

SELLERSBURG TOWN COUNCIL

January 13, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on January 13, 2003. Present for the meeting were Town Council President James H. LaMaster, Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member Louis R. Imhof, Jr., Council Member Danny F. Yost, and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President James H. LaMaster called the meeting to order at 6:03 P.M.

TOPIC OF DISCUSSION:

Nominees for replacements to Police Commissioner, Zoning Appeals Board, Parks Board and Plan Commission.

Nominees for President of Town Council for 2003. Liaison appointments from Council to Town Departments: Nominee for Vice-President Town Council for 2003.

Michael Stricker, Chief of Police, reference cutting the Captain salary from last years budget.

Motion by Kenneth E. Barnes, Sr. to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 6:56 P.M.


James H. LaMaster, President


Kenneth E. Barnes, Sr., Vice President


Edward D. Denton


Louis R. Imhof, Jr.


Danny F. Yost


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

January 13, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall on January 13, 2003. Present for this meeting were Town Board President James H. LaMaster, Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member Louis R. Imhof, Jr., Council Member Danny F. Yost, 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 Reverend Lynn Scherer-Berry, Jacobs Chapel United Methodist Church.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion by Louis R. Imhof, Jr. to approve the minutes of the December 9, 2002 Council Meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, minutes approved.

JAMES H. LaMASTER, President: We will have nomination of officers for the Town Council for 2003. Danny F. Yost nominates Louis R. Imhof, Jr. for President, seconded by Edward D. Denton. 5-aye, 0-nay, Louis R. Imhof, Jr. is the Council President for 2003.

LOUIS R. IMHOF, JR, President: Do I have any nominations for Vice President? James H. LaMaster nominates Kenneth E. Barnes, Sr. for Vice-President seconded by Danny F. Yost. 5-aye, 0-nay, Kenneth E. Barnes is Vice-President of the Council for 2003.

Next is Police Commission; there are two openings, one Democrat, one Republican. Danny F. Yost nominates Tim Conlin as the Democrat selection for police commissioner, no seconded. James H. LaMaster nominates Bob Adams, seconded by Kenneth E. Barnes, Sr. 4-aye, 1-nay, Bob Adams is elected.

Danny F. Yost nominates Trinette Imhof as the Republican for the police commission seconded by Louis R. Imhof, Jr. Roll call vote: Ayes Danny F. Yost, Edward D. Denton and Louis R. Imhof, Jr. Nay James H. LaMaster and Kenneth E. Barnes, Sr.

Is there a nomination for the Zoning Appeals Board? Louis R. Imhof, Jr. nominates Kenneth Hecker for this position seconded by James H. LaMaster. 5-aye, 0-nay, Kenneth Hecker is elected.

Nominations for the Parks Board and Plan Commission will be at next months meeting.

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JOE OLSON (Health Insurance): Renewal for health insurance will come up in April and I will be on the agenda for next months meeting and will have some quotes. Hopefully I will have the renewal rates from Anthem. I will be getting questionnaires from all employees so we can update the health history.

I also want to talk about insurance for the retirees. I put some projected figures together based on the Clark County Police Department plan. I would like you to review this information and I will be at the next meeting for a follow up.

VIRGIL BOLLY, (Attorney for Michael Kayrouse): I am here on behalf of Michael Kayrouse he has filed a petition with the Plan Commission to change the zoning on Lot 11 on Bringham Drive from I-1 (industrial) to B-3, which will allow him to detail and sell cars.

I have a proposed Ordinance, **ORDINANCE NO. 2003-001, AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA.** Motion by James H. LaMaster to change the zoning from I-1 to B-3, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

BOB McCARTIN: There are several junk cars parked around town that need to be removed. One is parked on the lot behind the old Werle service station. Another vehicle is parked on Millview with no license. Chief Stricker and Attorney McCall will check on these.

KEN ALEXANDER: Introduces the Silver Creek Varsity Cheerleaders and their coach, Ms. Katie Wells, they won the National Cheerleading Champs for small varsity in Nashville, Tennessee.

Since these cheerleaders have won this National Cheerleading Championship, the Town should have a sign listing this accomplishment. James H. LaMaster makes motion to pursue this matter, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved. Edward D. Denton states he will donate \$100.00 (one hundred dollars) toward this project.

PHIL THOMPSON, (EMC): I have researched the financials for EMC since they have been in the Town since 1995 until 2001 and they have saved the Town approximately \$390,000.00 (three hundred ninety thousand dollars). I am requesting that the budget I bring before you be approved but not passed until it passes legal scrutiny.

Danny F. Yost makes a motion to approve the contract, pending Perry's (Town Attorney) approval, seconded by Louis R. Imhof, Jr. 4-aye, 1-nay, motion approved.

At the last meeting, we had bids for a combination sewer cleaner and ask for a review of the bids. Vac-Con submitted a bid of \$176,335.00 (one hundred seventy-six thousand three hundred

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thirty-five dollars) and Vactor submitted a bid of \$184,450 (one hundred eighty four thousand four hundred fifty dollars).

I compared the two as to meeting specifications and they did, I then checked their lease payments over a period of eight years. I then called various facilities that had one of the two units and I inquired about the dependability of the equipment based on their experience. One of the units (Vac-Con) I found had mechanical problems, the worse case was over a two-year period they had to spend \$50,000.00 (fifty thousand dollars) on the units and the best case was over a twelve-month period they spent \$3,000.00 (three thousand dollars). This means the equipment was out of service. The other unit (Vactor) none of the people had any down time other than change a hydraulic hose they did that in the shop.

It is my opinion the down time has to be considered so I would recommend going with the highest bidder.

Charles Parsley, with Best Equipment Company, states that his truck will meet every specification plus some and then I gave a list of deductions for items you did not want. I was a little over \$8,000.00 (eight thousand dollars) low bid, with the deductions I would come around \$9,000.00 (nine thousand dollars) low bid.

James H. LaMaster makes motion to table this until the February meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

Mr. Thompson request the purchase of an additional 50 (fifty) more water meters. These meters cost about \$1,800.00 (one thousand eight hundred dollars). Motion by James H. LaMaster to have EMC purchase an additional 50 (fifty) water meters, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion is approved.

At the last meeting I mentioned the chlorine scales, at the water plant, was not functioning, that is illegal, I got information about the purchase of a replacement, the cost of replacing that scale unit, installation, and wiring to the controls is approximately \$3,300.00 (three thousand three hundred dollars). Motion by James H. LaMaster makes a motion to replace the chlorine scales unit for \$3,300.00 (three thousand three hundred dollars), seconded by Danny F. Yost. 5-aye, 0-nay the motion is approved.

At the last meeting, I mentioned that we have been investigating options for the high school lift station, controlling the odor situation. If we purchase an Air scrubber, and in thirty days we find it is not controlling the odors we can send it back and the only thing we will be out is shipping to return it. The cost of purchasing it, getting it installed is \$10,500.00 (ten thousand five hundred dollars).

Attorney McCall advises that there is a potential cause of action by the Charlestown-Clark County Library system. Sometime in February, we hope to have a mediation of some type to

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settle this matter. I recommend that you table this until after this mediation.

Motion by Kenneth E. Barnes, Sr. to table this until the February meeting, seconded by James H. LaMaster. 5-aye, 0-nay the motion is approved.

WAYNE S. BYRN, (Police Commissioner): I have a problem with the process that we used at the December 2 (2002) Police Commissioner's meeting. A couple of the outgoing board members proposed that Mike (Stricker) hire a boy, and it was posted that applications for the police department would stop December 6 and you could return the applications until (December) 13.

President Imhof interrupts at this point and advises that the Council is aware of all of this and that the Town Attorney is checking into the State guidelines concerning this and what I propose is that after we examine all of this we have a meeting of the Town Council, Town Attorney and the Police Commissioners and make certain we have this all settled.

The meeting time for the Police Commissioners is changed to the first Tuesday of each month at 7:00 P.M. at the Town Hall meeting room.

MICHAEL L. STRICKER, (Chief of Police): Wants to explain about the hiring of this officer. He had been a reserve officer for Sellersburg, he is presently in the US Military overseas, he was qualified and by a vote of three to two, by the police commissioners, he was elected to be hired.

NATHAN GRIMES, (Building Commissioner): Presents the building commissioner report for December 2002.

The Sellersburg drainage project; Cristiani, requests extension of time to complete the project. Asphalt is not available to repair the streets and it is too wet to lay sod in yards. The project is approximately 90% (ninety) completed. In addition, there is a change order for an addition of \$1,500.00 (fifteen hundred dollars) remove excessive tree roots and debris from box culvert and replace sidewalk and portion of the box culvert on Popp Avenue. They are asking for an additional 45 (forty-five) days. Motion by James H. LaMaster to approve the 45-day extension and the \$1,500.00 (fifteen hundred dollar) change order, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

Mr. Grimes presents a proposal from Renaissance Design Build, Inc. for sidewalk replacement master plan and Town-wide (sidewalk) repair. I propose a contract for \$2,500.00 (twenty-five hundred dollars) to do this for the Town.

Motion by Kenneth E. Barnes, Sr. to approve the contract with Renaissance Design Build, Inc. seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

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KENNETH E. BARNES, Sr. (Council member): Need to come up with a plan to sell the old police building. In addition, there is some property on Villa Drive that needs to be sold. Attorney McCall will present three methods of disposing of the property at the next meeting.

DANNY F. YOST, (Council member): The Sellersburg Web sight is up and the address is www.sellersburg.net.

The other thing is the Town Court, we have to do something; Attorney McCall will furnish information at the next meeting.

WILLIAM P. McCALL, (Town Attorney): Furnishes hand out for hiring process of police officers.

He has furnished each Council member with copies of the new EMC contract and a list of 29 (twenty-nine) questions he has regarding changes in the contract. He requests the Council review the contract and the areas in question and give him feedback so he can respond by the next meeting.

In addition, I have a copy of the ordinance I have prepared reference the towing fee going toward retiree insurance. You can examine it and it can come up at the next meeting.

Reference the sewer main repairs because of the fiber optic coming through Town, TC Mercer in Dallas, Texas is bankrupt but I am still dealing with Metro-X-Mit.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve the paying of the bills that have been submitted. Motion by James H. LaMaster to approve paying the bills as submitted, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

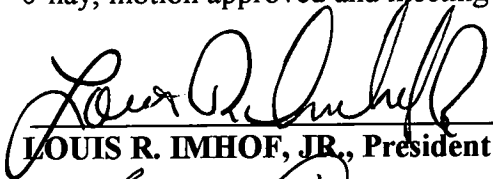
Have a request from the Housing Authority for reappointment to the Housing Authority Board of Mary Jo. Trester, Lee Gray and Carl Waiz to four (four) year terms. Motion by Danny F. Yost to appoint these people, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion is approved.

Have copies for you (Imhof) to sign and I will do the remainder.


LOUIS R. IMHOF, Jr. (Council President): Appoint of Council liaison officer for the different departments: Kenny E. Barnes, Sr. over the Street Department; Danny F. Yost over the Police Department; James H. LaMaster over the Sewer department; Edward D. Denton over the Parks Department and Animal Control and Louis R. Imhof Jr. over the Water department.

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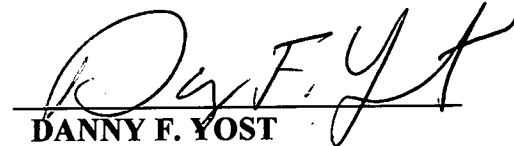
Motion by Edward D. Denton to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved and meeting adjourned at 8:37 P.M.

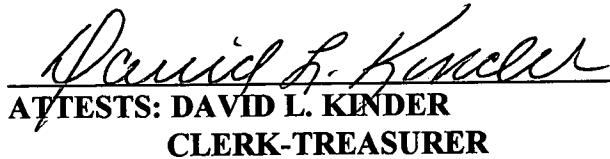

LOUIS R. IMHOF, JR., President


KENNETH E. BARNES, SR. Vice-President


EDWARD D. DENTON


JAMES H. LaMASTER


DANNY F. YOST


ATTESTS: DAVID L. KINDER
CLERK-TREASURER

- Attachments:** Ordinance 2003-001
Renaissance Design Build, Inc. Contract
Cristiani change order

ORDINANCE NO. 2003-001

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 a parcel of real property commonly known as the Michael E. Kayrouz property located within the Town of Sellersburg, Indiana, which is more accurately identified and described as follows, to-wit:

Lot #11 on Bringham Drive in the Airport Business Park in the County of Clark, State of Indiana, being in size .627 acres more or less.

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,

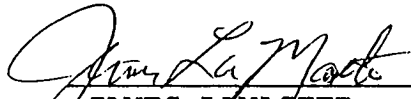
WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government; and,

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

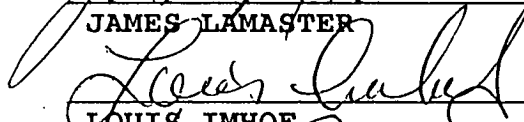
IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE MICHAEL E. KAYROUZ PROPERTY AS SET OUT ABOVE SHALL NOW BE REZONED AND THE CURRENT ZONING OF I-1 OF THE DESCRIBED AREA SHALL BE CHANGED TO B-3 ZONING.


DATED: JANUARY 13, 2003.



JAMES LAMASTER



LOUIS IMHOF

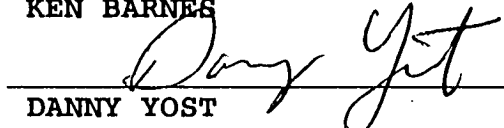


EDWARD DENTON


c:\client\re\zoning\kayrouz\ordinance



KEN BARNES



DANNY YOST

ATTEST 

DAVID KINDER
CLERK-TREASURER

DAN CRISTIANI EXCAVATING COMPANY

INCORPORATED
 1221 OLD HWY. 31 E.
 CLARKSVILLE, INDIANA 47129
 PHONE (812) 282-9866 FAX (812) 282-9908

CHANGE ORDER #1

TO: Town of Sellersburg		PHONE	DATE 12/30/02
		JOB NAME/NUMBER Sellersburg Storm Drainage Project #5452	
		JOB LOCATION	
EXISTING CONTRACT NUMBER 2001-003C	EXISTING CONTRACT DATE 10/14/02	TIME EXTENSION 45 DAYS	JOB PHONE

We hereby agree to make the change(s) specified below:

	AMOUNT +/-
Change concrete paved ditch to 24" pipe and catch basin (No Charge)	0 00
Replace sidewalk and portion of box culvert on Popp Avenue	+ 400 00
Remove excessive tree roots and debris from box culvert under Popp Avenue by water jetting	+ 1,100 00

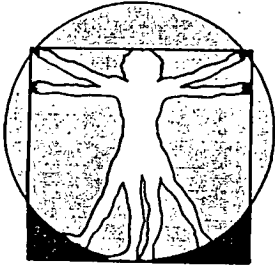
*Approved by Nathan R. Jones, P.E.
1/13/03*

NOTE: This Change Order becomes part of and in conformance with the existing contract.

WE AGREE hereby to make the change(s) specified above at this total price:	\$ 1,500 00
DATE 12/30/02	PREVIOUS CONTRACT AMOUNT \$ 50,383 00
AUTHORIZED SIGNATURE (CONTRACTOR) <i>Dale Neal</i>	REVISED CONTRACT TOTAL \$ 51,883 00

ACCEPTED - The above prices and specifications of the Change Order are satisfactory and are hereby accepted. All work is to be performed under the same terms and conditions as specified in the original contract unless otherwise specified.

1/13/03
 DATE OF ACCEPTANCE
[Signature]
 SIGNATURE (OWNER)



RENAISSANCE DESIGN BUILD, INC.

144 SOUTH NEW ALBANY STREET
SELLERSBURG, INDIANA 47172

VOICE & FAX 812-246-5897

January 13, 2003

Jim LaMaster, President
Sellersburg Town Council
316 E. Utica St.
Sellersburg, IN 47172

Re: Proposal

Dear Mr. LaMaster,

The purpose of this letter is to provide a proposal for the Sidewalk Replacement Master Plan, Town-Wide Repair Program, & the Standards, Details, & Specifications. We can do this for a lump sum fee of \$2,500.00. If this is agreeable, please sign the document below.

Sincerely,
Renaissance Design Build, Inc.

Nathan R. Grimes
Nathan R. Grimes, P.E.

SELLERSBURG TOWN COUNCIL

Louis Anichini
President

Kenneth E. Barnes, Sr.
Vice President

Jim LaMaster
Member

Don F. Yost
Member

Ed N. Putman
Member

David L. Kinder
Clerk-Treasurer

January 13, 2003
Date

SELLERSBURG TOWN COUNCIL
February 10, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on February 10, 2003. Present for the meeting were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 6:01 P.M.

TOPIC OF DISCUSSION:

Attorney McCall states he has a letter from H. J. Umbaugh and Associates about a billing for \$1,495.00 that was in question by the Council and they advise to forget about the statement.

Attorney McCall has contacted Avon Town Court and they pay Judge and Clerk approximately \$30,754.00, \$4,936.00 for supplies and \$5,000.00 for other expenses. Their total yearly budget is approximately \$40,190.00.

Charlestown, Indiana pays their judge \$12,700.00 and Clarksville, Indiana pays their judge \$20,000.00.

Attorney McCall advises there is no residency requirement for the Judge.

Attorney McCall advises how to sell the old police department building and property on Villa Drive.

Parks Department needs one member; they have one person Eric Whitlach who is interested in the job.

Plan Commission will remain the same as last year.

Have Virgil Bolly come before the Council at next meeting reference the Franke property on US 31.

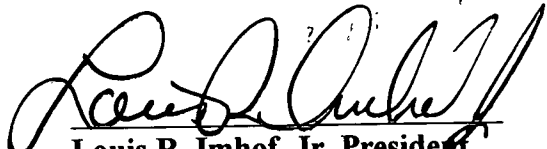
Attorney McCall has received annexation from Sharon Wilson, for review, does the Council want him to review it and continue preparing with annexation? This can be brought up later.


Jeff Corbet wants to annex the property on St. Joe Road at Allentown Road; have Attorney

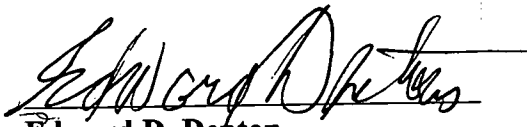
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McCall contact him and explain the procedure for annexation.

Kenneth E. Barnes, Sr. makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 7:04 P.M.

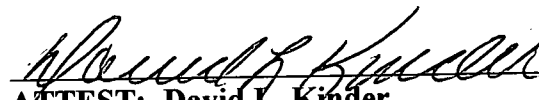

Louis R. Imhof, Jr. President


Kenneth E. Barnes, Sr., Vice President


Edward D. Denton


James H. LaMaster


Danny F. Yost


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

February 10, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council meeting of February 10, 2003, was held at the Sellersburg Town Hall. Present for this meeting were Town Board President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:10 P.M.

PRAYER:

Offered by Brother Dale Offut, Sellersburg Church of Christ.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion by James H. LaMaster to approve the minutes of the January 3, 2003 Council Meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, minutes approved.

UNFINISHED BUSINESS: There is an opening on the Parks and Recreation Board for a Republican. Kenneth E. Barnes, Sr. recommends Eric Whitlatch; he presented a letter requesting he be appointed. Danny F. Yost seconds the recommendation. 5-aye, 0-nay, Mr. Whitlatch is appointed to the Parks and Recreation Board for a four (4) year term.

OPENING OF BIDS FOR SECURITY AT WATER PLANT: We have two bids; the first is C & H Security Inc. and their bid is \$13,230.00 (thirteen thousand two hundred thirty and no/100. The second bid is from Mid America Security Systems Inc. and their bid is \$8,750.00 (eight thousand seven hundred and fifty dollars and no/100, and a thirty dollar (\$30.00) monthly 24 hour monitoring charge.

Donald Long questions why this cannot be done in house with the local police department.

Motion by Kenneth E. Barnes, Sr. to table this until next months meeting, seconded by Danny F. Yost. 5-aye, 0-nay the motion is approved.

AIR SCRUBBER FOR HIGH SCHOOL LIFT STATION: Attorney McCall states that there is currently litigation concerning this lift station and that this needs to be put on hold until the litigation is finished.

SALE OF OLD POLICE STATION AND PROPERTY ON VILLA DRIVE: Attorney McCall advises that this can be done one of three ways: sealed bid, public auction or combination sealed

Sellersburg Town Council Meeting
February 10, 2003
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Bid and auction. The council needs to determine how it wants to dispose of the property.

Need to get two appraisals for the properties, one in-house and one professional. Danny F. Yost makes a motion to have professional appraisals for both properties, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion is approved.

SEWER CLEANER: President Imhof says this will be tabled until the March 10 meeting, but we are going to get information from both bidders about ten to fifteen of the towns or companies and the contact person we can call to see how they like the equipment.

BRENDA WENNING, (representing M & J Properties): I am representing M. & J. Properties and we would like to obtain tax abatement for a new building. This will be a ten-year abatement, property only; the expansion is a \$300,000 addition and will add eight additional jobs.

Motion by Kenneth E. Barnes, Sr. to grant the tax abatement, seconded by Danny F. Yost. 5-aye, 0-nay motion is approved.

SCOTT HAMM, (Silver Creek Water Department): The subdivision of Plum Creek on State Road 311, the developer is Foresight Developers, the water boundary lines goes through the property and Silver Creek Water Department desires to furnish the water to this subdivision.

Phil Thompson, representative of EMC, request that he be allowed to look at the plans, determine the impact, and make a recommendation back to the council. Motion by Danny F. Yost to table this discussion until the next meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

RONNIE SWEENEY, (representing American Legion): American Legion requests the council waive the sewer tap fee for a new sewer the Legion is installing for the new Legion building. This will be at no expense to the town; we are paying for the sewer. We already have a sewer that will be closed off within the next year. Motion by Edward D. Denton to waive the tap fee, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

PRESIDENT IMHOF: Announces that Tuesday, February 18, 2003, at 6:00 P.M. EMC will have a meeting, here at the Town Hall, reference the sewer expansion.

PHIL THOMPSON, (EMC): Request that EMC purchase adapters for the fire hydrants as being requested by the fire department. These will make all the hydrants the same and that new hydrants are equipped with these adapters. Motion by James H. LaMaster to allow EMC to purchase ten (10) of these at a cost of less than two hundred dollars (\$200.00) each, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

NATHAN GRIMES, (Building Commissioner): Presents his monthly Building Commissioners Report and ask if there are any questions about it. None.

WILLIAM P. McCALL, III, (Town Attorney): Presents **Ordinance 2003-002, AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA AND DECLARING AN EMERGENCY.** Motion by James H. LaMaster to approve Ordinance 2003-002 on the first reading, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

Motion by James H. LaMaster to pass ordinance 2003-002 on the first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

McCall presents **Ordinance 2003-003, AN ORDINANCE ESTABLISHING A VEHICLE TOW-IN FEE FOR THE TOWN OF SELLERSBURG POLICE DEPARTMENT.** Motion by Kenneth E. Barnes, Sr. to approve Ordinance 2003-003 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

Motion by James H. LaMaster to pass ordinance 2003-003 on the first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

McCall presents **Ordinance 2003-004, AN ORDINANCE ESTABLISHING A TOWN OF SELLERSBURG POLICE DEPARTMENT GROUP HEALTH INSURANCE BENEFITS AND MEDICARE SUPPLEMENTAL INSURANCE TO RETIRED FULL TIME SELLERSBURG DEPARTMENT EMPLOYEES FUND.** Motion to approve ordinance 2003-004 on the first reading by Kenneth E. Barnes Sr. seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

Motion by James H. LaMaster to pass ordinance 2003-004 on the first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

JAMES H. LaMASTER, (Town Council Member): Have a letter from Rudy Hamblin stating that he had a water meter that froze and he had to call a plumber to have it repaired, it cost him \$72.50, and I want to make a motion to adjust his sewer bill to reimburse him his seventy-two dollars and fifty/100 (\$72.50). Motion seconded by Kenneth E. Barnes, Sr., 5-aye, 0-nay motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve payment of bills that have been submitted for payment. Motion by Danny F. Yost to pay the bills, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

Doug Reiter and Charles Ridenour were appointed to the Board of Zoning Appeal and when they were appointed, the council failed to state the number of years they are appointed to serve. The appointments should be four (4) year appointments. Motion by James H. LaMaster to make these appointment four (4) year appointments, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

**Sellersburg Town Council Meeting
February 10, 2003
Page 4 of 4 pages**

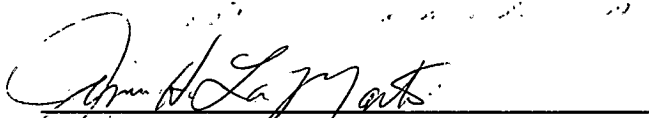
The council ask what the bank balances were for the Town: As of December 2002 the following balances existed: Civil fund \$2,450,950.55; Sewage Utility Operating is \$180,191.59; Water Utility Operating \$108,010.87; Wastewater Tap-In \$822,036.10; Water B & I Sinking \$28,452.19 Sewer B & I Sinking \$4,295.32; Utility Meter Deposit \$93,428.10; Water Capitol Improvement \$385,979.96; Water Debt Service Reserve \$361,573.83; Wastewater Capitol Improvement \$198,373.92, Wastewater Debt Service \$422,076.59; Total \$5,055,369.10.

There being no further business for the Council, motion by Danny F. Yost to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved and meeting adjourned at 8:10 P.M.

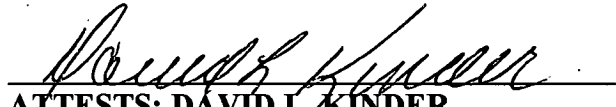

LOUIS R. IMHOF, JR., President


KENNETH E. BARNES, SR. Vice-President


EDWARD D. DENTON


JAMES H. LaMASTER


DANNY F. YOST


ATTESTS: DAVID L. KINDER
CLERK-TREASURER

- Attachments:**
- Ordinance 2003-002
 - Ordinance 2003-003
 - Ordinance 2003-004

SELLERSBURG TOWN COUNCIL

March 10, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 10, 2003. Present for the meeting were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 6:08 P.M.


TOPIC OF DISCUSSION:

Attorney Virgil Bolly, speaking on behalf of his client David Frankie, about rezoning of the Frankie property on US 31 that was never brought before the Town Council. Request the property be rezoned from R1 to B3. Bolly has prepared the ordinance for presentation at the Regular Council Meeting tonight.

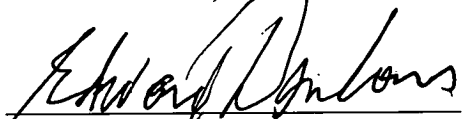
President Imhof has the Chief of Police, Michael Stricker, and the Superintendent of the Street and Sanitation Departments, Mark Warren, present to advise them that they must have their people conserve on fuel and try to hold back on major expenditures until we know when the 2003 Budget is certified by the Department of Local Government Finance.

President Imhof advises there will probably be no new police vehicles purchased this year.

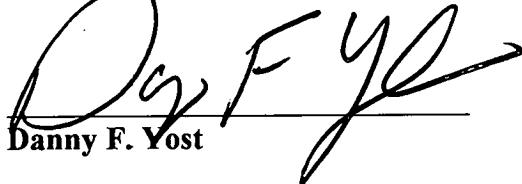
Kenneth E. Barnes, Sr. makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 7:05 P.M.

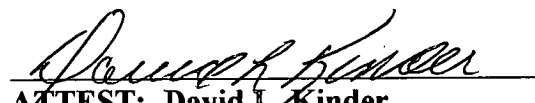

Louis R. Imhof, Jr. President


Kenneth E. Barnes, Sr., Vice President


Edward D. Denton


James H. LaMaster


Danny F. Yost


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

March 10, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met March 10, 2003, at the Sellersburg Town Hall. Present were Town Board President Louis R. Imhof, Jr., Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder. Council Vice-President Kenneth E. Barnes, Sr. was absent.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:12 P.M.

PRAYER:

Offered by Father Paul Richert of St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by James H. LaMaster to approve the minutes of the February 10, 2003 Council Meeting, seconded by Danny F. Yost. 4-aye, 0-nay, minutes approved.

UNFINISHED BUSINESS: There is an opening on the Parks and Recreation Board for a Republican. James H. LaMaster makes a motion to appoint John Sturgis to serve on the Parks and Recreation Board, seconded by Danny F. Yost. 4-aye, 0-nay John Sturgis is appointed.

SEWER CLEANER: President Imhof says because of money shortage at this time this purchase will be put off until a later date and both bidders will be contacted when the Town is ready to make this purchase.

BIDS FOR SECURITY AT WATER PLANT: We have two bids; the first is C & H Security Inc. and their bid is \$13,230.00 (thirteen thousand two hundred thirty). The second bid is from Mid America Security Systems Inc. and their bid is \$8,750.00 (eight thousand seven hundred and fifty dollars), and a \$30.00 (thirty dollar) monthly 24 hour monitoring charge.

Motion by James H. LaMaster to accept the bid of Mid America Security Systems, Inc. seconded by Danny F. Yost. 4-aye, 0-nay the motion is approved.

TOWN PROPERTY SALE: The old police station and a piece of property on Villa Drive are going to be sold. Attorney McCall advises that Ed Haire is preparing an appraisal of these properties and will contact him after the appraisal is completed.

ORDINANCE 2003-004: This ordinance needs to be amended; it is for retiree insurance. Attorney McCall advises that he will get with Chief Stricker and will present this at the next

Sellersburg Town Council Meeting
March 10, 2003
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Council meeting.

JOE OLSON, (Insurance Agent of Record): This is about the Town Health Insurance. I have this hand out that shows the current Anthem Plan, United Health Care Plan and Humana Health Plan. I have met with employees and they would like to look at the United Health Care Plan, it is less than Anthem. The coverage is the same however; there is an underwriting process before they will come up with a firm quote.

Motion by James H. LaMaster to check with United Health Care Plan seconded by Danny F. Yost to check the rates and get back with the Council reference the rates. 4-aye, 0-nay, motion approved.

DAVE FREDERICKS, (H. J. Umbaugh and Associates): There are two things to talk about tonight and the first I want to talk about is the refinancing of the Towns Sewer Works Bonds. Interest rates have come down and the Town can refinance these outstanding Bonds after April 1. There is an ordinance prepared that will be presented tonight for your approval for the financing of the existing Bonds. The net savings on these Bonds could be about \$485,000.00 (four hundred eighty-five thousand dollars).

In addition, to be considered is the Ordinance for the proposed (sewer) project. This project will be financed by the State Revolving Fund and there is a certain preliminary cost that must be paid for the project, in order to pay those costs, typically what you would do is issue a Bond Anticipation Note (BAN); To issue this bond anticipation note you have to authorize the Bonds for the final project. This will be the second ordinance you will consider tonight.

PHIL DEAN, I live at 414 St Paul Street and the alley next to my home has been paved over year after year and now water runs under my house.

Nathan Grimes, Building Commissioner, has looked at this area and it is in the storm water repair plan.

Council advises Grimes to have the alley surveyed and determine what needs to be done.

JOHN TOOMBS, (Jacobi, Toombs and Lanz Engineers, Inc.): We have received the, ***LICENSE FOR UNDERGROUND PIPELINES, CABLES AND CONDUITS***, Agreement # LI-SEL-001, JTL. Job # 0214.

Last year, at the Well Field on the river, we met with the Corp of Engineers and later this week we will meet again at the well fields and find out what they propose to do and what the Towns portion of the cost will be to make necessary repairs.

I have documents from the Indiana Department of Transportation for you accept transfer to sign for the new roads that are being built, reference the I-65 project. What they are asking you to

Sellersburg Town Council Meeting
March 109, 2003
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accept are parts of the new Payne Kohler road; accept parts of Old State Road 60 and some reason to reaccept Greenwood Road, which is already yours anyway. I am here recommending that you accept this.

James H. LaMaster makes a motion to accept these roads, seconded by Danny F. Yost. 4-aye, 0-nay the motion approved.

STEVE HINES, (Foursight Development Co., Inc.): We are developing Plum Creek subdivision and Plum Creek Crossing. Requesting that the water for these developments be provided by Silver Creek Water Corporation rather than a split between the two water companies.

Phil Thompson (EMC) states that the Town will loose money if it is split between the two water companies and there is a legal agreement that the water companies will share certain areas. He recommends this be tabled until next months meeting. The loss to the Town could be around \$14,620.00 (fourteen thousand six hundred twenty dollars) in water tap fees and an average of \$5,676.00 (five thousand six hundred seventy-six dollars) in annual water use fees.

Scott Hamm, Silver Creek Water Corporation, ask that no matter how this goes that an interconnection between Silver Creek Water Corporation and Sellersburg Water Company be made, to make a loop in the water service for emergencies.

James H. LaMaster makes a motion to table this until next meeting, seconded by Danny F. Yost. 4-aye, 0-nay motion approved.

PHIL THOMPSON, (EMC): According to our Contract, if there is a savings, it is returned to the Town and if there is an overage, that EMC will absorb the cost. The Electrical cap was \$151,727.00 (one hundred fifty-one thousand seven hundred twenty-seven dollars) and the amount expended was \$171,267.33 (one hundred seventy one thousand two hundred sixty-seven and 33/100 dollars) so EMC will absorb the \$19,540.33 (nineteen thousand five hundred forty and 33/100 dollars) overage.

Process Chemicals: Chemical Cap was \$51,243.83 (fifty one thousand two hundred forty-three and 83/100 dollars) and the amount expended was \$43,509.15 (forty three thousand five hundred nine and 15/100 dollars) so the balance was \$7,734.68 (seven thousand seven hundred thirty-four and 68/100 dollars). According to the contract, the Town keeps 25% of the amount saved so the Town's share of the savings is \$1,933.67 (one thousand nine hundred thirty-three and 67/100 dollars) which is being refunded.

The Maintenance and Repair Cap was \$79,314.00 (seventy-nine thousand three hundred fourteen dollars) and amount expended was \$80,353.71 (eighty thousand three hundred fifty-three and 71/100 dollars) so EMC will absorb the \$1,045.71 (one thousand forty-five and 71/100 dollars).

The Town needs to purchase fifty new water meters, because of the expansion of the

Sellersburg Town Council Meeting
March 10, 2003
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subdivisions, so I am requesting \$2,000.00 (two thousand dollars) to purchase these meters. James H. LaMaster makes a motion to approve \$2,000.00 (two thousand dollars) for the purchase of new water meters, seconded by Edward D. Denton. 4-aye, 0-nay motion approved.

Number 3 Well, in the water field, was televised at a cost of \$1,850.00 (one thousand eight hundred fifty dollars) and the results indicated that the casing and strainers are plugged and very little water being able to come through so we are now running with only two pumps and those pumps are running 21 hours per day. Should we loose one of those pumps we will not have adequate water supply for the community and fire protection. The quote to get this completely cleaned is \$5,000.00 (five thousand dollars).

There is a blockage in the sewer line behind the library building, I am requesting that three bids be received, and the Council approve the lowest bid so that these repairs can be made. James H. LaMaster makes a motion to approve getting three bids and having the repairs made by the lowest bidder, seconded by Danny F. Yost. 4-aye, 0-nay motion approved.

I have three resolutions for our construction project that I will give to Town Attorney McCall for you to examine and pass.

I would like to introduce Steve Gress, director of engineering for EMC, who has some comments on the results of the public meeting last month.

We have received written comments as of February 28 from citizens, PDR is preparing response to those four letters, and they will be submitted to IDEM (Indiana Department of Environmental Management).

MICHAEL L. STRICKER, (Chief of Police): There is a shed behind the old police building and Doctor Baumann's office is interested in purchasing the building. Council advises Chief Stricker to get an estimate of the price for the building and if under \$1,000.00, (one thousand dollars) it can be sold.

Secondly, when the new police department building was renovated the canister light fixtures were replaced. There are approximately eighty of these canisters now in the basement and I have an offer from A1 Products to purchase these canisters for \$10.00 (ten dollars) per canister. President Imhof advises Chief Stricker if he feels this is a fair price then sells them.

NATHAN GRIMES, (Building Commissioner): I have given each Council member a copy of the Building Commissioner's report for last month.

I have received bids to replace the sidewalk at the police station. There were three bidders and Terra Cotta Rehab & Contracting was low bidder at a price of \$7,523.00 (seven thousand five hundred twenty-three dollars). The other bidders were AMC, Inc., bid \$11,197.00 (eleven thousand one hundred ninety-seven dollars); Hecker Construction, bid \$9,250.00 (nine thousand

Sellersburg Town Council Meeting
March 10, 2003
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two hundred fifty dollars); and Cab-X Construction Company, Inc. bid \$9,127.00 (nine thousand one hundred twenty-seven dollars).

James H. LaMaster makes a motion to table the bids until next meeting, seconded by Danny F. Yost. 4-aye, 0-nay motion approved.

One of the Council members ask me to look at a drainage problem behind St. Paul's (Catholic Church) parking lot, between Schellers and Indiana Avenue (US31), basically water running down the alley from the parking lot and under a ladies house. Believe this can be fixed by installing an asphalt curb on each side of the alley.

Motion by James H. LaMaster to repair this alley, having the Town's street department to make the necessary repairs, seconded by Danny F. Yost. 4-aye, 0-nay, motion is approved.

I have checked into the (water) tap-in fees, the normal 5/8 inch meter for residential construction, I have 15 other utilities, including Sellersburg, and as you know our fee is \$340.00 (three hundred forty dollars) and we are the lowest in the area. Typical tap-in fee is \$500.00 (five hundred dollars) to \$900.00 (nine hundred dollars). My recommendation is to apply to the Indiana Utility Regulator Commission (IURC) for a tap-in rate increase. In addition, we would apply for an increase in the (water) reconnect fee, which is now \$10.00 (ten dollars).

Dave Fredericks, (H. J. Umbaugh and Associates), advises that you file a thirty day filing explanation, where you send in the justification for the increase in these charges.

WILLIAM P. McCALL, (Town Attorney): There is a floater truck and street sweeper at the sewer plant and these are surplus property and a Jim Hancock, an attorney from New Albany, looked at the property and made an offer to buy both pieces for \$1,100.00 (one thousand one hundred dollars) in there present condition.

Danny F. Yost makes a motion to table this and check with anyone else or other way to sell it, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

Virgil Bolly has an ordinance for zoning change, the Plan Commission had a petition, in the past, on property belonging to David Frankie from a R1 to a B3, the Plan Commission approved it but it never made it to a Town Council meeting, it was done in 1997.

James H. LaMaster makes a motion to approve **Ordinance 2003-005, (ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA)**, seconded by Danny F. Yost. 4-aye, 0-nay motion approved.

Ordinance 2003-006, AN ORDINANCE CONCERNING THE REFUNDING BY THE TOWN OF SELLERSBURG OF ITS SEWAGE WORKS REFUNDING REVENUE BONDS OF 1995; AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REFUNDING REVENUE BONDS FOR SUCH PURPOSE; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SEWAGE WORKS AND THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF THE SEWAGE WORKS REFUNDING REVENUE BONDS AUTHORIZED HEREIN; OTHER MATTERS CONNECTED THEREWITH; AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

Danny F. Yost makes a motion to consider Ordinance 2003-006 on its first reading, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass Ordinance 2003-006 on its first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have second ordinance, ORDINANCE 2003-007, AN AMENDED AND RESTATED ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE TOWN OF SELLERSBURG, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

James H. LaMaster makes a motion to consider Ordinance 2003-007 on its first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to pass Ordinance 2003-007 on its first reading, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

Have **RESOLUTION 2003-001, DESIGNATED MANAGEMENT AGENCY RESOLUTION.** James H. LaMaster makes motion to pass Resolution 2003-001, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have **RESOLUTION 2003-002, PER ACCEPTANCE RESOLUTION,** (Preliminary Engineering Report). James H. LaMaster makes a motion to pass Resolution 2003-002, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have **RESOLUTION 2003-003, SIGNATORY AUTHORIZATION RESOLUTION,** (Authorizes Louis R. Imhof, Jr., President of Town Council, to sign for SRF Loan). Danny F.

Sellersburg Town Council Meeting

March 10, 2003

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Yost makes motion to pass Resolution 2003-003, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to pay the bills as presented. Motion by Danny F. Yost to pay the bills as submitted, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

Have several bills from EMC, reference repairs to the new police building for the billing office. First are bills for signs, from Water Capital Improvement fund \$298.43 (two hundred ninety-eight and 43/100 dollars) and from Sewer Capital Improvement fund \$447.64 (four hundred forty-seven and 64/100 dollars). Motion by James H. LaMaster to pay for the signs, seconded by Danny F. Yost, 4-aye, 0-nay, motion approved.

Have bills from James Agee, Home Improvements, for work on the new building, (billing department), \$628.00 (six hundred twenty-eight dollars) from Water Capital Improvement fund and \$942.00 (nine hundred forty-two dollars) from the Sewer Capital Improvement fund. Motion by James H. LaMaster to pay these bills, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have bills from Star Electric, generator hook-up and plumbing for billing office. Water Capital Improvement fund \$154.00 (one hundred fifty-four dollars) and from the Sewer Capital Improvement fund \$231.00 (two hundred thirty-one dollars). Motion by James H. LaMaster to pay these bills, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

The New Police Building Account, (Account 261), was used by the police department to purchase furniture and other items that should have been taken out of their budgeted accounts, the total would be \$6,628.18 (six thousand six hundred twenty-eight and 18/100 dollars). This money needs to be removed from the 261 Account and charged back to their budget in whatever accounts they want; Ms. Clapp can get with the Clerk-Treasurer's office to advise what accounts should be charged.

I also have bills for three chairs for the billing office at a cost of \$729.00 (seven hundred twenty-nine dollars) and these items should be paid for by Environmental Management Corporation (EMC) and not charged to the Police Building Account.


Motion by Danny F. Yost to accept the proposal made by the Clerk-Treasurer that the Police Budget pay for those items in their budget, charged to the Police Building Fund and that EMC pay for the chairs, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

I have a recommendation that the "double disconnect" policy, Ordinance 2001-004, be amended and that a fee of \$50.00 (fifty dollars) be charged for the disconnect in lieu of the double charging for each disconnect. This is a recommendation of the Clerk-Treasurer's office and the billing department and can be written into the thirty-day filing for the Indiana Utility Regulatory

Sellersburg Town Council Meeting
March 10, 2003
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Commission to consider for the Town.

There being no further business to discuss Danny F. Yost makes a motion to adjourn the meeting, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved and meeting adjourned at 9:08 P.M.



LOUIS R. IMHOF, JR., President

KENNETH E. BARNES, SR. Vice-President



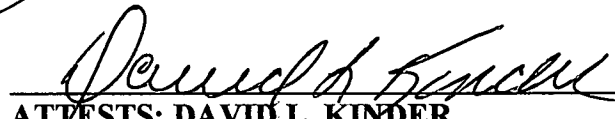
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

April 14, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met April 14, 2003, at the Sellersburg Town Hall. Present were Town Board President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7: 00 P.M.

PRAYER:

Offered by Father Paul Richert of St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by Danny F. Yost to approve the minutes of the March 10, 2003 Council Meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, minutes approved.

UNFINISHED BUSINESS: President Imhof asks if anyone is here for the sign for the Silver Creek Cheerleaders? No one is here. McCall states they are still working on a price.

Air scrubbers for the High School lift station! EMC and Perry (McCall). McCall states that basically they agreed to install an air scrubber at the lift station behind the Sellersburg Library as part of a settlement in a case that is pending, we are still waiting for the funds to do that, I think the cost is around \$10,000.00 (ten thousand dollars) to do that.

Appraisal for sale of old police building and property on Villa Drive! McCall advises that we have the appraisal for the property, I have copies and I will leave them at the Clerk-Treasurer Office. We need to determine how the Council would like to sell this property, by bid, by auction combination, and once you make that decision make the proper notices and go forth.

McCall advises you can public auction or private bid and then take those bids and have an auction in regards to those bids.

Appraisal for the old police station for, I want to say \$70,000.00 (Seventy thousand dollars) and the property on Villa Drive property is \$34,000.00 (thirty-four thousand dollars). (Actual appraisal is \$33,000.00 (thirty-three thousand dollars).

President Imhof asks if Scott Hamm is present, with the Silver Creek Water Department? Steve Hines, with the developer, says he spoke with Hamm and they will work with EMC and Silver Creek Water.

Sellersburg Town Council Meeting

April 14, 2003

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McCall advises the (last) meeting I have a copy of the agreement between the Town of Sellersburg and Silver Creek Water Corporation and it indicated that this agreement was submitted, or suppose to be submitted to the Indiana Utility Regulatory Commission for its approval and I contacted Jerry Webb with the IURC about their approval and he has no record of this ever being submitted for approval. I don't know where that leaves us, but Mr. Webb indicated that this agreement should have been submitted to the IURC.

NATHAN GRIMES, (Building Commissioner): Have the bids from Cab-x and Terra Cotta Rehab reference the Utica and New Albany Street sub-base failure. I have those bids to submit, these bids are unit prices, and Sellersburg Stone is going to supply the material, so it is just for dump truck operator, backhoe operator and signage. Motion by Kenneth E. Barnes, Sr. to approve Cab-X bid, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

I have checked the alley behind Phil Dean residents on St Paul Street reference the alley draining onto his property and the alley being on his property, it does encroach about 100 feet back down the alley on his property. We checked the slope of the alley, the alley slopes away from his property all the way down, and I don't think we need to do anything except there is a culvert there that the street department should check and make certain it is clean.

I have researched the tap-in fees and other set fees for the water utility. The result of that, I have checked with Phil (Thompson), Kevin (Wright) and Stephanie (Bower), and they gave me the needed information to compile justification to increase the fees for the Towns ¾ inch meter, one-inch meter tap-in fees, reconnect charge, reconnect surcharge and general service charge and general service surcharge and insufficient (check)charge. The last time fees were set was in 1991.

The current fee for a ¾ inch meter is \$340.00 (three-hundred forty dollars) and I suggest that it be \$665.00 (six hundred sixty-five dollars), tap-in fee for one-inch meter is \$410.00 (four hundred ten dollars) and it should be \$810.00 (eight hundred and ten dollars), reconnect charge is \$20.00 (twenty dollars) should be \$30.00 (thirty dollars), reconnect surcharge is, which is after hours and weekends, goes from \$20.00 (twenty dollars) to \$40.00 (forty), general service charge \$5.00 (five dollars) and should be \$20.00 (twenty dollars), surcharge charge is \$5.00 (five dollars) and should be \$30.00 (thirty dollars), and the insufficient funds (bad check) should be raised from \$20.00 (twenty dollars) to \$30.00 (thirty dollars). If you approve this, I will submit it to Indiana Utility Regulatory Commission.

The developers of Silver Glades will put in a retention pond to help with the run-off into Forrest Estates. I will review that this next week and get that back to the developer.

I have the quotes for repair to the sidewalk at the new police station and you were going to review that and Terra Cotta Rehab was the low bidder, do you want to approve that this month? Kenneth E. Barnes, Sr. advises to table this until next month.

Sellersburg Town Council Meeting

April 14, 2003

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have listed on the front page the advantages of using Renaissance Design Build for those services, I have listed nine items and the top one is to save the Town money and the savings will be about \$4000.00 (four thousand dollars) per month, about \$50,000.00 (fifty thousand dollars) per year over five years a quarter of a million dollars. President Imhof advises to table this until next month.

TONI DREYER: Jack Vissing, Attorney-at-Law, introduces himself and advises that he will speak on behalf of the Dryers reference Mr. Dryers over weighted truck. There are several person in the audience who also have come with the Dryers, on their behalf, also they have business in this Town and are concerned about this matter. There is also a petition by local residences supporting the Dryers. The Dryers residence is land locked by the Town. We are looking for some solution to the problem.

President Imhof ask Mr. Vissing to get with Mr. McCall, Town Attorney, and work out some type of solution to this and bring the results back to the Council at the next meeting.

RAMONA HARSHEY: The last four months our water bill has been decreasing each month. Two months went by and the third month I got a bill for 2,900 gallons, I know we used more than that and when I checked with the office she advised me that they had just been estimating, the readings were not working out, they were just trying to get it to levele out. The fourth month that I went in she said that she was glad I came in because the meter wasn't working correctly. She wrote a work order that day, March 6, and when I got the next bill it was for zero gallons, I was never billed for the 400 gallons and the meter was not replaced.

The meter was replaced April 4. Phil Thompson, EMC, states that he will check the history on this account and get back with the Council.

ARTHUR MCDERMIT: Neighbor is building a privacy fence next to my yard and the sub-division rules prohibit that.

Attorney McCall advises if the fence is within the Town building codes then there is no action the Town can take.

MICHAEL STRICKER, (Chief of Police): The old Garr Funeral Home, on Allhands, has been renovated into a church, behind the church, there is an entrance and exit into the church and when motorist turn from Allhands into Walk Drive it makes it dangerous for the people using that church exit. I would like the Council to make Walk Drive a one way going south. McCall (Town Attorney) advises that he will put something together about this.

CARL KAMER: I would like the Council to help me out with the water (for the little league park) like they did last year. President Imhof will table this until next meeting.

Sellersburg Town Council Meeting
April 14, 2003
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KEVEN STATON: I have plans for a development on Poindexter Lane; I will be coming before the Planning and Zoning Commission at their next meeting. This development is within the Town of Sellersburg.

JOHN TOOMBS, (Jacobi, Toombs and Lanz Engineering, Inc): I have an amendment to my contract, reference the utilities for the Interstate 65 project. We had to hire a service to do vacuum excavating, under the railroad, to locate them and find out how deep they are. This will be reimbursed by the State. The cost is \$1,380.00 (one thousand three hundred eighty and no/100 dollars). Motion by James H. LaMaster to amend the contract for the \$1,380.00 (one thousand three hundred eighty and no/100 dollars), seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion is approved.

PHIL THOMPSON, (Environmental Management Corporation): Starting April 20, the water department will be flushing hydrants during the night; it will take a week to get this done.

Baskin-Logan will be cleaning well #3 at the well fields as approved by the Council at the last meeting.

On a contract issue: On October 8, 2002 a letter I sent everyone a letter I was going to request, on January 1 (2003), our CPI increase and because of the new contract, that I thought would go through, I did not bring that up so now I am requesting, retroactive until January 1 (2003), the 3% CPI that is covered in the contract. Motion by James H. LaMaster to approve the 3% CPI increase, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

I have bills for repairs to the old bank building: moving of the computer and software, cost of \$128.00 (one hundred twenty-eight and no/100 dollars): Speaker system for the drive-in window, cost of \$210.00 (two hundred ten and no/100 dollars): Replacement of carpet and installation of tile in the entrance way, cost of \$816.00 (eight hundred sixteen and no/100 dollars): Window blinds for the drive-in window and handicap accessible entrance, cost of \$173.00 (one hundred seventy-three and no/100 dollars): the final bill from the contractor, tile installation, trim, paint cost of \$295.00 (two hundred ninety-five and no/100 dollars): the total cost of \$1,623.00 (one thousand six hundred twenty-three and no/100 dollars). Motion by Danny F. Yost to pay these bills, seconded by Louis R. Imhof, Jr. 3-aye, 2-nay, motion is approved.

MARK WARREN, (Street and Sanitation Department): The Town will have the spring clean up on April 28 through May 3; hours are 8:00 A.M. until 8:00 P.M. Monday through Friday and 8:00 A.M. through 2:00 P.M. on Saturday.

MICHAEL L. STICKER, (Chief of Police): I am asking the Council to approve the hiring of replacement officer. The new officer is Darren Broady; he would be able to attend the August Law Enforcement Training Academy. Kenneth E. Barnes, Sr. makes a motion to hire the new officer effective May 1, (2003), seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

April 14, 2003

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I want to ask the Councils approval to purchase two new police cars at a cost of approximately \$20,000.00 (twenty thousand dollars). Motion by Kenneth E. Barnes, Sr. to purchase two new police vehicles, motion dies for lack of second.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to pay the bills as submitted. James H. LaMaster makes motion to pay the bills as submitted, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

LOUIS R. IMHOF, Jr. (Town Council President): The police department needs two police vehicles and if they are not approved at this meeting we will not have time next month to order them. Kenneth E. Barnes, Sr. makes a motion to purchase the two police vehicle, seconded by Louis R. Imhof, Jr. 2-aye, 3-nay, Barnes-aye, Imhof-aye, Yost-nay, Denton-nay, LaMaster-nay.

I have three bids for cleaning of the Town Hall and I will ask Council member Danny F. Yost to open them.

While Yost is opening the bids Town Attorney McCall will explain about the equipment for sale at the Wastewater Plant.

WILLIAM P. McCALL, (Town Attorney): There are three pieces of equipment at the Wastewater Plant, sweeper and the truck, because of the value of those pieces of property, the Town will take bids until the next regular meeting of the Town Council. Anyone interested in bidding can submit their bids and they are subject to re-bidding. Attorney McCall states he will post it and the bids put in the Clerk-Treasurers office.

President Imhof goes back to bids for the cleaning of Town Hall, (Danny F. Yost opens the bids), Sam Harper bids \$75.00 (seventy-five dollars): Dawn Green bids \$75.00 (seventy-five dollars): Trinette's cleaning Service bids \$50.00 (fifty dollars). Kenneth E. Barnes, Sr. makes a motion to accept the Trinette's Cleaning Service bid, seconded by Danny F. Yost. 4-aye, 1-nay, motion is approved.


Sam Lomax ask the council about a tax abatement about some property he purchased that had a tax abatement and there are two or three years left and I would like them to go ahead on the property. Attorney McCall advises that the Town has always given the tax abatement to the new property owner. James H. LaMaster makes a motion to roll the tax abatement over to Mr. Lomax, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

KEITH COATS, (Sellersburg Police Commissioner): Explains that currently the Town Council approves the hiring of the new police officers. He would like for the Council to either continue this practice or give that authority to the Police Commissioners.

President Imhof states that he will table this until the next Town Council meeting.

Sellersburg Town Council Meeting
April 14, 2003
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Danny F. Yost makes a motion to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved, meeting adjourned at 9:15 P.M



LOUIS R. IMHOF, JR., President



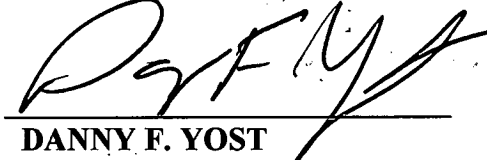
KENNETH E. BARNES, SR. Vice-President



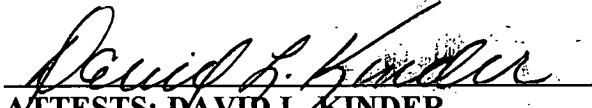
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK-TREASURER

Attachments: Petition signatures
Letter Southern Indiana Excavating

We the undersigned understand the purpose of this petition. We the undersigned do not have any objection to Carl Dreyer traveling in his dump truck loaded or empty in front of our homes or business on the following streets. East Utica St., West Utica St., Clareva St., or Dreyer Ln.

NAME	ADDRESS
1. John R. Popp	John Popp 849 Dreyer Ln.
2. Deborah R. Popp	Deborah R. Popp " "
3. Dale McKinley	807 113 113 E UTICA
4. Roger Ehringer	121 E. UTICA
5. Margaret Goodker	200 E. Utica St. Sellersburg.
6. Clifford Weber	101 E. Dreyer Lane
7. Wilma Weber	" " "
8. Ellen Hecker	129 E. Utica St. Sellersburg
9. Kenneth Weber	129 E. Utica Sellersburg
10. Margaret Dreyer	899 E Utica
11. Gene Stenzel	720 Dreyer Lane Sellersburg
12. Marvin Parkman	125 S. New Albany St.
13. Charles A. Ehrhart	725 Dreyer Ln Sellersburg.
14. Charles Popp	731 W. UTICA Sellersburg
15. Eleanor Curtis	716 W. utica
16. Lyda Brown	733 Dreyer Ln Sellersburg
17. Geneva Slate	901 Clareva - Sellersburg.
18. Anna Miller	825 Dreyer Ln
19. William H. Fry	826 Dreyer Ln. Sellersburg, In.

We the undersigned understand the purpose of this petition. We the undersigned do not have any objection to Carl Dreyer traveling in his dump truck loaded or empty in front of our homes or business on the following streets. East Utica St., West Utica St., Clareva St., or Dreyer Ln.

NAME	ADDRESS
1. Donna J Fry	829 Dreyer Lane Sellersburg, In
2. Alma Kaufen	845 Dreyer Lane, Sellersburg, In.
3. Chris Keith	108 N. New Albany St.
4. Linda Whilatah	857 Dreyer Ln
5. Paul & Patricia	857 Dreyer Ln
6. Wilma Pettit	602 W. Utica St
7. Donald Jackson	905 Clareva Street
8. John	905 Clareva Lane
9. Leah Snawdu	1048 Nevada Dr.
10. Marilyn Liskay	852 E. Utica St.
11. Michael Smider	in Land 1020 An Ave
12. Barbara Robertson	615 W Utica
13. R.R. Robertson, MD	615 W Utica
14. Mary Hunt	417 W. Utica St.
15. Pat Massey	632 W. Utica
16. Ellen Massey	632 W Utica
17. John W. Eckert	630 W Utica
18. John P. Stutz	815 Dreyer Lane
19. Gary Reynolds	7214 E Hwy 311 customer

We the undersigned understand the purpose of this petition. We the undersigned do not have any objection to Carl Dreyer traveling in his dump truck loaded or empty in front of our homes or business on the following streets. East Utica St., West Utica St., Clareva St., or Dreyer Ln.

NAME	ADDRESS
1. Amelia W. Dreyer	815 Dreyer Lane Sellersburg IN 47172
2. Ron C. Haas	641 Catalpa Sellersburg
3. Larry Schubert	2547 Fern Sellersburg
4. Keith Ginn	" " "
5. Claude H. Ender	" " "
6. Steve Bunn	1400 Linnie Dr. Sellersburg
7. Earl Bonnell	903 Clover Sellersburg IN 47172
8. Calvin J. Sprinkle	57 110e Road IN
9. Susan XL	833 Dreyer Sellersburg IN
10. James F. Pugh	833 DREYER "
11. Pat Millman	837 Dreyer "
12. Jim Millman	" " "
13. David J. Austin	317 Sellers Ave Sellersburg IN
14. Patti Jenkins	715 Dreyer Ln
15. Margie Jenkins	881 Beechworth Dr
16.	
17.	
18.	
19.	

Southern Indiana Excavating Corp.
P.O. Box 257
Sellersburg, IN 47172
Phone: (812)246-2329 Fax: (812)246-9399

April 5, 2003

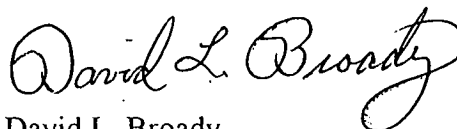
To Whom It May Concern:

This is for information only to those it may concern. I hope it may be helpful in some way.

During the previous town board term, 1992 to 2000, I think it was the opinion of the majority, concerning Mr. Dreyer's farm, that it would be considered in town in regards to the weight limit ordinance due to it being somewhat land locked. Under this consideration, this would allow Mr. Dreyer to drive through town empty due to his truck not exceeding the 6 Ton Weight Limit, and be able to haul loaded (over 6 Ton) in town or his farm as per the ordinance.

However, this town board or any future town board has absolutely no obligation what-so-ever as to this opinion or consideration. I do however understand how Mr. Dreyer may have not recognized this, and thought he was still operating within the ordinance.

Respectfully,



David L. Broady
Past Member of Town Council

SELLERSBURG TOWN COUNCIL

April 21, 2003

SPECIAL TOWN COUNCIL MEETING:

A Special Town Council meeting was held April 21, 2003, at the Sellersburg Town Hall. Present were Town Board President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:02 P.M.

PRAYER:

Omitted

PLEDGE OF ALLEGIANCE:

Omitted

SPECIAL MEETING:

This meeting is the discussion for the purchase of a police vehicle or vehicles.

Kenneth E. Barnes, Sr. asks how much was budgeted for the purchase of police vehicles. There was \$45,000.00 (forty-five thousand dollars) budgeted in the CCI (cumulative capital improvement) fund.

The purchase for two (2) new police vehicle would be approximately \$41,000.00 (forty-one thousand dollars) according to Chief Stricker.

Clerk-Treasurer Kinder advises that the CCI Fund (Cumulative Capital Improvements) for the budget year 2003 is Pool Concession \$400.00 (four hundred dollars); Police Autos \$45,000.00 (forty-five thousand dollars); Sidewalks \$1,000.00 (one thousand dollars); and Storm Drains \$7,000.00 (seven thousand dollars). Department of Local Government Finance has advised that the CCI fund, 4000 Capital Outlay, certified appropriation for 2003 is \$19,650.00, the total CCI fund is \$35,650.00 (thirty-five thousand six hundred fifty dollars).

Kenneth E. Barnes, Sr. makes a motion to spend \$11,000.00 (eleven thousand dollars) from the CCI fund and the insurance money (from the wrecked police car) to purchase one new police vehicle, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

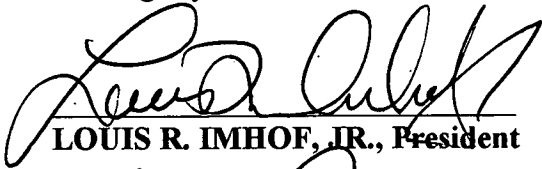
Attorney William P. McCall, III, advises the Council to make a motion to purchase one police vehicle, the cost may be more than the money you have indicated for one police car. You have justified the purchase of the police car.

Kenneth E. Barnes, Sr. makes a motion to purchase one police vehicle, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

Special Town Council Meeting
April 21, 2003
Page 2 of 2 pages

Kenneth E. Barnes, Sr. makes a motion to adjourn the meeting, seconded by James H. LaMaster.
5-aye, 0-nay motion approved.

Meeting adjourned at 7:42 P.M.



LOUIS R. IMHOF, JR., President



KENNETH E. BARNES, SR. Vice-President



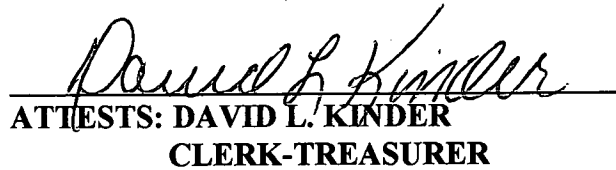
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

May 12, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met May 12, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:04 P.M.

PRAYER:

Offered by Father Paul Richert of St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by Kenneth E. Barnes, Sr. to approve the minutes of the April 14, 2003 Council Meeting, seconded by Danny F. Yost. 5-aye, 0-nay, minutes approved.

UNFINISHED BUSINESS:

KEN ALEXANDER: Have a design for the sign for the Silver Creek Cheerleaders. The signs will cost \$68.50 (sixty-eight and 50/100) each and there are three signs. Motion by Danny F. Yost to purchase the signs seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion is approved.

NATHAN GRIMES, (Renaissance Design Build, Inc.): I want to withdraw my last proposal for Maintenance and Management of Water, Wastewater and Utility, there was an error or two and I want to rescind that and submit another one, the terms and numbers are the same I just fixed a couple of the typos.

PRESIDENT IMHOF: The decision on bids of the Sewer Cleaner Vehicle, unless somebody wants to go over that, I want to postpone that for another month.

WILLIAM P. McCALL, (Town Attorney): Air scrubber for the lift station, we need to provide an air scrubber for July, for, it will be provided at that point, it be for the one down by the library that was the agreement to clean up the odor down there. I do not think it needs to be on new business next time, you are obligated to do it, and we just have to put it in place sometime in July. Attorney McCall suggests to table until next meeting, council agrees.

ATTORNEY McCALL: The Council is trying to determine how you are going to sell the old police station and the property on Villa Drive. It has not been determined by vote of the Council if they desire to do that by auction, bid, auction and bid and once you make that determination

Sellersburg Town Council Meeting
May 12, 2003
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you go to the next step.

Jay Wyzard, Semonin Realtors presents a proposal to the Council to have his firm handle the sale of the property. He believes he can sell the old police station for around \$150,000.00 (one hundred fifty thousand dollars).

PRESIDENT IMHOF: Opening of bids for the sale of surplus property, street sweeper and sludge spreader. Bid for the Sludge spreader \$2,250.00 (two thousand two hundred fifty dollars) by Jeff Barton. The second bid is Timothy M. Clark and Kevin D. Clark for \$2,500.00 (two thousand five hundred dollars) for the 1991 floater.

Motion by Kenneth E. Barnes, Sr. to accept the bid of Timothy M. Clark and Kevin D. Clark, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

There are no bids on the street sweeper.

PRESIDENT IMHOF: Ask Attorney McCall to speak about the alley behind Disbro's being one way. After the last meeting, I heard suggestion to just make this a no right hand turn from Allhands into the alley. President Imhof tables this until next meeting when Attorney McCall will prepare both a one-way alley and a no right hand turn for the Council to choose.

PRESIDENT IMHOF: Donation to Silver Creek Little League Park. Motion by Kenneth E. Barnes, Sr. to donate to Silver Creek Little League Park anything above the \$8.85 (eight dollar and 85/100 dollars) monthly sewer bill, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

MIKE BRIER: (West Clark Seacats Swim Team): Wanting some type of contract or formal agreement with the Town of Sellersburg for the swimming pool.

GLENNIS WISDOM: (President Parks and Recreation Board): Other teams in this league pay for the rental of their pools. Sellersburg Pool will now pay the lifeguards, also last year the management of the pool thought the pool was left dirty. If we sign a contract with them then the pool would be obligated to furnish them a pool some place else if for some reason our pool is closed. In addition, we set the guidelines for all groups using the pool. We are giving them half the rate of any other group that uses the pool.

President Imhof says this will be tabled until next month.

JOHN MILLMAN: Needs an adjustment to his sewer bill as he filled his pool during the month of April, as he has done every year, and has always been given an adjustment.

Motion by James H. LaMASTER to grant the sewer adjustment, seconded by Danny F. Yost. 5-aye, 0-nay motion is approved.

Sellersburg Town Council Meeting
May 12, 2003
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President Imhof says next year when the sewer bills are mailed out there should be something placed on the bills stating that no sewer adjustments for pool fillings prior to the month of May.

ALLEN APPLGATE, (Attorney-at-Law): I represent Wes Porter and his development of Deer Lake Estates, behind Covered Bridge and Mr. Porter is asking for 21 sewer taps for this sub division. The estimate is 310 gallons per day per home for a total of 26,000 gallons at peak flow.

Motion by Danny F. Yost to grant the 21 sewer taps for Deer Lake Estates provided Mr. Porter dismiss the suit Wes Porter et al has against the Town of Sellersburg, they will pay the additional rate plus the \$600.00 (six hundred dollars), submit the plans and forms to John Toombs, Town Engineer, for prior approval for sewer taps, not to remonstrate against annexation should the Town decide to annex the property, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

PRESIDENT IMHOF: I have one thing; a lady called me earlier in the week, a Mr. Cooper, for a pool adjustment similar to Mr. Millman's. Motion by Danny F. Yost to grant a \$50.00 (fifty dollar) adjustment seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

PHIL THOMPSON, (Environmental Management Corporation): I have two items. One is we had a pump failure at the Camp Chelan lift station, it was an emergency and I contacted three council members and they approved the emergency repairs and we directed them to work overtime to reduce the pollution going out into the stream by the lift station. Spencer Machine accomplished that at a cost of \$14,336.77 (fourteen thousand three hundred thirty-six and 77/100 dollars).

Motion by James H. LaMaster to pay this bill seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

My last item is the repairs to the bank building, the contractor has finished all the work and I have his invoice here for \$3,700.00 (three thousand seven hundred dollars). Motion by Kenneth E. Barnes, Sr. to table this bill until I have a chance to get with him (Thompson) to show him exactly what he is talking about and everything before I make any decision, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

PRESIDENT IMHOF: Presents **ORDINANCE 2003-008, AN ORDINANCE AMENDING ORDINANCE NO. 2003-003 AND ESTABLISHING A VEHICLE TOW-IN FEE FOR THE TOWN OF SELLERSBURG POLICE DEPARTMENT AND DEPOSITING SAID FEES INTO THE GROUP HEALTH INSURANCE BENEFITS AND MEDICARE SUPPLEMENTAL INSURANCE TO RETIRED FULL TIME SELLERSBURG EMPLOYEES' FUND.**

Sellersburg Town Council Meeting
May 12, 2003
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Motion by Danny F. Yost to consider Ordinance 2003-008 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

Motion by James H. LaMaster to pass ordinance 2003-008 on the first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

Have ORDINANCE 2003-010, AN ORDINANCE ESTABLISHING FEE SCHEDULE OF SELLERSBURG POLICE DEPARTMENT FOR REPRODUCTION OF PHOTOGRAPHS AND VIDEOTAPES.

Motion by Danny F. Yost to consider Ordinance 2003-010 on the first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

Motion by Kenneth E. Barnes, Sr. to pass Ordinance 2003-010 on the first reading, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

Another Ordinance, ORDINANCE 2003-011, AN ORDINANCE ESTABLISHING A TOWN OF SELLERSBURG GROUP HEALTH INSURANCE BENEFITS AND MEDICARE SUPPLEMENTAL INSURANCE TO RETIRED FULL TIME SELLERSBURG EMPLOYEES' FUND.

Motion by Danny F. Yost to consider Ordinance 2003-011 on first reading, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

Motion by Kenneth E. Barnes, Sr. to pass Ordinance 2003-011 on first reading, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

DANNY F. YOST, (Council member): Asks for traffic lines and blinking lights at Enterprise and Ohio streets be repaired. Lines need to be repainted and lights repaired. Mark Warren, Street Superintendent will make necessary repairs.

KENNETH E. BARNES, Sr., (Council member): Requests that Nathan Grimes, Building Commissioner, get the grass cut behind the Post Office.

Request that the police check the speed on Adkins Court and also a go-cart being operated on the street.

Wants a \$3.00 (three dollar) rebate on the water/sewer bill for the elderly people because the water/sewer bills are going to go up and we should take care of our own and people on fixed income, I think we ought to see at least a \$3.00 (three dollar) rebate on their water/sewer, any discussion. There are a lot of Towns around that's got that.

Sellersburg Town Council Meeting

May 12, 2003

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JAMES H. LaMASTER, (Council member): Have a request for a credit on the water bill where the gentleman was in Florida, he wasn't at home, he was charged \$15.54 (fifteen and 54/100 dollars) used no water what so ever. This being the case, if this is so, there was no usage of water, I would entertain a motion to credit this gentleman \$15.54 (fifteen and 54/100 dollars).

Phil Thompson, (EMC), states that people that go on vacation they pay a \$5.00 (five dollar) fee to have the meter turned off, that way they just pay the minimum bill. There is a minimum, I believe is 7 something for water and 8 something for sewage, even if you don't use any.

There is a business operating at 598 Edgewood, in Creston, a residential district. Mr. McCall (Town Attorney) wrote a letter previously to the same party involved in 1999. I feel this needs some type of attention.

PRESIDENT IMHOF: I want to recognize a few people in the audience. Glennis Wisdom won the democratic nomination for district 3, in the last election and Tom Lowe, is the republican candidate for the Town Court judgeship that we've got coming in the Fall.

Chief Stricker are you going to get together with Tom and Carl on the Town Court to see what recommendations they are going to come up with.

TOM LOWE, (Candidate for Town Court Judge): I spoke with Carl Truman, after the election, to see if he was open to working together so whoever is the successful candidate is in November so they don't have to put this thing together in seven weeks instead of 6 months. He said he was willing to do that.

President Imhof asks Council member Barnes if he would like to serve on that committee, Barnes accepts the position to work with the Chief (Stricker) and the two attorneys and if you need more help to let us know

DAVID L. KINDER, (Clerk-Treasurer): need motion to pay the bills. James H. LaMaster makes a motion to pay the bills, as submitted by the Clerk-Treasurer, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

NATHAN GRIMES, (Building Commissioner): H. J. Umbaugh and Associates have reviewed the tap-in fee adjustment and I am sending it to the Indiana Utility Regulatory Commission for approval.

Two months ago, we took quotes to repair the sidewalk at the police station and it was never approved, the cost is about \$7,500.00 (seven thousand five hundred dollars). President Imhof advises to just hang on to that.

I have a letter from David Blankenkemper in regard to the Silver Glades deal, where they were going to put in retention basins going into Forrest Estates. He sent plans, I reviewed the plans

Sellersburg Town Council Meeting
May 12, 2003
Page 6 of 6 pages

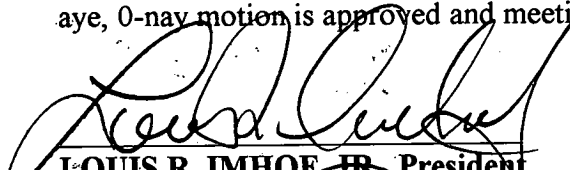
and it was my understanding that they were going to do the retention that was required so that it did not impact what was there before and what comes out after it is all developed and it would be the same with no impact on our community. This letter states that is not what they are going to do. It is my thought that we do not give them water and sewer until they do that. I need your permission to write the letter stating that they have to abandon their second addition.

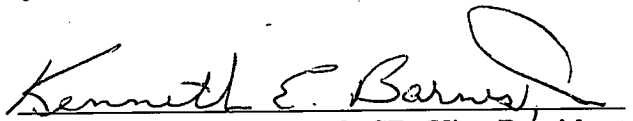
I got quotes to do milling up at New Albany and Utica Streets for pavement repair. McCrite Milling for \$4,700.00 (four thousand seven hundred dollars) and Mamco for \$4,750.00 (four thousand seven hundred fifty dollars), this is to mill the whole intersection.


Motion by James H. LaMaster to accept the \$4,700.00 (four thousand seven hundred dollars) bid, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

PRESIDENT IMHOF: If it is OK with the Board I want to set us May 21st, Wednesday at 6:00 P.M. for an Executive Session we have a lot of stuff to go over with Perry a couple of contracts for the sewer treatment facility and Virgil Bolly and everything else, so if that is OK time frame on everyone else I would like to make a public statement that we are going to have an Executive Session May 21, Wednesday at 6:00 P.M. Do we have to post that in the paper?


Kenneth E. Barnes, Sr. makes a motion to close the meeting, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved and meeting adjourned at 9:07 P.M.

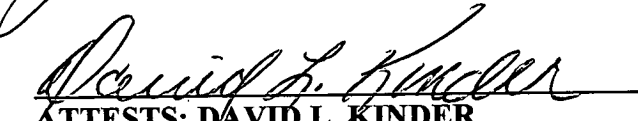

LOUIS R. IMHOF, JR., President


KENNETH E. BARNES, SR. Vice-President


EDWARD D. DENTON


JAMES H. LaMASTER


DANNY F. YOST


ATTESTS: DAVID L. KINDER
CLERK-TREASURER

Attachments: Blankenbeker letter

David R. Blankenkaker, P.L.S.
Terry A. Kendall, P.L.S.

Howard R. Blankenkaker (1905-1974)
Rollyn H. Blankenkaker (1934-1994)

Blankenkaker & Son

Land Surveyors Inc., P.C.

Established 1945

422 Meigs Avenue
Jeffersonville, Indiana 47130

(812) 282-4183
(812) 282-4197 FAX

P.O. Box 157
Jeffersonville, Indiana 47131-0157

May 5, 2003

Mr. Nathan Grimes
Town of Sellersburg
144 South New Albany Street
Sellersburg, IN 47172

RE: Silver Glades II Detention Basin

Dear Nathan:

I think we may have a slight miscommunication regarding Silver Glades. Here is the history of the development. Sellersburg agreed in writing (as well as the other utility companies) to provide sanitary sewers to the property. The Clark County Plan Commission approved the primary plat of all of Silver Glades. At that time the county did not have any drainage ordinance. Thus no detention or retention was required. However, the County Drainage Board did request (and Mr. Lynn agreed) that some of the drainage area which flowed into Forrest Estates be piped east into Lakeside Subdivision. This was done in Section 1. After a neighbor in Forrest Estates complained, the Drainage Board asked for a meeting with Mr. Lynn. During this meeting, Mr. Lynn agreed to add two small detention basins in Section 2, as long as no lots were lost in the process. As you know, it is very difficult to retrofit detention into a previously designed development. The information I previously submitted has all the possible storage given these conditions. Pre and post development runoff is not the same. Under county ordinances in effect at the time, it was not required to be the same. The piping to the east and detention we are proposing also was not required, but Mr. Lynn agreed to do this to help the situation as much as he can.

I hope this clears up any miscommunication we may have had. I am forwarding the final plans with the Weir Design on page B-7 for your continued review.

Sincerely,



David R. Blankenkaker, P.L.S.

SILVERGLADES2

SELLERSBURG TOWN COUNCIL William P. McCall, III, (Town Attorney)

SPECIAL EXECUTIVE SESSION

May 21, 2003

Town Council President Louis R. Imhof, Jr. called the Special Executive Session of May 21, 2003 to order at 6:08 P.M. Present are Danny F. Yost, James H. LaMaster, William P. McCall, Town Attorney, David L. Kinder, Clerk-Treasurer and Council President Louis R. Imhof, Jr.

WILLIAM P. McCALL, (Town Attorney): Need to figure out what to do with the Silver Creek Water issue in the Town of Sellersburg. Primarily, do we have an agreement, do we need to seek some type of redirect in court to determine what the legal rights are with respective parties. Because the agreement that was tendered is an old agreement and it has never been approved by the I.U.R.C. Therefore, do we need to take some type of action, legal or otherwise with Silver Creek Water to determine boundaries, do they need to be revised or do we need to determine what our rights are and what their rights are under the contract.

Virgil Bolly has contacted you all in writing and thought that this matter would be resolved to some type of agreement.

My thought is we need to do something either determine through clearstory judgment what our respective rights are and do it that way. The other is to seek to negotiate with them or simply let it stand as it is and let them seek some type of redress through court. That we believe we are going to service this particular subdivision.

Jim LaMaster states that he believes that Sellersburg should keep this area, as it would be in the best interest of the Town. McCall suggests that we take that strategy and go that route. He further states that he believes that once the Town decides that once they decide they are not going to that that either they or we are going to have to file petition to determine their status is.

LaMaster says that now there is no such thing as boundaries to the Indiana Regulatory Utility Commission. McCall agrees that there are no boundaries. Silver Creek Water is asking you to restrict your boundaries or give them this agreement.

Number two item. The most difficult is, you have a situation where EMC believes they have a contract with the Town of Sellersburg. While they have not specifically put anything in writing that they are going to sue us they have verbally threatened to sue us and they have said they will file suit if the Town of

**Sellersburg Town Council
Special Executive Session
May 21, 2003
Page 2 of**

Sellersburg does not honor this contract. My thought is do we beat them to the punch and ask the court to determine what the status of this document is and even can we do that. I believe we can. The minutes of the meeting are clear; Dave had them transcribed as well as the minutes themselves. The motion was made, I think Danny made the motion, for me (McCall) to have final approval.

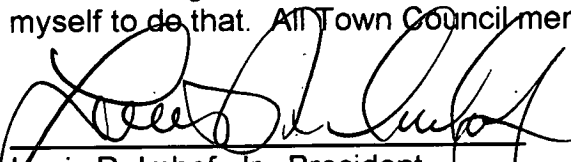
The people in the audience mentioned a list of twenty-nine things and they said you need to address this, before you pass. EMC believes the motion was to pass the contract subject to the attorney's review, which is a different thing. If it is a legal review then it meets legal standards.

By your motion and by the second on the motion and the vote, which was four to one by the way, Ken voted against, was to give me final authority.

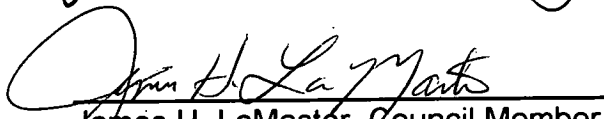
You are the Town Council and I do not have a problem with whatever you decide to do. You decide this contract is the best interest with EMC and you instruct me we will give them final approval. Otherwise, you have a legal issue on your hands one way or the other. Either you are going to have to address it or they are going to address it. It depends on who jumps first.

The point is what do you gentlemen want to do? I think we still need to address those twenty-nine issues. We need to make a decision, either we have no contract and we take action to confirm that, whatever that is and move on, or we do have a contract and get that done.

Council advises McCall to send a letter to EMC expressing to them the opinion and the position of the Town at this point and willing to open it up to negotiations of the twenty-nine issues etc, etc. The Town Council has not approved it (contract) they have voted that I have not approved it and therefore we need to meet and negotiate the issues and the Town Council to meet with EMC and myself to do that. All Town Council members present agree.


Louis R. Imhof, Jr., President


Danny F. Yost, Council Member


James H. LaMaster, Council Member


Attests: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

June 2, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 10, 2003. Present for the meeting were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder. Also present was Chief of Police Michael L. Stricker.

CALLED TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 6:00 P.M.

TOPIC OF DISCUSSION:

Pending Litigation and Initiation of Litigation by the Town.

Kenneth E. Barnes, Sr. makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 6:50 P.M.

The Town Council certifies that no matter was discussed in the executive session other than the subject matter specified in the public notice.

Louis R. Imhof, Jr. President

Edward D. Denton
Edward D. Denton

Danny F. Yost
Danny F. Yost

Kenneth E. Barnes, Sr., Vice President

James H. LaMaster
James H. LaMaster

ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

June 2, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met June 2, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:06 P.M.

PRAYER:

Offered by Council Member Danny F. Yost.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by Kenneth E. Barnes, Sr. to approve the minutes of the May 12, 2003 Council Meeting, seconded by Danny F. Yost. 5-aye, 0-nay, minutes approved.

PRESIDENT IMHOF: Under unfinished business calls upon Glennis Wisdom, President of Parks & Recreation Board, reference Agreement between West Clark Seacats Swim Team and Sellersburg Town Pool. President Wisdom advises the agreement will be the one that was submitted at the last Town Council Meeting.

PRESIDENT IMHOF: Need method of sale of old police building and property on Villa Drive. Attorney McCall advises the Town Council to determine how the property is to be sold and if Council wants to engage the services of Jay Wyzard, (Semonin Realtors) to broker the sale. Motion by Kenneth E. Barnes, Sr. to hire Jay Wyzard and company for the sale of Villa and police station, seconded by James H. LaMaster. 5-0aye, 0-nay motion is approved.

PRESIDENT IMHOF: EMC and Silver Creek (Water) reference Plum Creek sub-division. PHIL THOMPSON, EMC, says he met with the developer, Steve Hamm of Silver Creek Water and everyone agrees that they will follow the agreement, Town of Sellersburg will get forty-four (44) lots and the Commercial property and Silver Creek Water will get sixty-four (64) lots.

PAUL YOST, (ITT Technical Institute): We have a program, using summer students, to assist in setting up web sight, furnish program for the water utility billing, we will put in a computer net work for you and write a new billing program for you, and furnish you with some computers, these computers are about three (3) years old.

Sellersburg Town Council Meeting

June 2, 2003

Page 2 of 4 pages

Motion by Kenneth E. Barnes, Sr. to approve a contract with ITT and Paul Yost to write a water program and up grade the web sight, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

ROBERT EAST, (Maple Manor Children's Home): There is a drainage ditch between Maple Manor Children's Home and Haas Cabinet and we want to either put a drainpipe there or finish the ditch with concrete walls and bottom. We have consulted with Nathan Grimes, (Building Commissioner) and he has advised the size of pipe. This is no cost to the Town.

Phil Thompson, EMC, will check the sight and insure that this will not interfere with any other drainage.

PRESIDENT IMHOF: The Housing Authority is requesting the reappointment of Tammy Browning as Resident Board Member of the Housing Authority. Motion by Danny F. Yost to reappoint Tammy Browning, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

JOHN TOOMBS, (Jacobi, Toombs and Lanz Engineers, Inc.): Proposing a change to an agreement dated April 14, 2003 because the contractor (Troy Cottner Contracting) was paid directly by the Town. Now we had to hire him again to check on the high-pressure gas main in the middle of US 31. The cost was \$1,520.00 (one thousand five hundred twenty dollars).

Motion by Edward D. Denton to pay the \$1,520.00 (one thousand five hundred twenty dollars) seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

PHIL THOMPSON, (EMC): There is a leak in the roof at the water treatment plant and we are getting estimates to have it repaired.

Need an awning over the door at the billing office because presently the night deposits are getting wet. We are going to submit prices for this at a later meeting.

Parts of the remodeling bills were not paid in full, they should have been paid 60/40 by water and sewer, and these bills will complete the payment. The bills unpaid total \$2,433.87 (two thousand four hundred thirty-three and 87/100 dollars). Motion by James H. LaMaster to pay this bill, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

I have now, what I believe is the last bill for the moving to the new billing office, and this is the SBC (Ameritech) bill for the telephone system. This bill is \$3,449.67 (three thousand four hundred forty-nine and 67/100 dollars). Motion by James H. LaMaster to pay this bill, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

WILLIAM P. McCALL, III, (Town Attorney): Have an ordinance-establishing do not enter from Allhands onto Walk Drive and you need to pass that.

McCall ask that the Town Council pass **ORDINANCE 2003-009, AN ORDINANCE**

ESTABLISHING DO NOT ENTER FROM ALLHANDS AVENUE ONTO WALK DRIVE.

Kenneth E. Barnes, Sr. makes motion to consider on its first reading Ordinance 2003-009, seconded by James H. LaMaster. 5-aye, 0-nay motion is approved.

Motion by Kenneth E. Barnes, Sr. to pass Ordinance 2003-009 on its first reading, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

Have a request by Pennington Hardwoods Inc.; they are considering locating from Clarksville to Sellersburg Industrial Park. They are here tonight to ask for tax abatement on real property and on manufacturing equipment for 5 years, 10 years on the real property. This is an area that was determined an economic area that was done in 1995; there are several businesses out there that have taken advantage of the tax abatement available there.

They are proposing this building would be approximately a \$400,000.00 (four hundred thousand dollar) structure and manufacturing equipment of \$250,000.00 (two hundred fifty thousand dollars). They will have 5 (five) employees currently for 2 (two) to 4 (four) additional when they expand. They want to start this in July.

Mr. Pennington will be responsible for filing with the Auditor's Office the necessary papers and they will then mail a copy to the office of the Clerk-Treasurer.

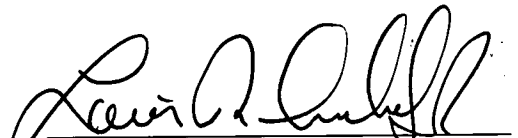
Motion by Kenneth E. Barnes, Sr. to grant the abatement, 5 years on manufacture equipment and 10 years on real property seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

KENNETH E. BARNES, (Council Member): Flora Kukla wrote a check and the check came up missing for water/sewer bill etc, she showed a receipt where she wrote the check. I make a motion to waive the late fees on the bill and adjust the water for the pool, seconded by James H. LaMaster.

DAVID L. KINDER, (Clerk-Treasurer): need a motion to pay the bills as submitted. Motion by James H. LaMaster to pay the bills, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

PRESIDENT IMHOFF: Explains the policy on getting on the Town Council agenda. The request must be presented to the Clerk-Treasurer's Office the Wednesday before the Monday meeting. This gives the Council members time to check out the item and not be blind-sided at the meeting and then have to continue it until the following month.

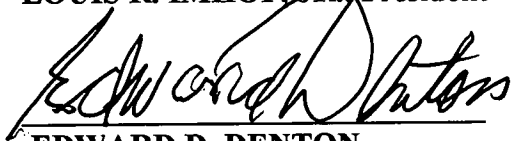
Motion by James H. LaMaster to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay motion approved and meeting adjourned at 8:10 P.M.



LOUIS R. IMHOF, JR., President



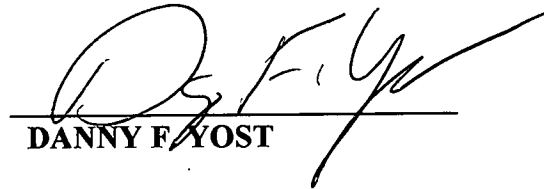
KENNETH E. BARNES, SR. Vice-President



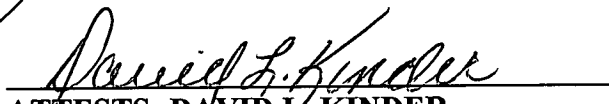
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK-TREASURER

Attachment: Sellersburg and Silver Creek Water Agreement
Sellersburg Parks & Recreation Board Agreement

Research
hexis/news for
IURC Order

Talked to
Jerry Webb
@ IURC

AGREEMENT BETWEEN TOWN OF SELLERSBURG
AND SILVER CREEK WATER CORPORATION

Whereas, the Town of Sellersburg, hereinafter called "Town" and Silver Creek Water Corporation, hereinafter called "Corporation", entered into a Water Purchase Agreement dated the 28th day of January, 1964, and which agreement was later modified on the 27th day of April, 1965, and further which agreement also set out a division of boundaries between the parties; and,

Whereas, the Corporation no longer purchases water from the Town; and,

Whereas, it is the desire of the parties to terminate the aforementioned Water Purchase Agreement, and to enter in definitive boundaries between the Utility and to provide for the supply of emergency water by each party to the other; and,

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the parties agree as follows:

1. The Water Purchase Agreement dated the 28th day of January, 1964, and which agreement was later modified on the 27th day of April, 1965, is hereby terminated.

2. That the Town and the Corporation shall not extend nor operate their systems beyond the following described boundary line:

The line running in a north-south direction as set out in the attached map, which is labeled "Exhibit A" and made a part hereof.

The Town would not go beyond the westerly side of the boundary and the corporation shall not go beyond the easterly side of the boundary, with the exception that the Town shall keep and maintain its existing customers on Poindexter Lane.

4. That an agreement concerning emergency water supply shall be entered into by the parties by separate agreement.

5. That this agreement may be submitted to the Indiana Utility Regulatory Commission for approval.

Dated this 8 day of October, 1990.

TOWN OF SELLERSBURG

SILVER CREEK WATER CORPORATION

By: [Signature]

By: [Signature]

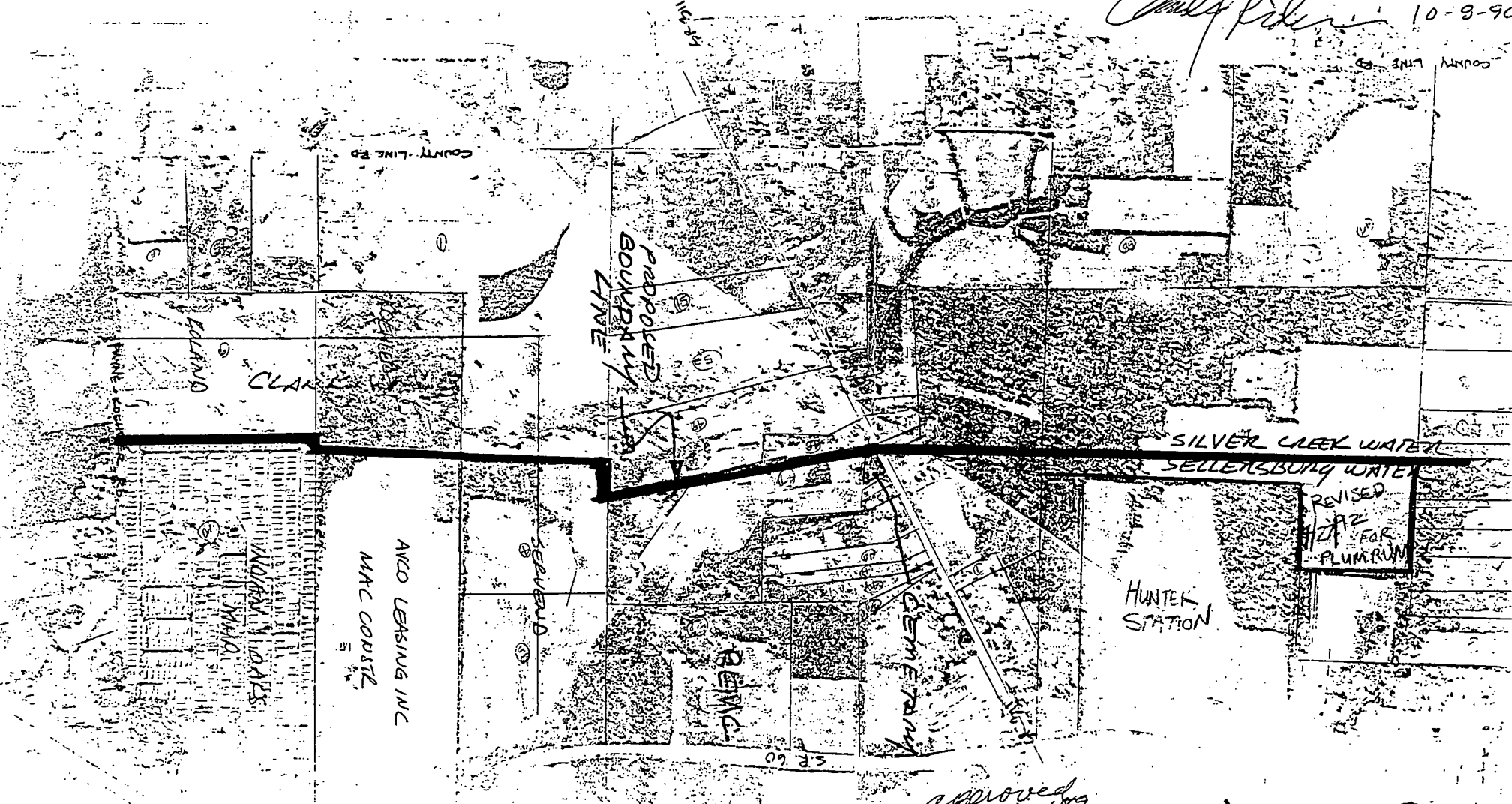
ATTEST:

ATTEST:

[Signature]
Patricia Rush

[Signature]
Heidi Elipson

Chad Fisher 10-9-90



approved
6/26/89
RE/Beller

NO SCALE 2

SELLERSBURG PARKS BOARD

May 5, 2003

The Sellersburg Parks Board is pleased to have the West Clark Seacats Swim Team make their home the Sellersburg Pool.

The Sellersburg Parks Board will make the use of the pool available to the swim team at times when the pool is not open to the public or already booked for a private party.

The Sellersburg Parks Board will make space available to the swim team to store their equipment such as lane markers, starting blocks, etc.

The Sellersburg Pool management will not schedule any private parties on the nights that the swim team has a home meet scheduled, providing the meet is scheduled before the request for the private party.

The Sellersburg Parks Board will provide two keys to the swim team so that they may have access to the pool.

The swim team understands that the manager is in charge of the pool. The manager makes the decision of whether the pool is open or closed as well as other decisions affecting the operation of the pool.

The swim team will not interfere with the normal operation of the pool during hours open to the public.

The swim team understands they are responsible for the maintenance and replacement of their own equipment.

The swim team is not to make any extra copies of the keys to the pool or distribute them without the permission of the pool manager.

The Sellersburg Town Pool will operate the concession stand during home swim meets.

Both Sellersburg Parks Board pledges their support to make the Sellersburg Town Pool and the West Clark Seacats a positive force in our community that will benefit young people and families.

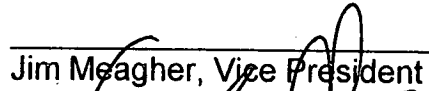
The West Clark Seacats will be charge the following fees for the use of the Sellersburg Town Pool. \$50.00 per week for swim team practices, practice being Monday, Tuesday, Thursday, Friday and Saturday mornings from 8:00-10:15 a.m. and Tuesday evening 7:30-9:00 p.m. and Thursday evening as well unless the pool was rented by Saturday a week prior. If Thursday evening is rented and Wednesday evening is available the swim team would be able to use the pool on Wednesday evening. Swim meets will be charged at \$110.00 per each meet. The closing season pool party will be

a charge of \$80.00 from 7:30 to 9:30 p.m. Swim team expected to pick up own equipment and store after each use. No other clean-up expected.

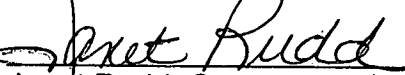
This cancels and voids any and all previous agreements between the Sellersburg Parks Board and the West Clark Seacats swim team.



Glennis Wisdom, President



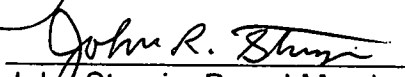
Jim Meagher, Vice President



Janet Rudd, Secretary



Terry Langford, Board Member



John Sturgis, Board Member

SELLERSBURG TOWN COUNCIL

July 14, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met July 14, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:02 P.M.

PRAYER:

Offered by Council Member Danny F. Yost.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by Danny F. Yost to approve the minutes of the June 2, 2003 Council Meeting, seconded by James H. LaMaster. 5-aye, 0-nay, minutes approved.

MISTY DUKE: Reference zoning variance in the Creston sub-division. Have a dog grooming business in her home at 598 Edgewood and is requesting a zoning variance for the business. If granted this variance she would be able to be home with her two children during the day.

Jane Ash, appears and speaks on behalf of Ms. Duke, saying that this issue is more about family than a business.

Doug Reiter wants to bring to the Council's attention, since he is on the Zoning Appeals Board; there is a Zoning Appeal Ordinance, called special exception section 3.6 in the Zoning Appeal Ordinances.

Ron Back speaks opposing the zoning change.

Katrina Lamb speaks opposing zoning change.

Jacques Smith speaks on behalf of the zoning change.

Chris Wisdom speaks against zoning change.

John Allen speaks against zoning change.

Bill Thomas speaks against zoning change.

Sellersburg Town Council Meeting

July 14, 2003

Page 2 of 8 pages

James H. LaMaster makes a motion that we should turn it down, seconded by Kenneth E. Barnes. 3 aye, 2-nay, motion approved to turn down the appeal.

CARL KAMER: I spoke to you in May about a little help with water and sewer at the park (Silver Creek Township Park). James H. LaMaster makes motion that we give Mr. Kamer the same that we gave him last year, seconded by Edward D. Denton. 3-aye, 2-nay motion approved.

A. H. McDERMET: Complaining about EMC crossing his property without his permission. Phil Thompson, EMC, advises Council and Mr. McDermet, that from now on they will hand dig in the easement and not cross his property with any equipment in the future.

BILL SKEES, (Attorney and Bond Counsel for Clark County Y.M.C.A.): The Southern Indiana Y.M.C.A, a non-profit organization, is requesting up to 5.1 million dollar bond issue. This has gone before the Sellersburg Economic Development Commission, June 30, 2003, pursuant to the 14 day published notice in the newspaper and there were no objections to the project, and the Economic Development Commission passed the approval of the project with a resolution to you all with a recommendation that the Town Board approve it.

I might mention that this cost the city nothing, the city can never be liable and the documentation you have that the Town is fully indemnified, held harmless from any possible liability. In addition, at the Economic Development Commission meeting we agreed in the resolution that we added that the "Y" would use their best efforts to hire residents of the Town of Sellersburg; this should create about 50 jobs. In addition, to accommodate any public school swim team that doesn't have indoor practice facilities.

David Duggins, Economic Development Commission, states that there was a fee to be charged to entities that are outside the Town of Sellersburg that would use our Bond issue cap. We felt that the Town Board needs to make this clear, and we should have it as a formal resolution so that entities like the "Y" before they come to us they would know that is something that would be expected. I believe that Bill (Skees) says that \$1,500.00 is the norm that they use in Louisville for the first year and second, but I think this is something that the Town Board needs to make a decision on and come back to us as the Economic Development Commission so we can put that into a formal resolution so it is clear and up front when these entities come before us.

James H LaMaster makes a motion to charge \$1,000.00 fee for, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to consider Ordinance 2003-012, **AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA AUTHORIZING THE ISSUANCE OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2003 (YMCA of Southern Indiana Project), IN THE PRINCIPAL AMOUNT OF \$5,100,000.00 TO FINANCE THE COST OF AN ECONOMIC DEVELOPMENT FACILITY FOR THE YMCA OF SOUTHERN INDIANA; AUTHORIZING THE EXECUTION AND DELIVERY OF A**

BOND PURCHASE AND LOAN AGREEMENT WITH RESPECT TO THE PROJECT AMONG THE TOWN OF SELLERSBURG, INDIANA, AS ISSUER, REPUBLIC BANK & TRUST COMPANY, AS PURCHASER, AND THE YMCA OF SOUTHERN INDIANA, AS BORROWER, PROVIDING FOR LOAN REPAYMENTS SUFFICIENT TO PAY THE PRINCIPAL OF, AND THE INTEREST ON THE BONDS AS THE SAME BECOME DUE; AND TAKING OTHER RELATED ACTION. Seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

James H. LaMaster makes motion to pass Ordinance 2003-012, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

ALLEN CONNER, (Developer): David Blankenbeker here on behalf of Allen Conner, this is a 127 acre tract of ground at Columbus-Mann and Perry Crossing Road, it also borders I-65. We are proposing a development there of residential houses, 375 lots, we would respectfully ask the Town would consider granting us permission to tap into the sewer lines. There is a 10 inch forced main that runs right in front of this property that we would propose to use. I have forwarded sketches and this drawing to Mr. Toombs and Mr. Wright. Mr. Toombs also sent me a proposed sample contract that he would like to use for these types of projects.

James H. LaMaster makes a motion to second by Danny F. Yost. 5-aye, 0-nay motion approved.

GREG FIFER, (Attorney at Law): Representing Steve Hines, Plum Creek Development, wants to purchase water taps in advance, he wants to purchase 38 water taps. He submitted a check to the Clerk-Treasurer's Office and was told to contact the Council about this matter. Mr. McCall, (Town Attorney), advises that he believes there is a limit about making this type of purchase. McCall will look it up and get back with Fifer.

AL MILLER, (Property Owner): I am the owner of CFEE Corporation and I am here to ask to open up Parallel Avenue, which is on the Southside of my cooperation. I have a letter from Applegate and Mull and they determined that this is has been platted but has not been opened. I also have a survey done by Paul Moffet that shows the boundaries on this street and have a drawing of how this 24 foot wide street will go in; nine inches of base, 2 inches of asphalt, one inch of surface asphalt and two-foot gutter on both sides.

Glen Wisdom speaks against opening the street. Bob Amos speaks against opening the street. Gary Kelly, speaking for his mother, speaks against the opening. Dixie Harvey speaks against the street. Ray Beyers speaks against the opening of the street.

Danny F. Yost makes motion to deny extension of the street, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

PAN VOELKER: Has storm drainage problem behind her home, 637 Alabama, and would like the town to check it and see if it can be improved. Rob Schettler, 641 Alabama lives next to

Sellersburg Town Council Meeting

July 14, 2003

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Voelker and speaks about the drainage problem. Would like someone from the town to come and evaluate the situation.

JOHN BOLLY: requesting a sewer adjustment for the filling of his pool. He filled his pool in April. James H. LaMaster makes a motion to adjust the sewer portion of Mr. Bolly's bill, seconded by Kenneth E. Barnes. 5-aye, 0-nay, motion approved.

HERBERT WOODS, Jr. Pool adjustment, James H. LaMaster says there are several here, (Lonita Landers, (Keith) Coats and Martha McMahel for pool adjustments. James H. LaMaster makes a motion to adjust the sewer bills of these folks on the agenda, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

STEVE GRESS, (Engineer for EMC): Amendment # 2 to Owner and Program Manager Agreement. Our position is to negotiate fees with the engineers, selected by the Town, to design the wastewater treatment facilities. We have negotiated in the past few months based on the scope of work that was going to be acceptable, we negotiated fees and what I am presenting is an amendment to the Program Management Agreement for reimbursement of the engineering fees for final design for wastewater treatment plant improvements, this is a straight reimbursement there is no fees associated with this.

I have three copies of the amendment here, what it is for, I don't know if you want me to read through the amounts or I can just present – President Imhof states, “go ahead and read it if you don't mind.”

The engineering service is a lump sum amount of \$250,000.00 (two hundred fifty thousand dollars) for the wastewater treatment plant preliminary design. The plant design is \$200,000.00 (two hundred thousand dollars) and for the bidding services \$25,000.00 (twenty-five thousand dollars) totaling \$475,000.00 (four hundred seventy-five thousand). This amount is approximately \$58,000.00 (fifty-eight thousand dollars) less than the initial proposal for the engineers.

The impact at this point, I have negotiated a three-month reduction in the design time, the overall impact is I think our schedule is about one month behind the schedule.

Once I get your approval then I can sign our task order and let the engineer get started, so until I get your approval I cannot proceed because we do not have the authority to pay them.

James H. LaMaster makes a motion to approve Addendum to Amendment #2, there being no second the motion dies for lack of a second.

PHIL THOMPSON, (EMC): First, I want to make sure you understand that your construction project is basically stopped with this thing.

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Since moving into the old bank building with the police department, we are seeking some direction on what we should be doing with the utility bills. I would like to pay 25% of the bill and would like not to exceed what we were paying as our portion in the Town Hall. We are now occupying less area.

Kenneth E. Barnes, Sr. makes a motion that they pay the same percentage there that they paid here (Town Hall) 2/3rds of the utility bills at the new police building, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

For some time we have been having discussion on our contract that was approved on January 13 of this year. We had a meeting in May with Mr. LaMaster and Mr. McCall and a couple of us here in this room, there were twenty-nine issues the attorney had and if my memory serves me right we came to pretty well understanding with the exception of one item which we had taken care of. I guess the bottom line is, twenty-nine issues I am prepared to discuss them, we prepared to move forward right now, our operating cost climb the same as everything. The main thing is we want to get this cleared up and I am prepared to discuss the twenty-nine issues. We are billing the Town based on the new contract and the clerk-treasurer is paying the old because there is still this unknown so what I want to see the Board to direct or tell the clerk-treasurer to be paying the new contractual amount, which would be retroactive to January 14, the day after the contract was approved.

Attorney McCall states, my understanding because of simply the public's interest in these twenty-nine issues that EMC was going to not make the Town Council address them to you but you were to address each of them to the Town Council and then the Town Council was going to be asked at some point to basically confirm what you think has already happened. That is my understanding of what happened at the meeting we had, Jack Danks was here, yourself, Tom, Tim the whole group was here. So if I am wrong somebody please correct me, Jim you were there, I think that is what we agreed to and I thought that was what was going to happen today.

I assume you have seen the response to the twenty-nine issues, I don't know if you have or not, have you seen it? Then I guess it has not been circulated to me only then and it has not been circulated to the Town Council.

Phil Thompson request that the clerk-treasurer be directed to paying the new fee because the new contract is in effect and it should be retroactive to January 14.

Tim Crawford, Regional Manager for EMC, and if it would help clarify the issues for the public and the council, of those that feel like the contract has been voted and approved, we will be more than happy to go through the twenty-nine issues one by one. [Tim Crawford and Phil Thompson then read into the minutes the questions and answers to the EMC Contract. (Twenty-nine issues and responses were read and are attached to these minutes.)]

Imhof asks, "Do we have a motion to instruct the Clerk-Treasurer to make adjustments to the

Sellersburg Town Council Meeting

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monthly fee, retroactive to January of this year?" James H. LaMaster, I so move because the contract was signed on that date and to honor the contract I make a motion that we honor the contract. Imhof, "Motion on the floor by Jim to compensate EMC per Jim's request, retroactive to January of this year, do I have a second? Edward D. Denton makes a second. 3-aye, 2-nay, motion is approved.

WILLIAM P. McCALL, III, (Town Attorney): This is to bring something to your attention; I know that the addendum or the amendment to the project, owner/program manager deal for the wastewater treatment plant expansion did not get a second on that. But realize that you are still under the deadline with IDEM regard to the expansion that you also, pursuant to that original agreement, you basically agreed to provide for the engineering services both preliminary and final. I don't know if there is some confusion about what was happening or that type of thing but it is the next logical step to stay in line with the time requirements. Just an observation and so you know that we don't want to get into a situation where we are not able to take in the customers.

Jay Wyzard is here, he was not able to get on the agenda, but I want to use my brief time to ask the Town to approve an appraiser to do the second appraisal for the property. It has to be done for the statute, and I told him I would allow that to occur and I've got that information Jay if you want me to present it. There are three appraisals, the lowest is \$1,200.00 (twelve hundred dollars) and I suggest you take the lowest appraisal. It has to be done. James H. LaMaster makes a motion to accept the low bid on the appraisals, seconded by Kenneth E. Barnes. 5-aye, 0-nay, motion approved.

McCall, what wasn't mentioned in the twenty-nine issues is that we need to do an amendment to the contract that you just basically, finally, approved the compensation etc. which basically Ice, Miller, our bond council has recommended basically said has to be in the language of the contract. EMC has agreed to do that I am going to submit that to them tomorrow, basically it, one of the important paragraphs is that the agreement cannot exceed a certain percent of the total compensation and one other important part is that it can be terminated without cause or penalty at the end of the third year. This needs to be inserted in there. I'll submit this to them, just to let you know that it does need to be negotiated and finalized.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to pay the bills as submitted. Danny F. Yost makes a motion to pay the bills, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

I have a bill from Town Attorney McCall to pay Vissing and Grayson, LLP for mediation on the sewer lift station; Clark County Charlestown Library vs. Town of Sellersburg, this bill is \$809.40 (eight hundred nine and 40/100 dollars). Danny F. Yost makes motion to pay the \$809.40 (eight hundred nine and 40/100 dollars).

Have a bill from S. K. Wilson and Associates for \$9,124.25 (nine thousand one hundred twenty-four and 25/100 dollars) and for the Council to transfer funds from the Sanitation Department,

Sellersburg Town Council Meeting
July 14, 2003
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there is \$10,000.00 (ten thousand dollars) in that fund that can be transferred. McCall can prepare a transfer of funds ordinance for the next meeting.

Kenneth E. Barnes, Sr. makes a motion to pay the \$9,124.25 (nine thousand one hundred twenty-four and 25/100 dollars), seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

NATHAN GRIMES, (Building Commissioner): Silver Glades sub-division, David Blankenbeker, submitted plans it was not up to the standard required so I told him what he needed to do and he is going to get back with me.

This is something for property insurance ISO (Insurance Services Office Incorporated) which they rate a Town on Fire protection and Building Codes. There is a big form to fill out to be regraded; it will make the insurance rates in Town go down lower. It cost \$55.25 (fifty-five and 25/100dollars) to do the paper work and send back in. Danny F. Yost makes a motion for \$55.25 (fifty-five and 25/100), seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

Have stuff from Sharon Wilson about the annexation and I have not had time to look at it but I did notice a couple things that need to be corrected.

I submitted, as requested, a Building Commissioner Contract renewal, I think each of you had it in your box, I will ask your approval of that. Danny F. Yost makes motion to table this until next month.

KEITH COATS, (Police Commissioner): About four months ago we submitted our hiring policy, I would like for you to approve it. If you want the police commissioners to do the hiring then you need to pass an ordinance giving us that authority.

Danny F. Yost states, "you are asking, one, to approve the hiring, which ever way we go and the second thing is the hiring practice. Danny F. Yost makes a motion that the police commissioners do the hiring of the police officers, seconded by Edward D. Denton. 3-aye, 2-nay, motion approved.

Coats asks that the hiring procedures and policies that we established and passed on in our meeting, that we turned over to you all about four or five months ago, to approve them. Danny F. Yost makes motion to approve the hiring practices, seconded by Edward D. Denton. 3-aye, 2-nay, motion approved.


LOUIS R. IMHOF, Jr. (Council President): I need the Council's guidance on what they want to do about the, earlier we had a motion that died by lack of a second, on the good faith engineering fee negotiation with EMC and I need to know what they want to do, because right now the plant construction is in limbo. I don't know what they want to do, so I will need some kind of idea on what the Board wants to do.

Sellersburg Town Council Meeting
July 14, 2003
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McCall says to at least give these people an idea of what you want them to do.

Steve Gress advises that they are continuing negotiations between the Town and Jacobi, Toombs and Lanz and we will have that completed by next month.

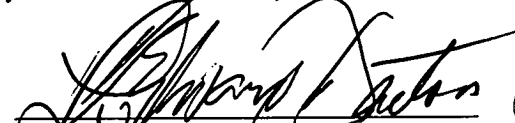
Danny F. Yost makes motion to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved and meeting adjourned at 10:02 P.M.



LOUIS R. IMHOF, JR., President



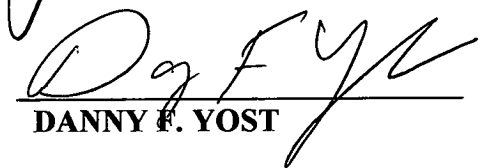
KENNETH E. BARNES, SR. Vice-President



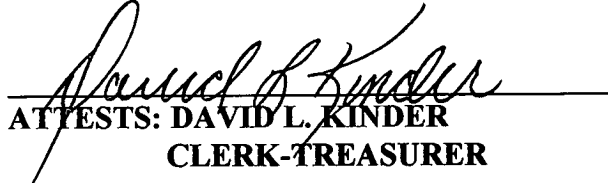
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK-TREASURER

Attachments: Questions & Answers to EMC contract.

To: Tim Crawford
 From: William P. McCall III, Sellersburg Town Attorney
 Re: Proposed Agreement for Contract Operations, Maintenance and Management of the
 Town of Sellersburg, Water, Wastewater and Utility Billing/Collection Systems
 Date: January 10, 2003

I have reviewed the proposed Agreement. I have the following comments or concerns:

- 1.) As I thought the fixed compensation contained in the August 28, 1995, Agreement was \$536,482 annually. The Proposed Agreement calls for \$1,046,306.72 annually. This is an increase of \$509,824.72 over the last 7 1/2 years. How can this be justified?
- 2.) Page 2 which begins "Clean, maintain..." no longer contains the provision "on a daily basis." Why?
- 3.) Lineal feet estimates: What was the method used to determine lineal feet numbers used in the estimate?
- 4.) Page 3, which begins "EMC shall not be responsible, If the defect or condition is a result of the EMC's negligence or its failure to act in a timely manner, I do not believe the notification provision should be applicable. Further what type of notification procedure is to be used?

Who makes the determination what an "appropriate corrections" is?

The previous contract included a list of major defects currently existing in the system. Will there be an updated list of major defects?
- 5.) Regarding billing and collections. The previous contract called for a daily report Why has this changed?
- 6.) Project management and staffing. The previous contract called for at least 13 employees. Also, the previous contract stated all management staff shall have or be working on their Indiana Operator license. Why the change?
- 7.) Maintenance Management: Add the provision, "A copy of this record should be provided at the beginning of the year and at the end of the contract year to the Clerk/Treasurer.
- 8.) Information Systems, Office/Laboratory Equipment, Alarm and Safety Equipment. This paragraph has been changed. Any upgrade to the computer hardware or software will be accomplished through the use of the maintenance and repair cap. The previous contract does not contain the provision that the

Dec 31, 2002
 memo date: June 4th

maintenance and repair accessed for this purpose. Also the previous contract calls for EMC staff to be properly trained in the use of the Town's computer system. However, I believe the last matter should not be a concern of the Town since it involves EMC personnel and their job performance.

- 9.) Fines: Appendix A has several items/changes which need to be explained.
- 10.) Sludge Management and Sludge Disposal. Previous contract called for use of a local landfill.
- 11.) Capital Budget Submission: This provision has been changed. The previous contract called for EMC to annually provide recommendations regarding additions or deletions from the Town's scheduled program. EMC will provide detailed rationale for any changes or additions and preliminary cost estimates. Why has this provision been excluded?
- 12.) Inventory. Who is responsible for verifying the inventory list? Previously the Town was given 20 days to verify this list. From an accounting prospective (State Board of Accounts) shouldn't this list be verified?
- 13.) In regard to licenses, permits etc., the new contract calls for the Town to maintain these at its cost, the previous contract did not.
- 14.) Town Insurance. This calls for the Town having to provide Commercial General Liability insurance. Why?
- 15.) Fixed Compensation
- 16.) Why does the contract now call for application of the CPI for Midwest Class D? The previous contract used the CPI for North Central Class D. Is there a difference in the two?

Further, the Town Council does not understand why the annual compensation is negotiated every year. The annual increase to the contract if any should be directly related to the increase of lineal feet of lines. It is not believed that the increase in the annual compensation to EMC is in proportion to the increase of customers etc. EMC continues to operate with the same number or fewer employees as when the contract was first negotiated. A 3% to 6% increase annually, or a automatic 6% is not good business for the Town.

- 17.) Electricity and Natural Gas Adjustment: The following provision has been excluded from the new contract, "This amount will be adjusted whenever there is a change in electricity rates, retroactive to the date of the change. During any contract year, 25% of amounts expended by EMC which aggregate to a total

- 21.) Other Compensation Terms: Previous provision called for EMC to pay 2/3 of utilities at Town Hall. This provision is now in the new contract. Why?
- 22.) Staffing. The new contract does not require EMC to have at least 13 employees.
- 23.) The previous contract contained "EMC's Guarantee of Service Excellence" The new contract does not contain this provision. Why?
- 24.) Sales Tax/Corporate Tax. This provision of the previous contract has been changed. It appears the clerk/treasurer's office is now responsible for paying all such taxes. EMC will only deposit the collected taxes in the proper account.
- 25.) Termination. This provision of the previous contract has been changed. In the old contract the Town has the right to seek termination of the contract upon material breach. EMC has 90 days to correct the material breach.
- Further, the Town had the right to cancel without cause after the expiration of one year five months. This is not part of the new contract.
- Under the new contract a determination of what constitutes a breach is subject to Arbitration. Undoubtedly, any allegation of material breach will wind up in arbitration. If the Town agrees with the arbitration provision, rather than allowing 90 days to correct the breach, if the breach is upheld, the Town should be allowed to terminate immediately.
- 26.) Extension. The only option the Town has under the new contract is for a 5 years extension. Under the old contract the extension range was from 1 to 5 years.
- 27.) Liabilities not assumed. This provision is not contained in the old contract. Why is the provision in the new contract? I do not agree with this provision because it limits the type of damages the Town can seek and it is more likely that EMC, rather than the Town will engage in conduct which would warrant such damages. Why waive the ability to seek damages if warranted?
- 28.) Appendix A is completely changed.
- 29.) The new contract does not contain a Facilities Description.

SELLERSBURG CONTRACT ISSUES

The following are the responses to your comments:

1. Actually the compensation in 1995 was \$746,076.00. The compensation has been negotiated with the previous and the present Town Board.
2. Issues may prohibit daily attention. Inclement weather, emergencies, etc.
3. Methods used typically include: Measuring footage on the maps; checking with the Town Engineer; checking mileage of streets and alleys where water/sewer lines exist.
4. Per contract negotiations.

The notification process may be verbal, written or electronically communicated. If the Town Council prefers a specific method of notification, that method shall be used.

Just as the Town seeks professional engineering and legal assistance, they have sought professional assistance for their water and wastewater issues. That professional assistance is utilized to determine "appropriate corrections."

A copy of the present study of the collection system will provide the Town with identified major defects. It should be understood the collection system isn't visible, so defects forming since the study won't necessarily be known.

5. Daily reports have and will continue to be submitted.
6. Per contract negotiations.

According to the State of Indiana regulations the facility manager in responsible charge will be certified or working towards certification according to the facility rating. All managers to date have been certified at the facility rating or above.

7. This information is in the monthly reports given to the Town Board and the Clerk Treasurer.
8. Provision for the maintenance and repair (M&R) cap exist and will continue to be followed. The equipment when purchased through the M&R account has been and will continue to be the property of the Town.

9. Flows and loadings have been changed to more accurately reflect current conditions, as of 2002.
10. Sludge has been and will continue to be disposed of in the Metropolitan area.
11. Per contract negotiations.
12. The inventory list represents inventory on-hand at the beginning of the calendar year. If the Town or The State Board of Accounts chooses to verify the list, that is their option.
13. Licenses, permits, etc., are in the name of the Town and are the Town's financial responsibility. The Town has always assumed this cost.
14. Per contract negotiations.
15. Per contract negotiations.
16. The **Consumer Price Indexes (CPI)** is based on the economy in the specified part of the nation. Sellersburg is in the Midwest Class D region.
17. Per contract negotiations.

The current compensation for electricity and natural gas is not \$131,929.90; it is \$151,727.00 according to the letter to the Town dated January 9, 2002, signed by the president of the council after approval on January 11, 2002.

Once again we are requesting the increase based on actual expenditures during a twelve-month period ranging from October 2001 to September 2002. Documentation associated with this request is available.

The 2/3 charges for electricity/utilities for the Town Hall are not in the contract, because we are no longer at the Town Hall. We will pay electrical/utilities costs based on the percentage of the area we utilize in the new billing/Police office.

18. The verbiage was redundant. If EMC is going to pay for M&R expenditure under \$2,000.00 through the monthly compensation it only makes sense anything over \$2,000.00 will be paid through the Town's capital expenditure or some other account. The procedure has not changed.
19. Per contract negotiations.
20. The Agreement between the Town and EMC began in 1995. Since that time annual Flows and Loadings have fluctuated from year-to-year. Typically,

these fluctuations are a result of weather conditions. Examples of fluctuation extremes are: Flow 58% of design in 1995 and 98% of design in 1996; BOD 53% of design in 1998 and 37% of design in 1999; TSS 38% of design in 1995 and 51% of design in 1996. Percentages of design for 1995 and 2002 are: 1995 Flow 58% and 2002 87%; 1995 BOD 38% and 2002 30%; 1995 TSS 38% and 2002 39%. As these annual fluctuations occurred, neither party to the Agreement opted to renegotiate the terms of the Agreement. The Agreement would have been renegotiated in six out of the seven years had terms of the Agreement been renegotiated.

Basically, the preceding information doesn't support your comments. Flow/loading and subsequent compensation increase in EMC compensation will occur, if flows/loadings are greater than ten percent.

All other changes were made per contract negotiations.

21. See response to question 17, paragraph four.
22. Refer to response to question #6.
23. Per contract negotiations.
24. This provision was changed based on the recommendation of the State Board of Accounts and the Clerk Treasure. This has been the procedure for months previous to the new contract.
25. Per contract negotiations.
26. This clause can be utilized by the Town to extend the contract by five years, without any changes to the existing contract.
27. Per contract negotiations.
28. Refer to item #9
29. The facility has not changed since the original contract was signed, furthermore, it is getting ready to go through and upgrade, which will change the description.

SELLERSBURG TOWN COUNCIL

August 11, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on August 11, 2003. Present for the meeting were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member James H. LaMaster, Town Attorney William P. McCall, III and Chief Deputy Clerk-Treasurer Michelle D. Eve. Also present was Chief of Police Michael L. Stricker. Council Member Danny F. Yost showed up at 6:10 p.m. and Council Member Edward D. Denton showed up at 6:47 p.m.

CALLED TO ORDER:

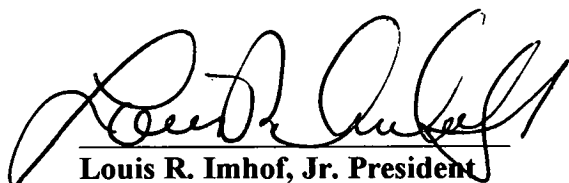
President Louis R. Imhof, Jr. called the meeting to order at 6:04 P.M.

TOPICS OF DISCUSSION:


Annexation of Sellersburg Stone
Sellersburg Library Lawsuit
Proposal for the Swim Team
Discussion reference Police Commissioners Ordinance that was passed at last months meeting
Striping of intersections

Kenneth E. Barnes, Sr. makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 6:52 P.M.


The Town Council certifies that no matter was discussed in the executive session other than the subject matter specified in the public notice.



Louis R. Imhof, Jr. President



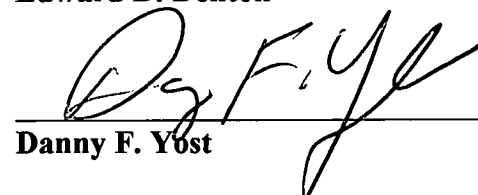
Kenneth E. Barnes, Sr., Vice President



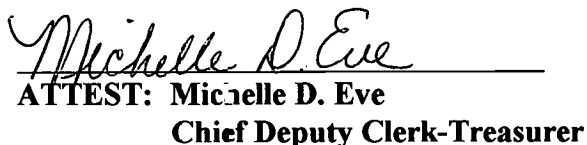
Edward D. Denton



James H. LaMaster



Danny F. Yost



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

August 11, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met August 11, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Chief Deputy Clerk-Treasurer Michelle D. Eve.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:02 P.M.

PRAYER:

Offered by Reverend Father Paul Richert, St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR MEETING:

Motion is made by Kenneth E. Barnes Sr. to approve the minutes of the July 14, 2003 Council Meeting, seconded by Danny F. Yost. **Approved 5-0.**

Joe Olson: Reference Dental Insurance quotes for Town Employees that he would like for the Council to review for next months meeting.

Tim Kelly reference vacating undeveloped Parallel Avenue: Not present.

Debby Elswick: Reference rezoning property located at 1902 Payne Koehler Rd. from R-1 to R-3. McCall advised he would prepare the ordinance to be approved at the September meeting.

James Lamaster makes motion to approve the rezoning of property located at 1902 Payne Koehler Rd. from R-1 to R-3 and to ratify at the September meeting. Seconded by Kenneth E. Barnes Sr. **Approved 5-0.**

Danielle Chancey, 724 S. Forrest Dr.: Was not present and Keith Coats spoke on her behalf requesting a pool adjustment for her new pool which used 25,000 gallons of water and also for her sprinkler.

Danny F. Yost made motion to approve pool adjustment for Danielle Chancey, seconded by James H. LaMaster. **Approved 5-0.**

Sellersburg Town Council Meeting

August 11, 2003

Page 2 of 6 pages

Ken Alexander, 701 E. Utica St.: Reference a citation he received from the Building Commissioner for a junk vehicle in his yard. Mr. Alexander advised that the vehicle is on private property and requests a letter stating that he is uncited. Mr. McCall advised Mr. Grimes, Building Commissioner, that he could not give a citation for the vehicle being on private property. Mr. Alexander advised that he does not need a letter stating that he is uncited, but requests that the two other residents that received citations be notified that they are no longer cited.

Tom Lowe: Advised Council on some items that the new Court would need and renovations that would need to be done to the Police building for the new Court. Mr. Lowe advised the following are some things the new Court would need: Offices, chairs, desks, telephones, copier, fax machine, computers with printers and networking, software (that would cost approximately \$10,000.00), a filing cabinet system, start up supplies and a court reporter/administrative assistant and the room would need re-carpeted. Mr. Imhof advised Mr. Lowe that there would be a budget meeting on August 19, 2003 and to get some figures together for the meeting.

Dale Skaggs with Sellersburg Celebrates: Requesting a \$5,000 donation for Sellersburg Celebrates.

Kenneth E. Barnes Sr. makes motion to donate \$5,000 to Sellersburg Celebrates, Seconded by Danny F. Yost. **Approved 5-0.**

John Toombs with Jacobi, Toombs & Lanz: Requests the Council's approval of Amendment No. 2 between the Town and EMC so they can hire Tetra Tech to do preliminary design, final design and bidding services on the Waste Water Treatment Plant.

Motion by James H. LaMaster to approve Amendment No. 2 between the Town and EMC so they can hire Tetra Tech to do preliminary design, final design and bidding services on the Waste Water Treatment Plant, Seconded by Barnes. **Approved 4 Yea – 1 Nay (Yost)**

John Toombs: Requests the Council's approval of Amendment to Master Agreement, Task Order No. 1, which is for continuing to make reports every three (3) months to IDEM for the Compliance Plan until entire project is complete.

James H. LaMaster makes motion to approve Amendment to Master Agreement, Task Order No. 1, which is for continuing to make reports every three (3) months to IDEM for the Compliance Plan until entire project is complete, Seconded by Kenneth E. Barnes Sr. **Approved 5-0.**

John Toombs: Requests the Council's approval of Task Order No. 2 to perform design, survey, plans, easements, specifications, acquire easements and full-time inspection services during construction of the Sanitary Sewer Collection System.

Sellersburg Town Council Meeting
August 11, 2003
Page 3 of 6 pages

James H. LaMaster makes motion to approve Task Order No. 2 to perform design, survey, plans, easements, specifications, acquire easements and full-time inspection services during construction of the Sanitary Sewer Collection System, Seconded by Kenneth E. Barnes Sr.
Approved 5-0.

John Toombs: Request's the Council's approval of an addition to the agreement for the I-65 Utility Relocation Project under construction engineering in an amount not-to-exceed \$10,800, which has already been approved by INDOT, and they pay 100%.

Motion by Kenneth E. Barnes Sr. to approve an addition to the agreement for the I-65 Utility Relocation Project under construction engineering in an amount not-to-exceed \$10,800, which has already been approved by INDOT, and they pay 100%, Seconded by Danny F. Yost.
Approved 5-0.

Kevin Wright w/EMC: Requests the Council approve bill for \$7555.00 to Bastin Logan to have #3 Well televised, cleaned and re-televised.

Motion by Kenneth E. Barnes Sr. to approve bill for \$7555.00 to Bastin Logan to have #3 Well televised, cleaned and re-televised, seconded by James H. LaMaster. **Approved 5-0.**

Kevin Wright: Requests the Council approve to have Well #1, which was hit by lightening, which should be covered under insurance, except for the deductible, we would like for it to be T.V.'d and Bastin Logan said since the pump was already out getting repaired, they would re-T.V. it for \$650.00, if the casing is stopping up, to clean it would be \$5,000.00, and once they get it cleaned, they re-T.V. it again for another \$650.00.

Mr. LaMaster stated that if it is under \$2000.00 then EMC doesn't have to come before the Council. Mr. Wright advised that this would be a Capital Expenditure. Mr. McCall asked Mr. Wright if it was a Capital Expenditure and Mr. Wright advised that it was out of their scope and not something they do on a regular basis.

Danny F. Yost makes motion to approve the payment pending whether it's a Capital Expenditure or the Town bears the cost for \$650.00 on #1, seconded by James H. LaMaster. **Approved 5-0.**

Kevin Wright: Bids on replacing sand filters. Bid from Trinity for \$26,920.00. Bid from Bastin Logan for \$28,920.00. Trinity is the lower bid, but after reviewing the amount of sand that they were going to put back in to the filters, they were five inches short, and by bringing it back up to the standard level of sand, their bid would require another \$2,500.00 worth of expense. So Bastin Logan, even though they are higher on the bids, their bid is the better one because it's replacing all the sand that is required.

Sellersburg Town Council Meeting

August 11, 2003

Page 4 of 6 pages

Motion by Kenneth E. Barnes Sr. to have the Logan Company come in and replace the sand at the water plant for \$28,920.00, seconded by James H. LaMaster. **Approved 5-0.**

Kevin Wright: Requests the council to approve an ordinance to approve the water taps that were approved by the I.U.R.C. also asked about waiving the costs of the double disconnects. Mr. McCall stated that he would get an ordinance together.

James H. LaMaster makes motion to approve the increase in the water tap-ins for I.U.R.C., Seconded by Danny F. Yost. **Approved 5-0.**

William P. McCall asked Michelle Eve for the Ordinance Number for this. The Ordinance Number will be 2003-014.

Michael L. Stricker, Chief of Police: Requesting approval of bill to G&PZ Computers for \$745.00 for a computer server and another bill for Steve Cooper, former Reserve Police Officer, for \$425.00 for equipment that he bought to be a Reserve, that he no longer needs.

Kenneth E. Barnes Sr. makes motion to approve \$745.00 for the server and \$425.00 for the equipment that Steve Cooper does not need since he quit the Reserve, Seconded by Danny F. Yost. **Approved 5-0.**

Nathan Grimes, Building Commissioner: Issued Building Commissioners report and asks if anyone has any questions.

Requests approval of his contract for Building Commissioner services for this year. Mr. Imhof advised that he has not had a chance to look at it and requests to table it until next month.

Per Chief Stricker's request, back in March, I took bid's on sidewalks at the Police Building and I have that information. There were four bids and the lowest was \$7523.00 by Terra Cotta Rehab, the highest was \$11, 197 by AML. There was two in between there by Cab-X and Hecker's Concrete Construction and it was not approved back in March because of the budget problem's and I bring it before you now to see what you want to do. I told all the contractor's that it was not approved. Kenneth E. Barnes Sr. asked Mark Warren if we have the money and Mr. Warren advised that we have several different funds. Mr. Warren advised Mr. Grimes that the bids would probably have to be re-submitted and Mr. Grimes advised that he thought they would be happy to go with that.

Kenneth E. Barnes Sr. makes motion to accept the bid of \$7,523.00 and repair the sidewalk at the Police Station, seconded by James H. LaMaster. **Approved 5-0.**

Sellersburg Town Council Meeting

August 11, 2003

Page 5 of 6 pages

Nathan Grimes: Requests his contract to revise the Town Zoning map be approved. This was approved at the Planning and Zoning meeting last month to come to you. The price is \$6,500.00.

James H. LaMaster advises he would like to hold up on this, because he has another price on this that is considerably less, and Mr. Imhof advises he would like to look at both of them and Depending on what the State comes back with on how much money we got. Table until next month.

Nathan Grimes: Reference retention basins in Silver Glades. The Council and John Toombs will look into this.

James H. LaMaster, Council Member: Reference a sign that was placed on top of the water tower that needs to be removed. Mr. LaMaster has an individual who will take it down and needs for Mr. McCall to speak with that person to see if he needs to sign a release for any liabilities. Michael Stricker advised the Council that if there is a cost incurred on that, to notify him so he can seek restitution because the Police Department made an arrest on that.

Michelle D. Eve, Chief Deputy Clerk: Requests approval of the bills.

Danny F. Yost makes motion to pay the bills, Seconded by Kenneth E. Barnes Sr. **Approved 5-0.**

Louis R. Imhof Jr., Council President: Request approval on Ordinance 2003-013, A Transfer of Funds regarding the Town of Sellersburg General Fund, to transfer the amount of \$10,000 from account 444, Garbage Containers, to account TC 314, Consulting Services. Motion to consider it on it's first reading.

Danny F. Yost makes motion to pass Ordinance 2003-013 on it's first reading, Seconded by James H. LaMaster. Approved 5-0.

James H. LaMaster makes motion to pass Ordinance 2003-013, Seconded by Danny F. Yost. Approved 5-0.

Mr. Imhof makes announcement of Special Budget meeting on Tuesday, August 19, 2003 at 6:00 p.m.

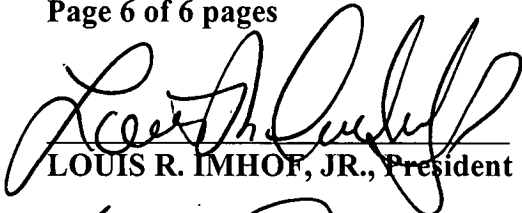
Mr. Imhof asks Mark Warren if it would be possible to get the intersections striped before cold weather sets in. Mr. Warren advised that he would need a list.

Danny F. Yost makes motion to adjourn the meeting, seconded by James H. LaMaster. Approved 5-0. Meeting adjourned at 8:35 p.m.

Sellersburg Town Council Meeting

August 11, 2003


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LOUIS R. IMHOF, JR., President




KENNETH E. BARNES, SR. Vice-President



EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

August 19, 2003

SPECIAL TOWN COUNCIL MEETING FOR 2004 BUDGET:

The regular Town Council met August 19, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, Clerk-Treasurer David L. Kinder, Chief Deputy Clerk-Treasurer Michelle D. Eve and Deputy Clerk-Treasurer Robin Jones.

Council Member Edward D. Denton was absent.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 6:08 P.M.

PRAYER:

No prayer was offered.

PLEDGE OF ALLEGIANCE:

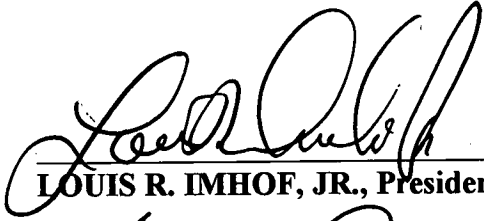
No Pledge of Allegiance recited.

Special Budget Meeting:

Discussion for the funding the new Town Court in the 2004 Budget. Kenneth E. Barnes made a motion to add one dollar into the appropriation to open it up. Imhof states, I have a motion on the table by Ken Barnes for the General Fund Court, Town of Sellersburg, to put a dollar in each one of these following categories for the 2004 estimate budget which would be Personal Services, Employee Benefits, which would be FICA and Medicare, Office Supplies, Operating Supplies, Repairs and Maintenance Supplies, Miscellaneous Service and Charges, under services and charges, Professional Services, Communications and Transportation, Utilities Services, and under capital outlays Improvements other than Building which would encompass office furniture and carpet and under other capital outlays, computers. Do I have a second to that motion? Danny F. Yost seconds the motion. 4-aye, 0-nay, motion approved.

President Imhof asks, "do I have a motion on the floor to approve the budget estimate of the Town Council General Fund for the calendar year 2004 as presented by the Clerk/Treasurer of , \$1,989,555.00 (one million nine hundred eighty-nine thousand, five hundred fifty-five dollars and no/100)?" Danny F. Yost moves we approve the budget for 2004 using the same figures that we did for 2003, seconded by James H. LaMaster. 4-aye, 0-nay.

Kenneth E. Barnes, Sr. makes a motion to close the meeting, seconded by Danny F. Yost. 4-aye, 0-nay meeting adjourned at 7:04 P.M.



LOUIS R. IMHOF, JR., President



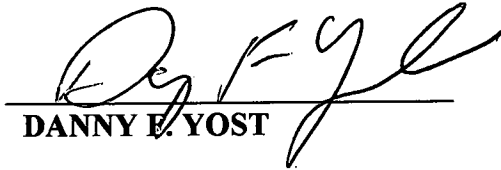
KENNETH E. BARNES, SR. Vice-President



EDWARD D. DENTON



JAMES H. LaMASTER



DANNY E. YOST



ATTEST: DAVID L. KINBER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

September 8, 2003

REGULAR TOWN COUNCIL MEETING

The regular Town Council met September 8, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Vice-President Kenneth E. Barnes, Sr. Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:02 P.M.

PRAYER:

Prayer offered by Reverend Larry Poe, Faith Community Church.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance recited.

Danny F. Yost made a motion to accept the minutes of the August 19, 2003 meeting, seconded by Edward D. Denton. 5 aye, 0-nay motion approved.

BOB LYNN, (Developer): Spoke about retention ponds in Silver Glades sub-division. Lynn agrees to dedicate two of the lots for retention basins, meeting the 100-year flood plane, as requested by Nathan Grimes, Building Commissioner for the Town of Sellersburg.

In addition, there was an agreement that property owners would not remonstrate against annexation if the Town ever decided to annex this area. I have not seen anything in writing about this from the Town.

LUCY GRAY: complaining about storm water drainage on Newberry Road, would like the Town to have engineer look at it and develop a plan to correct the problem.

JIM BARNETT: While in Florida, he was charged for water and sewer even though he was not at home.

In addition, there was a turn-off valve on his property that was above the ground and he struck it with his lawnmower and caused \$37.00 damage to his blades.

D. KEITH COATS: speaking for his daughter and son-in-law, Danelle and Greg Chancey for sewer adjustment for water used for lawn sprinkler. Motion by Edward D. Denton to approve the sprinkler system adjustment to the sewer bill. Motion dies for lack of a second. No adjustment will be given.

JAY WYZARD, (Semonin Realtors): Have the appraisals for the property on Villa Drive and

Sellersburg Town Council Meeting

August 8, 2003

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the old police station. We will come up with a joint appraisal for the properties. Recommend the Villa Drive property be sold on the open market, take private bids, and sell the police station at public auction.

Jay Wyzard introduces Rick Wardlow, Auctioneer, who is interested in selling the police station and gives the council information about selling the property at public auction.

President Imhof states the council will look over the information and discuss this at the next council meeting.

GLENNIS WISDOM, (President Sellersburg Parks and Recreation Board): Parks Board wants to decorate the gazebo on the Town property on South New Albany Street for Christmas and place the Town Christmas Tree in the gazebo. He also wants permission to place a 10 foot X 12 foot portable building on the property to use for a Santa House and after Christmas store the decorations in the building.

Motion by Kenneth E. Barnes, Sr. to permit the decoration of the gazebo and place a movable building on the property, seconded by Danny F. Yost. 5-aye, 0-nay motion approved.

PHIL THOMPSON, (EMC): Need to have a wetland delineation study for the Camp Chelan lift station to determine the flood plain, this study will not exceed a cost of \$3,200.00 (three thousand two hundred and no/100 dollars) without additional authorization from the council and would like the Council to approve Jim LaMaster sign the agreement with The Corrandino Group for the Proposal for Wetland Delineation since he is the liaison with the sewer department.

Motion by James H. LaMaster that I be authorized to sign it, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay motion approved.

Thompson submits a bill from Commonwealth Biomonitoring, Inc. for whole effluent toxicity test for \$2,000.00 (two thousand and no/100 dollars). Motion by Kenneth E. Barnes, Sr. to pay this bill, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

The flow-meter at the sewer plant is not working and we have estimates to repair it, if possible, for \$1,600.00 (one thousand six hundred and no/100 dollars) to \$2,000.00 (two thousand and no/100 dollars) or a new flow-meter at a cost of \$2,600.00 (two thousand six hundred and no/100 dollars) plus \$400.00, (four hundred and no/100 dollars).

President Imhof states this will be brought up at the next council meeting, after it is determined if the flow meter can be repaired or a new one must be purchased.

MICHAEL L. STRICKER, (Chief of Police): request permission to purchase a 2004 Police vehicle at a cost of \$20,929.21, (twenty thousand nine hundred twenty-nine and 21/100 dollars). We received an insurance check on one and a portion of it comes out of CCI, which is

Sellersburg Town Council Meeting

August 8, 2003

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Police autos, garbage packers and things like that. I would like for \$12,042. 87 (twelve thousand forty-two and 87/100 dollars), to come from that, according to Clerk-Treasurer's office there was only \$11,000.00, (eleven thousand and no/100 dollars) appropriated and during that meeting Mr. McCall said not to put a set price on it just make a motion to purchase the car.

Edward D. Denton makes a motion to take \$11,000.00, (eleven thousand and no/100 dollars) from CCI fund, the insurance check and the remainder from the police budget, approximately \$1,000.00, (one thousand and no/100 dollars) to pay for the new police car, seconded by Danny F. Yost. 3-aye, 2-nay, motion approved.

NATHAN GRIMES, (Building Commissioner): Are there any questions about the Building Commissioner's Report?

Have change orders for the police station sidewalks. Mark Warren and Chief Stricker wanted to add to the sidewalk improvement making the new total \$12,961.00, (twelve thousand nine hundred sixty-one and no/100 dollars), the original bid being \$7,523.00, (seven thousand five hundred twenty-three and no/100 dollars).

President Imhof states this will be discussed at the next council meeting.

I presented contracts for providing the Town Zoning Maps update and the Building Commissioner's Contract. I am asking you to approve these. President Imhof will table this until next meeting.

WILLIAM P. McCALL, III, (Town Attorney): Last meeting we had members of the YMCA asking the Town to act as a sponsor for a bond issue they were going to do for a project at the YMCA. The Town Council President and the Clerk-Treasurer need to sign off on these various documents to finalize this particular bond issue. They are in the blue section and require several signatures and attests by the Clerk-Treasurer.

Reference the banner on the water tower, we need to have a contract with him (Steve Theieneman), make certain there is a waiver of liability, I checked with the Town's insurance provider and they have no problem with the waiver as long as that was in place and we need approve the \$500.00, (five hundred and no/100 dollars).

Chief of Police Stricker advises that the young man was on probation with Floyd County Juvenile Department, I talked with them today, they have not done anything with it, but they are going to file for restitution. "I guess the Town will pay it and the parents should be responsible to reimburse the Town."

James H. LaMaster makes a motion to have Mr. Theieneman remove the banner from the water tower, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting
September 8, 2003
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Jack Vissing, an attorney for the Dreyer's, for a proposed amendment for weight limitations for public streets in Sellersburg; I gave you (Council members) and the Chief of Police a copy of the proposed ordinance to look at for discussion tonight.

Attorney McCall will get with Chief Stricker and Mark Warren, Street Department, and will have an ordinance at the next meeting.

I have prepared an ordinance that amends ordinance 98-696: this is **ORDINANCE 2003-017, ORDINANCE AMENDING ORDINANCE NO. 98-696 REGARDING THE REGULATION OF FLOOD HAZARD AREAS IN THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG.**

Motion by Danny F. Yost to consider ordinance 2003-017 on its first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

Motion by Kenneth E. Barnes, Sr. to pass ordinance 2003-017 on its first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The Clerk-Treasurer asked for an ordinance for pre-approved payment of claims. I have prepared **ORDINANCE 2003-016, AN ORDINANCE ESTABLISHING THE PRE-APPROVED PAYMENTS OF CLAIMS ON BEHALF OF THE TOWN OF SELLERSBURG.**

Motion by Danny F. Yost to consider ordinance 2003-016 on its first reading, seconded by Edward D. Denton. 5-aye, 0-nay, motion is approved.

Motion by Danny F. Yost to pass ordinance 2003-016 on its first reading, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

The Clerk-Treasurer also asked for an ordinance to establish a fund for payment of the lease/payment of old PNC Bank. I have prepared an ordinance, **ORDINANCE 2003-015, ORDINANCE ESTABLISHING FUND IN REGARD TO THE PAYMENT OF LEASE/PAYMENT PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 101 SOUTH NEW ALBANY STREET, SELLERSBURG, CLARK COUNTY, INDIANA KNOWN AS "PNC BANK PROPERTY".**

James H. LaMaster makes a motion to consider ordinance 2003-015 on its first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion is approved.

James H. LaMaster makes a motion to pass ordinance 2003-015 on its first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

Last meeting you approved the changes to the water utility schedule or rates to be applied, Mr. Grimes filed a 30-day filing with the Indiana Utility Regulatory Commission you agreed to accept

those and put them in place, it needs to be codified and placed in your ordinance book. That would be **ORDINANCE 2003-018. AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE TOWN OF SELLERSBURG MUNICIPAL WATER UTILITY SCHEDULE OF VARIOUS WATER RATES AND CHARGES.**

James H. LaMaster makes a motion to consider Ordinance 2003-018 on its first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass ordinance 2003-018 on its first reading, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

You have contemplated annexation of two areas that are contiguous to municipal limits of the Town of Sellersburg, one of the areas been defined as Annex Area M and the other defined as Annex Area P. Before you can pursue annexation, you must develop a fiscal plan that provides for which services are needed for capital and non-capital for those areas. You contracted with S. K. Wilson to prepare those fiscal plans and they have been prepared. The next step for you is to adopt these written fiscal plans and I have prepared two resolutions to adopt the fiscal plans as they concern annex area P and annex area M.

Once the fiscal plans, if you adopt the resolution tonight, the next step will be to introduce the annexation ordinances, if you don't introduce them they cannot be acted upon. What will happen after this is notice will be sent, by certified mail, to each and every resident in those areas. A public hearing will be scheduled where they will get an opportunity to voice objections or concerns about the annexation. You cannot pass the ordinance less than 60 days after its introduction. So this will pend for another 60 days at least probably more by the time you get each and every resident certified mailed.

Kenneth E. Barnes, Sr. makes a motion to pass Resolution **R2003-004, (RESOLUTION ADOPTING WRITTEN FISCAL PLANS AND ESTABLISHMENT OF A DEFINITE POLICY "ANNEXATION AREA P" WHICH TERRITORY IS CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE TOWN OF SELLERSBURG)**, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass Resolution **R2003-005, (RESOLUTION ADOPTING WRITTEN FISCAL PLANS AND ESTABLISHMENT OF A DEFINITE POLICY "ANNEXATION AREA M" WHICH TERRITORY IS CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE TOWN OF SELLERSBURG)**, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

At the last meeting, Keith and Debbie Elswick were here about changing zoning for a piece of property on Payne Koehler Road and you agreed to do that for her. I have prepared a Resolution, **R2003-006, RESOLUTION AUTHORIZING ZONING CHANGE WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG, INDIANA.**

Sellersburg Town Council Meeting
September 8, 2003
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Kenneth E. Barnes, Sr. makes a motion to pass Resolution R2003-006, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Today I will introduce **ORDINANCE 2003-019**, WHICH IS AN ORDINANCE FOR THE ANNEXATION OF TERRITORY ADJACENT AND CONTIGIOUS TO THE TOWN OF SELLERSBURG KNOWN AS "ANNEXED AREA P" THIS ORDINANCE INDICATES THAT THE APPROXIMATE NUMBER OF ACRES IN SAID TERRITORY TO BE ANNEXED 239 ACRES, THAT THERE ARE NO SPECIAL TERMS, CONDITIONS FOR THE ANNEXATION OF THIS ADJACENT AND CONTIGIOUS PROPERTY, FURTHER THERE ARE NO TAX ABATEMENTS IN REGARD TO THE PROPOSED AREA OF ANNEXATION KNOWN AS "ANNEXED AREA P". THAT YOU HAVE AS THE SELLERSBURG TOWN COUNCIL DEVELOPED AND ADOPTED A WRITTEN FISCAL PLAN WHICH ESTABLISHES A DEFENATE POLICY TO BE APPLIED BY THE TOWN COUNCIL IN THIS PARTICULAR AREA. THIS MATTER WILL BE CONSIDERED AT AN OPEN MEETING TO WHICH THE PUBLIC WILL BE INVITED TO ATTEND AND PARTICIPATE AND PROPER NOTICES WILL BE SENT.

ORDINANCE 2003-020, DEALING WITH ANNEXED AREA M IS AN AREA WHICH DEALS WITH 349 ACRES, THERE ARE NO SPECIAL TERMS OR CONDITIONS FOR ANNEXATION OF THIS ADJACENT AND CONTIGIOUS TERRITORY AND THERE ARE NO TAX ABATEMENTS IN REGARDS TO THIS PROPOSED AREA, ALSO YOU HAVE ADOPTED FISCAL PLAN FOR THIS AREA AS REQUIRED BY 36-4-3-13. Those will be the two ordinances. There is no action tonight just the introduction.

I see that Joan Henderson is here and Ian Henderson is here on behalf of the Charlestown-Clark County Public Library. I sent correspondence to them hopefully they received it, indicating that I will present tonight, again this mediated agreement which back in February of 2003 the Town entered into mediation with Charlestown-Clark County Public Library in regard to a lift station that was placed on library property here in Sellersburg. There was an agreement that was mediated subject to the Town Council approval. You did approve the mediated agreement in March, however in the mean time there was a lawsuit filed by the Charlestown-Clark County Public Library against the Town of Sellersburg and various other individuals. I assume the various other individuals resolved their differences because Joan Henderson, on behalf of the library, and Ian have asked that we approve this mediated agreement and I indicated I would present it tonight.

I have been in contact with Kevin Wright, who was going to Purefield who are the business or group that are going to put the air-scrubber at the lift station at a cost to the Town of \$10,300.00, (ten thousand three hundred and no/100 dollars), before they can proceed they need a letter authorizing the purchase. So that is on the table tonight.

I can read of the mediated agreement it would be as before. The Town agrees to use power of

Sellersburg Town Council Meeting
September 8, 2003
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eminent domain to acquire adjacent property or real-estate if authorized under Indiana law the cost of said purchase to be borne by the library and all cost of legal services be negotiated between the library and the Town.

The Town agrees to put the air-scrubber on to deal with the issue of odor.

If you want to approve mediated agreement or re-approve the mediated agreement, I guess you can and Joan and Ian are here if they want to talk or you want to ask any questions.

Danny F. Yost makes a motion to approve the mediated agreement of February 26, 2003, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

Kenneth E. Barnes makes a motion to approve the purchase of an air-scrubber at a price of \$10,300.00, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to pay the bills. James H. LaMaster makes a motion to pay the bills as submitted by the Clerk-Treasurer, seconded by Danny F. Yost. 5-aye, 0-nay.

On September 18, 2003 at 7:00 P.M., there will be a public meeting to adopt the Budget.

President Imhof opens a public hearing reference the budget. There being no comments from the public present Danny F. Yost makes a motion to close the public hearing, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

KENNETH E. BARNES, Sr., (Town Council Member): Need grass cut at 313 Adkins Court and a home on Linnwood. Need for the Town to cut this grass and then file a lien, Nathan Grimes will take care of this matter.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved, meeting adjourned 9:15 P.M.



LOUIS R. IMHOF, JR., President




EDWARD D. DENTON



DANNY F. YOST



KENNETH E. BARNES, SR. Vice-President



JAMES H. LaMASTER



ATTEST: DAVID L. KINDER
CLERK-TREASURER

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

RECEIVED

JUL 19 2003

BY: *N. Grimes*

July 16, 2003

Mr. Nathan Grimes
Renaissance Design Build, Inc.
144 South New Albany Street
Sellersburg IN 47172

Dear Mr. Grimes:

The enclosed was approved in the Commission Conference on Wednesday,
July 16, 2003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry L. Webb".

Jerry L. Webb
Director of Gas/Water/Sewer Division

JLW/bjm
Enclosure

**Sellersburg (Indiana) Municipal Water Utility
Town Hall
Sellersburg, Indiana 47172**

Page 2 of 3

Schedule of Water Rates and Charges
(Pursuant to IURC Order in Cause No. 39064, October 9, 1991)

(d) Fire Protection Hydrants

(1) Private Hydrant (inside and outside Town) – per hydrant – per annum \$421.65

(2) Public Hydrant:

Inside Town – per hydrant – per annum \$421.65

Outside Town – monthly surcharge per customer within
1,000 feet of a fire hydrant \$ 2.35

(e) Temporary Users

Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

(f) Connection Charge

Each applicant shall pay a charge to cover the costs of excavating and tapping the main; furnishing and installing service pipe from the main to the lot line; furnishing and installing corporation and stop cocks; and furnishing and installing meter crock (if outside), yoke, and meter.

3/4" meter	\$665.00
1" meter	\$810.00

(g) Collection and Deferred Payment Charge

All bills for water service not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of ten percent (10%) on the first \$3.00 and three percent (3%) on the excess of over \$3.00.

(h) Reconnection Charge

When the service is turned off for non-payment of bill, or whenever, for any reason beyond the control of the waterworks, the customer shall pay a charge for re-establishment of service to cover the cost of discontinuance and re-establishment of service. The customer shall pay the charge together with any arrears due the waterworks before service will be re-established.

During regular office hours.	\$ 30.00
After hours, weekends and holidays.	\$ 40.00

APPROVED
PER CONFERENCE MINUTES

JUL 16 2003

Sellersburg (Indiana) Municipal Water Utility

Page 3 of 3

Schedule of Water Rates and Charges

(Pursuant to IURC Order in Cause No. 39064, October 9, 1991)

- (i) General Service Charge
This Charge will be made to cover the cost of any trip to the customer's premises at the customer's request for conditions on the customer's side of the meter.
- | | |
|------------------------------------|----------|
| During regular office hours. | \$ 20.00 |
| After hours, weekends and holidays | \$ 30.00 |
- (j) Security Deposits \$ 30.00
To secure the payment of the water bill, the Town of Sellersburg shall require the customer to pay in advance the sum of Thirty Dollars. Upon termination of water service by customer, said security deposit shall be refunded to the customer less any outstanding water bill due the Town.
- (k) Insufficient Funds Charge \$ 30.00
Payable when a customer's check is not honored due to insufficient funds.

APPROVED
PER CONFERENCE MINUTES

JUL 16 2003

Indiana Utility Regulatory Commission

SELLERSBURG TOWN COUNCIL
SPECIAL TOWN COUNCIL MEETING FOR 2004 BUDGET APPROVAL

September 18, 2003

SPECIAL TOWN COUNCIL MEETING FOR APPROVAL OF 2004 BUDGET;

A Special Sellersburg Town Council meeting was held on September 18, 2003, at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

Kenneth E. Barnes, Sr., Town Council Vice-President and Council Member Edward D. Denton were absent.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:04 P.M.

LOUIS R. IMHOF, Jr., (Council President): Opens the meeting stating that this meeting is to approve an ordinance for the appropriation and tax rates for 2003-04. I need a motion to consider on the first reading.

Danny F. Yost makes a motion to consider **ORDINANCE 2003-014, (ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR YEAR ENDING DECEMBER 31, 2004)**, on its first reading, seconded by James H. LaMaster. 3-aye, 0-nay, motion is approved.

Danny F. Yost makes a motion to approve **ORDINANCE 203-014** on its first reading, seconded by James H. LaMaster. 3-aye, 0-nay motion is approved

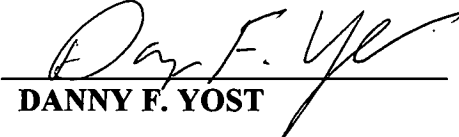
Danny F. Yost makes a motion to close at 7:15 P.M., seconded by James H. LaMaster. 3-aye, 0-nay, motion approved meeting closed.



LOUIS R. IMHOF, JR., President



EDWARD D. DENTON




DANNY F. YOST



KENNETH E. BARNES, SR. Vice-President



JAMES H. LaMASTER



ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

October 13, 2003

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on October 13, 2003. Present for the meeting were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Sr., Council Member Edward D. Denton Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, Clerk-Treasurer David L. Kinder, Chief of Police Michael L. Stricker and John Toombs (Jaacobi, Toombs and Lanz, Engineers, Inc.).

CALLED TO ORDER:

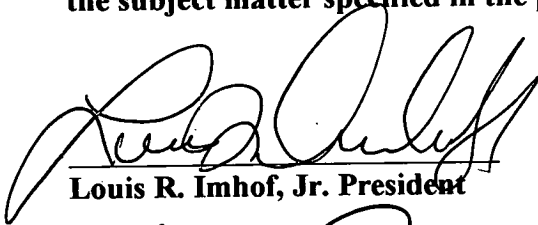
President Louis R. Imhof, Jr. called the meeting to order at 6:07 P.M.

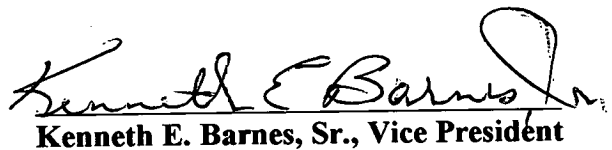
TOPICS OF DISCUSSION:

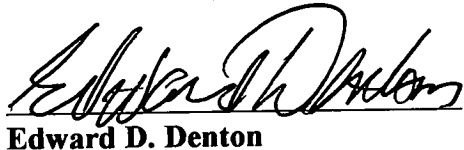
Annexation of Sellersburg Stone
Sellersburg Library Lawsuit
Litigation with Carl Dreyer.
Litigation with Clark County Library.
H.N.T.B. contract for fringe study.
EMC contract renewal.
Silver Creek Township Park water donation.

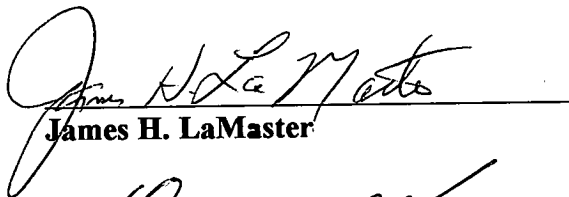
Danny F. Yost makes a motion to adjourn the meeting, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved and meeting adjourned at 6:52 P.M.

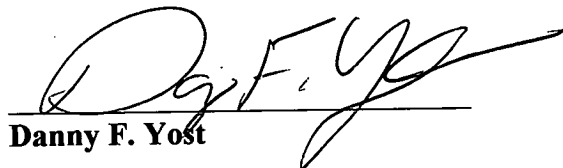
The Town Council certifies that no matter was discussed in the executive session other than the subject matter specified in the public notice.

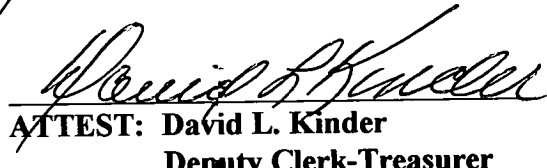

Louis R. Imhof, Jr. President


Kenneth E. Barnes, Sr., Vice President


Edward D. Denton


James H. LaMaster


Danny F. Yost


ATTEST: David L. Kinder
Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL

October 13, 2003

REGULAR TOWN COUNCIL MEETING:

The regular Town Council met on October 13, 2003 at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:03 P.M.

PRAYER:

Danny F. Yost offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

Doug Baldessari, (H. J. Umbaugh and Associates): Presents the Water/Sewer management reports for twelve months ending June 30, 2003.

In addition, the 1993 Water Bonds can be renewed as of December 1, 2003. James H. LaMaster makes a motion to have H. J. Umbaugh and Associates proceed with preparations for renewing these Bonds, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

LESLIE WALKER: Have a drainage problem behind her home on West Utica Street. The water is eroding her house, garage and has flooded her vehicle twice. She is requesting something be done by the Town to eliminate this problem. President Imhof directs John Toombs, Jacobi, Toombs and Lanz, to look into this problem and present his findings at the November 10, 2003 meeting of the Council.

MIKE GRAHAM: Complaining about the garage at 216 Allhands being used as an apartment and the renter is cutting across his yard and parking on his property. Mr. Graham has minutes of past Town Council meetings in 1986 stating that the building permit was only for a garage and not an apartment.

President Imhof advises that he and Building Commissioner Nathan Grimes will check into this and present their findings at the November 10, 2003 meeting.

JOHN MONGOLD: Have property on Poindexter and County Line Roads we would like to develop into twenty-five lots, we have taken to Kevin (Wright) everything necessary, agreement to the \$2,270.00 (two thousand two hundred seventy and no/100 dollars) tap in fees, no problem with the city annexating this property, we are about 400 feet from the existing manhole, we will

Sellersburg Town Council Meeting
October 13, 2003
Page 2 of 6 pages

probably have to put in a lift station, we anticipate somewhere between 70 and 85 lots. We agree to the \$600.00 (six hundred and no/100 dollar) additional tap fee.

DANIELLE CHANCEY: I presented facts before reference an adjustment to my sewer bill for watering of my yard this summer. Kevin Wright said that he has check and there are some records from February, March, April and May that can give an average usage.

Kenneth E. Barnes, Sr. makes a motion to adjust the sewer bill, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

JOHN TOOMBS, (Jacobi, Toombs and Lanz, Engineering, Inc.): Have a manhole at US 31 and Greenwood Road that needs to be filled. Have estimates from Terra Cotta Rehab for \$1,356.00 and Excel Excavating for \$1,650.00 (one thousand six hundred fifty and no/100 dollars).

James H. LaMaster makes a motion to accept the Terra-Cotta Rehab proposal of \$1,350.00, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Because of a Federal mandate, Phase II Storm Water Program, we, (Jacobi, Toombs and Lanz), entered into a contract with Sellersburg, Jeffersonville, Clarksville and Clark County and the application must be turned in by November 4, 2003. There are additional costs since the Rule 13, has been established, causing us to change things and caused additional expense. I request an addition to our contract of \$3,537.50 (three thousand five hundred thirty-seven and 50/100 dollars)

James H. LaMaster makes a motion to approve the addition to the contract, seconded by Kenneth E. Barnes, Sr. LaMaster, Barnes, Denton vote aye, Imhof, Yost vote nay, motion approved 3-2.

KEVIN WRIGHT, (Environmental Management Corporation): Wright introduces Herb Butler, requesting approval for a geo-tech study for the new sewer plant. James H. LaMaster makes a motion to approve the study by FMS for \$6,300.00. Motion dies for lack of second.

Wright advises that Well #1 was struck by lightning and it had to be repaired, we contacted Bastin Logan Water Services Inc. who put the pump back into operation at a cost of \$6,836.00 (six thousand eight hundred thirty-six and no/100 dollars) and had Delta Electric Company, Inc do the electrical work for \$249.00 (two hundred forty-nine and no/100 dollars).

Kenneth E. Barnes, Sr. makes a motion to pay Bastin Logan Water Services, Inc. and Delta Electric Company for these repairs, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

Have a quotation from Bastin Logan Water Services Inc. for \$4,980.00 (four thousand nine hundred eighty and no/100 dollars) to chemically clean.

Sellersburg Town Council Meeting
October 13, 2003
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James H. LaMaster makes a motion to accept the quotation from Bastin Logan Water Services Inc. to clean Well #1, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

Have an invoice from Hale Lab Services for repairs to the Inventron Flow Meter due to lighting strike for \$2,840.37 (two thousand eight hundred forty dollars and 37/100).

Kenneth E. Barnes, Sr. makes a motion to pay Hale Lab Services \$2,840.37 (two thousand eight hundred forty and 37/100 dollars) to repair the Flow Meter, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

Have invoices from Delta Electra Company, Inc. for \$2,861.96 for up grade work to Equestrian Lakes lift station. This is the lift station that Mike Davis agreed to update when Equestrian Estates asked for sewer hook ups.

Kenneth E. Barnes, Sr. makes a motion to pay Delta Electraic Company \$2,861.96 (two thousand eight hundred sixty one and 96/100 dollars) for these invoices, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

Number 2 Well the casing collapsed and we had Bastin Logan to evaluate it and recommend that the Well be abandoned and number 3 Well is near the river and one of these days we are going to loose that well so they recommend that the Town drill a new well. The estimated cost could be around \$100,000.00 (one hundred thousand dollars).

Council President asks John Toombs, Jacobi, Toombs and Lanz, Engineering, Inc., to look into this matter.

NATHAN GRIMES, (Building Commissioner): You have received my Building Commissioner Report for the month and are there any questions about it?

I have two Ordinances to present reference zoning changes: **ORDINANCE 2003-023, AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA, (Beverly Dennis Property, lots 1,2,3,&4 in Block "B" Fairview Addition)**

Danny F. Yost makes a motion to pass Ordinance 2003-023, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

ORDINANCE 2003-025, AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA, (Rite Aid of Indiana, Inc. property described in exhibit "A" attached).

Sellersburg Town Council Meeting
October 13, 2003
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James H. LaMaster makes a motion to pass Ordinance 2003-025, seconded by Kenneth E. Barnes, Sr. 5-aye, 0-nay, motion approved.

I want to submit this claim, Renaissance Design Build, Inc., for work on Newberry Road you ask me to check on for Mrs. Gray, she was at the last Town Council meeting, this invoice is for \$530.00 (five hundred and thirty dollars). These are problems they created themselves.

James H. LaMaster makes a motion to pay this claim, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Have this invoice, Renaissance Design Build, Inc., for work completed on Mayfair, the property owners, Mr. Cooper and Mr. Lyle. This invoice is for \$225.00 (two hundred twenty-five and no/100).

James H. LaMaster makes a motion to pay this claim, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Have bids for the sidewalks at the police station and want to know what you want to do with it, the total package is \$12,961.00 (twelve thousand nine hundred sixty-one and no/100 dollars). President Imhof says this will be considered at the next meeting after we check and see if we have funds available to pay for the work.



Nathan Grimes presents a new contract for Renaissance Design Build, Inc. for Building Commissioner services. This contract is four years, January 2004 through December 2008. Edward D. Denton makes a motion to approve the contract. Motion dies for lack of second.

WILLIAM P. McCALL, III, (Town Attorney): I have ordinances and resolutions to present: Have **ORDINANCE 2003-021, AN ORDINANCE AMENDING ORDINANCE 2001-020 POLICY FOR VACATION CUT OFFS, SEASONAL, RESIDENTS OR PART TIME RESIDENTS WHO ARE ON TOWN OF SELLERSBURG WATER, SEWER AND SANITATION.**

Danny F. Yost makes a motion to consider Ordinance 2003-021 on its first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass Ordinance 2003-021 on its first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Have **ORDINANCE 2003-022, AN ORDINANCE AMENDING ORDINANCE NUMBER 94-603, NUMBER 509 AND ORDINANCE NUMBER 2001-012 AS IT CONCERNS OUTDOOR WATER USAGE DURING SUMMER MONTHS.**



Kenneth E. Barnes, Sr. makes a motion to consider Ordinance 2003-022 on its first reading,

Sellersburg Town Council Meeting
October 13, 2003
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seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass Ordinance 2003-022 on its first reading. 4-aye, 0-nay, motion approved. (Council Member Kenneth E. Barnes, Sr. left the meeting).

Have ORDINANCE NUMBER 2003-024 (Fees collected and deposited into the Group Health Insurance Benefits and Medicare Supplemental Insurance to retired full-time Sellersburg Employees Fund.

Danny F. Yost makes a motion to consider Ordinance 2003-024 on its first reading, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass Ordinance 2003-024 on its first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

RESOLUTION R2003-007, RESOLUTION ADOPTING KEYSTONE CONSULTING SERVICES, INC. AS VENDOR FOR FINANCIAL SOFTWARE SYSTEMS AND UPDATES FOR THE TOWN OF SELLERSBURG.

James H. LaMaster makes a motion to pass Resolution R2003-007, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

RESOLUTION R2003-008, RESOLUTION AMENDING RESOLUTION NUMBER 1994-21 ESTABLISHING THE ASSESSMENT OF A FEE FOR ALL RETURNED CHECKS.

James H. LaMaster makes a motion to pass Resolution R2003-008, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk Treasurer): Need approval to pay the bills as submitted. Danny F. Yost makes a motion to pay the bills, seconded by James H. LaMaster. 4-aye, 0-nay, motion is approved.

Have a correction to the minutes of the September 8, 2003 Town Council Meeting, Ordinance number 2003-014 was passed at the August meeting but when the ordinance was voted upon, and signed at the September 8th meeting it was approved as ordinance 2003-018. I need for the Council to amend the August 11, 2003 minutes.

James H. LaMaster makes a motion for the Clerk-Treasurer to correct the minutes of the August 11, 2003 minutes, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

I have two tax abatements that need the signature of the Town Council President, these abatements have been approved by you but were never signed the companies are J. L. Gilbert

**Sellersburg Town Council Meeting
October 13, 2003
Page 6 of 6 pages**

Company, Inc. and Rhodes Machinery International, Inc., need a motion authorizing President Imhof to sign the abatements.

James H. LaMaster makes a motion approving the signing of these forms, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

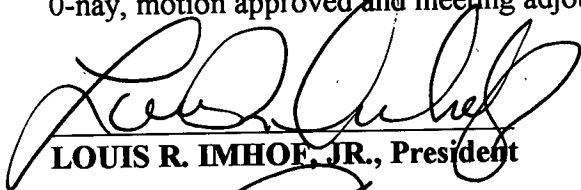
LOUIS R. IMHOF, Jr., (Council President): Have contract for the present Town Attorney, William P. McCall, III, starting December 31, 2003 through December 31, 2006, this contract is the same as the present contract, money is the same, responsibilities is same, nothing new.

Danny F. Yost makes a motion to approve the contract for the attorney, seconded by Edward D. Denton. 3-aye, 1-nay (LaMaster), motion carries.

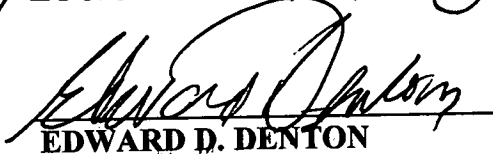
DOUGLAS REITER: Has a question on the proposed sewer expansion about a cost of \$2,263,792.00 (two million two hundred sixty-three thousand seven hundred ninety-two dollars), I was curious as to what this is?

Greg Colburn, EMC, will check the Preliminary engineering report and get back with you (Reiter) on what it is.

Danny F. Yost makes a motion to adjourn the meeting, seconded by James H. LaMaster, 4-aye, 0-nay, motion approved and meeting adjourned at 8:58 P.M.

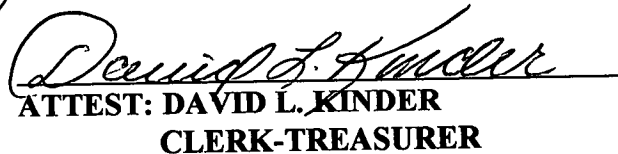

LOUIS R. IMHOF, JR., President


KENNETH E. BARNES, SR. Vice-President


EDWARD D. DENTON


JAMES H. LaMASTER


DANNY F. YOST


ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL

November 10, 2003

REGULAR TOWN COUNCIL MEETING:

The regular Town Council met on November 10, 2003 at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:03 P.M.

PRAYER:

Danny F. Yost offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

James H. LaMaster makes a motion to approve the minutes of the October 13, 2003 Town Council Meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

BRIAN WELSCH: request he be on the December meeting reference sewer taps.

ROGER SMITH: Sewer permits for subdivision on St. Joe Road west. This is tabled until the December meeting.

GREG FIFER, (Attorney): Speaking for David Stinson, Riverside Water, requesting a water loop with the Town of Sellersburg Water. We are seeking two different interconnect points, we have drawings prepared by Dixon Engineering and Mr. Toombs, (John Toombs, Jacobi, Toombs and Lanz Engineering) can take a look at these.

Mr. Stenson will pick up all the costs for the design and construction of those improvements including the two-meter points where they will interconnect.

We would like to come back with a simple agreement and I will be glad to work with Mr. McCall (Sellersburg Town Attorney), to come up with something that would be acceptable to you.

Table until the December meeting.

RAMON PARRISH and PAUL DWYER: Water run off from Silver Glades onto their property in Forrest Estates.

Town Attorney McCall advises the Council that they have no jurisdiction over this matter as

Regular Town Council Meeting
November 10, 2003
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Silver Glades is in the County.

MICHAEL WHALEN: Requesting sewer hook up into the Willows of Covered Bridge. Mr. Whalen was advised to get it designed, have John Toombs, (Jacobi, Toombs and Lanz Engineering) and Kevin Wright, (EMC), approve it and come back to the December meeting.

LINDA BARNES: I am here to appeal the decision of the Zoning Appeals Board. They denied us a variance for our property.

Francis Conroy, Kenneth Hecker, Sandy Carver, Jeff Barton, Marion Barton and Larry Mulac all speak opposing the zoning variance. Tim Sloan, Gayle Bruner, Carl Kamer all speak in favor of granting the zoning variance.

Danny F. Yost makes a motion to uphold the Zoning Appeals Board decision, seconded by Edward D. Denton. Yost, aye, Denton, aye, Imhof, aye, LaMaster, nay, Barnes nay, motion to uphold the Zoning Appeals Board and deny the variance approved.

JAY WYZARD, (Senomin Real estate): Sale of Old Police station building and the town property on villa drive. I have a joint appraisal for the Council and now the Council must determine how they want to sell the property, either auction or bid process or a combination of both.

Danny F. Yost makes a motion to accept bids for the property, seconded by Kenneth E. Barnes, Sr. Barnes, aye, LaMaster, aye, Yost, aye, Denton, aye, Imhof, aye, 5-aye, 0-nay, and motion approved to sell by bid.

PRESIDENT IMHOF: Introduces newly elected Town Council members, Town Judge and Clerk-Treasurer.

The newly elected Town Council members are asking the current Town Council members to contact (H. J.) Umbaugh and Associates and place the refunding of the Water Municipal Bonds on hold due to unanswered questions regarding these bonds.

They also want to ask that the point person from that group, Doug Reiter, to be allowed to contact (H. J.) Umbaugh for consulting on this matter. They have concerns about the adverse effects this refunding could cause.

They would also like for the Program Management Contract to be put on hold, and for all bills related to this issue needed to be turned in.

Edward D. Denton makes a motion to put all these things on hold until after the first of the year when the new Council does become actually sworn in, seconded by Danny F. Yost, Clerk-Treasurer asks for the motion to be repeated; President Imhof states, the motion is "for the

Regular Town Council Meeting
November 10, 2003
Page 3 of 6 pages

Program Management Contract is to be put on hold, all bills relating to this issue need to be turned in; us letting Doug Reiter represent and call, and contact, Umbaugh and Associates, and put that, refunding of the Water Municipal Bonds on hold and I forgot to add to, to allow the Honorable Tom Lowe to come up with some prices that he is going to present to our Board, at the next meeting, for renovation and equipment purchases so we can have those on, utilize this years budget, therefore it is not coming out of next years budget. So would you like to make that motion again, Ed", so moved by Ed (Edward D. Denton) seconded by Danny (Danny F. Yost), so at this time I will take a poll of the Council on that vote: Kenny (Kenneth E. Barnes, Sr.) [he had left the meeting], Jim (James H. LaMaster), I'm for it, Ed (Edward D. Denton), I'm for it, Danny (Danny F. Yost), yes, and myself, yes, it is 4-0.

John Toombs, (Jacobi, Toombs and Lanz, Engineering): I need some kind of clarification as to approving the sewers for Silver Glades, second addition. Town Attorney McCall advises that they have complied with the County requirements and that you could open yourself for some type of legal action if you deny them (the sewers).

Toombs advises that he will review the sewer plans and if they are correct then I will confirm them, President Imhof answers, sure.

I have the soil boring prices from three different engineering testing firms, Patriot Engineering \$6,750.00, (six thousand seven hundred and fifty and no/100 dollars), FMSM Engineering \$6,300.00, (six thousand three hundred and no/100 dollars), I would like to recommend the Board approve FMSM Engineering firm.

President Imhof states, there again I would like to basically get the Councils opinion; I personally would like to put that on hold and let the next Council take it. Edward D. Denton states, "I'll buy that." President Imhof states to (Toombs) "to hold off on that John."

PHIL THOMPSON, Environmental Management Corporation): At the last meeting, there was a request for paying Delta Electric \$249.00, (two hundred forty-nine and no/100 dollars), it was not paid because it should have been paid to EMC and not Delta Electric as EMC had already paid the bill.

Danny F. Yost makes a motion to pay the bill to EMC, seconded by Edward D. Denton. 4-aye, 0-nay motion approved.

I am requesting \$2000.00, (two thousand dollars), to purchase about 65 more water meters for replacement use and new home.

Danny F. Yost makes a motion to approve the purchase of the water meters; motion dies for lack of second.

Kevin Wright, EMC, speaks up and advises that there are no meters for new home hook ups,

Regular Town Council Meeting
November 10, 2003
Page 4 of 6 pages

President Imhof advises that he has no second and asks the Board one more time, do I have motion to pass \$2000.00 to purchase new meters, do I have a second, seconded by Ed (Edward D. Denton), 4-aye, 0-nay, motion approved.

I also have a bill for the Preliminary Design on our coordination services for \$3,358.45, (three thousand three hundred fifty-eight and 45/100 dollars), and that represents a 6% total of the completion on that coordination services.

President Imhof asks for a motion to pay this bill, no motion made.

Clerk-Treasurer questions a bill for preliminary engineering that was submitted to the Council President last month for about \$32,000.00, (thirty-two thousand dollars), that has not been paid. Phil Thompson advises that he will get a new copy of the bill and will have explanation of the bill.

President Imhof inquires about two trucks that are parked at the Water or Sewer plant and wants to know the status of these vehicles. Kevin Wright advises that the 86 Chevrolet is not in working order and the other truck needs maintenance.

President Imhof states he has been asked by the new Board to obtain all maintenance records from all department heads and I would like to have them prior to the end of the year.

MICHAEL GRAHAM: checking on zoning violation behind his property that was discussed at the last meeting.

Nathan Grimes, Building Commissioner, presents a letter from Virgil Bolly, Attorney at Law, to Tom Garr, owner of the property that states there is no zoning violation in the property at that time.

Town Attorney McCall will contact Mr. Bolly and obtain a final disposition of this matter.

NATHAN GRIMES, (Building Commissioner): Presents his monthly Building Commissioner report and asks if there are any questions.

Grimes presents a new agreement for Building Commissioner services for two years as the present contract expires December 31, 2003.

Danny F. Yost makes a motion to approve the contract, seconded by Louis R. Imhof, Jr.

Larry Mulac questions if the council has looked over the contract and noticed the termination clause. This contract is not to the advantage of the residents of Sellersburg.

Danny F. Yost amends his motion to remove (paragraph) 9 and approve the contract, seconded by Louis R. Imhof, Jr. 3-aye, 1-nay, motion approved.

Regular Town Council Meeting

November 10, 2003

Page 5 of 6 pages

Have a petition by Adams Creek development, sub division on Poindexter Lane, have a couple of easements that they want to vacate, it has to be published a couple of times in the paper before it comes before you guys at the Council Meeting December 8 at a public hearing.

James H. LaMaster makes a motion to approve the petition to vacate utility and drainage easements, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

I have been asked to bring up the sidewalk contract, to repair the sidewalk, Terra Cotta Rehab is the low bidder.

President Imhof tables this until the December meeting.

Mr. Grimes submits a bill for reviewing the detention basin at Silver Glades for \$450.00, (four hundred fifty dollars). Danny F. Yost makes a motion to approve payment, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve payment of the bills that have been submitted. James H. LaMaster makes a motion to approve payment of the bills, seconded by Danny F. Yost. 4-aye, 0-nay motion approved.

Have two bills submitted by Flynn Real Estate, one for Villa Drive property for \$200.00, (two hundred dollars), and another for \$1,000.00, (one thousand dollars), these are for appraisals. I need to also know what fund to take this payment from since there is nothing left in the budget to pay them.

President Imhof says he will get with the Clerk-Treasurer before the next meeting and figure where we are going to pull this out of, we will just put this on hold.

Have two bills from Town Attorney McCall for supplies reference the annexation. James H. LaMaster makes a motion to approve the payment of \$48.69, (forty-eight and 69/100 dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have bill from Jeffersonville Evening News for \$16.30, (sixteen and 30/100 dollars), for advertising of the public hearing for annexation. James H. LaMaster makes a motion to approve payment of the bill, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have a bill from Jacobi, Toombs and Lanz, Engineering for \$1,127.50, (one thousand one hundred twenty-seven and 50/100 dollars). James H. LaMaster makes a motion to approve payment of this bill, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have a bill from Hinton-Corby Insurance for Workers Compensation Insurance for \$2,677.00, (two thousand six hundred seventy-seventy dollars). James H. LaMASTER makes a

**Regular Town Council Meeting
November 10, 2003
Page 6 of 6 pages**

motion to approve payment of this bill, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have Ordinance 2003-026, salary ordinance for 2004 for Town Employees, this would be a \$1,500.00 across the board raise. Danny F. Yost advises President Imhof to table this until next meeting.

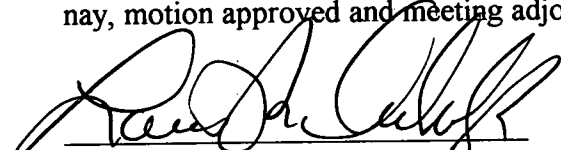
Ordinance 2003-027, an ordinance fixing compensation of appointed officials for 2004, this would be Police Commissioners, Plan Commission, Zoning Appeals Board. Table this until next meeting.

Ordinance 2003-028 fixing compensation of elected officials, need a salary set for the new Town Court Judge. This is also to be tabled.

Mr. James Agee submits plans for remodeling the new courtroom. He will get with Mr. Lowe and have everything to present at the next meeting.

The Clerk-Treasurer's office has money in budget for a new copy machine for the Town, and even though the machine is available for all departments the Clerk-Treasurer's office has the money to pay for this copier. President Imhof advises to put this on hold until next meeting.

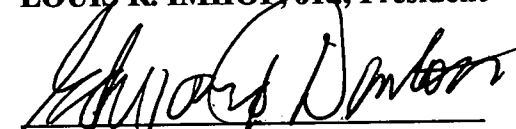
Danny F. Yost makes a motion to adjourn the meeting, seconded by Louis R. Imhof, Jr. 4-aye, 0-nay, motion approved and meeting adjourned at 9:09 P.M.



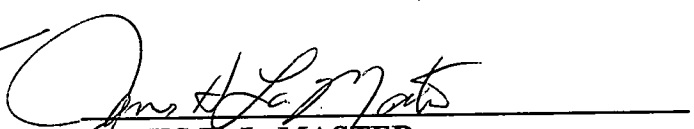
LOUIS R. IMHOE, JR., President




KENNETH E. BARNES, SR. Vice-President



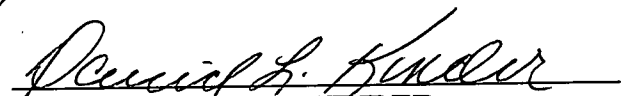
EDWARD D. DENTON



JAMES H. LaMASTER



DANNY F. YOST



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

Attachments: Virgil Bolly Letter
Land survey

VIRGIL E. BOLLY
ATTORNEY AT LAW

P. O. Box 72
Sellersburg, Indiana 47172
812-246-4413
812-246-9084

May 11, 1989

Mr. Tom Garr
x Garr Funeral Home
124 S. Indiana Avenue
Sellersburg, IN 47172

Dear Tom:

Sorry for the delay in getting back with you relative to your request for making an efficiency apartment on the rear of Lot 45 of Haas Addition. The reasons for my delay were as follows: I have just obtained copies of the Town Zoning Ordinance and the 1983 Amendment to the Zoning Ordinance.

The original Zoning Ordinance divided the community into districts with one district being an "R" district and the second being a Local Business district. The "R" district allowed the building of a single family, a duplex, or four or more units. For some quirk, it left out a three-plex. Under those interpretations, under the old statute, I believe that you could have an efficiency in the rear because of the two-family circumstance. However, the new ordinance sets out an R-1 and R-2 zone. The R-1 being for one family residential use only. The problem now comes into play that when they passed the ordinance, to my knowledge, they did not prepare a new map breaking down the R into an R-1 and R-2 category, therefore, it is impossible to determine which truly applies.

10' ALLEY

37.65'

FOUND I.P.

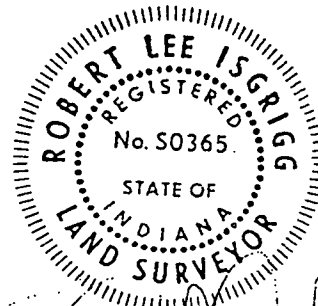
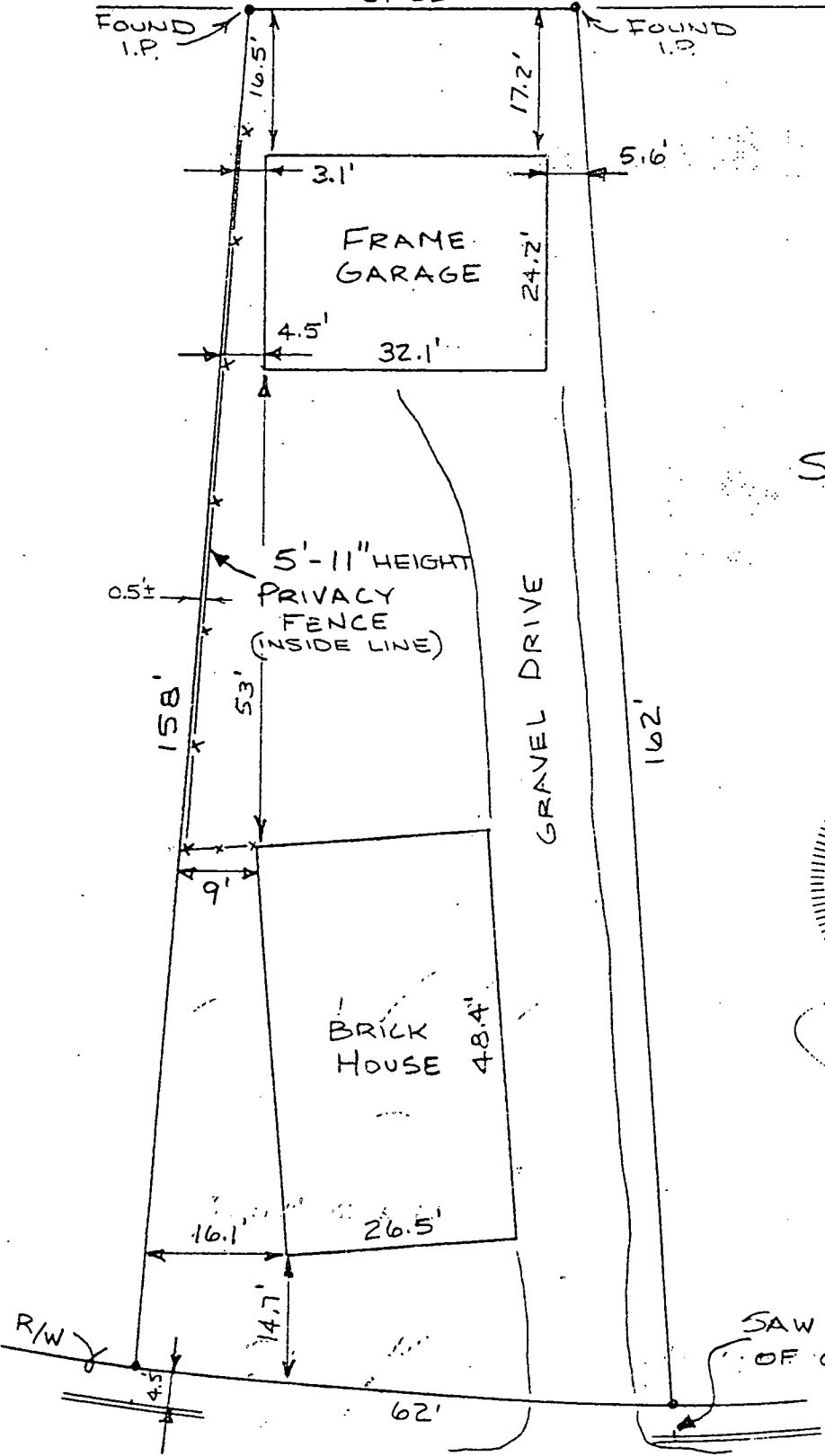
FOUND I.P.

NORTH

SCALE: 1" = 20'

TOWN OF SELLERSBURG
CLARK CO., INDIANA

SURVEY FOR TOM GARR
DR 16-49777



[Handwritten Signature]
 SEPT. 9, 1986

SAW CUTS ON BACK
 OF CONCRETE CURB

ALL HANDS AVE. 40' R/W

Bob Isgrigg & Associates

940 COTTONWOOD • CLARKSVILLE, IN 47130 • PHONE: (812) 945-6990

LAND SURVEYORS, CIVIL-ENVIRONMENTAL ENGINEERS

SELLERSBURG TOWN COUNCIL

December 8, 2003

REGULAR TOWN COUNCIL MEETING:

The Sellersburg Town Council met on December 8, 2003 at the Sellersburg Town Hall. Present were Town Council President Louis R. Imhof, Jr., Vice-President Kenneth E. Barnes, Council Member Edward D. Denton, Council Member James H. LaMaster, Council Member Danny F. Yost, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 7:08 P.M.

PRAYER:

Paul Drake, Speed Community Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

Danny F. Yost makes a motion to approve the minutes of the November 10, 2003 Town Council Meeting, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved.

SHARON MARRA, (Clark County Solid Waste Management): Presents a Governor's Award to Sellersburg for Household Hazardous Waste Collection participation in the Clark County program.

BOB THORNTON: Requesting a sewer tap for a home he wants to build on County Line Road, this property would be in Floyd County. President Imhof tables this until next month.

MIKE NEVILLE, (Attorney for Brian Welch): Requesting sewer taps for a thirteen-lot subdivision in Floyd County at the end of Andrew Estates. President Imhof tables this until next month.

GREG FIFER, (Attorney for Riverside Water Corporation): I have drafted a Water Interconnection Agreement for you to consider and approve. Danny F. Yost makes a motion to sign the agreement, pending approval of the plans by John Toombs, seconded by Edward D. Denton. 5-aye, 0-nay, motion approved

DEBBIE ELSWICK: Why are we charged for water and sewer at homes that have just been built and not occupied? This is the policy of the Town, once sewer and water taps provided and installed then a minimum fee is charged.

CARL KAMER: Donation from the Town for assistance on water bills for the Silver Creek Township Park. President Imhof tables this until next month.

Sellersburg Town Council Meeting

December 8, 2003

Page 2 of 6 pages

PRESIDENT IMHOF: I need a motion to repeal the building permit at 336 Adkins. Danny F. Yost makes a motion to repeal the building permit at 336 Adkins, seconded by Louis R. Imhof, Jr. Imhof polls the Council for votes: Denton, Yes, Yost, Yes, LaMaster, No, Imhof, Yes, so that passes three to one, Councilman Barnes states he votes no. Imhof replies that the vote is three to two and that Barnes vote does not count because it is a conflict of interest.

So Nathan (Grimes, Building Commissioner) so I need you to pull the building permit on that and I want to go back to the Board and ask for a recommendation for a fine schedule.

Edward D. Denton makes a motion to refund the building permit fee, seconded by Danny F. Yost. 3-aye, 2-nay motion approved.

BARBARA DUCKWORTH: Need a ramp for her home on East Utica Street at Popp Avenue and the design of the ramp would put the ramp out on a public sidewalk.

President Imhof tables this until the Town Attorney can look into the liability for the Town.

JOHN TOOMBS, (Jacobi, Toombs and Lanz Engineer): One of the wells in the well field has completely collapsed and another well is about to be covered by the Ohio River. Bastin-Logan Water Services, Inc. is prepared to drill test holes for replacement of the well.

Danny F. Yost makes a motion to approve a formal proposal on new well and sample boring, seconded by James H. LaMaster. 5-aye, 0-nay motion approved.

PHIL THOMPSON, (Environmental Management Corporation): I want to present the last four bills for the construction project: Have a bill presented in October, Preliminary Design that is 58% completed and the bill is \$32,142.77 (thirty two thousand one hundred forty-two and 77/100 dollars). The second bill is Project Coordination on the same contract, 6% completed the bill is \$3,358.45 (three thousand three hundred fifty-eight and 45/100 dollars). The third is for Engineering Services, 30% complete and the bill is \$135,000.00 (one hundred thirty five thousand and no/100 dollars). The final is for Engineering Services, 33% complete, \$148,321.83 (one hundred forty eight thousand three hundred twenty-one and 83/100 dollars).

President Imhof tables these bills until next months meeting.

PRESIDENT IMHOF: brings up the sidewalk repairs in front of the police building. Have a bid from R & E Concrete Construction, is there money in the sidewalk account, yes. Danny F. Yost makes a motion to approve the lowest bid for repair of the sidewalks, seconded by James H. LaMaster. 4-aye, 0-nay motion approved. Imhof gives bid proposals to Nathan Grimes.

MICHAEL STRICKER, (Chief of Police): When we remodeled part of the old bank building there were some canister light fixtures, these were sold to A1 products, and I have a check for

Sellersburg Town Council Meeting
December 8, 2003
Page 3 of 6 pages

The Town for \$250.00, which I want to give to the Clerk-Treasurer.

NATHAN GRIMES, (Building Commissioner): Have some ordinances reference zoning changes. **ORDINANCE 2003-029, C.H.I. Properties at 476 North Indiana Avenue, rezoned from a B-1 to a B-3.** Danny F. Yost makes a motion by to pass Ordinance 2003-029, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

ORDINANCE 2003-030, FRED EVERITT, Jr., 809 South Indiana Avenue, rezoned from B-1 to R-2. Danny F. Yost makes a motion to pass Ordinance 2003-030, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

ORDINANCE 2003-031, KEITH & DEBBIE ELSWICK, property at 1902 Payne-Koehler Road, rezoned from R-1 to R-3. James H. LaMaster makes motion to pass ordinance 2003-031, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

ORDINANCE 2003-032, MICHAEL KAYROUZ, 1226 Bringham Drive, rezoned from I-1 to B-3. James H. LaMaster makes a motion to pass ordinance 2003-032, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

ORDINANCE 2003-033, RITE AID OF INDIANA, INC., 7505 State Road 311, rezoned from R-1 to B-1. James H. LaMaster makes a motion to pass ordinance 2003-033, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

ORDINANCE 2003-034, WILLIAMS CONSTRUCTION, 708 East Utica Street, rezoned from B-3 to R-3. James H. LaMaster makes a motion to pass ordinance 2003-034, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

PRESIDENT IMHOF opens a public hearing on the notice to vacate an easement in Adams' Creek Development LLC.

ORDINANCE 2003-036, VACATING AN EASEMENT IN ADAMS' CREEK DEVELOPMENT. Danny F. Yost makes a motion to pass Ordinance 2003-036, seconded by Edward D. Denton. 4-aye, 0-nay, motion approved.

JAMES H. LaMASTER: I would like to bring up about the double disconnects for the water and sewer for December, that there would not be any double disconnect during the month of December. James H. LaMaster makes a motion not to have any double disconnects in December, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Danny F. Yost makes a motion to consider **ORDINANCE 2003-028, AN ORDINANCE FIXING THE COMPENSATION OF ELECTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2004,** excluding a raise for the Clerk-Treasurer, seconded by Edward D.

**Sellersburg Town Council Meeting
December 8, 2003
Page 4 of 6 pages**

Denton. 3-aye, 1-abstain. This will be considered at a special meeting to be scheduled later this year.

Danny F. Yost makes a motion to consider on the first reading **ORDINANCE 2003-027, AN ORDINANCE FIXING THE COMPENSATION OF APPOINTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2004**, seconded by James H. LaMaster. 4-aye, 0-nay, motion passed on first reading.

Danny F. Yost makes a motion to pass Ordinance 2003-027, seconded by James H. LaMaster. 4-aye 0-nay, motion approved.

James H. LaMaster makes a motion to give employees \$1,500.00, and consider on its first reading **ORDINANCE 2003-026, HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2004**, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass ordinance 2003-026 on first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to consider **ORDINANCE 2003-035, AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG**, on the first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to pass ordinance 2003-035, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

James H. LaMaster makes a motion to approve the bills as submitted by the Clerk-Treasurer, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Clerk-Treasurer asks the Councils approval for Town employees to take December 26th as the holiday in lieu of December 24th, this would give the employees a four day weekend here at Christmas instead of having two days off then coming to work for one day and then having the weekend off.

Danny F. Yost makes a motion to approve 26 December as a day off for employees instead of December 24, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

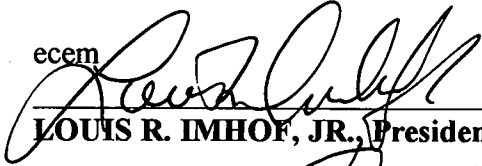
PRESIDENT IMHOF schedules a special meeting for Monday, December 29, 2003 at 6:00 PM to consider the Elected Officials Ordinance and pay any remaining bills. He also thanks the public for his term of office and the other members of the Council.

Danny F. Yost makes motion to adjourn the meeting, seconded by Louis R. Imhof, Jr. 4-aye, 0-

**Sellersburg Town Council Meeting
December 8, 2003
Page 5 of 6 pages**

may, motion approved and meeting adjourned at 9:12 P.M.

ecem



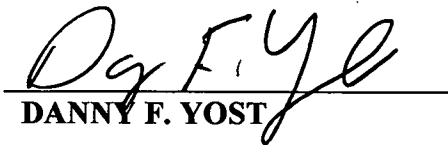
LOUIS R. IMHOF, JR., President

KENNETH E. BARNES, SR. Vice-President




EDWARD D. DENTON

JAMES H. LaMASTER



DANNY F. YOST



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

Attachment: Proof of Publication

**Proof
Of
Publication**

**STATE OF INDIANA
COUNTY OF CLARK - SS**

NOTICE OF HEARING

ON PETITION TO VACATE EASEMENTS ON LOTS 7, 8, 11, 12, 15, & 16 OF ADAMS' CREEK SUBDIVISION; Notice is hereby given of a petition to be heard by the Town Council for the town of Sellersburg, Indiana, requesting the vacation of easements located on lots 7, 8, 11, 12, 15, & 16 of Adams' Creek Subdivision. Easements vacation is further described as: Vacation of detention basin easement: A part of lots 11 & 12 of Adams' Creek Subdivision (Plat Book 13, page 12) in Survey 108 of Illinois Grant, Town of Sellersburg, Silver Creek Township, Clark County, Indiana. Thence the following courses of the boundary said vacated easements: Beginning at the easterly corner of said lot 11 and northerly corner of said lot 12; Thence N 41° 10' 11" W, 25.00 feet more or less, with the northeasterly line of said lot 11; Thence S 48° 10' 30" W, 40.00 feet more or less; Thence S 41° 10' 11" E, 50.00 feet more or less; Thence N 48° 10' 30" E, 40.00 feet more or less, to the northeasterly line of said lot 12; Thence N 41° 10' 11" W, 25.00 feet more or less, with said northeasterly line of lot 12 to the true point of beginning, and containing 2,000 square feet or 0.05 acres of land. Vacation of 10' drainage easements: A part of lots 15 & 16 (Plat Book 13, page 12) in Survey 108 of Illinois Grant, Town of Sellersburg, Silver Creek Township, Clark County, Indiana. Thence the following course of a strip of land 10 feet wide lying 5 feet wide on each side of a centerline of said vacated easement, described as follows: Beginning at the easterly corner of said lot 16 and the southerly corner of said lot 15; Thence N 13° 55' 48" W, 110.22 feet more or less, with the southwestery line of said lot 15 and the northeasterly line of said lot 16; Said easement contains 1,103.20 square feet or 0.03 acres of land.

Also a part of lot 16 of Adams' Creek Subdivision (Plat Book 13, page 12) in Survey 108 of Illinois Grant, Town of Sellersburg, Silver Creek Township, Clark County, Indiana. Thence the following courses of the boundary of said vacated easement: Commencing at the easterly corner of said lot 16 and the southerly corner of said lot 15; Thence S 48° 06' 38" W, 5.65 feet more or less, with the southerly line of said lot 16; Thence N 13° 55' 48" W, 68.40 feet more or less, to the true place of beginning of said easement; Thence S 30° 32' 15" W, 62.24 feet more or less; Thence N 41° 10' 11" E, 10.53 feet more or less; Thence N 30° 32' 15" E, 69.06 feet more or less; Thence S 13° 55' 48" E, 14.23 feet more or less, to the true place of beginning and containing 656.50 square feet or 0.02 acres of land. Vacation of 20' drainage easement: A part of lots 7 & 8 of Adams Creek Subdivision (Plat Book 13, page 12) in Survey 108 of Illinois Grant, Town of Sellersburg, Silver Creek Township, Clark County, Indiana. Thence the following course of strip of land 20 feet wide lying 10 feet wide on each side of a centerline of said vacated easement described as follows: Beginning at the southerly corner of lot 6 and the westerly corner of lot 10; Thence S 48° 38' 29" W, 10.00 feet more or less; Thence N 40° 17' 08" W, 42.47 feet more or less; Thence S 76° 35' 01" W, 88.48 feet more or less; said easement contains 2,804.70 square feet or 0.06 acres of land. Petitioner is requesting that said easement be vacated in its entirety. A public hearing will be held December 8, 2003, at 7:00 p.m. in the Sellersburg Town Hall, located at 316 Utica St., Sellersburg, Indiana, at which time and place all interested persons will be heard in reference to the matters set out in said petition.

Rebecca McDaniel On oath says that she is bookkeeper of the Evening News and in the employ of the publisher of

THE EVENING NEWS

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for # (2) time(s) to-wit: In issue of said Evening News dated: November 19, 26, 2003.

(x) Rebecca McDaniel

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

26th day of November, 2003.

(x) Jean Gibson
JEAN GIBSON
Notary Public, Clark County, Indiana

(My Commission Expires)

October 11, 2006

Publication

Fee \$ 135.87

06503089

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

December 29, 2003

The Sellersburg Town Council met in a Special Meeting at the Sellersburg Town Hall. Town Council members present were President Louis R. Imhof, Jr., Council Member Edward D. Denton, Council Member Danny F. Yost, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

Council Vice-President Kenneth E. Barnes, Sr. and Council Member James H. LaMaster were absent.

CALLED TO ORDER:

President Louis R. Imhof, Jr. called the meeting to order at 6:05 P.M.

No prayer was offered.

No pledge allegiance to the flag.

Danny F. Yost made a motion to approve the minutes of the December 8, 2003 Regular Town Council Meeting, seconded by Edward D. Denton. 3-aye, 2-absent, motion approved.

Danny F. Yost makes a motion to approve **ORDINANCE 2003-038, ORDINANCE FIXING THE COMPENSATION OF ELECTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2004** on the first reading, seconded by Louis R. Imhof, Jr. 3-aye, 2-absent motion approved.

Danny F. Yost makes a motion to pass Ordinance 2003-038 on first reading, seconded by Edward D. Denton. 3-aye, 2-absent, motion approved.

Danny F. Yost makes a motion to approve **ORDINANCE 2003-037, ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA (W. David Kummer)** seconded by Edward D. Denton. 3-aye, 2-absent motion approved.

President Imhof reads request from Lakeside Developers to dedicate the streets in Lakeside Estates to the Town. This was tabled until new council is seated in 2004.

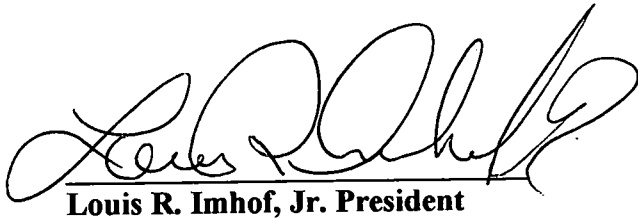
Danny F. Yost makes a motion to consider **ORDINANCE 2003-039, ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF**

**Sellersburg Town Council Special Meeting
December 29, 2003
Page 2 of 2 pages**

SELLERSBURG on first reading, seconded by Louis R. Imhof, Jr. 3-aye, 2- absent motion approved.

Danny F. Yost makes a motion to pass Ordinance 2003-039 on first reading, seconded by Edward D. Denton. 3-aye, 2-absent motion approved.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Louis R. Imhof, Jr. 3-aye, 2-absent motion approved and meeting adjourned at 6:10 P.M.



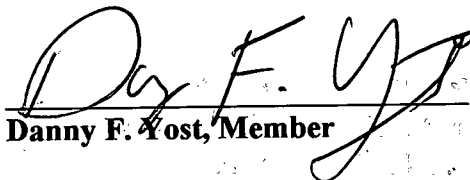
Louis R. Imhof, Jr. President

Kenneth E. Barnes, Sr. Vice President

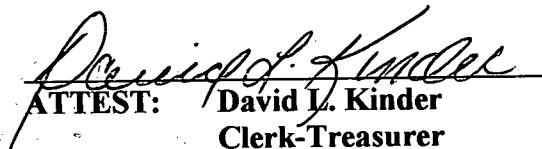


Edward D. Denton, Member

James H. LaMaster, Member



Danny F. Yost, Member



**ATTEST: David L. Kinder
Clerk-Treasurer**