.19 F. \$360.92

February 1, 1996

Danny L. Lotich
 101 Bullitt Lane, Suite 200
 Louisville, KY 40222

RE: Town of Sellersburg, Group Policy No. N66806

Dear Danny:

Please find enclosed the renewal letter which will be mailed to the above mentioned policyholder from the home office on February 23, 1996.

Below are the renewal rates for the above group:

<u>COVERAGE</u>	<u>RATE</u>	
Life	decreasing from \$.15/\$1000 to \$.14/\$1000	GROUP BECAME YOUNGER
AD&D	remaining at \$.084/\$1000	
STD	increasing from \$.41/\$10 to \$.46/10	BASED ON CLAIMS EXPERIENCE
LTD	decreasing from \$.14% CMC to \$.11% CMC	GROUP GOT YOUNGER

<u>OVERALL CASE CHANGE</u>		
<u>Needed</u>	<u>Current</u>	<u>Overall</u>
<u>Monthly Premium</u>	divided by <u>Monthly Premium</u>	= <u>Case Change</u>
\$400	\$387	1.034 or 3.4% increase

If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Scott Schlappi/gmb

Scott L. Schlappi
 Group & Pension Manager

February 22, 1996

Linda Schafer
Town of Sellersburg
P.O. Box 85
Sellersburg, IN 47172

RE: G 7470

Dear Ms. Schafer:

Your group insurance plan with American United Life is periodically reviewed to determine if your present premium level is adequate to cover future expected expenses. A review of your plan suggests a premium adjustment is necessary. The premium rates payable to AUL for the coverages elected are as shown:

	<u>Present Rates</u>	<u>Renewal Rates</u>
Group Life	\$.23 per \$1000	\$.25 per \$1000
Group AD&D	\$.06 per \$1000	\$.06 per \$1000

8%
INCREASE

These rates are guaranteed for two years from your renewal date of April 1, 1996, subject to AUL's standard policy provisions.

AUL appreciates the opportunity of serving as your group insurance carrier and looks forward to a continuing relationship. If you have any questions regarding this renewal, please contact Group Customer Service Team One at (800) 892-8214.

Sincerely,

Chris Byrne
Associate Group Underwriter

cc: ~~Danny Lotich~~
Indianapolis Regional Group Office
C-file

Renewal Underwriting Department

Fortis Benefits

Insurance Company
2323 Grand Boulevard
Kansas City, MO 64108
(816) 474-2345

January 26, 1996

BRUCE J. BLOCK
101 BULLITT LANE
SUITE 200
LOUISVILLE, KY 40222

Re: Group Policy 54,975

Dear Bruce J. Block:

We are sending your client, TOWN OF SELLERSBURG, a letter which contains the following information:

We have completed our annual review of your group policy and determined your renewal rates for the next policy year. The new rates shown below become effective on March 1, 1996.

<u>Coverage</u>	<u>Current Rate</u>	<u>New Rate</u>	<u>Monthly Rate Basis</u>
Employee Dental	\$ 13.11	\$ 14.55	Per employee
Spouse Dental	12.38	13.74	Per dependent unit
Child(ren) Dental	18.09	20.08	Per dependent unit
Spouse & Child(ren) Dental	30.46	33.82	Per dependent unit

9% Increase

The dental rate change reflects the increase we anticipate next year in the cost of providing dental services. This increase, which we define as "trend," includes the effect of unit price increases in the services provided, the continuing trend toward more services provided per course of treatment, and the effect these increases will have on plan design. The trend factor used compares favorably with factors used by other providers of dental coverage. The new rates will allow us to continue providing a sound dental plan for the members of the group, and their families, at a reasonable cost.

Fortis Benefits enjoys an AA (Excellent) claims-paying ability rating from Standard & Poor's and an A+ (Superior) rating from Best. Moreover, Fortis Benefits is a part of one of the largest and strongest financial services companies in the world.

Danny Lotich Addresses Council/1996 Benefit Package For Town Of Sellersburg Employees

President Broady stated there is alot here to digest.

Mr. Lotich stated yes there is.

President Broady stated if you'll give us some time to look through it, when do we have to decide.

Mr. Lotich stated April 1st is the deadline, normally what we try to do is get it taken care of prior to the first pay period in March because of the payroll deductions.

Council Member Eddings stated AHDS is our current carrier.

Mr. Lotich stated right.

Council Member Eddings stated do you happen to know what single and family is.

Mr. Lotich stated that is the current rate on here, it didn't go up.

Council Member Fenner stated is there anyway we could go back and check the records to see if we would of been under this Golden Rule plan in this last year how many of our employees.

Mr. Lotich stated it would of been excellent this past year. That's one reason why AHDS didn't have an increase because the experience was so good. We didn't have any maternities that I know of, no one had major surgery.

Ms. Schafer stated what about the doctor's under the Golden Rule plan.

Mr. Lotich stated they can go to any doctor they want to, they can go to their current doctor. They would go to the doctor and pay the physician and send in a reimbursement voucher and the insurance company would send them a check back for that amount.

Ms. Schafer stated I would like to see a meeting with the employees.

Council Member Eddings stated what is this company rated.

Mr. Lotich stated they are an A+ rating. They are out of Indianapolis. They've been the number one health insurance carrier in the State of Indiana and Illinois for probably the last thirty years. They deal mainly in groups of 10 to 50.

Council Member Alexander stated what happens if we hire an employee and he can't be underwrote. What are our options there. Do we terminate him or can we do that.

Mr. Lotich stated you have what's called the State of Indiana Health Plan. That's where all of the insurance companies come together and put money into a pool and you'd simply have to purchase that plan. It's a \$1500.00 deductible. It does cover all pre-existing conditions and it's offered to the state and it's a guaranteed issue even if someone has a terminal illness. That's one of the options.

President Broady stated thank you Danny. We will follow up on this.

Sellersburg Town Council
Regular Meeting
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Page 3.

Bud Ridgeway Addresses Council/Community Focus Grant For Maple Manor

Mr. Ridgeway stated I'm from Maple Manor Children's Home and one of the questions that I have for you is to see if the grant, the Community Focus Grant, we'd like to make an application for that. We are in the process of raising funds for an Education, Counseling, Recreation Building and transitional living. Right now we have 11 children and we are licensed for 36. We are trying to find out if you are going to make application for that grant.

Council Member Alexander stated Mark Smith at River Hills would be a good contact person. We basically need something explaining what you are wanting to do.

Mr. Ridgeway stated I'm suppose to be meeting with a representative from River Hills tomorrow. I know if we make application for it that you can not make application also. It is a one application grant.

Ms. Schafer stated there are three slots in that particular type grant. The span is six months. We have one open now, the storm water grant. He would take up another slot. If we applied for any other infrastructure grant or you may want to apply for two. We'd only be able to have one of them. I'd like to do a little more review on it.

Council Member Alexander stated I think it would be a good start to go ahead and meet with them. You'll probably meet with Mark Smith.

Mr. Ridgeway stated Alex.

Council Member Alexander stated just have them prepare what the in's and out's are for both and we'll look it over and come up with a decision off that. It would be alot easier for you to go down and once you've found something out, call the town office and we'll set up a meeting where we can go over everything and we'll kind of be a little more knowledgeable.

President Broady stated will you follow up on that Kenny.

Council Member Alexander stated sure.

Minutes From Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Sellersburg Town Council
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Page 4.

Chief Kinder Addresses Council/Application's For A New Police Officer

Chief Kinder stated we are taking application's at the Police Department for a police officer. It will start on...

Ms. Schafer stated the 28th and run for five days.

Council Member Fenner stated are you going to have a pool like you did last time.

Chief Kinder stated yes, we hope to have around ten to choose from by the end of May.

Council Member Fenner stated but you are going to go ahead and hire one now to replace Emerick or as soon as you can.

Chief Kinder stated that's correct.

Tom Edwards Addresses Council/EMC

Mr. Edwards stated over the past two weeks the revenue from the billing office was \$81,255.32 and I also have the operation report for the month of January that I would like to pass out at this time.

Building Commissioner Bob Stewart Addresses Council

Mr. Stewart stated I don't have anything tonight. We started in January and only issued one \$15.00 permit. We did two inspections from the previous inspector. We've been busier in February and I should have a report at the next meeting.

Council Member Voyles Addresses Council/Motorcycle Nuisance In Forrest Estates

Council Member Voyles stated the only thing I have, I had a couple of neighbor's complain about a young man on a motorcycle in the neighborhood. I don't know where he comes from, before I can get out of my house he's gone. I think he was driving in excess of 60 mph. It's a green motorcycle, he's a blur as he goes by. He lives at the end of the street. I don't know where he goes. If kids are out there playing ball someone is going to get hurt.

Chief Kinder stated I'll look into it.

Council Member Fenner Addresses Council/Parks Board

Council Member Fenner stated the Parks Board has met and making plans for opening the pool the weekend of Memorial Day. They are advertising for application's right now for all positions. We have a couple of people interested in the manager's position and we have some application's for lifeguards. They have decided we are keeping the membership fees the same as they were last year. I have a listing of those if anybody want to see that. They are up and running and trying to get things under control. The council doesn't have to act on membership fees do they since they are the same as last year.

President Broady stated no.

Council Member Fenner Addresses Council/Office Space For Housing Authority

Council Member Fenner stated we had talked about the Housing Authority, they requested space in the building here and we had agreed to let them come in so we've arranged to have them use as you go out the door here, the first office on the left and then also they will use that other office space and they will be able to meet in here for public meetings. They are hoping to move in the first of March. The only thing that we need to do to help them with that is we're going through trying to figure out the lock situation and Linda and I have went round and round trying to figure out what the best way to do it is. We've walked through the building and looked at every key and every lock. We had a fellow come in to tell us what we needed to do to make all of the locks more uniform and so the people who need keys can get in certain places and right now it's just kind of been a mess especially when we moved in we changed some and found out we should of changed others plus we want to add a lock to one door down here so we've got a price of close to \$400.00 to rekey everything in here and hopefully this will be the last time that we have to do anything major like that, hopefully this will take care of it. It will allow for future growth as well. It includes everything, the new locks, new keys and rekeying everything and basically the way it will be set up is Linda will have a master key to everything and then the Town Council will have a sub-master key that will fit everything except for Linda's area as far as the financial area and then the other employees and groups using the building will have keys that allow them into the area in which they need to be, right now the key we've got fits half of the doors in the building and we just can't pass out those keys because then everybody else could get into half of the building so I guess I don't know if we need a motion to spend some money to have that done or not.

Ms. Schafer stated I may have to transfer appropriations, as long as it's acceptable around \$400.00.

Council Member Fenner stated it will be less than \$400.00.

President Broady stated go ahead and get it done and when you get the bill we'll approve it.

Council Member Alexander Presents Ordinance 96-639-Transfer Of Appropriations S&S

Council Member Alexander presented Ordinance 96-639 as follows:

ORDINANCE 96-639

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1996, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1996 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the Street & Sanitation department to meet the emergency.

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 hereby transferred and set apart out of the fund hereinafter named for the 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

GENERAL FUND

GENERAL FUND

SS-381 GARB. CONTRACT/LANDFILL

500.00

SS-313 MEDICAL EXAMS/SHOTS 500.00

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Council Member Alexander Presents Ordinance 96-639/Transfer Of Appropriations S&S

Motion made by Council Member Eddings to consider Ordinance 96-639 on the first reading and seconded by Council Member Alexander.

Vote 5-0

Motion made to approve Ordinance 96-639 by Council Member Eddings and seconded by Council Member Alexander.

Vote 5-0

Council Member Alexander Addresses Council/Street Cleaning

Council Member Alexander stated Mark and I met with Vernon from Mr. Maid Inc. on street sweeping basically what I would like because this is something very new and I really don't have a perfectly good idea on how to bid it out I would like permission to use Mr. Maid to develop, when he comes through town which will probably be the middle of March or first of April and develop either by time, by the hour or just by the job, to write a bid. They are very nice to talk to, they can do it either way but the cheapest way for the Town is to have it bid out as one lump sum compared to by the hour but the only way he can bid it out in one lump sum is he needs to do it once to see about how long it would take. There is a budget for it. We are going to see what it takes then develop a bid off of it. He's going to actually do the sweeping basically what he's going to do is come through town and on the streets that we have curbs he will sweep like the cinder's and in April it ought to be dry enough. We've looked at a new sweeper and it's anywhere from \$90,000.00 to \$120,000.00 with the maintenance and insurance what we've budgeted, if we can do it three or four times it's going to be cheaper plus it's also controllable if we have one year when our budget is tight it isn't something that we have to do. If I don't have any major disagreements with anyone I would like to proceed with it.

Council Member Fenner stated is he going to do it the first time on an hourly rate.

Council Member Alexander stated hourly rate, Mark is going to ride with him and see what the obstacles are. The biggest obstacles that I think we'll have is the parked cars on the streets and what Mark is going to try and develop and what we will probably do is a couple of road runs to see how many cars still stay on the street. If we come up with like a road closed sign and put them at various exits on the subdivisions, they will say something like sweeping tomorrow and we want to be very friendly with them the first time without going through the hassle of writing an ordinance saying hey, if we put this sign up and you still park on the street we are going to tow your car away. We would rather put the sign up and see how many people because if it becomes a real problem to where we are wasting our money having the sweeper go through our options will be not to sweep the streets or to create an ordinance that says we are going to sweep the streets and if your car is there we are going to tow it. That's probably going to be the biggest obstacle and hopefully with the good community that we have we won't have any problems.

Ms. Schafer stated I would like to have a cap on that not to exceed what's been appropriated within the budget because we are in a real tight budget.

Council Member Alexander stated I'm going to stay within the budget.

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Council Member Alexander Addresses Council/Asphalt Schedule

Council Member Alexander stated we are starting the asphalt paving schedule early this year. We are going to be doing alley's. The concept behind the alley's is every year we put rock and the next year we put rock and the next year we put rock and we grade them and not only the maintenance but the alley's are growing pretty fast and if we pave them one time they are going to last quite a while. We will have the schedule and all that, just something for you to think about.

President Broady stated don't forget Shirley Ave.

Council Member Alexander stated Shirley Avenue will be done. I've already had K & I out and they've looked at it.

Clerk Treasurer Schafer Presents Claim/CSX Railroad

Ms. Schafer stated we've received this bill from CSX, did you find out if we owe it.

Attorney McCall stated I wrote them a letter asking for a copy of the contract and they sent me a copy of the agreement and we do owe it. The contract date is February 1961.

President Broady stated could you check and see if we could make a one time payment like we did on the others, go ahead and pay it this time.

Motion made by Council Member Eddings to pay the claim in the amount of \$12.00 to CSX and seconded by Council Member Fenner.

Vote 5-0

Clerk Treasurer Schafer Presents Reimbursement Claim/Attorney McCall

Ms. Schafer stated I'd like the council to approve the reimbursement to the town attorney. He had recorded some storm sewer easements for us and it was more than what I had given him money for so this is a reimbursement check and I just need the approval. He paid it out of his pocket. It's for \$5.00.

Motion made by Council Member Voyles to approve the reimbursement claim for \$5.00 to Attorney McCall and seconded by Council Member Eddings.

Vote 5-0

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Clerk Treasurer Schafer Presents Claims/Civil, Water And Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the last two week period and request a motion to approve the claims as presented.

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

Vote 5-0

Clerk Treasurer Schafer Addresses Council/Sellersburg Fire Dept. As Building Commissioner

Ms. Schafer stated I would like to compliment the Sellersburg Fire Department, Mr. Ball and Mr. Stewart. They are doing an excellent job. It means so much to the town employees here to not have any complaints from the residents other than the fees and I can understand that and they are working on that issue right now so it's just absolutely wonderful. Thank you all for a good job.

President Broady Addresses Council/Planning Commission

President Broady stated the planning commission is making a recommendation that we change the rates that we charge. They seem to be out of line considerably. The board is in the process of doing that and there will be an ordinance presented to the board at the next meeting and in doing so we are also in the process of getting a contract officially signed by the fire department and the percentages may change. At this time I would like to go ahead and send a letter to the state that officially designates Bob and two other gentlemen that they are our official inspector's for the town.

Ms. Schafer stated I'll type the letter, I just need the address.

Mr. Stewart stated I'll get with you in the morning.

Motion made by Council Member Eddings to approve the letter to the stated that designates the fire department and the three individual's as Building Commissioner for the Town of Sellersburg and seconded by Council Member Alexander.

Vote 5-0

President Broady Addresses Council/New Appointment To Planning Commission

President Broady stated I have a new appointment to the Planning Commission, Doug Reiter. I'll get his address and we still need another person.

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Attorney McCall Addresses Council/Remonstrance

Attorney McCall stated this is a draft of the letter to Larry Wilder on the remonstrance. I'd like to get some feed back. You can put any changes in my box or call me at the office. I'd like to have it by Friday to prepare the final draft.

Attorney McCall Addresses Council/Deed To Sellersburg Swimming Pool

Attorney McCall stated I've got the deed back regarding the Sellersburg Swimming Pool. It will be \$11.00 to have it recorded. I can pay it out of my pocket.

Ms. Schafer stated we will cut you a check and have it in your box tomorrow but thanks.

Jennifer Glacier Addresses Council/Silver Creek High School Class Project

Ms. Glacier stated I teach an accounting class at Silver Creek High School and I have two of my students here. I gave them a test on some economic terms like entrepreneur and some of the student's gave the test's back blank. There is no class on this and I wondered if we needed to teach it. I sent letters to the parents since we were going to be using some of the accounting time on this project. The students are making maps of the town as part of it. They are asked to meet with some entrepreneur's and ask them why they chose to start in Sellersburg. We wanted to let you know we were doing this. We checked with the Chamber of Commerce and they suggested we talk with you. We need a contact person that would have a list of the businesses, their addresses and phone numbers.

Ms. Schafer stated the chief has it, I have a copy also.

President Broady stated who should they contact.

Ms. Schafer stated the chief, he's excellent.

President Broady stated chief, will you handle that for us. He's always willing to help.

Phillip Hutchinson, Sr. Addresses Council/Modular Home On Paradise Ave.

Mr. Hutchinson stated I found out the other day there is going to be a double wide trailer put in by my house.

President Broady stated I happened to be at the zoning appeals board when they presented it and according to the comprehensive plan that we have a double wide, it's actually a modular home. When they put it on a concrete pad and blocks, it blocks up like a home, at that point it's treated just like a regular home. It has to be setting on concrete blocks. We've had three of them go into the community here recently. They put them in there and put them on concrete blocks just like moving a home.

Mr. Hutchinson stated and you can set them in there anyway you want to. The back of it will be facing my house.

Phillip Hutchinson, Sr. Addresses Council/Modular Home On Paradise Ave.

President Broady stated as far as I know there's limitations on property lines. This is all handled through the zoning board.

Mr. Hutchinson stated is Forrest Estates in Sellersburg.

President Broady stated yes.

Mr. Hutchinson stated is Hill N Dale in Sellersburg.

President Broady stated yes.

Mr. Hutchinson stated is Cooper Dale in Sellersburg.

President Broady stated yes.

Council Member Voyles stated we've got one awfully close, right on Norman Drive.

President Broady stated what you are getting into, like Dreyer Estates and the newer subdivisions. They have restrictions built in the subdivisions. The town has nothing to do with it.

Mr. Hutchinson stated but it's Sellersburg. In other words they are Sellersburg but they have a different set of rules to go by and I have to look at this.

President Broady stated the newer subdivisions, they make their own restrictions. Is it against the law in Sellersburg to put a modular home in Dreyer Estates, no, it's not but what would happen, Dreyer Estates Subdivision would file a suit and stop it because it's against the law when they plotted that subdivision, it's normally done that way.

Mr. Hutchinson stated it's built out of the same material as a trailer and if it catches on fire it's going to go up just like a trailer does. I spent twenty years on the Sellersburg Fire Department and I fought many fires and Bob and Mark setting right here, they can tell you the same thing and now here I set and they are going to put it with the back door right next to my house.

President Broady stated I don't know what else to say.

Ms. Schafer stated I have a couple, financially from looking at it as far as the tax rate coming in, a regular framed built house, the assessed value will increase, on the modular homes and I really would like for the council to amend that so we don't end up with alot of modular homes, they depreciate such as automobiles depreciate so the value, I would think we would loose the tax rate by having that type of thing not that I'm prejudice against it but honestly I would not like one next to my home and I'm very impathetic with the man and I would like to see the council consider to amend that. I really wouldn't like it setting next to my house. It would lower the assessed value of my property. It may be tied in this situation but in the future I would like to see that taken out of there.

Council Member Voyles stated I thought when the one went in on Norman Drive there was a law passed that they couldn't do that anymore.

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Phillip Hutchinson, Sr. Addresses Council/Modular Home On Paradise Ave.

Council Member Fenner stated no when the one was built on Norman Drive I know there was alot of discussion on that and what I found out was simply that you know contrary to what our conception is in the industry today the modular home is not considered to be a trailer. I mean it's a premanufactured home, it's not a trailer. I know our public conception of it may be it's still a trailer but legally and in the industries standards and all of those kinds of things, it is not a trailer it is a premanufactured home and you put it on a foundation and attach it just like you do any other home and legally it's there permanently. I'm just telling you in general about modular homes. I'm not familiar with what requirements we have as far as how you set them on the property and that may be something we need to look into because I wasn't aware of it either. We may need to look into that particular part of it. We may need to tighten up some of the restrictions as far as how it sits on the property to make it a little bit better.

Mr. Hutchinson stated I got a call from Danny Vogel from down in Texas, he said he'd look into it when he gets back, he said he didn't have any idea.

President Broady stated let me tell you something on that. Danny Vogel sits on the planning commission and the planning commission is the ones who made the comprehensive plan and advertised it for a year and all kinds of stuff so if Danny's got a problem with it he needs to look right at himself in the mirror and blame himself for it because he's the one that helped write the plan so Danny's got to be aware of it.

Council Member Alexander stated the problem is when they developed the plan they put restrictions on how far away from the front, how far away from the side, the problem is this particular modular home meets all of the requirements but we can't say we don't like what you're doing and we're going to change the requirements on you. We can change them for the future and as far as not calling you back we were still researching. I'm glad you came tonight because I have looked through everything and it meets all of the requirements and we can't discriminate just because we don't like something. If we set something into law or ordinance we have to follow it. If we see we're wrong we can change it for the future but we can't discriminate and say we don't like what's going on here and we're going to change it on just you.

Mr. Hutchinson stated I feel I'm being discriminated against.

Council Member Alexander stated I understand but you have to understand the position of the board.

Mr. Hutchinson stated I remember one time when a neighbor came to us and asked if they could set a trailer up until a family member died and we all agreed to do that.

President Broady stated trailer's are restricted so they couldn't do that now but the premanufactured homes are different.

A resident asked how do we tax them.

Ms. Schafer stated you would have to check with Barbara Bratcher, she's the treasurer, on that as far as how they, that comes through the court house. I don't do that. I just establish the tax rate but you know some of the modular homes are 60 to 70 thousand dollars and for that type money there could be a beautiful home going up with a greater assessed value.

Phillip Hutchinson, Sr. Addresses Council/Modular Home On Paradise Ave.

Council Member Voyles stated I went through the same thing you're going through now and there wasn't a thing we could do about it.

Mr. Hutchinson stated but this one is going in with the back facing my house.

Council Member Alexander stated I don't think anybody when they were doing the comprehensive plan put any thought into if someone would put one in backwards or sideways, that's just something you don't think about, it's trial and error.

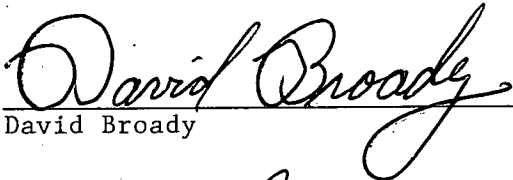
President Broady stated we did check into it and it's legal the way it is right now, there's nothing we can do. We can certainly look into it for the future and that's not much conciliation to you now but that's about where it stands.

Adjournment

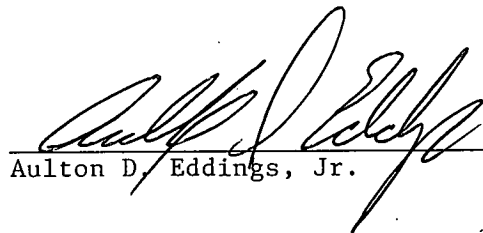
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 5-0


With no further business this meeting was adjourned by President Broady at 7:29 p.m.



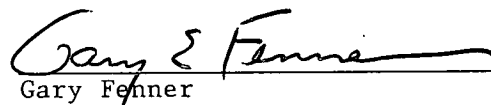
David Broady



Aulton D. Eddings, Jr.



Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

March 11, 1996

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: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice President; Gary Fenner, Council Member; William Voyles, Council Member; Perry McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer, with Kenneth Alexander, Council Member, arriving at 6:05 p.m.

Called To Order

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

Topics of Discussion

Remonstrance
Police Department/Electrical Fire
Ordinance 96-641
Warranty Deed/WWTP
Jacobi, Toombs & Lanz Claims
Sale of Waterline/Holman's Lane
Development/Old Highway 60
Charles Burg/Trash Can
Matilda Meyer/Street Lights
Resolution 1995-33
CTAR Report
Letter/Street & Sanitation
CDL Testing
17 Hour Report
Building Commissioner Contract

Adjournment

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

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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 President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Perry McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer.

Called To Order

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

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

President Broady dispensed with the reading of the minutes from the February 26th meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Alexander.

Vote 5-0

President Broady Presents Claim/Team Contractor's--Lowering 6" Waterline

President Broady stated about two or three meetings ago there was a problem with the storm sewer out here where we had to lower a waterline. We had a price presented of \$2000.00 if we furnished the material. The board gave me permission to get some prices on that and what I've got tonight is EMC is going to pick up the material on an in scope part of their project and I've got the contractor to do it for \$1499.00 and I'd like permission to pay that and that will take care of it and that's for lowering the waterline out here concerning the Storm Sewer Project.

Motion made by Council Member Eddings to approve the claim in the amount of \$1499.00 to Team Contractor's and seconded by Council Member Voyles.

Vote 5-0

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President Broady Addresses Council/Reimbursement To Covered Bridge RE: Lift Stations

President Broady stated I got a letter from Tom Edwards concerning the Covered Bridge Lift Stations and what it says is back in August of 1994 we effectively took those lift stations and they belong to the Town of Sellersburg, however, there was a mess up and REMC did not switch the electric over until December 1, 1995, so in discovering that Covered Bridge wanted us to pay the electric which would likely be ours but their cost and our cost was way apart you might say. Tom done some negotiations with them and some investigative work and has made a recommendation that we settle this account and that we owe them \$960.00 for the electric for the lift stations up at Covered Bridge. They are requesting that we write a check which would come out of the sewer department for that amount and make it out to Mr. Bob Benson, who is their attorney and it will take care of that and I will go on to say in doing the investigation we found that their aerators and some of their water systems, fountains and stuff were tied into their lift stations were the reason their bills were so high and they have been shut off and they are now looking for another source of electric so anyhow take that for whatever you want to read into it. We owe \$960.00.

Motion made by Council Member Alexander to pay Covered Bridge the amount of \$960.00 to reimburse them for the electric on the lift stations and seconded by Council Member Voyles.

Attorney McCall stated is there going to be a release of that claim by Covered Bridge.

President Broady stated it says I am recommending that the check be forwarded to myself, (which is Tom) I will be meeting with Mr. Benson to acquire his signature on a letter absolving the Town of Sellersburg of any future liabilities in this situation and will deliver the settlement amount upon receipt of such signature. Good Enough.

Attorney McCall stated sure.

Ms. Schafer stated do you have a voucher.

President Broady stated no.

Vote 5-0

Chief Kinder Addresses Council/Personnel Policy RE: Police Department

Chief Kinder stated I need to get with Bill on the personnel policy, some parts of the policy doesn't pertain to the police department and there needs to be some revisions.

Clark Henson Addresses Council/EMC's Report

Mr. Henson stated the revenue for the billing office February 26th through March 8th was \$65,742.85.

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President Broady Addresses Council/Building Commissioner's Report

President Broady stated the Building Commissioner was here tonight, they have nothing to submit. Everything is going smooth. They do have a telephone hooked up and the hours are going to be posted. They have a phone tied into Bob's office and a recorder set up. Everything seems to be going well there. Next meeting we will be presenting a contract and they will present their first voucher.

Council Member Eddings Presents Claims/Metzger Electric & Clark Electric Co.

Council Member Eddings presented the claims from Metzger Electric in the amount of \$297.55 and Clark Electric in the amount of \$3860.00 for work on a high service pump that had went out.

Motion made by Council Member Eddings to approve the claims as submitted and seconded by Council Member Alexander.

Vote 5-0

Council Member Eddings Presents Claim/Jacobi, Toombs & Lanz Inc. RE: Storm Sewer Project

Council Member Eddings presented a claim from Jacobi, Toombs & Lanz, Inc. in the amount of \$2,383.00 for payment no. 10 on the Sellersburg Storm Drainage Improvement Project.

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

Vote 5-0

Council Member Eddings Presents Claim/Team Contractor's RE: Storm Sewer Project

Council Member Eddings presented a claim from Team Contractor's in the amount of \$28,573.29 for work performed on the Storm Sewer Project.

Motion made by Council Member Eddings to approve the claim as submitted and seconded by Council Member Voyles.

Council Member Fenner asked how far along are they, are they coming along pretty good.

Council Member Eddings stated it's a \$201,000.00 project and how much have we paid already.

Ms. Schafer stated about \$180,000.00 or \$190,000.00.

Council Member Alexander stated I think most of the pipe is in the ground.

Council Member Eddings stated they'd better be finishing up.

Council Member Fenner stated or they may be working for free for awhile.

Vote 5-0

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Council Member Eddings Presents Claim/Jacobi, Toombs & Lanz, Inc. RE: Sellersburg Water

Council Member Eddings presented a claim for Jacobi, Toombs & Lanz, Inc. in the amount of \$255.00 for Job #8823-A, Sellersburg Water, analysis Holmans Lane, analysis Ohio Ave., preparation of letter to sell water line.

President Broady stated what he did was write a letter and a sketch to the three different companies that we knew were interested in the water line and some have requested more information.

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

Vote 5-0

Council Member Fenner Addresses Council/Annexation

Council Member Fenner stated I don't have anything other than just checking with Perry on the letter about the settlement on the annexation, are we close.

Attorney McCall stated yes, the letter will go out tomorrow, it will basically outline the Poindexter, Hamburg and Diamond Height areas.

Council Member Alexander Addresses Placing Curb On Utica Street

Council Member Alexander stated I had a request from some residents down by the storm project, the curb that comes around to the first house on Utica next to Fern going down towards Roy. They are wanting a curb. There's two ways to go about it, you can roll it with the asphalt or we can put a curb in.

President Broady stated I think what we need to do at this point, Roy and I have discussed it, Roy and John has discussed it, You and Roy have discussed it. I think at this point what we need to do is see if the problem that they think it's going to create is actually going to happen and then we can address it.

Council Member Alexander stated I think when K & I came down they said they could roll it and if that's not satisfactory we could always come back and put a curb there.

President Broady stated John has looked at it and he was ill and went home.

Clerk Treasurer Schafer Presents Claims For Civil, Water & Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the past two week period with the exception of the bill to Water Works Supplies in the amount of \$647.78 that EMC will pick up.

Motion made by Council Member Eddings to approve the claims as presented with the exception of the claim to Water Works and seconded by Council Member Voyles.

Vote 5-0

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Clerk Treasurer Schafer Presents Claim For EMC-Out Of Scope

Ms. Schafer presented the claim from EMC for NSF checks, meter deposit refunds, credit balances on accounts and January sales tax in the amount of \$2696.89.

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

Vote 5-0

Attorney McCall Presented Agreement Between Sellersburg Fire Department & Town

Attorney McCall presented the agreement between the Town of Sellersburg and the Sellersburg Fire Department to act as Building Commissioner for the town and stated I've got the agreement between the Town of Sellersburg Fire Department Inc. to serve as the Building Commissioner. One change has been made, I put a copy in everyone's box, subsection D under number 4 compensation shall be 100% of the first \$15,000.00 of all fees, fines and inspections and after that shall be divided equally between the Town of Sellersburg and the Building Commissioner. That's the only change that has been made.

Motion made to approve the agreement as presented made by Council Member Eddings and seconded by Council Member Alexander.

Council Member Fenner stated the change as far as the compensation goes, is that just through negotiations, is that what that was.

President Broady stated the reason for the change, the next thing we are getting ready to do is lower the amounts of all of the permit fees. We found that we are way out of scope on that. This is still a much cheaper route to go. It guarantees them the first \$15,000.00 and that is a fair amount and we get 50% thereafter.

Council Member Eddings stated we paid Steve over \$30,000.00 last year.

President Broady state we got \$3,000.00 last year if we'd done the same this would give them \$15,000.00 and we'd split the other so it would give us \$7,500.00, it's a better deal.

Council Member Fenner stated do you feel this is enough for us.

Council Member Alexander stated it's really not a big revenue for us.

Council Member Fenner's stated I know it isn't but I guess my question is could it be or should it be.

Council Member Alexander stated the whole purpose of having this and someone to do a very good job with it as they go out and inspect, as new building come in, our tax base stays developed.

President Broady stated I think this is one of those necessary evils that we would just a soon not be burdened with but we have to do it.

**AGREEMENT BETWEEN THE TOWN OF SELLERSBURG, INDIANA,
AND THE SELLERSBURG VOLUNTEER FIRE DEPARTMENT, INC.**

THIS AGREEMENT is entered into by and between the Town of Sellersburg, Indiana, through its Town Council, and the Sellersburg Volunteer Fire Department, Inc., by the Board.

WHEREAS, I.C. 36-1-4-7, allows political subdivisions in the State of Indiana to enter into contracts; and

WHEREAS, the Town of Sellersburg, requires the services of a Building Commissioner to act on behalf of the Town; and

WHEREAS, the Sellersburg Volunteer Fire Department, Inc., is equipped to and capable of performing the duties of Building Commissioner on behalf of the Town.

BE IT THEREFORE AGREED:

1. The Town of Sellersburg, Indiana, by and through its Town Council, hereinafter referred to as "Town Council", does hereby engage the services of the Sellersburg Volunteer Fire Department, Inc., to perform as the Building Commissioner for the Town of Sellersburg, Indiana.

2. The term for this contract shall begin on the date this agreement is signed by the Sellersburg Town Council and Sellersburg Volunteer Fire Department, Inc., Board (hereafter referred to as "Board") and extend for a period of two (2) years, terminating on December 31, 1997, unless otherwise extended by the parties hereto in writing. The duties of the Building Commissioner shall be as follows:

(a) The Building Commissioner, as head of the Bureau of Buildings, shall

have charge of the enforcement of the provisions of the Town Building Code and of all ordinances, statues, rules and regulations pertaining to the erection, construction, alteration, repair, condemnation, demolition, or removal of buildings and structures, and of electric wiring, plumbing, heating installations and piping in connection therewith, in the Town (Sellersburg), or other territory authorized by law. He shall also perform all other duties imposed upon him by this Code, or by law.

(b) He shall keep, or cause to be kept, a record of all applications for permits, which shall be regularly numbered in the order of their issue; also a record showing the number, description and size of all buildings erected in the Town during the term of office, of what material constructed, and of the aggregate of the number, kind and cost of all building constructed, and of the inspections, removal, and condemnation of buildings, and all other matters proper to be recorded.

(c) It shall be the duty of the Building Commissioner, upon being served with a written notice requiring him to visit and inspect any building upon or in which work is being done, under any of the provisions of this Code, to do so in person, or by his representative, within seventy-two (72) hours from the time of receiving such notice.

(d) It shall be his duty to sign all certificates and notices required to be issued by him under this code, except as otherwise provided herein, to make complaint of all violations of the Town Building Code, or of ordinances, statues, rules and regulations referred to hereof, to the Town board, to cause to be kept in proper books a record of all transactions of the office of said department and to submit to the Town Board a monthly statement of such transactions.

3. The powers of the Building Commissioner shall be as follows:

(a) The Building Commissioner shall have full discretionary power to pass upon any question arising under the provisions of this Code relative to the matter of construction or materials to be used in the erections, alteration or repair of any building, provided, however, that should any question arise between the Building Commissioner and the owner or architect of any building, or should the owner or architect object to any order or decision of said Commissioner, the matter shall be referred to the Board of Zoning Appeals and its decision shall be final and conclusive, unless any interested person files a written request for arbitration, as provided in Section (25) of this Code.

(b) The Building Commissioner, and his authorized assistants, are hereby given authority to enter any building, structure, or premises in the Town, in the performance of their duties, and to order and compel the immediate suspension and correction of any work, completed, or being done, or planned to be done, in violation of the provisions of this Code, and to prohibit the use of any defective or improper materials and to remove samples thereof for testing purposes, and to prohibit the

maintenance or operation of any machinery, in all instances where so found to be in violation of the provisions of this Code, or of any ordinances of the Town, or statutes.

(c) No person shall continue the construction of any building, or use any such materials or machinery in, on or about any building, or on any premise, after the Building Commissioner, or his regularly authorized assistance, have directed the suspension thereof, or changes therein.

(d) The Building Commissioner, and his regularly authorized assistants, are hereby given authority to make such tests as may be necessary to determine the conditions, with respect to safety, of any building, material, or machinery inspected by him or them, under the provisions of this Code. The cost of such test(s) shall be borne by the owner, or his agent, or the Building Commissioner may require the owner or his agent to make such test(s) as may be required and a written statement to be furnished to the Building Commissioner of the nature and result(s) thereof.

(e) The Building Commissioner, or his authorized assistants, shall procure materials from any building or repair job for test(s) at any time he is or they are in doubt as to the strength of such materials. Such materials shall be considered condemned and shall be destroyed by the inspector if he finds that the materials do not meet the standards required by this Code, or by any statutes.

(f) The Commissioner shall perform all duties of the office and assistants during their absence.

(g) The Commissioner shall inspect and check all plans submitted to the office for any buildings, structures, and equipment, to see that they are in conformity with this Code and relevant statutes and with standard current engineering practices.

4. The duties of any assistants (if any are employed) to the building Commissioner, shall

be as follows:

(a) All of the assistants appointed to serve under the Building Commissioner and all employees in the Department, under the direction and supervision of such commissioner, shall enforce this Code and shall perform their duties as prescribed by the Commissioner, who as the head of the office, shall be the director of all the functions and work therein.

(b) The title which any employee under the Commissioner may hold shall not prevent him from being required to do such other work as the Commissioner may at any time direct, without any change in his regular compensation.

(c) Each inspector shall keep a complete record of his inspection work and make a report thereon to the Commissioner at least once every two (2) weeks, or as directed by the commissioner. In case the Commissioner shall appoint any inspector over any certain territory, said inspector shall perform his duty properly and be responsible for the inspection work under his direction and within that district. Each inspector shall receive inspection slips and shall thereon keep a complete record of all inspections made and shall attach the final inspection tag on the building permit, as provided in this Code.

(d) The compensation for the performance of Building Commissioner duties shall be one hundred percent (100%) of the first fifteen thousand dollars (\$15,000.00) of all fees, fines and/or penalties paid to or collected on behalf of the Town by the Clerk/Treasurer, thereafter all fees collected by the Building Commissioner shall be divided equally between the Town and the Sellersburg Volunteer Fire Department, Inc. A check for the calculated amount shall be prepared by the Clerk/Treasurer on the following business day after the second Town Board meeting of each month.

5. The Building Commissioner, shall be responsible for:

(a) The Building Commissioner shall be responsible for obtaining all office supplies needed to properly operate his department effectively.

(b) The Building Commissioner shall be responsible for obtaining business cards, badge, and any other forms of identification necessary for verification of his position with the Town of Sellersburg.

(c) The Building Commissioner shall be responsible for any professional dues and/or memberships that are pertinent to his position for professional development.

(d) The Building Commissioner shall be responsible for any costs encountered while attending any schools, lectures, classes, and seminary, as well as costs of travel incurred in route to any schools, lectures, classes, and seminars.

6. The Town of Sellersburg shall provide and be responsible for:

(a) The Town of Sellersburg shall pay the annual membership fee for membership in I.C.B.O. (International Conference of Building Officials). This fee is currently Seventy-five Dollars (\$75.00) per year.

(b) The Town of Sellersburg shall provide without cost to the Building Commissioner, a complete and up to date copy of all Town Ordinances, Building Codes and Zoning Regulations. In addition, the Town of Sellersburg will provide any

other materials it maintains, necessary for engaging in the duties of Building Commissioner at no cost.

7. The Building Commissioner is performing the services specified hereunder as an independent contractor.

8. It is understood and agreed the services called for hereunder are not intended to preclude the Building Commissioner from engaging in any and all other types of employment for other employers, so long as such additional employment does not preclude him from performing the services called for hereunder.

9. Either party may elect to terminate the herein contractual obligation upon forty-five (45) days written notice to the other party.

(a) Notice of termination to the Town of Sellersburg shall be sent certified mail to the Town of Sellersburg Town Hall, 316 East Utica Street, Sellersburg, IN 47172.

(b) Notice of termination to the Sellersburg Volunteer Fire Department, Inc., shall be sent certified mail to the Sellersburg Volunteer Fire Department, Inc., Firehouse.

10. The parties hereby agree to negotiate in good faith any problems that may arise as a result of this Interlocal Cooperation Agreement.

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Attorney McCall Presented Agreement Between Sellersburg Fire Department & Town

Ms. Schafer stated I would also like to add that it's alot more difficult that what people realize, they have to stand out at the actual site while they are pouring concrete.

President Broady stated it takes a full time person to do it.

Council Member Alexander stated I think we are getting a real good deal from the fire department.

Attorney McCall stated this contract is for a two year period.

President Broady stated with a 45 day written notice if either party wants to cancel.

Council Member Alexander stated now you don't have to wait two days to get your permit.

Vote 5-0

(a copy of the contract follows)

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Attorney McCall Presents Ordinance 96-641/Amending Ordinance 95-629

Motion made by Council Member Eddings to consider Ordinance 96-641 on the first reading and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Eddings to approve Ordinance 96-641 and seconded by Council Member Voyles.

Vote 5-0

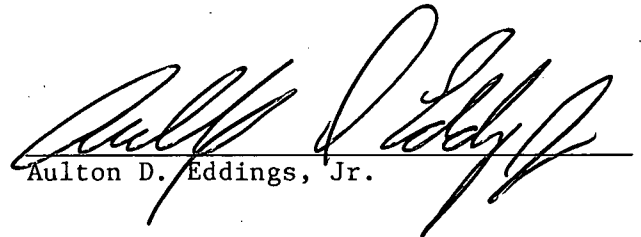
Adjournment

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


Vote 5-0

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

David Broady

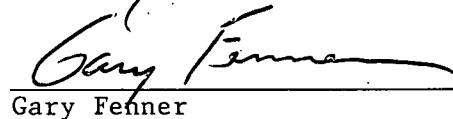


Aulton D. Eddings, Jr.

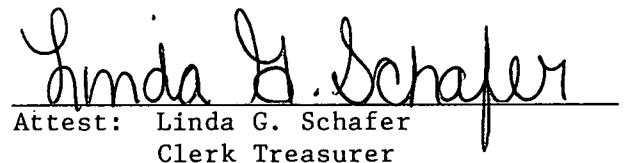


Kenneth Alexander

William Voyles



Gary Fenner



Attest: Linda G. Schafer
Clerk Treasurer