

SELLERSBURG TOWN COUNCIL

December 8, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Town Hall to discuss pending litigation and personnel matters. Those present were, Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Gary Fenner, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; with William P. McCall, Town Attorney arriving at 6:09, and Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

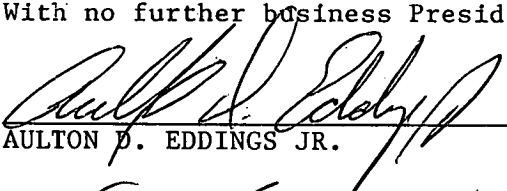
President Eddings called the Executive Session to order at 6:02 p.m.

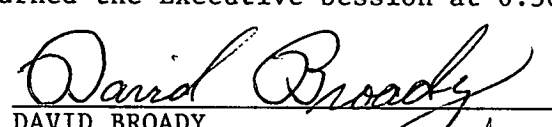
Topics Of Discussion


Bids On Storm Water
REMC/Agreement
Storm Sewer Bids
Contracts/Bid Forms
Sign's
Permit's
Ranger Towing
Transfer Of Funds
Jim O'Neal/State Bids On Car's
Bill On Rate Council
Notice On Torch Claim
Schafer vs Town Of Sellersburg
Beyl Easement
IDEM Plateau
Ordinance For Bond Issue.
Anex.
Personnel/Hutchinson/Fraley

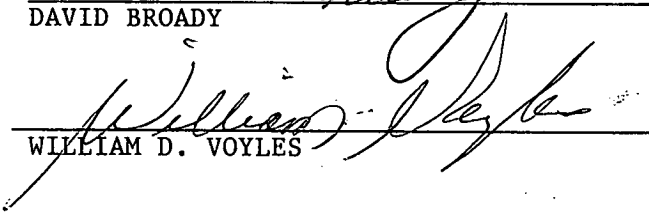
Adjournment

With no further business President Eddings adjourned the Executive Session at 6:36 p.m.


AULTON D. EDDINGS JR.


DAVID BROADY


GARY FENNER


WILLIAM D. VOYLES


KENNETH ALEXANDER

ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 8, 1997

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:38 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENTS EDDINGS/MINUTES

President Eddings stated everyones had a copy of the minutes from Nov. 24th and had a chance to review them. I'll entertain a motion to except the minutes as presented.

Vice-President Broady stated I make the motion we except the minutes from Nov. 24th as presented.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion if not all those in favor signify by saying I, I oppose nay I's have it. Ok, Pauline only one on the agenda.

Council Member Fenner stated she just left.

President Eddings stated reports from town Dave do you want to start he's gone EMC.

KENDALL COLEMAN/EMC ADDRESSES THE COUNCIL ON WATER AND SEWER REVENUES FOR NOV. 24TH THUR DEC 5TH.

Kendall Coleman stated the first report we have is the water and sewer revenues for the period of Nov. 24th thur Dec. 5th and the total amounts the total revenues for that period was \$34,390.26. The second thing I have is a invoice that was submitted at the last council meeting there was a mistake found by the Clerk Treasurers office for \$13.54. We charged them twice for that. Some meter deposit refund and the last report I have for you is a request for approval for expenditures from the billing office for capital improvement expenditures as agreed under our contract \$2,000.00 it will not be paid out of our mainteance repair fund that is considered capital improvement and the last thing we have is a replacement of a manhole in front of Jim O'Neal Ford this occured approximately a month ago it was determined that the manhole had deteriorated beyond repair and John felt it was creating a safety hazard and the operations of it, its self.

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Estees excavating made the emergency repair the cost was \$3,600.00. The second expenditure I have repair of camp Chelan pump #2 and if your aware camp Chelan is our main lift station serving the town and the pumps to our waste water treatment facility upon rountine preventive mainteance it was found that the housing on that pump had a considerable amount of water in it, we pulled the pump took it to Spencer Machine, on futher investigation they found that the lower cap seal had deteriorate to do a large rock or piece of debris or something slammed into the pump. The cost repair of the pump 4257.38 that pump is in the shop right now, expect it to be returned this week. The third expenditure is the replacement of an office computer, this computer is used for reports we hand out to you at the meeting. Along as well the water utilities and we've had computer services we've definitely getting that out of it, we've had to have Dick Wize and our computer specialist to look at that piece of equipment and tell them what needs to be done. And for my information instore that memory is needed its just out dated. And were all aware the computers the technology, expanding and updating and that computer needs to be up dated as well. That computer did crash last week we were unable to get that out of it. So I went ahead and purchased a new hard drive and monitor for the total cost of \$2,152.48.

President Eddings stated do we have a voucher on all these things.

Mr. Coleman stated I don't have a voucher on that.

Chief Deputy Shelton stated we need voucher on that, blue and pink voucher's. Linda might have some.

Vice-President Broady stated have we recieved a bill on that yet? So we really don't have to pay that until we recieve a bill?

Mr. Coleman stated right.

Vice-President Broady stated ok, the manhole at O'Neals we need to go ahead and pay that because that has been invoiced.

Mr. Coleman stated yeh.

Vice-President Broady stated and the computer has been invoiced to.

Mr. Coleman stated yeh.

President Eddings stated at this time I'll entertain a motion to pay for the manhole in front of Jim O'Neal Ford \$3,600.00. Also I'll entertain part of that motion to pay Office Depot for the billing office computer \$2,152.48.

Vice-President Broady stated ok, I make a motion to prepay for the manhole renovation and also the computer people for the new computer equipment they bought.

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

Council Member Voyles stated I'll second it.

President Eddings stated second by Bill any futher discussion?

Vice-President Broady stated the amount is \$5,752.48.

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President Eddings stated close, any further discussion? If not all those in favor signify by saying I, I oppose nay I's have it. Do we need to revote on the water department expense's, nonsufficient funds and taxes sense they've changed. Do we need need to revote that? Is there a discrepancy?

Attorney McCall stated that a, you can vote to approve that.

President Eddings stated I'll entertain a motion to approve the Water Department expense's and Non-sufficient funds, meter deposit, monthly sale's tax and I'll entertain a motion to approve the amended price for last month.

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

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill all those in favor signify by saying I, oppose nay I's have it. Do I have the original?

Mr. Coleman stated you have the original.

President Eddings stated do I turn them over to her?

Mr. Coleman stated on the invoices that we submitted to the town insufficient funds, meter deposit, Ken just told me that the Clerk Treasurer's office requested a little bit of change in that and Cindy you might want to discuss that with Linda so I'm sure were doing it properly in the past. What they've done was our meter deposit, when someone came in and want to reclaim there meter deposit what ever was there outstanding bill that was subtracted from the meter deposit. Were going to ask that to be done from now on. The meter deposit will not be refunded until the last bill is paid and when that bill is paid then we will refund the full meter deposit the full \$50.00. And what were going to do different is like the insufficient funds were goin invoice those separately, and the meter deposit invoice separately, and the income tax rate invoice separately. And I think thats right Ken.

Council Member Alexander stated that's the step in the right direction.

Mr. Coleman stated if not someone get back with us.

President Eddings stated the purpose of that is to improve the accountability.

Mr. Coleman stated I think its a little confusing the way its done now and I think it will be less confusing that way.

Council Member Fenner stated I understand that I guess I'm questioning the impact it will have upon the residents. Having to go threw two step's rather then just one.

Council Member Alexander stated see you get a meter deposit and you still got some resident thats got a \$25.00 meter deposit out some of them's got \$50.00. Ok when it came in to be subtracted in the Clerk Treasurer office, the person who had a bill of \$14.00 it came off of \$25.00 meter deposit alright, show ll bucks it said meter deposit of \$11.00 will you had know ideal whether that was a \$50.00 deposit or a \$25.00 deposit.

Mr. Coleman stated we can do it either way. Now most utilities do it by the way I just

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explain it and going to start doin it. The meter deposit is not refunded until the final bill is paid that's the way most your utilities do that we've not been doin that way in the past because of the convience of it to the residents.

Council Member Fenner stated yeh.

Council Member Alexander stated see that way we can show when they started service when they ended service, and exactly how much it is so if you ever want to go back an check see like right here on this one bill what is that is that a \$25.00 deposit or a \$50.00 deposit that's all you see when you go back and subtract it is \$13.74.

Mr. Coleman stated what else we will provide with that is when service started and when service has been disconnected.

Council Member Fenner stated the refund of the deposit it will still be made in a speedy and kindly manner were not goin to drag them out.

Mr. Coleman stated I won't guarantee it but I don't expect it to be dragged out, no. The resident will come in and say I want to disconnect the service and then they will say ok your final bill is X amount of dollars. You need to pay this final bill upon paying the final bill we will reimburse you. It's going to be the same thing you still have to be resubmitted and get it paid threw the corporate office.

President Eddings stated Ok, Chief.

Chief Kinder stated the only thing I have is were gettin ready to let the bids out on new car's. We've talked to Jim O'Neal Fords to get bids from Steve Killen from Jim O'Neal ford. The difference in the two vehicles are one here and ones in Indianapolis there \$70.00 a car.

Mr. Killen stated Daye says the difference in the cost, what we'd really like for you to take into consideration is the price of the cars. The reason being is the cars are awarded to one dealer in the state who bids all the state police cars. They continue back on that bid, Ford however says one dealer will bid all the state police cars which may be 300 to 1000 which you actually bid them at a loss and he gets a bigger concession than any of the other dealers do, so were at quite a disavantage to start with \$200.00 than when I say were \$70.00 or \$80.00 more than what someone else would be. So if we was on an even playing field where I could be less than what he is actually he's getting more back from Ford Motor Co. for handling the bids than what we would.

Council Member Fenner stated how many cars are you talkin about?

Chief Kinder stated 2, theres a \$140.00 difference. We ran in to a problem on one of them ah, when the calabor brake had to be replaced and they was under warranty because when they prepared the car or something over in Bloomington nobody could tell if they'd been turned.

President Eddings stated ok, I'll entertain a motion is there a problem with taking the lowest bidd. I'll entertain a motion to except the bids from Jim O'Neal Ford for the two police cars.

Council Member Fenner stated I'll make that motion.

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

Council Member Alexander stated I'll second.

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

Chief Kinder stated Thank You that's all I have.

President Eddings stated what about the ordinance.

Chief Kinder stated I was gonna let Perry bring that up.

President Eddings stated that'd be fine, why don't you go ahead and benext if the Chief is done.

ATTORNEY MCCALL ADDRESSES THE COUNCIL/VACATE THE PLAT FOR INDIANA CITIES AND TOWNS.

Attorney McCall stated the first thing I have is that Indiana Metro Water Company had a request to vacate the plat regarding down around Reynolds property down on, its part of Sellersburg, the purpose is there water line I had an opportunity to review this and seems to be no disadvantage to the town, its a good will gesture. If you want to approve that, it has to be by vote and each town council member needs to sign and the Clerk Treasurer needs to attest they approved that.

President Eddings stated I'll entertain a motion to vacate the plat for Indiana Cities and towns.

Vice-President Broady stated I'll make the motion to do so.

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

Council Member Fenner stated I'll second.

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

Mr. Toombs stated its Indiana Towns and Cities not Cities and Towns.

President Eddings stated that's what I said ha, ha.

Attorney McCall stated keep it till the very end, I have an ordinance its gonna be 97-683.

Chief Deputy Shelton stated 674.

Attorney McCall stated 684, 97-684 its a transfer of appropriations with the Sellersburg Town Police Department, transfer of appropriation transfer the amount of \$135.00 from account 391 to 223 Police Equipment transfer of appropriations \$1,798.00, 393 police training to account 222 police equipment, transfer appropriations in the amount of \$300.00 from account 394 to 223 police equipment, transfer of appropriations \$1,000.00 361 to 223 police equipment and transfer of appropriations in the amount of \$20,000.00 from account 113 police salary to account 223 police equipment.

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Attorney McCall stated I'd like to make a motion to consider transfer of appropriation request for 97-684 on the first reading.

Vice-President Broady stated I make the motion we consider ordinance #97-684 on the first reading.

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion?

Council Member Fenner stated is this for the police cars.

Chief Kinder stated this is for the cameras we put in the police cars. It help's with youth and drunk driving. Is this what this is for.

Council Member Fenner stated ok, a camera in every car.

Chief Kinder stated all but two.

Council Member Fenner stated all but two, Ok.

Chief Kinder stated we discussed this at the police commissioners meeting on Monday.

President Eddings stated any futher discussion?

Council Member Alexander stated these amounts were verified and...

Chief Kinder stated yea, we got a cut rate on these.

Council Member Alexander stated no this transfer amounts...

Chief Kinder stated oh yes, yes sir.

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

Attorney McCall stated 97-684 to approve.

Vice-President stated I make the motion we approve ordiance #97-684.

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion on approval, all those in favor signify by saying I, I oppose nay I's have it.

*Attorney McCall stated thats all I have right now.

President Eddings stated ok John.

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JOHN TOOMS ADDRESSES THE COUNCIL/ STORM WATER BIDS.

Mr. Toombs stated everyone has before them a copy of the bid speculation for the storm water basin at our waste treatment plant. They were opened at 1:30 on Dec. 4th, we got four bids \$35,000.00 going to Charlestown, the low bid \$274,881.00 by Team Contracting of Sellersburg. So I would recommend you award the contract to them.

Council Member Broady stated I make the motion we award the contract for the Sellersburg... Sewer Water Retention Basin Project for 1997 job #97-292 to Team Contracting \$274,881.00.

Council Member Voyles stated I'll second.

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

Mr. Toombs stated ok, the second thing to that is we need electrical power, and we got a proposal from Clark County REMC to put in two power poles with overhead wires next to the basin the cost is \$14,962.23 however they offered us the opportunity to pay that over 30 months \$498.74 a month with it is exactly the same amount of money. I talked to Linda about this the day of the bid opening, and it was her feelings that we recommend we pay it over time that way the electrical bill, in another words if we pay the bill right now we'd still have to pay a electrical bill. So I recommend we agree to pay \$14,962.23 over 30 months.

Vice-President Broady stated I make a motion we contract with REMC to provide electric at our plant as described by John for the \$14,962.23 payable over 30 months.

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

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion?

Council Member Alexander stated Kendall, how does that work will it come in on one of our REMC bills or is it gonna be separate or...

Mr. Coleman stated uh.

Council Member Alexander stated this electric, make sure you pay close attention to how they come in. That'll be readjustment or...

Mr. Coleman stated if not it will have detail on the bill itself.

Mr. Toombs stated it will have a meter number I'd think. Ok that's all I have.

President Eddings stated any further discussion? If not all those in favor signify by saying I, I oppose nay I's have it. Do we have some contracts to sign?

Mr. Toombs stated yea, this all, are contract forms sign by the x's and there actually is no signatures, so just at the bottom.

President Eddings stated ok do you wanna make a motion to sign them?

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Council Member Fenner stated I make a motion we authorize the president of the council to sign on behalf of the council on the agreement with REMC.

Council Member Alexander stated I'll second.

President Eddings stated motion made and seconded, any discussion? If not all those in favor signify by saying I, I oppose nay I's have it. Ok finished John.

Mr. Toombs stated yes sir.

President Eddings stated ok Dave.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL/TWO BILLS FROM JACOBI, TOOMBS AND LANZ.

Vice-President Broady stated I have two bills here from Jacobi, Toombs and Lanz one in the amount of \$135.00 for drainage improvement for some storm drainage work we looked at John looked at, the other is for the final draw for storm water retention basin project this is the final bill John, is that correct John this is the final bill? Call this estimate #4 \$10,550.00, I make a motion we approve it.

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

Council Member Voyles stated I'll second.

Council Member Fenner stated Dave I didn't hear the amount on the 2nd one.

Vice-President Broady stated \$10,350.00 on the job we just left, and the others for \$135.00...

Council Member Fenner stated I got that one.

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

Council Member Fenner stated I think Bill...

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

Vice-President Broady stated you want me to address this?

President Eddings stated no, not till an executive meeting, Bill.

Council Member Voyles stated I think Daves not done.

President Eddings stated Dave you have anything else?

Vice-President Broady stated No.

President Eddings stated Gary, you have anything.

Council Member Fenner stated No.

President Eddings stated Ken.

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KENNETH ALEXANDER ADDRESSES COUNCIL ON/BIDS ON THE BACKHOE AND A TRENCHER.

Council Member Alexander stated we opened bids up on the backhoe and a trencher bids came in at New Albany Ford \$46,185.36. The case came in at \$48,435.00 and the trencher came in at \$26,370.00. When the specs were done. It was my understanding it would have a 14ft. reach extending to 18ft. so we could dig a little deeper. And apparently the specs weren't, it wasn't put in the specs, and this is something I felt we needed, so I would like a motion to reject both bids and have it rebid out, with the added specifications put in.

President Eddings stated motion on the floor to reject the bids, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion?

Council Member Fenner stated you still be able to get it done by the end of the year.

Council Member Alexander stated yeah.

Vice-President Broady stated they both, the bids require extent hoes in that what your saying.

Council Member Alexander stated yea.

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

Resident stated will it be a new specs on the bid?

Council Member Alexander stated it will, a new bid, yes you can pick them up at the town hall after tomorrow.

Resident stated after tomorrow.

Council Member Alexander stated yea, do we need a motion to bid back out the backhoe and trencher?

President Eddings stated I don't think we need to do that do we?

Attorney McCall stated to redo them.

Council Member Fenner stated he's asking if we need, make a motion to rebid it.

Council Member Alexander stated lets rebid it, that's all I got I'm done.

President Eddings stated ok Clerk Treasurer report.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL /PRESENTS BILLS.

Chief Deputy Shelton stated I just have bills.

President Eddings stated just bills.

Chief Deputy Shelton stated yeah.

President Eddings stated ok, everybodys got a copy of the bills in their mailbox had a chance to review them. I'll entertain a motion to pay the bills as presented.

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

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

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

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, I's oppose nay I's have it. Andy futher business tonight from anyone? If not I'll entertain, yes sir.

Mr. Armstrong stated I thought I was on the agenda, Harold Armstrong I called over here about discontinuing water service from Sellersburg to Watson and she said I should come over here before you all.

President Eddings stated where do you live sir?

Mr. Armstrong stated on Charlestown Pike, by the Ice Cream Shop.

Vice-President Broady stated you need to come into the office and will set it up with you, give you your deposit back and then refile with Watson. I don't think of, do we have a service agreement. You need to see Kendall, that's him right there. He wants to change his service he's on Sellersburg Water, to Watson Water at some time in the futher I guess sometime, come in the office and...

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

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

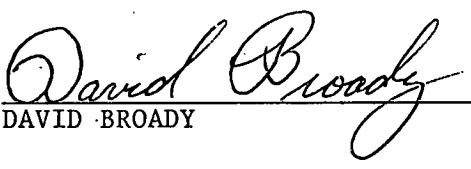
President Eddings stated motion made by Dave, do I have a second?

Council Member Fenner stated I'll second.

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

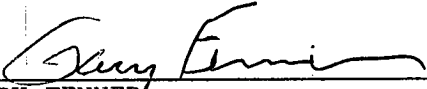
With no further business President Eddings adjourned the regular meeting at 7:14 p.m.


AULTON D. EDDINGS JR.

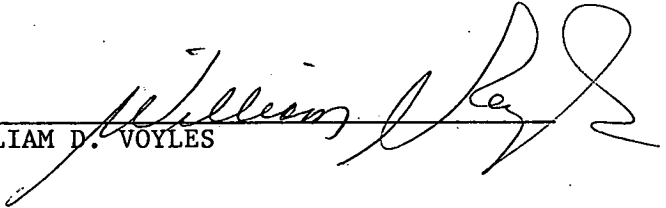

DAVID BROADY

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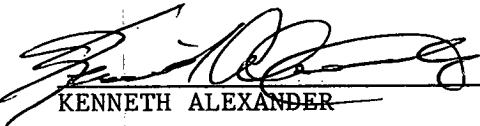
With no further business President Eddings adjourned the regular meeting at 7:14.p.m.



GARY FENNER



WILLIAM D. VOYLES



KENNETH ALEXANDER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 22, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; with Perry McCall arriving at 6:36 p.m. And Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

President Eddings called the regular meeting to order at 6:32 p.m.

Prayer

Paul Reihardt offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

President Eddings stated the town board members have a copy of the minutes from our last executive session and regular town board meeting in their box, and had a chance to review them.

Council Member Alexander stated I make a motion to approve the minutes.

President Eddings stated motion made by Ken to approve the minutes, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any questions? If not all those in favor signify by saying I, I's oppose nay I's have it. Ok at this time will hear petitions from the town, is there a Mr. Bob Nuget here?

Mr. Nuget stated Yes.

President Eddings stated ok

Mr. Nuget stated I'm Bob Nuget, I'm with Tarc Transportation here in the River City. About 6 months ago, we did a study outside of our general Tarc route ares. We provide a proposal to, basically to see what our need would be. We were awarded a grant of 80,000.00 to provide a service in Sellersburg. What I am here doing tonight is requesting as much input from the town council. As far as what kind of service's there are right now. The services would be to Ivy Tech back and forth. Pretty much the service would be to Ivy Tech, most people who are wanting trips for educational kind of trips. Back and forth between schools. Ivy Tech seems to agree with us that there is a need for service. I will be willing to entertain anything.

Council Member Fenner stated do you need anything from us?

Mr Nuget stated really not I've talked to a few people on the council about what were doing. If not interested I'd like to keep some form of communication open with the council

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MR. NUGET ADDRESSES THE COUNCIL ON TARC TRANSPORTATION.

and Tarc. The way I have it programmed now, is it looks like 6 days a week about 8:00 a.m. to 6:00 in the evening on the weekends less service about 9 to 4. It could be a win, win situation for everybody, were looking to expand some service from Progress way through Sellersburg, this to can be part of that, but we were gonna do is interchange the Tarc Service which is all of Jefferson County in and around this area.

Council Member Fenner stated do you have a time table your looking out.

Mr. Nuget stated the grant is to start in January, how fast we can get it started I don't know. The only problem we have with this grant is a 50/50 match. So we have to come up with 80,000.00 ourselves, ah I have made many statedments to Tarc about this, but we are strapped for funds also.

Council Member Fenner stated would it be to much trouble for us to see a copy of the preability study that you did.

Mr. Nuget stated I can get you the proposal, it was just something to get us in the door.

Council Member Fenner stated ok.

Mr. Nuget stated I think what were gonna do is it would be the same kind...

Council Member Fenner stated but the main focus would be Ivy Tech.

Mr. Nuget stated most probable, when we first, one thing has changed is were going to come across Progress Way across to 31 them back around to Ivy Tech, now our plans are looking like coming down 60, then the other way to Ivy Tech. I'm not that familiar with this area.

Council Member Fenner stated it would be the other way around to be in town it's self. But thats ok.

Mr. Nuget stated we're use to the urban environment we live in, and grew up in. So this is a little bit different than what were use to ok.

President Eddings stated Thank You.

Mr. Negut stated Thank You.

President Eddings stated ok Pauline, do you have anything tonight?

Mrs. Pixley stated can I put it off till last.

President Eddings stated yeah, ok, ah, Virgil do you want to go ahead with the Jim O'Neal property.

Mr. Bolly stated I'm Virgil Bolly I'm here on behalf of Chris O'Neal and Bill James. They own the property behind O'Neals on South New Albany St. Were asking for your approval to rezone to a B3, we didn't know if you wanted any more input on it or are you happy with what they have done.

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON THE CHRIS O'NEAL AND BILL JAMES PROPERTY.

President Eddings stated is there anyone here, ah have any concerns about the Jim O'Neal property rezoning, recommendation from the zoning commission to change the zoning from R 3 to B 3. What Jim-O'Neal proposes to do is to expand his car lot, move additional cars back in that area. I think thats were he has the tent sale every year or when he has the tent sale. He plans on paving the area putting an entrance way in and out putting a buffer system up for the lights, using a page system so it does not interfere with residents along the backend of Creston subdivision or the residents on New Albany St. The planning commission did recommend it 6 to 0, 5-0, 6-0 to change the rezoning form R 3 to B 3. Does any one have any questions. Ok I'll entertain a motion to change the zoning on the property of Jim O'Neal Ford from R 3 to B 3. We get to get an ordiance number.

Council Member Alexander stated Yeah.

President Eddings stated ok.

Chief Deputy Shelton stated 97-685.

President Eddings stated ok I'll entertain a motion to consider ordiance #97-685 on the first reading.

Council Member Alexander stated I'll make that motion.

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

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, and discussion? If not all those in favor signify by saying I, I oppose nay I'll entertain a motion to adopt ordiance #97-685.

Council Member Alexander stated I'll make that motion..

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

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any futher discussion? If not all those in favor signify by saying I, I's oppose nay, I's have it.

Mr. Bolly stated thank you very much, its greatly appreciated.

President Eddings stated do we need to sign all of these uh...

Attorney McCall stated sign them for Virgil then give them back to him.

Mr. Bolly stated I'm also here on the other zoning matter.

President Eddings stated will get to that one, were gonna save it to last. Will save that one to last. Ok Mr. Kinder.

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Chief Kinder stated nothing.

President Eddings stated EMC.

EMC ADDRESSES THE COUNCIL ON THE MONTHLY REPORTS.

Mr. Coleman stated here are the monthly reports ah, as you review the report I did add a little bit of new information to it. And that would be attachment, I believe is a table showing the input loading at the facility plus pounds. And with that the town can compare loading. You can see, and with the construction of the retention basin that should improve the flow. But, every so often you might take a look at that, that is valuable information that helps you determine how fast it flows. You find out about the water and sewer revenues for the past two weeks. The total collected \$127,819.39. The next item I have at the last board meeting, I requested approval for repair of a pump for the camp chelan lift station. What I gave you all was just an estimate. That is the actually invoice, and I request for your approval of payment of...

President Eddings stated ok, I have a invoice here for the repairs of pump, ah from Spencer Tool and Machine ah, the invoice coming in at \$4,357.48.

Mr. Coleman stated that in fact was the estimatement.

President Eddings stated good, I'll entertain a motion to pay for the repairs.

Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated I'll second.

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

Mr. Coleman stated with that request I also have a bill for a computer in the billing office, I charged all that to the waste water and that needed to be split between the water and sewer. So, I talked to Linda and we...

President Eddings stated this has already been approved.

Mr. Coleman stated all it is, is a change to water and sewer. Also I talk to the Clerk Treasures office on our reports, NSF checks, meter deposit refunds and -Indiana Department of Revenue sales tax.

Mr. Coleman stated this is the one invoice that we have had at the last couple of meetings that we have had difficulties with, we have looked over it and made the changes and I think that we have got that settled now. I'm submitting that for your approval.

President Eddings stated ok, I have an invoice here for the NSF, meter deposit and the Indiana State sales tax and total of \$3,877.56. I'll entertain a motion to pay the invoices as presented.

Council Member Voyles stated I'll make that motion.

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

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Council Member Fenner stated I'll second that.

President Eddings stated seconded by Gary, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Is that it Kendall?

Mr. Coleman stated Yes.

President Eddings stated do we have a report from the Building Commissioner tonight?

Council Member Alexander stated he is not available.

Vice-President Broady stated his mother-in-law past away last week and his father-in-law past away...

Council Member Fenner stated yesterday.

President Eddings stated do we have a report from animal control? Ok, John do you have anything for us tonight?

JOHN TOOMBS ADDRESSES THE COUNCIL ON STORM SEWERS.

Mr. Toombs stated we took bids on the storm sewers and we were fortunate enough that it come in much lower than the amount of money you had expected, so in order to use the money that you had in the budget this year we added five more items. The best bid over all five items was Gray Fox, with \$26,642.00 this happened to be the same people that were low on the other work. That will be good to have one contractor to deal with, so I would like to recommend that you contract with Gray Fox for that total of \$26,642.00.

Council Member Alexander stated alright, I have to transfer appropriations, do you want to go ahead and do it?

President Eddings stated can we go ahead and vote this contract in and then transfer. I'll entertain a motion then to except the bids from Gray Fox for the one, two, three, four, five different sewer projects we are going to fund out of this years budget for the amount of \$26,642.00.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second it.

President Eddings stated seconded by Kenny, any discussion?

Council Member Fenner stated somewhere along the line will we get a copy of exactly what those projects are? I mean I know there is a master plan. I know, but he told me, I would like to know which one.

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

Mr. Toombs stated one suggestion that Linda and I and Ken talked about this, I'm presenting a contract for professional services having to do with storm sewers and drainage and

what this will amount to is that you all ask me through the year to go look at something and figure out what to do and how much it is going to cost and I just charge you by the hour and you pay me out of some budget money. What I have done is prepared a contract that says in essence that any time you ask me to do something that has to do with storm sewer work now, in this-year or in next year, I would do it at my current hourly rate, not to exceed \$15,000.00 so that you can capture more of this years money and then carry it over into next years fund. I would like to present that contract to be signed.

Council Member Alexander stated the bulk of that too, will be the studying of the Ivy Tech retention pond that we have put on hold because not enough information was available and we can speed the effort up as far as acquiring a grant.

President Eddings stated I entertain a motion to sign the contract for engineering services for next year for John toombs.

Council Member Alexander stated I make a motion to approve the contract.

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

Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion?

Council Member Fenner stated John, you said that you have talked to Linda about this?

Mr. Toombs stated Yes.

President Eddings stated any further discussion? We got a second on that didn't we? All of those in favor signify by saying I, opposed nay, I's have it. John do I have a contract to sign for Fox?

Mr. Toombs stated, Yes sir, I have it right here. One other item I receive today a letter that was addressed to the town and it has to do with underground storage tank, which I assume has to do with your fuel tanks, I think it has something to do with them wanting you to check it for leaks and problems and monitor it, so I need the authority to find out what this exactly means, what I think it means is that you will check the tanks that you have got and start some kind of monitoring program and periodically fill one of these but and you will need to send this in saying that you will do this or you might have to look into having the tanks removed, if they are a problem.

Council Member Alexander stated they are probably asking for an air pressure check and a daily inventory. It sounds like they are wanting you to put in special nozzels and spill over flow where they drop and gas and...

Vice-President Broady stated I make the motion that we give John the authority to solve that problem, whatever it is.

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

Council Member Alexander stated I'll second it.

President Eddings stated is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Are you going to take these contracts or does Linda need to attest them? John does these have to go to Linda for attest?

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Council Member Fenner stated is this the same one?

President Eddings stated we are signing three of them, one for John, one for the contractor and one for Linda.

Council Member Fenner ok.

President Eddings stated ok Dave.

Vice-President Broady stated I have a letter form the Cracker Barrell project and they have had a problem with getting some stuff passed through the EPA and they have asked for a two month extention for the contract for sewer tap-in fees and ect., Gary and I were in charge of that and I have researched it and we have allowed them to do so and this is the last extention that we will give them and it will be under construction by that time, isn't that the way you understood it Gary?

Council Member Fenner stated Yes.

Vice-President Broady stated so we did approve that and they just sent this letter from Estes and wanted the Town Board President to sign it confirming that and I would like to make a motion that we sign it and confirm this letter.

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

Council Member Voyles stated I'll second it.

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

Vice-President Broady stated sign it and make copies of it Doug.

President Eddings stated Perry do you want to take care of that?

Attorney McCall stated sure.

President Eddings stated Dave is there anything else Dave?

Vice-President Broady stated do you just want to address this later?

President Eddings stated let's go ahead and do it now.

Vice-President Broady stated ok, we have got a contract request from Perry McCall, his contract is up Dec. 31 at midnight, and he is requesting a new contract for next year. The fees are exactly the same, it is the exact same contract that he has had for the last year or so.

Attorney McCall stated it is the same terms and conditions that I have always had the only thing that has changed is the effective date.

Vice-President Broady stated it is \$28,000.00 per year, that is what we pay Perry for our legal services.

President Eddings stated do you want to make that into the form of a motion?

Vice-President Broady stated I make a motion that we sign for another year.

President Eddings stated motion made by Dave that we sign Perrys contract for next year, do I have a second?

Council Member Voyles stated I'll second that.

President Eddings stated seconded by Bill, any discussion?

Council Member Fenner stated Perry are you going to be able to hang on to your research asst. that you have?

Attorney McCall stated she is probably going to become an associate in the office.

Council Member Fenner stated will she still be able to work for you like she has been doing though?

Attorney McCall stated Yes.

CONTRACT FOR EMPLOYMENT OF ATTORNEY

THIS AGREEMENT made and entered into this 10th day of November, 1997, between the Town of Sellersburg, Indiana, (hereinafter referred to as "CLIENT") and William P. McCall III, Attorney at Law, (hereinafter referred to as "ATTORNEY"),

WITNESSETH:

Client retains and employs William P. McCall III, solo practitioner, as its attorney to represent it, counsel it, and provide all legal services which it deems necessary for a period of one (1) year starting January 1, 1998, through December 31, 1998.

William P. McCall III will act as Town Attorney for the Town of Sellersburg, in order to aid the Town Council in fulfilling the responsibilities and duties under I.C. 36-5-1 et seq., and to perform duties which include, but are not limited to:

- (a) Managing the legal affairs of the Town of Sellersburg;
- (b) Prosecute violations of Town ordinances;
- (c) Give legal advise to the offices, departments, boards, commissioners and other agencies of the Town;
- (d) Draft ordinances or other legal papers for the Town and its departments, boards, commissions and agencies when requested by the proper authority;
- (e) Maintain custody of the records of his office and turn them over to his successor in office;
- (f) Procure title searches and examination of all abstracts required in public work of kind, including opening, widening or changing a street, alley or public place;
- (g) Promptly commence all proceedings necessary or advisable for the protection or enforcement of the rights of the Town or its citizens;
- (h) Use all diligence to collect costs, fees and recover within the scope of his duties;
- (i) Report, in writing when requested to the proper Town officials all judgments for

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- (h) Use all diligence to collect costs, fees and recover within the scope of his duties;
- (i) Report, in writing when requested to the proper Town officials all judgments for

which the Town is liable;

- (j) Report, in writing when required all matters which he considers important;
- (k) Any other duty not herein described which is necessary to fulfill the objectives of the Town;

Compensation to the Attorney shall be in the amount of TWENTY-EIGHT THOUSAND DOLLARS (\$28,000.00) per year to be paid by the Client to William P. McCall III, Attorney at Law. Said sum shall be paid in twelve (12) equal payments, the first being due on January 31, 1998. This salary shall compensate the Attorney for all services rendered the Client with the exception of those listed below.

(a) Subject to the approval of the Town Council, and the collection of revenue raised by the sale of bonds for a public utility, the Client will pay the Attorney a sum to be determined based upon the amount of the bond and the complexity and extent of legal services required, for services rendered the Client in relation to a bond issue and sale. Said fee will be negotiated and determined by the Town Council and Attorney prior to the initiation of any bond issue and sale.

(b) The Client agrees to pay the Attorney a fee of SIXTY-FEE (\$65.00) per hour (not to exceed an annual total of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) for all services rendered the Client involving litigation wherein an appeal is initiated following an adverse judgment to the Client.

(c) The Attorney agrees the salary referred to above shall be payable on a monthly basis. And that the Client may at its election, terminate this Contract upon thirty (30) days notice; likewise the Attorney may terminate this Contract upon thirty (30) days notice; the Attorney agrees to waive all unearned fees, if Attorney elects to terminate the herein Contract.

All payments shall be made to William P. McCall III, 332 Spring Street, Jeffersonville,

Indiana 47130, or other address as directed by the Attorney. Said Attorney will be responsible for the payment of federal income taxes, social security taxes and state income taxes.

The Attorney agrees that he will not represent an interest which is in conflict to the interest of the Client during the term of this contract, pursuant to the provisions of the Indiana Code of Professional Responsibility for Attorneys-at-Law.

Entered into this _____ day of _____, 1997.

The Attorney:
William P. McCall III

The Client: Council for the
Town of Sellersburg, IN

By: David L. Broady
William P. Taylor
Paul J. Kelly
Gay E. ...
[Signature]

ATTESTED:

Linda G. Schafer
Linda Schafer, Clerk-Treasurer

STATE OF INDIANA)
)SS:
COUNTY OF CLARK)

I hereby certify that this is a true and exact copy of the original document.

My Commission Expires:

Notary Public

Printed Name

County of

State of Indiana

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

Vice-President Broady stated that is all I had Doug.

President Eddings stated ok, Bill.

Council Member Voyles stated I have nothing.

President Eddings stated Gary.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON TRANSFERING SOME MONEY FOR THE POOL.

Council Member Fenner stated I have one thing, a couple of months ago we transferred some money, in preparation for the pool to get a major over all, as far as having it sand blasted down, to the bare concrete and some cracks patched and then have it repainted, because we have been just nickle and diming it to death for the last three years and the paint just keeps falling off as fast as we can put it on, we have had trouble finding someone to do that we finally have someone and we have a price for it, a bid on that and we are not going to be able to start the work until after the first of the year so I would like to encumbered the money from this years budget that we have already got transferred for that, in order to carry it over and be able to do it next year. Do I need to make a motion on that Perry?

Attorney McCall stated no, you are going to encumber in 1998 money that has already set aside in 1997 already appropriated. Yes.

Council Member Fenner stated then I would like to make a motion to encumber the \$20,000.00 that we have already transferred as an appropriation, to encumber it over into 1998 for the project of sand blasting and painting the pool.

Attorney McCall stated you are excepting this bid?

Council Member Fenner stated and yes we are excepting this bid.

President Eddings stated ok I have a motion on the floor to encumber the money out of 1997 into 1998 and to except the bid of \$23,280.00 by no hassel pool, do I have a second?

Council Member Alexander stated I'll second it.

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

Council Member Fenner stated that is all I have.

President Eddings stated ok Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL/EASEMENT.

Attorney McCall stated we agree to purchase this easement in the amount of \$3,000.00 and with the condition that it be 8ft. opposed to 10ft. that was originally suggested and that the pipe be buried completely below the ground with no devices above the ground that in addition there cannot be a sign for other utilities to use and if we think that this is a problem we can always go back and get a new agreement. With the terms that have been set forth, we have offered her \$2,000.00 and she has now countered with this, if this

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is not exceptable then I guess there is two things that can happen, we can reject this and proceed with eminate domain and attempt to obtain it that way and then it would be determined by regional value, this way I think, unless if there is something with the contract, the proposal that was made, if the town agrees I can get in contact with the lady and prepare the necessary easement and the conditions and terms.

Mr. Toombs stated I have read the whole thing and there is nothing wrong with the request that she has. But we are going to have to have some room to work.

Attorney McCall stated so in paragraph one I will ask if that can be a 10 to 12 ft.

Mr. Toombs stated the work area with it being winter time we are going to need a little more room than that.

Attorney McCall stated so the three thousand dollar fee is exceptable with that condition to obtain that easement right away.

Council Member Alexander stated I'll make that motion to approve the conditions of Iris Beyl.

Council Member Fenner stated I'll second it.

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

Council Member Alexander stated John, I know that there was one other thing that I know that she was really, really concerned about and that if there was an open ditch left open overnight that it would be baracaided.

Mr. Toombs stated that is no problem, they have to do that anyway, but we will write that in there.

Council Member Fenner stated this is going to be contingent on her excepting the two foot increase. Ok.

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

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL/SEWER ADJUSTMENT.

Council Member Alexander stated I have a sewer adjustment request from a Mr. Reynolds on 7102 Hwy. 60, he had a leak and he had presented the bill, he had contacted our water department when they fixed his first leak they created another leak and he had another month additional so I would like to entertain a motion to approve the sewer adjustment for Mr. Reynolds on 7102 Hwy. 60.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion?

Council Member Fenner stated what are the amounts?

Council Member Alexander stated his one bill was \$560.85 and his Sept. bill was \$320.19.

President Eddings stated it's his Oct. and Sept. bills?

Council Member Fenner stated his- average bills are \$52.76 and it went up from \$52.00 to \$500.00 and \$320.00 and that was from the plumbers that came and fixed that leak.

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

Council Member Alexander stated the second thing I have is that there is a recycling meeting on the interlocal agreement between Clarksville, Jeffersonville, Charlestown and it is coming due at the first of the year and they are having a meeting on the 30th and they have invited me to come. I had to check my planner, will you go? I'm asking for anybody that will go and if anybody had any concerns. If anyone has any concerns you can contact me and let me know. The next thing I have is the transfer of appropriations for storm drain, to enter into storm drain projects and also into street and snow equipment.

President Eddings stated we have had a request for the transfer of funds out of LRS, road, constructions, paving, land aquisitions and local road construction into the storm drain acct. and also funds from paving culverts and to the street and snow equipment acct. I'll entertain a motion to consider ordinance #97-686 on the first reading.

Council Member Alexander stated I'll make that motion.

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1997, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IN 6-1, 1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1997 and it is not necessary to transfer appropriations into different categories than was appropriated in the annual budget for the variour functions of the Local Roads & Streets and Motor Vehicle Highway to meet the needs.

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 appropiations 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>LRS</u> | | <u>LRS</u> | |
| LRS-313 | ROAD ENG./CONST. | 9000. | 398-DRAINAGE | 9000. |
| LRS-397 | PAVING | 1000. | 398-DRAINAGE | 1000. |
| LRS-401 | LAND ACQUISITION | 13000. | 398-DRAINAGE | 13000. |
| LRS-434 | LOCAL RD. CONST. | 32000. | 398-DRAINAGE | 32000. |

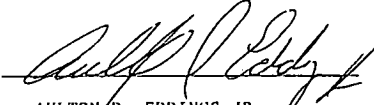
NVH

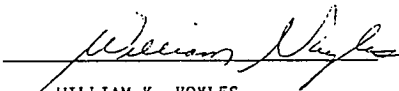
MVH

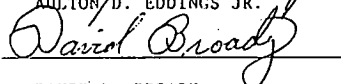
397-PAVING & CULVERTS 54000.

440- STREET & SNOW EQUIP. 54000.

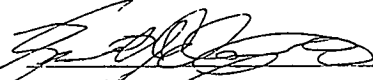
SO ORDAINED THIS _____ DAY OF _____ 1997.

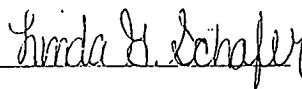

AULTON D. EDDINGS JR.


WILLIAM K. VOYLES


DAVID L. BROADY


GARY FENNER


KENNETH J. ALEXANDER

ATTEST: 
LINDA G. SCHAFER
SELLERSBURG CLERK TREASURER

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

Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. I'll entertain a motion to adopt ordinance #97-686.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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

Council Member Alexander stated ok in the previous meeting we had taken bids on a backhoe and trencher and I wasn't satisfied with the backhoe bid. The superintendent of the street department placed another bid for a combination bid of a backhoe and trencher and the same two companies had bid it and New Albany Ford and Tractor only bid on the backhoe which was \$48,969.00 and Hunt Tractor had bid \$77,150.00 for the backhoe and trencher so I would like to make a motion that we approve the bid from Hunt Tractor for \$77,150.00 for the backhoe and trencher.

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

Council Member Fenner stated I'll second it.

President Eddings stated seconded by Gary.

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Council Member Fenner stated what happened to New Albany, how come they didn't...

Council Member Alexander stated well, the first part they only bided the, for just the backhoe and I get the under standing going from what I was told was they wanted to keep the equipment, which ever it was, they wanted to keep them the same brand, as far as maintenance and service and so forth. When we bided it out it was a combination bid that was put out, the specifications were correct as far as both items.

Council Member Fenner stated but they chose not to bid on what you ask for, is that right?

Council Member Alexander stated well, I mean, yes, I mean, I don't know, I can't speak for them.

Mr. Hancock stated I can.

Council Member Alexander stated ok, yea go ahead.

Mr. Hancock stated my name is Jim Hancock, I'm an attorney from New Albany and I'm here on behalf of New Albany Ford Tractor and this is about a specific piece of equipment, it is to my understanding that New Albany Ford Tractor doew not handle and we feel like in order to make a combination bid that under the statues that would be improper we should be allowed to bid this piece of equipment and to my understanding if you get the two back out there is about \$3,000.00 difference between Hunt Tractor and what we had bid on alike equipment and I think that it's fiscially responsible of this board to take a look at that and decide if they want to save this town \$3,000.00 or if they just want to go ahead and go with two pieces of equipment, we don't care what is proper and the other thing that we have here you bid a combination bid and your bid specifications didn't say that you wanted a combination and unfortunately we didn't read the newspaper but we did pick up your bid specifications here and it didn't say combination and it is my understanding that your bid specs is everything that you want and I think that personally speaking as an individual we gave the low bid on the first and now there is still a difference if you break down the figures and I can't see why the Town Of Sellersburg would want to go to Louisville to buy a backhoe, a piece of equipment, when they can buy it right here in Southern Indiana, four of my employees live here in Clark County area and we are closer to the Town Of Sellersburg for parts and service and I think that it's just not right that the Town Of Sellersburg should pay more and to go across the river to get it, Both backhoes are fine pieces of equipment, I'm not going to pick on the mans equipment, but we had tried to bring our backhoe up to the town of Sellersburg and my sales man have tried and we have not been able to, so nobody has even shopped for a backhoe, which I feel like this is not right.

President Eddings stated is there any further questions?

Mr. Richard Daily stated I am with Hunt Tractor and our bid was \$77,150.00 but I did break it out and the backhoe bid was \$50,780. and the trencher bid comes to \$26,370. and that was in the package plus you have the interchangability of our buckets our service on 480 and 580 or viceversa and you do have enterchangable buckets for your current machines and the difference between price of New Albany Fords, which is a good machine, is the difference in buckets which you would have to acquire to do what you are getting now is going to be more than \$1,811.00 for a ford machine to do the same thing. I am a Southern Indiana resident, I live in Floyd Knobs and I certainly want to see tax dollars spent wisely and I think we have giving you very good service for 10 years and we will continue to do so.

Council Member Alexander stated I would like to ask the advice of council.

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Attorney McCall stated as far as taking bids, the notice was put in the paper and the statute does not require that we take the lowest bid, you have a choice whether you except the bid or reject the bids and start over again but there no required method of the statute that says that you have to take the lowest bid.

Council Member Fenner stated as far as the advertising and the specs were ok.

Attorney McCall stated the notice that was placed in the paper was specificate, it puts the general public on notice, the town is not facing any liability the way that this has gone down.

Council Member Fenner stated ok, where do we stand? Can we delay this and put it on hold or do we have to spend this by the end of the year.

Council Member Alexander stated this has to be down tonight or we don't do it at all.

President Eddings stated your motion is to take the lowest bid, right.

Council Member Alexander stated no, my motion is to except the Hunt Tractor bid of \$77,150.00. Which was the recommendation of the street department.

Representative of New Albany stated if I might make a suggestion to you, if I may, I think that you originally asked for two bids, that was the original criteria and I think that with the lowest bid on the back hole and our machine is a good machine and I'm looking at it on a political stand point and what I would do in the best interest Hunt Tractor is that with it saving \$1,811.00 and everybody is a winner and so are the taxpayers, compromise.

Mr. Daily stated the bid specifications stated that the buckets would be interchangeable and again you do have money that you have spent on buckets that you have on hand and I think that you had plans on utilizing those buckets, to use it on the ford you need some kind of mechanical device to do that.

President Eddings stated we have a motion on the floor and seconded, any discussion between the board members.

Council Members Alexander stated I would like to say that this is something that we need to do tonight or it won't happen next year.

President Eddings stated ok, all of those in favor of the Hunt Tractor motion to except the Hunt Tractor bid signify by saying I, opposed nay, I's have it.

Council Member Alexander stated Merry Christman, that is all I have.

President Eddings stated ok, everyone has had a copy of the invoices or the bills in there box and has had a chance to review them, I'll entertain a motion to pay the bills as presented.

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

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, Mr. Mongold.

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VIRGIL BOLLY ADDRESSES THE COUNCIL/JOHN MONGOLD AND PAUL AND LUCILLE DAVIS WANTING TO REZONE.

Virgil Bolly stated I'm here on behalf of John Mongold and Paul and Lucille Davis we are wanting to rezone the property from R-1 to R-3 and this has been reviewed by your planning commission. They have approved the rezoning and it is now before you however if you desire to do this, this evening we would like to make a presentation so that you would have all of the information. We have things that have not been presented before and at this time we would like to show you.

President Eddings stated do we have a full presentation? Yea, go ahead and proceed.

Mr. Bolly stated one of the first things I would like to mention to you is the fact that I have been before you on numerous occasions on different things such as tax abatements and they will not be asking for a tax abatement. One of the other things, I think that this has been addressed before but a road will not be opened in the Greenwood subdivision. The area around that, I think that all of you are familiar with that, this is some of the things that they are going to put down here, I have done a small map nothing that would compare but you will have and it shows that this road right here, which is the new road that will go over to 31 and from the plans that I have seen the over pass at 60 they are going to move it a little farther north to where it will run straight across to bean road intersection. This whole area around here has been rezoned to B-3 and we have M-1 and the airport right here and you have M-1 here and you have M-1 here and you have R-2 here and then adjoining this property you have B-2 and then of course you have the Greenwood Subdivision and then you have the Davis's home and the development on this side and also in the areas and I wasn't able to find out in the short period that I had, I don't think that this is in town, it might be in Clarksville, the county didn't have anything on it, all of it is owned by Thornton Oil and they anticipate making something out of it in time but what I'm saying is that the whole area has changed as far as the Greenwood Subdivision it will only affect about 250 ft. on this corner. To help avoid the problems that they have got, they have intended on building a four foot berm here and at the last meeting they had presented that they would put pine trees on that here, if you do that you have something 10 foot high that will help the noise and things of this nature and these forks that are going to be living there, now along with that you are not going to be a traffic problem for the people in the Greenwood Subdivision and other things that I don't think was presented before was the fact that this development will have a three employees. It will have a property manager, who will be making about \$35,000.00 a year, it will have an asset. Manager, making something like \$26,000.00 a year and they will have a maintenance person, roughly making \$28,000.00 a year. From that stand point I thought of basically things that I saw that might not have been covered and I had asked Mr. Mongold, Paul Premavara and the architect all to make some kind of presentation about what is going to be done. Does anyone have any questions for me at this point?

Council Member Fenner stated one question, you mention, instead of the, did you say? Instead of the trees they are going to put a fence up or are they going to do both.

Mr. Bolly stated we are offering that option and I think that if it is critical that both be done I think they can do it. I really think that something 10 foot tall is going to avoid an awful lot of problems. I think that the biggest symbol, is the fact that the traffic is inclosed inside of this unit and going out to 31 by Fraleys, it doesn't go through this subdivision and quit frankly the thing they are going to have to deal with is the new interstate and the changes that they have got and they are going to have different ways to get into it. In the future they are going to be on top of Greenwood Road here and right here and this line still comes down just a little bit further but the state has not modified this yet and who knows what they might change but I think that at this point at what you

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are looking at here, 60 will no longer be used as 60, this will be the route to 60, which will make make this a more major highway.

President Eddings stated let's go ahead and let them make a presentation.

Mr. Mongold stated I think that someone had made a comment about the schools and would you like to read that letter from the superintendent of West Clark Schools.

Mr. Bolly stated we have a letter from Terry Smith, the superintendent of West Clark Schools, that is dated the Dec. 16th, and it is addressed to the Town Council members.

BOARD
SANDY FURSH BAKER
CLARENCE "BOBBY" DEAN
DOUGLAS COFFMAN
E. MICHAEL DOLEY
BOB W. HETS

WEST CLARK COMMUNITY SCHOOLS
601 FENZ AVENUE
SELLERSBURG, INDIANA 47172-1138
FAX 812-214-4731
TELEPHONE 812-244-1378

TERRY E. SMITH
Superintendent
ROBERT L. HANFORD
Trustee - Assessor
JON W. MILLMAN
Administrative Assistant

December 16, 1997

To Town Council Members:

I have been asked about the position West Clark Community Schools would take in regard to the proposed development of Lake View Apartments South of Sellersburg.

Since I have not spoken to the school board about this, the views I give here are strictly my own, and based only upon the information I have received.

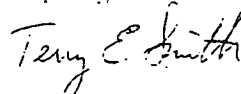
First, there would unlikely be any problem handling the additional children which would come from such a development. In fact, we welcome additional students. They would attend Sellersburg Elementary and Silver Creek Jr. Sr. High School. Those schools could easily absorb quite a few more students.

Ashby Apartments are very similar, and we received only about half a dozen new students from them. As far as the additional property taxes paid (and I am told that would amount to about \$50,000 or more per year in school taxes), that would also have a positive effect, in regard to "spreading out" the tax burden to a larger base.

I am aware there may be objections from some neighbors, and I do not want to minimize them, nor put words in anyone's mouth.

The purpose of this letter is not to sell you on this development, but simply to state that I don't know of any reason why the school corporation would be against it.

Respectfully,



Terry E. Smith
Superintendent

MISSION STATEMENT

We will provide and encourage, with community involvement, broad educational opportunities that prepare students to reach their full potential and to become contributing members of society in a changing world.

AN EQUAL OPPORTUNITY EMPLOYER

Paul Premavara stated would like to say that the project will be done by all requirements by the ordinance and everyone will be working with Mr. Toombs hopefully to varify that there will be no problems. The surface water run off is one of the most critical things in any project and orginally before any thing on this project was donw is that there is 12 acres of water shed from this property with about a third of it running into the sub-division to the north and to the southeast portion of the sight. Mr. Davis has constructed two lakes that are shown here and if I understand it is that the water from these lakes will be channeled into a different drainage area at this time and it will be according to plans be approximately 4 acres to 12 acres around, on this site of 88 acres probably a, something from the road that this way will be about two to three acres, into the subdivision to the north, we have shown that in the plans that we collect the water from these site and we will channel it to underground storm sewers, to retention basins that will be located in this area. That retention basin will discharge the water from the site, of predevelopment run off and thus not effect the environment or the down stream portion ib this site and in fact will actually take away three acres of run off that now go through the subdivision and that is one of the most critical things that we can present on this project, surface water drainage problems and I think that we really buy doing the project the way we designed it, we are actually helping the drainage in that area and not hindering it in any way. Thank You.

John Mongold stated I would like to introduce Frank Williams, he is the architect on this project and he is from this area orginally, he is out of Indianapolis now but I believe that he has done several apt. complexes here.

Mr. Williams stated my name is Frank Williams and I am the Vice President of design architect and planners and over the last two years we have been involved in over 8,000 apts. units and we are in all areas of expertise. This project that was presented to you tonight from what I remember of living here and what I have seen, I have yet to have seen any thing that is comparable to this, we consider this project a luxury type facility in Indianapolis area project. This would range in rent for a two bedroom and two bath, which will be the majority of what this project, will run about 750 to 775 in the Indianapolis area. It might be a little bit different here. Our project, if you have any questions about it, the upstairs would habe cathedral ceilings and dining rooms and fire places which would be a gas type or a wood burning thing but the appliances are and up-grade level, the vinyl floors are an upgrade level and every unit would have its own screened in porch and a storage facility for bicycles and tose sort of thing and it make this project a little bit nicer than what we typically do. The market rate size project is size project is, usually has a main corridors, that usually splits off into two and gives you access to eight different units, in this particular project each unit has its own outside entrance, there is no corridors and there are no stair wells where people could be hiding there is a little bet more security, basically you would be going to your front door and entering your unit and on the second level you would just mearly go up the stair wells, they do alot of nice soldier type things with the brick and the vinyl siding we do that for contrast and not to take away from the project but to bring some color and contrast. They would have a 12 pitch roof, like a custom home, the other thing about our units is that will all be handicap excessible. The way that we design our projects, which is one reason why we have received rewards, up in Indianapolis is that all of our second floor apts. If you are handicap you do not feel like there has been any special accomenadations made for you and then again if you are not handicap and you get a hand-cap unit you do not have the bathrooms with grab bars everywhere all of the units are exactly the same, first floor and second floor. The way the, sets back it makes for a really nice court yard in the center and there is an extensive amount of landscaping that can be done. The way that they have position the buildings on site you have a birm that backs up

to the subdivision and as far as I'm concerned the birm is a very nice touch and the trees and the fence but in my opinion this can be a very appealing thing to look at, we have done projects very similiar to this not in this area, and this is one of our top designs in the apt. industry. Trying to think if there is something else. One other thing that I would like to mention is the noise factor of the airport, there is no side windows, along the edges of the buildings and there are certain things that are done to help the sound between the units and there are fire walls and concrete between the floors and we have also taken into consideration to try to contain any of the outside noise, for a low flying twin engine plane that comes up you are going to hear but the building are built in such a way that noise will not be a factor. I'm not sure if there is any questions on the building or about our firm or what we do.

President Eddings stated does anybody have any question?

Mr. Mongold stated let me say a couple of words and then we can open it up to questions, if there are any. I would just like to talk about taxes here a little bit and nobody has said anything about it yet and I think that is an important factor in this project and I really had very little basis but I think from, which is in Jeffersonville, we have 88 units that we pay 90,000.00 a year over there in taxes so I broke it down into this proposed package of lake view of 144 units the proposed rate for next year is 11.23, I believe it is going up next year but it is going to generate taxes of \$134,000.00 a year is what we are going to have to pay in taxes and that is not figuring any garages and didn't figure any club house or anything like that, I believe that we do have 66 garages figured in this project also and the break down is right here and it is going to generate \$134,000.00 a year at least in taxes. The reason that we are building this apt. right here, myself and my brother Doug Rollings and Mr. Davis is because we don't have any type of retirement and we are going to be proud of these units from now until the time I'm gone and probably pass it onto our kids and this type of project is nothing but a break in the bank for the first 25 years, you don't make anything for the first 25 years and you have to maintain them, if you don't then and I believe that somebody had a question on the clientel of these type of units but I believe pretty much that...

Frank Williams stated a project like this, of course in Indianapolis may differ a little bit from Sellersburg, but what we are looking for, what would be, would be like white collar type business men, it's a high in type of thing, this isn't a tax credit project, this is not a usually design, this is definitely what we consider the upper level, we have three different levels we have what you call tax level, we have what you call the market rate and we have what we call luxury and this is difinately what we call luxury level. That is the type of crowd that will be drawing there, the type that can get a garage and reasonable so that is the type of crowd.

Mr. Mongold stated the reason that we had went to this nicer format was that we are going to be doing the apts. on 311, I don't know if you are aware of that but Bill Sprigler is going to put in 240 units right past the Hamburg I guess, on past the grave yard on the left he has already gotten the approval from Clark County, the reason that hasn't started construction yet is because they are waiting on sewers right now, there is 240 units and we wanted something that was going to be nicer than what they were going to put in. He is putting in the samr thing, he has Williamsburg station over there in Jeffersonville so we wanted something a little bit nicer. We would be willing to put the birm, the trees and the fence if that would help matters any. We would put the birm in there the trees on top and then a fence right on the property line, a 6 foot wood fence.

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Mr. Bolly stated I would like to say one more thing this whole property in here, adjoining them the property is zoned B-2 and that includes Fraleys and that house, I would assume tht there could possibly be something develop in that area of this nature or something entirely greater could be built into that area and quite frankly with this being zoned B-2 this is a compromise in between those. I really think with what I suggested and so forth will help this and from that stand point what they will be seeing in the Greenwood area will be looking into it and looking at that end of it and hopefully that will help tremendously in terms of what is there, Now what is going over in that area, in the future it's all being used too.

President Eddings stated OK.

Mr. Mongold stated that is all I had, I guess that we could open it up to question?

President Eddings stated do you all have a spokes person? Do you all just have questions?

Resident stated I would just like to say something about the trees and there is going to be a wooden fence, where the trees would grow and there are going to be two story apts. And alot of us have pools and if it goes through, we want the trees to grow...

Mrs. Imhoff stated would that be put in a written countract? Signed by all of the board members presently serving on this board saying that we will have good height of the trees, the wooden fence and the birm.

Mr. Bolly stated I think that if that is a concern, that the board could pass that.

Resident stated I called the city of Jeffersonville this afternoon, their police dept. and they told me that it was a known fact, that there is alot more of a crime rate in an apt. area than in a regular subdivision and they also told me that the area will never be the same if you put an apt. up. That was the police department.

Resident stated also we have started some petition that we have went door to door which we were under the assumption at the zoning board meeting, that this would not be heard until January 12th, we were taol that! We called up here and were told that it was already on the agenda so we had very, very little time to go out and talk to the people and in that short period of time, we have already gotten about 300 signatures from residents, that they don't want this in Sellersburg so we would like the board to give us some more time to get more feed back from the community.

Mrs. Imhoff stated this is a project that is going to, we feel, is going to umpact the entire community, notjust the... the town really needs to decide in what direction that the town is growing.

Resident stated you have three men that are telling you that they are wanting to retire on this money but it has effected everybody in Sellersburg.

Mrs. Imhoff stated personally I have a 401K that I'm retiring with.

Resident stated let's say that the designing is a ok and all of that type of stuff and they are going to get the exact thing in there and all of that is fine and dandy. But what is to stop the next guy from coming in and saying he wants to do this and then the next thing you know we have another guy and then another guy, guy, forth guy, fifth guy and then we are just getting... I think this is a flood gate to other stuff and is this the way we want Sellersburg, I mena that I'm not knocking there plans, I mean it probably would

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look great but do we want to open the door for the next guy that wants to come in and then the next thing you know you have got Louisville in town, I mean that I'm not knocking, these look fantastic, I mean if it is going to be a condo ten years from now, when my kids, I might want to move there, I don't want to mow grass, you know but I just want to say do we want to open the door up to other stuff, like she is saying do we want to open that door, we will be driving every half mile looking at an apt. complex

President Eddings stated that is going to be the question here, it is not any doubt in my mind, we have dealt with Mr. Premavara before, with stuff that he has engineered and it is probably no doubt that in everybody's mind that they have followed all of the specifications to a "T" and even have gone up and beyond that but that is not the question the question is, do the residents of Sellersburg want a 144 unit apt. complex in their town, it has been a residential community for years and years and years and it has been fairly successful with at spring cleaning and small duplexes and four plexes mixed in with the residential housing in the area and that has proved to be pretty successful so the way that Sellersburg has grown and that has to be the question, it has to be a feed back to each one of your representatives up here whether Sellersburg wants to grow in this type of direction, it is a big step for Sellersburg to put a 144 units in one spot.

Council Member Alexander stated when that comment was made at the planning board, I would like to add to that is the, we did go through an annexation, I know that it is a big step for Sellersburg to except something this, what I call up scale, I wouldn't be doing a low scale apt. complex in town but when I see all brick from foundation to the roof, I mean that brick is going to last but my point is, is that we almost annex 88 units and that was something that was very, that the board did take an aggressive move to annex into town so what I'm saying is we have excepted that these can come in, to a point.

Mr. Mongold stated can I say something? I cannot see how you can base other apt. complexes or projects on ours and I think that, that is what the board is for, something that might come to this community that is not as up scale as this, turn it down and that is what the board is here for. We are planning on doing something here that is really nice and believe me it is going to be all around Sellersburg and there is apt. complexes going up in Clarksville, Jeffersonville and New Albany, everyday and this is a place for the young, you want this community to live instead of moving out of Sellersburg. What are all of the young people going to do? Move in with their parents, they are going to have to have a place to live.

Resident stated what kid can afford \$750.00 a month rent?

Mrs. Imoff stated is that the same amount that Hallmark is renting for right now... your drawing is not anywhere... with what your indicating, would that be comparable.

Mr. Mongold stated that is a three bedroom apt., we are getting \$620.00 a month at Ashby.

Mrs. Imoff stated I'm not concerned with Ashby, I'm concerned with Treetops or what they call now View Pointe, it is renting for \$600.00 a month for two bedrooms.

Mr. Mongold stated where?

Mrs. Imoff stated Treetops, View Pointe.

Mr. Mongold stated I don't know about those but what I'm saying is that our three bedrooms are \$700.00.

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Mrs. Imoff stated will that include their water bill or are they going to have to pay the utilities.

Mr. Mongold stated we pay the water and they pay their electric bill and they pay the gas bill. At this type of apt. complex, you cannot rent these cheaply. They are a very expensive build, you just can't do it. This is going to be nicer than anything in Southern Indiana and I will put it against anything in Louisville.

President Eddings stated go ahead.

Resident stated I would just like to say that out of the 300 and something signatures that we did receive most of them were out of the Hill-N-Dale area because we wanted to hit the big subdivision first and then trickle down, We have a big percent of all the homes that we have knocked on, almost everybody we went to sign it.

Resident stated let say that these things do get built, what is going to happen to the building is clients don't come, you say that you are going to charge, and what if you don't get any clients, you will have to drop your price down and then what are you going to do.

Mr. Mongold stated we can't drop the prices down, we can't do a project like this and lose money on it. There is no way that we can drop the prices. This project hasn't even been financed yet and we are going to be going to two major banks in the community and I gaurentee you that \$5,000,000.00.

Mr. Bolly stated I might have one other thing that I would like to again to point out, whether you do don't want your, many areas are zoned this and adjoining that is B-2 right there only 300 feet further east and that wouldn't even be here if they asked the town for a permit so just to say that... right here and the thing that I'm saying is, is tht it could be built right there or it could be built right here, there is a barrier between the B-2 and...

President Eddings stated one more question.

Resident stated when we left this last meeting we were told that this wasn't going to happen for another month, may I ask how this was put on the agenda because...

Council Member Fenner stated it's, the normal policy is that you must ask 10 days before a meeting, evidently there wasn't much on the agenda, we try to stay as close to tht policy as possible, it's the policy for the planning board too.

Resident stated we were told specifically that...

President Eddings stated we try to do that as a courtesy for the board members so that they can get as much information about something before a meeting.

Vice-President Broady stated I would like to make a motion that we table it, I'm impressed with the apts. and the design of them but I'm also, out of concern for the people here, I'm one board member we hadn't had any explanation and I personally would feel very uncomfotable about voting either way tonight, I would like some more time to set and research it and maybe research the concerns of the citizens that they have and I would be more comfortable in putting it off until the next meeting.

President Eddings stated ok I have a motion on the floor to table the vote until the next board meeting, do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion?

Council Member Alexander stated there is one other thing that I would like to add is while we are looking at various items, I have done some investigations and motels are, follow the same line even at a fierce level because of it being, transient people and I would like to remind you that we have elected to put motels and there are going to be several motels coming into town and I think that this all follows this scope as far as whether or not we bury our heads in the sand or we look for this type of development to come in but we require it to be up scale and, but I would like us all to look into as far as other things that resemble this project.

Vice-President Broady stated with the concern that I'm hearing from these people, I think that they need to be addressed, if we can address this and I do believe that in the future we are going to be seeing even more of these and it is something that is going to happen in Sellersburg and whether to or not in still yet the people are concerned about this and I think that we need to address every problem and I...

President Eddings stated I just want to say that we are not questioning anything that is presented but once you do this, you can't take it back, That is the only thing, once you put it in you have got it.

Mr. Mongold stated I would like to say we would be more than happy to meet anyone of you all out there any of the home owners and go over and show you exactly what we are planning on doing, just give us a call and we would be more than happy to meet you out there and walk the whole property and show you where the buildings are going to set and where the, is going to be, it has all been kind of staked off, where the streets are coming and that sort of thing. Thank You.

President Eddings stated ok we have a motion on the floor and seconded, all of those in favor signify by saying I, opposed nay, it is tabled until next meeting. I'll entertain a motion to adjourn the meeting.

Council Member Eddings stated ok we have a motion on the floor and seconded, all of those in favor signify by saying I, opposed nay, it is tabled until next meeting. I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I'll make.

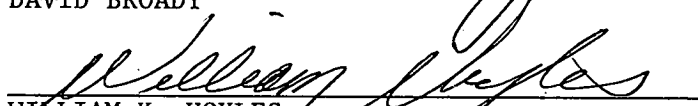
President Eddings stated motion made by Bill and seconded by Ken, all of those in favor signify by saying I, meeting adjourned.

With no further business President Eddings adjourned the regular meeting at 8:00 p.m.


AULTON D. EDDINGS JR.


DAVID BROADY


GARY FENNER


WILLIAM K. VOYLES


KENNETH ALEXANDER


LINDA G. SCHAFER/CLERK TREASURER ATTEST:

SELLERSBURG TOWN COUNCIL

January 12, 1998

EXECUTIVE SESSION

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

Called To Order

President Eddings called the Executive Session to order at 6:02 p.m.

Topics of Discussion


New Albany Ford
Solid Waste
Tork Claim/Stricker/Police Dept.
Mrs. Beyl/Storm Drain
Bond Issue/IURC
John Toombs/Two Claims/Holding Pond
Chad Nunn/Water Refund
Confort Inn/Sewer and Water
Water Main Well System
John Deer/Meeting
Police Commissioner's Reappointments
Clark County Recycling

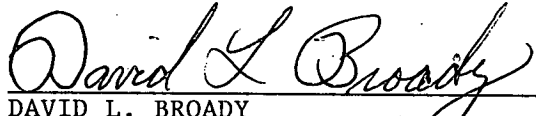
Adjournment

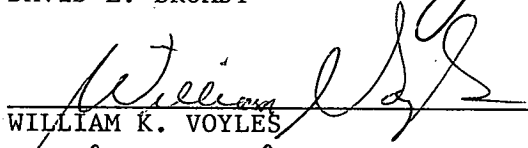
With no further business, President Eddings adjourned the Executive Session at 6:38 p.m.

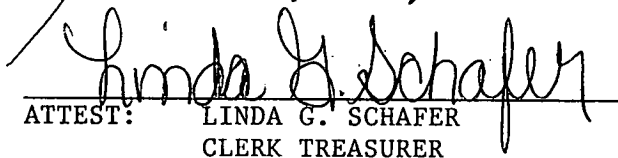

AULTON D. EDDINGS JR.


KENNETH ALEXANDER


GARY FENNER


DAVID L. BROADY


WILLIAM K. VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

January 12, 1998

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:28 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PEESIDENT EDDINGS ADDRESSES THE COUNCIL/WILL BE TO ELECT THE POSITIONS OF THE TOWN BOARD.

President Eddings stated Ok the first order of business tonight, since it is the first meeting of the year, will be to elect the positions of the Town Board so at this time I will entertain nominations for President of the Town Board.

Vice-President Broady stated I make a motion that we nominate Doug as President of the Town Board for this year.

Council Member Voyles stated I'll second that.

President Eddings stated motion made by Dave and seconded by Bill is there any other nominations? Ok all of those in favor signify by saying I, opposed nay, I's have it. I'll entertain a motion for Vice President of the Town Board.

Council Member Alexander stated I'll nominated Dave Broady.

Council Member Voyles stated I'll second that.

President Eddings stated nomination made and seconded, is there any other nominations? If not all of those in favor signify by saying I, opposed nay, I's have it. That is the only two positions ok, everyone has got a copy, of the minutes, of the last meeting, in their box and has had a chance to review it, at this time I would like to entertain a motion to approve the minutes for the last meeting, of last year.

Council Member Alexander stated I'll make a motion to approve the minutes.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, is there any discussion? If not all of those signify by saying I, opposed nay, I's have it. Ok, there is several commissions and boards that we need to reinstate or change positions on, for the following year for 1998.

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The only Board that, where people have to come off and be put back on is the Police Commissioners Board. The Police Chief and the leision, of the Town Board has recommended that we reinstated Don Vogle and Linda Stewart back to the Police Commissioners Board for their, is that a two year term?

Council Member Voyles stated three.

President Eddings stated three year term, does anybody else have any other names they would like to add to that or, to be voted on.

Vice-President Broady stated I make a motion that we put Mr. Voyles and Ms. Stewart back on for another three year term on the Police Commissioners Board.

Council Member Voyles stated I'll second that.

President Eddings stated motion made by Dave and seconded by Bill, is there any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. The only other board, I know that we are missing members on is the Parks Board and we have no names at this time so if anyone is interested and would like to sign-up your name to become a Parks Board member we would be more than glad to take your name and consider you for the Parks Board. Also, we need two members for the Parks Board, right. Also each year we have to elect or send someone to River Hills Economic Development District And Regional Planning Commission. Ken you were the member last year, would you be interested in serving on this, this year.

Council Member Alexander stated I would really like to have the year off. I have had it the last three years.

President Eddings stated I have had one year.

Council Member Voyles stated tell me about it, what is it?

President Eddings stated it is once a month.

Clerk Treasurer Schafer stated here is the schedule.

Council Member Alexander stated four times a year, with the Commission meeting once a month. I mean the Executive Board meets once a month. It is good education, it shows you what other towns are receiving as far as grants.

President Eddings stated Teresa Brading, I don't know if she still works for them or...

Clerk Treasurer Schafer stated no.

President Eddings stated she did when I was there and she was, if you had any questions about grants and those types of thing and you got interested in going after them...

Clerk Treasurer Schafer stated Mark Smith.

Council Member Voyles stated where is she now?

Clerk Treasurer Schafer stated she works for the Department of Commerce.

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Vice-President Broady stated I make a motion that Bill, that we appoint Bill to that Commission.

President Eddings stated motion made by Dave that we appoint Bill to that Commission, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated seconded by Ken, any discussion? If not all of those in favor signify by saying I, opposed nay, congratulations.

Clerk Treasurer Schafer stated the Town Council needs to sign that certificate. I can type in Bill's name.

President Eddings stated ok, is Dorthea Barton here? Dorthea Barton?

Clerk Treasurer Schafer stated I don't see her.

President Eddings stated ok, Carl and Fred.

Mr. Everitt stated I am here to represent the Korean Veterans and we would like to get premission to put a monument where the other two are in the square.

Clerk Treasurer Schafer stated it is in Wilkerson Park. There is currently two there.

President Eddings stated two monument in the Park. Ok I'll entertain a motion for a Korean War monument along with the other two monuments in Wilkerson Park.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second that.

President Eddings stated seconded by Bill, any discussion?

Vice-President Broady stated yea, I think that, you all will be funding this entirely and we are going to get a diagram of what, I don't think that you have got it even close enough to know what you are going to put up there yet, have you? You have got your...

Mr. Everitt stated we are suppose to meet in the morning.

Resident stated it is pretty much what they have over there now Dave.

Vice-President Broady stated I think that is a good idea and we will be glad to work with you.

Council Member Fenner stated so it will be similar size and style of what we already have?

Mr. Everitt stated right.

President Eddings stated is there any other discussion?

Council Member Fenner stated we haven't voted yet have we?

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Vice-President Broady stated no.

President Eddings stated ok, if there isn't any other discussion, all of those in favor signify by saying I, opposed nay, I's have it. Scott Kleehamer.

SCOTT KLEEHAMER ADDRESSES THE COUNCIL ON CITY SEWER TAP-IN FEES.

Mr. Kleehamer stated yea, I just have a question on the city sewer tap-in fees. I have to reroute my sewer lines to the house from the main, I'm not adding anything to it and the old tap-in is underneath my driveway and mine and my neighbors come together and tie in underneath the driveway and that is about where I'm having my problem. The sewer main runs through my front yard, verses tearing my driveway and repairing an old line I was just wanting to run a new one from the house to the main and I was told that there was a thousand twenty dollar tap-in for that is that just rerouting, I'm not adding anything to it I'm just changing the location on the line.

Mr. Coleman stated he has to retap the main and for a tap it is \$1200. And the board would have to grant approval to wave that in order to do that. He is going to be capping off his existing line that Y's into the house next door, it wouldn't be cost effect for him to tear up his drive and repair the old line.

President Eddings stated and we are not out, you are going to take care of all of the tap, the work, the materials and all.

Council Member Fenner stated where do you live?

Mr. Kleehamer stated the Hill-N-Dale subdivision.

Council Member Fenner stated I thought so.

Mr. Kleehamer stated there seems to be a rash up there.

Vice-President Broady stated if the man, if he has already been on the sewer there is no reason to charge him another tap.

Council Member Alexander stated the inspection fee though, are to, to have it inspected.

President Eddings stated would that be ok?

Mr. Kleehamer stated yea, I understand the inspection fee.

President Eddings stated I'll entertain a motion to allow Mr. Kleehamer to tap without having to pay the second tap-in fee.

Council Member Fenner stated I'll make the motion that he be allowed to tap without being charge a tap-in fee.

President Eddings stated motion made by Gary, Do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any further discussion?

Mr. Kleehamer stated I have already paid the tap-in fee, I went ahead and paid that so I could get plumber started on the job.

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President Eddings stated can we just make an adjustment.

Mr. Coleman stated we will have to make an adjustment on the tap-in fee and reimburse him on that and then he can pay the inspection fee.

Council Member Fenner stated Perry do we need to amend the motion since he has already paid the tap-in fee?

Attorney McCall stated grant him a waver.

President Eddings stated ok, Thank You. We haven't voted on that have we.

Council Member Alexander stated no.

President Eddings stated any further discussion? All of those in favor signify by saying I, opposed nay, I's have it. Pauline, do you and Nina have anything?

Mrs. Pixley stated no.

President Eddings stated Mr. Kinder.

Chief Kinder stated no sir, everything is fine.

President Eddings stated EMC.

MR. COLEMAN/EMC ADDRESSES THE COUNCIL ON WATER AND SEWER REVENUES/PUMP'S.

Mr. Coleman stated the first report I have is the water and sewer revenues, it's a report for three weeks due to the holidays, it carried over an extra week. The revenues collected from 12-22 thur 1-2-98 is \$16,431.11 and revenues collected 1-5 thur 1-9-98 \$35,571.92. The next item that I have is for approval for several expenditures. Annually we have a maintenance service provided by Moeller, out of Evansville. Upon completion of that inspection we found that the drive shaft that leads the motor propeller down on the wet wheel, it was causing significant vibration up into the motor housing itself and it was causing wear on the mechanical seals, the box, that type of thing since that inspection which was done, I think around the 23rd, the...

Council Member Fenner stated the 23rd.

Mr. Coleman stated that mechanical seal has went out, that pump is important, to provide adiquite service and to continue to provide water to the customers of the utility, the estimated cost of that right now is \$6,000.00, we are still talking to other venders to get other estimates of the cost but we know that it is going to cost right around \$6,000.00 that is just an estimated cost, what I would like to do is to go ahead and get approval to go ahead and proceed with that repair.

President Eddings stated I'll entertain a motion to proceed with the estimated \$6,000.00 repair to the high service pump #2.

Council Member Alexander stated I make that motion.

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

Vice-President Broady stated I'll second it.

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

Clerk Treasurer Schafer stated I have a question? This is a waste water treatment liability, is that not correct?

Mr. Coleman stated no it is water.

Clerk Treasurer Schafer stated water.

Council Member Fenner stated Kendall, do you have any idea what caused the shaft to be bent.

Mr. Coleman stated I have no idea what caused the shaft to be bent. I talked to Clark about it and Clark said that he noticed the vibration in November and the people with predictive maintenance, they came in and they done their analysis and hooked their machinery up and they determined that it was a bent shaft; what caused the shaft to bend I don't know. If it was waste water I could tell you but being in a clear well I don't know what caused the shaft to bend and I don't know how long that it has been bent or what caused it.

Council Member Fenner stated they didn't see any evidence of it last time they where here?

Mr. Coleman stated no.

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

Mr. Coleman stated and the last thing that I have, is an invoice for reimbursement for insufficient funds, meter deposit, for monthly sales tax and you will see that I have invoices for both the month of November and December and these are the copies that need to be signed.

President Eddings stated both months? I'll entertain a motion for the reimbursements of Dec. water dept. expenses for NSF, meter deposits and monthly sales tax for \$2,983.04 and the reimbursement for Nov. water dept. expenses for NSF, meter deposits and sales tax in the amount of \$3,303.58.

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

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

Council Member Voyles stated I'll second it.

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

Mr. Coleman stated the last thing, Dave is aware of this and he might have made the rest of the board aware of this, we have had a problem down at the well field today, we have an 8" main coming off of our #4 pump, evidently it cracked, it did not deliver any water to the plant this morning, the problem being is that the well is under about three foot of water that being from the river being up and we had a difficult time getting the valve shut off Clark, Dewayne and Eric done a fantastic job, Dewayne borrowed a wet suit from one of the farmers, dove in with a volva wrench, got the valve shut off and everything is getting back to normal. Clark is still at the plant making sure that everything is filling up and we get everything back to normal. Number 4 well is not critical to the operation it is water goes down and we can get a contractor in there and we can dig that line out we'll make the repairs.

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President Eddings stated Thank You, Kendall.

President Eddings stated ok do we have a report from the Building Commissioner? Ok. Dave.

Vice-President Broady stated me?

President Eddings stated yea.

Vice-President Broady stated there is two things, I have a bill from Jacobi, Toombs and Lanz for drainage improvement project in the amount of \$1,390.00 that is for the storm sewer project. I make a motion that we approve the claim for \$1,390.00 to Jacobi, Toombs and Lanz.

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

Council Member Voyles stated I'll second it.

President Eddings stated motion made by Dave and seconded by Bill, any discussion? This is for engineering services for one of the storm sewer projects correct?

Vice-President Broady stated right.

President Eddings stated if there is no further discussion, all of those in favor signify by saying I, opposed nay, I's have it.

Vice-President Broady stated I have a new contract for the Town Of Sellersburg and the Sellersburg Vol. Fire Department to provide their services for our inspection, Building Commissioner, it is a contract for four years, it will terminate in the year of 2001, the amount is \$15,000.00, with a 50% cut on any thing over the \$15,000.00, it also gives a 45 day written notice of either party wanting to terminating the contract if they so desire. Have you had a chance to review it?

Attorney McCall stated I haven't seen it.

Vice-President Broady stated I make a motion that we approve the contract upon the review of Perry, with Perry reviewing it and not having any problem with it.

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

Council Member Alexander stated I'll second it.

President Eddings stated seconded by Ken, everybody has had a chance to review the contract a little bit, all of those in favor signify by saying I, opposed nay, I's have it. Ok, Bill.

Council Member Voyles stated I don't have anything.

President Eddings stated Gary.

GARY FENNER ADDRESSES THE COUNCIL ON POOL RENTIVATED/SAND BLASTING.

Council Member Fenner stated we are in the process of having the pool rentivated as far as sand blasting goes. It is progressing very well and then once we get it to that point, then we will repaint it, it's being patched and several other things are being done to it

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and then it will be painted as they can so they are in the process of doing that and they have been working on it for the last week or so, also Linda put a note in our box that she had received some inquiries in town about the Tarc service, the gentleman that was here last meeting to talk to us, and I have also had several people approach me that were very interested in it, he had said that he would send us information as far as a probability study and what they were doing and where they were going with it, has anyone received anything?

Council Member Voyles stated no.

Council Member Fenner stated does anyone have a way of getting in touch with him?

Attorney McCall stated I have got his card from the last meeting.

Council Member Fenner stated could I have it so I can call him sometime?

Attorney McCall stated sure.

Council Member Fenner stated because the concern is simply, the impression he left us was simply that the service would be more limited to Ivy Tech rather than anywhere else and if Tarc is going to run up through here then we would like to make it more available to some to our, especially our senior citizens rather than just to the people at Ivy Tech.

Council Member Alexander stated I had a conversation with him before that meeting and he said once he got the Ivy Tech situated he said that he had no problem with coming down to the middle of town and here and making a loop and coming back.

Council Member Fenner stated good, ok. Alright, I would still like to talk to him sometime if I can. The other thing this is something that is very important that I think that we should think about and that is this last Christmas I had a couple of people approach me and make the comment that they go to some towns and the towns are decorated for Christmas, with Christmas decorations on the streets and they were, our towns people are wondering why we don't do that, if we could do that, to dress our town up and make it look better and make it more welcome to the people out of town and I told them that I thought that it was a good idea to at least investigate and so I would like for you all to consider the possibility of us doing that I think the Quawans would possibly be willing to help us as far as putting them up.

Council Member Alexander stated putting them up, good word.

Council Member Fenner stated Thank You, I talk alot. But any way I would like for us to look into that a little bit more.

Council Member Alexander stated I would like to add to that, they already have, like the Sellersburg Celebrates Banners the hardware has been purchased for quit a few banners that would say Happy Holidays, like you see down town New Albany and Jeffersonville so our expenses could be even cut because the hardware is the most expensive part of that.

Council Member Fenner stated that is all I have.

President Eddings stated Kenny.

Council Member Alexander stated I don't have anything.

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Council Member Fenner stated boy.

President Eddings stated Perry.

Attorney McCall stated nothing.

President Eddings stated Linda, do you want to go ahead?

CLERK TREASURER LINDA SCHAFER ADDRESSES THE COUNCIL ON OLD BILL'S.

Clerk Treasurer Schafer stated ok, I don't have a whole lot. The old worn out bill's I keep presenting, I will take one of them at a time. These are outstanding bill's that have not been paid, these are the same bill's that I have presented at every meeting. I would like to present them to the council for approval, I will take David Lewis first in the amount of \$3,865.00.

President Eddings stated I'll entertain a motion to pay attorney fees of \$3,865.00 to David Lewis.

Vice-President Broady stated \$3,855.00.

President Eddings stated \$3,865.00

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

President Eddings stated motion made by Dave, Do I have a second? No one will second it, Ok, the motion dies from the lack of second.

Clerk Treasurer Schafer stated ok, the other one, since the Town Council has approved \$6,000.00 in my budget for 1998 and the other portion of it, Lonnie Cooper, for the work that he has done \$5,500.00, that I would like to present to the council for approval and the amount that I had left from that \$2,135.00 of that bill, if you approve the first one. I had \$6,000.00 in my account for 1998.

Vice-President Broady stated 1998 has \$6,000.00.

Clerk Treasurer Schafer stated yes.

Vice-President Broady stated and you are asking for approval now for...

Clerk Treasurer Schafer stated what I'm asking for approval of is the first claim that you denied, would leave a remainder of \$2,135.00, I didn't expect you to approve the other but it left a portion of what you had approved in my budget and you have refused to do so, so I guess that we go back to court again.

Vice-President Broady what is the request, I well, we didn't approve the \$3,865.00.

Clerk Treasurer Schafer you did not approve it, it died from lack of second.

Vice-President Broady stated what is the request now? There is no request now?

President Eddings and Council Member Fenner stated the request is for \$5,500.00.

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President Eddings stated and I think what you are saying that you are requesting the balance up to \$6,000.00, what is it that is in the account, \$6,000.00?

Clerk Treasurer Schafer stated the first motion that I requested died from lack of a second.

President Eddings stated right.

Clerk Treasurer Schafer stated so I requested the council to approve the claim to David Lewis and it died from lack of a second, I requested for the council to approve the \$5,500.00 and I knew they probably wouldn't so only up to the portion of what I have remainder in my budget, if the first one would have been approved. So...

Vice-President Broady we haven't even discussed the \$5,550.00 yet, is that correct?

Council Member Fenner stated that is correct.

Vice-President Broady stated ok, and that would come out of the \$6,000.00 of the 1998 budget, Linda, is that what you are referring to.

Clerk Treasurer Schafer stated what I had requested was the first claim to be approved from the 1998 budget, the \$6,000.00 that the council had approved in the 1998 budget hearing and the remainder of that bill that I requested, the remainder of the \$2,000.00 something dollars, Doug you have that information there...

President Eddings stated it's \$2,135.00.

Clerk Treasurer Schafer stated to pay against the bill you currently owe to Mr. Cooper.

President Eddings stated so you don't want this \$5,500.00 paid, all you want is the \$2,135.00.

Clerk Treasurer Schafer stated I would like the whole thing paid but I know from past experience of wearing those forms out that the council would decline to do that.

Council Member Fenner stated Perry I have a question for you.

Attorney McCall stated yea.

Council Member Fenner stated the dates of the services that were rendered are July of 1997 thru November of 1997.

Attorney McCall stated I'm going to advise you that based upon the ruling of court regarding that attorney fees, it indicated that the Town Council does not have to pay beyond the extent that was appropriated for 1997. This was a debt that was incurred in 1997 or attorney fees incurred in 1997 and would be paid out of 1997 appropriations or funds that were encumbered, there were no additional appropriations, nor were there funds encumbered, if there are additional fees attorney fees from Jan 1, 1998 on thru the course of the year, I think that you are responsible for those and should pay those and should pay those because that is the amount that has been appropriated.

Council Member Fenner stated up to \$6,000.00.

Attorney McCall stated up to \$6,000.00, that is my opinion based upon that ruling.

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Council Member Fenner stated what's the dates on those?

President Eddings stated 6-5-97 thur 11-17-97.

Council Member Fenner stated ok, so those bills are from work done last year and under last years budget.

Attorney McCall stated I didn't see Dave Lewis's but I assume it is.

Clerk Treasurer Schafer stated that is correct, I can varify that, Mr. McCall did you get your check every month last year?

Attorney McCall stated yes, and it was appropriated for.

President Eddings stated ok, I'll entertain a motion to pay the \$2,135.00 to Mr. Lonnie Cooper.

Vice-President Broady stated and that is going to come out of next years budget?

Attorney McCall stated well it's a 1997 debt, I mean if you pay it, I mean you can take, I have thought about this before and I think and I have discussed it with a couple of the other council members I mean you pay up the extent that is appropriated and that would be the end of it. However I think that you would set a presidents that we would have to follow from year to year to year by other town council members and that wouldn't be appropriate so the court had ruled and it's ruling was is that you did not have to pay beyond the extent of the appropriations for those particular bills that were submitted to you and these are the same bill that have submitted time and time and time again since that ruling. The town council can pay whatever they want...

President Eddings stated ok, do I have a motion? Dies for lack of a motion.

Clerk Treasurer Schafer stated Thanks, I would like to present my bills for this meeting.

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

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

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, the last thing on the agenda, Mongold Construction and Davis rezoning issue. Do you want to go ahead?

VIRGIL BOLLY ADDRESSES THE COUNCIL ON BEHALF OF JOHN MONGOLD, DOUG ROLLINGS AND THE DAVIS'S.

Mr. Bolly stated ladies and gentleman I'm here on behalf of John Mongold, Doug Rollings and the Davis's we have heard the evidence perviously on this matter, I'm prepared to, I'm prepared to present other and additional information that you wanted and I say additional and I think that it is going to be a repete of everything that we have heard in the past, quite frankly I think that you have been fully advised of all of the ins and outs of the matter and at this point I'll waive any presentation unless if you say that we need to

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do so or if you want us to do so and I also have a proposed ordinance for zoning the property. At this point if you want, I would be glad to do whatever you want, but I will put it back in your park as to whether you feel like you need any additional.

President Eddings stated ok, does any of the board members feel like they need any further information of the issue before we call it to a vote?

Attorney McCall stated Virgil do you have a proposed ordinance for the rezoning?

Mr. Bolly stated I have a proposed ordinance, yes. I have this proposed ordinance and it basically covers the property, and the legal notice and simply the rezoning from the R-1 to R-3.

President Eddings stated ok, at this time I will entertain a motion to change the zoning from R-1 to R-3.

Ms. Imhoff stated wait a minute.

Mr. Williams stated I beg your pardon, are we going to get an opportunity to speak?

President Eddings stated yes, there is a discussion period, after the motion is made and seconded.

Mr. Williams ok.

Attorney McCall stated back up a second, you need to give that ordinance an ordinance number, make it 1998-46 something, 659...

Clerk Treasurer Schafer stated 98-687.

Attorney McCall stated and you want to consider ordinance number 98-687 on the first reading and then call it again and then get into the discussion.

Vice-President Broady stated I'll make a motion to consider ordinance number 98-687 on the first reading.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion?

Mr. Williams stated yes.

President Eddings stated let me explain something before we get started, on this first go around anytime you have an ordinance what the board has to vote to consider the ordinance and if we get a unanimous vote to consider this, then we can vote on the ordinance, which will be where you would want to discuss, what you all are wanting to discuss, ok.

Ms. Imhoff stated ok.

President Eddings stated so we have a motion on the floor to consider, on the first reading 98-687 and seconded is there any discussion?

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Vice-President Broady stated you might want to mention that if this isn't a unanimous discussion, what we would do would be to vote on the first reading tonight and the next meeting would be, next meeting.

President Eddings stated right.

Attorney McCall stated motion was made and seconded.

Council Member Voyles stated I seconded it.

President Eddings stated all of those in favor signify by saying I, opposed nay, I's have it. Now I'll entertain a motion to adopt ordinance number 98-687.

Vice-President Broady stated I'll make a motion to adopt ordinance number 98-687.

President Eddings stated on the first reading.

Vice-President Broady stated on...

President Eddings stated we have already considered it and...

Vice-President Broady stated on the first reading.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, now is there any discussion?

Mr. Williams stated yes, don't be overwhelmed by what you have been given but we did think that it was worth while for us to put it in writing on how we feel and hope that you will take appropriate action. This is not the same information that was presented at the zoning board meeting. This is information on things that has taken place since then. We are very briefly going to go through the introductory part of what you have been given and we will even go through the prefixes on the front of the second page you will have a questionnaire of apartments or homes, that is what this is all about. What it has meant to Sellersburg people, what do they want and that is what we want to address and I will share it with you.

See insert.

PRESENTATION

BY

SELLERSBURG VOTERS & HOMEOWNERS

**PREPARED BY: WILLIAM R. BOOTH
JANUARY 12, 1998**



TO

SELLERSBURG TOWN COUNCIL

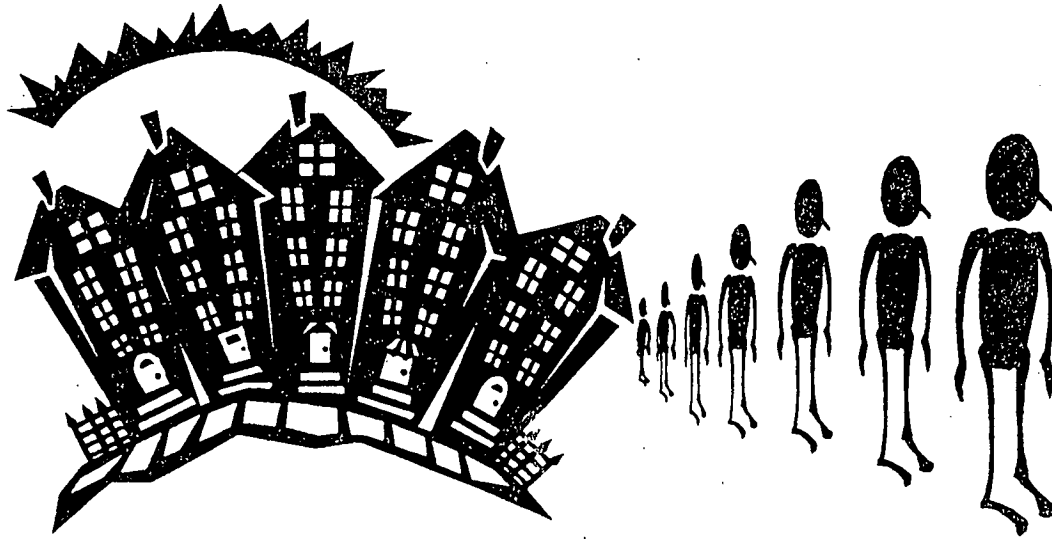


CONCERNING

PROPOSAL FOR REZONING OF DAVIS TRACT

FROM: R1 - SINGLE FAMILY HOMES

TO: R3 - APARTMENTS



APARTMENTS?

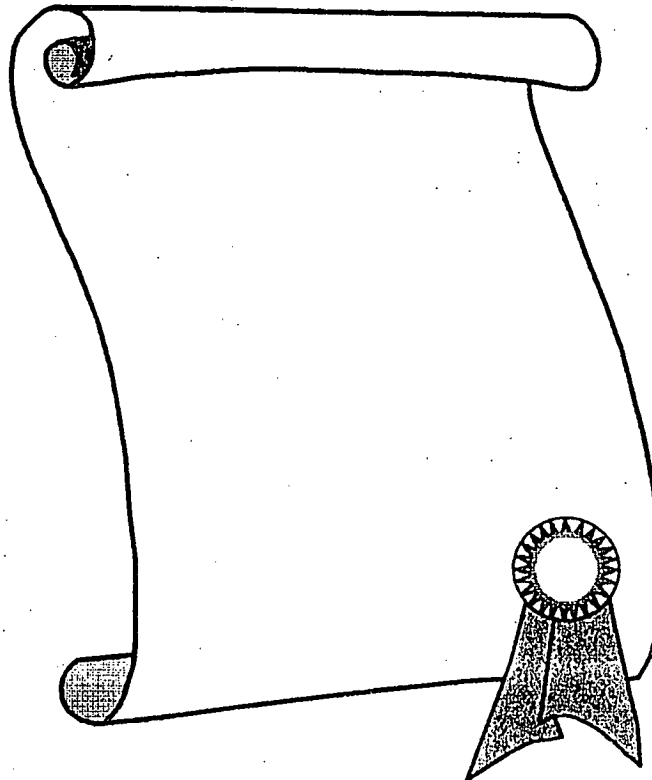
OR



HOMES?

Contents

- I. Situation, Fast Track Schedule & Developer Promises
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 - A. Drainage, Water Problems & Expected Rainfall
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 - I. Marketing Plan & Comparison With Other Apartments
- V. Conclusion



I. Situation, Fast Track Schedule & Developer Promises

A. Situation.

- **Who are we?** We are your friends and neighbors. We are homeowners and taxpayers who attend church with you and pay property taxes to support our Sellersburg schools. We are your customers who buy gasoline from your gas stations, buy meals from your restaurants, and shop in your stores. We also vote in elections and cast ballots for you.
- **What is our concern?** We are concerned with the effects of the zoning change on the Davis tract from R1 single family homes to R3 apartments. We are concerned that the people's desires are being ignored and changes are taking place that the people do not want.

B. Fast Track Schedule.

- **Meetings.** This is the third meeting of the Zoning Board and Town Council since December 15, 1997 to discuss this zoning change.
- **Timing.** The timing of these meeting has not been compatible with the Christmas spirit and the narrative of Christ's birth which says in *Luke 2:14*, "*Glory to God in the highest, and on earth peace, good will toward men*". We were told at the December 15th Zoning Board meeting that the matter would not be discussed until January 12th, 1998. Imagine our surprise when we learned that our Christmas shopping had to be interrupted to attend the December 22nd Town Council meeting because the zoning change had been added to the agenda.
- **Thanks.** The Greenwood families and homeowners want to thank the Town Council for tabling the matter until the January 12th meeting. It gave us and you time to ask other families in Sellersburg whether they wanted high population density apartments built in a single family residential area.
- **Concern for Others.** I am sure the homeowners in Greenwood spent too much time worrying about their neighborhood instead of enjoying Christmas and New Year's Day with their families. It is evident that the happiness of the Greenwood residents is of no concern to the those wanting this zoning change to be pushed through the approval process as soon as possible. It is hard not to have negative feelings when an effort is made to bulldoze and fast track the approval process without giving us time to prepare a Town Board presentation or get names on petitions. We need to remember the Golden Rule found in the Bible:

Luke 6:31 "Treat others as you want them to treat you."

C. **Promises.** Our position has not changed. We still do not want the zoning changed from single family homes to apartments. However, it would be good to list all the promises made by the developers.

- **Drainage.** There would be no runoff from the proposed apartment complex to the back yards of Greenwood Subdivision homes. In fact, the drainage would be improved.
- **Water Pressure.** The water pressure for Greenwood homes would not be reduced.
- **Traffic.** No vehicle traffic would be possible or permitted through Greenwood.
- **Comparable units.** There are no comparable luxury apartments in the area. Similar Indianapolis apartments rent for \$750 - \$785.
- **Fireplaces.** The apartments would have fireplaces.
- **Vaulted ceilings.** The apartments would have vaulted ceilings.
- **Private screened porches.** The apartments would have private screened porches.
- **Private entrances.** The apartments, whether ground or second level, would feature it's own entrance.
- **Cost.** The complex would cost \$4.5 - 5 million dollars.
- **Buildings.** There would be nine buildings.
- **Units.** There would be 144 units.
- **Parking spaces.** There would be 288 parking spaces.
- **Clubhouse.** What is size, capacity, designed use, equipment, and facilities; i.e. spas, tennis, etc.?
- **Rent.** The rent would be \$540 for one bedroom 769 square foot units and \$715 for three bedroom, two bath 1148 square foot units.
- **Garages.** There would be 66 garages.
- **Personnel.** The apartments would have a manager, assistant manager, and maintenance person. (How can one person do maintenance on 166 apartments? Would it be better to have one person for 48 units or full time and one part time maintenance personnel as other apartments have?)
- **Water depth.** The lake water will be four to twelve feet deep.

Privacy & Security:

- **Setback.** The apartments would be built twenty feet away from the Greenwood property line.
- **Windows.** No windows would face the Greenwood Subdivision.
- **Berm.** A four foot privacy berm would be built . (The start of the berm slope would need to be 6 feet away from the Greenwood property line to match the utility R-O-W and eliminate rain runoff unto the Greenwood back yards.)
- **Trees.** Mature (8 - 9 foot) cedar trees for privacy would be planted on top of the berm every four feet. Trees that die would be replaced within 30 days.
- **Fence.** A chain link fence (6 feet) for security would be built between the berm and apartments.
- **Perimeter.** The cedar trees, berm, and chain link fence would need to be on all sides of the apartment complex to provide effective screening and privacy to neighbors on all sides. Providing a chain link fence only on the side next to Greenwood would not provide effective security and would still allow teenagers and children to have access to the lakes.

II. Spokesperson Experience With Construction Projects & Concern for Community Relations.

- A. **Name:** William R. Booth
- B. **Residency:** Eleven years - Greenwood Subdivision
- C. **Education:** (1) B.S. Electrical Engineering (2) Master Arts in Finance (3) Master Business Administration
- D. **Employer:** Louisville Gas & Electric; Louisville, KY.
 - 1) LG&E Strategic Plan Values:
 - Total customer satisfaction
 - Commitment to the community
 - Integrity, trust, teamwork and open communications
 - 2) LG&E Key Strategies for Customers:
 - Understand what every customer wants from LG&E and strengthen relationships.
- E. **Job Title:** Senior Project Manager
- F. **Professional Certification:** Registered as Professional Engineer and Certified as Project Manager Professional
- G. **Job Responsibilities:** Manage construction of projects for LG&E costing \$1.6 - 5 million dollars
- H. **National Award:** Received award from EL&P Magazine for best aesthetic designed project to fit into the area and please the neighbors.

- I. **Customer Relations Policy:** Publicize and hold neighborhood meetings with customers to explain reasons for project, answer any questions, and resolve any concerns. Landscape property so it looks better than neighbors. Make surveys during and after construction with neighbors to make sure they are happy. Distribute fruit baskets after construction is completed to apologize for any inconvenience and demonstrate concern and desire to please residents in neighborhood. Being "big" does not give right to take advantage of people.

III. Requests.

- A. Maintain existing zoning, R1 Single Family Homes.
 B. Construct homes that are comparable to homes in Greenwood Subdivision with a minimum square footage of 1,200 square feet or larger.



- C. Make a commitment not to erect manufactured/modular homes.
 D. Develop property so it will be a welcome addition by the neighbors and the people of Sellersburg.

IV. Concerns.

- A. **Drainage & Water-Questions not Answered:**
1. What **percentage** of the development will be landscaped or kept in a natural environment instead of being covered with asphalt or concrete?
 2. Are the plans going to be changed to conform to 2.4.4(1)(a) to provide a **front yard** of twenty-five (25) feet instead of the twelve (12) feet shown on the plan?
 3. Are the plans going to be changed to conform to 2.4.4(1)(a) to provide a **side yard** of twenty-five (25) feet when the lot faces two or more public access roadways instead of the thirteen (13) feet shown on the plan?
 4. Would the retention basin be adequate to hold the 10 inches of rainfall received on **March 1, 1997**? Would it be able to hold the average of **5.3 inches per month received in 1996**? Would it be able to hold the average of **4.95 inches per month received in 1997**?
 5. How will the **high water table** affect the drainage? How much water will normally be in the retention basin? Will water drain into the basin?

6. Has **EPA** approval been received?
7. Would the developer be responsible & liable for sickness and irritation caused by **mosquitoes** from the lakes?
8. What would be done to prevent the **lake water** from **stagnating**?
9. What is the **water flow capacity** of the fountains?
10. **How many fountains** will there be in each lake?
11. How will **erosion** of the lake sides be prevented?
12. Would **sewer lines and retention basin be constructed first** to protect Greenwood Subdivision from increased flooding before any apartment construction was started?

B. Devaluation of Property Value

1. Why should the apartment construction be allowed to devalue the resale property value of the homes in Greenwood Subdivision as realtors predict?
2. Who could we call to have action taken immediately if there is a problem with security, trespassing, domestic disputes, vandalism, or something unsightly needs cleaning up?
3. What protection does Greenwood Subdivision have to keep the apartments from being sold to other owners who are concerned only with making money and could neglect maintenance. The apartments would then deteriorate to the level of Hallmark.
4. Would the apartments have protective covenants such as the ones for Greenwood Subdivision that:
 - No noxious or offensive trade or activity shall be carried on nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
 - No trailer, tent, shack, temporary building, or other out building shall be used at any time, temporarily or permanently as a residence.
 - Any building shall be completed within six months after the beginning of such construction.
 - Concrete masonry units shall not be permitted as an exterior wall finish on, except as a foundation. The exterior wall of each dwelling shall contain a minimum of 50 per cent brick or stone.
 - No animals shall be kept except commonly accepted domestic pets.

C. Clark County Airport & Airplane Accident Concerns

1. How is the Town Council going to respond to the letter from the Clark County Airport asking that the apartments not be constructed due to the possibility of a plane crash and **multiple families being killed?**



2. Why is it that the covenant between the State and County Governments to not build additional residential properties within one mile of the airport is not being respected?

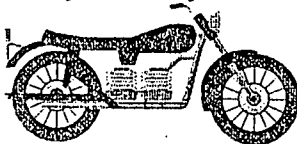
D. Master Zoning Plan

1. Why does the city have a master zoning and growth plan with very little property zoned for apartments?
2. Is it possible that the ones who made the master zoning plan did not want large apartment complexes?
3. Does Sellersburg want to model itself after Clarksville with an emphasis on apartment and commercial development with no protection for single family residence families?
4. As was pointed out at the last Town Council meeting, Greenwood Subdivision is a small area that could be surrounded by commercial developments. This is justification not to reduce the size of the areas presently zoned single family residential.
5. Are the Greenwood homeowners who were promised that single family homes would be built next to them going to be paid damages for the broken promises?

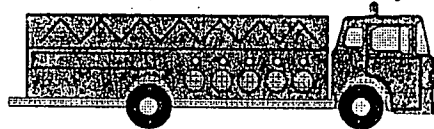
E. Lowering of Quality of Life, Privacy, Security & Fire Protection

1. Quality of Life

- Will the apartment occupants have different work shifts and lifestyles than the surrounding homeowners (20 feet from their property line) which will result in disruptions to sleep?
- Will the apartment renters likely be younger with noisy motorcycles and muscle cars?



- Will the apartment renters be working night shifts with more traffic late at night?
- How much will the noise increase?
- How many dumpsters will be on site for the complex?
- Will the dumpsters be fenced?
- Will the pickup time for the dumpsters be before 8 AM when everyone is sleeping?
- Will the parking areas have floodlights that will keep Greenwood residents from sleeping?
- How many fire hydrants will the apartment complex have?
- How far apart will the fire hydrants be?

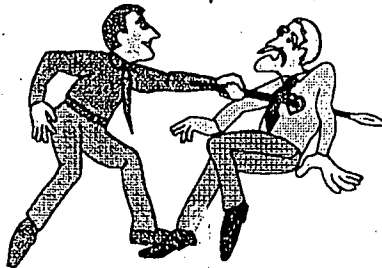


2. Privacy

- What could be done to further increase privacy of Greenwood residents that have back yards and pools that border the apartments, beyond the promises listed previously.

3. Security: Frank Boggess

- What could be done to improve security and guarantee that crime will not increase in the Greenwood Subdivision, as predicted by the Jeffersonville police?



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Mr. Williams stated we took the time, although we were limited in our time and also it is a bad time to get out and try to get signatures for petitions because of the holidays and the weather but I would like to turn it over to some of my neighbors in Greenwood and get a result of the petitions that we have been going around and getting names on people, for people who have opposed this.

Mrs. Imhoff stated there is 375 names and we have also broken it down by percentage of electoral votes, that are against it and this is not just Greenwood, I want to go on record saying this is Sellersburg.

Mr. Williams stated why you are looking at those numbers, as far as the petitions, what was the total number that we received?

Mrs. Imhoff stated 375.

Mr. Williams stated and if we would have had time we would have gotten alot more.

See Insert.

- F. Value to Property Owners/Developers**
1. How many 769 square foot one bedroom apartments are to be rented for \$540?
 2. How many 1,048 square foot two bedroom apartments are in the plan? What will be the rent?
 3. How many 1,148 square foot three bedroom apartments are to be rented for \$715?
 4. What will be the average income of the target renter for each apartment size?
 5. Are the apartments going to be a combination of D-4 (luxury) and subsidized to provide better finance terms?
- G. Value to Neighbors**
1. What are the benefits to the surrounding neighbors in the zoning change?
 2. How much would the zoning change **decrease the resale value** of neighboring properties?
 3. Is the additional \$40,000 in taxes to be received by the Township sufficient to pay for the **additional police** to be needed for the approximate four people per apartment or 576 total added to the population of Sellersburg. Is the present ratio of police to Sellersburg voters 520?
- H. Value to Sellersburg Residents & Results of Petitions**
1. What benefits would the apartments bring to Sellersburg residents in the short term and 20 year term other than increased income for sewer hook ups?
 2. Are the water rates, electric rates, school taxes going to be lowered?
 3. **Petitions for Each Council Member's Area: Doug Trinette**
 - William Voyles
 - Kenneth Alexander
 - David Broady
 - Gary Fenner
 - Alton Doug Eddings, Jr.
- I. Marketing Plan & Comparison With Other Apartments**
1. What is occupancy percentages for other apartments in the area?
 2. Would elderly renters want to rent in an area not close to grocery stores or bus routes?
 3. Why will renters prefer this location?

4. Apartment Comparison:

| Name | Square Ft | Bedrooms | Price | Amenities |
|-------------------------|-------------|----------|---------------|---------------------------|
| Harbours at Riverpointe | 995-1,300 | 1-2 | \$555-\$2,000 | Spa, Parking, View |
| Overlook | ?-2,619 | 1-3 | \$645-\$1,810 | Indoor Pool, Fireplace |
| Devonshire | ?-1,341 | 1-3 | \$375-\$1,341 | Pool |
| Country Brook | ?-1,300 | 1-3 | \$415-\$1,308 | Free Heat |
| Mallard Crossing | 1,013 | 1-3 | \$485-\$980 | Pool, Clubhouse |
| Charlestown | | 1-3 | \$469-\$820 | Pool, Tennis Court |
| Fenwick | 1,007-1,400 | 2 | \$767-\$807 | |
| Mallgate | | 1-3 | \$419-\$799 | Clubhouse, Fitness |
| Viewpoint | 800-1,800 | 1-3 | \$485-\$770 | |
| Waterford Place | | 1-2 | \$569-\$739 | Clubhouse, Pool |
| River Oak | | 1-2 | \$470-\$735 | Clubhouse, Whirlpool |
| Doral | | 1-3 | \$509-\$729 | Clubhouse, Tennis |
| | | | | |
| Lake Pointe | 769-1,148 | 1-3 | \$540-\$715 | Clubhouse |
| | | | | |
| Partridge Meadows | ?-1,608 | 1-3 | \$375-\$700 | Pool |
| Hallmark | 750-1,300 | 1-3 | \$379-\$600 | Pools, Tennis, Basketball |
| Evergreen | 1,100 | 2 | \$499-\$539 | |
| Cambridge | 900 | 2 | \$464 | |

5. How can it be said that there are no comparable luxury apartments when twelve of the above rent for more than Lake Pointe?

V. Conclusion

- A. What is wrong with maintaining the present zoning? Homeowners bought homes in Greenwood Subdivision with the understanding that single family homes would be built on the adjacent property. Do you want the Greenwood residents to leave Sellersburg and move to other cities to get away from the apartments?
- B. What is wrong with locating apartments in areas that are next to businesses or border a highway?
- C. Would development of the property for single family residences with a minimum size of 1,200 square feet not fit better with the existing homes and attract people with comparable incomes and lifestyles?
- D. If the apartments are to be converted to condominiums in twenty years, why not sell them as condos now? This would provide Greenwood Subdivision with stable homeowners and families. They would care about taking care of their property and being good neighbors instead of transients who would not care about the property or their neighbors?
- E. Do we want a zoning change to benefit only a developer or do we want all the people of Sellersburg to benefit?
- F. If the zoning change is made and the high density apartments are constructed, there will be no way to correct a mistake. The people of Greenwood Subdivision will suffer the most. They moved to Sellersburg to get away from overcrowding, it is not fair to change the R1 zoning that was supposed to protect them.
- G. Will this concentration of high density apartments open the flood gates for many other apartments of lower quality to flood the town of Sellersburg?
- H. Elected officials are to serve the people and make fair decisions. It is obvious that insufficient justification has been provided to make a zoning change that will impact residents of this community for the next twenty plus years.
- I. If the developers want to build apartments for their retirement, we recommend that they find property already zoned R3, build on property in downtown Sellersburg, build next to a commercial area, or build on a state highway. This will not disrupt single family residential areas.
- J. We ask the Town Council to listen to the people and deny the request to change the zoning to R3 for apartments and maintain the R1 for single family homes.
- K. **Thanks for taking the time to hear our objections!**
- L. It is our understanding that the **Zoning Board of Appeals** has no legal right to reverse the decision of the Town Board. Is that correct?

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Mr. Williams stated we do thank you for hearing us and one conclusion comment, realitive to this is that it is to our understanding that the zoning board of appeals has no authority to reverse any descision you make. There has been some talk that they have that capability and that power but after talking to some lawers and so forth, we understand that is not true, so we would like for you to address that, but we do hope that you will not pass this and you will leave the zoning as it is. Thank You very much.

President Eddings stated ok, is there anyone else?

Council Member Alexander stated I would like to comment shortly unless if you want to take someone else from the audience.

President Eddings stated go ahead.

Council Member Alexander stated Sellersburg is a residential town, over the last, since I have been on the board, we have placed various commerical business in a residential town, I mean that is what we are. Everything that has been presented in here and I'm kind of amazed at the time but I can understand, everything in here also represents motels, every arguement in here can be shared with a motel, as far as the transient people, the extra police officers, to drainage, to complying to all of our laws, state, local, EPA and you know the question comes back, are we willing, I mean, every place in town is residential, there is no such thing as a commerical strip except, over across the railroad tracks, by the waste water plant. And we have already passed one motel through it.

Mrs. Imhoff stated what has the motel got to do with it?

Council Member Alexander stated it has every arguement, every arguement you had, except it's in your neighborhood, that is the difference.

Mrs. Imhoff stated I don't know just where you are coming from, please tell me where you are coming from.

Council Member Alexander stated I'm saying that everything that you had in here according to the...

Mrs. Imhoff stated I thought that we were zoning for apartments...

Council Member Alexander stated yes maam.

Mrs. Imhoff stated I don't believe that we...

Council Member Alexander stated what I'm saying...Mr. President Please.

President Eddings stated ok, one at a time.

Council Member Alexander stated no, I'm talking.

President Eddings stated one talks and then you.

Council Member Alexander stated I would just like to include that anything in here and we will have more motels coming in or at least presenting themselves and they are going to be in somebody elses neighborhood and there is going to be a business that goes in and it is going to be in somebody elses neighborhood and I hope that the developer has done everything that he can as far as the road does not go through the subdivision to, following our

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own rules as best as they could and I just want to say that I'm in favor of this.

President Eddings stated ok.

Resident stated I would like to say that all of those names that were collected are from the entire Town Of Sellersburg and everyone that has signed that petition does not want this regardless of what was done with the motel, they don't want this project and 375 names is over some 70% of what voted you all in, certainly you are going to listen to what the town is telling you.

President Eddings stated ok.

Mrs. Imhoff stated I think that a project of this magnitude, have you ever considered having this an elected vote, let's see what the Town Of Sellersburg has to say about it and if so how would we go about getting that on a ballot? What is the proper protocol to getting this on a ballot, to where this would be an elected thing, yea or nay we want Sellersburg to have a 144 apartment complex or apartment complexes period, I mean I think that a project of this magnitude needs to be an elected because this effects everyone, everyone. Once this is voted this is it, you cannot go back. What is the procedure for getting something on a ballot?

President Eddings stated as far as getting something on a ballot, you only have a four year election span, you wouldn't be able to curtel all projects or even project of this size for a four year period.

Mrs. Imhoff stated even one of this magnitude, I mean is this not a pretty large...

President Eddings stated yes, it is but that is what you elected, you know us to do.

Mrs. Imhoff stated but then the voters have told you that 72% of the elected people that voted Mr. Voyles in...

Council Member Voyles stated just a munute, just a minute. You said 72% and I'm looking at this and how many families what I see here, I'm looking at, if your are talking about homes, are you talking about individuals there is ten homes on the page that I'm looking at here, is there more in here some place? Ten out of 55?

Mrs. Imhoff stated the entire town.

Council Member Voyles stated Forrest Estates, I'm just worried about Forrest Estates. You said that there were 72% of the voters.

Mrs. Imhoff stated of the entire town.

Council Member Voyles stated oh, of the entire town, ok, alright. There was ten in Forrest Estates. Ok.

President Eddings stated ok this gentleman in front, first Virgil.

Resident stated what I would like to ask is that I moved into the Greenwood subdivision about eight years ago, have any of you people ever drove into the Greenwood subdivision, going down into Greenwood road and went back into the residential homes, do you want to destroy that?

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Council Member Voyles stated well basically the same thing happened to Forrest Estates not to long ago, where the builder wanted to put some homes in ok, they raised the ground, you know, alot of us fought it, alot of people in Forrest Estated fought the same situation, where they raised the land six feet to build a home on with a concrete on, now to my way of thinking that floor is going to crack and break and thing like that, we fought it and fought it and fought it but when we thought that we had the stated behind us. The DNR people came down and said this is alright, they can do this and so it passed.

Mr. Williams stated that's a home right?

Council Member Voyles stated that's a home, That's a home, that's, I have cloth in my home that is bigger than their bedrooms.

Mr. Williams stated it's still a home, though right.

Resident stated yes, you were talking about the motel, this motel that you have approved will be right beside the express way, in a main arutory would you like to have your home right there?

Council Member Alexander stated close, I mean that there is alot of homes over there and as that development grows farther...

Resident stated they were over there before the express way was put there.

Council Member Alexander stated right, but as those development, over by the McDonalds area, as your talking, it will be touching, it will be going up against, that is a residential area.

President Eddings stated yea maam.

Resident stated and going out and getting people to sign this petetion, people had told us that they're going to approve another apartment complex?

Council Member Voyles stated not in Sellersburg, that is in Clarksville.

President Eddings stated not in Sellersburg.

Resident stated but will those kids be attending our schools.

President Eddings stated some of them will.

Council Member Voyles stated some of them will probably. Two hundred forty-four apartments or something.

Resident stated 244.

Council Member Voyles stated or something like that.

Resident stated and we need another 144, no.

Council Member Voyles stated that's in Clarksville, that's not in Sellersburg.

Resident stated but they will be going to Sellersburg schools.

Mrs. Imhoff stated if that is in Clarksville, why are they going to be going to Sellersburg schools?

Council Member Voyles stated well we don't know...

President Eddings stated the school districts are different from towns districts.

Council Member Voyles stated everything is different in Sellersburg.

Resident stated it's Silver Creek Township.

President Eddings stated right.

Resident stated is that the Clarksville that belongs to Sellersburg out there in Hamburg. Is that the area that you are talking about.

Mrs. Imhoff stated that is the area that we never annexed, correct.

Council Member Alexander stated whatever.

President Eddings stated that is the area that we lost the annexation to, a long time ago. Virgil.

Mr. Bolly stated I just want to make just a couple quick comments, If I might. This past meeting there was comments made that people in Hill-N-Dale didn't want this, I have been around this community long enough and I can remember when Hill-N-Dale was organized and nobody from Sellersburg wanted Hill-N-Dale so you know, that is a little different thing that we have got here, I also mentioned the fact that we have got, alot of us have alot of young children and children coming up. Where are these young folks that can't afford a new home, where are they going to go? Are we going to tell them that they have got to leave our community and as far as the schools go this is a subdivision or a development in which the children will go to school here but they will be paying taxes here. All of these othere developments, outside the community, that are in the Silver Creek Township are still going to go to school here but your not going to get a penny to benefit from them. That is all I would like to say, unless if the board has some other things that they would like for us to address. Thank You.

President Eddings stated is there any other discussion? Ok, at this time I'll call it to a vote. All of those in favor signify by saying I, opposed nay, Nay. It looks like resolution 98-687 passes. I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I'll make that motion.

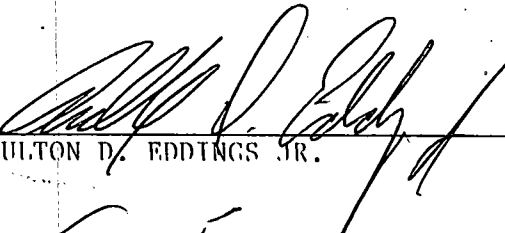
Mrs. Imhoff stated is there anything here that you can pick up that has the procedure of how something is voted in from the zoning board? Because there is no zoning appeals board to listen, I have had three different attorneys, do you all give a list out that tells the actually procedures of giving...


President Eddings stated get a hold of Bob Stewart, he knows...

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

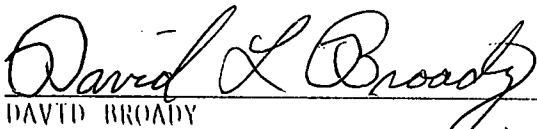
President Eddings stated motion made by Ken and seconded by Bill, all of those in favor signify by saying I, meeting adjourned.

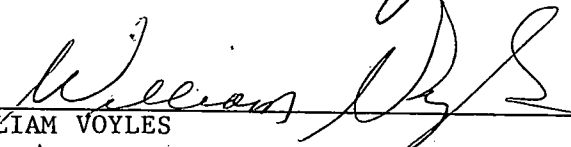
With no further business President Eddings adjourned the regular meeting at 7:57 p.m.



AULTON D. EDDINGS JR.


GARY FENNER


KENNETH ALEXANDER


DAVID BROADY


WILLIAM VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

January 26, 1998

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:31 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated everyone should have gotten a copy of the minutes, from last meeting, the executive session and the regular session, I'll entertain a motion to approve the minutes as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second.

President Eddings stated seconded by Gary, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Ok, is Joy or Willis Goff here tonight?

Clerk Treasurer Schafer stated they cancelled.

President Eddings stated they cancelled, ok. Paula, do you or Nina have anything tonight? Ok, Mr. Kinder.

Chief Kinder stated no, not right now.

President Eddings stated EMC.

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

Mr. Coleman stated the first thing that I have is the water and sewer revenue report from January 12th thur January 23rd, 1998. The total revenue collected \$124,074.51. The second item was the monthly report for the month of December 1997. Is there any questions or do you need more information or more detail, just give me a call and I will make sure that I give it to you. The last item that I have is that I have a letter from Indian Oaks, Mr. Merle Allen, evidently back in October of 1997 they had a high water usage, the former facility manager went out and talked to Mr. Allen, arrangements were made that, in an effort to try to correct the problem, a new meter was installed and upon installation of that new meter the water usage dramatically went

SELLERSBURG TOWN COUNCIL
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back down to normal an investigation was done and we did not find any leaks and we could not tell where the water went and Indian Oaks is asking that an adjustment be made to their normal usage. The bill that they received the water usage was \$125.82 and sewer was \$390.25 and their normal usage ranges anywhere from \$7.81 to \$60.00 on water and their sewer ranges anywhere from \$11.88 to \$13.00 and whatever the boards pleasurer is on that, I told Mr. Allen that I would present it to the board and as I stated, we couldn't find any evidence of a leak we don't know that possibly, the managers location, I think that he is in and out, he is not a permanent resident there, it could be that while he was gone that someone turned on an outside hydrant, no one knowing anything about it. We don't know but I told him that I would present it to the board and request that an adjustment be made.

President Eddings stated I'll entertain a motion to make the water and sewer adjustment for Merle Allen, at Indian Oaks.

Council Member Fenner stated I'll make the motion that we adjust it.

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

Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion?

Council Member Voyles stated is that for the sewer?

Mr. Coleman stated he is asking for an adjustment of the water and the sewer.

Vice-President Broady stated is the meter, I mean you didn't know if the meter, I have never heard of a meter...

Mr. Coleman stated if it was the meter, well through my experience, the only thing that could have happened is that it skipped a number, from looking at the, from talking to Clark, he said that he didn't see any evidence of that, that I have seen a meter that would go like from the forth or fifth didget on the meter, would go like from seven, skip eight and go to nine. I have seen that not too often but Clark stated that it didn't look like that's what happened Clark feels that something has happened somewhere but we can't tell where. It's not a line where it's leaking, it's not around the meter pit, we have checked everything inside the residents, there is nothing leaking.

Vice-President Broady stated this is completely different than anything that we have ever done before, we are always...

President Eddings stated adjusting the sewer...

Vice-President Broady stated adjusted the sewer because we knew that we had a leak or something of that nature but...

Mr. Coleman stated I don't think that we have ever adjusted the water.

President Eddings stated would you like to amend the motion to just the sewer?

Council Member Fenner stated how much difference are we talking about, money wise?

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Mr. Coleman stated the sewer will go to \$125.82 on the water and the sewer was \$381.75 with their normal being around \$12.75, I haven't got an exact average, we will average the last twelve months that's what we will do.

Council Member Fenner stated but we are going to still charge them \$125.00 for the water?

Mr. Coleman stated hum, to my knowledge and to my understanding we have never adjusted the water.

President Eddings stated do you want to just leave the motion like it is and we will just vote? Any further discussion? All of those in favor signify by saying I, opposed nay, all nays, ok, would you like to follow it up with a different motion? I'll entertain a motion to adjust the sewer portion of the bill.

Council Member Fenner stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify by saying I, opposed nay.

Mrs. Pixley stated Doug while we are on the subject of water, I wonder if you can get someone to come and check my meter? George went down there on seventh of this month, to check and he went back there yesterday and we are almost 3000.00 gallons over what we run for the month. Just in a matter of days, he said that the meter is absolutely full of water, he said that is just soaking back there, we don't have any reason for this, there is nothing running in the house but the meter is running way up.

President Eddings stated Kendall, can we get somebody to check it?

Mr. Coleman stated I will go out tomorrow, we and Clark will be out there tomorrow, Is there any certain time that will work out best?

Mrs. Pixley stated it doesn't make any difference to me what time, I can't get back there and do it, it's on your side of the...

Mr. Coleman stated we will check it tomorrow.

Mrs. Pixley stated he checked it from the seventh until yesterday, the 25th and it is over double of what we have been using.

Mr. Coleman stated ok.

Mrs. Pixley stated and there is alot of water back there, I wonder if there is a leak.

Mr. Coleman stated I understand, I mean that we did have alot of heavy rain and the ground water is up most meter pits are full of water right now but we will check it.

Mrs. Pixley stated Thank You.

President Eddings stated Building Commissioner, do you have anything to report?

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Mr. Stewart stated nothing exciting.

President Eddings stated ok, before we go any further, on the first Town Board meeting we voted on the Police Department Board, the Police Commissioner Board, we did not vote in the members of the other remaining boards and as far as I know except for the Parks Board everybody else is still active, on each of the boards and I'll entertain a motion to leave the remaining boards as they are and just vote them in for another year.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. And we still have two openings, right? The Parks Board.

Council Member Fenner stated yes, at the moment.

President Eddings stated do you have some people interested?

Council Member Fenner stated I have got one pretty definite and working on the other one.

President Eddings stated good, ok, Dave.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL.

Vice-President Broady stated I have got two or three things that I would like to have the board consider sometime but I will put it in writing and I will put it in there mail box. I won't bring it up at this time. That is all I have.

President Eddings stated Gary.

Council Member Fenner stated nothing.

President Eddings stated Bill.

Council Member Voyles stated nothing.

President Eddings stated Perry.

ATTORNEY WILLIAM P. MCCALL ADDRESSES THE COUNCIL ON THE LAW FIRM OF HACKMAN, MCCLARNON, HULETT, AND CRACRAFT THEIR BILLS AS THE RATE COUNCIL.

Attorney McCall stated just a couple of things, the law firm of Hackman, McClarnon, Hulett, Cracraft have submitted their bills as the rate council for the petition that has been filed for the Utility Regulatory Commission I'm just presenting them tonight to be considered at the next meeting. They are for legal services rendered thur November 1997, October of 1997 and December of 1998 contract, so those are for the next meeting.

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Clerk Treasurer Schafer stated December of 1998 is not here yet.

President Eddings stated January of 1998 probably.

Attorney McCall stated January. Submitted January 21, 1998, I'm sorry and I have got, has everyone received a copy of the letter regarding the, from Dan More, regarding the the enterlocal cooperation agreement concerning recycling, curbside recycling, you didn't receive one? Ok, I'll put a copy in your box, I assumed he sent you one. He has asked for us to respond, pretty much the letter indicates that the county commissioners proposed to pay the recycling expense for all Cities and Towns for the expiration of the contract, which is April 21, 1998. Part two of this will bare the expense of advertisement for your contract with the expiration of April 21, 1998 contract and the commissionereres agreed to pay the recycling for all Cities and Towns that signed the first enterlacial agreement, which is the on expiring April 21, 1998 and for the Cities and Towns that sign the exclosed enterlocal agreement will bare their own recycling expense that is shown herein effective January 1, 1999 for the remainder of the second enterlocal agreement. I guess that you all need to properly consider that and you all will need a copy of the enterlocal agreement to see if you would like to sign on to that. There are four municipalities, three of them are Jeffersonville, Charlestown and Clarksville who have signed on and you all would be the forth signature, if you agree to do that.

President Eddings stated they have already signed?

Attorney McCall stated no, not that I know of. You all are the forth that are in the previous agreement that has the option, after that if you opt out certain things would happen that, so I will put a copy in your boxes so that you can consider it at the next meeting, if you will. I have got an ordinance that I don't want you to consider tonight but I just want you to review that at you convience and get back with me and then there is, I have another ordinance to consider at the next meeting, you can take a look at it, in the mean time if there are any questions contact me regarding that ordinance. I wanted to submit to Linda for the towns records various easments and the release of the mortgage on the swimming pool to keep in the towns file, we are done, so can you hand that down to Linda, for her records. Did you have the op, did anyone have the oppportunity to go and meet, to the Indiana Ammunition Plant?

President Eddings stated before you go any farther, is there an invoice attached to that.

Attorney McCall stated I think that has already been paid, that has already been paid. I think that there was a previous check sent along with that invoice, it has already been paid so it is just simply the receipt for the town. The question was did anyone have opportunity to meet, in regards to the Indiana Ammuniton Plant and what the, I guess what the long term goals are for that, do we need to respond? I think they were looking for municipal response as to what their desires, preferances and I talked to Dan More and he indicated that someone from the Town Council had indicated that they were going to be there, he didn't remember who it was.

Council Member Alexander stated they never did call me and let me know when it was. I wanted to, are you talking about the sewer, Reynolds, taking care of Clark County?

Council Member Voyles stated no.

Attorney McCall stated no, no, no, I'm talking about the Ammunition Plant.

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Vice-President Broady stated Thursday night.

Attorney McCall stated Thursday at 6:00. Ok, so we didn't have a representative there. Well he had indicated that he had received communication from someone on the Town Council that they would be there and...

Council Member Voyles stated I think that it was me and I had an appointment.

Attorney McCall stated oh, did you.

Council Member Voyles stated I had a death claim to take care of.

Attorney McCall stated then I will follow up with him and find out exactly what went on at that meeting and...

Council Member Alexander stated I'm sorry, I'm lost, what was it about?

Attorney McCall stated the Indiana Ammunition Plant, the federal land, there has been some talk about Charlestown annexing that property into Charlestown and there has been kind of a little bit of end fighting on how that property is going to be utilized and ect. and they were wanting input from surrounding municipalities to see if they had any special interest or like to see it used in a particular way. There was a January 13 letter that was sent out and this is basically the first I had heard about any disgruntlement, I think that I had contacted a couple members to see if they wanted to be there and, but I'll follow up on that. Do you know what I'm talking about now Kenny?

Council Member Alexander stated I know, I understand what you're talking about.

Attorney McCall stated ok, I think that is all I have, at this point. Oh, one other thing on the Beyl easement, John isn't here yet.

Vice-President Broady stated he won't be here.

Attorney McCall stated he won't be here? I thought he was going to bring that tonight. We had to, we sent the easement to them, they did not sign, saying that they wanted an exhibit attached to which contained every particular so today we prepared an exhibit C to attach to the easement and they indicated that they would have it signed by the, as soon as they got it. They had no problem as long as that was there, so I think that John, that is it, that is all I have.

President Eddings stated Ken.

Council Member Alexander stated nothing.

President Eddings stated Linda.

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL ON ANIMAL TAGS/ANIMAL TRUCK/BILLS.

Clerk Treasurer Schaffer stated the animal tags are on order for 1998, it is going to be the green heart also to rap up some of 1997 business, the Town Council had given their word to purchase an animal truck, our animal officer has utilized that truck since we had taken possession of it even though we had not paid for the vehicle so I talked to Dick Spencers office, they were supposed to get back with me, I didn't know if the attorney wanted to handle this of taking the check and obtaining the title or if they

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wanted me to send it with the animal officer, since it was a legal document, I was wanting the council input on it as to how they wanted to do it. It was for 2250.00.

President Eddings stated Perry, do you want to do it?

Attorney McCall stated oh, yea I can do it?

Clerk Treasurer Schafer stated being that it was a legal document, I didn't know if...

Attorney McCall stated that's fine, I'll take care of that. As a matter of fact, I saw it on the road.

Clerk Treasurer Schafer stated this is something that the council has previously approved in a meeting back last year. Do you just want me to hold on to the description of this or do you want to keep that with this?

Attorney McCall stated whatever, that's fine.

Clerk Treasurer Schafer stated ok.

President Eddings stated do we just need to sign the back of this?

Clerk Treasurer Schafer stated the Town Council...

Attorney McCall stated no.

Clerk Treasurer Schafer stated no, you don't have to, you have already approved it but if you want to sign it anyway, there is the check and the voucher on that. Ok, I would like to present to the council for approval, payable from the water and or sewer a claim for David Lewis in the amount of \$3,865.00 for past due billing.

President Eddings stated I'll entertain a motion to pay the attorney fees to David Lewis.

Clerk Treasurer Schafer stated from the water and sewer.

President Eddings stated from the water and sewer for \$3,865.00. No motion being made.

Clerk Treasurer Schafer stated ok, so it died from lack of a motion, is that correct?

President Eddings stated uhm.

Clerk Treasurer Schafer stated I would like to present a claim from Lonnie Cooper in the amount of \$5,550.00 for outstanding, for and outstanding amount due to him.

President Eddings stated I'll entertain a motion to pay the attorney fees for Lonnie Cooper for \$5,500.00.

Attorney McCall stated is that out of water and sewer?

Clerk Treasurer Schafer stated yes.

President Eddings stated out of water and sewer.

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Clerk Treasurer Schafer stated out of water and sewer.

Council Member Fenner stated the dates of services are still 1997.

President Eddings stated uhm.

Clerk Treasurer Schafer stated you know that I honestly, you know, I knew that you all would not approve those bills but since they are legitimate claims, I feel like I need to keep trying so, I'm not trying to hassle you in doing this but it is just my obligation as chief financial officer to present legitimate claims and that is what these are so that is why I'm not deliberately doing anything only trying to do my job.

Vice-President Broady stated may I ask is the total amount for both right now \$9,000.00 some odd dollars that we are talking about?

Clerk Treasurer Schafer stated excuse me.

Vice-President Broady stated the total amount for both claims are \$9,000.00 some odd dollars.

Clerk Treasurer Schafer stated I'm going to have to total them up, we have a \$5,500.00 plus \$3,865.00 and...

Vice-President Broady stated \$9,365.00, ok.

President Eddings stated do I have a motion? Dies for lack of a motion.

Clerk Treasurer Schafer stated now gentlemen, I would like approve a claim for an agreement that I have signed for professional services appeal of adverse trail court ruling fee agreement in the amount of \$6,000.00.

President Eddings stated ok, here is an agreement that is dated on the 22nd day of January for professional services in the amount of \$6,000.00, pay to Lonnie Cooper. I'll entertain a motion to pay the claim as presented.

Council Member Fenner stated I would like to make a motion that we table it and let our attorney review it.

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

Vice-President Broady stated I'll second that.

President Eddings stated seconded by Dave, any further discussion?

Clerk Treasurer Schafer stated excuse me.

Mr. Cooper stated may I speak on the issue?

President Eddings stated sure.

Mr. Cooper stated I know that the other two bills were asked to be paid out of the water and sewer. I would like to point out to the council that, that request is to pay out of the Clerk Treasurers category that is for legal services, either accounting

SELLERSBURG TOWN COUNCIL
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or any professional services and it is a bill for this year presented in this year to the limit of what she has in that budget category and I know that everybody is familiar with what I'm talking about, it is the amount of money that is there, that you all have put in the budget for her for her to make a decision on how she wishes to spend it for professional services. That is to distinguish it from the earlier bills that died from lack of motion.

Vice-President Broady stated so this is the \$6,000.00 that I understand will be what we appropriated for Linda in that one account for...

Clerk Treasurer Schafer stated that is exactly right.

Vice-President Broady stated professional services for the whole year.

Mr. Cooper stated until 1999, yes sir.

Vice-President Broady stated do you want to comment on it now or do you want to advise us.

Attorney McCall stated the motion is to table it until the next meeting, I mean that you haven't denied it.

Council Member Fenner stated we haven't seen this before this is something brand new to us, I would like for us to look at it and I would like to have a copy of it and I would like for our attorney to advise us on it.

President Eddings stated is there any further discussion? Motion has been made and seconded discussed, all of those in favor signify by saying I, opposed nay, I's have it. Can we...

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

President Eddings stated get a copy. I know that you at least have one more thing.

Clerk Treasurer Schafer stated yea, I have billed Clarksville for their payment of the servend project, I haven't received any money so, yet, all of the hydrant fees, I have transferred, I transferred property tax fees, the normal procedure in January and all the bebt services and B&I Sinking funds deposits and transfers are also completed on that.

President Eddings stated ok, everybody has had a copy of the registered claims and had a chance to review it, I'll entertain a motion to sign the claims as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Anything else?

Clerk Treasurer Schafer stated do you have anything Pauline?

Mrs. Pixley stated no not right now.

President Eddings stated ok, I'll entertain a motion to adjourne the meeting.

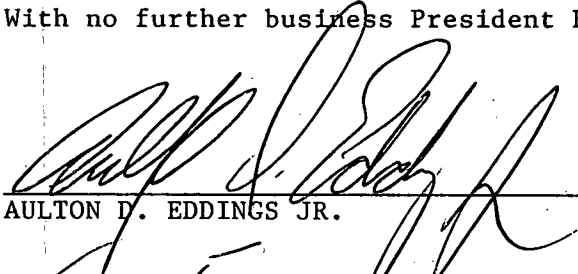
Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second that.

President Eddings stated seconded by Bill, all of those in favor signify by saying I.

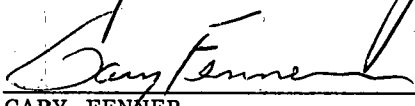
With no further business President Eddings adjourned the regular meeting at 7:00 p.m.



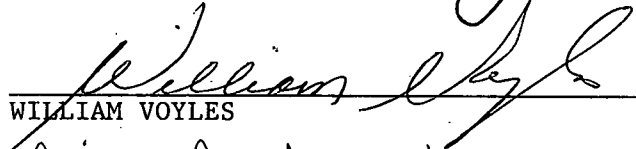
AULTON D. EDDINGS JR.



DAVID BROADY



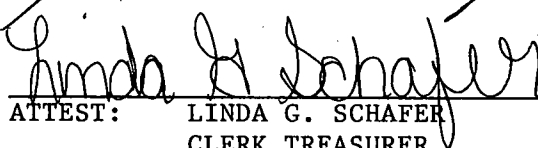
GARY FENNER



WILLIAM VOYLES



KENNETH ALEXANDER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 9, 1998

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; with Attorney McCall arriving at 6:04, and William Voyles, Council Member arriving at 6:08.

Called To Order

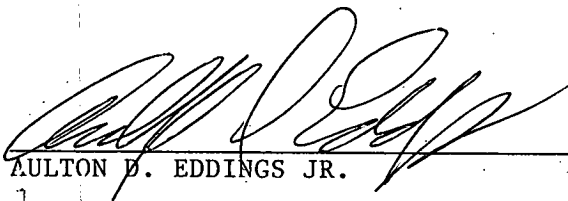
President Eddings called the Executive Session to order at 6:02 p.m.


Topics of Discussion


Umbaugh and Associates
Sprigler/Lakeside
Curbside Recycling
Indiana Ammunition Plant
Chad Nunn/Water Agreement
Schafer VS Town of Sellersburg
New Albany Ford
Sunflower Valley

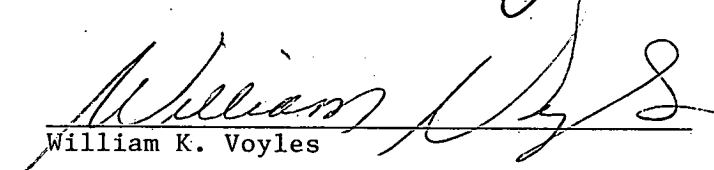
Adjournment

With no further business President Eddings adjourned the Executive Session at 6:37 p.m.


AULTON D. EDDINGS JR.


DAVID L. BROADY


KENNETH ALEXANDER


William K. Voyles


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 9, 1998

Regular Meeting

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

Called To Order

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

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated ok everyone has had a copy of the minutes in their box, I'll entertain a motion to except the minutes as presented.

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

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify I, opposed nay, I's have it. Ok, is Mr. Richards here. Your first sir. I know that you have a meeting in Clarksville shortly.

STAN RICHARDS ADDRESSES THE COUNCIL/JESSIE BALLEW ENTERPRISES.

Mr. Richards stated yes, at 7:30. My name is Stan Richards, I'm with Jessie Ballew enterprises and the reason that we are here tonight is that we have the 140 acre Industrial Park, that we have started right down the road here and in doing so when we opened that park, initially there was a private crossing, rail road crossing, across from the Moose Lodge. The Rail Road Co. granted us the right to move that down to it's current location provided we met their specs and ect. we did that, we built the roads going into, according to meet the specs of the local and the stated intitities and to make it short where we come up now is that in the past, we have not had any problems, the company that we were supposed to have closed on, a 15 acre deal for a wood truss manufactor facility last friday but we got a call from their attorney, due to the nature of the railroad crossing they could not get title insurance because the railroad crossing is a private easement to Mr. Ballew, that they granted and as long as it is a private easement it will only be a temporary one. Granted what they have told us is that the easement is only for the realignment of the tracks. If they should ever do so and then in that point in time they would grant a new easement that still would be temporary with 30 day notice, however they have told us that the only time they will issue a permanent easement is if it is a street dedicated to a municipality, so therefore what we are here for this evening for is to approach the town that we would like to deed the easement along with the road, the exsisting road, Industrial Blvd. that is finished that goes back to the "T", what we are looking at dedicating is only the finished part at this

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point, which is back to that "T" and at that point in time, then the title insurance companies will be willing to write title insurance based on the fact that the Railroad Co., then would grant a permanent easement to the Town Of Sellersburg where they won't as long as a private individual owns it and obviously from the Wood Truss Manufactory stand point, what happens, beings right now, it is a private easement, what happens if something were to happen to Mr. Ballew and the heirs of his estate decide that, hey we don't want an Industrial Park anymore, then these people, the only way they could get to their property is by a helicopter so therefore the reason for us here this evening is we have written up a deed and we would like deed the road and the easement to the Town Of Sellersburg.

President Eddings stated ok. does anyone have any questions?

Vice-President Broady stated John with you being our engineer, do you have any input on this?

John Toombs stated well, I think we would need to talk to the railroad people ourselves and find out what we are getting into.

President Eddings stated ok.

John Toombs stated will this cost the town any money?

Mr. Richards stated no. The railroad would handle all of the paper work and all of that and at that time I'm not for sure what paper work is required for the municipality to fill out, I'm not aware of what that might be but to my knowledge there is no charges what so ever, it is just a matter of, they would just change the temporary easement to a permanent to town.

President Eddings stated what kind of time frame are you looking at, is there any kind of emergency.

Mr. Richards stated well, the Manufactory Co., we were supposed to have closed Friday, they won't break ground today, ok and if we have to, the road back to where they are going so time is somewhat a fact because they do want to get rolling right away and obviously the weather has premitted year around building up until last week so they would like this as quickly as possible.

President Eddings stated was the steets put in under our present codes, specs?

Mr. Richards stated yes, yes.

Vice-President Broady stated easement to cross the railroad...

Clerk Treasurer Schafer stated the utilities.

Vice-President Broady stated I think that there is something there, the one time fee, we want to make sure that is paid and then find out about the railroad crossing, if they go bad, who do we call?

Mr. Richards stated to my knowledge at this point there is not a ...

President Eddings stated the automated.

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Mr. Richards stated the automated required.

Vice-President Broady stated ok.

Attorney McCall stated the dedication, do they guarantee that they will grant the easement and dedicated it to the town is there a surity to that or is it simply...

Mr. Richards stated according to Mr. Ceclor who is the President, has told us that they will grant to municipalities, now I didn't remember, this all happen very quickly and we were trying to still maintain a closing for friday and then in talking to Rod Pate and he kind of gave us some direction, we kind of put it on a fast track because at this point we can't do anything we are at a stop sign and the auto crossing is down so we did not go into great details with Mr. Ceclor other than the fact that he wanted me to, if it was a municipal owned street the permanent would be granted.

Vice-President Broady stated we will check into it and see what all we need to do and we can handle it at the next meeting which will be in two weeks and that is probably the best we can do.

Council Member Alexander stated another thing, doesn't our ordinance require so much of that to be completed before it is accutally dedicated? I mean as far as continuing on.

Mr. Richards stated that is what we are saying, we realize, I think that there is supposed to be a certain percentage that has been completed and that is why we would only be dedicating back to the "T" of where the asphalt is to now and the rest would be dedicated at some point in time when we do get to that point.

Council Member Alexander stated right, but then as far as equipment coming in, the reason we do that is because as you construct we will get a wavier saying hey look if you all tear the road up before it is completed...

Mr. Richards stated and we would have no problem to continue on even at this point for any problems on the road or what so ever for a year or two no matter what.

President Eddings stated basically you need the railroad crossing taken care of, we, if the road doesn't go it doesn't go. I mean, that doesn't stop you.

Mr. Richards stated the road has to be, for them to grant that, that easement, according to Mr. Ceclor the road has to be dedicated to a municipality.

Council Member Alexander stated the only other question that I have is, is Industrial Park different, John, as far as curbs and gutters?

John Toombs stated yes.

Council Member Alexander stated they are different?

President Eddings stated ok, thanks alot.

Mr. Richards stated ok, at this point what would you like from us?

President Eddings stated nothing, it will be about two weeks.

Mr. Richards stated ok, thank you very much.

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Clerk Treasurer Schafer stated I'll put you on the agenda.

President Eddings stated ok, Lewis and Trinett.

MRS. IMHOFF ADDRESSES THE COUNCIL/GREENWOOD SUBDIVISION.

Mrs. Imhoff stated we had asked for on Dec. the 22nd a signature stating that Greenwood Subdivision that was voted on would... As previously indicated on the minutes, which I have with me, if you need a record of those, I have each one of you something to read and then if you will all sign that you are in agreement that you will assure that these issues will be followed through.

President Eddings stated ok, do we have anything on record on this? If we do.

Mrs. Imhoff stated yes, on the Zoning Board and I have minutes that I have with me that I have obtained from Mr. Pate. They are the minutes and I have the Dec. 22nd minutes where Mr. Bolly made a presentation stating that...

President Eddings stated yea, I remember him stating all of these things, I just need to know legal wise, can we sign this, I don't know how binding this...

Attorney McCall stated I don't think that it is binding at all, if you sign it saying you'll what? If they don't do it that you, that it is going to be place there.

Vice-President Broady stated I think that the scenario here is that what we have done is approved the zoning change and they have come to us now with a...

President Eddings stated draft plan for us to sign.

Vice-President Broady stated draft plan and we will go over that and make sure that the drainage is correctly done...

Resident stated they have to comply with all your specs that apply to the R-3 zoning.

President Eddings stated and before we sign that site plan it can be put on record, ok.

Mrs. Imhoff stated what I'm stating is it is not the drainage that is addressed in that letter. What it does address is that once the project is on its way, that within 6 months the promises that were made to Greenwood residents for our town stand point will be up held because I think that, that was an issue with the Zoning Board Mr. Pate made a comment that he would always vote in their favor with the understanding that these issues would be up held with the residents.

President Eddings stated that's what I'm saying...

Mrs. Imhoff stated and this will take up some of that comments that I had talked to about.

President Eddings stated what we are saying is that I think that in the site plan these things will have to be in the plan before we would sign it.

Mrs. Imhoff stated ok; so...and what assurance do we have as residents of Greenwood that they would follow that plan.

President Eddings stated you would get a copy of the site plan and we would sign it.

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Mrs. Imhoff stated what I want to know is, on good faith do you have a problem with signing it?

President Eddings stated I don't have a problem with signing it at all. I just don't know if that is legally binding for us to guarantee, our guarantee is we are not going to sign the site plan unless these things are in here, that is our guarantee.

Mrs. Imhoff stated ok, what about adding those to the plans.

President Eddings stated that would be fine.

Mrs. Imhoff stated maybe Mr. McCall would write something up that you all would feel comfortable signing, signing it with an understanding that.

Resident stated as far as the building specifications, as far as what the towns building specification the town doesn't require... But

President Eddings stated we do require some but not to the extent that we couldn't cut into.

Resident stated you all voted on it two meetings ago and we have some questions that kind of went through...

President Eddings stated is there anything we can do?

Attorney McCall I mean that you are committed that you are going to have one last opportunity that is going to come before you that has been represented at the meetings which the minutes are there that these things would be done, if that site plan doesn't get changed and those matters which have been represented to be done, in order to approve the zoning change, then you don't approve the site plan.

President Eddings stated right.

Attorney McCall stated if it is there then you approve the site plan and you committed to do that, so I mean you know. If you want to sign it sign it...

President Eddings stated I make a motion that we sign this.

Vice-President Broady stated we are willing to do this...And I'll be quite honest with you, I went with the people and looked at the plans that he brought in and we will make sure that...

Attorney McCall stated just one thing, the Town Of Sellersburg not the Town Council is responsible for putting these particular items in, it's the developers.

President Eddings stated right.

Attorney McCall stated and the way, then again it says it will guarantee the following will be constructed within 6 mo. initial ground breaking of the developer. You don't want to put yourselves in the position saying that if they do fail then we're going to put those items there.

President Eddings stated can you draft up something similar to what they have got... At anytime and states in there that he...Would that be ok with you all?

Attorney McCall stated I'll do that. I'll draft up.

Mrs. Imhoff stated do we just need to just keep coming? How do we know.

Vice-President Broady stated No, I don't think that the town, they'll be on the town agenda for final approval but it may be...

President Eddings stated I'll contact, I'll contact one of you when they get on the agenda for final approval of the site plan.

Resident stated can I ask one other thing there has been a bulldozer and all of those big heavy equipment coming through the Greenwood subdivision and Banner Ave. has been totally blocked and there is some kind of barrier wall but from my understanding that the Davis's have a right of way from 31 and I don't; is there anyway that the town can stop them from, they are going to tear up the road, I mean that there is big equipment coming in there and they come down my street in the mornings.

President Eddings stated where are they going?

Council Member Fenner stated where are they going and what are they doing?

Council Member Voyles stated where are they going?

President Eddings stated what are they doing?

Resident stated they are going back in that field. You can go around the baracaid but you have to come through Greenwood subdivision to get there.

President Eddings stated can they go up their own entrance to get there?

Resident stated they have to drive...Yea

Council Member Fenner stated it is blocked right now.

President Eddings stated no I'm talking about their...What do they call it.

Clerk Treasurer Schafer stated Lake Pointe Estates.

President Eddings stated Lake Pointe Estates.

Clerk Treasurer Schafer stated no they cannot because that is like a barrier.

Resident stated they have dug the lake all the way across and he has obtained easements for the road.

President Eddings stated but they haven't put a road there yet.

Resident stated I thought that there was a restriction on Greenwood road that heavy trucks weren't supposed to be on there.

Council Member Fenner stated that's another true factor.

President Eddings stated let us look into it.

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Vice-President Broady stated they couldn't be using it, there should be another way into there.

President Eddings stated let us investigate that.

Resident stated ok.

Mrs. Imhoff stated just to reiterate that Mr. McCall is going to draw up a statement that you all will sign.

President Eddings stated right.

Mrs. Imhoff state is that right?

Vice-President Broady stated and he is also going to forward a letter to Mr. Mongold and the Davis's telling them that everything will have to be complied with before we go through.

Mrs. Imhoff stated I appreciate that.

President Eddings stated ok, Pauline and Nina.

Mrs. Pixley stated I don't have anything.

President Eddings stated Christopher Jones.
MR. JONES ADDRESSES THE COUNCIL/WATER LEAK.

Mr. Jones stated service put in for my water and I have a leak and that is why I replaced it and I have a rather high water bill and I was wanting to see if I could up through the ground and water was running off through the sewer line, where it was leaking out and I had no idea that I had a leak until the meter reader read the meter.

President Eddings stated do you have bills?

Mr. Jones stated this is for December and this is for January, this is the one that you just recently received.

President Eddings stated gee that one is a little different. Do you have bills where you had paid someone to do the work?

Mr. Jones stated yes, there is the bill for service.

President Eddings stated ok.

Mr. Jones stated I had no idea that I had a leak until he saw my meter going crazy and you know I was just wondering if any of these bill might had been estimated because, you know...

President Eddings stated what we will do an adjustment, will do an adjustment is go back like ten months and find your ten months average.

Mr. Jones stated well they have made a history of the last two years.

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

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

Council Member Fenner stated I'll second it.

President Eddings stated seconded by Gary, any discussion?

Clerk Treasurer Schafer stated is that for water and sewer adjustment?

Council Member Fenner stated no, that is just for sewer.

Mr. Jones stated they have already gave me a sewer adjustment, I was wanting to know if I could get a water adjustment.

President Eddings stated ooh.

Mr. Jones stated it is \$209.00.

Vice-President Broady stated just for water?

Mr. Jones stated just for water. To twenty-one and eighteen. Your looking almost a years worth of service there and in this particular case something drastically.

Council Member Fenner stated have we ever done a...

President Eddings stated yes, on certain occasions we have.

Council Member Voyles stated I know we generally don't do it but that is just an outrageously high bill.

Mr. Jones stated you all can look at my history and I have always paid my bills on time.

Council Member Fenner stated you have made a motion and I have seconded it is it...

Council Member Alexander stated it was for a sewer adjustment. He has already got the sewer adjustment.

Council Member Fenner stated he already got the sewer adjustment, ok.

President Eddings stated does anybody want to make the motion on water?

Council Member Fenner stated I'll make the motion on the water, that we adjust the water.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, I would say that we would take the average. In most normal situations that water was used, it was used.

Mr. Jones stated yes sir, I understand.

Council Member Fenner stated that cost the town.

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Mr. Jones stated the water went into the sewer or the ground.

President Eddings stated ok I have a motion made and seconded, any further discussion?

Council Member Alexander stated so these will be looked at case by case.

Council Member Fenner stated yes.

President Eddings stated looked at closely.

Council Member Fenner stated Perry do you have a problem with it?

Attorney McCall stated not that I know of other than just the accounting stand point of it.

Council Member Fenner stated ok.

President Eddings stated Kendall is shaking his head, let's hear some input.

Council Member Fenner stated Kendall.

Mr. Coleman stated you just turned a guy down at the last meeting.

President Eddings stated I know.

Council Member Fenner stated but it was...

Mr. Coleman stated we have never done a water adjustment that I'm aware of.

Council Member Fenner stated yea.

President Eddings stated it was how much at the last meeting? I mean someone wanted an adjustment for \$20.00 or something like that, a toilet leak, we have a situation here where a man had a \$209.00 water bill.

Mr. Coleman stated that was the one out at Indian Oaks and it was up around \$400.00 and something dollars.

Council Member Voyles stated I think that we need to do it.

President Eddings stated water only?

Mr. Coleman stated yea.

President Eddings stated this is residential, is that residential or a business?

Mr. Coleman stated it was a trailer.

Council Member Fenner stated that was at the last meeting?

Mr. Coleman stated yea.

Council Member Voyles stated how much was it?

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Council Member Fenner stated \$20.00. Do you have the minutes Linda?

Clerk Treasurer Schafer stated Yes.

President Eddings stated we are scared of this can of worms.

Mr. Jones stated I understand that.

Council Member Fenner stated who was it? Do you remember?

Clerk Treasurer Schafer stated it was for the Mobile Home Park, wasn't it?

Council Member Fenner stated ok, Merle Allen, October 1997, water usage was \$125.80 and sewer was \$390.00.

Council Member Alexander stated we only adjusted the sewer.

Council Member Fenner stated and we adjusted the sewer and not the water and it was a \$125.00.

Council Member Voyles stated but each on an individual case.

Council Member Fenner stated but this one they couldn't find a leak, we had no evidence of a leak, so to me it is different, I mean we know that there was a leak and he has fixed it and he is a permanent resident and these people weren't, ok, and there was no evidence of a leak and they never found the leak, Kendall am I correct on that?

Mr. Kendall stated the one at Indian Oaks?

Council Member Fenner stated Yes.

Mr. Coleman stated yea.

Council Member Fenner stated ok, so it is a different situation.

Mr. Jones stated I have replaced it with a whole new service so hopefully this will not happen again.

Council Member Fenner stated ok.

President Eddings stated motion has been made and seconded and discussed, all of those in favor signify by saying I, opposed nay.

Vice-President Broady stated No.

President Eddings stated I's have it three to one. Kendall you do an adjustment.

Mr. Coleman stated ok.

President Eddings stated and we will sign it. Mr. Olson.

MR. OLSON ADDRESSES THE COUNCIL/EMPLOYEE'S BENEFIT.

Mr. Olson stated what I would like to do before I get started, we have put together

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employee benefit program for Sellersburg and what I have done is put a letter together to introduce myself and also references, feel free to contact them. As I mentioned in the interest of time I just wanted to submit a brief application introducing myself. First of all my name is Joe Olson, I act as the agent of record for a number of accounts here in Southern Indiana, that is employee benefits, that is what my specialty is, I wanted to be considered as the agent of records of Sellersburg, obviously there isn't any bids, including the applications of the records positions, if you appointed me it will allow me to act as your exclusive agent of records of employee benefits to obtain quotes, my main objective is to find the best possible insurance at the best rates for the employees in all areas of group health disability insurance, vision and dental and so forth. Two of the accounts that I currently serve as agent of records for you may recognize and that's Clark County Garbage Employees and also the Lifespring Mental Health Service Employees and feel free to contact the Commissioners of Marianne Hill at the Lifespring Mental Health is the executive director of human resources. does anybody have any questions?

President Eddings stated you can represent the same company that we have.

Mr. Olson stated excuse me, yes.

President Eddings stated does anybody have any questions? Ok, Thank You.

Mr. Olson stated Thank You.

President Eddings stated Mr. Kinder, EMC.

EMC/MR. COLEMAN ADDRESSES THE COUNCIL/REVENUE REPORTS.

Mr. Coleman stated this is the water and sewer revenue report that we give out every two weeks. It covers the period of 1-26 thru 2-6-98 and the total revenues collected for that period was \$19,232.93 and the other item that I have is the monthly invoice for the NSF, meter deposits there is a sewer tap refund that was approved at the last board meeting and the monthly sales tax. This is a copy of the bills for Ms. Schafer and this your copy. Those are the ones that need to be signed, right there.

President Eddings stated ok, I'll entertain a motion to approve the NSF checks, meter deposits refunds and monthly sales tax.

Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Joe was there one on two invoices or did I miss one.

Mr. Coleman stated you had one on NSF, one on meter deposits, one on sewer tap and one on monthly sales tax. There was four.

President Eddings stated four. There isn't a Building Commissioner here tonight, Dave do you have anything?

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Vice-President Broady stated no.

President Eddings stated Gary?

Council Member Fenner stated No.

President Eddings stated Bill?

Council Member Voyles stated no.

President Eddings stated Ken?

Council Member Alexander stated you are going to handle this one?

President Eddings stated I'm going to handle this one, the speed limit thing.

Council Member Alexander stated then I have nothing.

PRESIDENT EDDINGS ADDRESSES THE COUNCIL/INDIANA ARMY AMMUNITION PLANT/SPEED LIMIT.
President Eddings stated you have nothing. Ok, I have got a couple of items, first the Clark County Council is looking at the Indiana Army Ammunition Plant and trying to develop way to best utilize that facility and looking at the surrounding areas of Charlestown and Jeffersonville and Utica, which would be the initial municipalities that would have annexations rights to the plant should it be privatized. What they are asking for is we, the Town Of Sellersburg really has no claim to any annexation to anything that would go on at the Ammunition Plant, however we, they have asked us to show our support in there approaching the government in trying to privatize the ground so that we can get revenues off of the real estate as become private and those tax revenues while they would benefit Charlestown and Jeffersonville greatly they would also benefit other municipalities in the county because of the tax rate because so much of that goes to the municipality and so much goes to the county which gets redistributed back out to the Bordens and Henryvilles and Sellersburg and they are asking for our support in their efforts in the negotiations with the Army Ammunition Plant in trying to get the Congressman and the Senator involved in trying to get this deal something that would come to pass and they have asked us to sign it so I'll entertain a motion to.

Council Member Alexander stated I'll make a motion for Doug to sign it.

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Alright, Perry can you get this back to Dave? The other thing I have is the Indiana Department of Transportation is requesting that we look at changing the speed limit on 31, I think just so many block out of town it goes from 40 m.p.h. and what the Department of Transportation is wanting us to do is make it one consistence speed down 31 of 50 m.p.h. that seems find to me. I travel up and down 31 alot that little short spurt which is only about to our subdivision, the Greenwood entrance, you get a little bit farther than that you have to drop back down to 50 anyway. So I'll entertain a motion to change the speed limit on 31 from 55 to 50 m.p.h.

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

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

Council Member Voyles stated I'll second it.

President Eddings stated seconded by Bill, do we have any discussion?

Mrs. Pixley stated I don't like it.

President Eddings stated you like to go fast don't you?

Mrs. Pixley stated I think that it should stay at 55.

President Eddings stated it's only a short, the only thing is, is that it is only a short span there and then it drops down to 50. We just want to make it consistence, it is alot longer at 50 then 55 and then it drops down to 40 when you come into town. It is less than a mile. Is there any further discussion? If not all of those in favor signify by saying I, opposed nay, I's have. If I approve it...

Clerk Treasurer Schafer stated you write approve after you sign it on the...

President Eddings stated right here.

Clerk Treasurer Schafer stated yea, you sign there and then in the area under the date you write approve.

President Eddings stated under here.

Clerk Treasurer Schafer stated yea.

President Eddings stated ok, Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL/ZONING CHANGE.

Attorney McCall stated I just have the... You have the agreement I suggest that you wait for the next meeting to let Mr. Nunn have a chance to look at it and review and the only other thing that I had is a you recall Mr. Sprigler was here before and had presented a, and had been before the Planning Commission petitioning a request for a zoning change and the Planning Commission approved and found out that it met the requirements of our zoning ordinance and the Town Council agreed to do that and the only thing that hasn't happened is been an ordinance approving that zoning change, I believe that it was from agriculture to a R-3.

President Eddings stated R-1

Attorney McCall stated is it R-1, I wasn't sure and I talked to Mr. Sprigler and he believed that it was R-3 so I'll make it a R-1 on the original and Mr. Sprigler would have had his attorney do this but he was out of town, so I will present this ordinance No.98-688 to be considered on a first reading and then to be approved on a first reading.

President Eddings stated ok, I'll entertain a motion to consider ordinance No.98-688 on the first reading.

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

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

Council Member Voyles stated I'll second that.

President Eddings stated seconded by Bill, any discussion?

Attorney McCall stated Mr. Sprigler is here so if he wanted to...He really needed to get it done, I think that he needed to present it else where. So that is why I went ahead and prepared it late this afternoon.

Council Member Alexander stated the only question I had was, if you wanted to go ahead and vote on that, it really didn't have any, is what kind of mechanism you were going to have for taking care of the pond area. Where the grass needs to be mowed there.

Mr. Sprigler stated I talked with Bob Stewart and what I am going to do is I am going to let the home owner and it is in the covenant and in the deeds also. I am going to have to have it done...And the lake.

President Eddings stated ok, is there any further discussion? If not all of those in favor signify by saying I, opposed nay, nothing 5 to 0, I'll entertain a motion to adopt ordinance No. 98-688.

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

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

Council Member Voyles stated I'll second it.

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

Attorney McCall stated does thatome have an exhibit attached to it?

President Eddings stated yes it does.

Attorney McCall stated then that would be all I have.

President Eddings stated Linda.

Clerk Treasurer Schafer stated where is the ordinance?

President Eddings stated they're signing it.

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL/KOETTER CONSTRUCTION DAMAGE TO THE BUILDING.

Clerk Treasurer Schafer stated I'm a step ahead of you evidently. I received an estimate from Koetter Construction on the damage on the building due to the snow, it was \$10,250.00, does the council want me to get a couple more bids?

President Eddings stated didn't Earl say go ahead?

Vice-President Broady stated once we got the estimate we were supposed to call Earl Bonville, did we do that?

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Deputy Clerk Crawford stated I didn't get it...

Clerk Treasurer Schafer stated no because I didn't know if you wanted additional bids.

President Eddings stated see if he wants additional bids.

Vice-President Broady stated once we got that estimate he was going to call the Insurance Co.

Clerk Treasurer Schafer stated well this estimate sort of leaves it open, it says what they can see, that is what they think it is going to be, they are really not for sure.

Vice-President Broady stated we are going to pay the ~~maximum~~ deductible which is \$1000.00.

Council Member Alexander stated to keep it from doing it again. From what I seen it was the old building and there was no actual support.

Vice-President Broady stated I brought it up that should we believe that is because of the poor architectural design is this going to happen again, if we put it all back and we get another 21 inches of snow...

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL/HECKMAN, MCCARMIN FOR LEGAL SERVICES.

Clerk Treasurer Schafer stated I received these bills from attorney McCall, through the mail, did you want anything done with these? They were tabled at the last meeting from Heckman, McCarmin, for legal services rendered for cost incurred.

Attorney McCall stated the rate council.

Clerk Treasurer Schafer stated yea, but I didn't know since they were tabled from the last meeting.

Attorney McCall stated well just to give them time to consider them...

Clerk Treasurer Schafer stated to represent them or what you wanted to do with them.

President Eddings stated I'll entertain a motion to pay for legal services rendered for rate council in the amount of \$383.00 for Hackman McClure and Carcraft and one for \$910.00 for the same firm and one for \$125.00 for the same firm.

Vice-President Broady stated that is involved with our rate study?

President Eddings stated I.U.R.C.

Council Member Alexander stated the rate council.

President Eddings stated the rate council.

Council Member Fenner stated you have confirmed these Perry?

Attorney McCall stated they sent invoices.

Council Member Alexander stated is that on the water?

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Clerk Treasurer Schafer stated they are in civil.

Attorney McCall stated it is on the civil. I don't know why...

President Eddings stated it needs to be on water.

Attorney McCall stated just put them on water so just...

Clerk Treasurer Schafer stated you can approve them and...

Attorney McCall stated just transfer...

Clerk Treasurer Schafer stated I can just staple them onto.

Attorney McCall stated maybe we need to send them new claims.

President Eddings stated that would be a good idea.

Attorney McCall stated would that be water?

President Eddings stated yea, that would be the only thing that they need.

Attorney McCall stated water utility claims?

President Eddings stated I'm still waiting for a motion to pay them.

Council Member Alexander stated I'll make a motion.

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

Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. Just sign these and it will be alright?

Clerk Treasurer Schafer stated yea, and I will just attach them to...

Attorney McCall stated do you just want to send me some claims or put them in my box and I will mail them.

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL/ATTORNEY FEES.

Clerk Treasurer Schafer stated I would like to submit a claim for David Lewis for \$3,865.00 to be paid out of the water and or sewer.

President Eddings stated I'll entertain a motion to pay the attorney fees out of water or sewer.

Vice-President Broady stated are these attorney fees incurred in 1997?

President Eddings stated yea.

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President Eddings no one makes a motion? Dies for lack of motion.

Clerk Treasurer Schafer stated I would like to present a claim for \$5,500.00 to Lonnie Cooper for, to be paid out of the water and or sewer.

President Eddings stated I'll entertain a motion to pay attorney fees for Lonnie Cooper out of water and or sewer for 1997 charges. Dies for lack of motion.

Clerk Treasurer Schafer stated I would like to present the voucher to Lonnie Cooper for an agreement contract that I in official capacity of Clerk Treasurer has entered into an agreement for an appeal, out of this years budget for \$6,000.00 out of the 1998 budget.

President Eddings stated ok, I'll entertain a motion to pay for a \$6,000.00 attorney fee agreement to Lonnie Cooper for the appeal out of the 1998 budget.

Council Member Fenner stated I will make a motion just so we can discuss it.

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

Council Member Alexander stated I'll second it.

President Eddings stated seconded by Ken, any discussion?

Council Member Fenner stated \$6,000.00 is all the appeal is going to cost?

Clerk Treasurer Schafer stated that is what he is charging, An appeal is much, much more expensive than that but being that I have no access to any funds he is willing to except what I have to offer and I appreciate that.

Council Member stated what if the appeal only goes to...

Clerk Treasurer Schafer stated an appeal is normally, what Perry, you should know about that.

Council Member Alexander stated how many hours, how many hours?

Attorney McCall stated it depends on the appeal, in a normal case it is probably, in this case we don't have any transcripts to deal with, I don't know what the cost of the appeal, I mean he bills what he bills and he does what he does and the only thing that I have to say is that the agreement was that it is a contract between the Clerk Treasurer and Mr. Cooper which is what they can do but it binds the town to pay a cost associated with the cost of the appeal which could be transcripts or coping or whatever those cost are. Cost are different than attorney fees they are incidental expenses, I don't think that the contract between Linda and I told Mr. Cooper this before can bind the town. So she can contract with whatever she wants to but I don't think that she can bind the Town Council for the cost of the appeal. The other thing that I think I mentioned in the memo was that the appeal may be \$6,000.00 or it may be less it may be \$1000.00, it may take...I don't know how long it will take, I mean these issues has been out there for a long time and they are straight forward and Judge Donahue has indicated numerous that it is simply a legal argument. there is no factual basis that needs to be stated by the court of appeals so it may take \$6,000.00 it may not, what you have to make clear on the record is that once you pay the amount

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appropriated that is it, that there is not going to be any additional amount appropriated because that is what was appropriated for 1998 as is, you know...

Council Member Fenner stated the way that this contract is written though, if he worked one hour we would still pay him \$6,000.00?

Attorney McCall stated yea.

Council Member Fenner stated or if he worked 600 hours, we would pay him \$6,000.00.

Attorney McCall stated yea.

Council Member Fenner stated so if they dropped the appeal tomorrow, we are still obligated to pay him \$6,000.00.

Clerk Treasurer Schafer stated I will not drop the appeal, I assure you..

Attorney McCall stated but if you have already paid it at that point and the other aspect of it, and again. I lost my train of thought when you asked that question.

Council Member Fenner stated I'm sorry.

Attorney McCall stated that's ok, it will come back in a minute. Was that you are talking about this contract. This contract is talking about appeals process only, Ok and I don't want the Town Council to be lead into thinking that you are paying \$6,000.00 for the appeal and that's not all legal services the town, The Clerk Treasurer under the appropriations will receive and I don't want you at the end of the year dealing with additional bills for additional services that were different than the appeal saying tht those were exclusive of this appeal that the...That is why you do not need to be a party of this contract, not to be in it anywhere or have anything to do with it to bind the town in any way simply you approve the appropriation of the amount that was appropriated which was \$6,000.00 and if that is how she wants to spend \$6,000.00, she can spend \$6,000.00, that way but make it clear on the record that here today that \$6,000.00 is going to be paid because that is the amount of the appropriation for 1998.

Council Member Fenner stated this contract really as far as the Town Council is concerned is really not necessary because if she submits an appropriation for up to \$6,000.00, from her budget, that has been budgeted then we are obligated to pay it.

Attorney McCall stated yea, I mean, the Town Council didn't have anything to do with the contract she can contract, she didn't even have to show us the contract, it is on terms that she deems appropriate and it is her contact and she can do with what...The only problem is in that contract that contract is, is that I saw and again I addressed this with Mr. Cooper is that she includes the town for incidental expenses and you are not obligated.

Council Member Fenner stated the other thing that bothers me about a contract like this is simply that the budgeted item in there is for all consultations for the Clerk Treasurers office and that means if she needs some accounting...

Attorney McCall stated all the fees.

Clerk Treasurer Shafer stated I do not need any accounting help.

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Council Member Fenner stated if she needs accounting help or if she needs computer help...

Clerk Treasurer Schafer stated I don't need any computer help.

Council Member Fenner stated or if she needs any kind of help, she has got the whole year and that is what the budget is for and if we approve this contract then we have wiped out that budget completely for one thing that she is going to sue us with and...

Clerk Treasurer Schafer stated do I have a chance to speak? Are you, do you not contract Perry McCall for \$28,000.00 a year? Do I not have a right to contract, do you feel you earn \$28,000.00?

Attorney McCall stated sometimes, sometimes I don't.

Clerk Treasurer Schafer stated does it matter if you work an hour...

Attorney McCall stated but I have had this thing and I have spent probably way over \$28,000.00 legal fees in the last year and a half defending this lawsuit. If I billed you an hourly rate it would probably be up to about \$40,000.00 in this situation but no I haven't I have been dealing with this situation since last year, April or February, I take that back, I mean there is \$6,000.00 appropriated, that is all I'm saying, whether or not your entitled to legal council or not, we have already...

Clerk Treasurer Schafer stated you are exactly right.

Attorney McCall stated that you are but what we have not proceeded is that you are going to be able to bill once that amount is paid, that is all I'm saying, if you pay the \$6,000.00 make it very clear on the record that, that is all that is appropriated, regardless of if this appeal goes to the Supreme Court of the United States, \$6,000.00 is all that you are going to appropriate for that.

Clerk Treasurer Schafer stated if the is what it takes that is where it is going.

Attorney McCall stated well if that...That's what I'm saying that is all that is going to be paid and it doesn't have a thing to do with the legal issues it has to do with what her ability to contract is and the statues says that she can and if she does, she does and you pay her, the only point that I think Gary was making is that, you know, one hour verse one hundred hours, it is still \$6,000.00 and you give it all out.

Council Member Fenner stated I would like to suggest that we...

Clerk Treasurer Schafer stated can I ask another question?

Attorney McCall stated because if I, let's put it this way if I respond to the appeal your not going to pay me a lump sum, I'm not going to send you a bill for \$10,000.00 and say this is what I anticipate that this is what it is going to cost you, I am going to have to itemize it each week or each month when I submit a voucher to you on the appeal, that is pursuant to my contract.

Clerk Treasurer Schafer stated you said that you would do it for free.

Attorney McCall stated if we lost on, I would have done it for free but we didn't lose, we won the appeal, we won the case in the trial court on both issues of the attorney's

fees and the...

Clerk Treasurer Schafer stated I'll have to check the minutes...

Attorney McCall stated check the minutes.

Clerk Treasurer Schafer stated because you said that the appeal...

Attorney McCall stated check the minutes, check the minutes.

Clerk Treasurer stated would be for free.

Attorney McCall stated check the minutes.

President Eddings stated ok, we have had enough discussion on the issue, the motion has been made and seconded I'll call for a vote all of those in favor signify by saying I,

Council Member Alexander stated I.

President Eddings stated opposed nay, nays have it.

Mrs. Pixley stated hasn't Mr. McCall had other things that we have paid?

Attorney McCall stated No.

President Eddings stated no, we have never paid for...

Mrs. Pixley stated what was that attorney bill you paid, what was that for?

President Eddings stated that was the rate council.

Mrs. Pixley stated why couldn't you council them?

Attorney McCall stated because that is their expertise, in the Utility Regulatory Commission.

President Eddings stated that is a completely different thing.

Vice-President Broady stated the Town Council recognizes the fact that we are going to be sued and sued and Linda is going to get the \$6,000.00 that she is obligated to do but what I think that what we are saying that we are not going to approve a contract per say but if she comes in here next week and has a bill from Lonnie that says that he has done so many dollars worth of work then we have to approve that up to \$6,000.00 and I think that is what the Town Council is trying to present we don't want to get into a contract situation and be paying for something that we are really not obligated to under the contract now Linda may sign a contract with Lonnie for that same amount.

Clerk Treasurer Schafer stated what is the difference here? You contract Perry.

Vice-President Broady stated Perry has nothing to do with it, what we are talking about is what you're doing and we are obligated from what we understand to pay that amount for an attorney that you hire as billed to us up to \$6,000.00 and not get into a contract.

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You can sign a contract and as he goes along he can bill us and I think that at that time the board would be obligated to pay those bills up to \$6,000.00 it's just a matter of how you want to do it but not for us to get into a contract because we don't have an obligation to sign a contract to Lonnie for \$6,000.00 that makes sense. Did that sound good to everybody?

Council Member Fenner stated yea, still the bottom line is that, that is the tax payers money being used to sue ourselves.

Mrs. Imhoff stated yea, but isn't she voted our Clerk Treasurer the on that we voted in.

Clerk Treasurer Schafer stated you are exactly right.

Mrs. Imhoff stated so therefore isn't that the person that we put into that seat to do that position that she has not been able to do.

Council Member Fenner stated exactly.

Council Member Voyles stated no.

Mrs. Imhoff stated shouldn't she be using the taxpayers' money to be getting the position back that we voted her in to do in the first place. I mean I don't understand that, I really don't...

Mrs. Pixley stated I would like to say something else, is there, I know that EMC is collecting this money our sewer and water is there anyway that we can audit them?

President Eddings stated well I'm glad that you brought that up because we have been kicking around the idea that we would really like to have an independent accounting firm come in so we can settle the issue and get the truth out on the table. We would like to have somebody like Monroe and Stine completely independent of the town and completely independent of the state have them come in and number one tell us ok, we have entered into a contract with EMC here is how efficient we operated before and here is how much money we have collected and here is how we collected it, here is the amount of man power it took to collect the money on the water utility side and here is where we are at now and we have a contract with EMC and here is the amount of money that they are collecting and here is how we think that they are running the operation and here is the man power it took to run the operation and also come in and do on the municipal side of a how many man hours it takes to run the municipal side and tell us if we are better off now than when we were are we saving money.

Mrs. Pixley stated let me ask you something was there any dispute when Linda handled the money, when she took care of the money, was there anything that was wrong when she was taking care of the money?

President Eddings stated no but we are talking about efficiency.

Clerk Treasurer Schafer stated are you saying that I was not efficient?

Mrs. Imhoff stated is that the way Jeffersonville runs...Have you had any type of survey to see how other towns run?

President Eddings stated all we are saying is, is that you put us in a position...

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Mrs. Imhoff stated how they run the town and see how they do it, EMC...

Vice-President Broady stated I agree. If you all wanted EMC permanent.

Mrs. Imhoff stated would that be voted on among you all or would that be or would this be a town issue should this not be an elected and put on the poles.

President Eddings stated no, what you have to do...

Attorney McCall stated no you do not have to...

Mrs. Imhoff stated you don't have to Mr. McCall, this is our town.

President Eddings stated no what you do is...

Attorney McCall stated the statute says that you do not have to put it on a ballot, everything...

Mrs. Imhoff stated we are not saying that you have to, we are saying that...

Attorney McCall stated that is just the whole suit. There is a judge that has agreed with the Town Council there is a judge that has agreed with the Town Council already...

Mrs. Imhoff stated that is not the point.

Attorney McCall stated that is the point because you are saying that the town is not doing something that they're not, that they are not suppose to be doing a judge has already made a decision that at this particular point we are right and that we can do...

President Eddings stated you don't like where they stand, if you don't like privatization then you don't vote for them, you put someone else in office.

Council Member Alexander stated that is right.

Clerk Treasurer Schafer stated that is right.

Mrs. Imhoff stated that is true Doug but I don't understand why everybody is so antzie about putting that on a pole are you afraid that they may vote that out?

Council Member Alexander stated no because basically you can go out and everybody can state their opinion on putting it onto a pole whether it was good or not but you made a statement that if we went down the tubes those people are to be made responsible and it is just like...

Mrs. Imhoff stated no, no, no, you misunderstood me, I'm stating that if that is the way or the road they choose to go, and that is their choice, if they vote and the majority says that they don't want them in here, should they not be heard?

Council Member Alexander stated right, well I agree but...

Mrs. Imhoff stated then why are you all opposed at putting this on a pole?

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Council Member Alexander stated look at how many people live over in Indiana, I know that this isn't a good example but it is the truth, ok, that all of a sudden jumped on the UK band wagon because they were having a good year but when they have a bad year, when somebody has a bad year...

Mrs. Imhoff stated we are not talking about basketball.

Council Member Alexander stated let me finish, let me finish, I am just giving you an example, but when you are having a bad year ok, I didn't vote on that, I didn't want that, I mean that is...

Mrs. Imhoff stated that is not the issue.

Council Member Alexander stated it is, if it is a good thing and it happens and it works people said yes I am behind it but if it turns out to be a bad thing they say who did that.

Mrs. Imhoff stated I don't understand, what is so wrong with putting this on a pole and letting the residents decide.

Attorney McCall stated so you want to put it on a pole or do you want to put it on a ballot? If you can find a mechanism to which this can be put on the ballot you show it to me and then present it.

Mrs. Imhoff stated when...

Attorney McCall stated because I don't know of any statutory mechanism by which this issue can be put on a ballot it is not like the other issue that we had here before where we dealt with talking yourselves out of the jurisdiction of the IURC where statute said this is why it can go on the ballot. It is not the same issue it is a different process so if you can find it where it says that this type thing can go on a ballot then present it, I don't know of anything that exist. Ok, let's say that I... Now if you want to do a pole...

Mrs. Imhoff stated what direction, I mean...

President Eddings stated we are going to have to move on. Let me just say this one thing, you know, this might be an issue that some of the people in the audience have that would like to be put on a ballot and then the next thing you know we might have a dog catcher issue and somebody comes in and says lets put that on the ballot and lets put that on the ballot and lets put that on the ballot and lets put that... And we would be sitting up there at the ballot pulling the poles for six months.

Resident stated if someone actually went out and got a petition of registered voters, how many voters signatures would it take to change the opinion of the people on the board that were elected by the people that were on the petition?

President Eddings stated well, I can only speak for myself, your not going to change my opinion unless you can show me where it is costing us money, I know that it is saving us money, tons of money and I would love to get the... I would too.

Mrs. Pixley stated I would love to see a full blown study.

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Council Member Fenner stated the problem with the idea of a petition is, is the fact that you have to be sure that the petition is presented accurately and is presented impartially and some of the petitions have been presented in the past have been presented, do this and they will never raise the water rates again, you know that was not accurate and it was not true but yet we get the petitions in here and we don't know what those people have been told and how those petitions have been presented and we are the ones that have been elected to make the best decisions that we can for the town, we are the ones that are elected and paid somewhat, a little bit, to investigate and study.

Council Member Voyles stated \$8,300.00. I think is what we get paid.

Council Member Fenner stated yea, that is right. No, but we are the ones that have been elected and trusted to do that and so therefore we have to make that decision based upon our conscience and our study and our investigation and just because there are three hundred, six hundred people that have been told the wrong story and have signed the petition doesn't mean that we are supposed to change conscience just because of that.

President Eddings stated we are looking into that.

Resident stated if we would do that alot of people that didn't know the issues would know the issues.

President Eddings stated yes, at least you would know the bottom line, black and white figure, this is how much you are saving.

Resident stated lets say everyone wanted to put EMC in here for 500 hundred years, how many names would it take to change somebody's vote on the board, with everything to a "T", of a petition?

President Eddings stated it is just one of those things that you would have to present it and the board member feels like he is representing those names in that petition then he could vote that way. You can't make somebody vote.

Mrs. Diefenbach stated would you point out where, before we went into EMC.

President Eddings stated I would like to have an outside firm do that, I would like to have somebody that is not.

Clerk Treasurer Schafer stated how could you make a comment like that when you don't know.

President Eddings stated well I can tell you that we did not collect the amount of money that they are collecting now, percentage wise.

Mrs. Pixley stated look how many PE...

President Eddings stated I'm not going to go any further into the discussion.

Mrs. Pixley stated look at how many more that has been added since they have been in.

Attorney McCall stated I think that I have that information.

Mrs. Pixley stated I think that, that is wrong.

Attorney McCall stated I think that I have got it. If you want me to get it to you.

President Eddings stated but I am not going to openly run somebody down.

Clerk Treasurer Schafer stated I wouldn't advise it either.

Mrs. Pixley stated well I would like to see it.

Clerk Treasurer Schafer stated because I would like to see it also.

Attorney McCall stated I will try to bring it to you.

President Eddings stated ok, I have a bill, everybody has had a chance to look at the bills and had a copy in their mail box, I'll entertain a motion to pay the bills as presented.

Council Member Fenner stated I'll make a motion that we pay the bills as presented.

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

Council Member Voyles stated I didn't get one.

President Eddings stated motion made by Gary and seconded by Ken, any discussion? If not all of those in favor signify by saying I, opposed nay, I's have it. I'll entertain a motion to adjourne the meeting.

Council Member Voyles stated I'll make that motion.

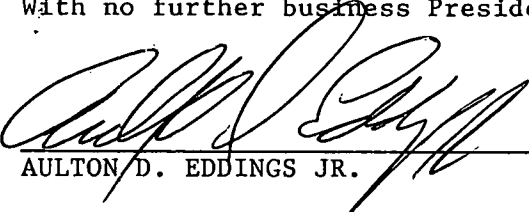
President Eddings stated motion made by Bill, do I have a second?

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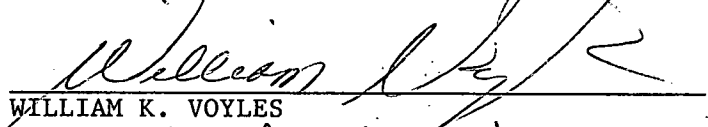
Vice-President Broady stated I'll second it.

President Eddings stated seconded by Dave, any discussion? If not all of those in favor signify by saying I, oppose nay,

With no further business President Eddings adjourned the regular meeting at 7:48 p.m.


AULTON D. EDDINGS JR.

DAVID BROADY


WILLIAM K. VOYLES

GARY FENNER


LINDA G. SCHAFER
CLERK TREASURER


KENNETH ALEXANDER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

February 23, 1998

Regular Meeting

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

Called To Order

President Eddings called the regular meeting to order at 6:31 p.m.

Prayer

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

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated will call the board meeting to order I've got 6:31 p.m. OK, each of the board members have a copy of the minutes in there mail box had a chance to review those minutes. I'll entertain a motion to accept the minutes from the last meeting as presented.

Vice-President Broady stated I'll make a motion to accept the minutes of the last meeting and of the executive session February 9th.

President Eddings stated motion made to accept the minutes and the executive session minutes for February 9th. Do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, oppose nay the I's have it.

President Eddings stated ok, the petitions before the council tonight Mr. Lotage.

Clerk Treasurer Schafer stated Lotich.

President Eddings stated Lotich, I'm sorry.

Mr. Lotich stated that's close enough I can live with that.

President Eddings stated that's close.

Mr. Lotich stated what I have here is the town benefit package for the town employees for 1998. Basically AHDS and are Health Insurance carrier with the town is going on the 7th year the 1991 rate's were 102 on a single 388.12 on a family, and then they had a increase 94, 92 3% in 93, 3½ in 94, 4% in 95 and a 5% decrease in 1996, 12% decrease in 97 and then we had a 3% increase for 1998. Basically get the family reate almost back right were it was were we first started out on the family side of it. The single rate are a little bit higher than what it was when we originally started.

DANNY LOTICH ADDRESSES THE COUNCIL/HEALTH INSURANCE.

How ever just a small increase over the previous years and considering the fact we had a lot of health problems in 1997 with the employees with the town we were expecting a lot higher and this one suprised me 3% was very good. On the group dental plan there were no increase the rates stayed the same on the group disability we had a two tenths of 1% increase with a total of \$8.00 a month for the entire group. That's the first increase they've had in 3 years on that plan. The group term life insurance stayed the same basically my recomendation would be to stay with the current plan inforce.

President Eddings stated is this the carrier.

Mr. Lotich stated Alternative Health Delievery System is the Health Insurance carrier, AHDS is what they go by.

Vice-President Broady stated what is there first...

Mr. Lotich stated 401.

Vice-President Broady stated we've got a little time.

Mr. Lotich stated basically what it is they start the payroll deductions March the first, pay period in March.

President Eddings stated the first pay period in March.

Mr. Lotich stated the end of February so we can get ready for the first pay period in March for any employees.

President Eddings stated any questions?

Vice-President Broady stated in other words we've got to have it done tonight or were in trouble.

Mr. Lotich stated no not really in trouble.

President Eddings stated no.

Clerk Treasurer Schafer stated the increase on the payroll in the future...

Mr. Lotich stated the current disability carrier is principal. They have been the carrier for the last 7 years. American United Life carries the group term Life Insurance they've also carried the plan for the last 7 years. The same rates for the last 7 years I did look at an Alternative quote from which I did not bring with me. There rates were almost identical and they were offering a \$250.00 deductible, the 25,000 co insurance and this plan is a 10.00 co pay at the doctor office 100% and the hospital was a 10.00 prescription drug card and its a 10.00 for the initial visit and the baby is free. This is probably the cadillac...

Clerk Treasurer Schafer stated no you can't have a baby for 10.00, no.

President Eddings stated this doesn't have to be acted upon tonight. We have until March the 1st to act upon the renewal.

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Mr. Lotich stated I'll give Linda the paper for the signing of the renewal.

Council Member Alexander stated most of the employees like this plan I mean with all health insurance which we've been really lucky over the last...

President Eddings stated April 1st., I'm sorry.

Council Member Alexander stated April 1st.

President Eddings stated we do not have to act for renewal until April 1st., so does everybody just want to review it?

Council Member Alexander stated last year all the employees were more than satisfied with it were talking about 3% increase.

Mr. Lotich stated I think Mark Warren's heart attack and open heart surgery cost him \$30.00.

President Eddings stated there is other things we need to talk about. Someone make a motion to table it next meeting.

Council Member Voyles stated I'll make a motion to table it for the next meeting.

Council Member Alexander stated I'll second it.

President Eddings stated motion made and second it by Ken, any futher discussion? If not all those in favor signify by saying I, oppose nay, I have it. Thank You.
Mr. Richard or Jesse or both.

STAN RICHARDS ADDRESSES THE COUNCIL/DEDICATING THE STREET TO THE TOWN.

Mr. Richards stated yes I'm just following up with the meeting last time. At this point and time as far as the dedicating the street to the town do to the unknown factor with the ground were the railroad actually sets on we will be filing for a quite title on that property and at that point and time once that is cleared up then we will at that point approach the town as far as deeding it to them. The only other reason were here then is in regards to the letter reinterrating whtat was done in 1995 as far as the right away off of Beam road through Development Way and we had, I don't know if Mr. McCall was able to get that information.

Attorney McCall stated I talked to you probably around 4:30 p.m. I guess and put it on Town Of Sellersburg letter head and its my understanding talking to you Richard that this is needed for those people that are wanting to come into the industrial park for there...

Mr. Richards stated title insurance.

Attorney McCall stated title insurance.

Vice-President Broadys stated are they still intreested.

Mr. Richard stated well were suppose to approach them to again tommorrow, and we do have however I do have a, another company that will have they said they will have something to me early next week as far as a , a manufacturing facility that look at bring

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90 employees with 70,000 square foot, warehouse facility.

Attorney McCall stated in regards with this I guess agreement interration is something you've guys, Town Council past. That looking for some proof that it did in fact exist I did not find anything, it may be the Town Council minutes at some point but never the less do what we agree to...

Council Member Alexander stated will this solve the problem with the right away with out actually having to take over the road?

Mr. Richards stated were not 100% positive at this time Ken we know the existing one we had as we spoke the last time, we needed a right away we didn't know how quickly it did need to be done but last Thursday we recieved a cancellation letter from the company that was looking at locating on 15 acres there do to the fact they could not take a clear title, for title insurance for the bank to loan them the money were still in the process of trying to salvage that and that's the reason for getting the reinformation form the Town Council with this letter stating that there is an additional right away into the park other then across the railroad tracks. So at this point and time that what were looking for that letter so that we can go back and re-emphasize to them in writing from the Town Council that there is in fact another right away into the park and that they are not land locked.

President Eddings stated that's agreed upon right.

Council Member Alexander stated I guess the only other question is how will the pond effect the right away going through the, John...

Mr. Toombs stated it could be widened all the way.

Council Member Alexander stated I mean will it have any affect on the pond having the pipe running over were it connects to the sewer plant.

Mr. Toombs stated pipe.

Council Member Alexander stated yes, the pond.

Mr. Toombs stated the pipes are all under ground.

Council Member Alexander stated that's right so that won't have any affect.

Mr. Toombs stated I don't think so, it goes under the road now.

President Eddings stated we've got sewer pipes underneath 31 and it gets just about as much traffic as you...

Council Member Alexander stated the roads opened up now so I don't have a problem.

President Eddings stated I'll entertain a motion to sign the agreement as presented by, as review by Perry and presented by...

Mr. Richards stated Stan Richards.

President Eddings stated Stan Richards.

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Vice-President Broady stated I'll make a motion that we do so.

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

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion?

Council Member Alexander stated is this just the Bean road or the private crossing.

President Eddings stated no thats got to be done you've got to get a quite title for that. any other discussion if not all those in favor signify by saying I oppose nay I's have it. Now you need one signature or you need all signatures or, I'll entertain a motion to let me sign this agreement for the board considering to sign, never mind.

Mr. Richards stated when will I be able to get a copy from you.

Clerk Treasurer Schafer stated right now.

Mr. Richards stated ok.

Clerk Treasurer Schafer stated as soon as it's signed. Will you go make a copy for him.

Council Member Alexander stated when do you start construction on that road could you do us a favor and get rid of all those trees the ones over the top of our drying beds, could you all get rid of those.

Mr. Richards stated uh, yea we will get with them and see what we can work out to get some of that cleared out, so we can come up with some kind of arrangement at that time point in time.

President Eddings stated ok thank man.

Mr. Richards stated ok thank you.

President Eddings stated Chris Marshall.

CHRIS MARSHALL ADDRESSES THE COUNCIL/TOWN MAPS.

Mr. Marshall stated with Proview Specialty advertising ah, approximately 4 years ago I put together this brochure that you guys are familiar with that brochure. Its got county and copy of picture and then the city on the inside I assume you guys have all seen that. What I purposing to do is to update the brochure put more color in it this time and basically bring the thing up to date uh, you know the map and the copy of the pictures. This comes with no direct cost to the city obviously, its advertisers supported you guys end up with the bulk of the product ah I'll distribute as supply to each advertiser and the you guys will get the rest of them of course their free and I'll make it clear to them they have to come to you to get more maps, but ah its full color its obviously enhanced quite a bit. I have you take a look at that as I said I approach the advertisers place of business it a soft it a soft see deal. Last time around we did 5000 and of course we will distribute the supply to each advertiser and the rest of them will come to you. I'm assuming you guys can get several years again anyway like I say I started in March of 94 so by the time we get the next one up dated and delivered it will have been a solid 4 years but you guys will be free to look at the proof in black

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and white and make any updates any corrections, you would want to make and uh I think its just...

Clerk Treasurer Schafer stated Dave helped with it before.

Mr. Marshall stated yea Bill could check with Dave or John either one.

Clerk Treasurer Schafer stated you did a great job.

Vice-President Broady stated yea this is great.

Chief Kinder stated Stan, Stan, yea the police helped with it I would like to see it expanded down toward...

Mr. Marshall stated Hamburg.

Chief Kinder Kinder stated even some of the new areas were taking in. Where Clarksville is but its Sellersburg that is where the problem is.

Mr. Marshall stated what we could do is ah well we can bring and uh increase the size of the paper or draw the thing from scratch anyway so its as long as I have something a base map to work from we can send a photo copy anything its all scanned and redrawn so we can it may not be exactly the scale but I know we can get it all in there.

President Eddings stated this is real good, this is great really good.

Mr. Marshall stated good deal. Ah, last time around I worked a little of introduction, its not so much an endorsement its just to let people know that the city will distribute and you guys will get the bulk of them and I like to do that again if possible it really basically just lets them know you know lets you guys know that I'm out there doing it thats the primary reason.

President Eddings stated uh, I don't have a problem with that do we need a motion on that or anything thats something that's really been good.

Mr. Marshall stated yea, I think the full color goes really well, it benefits the advertiser pretty much as far as the uh letter of introduction uh I just work with Linda on that or the Chief or whoever.

Clerk Treasurer Schafer stated uh I can type it.

President Eddings stated you want...

Mr. Marshall stated ok.

President Eddings stated this is easy.

Mr. Marshall stated I appreciate your time.

Clerk Treasurer Schafer stated Thank You.

Mr. Marshall stated thank you very much for your time.

President Eddings stated thats ok.

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Mr. Marshall stated I get with you tomorrow.

Clerk Treasurer Schafer stated ok.

Mr. Marshall stated Thank You very much for your time.

MR. CONREY ADDRESSES THE COUNCIL/SEWER ADJUSTMENT.

Mr. Conroy stated it actually Conrey I believe I have it should be Tim Conrey.

President Eddings stated Conrey?

Mr. Conrey stated its rey.

President Eddings stated that's what I thought.

Mr. Conrey stated about a couple of times, I would like to thank you for allowing me to come to before you just for a few minutes. Uh, I had a sewer bill this last month and I put my last two sewer bills uh water and sewer bills on the sheet there so you could just kind of compare them uh going back the bill that I said in December then January and uh we discovered a leaky toilet inside the house in fact we had a leak in fact I appreciated the fact one of the service men came around to read the meters he actually came to the house and asked my wife if we knew that water was continually running and if he probably hadn't of done that we probably wouldn't of caught it when we did. Uh so at that point we had the toilet repaired and so really I just coming before you, you know is to petition you to if possible for some kind of adjustment on the bill uh its I really didn't have a particularly have a figure in mind it was not an outside leak which the lady in the office had told me she wouldn't have any ability to do...

President Eddings stated right you have to come to the meeting.

Mr. Conrey stated I had to come before you so ah I asked if I could do that and uh, I just want to see if there is one way we could work out some kind of adjustment on the bill.

President Eddings stated do you have any kind of records of where you had the leak fixed or did you have a plumber fix it.

Mr. Conrey stated no I actually fixed it myself uh, uh, I bought a toilet repair kit and fixed it myself I really couldn't afford to have a plumber come I'm a teacher and so I have a small salary over all I couldn't do something of that nature so I fixed it myself.

President Eddings stated ok.

Mr. Conrey stated I was happy about that.

President Eddings stated uh.

Mr. Conrey stated uh, I don't know if you can make a decision at this time or not or what I, not really unless you feel like you might come up with a figure that would be fair I don't know if I would even want to do that but uh if you do take that in consideration

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or contact me I would appreciate that.

President Eddings stated what way do we usually do this Dave go back and review the last 10 months worth of bills and just do an average. I entertain a motion to adjust the sewer bill.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill.

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion?

Council Member Voyles stated this is for sewer only.

President Eddings stated sewer only. January you had 20 almost 30 bucks now you have 137.00 let me check here.

Mr. Coleman stated go back 10 months.

President Eddings stated what do we do, Kendall?

Mr. Coleman stated average the past year.

President Eddings stated I mean that's 29 or 30 bucks not normal or you need to divide and guess and adjust or somewhere around 30.00.

Mr. Coleman stated go back 12 months.

Vice-President Broady stated 12 months.

Mr. Conrey stated do I need to come to your office.

Mr. Coleman stated yea, I let the girls know tomorrow evening that you're coming and come in...

Mr. Conrey stated Thank You very much.

President Eddings stated any other discussion? If not all those in favor signify by saying I opposed nay I's have it.

Mrs. Pixley stated ah, I got one thing.

President Eddings stated alright.

Mrs. Pixley stated ah, the Cracker Barrel they ah they gave me a thing were they agreed once the funds their ah down payment within 5 months did they ever pay it? In the 5 months.

President Eddings stated is that...

Mrs. Pixley stated it was up in December.

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President Eddings stated we extended it once on the sewer tap. We extended it one time and its already expired again.

Mrs. Pixley stated its not payed yet.

President Eddings stated nope.

Mrs. Pixley stated are they going to get it at the same rate as everyone else. You did give them a good reduction on it I wondered whether they're gonna have to pay the same as everybody else.

Council Member Alexander stated it wasn't the reduction though ah, mainly because of the extensive work they were going to the property there.

Vice-President Broady stated we gonna have to go with the existing sewers there they talked about that. We talked about at that time ah how a package give and take type of situation.

President Eddings stated right.

Vice-President Broady stated like I said we should get over that ah its not expired they asked for an extension due to some problems ah that expired now they have another request into us.

Mrs. Pixley stated I just thought they might for the city you know I just trying to make money for the city you know I think they ought to pay the same as everybody else.

President Eddings stated yea were still trying to bring them in.

Mrs. Pixley stated they look like there in according to them.

President Eddings stated nah, yes and no they could back out at any time.

Council Member Alexander stated uh, alot of.

President Eddings stated they haven't got that much money in yet.

Council Member Alexander stated we'll no alot of reason behind the wait was the service tanks that were located in the ground and the uh, EPA cleaning all of that I mean they couldn't get a bank loan or even ah, they couldn't do anything with the property or close on it until certain things were from Sellersburg Motors were removed and the ground contamination was checked.

Mrs. Pixley stated how about the Adams place theres no gas on there.

Council Member Alexander stated no its all part of one property.

President Eddings stated its all the same property.

Council Member Alexander stated that was alot of the delay they were waiting for certain things to be removed and the E.P.A. ok...

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President Eddings stated which we're willing to work with this company to bring them in its still I think would be ah good thing for us to do.

Mrs. Pixley stated how come ah they got a tax abatement the other...

President Eddings stated they haven't got a tax abatement yet.

Mrs. Pixley stated it said so in the paper.

President Eddings stated it said they want a tax abatement they haven't got me yet.

Mrs. Pixley stated well I thought it said so in the paper that they had.

President Eddings stated you ought to know better than to believe what you read in the paper you're the one who writes in the paper a bunch of lies.

Mrs. Pixley stated I believe you.

President Eddings stated alright ah, Dorthea Barton.

DORTHEA BARTON ADDRESSES THE COUNCIL ON AN ADJUSTMENT ON HER CHURCH WATER BILL.

Ms. Barton stated I'm here on behalf of First Baptist Church and we had a water leak in I think the first large bill was in November and then we had on in December and we discovered we had a water leak so that was fixed and one of your representatives ah Blankenbaker was there and he said that he was aware and told me to come into the office and was told in the office that I would need to get and adjustment on the sewer I would need to come to you in the meeting so ah, look at November and December and I had another commitment last month and I couldn't make it so I do have the bill for the repairs, so I have that here.

Ms. Barton stated I also have a print out from your office showing you the what we averaged.

President Eddings stated did you have the bill, was expensive at the time.

Ms. Barton stated yes we have two thats were it was repaired.

President Eddings stated \$165.50.

Ms. Barton stated I don't really know ah I don't make the bills out I'm just the trustee.

Mr. Coleman stated yes.

Ms. Barton stated she's ah, I went into the office I think the one that ah, ah, the girl in the office I showed the one from December. The girl in the office printed the print out for me and ah...

Mr. Coleman stated what the gallon per month.

President Eddings stated yea thats the...

Ms. Barton stated I think thats the copy of the, there...

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Mr. Coleman stated December.

Ms. Barton stated we had two months that was large.

Vice-President Broady stated do you know which two months.

President Eddings stated December.

Ms. Barton stated November and December.

Mr. Coleman stated November and December, November.

Ms. Barton stated well its the November and December.

President Eddings stated November.

Ms. Barton stated well its the billing.

Mr. Coleman stated thats November and December.

Ms. Barton stated billing.

President Eddings stated ok, November and January.

Mr. Coleman stated November and January so November and December is right what valid is on November and December may be right.

President Eddings stated ok, thats November and December bill.

Ms. Barton stated did she do an average there in the office and she averaged it for so many months for, year to see the average.

Ms. Barton stated the girl in the office.

Mr. Coleman stated you just calculate it.

President Eddings stated do you actually know what month.

Mr. Coleman stated December.

Ms. Barton stated it would be November and December see November. your not billed until December.

President Eddings stated right.

Ms. Barton stated and then December your billed in January.

President Eddings stated I'd like to entertain a motion to adjust ah, the bill for First Baptist Church for November and December.

Council Member Voyles stated I make a motion to adjust the sewer bill.

President Eddings stated do I have a second.

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Council Member Alexander stated I'll second.

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

Ms. Barton stated Thank You.

President Eddings stated what you need to do is get with Kendall call him up at the sewer treatment plant have the girls in the office to see what you need to do to make the adjustment. Ok Chief.

Chief Kinder stated I don't have anything.

President Eddings stated Mark or EMC.

Council Member Alexander stated he's busy.

BUILDING COMMISSIONER/BOB STEWART ADDRESSES THE COUNCIL/FLOOD PLANE ORDINANCE.

Mr. Stewart stated we had a visit from FEMA back in January myself and uh Rod Pate and they want us to revise our flood plan ordinance and insert some new wording and they've given us a copy of what we have I believe its on the desk up there. I would encourage you to do that, I don't want to be hanged from a big tree, little tree won't hold me ah and just to make you really happy Wednesday afternoon I was told they were coming to town all of the property insurance rates for the town would be based on our ability to inform these people how well we do our building inspection type of construction of new properties and buildings so ah Rod Pate and I are going to try and meet this time and you know they come out they have a scoring system and the more points you score the lower your number, the lower your number the lower your insurance rates will be on ah residential this has nothing to do with fire insurance this is strictly on structural damage like wind damage, snow fall, things of this nature, since we didn't have any collapes during the big snow a couple of weeks ago I held my breath the whole time uh I think we lost one roof the whole time and it was on a mobile home so uh you know how those are built and I just hope that we go high enough to get a good grade on this. Nobody in the United States has a one they give you a ten for starters you don't earn it they just give it to you and if you get a lower grade than that, insurance premium will be lower than what we have. I have to come back to you after this meeting Wednesday come back and an active ordinance this week to help us a little more on this plain and what to do to bring our community up to date which we will know more after Wednesday.

Clerk Treasurer Schafer stated Is this from the uh, FEMA? Did you say.

Mr. Stewart stated no this is from ISO.

Clerk Treasurer Schafer stated ISO.

Mr. Stewart stated ISO this is Insurance Service Office there the ones they're an independent agency that does the ratings on every community and then the insurance companies all subscribe to the member of that organization and they have their insurance premium off what this board turns in.

President Eddings stated ok Thank You.

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President Eddings stated Dave...go ahead.

Mr. Toombs stated there is more to this thing than just redoing the ordinances. I haven't read all this thing but there's certain structures that are down there on Penn St. that they are apparently recognized as they were built in the flood plain or something sounds like a whole bunch of permits are going to have to be acquired those structures are buried. I haven't read all of this but there's more to it besides the ordinance and there's certain things you have to get done by March 31st.

President Eddings stated would that affect any development or uh Grainger Glass, all that on 31.

Mr. Stewart stated now part of that is Bonita Springs that has been uh handled by Jones Fields before they, they ok on that.

President Eddings stated so is that said and done or do you have to do something with it.

Mr. Toombs stated well there's a whole bunch of things in there that you're gonna have to do and I don't understand all of it yet I have to read it again and call them and talk to them about it.

President Eddings stated there's development, there's people wanting to expand in those areas.

Mr. Toombs stated that's right, it's going to have a bearing on that to coz I had a guy come in last week that wants to go over on 31 a couple of doors upstream from uh Grainger right across from Rods and I don't know if he can based on this.

President Eddings stated ok.

Mr. Toombs stated uh, another thing I've got is here you all got a copy of this and read it you don't want to worry about this right now but at the last meeting you all told me to look into what was involved in taking over that uh, private property in taking over back off of the main if and when we ever have to do that or need to do that basically the sooner it could it doesn't cost anything to do that however you have to have a maintenance agreement to where ever anything has to be done to the property the railroad do it you have to pay sometime in the future if enough traffic coming in and out of that road where the stated decided they have to have flashing lights or a gate.

President Eddings stated it would be alright to spend...

Mr. Toombs stated you need the funds for that but we have to match them like something like that I don't know all the rest of this was going on or I wouldn't be bothered doing it, but I already did it and uh I prepared two pieces of paper which you have in front of you one of them has to do with Comfort Inn and everybody needs to read that is agreed with the town's normal policy and on the other one I wrote up ah, to whom it may concern ah people coming to the town hall they go to see Bob somebody can handle this anyone who wants to develop anything in town come to see you guys and show you what you're going to do and ask for permission to get on water and sewer so they don't go to far down the line before they find out what's going on.

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President Eddings stated I like that.

Mr. Toombs stated I would like you to read this thing over especially the thing to do with the Comfort Inn coz all those folks are very anxious to do something. I think this is what we need to tell them that I need your input.

President Eddings stated Isn't this normally done during development.

Mr. Toombs stated yes.

President Eddings stated everybody should do this all along.

Mr. Toombs stated yea.

President Eddings stated as far as I'm concerned yea that's what you tell them.

Mr. Toombs stated yea, its a good idea.

President Eddings stated we haven't changed our position on it.

Mr. Toombs stated uh, it might draw up something for Mongold development and I was going to write a letter to his engineer that I don't have a list of all the things that everybody swore they were going to do and I hoping we have that in to the minutes.

President Eddings stated yea, we may have that written up.

Attorney McCall stated I already sent a letter to John Mongold with a copy of uh the what I called affirmation of Town Council they cannot approve a subsequent plan for them unless they approve it by the council. I haven't recieved a response from them I enclosed a copy of that uh agreement that the town was going to sign.

President Eddings stated uh, ha.

Attorney McCall stated to confirm they could not do that.

President Eddings stated yea.

Attorney McCall stated to confirm pine trees, their concern for the pine trees and I think...

Mr. Toombs stated can I get a copy of that?

Attorney McCall stated sure it was back.

President Eddings stated yea.

Attorney McCall stated I sent them a letter saying to the committee I want to remember all that.

Mr. Toombs stated I just know and remember all the...

Attorney McCall stated remember all I haven't recieved no response. Before I can add this problem to it.

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Mr. Toombs stated yea.

Attorney McCall stated anyway I sent it over to them.

President Eddings stated Dave.

Vice-President Broady stated. I just got 2 or 3 things.

Mr. Coleman stated Doug.

President Eddings stated you're to late.

Mr. Coleman stated I was busy.

President Eddings stated Chief said you were busy.

EMC/MR. COLEMAN ADDRESSES THE COUNCIL/WATER AND SEWER REPORT.

Mr. Coleman stated this is the water and sewer report for February report for February 9th to February 20th and total revenue collected for that period was \$951,407.71 next report is monthly report for the month of January and the last thing I have, I need approved is I'm requesting approval for capital expenditures ah during February during routine maintenance checks we found that Camp Schlan lift station pump number 1 had a moisture sensor light on uh that sensor light is to detect any moisture in the motor or pump housing and we pulled that pump sensor maching uh and we thought that at the time we pulled it was just a sensor failure but once we got into it we found out that uh there was a problem with the sensor itself also that the inpeller was out of balance 50 degree balance uh had to have some machine work and new cermic coating done to it with all these I went ahead and had him purchase uh some mechanical seals and all the rings and bearings for future replacement and uh the reason I done that is the pump has been in service. I believe since 92 when Camp Schlan went into service and uh those seals typically last anywhere from 7 to 10 years. Its just a matter of time before we have to replace the seals so I went ahead that purchase, and the cost is in \$2,374.77 and if you remember we just had uh pump number 2 reworked so we should be in pretty good shape in Camp Schlan.

President Eddings stated I'll entertain a motion that we pay the Capital Expenditure of \$2,374.77.

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

President Eddings stated for pump number one motin made by Dave, do I have a second?

Council Member Voyles stated I'll second it.

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

Clerk Treasurer Schafer stated so you have the original voucher.

Mr. Coleman stated yea.

President Eddings stated is that it.

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Mr. Coleman stated that's it.

President Eddings stated ok now Dave.

Mr. Coleman stated Thanks.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/JACOBI, TOOMBS AND LANZ/TRASH PICK UP/
SIDEWALK'S.

Vice-President Broady stated ah, just a few things first of all I got a bill for Jacobi, Toombs, and Lanz uh for 190.00 for work they done a drainage improvement as per attached as corrections to drawings and revision on the Beyl easement and needing to contact is getting things straightened out. I make a motion we approve this claim.

President Eddings stated motion made by Dave to approve the claim from Jacobi, Toombs and Lanz, do I have a second?

Council Member Alexander stated I second.

President Eddings stated second by Kenny, do I have any discussion? No all those in favor signify by saying I, all those opposed nay I's have it.

Vice-President Broady stated few other things for the board to think about uh for the next meeting or whenever the possibility we might want to act on or do an act on first of all right now we're limited to four cans of trash pick up we're having a problem with the town is responsible it seems kinda ridiculous that a person has to go out there and cut their boxes up and all that kind of stuff and go to all the problems of putting it in a trash can when they could just as easily pick it up you know and I'd like for us to maybe revise our policy somewhat to be more friendly to the constituents about the boxes and stuff they got that won't fit in the trash cans and still not a larger burden on our, you know company trucks that's something to think about. Another thing I'd like you to think about another thing is I'd like to ask the board to think seriously about is starting sidewalk repair in the community. Appropriate X number of dollars for the season something I had in mind and uh take a block or two blocks or whatever and uh our sidewalks are in a terrible shape our ah city employees have the means and the equipment to remove the old sidewalk and you just have to I think ah contract to find somebody to come in after they remove them and pour them back and start a sidewalk program and start up dating these instead of eating the old things up. And the other thing Doug brought up last week and uh I like the board to think about would be would we consider accounting firm to uh, go over the budget persay on street and water department and give us an outside opinion on how well or not so well EMC is doing and uh get an outside on that. I'm not really ready to bring these up to vote tonight but these our some thing I'd like to talk about and ponder over and up, possibly discuss when we bring them up for a vote at another meeting.

President Eddings stated ok, anybody got any thoughts on the issues?

Council Member Alexander stated uh, as far as the trash issue goes uh, uh, we've been pretty extensive over the last three years as far as how I don't know if user friendly is the word but uh first it's a box, and then yes they'll put the big ^{box} out there because I couldn't get it in my trash can that's not only just the big box all the stuff the big stuff that was in the garage is inside the box. Well you said I could put a box out uh, but then uh, I get calls I got called Christmas Eve this year if they continual adventure as far trash goes. So, the only thing I would caution the board on is

to be very specific on how we do trash its tough because of the uh, uh, as far as the leaders as far as Southern Indiana as far as taking a good approach to uh, recycleables, how it actually works and all that on how it should work because by limiting yourself to a certain amount of cans uh, makes you start using other alternatives as far a recycling and uh yard waste program and so forth. The four cans eventually its going as recycling becomes a more everyday usage will schrink and the idea. The idea behind it is you have four cans of solids right now you have a container of recycleables and you have a 32 gallon can for yard waste as recycling expands your four gallons will reduce to three and uh, it will be turned in it will be instead of not having a place to put it that other can will have any use as far as carboard or other as far as recycling uh, I understand that our trash is not the most uh, friendly user, user friendly uh, process out there but as far as recycling is concerned it probably the most efficient. And uh, the other thing is the sidewalks, I totally agree with you Dav the reason we haven't really started into it is A. it needs to be researched to where we c a block a year but it needs to follow the paving program to where we don't just concentrate in one neighborhood some how we can do a strip in all most of the district, I don't think there's a good sidewalk in front of uh, where we wanted to start our concentration was our own downtown and work out from there and branch out. We've looked a various ways, probably the best way was the uh, the method they used up in North Vernon, basically they came into a meeting and condemed all the sidewalks, they charged th residents \$2.00 foot for the sidewalk outside front of their house coz the sidewalk is the responsibility of the owner, or at least thats the way we've always approached it as far as cleaning it off as far as it looking nice and so forth, hired a crew that came in they actually laid the sidewalk they laid probably a mile to two miles a year. They looked for various types of uh, how to change the sidewalks if we were a rich town some of them just had them come in and replace them. But as far as the size of our town and of the amount of money we have uh, that seem to be the best way to do it, but it would require someone with a little concret background and you hire a small crew during the summer, basically their job was you gave them a quota coz you want two miles of sidewalks a year and I think what North Vernon changed every sidewalk in their town within five years. I mean every sidewalk was replaced. It's a good model to follow the biggest thing is we would need more appropriation as far as uh, either labor or uh, we could use some of the street department but, it would probably work but the problem with the street department is that because of the size of it when someone is sick on the trash some of the street department goes over to the trash and so forth and so on. I don't know if we would have any difficulty there.

President Eddings stated ok.

Ms. Barton stated I'd like to ask a question concerning the sidewalks. If your saying the owner is responsible for the sidewalk it looks like to me the owner would have certain specifications, it would be up be up to them to be responsible, that's true.

Council Member Alexander stated I think they...

Ms. Barton stated why should the owner hire an outside contractor if they're capable of doing it theirselves.

Council Member Alexander stated I think they, North Vernon looked at that and I'm pretty sure it was North Vernon and I think the reasoning behind it was even though in reality was one of the biggest concerns. Ok sometime even though it actually passed as they only need one block or something changed in that they found it was easier to start with a whole block instead of just cutting a section out just because this neighbors

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sidewalk was fine except for four ft. of it. You can see a hole in the sidewalk except every other neighbor would have four or five ft. of old sidewalk in. So they came in with some kind of partnership with uh, the uh, residents and charged them \$2.00 a foot which you know didn't incur the whole cost of the sidewalk, but it helped pay for the concret itself and they the council the towns responsibility was with labor as far as removal. That was the only model I could find as far as a town of our size I would like to do something to make a dent in the sidewalks we've got uh, alot of the problems is the sidewalks go up underneath foundations uh, theres just various problems where to pave some have to be peeled in that section to uh, uh, do it right I mean we've been doing that we would not be replacing everything we would still have a hard time with it. It might have been done correctly, sidewalks have always been a big thing.

Vice-President Broady stated it's not a big complicated possibility...

Council Member Alexander stated right.

Vice-President Broady stated the only complication would be like we were talking about would be hiring somebody.

President Eddings stated it's about whos responsibility it would be.

Council Member Alexander stated right.

President Eddings stated I think that's what she was asking.

Council Member Alexander stated uh ok, like I say it was two years ago when we first approached it. They did something of that nature.

Vice-President Broady stated yea, but the sidewalks are the responsibility of the...

President Eddings stated I think what the sidewalks have always been some business owners that want us to take care of them like St. Paul's and Insurance Companies, Banks, some areas. You end up with good sidewalks in certain areas and faulty ones...

Council Member Alexander stated I think we really persude it any futher was because of the lack of uh, storm drains. I mean for the amount of storm drain projects that uh, needed to be done I mean we're using every bit of excess funds now that the paving program has reached its maturity uh, in the storm drains uh, I think we're making a pretty good dent in the storm drain plan uh, that was set forth by the board. I know before I came on the board I know theres alot to be done out there but at least every year now we're doing 100 to 125 miles worth of work and uh, we're up to the places were we are patching holes as far as we're going along I would love to see the sidewalks redone esepially a path from here to the park or wherever you get out to exercise and enjoy yourself, right now one of the biggest priorites it uh, gets the water off the street with-out floating away.

President Eddings stated do we have any comments on the issues Dave or Ken brought up.

Council Member Voyles stated well I'd like to bring up about the cardboard boxes we could specify the boxes had to be empty right now I've got about four boxes and I refuse to cut them up with a razor blade. I'm not gonna cut myself with it then they'll have to stay there until they rot because, I would never cut them up into little pieces and put them in a treash can and I pay to have my garbage picked up and I will make sure those boxes are empty but I, the town will pick those up eventually.

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Council Member Alexander stated well I agree with that one.

Council Member Voyles stated because I think works...

Council Member Alexander stated the board has every right to go ahead and expand it out. But I'm just warning you I sat over top of that board and what you have now are not adhered to completely. You can still go out and see the trash cans with three feet of trash on top of it. Not because they didn't have, they could of gotten another can out they put it in there coz they mound it up. I'm telling you be very specific about what your going to do be willing to back up what your going to do, because if you don't walk a line on that you start creating any gray areas at all the guy on the back of that packer, ok will have to start making judgement calls and we'll be right back where we were when I started out.

Council Member Voyles stated right now they're making judgement call's.

Council Member Alexander stated no they're not, they've got a specific thing if its not in a can they don't pick it up. That is as simple as that. You put a gray area and they're going to have to start making judgement call's and I'm telling you we'll be exactly back where you were back in 1975. You'll have mounds of garbage out, you'll have dogs playing in it, the town's gonna look like some of the other town's we went and viewed when I used to have that uh, attitude say here why can't we do this. Just take a tour through old town Charlestown uh, take a tour through...

Council Member Voyles stated your talking about towns without leash laws.

Council Member Alexander stated no I'm talking about the ones that sit trash out on the curbs, I'm just saying be specific what you do create gray areas and you'll have people sitting anything they want out there and the guy's won't know whether to pick it up or not right now there's a can pick it up.

Council Member Voyles stated cardboard can be put in recycling then.

Council Member Voyles stated cardboard will eventually become part of the recycling I think it should be, that's one of the biggest user's it just something they haven't excelled into yet, and they are only four years into recycling it'll probably be down the road before it becomes mandatory but eventually you're only gonna be allowed 1/2 a can of garbage New Jersey, all the big towns and when they grow they are allowed one half a can of solids that go to the landfill and uh, you your're gonna have to have something in place.

Council Member Alexander stated that says hey that's what we can do. There's no use creating a fight, I did all this for 3 or 4 years. I've taken all the complaints in there. You can complain all you want but I just warn you uh, uh, when the gray areas get started they'll be gray.

President Eddings stated yes sir.

Mr. Imhoff stated I guess the irritation point is when you get home the garbage cans and everything else is laying around in the yard if they can't put the lids on the can's I can't guarantee the rain is not going to get in the can's and they will be to heavy for the guys to lift so my garbage sits there coz there not going to be emptied. Then your stuck with an extra can next week so if it happens at my house you carry it across the street which I do alot coz my neighbors have one empty.

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President Eddings stated everybody does it.

Mr. Imhoff stated yea, but then it sits around for another week.

Mrs. Imhoff stated we always take one to our neighbors.

Council Member Alexander stated Well I mean uh the only thing I don't want to feel like I'm being uh uh mean , or abusive or whatever I mean I uh have thoroughly investgated, the only way to solve the trash problems is Sellersburg is to go to a roll cart. can you have one can most of your cardboard that you don't want to cut up, can be folded into a roll cart can, it makes it more effecient, it makes it quicker for stops, but it also cost \$150,000.00 to set up the town uh, uh, residents with the roll cart can and then you have the problem of new residents coming into purchase that type of stuff. But we could solve all our problems by going to that roll cart system but again follow by a letter by how you want it done.

President Eddings stated ok, we need to move on here let me uh, I want to say one thing about we touched on a couple of issues. The one issue about the study. Uh that's something I think that is worth while doing uh, as far as my own personal opinion I think that's something that will get the community input involved in. We might even look for developing a committee you may have one board member and 2 or 3 people from the community volunteer's to uh, interview the different accounting firms to come in so we've got a side block outside no one has anything to gain from anything other than the study. They're fair, accurate and there is absolutely no way that any outside influence whether it be from the board or EMC or whatever has anything to do with whatever firm is decided to be hired. Uh so if we go down that direction I'd like to have input. That's my input on how I'd like to see that firm hired, whoever it may be. We set a scope up what they're gonna review uh, and then they would do the review, turn the results back over to the town board. Alright any other discussion on the issues any discussion on the issues no, Bill Voyles.

BILL VOYLES ADDRESSES THE COUNCIL ON/APARTMENT'S AND PICKING UP GARBAGE.

Council Member Voyles stated I'm gonna bring something up we're not going to discuss it tonight uh, a gentleman approached me last year about apartments and picking up garbage and I've kinda put it on the back burner and back burned and next meeting I'm gonna bring it up. I have the ordiance we have in place now and uh, we'll look over it to see if we can make any changes. That's it.

President Eddings stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/IURC.

Attorney McCall stated uh, I think I told you about conference infront of the IURC in Indianapolis I recieved information last week that no one from the town needs to be available to attend without a specific schedule in mind. If anyone wanted to go you're still welcome to go but it's not mandatory that any town council members be present at that meeting it's scheduled for March 4th at 10:30.

Mrs. Pixley stated excuse me sir I can't hear you.

Attorney McCall stated I'm sorry, I'll speak up.

Mrs. Pixley stated did you say they're not welcome.

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Attorney McCall stated they are welcome anyone is welcome to I'm not... thats a Indianapolis at URC ah, I got a letter then a call there was a meeting that was held last week which delt with the uh, Indiana Army Ammunition Plant over here uh, according to Anne Marie Sedwick who is the attorney from Jeffersonville the Town Of Sellersburg is more than welcome to participate I don't think anyone got notice that they were.

Clerk Treasurer Schafer stated we knew.

Attorney McCall stated did they get notice.

Clerk Treasurer Schafer stated everybody got a copy of that in their box about that meeting uh, about that meeting.

Attorney McCall stated well there was a prior meeting there wasn't a notice sent out about Hamilton.

Council Member Voyles stated I didn't.

Attorney McCall stated no the less what they have done they had Hamilton and some other elected officials in regards to the Army Ammunition Plant. Initially the response uh, or ideas have been that there would be local agreement basically excluded Sellersburg I talked with Anne Marie Sedwick they're gonna follow up hopefully with all the Town Council Members is they're thinking about an interlocal agreement where there is some type revenue sharing for the municipalities that are away from the Ammunition Plant such as Borden, Town Of Sellersburg uh, in order to allow you to I guess to share in the value of that property there. So you should participate in receiving. Ah, additional notice, perhaps a rough draft of the local agreement for your input so you take a look at that. Uh as far as a time schedule there really is not a time schedule simply waiting until all the local municipalities, in particular Charlestown, Utica and Jeffersonville ah, they come to some type of agreement concerning what their intent is they'll go from there I believe so if you have any additional input on what you think should happen out there. Ah, I got the agreement back from Chad Nunn that David asked us to prepare. He made one change to the agreement uh, which he thought was important primarily that the Town Of Sellersburg does not provide municipal services including water to the real property located at Ohio Ave. 151, by January one year 2001 that Chad Nunn or any subsequent legal purchaser or lessee had the right to pursue any and all action of deannexation. Uh is basically not given up anything really in addition to what you would have to the right to anyone that's the only change he uh, suggested be made I did make it uh, I have this agreement as uh, the Town Council might consider it tonight.

President Eddings stated I entertain a motion to sign the agreement as presented by Mr. McCall.

Attorney McCall stated and that is the only change I can read that change ah, it says where as in event the Town Of Sellersburg does not provide municipal services including water to the real property located at 151 Ohio Ave. Sellersburg Indiana by January 1st, 2001 Chad Nunn or only subsequent people purchasing the lessee shall have the right to pursue any and all annexation action after the deannexation after the above date uh, will he excludes lessee, lessee would not have the right he would simply be the owner of the property and he would have that right uh he excluded the lessee. He can't create it make him feel better he can't create no legal right to the statute. That is the only change

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Council Member Voyles stated I'll make that motion.

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

Vice-President Broady stated second.

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

Attorney McCall stated now I'll send a, they kept the original back, I'll give a copy to Linda right now I'll take the original and mail it to Chad Nunn.

President Eddings stated go ahead Perry.

Attorney McCall stated I've already touched on the uh the uh request by uh certain residents that wanted the town to reaffirm and commit the uh those things that Mongold Constrution on the apartment complex as I said I prepared detailed letter to Mr. Mongold which raised those concerns that they had raised to you in addition to that I enclosed for him to view an agreement or I gusee an understanding that the Town Of Sellersburg Town Council considering fine which included those things that they had raised and that you were committed to ensuring that, that development included those that had been represented at this meeting by Mongold or by Virgil Bolly. So I would anticipate by the next meeting that you can review that and sign it that day in the meantime I'll get a copy to John so he can compare it with the plans he has and I don't anticipate any problems with Mr. Mongold concerning that. At least I haven't heard from him yet and uh, some of you may be aware we have a new law suit.

President Eddings stated good for you.

Attorney McCall stated well its I've turned it over I have at this point it was Greg A. Collier VS Town Of Sellersburg Indiana Stated policy. Town Of Sellersburg Police Department uh, federal action I turned it over to the insurance company to see if they were going to provide representation if not then I'll pick up that.

President Eddings stated ok.

Attorney McCall stated and its something that's been on going for quite a while. That's it.

President Eddings stated Ken.

KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/I.U.R.C.

I'd like to welcome group seven. The only thing I have is the first question was I guess for Perry is uh, the I.U.R.C. uh, can we run parallel if we put it uh put it on the ballott for May and run parallel if the decision...

Attorney McCall stated well I just, and I'm glad you brought that up I got two things I need to bring up. That was one of them. But I responded we did research in regards to uh our petition to withdrawal from the uh , first the withdraw the subsequent reinstatement of the ordiance and Iuh put forth for them as well as our legal authority to do what we have done and uh I believe for some case office support your action resending the ordiance I mean if there is at this point that you resended the ordiance before

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you came up with it, there is nothing that could go into that, could go into play because there is not ordinance to base it on. So you're not, you don't have anything to withdraw from because you're not persuing that and that's in a nut shell but...

Council Member Alexander stated well uh, I guess my question is can we persue it and actually put it on a ballott instead of going door to door?

Attorney McCall stated you mean again.

Council Member Alexander stated propaganda type uh, uh, petition.

Attorney McCall stated yes, I mean basically we came out last year with uh, uh, with what we thought would happen you know kind of fictional if we had to go in for a raise fictionally how much would it be and why it was a good idea to come out of the I.U.R.C. and you had people going around door to door saying you know we were all lyers that the stuff we were telling them wasn't true that the town board was just trying to uh, uh, trying to create a wind fall for EMC. And uh you basically had progaganda from you know we really had nothing to back what we were saying up. Well we do now, we're going in for the water raise that we said were gonna go in for the I.U.R.C. and most of the information that came back now isn't fictional no more in fact the fact is that staying in the I.U.R.C.

Council Member Alexander stated uh, just proves it wasn't \$5,000.00 it will come out to be about \$100,000 to go through the I.U.R.C. granted most of that'll be some of the bond issues and uh, engineering cost and so forth, but that is the one reason to go into the raise. Fact two is that going through the I.U.R.C. your not allowed to come up with a capital improvement program that uh, allows you to pay for things as you go along over a certain period of time say 5 or 10 year's. The only thing I.U.R.C. really recongnize and mainly because of poor private companies so they skin the top off give it to your uh, uh, stock holders that's the main reason they keep you this. Ok, we have ok they make you create a bond issue, they make you borrow the money, and Sellersburg has been real good over the last 7 year's go borrow money and here lately we done a really good job to try shrink that down to not borrowing money, because even on this bond issue we're getting ready to go into, I mean I think its great we're gonna get the project done, but we're also gonna spend \$819,000.00 worth of interest to a bank and most of these projects could be done over a period of time. So I think now that the facts all out and it's not propaganda and we're not going to have people going through saying this, this and this.

Mrs. Pixley stated excuse me.

Council Member Alexander stated hey, Mr. President.

President Eddings stated whoa, whoa, whoa, wait for him to finish, then you can talk.

Mrs. Pixley stated I wish you wouldn't use the word.

President Eddings stated sit back down.

Council Member Alexander stated propaganda is a good word.

Mrs. Pixley stated the way you're using it.

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Council Member Alexander stated I'm using it, I'll use it again, but I think intelligence of the people of Sellersburg it needs to be on a ballott where someones not right there behind them telling them oh what a bunch of crooks we are, I think we need to have the, over the...I think over the next 4 or 5 meetings. We ought to be able to take these facts. Now I mean we've done twice now the answer keeps coming out the same. We don't have flexabiltiy by being in the I.U.R.C. Once we pay for this bond issue ok these, these projects are done, but we pay for them for 15 year's. The sad part is, the sad part is if uh a another project comes up, if its above \$300,000.00, in that water system at all, the sad part is you will go back through this process. You have no flexibility what soever, we can go do these bond issues, and we will pay for it for 15 year's. But, the very next day we get that approved, we could have a \$300,000.00 uh cost look at from the water company, and you would have to go through the same process in order to create the revenue and you're always gonna pay double, for the projects you're doin. One point one million dollars worth of projects to get done cost you 1.9 because of interest I, uh you know I know you, we talked about getting a petition and do what the people want and stuff but you know I'm a regular customer maybe we didn't explain it right the first time, maybe we need to do a better job explaining it, but as a water customer, I don't want to pay. It's \$17.14 a year out of my pocket for interest. For interest it is, it's right here.

Mrs. Pixley stated I don't believe that.

Council Member Alexander stated \$17.14 per customer, you can, I mean most of it came down to it was a EMC sentence that's basically all it was, whether they liked them or disliked them, this was a way to stick a fork in it. But the fact is, interest is \$60,000.00 a year, if you divide that by the number of customers, your gonna come up with approximately \$17.14 a year out of each customers pocket and uh it's something we don't have to pay and we could have flexibility and uh I would see it brought back up again.

Mrs. Pixley stated uh, uh, I think you're entitled to your opinion, but you're wrong when you say the people went to around telling lies, telling people the only reason that we did it, was because everytime you turn around you'll be putting a raise on the water bill. When the raises you set with the I.U.R.C. they tell you whether you can raise or not.

Council Member Alexander stated that's worth \$800,000.00?

Mrs. Pixley stated It's worth it.

Council Member Alexander stated that's worth \$800,000.00 a year?

Mrs. Pixley stated you pay that to, you pay that to uh.

Council Member Alexander stated that's interest Mrs. Pixley that's interest.

Mrs. Pixley stated you pay that to.

Council Member Alexander stated that's interest Mrs. Pixley, interest.

Mrs. Pixley stated no.

Council Member Alexander stated yes.

Mrs. Pixley stated no.

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Council Member Alexander stated yes, Mrs. Pixley.

Mrs. Pixley stated no, no, I think uh, uh.

President Eddings stated that's it, that's it, enough of that argument.

Council Member Alexander stated but I really would wish that...

President Eddings stated that's the end of that argument. Let's move on.

Council Member Alexander stated I'm a council, excuse me, I'm a council member and I will finish.

President Eddings stated hold it, we aren't going to get anywhere, right here.

Council Member Alexander stated it's not going to get anywhere until I finish, I am a Council Member ok, these meetings are public they have a right to at the beginning of the meeting.

President Eddings stated but you don't have a right to stand up here and argue.

Council Member Alexander stated I'm not arguing.

President Eddings stated Yes you are, either one of you.

Council Member Alexander stated I'm not arguing all I'm asking is I get to finish with my finishing responses.

President Eddings stated you've finished.

Mrs. Imhoff stated go Doug.

Council Member Alexander stated hello, I would like to finish, but they won't let me.

President Eddings stated go on.

Council Member Alexander stated and then she can ask the questions and then...

President Eddings stated ok, ok, are you done?

Council Member Alexander stated I'm done.

President Eddings stated are you done.

Council Member Alexander stated I'm done.

President Eddings stated with the agenda or whatever.

Council Member Alexander stated yea, I'm gonna sit out there next meeting.

President Eddings stated ok, uh, Linda.

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CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL/PRESENT THE BILL'S.

Clerk Treasurer Schafer stated let's see, I would like to present my bills this meeting.

President Eddings stated everyone's got a copy of the bills in their mailbox. You've had a chance to review the bills I entertain a motion to accept the bills as presented.

Vice-President Broady stated I make the motion we accept the bills as presented.

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

Council Member Voyles stated I'll second.

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

Clerk Treasurer Schafer stated I would like to present this claim to the Town Council uh, for their approval to Lonnie Thomas Cooper, Esc. for legal services.

Clerk Treasurer Schafer stated for appeal on Clerk Treasurer suit in reference to cause No. 10C019701CP026.

President Eddings stated ok, I have before the board a claim from Lonnie Cooper for the appeal of \$6,000.00, I'll entertain a motion to pay the claim as presented.

Vice-President Broady stated I make a motion to approve it.

President Eddings stated motion made by Dave to approve the claim as presented, do I have a second? No one second's?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill any discussion?

Vice-President Broady stated is this a, may I asked what the, ask are council...

Attorney McCall stated I had the opportunity on two occasions last week to talk to Mr. Cooper about how he had submitted his last claim to the Town which included a contract and various language which the Town Council couldn't necessarily deal with simply because put a burden on them. I had advised them to submit this amount and I think he did it for, it should be for services to be rendered on appeal because the appeal hasn't gone forward. I know he has started, but because that amount had been appropriated it would be my advice to pay that amount appropriated. But with the understanding on the minutes that it was for the total amount of in that particularly budget category which includes all the legal services everything in that category there will not be additional appropriation made to that category at a later day. So that is the reason that he had submitted it, this form purpose to a contract. My thinking to you as your going to pay \$6,000.00.

President Eddings stated right do we need to amend a motion. That the \$6,000.00 is for legal and all professional services at of that account.

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Attorney McCall stated well I mean you understand you make on the record you are approving this claim which is for all legal services to be provided to the Clerk Treasurer's office in 1998 out of that appropriation and then that will cover it.

President Eddings stated ok, do you want to amend a motion for that affect. That this is for all legal services provided for the Clerk Treasurer for 1998.

Vice-President Broady stated out of that account.

President Eddings stated right.

Attorney McCall stated for the amount appropriated for the particular account of \$6,000.00.

President Eddings stated ok.

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

President Eddings stated let the minutes reflect that this \$6,000.00 is for all legal services for the Clerk Treasurer. In the sum of \$6,000.00 what is budgeted for 1998.

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, amend the motion any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Is that it?

Clerk Treasurer Schafer stated is there anything else ladies? I would like to introduce my new Deputy Clerk Laura Lee to everyone. If you have a problem call Laura Lee she'll take care of you.

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

Attorney McCall stated I've got one other thing.

President Eddings stated quickly, quickly.

Attorney McCall stated very quickly, sorry in regards there had been a call today from Jeff not Jeff Fifer, Greg Fifer in regards to the formation of the new sewer district that's going, be perhaps on the fringes of the Town Of Sellersburg and other county areas, he's going to contact John Toombs this week in regards to this development he also ask if there was someone that wanted to be designated from the Town Council to I guess considered along with John how it's going to effect I think the area around 403 Hwy. 403. That may be the town has a fringe area that there going to serve in the future. I don't know who would want to do that be he's going to make contact with John and then also he follow up a letter to the town.

Vice-President Broady stated I'll be glad to do that. I'll make the motion.

Attorney McCall stated no, just you be the designated.

Vice-President Broady stated they won't let me forget I'm sure.

Attorney McCall stated so you can anticipate it happening.

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President Eddings stated yes, maam.

Resident stated I, this the area around 403.

Attorney McCall stated maam, what they've talked about in just a brief discussion today there preparing a map that are going to include certain areas in this particular district some maybe currently served by the town some may not. And they wanted to discusse also if they went into an area that the town would have the ability to pick up that area in a later date if they would recoop the cost of that sewer to serve that number of customers. Those kind of things that are going to be discuss over the course of time so I don't know if it includes an area...

Resident stated the little area just out side the town and you know the sewer as far as I know it was left out entirley the last time.

Attorney McCall stated I guess my answer at this point I don't know what there talking about including that particular district.

Vice-President Broady stated I'll tell you what, let me talk to you after the meeting I'll try to get a specific area and give you an answer.

Resident stated well you know were the railroad tracks are?

Vice-President Broady stated um, hm.

Residents stated there 6, 10, 12 houses in there you know sewer came down 403 and then cut across country and just left this little, across the railroad tracks on 31.

Vice-President Broady stated well I'll try to find you an answer why that happened.

Resident stated well I don't care why it happened.

Vice-President Broady stated ok, at that point I don't think we can answer even that. But I know what you talking about.

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

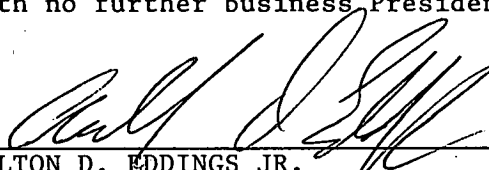
Vice-President Broady stated I'll so make the motion.

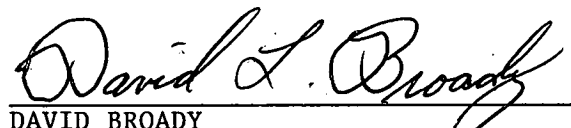
President Eddings stated motion made by Dave do I have a second?

Council Member Voyles stated I'll second.

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

With no further business President Eddings adjourned the regular meeting at 7:54 p.m.


AULTON D. EDDINGS JR.


DAVID BROADY

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Absent

GARY FENNER

[Signature]

KENNETH ALEXANDER

[Signature]

WILLIAM K. VOYLES

[Signature]

ATTEST: LINDA G. SCHAFER
CLERK TREASURER