

**Sellersburg Town Council**  
**Organizational Meeting**  
**January 3, 2000**

**Organizational Meeting**

An Organizational Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. Those present were Edward Denton, Council Member, Kenneth Barnes, Council Member, James Lamaster, Council Member, Danny Yost, Council Member, Louis Imhof, Council Member, William P. McCall, Town Attorney and David Kinder, Clerk-Treasurer.

**Called To Order**

James Lamaster called the Organizational Meeting to order at 7:03 p.m.

**Pledge**

The Pledge of Allegiance to the flag was recited.

**Prayer**

Rev. Gary Fenner offered up the prayer for this meeting.

**Swearing In**

Judge Jerry Jacobi with Clark Superior Court 1 was present to swear in the following: David Kinder, Clerk-Treasurer, James Lamaster, District 1, Kenneth Barnes District 2, Edward Denton, District 3, Danny Yost, District 4 and Louis Imhof, District 5.

**Opening of Official Meeting**

James Lamaster opened the first Official Meeting of the year 2000, Sellersburg Town Council.

Mr. Lamaster stated that the first order of business is nominations for President of the Board. Do I have any nominations? Mr. Barnes stated that he nominates Mr. Lamaster and Mr. Yost seconded. Is there any other nominations? Mr. Barnes suggested nominations be closed. Mr. Lamaster stated he has a motion to close the nominations and Mr. Imhof seconded. All in favor of Jim Lamaster President of the Sellersburg Town Board do so by saying I, opposed. The I's have it. (Vote 5-0)

Mr. Lamaster stated that he needs nominations for the office of Vice-President of the Sellersburg Town Council. I open the floor for nominations.

Mr. Imhof nominated Danny Yost. Mr. Denton seconded the nomination. Do I have any other nominations for Vice-President? Mr. Barnes recommended nominations be closed. Do I have a second? Mr. Denton seconded. All in favor signify by saying I, all opposed. I's have it. (Vote 5-0) Mr. Lamaster stated that Danny Yost is Vice-President.

The next order of business is for the appointments of members to the boards, the Parks Board, the Water Board. I make the motion that these Board Members are rotated on a one year basis. I'm talking about the Board Members now. Mr. Barnes seconded. All in favor signify by saying I, opposed. (Vote 5-0)

The following board members were appointed to the following departments:

Water Department	Louis Imhof	(Vote 5-0)
Sewer Department	Kenneth Barnes	(Vote 5-0)
Parks/Animal Control	Danny Yost	(Vote 5-0)
Police Department	Edward Denton	(Vote 5-0)
Street Department	Jim Lamaster	(Vote 5-0)

Mr. Lamaster stated that the next order of business is the appointing of individuals to the Police Commissioners, Planning Commissioners and Zoning Appeals Board. Mr. Lamaster asked Mr. Kinder to find out who is on these Boards and who's term is up and party affiliation. I feel like we need to bring this up at our next meeting which will be next Monday night. Mr. Kinder stated that he would search for the information. Mr. Lamaster entertained a motion to appoint the members of these Boards at the next meeting. Mr. Imhof made the motion and Mr. Barnes seconded. (Vote 5-0)

Mr. Denton made a motion to appoint William P. McCall III as the Town Attorney. Mr. Yost seconded. (Vote 5-0)

Mr. Lamaster asked for a motion to stay within the Police Department to hire a Police Chief. Mr. Barnes made a motion to set up interviews for Police Chief with eligible policemen from the Police Department. Seconded by Mr. Yost. (Vote 5-0)

Mr. McCall asked if the Board was going to take new applications for Police Chief. Mr. Lamaster stated that the only ones that would be considered are the eligible personnel on the force right now, with five years or more. Mr. McCall stated that the Board needs to set a cut off date to receive applications and then set a date for interviews.

Mr. Barnes asked that resumes be turned in to the Town Board since applications are on file at the Police Department anyway. They just need to send a letter of resume'.

Mr. Lamaster entertained a motion that the resume' time be one week. Mr. Lamaster stated that the applications have to be in before next Mondays meeting. Mr. Imhof made that motion. Mr. Barnes seconded. (Vote 5-0)

David Kinder asked if the applications had to be in by the tenth or the ninth. Mr. Lamaster stated that they had to be in here by next Monday, before the meeting, January 10<sup>th</sup>, close of business January 10<sup>th</sup>.

Mr. Lamaster asked if there was any other business.

Mr. Lamaster asked if there was any other comments from the floor.

Pat Bradshaw from the Police Department asked if he needed to turn in another resume' and Mr. Lamaster stated no, they already had his resume.

Mr. Kinder stated that he had five things. Number one, so the Clerk-Treasurer's Office is accessible from the front of the building instead of the back of the building and the Street Department and Animal Control, just exchange offices so the Clerk-Treasurer will be accessible to the public and be in the front of the building. Mr. Imhof made the motion. Seconded by Mr. Barnes (Vote 5-0)

Mr. Kinder stated that due to the condition of the building he would like to request bids to clean the building and repaint. It can't be washed off because of the nicotine, the carpeting. Then the telephone system, we're asking Ameritech to come down about a phone system with a mailbox for the Town Board Members, the Street Department and Sanitation Department and get it installed and see what it would take to do this. Mr. Lamaster asked if bids were going to be taken on this and Mr. Kinder advised. Ameritech is the only one so far and they are just going to tell us how much, it is something that needs to be done. Mr. Kinder also stated that presently the way it is the people from EMC are answering the telephone or we're taking the telephone calls. Today I don't know how many we've had for the Street Department, evidently his pager doesn't work, his radio in his truck doesn't work. He's the one that's getting the call, it doesn't have anything to do with the Clerk-Treasurers Office. Mr. Lamaster asked where the calls should go to and Mr. Kinder said the Street Department would have their own voice mail and so would the Board Members.

Mr. Kinder also stated that he received a call from National City Bank in Indianapolis and there is a one hundred twenty four thousand dollar bond payment due, in fact it's past due, for the Sewers, a 1991 Sewer Bond and presently we cannot find the bond book anyplace. Mr. Barnes asked for what year and Mr. Kinder stated 1991. Mr. Kinder stated that we need to find that and advised the Board that this needs to be done. Mr. Kinder stated that so far he cannot locate anything in the Clerk-Treasurers Office. Mr. Denton asked if Ms. Schafer could be added to the payroll for two weeks and Mr. Kinder stated that he had two people come in that worked with her and they can't find the stuff for us. Mr. Kinder stated that he had one other thing, and he was going to talk to Mr. McCall and furnish an amendment to the pay for the Deputy Clerk-Treasurer and the other one back there. We're not going to have any part-time help and those two will have an increase in salary because of this and Town will still save money overall, but evidently we have to have an amendment to the current pay ordinance. Robin Bottorff will go to \$9.50 and Michelle goes to \$10.25 an hour. Mr. Kinder stated that for the Deputy Clerk-Treasurer, he was appointing Michelle Eve to be the Deputy Clerk-Treasurer for the Town. (Vote 5-0) And the other clerk in the office, the Deputy Clerk, Robin Bottorff. (Vote 5-0). Mr. Kinder asked that the salaries be retroactive to January 1, 2000.

Mr. Lamaster asked if there were any comments from the floor before he closed the meeting.

Mr. Lamaster stated he wanted to bring up the dates and times of the regular Town Board meetings. I think everybody is in agreement that we will have them on the second and fourth Monday and the starting time is 7:00 p.m. and also the Executive Sessions will be at the end of the meeting instead of before the meetings. (Vote 5-0)

Mr. Denton made the motion to adjourn the meeting, seconded by Mr. Yost. (Vote 5-0)

With no further business, President Lamster adjourned the Organizational Meeting.

Sellersburg Town Council

Organizational Meeting

January 3, 2000

Page 4.

  
JAMES LAMASTER

  
LOUIS IMHOF

  
KENNETH BARNES

  
DANNY YOST

  
EDWARD DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

Sellersburg Town Council

January 10, 2000

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 8:40 p.m. Those present were: Council President, James H. Lamaster, Council Member, Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Danny F. Yost, Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Clerk-Treasurer David L. Kinder.

Called To Order

President Lamaster called the Meeting to order at 8:40 p.m.

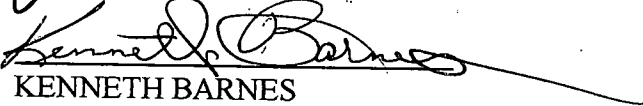
Topics of Discussion

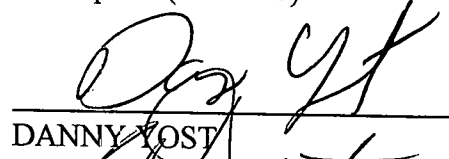
McCall discussed order of business for meetings  
Kinder discussed Ordinance 2000-1

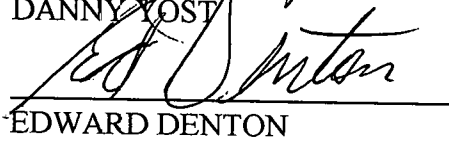
Mr. Lamaster entertained a motion to adjourn the meeting at 9:50 p.m. (Vote 5-0)

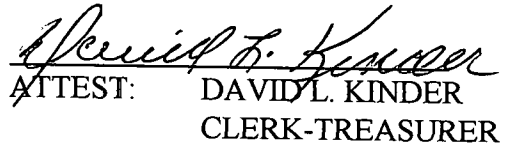
  
\_\_\_\_\_  
JAMES LAMASTER

  
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LOUIS IMHOF

  
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KENNETH BARNES

  
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DANNY YOST

  
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EDWARD DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## Sellersburg Town Council

January 10, 2000

### Regular Meeting:

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. Those present were: Council President, James H. Lamaster, Council Member, Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Danny F. Yost, Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Clerk-Treasurer David L. Kinder.

### Called To Order

President Lamaster called the Organizational Meeting to order at 7:00 p.m.

### Pledge

The Pledge of Allegiance to the flag was recited.

### Prayer

Rev. Gary Fenner offered up the prayer for this meeting.

First on the Agenda was Adam Koch in regards to his water bill and Mr. Koch was not present.

Adrienne Bach of 8812 Old Highway 60 addressed the Council in regards to her Sewer bill. Ms. Bach advised that Kevin Wright, with EMC, confirmed that Ms. Bach's residence was on a septic tank. She also stated that she has, approximately, \$517.00 worth of Sewer bills and she is not part of the Sellersburg Sewer. Ms. Bach also stated that it came to her attention today that she has been being charged \$3.00 for Sanitation fees since May of 1998 and when she moved in, she was told, when she called the Town Hall, that she was not eligible for garbage pick up, that she would need to go with BFI. She advised that she did that and she was still charged \$63.00 in Sanitation fees over the past year and a half and Sellersburg is not picking up her garbage.

Mr. Lamaster advised Ms. Bach that the Council would have to research this. Mr. Lamaster asked the Street Superintendent, Mark Warren, if Ms. Bach's residence was in Town or not and Mr. Warren stated that he would have to see where the house was at. Mr. Lamaster stated that he would have to research this.

Adam Koch showed up and Mr. Lamaster let him address the Council concerning an adjustment on his water bill. Mr. Lamaster stated that he would look into it. Mr. Koch asked how many trips he was going to have to make and Mr. Lamaster asked to look at Mr. Koch water bill. Mr. McCall asked Mr. Koch if he was on the agenda for the last meeting and Mr. Koch stated that he was but he couldn't make it because he was sick. Mr. Lamaster said they would take an average of Mr. Koch's water bill and whatever he owe's he will pay and what he don't owe he won't pay. Mr. Koch asked when it would be taken care of and Mr. Lamaster stated that it would be taken care of this billing period. Mr. Lamaster asked Mr. Koch if that was fair and Mr. Koch stated yes.

Minutes from the Organization Meeting on January 3, 2000 were approved. (Vote 5-0)

Kevin Wright with EMC presented an invoice to the Council in the amount of \$4311.57 for meter deposit refunds, monthly sales tax and non-sufficient funds check. (Vote 5-0)

Kevin Wright presented another invoice for Corporate Income Tax for the Fourth Quarter in the amount of \$2445.54. (Vote 5-0)

Kevin Wright presented another invoice for Water Taps in the amount of \$718.89. (Vote 5-0)

Kevin Wright also presented a Capital Improvement Request for repairs to a Sewer Sludge Pump at the Sewer Plant. (Vote 5-0)

William P. Bradshaw of the Police Department addressed the Council in reference to Construction Companies closing streets to do Street Cuts and not notifying the Police Department. Mr. Toombs stated that he believes that Town already has an Ordinance pertaining to Street Cuts. Mark Warren stated that these Companies are supposed to get a Street Cut Permit but sometimes they don't. Mr. Kinder advised Mr. Lamaster that it has never been enforced.

Mr. Barnes stated that there is a drainage problem at 363 Popp Avenue, between 363 and 369 Popp Avenue and Mr. Barnes would like for it to be looked into. Mr. Toombs stated that he would look into it.

Town Attorney William P. McCall III presented the Council with Ordinance 2000-1, an Ordinance amending the Salary, Holiday and Longevity Pay Ordinance 99-721 for the year 2000. The body of the Ordinance would change the Chief Deputy Clerk hourly from \$9.89 per hour to \$10.25 per hour. The hourly rate for the Town Hall Clerk would be changed from \$8.79 per hour to \$9.50 per hour. And the hourly rate for the part-time, temporary, Clerk would be changed from \$7.15 per hour to \$9.50 per hour. Mr. McCall stated that the amendment to this Ordinance would be retroactive to January 1, 2000 and the other provisions of the Salary, Holiday and Longevity Pay Ordinance 99-721 will remain in full force and in effect with no change. This is an Ordinance that was prepared by Mr. Kinder and it was brought to the attention of the Town Council at the January third special meeting. Mr. McCall stated that this needs to be accomplished and in order for it to be considered tonight (tape change) Mr. Denton asked who it was proposed by. Mr. McCall stated that this was proposed at the January third meeting. Mr. Denton stated that he was not going to be for it. Mr. McCall stated in order for it to be considered you need a motion for first reading, before you can begin discussion of it.

Motion to consider Ordinance 2000-1 was made by Mr. Imhof, seconded by Mr. Barnes. (Vote: 4 Yes-1 No) Mr. Denton voted No.

Motion for first reading of Ordinance 2000-1. Motion made by Mr. Imhof, seconded by Mr. Barnes.

Mr. Lamaster asked if there was any discussion. Mr. Yost asked Mr. Kinder if there was just two clerks and Mr. Kinder stated yes. Mr. Yost asked if there was a part time and Mr. Kinder stated that right now there is a part time for approximately two months and then that position would be done away with. Mr. Denton asked if one section was going to be considered by itself because there are a lot of other

employees out there that also should be considered for a raise rather than one section and I'm not about to be for it.

Ms. Schafer stated that, that was exactly her sentiments.

Mr. Lamaster stated that the discussions were closed. Mr. Lamaster called the matter for a vote. (Vote: 2-I's 3-No's) Mr. Denton, Mr. Yost and Mr. Lamaster voted No.

Mr. McCall presented Ordinance 2000-2 to establish a Petty Cash Fund for the Town of Sellersburg. Motion made by Mr. Imhof, seconded by Mr. Lamaster. (Vote 5-0)

Mr. Lamaster made a motion to accept Ordinance 2000-2 on it's first reading. Motion made by Mr. Barnes, seconded by Mr. Yost. (Vote 5-0)

Mr. Lamaster amended the motion to limit the amount to \$150.00. Motion made by Mr. Imhof, seconded by Mr. Yost (Vote 4-1) Mr. Denton voted No.

Mr. McCall stated that the Ordinance would have to be changed to be limited to the \$150.00. Mr. McCall will present it at the next meeting to be executed, but stated that it has been approved tonight and will go into effect.

Mr. McCall stated that Ordinance 99-734, which was approved on the first reading on December 27, 1999, it's an Ordinance for the transfer of appropriations regarding the Town of Sellersburg Police Department. Mr. McCall read Ordinance 99-734 and stated that it is here tonight for a second reading for consideration and approval.

Mr. Lamaster asked if there was a motion to approve Ordinance 99-734 on the second reading. Motion made by Mr. Imhof, seconded by Mr. Barnes. (Vote 5-0)

Mr. McCall stated that there is an Ordinance 99-735 that we can't locate right now, but he will bring that to the next meeting. Mr. McCall stated that it was approved on a first reading at the last meeting also. Ms. Schafer stated that Mr. Lamaster has that, it is in reference to the Fire Department. Mr. Lamaster located Ordinance 99-735 and gave it to Mr. McCall. Mr. McCall read Ordinance 99-035.

Mr. Lamaster asked for a motion to pass Ordinance 99-735. Motion made by Mr. Yost, seconded by Mr. Barnes. (Vote 5-0)

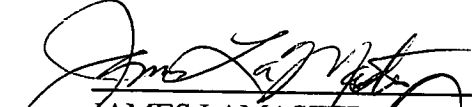
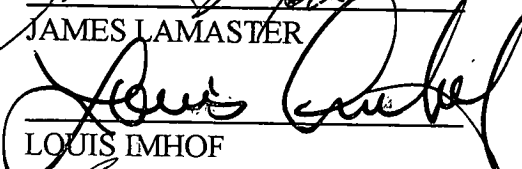
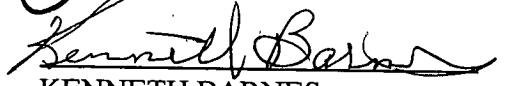
Mr. McCall stated he didn't have anything else.

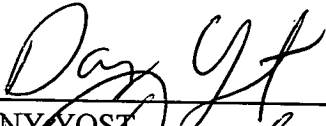

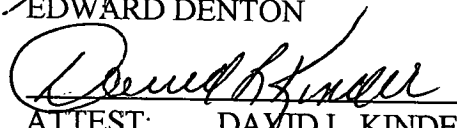
Mr. Toombs address the Council in regards to the project on 31. Mr. Lamaster entertained a motion to approve the amount of \$12,880.00 for the project on 31 by L. D. Rice.. Motion made by Mr. Barnes, seconded by Mr. Imhof. (Vote 5-0)

Mr. Toombs addressed the Council on Sewer Tap Ins.



Mr. Lamaster entertained a motion to adjourn the meeting at 8:23 p.m. (Vote 5-0)

  
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JAMES LAMASTER  
  
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LOUIS IMHOF  
  
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KENNETH BARNES

  
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DANNY YOST  
  
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EDWARD DENTON  
  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

ORDINANCE NO. 2000-2

AN ORDINANCE ESTABLISHING A PETTY CASH FUND  
FOR THE TOWN OF SELLERSBURG

WHEREAS, the Clerk-Treasurer for the Town of Sellersburg has determined that the Town of Sellersburg does not maintain a Petty Cash Fund; and

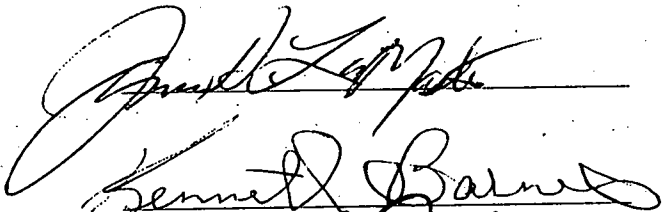
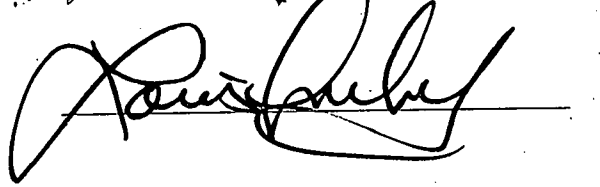
WHEREAS, the Town Council for the Town of Sellersburg has determined that a Petty Cash Fund should be established for the efficient and effective administration of Town Government; and

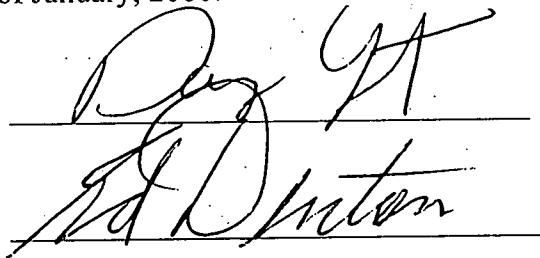
WHEREAS, this matter was considered at an open meeting to which the public were invited to participate; and

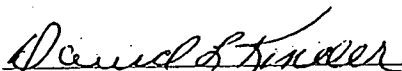
BE IT THEREFORE NOW ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG that there shall be established for the Town of Sellersburg a Petty Cash Fund which shall be administered and maintained by the Town of Sellersburg Clerk/Treasurer.

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG that one hundred and fifty dollars (\$150.00) shall be maintained in the Petty Cash Fund.

SO ORDAINED this 10th day of January, 2000.

  
Bennett Barnes  


  
Ed Dinton

ATTEST:   
DAVID KINDER  
CLERK-TREASURER

ORDINANCE NO. 2000- 004

AN ORDINANCE ESTABLISHING A PETTY CASH FUND FOR THE  
SELLERSBURG STREET DEPARTMENT

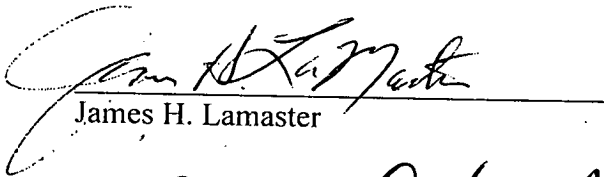
WHEREAS, the Town Council for the Town of Sellersburg believes that the  
Town of Sellersburg Street Department should have a Petty Cash Fund in the amount of  
\$150.00; and

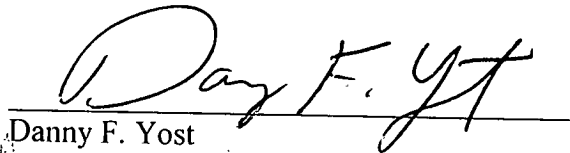
WHEREAS, the Town Council for the Town of Sellersburg has determined that  
the herein ordinance is necessary for the efficient and effective administration of the  
Town Government; and

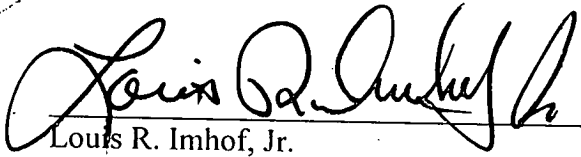
WHEREAS, the Town Council considers this matter an open meeting which the  
public are invited to attend and participate; and

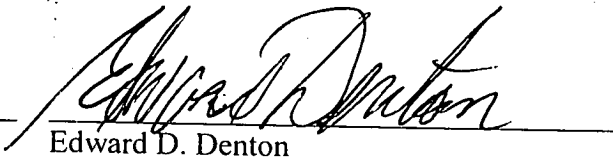
BE IT THEREFORE NOW ORDAINED that the Town of Sellersburg Street  
Department shall have a Petty Cash Fund in the amount of \$150.00.

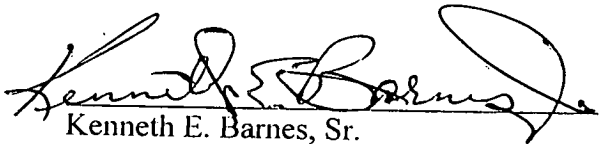
SO ORDAINED THIS 10th DAY OF January, 2000.

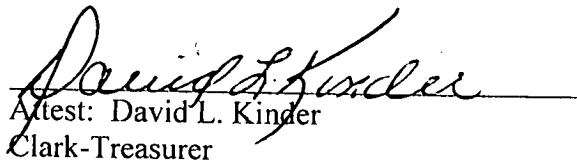
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

Sellersburg Town Council

January 20, 2000

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:10 p.m. Those present were: Council President, James H. Lamaster, Council Member, Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Danny F. Yost, Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Deputy Clerk/Treasurer Michelle D. Eve.

Called To Order

President Lamaster called the Meeting to order at 7:10 p.m.

Topics of Discussion

Interviews for position of Chief of Police

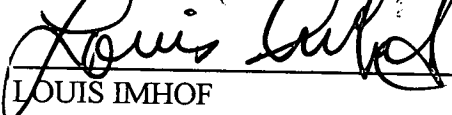
The following were interviewed:

William P. Bradshaw  
Michael W. Clapp  
William Huber III  
Michael L. Stricker

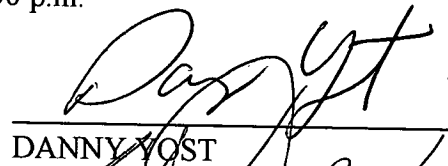
Mr. Lamaster excused Deputy Clerk/Treasurer Michelle D. Eve at 9:10 p.m.

Mr. McCall advised the meeting would be adjourned at 9:30 p.m.

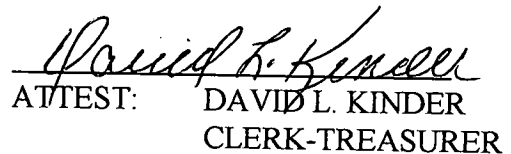
  
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JAMES LAMASTER

  
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LOUIS IMHOF

  
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KENNETH BARNES

  
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DANNY YOST

  
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EDWARD DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## Sellersburg Town Council

January 24, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. Those present were: Council President, James H. Lamaster, Council Member, Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Danny F. Yost, Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Clerk-Treasurer David L. Kinder.

### Called To Order

President Lamaster called the Organizational Meeting to order at 7:00 p.m.

### Pledge

The Pledge of Allegiance to the flag was recited.

### Prayer

Rev. Jim Hamilton offered up the prayer for this meeting.

The minutes from the January 10<sup>th</sup> meeting were approved (Vote 5-0)

Joe Olson introduced himself to the Council. Mr. Olson stated that he has been the Servicing Agent for the Town of Sellersburg Employees for the past couple of years. Mr. Olson advised the Council that the renewal for the Health Insurance is April 1, 2000.

Mr. Adam Koch was on the agenda but was not present.

Kevin Wright with EMC presented the December 1999 report to the Council.

Kevin Wright advised that the credit that will be given to Adam Koch will be fifty dollars and sixty-two cents. (Vote 5-0)

Kevin Wright advised that in reference to Ms. Adrienne Bach's sewer and garbage collection billing, Ms. Bach will be refunded four hundred twenty-nine dollars and nineteen cents for the sewer and fifty-one dollars for trash. (Vote 5-0)

Kevin Wright presented the revenue report for January 24, 2000 to the Council.

Danny Yost entertained Paul Rhodes name to fill the vacancy on the Police Commissioners for a three year term ending December 31, 2000. (Vote 5-0)

Louis Imhof advised the Council that the Street Department needs a Petty Cash Fund in the amount of one hundred fifty dollars. Mr. McCall advised that he would prepare the Ordinance and it would be presented at the next meeting.

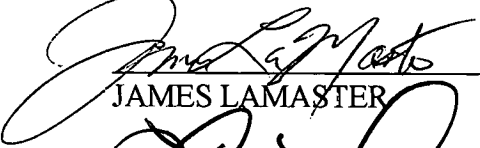
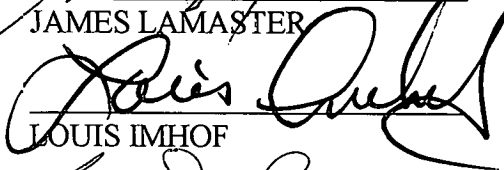

Mr. McCall introduced Tony Reider with Bell South Mobility. Bell South Mobility is proposing a contract, to the Town of Sellersburg, to install an antenna on top of the water tower. (Vote 5-0)

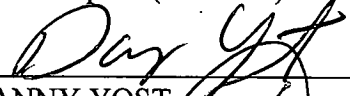

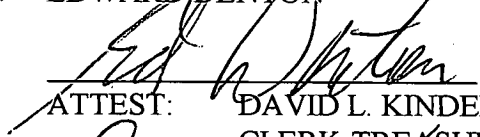
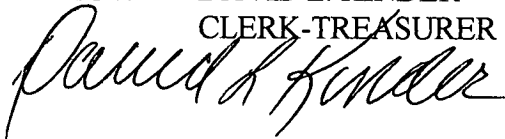
David Kinder advised that the Housing Authority made a recommendation to the Council that Tom Garr and Bobby Adkins be reappointed to the Housing Authority Board. (Vote 5-0)

Danny Yost advised the Council that the pool is paying a telephone bill each month and the pool is closed. The council voted to disconnect the telephone at the pool and have it reconnected when the pool opens and disconnected again when the pool closes each year. (Vote 5-0)

David Kinder presented the bills and they were approved and signed. (Vote 5-0)

James Lamaster entertained a motion to adjourn the meeting at 7:54 p.m. (Vote 5-0)

  
\_\_\_\_\_  
JAMES LAMASTER  
  
\_\_\_\_\_  
LOUIS IMHOF  
  
\_\_\_\_\_  
KENNETH BARNES

  
\_\_\_\_\_  
DANNY YOST  
  
\_\_\_\_\_  
EDWARD DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER  


## OPTION AND LEASE AGREEMENT

THIS AGREEMENT, made this 24 day of January, 2000 between City of Sellersburg, hereinafter designated LESSOR and BellSouth Mobility, Inc., hereinafter designated TENANT.

### RECITALS:

LESSOR is the owner of certain real property located in Sellersburg, in Clark County, State of Indiana and TENANT desires to obtain an Option to lease exclusive space for up to twelve (12) antennas at the top of the current antennas ( ) level of the existing water tower structure (the "Tower"); and nonexclusive space for the cables, lines, wires and other minor communication accessories (the "Line Space") between the Tower and the equipment shelter to be located on a portion of the real property, containing approximately four hundred fifty (750) square feet (the "Equipment Space"), owned by LESSOR. Said Tower is located at 200 block of Sellers Ave. and the Tower and Equipment Space are as shown on the Exhibit "A" attached hereto and made a part hereof. TENANT also desires to obtain a nonexclusive right for ingress and egress to the Tower and Equipment Space (said lease parcel and right of way hereinafter collectively called "Property"), seven (7) days a week, twenty-four (24) hours a day for the installation, maintenance and operation, all at TENANT's sole expense, of a cellular transmitting facility.

NOW THEREFORE, in consideration of a sum of One Thousand and No/100 Dollars (\$ 1,000.00), hereinafter referred to as "Option Money", to be paid by TENANT to the LESSOR, which TENANT will provide upon its execution of this Agreement, the LESSOR hereby grants to TENANT the right and Option to lease said portion of said real property including a right of way for access thereto for the term and in accordance with the covenants and conditions set forth herein.

The Option may be exercised at any time on or prior to January 24, 2001.

At TENANT's election, and upon TENANT's prior written notification to LESSOR, the time during which the Option may be exercised may be further extended for one additional period of Six (6) months, through and including January \_\_, 2001 with an additional payment of Five Hundred and No/100 Dollars (\$500.00) by TENANT to LESSOR for the Option Period so extended. The time during which the Option may be exercised may be further extended by mutual agreement in writing. If during said Option Period, or during the term of the lease, if the Option is exercised, the LESSOR decides to subdivide, sell or change the status of the Property or Lessor's property contiguous thereto, Lessor shall immediately notify TENANT in writing so that TENANT can take steps necessary to protect TENANT's interest in the Property.

LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants that there are no other liens, judgments or impediments of title on the Property.

This option may not be sold, assigned, or transferred, at any time except to TENANT's principal, affiliates or subsidiaries of its principal. As to other parties, this Option may not be sold, assigned or transferred without the written consent of the LESSOR, such consent not to be unreasonably withheld.

Should TENANT fail to exercise this Option or any extension thereof within the time herein limited, all rights and privileges granted hereunder shall be deemed completely surrendered, this Option terminated, and LESSOR shall retain all money paid for the Option, and no additional money shall be payable by either party to the other.

The LESSOR shall permit TENANT during the Option Period, free ingress and egress to the Property to conduct such surveys, structural strength analysis, radio propagation tests and other activities of similar nature, as TENANT may deem necessary, at the sole cost of TENANT, provided TENANT repairs any damage and said activities do not permanently damage the Property.

Notice of the exercise of the Option shall be given by TENANT to the LESSOR in writing by certified mail, return receipt requested. Notice shall be deemed effective on the date it is posted. On the date of such notice the following Agreement shall take effect:

## LEASE AGREEMENT

1. LESSOR hereby leases to TENANT, that area consisting of approximately 750 square feet of Equipment Space shown on Exhibit "A" (attached hereto and made a part hereof) and certain positions on the Tower in accordance with Paragraph 1A. Said Tower is located at 200 block of Sellers Ave., and LESSOR hereby grants TENANT the nonexclusive right for parking, ingress and egress, seven (7) days a week, twenty-four (24) hours a day for the installation, maintenance, and operation, all at TENANT's sole expense, of the following cellular telephone equipment and associated antennas:

A. Cellular antenna systems and associated equipment consisting of up to twelve (12) antennas to be mounted on the Tower. The antennas may be mounted above the current antennas ( ) foot level so that the signals transmitted and received thereby will not be impeded by the Tower or any other structure mounted thereon. The exact location on the Tower will be mutually agreed upon by TENANT and LESSOR. LESSOR grants TENANT the option in the future of placing new additional antennas, as opposed to antenna replacement, on the tower, subject to additional rent equal to \$100/month per antenna.



B. Communications equipment consisting of cellular radio equipment to be installed in approximately 750 square feet of space on the Equipment Space as indicated on Exhibit "A" attached hereto. Subject to LESSOR's approval, TENANT may make such alterations to said Equipment Space as are necessary. Prior to commencement of any alteration TENANT shall submit detailed plans of proposed alteration to LESSOR for its approval. LESSOR shall review said plans in a timely manner.

Said alterations, furthermore, are to be performed in a workmanlike manner and done so that no mechanics', laborers', or materialmens' liens will be permitted on the Property. Upon the termination of this Lease, TENANT shall remove all of its equipment from the Property and repair any damage done by said removal.

C. Flexible coaxial transmission line between the Tower and the radio equipment located in Equipment Space referred to in 1A and 1B above.

D. TENANT agrees to install radio equipment of a type and frequency which will not cause interference with existing tenants on the Tower at a time of such installation. In the event TENANT's equipment causes interference, TENANT will take all steps necessary to correct and eliminate such interference at its sole cost. LESSOR agrees not to allow any future tenant's use of the Tower or addition and/or modification to any current tenant's use of the Tower to cause interference with or cause the improper operation of TENANT's equipment.

E. Utilities. LESSOR shall furnish the Premises with electric service sufficient for the operation of TENANT's equipment. Any change in existing electric facilities required to meet the needs of TENANT's equipment shall be made at TENANT's expense.

F. TENANT agrees that all finish work and any construction expense related to the installation of TENANT's antenna system, will be at TENANT's expense.

2. LESSOR also hereby grants to TENANT the right to survey said Property, and the legal description on said survey shall become Exhibit "B", which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". LESSOR grants TENANT the right to take measurements, make calculations, and to note other structures, setbacks, uses, or other information as deemed by TENANT to be relevant and pertinent as such information relates to LESSOR's real property, leased or otherwise abutting or surrounding the Property. Cost for such survey work shall be borne by the TENANT.

3. This Agreement shall be for an initial term of five (5) years beginning on the date the TENANT begins its installation at an annual rental payment of Twelve Thousand No/100 Dollars (\$12,000.00) to be paid in equal monthly installments on the first day of the month, in advance, City of Sellersburg or to such other person, firm or place as the LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date.

4. TENANT shall have the option to extend this lease for four (4) additional five (5) year terms by giving the LESSOR written notice of its intention to do so at least six (6) months prior to the end of the then current term.

5. The annual rental for the first (1<sup>st</sup>) five (5) year extension term shall be increased to Thirteen Thousand Two Hundred Dollars (\$13,200.00); the second (2<sup>nd</sup>) five (5) year extension term shall be increased Fourteen Thousand Five Hundred Twenty Dollars (\$14,520.00); the third (3<sup>rd</sup>) five (5) year extension term shall be increase Fifteen Thousand Nine Hundred Seventy Two Dollars (\$15,972.00); and the fourth (4<sup>th</sup>) five (5) year extension term shall be increased to Seventeen Thousand Five Hundred Sixty Nine Dollars (\$17,569.00).

6. If at the end of the fourth (4<sup>th</sup>) five (5) year extension term this Agreement has not been terminated by either party by giving to the other written notice of an intention to terminate it at least six (6) months prior to the end of such term, this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of such term. Monthly rental for this period shall be equal to the rent paid for the last month of the fourth (4) five (5) year extension term.

7. TENANT shall use the Property for the purpose of constructing, maintaining and operating a Communications Facility and uses incidental thereto, consisting of a building or buildings as necessary now or in the future to shelter telecommunications equipment and up to twelve (12) antennas to be placed on the Tower along with cables and wires to connect the antennas with radio equipment as necessary, now or in the future to meet TENANT's telecommunication needs and all necessary appurtenances. A security fence consisting of chain link construction or similar but comparable construction may at the option of TENANT be placed around the perimeter of the Property (not including the access easement). All improvements shall be at TENANT's expense. LESSOR grants TENANT the right to use adjoining and adjacent land as is reasonably required during construction, installation, maintenance, and operation of the Communication Facility. TENANT will maintain the Property in a reasonable condition. It is understood and agreed that TENANT's ability to use the Property is contingent upon its obtaining after the execution date of this agreement, all of the certificates, permits and other approvals that may be required by any federal, state or local authorities. LESSOR shall cooperate with TENANT in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by TENANT. LESSOR agrees to sign such papers as required to file applications with the appropriate zoning authority and/or commission for the proper zoning of the Property as required for the use intended by the TENANT. TENANT will perform all other acts and bear expenses associated with the rezoning procedure. LESSOR agrees not to register any written or verbal opposition to the rezoning procedures. In the event TENANT is unable to use the leased parcel and/or access easement to the leased parcel, due to imposed zoning conditions or requirements, LESSOR hereby grants to TENANT the right to modify Exhibit "A" in order to satisfy any imposed zoning conditions or requirements. In the event that any of such applications should be finally rejected or any certificate, permit, license or approval issued to TENANT is canceled, expires, lapses, or is otherwise withdrawn or terminated by government authority or soil boring test or radio frequency propagation tests are found to be unsatisfactory so that

TENANT, in its sole discretion, will be unable to use the Property for its intended purposes, TENANT shall have the right to terminate this Agreement. Notice of the TENANT's exercise of its right to terminate shall be given to LESSOR in writing by certified mail, return receipt requested, and shall be effective upon the receipt of such notice by the LESSOR as evidenced by the return receipt. All rentals paid to said termination date shall be retained by the LESSOR. Upon such

termination, this Agreement shall become null and void and all parties shall have no further obligations, including the payment of money, to each other.

8. TENANT shall indemnify and hold LESSOR harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Property by the TENANT, its servants or agents, excepting, however such claims or damages as may be due to or caused by the acts of the LESSOR, or its servants or agents.

9. LESSOR agrees that TENANT may self-insure against any loss or damage which could be covered by a comprehensive general public liability insurance policy.

10. TENANT will be responsible for making any necessary returns for and paying any and all property taxes separately levied or assessed against its improvements on the Property. TENANT shall reimburse LESSOR as additional rent for any increase in real estate taxes levied against the leased Property which are directly attributable to the improvements constructed by TENANT and are not separately levied or assessed against TENANT's improvement's by the taxing authorities.

11. TENANT upon termination of this Agreement, shall within a reasonable period, remove its personal property and fixtures from the Property. If such time for removal causes TENANT to remain on the Property after termination of this Agreement, TENANT shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of personal property and fixtures are completed.

12. Should the LESSOR, at any time during the term of this Agreement, decide to sell all or any part of the Property, such sale shall be under and subject to this Lease Agreement and TENANT's right hereunder.

13. LESSOR covenants that TENANT, on paying the rent and performing the covenants shall peaceably and quietly have, hold and enjoy the Property.

14. LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement.

15. It is agreed and understood that this Agreement contains all agreements, promises and understandings between the LESSOR and TENANT and that no verbal or oral agreement, promises or understandings shall be binding upon either the LESSOR or TENANT in any dispute, controversy or proceeding at law, and any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing and signed by the parties.

16. This Lease agreement and the performance thereof shall be governed, interpreted, constructed and regulated by the laws of the State of Indiana.

17. This lease may not be sold, assigned or transferred at any time except to TENANT's principal, affiliates or subsidiaries of its principal or to any company upon which TENANT is merged or consolidated. As to other parties, this Lease may not be sold, assigned or transferred without the written consent of the LESSOR, such consent not to be unreasonably withheld. TENANT may sublease this Lease upon notice to LESSOR.

18. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, addressed as follows (or to any other address that the party to be notified may have designated to the sender by like notice):

LESSOR: <sup>Town</sup>  
City of Sellersburg  
P.O. Box 85  
316 E. Utica St.  
Sellersburg, IN 47172

TENANT: Bellsouth Mobility, Inc.  
1650 Lyndon Farms CT.  
Louisville, KY 40223  
Attn.: Real Estate Manager

19. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto.

20. At LESSOR's option, this Agreement shall be subordinate to any mortgage by LESSOR which from time to time may encumber all or part of the property or right of way; provided, however, every such mortgage shall recognize the validity of this Agreement in the event of a foreclosure of LESSOR's interest and also TENANT's right to remain in occupancy of and have access to the Property as long as TENANT is not in default of this Agreement. TENANT shall execute in a timely manner whatever instruments as may reasonably be required to evidence this subordination clause. In the event the leased Property is encumbered by a mortgage, the LESSOR, no later than ten (10) days after this lease is exercised, shall have obtained and furnished to TENANT a non-disturbance instrument in recordable form for each such mortgage.

21. If the whole of the leased premises or such portion thereof as will make the premises unusable for the purposes herein leased, are condemned by any legally constituted authority for any public use or purpose, then in either of said events the term hereby granted shall cease from the time when possession thereof is taken by public authorities, and rental shall be accounted for as between LESSOR and TENANT as of that date. TENANT shall remove all of its equipment within 60 days from the receipt of notification of condemnation from the condemning authority. Any lesser condemnation shall in no way affect the respective rights and obligation of LESSOR and TENANT hereunder. Nothing in this provision shall be constructed

to limit or affect TENANT's right to an award of compensation of any eminent domain proceeding for the taking of TENANT's leasehold interest hereunder.

22. TENANT, at TENANT's option, may obtain title insurance on the space leased herein. LESSOR, at LESSOR's expense, shall cooperate with TENANT's efforts to obtain such title insurance policy by executing documents or obtaining requested documentation as required by the title insurance company. At TENANT's option, should the LESSOR fail to provide the requested documentation within thirty (30) days of TENANT's request, or fail to provide the non-disturbance instrument(s) as noted in Paragraph 20 of this Agreement, TENANT may withhold and accrue the monthly rental until such time as the requested document(s) is (are) received.

23. LESSOR shall hold TENANT harmless from and indemnify TENANT against and from any damage, loss, expenses or liability resulting from the discovery by any person of hazardous substances generated, stored, disposed of, or transported to or over Property, as long as such substance was not stored, disposed of, or transported to or over the Property by TENANT, its agents, contractors, employees, or invitees. TENANT will be responsible for any and all damages, losses, and expenses and will indemnify LESSOR against and from any discovery by any persons of hazardous wastes generated, stored, or disposed of as a result of TENANT's equipment and uses of the aforementioned Property.

24. Tower Marking and Lighting Requirements. LESSOR acknowledges that it, and not TENANT, shall be responsible for compliance with all Tower marking and lighting requirements of the Federal Aviation Administration ("FAA") and the Federal Communication Commission ("FCC"). LESSOR shall indemnify and hold TENANT harmless from any fines or other liabilities caused by LESSOR's failure to comply with such requirements. Should TENANT be cited by either the FCC or FAA because the Tower is not in compliance and should LESSOR fail to cure the conditions of noncompliance within the time frame allowed by the citing agency, TENANT may either terminate the Agreement immediately on notice to LESSOR or proceed to cure conditions on noncompliance at LESSOR's expense, which amounts may be deducted from the Rent.

25. LESSOR will notify TENANT before painting or performing repairs on the tank when within five feet of the antennas.

26. LESSEE acknowledges and understands that LESSOR has installed or will install certain signage and/or physical barriers pertaining to radio frequency exposure from Lessor's antennas and other equipment. Lessee shall instruct all of its personnel and its contractors performing work at the Site to read carefully all such signage, to follow the instructions provided in such signage, and to honor all physical barriers. In no event shall Lessee's personnel or contractors tamper with any such signage or barriers. Similarly, lessee and any other carrier(s) shall be responsible for placement of signage or physical barriers at or near their facilities at the Site in order to comply with applicable FCC radio frequency exposure guidelines. Lessor and Lessee shall cooperate in good faith to minimize any confusion or unnecessary duplication that could result from similar signage (if any) being posted at or near the Site.

27. Addendum number one is make part of this contract.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Signed, sealed and delivered in the presence of:

LESSOR:

City of Sellersburg

Jay Weiss  
WITNESS

[Signature] (Seal)  
BY:  
TITLE: Pres.

[Signature]  
WITNESS

Michelle D. Ewe  
NOTARY PUBLIC

Signed, sealed and delivered in the presence of:

TENANT:

BellSouth Mobility, Inc.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY:  
TITLE: \_\_\_\_\_

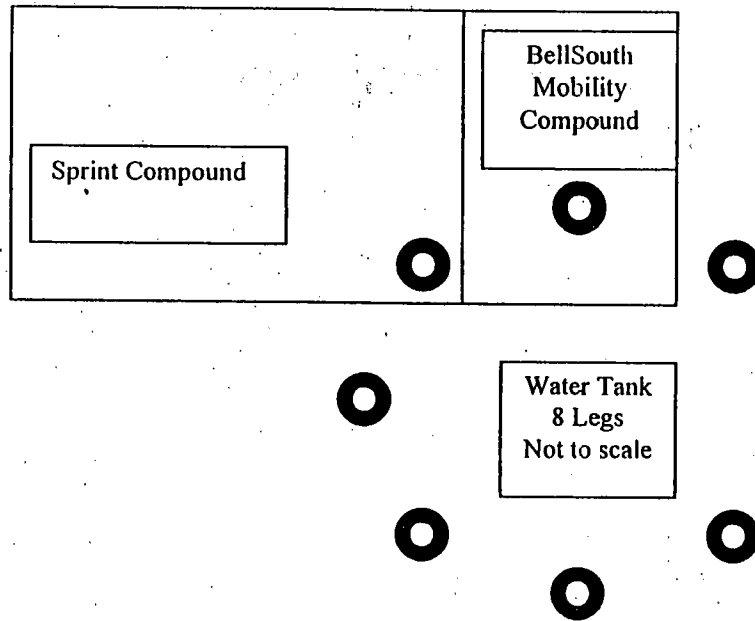
\_\_\_\_\_  
WITNESS

(CORPORATE SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

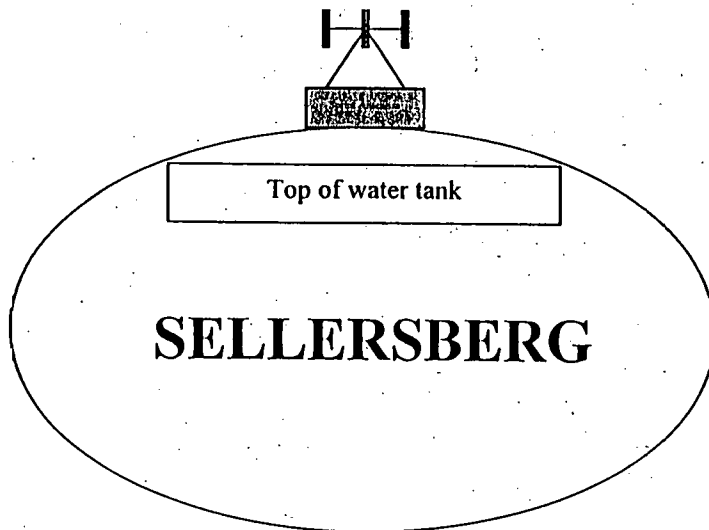
# Exhibit A

for Option & Lease agreement signed January 24, 2000 between The City of Sellersburg and BellSouth Mobility, Inc.



Ground Spacing

Antenna set up



This is to be replaced by more professional drawing.  
Initials JL  
Initials \_\_\_\_\_

**ADDENDUM ONE TO CONTRAT Dated January 24, 2000**

- 1) BellSouth Mobility shall obtain all permits required for the -preparation and construction of the project, and supply a copy of said permits to the Town of Sellersburg (Town).
- 2) BellSouth Mobility shall pay the Town's costs during the construction process, which may include but shall not be -limited to wasted water, tank inspections, water main breaks due to higher water pressure, materials, and any other incidental costs which may result to the Town, which is caused by all act or omission of BellSouth Mobility during the construction phase.
- 3) BellSouth Mobility shall be responsible for the costs of or the restoration of the water tank's paint on the inside or outside of the tank or lettering which is damaged, affected or blemished as a result of any act by BellSouth Mobility during the construction process.
- 4) Bell-South Mobility agrees to comply with any FAA requirements concerning aviation-warning lights. If there currently are aviation lights on the water tower, BellSouth Mobility assumes responsibility for insuring said aviation lights remain in compliance with FAA requirements, while under construction.
- 5) Prior to any construction BellSouth Mobility shall obtain and provide to the Town proof of Contractor's Insurance and Performance Bond.
- 6) BellSouth Mobility shall provide to the Town a schedule for the beginning date and completion date of the construction project, and shall make available to the Town a local contact person in case of emergency, who shall be available to the Town twenty-four (24) hours a day, seven (7) days a week.
- 7) Upon expiration of the lease, breach of the lease agreement, default or other cause for termination of said agreement, BellSouth Mobility shall at its expense, remove all equipment installed under this agreement and leave said water tower in condition which is consistent with the current condition of said water tower.
- 8) BellSouth Mobility shall not assign or sublet to any entity, business or company which is not associated with BellSouth Mobility. This provision applies to a similar entity, business or company which the Town could contract with directly for lease of area on said water tower. This provision shall be in addition to the provisions of paragraph five (5) of the contract.
- 9) The Town shall not be prohibited from leasing area on its water tower to other companies or business as long as said agreement does not impede or infringe upon the area leased by BellSouth Mobility.



ORDINANCE NO. 2000-5

AN ORDINANCE AMENDING ORDINANCE NO. 99-721 REGARDING 2000  
SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Sellersburg Town Council did on the 8<sup>TH</sup> day of  
AUGUST, 1999, adopt Ordinance No. 99-721, establishing 2000  
Salary, Holiday and Longevity Pay; and

WHEREAS, the Sellersburg Town Council has determined that said  
Ordinance should be amended to accurately reflect the new rates of pay for  
the Chief Deputy Clerk and Town Hall Clerk; and

WHEREAS, the Sellersburg Town Council has determined that said  
Ordinance should be amended for the efficient and effective administration  
of Town Government; and

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

BE IT THEREFORE NOW ORDAINED that Ordinance No. 99-721,  
regarding 2000 Salary, Holiday and Longevity Pay be amended as follows:

The hourly rate for the Chief Deputy Clerk shall be changed from  
\$9.89 per hour to \$10.25 per hour;

The hourly rate for the Town Hall Clerk shall be changed from \$8.79  
per hour to \$9.50 per hour.

The amendment to Ordinance No. 99-721 shall be retroactive to  
January 1, 2000.

All other provisions of Ordinance No. 99-721 shall remain in full force and effect.

SO ORDAINED THIS 14<sup>th</sup> FEBRUARY DAY OF ~~JANUARY~~, 2000.

YEAS:

NAYS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

[Signature]  
David Kinder  
Clerk/Treasurer

Sellersburg Town Council

February 14, 2000

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Council President, James H. Lamaster, Council Vice-President, Danny Yost, Council Member Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Clerk-Treasurer David L. Kinder.

Called to Order

President Lamaster called the meeting to order at 6:30 p.m.

Topics of Discussion

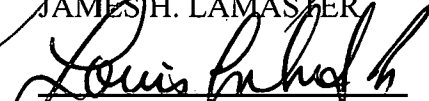
Mr. Barnes discussed transferring a vehicle sitting at the Sewer Plant back to the Police Department. Mr. Denton advised that he would have someone check the vehicle to see what the cost of repairing the vehicle would be.

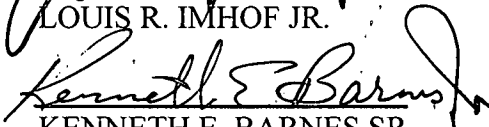
Mr. Barnes discussed drainage problems on Popp Avenue and on Belinda Bartley's property.

Mr. Kinder discussed Ordinance 2000-1, Amendment to the Salary Ordinance.

Mr. Lamaster entertained a motion to adjourn the meeting at 7:07 p.m. (Vote 5-0)


  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
LOUIS R. IMHOF JR.

  
\_\_\_\_\_  
KENNETH E. BARNES SR.

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## Sellersburg Town Council

February 14, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. Those present were: Council President, James H. Lamaster, Council Vice-President, Danny Yost, Council Member Edward D. Denton, Council Member, Kenneth E. Barnes Sr., Council Member, Louis R. Imhof Jr., Town Attorney, William P. McCall III and Clerk-Treasurer David L. Kinder.

### Called to Order

President Lamaster called the meeting to order at 7:10 p.m.

### Pledge

The Pledge of Allegiance to the flag was recited.

### Prayer

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

The minutes from the January 24<sup>th</sup> meeting were approved (Vote 5-0)

Charlie Heiseman with Sun Flower Valley Water addressed the Council on taking over the Sun Flower Valley water line. Mr. Lamaster and Mr. McCall advised Mr. Heiseman to contact the Clark County Commissioners and ask for a grant to repair the water line and then the Town may possibly take over the water line.

Richard Henson addressed the Council in reference to a tax abatement for Rick's Cabinets located in Sellersburg Industrial Park. The tax abatement will be for ten years on real property and five years on personal property. (Vote 5-0)

Kevin Wright with EMC presented bills to be paid to the Council. (Vote 5-0)

Mr. Barnes made a motion to consider Ordinance 2000-4 to establish a petty cash fund in the amount of \$150.00 for the Street Department on it's first reading. (Vote 4-1, Mr. Denton opposed)

Mr. Yost made the motion to approve on the first reading Ordinance 2000-4. (Vote 5-0)

Mr. Imhof made a motion, seconded by Mr. Yost, to consider Ordinance 2000-5 for the pay raises of the girls in the office to be considered on the first reading. (Vote 5-0)

Sellersburg Town Council  
Regular Meeting  
February 14, 2000

Mr. McCall addressed the Council on the Old Waste Water Treatment Plant on Utica-Sellersburg Road. Mr. McCall wanted to know if there was any interest from the Council to sell the old plant and to see what options there were. Mr. McCall stated that he would look into all possible options.

Mr. McCall stated that at the last meeting, Mr. Yost brought up about the dumpster located at the Sellersburg Township Park. Mr. McCall stated that when Mr. Denton first came to the Town Council about the park, when he was getting it together, he asked the Town to make some kind of contribution, to help out, and the Town agreed to provide a dumpster to them, but other than being in the Town Minutes somewhere, it was never formalized. In order for the Council to feel comfortable about spending that money, Mr. McCall stated that he put together a resolution authorizing the Council to expend funds to provide that trash dumpster for the Sellersburg Township Park.

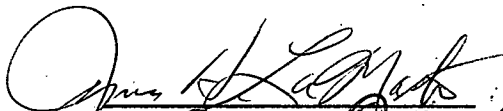
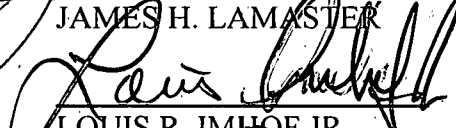
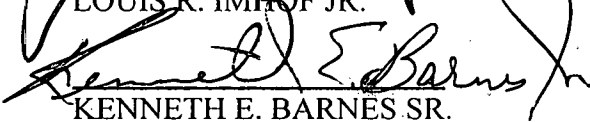
Mr. Kinder presented the bills to be approved. Motion made by Mr. Barnes, seconded by Mr. Imhof. (Vote 5-0)

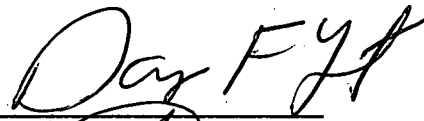
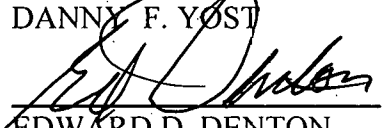
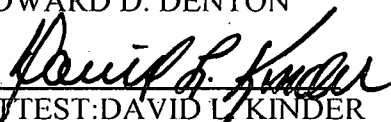
Mr. Lamaster entertained a motion for Police Chief of Sellersburg. Mr. Barnes stated that he hears a motion that a Police Chief be obtained. Mr. Barnes stated that all the candidates were super great. Mr. Barnes stated that the Council's findings were Sergeant Michael Stricker of the Sellersburg Police Department. Mr. Lamaster stated that he needed a second and Mr. Denton seconded.

Mr. Lamaster asked if he had a vote on Sergeant Mike Stricker as Chief of Police in Sellersburg, all in favor signify by saying I. (Vote 4-1, Mr. Imhof voted No)

Mr. Lamaster entertained a motion to adjourn the meeting. (Vote 5-0)

Meeting Adjourned at 7:50 p.m.

  
\_\_\_\_\_  
JAMES H. LAMASTER  
  
\_\_\_\_\_  
LOUIS R. IMHOF JR.  
  
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KENNETH E. BARNES SR.

  
\_\_\_\_\_  
DANNY F. YOST  
  
\_\_\_\_\_  
EDWARD D. DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER



# STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM SB - 1

### INSTRUCTIONS:

This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and the "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)

- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.
- To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
- Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer <b>Richard L. Henson Jr.</b>	
Address of taxpayer (street and number, city, state and ZIP code) <b>3312 Kamer Miller Rd.</b>	
Name of contact person <b>Richard L. Henson Jr.</b>	Telephone number <b>288-2066 w (812) 949-6191 17</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body	Resolution number <b>95-28</b>	
Location of property <b>Sellersburg Industrial Park</b>	County <b>CLACK</b>	Taxing district <b>Sellersburg</b>
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) <b>1- Acre - construct 12,000 square foot metal building for use as cabinet manufacturing</b>		Estimated starting date <b>3-00</b>
		Estimated completion date <b>7-00</b>

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
<b>2</b>	<b>50,000</b>	<b>2</b>	<b>50,000</b>	<b>3</b>	<b>60,000</b>

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values				
Plus estimated values of proposed project	<b>150,000</b>			
Less values of any property being replaced				
Net estimated values upon completion of project	<b>150,000</b>			

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER
<b>Real estate will be leased to cabinets by Rick, Inc. for use as cabinet manufacturer</b>

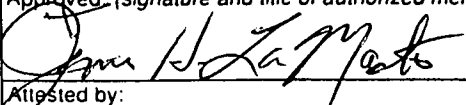
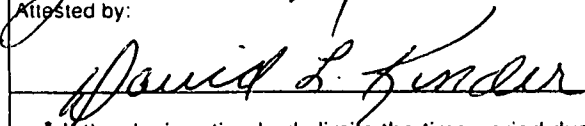
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <b>Richard L. Henson Jr.</b>	Title <b>President</b>	Date signed (month, day, year) <b>2/2/00</b>

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed 10 calendar years \* (see below). The date this designation expires is \_\_\_\_\_.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements;  Yes  No
  2. Installation of new manufacturing equipment;  Yes  No
  3. Residentially distressed areas  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.
- D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_.
- E. Other limitations or conditions (specify) \_\_\_\_\_
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:  5 years  10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

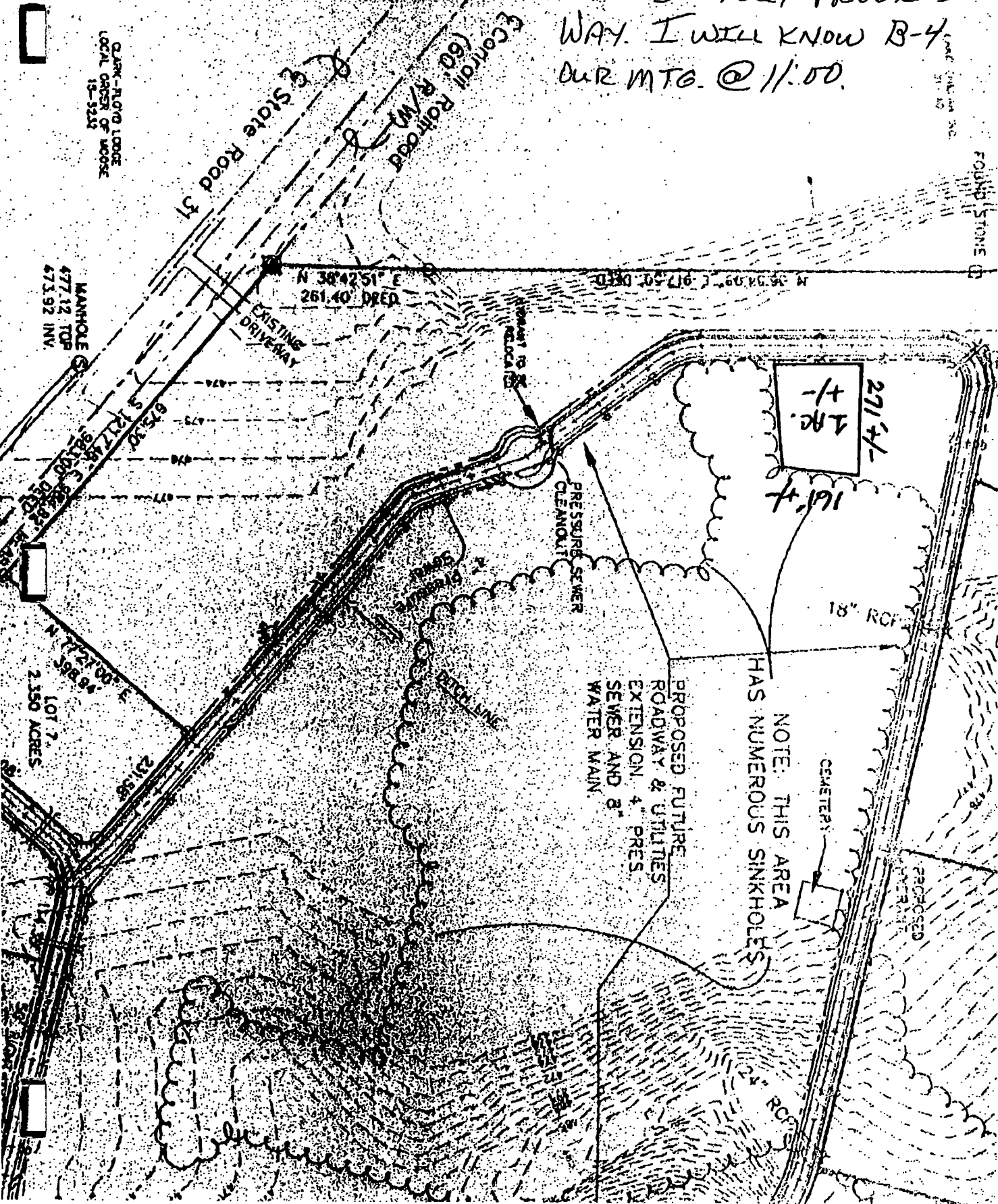
Approved: (signature and title of authorized member) 	Telephone number (812) 246-3824	Date signed (month, day, year) 2-14-00
Attested by:  CLERK- TREASURER	Designated body TOWN OF SELLERSBURG	

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: (see tables below)

NEW MANUFACTURING EQUIPMENT		
For Deductions Allowed Over A Period Of:		
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENTS			
For Deductions Allowed Over A Period Of:			
Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

I THINK THE ADDRESS  
WILL BE 1021 PROGRESS  
WAY. I WILL KNOW B-4  
OUR MTO. @ 11:00.





**SELLERSBURG TOWN COUNCIL**

**February 24, 2000**

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on February 24, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder


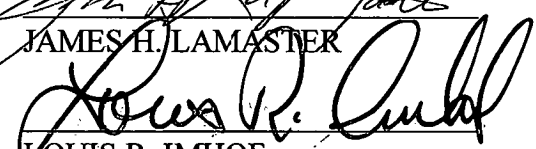
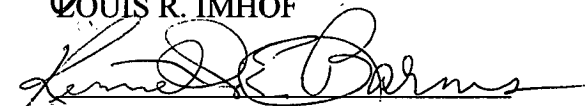
Called To Order

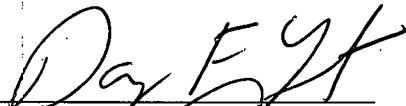
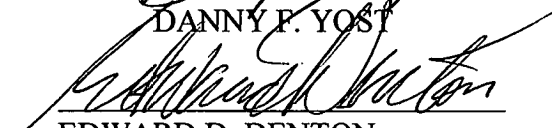
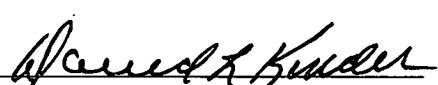
President James H. Lamaster called the meeting to order at 7:00 P.M.

Topics of Discussion

Deputy Chief of Police position with the Sellersburg Police Department.  
Possible pending litigation references the removing of the previous Deputy Chief of Police.

President Lamaster entertained a motion by Kenneth E. Barnes, Sr. to adjourn the meeting, seconded by Louis R. Imhof. Meeting was adjourned at 9:00 P.M.

  
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JAMES H. LAMASTER  
  
\_\_\_\_\_  
LOUIS R. IMHOF  
  
\_\_\_\_\_  
KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST  
  
\_\_\_\_\_  
EDWARD D. DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

February 28, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on February 28, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

## Called To Order

President James H. Lamaster called the meeting to order at 7:00 P.M.

## Prayer

Offered by Reverend Larry Poe.

## Pledge

The Pledge of Allegiance to the Flag was recited.

Carl Kamer, associate of K. D. Stearly, introduced Mr. K. D. Stearly to the Council. Mr. Stearly spoke about having Town maps produced by his company, K. D. Stearly Publications. Mr. Stearly discussed the need for an up-date for the Town map. Mr. Stearly wants to know if the council is interested in this map and if you are Stearly is interested in starting in June to start work on the map and contacting advertisers who would pay for the production of the maps. Mr. Stearly is asking for some type of endorsement, from the council, showing support for this map. Mr. Denton wanted to know about the cost of this project. Mr. Stearly advised that the start up cost could be \$2000.00 to \$3000.00 seed money but the cost is not a mandatory fact in having the map produced. Mr. Stearly asked to be placed on the next agenda, March 13, 2000. He will be on the agenda.

Mr. Joe Olson addressed the council concerning Health Insurance on the employees. Olson advised that the new rates are not available at this time, as his requests have not all been returned. He presented a list of those insurance rates that have been returned for the council to review. It appears that rebates from other companies do not compare with what the Town presently has. Mr. Olson explains how the Insurance companies, particularly on pre-existing conditions figure rates. Currently there are conditions within the Town that would allow these companies to maximize these rates. I suspect the rates will increase 20 to 25 per cent.

Mr. Charles Brewer, on agenda for garbage collection failed to attend the meeting.

Sellersburg Town Council  
Regular Meeting  
February 28, 2000  
Page 2

Ms. Harriett Kirk on agenda reference drainage problems did not attend meeting.

Mr. Roger Harshey discussed council reference water drainage on Hanger Avenue. The drains, catch basins, are above the water level for the drainage. The catch basin is on top the hill and the water is lower portion of the street. There is no drainage where the water gathers. The catch basins need to be relocated or additional basins added on Hanger.

Kevin Wright, EMC, presented the water revenues for the past month. Also the monthly report for January was presented. Mr. Barnes requested information about sludge at the plant. Mr. Wright addressed sludge.

Mike Stricker, Chief of Police, addressed the council about selling old police vehicles to another municipalities. Wants Town Attorney to research how to sell these to another municipality. Has another vehicle, worth over twenty thousand dollars, to this same municipality. If possible could the Chief have an answer by March 11.

Mr. Boyce Adams, with Sellersburg Volunteer Fire Department, addresses the council about the contract with the Sellersburg Volunteer Fire Department for the building commissioner. The contract was presented: a year contract, January 2000 through December 31, 2000. Motion by Kenneth Barnes to accept the contract, 2<sup>nd</sup> by Louis Imhof. Five members voted yea, no nay votes. Motion to accept contract adopted.

Mr. Adams further addressed the council about the planning and Zoning Board not having manuals for the Zoning Regulations. Need to have 15 copies of the manuals reprinted at a cost of \$273.90. Mr. Louis Imhof makes motion to purchase the manuals, 2<sup>nd</sup> by Kenneth Barnes; motion passed with 5 yea votes and 0 nay votes. Motion to purchase manuals adopted.

Motion to sell the police vehicles, pending approval of the legal aspects allowing the sale of these vehicles. Motion made by Kenneth Barnes, 2<sup>nd</sup> by Danny Yost. Motion passed 5 yeas and 0 nay votes. Motion to sell the police vehicles, pending legality of the sale adopted.

Mr. Denny Amos address the council about a water problem on US 31 at his place of business, Superior Print, 840 South Indiana Avenue, and the property behind his belonging to Mr. Denton.

Mr. Amos states because of the recent fill-in of lands next to his property, approved by Town Engineer. This is a continuing problem but has gotten worse since the development of the subdivision on US 31 near his property.

Mr. Imhof advised the Council that William Voyles has expressed an interest in filling the vacancy on the Planning and Zoning Board. This will be discussed at the next meeting, March 13.

Sellersburg Town Council

Regular Meeting

February 28, 2000

Page 3

Mr. Barnes wanted to know if any action has been taken on the vehicles at the Sewer Plant. Mr. McCall explained that he needs the description of the items to be sold and he will put together how to sell it, auction or bid.

Mr. McCall asked Barnes about some drainage on Ms. Bartle's property. McCall advised that his had been discussed before and that she has an attorney. Also there is a person interested in purchasing the old sewer plant. He advised that he could notify the interested party that the property could be sold either by auction or bid process. Mrs. Dreyer has no interest in the property.

Mr. McCall also addressed the drainage property on Popp Avenue and that he had turned it over to John Toombs and that the problem is not caused by Mr. Alexander but also You-a-carry-outa is putting rice in catch basin; another driveway has been installed which now has pipe underneath it to help the drainage.

He discussed the Jesse Bellew and Stan Richards about the railroad crossing into his (Bellew's) development.

Motion to adjourn made by Kenneth Barnes, 2<sup>nd</sup> by Danny Yost, passed 5 yea votes 0 nay votes.

  
JAMES H. LAMASTER

  
LOUIS R. IMHOF

  
KENNETH E. BARNES

  
DANNY E. YOST

  
EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## SELLERSBURG TOWN COUNCIL

• March 9, 2000

### Special Meeting

A special meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 P.M. Those present were Council President, James H. Lamaster, Council Member Danny F. Yost, Council Member Edward D. Denton, Council Member Kenneth E. Barnes, Sr., Council Member Louis R. Imhof, Jr., Town Attorney William P. McCall and Clerk/Treasurer David L. Kinder.

### Call to Order

President Lamaster called the Special Meeting to order at 7:02 P.M.

Mr. Daniel J. Vogel, President of the Sellersburg Police Commission, addressed the Council, on behalf of the Police Commissioners. All members of the Police Commission were present, Linda S. Stewart, Paul J. Rhodes, Earl G. Bonnville, and Dennis V. Amos. The discussion referenced a hostile environment between the Sellersburg Police Department and the Sellersburg Police Commission because after an executive meeting between the four Sellersburg Police Commission, Perry (William P. McCall, III) and you (James H. Lamaster). That was before Mike (Michael L. Stricker) had been selected as Police Chief. After the meeting Mike was told that this Police Commission was bad-mouthing him. That was a falsehood.

Michael Stricker spoke about his wanting to work with the Police Commissioners and that at the meeting with the Commissioners he stated several times that he wanted to work with the Police Commission. That he met with Mr. Bonnville, after the meeting, for about two hours and he again stated that he wanted to talk with the Police Commissioners.

Paul Rhodes then asked about the present situation with the Police Commission. He asked for this meeting so that the Police department can move on.

William McCall then stated that John Ruckleshaus, an attorney in Indianapolis, wrote a letter to Michael Stricker about representation of Pat Bradshaw reference Bradshaw being removed from as Deputy Chief of Police by Michael Stricker. McCall stated he wrote Ruckleshaus on behalf of the Town.

Discussion followed reference the legality of Bradshaw being given the permanent rank of Captain.

Sellersburg Town Council  
Special Meeting  
March 9, 2000  
Page 2

After lengthy discussion Danny F. Yost made a motion to remove Bradshaw from the position of Deputy Chief of Police, seconded by Kenneth E. Barnes, Sr. Vote was 5 yea and 0 Nay. Mr. Lamaster stated his pay would be that of a first class patrolman. Mr. McCall states that the removal of Bradshaw is effective tonight.

Motion to adjourn made by Danny Yost, 2<sup>nd</sup> by Kenneth Barnes. 5 Yea votes 0 Nay votes. Meeting adjourned at 8:40 P.M.

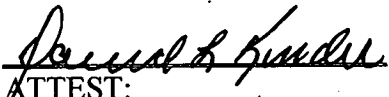
  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
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KENNETH E. BARNES

  
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DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST:  
DAVID L. KINDER  
CLERK/TREASURER

SELLERSBURG TOWN COUNCIL

March 13, 2000

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 13, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

Called To Order

President James H. Lamaster called the meeting to order at 6:35 P.M.

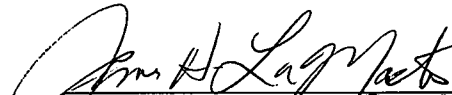
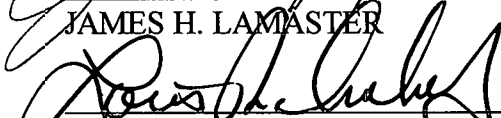
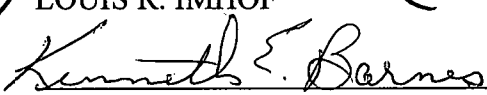
Topics of Discussion

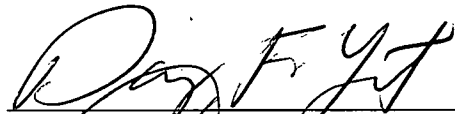


Pre-employment physical examinations for Town Employees.

Sur-charge on sewer bills for residence outside the Town limits.

Salary for Chief of Police.

Motion to adjourn made by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. 5 yea votes 0 nay votes. Meeting adjourned at 7:04 P.M.

  
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JAMES H. LAMASTER  
  
\_\_\_\_\_  
LOUIS R. IMHOF  
  
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KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST  
  
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EDWARD D. DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## SELLERSBURG TOWN COUNCIL

March 13, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 13, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

### Called To Order

President James H. Lamaster called the meeting to order at 7:05 P.M.

### Prayer

Offered by Reverend Gary Fenner.

### Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Danny F. Yost to accept the minutes from the last regular meeting and special meeting, seconded by Kenneth E. Barnes, Sr. 5 yea votes 0 nay votes, motion approved.

K.D. Stearly spoke about Town maps, produced by his company, K. D. Stearly Publications. Mr. Stearly discussed the need for an up-date for the Town maps. President Lamaster advised him that the Town could not give "seed" money but that the Council would write a letter of support for Mr. Stearly endorsing the map to the merchants of Sellersburg. Mr. Stearly advised that he would send a draft copy of the letter to the Clerk/Treasurer for the Council or President Lamaster to sign. He would like to start the project around May.

Mr. Mike Meyer addressed the Council about water problems in the rear of his home on Popp Avenue and the yards of his neighbors. He advised that this is an ongoing problem and that he has spoken to other Town boards about this but the matter continues. He asks if something could be done. That this problem is because of street and alley build-ups over the years and that there is no place for the water to go now.

President Lamaster asked John Toombs to look into the problem and then let the Council know what action could be taken and the approximate cost of repairs. Mr. Toombs said he has talked with Mr. Meyer and he will check the area, get someone to take some elevation surveys and talk with the people in the neighborhood. President Lamaster advised Mr. Meyer that this is a problem



Sellersburg Town Council  
Regular Meeting  
March 13, 2000  
Page 2

all over the Town and that the Council will try to correct as much as possible.

Mrs. Vickie Jones also addressed the Council reference this same matter. She stated that Mr. Meyer was the spokesman for her and the neighborhood.

Midwestern Engineers, Mary Lou Schnell and Richard Birch did not appear before the Council as scheduled.

Mr. Guy Rhodes, on the agenda, also did not appear.

Steve Klein asked for sewer service to some 300 apartment/condos he is planning on property that he owns on SR 311, just South of Sellersburg. He says he is in the county and is sure Clarksville would like to provide the sewers and annex him but he would rather come to Sellersburg.

Mr. Lamaster says that this would cross Clarksville's sewer line and that seems to be a major concern at this time. No other comments by the Council.

EMC, Kevin Wright presented the revenue report for EMC from 2-29 to 3-13.

IDEM made an inspection of the plant and they advised we need to address the overflows, the rainwater coming in and possibly there could be a letter coming from them about this matter.

Danny Yost advised he received a letter from River Hills Economic Development reference someone from Sellersburg being on their Board of Directors. They request an appointment from Sellersburg. Motion by Kenneth E. Barnes, Sr., seconded by Louis Imhof, Sr. for Mr. Yost to be appointed to this position. 5 yea votes 0 nay votes.

Mr. Imhof call attention to Mr. Don Coates who attended the Special Meeting and wanted on the agenda for this meeting reference water/sewer problem.

Mr. Coates wanted to meet with the Town Council reference the sprinkling system he has in his yard. The meter has not worked for three years and he needs to know who puts in a new meter and how does he get credit for the sprinkler water? Mr. Wright advised he would have water people come by and check the meter and read it.

Mr. Imhof recommended the appointment of William Voyles to the Planning Commission, as presented at the last regular meeting. President advised to put notice on bulletin board about the

position and if no one applies by next meeting the Mr. Voyles will be appointed.

Mr: John Toombs addressed the Council reference a contract awarded to L. D. Rice Construction for some work. Mr. Rice did not want the work. I have contacted Danny Cristiani reference and we went out, with Clark Henson, both contractors and went over the whole thing. Mr. Rice to be relieved that someone else was going to do the work

I, (Mr. John Toombs), am recommending that you pass a resolution to cancel the original contract and award the contract to Dan Cristiani Excavating Company, Inc. for \$7470.00, which is a saving of about \$5,100.00. Motion to cancel the contract for \$12,880.00 on the Fern/Villa project. Motion by Danny Yost, seconded by Kenneth E. Barnes, Sr. 5 yea votes 0 nay votes, motion to cancel carried.

Now have a proposal by Mr. Dan Cristiani to reroute the water main for \$7,470.00. Motion to approve made by Danny Yost seconded by Louis R. Imhof, Jr. Mr. Barnes asks where the project is located and was advised by Mr. Lamaster. 5 yea 0 nay, motion approved.

President Lamaster signs the contract with Dan Cristiani Excavating Company, Inc. Copy of the contract given to Clerk/Treasurer.

Mr. Denton asked if Mr. Toombs was able to do anything with Jimmy Shields reference getting on his property? Mr. Toombs advised that he didn't have to as the project was moved down stream.

Mr. Kinder explains the letter to the council about the letter of Compliance with Statement of Benefits. Mr. McCall states he has sent letters to all the persons involved.

Motion to adjourn the meeting by Kenneth E. Barnes, Sr., seconded by Edward D. Denton  
5 yea 0 nay, meeting adjourned at 7:40 P.M.

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
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KENNETH E. BARNES

  
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DANNY F. YOST

  
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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER



**DAN CRISTIANI EXCAVATING CO., INC.**

1221 Old Hwy. 31E

P.O. Box 2427

Clarksville, IN 47131-2427

PHONE (812)282-9866 Fax (812)282-9908

**PROPOSAL**

**TO:** Sellersburg Water Company

**ATTN:** Nathan Grimes

**DATE:** February 28, 2000

**JOB SITE:** US 31 and Foothill Road

**DESCRIPTION:**

Estimate for equipment, labor and material to be used to install 2 valves and relocate the 8" main.

Includes:

Locate the existing main to determine the 8" AC pipe O.D.  
Furnish and install 2 - 8" MJ gate valves to be used for isolation purposes.

Cut into the existing 8" AC main and install 4 - 45 bends and approximately 40' of PVC pipe.

\$ 7,470.00

No rock excavation

No permits or bond

Estimate is based on the water company doing the shut down and notifications.

The valve installation will be done at night and the main relocation will be done during the day.

Acceptance to constitute a contract between us. This bid to hold for a period of 30 days from date. Terms: Net, tenth of month following completion.

DAN CRISTIANI EXCAVATING CO., INC.

ACCEPTED

BY Nathan Grimes

BY [Signature]

DATE 3-13-00

**SELLERSBURG TOWN COUNCIL**

**March 27, 2000**

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 27, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., and Town Clerk/Treasurer David L. Kinder, Chief of Police Michael L. Stricker and John Toombs

Called To Order

President James H. Lamaster called the meeting to order at 7:58 P.M.

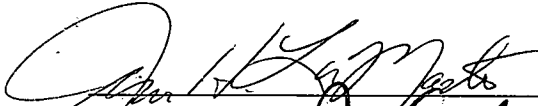
Topics of Discussion

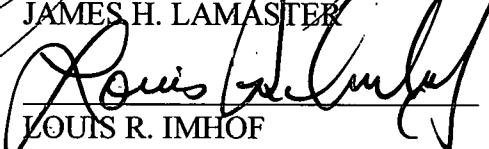
Complaint against Chief of Police Michael L. Stricker.

John Toombs discusses town drainage. Sur-charge on sewer bills for residence outside the Town limits.

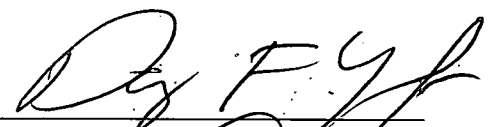
Salary for Chief of Police.

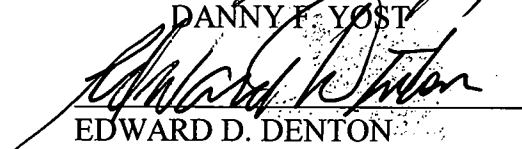
Motion to adjourn made by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. 5 yea votes 0 nay votes. Meeting adjourned at 9:37 P.M.

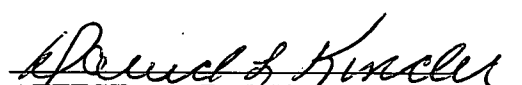
  
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EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

March 27, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 27, 2000. Present for this meeting were Town Board President James H. Lamaster, Louis R. Imhof, Danny F. Yost, Edward D. Denton, Kenneth E. Barnes, Sr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

## Called To Order

President James H. Lamaster called the meeting to order at 7:05 P.M.

## Prayer

Offered by Reverend John Abbott

## Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Danny F. Yost to accept the minutes from the Regular meeting March 13, 2000 and The Executive Meeting of March 13, 2000 seconded by Kenneth E. Barnes, Sr. 5 yea votes 0 nay votes, motion approved.

Mr. Phil Dean as not present to address the Board reference speeding vehicles on Scheller Avenue.

Richard Birch and Mary Lou Schnell of Mid Western Engineers, Inc. of Loogootee, Indiana, introduced themselves to the Board and offered services for any future needs of the Board in the Engineering field.

Kevin Wright of EMC addressed the Board reference moving a fire hydrant on Oak street and St. Paul street. The Reschar Construction was awarded the contract for \$3,300.00. Motion made by Louis R. Imhof, Jr. seconded by Kenneth E. Barnes, Sr. 5 yea votes 0 nay votes, motion carried. James H. Lamaster, President, signed the contract.

Motion made by Kenneth E. Barnes, Sr. and 2<sup>nd</sup> by Danny F. Yost to close the Sewer/Water billing office for half-a-day on Good Friday. Yea votes 0 nay votes motion approved to close the billing department half-a-day on Good Friday.

Sellersburg Town Board  
Regular Meeting  
March 27, 2000  
Page 2

Monthly report from EMC presented to Board by Kevin Wright.

Chief of Police Michael L. Stricker introduced new police officer Matthew Minich. Chief Stricker also requested the dispatcher Barbara Farnsley is placed on full time, with no other benefits, to replace Beverly Tackett who is off on short time disability. If the Board approves this that her pay be that of a full time dispatcher, retroactive to March 9, 2000. Motion by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. 5 yea votes 0 nay votes. Motion approved. Also Chief Stricker to give Clerk/Treasurer Kinder a letter making this personnel change.

Edward D. Denton wants to make an ordinance to say that persons wanting to make a dump landfill type that the person must come before the Board prior to dumping any material. President Lamaster stated that this is a matter to be discussed with the Town Attorney to check ordinance or create a new ordinance. Mr. Adams, Building Inspector, advised that there is a dumping ordinance in the Flood Plain Ordinance.

Mr. Yost stated that the Parks Board is now accepting applications for workers at the Sellersburg swimming pool for the summer. Would like to have applications before the Parks Board by April 18.

Kenneth E. Barnes, Sr. made motion to place dumpster at the Silver Creek Park. Motion seconded by Louis R. Imhof, Jr. 5 yea votes 0 nay votes. Included in motion was that the Town was to pay the rental fee on the dumpster. Motion approved.

Mr. Barnes made a motion to purchase a video camera that is used to check sewer pipes. He advised that Kevin Wright had a price of \$15,780.00 to purchase a mini system type camera. Danny F. Yost seconded his motion. 5 yea votes 0 nay votes. Motion to purchase the mini system approved. Kevin Wright will order the camera.

Louis R. Imhof, Jr. made a motion to appoint William Voyles to the Planning Board. There was notice on bulletin board a Town Hall listing the appointment, if anyone was interested and Mr. Voyles is the only interested party. Motion seconded by Danny F. Yost. 5 yea votes 0 nay votes, motion approved.

James H. Lamaster advises that Mike Wahlen, Hinton-Corby Insurance needs to get with the Board reference discussing the Town's Insurance. Also to give quotes on insurance and what coverage we have. Perhaps he could come to next executive session and discuss this.

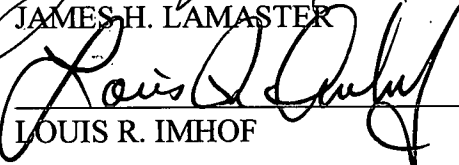
John Toombs stated that valves need to be installed between South Fern Street and Villa Drive to put one or two valves on water main to shut down the water if the need arises. He wants permission to get with Hydrastop Company, who can install these valves, and then decide if two

valves are needed or only one valve. Two valves would cost \$4500.00 and one would cost \$3400.00. Motion to install two valves, cost of \$4500.00, made by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. If two are needed instead of one. 5 yea votes 0 nay votes. Motion approved. Mr. Toombs advised he would furnish the original contract to Clerk/Treasurer Kinder.

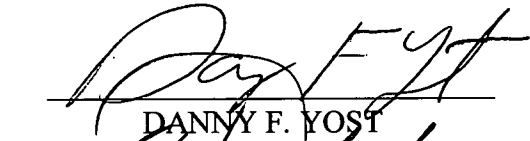
President Lamaster acknowledges Scout Troop 7, Sellersburg United Methodist Church, for attending the meeting.

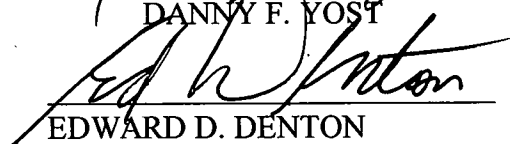
President Lamaster requests motion to adjourn the meeting. Motion made by Danny F. Yost, seconded by Edward D. Denton, 5 yea votes 0 nay votes. Meeting adjourned at 7:45 P.M.

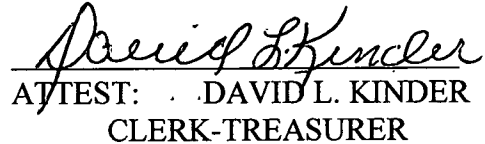
  
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EDWARD D. DENTON

  
ATTEST: . DAVID L. KINDER  
CLERK-TREASURER

**SELLERSBURG TOWN COUNCIL**

**April 10, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 10, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Louis R. Imhof, Jr., Edward D. Denton, Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

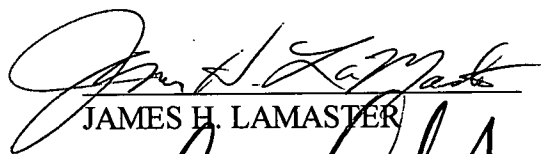
**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:30 P.M.

**TOPIC OF DISCUSSION:**

Michael Whalen, Hinton-Corby Insurance, Jullia Reinsel Green, Municipal Insurance Alliance, discussed insurance coverage for the Town.

Motion to adjourn the meeting made by Louis R. Imhof, Jr., seconded by Edward D. Denton, 4 yea votes, 0 nay votes, meeting adjourned at 7:00 P.M.

  
JAMES H. LAMASTER

JAMES H. LAMASTER

LOUIS R. IMHOF

KENNETH E. BARNES

  
DANNY F. YOST

DANNY F. YOST

EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

DAVID L. KINDER  
CLERK-TREASURER



## SELLERSBURG TOWN COUNCIL

April 10, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 10, 2000. Present for this meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Council Members Louis R. Imhof Jr., Edward D. Denton, Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

### Called To Order

President James H. Lamaster called the meeting to order at 7:03 P.M.

### Prayer

Offered by Reverend Robert Hauselman

### Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited.

Motion made by Danny F. Yost to accept the minutes of the last meeting 2<sup>nd</sup> by Louis R. Imhof, Jr. 4 yea votes 0 nay votes, motion approved.

Mr. Dan Vogel spoke to the council about being told by Mr. Denton that four of the police commissioners were going to be removed. This week in the newspapers it was stated that the police commissioners were going to be removed. Mr. Vogel wants to respond to some of the allegations in the newspapers. Mr. Vogel then read statement about the incident. (Statement attached)

Kevin Wright, EMC, addresses the council about water revenue for past two weeks. Mr. Wright also showed a letter from Rebecca Lamon and Deborah McGhee on St. Joe Road, about a mobile home. They asked to move the trailer there, on temporary bases for McGhee's mother who is ill. They hooked sewer system up to lateral line of Ms. McGhees'. They are requesting a hardship permission to not hook up to regular sewer. Referred to Attorney McCall to check ordinance and see if hardship could be possible. Have the come to Town Board meeting in future.

Chief Stricker asked that Attorney McCall set up executive session reference hiring of police officer.

Mr. Denton recommends that each council member appoint a police commissioner from their district. This would permit the commissioner to bring problems to the Board that the people wouldn't want to bring to the board. Also Denton wants an ordinance passed about trash being dumped in Sellersburg.

**Sellersburg Town Board**

**Regular Meeting**

**April 10, 2000**

**Page 2**

Denton also wants an ordinance stating that anyone wanting to dump in Sellersburg must come before the Town Board and get permission. Attorney McCall will discuss this with Denton and prepare something for the Board.

Mr. Yost stated that he had contacted Waste Management about a Dumpster to place at Silver Creek Park for the summer. He had a quote of \$720.00 for the year and we were paying \$1000.00 per year so is cheaper than what BFI had charged the previous year. Motion to have Waste Management place the Dumpster at the little League Park made by Louis R. Imhof, Jr. 2<sup>nd</sup> by James H. Lamaster. 4 yea votes and 0 nay votes. Motion approved.

Mr. Imhof talked about new Town Stickers for the Town vehicles. He has had people talk to him about the condition of the present stickers being in poor condition. And some of the vehicles not having stickers on them. I want the Clerk/Treasurer to look into the cost of these stickers.

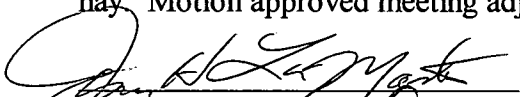
I would like for the Town Attorney to check into a Drug and Alcohol testing policy for employees and want the rest of the Board to look at it and discuss it at the next meeting.

Clerk/Treasurer has bid from Nicer Reflections about striping the floors in the halls and meeting room and waxing them. Also this includes the restrooms and entranceway. This is a first time ever striping and waxing. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Danny F. Yost. 4 yea 0 nay votes. Motion approved.

Request for President Lamaster to read the Spring Town Clean-up notice. This will be published in the newspapers.

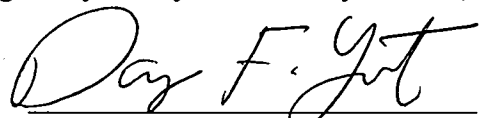
President Lamaster requests a motion for one new police commissioner. Motion to relieve Mr. Vogel made by Edward D. Denton 2<sup>nd</sup> by President Lamaster. 2 yea votes, Lamaster and Denton 2 nay votes, Yost and Imhof. Tie vote. Clerk/Treasurer abstains from voting.


Motion made by Louis R. Imhof, Jr. to adjourn the meeting 2<sup>nd</sup> by Danny F. Yost. 4 yea votes, 0 nay. Motion approved meeting adjourned.

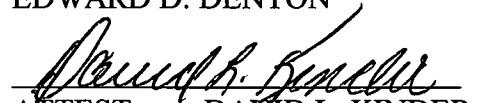
  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## Response to Sellersburg Police Chief

1. Chief claimed that the Police Commissioners were "bad-mouthing" him prior to his selection as Police Chief:  
The Commission was adamant in its recommendation to the Sellersburg Town Council that they review all Personnel records before selecting the Chief. No one can fault that recommendation. It is prudent to thoroughly review all appropriate material to assure that the best qualified individual is selected.
2. Commission is upset because former Assistant Chief Bradshaw was treated unfairly:  
Ten hours after being appointed Chief, Stricker demoted Bradshaw to the rank of Patrolman 1st Class. Several years ago, Bradshaw was promoted to the permanent grade of Captain by the Police Commission. Stricker feels that Bradshaw did not merit that promotion and has been resentful since that action took place. He intentionally tried to humiliate and provoke Bradshaw by his ruthless action. He, Stricker, did not consult with the commission nor did he advise the commission of this reckless action. No manager has the right to humiliate and belittle persons working in any organization, much less a Police Department.
3. Sergeant slot was held open for Bradshaw:  
Sergeant position was posted as vacant and Officer Mike Clapp was promoted to the position. Why would Bradshaw want to be a Sergeant when he was promoted several years ago to the grade of Captain?
4. The Police Department is short one patrolman because of the promotion of Stricker. The commission requested that Stricker contact applicants who had been previously tested and scored as to their adaptability for police work. At that time Stricker informed the board of a second vacancy that would be forthcoming. Stricker refused to comply with the request to contact applicants. As a result of that refusal, hiring of the two officers has been delayed indefinitely. Stricker wants to rehire a former police officer who resigned from the force.
5. Stricker has selected an officer to be his Assistant Chief. This individual does not meet the minimum requirements as stipulated in Indiana Code of Law. The Town Council cannot promote the individual because of State restrictions, yet Stricker has promoted the individual and he is currently wearing the rank and insignia of Assistant Chief. There are two officers that do meet the requirements, but he prefers one who does not. Where does his presumption of authority end and where does his respect for authority begin?

It is apparent that Stricker has a problem working with others and has no desire to operate within the confines of normal civility. He wants his own way and anyone who questions him or does not agree with his actions automatically becomes an enemy. Sellersburg had a Police Department that was as good as any in the area. If this nonsense

continues, we will be back where we were forty years ago.

If the Sellersburg Town Council feels that these matters are of no consequence, then I strongly endorse their action to remove me as Police Commissioner.

Daniel J. Vogel

**SELLERSBURG TOWN COUNCIL**

**April 24, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 24, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:18 P.M.


**TOPIC OF DISCUSSION:**

Possible litigation concerns of the Sellersburg Police Department.

Police Commissioner Daniel J. Vogel's letter to Town Council.

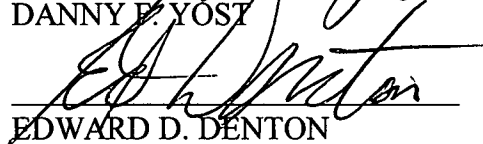
Motion to adjourn the meeting made by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. 5 yea votes, and 0 nay votes, meeting adjourned at 6:50 P.M.

  
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KENNETH E. BARNES

  
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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## SELLERSBURG TOWN COUNCIL

April 24, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 24, 2000. Present for this meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

### Called To Order

President James H. Lamaster called the meeting to order at 7:07 P.M.

### Prayer

Offered by Reverend Dale Offutt

### Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Kenneth E. Barnes, Sr. to accept the minutes from the Regular meeting March 27, 2000 and the Executive Meeting of March 27, 2000 seconded by Danny F. Yost. 5 yeas votes 0 nay votes, motion approved.

Mrs. Jane Stewart asked the Council about the changing of the name of Catalpa Drive to Catalpa Street. The present postal name of the street is Catalpa Street but the sign says Catalpa Drive. Lamaster says the Council will check into it and get something done.

Mr. Virgil Bolly, I'm here for Linda J. Love, Janet Love and Bruce Benjamin and Brage Benjamin reference zoning in the Hamburg area. This has turned into a commercial area and everything that has not had a zoning request is still agriculture. The Planning Commission, at their meeting last Monday night was to rezone this property from A1 to B3.

I have a Resolution changing this zoning, the Resolution is 2001. Motion by Louis R. Imhof, Jr. to approve the resolution, 2<sup>nd</sup> by Kenneth E. Barnes, Sr., any discussion, hearing none, all in favor 5 yeas and 0 no votes. Resolution 2001 approved.

EMC. Number 1 well went out over the weekend and people are coming Wednesday to pull the pump and see what went wrong. I have the revenue report and monthly report for all members of the Council.

Sellersburg Town Council  
Regular Meeting  
April 24, 2000  
Page 2

Also the TV system came in Friday and we are waiting on someone from the company to train us on that. I also contacted Cristiani to come to look at the lift station to change some of the pipe work in it.

I have two capital improvement requests. We had a 12" water main leak back in March 19 and we had to call in a contractor to repair electric company to repair electric lines that were damaged to repair the pipe work. The total bill comes to \$3,224.97. Motion by Kenneth E. Barnes, Sr. to pay the bill, 2<sup>nd</sup> by Louis R. Imhof, Jr. 5 aye votes 0 nay votes. Motion approved to pay the bill.

Also have a capital improvement request in the sewer side for some manhole raisers and lids so when the town wants to pave we will have the onhand. Motion by Danny F. Yost to table this expenditure, 2<sup>nd</sup> by Louis R. Imhof, Jr. Request tabled until next meeting.

The trailer on St. Joe road, discussed at the last meeting, has been given 6 month to get the sewer hook up properly installed. Motion by Kenneth E. Barnes, Sr., 2<sup>nd</sup> by Danny F. Yost to give the people 6 months to get hooked up. 5 aye votes 0 nay votes.

Chief Stricker request a letter to Joe Olson, Insurance Agent for the Town, stating that newly hired police officer Goodwin, that the ninety day waiting period for health insurance be waived. Attorney McCall will write the letter to Mr. Olson.

Edward Denton wants to discuss with Martha Meyer, owner of the Post Office, to exchange the current police station for the post office building. Also wants a surcharge to be placed on all persons living outside the city of Sellersburg to be charged a surcharge on their sewers. Attorney McCall will prepare an ordinance for this.

Danny Yost received letter from Terry Purlee requesting waiver of inspection fees for Sellersburg Celebrates. This is now in the County so no fees could effect Sellersburg.

Mr. Denton makes a motion to donate \$5000.00 to Sellersburg Celebrates from the Town, this is the usual amount that is donated each year. Motion 2<sup>nd</sup> by Louis R. Imhof, Jr. 5 aye votes 0 nay votes.

There is an opening on the Sellersburg Parks Board for a Republican member. Need notice posted at the Town Hall for any person interested.

Kenneth E. Barnes, Sr. ask about police vehicles, Floater Truck and Street Sweeper that need to be sold. Attorney McCall will get necessary paper work and all prepared for disposing of these items.

Louis R. Imhof, Jr., I would like to get an ordinance for Alcohol and Drug Testing on Town Employees. Everybody was given a copy of the proposed ordinance to review. Need a motion to do this on a first reading. Motion to consider Ordinance 2000-03 on a first reading. Motion by Danny F. Yost, 2<sup>nd</sup> by Louis R. Imhof, Jr. All in favor 5 aye 0-nay votes. Will now entertain a motion to approve Ordinance 2000-03 on its first reading. Louis R. Imhof, Jr. makes a motion 2<sup>nd</sup> by Kenneth E. Barnes, Sr., all in favor, 5 aye votes 0 nay votes.

I have brought up before that there are vehicles, owned by the Town, that have either non-existent or in poor condition. I would like to have the worn out stickers replaced and other vehicles marked. Give a week or so to get this done.

That the salary for the Chief of Police be set at \$38,500.00 not including longevity. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Edward D. Denton, Imhof wants to make it retroactive to the time Stricker was promoted to Chief, motion to amend the original motion by Danny F. Yost, 2<sup>nd</sup> by Louis R. Imhof, Jr. All in favor of the amended motion, 5 aye 0 nay. Motion approved:

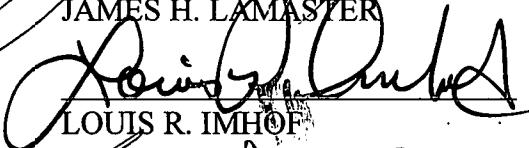
Attorney McCall will get with Mr. Adams about the nuisance ordinance.

President Lamaster recognizes members of Scout Troop 7, from Methodist Church, who attending the meeting, working on a merit badge.

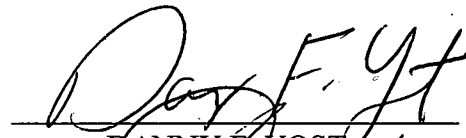
Motion to approve the bills, motion by Danny F. Yost, 2<sup>nd</sup> by Kenneth E. Barnes, Sr., all in favor, 5 ayes 0 nay, motion approved.


Motion by Kenneth E. Barnes, Sr. to adjourn the meeting, 2<sup>nd</sup> by Danny F. Yost, all in favor, 5 ayes 0 nays. Meeting adjourned at 8:12 P.M.

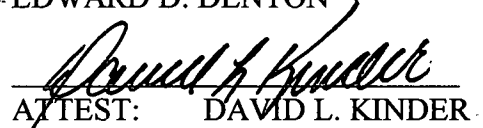
  
\_\_\_\_\_  
JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
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KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST

  
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EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER



ORDINANCE NUMBER 2000- 03

An Ordinance Setting Forth a Drug & Alcohol Testing Policy for Safety-Related and Other Employees of the Town of Sellersburg, Indiana

Whereas, the State of Indiana is a drug Free workplace;

Whereas, the Town of Sellersburg, in an attempt to provide a healthy and safe work environment for its employees and to ensure the safety of the general public recognizes the benefits of instituting a policy for random testing of employees for alcohol and/or controlled substances;

Whereas, those employees holding a Commercial Drivers License (CDL) as a condition of employment as required by Federal and State law to be tested for controlled substances at random times;

Whereas, employees who have positions relating to public safety are held to a higher standard of conduct than other employees; and

Whereas, an Ordinance adopting a specific drug and alcohol policy and procedures for all new Town employees and all employees deemed to be in a safety sensitive position and/or utilizing a commercial driver's license in the performance of duties for the Town of Sellersburg is an efficient, effective and equitable method of serving the best interests of the Town of Sellersburg, its employees, its citizens and the other persons and businesses located within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Counsel of the Town of Sellersburg that the following policy be implemented and put into effect as soon as practical as part of the employment policy for the Town of Sellersburg.

DEFINITIONS

**Accident** – means is an incident that involves fatality, an injury requiring treatment away from the scene, or the towing of a vehicle from the scene.

**Alcohol Concentration** – shall mean percentage, by weight, of alcohol in the blood. References to alcohol in blood (e.g. .08) mean alcohol concentration in the blood of the employee.

**Town** – means the Town of Sellersburg, Indiana.

**DOT** – United States Department of Transportation.

**FHWA** – Federal Highway Administration.

**FMLA** – The federal Family and Medical Leave Act.

**Intoxication** – The state of being under the influence of alcohol, controlled substances or any substance, or combination of substances, such that a person's ability to function is impaired to the degree that the person could, while performing any responsibility which could be required as an employee of the Town of Sellersburg, pose a danger to himself or any other person or any property.

**SAP** – Means Substance Abuse Professional as described below.

**Safety Director** – Means the person appointed by the Town Council for the Town of Sellersburg as Safety Director.

**Safety Sensitive Position** – Means all current job positions in the Town of Sellersburg which include or which are directly or indirectly is related to or which affect one or more of the following:

- a. Law Enforcement, including but not limited to law enforcement officers, employees who dispatch, schedule or provide clerical or other services for law enforcement officers.
- b. Utility services, including but not limited to connection to or repair of these services.
- c. All positions which may require the operation of any power equipment or which involve traffic safety or the placement, replacement or repair of street signage.
- d. Any job position which may require the operation of any electrical, diesel or gasoline powered appliances or equipment.
- e. Positions which require an employee to operate and or maintain a commercial motor vehicle and/or hold a Commercial Drivers License (CDL) or which may require an employee to operate any motor vehicle.
- f. Positions where an employee has supervisory responsibility.

This term also means all employees hired or rehired or granted raises in pay after the passage of this ordinance. If an elected official or other employee voluntarily agrees to participate in this program the Town shall bear the expense to the elected official or employee in taking the tests described herein.

**Utility Services** – Means Water, sanitary sewage or trash and rubbish removal.

#### PURPOSE

The purpose of this ordinance (policy) is to address the inappropriate use and possession of alcohol, controlled substances, physician prescribed medications and over-the-counter

medications and other mind altering substances by all new Town employees and all present Town employees in positions that have been classified as safety sensitive. It shall be the policy of this Town to comply with and abide by all laws and regulations that have been established by the U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT).

### **Section I – Test Covered by this Policy**

The Town of Sellersburg will require the following tests for all safety-sensitive employees.

- a. Pre-employment controlled substance testing.
- b. Random controlled substance and alcohol testing.
- c. Post-accident controlled substance and alcohol testing.
- d. Reasonable suspicion controlled substance and alcohol testing.
- e. Return to duty/follow up controlled substance and alcohol testing.
- f. Baseline testing of all employees covered by this ordinance/policy.

### **Section II – Types of drugs to be tested for**

The Town may test for any substance capable of causing intoxication of an employee. In addition, this testing program will test for alcohol, and at least the five (5) types of drugs listed below:

- a. Marijuana;
- b. Cocaine;
- c. Opiates;
- d. Amphetamines; and
- e. Phencyclidine (PCP).

### **Section III – Employees subject to this policy**

**(a) – Safety Sensitive Positions.** In compliance with DOT/FHWA regulations, positions within the Town that require employees to operate commercial motor vehicles and/or hold a Commercial Drivers License are automatically classified as “safety sensitive”. In addition, all employees who hold safety sensitive positions, as defined above, are subject to the provisions of this ordinance.

**(b) – Applicability.** In addition to complying with DOT/FHWA regulations, Town employees are subject to this policy while:

- a. On duty, while either on or off Town Property.
- b. In the workplace or on Town property, while either on or off duty.
- c. Acting as a representative of the Town.
- d. Operating Town owned vehicles or equipment.

#### **Section IV – Participation Requirements**

This ordinance requires the cooperation of all employees. All employees are required to abide by the terms of this ordinance as it affects them, which ordinance shall be known as the Town of Sellersburg Drug and Alcohol Policy. Participation in all aspects of this policy and testing program, including pre-employment, random, post accident, reasonable suspicion and return to duty/follow-up testing are a condition of employment or continued employment with the Town of Sellersburg.

#### **Section V – Prohibited Behavior**

Any employee who takes part in prohibited behavior shall be considered “unfit for duty” and immediately removed from their jobs or duties and subject to disciplinary action as specified in the section of the policy titled: Section VIII: Consequences of Violating Policy, or as otherwise allowed.

**(a) – Possession.** It is the policy of the Town of Sellersburg to strictly prohibit the possession of alcohol or controlled substances by employees while on duty or as described in *Section III* above, unless legally prescribed by a physician. Alcohol may only be in possession of such an employee if it is manifested and transported as part of shipment authorized by the Town Council.

#### **(b) – Use of Alcohol and/or Controlled Substance**

**Alcohol:** It is the policy of the Town of Sellersburg to strictly prohibit the use of alcohol by all employees while on duty. No employee shall report to duty, remain on duty or perform any function while having an alcohol concentration of .02% or greater. No employee shall use alcohol within four (4) hours of reporting to duty.

**Illegal Controlled Substances:** It is the policy of the Town of Sellersburg to strictly prohibit the use of illegal controlled substances and legal controlled substances used in an illegal manner. No employee shall report on duty or perform any function when that employee 1) possesses illegal controlled substances, 2) has used illegal controlled substances and is under the influence of legal or illegal controlled substances, or 3) has tested positive for illegal controlled substances or who has been intoxicated, at work, by virtue of the use of legal controlled substances, without first successfully completing the employees re-qualification procedures, as outlined in this ordinance in Section X: Employee Re-qualification.

Use of a prescription drug that has not been prescribed to the employee, or in any way other than as prescribed will be regarded as illegal use of a controlled substance and will be subject to the same provisions and penalties as use of illegal controlled substances.

### **(c) Prescribed Medication and Over-the-Counter Medications**

Physician prescribed and over-the-counter medications can also affect employee behavior, judgment and performance. It is the policy of the Town of Sellersburg to require all employees, whether or not in safety sensitive positions to:

- a. Inform their supervisor when using physician-prescribed and/or over-the-counter medications which can cause intoxication; and
- b. Secure documentation from a licensed physician, (or pharmacist in the case of over-the-counter medication), advising that the substance in use does not adversely affect the employee's ability to perform the functions of their job as specified by their job description.

An employee who is temporarily using medication that does not allow him/her to safely perform his job and provides documentation stating such from a licensed physician, will be reassigned to a safe duty, or if none is available, then may be required to take leave using any available sick leave, FMLA or other applicable programs. If use of medication extends, beyond sick leave, the FMLA and any other available leave options, then reasonable accommodations will be made. If the Town is unable to make reasonable accommodation, the employee may be terminated or given leave without benefits or pay.

An employee who is required to use medication that does not allow him/her to perform job functions for an indefinite period that exceeds beyond all available time under sick leave, the FMLA and any other available leave options must provide documentation stating such from a licensed physician. That employee may be reassigned to safe duties, or, if none, terminated or given leave without benefits or pay.

Using over-the-counter medication in a way other than as directed so as to cause intoxication will be regarded as a substance abuse matter and shall be subject to the same provisions and penalties as illegal use of controlled substances.

### **(d) Post-Accident Use**

No employee who is or may be required to submit a post-accident alcohol test shall use alcohol for eight (8) hours, or until tested for alcohol content, whichever occurs first. No employee who is or may be required to submit to a post-accident controlled substance test shall use any controlled substances, except as prescribed by a licensed physician, for thirty-two (32) hours or until tested for controlled substance use, whichever occurs first.

### **(e) Refusal to Submit to a Required Alcohol or Controlled Substance Test**

No employee shall refuse to submit to an alcohol or controlled substance test if ordered to do so pursuant to this ordinance.

### **(f) Supervisor Responsibility**

No supervisor having knowledge that an employee has violated any part of this ordinance (policy) shall permit the employee to continue to perform any job and/or function until the violation is cured. Failure of a supervisor to do so will be cause for employee discipline, which may include oral or written reprimand, suspension with or without pay, or termination of employment, as the case may warrant.

## **Section VI – Administration of Alcohol or Controlled Substance Test**

### **(a) – Pre-Employment Testing**

No employee shall be hired without being subjected to and passing a controlled substance test, by a testing agency selected by the Town Council for the Town of Sellersburg.

At the discretion of the Town, an applicant may not need to submit to a controlled substance test if that applicant can verify that he/she has participated in a valid DOT drug testing program within the proceeding thirty (30) days and while participating in that program, was either tested within the past thirty (30) days. The Town can require an applicant to submit to a pre-employment controlled substance test even if that applicant can verify that he/she has previously participated in a drug testing program.

All individuals applying for a transfer or new position with the Town must sign a *Release of Information* as a condition of employment. This release is intended to permit the Town to contact previous employers and receive a disclosure all information concerning the employee, including but not limited to alcohol/controlled substance testing results and insurance and employment records.

The Town will incur all costs of one pre-employment controlled substance test.

### **(b) – Post-Accident Testing**

Any employee involved in an accident, which does or could result in:

- a. the loss of human life;
- b. the issuance of a citation under State or local law for a violation arising from the accident; or
- c. an injury to any person which could require medical treatment, either at the scene or away from the scene of the accident.

shall be subject to be given a post-accident alcohol and/or controlled substance tests. The Town can order an employee to submit to post-accident tests after any accident. Post-accident testing for circumstances other than listed above can be ordered on a case-by case basis, at the discretion of the Safety Director or his/her designee. Employees must contact their immediate supervisor, the Safety Director, and/or any other designated Town or Department official as soon as possible following ANY accident.

Any employee who is involved in an accident and may be subject to a post-accident test shall remain readily available for such testing. That employee must make his/her whereabouts known to his/her immediate supervisor and the Safety Director, for a period of eight (8) hours following the accident. Failure to do so will be regarded as a refusal to take a post-accident test if one may be required.

**(c) – Post-Accident Alcohol Tests**

In the case that an accident requires the ordering of a post-accident alcohol test, the immediate supervisor and the Safety Director should make every effort to arrange for the administration of an alcohol test within two (2) hours of the time of the accident. If the test is not administered within two (2) hours of the accident, then written record shall be made stating the type of test, triggering event(s), reason(s) the test could not be completed and where the test would have occurred if given.

If the test is not administered within eight (8) hours of the time of the accident, then his/her immediate supervisor and the Safety Director should cease attempts to have the alcohol test administered and make written record stating the type of test, triggering event, reasons the tests could not be completed and where the test would have occurred if given.

An employee who is or may be required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the time of the accident, or until after the post-accident alcohol test has been administered, whichever is first.

**(d) – Post-Accident Controlled Substance Tests**

In the case that an accident requires the ordering of a post-accident controlled substance test, the employee's immediate supervisor and the Safety Director shall make every effort to arrange for the administration of a controlled substance test within thirty-two (32) hours of the time of the accident.

If the test is not administered within thirty-two (32) hours of the accident, the immediate supervisor and the Safety Director should cease attempts to have the controlled substance test administered and make written record stating the type of test, triggering event, reasons the test could not be completed and where the test would have occurred.

An employee who is or may be required to take a post-accident controlled substance test shall not use controlled substances for thirty-two (32) hours following the time of the accident, or until after the post accident controlled substance test has been administered, unless medically necessary.

**(e) – Accidents Resulting In Serious Injury/Death Of The Employee**

As a condition of continuing employment, all employees of the Town shall execute a release authorizing the Town to obtain/secure substance and/or information, reports and documentation verifying the absence or presence of controlled substances and/or alcohol in any situation where an employee involved in an accident requiring a post-accident

controlled substance and/or alcohol test has sustained injuries that do not allow the employee to consent or submit to post accident tests.

**(f) – Tests Administered By Other Authorities**

The results of alcohol or controlled substance tests administered by Federal, State, or local officials having independent authority to order such tests (i.e. law enforcement agencies) shall meet the requirements of this section, provided such tests conform to the applicable Federal, State or local requirements, and that the results of the test are obtained by the employer.

**(g) – Section Notes**

Nothing in this section should be construed as to the delay or deny any employee necessary medical treatment or to prohibit the employee from leaving the scene of an accident:

1. to obtain assistance in responding to the accident;
2. at the direction of a law enforcement officer investigating the accident; or
3. to receive any required medical attention.

**(h) – Random Testing**

All safety-sensitive employees are subject to random controlled substance and alcohol testing. Names of employees subject to random testing will be entered into a pool and selected from that pool, at random, by a scientifically valid method. Each employee has an equal chance of being tested each time sections are made. Random selections may result in an employee being selected more than once in a calendar year or not at all.

Dates of future tests shall be unannounced and be treated as confidential information.

**(i) – Random Testing Rate**

The minimum annual rate at which the total employee population safety sensitive positions (as defined) are randomly tested is 50% for controlled substance use and the same as the DOT for alcohol use.

The Town reserves the right to determine whether controlled substance and alcohol testing pools will be combined or chosen separately. If testing pools are combined, then half of the individuals selected to be tested for controlled substances will also be tested for alcohol. If testing pools are chosen separately, then two random selections will occur. One selection will be for those employees who are to be tested for alcohol and the other selection will be for those who are to be tested for controlled substances. The random nature of this selection process may cause an employee who is selected to be tested for controlled substance to also be selected for an alcohol test.



In accordance with DOT/FHWA regulations, the Town will ensure that an appropriate number of employees who operate commercial motor vehicles and hold CDLs will be randomly tested for controlled substance and alcohol use.

**(j) – Employee Notification**

Employees will be tested just before, during or just after performing job functions (i.e. sometime during their normally scheduled work day.) If an employee who is selected for testing is on vacation or absent from work either an alternate employee will be selected in his/her place or the employee will be required to submit to the test when he/she returns.

Employees will be notified that they have been selected to be tested by the Safety Director or his/her designee. Employees selected to be tested will not be notified until the day of the test, preferably immediately before the test is to be administered. Once an employee is notified that he/she has been selected for testing, he/she must immediately proceed to the designated collection area and submit all required samples. Failure to proceed to the testing area or to submit required samples will be deemed by the Town as having refused to submit to testing and will be cause for immediate termination of employment.

**(k) – Reasonable Suspicion Testing**

All employees who hold supervisory positions within the Town work force shall attend a training course to become educated in recognizing the circumstances which give rise to reasonable suspicion drug and alcohol testing.

An employee must submit to an alcohol and/or controlled substance test if a supervisor or the Safety Director has determined that reasonable suspicion exists to believe the employee is under the influence of alcohol and/or controlled substances.

A supervisor or Safety Director must witness and document specific observations relating to the appearance, body odor, speech or behavior of the employee to determine that a test must be ordered.

The Town will bear the cost of a reasonable suspicion alcohol and/or controlled substance test.

While awaiting the results of a reasonable suspicion alcohol or controlled substance test, the employee may be required to refrain from performing any safety sensitive jobs, and may be assigned to perform non-sensitive duties until the results of the tests are received.

**(l) – Time for Conducting Reasonable Suspicion Alcohol Tests**

In the case that reasonable suspicion requires the ordering of an alcohol test, the supervisor, Safety Director or his/her designee should make every effort to arrange for the administration of the alcohol test within two (2) hours of determining that reasonable

suspicion exists. If the test is not administered within two (2) hours, then written record should be made stating the type of test, triggering event, reasons the test could not be completed and where the test would have occurred.

If the test is not administered within eight (8) hour of the time of determination, then the supervisor, Safety Director or his/her designee shall cease attempts to have the alcohol test administered and make written record stating the type of test, triggering event, reasons the test could not be completed and where the test would have occurred.

An employee who has been ordered to take a reasonable suspicion alcohol test shall not use alcohol for eight (8) hours following the time of notification, or until after the alcohol test has been administered, whichever is first.

#### **(m) – Time for Conducting Reasonable Suspicion Controlled Substance Tests**

In the case that reasonable suspicion requires the ordering of a controlled substance test, the supervisor, Safety Director or his/her designee shall make every effort to arrange for the administration of a controlled substance test within thirty-two (32) hours determining that reasonable suspicion exists.

If the test is not administered within thirty-two (32) hours that reasonable suspicion exists, the supervisor, Safety Director or his/her designee shall cease attempts to have the controlled substance test administered and make written record stating the type of test, triggering event, reasons the test could not be completed and where the test would have occurred.

An employee who is ordered to take a post-accident controlled substance test shall not use controlled substances for thirty-two (32) hours following notification, or until after the controlled substance has been administered, unless medically necessary.

#### **(n) – Return to Duty/Follow-Up Testing**

**Return to Duty:** An employee who has tested positive for controlled substance or alcohol use shall test negative for controlled substances and alcohol before being considered “re-qualified” for returning to duty. Both alcohol and controlled substance return to duty test must be required, at the recommendation and direction of a Substance Abuse Professional (SAP).

**Follow-Up:** An employee who has tested positive will be subject to follow-up controlled substance and alcohol testing upon return to duty. Both alcohol and controlled substance follow-up tests may be required, at the recommendation and direction of a Substance Abuse Professional (SAP). These tests shall be unannounced and given at least six (6) times in the first twelve (12) months. The follow-up testing may not continue beyond sixty (60) months from the date of re-qualification for duty and may be terminated at any time after the first six (6) tests at the recommendation of the SAP.

The employee shall be subject to random selection testing in addition to any follow-up testing.

The employee must bear the cost of all evaluations, prescribed treatments and return to duty/follow-up testing.

**(o) – Baseline Testing**

A baseline test is a “one time” test performed on all covered employee at the onset of random testing policy. All employees in safety sensitive positions shall submit to a Baseline controlled substance and/or alcohol test. The Town shall bear the cost of such testing.

**Section VII – Test and Collection Procedures**

Care shall be used to protect the integrity of the testing process, ensure the validity of test results and ensure test results are matched with correct employee. These procedures will be established by the Board of Public Works, in cooperation with the testing company. The Safety Director or his/her designee and the employee will be contacted by a Medical Review Officer of the testing company as soon as possible in the case of a failed test.

**Section VIII – Test Refusal**

Refusal to submit to a controlled substance or alcohol test permitted by this ordinance (policy) under any circumstances or for any non-medical or non-emergency reason is strictly prohibited and is cause for immediate termination of employment. Upon being ordered to submit a sample for a test, all actions taken by the employee must contribute to the collection of a sample. Upon notification, an employee may not continue to perform work and must go directly to the collection site. Refusal to submit to a test includes, but is not limited to the following acts:

- a) Failure to report to the collection site as directed.
- b) Failure to provide the required amount of specimen, i.e. urine or breath (refer to Refusal to take test – inability to provide adequate sample). HAIR
- c) Failure to remain readily available and notify supervisor of whereabouts following an accident that requires or may require a controlled substance and/or alcohol test.
- d) Any action that does not lead to the collection of a sample.
- e) Any action or conduct that clearly obstructs the proper collection of a sample.

**(a) – Inability To Provide Adequate Sample**

An employee who cannot provide an adequate sample for testing is not “fit for duty” and shall not be allowed to continue working at any jobs until an adequate sample can be provided.

If an employee cannot or will not provide an adequate breath or urine sample, the employee may be examined by a physician of the Town’s choice and a blood sample taken, at the expense of the Town. If there is no medical explanation for the inability to provide a sample, or if the employee refuses to be examined by a physician, it will be considered a refusal to submit to a test. If there is a medical explanation found by the physician for inability to provide an adequate sample for testing, reasonable accommodation will be made, at the direction of the physician, for collection of the sample.

Until a cause for the employee’s inability to provide an adequate sample is determined, the employee shall be removed from duties, without pay.

**Section VIII – Consequences of Violating Policy**

This ordinance describes and/or has classified disciplinary procedures for violations of this policy. These descriptions/classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct and are not intended as an exclusive remedy. Likewise, these disciplinary procedures should not be construed, in any way, to limit the Town’s discretion in exercising discipline, as it finds appropriate, as is otherwise allowed by law, based on the conduct of the employee and considering the totality of the circumstances.

The Town reserves the right to exercise authority independent of PART 382 – CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, in administering disciplinary actions.

**(a) – Refusal to Take Test (As defined in policy)**

Refusal to take an alcohol or controlled substance test may result in:

1. Immediate suspension without pay or termination of employment; or
2. the withdraw of any conditional offer of employment and refusal to hire an applicant.

**(b) – Positive Test – Pre-Employment**

A prospective employee who tests positive for alcohol or controlled substances shall not be hired and any conditional offer of employment shall be withdrawn.

A prospective employee who tests positive during the pre-employment screening process may re-apply for a position with the Town no earlier than one (1) calendar year from the date that the initial positive test sample was collected.

**(c) – Positive Test – Random/Reasonable Suspicion**

Alcohol (0.02-0.0399)

An employee who has a positive test for alcohol registering from 0.02 to 0.0399 shall be:

- a) **1<sup>st</sup> Offense** – Immediately removed from duty and allowed to return to work no sooner than twenty-four (24) hours from the time that the positive test sample was collected. An employee shall not receive pay for any work missed due to this disciplinary procedure.
- b) **2<sup>nd</sup> Offense** – Immediately removed from duty, and suspended without pay for ten (10) days.
- c) **3<sup>rd</sup> Offense** – Immediately removed from duty and terminated.

**Alcohol (0.04-.0799) And Controlled Substances:**

An employee who has a positive test for alcohol registering from 0.04 to .0799 shall be considered “unfit for duty” and:

- a) immediately removed from duty;
- b) placed on unpaid leave of absence; and
- c) be subject to successful completion of the EMPLOYEE REQUALIFICATION requirements as outlined in section titled: Section X: Employee Re-qualification, before returning to duty.

**Alcohol (0.08 and over):**

An employee who has a positive test for alcohol registering 0.08 or over may have his employment immediately terminated.

**(d) – Positive Test – Return to Duty/Follow-Up**

**Return to Duty:**

Any employee who tests positive for controlled substances or alcohol 0.02 and over when taking a return to duty test will be subject to immediate termination.

**Follow-Up:**

Any employee who tests positive for controlled substances or alcohol 0.02 and over when taking a follow-up test will be subject to immediate termination.

**(e) – Failure To Remain Available Following An Accident**

Failure to remain available following an accident shall be regarded as a refusal to take a test, if it is determined that a test is appropriate under this ordinance. An employee who fails to keep his/her supervisor and the Safety Director informed of his/her whereabouts following an accident will be considered to have refused a test.

**(f) – Prohibited Alcohol And/Or Controlled Substance Use Following An Accident**

An employee who is asked to submit to a post accident controlled substance an/or alcohol test and has used alcohol within eight (8) hours and/or non-physician prescribed controlled substances within thirty-two (32) hours of that accident may be immediately terminated.

**(g) – Failure To Become Re-Qualified For Duty Within The Prescribed Time Limitations**

Any employee who does not become re-qualified for duty within ninety (90) days may be immediately terminated.

**(h) – Unreported Use of Over-The-Counter Or Physician Medication**

Any employee who is found to be using over-the-counter or prescription medication which could cause intoxication, without properly reporting it to their supervisor and/or receiving approval from a licensed physician or pharmacist, if applicable, will be suspended without pay until proper documentation is provided or use of the medication is stopped.

**(i) – Second Positive Test**

It is the policy of this Town to immediately terminate an employee who receives a total of two (2) positive tests for controlled substance, alcohol (0.02 and over) or a combination of both.

**(j) – All other Violations**

Violations of the rules, regulations and prohibitions of this policy not listed herein will be subject to disciplinary measures based on the severity of the misconduct or the totality of the circumstances at the discretion of the Town Counsel and/or the Board of Public Works & Safety.

**Section X – Employee Re-qualification**

An employee who tests positive for controlled substances and/or alcohol, at or above 0.04 shall remain on unpaid leave until becoming “re-qualified” for duty.

**(a) – Re-qualification Criteria**

To become re-qualified for duty, the employee must successfully complete the following steps within the prescribed amount of time limitations.

1. The employee must be evaluated by a Substance Abuse Professional (SAP), designated by the Town (or selected jointly by the Town and the employee) to determine if the employee is in need of assistance in resolving an alcohol and/or substance abuse problem. The cost of this evaluation will be borne by the employee.
  - (a) If the employee is determined to have a substance abuse problem, the employee must successfully complete any and all treatment prescribed by SAP and approved by the Town. The cost of any treatment prescribed by the SAP shall be borne by the employee.
  - (b) If the employee is determined to not have substance abuse problem, the employee will still be subject to all other provisions of the Re-Qualification Criteria.
2. The employee must pass a return to duty alcohol and/or controlled substance test at the direction of the SAP.
3. The employee must be cleared to return to duty by the SAP. If the employee has been determined to have a substance abuse problem, then clearance will be conditioned on successful completion and maintenance of the treatment program that was prescribed by the SAP.
4. Upon clearance to return to duty, the employee must successfully complete all required follow-up controlled substance and/or alcohol tests, as determined by SAP, to remain qualified for duty.

**(b) – Re-Qualification Time Limitations**

An employee must successfully complete the re-qualification criteria and become re-qualified to perform safety sensitive functions within ninety (90) days of the date that the positive sample was collected. Any employee who is not re-qualified to return duty within ninety (90) days may be immediately terminated.

**(c) – Substance Abuse Professional (SAP)**

The Town Council or Board of Public Works may rely upon the opinion of a Substance Abuse professional, who shall have authority to advise:

- 1) whether or not a substance abuse problem exists;
- 2) what, if any, treatment should be prescribed;
- 3) whether or not any prescribed treatment has been successfully complete and

- 4) maintained;
- 5) whether control substance tests, alcohol tests or both are advisable for return to duty and follow-up testing;
- 6) when and how may follow-up tests should be administered according to the Follow-Up Test Guidelines this ordinance; and
- 7) if the Town Council or Board of Public Works should grant the employee clearance to return to duty.

**(d) – Re-Qualification Notes**

Under no circumstances shall the employee return to duty less than forty-eight (48) hours from the time that any positive sample is collected.

The Town of Sellersburg does not guarantee that a job position will be left vacant or that there will be a new position for an employee should the employee regain qualified status. However, the former employee or employee may be considered for immediate rehire after the employee regains qualified status.

Copies of the Drug and Alcohol Policy and Procedures shall be distributed to all Town employees and shall be provided to all newly hired employees at the time a provisional offer of employment is made. All present and future Town employee affected by this policy shall sign a letter of acknowledgement pertaining to this ordinance upon passage.

**Section IX – Miscellaneous Provisions**

**Effective date.** This ordinance shall become effective fourteen (14) days after its passage, approval and publication.

**Each Section Adopted Separately.** Each section of this ordinance is adopted separately. In the event that any provision, part or section of this ordinance is deemed to be illegal or invalid only that part or section shall be repealed. The remaining parts or sections of the ordinance shall remain in effect.

**Ordinance Subject To Other Laws.** This ordinance does not supercede Federal or State laws, statutes or regulations, except as allowed. Should an employee be subject to immediate termination or other discipline under the terms this ordinance it shall be in accordance with the requirements of superceding authority.

**Conviction of Crime.** If any employee of the Town is convicted, in a court of law, of a criminal offense involving alcohol or controlled substances, the employee is subject to immediate termination of employment. If any employee of the Town is charged, in a court of law, of a criminal offense involving alcohol or controlled substances, the employee is subject to suspension, with or without pay, at the discretion of the Board of Public Works.



This ordinance was passed and adopted by the Town Council for the Town of Sellersburg, Clark County, State of Indiana, on the 24<sup>th</sup> day of APRIL, 2000.

John H. LaMotte

Ray F. Yt

Ed. Wilson

Ken Barnes

L. Rudd

Daniel S. Kinder  
Attest, Clerk Treasurer

# SELLERSBURG TOWN COUNCIL

April 24, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on May 8, 2000. Present for this meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

## Called To Order

President James H. Lamaster called the meeting to order at 7:10 P.M.

## Prayer

Offered by Reverend Gary Fenner

## Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Danny F. Yost to accept the minutes from the Regular meeting March 27, 2000 and the Executive Meeting of March 27, 2000 seconded by Kenneth E. Barnes, Sr., 5 yea votes 0 nay votes, motion approved.

Kevin Wright, with EMC, presented the water revenues for April 25 through May 8, 2000. He also requested the Council approve the purchase of new manhole raisers and lids, 24 each, to have on hand when the Town or County paves streets. Motion to approve the purchase of these raisers and lids for \$3,982.00! Motion made by Kenneth E. Barnes, Sr., seconded Louis R. Imhof, Jr., 5 yea votes 0 nay votes, motion approved.

Have a request for capital improvement expenditure, from the water utilities for the replacement of a pump and motor for number 1 well. Bastin-Logan Water Services pulled the pump and motor and the motor shorted out and the pump is nine years old and the bronze wear ring is worn out and needs to be replaced. The price is \$4,923.00.

Also the well this plump sits in needs to be cleaned. This well has not been cleaned since 1994 and they should be cleaned every three years. The cost is \$4,150.00. Both total up to be \$9,073.00. Motion made by Louis R. Imhof, Jr. to approve this expenditure, seconded by Kenneth E. Barnes, Sr., 5 yea votes 0 nay votes, motion approved.

**Sellersburg Town Board Meeting**

**May 8, 2000**

**Page 2**

The training for the use of the television camera, purchased for the sewer department, has now been completed. One piece of equipment was not operational and they are going to replace it. There were four employees there, Jim Earl Robin and myself.

The Dishwasher at the sewer plant needs repaired or replaced. The cost of repair is \$1,400.00 and the replacement cost would be approximately \$5,000.00 to \$5,500.00.

Danny F. Yost makes a motion to appoint Michael Zody to the Parks Board to replace Anna Voyles who is now the pool manager. Motion seconded by Louis R. Imhof, Jr., 5 yea votes 0 nay votes. Motion approved.

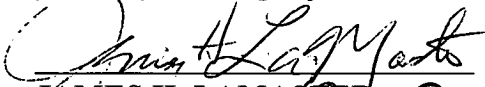
William P. McCall says an advertisement has been placed in the paper for the sale of a 1990 Floater vehicle and a 1979 Elgin Street Sweeper. Sealed bids will be accepted until June 12<sup>th</sup>.


Ordinance to amend the Yard Waste Ordinance, Ordinance 2000-06, to allow the Town residence to have four 32 gallon yard waste containers or have twelve 30 gallon bags per month. Motion to consider on first reading, motion made by Kenneth E. Barnes, Sr. seconded by Danny F. Yost, 5 yea votes 0 nay votes. Motion by Louis R. Imhof, Jr. to accept Ordinance 2000-06 on the first reading seconded by Kenneth E. Barnes, Sr., 5 yea votes 0 nay votes, motion approved. (Ordinance passed with Mr. McCall to make correction to typing errors.)


Triangle Machine is sending you a letter about the old Wastewater Treatment property. They made offer of \$6,000.00 to purchase the property. They made an appraisal at a cost of \$1,200.00 and we can use their appraisal but we need one more.

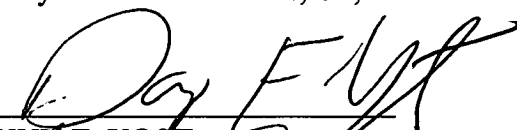
Roger Harsey, Sr. addressed the council about the refund of meter deposits. He wants to know why it takes six months to get a meter deposit back, why does it have to be sent to St. Louis for the refund? President Lamaster says this will be taken care of.

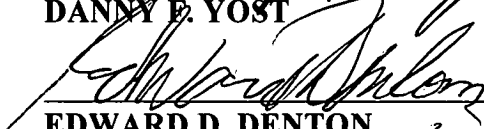
Motion to adjourn the meeting made by Danny F. Yost, seconded by Kenneth E. Barnes, Sr., 5 yea 0 nay, meeting adjourned at 7:40 P.M.

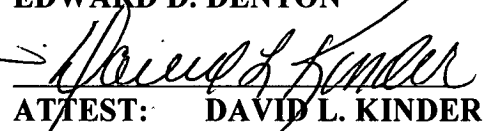
  
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DANNY F. YOST

  
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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

will take some time to get this all done.



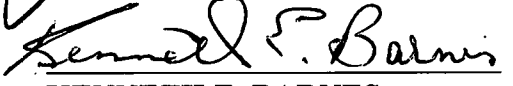
Disposal of the old wastewater treatment plant. Does anyone know the address of the old plant? If the assessed value is less than \$5000.00 then we can bypass the notice of publication and do a sale in a different manner.



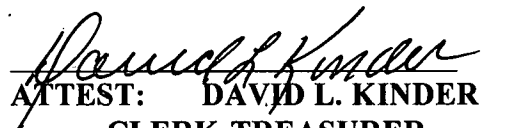
Next meeting we open the bids on the equipment we have for sale.

Donna Meyer asked about sidewalks being repaired on Paradise Avenue. She advised that she lived in North Vernon and that they have received grants to pay for this. LaMaster advised that grants need to be acquired. He asks Mrs. Meyer to check with North Vernon and see where they got their grants and for Chief Stricker to also check on grants.

Randy Flick, Forrest Estates, compliments the police and fire department on their instant response to his wife's 911 call recently.

Danny Yost makes motion to adjourn the meeting 2<sup>nd</sup> by Kenneth Barnes, 5 yeas 0 nays; meeting adjourned 8:42 P.M.

  
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JAMES H. LAMASTER  
  
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LOUIS R. IMHOF  
  
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KENNETH E. BARNES

  
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EDWARD D. DENTON  
  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

**RESOLUTION**  
**AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE**  
**TOWN OF SELLERSBURG, INDIANA**

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for certain parcels of real property commonly known as the Linda J. Love and Jeanne A. Love property and the Bruce Benjamin and Brage Benjamin property located within the Town of Sellersburg, Indiana, which is more accurately identified and described by Exhibit A, attached hereto, and incorporated by reference herein; and,

WHEREAS, the Town of Sellersburg Plan Commission has reviewed the Petition requesting a change of zoning; and,

WHEREAS, the Town of Sellersburg Plan Commission determined that the Petition requesting a change of zoning complied with the requirements of Section 3.4.4 of the Zoning Ordinances of the Town of Sellersburg; and,

WHEREAS, the Town of Sellersburg Plan Commission has approved zoning change and recommended to the Sellersburg Town Council that said Petition for zoning change be approved; and,

WHEREAS, the Sellersburg Town Council has applied the standards and requirements as set out in Section 3.4.4(5) and has determined the requests for zoning change meets these standards and requirements; and,

WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government; and,


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

IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

THAT CERTAIN PARCELS OF REAL PROPERTY COMMONLY KNOWN AS THE LINDA J. LOVE AND JEANNE A. LOVE PROPERTY AND THE BRUCE BENJAMIN AND BRAGE BENJAMIN PROPERTY, WHICH ARE MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED AND THE CURRENT ZONING OF AGRICULTURE (A DISTRICT) OF THE DESCRIBED AREA SHALL BE CHANGED TO GENERAL BUSINESS (B-3) ZONING.

DATED: APRIL 24, 2000.

  
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JAMES LAMASTER

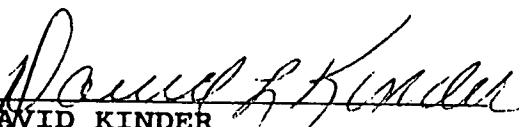
  
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DANNY YOST

ATTEST

  
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DAVID KINDER  
CLERK-TREASURER

"EXHIBIT A"

Love property:

Part of Survey No. 108 of the Illinois Grant, Clark County, in the State of Indiana, described as follows, to-wit: Beginning at a point in the center line of State Highway No. 60 at the Southwest corner of Hecker's 5.0 acre tract, said point being South 26 deg. 21' East 410.3 feet from the west corner of the grantors' original 24.5 acre tract, as described in deed recorded in Deed Record No. 144, Page 21 in the Recorder's Office of Clark County, Indiana; thence South 26 deg. 21 min. East with the centerline of State Highway No. 60, a distance of 496.5 feet to a point, the grantors' southwest corner; thence North 86 deg. 21 min. East with the Grantors' South line 595.5 feet to a point in the centerline of State Highway No. 31-W; thence North 54 deg. 04 min. West 878.2 feet to a stake in Hecker's Southeast line; thence South 43 deg. 41 min. West with Hecker's southeast line 150.0 feet to the place of beginning, containing 4.63 acres, more or less, hereby conveyed subject to the right of way of all public highways.

EXCEPTING THEREFROM, however, a part of Survey No. 108 of the Illinois Grant, Clark County, Indiana, described as follows:

Commencing at the point where the centerline of State Highway No. 60 intersects the centerline of U. S. Highway 31-W; thence North 28 deg. 49 min. East 502.9 feet; thence North 23 deg. 14 min. East 168.0 feet to the true point of beginning in the center line of U. S. Highway 31-W, said point being the southeast corner of Charles and Bonnie Myers' (Grantors) 4.63 acre tract as described in Deed Record 156 page 44 in the office of the Recorder of Clark County, Indiana; thence North 54 deg. 04 min. West with Dr. Regan's South line 280.00 feet to a steel rod; thence South 23 deg. 14 min. West 200.03 feet to a steel rod in Mary Myer's North line; thence North 86 deg. 21 min. East with Mary Myer's North line 306.25 feet to the point of beginning, containing 0.63 acre, more or less, hereby conveyed subject to the right of way of U. S. Highway 31-W.

Subject to any and all easements and/or restrictions of public record which may apply to the above described real estate.

"Exhibit A" (continued)

Benjamin property:

Being part of 108 and 110 of the Illinois Grant, to-wit: beginning at an original stone marker in the line between grants #108 and #109, such stone being S. 50 deg. 15' W. two-hundred eight and one-tenth (208.1) feet from the common corner of grants 109 and 110, thence S. 40 deg. 00' E. eight-hundred twenty-five (825.0) feet along the east line of George Lott's land and the west line of Ollie Miller's land (formerly William McKinney land) to an original stone marker in said line, (Lott's southeast corner and Utrecht's line), thence S. 40 deg. 00' E. along this line extended five-hundred ninety-seven (597.0) feet to the true point of beginning.

1. Thence N. 30 deg. 56' 23" E. along a fence (Herschell Hecker's south line) three-hundred seventeen and forty-three hundredths (317.43) feet to a fence corner.

2. Thence S. 40 deg. 36' 24" E. three-hundred seventy-seven and thirty-eight hundredths (377.38) feet to the center line of New Albany-Charlestown State Road (now U. S. Highway No. 31-W).

3. Thence S. 9 deg. 26' 32" W. along the centerline of said Highway U. S. 31-W, three-hundred ninety-six and forty-eight hundredths (396.48) feet to a point (corner of William McKinney and Gray's land now Edward Mathew's land).

4. Thence N. 40 deg. 16' 48" W. along a fence (Edward Mathew's east line also known as the Utrecht's line) four-hundred fifty-one and eighty-eight hundredths (451.88) feet to a point.

5. Thence N. 76 deg. 52' 20" W. along Edward Mathew's line eighteen and forty-seven hundredths (18.47) feet to a point.

6. Thence N. 40 deg. 16' 38" W. along Edward Mathew's east line sixty-one and twelve-hundredths (61.12) feet to a point.

7. Thence N. 30 deg. 56' 23" east along a fence (Herschell Hecker's south line) eleven and forty-one hundredths (11.41) feet to the place of beginning, containing 3.17 acres, less a strip 30 feet wide across the south side of this property for right-of-way of U. S. Highway 31-W, containing 0.27 acres, leaving a total acreage of 2.9 acres for tax purposes.

**SELLERSBURG TOWN COUNCIL**

**May 8, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on May 8, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:37 P.M.

**TOPIC OF DISCUSSION:**

Health Insurance for Employees

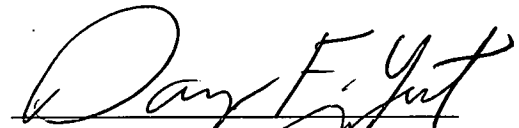
Change in pay day for employees

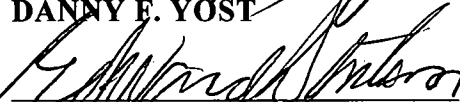
Motion to adjourn the meeting made by Danny F. Yost, seconded by Edward D. Denton, 5 yeas votes, and 0 nay votes, meeting adjourned at 7:08 P.M.

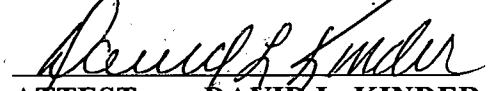
  
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LOUIS R. IMHOF

  
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KENNETH E. BARNES

  
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DANNY F. YOST

  
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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER



## SELLERSBURG TOWN COUNCIL

May 23, 2000

### Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on May 23, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

### Called To Order

President James H. LaMaster called the meeting to order at 7:00 P.M.

### Prayer

Offered by Reverend Robert Hauselman

### Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Louis R. Imhof, Jr. accept the minutes from the Regular meeting May 8, 2000 seconded by Danny F. Yost, 5 yea votes 0 nay votes, motion approved.

Kevin Wright, with EMC, presented the water revenues for May 9 through May 22, 2000. He advised that he had talked to Jim Barnett, who complained about his water bill not being forwarded to him while he was in Florida, that the U.S. Post Office would not forward it also that he had advised Mr. Barnett about contacting the office prior to his going on vacation and the water and sewer could be turned off for a fee and then reconnected upon his return.

Have the monthly report for the operation of the water and treatment plant.

At the water plant we have a permit that specifies that we need to dechlorinate the hold deposit before we discharge it and it gives us two years to get it in operation and start removing chlorine.

During April we did meet the limits on that discharge for chlorine and we had several people come in to take a look at it. We are going to continue to work on it to meet the State limits.

Some of you asked about surcharges on sewers outside the town limits: Jeffersonville charges \$4.31 per 100 gallons and New Albany charges \$4.69 per 100 gallons. With the current growth we should generate about \$26 to \$28 thousand per year and perhaps

Sellersburg Town Meeting  
Regular Meeting  
May 22, 2000  
Page 2

double in a couple of years.

Mark Warren, Street Superintendent, needs culvert pipe under the alley on Popp Avenue. Need a new catch basin to replace the small one that is there. John Toombs asks if that is the Jones and Mike Meyer property, advises that he has a complete design for that project as soon as the current sewer project is completed. Also, there is a driveway, in Forrest Estates (764 Forrest Drive South), that has been washed out but I'm not sure if it is ours or hers. Need to look at it. Check and see if it is Town Property.

Chief Stricker needs for Attorney McCall to look at the soliciting ordinance. Have people soliciting in residential areas. We have girl scouts, band students, etc, but need to look at ordinance and see what needs to be done to address this problem. Attorney McCall will check with Indiana Association of Cities and Town and see how other Cities and Towns have handled the problem.

Danny Yost advised that the swimming pool would open for the season on May 27.

Kenny Barnes proposed that a bid by Trinettes Cleaning Service, there were only two bids for the project, be given the contract to clean the Town Hall on a bi-weekly bases. Motion made by Danny Yost, 2<sup>nd</sup> by Edward Denton, approved 5 yea 0 nay. Motion approved.

Also, there is a drainage problem at the end of Villa where it meets SR 31. It clogs there because the cement at the culvert is too high.

Attorney McCall needs for the council to look at the proposal the get the Town Ordinances updated by a firm in Cincinnati. They can also put the ordinances on a CD for storage. Each Council member has a copy to look at for the next meeting.

I have copies of the ordinances from Jeffersonville and New Albany for you to look at, it's a packet of information about charging for those outside the Town limits. I also had the opportunity to talk with Dave Frederick with Umbaugh & Associates about increasing the rates for those outside and he indicated that to prevent some type of legal challenge you may want to do some type of small rate study. This will justify those charges for those outside the limits.

He is going to send a proposal during the next week reference this study. This rate study is important because you need to look into the future with the study to get ahead and not have to catch up later.

Once you get the rate study you are not done at that point, you have to go ahead and put together an ordinance to do that, has to be a public hearing, notice given to those outside the limits so it

**SELLERSBURG TOWN COUNCIL**

**June 12, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on June 12, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.


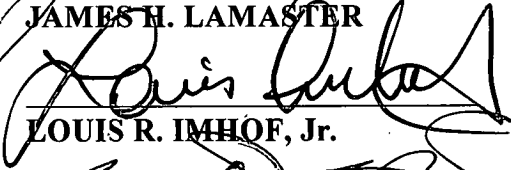

**CALLED TO ORDER:**

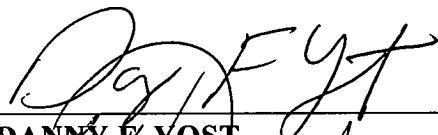

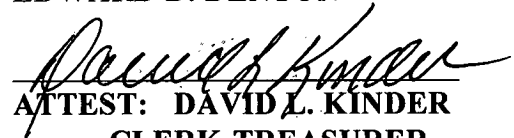
President James H. Lamaster called the meeting to order at 6:32 P.M.

**TOPIC OF DISCUSSION:**

Chief Stricker personnel matters for the Police Department.

Joe Olson to discuss Employee Health Insurance.

  
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JAMES H. LAMASTER  
  
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LOUIS R. IMHOF, Jr.  
  
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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST  
  
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EDWARD D. DENTON  
  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

June 12, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on June 12, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder

## Called To Order

President James H. LaMaster called the meeting to order at 7:06 P.M.

## Prayer

Offered by Reverend Father Paul Richart

## Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Danny F. Yost accept the minutes from the Regular meeting May 8, 2000 seconded by Kenneth E. Barnes, Sr., 5 yea votes 0 nay votes, motion approved.

Larry Gilbert requests a tax abatement for J. L. Gilbert and Company, 254 South Fern Street, for an expansion of the Company. Request abatement on new building and new equipment. This expansion will increase employees, perhaps as many as four.

This request is in compliance with Resolution Number 93-17. Mr. Gilbert has the form SB-1 and has a statement of benefits.

Motion to approve the tax abatement by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. Motion approved 5 - 0.

Kevin Wright, EMC, has the Water & Sewer Revenues from 5-23-00 - 6-5-00 also the Water & Sewer Revenue for 6-6-00 - 6-12-00.

Mark Warren has request from resident in Hamstead-Heath for stop signs at the intersection of Regent Park Road and Hampton Court.. Town Attorney McCall will look into this matter and prepare an ordinance for this. He will consult with Mark Warren and Chief Stricker.

**Sellersburg Town Board Regular Meeting**  
**June 12, 2000**  
**Page 2**

Mr. Edward Denton request that an ordinance be passed that anyone wanting to dump a foreign material, in the Town of Sellersburg, come before the Town Board before any dumping. Town Attorney McCall will work on an Ordinance to cover this matter.

Danny Yost advises that the swimming pool is now open for the summer and apologizes for the recent inconveniences of the recent pool closings.

Kenneth E. Barnes, Sr., wants the signs reading, NO TRUCKS, be placed on streets so no wires are torn down. Also that Kevin Wright, EMC, get estimates for paving of the employee parking lot and where it needs paving at the sewer department.

Louis R. Imhof, Jr. makes a motion that with no more business than is discussed at the regular Town Board meetings and with the budget process coming up and the extra meetings it will require that the regular Town Board meeting time be changed. The motion is to have Town Board meetings on the second Monday of each month, Executive Session be from 6:00 P.M. to 7:00 P.M. and Regular Meeting from 7:00 P.M. until finished. Seconded by Kenneth E. Barnes, Sr. Motion approved 5 – 0. This will take effect July, 2000. Media will be notified and notice posted at the Town Hall.

William P. McCall, III, Town Attorney, asked if there were any bids received on the equipment that was advertised for sale by the Town. No bids received. Will look for another was to sell this equipment.

Clerk/Treasurer Kinder request the minutes from the past meeting be signed and the bills approved for payment. Minutes signed and bills approved for payment.

Mr. Don Long request tree limbs be cut from speed sign on Norman Drive.


Motion to adjourn the meeting by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. Motion approved 5 – 0. Meeting adjourned 7:32 P.M.

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
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KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

June 26, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on June 26, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Deputy-Clerk/Treasurer Michelle Eve.

## Called To Order

President James H. LaMaster called the meeting to order at 7:00 P.M.

## Prayer

Offered by Reverend Gary Fenner

## Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Kenneth E. Barnes, Sr. to accept the minutes from the Regular meeting June 12, 2000 seconded by Danny F. Yost, 5 yea votes 0 nay votes, motion approved.

Sandy Carver speaking to the Council about rezoning and building apartments. Request that property owned by my father, Marion Barton are lots 40, 41, 42, 43, 44, and 45 also he owns lot 4, which is not in question. Originally requested that this property be rezoned from R-1 to R-2 for the purpose of building four duplexes.

Mr. LaMaster suggests that the people, at the last Zoning Board meeting, be contacted and then this matter be brought again before the Zoning Board.

Mrs. Carver also wants to put gravel on a 30-foot alley behind the property in discussion. Mr. LaMaster advised that the Zoning Board would take this matter under consideration.

Terry DeArk not present for his presentation about stop sign at Ohio Avenue and Enterprise.

Andrew Wassen, Creative Service Solutions, wanting to place advertising on garbage packers.

Mr. Clark Wright from Covered Bridge wants to speak about sewer problems at Covered Bridge. The lift station has a flashing light and audible system to warn when the system is not functioning

**Sellersburg Town Board Meeting**  
**June 26, 2000**  
**Page 2**

properly. The resident did not know what to do, or who to call when this malfunctioned, but already the flooding in basements had occurred. Also what happens if the power, electricity, goes out and the lift-station quits working?

The plans for the original development of Covered Bridge have been changed during the past years. There is now a development of 300 homes planned and when this is done the current lift station will not accommodate this sort of growth.

Question is, can Mr. Lynn be told to build a new lift station for the additional homes and not add onto the existing system?

Mr. William Fry, speaking for Morris Lanham, talking about the Diefenbach restaurant, we had to replace an existing air conditioner with a larger one and no permit was obtained. Building inspector said the permit was \$60.00 and a penalty of \$100.00 or not having the permit in advance of the work.

I am requesting that the penalty be waived and that we only pay the \$60.00 permit fee.

Sun Flower Valley is \$30,000.00 behind on their water payment and the Board needs to do something. Mr. William "Perry" McCall, Town Attorney, advises that someone is collecting from the members for this water but the Town is not getting any of this money.

Mr. Kevin Wright, EMC, has monthly reports for the Council, and the revenue reports. The week of 6-13 to 6-26 of this year we collected \$58,628.86, that is water, sewer and civil collections.

Mark Warren, not present.

Chief Stricker, there were mentions of stop signs at Regent Park and Hamstead Heath, also Highland and South Streets. Town Attorney McCall advises that we need an ordinance for each stop sign

Mr. Barnes requests that Mr. Toombs call Mrs. Jones, on Popp Avenue, reference drainage problem.

Also does Kevin Wright have estimates on paving the parking lot at the sewer plant? The cost from Libs Paving was \$14,000.00, for the drive and the employee parking lot of \$3,100.00. K & I paving the whole drive \$15,200.00 and \$3,700.00 to do the parking lot.

Have problems around Silver Creek Park with mopeds. Chief Stricker will have the police address this problem.

**Sellersburg Town Council Meeting**  
**June 26, 2000**  
**Page 3**

Mr. Imhof wants the Council to address the health insurance for the Town Employee since we must have an ordinance in effect by the first of July. I propose that we go to a 99% pay for the employees and 50% of the dependant cost for Health Insurance, which would be total increase to the Town of \$12,413.00 of what we are currently paying. Motion made by Louis R. Imhof, Jr., seconded by Kenneth E. Barnes, Sr., 5 yeas 0 nays. Motion passed. Mr. McCall will draw up the ordinance to cover this.

Mr. McCall needs ordinance numbers for the two stop signs, one at Hampton Court and Regents Park Court. Motion to approve by Danny F. Yost, 2<sup>nd</sup> by Kenneth E. Barnes, Sr., 5 yeas 0 nays, motion approved. Need motion to accept this on its first reading, motion by Kenneth E. Barnes, Sr., 2<sup>nd</sup> by Danny F. Yost, 5 yeas 0 nays, motion approved.

Need motion for stop sign at South Street and Edgeland Avenue. Motion by Kenneth E. Barnes, Sr., 2<sup>nd</sup> by Louis R. Imhof, Jr., 5 yeas 0 nays, motion approved. Now need a motion for adoption on first reading, motion by Kenneth E. Barnes, Sr., 2<sup>nd</sup> by Louis R. Imhof, Jr., 5 yeas 0 nays, motion approved.

Motion by Louis R. Imhof, Jr. to approve the bills, 2<sup>nd</sup> by Kenneth E. Barnes, Sr., 5 yeas 0 nays, motion approved.

Motion to adjourn meeting by Kenneth E. Barnes, Sr., 2<sup>nd</sup> by Danny F. Yost, 5 yeas 0 nays, motion approved. Meeting adjourned at 9:10 P.M.

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
\_\_\_\_\_  
KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER



ORDINANCE NO. 2000-7

ORDINANCE FOR STOP SIGN LOCATED AT  
HAMPTON COURT AND REGENTS PARK.

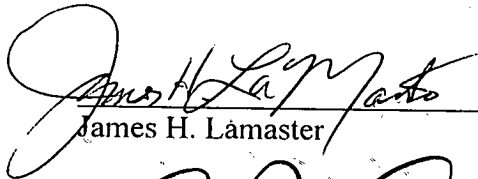
WHEREAS, the Sellersburg Town Council has determined that it is necessary for a stop sign to be placed at the intersection of Hampton Court and Regions Park; and

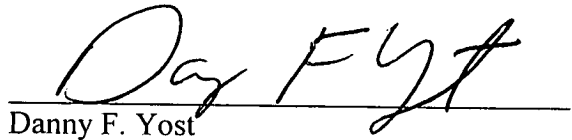
WHEREAS, the Sellersburg Town Council has determined that said stop sign is necessary for the efficient and effective administration of Town Government; and

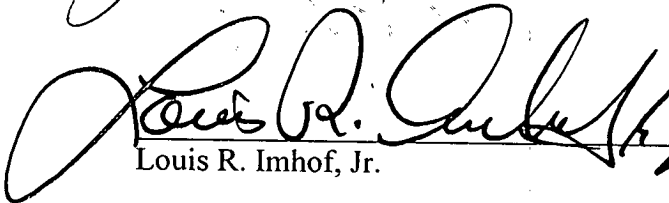
WHEREAS, the herein Ordinance was considered at an open meeting of the Sellersburg Town Council to which the public were invited to attend and participate.

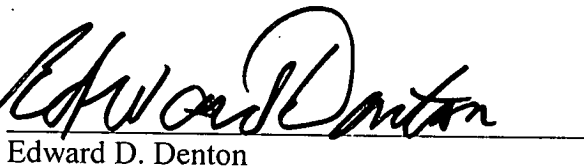
BE IT THEREFORE NOW ORDAINED that a stop sign shall be placed at the intersection of Hampton Court and Regents Park.

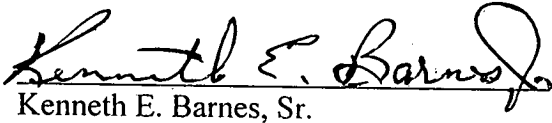
SO ORDAINED THIS 26th DAY OF JUNE, 2000.

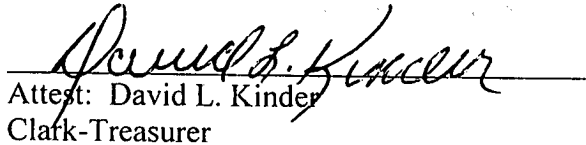
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

ORDINANCE NO. 2000- 008

ORDINANCE FOR STOP SIGN LOCATED AT SOUTH & EDGELAND AVE.

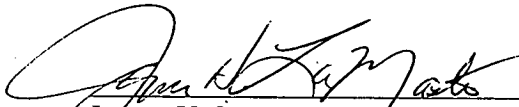
WHEREAS, the Sellersburg Town Council has determined that it is necessary for a stop sign to be placed at the intersection of South and Edgeland Ave; and

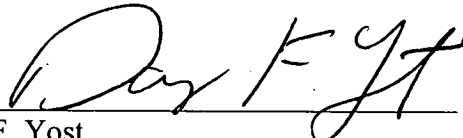
WHEREAS, the Sellersburg Town Council has determined that said stop sign is necessary for the efficient and effective administration of Town Government; and

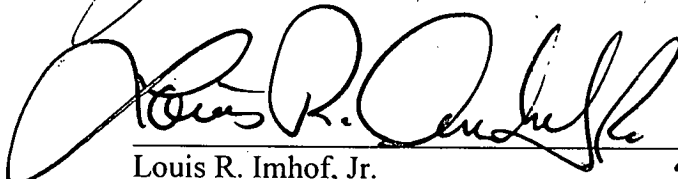
WHEREAS, the herein Ordinance was considered at an open meeting of the Sellersburg Town Council to which the public were invited to attend and participate.

BE IT THEREFORE NOW ORDAINED that a stop sign shall be placed at the intersection of South and Edgeland Ave.

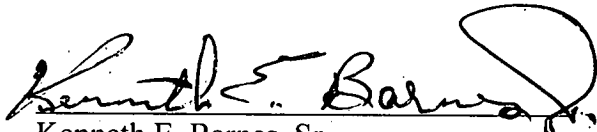
SO ORDAINED THIS 26th DAY OF JUNE, 2000.

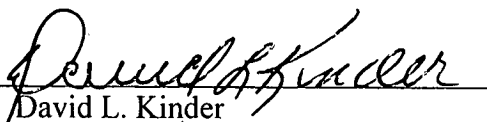
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

ORDINANCE NO. 2000- 009

ORDINANCE ESTABLISHING HEALTH  
INSURANCE BENEFITS FOR TOWN OF SELLERSBURG  
EMPLOYEE AND PREMIUM RESPONSIBILITY

WHEREAS, the Town Council for the Town of Sellersburg has determined that is it necessary to provide Health Insurance coverage for its employees; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the Town shall be responsible for a percentage of the premiums associated with said health insurance coverage for its employees; and

WHEREAS, the Town Council for the Town of Sellersburg has received substantial information from its health insurance provider's agent, Joe Olson, and

WHEREAS, the Town Council for the Town of Sellersburg has determined the exact amount of premiums the Town shall pay on behalf of its employees as well as the exact amount of premiums the Town employee shall be responsible for paying; and

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

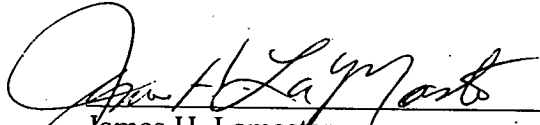
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

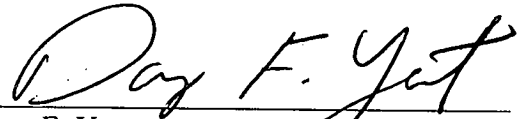
1. The Town shall pay on behalf of its employee \$52.19 per week of the total premium for single coverage, the employee shall be responsible for \$.53 per week of the total premium.
2. The Town of Sellersburg shall pay on behalf of its employee who has children, \$73.28 per week of the total premiums, the employee shall be responsible for \$21.62 per week of the total premium.
3. The Town of Sellersburg shall pay on behalf of its employee and spouse \$81.19 per week of the total premiums, the employee shall be responsible for \$29.53 per week of the total premium.
4. The Town of Sellersburg shall pay on behalf of an employee and family the amount of \$102.28 per week of the total premiums, the employee shall be responsible for \$50.60 per week of the total premium.


The above reflects the Town Council for the Town of Sellersburg decision to pay 99% of the total premiums on behalf of the employee and 50% of the total premiums as it concerns dependants for health insurance.


This ordinance shall be made retroactive to the 26<sup>th</sup> day of June, 2000 and shall amend and supersede all other ordinance which concern health insurance coverage for the Town of Sellersburg employees.


SO ORDAINED THIS 26th DAY OF JUNE, 2000.

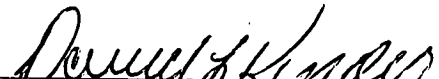
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

**SELLERSBURG TOWN COUNCIL**

**July 10, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on July 10, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:00 P.M.

**TOPIC OF DISCUSSION:**

Additional Appropriations

Rate study contract for sewer surcharge

Future Litigation

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

  
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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

July 10, 2000

## Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on July 10, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall and Town Clerk/Treasurer David L. Kinder.

## Called To Order

President James H. LaMaster called the meeting to order at 7:07 P.M.

## Prayer

Offered by Reverend Father Paul Richart

## Pledge

The Pledge of Allegiance to the Flag was recited.

Motion by Kenneth E. Barnes, Sr. to accept the minutes from the Regular meeting June 26, 2000 seconded by Danny F. Yost, 5 yea votes 0 nay votes, motion approved.

Hugh Couch did not appear before the board, reference his sewer problem but Kevin Wright, EMC, explained that the problem has been taken care of and that Mr. Couch was going to file a claim with our insurance carrier.

Andrew Wassen, Creative Service Solutions was present about advertising on the garbage packer. Motion by Danny F. Yost to approve the contract with Creative Service Solutions, 2<sup>nd</sup> by Kenneth E. Barnes, Sr., motion approved 5 yea 0-nay votes.

Kevin Wright, EMC, presented the revenue reports for the Water/Sewer and Civil collections for 6-27-00 through 7-10-00 was \$82,8632.56.

Also Mr. Wright states that the Turboron Blower at the sewer plant needs to be replaced. The old one has been repaired several times and still does not work. Spencer machine shop will apply what the Town has paid on the rebuilding of the blower toward the price of a new blower. The cost of a new one is \$3,776.00, less whatever credit they will give because of the rebuilding of the old blower. The new blower should then cost about \$3000.00. Motion by Kenneth E. Barnes, Sr. to purchase the new Turboron 10hp Blower, 2<sup>nd</sup> by Louis R. Imhof, Jr. Motion approved 5

**Sellersburg Town Board Meeting**  
**July 10, 2000**  
**Page 2**

Aye 0 nay votes.

Mr. Wright states that there are several people that have past due water/sewer bills and that a shut off date of July 18<sup>th</sup> will apply to everyone delinquent in these bills. The Board stated that some uniform type of service should be employed to address these individuals to make some type of arrangement for payment of these bills. The Board agrees that these persons should appear before the Board and explain why payment has not been made and what can be done to get these people to pay the bill. If payment is not made after this agreement then the water is shut off.

Every year the Indiana Water Pollution Control Association does a safety inspection of the treatment plants, and plants that do not have accidents they are up for the Burke Award, which is a prestigious award, which is given to one treatment plant in the State of Indiana. We had an inspection by the IWPCA two weeks ago and we got a 100% and they gave us the award.

Flyers were mailed out with the last monthly billing on the water quality of the Town water. The Town paid for the flyers and the postage.

Chief Stricker asked the Council to approve the payment of Petty Cash that was not submitted with the regular bills. Motion by Louis R. Imhof, Jr., to pay this bill, 2<sup>nd</sup> by Danny F. Yost, motion approved 5 aye 0 nay.

Also I need to maintain the salary of Barbara Farnsley, who is now on full time status because we had a dispatcher off on short-term disability. That dispatcher is now back but I have another dispatcher that is going off on maternity leave and I would like approval to keep Farnsley on full time status. Council approves this on voice approval.

Edward Denton wants an ordinance passed on dumping inside the Town limits. Mr. McCall, Town Attorney, is presently working on that ordinance and will have it ready for the next Town Board Meeting.

Mr. McCall, Town Attorney, has ordinances 2000-007 and 2000-008 and 2000-009 has been passed at the last meeting and now you just need to sign them. You also have ordinance 2000-010, Additional Appropriation, presented by the Clerk/Treasurer and you need to pass on a first reading, and you need unanimous consent to consider it on it's first reading. Motion to pass ordinance 2000-010 by unanimous consent by Danny F. Yost 2<sup>nd</sup> by Kenneth E. Barnes, Sr. motion approved 5 aye 0 nay. Motion to approve ordinance 2000-010 on a first reading. Motion by Danny F. Yost 2<sup>nd</sup> by Edward D. Denton motion approved 5 aye 0 nay.

Mr. McCall has another ordinance, Ordinance 2000-011, Petty Cash Fund for the Swimming pool. I have not recommended an amount for this ordinance and need the Council to recommend

**Sellersburg Town Council Meeting**  
**July 10, 2000**  
**Page 3**

an amount. Mr. Barnes recommends the Petty Cash Fund by for \$100.00. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Danny F. Yost to approve the ordinance by unanimous consent. Motion approved 5 aye 0 nay. Now need motion to approve ordinance 2000-011 on the first reading. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr. to pass ordinance 2000-011 motion approved 5 aye 0 nay.

Have codification proposal from American Legal Publishing Corporation from Cincinnati, Ohio to organize and up-date the Town Ordinances. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Kenneth E. Barnes, Sr to approve this contract. Motion approved 5 aye 0 nay.

Have an agreement with H. J. Umbaugh and Associates, a Certified Public Accountanting firm out of Indianapolis. This is reference Mr. Denton wanting an ordinance charging a fee charge for those people living out of Town that are on our sewers. This agreement will show the amount the fee should be and why it is necessary to be paid. Motion to approve the contract with Umbaugh by Louis R. Imhof, Jr. 2<sup>nd</sup> by Danny F. Yost, motion approved 5 aye 0 nay.

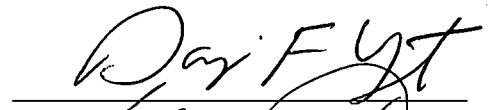
Mr. LaMaster reads notice about Fall Clean Up from July 31 through August 4 at the Wastewater Treatment Plant, 8:00 A.M. to 4:00 P.M. and August 5, 8:00 A.M. to 2:00 P.M. This will be published in the local newspaper.

Motion to adjourn the meeting by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr., motion approved 5 aye 0 nay. Meeting adjourned 7:50 P.M.


  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF

  
\_\_\_\_\_  
KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER



ORDINANCE NO. 2000- 011

AN ORDINANCE ESTABLISHING A PETTY CASH FUND FOR THE  
SELLERSBURG SWIMMING POOL

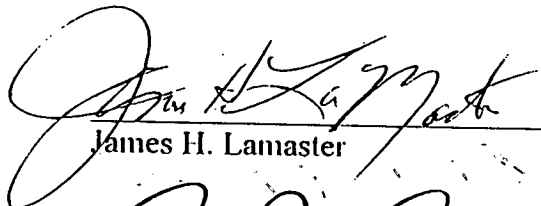
WHEREAS, the Town Council for the Town of Sellersburg believes that the  
Town of Sellersburg Swimming Pool should have a Petty Cash Fund in the amount of  
\$ 100.00 ; and

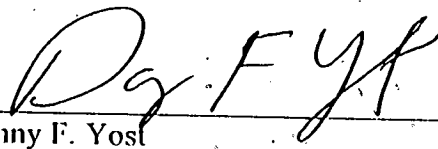
WHEREAS, the Town Council for the Town of Sellersburg has determined that  
the herein ordinance is necessary for the efficient and effective administration of the  
Town Government; and

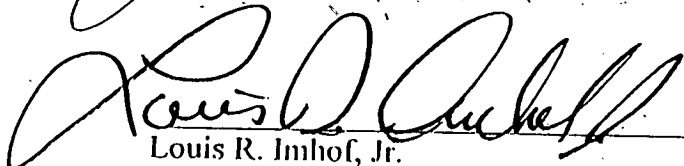
WHEREAS, the Town Council considers this matter an open meeting which the  
public are invited to attend and participate; and

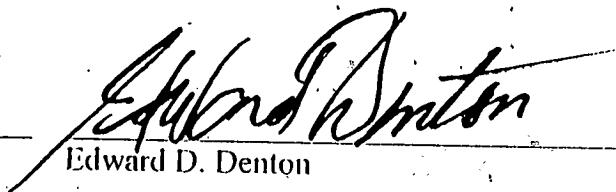
BE IT THEREFORE NOW ORDAINED that the Town of Sellersburg Swimming  
Pool shall have a Petty Cash Fund in the amount of \$ 100.00

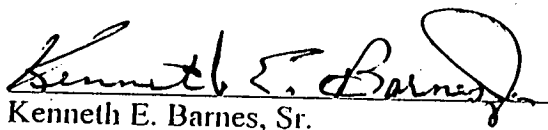
SO ORDAINED THIS 10<sup>th</sup> DAY OF July, 2000.

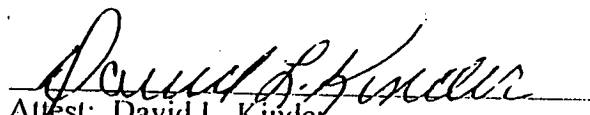
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

ORDINANCE 2000-010

WHEREAS, IT HAS BEEN DETERMINED THAT IT IS NOW NECESSARY TO APPROPRIATE MORE MONEY THAN WAS APPROPRIATED IN THE ANNUAL BUDGET; NOW, THEREFORE:

Sec. 1. Be it ordained by the TOWN COUNCIL of the TOWN OF SELLERSBURG, Clark County, Indiana, THAT FOR THE EXPENSES OF SAID MUNICIPAL, CORPORATION THE FOLLOWING ADDITIONAL SUMS OF MONEY ARE HEREBY APPROPRIATED AND ORDERED SET APART OUT OF SEVERAL FUNDS THEREIN NAMED AND FOR THE PURPOSES HEREIN SPECIFIED, SUBJECT TO THE LAWS GOVERNING THE SAME:

**GENERAL FUND**

- # 1 PERSONAL SERVICES
- # 2 SUPPLIES
- #3 OTHER SERVICES AND CHARGES
- #4 CAPITAL OUTLAY

**TOWN COUNCIL**

# 124 Group Insurance	\$ 5,000.00
# 371 Animal Shelter	10,000.00
# 392 Instruction & Seminars	500.00
# 394 Miscellaneous Services	15,000.00
# 395 Judgements & Settlements	20,000.00

**TOTAL FOR TOWN COUNCIL** \$50,500.00

**CLERK /TREASURER'S OFFICE**

# 124 Group Insurance	\$ 5,000.00
# 213 Clerk/Treasurer Office Supplies	5,000.00
# 314 Consulting Services	5,000.00
# 323 Telephone and Pagers	5,000.00
# 364 Repairs to Town Hall	10,000.00
# 392 Instruction and Seminars	5,000.00
# 441 Clerk/Treasurer Office Equipment	20,000.00

**TOTAL FOR CLERK/TREASURER** \$55,000.00

**STREET AND SANITATION**

# 124 Group Insurance	\$10,000.00
# 125 Civil Retirement	5,000.00
# 232 Universal Uniforms	5,000.00
# 242 Miscellaneous Supplies	2,000.00
# 323 Telephone and Pagers	5,000.00
# 381 Garbage Contract	5,000.00
# 394 Miscellaneous	3,000.00

**TOTAL FOR STREET AND SANITATION** \$35,000.00

**POLICE DEPARTMENT**

# 124 Group Insurance	\$ 5,000.00
# 213 Office Supplies	2,000.00

**ORDINANCE 2000-010**

Page 2

# 223 Police Equipment	10,000.00
# 232 Universal Uniforms	1,000.00
# 323 Telephone and Pagers	2,000.00
# 363 Maintenance Police Vehicles	5,000.00
# 393 Police Training	5,000.00
# 394 Miscellaneous Services	5,000.00
# 395 Matching Funds for Grants	15,000.00

**TOTAL FOR POLICE DEPARTMENT \$50,000.00**

**ANIMAL CONTROL**

# 124 Group Insurance	\$ 5,000.00
# 242 Miscellaneous Supplies	1,000.00
# 323 Telephone and Pagers	5,000.00
# 393 Miscellaneous Services	2,000.00

**TOTAL FOR ANIMAL CONTROL \$13,000.00**

**TOTAL FOR GENERAL FUND \$203,500.00**

**LOCAL ROADS AND STREET**

# 398 Paving	\$100,000.00
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**TOTAL FOR LOCAL ROADS AND STREET \$100,000.00**

**MOTOR VEHICLE HIGHWAY**

# 397 Paving and Culverts	\$150,000.00
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**TOTAL FOR MOTOR VEHICLE HIGHWAY \$150,000.00**

**PARKS**

# 245 Other Supplies	\$ 2,000.00
# 311 Consulting Services	1,000.00
# 394 Miscellaneous Services & Charges	2,000.00

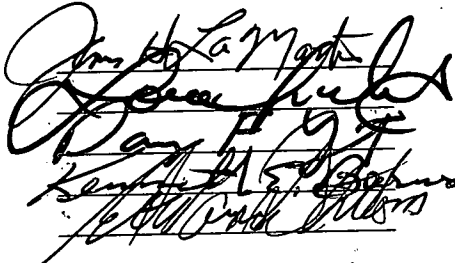
**TOTAL FOR PARKS DEPARTMENT \$5,000.00**

**LAW ENFORCEMENT CONTINUING EDUCATION (L.E.C.E.) \$10,000.00**

ADOPTED THIS 10TH DAY OF JULY, 2000.

AYE

NAY


  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTESTED:


  
Clerk/Treasurer

**SELLERSBURG TOWN COUNCIL**

**July 24, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on July 24, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

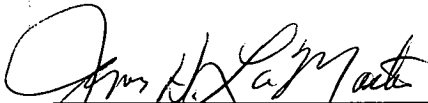
**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:00 P.M.

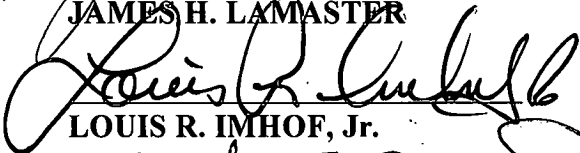
**TOPIC OF DISCUSSION:**

New contract with Environmental Management Corporation

Environmental Management Corporation employees to discuss their grievances with EMC.



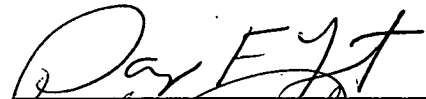
**JAMES H. LAMASTER**



**LOUIS R. IMHOF, Jr.**



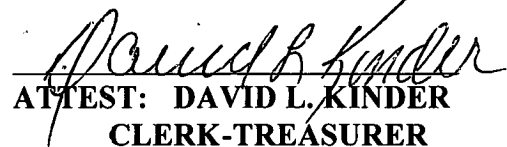
**KENNETH E. BARNES, Sr.**



**DANNY F. YOST**



**EDWARD D. DENTON**



**ATTEST: DAVID L. KINDER  
CLERK-TREASURER**

## SELLERSBURG TOWN COUNCIL

July 31, 2000

### SPECIAL Meeting

A Special Meeting (a budget workshop) of the Sellersburg Town Council was held at the Sellersburg Town Hall on July 31, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., and Town Clerk/Treasurer David L. Kinder.

### Called To Order

President James H. LaMaster called the meeting to order at 6:00 P.M.

### Prayer

None

### Pledge

The Pledge of Allegiance to the Flag was not recited.

Clerk/Treasurer introduced pay increases for the employees. Street and Sanitation, Police Department, Animal Control, Clerk/Treasurers Office, Parks (Swimming Pool).

Also longevity pay for the Town employees of either ½ of 1 %, or a full 1-%, based on the base salary of the Department involved.

Remainder of the Departments will average approximately an 8% increase.


All these will be placed before the Council for their approval.


Mark Warren, Street and Sanitation Department, requested funds be appropriated for a new garbage packer along with a storage shed for road salt for this coming winter.

Council suggests he gets bids and specifications for these items and places them in his budget and submits for Town Council approval.

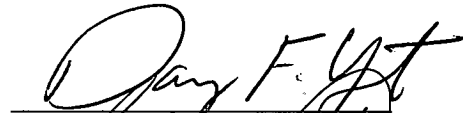
Motion to adjourn the meeting by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr., motion approved 5 aye 0 nay. Meeting adjourned 6:55 P.M.

**Sellersburg Town Council Special Meeting**

  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
LOUIS R. IMHOF

  
\_\_\_\_\_  
KENNETH E. BARNES

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

**SELLERSBURG TOWN COUNCIL**

**August 14, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on August 14, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:00 P.M.

**TOPIC OF DISCUSSION:**


New contract with Environmental Management Corporation

Police Personnel matters.

Motion to adjourn the meeting by Danny F. Yost, seconded by Kenneth E. Barnes, Sr. 5 yeas, motion to adjourn at 6:58 P.M.

  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
LOUIS R. IMHOF, Jr.

  
\_\_\_\_\_  
KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## SELLERSBURG TOWN COUNCIL

August 14, 2000

### REGULAR MEETING

The Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on August 14, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., Town Attorney William P. McCall, III and Town Clerk/Treasurer David L. Kinder.

### Called To Order

President James H. LaMaster called the meeting to order at 6:00 P.M.

### Prayer

Reverend Edward Scherer-Berry

### Pledge

The Pledge of Allegiance to the Flag was not recited.

Minutes of last meeting were read, motion to accept the minutes as written by Louis R. Imhof, Jr. seconded by Danny F. Yost, motion approved 5 yea 0 nay votes.

Nathan Grimes introduces himself to the Council. He is an engineer that is opening up a firm that will offer civil, electrical, mechanical and architectural fields and would be interested in doing business for the Town and would be interested in being on a list if the Town requires these types of services.

Ronald Stargil did not appear but Kevin Wright, EMC, talked to him about his payments on his sewer bill and they set up a payment plan of \$60.00 payment every two weeks until it is paid off.

Dennis Ott, General Contractor, needs to hook up to waterline for AirPort Business Center, South of Town on US 31. Presently Jesse Ballew states that he owns the water line that hooks up to the commercial sub-division and there was a payment required to him or his favorite charity to hook up to this line.

Town attorney, William P. McCall, III, will check into this matter and get back with Mr. Ott reference this matter.

Mr. Francis Conroy, requesting assistance with sidewalk replacement along Scheller's Avenue and



the St. Paul School property. This will be a 4-foot sidewalk with curbing. We are requesting that the Town pay half the project cost. The cost will be \$6,815.00 and half will be \$3,407.50. Motion to approve half the cost of the low bid by Kenneth E. Barnes, Sr., seconded by Danny F. Yost, 5 yea 0 nay votes, motion approved.

Mr. Conroy wants to give the Town an easement of the Troplay property that St. Paul's is purchasing. This will be in exchange for the Town widening the street. The Church will give the Town the legal description and Mr. McCall, Town attorney, will prepare the resolution. Motion to accept the easement by Edward D. Denton, seconded by Kenneth E. Barnes, Sr., to accept the easement once they purchase the property and the Town to widen the street. 5 yea 0 nay, motion approved.

Sandy Carver concerning a street called Adkins Avenue. This avenue was originally 12 to 14 feet wide, paved, and had allocated 18 feet to the avenue. I request that this avenue be widened to the 18 feet allocated or make it a one way avenue, because of the traffic to the park. Perhaps by the next Town Council meeting we can make a decision on this.

The area next to lot 45, parallel next to that is an alley, or extension of Adkins Avenue, from the length of lot 45 is an undeveloped area. I was to ask the Town Board if I could develop this in anyway. Then when I came to the Board you referred me to zoning to make a decision. It is my opinion that the Town Council would have authority over. To gravel the alley, at my expense.

Motion by Danny F. Yost, seconded by Louis R. Imhof, Jr. to allow Mrs. Carver to gravel the alley, at her expense, and maintain the up keep of the alley, at her discretion, at no expense of the Town. (Mrs. Carver is speaking on behalf of her father, Mr. Barton. 5 yea votes, 0 nay votes.

Kevin Wright, EMC, presents the revenue report for July 25<sup>th</sup> through August 14, brought in \$103,676.36. Also on Wednesday, August 16<sup>th</sup> is the cut-off for water and we have over 350 homes that are delinquent. Harold Armstrong, Holmans Lane requests that he gets off our water and joins Watson Water System. Mr. Armstrong needs to come before the board.

Chief Michael Stricker, wants Attorney McCall to write ordinance on two speeding signs, Mulberry. Had two 20 mile per hour signs put up there. Also on West Utica need to change the speed limit from 30 miles per hour to 20 miles per hour. Also some parking on the hill on West Utica Street and Sellers Avenue is a problem and need for the Council to pass an ordinance to prohibit parking there.

John Toombs advises that he took bids on the alley between Fern and Popp Avenue for storm sewer. Cab-X, which has done work for us before, submitted a bid of \$19,554.00. I recommend

that we accept this bid and award the contract for Job # 2006, to Cab-X. Motion by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. to accept the bid. 5 yea, 0 nay votes, motion approved.

Danny Yost wants a motion to have the Town street department to cut the grass at the swimming pool next year. Motion by Danny F. Yost, seconded by Louis R. Imhof, Jr. 5 yea 0 nay, motion approved.

Make a motion to accept the addendum to the EMC contract. Seconded by Louis R. Imhof, Jr. 4 yea votes 1 nay vote. Motion approved. Mr. Denton now wishes to change his vote to a nay vote, the vote is now 3 to 2 in favor of the motion.

Kenneth E. Barnes, Sr. has two bids for paving the employee parking lot at the wastewater treatment plant. Kevin Wright has two estimates, one for \$3,100.00 and the other for \$3,733.25. Would like to make a motion to pave the parking lot at the treatment plant for \$3,100.00. Seconded by Louis R. Imhof, Jr. 5 yea votes 0 nay votes. Motion approved to award the contract to Libs Paving for \$3,100.00.

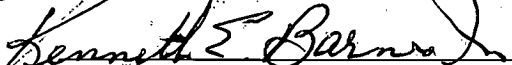
Clerk/Treasurer request that the first budget hearing, for the 2001 budget, be September 5th at 6:00 P.M. at the Town Hall and the second meeting on September 18<sup>th</sup> at 6:00 P.M. to adopt the budget for 2001 and the salary ordinance for 2001.

Motion to adjourn the meeting by Kenneth E. Barnes, Sr., seconded by Edward D. Denton. 5 yea 0 nay, motion to adjourn approved at 7:58 P.M.

Motion to adjourn the meeting by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr., motion approved 5 aye 0 nay. Meeting adjourned 6:55 P.M.

  
JAMES H. LAMASTER

  
LOUIS R. IMHOF, Jr.

  
KENNETH E. BARNES, Sr.

  
DANNY F. YOST

  
EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

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# MEMO

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**To:** Sellersburg Town Council  
**From:** John H. Toombs, Jr., P.E., L.S.  
**Subject:** Storm Sewer Bids  
**Date:** August 14, 2000

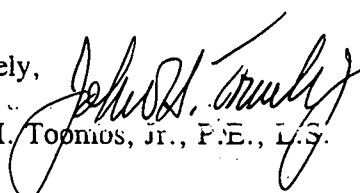
**POPP AVENUE/FERN STREET ALLEY  
JOB NO. 2006**

1. We distributed drawings to seven (7) contractors.
2. We received six (6) bids.
3. We estimated the cost to be \$25,100, based on the most current past bids on storm sewers.
4. The bids were as follows:

Cab-X (Lowest)	\$ 19,554.00
Dan Cristiani	\$ 25,920.57
Team Contracting	\$ 26,700.00
Excel Excavating	\$ 29,121.35
L. D. Rice	\$ 32,399.50
Stumler Excavating	\$ 39,016.00

5. I recommend awarding the project to the Low Bidder - Cab-X at \$19,554.00.

Sincerely,

  
John H. Toombs, Jr., P.E., L.S.

Job Proposal



7001 Atkins Road  
Floyds Knobs, Indiana 47119

812-944-8942  
FAX 812-949-2806

Commercial • Industrial • Asphalt Paving • Seal Coating

PROPOSAL SUBMITTED TO:		PHONE:	DATE: <i>Oct 15-99</i>
NAME: <i>Town of Sellersburg</i>		JOB NAME: <i>Wastewater Treatment Plant</i>	
STREET:		STREET: <i>701 Bean Pl</i>	
CITY:		CITY: <i>Sellersburg, In.</i>	
STATE:		STATE:	

We hereby submit specifications and estimates for:

- 1) Asphalt paving start at gate + existing asphalt roadway around plant, app- 3,340 sqyds Area - Mill edges for paper tapes to concrete. Air Sweep, apply tackoil - Apply 2" in surface asphalt - Fourteen-thousand two-hundred - Complete job - body Dollars *- 14,240.<sup>00</sup>*
- 2) Asphalt paving Employee Parking lot Area 130' x 20' - add stone - finish grade thirty-one hundred Apply 3" in asphalt *3,100.<sup>00</sup>*

We hereby propose to furnish labor and materials -- complete in accordance with the above specifications, for the sum of:

\_\_\_\_\_ dollars (\$) \_\_\_\_\_) with payment to be made as follows:

Authorized Signature \_\_\_\_\_

*Larry Hilt*

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as job is completed.

Accepted: \_\_\_\_\_ Signature \_\_\_\_\_

Signature \_\_\_\_\_

# K&I Construction, LLC

P.O. Box M  
Sellersburg, IN 47172  
Office: (812) 246-5403 Fax: (812) 246-5460

## QUOTATION

TO: Sellersburg Waste Water Treatment Plant

DATE: 10/07/99

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

**PROJECT NAME: Asphalt Overlay/Paving Of Shop Area**

WE HEREBY PROPOSE TO FURNISH MATERIAL, LABOR AND EQUIPMENT FOR THE ABOVE SPECIFIED PROJECT AND FOR THE ITEMS HEREINBELOW ENUMERATED:

BID ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
1	2" Of Surface Over Existing Paved Areas	3,235.00	SYS	\$4.70	\$15,204.50
2	Construct Employee Parking On Side Of Bldg. <i>120 x 20 3 X 1</i>	545.00	SYS	\$6.85	\$3,733.25
3	Construct Shop Paving W/3" Binder 1" Surface	2,265.00	SYS	\$10.15	\$22,989.75
	Using Stone On Site For Subbase Of Shop Area				\$0.00
	Clean & Tack Included In Price				\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
				TOTAL	\$41,927.50

CONTRACT TYPE:  UNIT PRICE  LUMP SUM

### SPECIAL CONDITIONS

- 1.) Payment for completed work due monthly.
- 2.) Final payment due upon completion.
- 3.) Warranty period 1 year from date of completion.
- 4.) No paving performed from December 1 thru April 1.
- 5.) This quote valid for 30 days from the above date.
- 6.) Work to be performed within 1 year of above date.
- 7.)
- 8.)

K&I Construction, LLC  
Plant

Accepted by: Sellersburg Waste Water Treatment

By:  \_\_\_\_\_

By: \_\_\_\_\_

Title: Estimator

Title: \_\_\_\_\_

Copy To: File, Estimator, Customer(2X)

THIENEMAN CONCRETE WALLS, INC.  
 BOX 0585  
 FLOYDS KNOBS, IN

DATE:	August 2, 2000	JOB SITE:	
TO:	St Pauls Church		
<b>BID ONLY !!</b>			
<b>Quantity</b>	<b>Description</b>	<b>Price</b>	<b>Amount</b>
	<b>425 Ft of Sidewalk 4' Wide</b>		
1700	Labor to repour	2.50	4250.00
1400	Rebar #4	0.30	420.00
30	Yards cf Concrete	71.50	2145.00
			<b>6815.00</b>
	<b>Front Steps</b>		
	Labor to Form		2500.00
	Labor to Pour Flat Work		900.00
	Labor & equipmrt tc Jackhammer		1200.00
	Rock (tons) ESTIMATED 20 Ton		160.00
22	Yards cf Concrete	71.50	1573.00
1000	Rebar #4	0.30	300.00
			<b>6633.00</b>
		<b>TOTAL</b>	<b>13,448.00</b>



ST. PAUL'S SCHOOL SIDEWALKS

8/14/00

DRK

Southern Indiana Concrete, Inc.  
115 Industrial Way  
Charlestown, IN 47111  
(812) 256-9027

Customer/Address
St. Paul's

<b>PROPOSAL # 627</b>	
DATE	PROJECT
6/15/2000	

DESCRIPTION	QUANTITY	RATE	TOTAL
Demolition/Removal - 433 ft. sidewalk	1,732	1.00	1,732.00
Broom Finish Sidewalk with curb face	1,732	2.00	3,464.00
Rebar	50	5.00	250.00
3500 psi Concrete	25	68.00	1,700.00
Demolition/Removal - front steps		1,500.00	1,500.00
Pour back steps		3,000.00	3,000.00
Rebar	15	5.00	75.00
3500 psi Concrete	20	68.00	1,360.00
We appreciate the opportunity to do business with you! Thank You!		<b>TOTAL</b>	<b>\$13,081.00</b>

ST. PAUL'S SCHOOL SIDEWALKS

8/14/00

**SELLERSBURG TOWN COUNCIL**

**September 5, 2000**

**SPECIAL MEETING (Budget Reading)**

The Special Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on September 5<sup>th</sup>, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., and Town Clerk/Treasurer David L. Kinder.

**Called To Order**

President James H. LaMaster called the meeting to order at 6:02 P.M.

**Prayer**

None

**Pledge**

The Pledge of Allegiance to the Flag was not recited.

President LaMaster asked Clerk-Treasurer Kinder if he had the proposed 2001 budget? Clerk-Treasurer Kinder presented each Town Council member an estimated copy of the proposed 2001 budget. Clerk-Treasurer Kinder then asked if there were any questions concerning the estimated budget? There were no questions from the Town Council members. There were no members of the public present for the meeting.

There being no questions the meeting to adopt this budget will be held on September 18<sup>th</sup> at 6:00 P.M. at the Sellersburg Town Hall.

Motion to adjourn the meeting was made by Louis R. Imhof, Jr., seconded by Danny F. Yost, 5-yea 0 nay, motion to adjourn approved at 6:08 P.M.


  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
LOUIS R. IMHOF, Jr.

  
\_\_\_\_\_  
KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER



**SELLERSBURG TOWN COUNCIL**

**September 11, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on September 11, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Counsel Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:12 P.M.

**TOPIC OF DISCUSSION:**

Police Personnel matters.

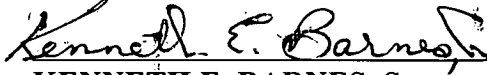
Pending litigation Sun Flower Valley Water Corporation, Inc.

Litigation reference nuisance ordinances.

Motion to adjourn the meeting by Danny F. Yost, seconded by Kenneth E. Barnes, Sr. 5 yeas  
nay adjourned at 6:58 P.M.

  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
LOUIS R. IMHOF, Jr.

  
\_\_\_\_\_  
KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

## SELLERSBURG TOWN COUNCIL

September 11, 2000

### REGULAR MEETING

The regular meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on September 11, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Edward D. Denton, Louis R. Imhof, Jr., and Town Clerk/Treasurer David L. Kinder.

### Called To Order

President James H. LaMaster called the meeting to order at 6:02 P.M.

### Prayer

President LaMaster gave invocation.

### Pledge

The Pledge of Allegiance to the Flag was recited.

Motion was made by Danny F. Yost and seconded by Kenneth E. Barnes, Sr. to accept the minutes of the last regular Town Council meeting. 5 year 0-nay minutes approved as written.

Mr. Jay Rakich spoke to the Town Council concerning Covered Bridge sub-division and the sewer back up in the past. Mr. Rakich wanted to know if the new sub-division, The Willows, was going to have to build their own lift station or if they were going to up-grade the present lift station. Mr. Kevin Wright, EMC, advised that the present understanding is that The Willows will build their own lift station.

Mr. Rakich also wanted to know if any up-grades had been made to the present lift station? Kevin Wright advised that a new float be installed along with new horn and new light.

Sandy Carver references the Adkins Alley and Adkins Avenue (Adkins Court). This was a widening process of the street or making the street a one-one. She also appeared before the Zoning Board and they turned down her rezoning request. Attorney McCall asks if Mrs. Carver is asking for the Council to change the zoning today? I am asking them to review the matter and new data and make an independent decision.

Attorney McCall asks if Mrs. Carver has submitted an ordinance to change the zoning from R1 to R2; and is it submitted today for them (the Council) to vote on? Attorney McCall states that there is no ordinance presented to change the zoning from R1 to R2. She needs to submit the ordinance for the Council to vote upon. Presently there is nothing for the Council to vote upon.

**Sellersburg Town Council Meeting**  
**September 11, 2000**  
**Page 2**

Mrs. Carver asks if there was a decision on the widening of the street. Attorney McCall advises that that also would take an ordinance.

Richard Neidigh introduced himself and his company, Centra Credit Union, to the Council and offered his services to the town employees.

Tammy Heishman reference Sun Flower Valley Water Corporation, Inc. Mrs. Heishman just wants to inform the Council that she and her husband Charlie are no longer able to perform their duties with the Corporation and that they have resigned their positions with the Sun Flower Valley Water Corporation, Inc. She requests that Sellersburg take on the responsibilities of this water corporation.

Mr. Allen Applegate, Attorney in Jeffersonville, has a friend that wants to build duplexes in the Sun Flower Valley, but were turned down for water taps. His friend has suggested that Mr. Applegate contact the present members of the Corporation and see if they can get together to work out something to get new corporate officers and get the corporation back on it feet.

Tammy Heishman agrees to collect and deposit funds into an escrow account until new corporate officers can be appointed. Mr. Applegate will come back at the next meeting and tell the Council if anything has been accomplished.

Trinette Imhof requests that the Town complete the fence behind her, and her neighbors, home along Celesta Way. The apartment complex built the fence in 1998. It does not cover the entire apartment complex and thus kids are cutting through our yards and even using some of the swimming pools owned by the homeowners.

Merle Allen, Friendly Village of Indian Oaks, requesting sewer adjustment on some watering of shrubs, trees and lawn last year. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr. not to approve any type of adjustment to the sewer bill. 5 yea votes 0 nay votes. Motion approved.

Tim Sells request that the Town Council approve and pay for the replacement of three wreaths that were taken by the Town from the war memorials in Wilkerson. These wreaths cost approximately \$45.00 each. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Danny F. Yost to pay for the replacement cost of the wreaths. 5 yea 0 nay votes the motion is approved.

Kevin Wright, EMC, presents the water and sewer revenues for 8-15-00 through 8-28-00: Water revenue \$16,415.80 and Sewer \$40,319.15. Revenues for 8-29-00 through 9-11-00: Water revenue \$28,678.91, Sewer \$40,786.30.

Also have two items for capital expenditures: First being repairs to Airport Lift Station. Have two bids: Metzger Electric \$2,680.00 plus \$305.11 (temporary repairs already completed) and

Belco Electric \$2,720.00 plus \$305.11. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Danny F. Yost to approve the repairs by Metzger Electric for \$2,985.11. 5 yea 0 nay, motion approved.

Another capital improvement is replacement of Fire Hydrant at Allison Lane and Utica Pike that is not working and has been damaged. Reschar Construction submits a quote, to replace the hydrant, of \$2,700.00 and another from Dan Cristiani of \$3,643.00. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Danny F. Yost to have the hydrant replaced by Reschar Construction for \$2,700.00. 5 yea 0-nay votes motion approved.

Michael Stricker, Chief of Police requests the Council permit him to hire a new, full time, radio dispatcher for the police department. Motion by Kenneth R. Barnes, Sr. 2<sup>nd</sup> by Edward D. Denton to approve the hiring of the new dispatcher. 5 yea 0-nay votes motion approved.

Boyce Adams states that he is having trouble locating property owner's reference cutting weeds and tall grass. Property on E. Utica, Indianola and Paradise. Adams explained that he and the police department have made several trips to these residences with negative results, they have checked with neighbors as to whereabouts of owners and cannot locate nor make any contact with property owners. The Town Council needs to have these properties attended to and then perhaps the Town Attorney can place a lien against the property.

Kevin Wright requests the Council to give Louis R. Imhof, Jr., Robert Dobbins and Kenneth Lochner to have sewer adjustments because of leaks in their swimming pools. Motion by Danny F. Yost 2<sup>nd</sup> by Kenneth E. Barnes, Sr. to adjust these sewer bills. 5 yea 0 nay motion approved.

Attorney McCall submits Ordinance 2000-012, Ordinance Reducing Speed Limit on West Utica Street from 30 miles per hour to 25 miles per hour. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr. to consider on the first reading. 5 yea 0 nay, motion passes. Motion by Louis R. Imhof, Jr. 2<sup>nd</sup> by Kenneth E. Barnes, Sr. to pass on the second reading. 5 yea 0 nay, motion to pass the ordinance approved.

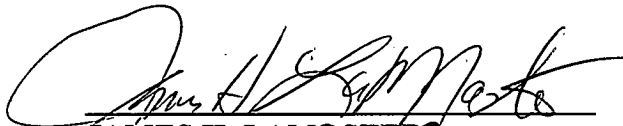
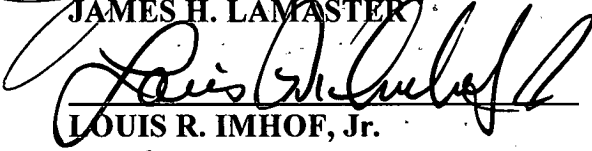

McCall submits Ordinance 2000-013, Ordinance Enforcing a No Parking Requirement on Utica Street from US 31 to Ehringer Lane. Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Danny F. Yost to consider Ordinance 2000-013 on first reading. 5 yea 0 nay. Have a motion to approve Ordinance 2000-013 on the first reading, motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Danny F. Yost, 5 yea 0 nay motion passed to approve Ordinance 2000-013.

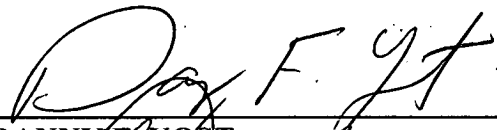
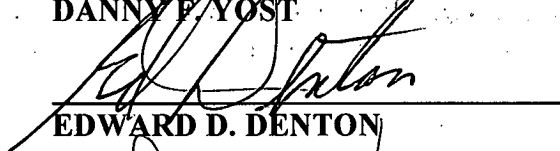
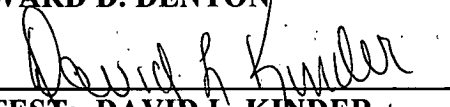
John Toombs states that on the water plant the work has been completed. There was a savings of \$9,327.83 that was not spent on the contract and Kevin Wright and I would like your approval to spend \$3,358.45 to purchase some additional tanks and pumps to make this water treatment system work better than it does, you will still save \$5,969.38. Motion to approve the request to purchase the pumps and tanks by Louis R. Imhof, Jr. 2<sup>nd</sup> by Danny F. Yost, 5-yea 0-nay, motion

Sellersburg Town Council Meeting  
September 11, 2000  
Page 4

approved.

Motion by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Edward D. Denton to adjourn the meeting. 5 yea 0-nay  
meeting adjourned at 9:03 P.M.

  
\_\_\_\_\_  
JAMES H. LAMASTER  
  
\_\_\_\_\_  
LOUIS R. IMHOF, Jr.  
  
\_\_\_\_\_  
KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST  
  
\_\_\_\_\_  
EDWARD D. DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK/TREASURER

ORDINANCE NO. 2000- 012

ORDINANCE REDUCING SPEED LIMIT ON WEST UTICA STREET,  
SELLERSBURG, INDIANA

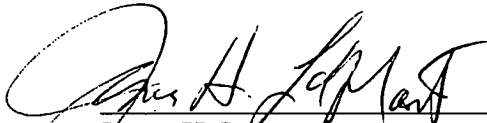
WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Chief of Police that it is in the best interest of the public safety to decrease the speed limit on West Utica Street from 30 miles per hour to 25 miles per hour; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the reduction of said speed limit will be an effective safety measure for the Town of Sellersburg residents and those persons who operate vehicles upon said roadway; and

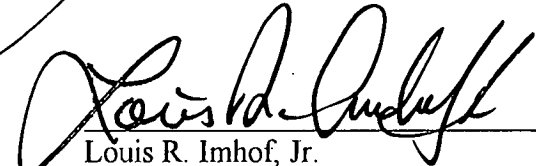
WHEREAS, the Town Council for the Town of Sellersburg has considered this ordinance in an open meeting to which the public were invited to attend and participate.

BE IT THEREFORE NOW ORDAINED by the Town Council for the Town of Sellersburg that the speed limit on West Utica Street shall be and hereby is reduced from 30 miles per hour to 25 miles per hour, effective upon proper publication of the herein ordinance.

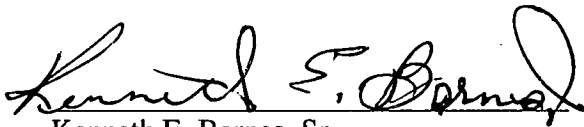
SO ORDAINED THIS 11<sup>th</sup> DAY OF September, 2000.

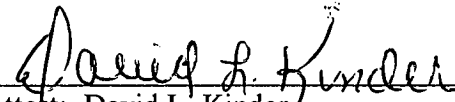
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

ORDINANCE NO. 2000- 013

ORDINANCE ENFORCING A NO PARKING REQUIREMENT  
ON UTICA STREET, TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town Council has determined that an Ordinance should be enacted for the no parking of vehicles on Utica Street, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said Ordinance is necessary for the efficient and effective administration of Town Government and the Safety of the Town of Sellersburg residents; and

WHEREAS, the Town Council for the Town of Sellersburg has conferred with the Chief of Police in regard to said Ordinance and has determined it is in the best interest of the residents of the Town of Sellersburg; and

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

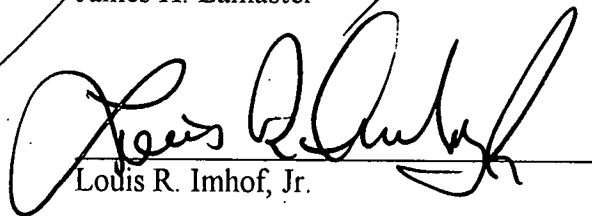
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg there shall be no parking of vehicles on both sides of the roadway on West Utica Street from State Route 31 to Ehringer Street.

That the herein Ordinance shall become effective on the date of its passage by the Sellersburg Town Council.

SO ORDAINED THIS 11<sup>th</sup> DAY OF September, 2000.

  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clark-Treasurer

**SELLERSBURG TOWN COUNCIL**

**September 18, 2000**

**SPECIAL MEETING (BUDGET APPROVAL FOR 2001)**

The regular meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on September 18, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Louis R. Imhof, Jr., Town Clerk-Treasurer David L. Kinder and Deputy Clerk-Treasurer Michelle Eve.

**Called To Order**

President James H. LaMaster called the meeting to order at 6:00 P.M.

**PRAYER:**

None

**PLEDGE:**

Not recited.

Deputy Clerk-Treasurer Michelle Eve read Ordinance 2000-014 the Budget Estimate for 2001. General Fund \$1,871,411.00, Parks and Recreation \$101,180.00, Metro Police Pension \$82,760.00, Local Road and Street \$191,500.00, Motor Vehicle Highway (MVH) \$278,000.00, Cumulative Capital Improvement \$89,400.00, Cumulative Capital Development \$117,000.00.

Motion by Louis R. Imhof, Jr. to adopt Ordinance 2000-014, 2<sup>nd</sup> by Danny F. Yost. 4-yea 0-nay motion to adopt the ordinance approved.

Danny F. Yost makes motion to adopt Ordinance 2000-015, the Salary Ordinance for 2001; 2<sup>nd</sup> by Louis R. Imhof, Jr. 4-yea 0-nay votes. Motion to adopt the ordinance is approved.

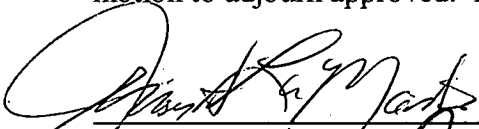
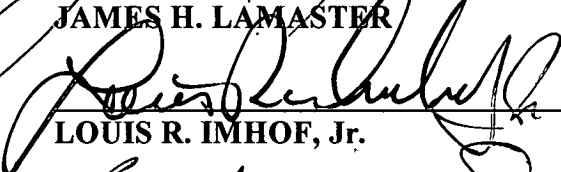

Louis R. Imhof, Jr. makes motion to approve Ordinance 2000-016, Ordinance to pay all eligible employees of the Town of Sellersburg Street and Sanitation Department, Clerk-Treasurers Office and Dispatchers Longevity pay, 2<sup>nd</sup> by Kenneth E. Barnes, Sr. 4-yea 0-nay motion to adopt the ordinance approved.

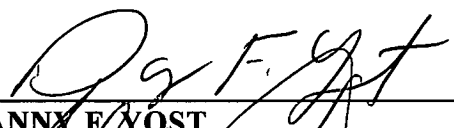

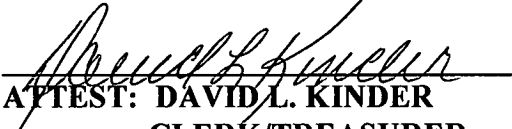


Special Meeting Sellersburg Town Council  
September 18, 2000  
Page 2

Ordinance 96-645 Regarding Longevity Pay for Eligible Employees of the Police Department,  
2nd by Kenneth E. Barnes, Sr. 4-yea 0-nay motion to adopt the ordinance approved.

Motion by Louis R. Imhof, Jr. to adjourn the meeting 2<sup>nd</sup> by Kenneth E. Barnes, Sr. 4-yea 0-nay  
motion to adjourn approved. Meeting Adjourned at 6:08 P.M.

  
\_\_\_\_\_  
JAMES H. LAMASTER  
  
\_\_\_\_\_  
LOUIS R. IMHOF, Jr.  
  
\_\_\_\_\_  
KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST  
  
\_\_\_\_\_  
EDWARD D. DENTON  
  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK/TREASURER

**SELLERSBURG TOWN COUNCIL**

**October 9, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on October 9, 2000. Present for the meeting were Town Council President James H. LaMaster, Vice President Danny F. Yost, Council Members Kenneth E. Barnes Sr., Edward D. Denton and Louis R. Imhof Jr., Town Attorney William P. McCall III, Chief Deputy Clerk Michelle D. Eve, Deputy Clerk Robin M. Bottorff, EMC Facility Manager Kevin Wright, EMC Billing Office Manager Melissa Bishop and EMC Regional Manager Tim Crawford.

**CALLED TO ORDER:**

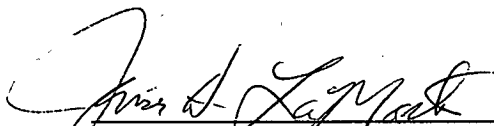
President James H. LaMaster called the meeting to order at 6:00 p.m.

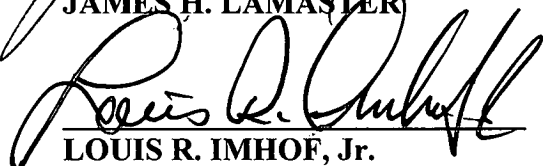
**TOPIC(S) OF DISCUSSION:**

EMC Personnel and Billing and Collection matters.

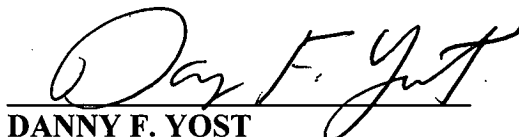
**ADJOURNMENT:**

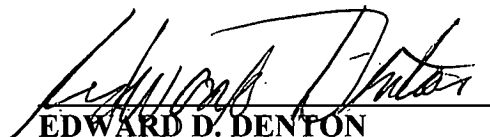
Motion to adjourn the meeting by Danny F. Yost, seconded by Kenneth E. Barnes Sr.  
Vote: 5 yea – 0 nay. Meeting adjourned at 6:55 p.m.

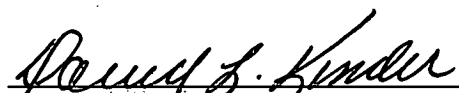
  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

  
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KENNETH E. BARNES, Sr.

  
\_\_\_\_\_  
DANNY F. YOST

  
\_\_\_\_\_  
EDWARD D. DENTON

  
\_\_\_\_\_  
ATTEST: DAVID L. KINDER  
CLERK/TREASURER

## SELLERSBURG TOWN COUNCIL

October 9, 2000

### REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on October 9, 2000. Present for the meeting were Town Council President James H. LaMaster, Vice President Danny F. Yost, Council Members Kenneth E. Barnes Sr., Edward D. Denton and Louis R. Imhof Jr., Town Attorney William P. McCall III, Chief Deputy Clerk Michelle D. Eve and Deputy Clerk Robin M. Bottorff.

### CALLED TO ORDER

President James H. LaMaster called the meeting to order at 7:00 p.m.

### PLEDGE

The Pledge of Allegiance to the flag was recited.

### PRAYER

Father Paul Richart offered up the prayer for this meeting.

Mr. Barnes made a motion to accept the minutes from the September 11, 2000 Regular Meeting, September 11, 2000 Executive Session and September 18, 2000 Special Budget Meeting, seconded by Mr. Yost. Vote: 5 yea – 0 nay.

Mr. Richard Neidigh with Centra Credit Union addressed the council regarding the Town becoming a member of the Centra Credit Union. Mr. Barnes made the motion for the Town to become a member of Centra Credit Union, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Mr. Allen Applegate addressed the Council reference a partial termination and release of utility easement at Sellersburg Station dated July 21, 1967. Motion made by Mr. Barnes, seconded by Mr. Yost. Vote: 5 yea- 0 nay.

Mr. Allen Applegate addressed the Council reference a termination and release of easement at Sellersburg Station dated October 27, 1980. Motion made by Mr. Yost, seconded by Mr. Barnes. Vote: 5 yea- 0 nay.

Mr. Applegate informed the Council that Sunflower Valley Water Corporation has hired him and he will keep the Council informed of the Sunflower Valley situation.

Mr. Jim Shields addressed the council concerning weeds at Fern St. and US 31. The council will look into this matter.

Mr. Herbert Jones was not present to address the Council on sewer repairs.

Mr. David Warman of 311 Church St. addressed the Council in reference to the flooding of his home from the apartment complex at the corner of Church St. and New Albany St., junk vehicles at his neighbor's residence, and obtaining a privacy fence permit. Police Chief Mike Stricker will look into the junk vehicle situation, Mr. Toombs will check on the drainage problem and the Clerk/Treasurer's Office will advise Boyce Adams to contact Mr. Warman reference a fence permit.

Mr. Rob Purlee addressed the Council on the problem he had with the sewer backing up into his home. The Council advised Mr. Purlee that the Town's Insurance Agent was handling this case and they will be in contact with Mr. Purlee. Mr. Purlee was also concerned about the sinkholes on Alden Road not being repaired and Kevin Wright with EMC stated that they would be repaired tomorrow.

Ms. Shirley Williams addressed the Council reference an adjustment on her water bill due to a leak. Motion by Mr. Denton to adjust the water on Ms. Williams bill based on a twelve-month average, seconded by Mr. Barnes. Vote: 5 yea – 0 nay.

Ms. Barbara Johnson addressed the Council reference an adjustment on her sewer bill due to a leak. Motion made by Mr. Barnes to adjust the sewer on Ms. Johnson's bill based on a twelve month average, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Ms. Lana Kaelin addressed the Council reference a pool adjustment on her water bill and to also adjust the late fee. Motion made by Mr. Imhof to give Ms. Kaelin a pool adjustment and also to waive the late fee, seconded by Mr. Barnes. Vote: 5 yea – 0 nay.

Ms. Melena Crawford addressed the Council reference a sewer and water adjustment on her bill and also to waive the late fee. Motion made by Mr. Barnes to adjust Ms. Crawford's water and sewer based on a twelve month average and to waive the late fee, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Mr. Kevin Wright with EMC addressed the Council reference an over-read on Sunflower Valley Water Corporation, which needs to be adjusted. Mr. Barnes made a motion to adjust the water on Sunflower Valley Water Corporation due to an over-read and to also adjust the sales tax, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Mr. Imhof presented a bid to the Council for a truck for the Water Department in the amount of \$29,397.40. Mr. Imhof stated that a bid from Jim O'Neal Ford is the only bid he received. Motion made by Mr. Barnes, seconded by Mr. Denton. Vote: 5 yea – 0 nay.

Mr. McCall presents Nuisance Ordinance 2000-15 for it's second reading. Motion made by Mr. Barnes, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Mr. McCall presents Ordinance 2000-16, Longevity pay for full time employees for it's second reading. Motion made by Mr. Barnes, seconded by Mr. Yost. Vote: 5 yea – 0 nay.

Mr. McCall presents Ordinance 2000-17, amending Ordinance 96-645, Longevity pay for police officers. Motion made by Mr. Barnes, seconded by Mr. Imhof. Vote: 5 yea- 0 nay.

Mr. McCall presents Resolution 2000-2, designating that the Clerk/Treasurer is not a full time employee with the Town of Sellersburg. Motion made by Mr. Barnes, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

Mr. McCall presents Ordinance 2000-19, Ordinance regulating the dumping of fill material within the Town of Sellersburg, Indiana. Motion made by Mr. Denton, seconded by Mr. Barnes. Vote 5 yea – 0 nay.

Mr. McCall presents Ordinance 2000-20, Amending Ordinance No. 316 and Ordinance No. 435 of the Sellersburg Town Code as it concerns the control of plants and weeds within the municipal limits of the Town of Sellersburg. Motion made by Mr. Lamaster, seconded by Mr. Barnes. Vote: 5 yea – 0 nay.

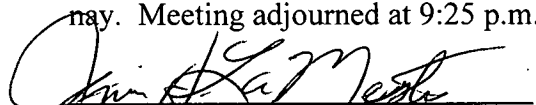
Mr. McCall presents Resolution 2000-3, Designation of Environmental Management Corporations Facility Manager to make billing and accounting adjustments for water and sewer bills. Motion made by Mr. Imhof, seconded by Mr. Yost. Vote: 5 yea - 0 nay.

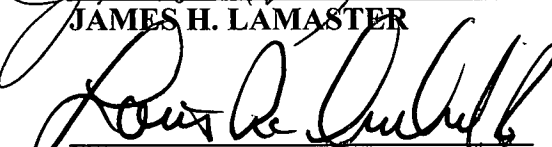
Mr. McCall presents a Declaration of Easement for Crown Communications in the amount of \$65,000.00. Motion made by Mr. Denton, seconded by Mr. Barnes. Vote: 5 yea – 0 nay.

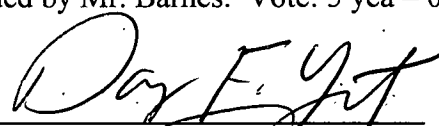
Mr. Yost made a motion to pass the bills presented by the Clerk/Treasurer's Office, seconded by Mr. Imhof. Vote: 5 yea – 0 nay.

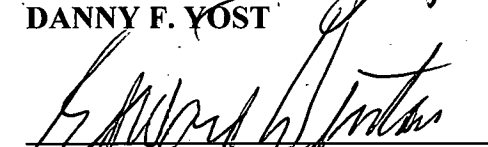
**ADJOURNMENT:**

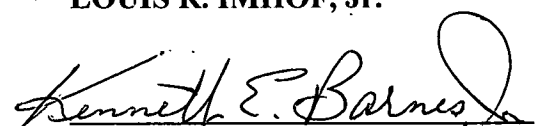
Motion to adjourn the meeting by Mr. Lamaster, seconded by Mr. Barnes. Vote: 5 yea – 0 nay. Meeting adjourned at 9:25 p.m.

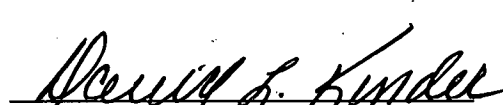
  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

  
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DANNY F. YOST

  
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EDWARD D. DENTON

  
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KENNETH E. BARNES, Sr.

  
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ATTEST: DAVID L. KINDER  
CLERK/TREASURER

**SELLERSBURG TOWN COUNCIL**

**November 13, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on November 13, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Council Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 6:04 P.M.

**TOPIC OF DISCUSSION:**

Police Personnel matters on pending litigation.

John Toombs reference IDEM response.

Robert Purlee reference litigation over sewer back up.

Pending litigation in Floyd County.

Motion to adjourn the meeting by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Louis R. Imhof, Jr., 5 yeas 0 nays adjourned at 6:58 P.M.

**There was no subject matter discussed in the executive session other than the subject matter specified in the public notice.**

  
JAMES H. LAMASTER

  
LOUIS R. IMHOF, Jr.

  
KENNETH E. BARNES, Sr.

  
DANNY F. YOST

  
EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

November 13, 2000

## REGULAR TOWN COUNCIL MEETING

The regular meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on November 13, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Louis R. Imhof, Jr., Edward D. Denton, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

### Called To Order:

President James H. LaMaster called the meeting to order at 7:00 P.M.

### PRAYER:

Offered by Reverend Gary Fenner

### PLEDGE OF ALLEGIANCE:

Recited by all present.

Motion was made by Kenneth E. Barnes, Sr. to approve the minutes from the meeting of October 9, 2000, seconded by Danny F. Yost, 5-yea 0-nay, motion approved.

Richard Eve to discuss the Town ordinance on portable signs. Mr. Eve spoke with Boyce (Adams) about the 48 signs that he has out for businesses that use these signs to advertise. Some are for carpet companies, The American Legion, restaurants and others. Several people (9 in all) that are business people spoke on behalf of Mr. Eve and his sign company and keeping the signs. Kenneth E. Barnes, Sr., makes a motion to suspend any zoning code enforcement until January 1, 2001. Mr. McCall states he will prepare an amendment to the zoning ordinance (in accordance with provisions of Indiana Code 36-7-4, as amended) section 2.15.5 and it can be voted upon now. Motion by President LaMaster to consider on a first reading **Ordinance 2000-021**, amendment to the zoning code section 2.15.5, suspending enforcement of the sign ordinance until January 1, 2001. Seconded by Kenneth E. Barnes, Sr. 5-yea 0-nay motion approved.

President LaMaster makes motion to pass **Ordinance 2000-021** on the first reading. Motion seconded by Kenneth E. Barnes, Sr. 5-yea 0-nay, motion approved.

Barry Sprigler request that a sub-division he wants to develop at 9417 County Line Road, in Floyd County, with 35 to 37 lots be permitted to tap onto the Sellersburg Town sewers. Town Council advises that the Town sewers are about to capacity now and that Mr. Sprigler's request is denied.

Joseph Anderson reference a Town Council decision to permit Mr. (Marion) Barton to open an antiquated alleyway which is adjacent to my property. Anderson request that Barton not be

Sellersburg Town Council Meeting

November 13, 2000

Page 2 of 4 pages

allowed to open this alley as it will take away from his property and not give him any space.

Mr. McCall advises that Mr. Anderson could petition the Town to vacate the alley and take it before the Town Council.

Jason Stone complaining about speeding vehicles on Villa Drive. He also request that the Council consider closing one end of Villa Drive and this would help stop with the speeding problem and make the neighborhood safer.

Chief Stricker advises that he will assign extra patrol, in unmarked vehicles, to slow the speeders.

David Warman wants to know if any action has been taken on the drainage problem at his home on Church Street. Mr. John Toombs has looked at the problem but no cost estimate or engineering has taken place. Mr. Warman advises that his attorney told him to come before the Council and ask if the Council would be willing to put in a storm sewer or the Council establish a storm sewer board to look at the problem.

Mr. McCall advises that perhaps assistance for this could come from River Hills Development or Sharon Wilson or some other grant source. The Council will help if possible when funds are available.

Charles Parsley, Best Equipment Company, Inc., presentation on a new type of garbage collection containers and a semi-automatic tipper, with rear loading or side loading capabilities or fully automated system. Mr. Parsley presented a video on the containers and tipper and furnished brochures on the equipment.

If Town will furnish a house count for Mr. Parsley he will furnish cost estimate for the new equipment.

EMC, Kevin Wright, presents the revenue reports for October 10 through October 23 for a total of \$89,454.90 for Water, Sewer and Civil. October 24 through November 6 for a total of \$62,012.52. November 7 through November 13 a total of \$42,831.86.

Today we had well-field number 2 motor go down. Bastin-Logan was called to come in and pull it and rebuild it. We have three other fields in operation. Motor will have to be rebuilt.

Council member Denton wants to have the property on Villa Drive that the Town owns be sold and the proceeds be used to purchase a leaf machine to pick up leaves from the curbside.

Mr. McCall advises that if this is surplus property the Council must agree to sell it, have to have it surveyed, have two appraisals to determine its value and then after that determine how you want



to sell it, by bid process, public auction or how.

Council member Imhof has discussed with Kevin Wright about the wellhead project. Mr. Wright has two bids for the project. Kevin also has bids on mandatory Well Head Protection for the water department. Whittman Hydro Planning Associates, Inc. proposes a maximum contract amount not to exceed \$8000.00 without the prior written approval of the Sellersburg Water Utility. The second bid is Scott R. Smith Environmental Management Consultant, Inc. with a proposal of \$10,750.00. This is a mandatory improvement by IDEM, which must be completed by March 3, 2001.

Motion by Kenneth E. Barnes, Sr. and seconded by Louis R. Imhof, Jr. to accept the Whittman Hydro Planning Associates, Inc. bid of \$8000.00. 5-yea 0-nay motion approved.

Town Attorney McCall has two ordinances; the first is 2000-022 amending Ordinance 412, which is receipt of death benefit under the 1925 police pension fund. This Ordinance will bring our death benefit with IC 36-8-6-9.8 and states that the Town of Sellersburg shall pay to the heirs or the estate of deceased member under the 1925 Police Pension Plan the sum of \$10,000.00

Motion to consider **Ordinance 2000-022** on the first reading by Danny F. Yost, seconded by Edward D. Denton. 5-yea 0-nay motion approved.

Motion to pass **Ordinance 2000-022** on the first reading by Louis R. Imhof, Jr., seconded by Kenneth E. Barnes, Sr. 5-yea 0-nay. Motion approved

Second Ordinance is amendment to **Ordinance 2000-018**. Makes parking on Scheller Avenue from 6:00 a.m. through 4:00 p.m. only during the school year while school is in session.

Motion to consider **Ordinance 2000-023** on the first reading by Danny F. Yost, seconded by Louis R. Imhof, Jr. 5-yea 0-nay motion approved.

Motion to pass **Ordinance 2000-023** by Kenneth E. Barnes, Sr., seconded by Danny F. Yost. 5-yea 0-nay. Motion approved.

Clerk/Treasurer Kinder states that there is an offer on the old telephone system from Telecom Products Corporation for \$125.00. The fire department was interested and made a verbal offer of \$100.00. Motion by Edward D. Denton, seconded by Danny F. Yost to sell the telephones to Telecom Products Corporation for \$125.00

The Town Council needs to establish a value on the Fixed Assets Records for the Town. Motion by Danny F. Yost to set the base amount of \$1,500.00 for the Fixed Asset Records, seconded by Louis R. Imhof, Jr. 5-yea 0-nay. Motion approved.

Sellersburg Town Council Meeting

November 13, 2000

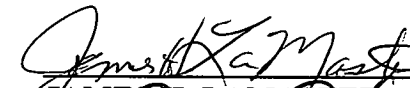
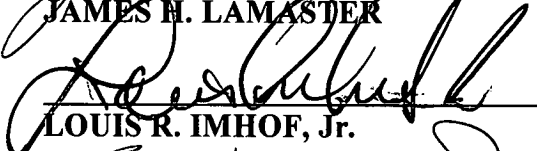

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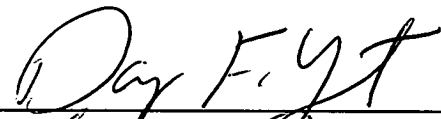
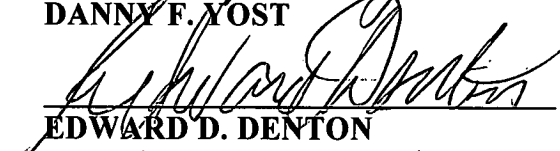

Need to establish who shall file liens on past due water and sewer accounts in accordance with IC 36-9-23-33. Motion by Kenneth E. Barnes, Sr. to make EMC responsible for filing liens on delinquent water and sewer accounts under IC 36-9-23-33, seconded by Danny F. Yost. 5-yea 0-nay.

Need to have the amount billed each month on the monthly revenue report furnished by EMC. Presently all the Revenue report shows is what is collected and have no idea what was billed for the month. These figures will then be compared with the monthly booklet received from EMC.

Motion to have on the monthly report what was billed out as well as what was collected. Motion by Danny F. Yost, seconded by Edward D. Denton. 5-yea 0-nay. Motion approved.

Motion by Danny F. Yost, seconded by Kenneth E. Barnes, Sr. to adjourn the meeting. 5-yea 0-nay. Meeting adjourned at 8:58 p.m.

  
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JAMES H. LAMASTER  
  
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LOUIS R. IMHOF, Jr.  
  
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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST  
  
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EDWARD D. DENTON  
  
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ATTEST: DAVID L. KINDER  
CLERK/TREASURER

**SELLERSBURG TOWN COUNCIL**

**December 11, 2000**

**EXECUTIVE SESSION:**

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on December 11, 2000. Present for the meeting were Town Board President James H. Lamaster, Vice President Danny F. Yost, Council Members Kenneth E. Barnes, Sr., Edward D. Denton and Louis R. Imhof, Jr., Town Attorney William P. McCall III and Clerk/Treasurer David L. Kinder.

**CALLED TO ORDER:**

President James H. Lamaster called the meeting to order at 5:40 P.M.

**TOPIC OF DISCUSSION:**

Personnel movement.

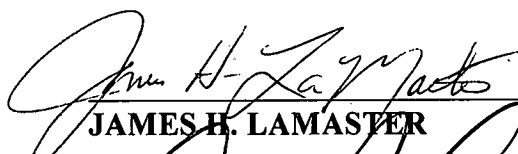
Repair bill that will come up at regular meeting.

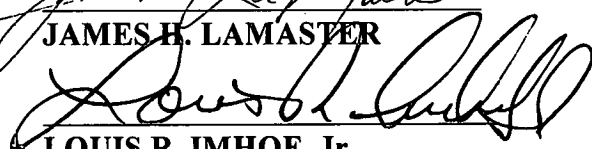
H. J. Umbaugh and Associates presents handout literature for regular meeting.

**ADJOURN:**

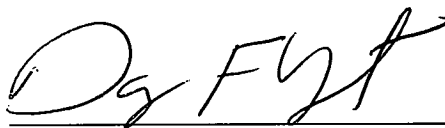
Motion to adjourn the meeting by Kenneth E. Barnes, Sr. 2<sup>nd</sup> by Danny F. Yost, 5 yeas 0 nays  
adjourned at 6:58 P.M.

**There was no subject matter discussed in the executive session other than the subject matter specified in the public notice.**

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST

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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK-TREASURER

# SELLERSBURG TOWN COUNCIL

December 11, 2000

## REGULAR TOWN COUNCIL MEETING

The regular meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on December 11, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council members Kenneth E. Barnes, Sr., Louis R. Imhof, Jr., Edward D. Denton, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

### CALL TO ORDER:

President James H. LaMaster called the meeting to order at 7:04 P.M.

### PRAYER:

Offered by Council President LaMaster

### PLEDGE OF ALLEGIANCE:

Recited by all present.

Motion was made by Kenneth E. Barnes, Sr. to approve the minutes from the meeting of November 13, 2000, seconded by Danny F. Yost, 5-yea 0-nay, motion approved.

Mrs. Jan Kight reference miscellaneous problems: Street repairs, water/sewer bills to high, persons walking animals that leave feces on the streets and yards, street sweeper.

Mr. Dave Frederick, H. J. Umbaugh and Associates reference Sellersburg Municipal Sewage Works. We have made a study of the Town's Sewer charges reference an out of Town sewer charge. I am giving you a copy of the study. I will briefly explain the report. Page 5 is what would be a rate study for a municipal utility. This would consider the revenue requirements and compare to the revenues available and if these revenues would support the utility. That pretty much, in your case, covers the EMC contract, which covers most of those costs.

The next item is the debt service on the outstanding bonds. This is a fixed cost to the utility. The next is the debt service reserve and the utility has met it requirement and has funded the debt service reserve account.

Page 10 will show that customers outside of Town are maybe not covering their share of the cost. We took the administrative salaries that were being paid by the General Fund and allocated one third of those to the sewer; the same thing with various utility expenses of the Town and allocated one third of that to the sewer also. Then if this were a private utility the private utility would expect a return on their investment, so we took a modest rate of 2% return on the Town's investment. The last thing we came up with is the Town Hall, it is used by the sewage utility, but the utility is not paying for that, so we figured a rental rate for the Town Hall. So if we added all

**Sellersburg Town Council Meeting**  
**December 11, 2000**  
**Page 2 of 5 pages**

that up we would get a total of \$259,000.00 for expenses for the Town that are not being covered by sewage customers but are being paid by the General Fund.

So if you divided that amount by the number of sewage customers in the sewage utility you get an estimated outside of Town surcharge of about \$7.60 per month. This represents a cost the customers inside of Town are paying through taxes but customers outside of Town are not paying right now.

So with this report you will see that customers inside of Town are going to see a slight adjustment in their rate, about a 4% increase in base charge, from \$8.50 per month to \$8.85 per month. The customers outside of Town would have exactly the same rate as customers inside of Town and in addition they would pay a surcharge of \$7.60 this would cover the same cost that the customers inside of Town are currently paying from the General Fund.

Kevin Wright, with EMC. Presents the revenue reports for November 14<sup>th</sup> through November 20<sup>th</sup> of \$56,783.84 and November 21<sup>st</sup> through November 27<sup>th</sup> of \$7,366.29 for a total of \$64,150.13.

The revenue for November 28<sup>th</sup> through December 4<sup>th</sup> of \$4,570.67<sup>and</sup> December 5<sup>th</sup> through December 11<sup>th</sup> of \$13,117.55 for a total of \$17,688.22.

Wright ask about making adjustments to sewer bills when the water leak or whatever has happened over a two month period, such as a leak at the last of one month and first of other month before the customer can get it repaired. The Council grants him permission to make such adjustments. They caution that in no way can it be over a three-month period.

People advise me that during this month, since cut off is just before Christmas, that the usual procedure is not to cut anyone off during this month. Motion by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. that no water cut off's be made during the month of December. 5-yea vote's 0-nay votes, motion approved.

Edward D. Denton states that there is Town property on Villa Drive that needs to be sold and the proceeds used to purchase a leaf machine, to pick up leaves from the street gutters. Mr. McCall, Town Attorney, advises that this is being considered, that he needs two appraisals, then advertise how it will be sold, set time to accept bids, or auction and time to sell property. McCall will research this matter and report back to the Council.

Kenneth E. Barnes, Sr. asks if any bids were ever made on the old equipment being held at the sewer plant on Bean Road. No bids so far, but Kevin Wright adds that some man came past week and ask about some of the equipment. This matter will be tabled until we find out more about someone being interested.

Barnes also wants to know about the salt bin that the street department wants. Mark Warren advises that he must re-contact bidders as there was a great difference in the specifications. Warren will get back with the Council.

William P. McCall, III, Town Attorney address the Council about the report from David Frederick, H.J. Umbaugh and Associates. This rate study was to determine if a surcharge on the sewer rates was justified and if so approximately how much so that if challenged in court there would be some justification for a rate increase.

Now a public meeting must be held and an ordinance passed to determine what the rate should be.

At the recommendation of the Clerk/Treasurer some amendments to ordinances need to be made:

**ORDINANCE NUMBER 2000-023: ORDINANCE AMENDING ORDINANCE NO. 95-633 CONCERNING THE RATE OF COMPENSATION FOR MEMBERS OF THE PARKS AND RECREATION, PLANNING COMMISSION, ZONING APPEAL BOARD AND POLICE COMMISSION.** Motion to consider Ordinance 2000-023 on it first reading by Kenneth E. Barnes, Sr., seconded by Danny F. Yost. 5-yea 0-nay, Ordinance passed. Motion to approve Ordinance on first reading by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. 5-yea 0-nay, Ordinance 2000-023 is passed.

**ORDINANCE NO. 2000-024, ORDINANCE ESTABLISHING UNIFORM/CLOTHING ALLOWANCES FOR THE TOWN OF SELLERSBURG POLICE OFFICERS, DISPATCHERS, CLERK/TREASURER, AND CLERK TREASURER EMPLOYEES.** Motion by Danny F. Yost to consider Ordinance 2000-024 on the, first reading seconded by Kenneth E. Barnes, Sr. 5-yea 0-nay Ordinance 2000-024 approved on first reading. Motion by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. to approve Ordinance 2000-024 on first reading. 5-yea 0-nay, Ordinance 2000-024 is passed.

**ORDINANCE NO. 2000-025, ORDINANCE AMENDING ORDINANCE NO. 2000-009 WHICH ESTABLISHED HEALTH INSURANCE BENEFITS FOR THE TOWN OF SELLERSBURG EMPLOYEES AND PREMIUM RESPONSIBILITIES AND AMENDMENT TO SECTION 2-106 OF THE SELLERSBURG TOWN CODE AS IT CONCERNS INSURANCE BENEFITS, OF HEALTH AND LIFE.** Motion by Kenneth E. Barnes, Sr. to consider Ordinance 2000-025 on its first reading, seconded by Danny F. Yost. 5-yea 0-nay, Ordinance 2000-025 approved on first reading. Motion by Louis R. Imhof, Jr. seconded by Kenneth E. Barnes, Sr. to approve ordinance 2000-025 on it first reading. 5-yea 0-nay, Ordinance 2000-025 is passed.

**ORDINANCE NO. 2000-026, ORDINANCE AMENDING SECTION 3-9 OF THE**

**SELLERSBURG TOWN CODES.** Motion by Kenneth E. Barnes, Sr. seconded by Louis R. Imhof, Jr. to consider Ordinance 2000-026 on the first reading. 5-yea 0-nay, Ordinance 2000-026 approved on first reading. Motion by Kenneth E. Barnes, Sr. seconded by Danny F. Yost to approve Ordinance 2000-026 on the first reading. 5-yea 0-nay, Ordinance 2000-026 is passed.

I need for the Town Council to vote tonight about selling the old sewer plant property on Sellersburg-Utica Road, the usefulness of the property is not economically feasible to the Town. The up-keep on the property or liability of the property is more than the property is worth.

Presently there is an interested person in that property. The appraised value of that property is \$6000.00 the assessed value is substantially less than \$6000.00 because of the age of it. I am asking you to vote tonight to allow that sale to go forward. Motion by Kenneth E. Barnes, Sr. to go ahead with the sale of the property, seconded by Edward D. Denton, 5-yea 0-nay.

McCall advises that he will go ahead with the sale of the property under IC 31-11-5.

Clerk/Treasurer presents the new Personnel Policy of the Town. Each Council member has been presented with a copy during the past two months and there have been no revisions to it as it is currently written.

Chief Stricker advises that Council member Kenneth E. Barnes, Sr. wants to add an extra day off, either the hire-in date of the employee or a personal day. Council agrees to make it a personal day off, after the employee has been employed for one year. The personal days will be given the first day of January each year. Motion by Kenneth E. Barnes, Sr. to adopt the personnel policy as it is currently written, seconded by Danny F. Yost, 5-yea 0-nay. Personnel Policy is adopted.

Ronnie Sweeney wanted to know if Council was going to vote on the ordinance about portable signs around the Town. It was his understanding during the last meeting that the Council would vote on this issue at this meeting. President LaMaster says that there was no mention of voting on this at this meeting, that what was said was that the signs would remain, no enforcement action against them, until the Council could discuss it and make a decision at the January 2001 meeting.

Mr. McCall reads the paragraph from the November meeting where this matter was discussed.

Clerk/Treasurer presents a bill from Metzger Electric for repairs to the air port lift station. This contract was approved in September for \$2,985.00 but the current charges are \$4,148.11 because of extra work done. This extra was not mentioned in the original contract.

**Sellersburg Town Council Meeting**

**December 11, 2000**

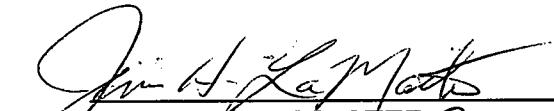
**Page 5 of 5 pages**


Motion by President LaMaster not to pay the additional charges by Metzger Electric for invoice #200116727, for Metzger quote #20000831, for repairs to the lift station at the air port sight on Bean road. The original, approved bid from Metzger was for \$2,985.11. Motion seconded by Kenneth E. Barnes, Sr. 5-yea 0-nay, motion approved.

Return the invoice to Kevin Wright, EMC, for EMC to pay the remaining charges.

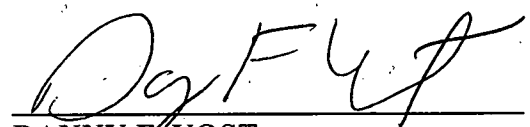
Clerk/Treasurer advises there will be a special Council meeting on December 28, 2000 at 0800 hours for the purpose of paying the remainder of the bill for the year 2000 and a transfer of funds.

Motion by Kenneth E. Barnes, Sr., seconded by Louis R. Imhof, Jr. to adjourn the meeting. 5-yea 0-nay. Meeting adjourned at 8:05 P.M.


  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST

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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK/TREASURER



## SELLERSBURG TOWN COUNCIL

December 28, 2000

### SPECIAL TOWN COUNCIL MEETING

A Special meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on December 28, 2000. Present for this meeting were Town Board President James H. LaMaster, Vice President Danny F. Yost, Council member Louis R. Imhof, Jr., Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

#### CALL TO ORDER:

President James H. LaMaster called the meeting to order at 8:30 A.M.

#### PRAYER:

None

#### PLEDGE OF ALLEGIANCE:

Not recited.

Motion was made by Louis R. Imhof, Jr. to approve the minutes from the meeting of December 11, 2000, seconded by Danny F. Yost, 3-yea 0-nay, motion approved.

Mr. William P. McCall, Town Attorney, presents Resolution 2000-003 Transfer of Funds from various General Account Funds to other General Account Funds, the Local Road and Street Fund and the Parks and Recreation Funds. Move to pass it by vote. Motion by Louis R. Imhof, Jr., seconded by Danny F. Yost to pass Resolution R2000-003. 3-aye 0-nay, motion passed.

Have an emergency situation in that the Building Inspector from the Sellersburg Volunteer Fire Department will not handle the Building Inspector position for the remainder of the year.

Mr. McCall recommends that the Council appoints Nathan Grimes as the Building Inspector for the remaining days of 2000 and compensates him for these days.

Motion by Danny F. Yost to appoint Nathan Grimes Building Inspector for the remainder of 2000, seconded by Louis R. Imhof, Jr. 3-aye 0-nay, Mr. Grimes is appointed.

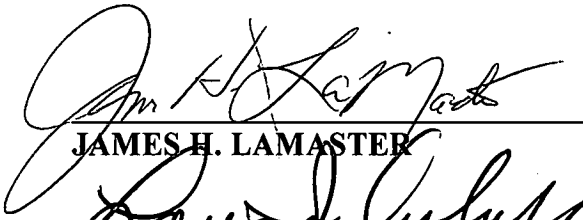
Mr. McCall will prepare a contract for Mr. Grimes for the year 2001 and discuss the contract with Mr. Grimes and if he wants some engineering work with the Town.

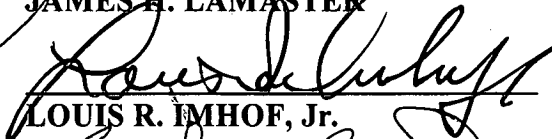
Crown Communications has agreed to pay \$95,000.00 for the contract on the tower at the water plant. I need an agreement from you to accept the \$95,000.00 from Crown Communications. Motion by Danny F. Yost to accept the \$95,000.00, seconded by Louis R. Imhof, Jr. 3-aye 0-nay, motion to accept the \$95,000.00 passes.

**Special Sellersburg Town Council Meeting  
December 28, 2000  
Page 2 of 2 pages**

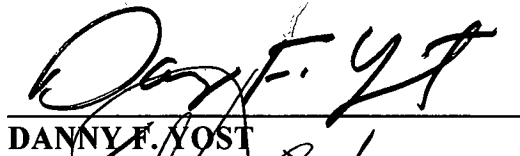
McCall will prepare the contract and have Crown Communications sign it and then return the contract to the Town Council.

Motion by Louis R. Imhof, Jr. to adjourn the meeting, seconded by Danny F. Yost, 3-aye 0-nay meeting adjourned at 8:40 A.M.

  
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JAMES H. LAMASTER

  
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LOUIS R. IMHOF, Jr.

  
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KENNETH E. BARNES, Sr.

  
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DANNY F. YOST

  
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EDWARD D. DENTON

  
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ATTEST: DAVID L. KINDER  
CLERK/TREASURER