

1981

1981 RESOLUTIONS

RESOLUTION NUMBER	DATE PASSED	DESCRIPTION
81-R-16	2/9/1981	TOS BECOMING A 5TH CLASS CITY/ CLARK CO. AIRPORT
81-R-17	2/9/1981	ACQUISITION OF PARKS FOR PUBLIC PURPOSE
81-R-18	2/23/1981	DESIGNATION OF BANK DEPOSITORY
81-R-19	2/23/1981	PURCHASE OF GARBAGE PACKER TRUCK
81-R-20	8/16/1981	WATER RATE INCREASE
81-R-21	8/10/1981	RESOLUTION FOR HUD HOUSING
81-R-23	11/9/1981	PETITION TO FILE FOR INCREASE RATES
81-R-24	11/23/1981	ADDITIONAL APPROPRIATIONS
81-R-25	12/14/1981	ANNEXATION FISCAL PLAN
81-R-26	12/18/1981	AMMENDMENT TO 1980 SECTION 8 HOUSING
81-R-27	12/14/1981	AQUIITION OF PARCEL FOR PUBLIC PURPOSES

RESOLUTION NO. 81-R- 16

A RESOLUTION RELATING TO THE CLARK COUNTY
AIRPORT AND SELLERSBURG BECOMING A
FIFTH CLASS CITY

WHEREAS, the Town Board of Sellersburg has expressed their intention of not now or in the future attempting to annex the Clark County Airport; and

WHEREAS, the Town Board has expressed their intention of not attempting to make the Town of Sellersburg a fifth class city if the population reaches the statutory amount.

THEREFORE, BE IT RESOLVED, by the Town Board of Sellersburg that the Town of Sellersburg shall not now or in the future attempt to annex the property constituting the Clark County Airport as said area is constituted on this date; and

IT IS FURTHER RESOLVED, that the Board of Trustees of the Town of Sellersburg shall not attempt in any manner to make any effort to cause the Town of Sellersburg to be a fifth class city; and

IT IS FURTHER RESOLVED, that the Board of Trustees of the Town of Sellersburg is hereby authorized and directed to enter into an agreement with the City of Jeffersonville setting forth the intent of this Resolution.

81-R-16

This Resolution is adopted by the Town Board of
Sellersburg this 9th day of February, 1981.

SELLERSBURG TOWN BOARD

Carl E. Kamer
Carl E. Kamer, President

Thomas W. Wilkerson
Thomas W. Wilkerson, Member

William R. Collier
William R. Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

81-R-16

This Resolution is adopted by the Town Board of
Sellersburg this 9th day of February, 1981.

SELLERSBURG TOWN BOARD

Carl E. Kamer
Carl E. Kamer, President

Thomas W. Wilkerson
Thomas W. Wilkerson, Member

William R. Collier
William R. Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG

RESOLUTION TO ACQUIRE PARCELS FOR
PUBLIC PURPOSES

RESOLUTION # *81-R-17*

WHEREAS, the Town of Sellersburg is an FY 1980 recipient of Department of Housing and Urban Development Community Development Block Grant, Small Cities funding;

WHEREAS, it is the policy of the Town of Sellersburg to initiate actions necessary to achieve community development and neighborhood revitalization;

WHEREAS, it is the policy of the Town of Sellersburg to promote decent, safe, sanitary, and standard housing; and

WHEREAS, the dwelling units located at lots 40, 41, 42, 43, 44, and 45 in Subdivision Number 2 of the Glen Helen Park Addition in the Town of Sellersburg, Indiana, are substandard and has been determined to be beyond feasible economic repair;

THEREFORE LET IT BE RESOLVED, this *9th* day of *Feb* 1981, shall acquire said parcel(s), demolish all substandard structure(s), and, if applicable, relocate the owners/tenants residing therein with FY 1980 Community Development Block Grant funding.

Carl E. Kamm

Thomas W. Self

William R. Collier

ATTEST:

Anna McCartney

RESOLUTION NO. 81-R-18

A Resolution Designating Depository

WHEREAS, a proposal from the Indiana Southern Bank of Sellersburg and the Citizens Bank and Trust Company to have them designated as a depository for public funds of the Town of Sellersburg.

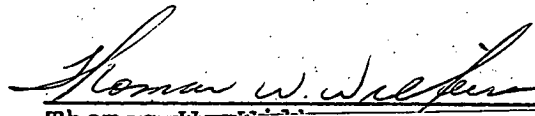
THEREFORE, BE IT RESOLVED, that the proposal of Indiana Southern Bank of Sellersburg dated January 27, 1981, and the Citizens Bank and Trust Company dated January 28, 1981, be and they are hereby accepted and said banks and trust company hereby are designated as a depository under the laws of the State of Indiana, including the Depository Act of 1937, for the Town of Sellersburg.

Passed this 23d day of February, 1981.

TOWN OF SELLERSBURG



Carl Kamer



Homer W. [unclear]

RESOLUTION NO. 81-R-18

A Resolution Designating Depository

WHEREAS, a proposal from the Indiana Southern Bank of Sellersburg and the Citizens Bank and Trust Company to have them designated as a depository for public funds of the Town of Sellersburg.

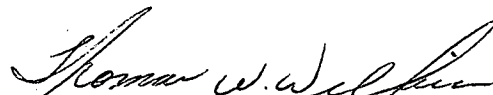
THEREFORE, BE IT RESOLVED, that the proposal of Indiana Southern Bank of Sellersburg dated January 27, 1981, and the Citizens Bank and Trust Company dated January 28, 1981, be and they are hereby accepted and said banks and trust company hereby are designated as a depository under the laws of the State of Indiana, including the Depository Act of 1937, for the Town of Sellersburg.

Passed this 23d day of February, 1981.

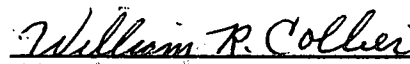
TOWN OF SELLERSBURG



Carl Kamer



Thomas W. Wilkerson



William R. Collier

AGREEMENT

This Agreement made and entered into this 12th day of April, 1981 by and between the Town of Sellersburg, Clark County, Indiana, acting through its duly elected public officials and/or its duly and lawfully appointed representatives, (the "Town") and H. J. Umbaugh & Associates, Certified Public Accountants, (the "Accountants"), of Indianapolis and Plymouth, Indiana;

WITNESSETH:

WHEREAS, the Town owns and operates a water utility (the "Utility") and proposes to build, construct and make certain additions and improvements thereto (the "Project") to be financed, in part, from the proceeds of the sale of revenue bonds (the "Bonds") to the Farmers Home Administration ("FmHA") and possibly in the conventional bond market; and,

WHEREAS, the Town is desirous of having conducted an accounting study and review of the records and accounts of the Utility pursuant to the sale of the Bonds and for the adoption of rate adjustments which are designed to service the present and proposed Bonds and provide for other revenue requirements; and,

WHEREAS, subsequent to the determination of financial plans, the Town may prepare a prospectus (the "Official Statement") of the Town in the type and form generally used in connection with the issuance of securities such as the Bonds in the conventional open market for the purpose of disclosing certain data with respect thereto; and,

EXHIBIT "A"

WHEREAS, the Town desires to engage the Accountants to assist it in connection with the preparation and distribution of the Official Statement by the Town should same be necessary;

NOW, THEREFORE, in consideration of the mutual promises and undertakings of the parties hereto, it is mutually agreed as follows:

ARTICLE 1.1 Analysis of Costs and Revenues

The Accountants will:

- A. Abstract financial information from records, prepare preliminary financial studies and discuss with the Town the finances of the Utility and the need for an increase in rates and charges to meet the reasonable requirements of the Utility.
- B. Prepare from available records historical balance sheets and/or historical recorded financial information for a period of three (3) calendar years and for the most recent twelve (12) month period (the "test year") available.
- C. Prepare from available records a schedule of flow of funds for the past three (3) calendar years and for the test year for the purpose of determining trends, amounts of revenue, operation and maintenance cash expenses, debt service requirements and expenditures for improvements to the Utility property and plant.
- D. Obtain information from Utility officials, engineers and/or other available sources necessary to suggest to the Town adjustments to test year cash operating expenses such as additional labor, power costs, chemical costs, additional taxes and other fixed, known and measurable expense changes.
- E. Schedule monthly revenues of the test year in order to locate and adjust unusual and significant fluctuations in such revenue.
- F. Prepare amortization schedules of presently outstanding funded debt of the Utility extending over the life of the remaining years of payment and obtain information from bond ordinances or other documents relating to such funded debt.

- G. Obtain information from the rate ordinance and bond ordinances now in effect.
- H. Suggest "across-the-board" increases within the schedule of retail rates and charges for the Utility as may be considered necessary to meet the estimated future annual revenue requirements.
- I. Assist in the development of a capital improvements program and a financial program leading to the obtaining of funds necessary to meet the capital improvement requirements through funds now available and/or future revenues of the system.
- J. Provide estimates of future annual revenue requirements for consideration of the Town.
- K. Prepare comparative information concerning the present and possible future rate structure of the Utility in comparison with other towns of like size in Indiana.
- L. Meet with the officials of the Town to discuss findings and recommendations.
- M. Provide financial information to the Utility's attorney for preparation of resolutions, ordinances and a petition to the Public Service Commission of Indiana.
- N. Prepare and furnish an accounting report of findings and recommendations concerning the finances of the Utility and a new schedule of rates and charges.
- O. Attend a hearing before the Public Service Commission of Indiana in order to present accounting testimony relating to rates and charges for water services.
- P. Prepare billing charts for the Utility's use in billing the new water rates.

1.2 Cost of Serving Wholesale Customers

Recognizing that the Project may not benefit the retail customers and the wholesale customers on a pro rata basis, the Accountants agree that they will, in conjunction with the Town's consulting engineer, provide a cost accounting study of the Project so as to recommend to the Town

the wholesale rates that would be appropriate to recover the projected cost of serving the wholesale customers.

1.3 Report for Official Statement

Subsequent to the approval of new water rates and charges, if, in conjunction with the issuance of the Bonds, it is necessary for the Town to issue Bonds in the conventional bond market, the Accountants will prepare an updated report of the Utility's financial data for inclusion in the Official Statement taking into consideration the projected impact of the revision in rates and charges and a new test year which is anticipated to be not less than four (4) months old at the time of the issuance of the Bonds.

1.4 Fees

The Accountants' charges for services and expenses in connection with services to be rendered for the Town as set forth in Article 1.1 will be determined in accordance with the Schedule of Maximum Fees for Accounting and Financial Services prescribed by FmHA as set forth in Exhibit "A" attached hereto. For the services set forth in Article 1.2 the charges will be fifteen hundred dollars (\$1,500) and for the services set forth in Article 1.3 the charges will be thirty-five hundred dollars (\$3,500). Upon completion of the phases of services as set out in Article 1 or upon termination of this Agreement, the Accountants will render to the Town a statement of their charges determined in accordance with the foregoing, which the Town agrees to pay within thirty (30) days. The fees for services set forth herein

shall not include services and/or expenses of the Accountants in relation to any litigation or the threat thereof, and any fees or expenses of the Accountants incurred on such account shall be billed separately to the Town at an hourly rate of one hundred twenty-five dollars (\$125.00) plus out-of-pocket expenses.

ARTICLE 2.1 Official Statement

In the event the Bonds must be offered in the conventional bond market, the Accountants agree:

- (A) To assist the Town in connection with the preparation and composition of an Official Statement of the type and nature generally prepared in connection with the sale of securities such as the Bonds, which will disclose technical data, information and schedules relating to the Town, the Project and Bonds.
- (B) On behalf of the Town, to provide to the rating service, Moody's Investors Service, Inc. and, if deemed necessary, Standard and Poor's Corp. information appropriate for the rating of the Bonds prior to the sale thereof, if required.
- (C) In the name and on behalf of the Town, to prepare and distribute to underwriters, brokers, institutional investors and other prospective purchasers copies of the Official Statement in connection with the offering of the Bonds by the Town.
- (D) To advise the Town on methods and procedures relative to the offering of the Bonds by the Town.

2.2 Sale of Bonds

The offer and sale of the Bonds shall be made by the Town, in the sole discretion of the Town, and under its control and supervision. The Town agrees that the Accountants do not undertake to sell or attempt to sell the Bonds, and will take no part in the sale thereof. The Town agrees that the Accountants' compensation hereunder shall be due and payable upon delivery of the Official Statement by the Accountants to the Town or the distribution thereof on its behalf regardless of whether the Bonds are sold by the Town.

2.3 Fees

The Town agrees to pay to the Accountants in consideration for the services rendered by it as set forth herein an amount determined as follows:

1 1/4% of First	\$ 500,000 of principal amount of the Bonds but not less than five thousand dollars (\$5,000).
1 % of Next	\$ 500,000 of principal amount of the Bonds.
3/4% of Next	\$ 500,000 of principal amount of the Bonds.
1/2% of Next	\$1,500,000 of principal amount of the Bonds.
1/4% of All Over	\$3,000,000 of principal amount of the Bonds.

Such fees shall be payable within thirty (30) days after the date set for the sale of the Bonds or the date of termination of this Agreement. Such fee shall not include services and/or expenses of the Accountants in relation to any litigation or the threat thereof, and any fees or expenses of the Accountants incurred on such account shall be billed separately to the Town at an hourly rate of one hundred twenty-five dollars (\$125.00) plus out-of-pocket expenses.

Article 3. Expenses

The Town and the Accountants will each pay their own out-of-pocket expenses incurred in connection with this Agreement. The Town will pay the charges imposed by rating organizations in connection with Article 2.1, paragraph B. The Accountants will pay the expense involved in the preparation and distribution of the Official Statement pursuant to Article 2.1.

ARTICLE 4. Assistance

The Town agrees to cooperate with and assist the Accountants in connection with the services required of them herein, and to provide the Accountants full and complete access to all books, records and documents relating to the Town, the Utility and the Project which the Accountants may reasonably request.

ARTICLE 5. Assignment

Neither this Agreement nor any interest of the Accountants may be assigned by them without the written consent of the Town.

ARTICLE 6. Adjustments

In the event the services under this Agreement shall be performed on or after December 31, 1982, such services and the compensation therefor may be adjusted in accordance with changing requirements and conditions, inflationary factors or other influences that may impair the reasonableness and fairness of this Agreement.

ARTICLE 7. Accountants' Opinion

The responsibility for auditing the records of Governmental units rests with the Indiana State Board of Accounts and the work performed by the Accountants shall not include an audit of the records nor the expression of an opinion on financial data.

ARTICLE 8. Additional Services

In the event other services are required of the Accountants by the Town of a kind not specified within this Agreement, the Accountants shall perform such services upon specific instructions by the Town and shall be compensated therefor based upon their normal time and expense charges for such services. At the request of the Town, the Accountants will provide a range of charges prior to commencement of such work.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals at Sellersburg, Clark County, Indiana on the day and year first above written.

The Town of Sellersburg, Indiana
By the President of its Board of Trustees

Carl E. Kamen

ATTEST:

Anna L. McCartney
Clerk-Treasurer

H. J. Umbaugh & Associates
Certified Public Accountants

By: Myron H. Hrasie
Partner

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

SCHEDULE OF MAXIMUM FEES FOR ACCOUNTING AND FINANCIAL SERVICES
(For use in contracts with accountants whose fees are to be paid from proceeds of Farmers Home Administration loans)

<u>Cost of Project*</u>	<u>Maximum Fee</u>
First \$ 100,000	\$ 3,400
Next 200,000	\$ 3,400 plus 1.7% of amount in excess of \$100,000
Next 300,000	\$ 6,800 plus 0.85% of amount in excess of \$300,000
Next 400,000	\$ 9,350 plus 0.425% of amount in excess of \$600,000
Over 1,000,000	\$11,050 plus 0.25% of amount in excess of \$1,000,000.

- * Cost of project shall include the cost of the existing utility plant in service in addition to the proposed costs in those instances where it is necessary for the accountant to include the existing system within the scope of study.

The above Maximum Fee shall include all the accounting services necessary for the establishing of utility rates on an "across-the-board" method, but shall not include additional services such as those required in litigation or the threat thereof, cost of service studies, Environmental Protection Agency user charge system cost studies, rate changes which are not "across-the-board", preparation of bond prospectuses, etc. Such additional services shall be compensated at the normal and usual rate of the accountant for performing such services.

RESOLUTION NO. 81-R-19

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING A GARBAGE PACKER AND RELATED EQUIPMENT TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Sellersburg, Indiana, (hereinafter called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Thirty-Four Thousand Dollars (\$34,000.00) pursuant to the provisions of IC 18-5-24-2 and 6-1.1-20-1 et seq.

WHEREAS, the Association intends to obtain assistance from the Farmers Home Administration, United States Department of Agriculture (herein called the Government), acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and to purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association.

NOW, THEREFORE, in consideration of the premises, the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds and containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for

such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).

3. To provide for, execute, and comply with Form FmHA 400-4, "Nondiscrimination Agreement"; and Form FmHA 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.

4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government, at its option, may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source) incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this Resolution or any instrument incident to the making or

insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, not permit others to do so, without the prior written consent of the Government.

7. Not to borrow any money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements or extension to, or for any other purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account, in a bank, and in a manner approved by the Government.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance coverage, including fidelity bonds, as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial

affairs and to provide for required audit thereof in such a manner as may be required by the Government, to provide the Government without its request, a copy of each such audit, and to make and forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. To serve any applicant within the service area who desires service and can be feasibly and legally served, and to obtain the concurrence of the Farmers Home Administration prior to refusing service to such applicant. Upon the failure to provide such service which is feasible and legal, such applicant shall have a direct right of action against the Association under this agreement.

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instruments, shall be binding upon the Association as long as the bonds are held or insured by the Government. The provisions of sections 6 through 13 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling as between the Association and the Government.

IN WITNESS WHEREOF, the Board of Trustees of the Town of Sellersburg, Indiana, has duly adopted this Resolution and caused it to be executed by the officers below in duplicate on this 27th day of April, 1981.

TOWN OF SELLERSBURG

By: Carl Kamer
Carl Kamer

By: Thomas Wilkerson
Thomas Wilkerson

By: William R. Collier
William Collier

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

RESOLUTION NO. 81-R-19

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING A GARBAGE PACKER AND RELATED EQUIPMENT TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Sellersburg, Indiana, (hereinafter called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Thirty-Four Thousand Dollars (\$34,000.00) pursuant to the provisions of IC 18-5-24-2 and 6-1.1-20-1 et seq.

WHEREAS, the Association intends to obtain assistance from the Farmers Home Administration, United States Department of Agriculture (herein called the Government), acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and to purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association.

NOW, THEREFORE, in consideration of the premises, the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds and containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for

such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).

3. To provide for, execute, and comply with Form FmHA 400-4, "Nondiscrimination Agreement"; and Form FmHA 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.

4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government, at its option, may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source) incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this Resolution or any instrument incident to the making or

insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, not permit others to do so, without the prior written consent of the Government.

7. Not to borrow any money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements or extension to, or for any other purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account, in a bank, and in a manner approved by the Government.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance coverage, including fidelity bonds, as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial

affairs and to provide for required audit thereof in such a manner as may be required by the Government, to provide the Government without its request, a copy of each such audit, and to make and forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. To serve any applicant within the service area who desires service and can be feasibly and legally served, and to obtain the concurrence of the Farmers Home Administration prior to refusing service to such applicant. Upon the failure to provide such service which is feasible and legal, such applicant shall have a direct right of action against the Association under this agreement.

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instruments, shall be binding upon the Association as long as the bonds are held or insured by the Government. The provisions of sections 6 through 13 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling as between the Association and the Government.

IN WITNESS WHEREOF, the Board of Trustees of the Town of Sellersburg, Indiana, has duly adopted this Resolution and caused it to be executed by the officers below in duplicate on this 27th day of April, 1981.

TOWN OF SELLERSBURG.

By: Carl Kamer
Carl Kamer

By: Thomas Wilkerson
Thomas Wilkerson

By: William B. Collier
William Collier

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

RESOLUTION NO. 81-R- 20

WHEREAS, the Rate Study of H. J. Umbaugh and Associates has been completed with regard to the rate increase of the Sellersburg Municipal Water Utility; and

WHEREAS, said rate study proposes certain water rate increases for both the retail and wholesale customers of the Sellersburg Municipal Water Utility; and

WHEREAS, the Municipal Water Utility of the Town of Sellersburg should file a petition with the Public Service Commission requesting said rate increase.

THEREFORE, BE IT RESOLVED, that the Town of Sellersburg petition the Public Service Commission of Indiana for authority to increase rates and charges for water service in and adjacent to the Town of Sellersburg, Indiana, its wholesale rates and charges, and for approval of a new schedule of rates and charges applicable thereto.

RESOLVED FURTHER, that Robert W. Lanum, as attorney for said Town, prepare and file said petition with the Public Service Commission of Indiana.

This Resolution is adopted by the Town Board of Sellersburg this 10th day of August, 1981.

SELLERSBURG TOWN BOARD

Carl E. Kamer
Carl E. Kamer, President

Thomas W. Wilkerson
Thomas W. Wilkerson, Member

William R. Collier
William R. Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

RESOLUTION NO. 81-R- 20

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THEREFORE, BE IT RESOLVED, that the Town of Sellersburg petition the Public Service Commission of Indiana for authority to increase rates and charges for water service in and adjacent to the Town of Sellersburg, Indiana, its wholesale rates and charges, and for approval of a new schedule of rates and charges applicable thereto.

RESOLVED FURTHER, that Robert W. Lanum, as attorney for said Town, prepare and file said petition with the Public Service Commission of Indiana.

This Resolution is adopted by the Town Board of Sellersburg this 10th day of August, 1981.

SELLERSBURG TOWN BOARD

Carl E. Kamer
Carl E. Kamer, President

Thomas W. Wilkerson
Thomas W. Wilkerson, Member

William R. Collier
William R. Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

WHEREAS, the Rate Study of H. J. Umbaugh and Associates has been completed with regard to the rate increase of the Sellersburg Municipal Water Utility; and

WHEREAS, said rate study proposes certain water rate increases for both the retail and wholesale customers of the Sellersburg Municipal Water Utility; and

WHEREAS, the Municipal Water Utility of the Town of Sellersburg should file a petition with the Public Service Commission requesting said rate increase.

THEREFORE, BE IT RESOLVED, that the Town of Sellersburg petition the Public Service Commission of Indiana for authority to increase rates and charges for water service in and adjacent to the Town of Sellersburg, Indiana, its wholesale rates and charges, and for approval of a new schedule of rates and charges applicable thereto.

RESOLVED FURTHER, that Robert W. Lanum, as attorney for said Town, prepare and file said petition with the Public Service Commission of Indiana.

This Resolution is adopted by the Town Board of Sellersburg this 10th day of AUGUST, 1981.

SELLERSBURG TOWN BOARD

Carl E. Kamer
Carl E. Kamer, President

Thomas W. Wilkerson
Thomas W. Wilkerson, Member

William R. Collier
William R. Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

81-R-20

RESOLUTION OF THE TOWN OF SELLERSBURG
PERTAINING TO AN
AFFIRMATIVE ACTION PROGRAM
IMPLEMENTING
SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT
OF 1968

EMPLOYMENT OPPORTUNITIES FOR BUSINESSES
and LOWER INCOME PERSONS
in CONNECTION WITH
HUD-ASSISTED COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS

WHEREAS, the Town of Sellersburg is the recipient of Department of Housing and Urban Development (HUD) Community Development Block Grant funds;

WHEREAS, the Town of Sellersburg is required to prepare an Affirmative Action, Section 3 plan covering the project area in connection with HUD assisted projects;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Sellersburg that the Town agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses, for the implementation of the Community Development Block Grant program.

- A. The exact boundaries of the Section 3 covered project area shall be the corporate boundaries of the Town, and where advantageous, seek the assistance of officials of the Department of Housing and Urban Development in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate area the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish those goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program, as appropriate.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.

- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

As officers and representatives of The Town of Sellersburg we the undersigned have read and fully agree to this Affirmative Action Plan, and become a party to the full implementation of this program. Passed this ___ day of August, 1981.

Carl E. Kamen

Thomas W. Wilfong

Arena McCartney

ATTEST

WHEREAS, the Municipal Water Utility of the Town of Sellersburg has filed its Petition for an increase in its rates and charges with the Public Service Commission of Indiana; and

WHEREAS, it is necessary to retain the services of an engineer for assistance in the presentation of the rate study before the Commission.

THEREFORE, BE IT RESOLVED, that the Town of Sellersburg retain Midwestern Engineers, Inc., to assist in the presentation of the evidence before the Public Service Commission of Indiana.

This Resolution is adopted by the Town Board of Sellersburg this 9th day of November, 1981.

SELLERSBURG TOWN BOARD


Carl E. Kamer


Thomas W. Wilkerson


William R. Collier

ATTEST:


Anna McCartney, Clerk-Treasurer

WHEREAS, the Municipal Water Utility of the Town of Sellersburg has filed its Petition for an increase in its rates and charges with the Public Service Commission of Indiana; and

WHEREAS, it is necessary to retain the services of an engineer for assistance in the presentation of the rate study before the Commission.

THEREFORE, BE IT RESOLVED, that the Town of Sellersburg retain Midwestern Engineers, Inc., to assist in the presentation of the evidence before the Public Service Commission of Indiana.

This Resolution is adopted by the Town Board of Sellersburg this 9th day of November, 1981.

SELLERSBURG TOWN BOARD



Carl E. Kamer



Thomas W. Wilkerson



William R. Collier

ATTEST:



Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG

RESOLUTION NO. 81-R- 24

RESOLUTION FOR ADDITIONAL APPROPRIATIONS

WHEREAS, it has been determined that it is now necessary to appropriate more money within the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg, Indiana, that:

1. Additional sums of money are hereby appropriated and set apart out of the following funds to the General Fund:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
MVH Fund Street Lights	\$12,106.00	\$12,106.00
Revenue Sharing Fund	6,000.00	6,000.00
Cumulative Capital Improvement Fund	22,000.00	22,000.00

2. The effective date of this appropriation is November 23, 1981.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 23d day of November, 1981.

TOWN OF SELLERSBURG

Carl Kamer
Carl Kamer

Thomas Wilkerson
Thomas Wilkerson

William Goldrier

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG

RESOLUTION NO. 81-R- 24

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Cumulative Capital Improvement Fund	22,000.00	22,000.00

2. The effective date of this appropriation is November 23, 1981.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 23d day of November, 1981.

TOWN OF SELLERSBURG

Carl Kamer
Carl Kamer

Thomas Wilkerson
Thomas Wilkerson

William Collier

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG

RESOLUTION NO. 81-R- 24

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Revenue Sharing Fund	6,000.00	6,000.00
Cumulative Capital Improvement Fund	22,000.00	22,000.00

2. The effective date of this appropriation is November 23, 1981.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 23d day of November, 1981.

TOWN OF SELLERSBURG

Carl Kamer
Carl Kamer

Thomas Wilkerson
Thomas Wilkerson

William Collier

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG
RESOLUTION NO. 81-R- 25

RESOLUTION ADOPTING FISCAL PLAN
OF ANNEXATION

WHEREAS, the Town of Sellersburg is proposing to annex territory contiguous to the existing Town boundaries; and

WHEREAS, the Town has developed a fiscal plan and has established a definite policy to furnish the territory to be annexed, within a period of three years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the Town of Sellersburg to other areas of said Town which have characteristics of topography, patterns of land utilization and population density similar to the territory to be annexed, all of this pursuant to IC 36-4-3-13; and

WHEREAS, a copy of said fiscal plan is attached hereto and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg, Indiana, that:

1. The Board of Trustees of the Town of Sellersburg, Indiana, hereby adopts the fiscal plan attached hereto and establishes the definite policy stated therein.

2. The effective date of this fiscal plan is December 14, 1981.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 14th day of December, 1981.

TOWN OF SELLERSBURG

By: Carl Kamer
Carl Kamer, President
Board of Trustees

By: Thomas W. Wilkerson
Thomas W. Wilkerson, Member
Board of Trustees

(SEAL)

By: William R. Collier
William R. Collier, Member
Board of Trustees

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

TOWN OF SELLERSBURG

**FISCAL PLAN FOR
ANNEXED TERRITORY**

Resolution No. 81-R- 25



Section A

An area being a part of Surveys 129 and 110 of the Illinois Grant, Clark County, Indiana, more fully described as follows:

Beginning at the south corner stone of Survey 130; thence NW along the line dividing Surveys 129 and 130, 1387.5 feet to a point on the corporate limits of the Town of Sellersburg, THE TRUE PLACE OF BEGINNING; thence continuing NW along the survey line to the north r/w line of St. Joe Road; thence SW along the north r/w of St. Joe Road to the east r/w line of Interstate 65; thence S along the east r/w line of I-65 900 feet more or less, thence S 55° W 480 feet more or less crossing the Interstate r/w to the south corner of a parcel of land described in Deed Record 201, Page 173; thence N 35° W 1000 feet more or less to the north r/w line of St. Joe Road; thence SW along the north r/w of St. Joe Road 1300 feet more or less; thence S 35° E to the south r/w line of St. Joe Road and the north corner of a parcel of land described in Deed Record 152, Page 150; thence continuing S 35° E 700 feet more or less to the east corner of a parcel of land described in Deed Drawer 9, Instrument No. 8493; thence S 55° W 600 feet more or less along the north line of Hill and Dale Subdivision to the west corner of the Hill and Dale 5th Addition; thence S 35° E 2640 feet more or less along the SW line of Hill and Dale Subdivision to the line dividing Surveys 129 and 110; thence N 55° E along the line dividing Surveys 129 and 130, 870 feet more or less to the west r/w line of I-65; thence S along the I-65 west r/w line 4350 feet more or less to the west r/w line of Highway 31-W; thence S along the west r/w line of Highway 31-W 100 feet more or less to the line dividing Surveys 108 and 110; thence S 35° E along the line dividing Surveys 129 and 130, 50 feet more or less, crossing the Highway 31-W r/w and a 1 foot strip in the corporate limits of the Town of Sellersburg, to the east r/w line of Highway 31-W and the west corner of a parcel of land described in Deed Drawer 10, Instrument No. 6609, said parcel being in the corporate limits of the Town of Sellersburg; thence eastwardly along the existing corporate limits of the Town of Sellersburg to the TRUE PLACE OF BEGINNING, excepting therefrom any areas already in the corporate limits of the Town of Sellersburg.

Section B

Also an area being a part of Surveys 111 and 130 of the Illinois Grant, Clark County, Indiana, more fully described as follows:

Beginning at a point on the west r/w line of U. S. Highway 31 and the northern corporate limits of the Town of Sellersburg;

thence E to the east r/w line of U. S. Highway 31; thence S with said r/w line to the north r/w line of State Road 403; thence with the State Road 403 north r/w line northeast to the west r/w line of the Penn Central (Conrail) R.R.; thence S with the Railroad r/w line to the present corporate limits of the Town of Sellersburg; thence with the corporate limits to the PLACE OF BEGINNING, excepting therefrom all areas presently in the corporate limits of the Town of Sellersburg.

Section C

Also an area being a part of Surveys 87, 89, 66, and 67 of the Illinois Grant, Clark County, Indiana, more fully described as follows:

Beginning at the common corner of Surveys 110, 111, 89 and 90, said point being on the corporate limits of the Town of Sellersburg; thence along the line dividing Surveys 110 and 111 from Surveys 89 and 90 to the west r/w of Utica Street; thence S 35° E 1750 feet more or less along the west r/w line of Utica Street to the east corner of a parcel of land described in Deed Record 282, Page 43; thence southwardly along the north r/w line of a county road 200 feet more or less to the north r/w line of a railroad track; thence northwestwardly along the railroad north r/w line 1400 feet; thence S 55° W 150 feet more or less to the east r/w line of a county road (Penn Avenue); thence southwardly along the east r/w line of Penn Avenue to the east r/w line of Highway 31-E; thence continuing southwardly along the east r/w of Highway 31-E 5900 feet more or less to a point where the projected southeast line of the Greenwood Subdivision intersects the east r/w of Highway 31-E; thence S 55° W 2250 feet more or less along the southeast line of the Greenwood Subdivision and other tracts to the west r/w line of Highway 60; thence N 35° W 900 feet more or less along the west r/w line of Highway 60 to the south r/w line of Greenwood Road; thence S 55° W 650 feet more or less along the projected south r/w line of Greenwood Road, crossing the I-65 r/w to the west r/w line of I-65; thence southwardly along the I-65 west r/w line 1250 feet more or less to the south r/w line of a county road; thence westwardly along the line of the county road r/w line 1150 feet more or less to the north r/w line of Greenwood Road; thence S 55° W 1350 feet more or less along the north r/w line of Greenwood Road to the south corner of a tract of land described in Deed Drawer 7, Instrument No. 12041; thence N 35° W 1394.9 feet along the tract described in Deed Drawer 7, Instrument No. 12041; thence N 55° E 2916.5 feet more or less along the northwest line of tracts described in Deed Drawer 7, Instrument No. 12041 and Deed Drawer 7, Instrument No. 12042, to the west r/w line of I-65; thence continuing N 55° E 1050 feet more or less crossing the I-65 r/w to the north corner of a 9.713 acre tract of land

described in Deed Record 253, Pages 262 and 263; thence S 35° E 750.17 feet along said tract; thence S 55° W 600 feet along said tract to the east r/w line of Highway 60; thence southwardly along the east r/w line of Highway 60, 353 feet more or less to the west corner of a lot described in Deed Record 180, Page 92; thence N 55° E 295.18 feet to the north corner of a lot described in Deed Record 98, Page 156; thence S 35° E 217.8 feet to the north r/w line of Greenwood Road; thence N 55° E 251.2 feet along the north r/w line of Greenwood Road; thence N 35° W 217.8 feet; thence N 55° E 400 feet; thence S 35° E 217.8 feet to the north r/w line of Greenwood Road; thence N 55° E 200 feet more or less along the r/w line to the south corner of a lot described in Deed Record 286, Page 325; thence N 35° W 217.8 feet; thence N 55° E 372 feet more or less to the north corner of a lot described in Deed Record 183, Page 391; thence S 35° E 217.8 feet to the north r/w line of Greenwood Road; thence N 55° E 625 feet more or less along the north r/w line of Greenwood Road to a point 125 feet from the west r/w line of Highway 31-E; thence northwardly parallel with the west r/w line of Highway 31-E 2950 feet more or less to the south line of a tract of land described in Deed Drawer 8, Instrument No. 3707; thence westwardly 325 feet more or less along said tract of land to the west corner; thence northwardly 409 feet more or less to the west corner of a lot described in Deed Record 281, Page 339; thence N 55° E 60 feet more or less along said lot to the east corner of a tract of land described in Deed Record 148, Page 485; thence N 35° W 1100 feet more or less to the north corner of a tract of land described in Deed Drawer 5, Instrument No. 5537, said point being on the corporate limits of the Town of Sellersburg; thence northwestwardly along the present corporate limits to the POINT OF BEGINNING, excepting therefrom any areas which are already in the corporate limits of the Town of Sellersburg.

INTRODUCTION

The community around Sellersburg continues to grow every year with most of the growth occurring outside the existing Town limits. As the community grows, the Town must also grow in order to be financially capable of providing the municipal services demanded by residents of the urbanized areas. Annexation, or the redefinition of the corporate limits, is one method a Town can employ to keep up with the growth occurring in the community, and insure the economic well-being of the Town and its residents.

The current corporate limits of the Town are fragmented and many areas on the same streets or roads are not within the Town limits. Also, much of the annexation area is already receiving Town services of water and sewer. It is the goal of the Town to annex all urban land contiguous with the Town limits and establish more uniform Town limits consistent with the future growth of the Sellersburg community. The area to be annexed is considered urban since it has more than 3 persons per acre and is more than one-eighth contiguous to the Town limits.

The proposed annexed area meets the necessary criteria for annexation in the ways stipulated by Indiana law (IC 36-4-3-13). It is contiguous to the Town limits, and a fiscal plan for providing municipal and proprietary services to the area has been developed.

The following report describes the area, sets forth the municipal service plan, summarizes the financial impact of annexation upon the Town, and recommends a course of action.

BASIC DATA

1. Location

Various developed areas near the corporate limits of the Town of Sellersburg. See map attached.

2. Size

774.863 acres.

3. Population/Density

According to the 1980 Census of Housing, there is an average of 3.09 persons per housing unit for this area. With approximately 857 dwelling units in the area, an estimated 3,342 people live in the annexation area. The present density for the area is 3.417 persons per acre.

4. Buildings

<u>Type</u>	<u>Number</u>	<u>Condition</u>
Industrial	1	Good
Commercial	18	Good
Institutional	-0-	--
Residential	965	Good

5. Zoning

Upon annexation, the land shall be in the territorial jurisdiction of the Town Plan Commission and shall automatically become classified with the corresponding Town zones as follows:

R -- Residential
LB -- Local Business
GC -- General Business
I -- Industrial
A -- Agricultural

<u>County Zoning Classification</u>	<u>Classification Description</u>	<u>Percent</u>
R-2	Limited Multiple Family Residence	45.559
B-1	Limited Business	0.247
B-2	Roadside Business	13.537
B-3	General Business	1.934
A-1	Agricultural	1.162
M-1	General Industrial	20.139
Roads, R.R. right-of-way		<u>17.422</u>
	Total	100.000

After Annexation:

R-2 will be change to R
 B-1 & B-2 will be changed to LB
 B-3 will be change to GC
 M-1 will be changed to I
 A-1 will be changed to A

Land Use:

<u>Type</u>	<u>Acres</u>	<u>Percent</u>
Residential	353.017	45.559
Commercial	277.838	35.857
Streets and Roads	135.000	17.422
Agricultural	<u>9.008</u>	<u>1.162</u>
Total	774.863	100.000

6. Planning

A majority of the annexed area is almost totally developed. Since a majority of this area is an urban, residential area, it requires a high level of municipal services. A majority of the area is now being serviced by the Sellersburg Sewage System, and water is being supplied by the Sellersburg Water System through its own mains or those of Silver Creek Rural Water Corporation who purchases water from the Town. The annexed area does not have adequate police protection, traffic control, or street lighting.

The Town of Sellersburg is not offering annexation as a solution to all problems. However, annexation does provide a means to help solve at least some of the problems. Although there will be more expenses to the Town than income in the first year (as is the case with all annexation), the area will begin to produce a positive income in the second year.

The following are reasons why the Town wishes to annex the proposed area:

(a) The annexation would create a more compact and uniform Town boundary and would promote the growth of the Town. Growth is important since it allows for the minimization of utility and facility costs, coordinated and efficient provisions for housing, community facilities, and full utilization of the land while maintaining natural resources.

(b) Urbanization is expected to occur to the southwest of this area, making the area a vital link to future development. If the Town is to continue providing services in the most efficient manner (i.e., to adjacent areas), the annexed areas must be served before areas located farther to the west and north can be served.

(c) The annexed area is already very much a part of the urban community of Sellersburg. The children of the residents attend school in Sellersburg, as well as make use of certain public facilities, such as the Town swimming pool and park. Therefore, it is fitting that such an area become an actual part of the Town and contribute to its growth and prosperity.

MUNICIPAL SERVICES

The state law requires that within one (1) year of annexation, the Town provides the annexed area with "planned services of a noncapital nature" which are "equivalent in standard and scope" to those noncapital services provided to similar areas in the Town. The law also requires "that services of a capital improvement nature...be provided within three (3) years of the effective date of the annexation, in the same manner as those services are provided" to similar areas within the Town. Cost estimates of the planned services, methods of financing the planned services, and a plan for the organization and extension of planned services of a noncapital nature are also required. (IC 36-4-3-13) This report contains a fiscal plan for doing so.

Municipal services are analyzed in terms of the needs of the proposed annexation area and the costs of providing the services to the area. As required by Indiana law, services will be provided in a manner that treats the annexed area the same way as similar areas in the Town are treated. Services will be at Town standard, and, where necessary for items such as new street lighting, the standard service provision process will be used just as it is used elsewhere in the Town of Sellersburg.

The Town of Sellersburg will provide police protection immediately upon annexation; solid waste collection and street and road maintenance within one year after annexation. Street lighting and street construction will be provided in accordance with the standard processes of the Town (which can include resident petitioning and financial participation) as well as the routine capital improvement procedures of the Town. The water, sewer and drainage services of the Sellersburg utilities will be made available to the area in conformance with relevant state law and utility policies. The park facilities of the Town will be available to residents with park development in the area contingent upon the park planning standards and methods used throughout the community. The specifics of implementing these services in the proposed annexation area are presented in the following reports.

This is a plan to provide municipal services, which the Town of Sellersburg is committed to do. The exact detail as outlined in the following reports may change as needs are re-evaluated and services re-allocated throughout the entire Town. Standard Town policy could also change, necessitating change in the manner and amount of service provided.

Regardless of the change in details, the services will be provided to the annexed area in the same manner and level that they are provided elsewhere in the Town.

1. Police

The Sellersburg Police Department will become responsible for servicing the annexed area immediately upon annexation. This service generally includes the prevention and detection of criminal activity, the apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day to day conflicts among family, friends and neighbors, and the creation of and maintenance of a feeling of security in the community. The Police Department is also involved in legal work such as participation in the court proceedings and protection of constitutional guarantees. Furthermore, it is responsible for the control of traffic and the promotion and preservation of civil order.

The annexed area has been analyzed by the Police Department and an estimate made of the cost of providing service to the area. The estimated cost for the first year (1982) \$12,391.30. Cost for (1983) adding three (3) new patrolmen and cost for patrolling, \$67,077.56. Cost for (1984) adding three (3) new patrolmen and cost for patrolling, \$74,430.97. Cost for (1985) adding two (2) new patrolmen and cost for patrolling, \$64,783.58.

1982	Approx. 20 to 30 more calls a week printing of offense, arrest & other rpts	\$ 27.50
	Approx. 38% more gasoline	11,736.80
	Approx. 17 more oil changes	187.00
	Approx. 2 extra sets of tires	<u>440.00</u>
	Total	\$12,391.30

1983	Three new patrolmen (salary)	\$47,453.67
	Clothing	2,145.00
	Leather goods	330.00
	Ammunition	52.80
	Badges	330.00
	Guns	660.00
	Cost of patrolling	<u>16,106.09</u>
	Total	\$67,077.56

1984	Three new patrolmen (salary)	\$49,799.36
	Clothing	2,252.25
	Leather Goods	346.50
	Ammunition	55.44
	Badges	346.50
	Guns	693.00
	Cost of patrolling	<u>20,937.92</u>
	Total	\$74,430.97

1985	Two new patrolmen (salary)	\$34,878.45
	Clothing	1,501.50
	Leather Goods	363.83
	Ammunition	58.21
	Badges	254.10
	Guns	508.20
	Cost of patrolling	<u>27,219.29</u>
	Total	\$64,783.58

Regardless of the actual cost, the Police Department will provide the area with service substantially equivalent to that provided similar areas within the Town.

Funding for police service will come from local taxes, although any funds allocated to the General Funds may be used.

2. Solid Waste Collection

Within one year, the Town will provide weekly garbage collection to residents of the annexed area. With 857 households within the area, the total cost will be \$41,783.00 per year. If additional personnel are needed, they will be hired by the Town.

Presently, individual property owners of the proposed area must contract independently for solid waste collection. The source of funding for solid waste collection will be the General Fund.

3. Traffic Control

The Town of Sellersburg will assume responsibility for traffic control in this area upon annexation. Traffic control involves installation and maintenance of traffic control devices. The services provided by the Traffic Engineers for this area will be comparable to the rest of the Town nine months after annexation.

Signs and markings will be brought to Town standards within nine months of annexation. Signals are a capital expense and will be to standard within three years of annexation. However, no signals are needed at this time.

The costs of providing traffic control services and the costs of physical improvements are listed below:

Operating Costs:

There will be no increase in current expenses except for labor and material in painting crosswalks estimated to be \$500 per year.

Capital Costs:

<u>Sign</u>	<u>Size</u>	<u>No. Required</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Stop	24" x 24"	23	\$16.00	\$ 368.00
Speed Limit	18" x 24"	8	9.05	72.40
Weight Limit	18" x 24"	3	9.05	27.15
Dead End	18" x 24"	3	9.05	27.15
Post U-Channel for above	10'	41	9.60	393.60
Street Signs	6" x 24"	25	23.50	587.50
Round post for Street Signs	2" x 10"	13	24.80	322.40
Metro Circular Bracket		13	5.70	74.10
Metro Cross Bracket		13	5.70	74.10
Labor Cost 2 men @ \$3.45 per hour, 16 hours				<u>110.40</u>
Total Capital Costs				\$2,056.80

Improvements are made according to priority and as funds become available. The source of funding for the scheduled improvements and/or traffic services are the General Fund, Revenue Sharing Funds, and occasionally Motor Vehicle Highway Funds.

4. Street Lighting

The Town will install one light at each intersection of Hill and Dale Subdivision which would consist of 27 lights. The rest of the annexed area would require 13 lights.

The total capital costs of the lights, which would be installed by the Clark County REMC at an approximate cost of \$225.00 each, is:

<u>Number of Lights</u>	<u>Unit Price</u>	<u>Cost</u>
40	\$225.00	\$9,000.00

The maintenance cost of each light from REMC would be \$4.75 per month per light or \$2,280.00 per year.

Lighting these intersections would be contingent upon the availability of funds. However, the proposed annexed area would be treated equally with other areas of the Town and would enter a list of areas to receive intersection lights.

5. Streets and Roads

The Street Department will provide engineering and construction supervision of all streets constructed within the proposed annexation area. No additional personnel or equipment will be required. The annexation will add 1.55 miles of arterial roads and 7.25 miles of residential roads. General maintenance of these streets would then be the responsibility of the Town. General street maintenance includes snow and ice removal and surface maintenance. The average cost is \$2,700 per mile of street, so the annexed streets and roads would cost approximately \$23,760 per year to maintain with funds from the Street Department budget.

All arterial roads and streets within the annexation area are in good condition and need no upgrading at this time.

UTILITIES

Water and sewer services are provided by the Town of Sellersburg's Sewage and Water Departments. These services are paid for with user charges and tap-in fees and are not paid through civil Town property tax revenues. There are instances where certain system improvements, to the Sewage Treatment Plant and Water Treatment System, can be funded from special grants and loans from Farmers Home Administration, E.P.A., and H.U.D.; but the cost of extending services to residents of the annexed area not currently using such services will be borne by those residents through direct charges. Thus, property owner involvement is required in the provision of services. Town utilities do, however, have the capacity and facility for extending water and sewer to the area.

1. Water

All areas of the proposed annexation area are presently served with water from the Sellersburg Water Department either directly or indirectly by one of two other water companies who purchase water at wholesale rates from the Sellersburg Water Department for resale.

The St. Joe Road East has 6 residences being served by the Silver Creek Rural Water Corp., and 8 residences being served by the Sunflower Valley Water Co. The Gillenwater Subdivision area has 25 residences and 1 mobile home park (Friendly Village of Indian Oaks) being served by the Silver Creek Rural Water Corp.

Those residences presently being served by Silver Creek Rural Water Corp. and Sunflower Valley Water Co. can be served directly by the Sellersburg Water Department without any additional daily pumpage.

A minimum of 13 additional fire hydrants will be needed in the annexed area at an average cost of \$947 each (material only).

All customers presently out of Town are being served with the same quality and quantity of water as those customers in Town.

At present the Town does not have a master plan for the water system, but is preparing for a plan and to embark on a rehabilitation program for the water system. Those items

which cannot be funded under the first rehabilitation phase should be considered with other means of funding, such as FmHA, HUD, EDA, or a bond issue. Also to be considered is customer participation in which the utility acquires the bond and each customer pays his respective share.

2. Fire Hydrants

The Town of Sellersburg pays the water utility an annual fee of \$150 per hydrant. Presently there are three hydrants in the Hill and Dale Subdivision. The Town will be billed an annual fee of \$450.

3. Sewers

Most of the residences in the proposed annexed area are currently being serviced by the Town's sanitary sewer system. In order to provide services to the areas not currently connected to the sewer system, there would have to be installed 4,000 feet of 6" gravity flow pipe. The capital cost of these items is estimated as follows:

A. 6" mains	@ \$6.00 per foot	\$24,000
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Presently there is 8.4 miles of main sewer lines outside Town limits and 15.4 miles of main sewer lines inside the Town limits.

The process of obtaining sanitary sewers in the area not having sewers would take approximately three years. Once it is determined that the Town is physically able to provide sewer service to the annexed area not having services, residents are required by Town Ordinance to tap into any sanitary sewer abutting their property or located within a public right-of-way.

FINANCIAL SUMMARY

1. Revenue

The assessed valuation for the proposed annexed area was determined by obtaining the assessed valuation of each piece of property from the Real Property Master File and the Silver Creek Township Assessor's Office. The total land and real estate value for the total annexation area is \$4,910,130. Since each property owner is eligible for a \$1,000 mortgage exemption and there are 368 dwelling units, \$368,000 is deducted from the \$4,910,130 assessed valuation. Thus, \$4,542,130 is the amount which determines the revenues derived from the Town taxes. The official Town tax rate for 1981 is \$2.13 per \$100 of assessed valuation. Therefore, the Town would receive \$96,747.36 (1981 figure) from the assessed values of the annexed area. The table below illustrates this more clearly:

Assessed Valuation	\$4,910,130
- Mortgage Exemption	<u> 368,000</u>
Taxable Assessed	\$4,542,130

Revenue from taxes = \$2.13 x \$45,421.3 = \$96,747.36

Several other sources of revenue for the Town are based upon population. The table below gives an estimate of the monies to be received from each of the respective funds.

<u>Revenue Source</u>		<u>Annexed Area Population</u>	<u>Total</u>
MVH	\$15.92/CAP	2648	\$42,156.16
Alcoholic Gallonage	2.15/CAP	2648	5,693.20
Cigarette Tax	1.25/CAP	2648	3,310.00
Liquor Excise Tax	.99/CAP	2648	2,621.52
Local Road & Street (LR & S)	6.53/CAP	2648	<u>17,291.44</u>
		TOTAL	\$71,072.33

The money received from the Alcoholic Gallonage, Liquor Excise, and the Cigarette Tax are placed in the General Fund. The MVH revenue is placed in its own separate MVH fund. The LR & S revenue is placed in its own separate LR & S fund.

The amount of money the Town receives from Federal Revenue Sharing and the Community Development Block Grant is related to the Town's population. Population is only one element of complex distribution formula, so the direct contribution of the annexed area cannot be calculated. Still, these funds should increase with population increases.

2. Expenditures

Expenditures reported in the Municipal Services Section are summarized here. These costs are estimates of what it will cost the Town to provide services to the area. After annexation, the exact amount spent for each service may vary from these estimates as actual needs are evaluated and service is reallocated throughout the Town.

Not all of these costs will definitely be incurred since certain capital improvement projects, such as street lighting, must follow routine Town procedures which often require petitioning and implementation as funds become available. Utility costs are not reported here as they are paid for by the property owners and only after they request the improvements.

<u>Service</u>	<u>Capital Cost</u>	<u>Operating Cost</u>
Police	-0-	\$15,113.80
Solid Waste Collection	-0-	41,783.00
Traffic Control	\$ 2,056.80	50.00
Street Lighting	9,000.00	2,280.00
Street Maintenance	-0-	23,760.00
Fire Hydrants	12,311.00	1,950.00

3. Five Year Summary

The Five Year Summary shows year by year expenditures for the first five years after annexation compared with the tax revenue the Town will receive from the area.

The Five Year Summary includes the costs likely to be incurred with annexation, such as police and traffic control. These are considered essential to the health and safety of the residents of the area. Solid waste collection will be provided to the residents of the area within one year of annexation. Street maintenance and fire hydrant rental are automatic with annexation so these costs are included. Other costs expected to be incurred within five years of annexation

are also included. Street improvements and utility costs are not included since they will be undertaken only with resident participation and petitioning. For the purpose of this summary, an effective date of December 31, 1981 is assumed.

<u>Year</u>	<u>Expenditures</u>	<u>Property Tax Revenue</u>	<u>Population Revenue</u>	<u>Total</u>
1982	\$ 40,873	-0-	-0-	-\$ 40,873
1983	142,485	\$ 96,747	\$71,072	+ 25,334
1984	155,870	101,100	71,072	+ 16,302
1985	152,738	105,650	71,072	+ 23,984
1986	164,457	110,404	71,072	+ 17,019

Expenditures for 1982 include all operating costs that are automatic with annexation. Capital expenditures are made in the second year, except for Traffic Control capital expenditures which are made in the first year. The third year and thereafter the only costs are operational ones. All costs include a 8.0% inflationary factor for each year since the date of this report (1981).

Property tax would not be collected until 1983 since the assessment date is March 1. Assuming annexation January 31, 1982, assessment will take place March 1, 1982, and revenue will not be collected until 1983. An increase of 4.5% is included in the revenue figures since this is the expected amount of increase in the tax levy.

The proposed annexation will not eliminate any jobs of other governmental entities; therefore, it is not necessary for the Town to plan for hiring the employees of other governmental entities.

SUMMARY AND RECOMMENDATIONS

1. Indiana Annexation Statutes

In order for the Town to successfully annex an area, it must meet the necessary criteria for annexation as established by the Indiana Statute, I.C. 36-4-3-13. The statute states that:

Sec. 13. (a) At the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if:

(1) the requirements of either subsection (b) or (c) are met; and

(2) the requirements of subsection (d) are met.

(b) The requirements of this subsection are met if the evidence establishes:

(1) that the territory sought to be annexed is contiguous to the municipality; and

(2) that either:

(A) the resident population density of the territory sought to be annexed is at least three (3) persons per acre; or

(B) sixty percent (60%) of the territory is subdivided; or

(C) the territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes:

(1) that the territory sought to be annexed is contiguous to the municipality;

(2) in addition to the contiguity required by subdivision (1), that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed coincides with the boundaries of the municipality; and

(3) that the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed a written fiscal plan and has established a definite policy, by resolution of the legislative body, as of the date of passage of the annexation ordinance. The resolution must show:

(1) the cost estimates of planned services to be furnished to the territory to be annexed;

(2) the method or methods of financing the planned services;

(3) the plan for organization and extension of services;

(4) that planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density;

(5) that services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation, in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria; and

(6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation, although the municipality is not required to hire any employees.

This document is the written fiscal plan which establishes a definite policy for providing municipal services to the proposed annexed area within the specific time limits, as required by the Indiana Code. Once the annexation is passed by the Town Board, this document will be adopted and become an official document of the Town.

Police protection and traffic control services are considered essential for the health and safety of the annexed area's residents and will be available at standard levels upon annexation, and solid waste collection within one year. The Town will also take over street maintenance, the payment of street lighting energy costs as well as maintenance, and rental fees for fire hydrants. These are the noncapital services which are normally provided within the existing corporate boundaries. These will be at standard well within one year of annexation.

Street and street lighting improvements will be provided on the basis of need, community priority, funding availability, and property owner petitioning and participation as described in the municipal services section of this plan. However, intersection lights are provided automatically unless not desired by the area's residents. Service provision will be in accordance with regular Town capital improvement planning and implementation processes. Town utilities have the capacity to serve the annexed area. Water and sewer lines can be extended from existing mains to serve the area. Residents will receive these services when they petition for them and agree to pay their share of the cost. Storm drainage improvements also require resident petitioning and participation. These services of a capital improvement nature will be provided in the same manner as those services are provided to areas within the annexing Town.

Those capital improvement services which are automatic (that is, they do not require petitioning) will be provided within three years of the effective date of annexation. These include traffic control signs, signals, etc., and intersection lights, as long as it is still the standard policy of the Town to provide such lights.

The cost estimates of the planned services were obtained from the service departments and are included in this document. The method or methods of financing for each service is also included, as well as the plan for the organization and extension of services.

The Financial Summary shows the cost of providing these services as well as the additional revenue the Town will receive. The cost of services not requiring resident petitioning are compared with the potential revenue for the

Town in the Five Year Summary. Services, such as street and road construction, street lighting for the entire addition, as well as utility services cannot be compared against potential revenue because these services require petitioning. Therefore, it cannot be determined when, or even if, the expenses will be incurred. However, the annexed area will be treated equally with other areas of the Town with regard to the provision of these services.

2. Sellersburg's Annexation Policy

The Sellersburg Town Board has considered other annexation criteria in addition to those set forth by the State Statutes:

- A. The area proposed for annexation must have a unity of interest with the municipality.

The proposed annexed area is actually a part of the Sellersburg urban community. Residents share their recreational and commercial facilities with Town residents. The Town, in return, shares its commercial and recreational facilities with the proposed annexed residents.

- B. The advantages to the proposed annexation area must outweigh the disadvantages.

Advantages for the annexation area include the provision of municipal services, the acquisition of a voice in Town Government by the residents, and the community benefit of a more equitable tax system. Also, Barrett Bonding for capital improvements will be available for the annexed residents. This will facilitate the process for obtaining Town sewers and streets, both of which some residents need. The only major disadvantage to residents is the increase in property taxes necessary to pay for the increased municipal services.

- C. The advantages to the Town must outweigh the disadvantages.

The Town would grow along with the urban area, thereby providing a strong tax base and the ability to provide adequate services. Annexation of this area would eliminate the already existing tax inequities for urbanites. Town residents pay Town and County taxes which help support services to the growing urbanized county residents. Yet, urban county residents do not

pay Town taxes to support the services they are using. Therefore, annexation is a means to insure that all urbanites share equally in the cost of urban services. Annexation will also facilitate the thorough and efficient provision of urban services.

- D. The deficit of income against expenses to the Town must not be unreasonable.

As shown in the Five Year Summary, there is a deficit in the first year of approximately \$40,873. However, the deficit is made up in the second year and from then on the Town would realize a positive income of approximately \$80,639.

- E. The Town must desire to annex the area.

The proposed annexed area is a logical extension of the Town since it borders the Town on three sides. It is also a vital link with areas to the north which will be developed in the future. Annexation of the area will help the Town grow in a logical and orderly manner, as well as help preserve a solid tax base.

RESOLUTION NO. 81-R-26

A RESOLUTION APPROVING THE AMENDMENT OF THE 1980 COMMUNITY DEVELOPMENT BLOCK GRANT REHABILITATION PROGRAM PERTAINING TO CURRENT SECTION 8 INCOME LIMITS FOR USE IN THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA

WHEREAS, the Department of Housing and Urban Development has approved an application for the use of Community Development Block Grant Funds in the Town of Sellersburg, Clark County, Indiana; and

WHEREAS, the Sellersburg Town Board is the designated authority to administer the Community Development Block Grant Program for the Town of Sellersburg; and,

WHEREAS, it is the desire and intent of the Board to provide residents of the approved Community Development Block Grant Target Area with a program to rehabilitate their homes including the correction of possible emergency situations; and

WHEREAS, as required by the Department of Housing and Urban Development, certain income eligibility guidelines must be included in the rehabilitation program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA, that this Board approves the attached documents entitled;

Current Section 8 Income limits for Clark County, Indiana

This document is approved for use in conjunction with the rehabilitation activities along with other Community Development activities for Sellersburg and the Board authorizes immediate implementation and use of current Section 8 income limits.

SO RESOLVED AT SELLERSBURG, CLARK COUNTY, INDIANA, THIS 14th DAY OF December, 1981.

SELLERSBURG TOWN BOARD
SELLERSBURG, INDIANA

Carl Korman
Thomas N. Wilkin
William R. Collier

NUMBER OF PERSONS PER FAMILY

	1	2	3	4	5	6	7	8+
CLARK COUNTY								
Lower Incomes	13,000	14,900	16,750	18,600	19,750	20,950	22,100	23,250
Very Low Incomes	8,350	9,500	10,700	11,900	12,850	13,800	14,750	15,700

TOWN OF SELLERSBURG
Resolution to Acquire Parcel for Public Purposes

RESOLUTION NO. 81-R-27

WHEREAS, the Town of Sellersburg is the grantee for Department of Housing and Urban Development Community Development Block Grant funding for federal fiscal years 1980, 1981, and 1982;

WHEREAS, replacement housing resources are needed to provide decent, safe, and sanitary housing;

WHEREAS, the dwelling unit and property, 622 East Utica Street, Sellersburg, Indiana, is available for sale by the owners;

WHEREAS, said unit would provide an acceptable replacement housing resource for program purposes;

THEREFORE LET IT BE RESOLVED, this 14th day of December, 1981, that the Town of Sellersburg acquire said unit and property for replacement housing in conjunction with the community development program contingent upon the following:

1. Completion of review appraisal
2. Clear title vested in owners

SEAL.

Anna McCartney
ATTEST

Carl Kanna
Thomas W. Wilfong
William Collins

described in Deed Record 183, Page 391; thence S 35° E 217.8 feet to the north r/w line of Greenwood Road; thence N 55° E 625 feet more or less along the north r/w line of Greenwood Road to a point 125 feet from the west r/w line of Highway 31-E; thence northwardly parallel with the west r/w line of Highway 31-E 2950 feet more or less to the south line of a tract of land described in Deed Drawer 8, Instrument No. 3707; thence westwardly 325 feet more or less along said tract of land to the west corner; thence northwardly 409 feet more or less to the west corner of a lot described in Deed Record 281, Page 339; thence N 55° E 60 feet more or less along said lot to the east corner of a tract of land described in Deed Record 148, Page 485; thence N 35° W 1100 feet more or less to the north corner of a tract of land described in Deed Drawer 5, Instrument No. 5537, said point being on the corporate limits of the Town of Sellersburg; thence northwestwardly along the present corporate limits to the POINT OF BEGINNING, excepting therefrom any areas which are already in the corporate limits of the Town of Sellersburg.

It is hereby ordered that the Clerk of the Town of Sellersburg cause this Ordinance to be published in accordance with IC 36-4-3-7 and in the manner prescribed by IC 5-3-1.

This Annexation Ordinance shall become final and binding sixty (60) days after final publication thereof.

Passed by the Board of Trustees of the Town of Sellersburg, Indiana, in regular session on the 14th day of December, 1981.

TOWN OF SELLERSBURG

By: Carl Kamer
Carl Kamer, President
Board of Trustees

(SEAL)

By: Thomas W. Wilkerson
Thomas W. Wilkerson, Member
Board of Trustees

By: William R. Collier
William R. Collier, Member
Board of Trustees

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer