

SELLERSBURG TOWN COUNCIL

January 5, 2004

SPECIAL TOWN COUNCIL MEETING:

The Sellersburg Town Council met on January 5, 2004 at the Sellersburg Town Hall. Present were Council Member elect Douglas J. Reiter, Council Member elect Danny F. Yost, Council Member elect Trinette S. Imhof, Council Member elect Michael N. Lockhart, Council Member elect Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

Council Member elect Douglas J. Reiter called the meeting to order at 6:30 P.M.

PRAYER:

Reverend Frank Brand, First Baptist Church, offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

Troop 6 and 7 of the Boy Scouts of America presented the Colors for the Pledge of Allegiance at the opening of the meeting.

All elected Council Members and the Clerk-Treasurer took their oaths of office from Judge R. Thomas Lowe, Town Court Judge for the Town of Sellersburg.

Nomination of officers for the newly seated Council: Danny F. Yost makes a motion to nominate Douglas J. Reiter for Council President, seconded by Jacques S. Smith. 5-aye 0-nay motion approved.

Jacques S. Smith makes a motion to nominate Danny F. Yost for Council Vice-President, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

President Reiter reads the appointment of Council Members to supervise the following departments: **POLICE DEPARTMENT**, Trinette S. Imhof; **PARKS AND RECREATION and ANIMAL CONTROL**, Jacques S. Smith; **STREETS and SANITATION**, Michael N. Lockhart; **SEWER DEPARTMENT**, Douglas J. Reiter and **WATER DEPARTMENT**, Danny F. Yost.

Danny F. Yost makes a motion to approve the appointments of the Council Members to supervise the Departments as read, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter reads the appointments to Boards and Commissions:

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POLICE COMMISSION: Wayne S. Byrn, Democrat; Mike Zody, Republican, D. Keith Coats, Democrat; Bob Adams, Republican and Mary Ann Dellarosa, Democrat.

PARKS and RECREATION: Terry Langford, Democrat; Fred Everitt, Sr., Republican; Janet Rudd, Republican; Joe Ledbetter, Jr., Republican and Teresa Yost, Republican.

PLAN COMMISSION: Louis R. Imhof, Jr., Republican; Thomas Schuster, Republican; Woody A. Bailey, Democrat; Nancy Casteel, Democrat; William Voyles, Democrat, Danny F. Yost, Republican and Michael N. Lockhart, Republican.

ZONING APPEALS BOARD: Louis R. Imhof, Jr., Republican; Francis Conroy, Republican; Kenneth Hecker, Democrat; Charles Popp, Democrat and Charles Ridenour, Republican.

Trinette S. Imhof makes a motion to approve these appointments as read, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

PRESIDENT REITER: Reiter opens the public hearing for appropriations for the Town Court.

There was no notice or publication about a public hearing for the Town Court. This publication/notice for public hearing will be prepared for the Additional Appropriations for the Budget at the February meeting.

President Reiter would like to discuss the sewer tap rates. There will be a new sewer tap ordinance and it will be open for discussion, if it is alright with everyone here on the Council, discuss a date we can do this and one date I have is the 19th (January) after the Planning Commission and Zoning Appeals on Monday. Is that all right? We will then go over the new ordinance.

William P. McCall, III, Town Attorney, explains that before you can pass any sewer tap ordinance you must have a public hearing that will be a public hearing for that date and time. It will be published according to the statue and we will introduce and read that tonight, assign it a number to be published after tonight's meeting.

McCall then reads proposed Ordinance 2004-001; it is simply introducing it tonight and it will be read formally at the next public hearing on (January) 19th at 7:00 P.M.

President Reiter states next business is the discussion of Program Management. Trinette S. Imhof makes a motion to serve EMC (Environmental Management Corporation) with 7 days notice to terminate Program Management contract and direct the Town's Attorney to express this notice in certified mail to the address contained in the contract, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

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President Reiter asks Town Attorney McCall to advise the Council on the 120-day clause that is suppose to be in EMC's contract.

This is about the contract the Town has with EMC to manage the Wastewater Treatment Facility (Sewer Plant) the Water Utility and the Billing Collections for the Town of Sellersburg. When that contract was renewed last year, I believe it expires 2006; there was language in the contract that was omitted, particularly the ability to terminate the contract, upon 120-day notice, without cause. The reason it is important for that language to be in the contract it preserves the ability for this municipality to issue bonds and without that ability it encumbers certain funds and it jeopardizes your tax-exempt status to issue those bonds and it affects the bonds that are currently outstanding.

I have sent certified mail to Jack Danks, EMC Vice President, asking that they respond to our request, I sent my certified mail December 4 (2003) signed by EMC and (receipt) returned to me December 5 (2003). They have had this letter, asking simply, please respond one way or the other.

Jacques S. Smith makes a motion to instruct Perry McCall (Town Attorney) to send a letter for EMC to respond to the 120 day clause no later than January 12 and if there is no response that we will take that as a no they are not going to put it in, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

PRESIDENT REITER: I have a Utility Administrator contract! What we are going to do is replace the duties of the Program Manager contract, estimated cost of \$600,000.00 (six hundred thousand and no/100 dollars) to the Town, and appoint a Utility Administrator. I have a copy of the contract.

Attorney McCall advises that he has reviewed the contract submitted by Mr. Alexander, the contract speaks for itself, lays out what services will be provided in this capacity and what duties will be performed and a termination clause is appropriate and if the Town Council desires to enter into this contract it is a valid and binding contract.

Jacques S. Smith makes a motion to approve the contract for the consulting agreement between Kenny Alexander and the Town of Sellersburg on being the Utilities Administrator, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

President Reiter advises the Clerk-Treasurer to appropriate \$3,416.67 (three thousand four hundred sixteen and 67/100 dollars) a month, first payment due January 20 (2004) monthly, through December 20, 2004. The funds will come from sewer and then we will discuss it in February about how we are going to break it up.

Town Council will meet in Executive Session January 12, 2004 at 6:00 P.M. and Regular Town

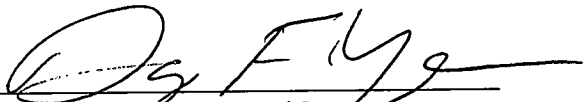
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Council Meeting at 7:00 P.M.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:10 P.M.



DOUGLAS J. REITER, President



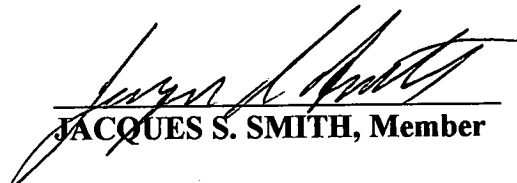
DANNY F. YOST, Vice-President



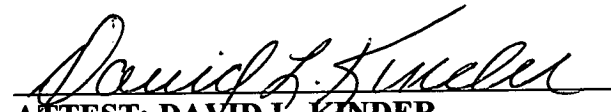
TRINETTE S. IMHOF, Member



MICHAEL N. LOCKHART, Member



JACQUES S. SMITH, Member



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

Attachment: Utility Administrator Contract

Consulting Agreement

THIS AGREEMENT made as of January 5th 2004, between Ken Alexander, of 701 E Utica St Sellersburg, IN (the "Consultant") and **Town of Sellersburg**, of 316 E Utica St Sellersburg, IN (the "Principal")

WHEREAS the Principal wishes to retain the Consultant, and the Consultant wishes to be retained by the Principal, as a consultant to provide Utility Administrative services (collectively the "Services");

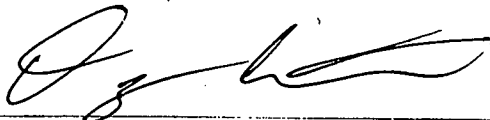
NOW THEREFORE in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agrees as follows:

1. the Principal hereby retains the Consultant to perform the Services, in accordance with the Principal's instructions.
2. In performing the Services, the Consultant agrees to provide such time as the Principal may reasonably require to ensure that the Services are performed and completed in a prompt, efficient and professional manner. This Agreement shall commence and become effective on January 1st 2004 and shall terminate December 31 , 2004. Notwithstanding the foregoing, either party hereto shall have the right to terminate this Agreement:
 - (a) For any reason, at any time, upon not less than thirty (30) days prior written notice to the other; or
 - (b) At any time, in the event that the other party breaches any term or condition of this Agreement.
3. As compensation for providing and completing the Services, the Principal shall pay to the Consultant \$3416.67 monthly (\$41,000 annual) with the first payment due January 20, 2004.
4. The Consultant acknowledges that pursuant to the performance of the Services, it may acquire Confidential Information (as defined below). The Consultant covenants and agrees that it will, at all times during and after the term of this Agreement, hold and maintain all Confidential Information in trust and confidence for the Principal and not to use Confidential Information other than for the benefit of the Principal. Except as authorized in writing by the Principal, the Consultant covenants and agrees not to disclose any Confidential Information, by publication or otherwise. For the purposes hereof, the phrase "Confidential Information" means all information disclosed to, or acquired by, the Consultant or his agents which relates to the Principal's past, present and future research, developments, systems, operations and business activities, including, without limiting the

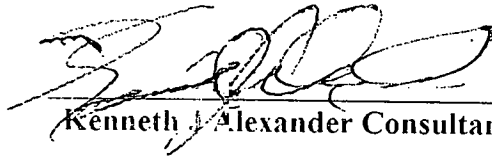
generality of the foregoing: (i) all items and documents prepared for, or submitted to, the Principal in connection with this Agreement, and (ii) all information specifically designated by the Principal as confidential, but shall not include any information which was known to the Consultant prior to the date hereof, or which was publicly disclosed otherwise than by breach of this Agreement. The parties further agree that they will, at all times, maintain the confidentiality of this Agreement, and that they will not, without the prior written consent of the other (which consent may be arbitrarily withheld) disclose the existence or the content of this Agreement, or any part hereof, to any third party, other than such party's bona fide professional advisers.

5. The Consultant acknowledges and agrees that all right, title and interest, including copyright ownership, to all information and material of any kind whatsoever that may be provided to the Consultant by the Principal or otherwise obtained by the Consultant during the performance of the Services, shall remain the property of the Principal, and further, that all such information and material and any copies thereof shall be returned to the Principal upon termination of this Agreement. Both parties acknowledge and agree that the Principal shall obtain all rights, title and interest, including copyright ownership, to the materials that are to be produced and delivered to the Principal in accordance with this Agreement and the Principal may use, disclose or modify the same in any manner it deems appropriate. The Consultant shall not do any act which may compromise or diminish the Principal's interest as aforesaid.
6. This Agreement sets forth the entire Agreement between the parties hereto in connection with the subject matter hereof. No alteration, amendment or qualification of this Agreement shall be valid unless it is in writing and is executed by both of the parties hereto.
7. The Consultant shall not assign this Agreement or any interest herein or subcontract the performance of any Services without the prior written consent of the Principal. This Agreement shall enure to the benefit of and be binding on the heirs, executors, administrators, successors and permitted assigns of the parties hereto.
8. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.
9. Town shall at no expense to the consultant provide an office space and furnishings.
10. The Consultant shall perform the Services as an independent contractor. Nothing contained in this Agreement shall be deemed to create any association, partnership, joint venture, or relationship of Corporation and agent or employer and employee between the parties hereto or to provide either party with the right, power or authority, whether express or implied, to create any such duty or obligation on behalf of the other party. The Consultant also agrees that it will not hold itself out as an affiliate of or partner, joint venturer, co-principal or co-employer with the Principal by reason of the Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date first above written.

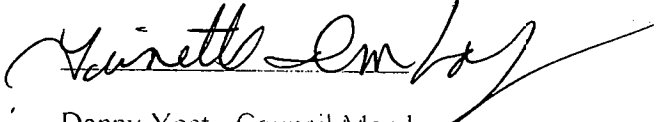


Doug Reiter Council Member



Kenneth J. Alexander Consultant

Trinette Imhof Council Member



Danny Yost Council Member



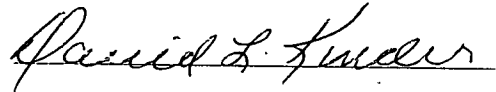
Mike Lockhart Council Member



Jacques Smith Council Member



Attest: Dave Kinder Treasurer



**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
January 12, 2004**

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on January 12, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, Clerk-Treasurer David L. Kinder, Chief of Police Michael L. Stricker, Kenneth J. Alexander, (Utilities Consultant), John Toombs (Jacobi, Toombs and Lanz, Engineers, Inc.), and Susan Baker, (Indiana Department Environmental Management).

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:10 P.M.

TOPICS OF DISCUSSION:

Police personnel matter.


IDEM (Indiana Department Environmental Management) compliance plan.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:02 P.M.


No subject matter was discussed in the executive session other than the subject matter specified in the public notice.




Douglas J. Reiter, Council President



Danny F. Yost, Council Vice President



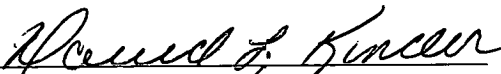
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

January 12, 2004

REGULAR TOWN COUNCIL MEETING:

The Sellersburg Town Council met in regular session January 12, 2004 at the Sellersburg Town Hall. Those present were Council President Douglas J. Reiter, Council Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:10 P.M.

PRAYER:

Council Member Michael N. Lockhart offered a prayer to open the meeting.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has read the minutes from the last meeting. Michael N. Lockhart makes a motion to accept the minutes of the January 5, 2004 Special Council Meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter introduces Susan Baker from IDEM (Indiana Department Environmental Management).

President Reiter explains how meetings are to be conducted. If we have something on the agenda we will let the public speak on that and when we close public comment what we will do as a board is make a motion and then a second and then the board will discuss it and at that time, public comment is closed. The only people that will be discussing it will be the board members. The Town has adopted the Roberts Rules of Order and that is how it is done in the Roberts Rules of Order; open it up for public comment, they discuss it, we make a motion to discuss it between ourselves because we have the information from the public on that.

JOE OLSON: Presents the Council with summary comparisons of Health Insurance for the Town employees. Renewal of the health insurance is due in April.

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ADAM KOCH: Speaks on behalf of Chief of Police Michael Stricker and retaining him as Chief of Police.

MICHAEL G. NAVILLE, (Attorney at Law): I represent Brian Welsh who is developing Kelly Estates, located on County Line Road in Floyd County. Mr. Naville presents letter from New Albany Sewer Board consenting to provision of sanitary sewer service by the Town of Sellersburg for the subdivision.

President Reiter tables this until the February 9, 2004 meeting.

WILLIAM HUBER: Speaks on behalf of retaining Michael Stricker as Chief of Police for the Town of Sellersburg.

JAY WYZARD, (Semonin Realtors): The bids for the Old Police Station property were opened today, a little after 1:00 P.M. today, with "Perry" (William P. McCall, III, Town Attorney) and Dave (David L. Kinder, Clerk-Treasurer) present. There were 4 (four) bids, the lowest two bids did not meet the required 90% of appraised value, the two that do meet the 90% criteria are Rick Fach, a bid of \$93,731.50 (ninety three thousand seven hundred thirty-one and 50/100 dollars); the bid of Glenn and Sally Riggs was \$103,600.00 (one hundred three thousand six hundred and no/100 dollars).

President Reiter asks for a motion to accept any of these bids, at least the last two, no motion so the bids are rejected.

Jacques Smith recommends that Wyzard talk to (President) Reiter at least a week in advance if he is interested in selling this property.

PRESIDENT REITER: States that the Utility Administrator will be the secretary for the Planning and Zoning Committee and the Zoning Appeals Board at no cost to the Town.

Jacques S. Smith makes a motion to have the Utility Administrator be the secretary for the Planning and Zoning Committee and Zoning Appeals Board at no cost to the Town, seconded by Trinetta S. Imhof. 5-aye, 0-nay, motion approved.

PHILIP THOMPSON, (Environmental Management Corporation): In November (2003) I brought to the Council's attention that it is our (EMC) intention to do the CPI increase, which as page 2 of the contract, states that when there is no

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negotiations prior to the CPI increase it will go into effect the first of the year and I stated that it is our intention to do the minimum which is 3%, which is approximately \$2,600.00 (two thousand six hundred and no/100 dollars) per month and will be reflected on the January (2004) bill.

President Reiter states this is tabled until the February 9, 2004 meeting asking that EMC justify this increase and that no increase will be paid until it is discussed further.

KEVIN WRIGHT, (EMC): We have a contract with Bastin Logan to clean the sand filters at the water plant and in doing this and once they got to the air pipes they found the air pipes are stopped up. Bastin Logan recommends that these forty-two sections of pipe be replaced. They gave us a price of \$7,484.00 (seven thousand four hundred eighty-four and no/100 dollars) to replace these pipes.

Trinette S. Imhof makes a motion to approve the funds to replace these pipes, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

KENNETH A. ALEXANDER, (Utility Administrator): Presents the Utility Manager's report for January 5, 2004 until present time.

He needs to purchase a laptop computer and software for the Utility Administrator.

Jacques S. Smith makes a motion to approve the purchase of a lap-top, not to exceed \$2000.00 (two thousand dollars), and purchase software, for a lap-top computer, not exceed \$600.00 (six hundred dollars), seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

President Reiter instructs the Clerk-Treasurer that 50% of these costs come from sewer funds and 50% come from Storm Sewer funds, this includes his contract fees and all expenses.

NATHAN GRIMES, (Building Commissioner): Presents his monthly report.

R. THOMAS LOWE, (Town Court Judge): Presents an invoice from Veronica Russell, of Jeffersonville, to re-upholstering six chairs for the new Town Court at a cost of \$930.00 (nine hundred thirty dollars).

Michael N. Lockhart makes a motion to approve the bill, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

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PRESIDENT REITER: Announces that the Council will be taking applications for a new chief of police, and Chief Michael Stricker will remain as acting Chief until a new chief is determined.

Michael N. Lockhart makes a motion to take applications for a new police chief, seconded by Trinette S. Yost. 5-aye, 0-nay, motion approved.

President Reiter directs Town Attorney McCall to contact the paper and advertise for the position.

MICHAEL L. STRICKER, (Chief of Police): Thanks everyone that supported him while he was chief of the police department.

WILLIAM P. McCALL, III, (Town Attorney): Presents **ORDINANCE 2004-002, AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLESBURG, INDIANA** (Evelyn Huff property from R-1 to B-2).

Danny F. Yost makes a motion to pass Ordinance 2004-002, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

McCall advises he contacted Environmental Management Corporation, as directed in the last meeting, reference-amending language in their contract. I have an agreement from EMC, signed by them, and I need President Reiter's signature and Witnessed and Attest by Clerk-Treasurer Kinder.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve payment of the claims as submitted.

Danny F. Yost makes a motion to approve payment of the claims, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Have a claim from Jacobi, Toombs and Lanz, Inc. for \$67.50 (sixty-seven and 50/100 dollars) for work on Sellersburg Stone Annexation. Motion by Michael N. Lockhart to approve payment of this claim, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Have a Claim, approved by the Parks Department, for Edwards Custom Mowing, for \$1,551.00, (one thousand five hundred fifty-one dollars), for mowing services.

AMENDMENT I TO AGREEMENT FOR CONTRACT FOR OPERATIONS,
MAINTENANCE AND MANAGEMENT OF THE TOWN OF SELLERSBURG WATER,
WASTE WATER AND UTILITY BILLING/COLLECTION SYSTEMS

This Addendum to the Agreement for Contract Operations, Maintenance and Management of the Town of Sellersburg Water, Wastewater and Utility Billing/Collection Systems, dated January 13, 2003, between the Town of Sellersburg, a Municipal Corporation in the County of Clark, State of Indiana, acting through its Town Council (hereinafter "Town"), and Environmental Management Corporation, a Missouri Corporation with place of business at 101 N.W. First Street, Suite 18, Evansville, Indiana 47708 (hereinafter "EMC").

WHEREAS, on January 13, 2003 the Town and EMC entered into an Agreement for Contract Operations, Maintenance and Management of the Town of Sellersburg Water, Waste Water and Utility Billing/Collection Systems, (hereinafter "the Agreement");

WHEREAS, the Town has been advised by Bond Counsel, Ice Miller of Indianapolis that any new Agreement must be structured to comply with federal tax rules to assure said Agreement will not jeopardize the tax exempt status of the Town's outstanding sewer bonds; and

WHEREAS, said Amendment is necessary to preserve the Town's ability to issue tax exempt bonds in the future;

NOW THEREFORE, the Town and EMC hereby agree the following language shall be added to the Agreement:

Section IV: Subsection B under "Water/Wastewater Flows and Loadings" the last paragraph shall be amended as follows:

The Town and EMC agree that the aggregate of any Electrical Compensation, Chemical Compensation, Maintenance Compensation and Flow and Loading Compensation to be paid in any year by the Town to EMC pursuant to this section shall not exceed 50% of the total compensation for that year as herein before described.

IT IS NOW THEREFORE FURTHER AGREED the following language shall be added to the Agreement:

Section IV: "Responsibilities of the Town", after subsection (C) the agreement shall be amended as follows with subsection (D).

D. Limitations of Variable Compensation and Compliance with Revenue Procedure 97-13. (1) Notwithstanding any term of provision of the Agreement to the contrary under no circumstances shall the total Variable Compensation (as defined in subparagraph (2) below) to be paid to EMC in any Agreement year exceed fifty (50%) of the total obtained by adding (i) the Fixed Compensation for such Agreement year with (ii) the Variable Compensation. For

example, if the Fixed Compensation for an Agreement year is equal to \$195,000, EMC could also receive Variable Compensation not in excess of \$195,000 for a total Fixed Compensation and Variable Compensation not in excess of \$390,000.

(2) "Variable Compensation" for any Agreement year means the total of the amounts to be paid to EMC in such period exclusive of the Fixed Compensation, less any reimbursements to EMC for actual and direct expenses paid by EMC to entities or persons who are not "related parties" to EMC (within the meaning of Section 144(a)(3) of the Internal Revenue Code of 1986, as amended ("Code")), including, without limitation, any reimbursements to EMC for additional actual and direct labor related expenses (including the cost of all associated fringe benefits) incurred as a result of (i) a Change of Law; (ii) the occurrence of an event of Force Majeure; (iii) the treatment of influent wastewater not exhibiting the characteristics required by the Agreement; (iv) a change in benchmark flows and loading; and (v) the provision of any or all services outside the scope of the Agreement as identified therein.

(3) No compensation paid to EMC shall be based, in whole or in part, on a share of net profits from the operation of the Facilities.

(4) The Town and EMC intend that the Agreement comply, and hereby covenant to take any actions necessary so that the Agreement does in fact comply, with the provisions of Internal Revenue Procedure 97-13 (and any successor tax law) during the term of the Agreement in order to ensure that EMC's management of the Facilities is not private business use under Section 141 of the Code.

IT IS NOW FURTHER AGREED, Section V "Miscellaneous", paragraph "Term" shall be amended as follows:

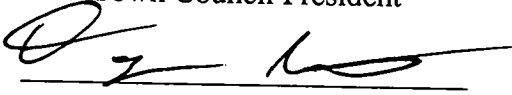
Service shall begin on January 14, 2003 and end on December 31, 2006, unless the agreement is extended or terminated as herein provided. The term of contract cannot exceed five (5) years.

IT IS FURTHER AGREED Section V, "Miscellaneous", paragraph label "Termination" shall be amended as follows:

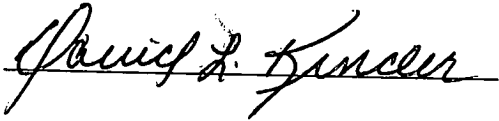
In addition, either party to this agreement may terminate this agreement on one hundred twenty (120) days notice, without penalty or cause, at the end of the third (3) year of term of the agreement.

In witness whereof, the parties signed this Addendum with and effective date of
JANUARY 12, 2003.

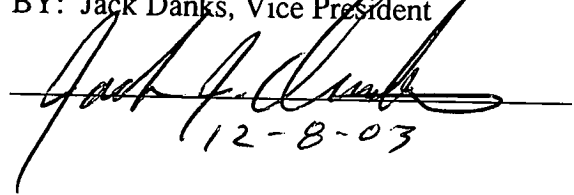
Town of Sellersburg
BY: Town Council President



Witness & Attest:
David Kinder, Sellersburg Clerk Treasurer

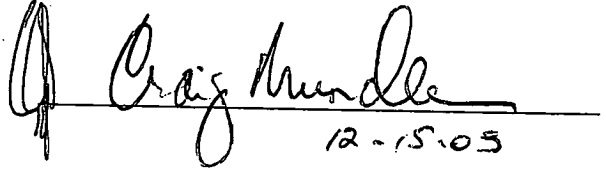


Environmental Management Company
BY: Jack Danks, Vice President



12-8-03

Witness:



12-15-03

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Jacques S. Smith makes a motion to approve the claim for mowing, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

Have the minutes for the December 29, 2003 Regular Town Council Meeting, signed by the three council members in attendance; need this entered into the minutes that those minutes were approved by those members.

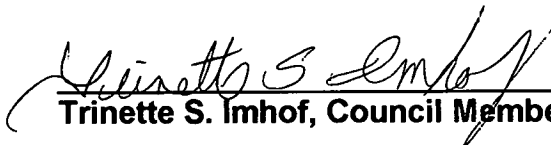
Jacques S. Smith makes a motion to adjourn the meeting, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved and meeting adjourned at 9:15 P.M.



Douglas J. Reiter, President



Danny F. Yost, Vice President



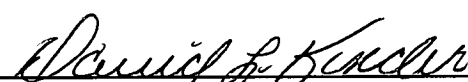
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

Attachments: Bids for Old Police Station Property
Amendment to EMC contract

BIDS Received for the Police Station

(Lowest to Highest)

Glenn & Glendel Embry

\$46,000- CASH

\$1000 Earnest Money Deposit after offer is accepted

Closing Date: on or before March 10, 2004

Nathan Grimes

\$70,052- Cash with New Mortgage (pre-approval letter)

\$100 Earnest Money Deposit

Closing Date: 30 Days from acceptance of offer

CONDITIONS:

Seller to pay \$300 towards evidence of title!

Seller to provide survey!

Rick Fach

\$93,731.50- CASH

\$93,731.50 Earnest Money Deposit

Closing Date: on or before February 13th, 2004

CONDITIONS:

Buyer has made arrangements to have Attorney's Abstract & Title to provide closing costs at no charge to Town of Sellersburg!

Glenn & Sally Riggs

\$103,600 CASH (letter stating funds are available from IU Credit Union)

\$600 Earnest Money Deposit

Closing Date: on or before January 30th, 2004

CONDITIONS:

Seller to provide survey!

Subject to Termite Inspection-If infestation is found, seller to provide treatment!

SELLERSBURG TOWN COUNCIL

January 19, 2004

SPECIAL TOWN COUNCIL MEETING:

The Sellersburg Town Council met on January 19, 2004 at the Sellersburg Town Hall. Present were Council President Douglas J. Reiter, Council Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

Council President Douglas J. Reiter called the meeting to order at 7:03 P.M.

ORDER OF BUSINESS:

This is a public hearing due to discussion of sewer tap increase. It was read at the last meeting and there have been no changes to it at this time. Is there anyone that wants to discuss it at this time?

JEFF BARTON: Questions if the sewer tap fee has already been paid that you are raising the price!

William P. McCall, III advises that there were agreements to sewer tap fees that were entered into by previous Boards. The Perry Crossing development agreed for 375 lots because of that type of agreement and the amount of the tap fees were included in that agreement I believe the Town would be bound by those types of agreements regarding tap fees that were prior to this ordinance not grandfathered in but are contractual agreements.

You have various developers who have been before the previous Town Council and have requested authority to tap onto the Town sewer system and the Town has agreed however they have charged them a premium, however the premium is not what it is going to be in this new ordinance, and I think that the Town would be bound by those premiums they have already set.

His (Barton's) concern is that it is going to be retroactive; I do not think it is for those types of people. Now those that said they want to hook up at some point in the future would you all mind it, well we don't have a problem; well we will be back and did not get that commitment from the Town that is a different situation and you will have to handle those on a case-by-case basis.

I (Barton) have already paid for the sewer tap, will I have to pay more now? Ken Alexander (Utility Administrator) advises that after six months he will receive a sewer bill for that tap. Barton questions if he can get a refund on what he has paid so he won't be charged a sewer fee monthly.

Special Town Council Meeting
January 19, 2004
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President Reiter advises that Mr. Barton has raised a good point and he will check with the Town Attorney and the Utility Administrator and find out what is going on with it, I know with the ordinance that we have in effect, after six months you are suppose to be billed for that, because you have six months to build and tap in. Then after they consider you are already built and taped in and then they issue you a bill afterward. This has nothing to do with what we are doing tonight.

DANIEL LYNN: I am here on behalf of Bob Lynn and Lynn Developments and the point we would like to make, if you have already made the decision to raise the tap fees, then every subdivision that already has a pre-approved master plan we feel like that should be grandfathered into the existing fees.

GREG FURNISH: I want to take what Danny (Lynn) said one-step further. I believe Allen Conner and a couple other developments along that extension out toward Covered Bridge have things in writing that their sewer taps can't go up is that correct.

Attorney McCall answers there are some agreements, yes, and there are agreements that were made during the course of these meetings.

Furnish advises that he will have to check with my attorney, like Sterling Oaks and even Covered Bridge, speaking on behalf of Danny's part, are they part of that agreement or are they excluded from that agreement, even though we paid \$890,000.00 (eight hundred ninety thousand dollars) to extend that line at our cost.

McCall states, which you got money back in regard to that. Furnish replies absolutely not! The agreement was suppose to be signed and it was never agreed.

McCall states he knows of no agreement with Covered Bridge about any additional taps.

Furnish advises that he is speaking on behalf of Sterling Oaks, I am the 21st Century Developers, if we paid to put that line in and you have grandfathered developers after us to tap onto our line that we paid for that we didn't get reimbursed for I think you are seriously jumping over a line that we need to look at and waiting until a future meeting I don't see how you can see to do that, somebody need to make that decision. McCall states it doesn't have anything to do with that issue it's an increase in taps, what does that have to do with whether or not you have an agreement with the current tap structure or the new tap

Special Town Council Meeting
January 19, 2004
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structure, it simply an amount that is going to be assessed and not with who is going to be tapping on to that line. I don't understand how that amount is going to affect any type of relationship or lack of relationship that you have with the Town.

Furnish; I guess I am looking for you to say if we have allowed Wes Porter and Connor and some of these others that are just now getting ready to tap onto our line we paid for, would it not make sense, since we have no reimbursement agreement that you all signed that we suffer the consequences of paying extra for tap in fees.

McCall asks what does this have to do with this? What does that have to do with anything that you believe the Town should do for you in regard to that? Because number one is where else, were you going to tap on to where were you going to go with your sewer for that development if you weren't coming to the Town?

Furnish; legally are you going to allow developers that haven't even taped into our line that we paid for grandfather and won't even allow the two developers that paid \$890,000.00 (eight hundred ninety thousand dollars) to put it in that is all I want to know.

McCall; if they have an agreement with the Town. If they have a previous agreement with the Town to tap in for whatever amount that was over and above the regular tap fee, yes, if they didn't then it will be the new tap fee.

SONNY SPRIGLER:

We have a project over here, Lakeside Estates that originally had about 98 lots in it, they are all finished and the sewer taps were about \$1,800.00 (one thousand eight hundred dollars). When they went to \$2,500.00, we had a choice to pay for all of them and at the time, we have, about 17 houses paid for and we paid the lot off.

Since then we have developed the back part there and Bob Lynn and myself were involved and it had about 55 lots in it and we sold to other people, Lynn took 17 lots and I took 17 lots and sold 25 lots out to others. Now we have a new one back there that has 72 lots in it, we have half of those lots sold to the same guys and they think the tap in fees are going to be like \$2,500.00 (two thousand five hundred dollars) and now we are going to have to go back to them say they are going to cost more.

Special Town Council Meeting
January 19, 2004
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We would like to go ahead and write a check for the whole amount, which are about 71 lots, which is about \$177,500.00 (one hundred seventy-seven thousand five hundred dollars) we would like to have the option to do that.

President Reiter states that he is now closing the public hearing and opens the Regular Council meeting.

Danny F. Yost makes a motion to consider **Ordinance 2004-001, AN ORDINANCE AMENDING SEWER TAP FEES**, on first reading, seconded by Trinetta S. Imhof. President Reiter reads letter of explanation concerning this rate increase. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to pass Ordinance 2004-001 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sonny Sprigler asks if the new rates are in effect right now, Reiter advises yes, unless there was a prior agreement.

R. THOMAS LOWE, (Town Court Judge): I have provided the Council President a copy of the purchase agreement from Data Design; they are supplying the computer software and hardware for the court case tracking system. I have an invoice from Data Design for \$15,638.00 (fifteen thousand six hundred thirty-eight dollars) for server, two work stations, 2 lap tops, laser printer, including the hardware all of the software, a year of software support, configuring the computers and assembling the workstations and server, bench testing the equipment after it is loaded with all of the software and then also coming up and networking the equipment, they will also supply training for both myself and a court staff person, the total is \$17,198.00 (seventeen thousand one hundred ninety-eight dollars), there was a reduction of \$300.00 (three hundred dollars) on the cost of a work station. I have submitted a claim form and invoice for \$15,638.00 (fifteen thousand six hundred thirty-eight dollars); we are not being billed for any of the per diem training days or any of the per diem days for coming and setting up the network. Those will come when those services are provided. I ask for the council's approval of the invoice of \$15,638.00 (fifteen thousand six hundred thirty-eight dollars) and that will come from the Building Fund (#261) that is set aside for improvement of the police building.

Jacques S. Smith makes a motion to pay the \$15,638.00 (fifteen thousand six hundred thirty-eight dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

COUNCIL NOTE

Read January 19, 2004 Special Council Meeting

COUNCIL NOTE: The issue of who pays how much for the new sewer capacity is still very much under decision. The Current proposal was to charge all current customers 100% more on their utility bill to cover new capacity improvements. A current customer paying a sewer bill of \$35.00 would soon see and additional \$35.00 to pay for future expansion needs.

The newly elected Town Council opposes this plan to increase rates of existing ratepayers to subsidize new growth.

The sewer connection for a new home under the new Town Council's plan will be roughly \$5,300.00 (five thousand three hundred dollars). This figure includes the connection charges the town itself now charges, plus an additional charge to build new capacity. This \$5,300.00 (five thousand three hundred dollars) represents the actual capital cost of the sewer connection and is the same kind of cost as roofing materials, drywall, window frames, and plumbers' salaries in contributing to the cost of a new house. In other words, the sewer connection charge is simply another capital cost of a house built on a sewer system.

Nobody asks current residents to subsidize the cost of a new resident's kitchen cabinets or siding. We see no reason why current residents should subsidize the cost of a new resident's sewer connection.

Some planners tell us the cost of housing is keeping or will keep people away from the service area that the Sellersburg Utilities serves, and that is the reason we should agree to have the current customer pay part of the newcomer's sewer connections. They provide no market analysis to support this conclusion, however. Plainly, though, if builders are building houses with more value in them than the market will bear, the builders need to make the appropriate cost adjustments, not ask current residents to help newcomers pay for their new homes.

A simple calculation show the cost of new capacity will not be a barrier to a new homebuyer. Assume a new house on the market would sell for \$150,000.00 (one hundred fifty thousand dollars). The builder has to pay a \$5,300.00 (five thousand three hundred) sewer connection fee. The builder decides the market will allow tacking the entire \$5,300.00 (five thousand three hundred dollars) onto the sale price of the house, so the house goes on the market for \$155,300.00 (one hundred fifty-five thousand three hundred dollars). Roughly speaking, about \$2,200.00 (two thousand two hundred dollars) of this connection fee is what the Town charges now for a sewer connection fee. This is the amount that a new homebuyer would have to pay today even if there is no charge for new capacity.

Council Note
Read January 19, 2004
Page 2 of 2 pages

Thus, the marginal cost of the new Town connection fee for new capacity is approximately \$3,100.00 (three thousand one hundred dollars).

As stated before the old proposal would have raised rates by 100% costing current customers who pay an average bill of \$35.00 (thirty-five dollars) to pay \$70.00 (seventy dollars). The current board's proposal would have new customers pay for expansion through an increase in taps of \$3,100.00 (three thousand one hundred dollars). The \$3,100.00 (three thousand one hundred dollars) is only 2% increase in the model home we spoke about.

Obviously, \$3,100.00 (three thousand one hundred dollars) is not going to keep anybody away. The difference in the cost of a 20 percent down payment on \$3,100.00 (three thousand one hundred dollar) is \$620.00 (six hundred twenty dollars). There may be folks who can scrape together \$30,000.00 (thirty thousand dollars) cash as a down payment on a \$150,000.00 (one hundred fifty thousand dollar) home, who just can't get their hands on another \$620.00 (six hundred twenty dollars), but probably not many.

Likewise, the difference in monthly payments on a \$155,300.00 (one hundred fifty-five thousand three hundred dollar) home and a \$152,200.00 (one hundred fifty-two thousand two hundred dollar) home is very minute. Assuming a 30-year standard mortgage at 5.25%, the difference in monthly payments is \$17.12 (seventeen and 12/100 dollars). That is not going to make the difference in qualifying for a loan to very many people.

In summary, the reason the previous Town Board gave for charging current residents 100% more of the cost of building new capacity is not justified. The newly elected Town Board strongly feels that current customers should not have to be burdened with out of Town capacity problems.

Special Council Meeting
January 19, 2004
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This is a capital outlay and we don't anticipate having this expense but maybe every four or five years.

PRESIDENT REITER: Has the minutes from the Executive Session (of the Town Council) for January 12, 2004, I will just sign these.

Has everyone read the minutes of the Regular Council Meeting, January 12, 2004? Danny F. Yost makes motion to approve the minutes of January 12, 2004 as submitted, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

Ken Alexander is going to represent us with River Hills; I have all the paperwork is filled out and in front of me. Danny F. Yost makes a motion to have Ken Alexander to represent us with River Hills, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

I want to make an award for Ed Denton. Trinette S. Imhof makes a motion to purchase an award for a town resident up to \$500.00 and not beyond, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Town Attorney McCall advises that the advertisement for Chief of Police position was suppose to be in The Evening News today and it has been posted on the (bulletin) board today and it was going to go in the Courier-Journal, but the cost was to expensive. The application consists of a resume, cover letter, salary requirements and also meet minimum requirements of having five years service as a police officer with a full time police department, be a citizen of the United States, be a high school graduate or equivalent, be at least 21 years of age and free of mental illness and physically fit and successfully complete the minimum basic training requirements as set forth in Indiana Code 5-2-1. The applications will be taken until 4:00 P.M. on February 20, 2004 to be submitted to the Town Hall to the attention of the Town Council President Doug Reiter. Any questions to contact me in writing.

Jacques Smith requests that the advertisement also be placed on line.

Council requests that the advertisement be placed in The Leader.

Jacques Smith states that last week we considered selling the old police station and the Council is looking into maybe we could rent that out and if later we see the opportunity to sell it we could do so. I thought you (McCall) would know if we had some type of contract with the reality company that we were using.

Special Town Council Meeting

January 19, 2004

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Trinette Imhof advises that the realty gets 10% of the selling price of the property, provided we were offered 90% of the appraised value and we were offered \$600.00 (six hundred dollars) over the appraised amount.

President Reiter advises that he and Town Attorney McCall talked to Jay (Wyzard, Semonin Realty) and he ask that the two proposals that we had, one for \$93,731.50 and the other was for \$103,600.00 (one hundred three thousand six hundred dollars) ask him to extend it because they had a cut off the day after the meeting that we had so he sent them a letter, in writing, they signed it and sent it back, said they would extend it, one said they would not. Actually the one for \$103,600.00 (one hundred three thousand six hundred dollars) said he would extend it until after our February meeting. So we have time to think about it and discuss it.

(Jacques) Smith asks Trinette (Imhof) if she knows the cost to pay; his (Wyzard) company is 10%. Trinette advised, that is correct that is what the contract says. I (Trinette) can get a copy of that contract.

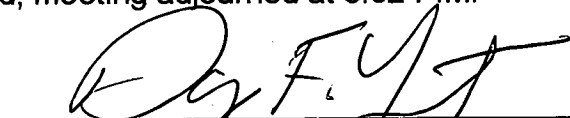
Clerk-Treasurer advises the Council that Wyzard kept all the copies of the bids for the building and that those should be on file in the Town Hall. President Reiter says he will call him.

MARY KRAMER (K. D. Stearley): addresses the Council concerning advertising on a Chamber of Commerce County map. She says she must know tonight, as the map will be sent to the publisher this week.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved, meeting adjourned at 8:02 P.M.



Douglas J. Reiter, President




Danny F. Yost, Vice President



Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Danny F. Yost, Council Member
Jacques Smith



ATTEST: David L. Kinder
Clerk-Treasurer

Attachment: 1

SELLERSBURG TOWN COUNCIL MEETING

February 9, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on February 9, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:25 P.M.

PRAYER:

Michael N. Lockhart offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

Danny F. Yost makes a motion to approve the minutes of the January 19, 2004 meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

MIKE NAVILLE, (Attorney at Law): I am here representing Brian Welch requesting sewer taps for Kelly Estates. Also, I am asking for consideration on the fee price since this request was made last December and that Council wanted us to wait until the new Council took office. The fees at that time were \$2,800.00 (two thousand eight hundred dollars) and now they are \$5,300.00 (five thousand three hundred dollars).

Danny F. Yost makes a motion to approve the sewer taps for Kelly Estates, seconded by Jacques S. Smith. 5-aye, 0-nay motion approved.

You will have to come back for any adjustment to the tap fee when he is ready for the sewer taps.

KENNETH J. ALEXANDER, (Utility Administrator): The contract with EMC (Environmental Management Corporation) has in their contract for a minimum increase in the CPI (Consumer Price Index). This is contractual and it must be paid.

Town Attorney McCall advises that since the council did not meet with EMC ninety days out it automatically increased to 3% (three percent).

PRESIDENT REITER opens the public hearing for ordinance 2004-004, Additional Appropriations. President Reiter reads the ordinance.

Jacques S. Smith makes a motion to close the public hearing, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting
February 9, 2004
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Michael N. Lockhart makes a motion to consider **ORDINANCE 2004-004, AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS**, on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to pass Ordinance 2004-004 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

JILL S. SAEGESSER, (River Hills Economic Development): We provide services for five counties and we provide technical assistance to Cities and Towns in these counties. I have been asked by Ken Alexander to help seek funding for sewer problems in the Town.

There are funds available for sewer projects through Federal grant funds and some implementation funds. There are eligibility requirements for these, which on paper the Town does not meet as a whole but there are ways to make certain parts of the Town eligible.

Danny F. Yost makes a motion to permit Kenneth J. Alexander, Utility Administrator, to get with Ms. Saegesser and start working on getting approval for grants, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

PHIL DEAN: Has an alley next to his home that is causing drain water to run under his house. Jacques S. Smith, Nathan R. Grimes (Building Commissioner) and Kenneth J. Alexander will contact Mr. Dean and check into this situation.

BOB ERSKINE: requesting permission to tap into sewers for a new sub-division adjacent to Kelly Estates and adjacent to Andrews Estates, this would be in Floyd County. Paul Primavera states the forced main going through there is large enough to take on the additional development, there would have to be some pumps changed within the lift station which we, as developers, would bare all cost on that.

This will be tabled until March 8 meeting and which time Mr. Erskine needs a letter from New Albany stating it is permissible to go to Sellersburg sewers.

RICHARD BENDURE, (Data Design, Inc.): Presents proposal for UtilityMaster Billing System Pricing, this includes Basic Hardware, \$14,081.00 (fourteen thousand eighty-one dollars); Software, \$11,420.00 (eleven thousand four hundred twenty dollars); Additional hardware, \$5,479.00 (five thousand four hundred seventy-nine dollars); Additional Software features, \$7,716.00 (seven thousand seven hundred sixteen dollars); Per diem expenses for 4 days at \$120.00 (one hundred twenty dollars)per day, cost is \$480.00 (four hundred eighty dollars); for a total cost of \$39,176.00 (thirty nine thousand one hundred seventy-six dollars). Maintenance contract is extra, but one-year support comes with purchase of program. The training program is a four-day program. This proposal includes the networking of the three workstations to the server only so anything else would be at the discretion of the Town Council and either of the departments that would want additional connections.

Sellersburg Town Council Meeting

February 9, 2004

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Michael N. Lockhart makes a motion to purchase the system, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and to be paid equally between Sewer, Water and Trash.

BOYCE ADAMS, (Fire Marshall, Sellersburg Fire Department): Requesting the Town purchase 200 storz adapters for fire hydrants to lower the ISO (Insurance Services Office) rating for the Town. These adapters range in the cost of \$100.00 (one hundred dollars) to \$150.00 (one hundred fifty dollars) each.

President Reiter advises that the Town needs to check further into the cost, determine where the money will come from and see if we can get a better cost than \$150.00 (one hundred fifty dollars) and I would like to get Ken Alexander involved since this has to do with water.

MARYANN DELLAROSA: Addresses the Council about street paving in Hill-n-dale and having the street stripped down from all the past paving. In addition, I would like to know if anything could be done about the intersection at highway 311, Ohio Street and Enterprise Drive.

IRVIN JOHNS: Nathan Grimes is representing Mr. Johns who is seeking tax abatement for a building he wants to construct in Ballew Industrial Park. This business will be IRJ, LLC engine repair and restoration of classic cars.

Danny F. Yost makes a motion to grant 10-year abatement for the property only, seconded by Trinetta S. Imhof. 4-aye, 1 abstention, motion approved.

ARTHUR McDERMENT, JR.: Complaining about a neighbor's privacy fence on the property line of his property. This in an ongoing problem since September 2002.

President Reiter advises that he, Nathan Grimes, Michael Lockhart and Town Attorney will check into this and get back with Mr. McDerment.

JAY WYZARD, (Seminon Realtors): There were four bids on the old police department and after the opening an extension was given to Glen and Sally Riggs and they are resubmitting the offer of \$103,600.00 (one hundred three thousand six hundred dollars) for the property, through Barbara Sanders of Schuler Bauer Real Estate, also we are to pay a 10% commission to the Realtor for the sale of the property, through the contract we signed with Seminon Realtors.

Jacques S. Smith makes a motion to accept the \$103,600.00 (one hundred three thousand six hundred dollar) offer made by Glen and Sally Riggs for the sale of the old police station property, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

The Town will accept sealed bids until March 8, 2004 for the Villa Drive property.

KENNETH J. ALEXANDER, (Utility Administrator): Lakeside development is asking the

Sellersburg Town Council Meeting
February 9, 2004
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Town to accept the streets and sidewalks and before the Town does that I would like to send all residents a post card for the residents to return to see if residents approve.

Michael N. Lockhart makes a motion to approve sending a letter to residents (of Lakeside development), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

There is a tap in refund for Fidelity International Contractors, Inc., this was a sewer tap that was granted on an estimated amount of sewage and after a year the true consumption usage is determined and if it is more the contractor pays more and if it is less the Town refunds part of the tap price.

Michael N. Lockhart makes a motion to refund \$9000.00 of the sewer tap fee (nine thousand dollars) to Fidelity International Contractor, Inc. seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

IDEM has changed their rules as far as the end of the month reports as far as the quality of the effluents that comes from the plant. They are requiring a signature not only from the plant operator but a signature from the Town to verify that the Town operator did his job.

Michael N. Lockhart makes a motion that the Town Council President or the Utility Administrator sign that portion of the IDEM report, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The monthly contract with EMC (Environmental Management Corporation), how we are breaking it down (regarding the expenses for the billing office) as for the water, sewer and trash collection and the trash collection was not paying any expenses for this office. Basically one portion of their contract was billing and one-third of the expense should have been trash collection and that amounts to \$4,528.85 (four thousand five hundred twenty-eight and 85/100 dollars) per month. This amount will be taken from MVH (motor vehicle highway fund, account 394) and later there will have to be an appropriation to refund that money.

Michael N. Lockhart makes a motion to approve taking \$4,528.85 (four thousand five hundred twenty-eight and 85/100 dollars) or 5% of the 15% total cost, a third, of the billing office, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter advises that this is retroactive to January 1, 2004. Trinetta S. Imhof makes a motion to make this retroactive until January 1, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

Need to find an area in Town that we want to do our pilot program with as far as rehabilitation, and we want to install flow meters to determine sewage flow. What I am asking for tonight are two meters to be installed and training, half a day, to show us how to install the meters and the other half of a day, how to put the information into a lap-top and evaluate the information.

Sellersburg Town Council Meeting

February 9, 2004

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Jacques S. Smith makes a motion to purchase two flow meters at a cost of \$4,250.00 (four thousand two hundred fifty dollars) each plus \$1,200.00 (one thousand two hundred dollars) for training, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Ordinance update to be installed on the internet and website through American Legal Publishing, the people that currently up date our ordinances. The cost to convert into folio views is \$595.00 (five hundred ninety-five dollars) to convert the codes and \$200.00 (two hundred dollars) a year to have it on the internet and \$1.95 (one and 95/100 dollars) per page to update the book.

Jacques S. Smith makes a motion to pay for the website to have the Town codes for \$595.00 (five hundred ninety-five dollars) initially plus the \$200.00 (two hundred dollars) to put it on the internet plus the annual fee of \$200.00 (two hundred dollars) for putting it on the internet for three years and any charges at \$1.95 (one and 95/100) per page for any changes or amendments to any new ordinances, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Clerk-Treasurers office has requested that the utilities for the billing department, town court, police department, utility administrator's office to be consolidated through the Town Council budget.

Jacques S. Smith makes a motion to consolidate the utility bills generated at the police station come under one general billing to be paid out of the Town Council budget, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

R. THOMAS LOWE, (Town Court Judge): Request a special meeting with the Town Council on Monday February 16 at 7:00 P.M.

There are several lock boxes in the old vault, in the Town Court building, and I request that I be permitted to sell the brass and stainless steel from that vault at the best price and give the money to the Clerk-Treasurer for deposit into the General Fund.

Jacques S. Smith makes a motion to permit the Judge to sell the brass and stainless steel from the old vault, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

NATHAN R. GRIMES, (Building Commissioner): Have the building commissioner's report for January.

Nathan provides copies of Building Code Effectiveness Grading Schedule for the Town of Sellersburg, from the Insurance Service Office.

WILLIAM P. McCALL, III (Town Attorney): The Clerk-Treasurer gave me an **Ordinance NUMBER 2004-005, AN ORDINANCE ESTABLISHING A PETTY CASH FUND FOR THE TOWN COURT.**

Sellersburg Town Council Meeting

February 9, 2004

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Michael N. Lockhart makes a motion to consider Ordinance 2004-005 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to pass Ordinance 2004-005 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

TOWN COUNCIL RESOLUTION NUMBER R2004-001, APPROVING AND RATIFYING AN EXECUTIVE ORDER OF THE PRESIDENT OF THE SELLERSBURG TOWN COUNCIL ADOPTING A CAPITAL IMPROVEMENT PLAN PURSUANT TO IC 6-3.5-7.

Danny F. Yost makes a motion to approve Resolution No. R2004-001, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Presents ORDINANCE NO. 2004-006, AN ORDINANCE CONCERNING THE REFUNDING BY THE TOWN OF SELLERSBURG OF ITS WATERWORKS REFUNDING REVENUE BONDS OF 1993; AUTHORIZING THE ISSUANCE OF WATERWORKS REFUNDING REVENUE BONDS FOR SUCH PURPOSES; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE WATERWORKS AND THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF THE WATERWORKS REFUNDING REVENUE BONDS AUTHORIZED HEREIN; OTHER MATTERS CONNECTED THEREWITH; AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

Danny F. Yost makes a motion to consider Ordinance No. 2004-006 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to pass Ordinance No. 2004-006 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Presents ORDINANCE NO. 2004-007, AN ORDINANCE RESCINDING ORDINANCE NO. 2004-001 WHICH AMENDED SEWER TAP FEES IN THE TOWN OF SELLERSBURG.

Danny F. Yost makes a motion to consider Ordinance No. 2004-007 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to pass Ordinance No. 2004-007 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Attorney McCall introduces Ordinance No. 2004-008, Ordinance amending sewer tap fees and reads the ordinance.

Sellersburg Town Council Meeting
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McCall introduces **ORDINANCE 2004-009, AN ORDINANCE REPEALING SECTION 70.99 (D) OF THE SELLERSBURG TOWN CODE.**

Danny F. Yost makes a motion to consider Ordinance 2004-009 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to pass Ordinance 2004-009 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

McCall introduces **ORDINANCE 2004-003, AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLESBURG, INDIANA.**

Danny F. Yost makes a motion to consider Ordinance No. 2004-003 on first reading, seconded by Jacques S. Smith.

After discussion Danny F. Yost makes a motion to withdraw his motion to consider Ordinance 2004-003 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Have a bill from Renaissance Design for Kelly Estates engineering and a meeting with Kevin Wright (EMC) for \$150.00 (one hundred fifty dollars).

Danny F. Yost makes a motion to approve this payment from the sewer fund, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve the monthly bills as submitted by the Clerk-Treasurer's office, seconded by Trinetta S. Imhof. 5-aye, 0-nay, motion approved.

Have a bill from EMC (Environmental Management Corporation) to pay the Health Insurance from February increase of \$1,202.11 (one thousand two hundred-two and 11/100 dollars) and retroactive adjustment for CPI (Consumer Price Index) for January, \$1,309.51 (one thousand three hundred nine and 51/100 dollars), retroactive CPI adjustment (for water) \$873.01 (eight hundred seventy-three and 01/100 dollars) and retroactive increase for January Health Insurance of \$1,202.11 (one thousand two hundred-two and 11/100 dollars) for EMC. The total bill is \$4,586.74 (four thousand five hundred eighty-six and 74/100 dollars), I need to know what portion is water and what portion is sewer.

President Reiter states to pay the CPI but the insurance needs further explanation from EMC.

Have another bill from Monster, Inc, for advertising Chief of Police position, for \$335.00 (three hundred thirty-five dollars). This bill was paid by Attorney McCall and he needs to be reimbursed. Jacques S. Smith makes a motion to reimburse Mr. McCall, seconded by Michael N.

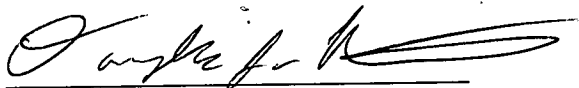
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Lockhart. 5-aye, 0-nay, motion approved.

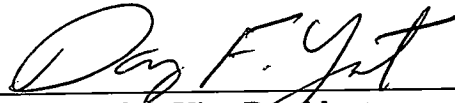
Have a bill from The Evening News for the advertising of the Chief of Police position, this bill is for \$735.00 (seven hundred thirty-five dollars). Jacques S. Smith makes a motion to pay this bill, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

Kevin Wright, (EMC) gives the Town a refund check for \$3,683.56 (three thousand six hundred eighty-three and 56/100 dollars) for the savings on chemical use during 2003, as stated in contract, the Town receives 25% of total savings on chemicals.

Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 11:26 P.M.



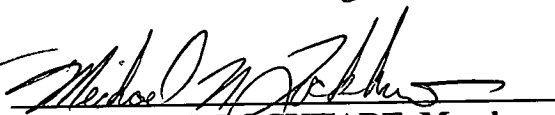
DOUGLAS J. REITER, President



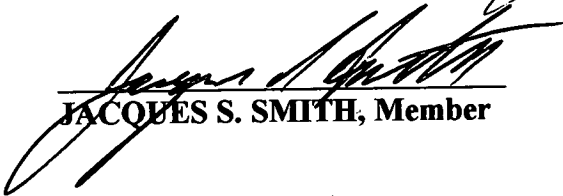
DANNY F. YOST, Vice-President



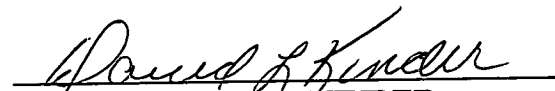
TRINETTE S. IMHOF, Member



MICHAEL N. LOCKHART, Member



JACQUES S. SMITH, Member



ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

February 16, 2004

SPECIAL TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session February 16, 2004 at the Sellersburg Town Hall. Those present were Council President Douglas J. Reiter, Council Vice President Danny F. Yost, Council Member Trnette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

PRAYER:

Council Member Danny F. Yost offered a prayer to open the meeting.

PLEDGE OF ALLEGIANCE:

Recited by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has read the minutes from the last meeting.

Danny F. Yost makes a motion to accept the minutes of the February 9, 2004 Council Meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

G. THOMAS LOWE, (Town Court Judge): I have Ordinance 2004-010 which is an increase in pay for the Chief Deputy Clerk-Treasurer and the Deputy Clerk-Treasurer; this gives them an increase in pay in exchange for operating as the Clerk of the Court, Deputy Clerk of the Court and the Traffic Violations Clerk and Deputy Traffic Violations Clerk, both of these will be necessary in order to operate a traffic violations bureau. It will entail the collection of all fees, fines, court costs, penalties associated with ordinance violations and traffic infractions. It would also under the clerk of the court would include the collections of all court costs, court fees, program fees, bail monies in terms of court cash bail bonds and any other fees, fines or costs associated with criminal misdemeanor cases.

President Reiter reads **ORDINANCE 2004-010, AMENDING ORDINANCE NO. 2003-026 HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG FOR CALENDAR INDIANA YEAR 2004,**

Michael N. Lockhart makes a motion to consider Ordinance 2004-010 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
February 16, 2004
Page 2 of 3 pages

Jacques S. Smith makes a motion to pass Ordinance 2004-010 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Have another ordinance, **ORDINANCE 2004-011, AN ORDINANCE ESTABLISHING A SELLERSBURG TRAFFIC VIOLATIONS BUREAU AND ESTABLISHING LOCATION OF SELLERSBURG TOWN COURT.**

Jacques S. Smith makes a motion to consider Ordinance 2004-011 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to pass Ordinance 2004-011 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Judge Lowe request payment of a bill from Office Depot in the amount of \$1,211.41 (one thousand two hundred eleven and 41/100 dollars) from the Court budget, account 213. The second part of the bill is for \$139.98 (one hundred thirty-nine and 98/100 dollars) that Mr. Alexander has taken care of from the Utility office budget.

Jacques S. Smith makes a motion to pay Office Depot \$1,211.41 (one thousand two hundred eleven and 41/100 dollars) from the courts and \$139.98 (one hundred thirty-nine and 98/100 dollars) from the Utility Office, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Judge Lowe request that his bond be raised from \$5,000.00 (five thousand dollars) to \$10,000.00 (ten thousand dollars) as required by statue.

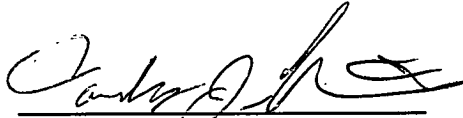
Danny F. Yost makes a motion to raise the bond for Judge Lowe to \$10,000.00 (ten thousand dollars), seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter presents the sewer tap fee refunds, there are a total of seven accounts and the total is \$17,500.00 (seventeen thousand five hundred dollars).

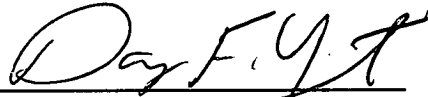
Jacques S. Smith makes a motion have the clerk-treasurer to issue the refund checks for \$17,500.00 (seventeen thousand five hundred dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
February 16, 2004
Page 3 of 3 pages

Danny F. Yost makes a motion to adjourn, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned 7:55 P.M.



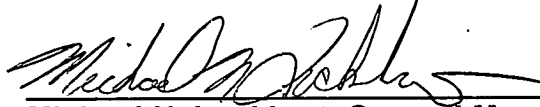
Douglas J. Reiter, President



Danny F. Yost, Vice President



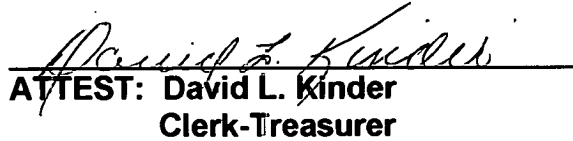
Trinetta S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL WORKSHOP MEETING

February 23, 2004

The Sellersburg Town Council met in a Workshop Meeting at the Sellersburg Town Hall. Town Council members present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:05 P.M.

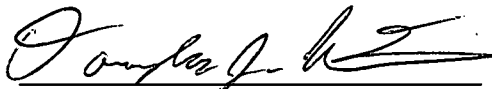
Prayer was offered by President Reiter.

Pledge allegiance was recited by all present.

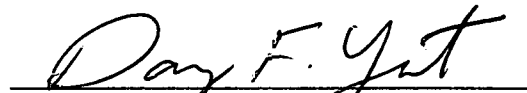
JOE OLSON, discusses retirement program for Town employees, modeled after Clark County Sheriff's Department.

President Reiter states the Council will review the ordinances and discuss some type of plan for the insurance.

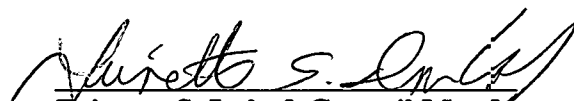
Jacques S. Smith made a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved, meeting adjourned 7:14 P.M.



Douglas J. Reiter, President




Danny F. Yost, Vice President




Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Danny F. Yost, Member
Jacques Smith



ATTEST: David L. Kinder
Clerk-Treasurer

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
February 23, 2004**

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on February 23, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder,

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:28 P.M.

TOPICS OF DISCUSSION:

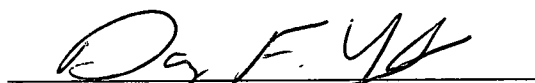
Police personnel matter.

Douglas J. Reiter makes a motion to adjourn; seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 10:02 P.M.


No subject matter was discussed in the executive session other than the subject matter specified in the public notice.



Douglas J. Reiter, Council President



Danny F. Yost, Council Vice President



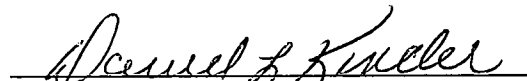
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
March 1, 2004**

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 1, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:11 P.M.

TOPICS OF DISCUSSION:


Police personnel matter.

ADJOURNMENT: President Douglas J. Reiter adjourns the meeting at 9:20 P.M.

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.



Douglas J. Reiter, Council President



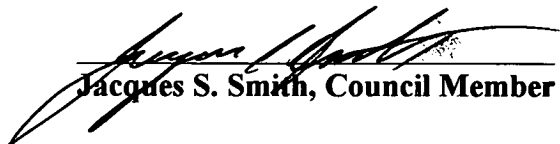
Danny F. Yost, Council Vice President



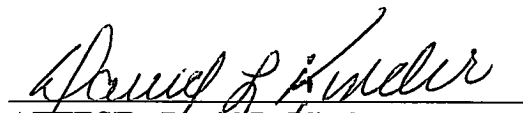
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
March 8, 2004

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on March 8, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, Clerk-Treasurer David L. Kinder, Mark Warren, (Superintendent Street & Sanitation), Appointed Chief of Police William P. Bradshaw, Kenneth A. Alexander (Utility Administrator).

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 9:06 P.M.

TOPICS OF DISCUSSION:

Personnel matter.

Possible future litigation.

Michael N. Lockhart makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 11:15 P.M.

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.



Douglas J. Reiter, Council President




Danny F. Yost, Council Vice President




Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

March 8, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on March 8, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:05 P.M.

PRAYER:

Michael N. Lockhart offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the Workshop meeting of February 23, 2004. Michael N. Lockhart makes a motion to approve the minutes of the Workshop meeting, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Minutes of the Executive sessions of February 23, 2004 and March 1, 2004 signed by all members of the Town Council.

President Reiter reads statement about the Chief of Police selection process; nine interviews out of fifty applications.

Trinetta S. Imhof makes a motion to appoint William P. Bradshaw as Chief of Police, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter states this appointment is effective at mid-night March 8, 2004.

PHIL DEAN: Drainage problem at 415 St. Paul Street. Mark Warren, Superintendent of Street Department, states the alley will be milled and moved slightly to afford drainage.

Jacques S. Smith makes a motion to proceed with the milling of the alley and move it back to its original position, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved. President Reiter states that bids need to be obtained to correct this problem.

JOE OLSON: Presents the revised rates for United Healthcare Insurance. The current plan is not available so I recommend alternative two plans, the co-pay is a little higher, and the deductible will increase from \$500.00 (five hundred dollars) to \$1,500.00 (fifteen hundred dollars). The rates will decrease with this plan.

Sellersburg Town Council Meeting
March 8, 2004
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Jacques S. Smith makes a motion to renew the United Healthcare Insurance, Alternative 2, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

BOYCE ADAMS, (Sellersburg Fire Department): Clark Henson, (water department) and I have identified 124 fire hydrants that have a large enough main to have the storz adaptors on it. Harrington, Inc. Hydrant Storz quoted us a price of \$105.00 (one hundred five and no/100 dollars) each.

Michael N. Lockhart makes a motion to purchase 50 (fifty) 5inch Storz by 4.5 inch NH w/cap, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

ARTHUR McDERMENT, Jr.: We are checking into this, with your fence, and we need a little more time to look into this. Michael N. Lockhart, Nathan Grimes (Building Commissioner) or I will contact you within the next three weeks.

LINDA FRANCKE: I had a leak in my swimming pool and could not get it repaired until the snow and ice were gone. I had to keep adding water to avoid the sides caving in. It has been repaired now and I would like to have a sewer adjustment as the water was used just for the pool.

Trinette S. Imhof makes a motion to have Kevin Wright check into her past sewer usage and make an adjustment, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

JAY WYZARD, (Semonin Realtors): Have a bid for the Town property on Villa Drive. The offer is \$29,250.00 (twenty-nine thousand two hundred fifty and no/100 dollars); the Seller pays \$250.00 (two hundred fifty dollars) for a title search; survey to mark the four corners of the property and that building permits be attainable.

Michael N. Lockhart makes a motion to reject the bid and do a counter offer for the appraised value of \$32,000.00 (thirty-two thousand dollars), seller pays \$250.00 (two hundred fifty dollars) for the title search and buyer pays for any resurvey and no contingency for building permits, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

EVERITT "Sonny" SPRIGLER: I am here about sewer tap fees. Bob Lynn and I own Silver Glade II and Mr. Lynn deposited a check for \$156,630.00 (one hundred fifty-six thousand six hundred thirty dollars) for 69 sewer taps and another check for \$177,060.00 (one hundred seventy-seven thousand sixty dollars) for 77 lots at Covered Bridge.

Mr. McCall (Town Attorney) states that Attorney David Nachand who is representing Mr. Lynn about this matter contacted him. I faxed Mr. Nachand a copy of the Town code, which deals with prepayment of sewer taps for residential communities. Prepayment of sub-division sewer taps is not allowed in the Town Code and this code has been in place since 1991. I would advise the Town Council not to talk about this further not to vote on this matter tonight not to

Sellersburg Town Council Meeting

March 8, 2004

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accept Mr. Lynn's checks.

KENNETH A. ALEXANDER, (Utility Administrator): Presents a DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES. Jacques S. Smith makes a motion to approve the Declaration of official intent, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Bean Road Lift Station has been inspected to resolve overflow problems. The motors were running on low speed so the old motor was rewound and it is now running at high speed; to finish the project we need an impeller, price of \$1,410.00 (one thousand four hundred ten dollars), a volute, price \$1,971.00 (one thousand nine hundred seventy-one dollars), replace both flanges, price \$4,000.00 (four thousand dollars) and purchase another new motor, price \$8,171.00 (eight thousand one hundred seventy-one dollars) if the repairs give us the desired results and then use the old motor as a spare; the total price would be \$20,571.00 (twenty thousand five hundred seventy-one dollars).

Jacques S. Smith makes a motion to approve \$23,000.00 (twenty three thousand dollars) to upgrade the Bean Road lift station, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Mark Warren has completed the storm drainage list for 2004; many of these repairs are between \$2,000.00 and \$6,000.00 (two thousand and six thousand dollars) and in the past permission were given to the Council member over that area to make the approval or disapproval of the repairs.

Danny F. Yost makes a motion to give Michael N. Lockhart approval to oversee the expenditures for storm drains, non-bid expenditures, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Larry Threkle talked to me about a problem at his residence 333 Adkins Court; this was a problem that happened many years ago. He had two sewer lines coming from his house and during construction by the Town, only one sewer connection was hooked up.

Metro Plumbing quoted the repairs to fix this problem at \$715.00 (seven hundred fifteen dollars).

Michael N. Lockhart makes a motion to approve Metro Plumbing making the repairs at a cost of \$715.00 (seven hundred fifteen dollars), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

NATHAN GRIMES, (Building Commissioner): Presents the Building Commissioner's report.

R. THOMAS LOWE, (Town Court Judge): Presents bills for expenses that he has paid: \$255.00 for the judicial robe and \$66.36 for photographic reproductions.

Jacques S. Smith makes motion to pay the expenses as listed by Judge Lowe, seconded by

Sellersburg Town Council Meeting
March 8, 2004
Page 4 of 4 pages

Michael N. Lockhart. 5-aye, 0-nay, motion approved.

TRINETTE S. IMHOF, (Council Member): March 15, 2004 at 7:00 P.M. at the Moose Lodge; here in Sellersburg, we are having a Life Time Achievement Award to present to Ed Denton for past services to the Town. We want to encourage as many people as possible to attend.


DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve payment of the bills as submitted.

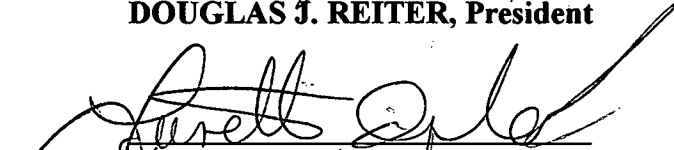
Danny F. Yost makes motion to pay the bills as submitted, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

DOUGLAS REITER, (Council President): Makes a motion to remove Trinette S. Imhof as liaison with the Police Department to liaison with the Parks Department and replace Jacques S. Smith as liaison with the Parks Department to liaison with the Police Department, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Jacques S. Smith. 5-aye 0-nay, motion approved and meeting adjourned at 8:50 P.M.


DOUGLAS J. REITER, President


DANNY F. YOST, Vice-President


TRINETTE S. IMHOF, Member


MICHAEL N. LOCKHART, Member


JACQUES S. SMITH, Member


ATTEST: DAVID L. KINDER
CLERK-TREASURER

Attachment: Declaration of Official Intent to reimburse expenditures

DECLARATION OF OFFICIAL INTENT
TO REIMBURSE EXPENDITURES

WHEREAS, the Town of Sellersburg, Indiana ("Town") intends to construct additions and improvements to the sewage works utility of the Town pursuant to an ordinance authorizing the same ("Project"); and

WHEREAS, the Town will use funds from its TAP Fees Account fund to pay for certain costs of the Project; and

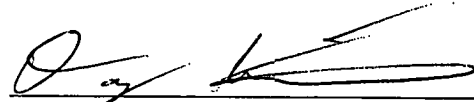
WHEREAS, the Town reasonably expects to reimburse certain costs of the Project and replenish the TAP Fees Account fund with proceeds of either its temporary debt or its long term debt to be incurred by the Town, and

WHEREAS, the Town expects to issue debt not exceeding \$13,300,000 in aggregate principal amount for purposes of paying and reimbursing costs of the Project;

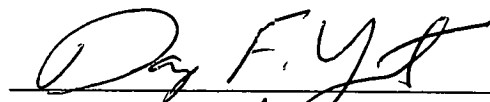
NOW, THEREFORE, BE IT RESOLVED that the Town declares its official intent to complete the Project; to reimburse certain costs of completing the Project with proceeds of either temporary or long term debt to be incurred by the Town, and to issue debt not exceeding \$13,300,000 in aggregate principal amount for purposes of paying and reimbursing costs of the Project.


Passed and adopted by the Town Council of the Town of Sellersburg this 8 day of ~~February~~ March, 2004.

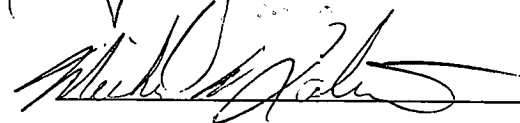
TOWN COUNCIL OF THE TOWN OF
SELLERSBURG, INDIANA



Presiding Officer

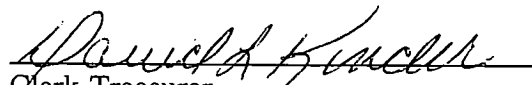








Attest:



Clerk-Treasurer

EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
April 12, 2004

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 12, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder,

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 9:36 P.M.

TOPICS OF DISCUSSION:

1. Annexation of real property contiguous to the municipal boundaries of the Town of Sellersburg, wherein there has been written notice threatening litigation as authorized pursuant to I.C. 5-14-1.5-6.1(b)(2)(B).
2. Town Council may discuss litigation strategy of the threatened litigation as authorized by I.C. 5-14-1.5-6.1(b)(2)(B).

Jacques S. Smith makes a motion to adjourn; seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 10:12 P.M.

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.



Douglas J. Reiter, Council President



Danny F. Yost, Council Vice President




Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

April 12, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on April 12, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:03 P.M.

PRAYER:

Reverend Bob Hauselman, Restoration Christian.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the Town Council meeting of March 8, 2004. Danny F. Yost makes a motion to approve the minutes of the Town Council meeting of March 8, 2004, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

JAY WYZARD, (Semonin Real Estate): Original bidder, for Villa Drive Property, offers \$29,250.00 (twenty-nine thousand two hundred fifty and no/100 dollars) with no contingencies.

Jacques S. Smith makes a motion to accept the bid offer, seconded by Danny F. Yost. During discussion, it is apparent that the offer date of March 18, 2004 has expired. Jacques S. Smith now makes a motion to withdraw his first motion, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved to withdraw the first motion. Since the offer to purchase the property has expired, the property is off the market. Town Attorney will check the realtor contract reference any commissions owed.

LARRY GILBERT, (J. L. Gilbert Company, Inc.): Requesting that the Council sign the Form CF-1, (Compliance with Statement of Benefits) for tax abatement for his company as approved by the past Town Council. Michael N. Lockhart makes a motion to sign the documents, contingency upon Town Building Commissioner checking to see that the Company is in substantial compliance, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

STEVE BROWN, (Brown Wood Products): Requesting that the Council sign the Form CF-1, (Compliance with Statement of Benefits) tax abatement for his company as approved by the past Town Council and a new form for an extension he has added to his business. Michael N. Lockhart makes a motion to sign the documents, contingency upon Town Building Commissioner checking to see that the Company is in substantial compliance, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting
April 12, 2004
Page 2 of 5 pages

ELMER KANABLE: I represent myself and two other developers, we would like to develop a piece of property on Perry Crossing and Allentown Road, and we would like approval of a sewer extension for 250 homes.

Danny F. Yost makes a motion to approve the sewer extension, contingency upon engineering approval by the Town Engineer, seconded by Jacques S. Smith. 5-aye, 0-nay, motion is approved.

MARIE KLINK: Requesting a sewer adjustment for a plumber expense of \$98.00 (ninety-eight and no 100/dollars). The problem was on the Town portion of the sewer.

Trinette S. Imhof makes a motion to approve the sewer adjustment, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

BILL GIBBONS: Have drainage problem on St. Paul Street. Ken Alexander and Mark Warren to check on the problem.

KEVIN BURNS: Have Bingham Road turned over to the Town. There is question about the railroad crossing entering this Airport Business Park. Town Attorney McCall will contact the railroad about this crossing and Ken Alexander will check the road issue.

KENNETH A. ALEXANDER, (Utility Administrator): Need approval for Utilities Administrator to have the authority to grant or deny sewer adjustments up to \$150.00 (one hundred fifty dollars). Jacques S. Smith makes a motion to grant the Utilities Administrator the authority to grant sewer adjustments, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to grant the Utilities Administrator the authority to sign receipt vouchers for the Town, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Lakeside Development wants to turn the streets over to the Town. Alexander has gone over there with Mark Warren, they have talked with some of the property owners and there are some problems in the subdivision that need addressed. Town Attorney McCall will draft a letter to the developers addressing the issues and ask them to re submit their request.

There are some drainage problems on Mayfair Drive and Alexander is asking Council approval to have John Toombs (Jacobi, Toombs and Lanz Engineering, Inc) to look at the problem and make suggestions for correcting the problem.

Jacques S. Smith makes a motion to approve John Toombs to evaluate and suggest improvements to the problem, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting
April 12, 2004
Page 3 of 5 pages

I have a contract with Jacobi, Toombs and Lanz, Engineering, Inc reference Phase II Storm Drain, I am asking for approval, and that the Town attorney reviews it.

Michael N. Lockhart makes a motion to approve the contract with Mr. Toombs on the Phase II Storm Drain, on the contingency of the Town Attorney looking it over, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter appoints Kenneth A. Alexander and Michael N. Lockhart to the Phase II, Storm Drains Committee for the Town.

Alexander asks Attorney McCall to present an ordinance for a Technical Review Board.

Attorney McCall reads **Ordinance 2004-013, AN ORDINANCE ESTABLISHING TECHNICAL REVIEW BOARD**. Michael N. Lockhart makes a motion to consider Ordinance 2004-013 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to pass Ordinance 2004-013 on the first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Need a public hearing to consider new sewer tap fees. After a study, the maximum fee is \$7,908.00 (one thousand nine hundred eight dollars). President Reiter sets the meeting for May 3, 2004, 7:00 P.M. at the Sellersburg Town Hall meeting room.

Motion by Trinetta S. Imhof to approve a mass mailing for the Sewer Tap Fees by the Utility Administrator up to \$300.00 (three hundred dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

The Comminuter at the sewer plant is broken and we have not had one for two years. We can fix and replace the existing unit for \$10,197.60 (ten thousand one hundred ninety-seven and 60/100 dollars) plus shipping.

Jacques S. Smith makes a motion to permit the Utility Administrator order repairs of the current comminuter, not to exceed \$15,000.00 (fifteen thousand dollars) assuming all other avenues are exhausted, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The scrubber on the High School Lift Station has a Purifil Scrubber and because of the higher than normal Hydrogen Sulfide levels would have long-term expenses of \$7,000.00 (seven thousand dollars) to \$10,000.00 (ten thousand dollars).

Mr. (Kevin) Wright received a letter from J. White Thompson Company, which is Purifil, and they will sell the existing unit to us for \$5,000.00 (five thousand dollars) and we pay \$1,700.00 (seventeen hundred dollars) for the media refill.

Sellersburg Town Council Meeting
April 12, 2004
Page 4 of 5 pages

Jacques S. Smith makes a motion to purchase the Purifil system and the media, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

We need to do an income survey for grants that could be available. To see if we qualify I need to do a survey. I would like to send out material explaining about the survey, to the citizens, so they will know why we need the survey.

Jacques S. Smith makes a motion to have the Utility Administrator conduct the survey and do a mailing about the survey, not to exceed, \$3,800.00 (three thousand eight hundred dollars), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Mr. Reiter, (Perry) McCall and I met with EMC (Environmental Management Corporation) about their fees for Program Management. They agreed to credit their bills for \$20,000.00 (twenty thousand dollars) and we were to pay their employee health insurance retroactive to January 2004.

Michael N. Lockhart makes a motion to pay the invoices we have received from EMC for their Engineering/Program Management expense, less the \$20,000.00 (twenty thousand dollars) credit, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve payment, retroactive back to January (2004) for the Health Insurance Increase for EMC employees, seconded by Michael N. Lockhart. 4-aye, 1-nay, motion approved. President Reiter poles the Council: Smith, aye; Lockhart, aye; Yost, aye, Reiter, aye; Imhof, nay.

Have a contact with Tetra Tech Engineering that we need to approve. Jacques S. Smith makes a motion to approve Tetra Tech contract, contingent upon review by the Town Attorney, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Alexander presents a bill from Delta Electric for the Bean Road lift station for \$1,589.00 (one thousand five hundred eighty-nine dollars). Michael N. Lockhart makes a motion to approve payment of this bill, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

MARK WARREN, (Street and Sanitation Superintendent): Spring clean up will be April 19 through April 24, 2004. Dumpster at Sewer Plant on Bean Road. Yard waste can be taken to Earth First on State Road 403.

WILLIAM P. BRADSHAW, (Chief of Police): Presents statistics for the police department for January, February and March 2004.

R. THOMAS LOWE, (Town Court Judge): presents contract with Lonnie T. Cooper as Independent Contractor Agreement for Professional Services, for Defensive Driving School.

Sellersburg Town Council Meeting
April 12, 2004
Page 5 of 5 pages

Jacques S. Smith makes a motion to approve the contract for the defensive driving school, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

NATHAN GRIMES, (Building Commissioner): Presents Building Commissioners monthly report and asks if there are any questions. No questions about the report.

KENNETH A. ALEXANDER, (Utility Administrator): Need approval to purchase water meters, the town usually purchases \$2,000.00 (two thousand dollars) per quarter.

Danny F. Yost makes a motion to approve \$2,000.00 (two thousand dollars) for water meters, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, (Town Attorney): Presents **ORDINANCE 2004-012, AN ORDINANCE AMENDING ORDINANCE NO. 2003-026 HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2004.**

Michael N. Lockhart makes a motion to consider Ordinance 2004-012 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve Ordinance 2004-012 on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

I want to verify that the contract with the West Clark Seacats, for the use of the town pool, is to be submitted to the Parks Board to have them submit it to the Seacats.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve the claims submitted for payment. Jacques S. Smith makes a motion to pay the claims as submitted, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay motion approved and meeting adjourned at 9:22 P.M.



DOUGLAS J. REITER, President




DANNY F. YOST, Vice-President




TRINETTE S. IMHOF, Member



MICHAEL N. LOCKHART, Member



JACQUES S. SMITH, Member



ATTEST: DAVID L. KINDER
CLERK-TREASURER

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
April 19, 2004**

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on April 19, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, Chief Deputy Clerk-Treasurer Michelle D. Eve, Utilities Consultant Kenneth J. Alexander and Building Commissioner Nathan R. Grimes.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:03 P.M.

TOPICS OF DISCUSSION:

1. Employee matters as authorized pursuant to I.C. 5-14-1.5-6.1(b)(6)(A)(13).

Trinette S. Imhof makes a motion to adjourn; seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned at 8:28 P.M.

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.



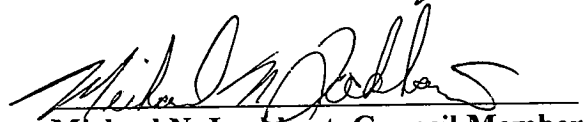
Douglas J. Reiter, Council President




Danny F. Yost, Council Vice President



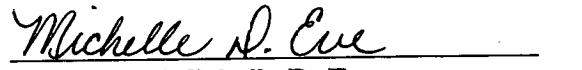
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL PUBLIC HEARING

The Sellersburg Town Council met in a Public Hearing, May 3, 2004. Members present were, Council President Douglas J. Reiter, Council Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

Council Member Michael N. Lockhart was absent.

The Public Hearing was called to order at 7:02 P.m. by Council President Reiter.

Council Vice-President Danny F. Yost offered the prayer.

Pledge of Allegiance was recited by all present.

WILLIAM P. McCALL, III, (Town Attorney): furnished the Clerk-Treasurer a copy of "Proof of Publication" in the Jeffersonville Evening News, dated April 21, 2004.

KENNETH J. ALEXANDER, (Utility Administrator): presented a slide presentation about the basis for the tap-in fee increase.

DAVE FREDERICKS, (H. J. Umbaugh and Associates): Explains cost justification of System Development charges.

MICHAEL WHITIS, (Home Builders Trade Association): Speaks against rising cost of tap-in fees.

DAN CRISTIANI: Speaks against increasing tap-fees for developers and builders.

JOHN MONGOLD, (Mongold Construction): Speaks against increasing tap-in fees for developers.

C. GREGORY FIFER, (Attorney for Robert Lynn Company, Inc.): Submits a written response that he wants put in the record for the Public Hearing. (Report attached).

President Reiter now closes the Public Hearing at 7:40 P.M. and opens the Regular Meeting of the Town Council, as advertised.

President Reiter makes a motion to modify Ordinance 2004-008, AN ORDINANCE AMENDING SEWER TAP FEES, and consider Ordinance 2004-008 on its first reading, expansion charge to be \$1,100.00 (eleven hundred


Sellersburg Town Council Public Hearing & Regular Meeting
May 3, 2004
Page 2 of 2 pages

dollars), from \$2,500.00 (twenty-five hundred dollars) do I have a second, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

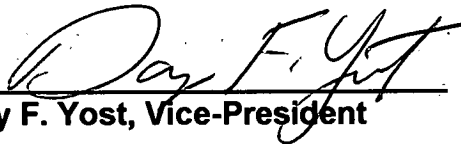
President Reiter makes a motion to approve ordinance 2004-008 as modified, with expansion charge going from \$2,500.00 (twenty-five hundred dollars) to \$1,100.00 (eleven hundred dollars) on the first reading, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

President Reiter states that since it was approved and passed the tap in fees as of right now will be \$3,900.00 (thirty-nine hundred dollars) for outside of Town and inside of Town will be \$3,200.00 (thirty-two hundred dollars).

Danny F. Yost makes a motion to adjourn the meeting, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved and meeting adjourned at 7:48 P.M.



Douglas J. Reiter, President



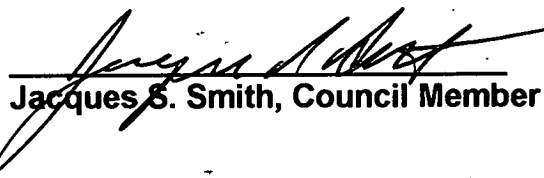
Danny F. Yost, Vice-President



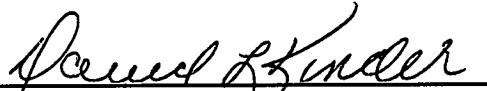
Trinette S. Imhof, Council Member

ABSENT

Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

STATE OF INDIANA
COUNTY OF CLARK - SS

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
(1) time(s) to-wit: In issue of said Evening News
dated: April 21, 2004.

(x) Rebecca McDaniel

STATE OF INDIANA
COUNTY OF CLARK

Subscribed and sworn to before me this
23rd day of April, 2003.

(x) Jean Gibson
JEAN GIBSON
Notary Public, Clark County, Indiana

(My Commission Expires)
October 11, 2006

Proof
Of
Publication

NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTE THAT ON THE 3RD DAY OF MAY, 2004 AT 7:00 P.M. (LOCAL PREVAILING TIME), AT THE SELLERSBURG TOWN HALL, 318 E. UTICA STREET, SELLERSBURG, INDIANA. THE SELLERSBURG TOWN COUNCIL WILL CONDUCT A PUBLIC HEARING TO RECEIVE INPUT AND DISCUSS ORDINANCE NO. 2004-008, which has previously introduced, and to consider any amendments or changes to said Ordinance for the implementation of an increase of the sewer tap fees to be assessed and collected by the Town of Sellersburg from owners of real property served or to be served by the Town Sewer Works. The proposed sewer taps are as follows: 1. Connection for residential (single family) lot, parcel of real estate or building: a) inside the Town's corporate boundary, \$2,100.00. b) outside the Town's corporate boundary \$2,800.00. 2. A lot previously connected to the Town's sewer system shall not be required to pay a reconnection fee if the reconnection fee is made within six (6) months of disconnection, after six (6) months a sewer tap charge of \$800.00 shall be assessed for reconnection. 3. Connection for Duplex (multi family units): a) inside the Town's corporate boundary \$2,800.00. b) outside the Town's corporate boundary \$3,650.00. 4. Multi-family units larger than a duplex shall incur an additional tap fee charge of \$220.00 per

Publication
Fee \$ 86.37

06504257

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTE THAT ON THE 3RD DAY OF MAY, 2004 AT 7:00 P.M. (LOCAL PREVAILING TIME), AT THE SELLERSBURG TOWN HALL, 316 E. UTICA STREET, SELLERSBURG, INDIANA. THE SELLERSBURG TOWN COUNCIL WILL CONDUCT A PUBLIC HEARING TO RECEIVE INPUT AND DISCUSS ORDINANCE NO. 2004-008, which has previously introduced, and to consider any amendments or changes to said Ordinance for the implementation of an increase of the sewer tap fees to be assessed and collected by the Town of Sellersburg from owners of real property served or to be served by the Town Sewer Works. The proposed sewer taps are as follows: 1. Connection for residential (single family) lot, parcel of real estate or building: a) inside the Town's corporate boundary, \$2,100.00. b) outside the Town's corporate boundary \$2,800.00. 2. A lot previously connected to the Town's sewer system shall not be required to pay a reconnection fee if the reconnection fee is made within six (6) months of disconnection. after six (6) months a sewer tap charge of \$800.00 shall be assessed for reconnection. 3. Connection for Duplex (multi family units): a) inside the Town's corporate boundary \$2,800.00. b) outside the Town's corporate boundary \$3,950.00. 4. Multi-family units larger than a duplex shall incur an additional tap fee charge of \$230.00 per unit up to ten (10) units. After ten (10) units, each additional unit shall pay a sewer tap charge of \$115.00. 5. Tap fee for commercial use: a) inside the Town's corporate boundary a fee of \$1,800.00 shall be charged for each unit of 300 gallons of daily flow, b) outside the Town's corporate boundary a fee of \$2,800.00 shall be charged for each unit of 300 gallons of daily flow. One year after the initial commercial sewer connection, the Town sewer department shall calculate the average daily flow of the commercial user and shall adjust the tap fee accordingly. Any additional tap fee, or any refund, shall be due and payable within thirty (30) days after said calculation is completed. 6. Tap fees for industrial users shall be determined on a case basis by the Town Council after considering the location of the facility, the quantity and quality of flow. The Board shall make written funds outlining the facts that was considered in each industrial tap fee decision. 7. The Town of Sellersburg shall impose an expansion related charge in the amount of \$2,500.00 to ensure proper funding of the Waste water treatment

facility as prescribed by State and Federal Rules and Regulations for all sewer connections as set forth. 8. Inspection fees shall be paid on addition to the sewer tap fees. 9. Tap fees may not be paid more than six (6) months in advance of connection to the sewer system. This notice prepared and submitted by William P. McCall, III, Sellersburg Town April 21

LAW OFFICES
YOUNG, LIND, ENDRES & KRAFT
126 WEST SPRING STREET
NEW ALBANY, INDIANA 47150

AREA CODE 812
TELEPHONE 948-2555
TELECOPIER 948-6956

LEWIS A. ENDRES
(1949-1992)
EUGENE F. LIND
(1942-2001)
C. THOMAS YOUNG
(1943-2002)

JOHN A. KRAFT
C. GREGORY FIFER
JASON A. LOPP

May 3, 2004

Sellersburg Town Council
316 East Utica Street
Sellersburg, IN 47150

Re: Public Hearing on Proposed Ordinance No. 2004-008

Dear Councilors:

This firm represents Robert Lynn Company, Inc. ("Lynn"). Lynn is the owner and developer of The Willows of Covered Bridge and Bay Pointe at Covered Bridge residential subdivisions that are connected to the wastewater collection and treatment system owned and operated by the Town of Sellersburg (the "Town"). Lynn is also a member of Silver Glade, LLC, and Silver Glade II, LLC, which companies are the owners and developers of the Silver Glade residential subdivision that is also connected to the Town's sanitary sewer system. Robert F. Lynn, as president of Lynn, is in attendance with me on behalf of such companies at your public hearing scheduled for this date regarding the above-referenced ordinance.

Pursuant to notice of the public hearing scheduled for this date regarding the above-referenced ordinance, together with the System Development Charge Financing Study dated March 4, 2004, that was prepared for the Town by Umbaugh, Lynn understands the Town is considering changes to its sewer connection fee structure in a manner that includes the following:

- i. An increase in the connection fee for residential lots located inside of the Town's municipal boundaries from \$1,500 to \$2,100.
- ii. An increase in the connection fee for residential lots located outside of the Town's municipal boundaries from \$2,200 to \$2,800.
- iii. The imposition of an "expansion related charge", in addition to the applicable connection fee, in the amount of \$2,500. Pursuant to the Umbaugh study, such fee could purportedly be as high as \$779 if using the equity method, or \$7,129 if using the incremental cost method of calculating the system development charge (the "SDC").

As the developer of residential subdivisions located outside of the Town's boundaries, Lynn objects to the imposition of the proposed \$3,100 in additional fees for each lot. However, as I understand that an entirely new Town Council took office at the

beginning of this year, it is important that you understand the relevant factual history of Lynn's objections, rather than believing that this is merely a matter of a developer not wanting to pay any additional costs.

Lynn and the developer of the Sterling Oaks subdivision jointly funded and constructed the extension of the Town's sanitary sewer system to Sterling Oaks, and Lynn funded and constructed the extension from Sterling Oaks to The Willows and Bay Pointe subdivisions at an aggregate cost in excess of \$800,000.00. In fact, at the request of the prior Town Council the size of this main extension was increased in order to handle flow in excess of that needed for the developers' respective projects without cost to the Town. Lynn understood that the Town had agreed to allow the developers to be reimbursed for the cost of the excess capacity in these improvements by those who subsequently connected pursuant to authority granted by IC 36-9-22, *et seq.* Such reimbursement agreement would only have required to Town to determine, collect, and pay over to the developers that funded such costs the appropriate reimbursement fee on a *pro-rata* basis (in addition to the normal connection fees assessed by the Town), but would not have obligated the Town to assume any portion of such costs. As completion of the main extension neared, the developers retained an attorney to draft and present to the prior Town Council a Sewage Works Reimbursement Agreement, a copy of which draft is attached hereto. However, upon presentation of this agreement to the Town Council, it was determined that no such reimbursement would be allowed. Lynn and the other developer have accordingly had to absorb several hundreds of thousands of dollars in additional costs incurred to construct such excess capacity without contribution by other developers that have subsequently connected projects to this main extension.

Furthermore, Lynn now understands that the prior Town Council then entered written agreements with one or more of the developers of the other projects that subsequently connected to this main extension that granted such developers protection from connection fee increases by the Town for an unknown period of years. Based upon the stranded costs of constructing the main extension imposed by the Town's unilateral determination to not permit reimbursement from other developers, and further based upon the competitive disadvantage that will inure to Lynn if the proposed fee increases apply to its developments (approximately 250 lots remaining in The Willows and Bay Pointe @\$3100 each = \$775,000), but not to other subsequent connectors to the main extension, Lynn has no alternative but to protect its investment by challenging the proposed fee increases.

Lynn contends that the proposed fee increases being considered by the Town are arbitrary, improper, and/or illegal on grounds that include the following:

1. Upon belief, the Town's treatment facility operates at only approximately one-half (1/2) of its permitted capacity during periods of dry weather, and approaches or exceeds its permitted capacity only during periods of wet weather. This is due to faulty conditions within the Town's existing collection system, which faulty conditions are not caused or contributed to by any presently undeveloped property. Such collection system defects should justly and equitably be remediated through assessments against all system users, and not solely from funds generated by "expansion related charges" assessed only against presently undeveloped lots.

2. The determination of the amount of an SDC should be in accordance with the provisions of AWWA Manual, Chapter 28, "System Development Charges", a copy of which is enclosed. The Umbaugh study prepared for the Town is not consistent with such guidance document in the following particulars:

a. The AWWA document makes it clear that the statutory authority upon which a municipally owned utility in Indiana can properly enact an SDC is IC 36-7-4-1300, *et seq.*, pertaining to "impact fees". IC 36-7-4-1311(d) provides that an ordinance adopted under such statutory section is the exclusive means under Indiana law to impose an impact fee on new development. The Town has to date failed to take the actions required by IC 36-7-4-1311 and 36-7-4-13121, *et seq.*, to properly and validly enact any such impact fees, and as such the "expansion related charge" to be assessed solely to new development would be illegal.

b. Page 7 of the Umbaugh study apparently stands for the proposition that the potential SDC calculated on both the equity method and the incremental cost method can be added together to determine a maximum cumulative SDC. The AWWA guide at page 199 makes it clear that under certain circumstances "a combination of the two methods may be appropriate". However, it is clear that the SDC is not properly the cumulative result of the two approaches.

c. Page 3 of the Umbaugh study reflects that the Town is proposing to construct 500,000 gpd in new treatment capacity. Pages 5-6 of the Umbaugh study states that the cost of such expansion related to growth is \$6,642,900, or \$13.29 per gallon. This unit price far exceeds the reasonable cost of constructing new plant capacity.

d. Pages 5-6 of the Umbaugh study further reflects that the proposed SDC is intended to fund \$4,856,819 in collection improvements related to growth. Again, as stated in paragraph 1 above, the Town's collection system problems stem from undoubtedly stem from infiltration and inflow in the older, established part of the Town's system. Lynn does not dispute that such defects require remediation, including the possible increase in line sizing to handle normal and peak flows. However, this is an

expenditure that is necessitated by and serves the needs of all customers, both present and future, and the costs should be allocated equitably to all such users.

e. Page 5 of the Umbaugh study identifies non-construction costs (design, program management, construction administration and plant start-up) of \$2,113,792, which amount is 17.47% of the estimated total project cost of \$12,100,000. This percentage far exceeds the industry-accepted norms for such services.

f. At page 206 of the above-referenced AWWA document, it is stated as follows:

Utilities frequently require developers to construct facilities that provide service beyond the requirements of the new development. When this occurs, developers should be reimbursed for the facilities constructed in excess of their own requirements. This may be in the form of a reduction in the SDC for the new development. Because the purpose of the SDC is to pay for system expansion, the utility must also consider contributions to system expansion in the form of physical improvements and additions. Payments of SDCs, together with other system contributions for the same facilities, could result in a double contribution to the system. Many utilities remedy this potential double contribution by implementing credits to the SDC or a development agreement where the developer agrees to contribute infrastructure needs in lieu of paying an SDC.

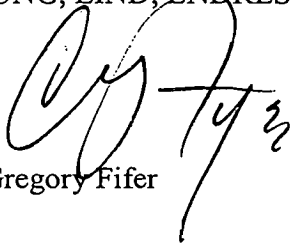
In light of Lynn's prior contributions to the Town's system as described hereinabove, Lynn asks that the Town consider negotiating an agreement or granting it credits whereby the cumulative effect of the proposed rate increases would be minimized to the extent reasonably practicable.

Again, Lynn does not dispute that substantial improvements to the Town's sanitary sewer system are needed and should be made. However, such improvements should be made on a cost-effective basis, with resultant costs shared equitably by all users of the system, both current and future. Lynn would welcome the opportunity to meet with authorized representatives of the Town further in attempt to determine a mutually agreeable cost allocation between existing customers and new development. However, the adoption of the proposed ordinance would for now impermissibly allocate 100% of the anticipated cost increases to new growth, and will leave Lynn and others with no alternative but to vigorously contest such action through judicial review.

Sellersburg Town Council
May 3, 2004
Page 5 of 5

Your consideration of the above is greatly appreciated.
Sincerely,

YOUNG, LIND, ENDRES & KRAFT


C. Gregory Fifer

CGF/me

Cc: Bob Lynn

SEWAGE WORKS REIMBURSEMENT AGREEMENT

This Agreement is entered into on the ____ day of _____, 2001, by and among the Town of Sellersburg, an Indiana municipal corporation, by and through the Sellersburg Town Council as its board of works (the "Town"); 21st Century Developers, Inc., an Indiana corporation ("21st Century"), and Robert Lynn Company, Inc., an Indiana corporation ("Lynn," and together with 21st Century, collectively referred to as the "Developer").

RECITALS:

WHEREAS, Lynn is the owner of certain real property located in Clark County, Indiana, as more particularly described in Exhibit "A" attached hereto (the "Lynn Property"); and,

WHEREAS, 21st Century is the owner of certain real property located in Clark County, Indiana, as more particularly described in Exhibit "B" attached hereto (the "Century Property"); and,

WHEREAS, Lynn and 21st Century are in the process of developing their respective properties and have requested that the Town provide sanitary sewer service from the Town's existing wastewater collection and treatment system to the Lynn Property and the Century Property; and,

WHEREAS, the Town has conditioned its agreement to permit the extension of its existing collection system and to provide sanitary sewer service to the Lynn Property and the Century Property upon the Developer's agreement to pay the full cost of construction for such extension of facilities and service to the Lynn Property and the Century Property; and,

WHEREAS, Developer agrees that the Town's agreement to provide sewer service to the respective properties will be of great benefit to each Developer, and Developer now agrees to cause the extension of the Town's collection system to the subject properties to be constructed at the sole expense of Developer; provided, however, Developer will be entitled to recover a fair pro rata share of said costs from property owners or other sewer users that subsequently connect to the Town's wastewater collection and treatment system to or through the improvements to be constructed by Developer pursuant to this Agreement; and,

WHEREAS, to assist and encourage Developer to pay for the cost of constructing the sewer utilities, the Town has agreed, pursuant to the provisions of IC 36-9-22-2, to collect from such subsequent users, and to pay to Developer, a fair pro rata share of the cost of the construction of the sanitary sewer collection facilities to be constructed by Developer under this Agreement .

Now, therefore, in consideration of the mutual promises contained herein, the Town and Developer agree as follows:

1. **Statutory Authority for Agreement.** This Agreement is made and entered in accordance with the provisions of Indiana Code 36-9-22-2.

2. **Approval of Plans and Specifications.** The Developer has caused the plans and specifications for sanitary sewer collection system improvements (the "Improvements") dated _____, _____, to be prepared by its engineer, Primavera and Associates, Incorporated (the "Plans and Specifications"), and to be placed on file in the Town engineer's office prior to the date of execution of this Agreement. The Plans and Specifications are hereby deemed approved by the Town. The Town shall review for approval any proposed modifications to the Plans and Specifications. The proposed location of the Improvements to be constructed pursuant to this Agreement is shown in Exhibit "C" attached hereto.

3. **Developer to Construct Improvements.** The Developer, at its sole expense, shall cause the Improvements to be constructed in accordance with the Plans and Specifications, including any changes or modifications subsequently approved by the Town.

4. **Developer to Obtain Permits.** The Developer shall obtain all permits, and acquire all easements necessary for construction of the sewer facilities and shall comply with all applicable governmental requirements in its construction of the same.

5. **Construction Inspection.** The Town will inspect the construction of the Improvements to assure that construction is completed in a good workmanlike manner in accordance with the Plans and Specifications.

6. **Developer to Maintain Improvements.** Developer will, at its sole expense, maintain and repair the Improvements for a period of one (1) year from the date that the Town certifies the construction as substantially complete.

7. **Dedication of Improvements.** Upon completion of construction of the Improvements, and the satisfaction of Developer's subsequent one (1) year obligation to maintain and repair the Improvements in accordance with the Town's rules and regulations, the Developer shall dedicate the Improvements, including all sewage collection lines installed in the Century Property and the Lynn Property, to the Town. The Town will thereafter own, operate, maintain and replace the Improvements, as thereafter necessary.

8. **Cost of Constructing Improvements.** Within thirty (30) days after execution of this Agreement, Developer shall present an itemized accounting of all costs incurred in constructing the Improvements (the "Construction Cost"). The Town shall approve or modify the proposed Construction Cost in its discretion, but such approval shall not be unreasonably withheld. The parties acknowledge that Developer has contracted with Dan Cristiani Excavating, Inc., for the construction of the Improvements for a fee of \$580,000.00, a copy of which contract is attached hereto as Exhibit "D". The parties agree that, provided Developer constructs all of the Improvements, the Construction Cost shall be not less than \$580,000.00. The Construction Cost approved by the Town shall also include, without limitation, any change orders, cost overruns, or other costs incurred in constructing the Improvements in excess of such contract

amount.

9. **Total Capacity of Improvements.** It is agreed that the Improvements will have the capacity of serving up to 1,244 connections, assuming that each connection uses not more than 310 gallons per day (each such connection being an "Equivalent Dwelling Unit" or "EDU"). It is acknowledged that Developer intends to connect 661 single-family homes to the Improvements on the Lynn Property and the Century Property. As such, Developer shall contribute 53.2 percent of the Construction Cost without reimbursement under this Agreement. The remaining 46.8 percent of the Construction Cost (the "Reimbursable Cost") shall be subject to the reimbursement provisions of this Agreement.

10. **Limitation on Use of Improvements.** Except as expressly provided in this Agreement, for a period of fifteen (15) years after this Agreement is first executed, the Town will not permit any connection to, or extension of, the Improvements except within the Lynn Property and the Century Property. The Town shall not permit any person or entity which did not contribute to the Construction Cost of the Improvements (hereinafter a "Subsequent User") to tap into, use, or deposit sewage or storm waters into the Improvements, or any lateral sewers connect to them, unless and until such Subsequent User makes full payment of its fair pro rata share of the Reimbursable Cost calculated in accordance with the provisions of Section 11 below (each a "Subsequent User Fee").

11. **Town to Require Payment of Subsequent User Fees.** Prior to granting any Subsequent User a permit to connect into the Town's wastewater collection and treatment system, the Town shall require the Subsequent User to pay the appropriate Subsequent User Fee, in addition to any other assessments, application fees, tap-in fees or other cost or fees properly assessed under the Town's ordinances, rules, and regulations. For purposes of determining each such Subsequent User Fee under this Agreement, the rules of the Town shall be as follows:

A. The Reimbursable Cost shall include interest at the rate allowed on judgments under Indiana law from the date the Construction Cost is approved under the provisions of Section 8 above until the date that payment is made by the Subsequent User to the Town.

B. The Reimbursable Cost, as adjusted for added interest under Section 11(A) above, shall be multiplied by a fraction to determine the Subsequent User Fee. The numerator of the fraction shall be the greater of (i) the number of new connections the Subsequent User proposes to connect, or (ii) the number of EDUs the Subsequent User proposes to connect. The denominator of the fraction shall be the number being the remaining number of EDUs that can be connected to the Improvements after taking into account the total number of connections initially proposed for the Lynn Property and the Century Property, which number is 583. Examples of how this calculation is to be made are shown for illustration purposes in attached Exhibit "E".

C. The remaining balance of the Reimbursable Cost shall be appropriately adjusted following each payment of Subsequent User Fees for one or more connections by each Subsequent User. The adjusted remaining balance shall continue to accrue interest in the manner described in Section 11(A) above until the Reimbursable Cost is fully recovered by Developer.

12. Procedure for Determination and Payment of Subsequent User Fees.
Developer shall serve as the Town's agent for purposes of determining and collecting Subsequent User Fees under this Agreement, which agency may be revoked by the Town upon written notice at any time. The provisions of this Section 12 shall apply for the period that such agency remains in effect.

Prior to the grant by the Town of any authorization to any Subsequent User for connection to the Town's wastewater collection and treatment system, the Town shall require such Subsequent User to present evidence that the appropriate Subsequent User Fee has been fully paid to Developer. Developer shall appoint an authorized representative for purposes of meeting with Subsequent Users to determine the appropriate Subsequent User Fee in each case. _____ shall initially serve as Developer's representative for such purposes, but Developer may appoint a successor representative for such purposes at any time by the giving of notice to the Town under this Agreement.

Upon payment of the appropriate Subsequent User Fee, Developer, through its representative, shall issue a certification of such payment to the Subsequent User in a form substantially similar to that attached hereto as Exhibit "F". In the event that Developer and such Subsequent User are unable to agree upon the amount of the Subsequent User Fee, and upon written request by either Developer or such Subsequent User, such dispute shall be submitted to Town Council for determination at its next regularly scheduled meeting following at least five (5) days written notice to both Developer and such Subsequent User that such matter will be included on the agenda of such meeting. The determination rendered by the Town Council may be reviewed by the circuit or superior courts of Clark County, Indiana, provided that a petition seeking such review is filed by Developer or the Subsequent User not later than sixty (60) days after the Town Council's decision is made. Otherwise, the decision of the Town Council shall be deemed final and binding with respect to the amount of the Subsequent User Fee due for the proposed connection.

13. Audit. At any time the Town may cause an audit to be made of the Developer's records with respect to the proper assessment, payment, and collection of Subsequent User Fees during the term of this Agreement, or any partial period thereof. Such audit shall be made by a certified public accountant reasonably acceptable to Developer and the Town. In the event such audit shows that the Subsequent User Fees assessed under this Agreement and paid to Developer during the audit period exceed ten percent (10%) or more of the actual amount to which Developer is entitled, then the entire fees and expenses charged by the certified public accountant making the audit shall be paid by the Developer; otherwise, such fees and expenses shall be paid by the Town. Any party that properly owes money to the other, either through prior underpayment or overpayment, shall make such payment in full in the amount shown in such

audit within thirty (30) days after such audit is completed.

14. **Procedural Changes Upon Revocation of Agency.** In the event that the Town revokes its appointment of Developer under Section 12 above as its agent for purposes of determining and collecting Subsequent User Fees, the Town shall then assess, receive and retain all Subsequent User Fees paid by each Subsequent User for the benefit of Developer. On a regular monthly basis for the remaining term of this Agreement the Town shall then provide a complete accounting and make full payment to Developer of all Subsequent User Fees properly payable or paid to the Town by any Subsequent User during the prior monthly period. Payment shall be made in the form of a check made jointly payable to the order of each Developer. The accounting shall be in the form of a report prepared by the Town (or other similar evidence) of all applications for sewer service received by the Town for the preceding year that would connect to or through the Improvements so as to enable Developer to verify the accuracy of the payment from the Town. Subsequent to the revocation of such agency, the Developer shall then have the rights of the Town to an audit under the provisions of Section 13 above.

15. **Remedies for Improper Connection.** In the event that any connection is made to the Town's wastewater collection and treatment system to or through the Improvements in violation of this Agreement, the Town shall remove such connection, or cause such connection to be removed, in accordance with the provisions of IC 36-9-22-4(b).

16. **Waiver of Right of Remonstrance.** In consideration and as a condition to the Town's entering into this Agreement, each Developer, and all of their respective assigns and successors-in-interest to any portion of the Lynn Property and the Century Property, do hereby forever waive all rights to remonstrate or otherwise object, pursuant to Indiana Code 36-4-3, *et seq.*, or otherwise, to present or future annexation of all or part of the Lynn Property or the Century Property by the Town. Further, any Subsequent User connecting to the Town's wastewater collection and treatment system to or through the Improvements shall be deemed to have waived his rights to remonstrate against the annexation of the area served by the Improvements unless:

A. The Subsequent User is required to connect to the sewer facilities because a person other than the Subsequent User has polluted or contaminated the area; and,

B. The costs of extension of or connection to the sewage wards are paid by a person other than the Subsequent User or the Town.

17. **Duration of Agreement.** This Agreement (other than waiver of right of remonstrance by Developer and Subsequent Users) shall remain in effect (i) until Developer fully recovers the Reimbursable Cost plus interest as provided in Section 10(A) above, or (ii) for a period of fifteen (15) years from the effective date of this Agreement, whichever is sooner, or unless terminated earlier by mutual agreement of the parties, which agreement must be in writing and signed by both parties in order to have legal effect.

18. **Excusable Delay.** None of the parties to this Agreement shall be liable to the others for any loss, cost, or damage, arising out of, or resulting from, any failure to perform in accordance with the terms of this Agreement where such failure shall be beyond the reasonable control of such party, which, as employed in this agreement, shall be deemed to mean, but not limited to, acts of God, strikes, lockouts, or other disturbances, wars, governmental action, explosions, fire floods, earthquakes or any other cause not within the reasonable control of any party hereto.

19. **Governing Law.** This Agreement shall be governed by, construed, and enforced in accordance with, the laws of the State of Indiana. This Agreement and all of the terms and provisions hereof shall survive the completion of construction of the Improvements.

20. **Recitals and Headings.** The provisions of the Recitals of this Agreement are substantive and shall be included in any interpretation of the Agreement. The titles or headings to the sections of this Agreement are not a part of the Agreement, are solely for the convenience of the parties, and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.

21. **Authority to Contract.** The parties hereto represent that: (i) the parties are authorized to enter into this Agreement, (ii) the execution of this Agreement is not prohibited by the organizational documents or Indiana statutes governing any party to this Agreement, (iii) this Agreement is a valid and binding contract between the parties hereto, enforceable according to its terms, and (iv) the execution of this Agreement does not conflict with or violate the terms of any other agreement to which any party hereto is subject.

22. **Relationship of the Parties.** Nothing herein contained shall be deemed or construed as creating the relationship of principal and agent, partnership, or joint venture between the parties hereto.

23. **Litigation Costs.** In the event that any lawsuit is filed in relation to this Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that any party may be called on to pay, a reasonable sum for the successful party's costs and attorney's fees.

24. **Notice.** Any notice or other communication required or permitted to be given under this agreement shall be in writing and delivered personally or by certified mail, return receipt requested, postage prepaid, addressed to the parties at the following addresses:

If to the Town:

The Town of Sellersburg
316 East Utica Street
Sellersburg, IN 47172
Attn.: Town Council President

If to Developer:

21st Century Developers, Inc.
3027 Wolf Lake Road
New Albany, IN 47150

And to:

Robert Lynn Company, Inc.
713 Mt. Tabor Road
New Albany, IN 47150

A party's address for service of notices may be changed from time to time by giving written notice of the party's new address to the other parties.

25. **Binding Effect; Assignment.** This Agreement shall be valid and binding upon the parties hereto and their respective successors and assigns. Developer may assign its rights under this Agreement, in whole or in part, and shall provide notice to the Town of any such assignment as required herein.

26. **Non-waiver.** The failure of any party to this Agreement to insist on the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance of waiver had occurred.

27. **Severability.** The invalidity of any portion of this Agreement shall not be deemed to affect the validity of any other provision hereof. In the event that any provision of this Agreement is held to be invalid or unenforceable, the parties hereto agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by all parties hereto subsequent to the expungement of the invalid provision.

28. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto regarding its subject matter, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on either party except to the extent incorporated in this Agreement.

29. **Modification.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by an authorized representative of each party.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

21st CENTURY DEVELOPERS, INC.,
an Indiana corporation

TOWN OF SELLERSBURG, INDIANA

By: _____
Gregory G. Furnish, President

By: _____
Town Council President

ROBERT LYNN COMPANY, INC.,
an Indiana corporation

Attested by:

By: _____
Robert Lynn, President

By: _____
David Kinder, Clerk-Treasurer

STATE OF INDIANA

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this ____ day of _____, 2001, personally appeared Gregory Furnish, as President of 21st Century Developers, Inc., an Indiana corporation, and acknowledged the execution of the foregoing Agreement, on behalf of said corporation.

WITNESS my hand and notarial seal.

My Commission expires:

Notary Public

Printed Signature
Resident of _____ County

STATE OF INDIANA

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this ____ day of _____, 2001, personally appeared Robert Lynn, as President of Robert Lynn Company, Inc., an Indiana corporation, and acknowledged the execution of the foregoing Agreement, on behalf of said corporation.

WITNESS my hand and notarial seal.

My Commission expires:

Notary Public

Printed Signature
Resident of _____ County

STATE OF INDIANA

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this ____ day of _____, 2001, personally appeared _____, as Sellersburg Town Council President, and David Kinder, as Sellersburg Clerk-Treasurer, and acknowledged the execution of the foregoing Agreement, on behalf of the Town of Sellersburg, Indiana.

WITNESS my hand and notarial seal.

My Commission expires:

Notary Public

Printed Signature
Resident of _____ County

This instrument prepared by:

Alan M. Applegate
Applegate & Mull
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

EXHIBITS—

A – DESCRIPTION OF LYNN PROPERTY

B – DESCRIPTION OF CENTURY PROPERTY

C – LOCATION MAP FOR IMPROVEMENTS

D – CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS

E – SUBSEQUENT USER FEE CALCULATION EXAMPLES

F – FORM OF PAYMENT CERTIFICATION

EXHIBIT E

SUBSEQUENT USER FEE CALCULATIONS

- I. Subsequent User A's 40-lot subdivision approved to connect to Improvements.
 1. Assume:
 - a. Construction Cost of \$580,000 approved by Town on November 1, 2001, thereby leaving a Reimbursable Cost of \$271,440.
 - b. No other Subsequent Users have previously been granted the right to connect to the Improvements.
 - c. Subsequent User A is granted the right to connect 40-lot subdivision on September 1, 2002.
 2. Calculation of Subsequent User Fee is as follows:
 - a. \$271,440 plus interest at 8% per annum from November 1, 2001 (or 305 days) equals \$289,536.
 - b. \$289,536 multiplied by 40 (number of new connections) and divided by 583 (the number of remaining connections to the Improvements) yields the Subsequent User Fee of \$19,865.25.
 - c. Remaining balance of Reimbursable Cost \$269,670.75 (including accrued and unpaid interest to date).
- II. Subsequent single lot connection by Subsequent User B approved to connect to Improvements.
 1. Assume:
 - a. Remaining balance of Reimbursable Cost \$269,670.75.
 - b. No other Subsequent Users, except Subsequent User A, have previously been granted the right to connect to the Improvements.
 - c. Subsequent User B is granted the right to connect a single lot on February 1, 2003.
 2. Calculation of Subsequent User Fee is as follows:
 - a. \$269,670.75 plus interest at 8% per annum from September 1, 2002 (for 153 days) equals \$278,780.43.
 - b. \$278,780.43 multiplied by 1 (number of new connections) and divided by 583 (the number of remaining connections to the Improvements) yields the Subsequent User Fee of \$478.18.
 - c. Remaining balance of Reimbursable Cost \$278,302.25 (including accrued and unpaid interest to date).

NOTE: The above calculations are for illustration purposes only.

EXHIBIT F

FORM OF PAYMENT CERTIFICATION

Date: _____

To: Clerk-Treasurer
Town of Sellersburg, Indiana
316 East Utica Street
Sellersburg, IN 47172

Dear Clerk-Treasurer:

Please be advised that on _____, _____, (*Name of Subsequent User*) (the "Subsequent User), paid the sum of \$ _____ for payment of a Subsequent User Fee pursuant to that certain *Sewage Works Reimbursement Agreement* dated _____, 2001 (the "Agreement"), between (i) the Town of Sellersburg, Indiana (the "Town"), and (ii) 21st Century Developers, Inc., an Indiana corporation, and Robert Lynn Company, Inc., an Indiana corporation (collectively, the "Developer").

The undersigned hereby certifies as follows:

1. The Subsequent User Fee was calculated in accordance with the terms and conditions of the Agreement;
2. The Subsequent User Fee is based on Subsequent User's stated intention to connect _____ dwellings or "Equivalent Dwelling Units" to the Town's wastewater collection and treatment system to or through the Improvements, as such capitalized terms are further defined in the Agreement; and,
3. The remaining balance of the Reimbursable Cost subsequent to this payment by the above-identified Subsequent User is \$ _____.

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

_____, as authorized representative
of Developer

xc: Sellersburg Town Engineer

Chapter 28

System Development Charges

A growing number of water utilities employ *system development charges* to assign to future customers the capital cost responsibility of system capacity that is or will be available for future customers. The financing and construction of water system infrastructure are core water utility functions. Customers expect their local water utilities to provide safe and reliable water service and facilities. Utilities use many different methods for this funding. Five types of water utility capital financing are

- pay-as-you-go financing through user rates
- debt financing
- system development charges (SDCs)
- up-front reimbursement from developers
- stock issuance

Debt financing requires future repayment from revenues, often through user rates, and equity financing is available only to investor-owned utilities.

Throughout the United States, SDCs (also referred to as impact fees or plant investment fees) are used to finance some capital improvements. These charges are designed specifically to pay for the capacity costs associated with growth. Special charges for new developments date back to the 1930s. System development charges are more frequently used as a source of capital financing in large- and medium-sized urban areas, in high-growth locations, and in areas of scarce water supply. Existing customers in regions with extensive growth or potential growth may benefit greatly from these charges. SDCs assign the capacity cost of growth, at least in part, to those causing the growth rather than to existing customers.

Though new development in a water utility's service area may be viewed as positive, the appropriate source of funding for the water system's expansion to support the new development is a recurring debate. During times of extensive system

growth, the utility must make investments to provide service to the new development. An SDC is one method of funding these new facilities. Facilities most commonly financed with SDCs include backbone facilities, such as source of supply, source water transmission, treatment facilities, high-service pumping, and major transmission mains. Depending on local circumstances or applicable state statutes, the costs of distribution mains and other facilities also may be recovered by the SDC.

SELECTING A METHOD BASED ON FINANCIAL GOALS AND OBJECTIVES

The first step in implementing SDCs should be to identify the objectives to be achieved by the management of the water utility's services. These objectives might include to

- have new development pay its own way
- fund major system expansion
- generate sufficient cash to fund a portion of capital improvements
- minimize debt
- equitably recover capital costs from current and future customers
- maintain appropriate level of retained earnings and cash reserves to meet other capital needs of the system

Though SDCs can be used to minimize the amount of debt financing required for capital expansion, these charges may not entirely eliminate the need for future debt issues. The decrease in debt financing needed will, however, reduce debt service costs included in utility rates. Additionally, SDCs may give a utility flexibility in timing debt issuance. For example, with sufficient funds from SDCs, the utility may be able to delay a debt issuance to avoid a period of high interest costs. In most situations, the utility will not collect sufficient funds from SDCs in the short term, or perhaps even in the long term, to fully fund a major system expansion.

Some groups have opposed the use of SDCs. Frequently, opposition results from a lack of understanding of the purpose and use of the charges. Builders and developers have opposed the charges because they add to up-front development costs. However, in some communities, builders and developers support SDCs because the utility could not otherwise finance the facilities needed to accommodate growth.

The implementation of SDCs should be guided by

- compliance with any local and state legal and regulatory requirements
- financial objectives of the utility
- generally accepted water utility industry financing and pricing practices
- maintaining fairness between existing and future customers
- uniform and consistent methodology

An SDC is a financial commitment on the part of both the utility and the development community. Developers are committing funds to provide for utility expansion; the utility is committing to ensure that utility's services are available when needed.

LEGAL ISSUES RELATED TO METHODOLOGY

The preliminary planning to establish an SDC should include a review of the legal authority and issues associated with capital recovery in the utility's operating environment. Legal authority may be granted through enabling legislation, state statutes regarding general law or home rule authorities, local charter, utility operation permits, utility service certifications, or judicial rulings.

Many states govern the system development and impact fee practices of municipal agencies. Some state public utility commissions have rules of practice concerning capital cost recovery and rate making for the jurisdictional investor-owned utilities and, in certain states, for publicly owned water systems. When considering the design and implementation of a system development charge, an analyst should:

- study state statutes or state public utility commission rules of practice (many state legislatures have searchable statutes on their internet sites)
- review the relevant case law for commission and judicial decisions influencing capital charge practices
- seek competent legal advice, particularly when litigation risks are uncertain
- evaluate the underlying criteria important to a specific water system or jurisdictional environment

Table 28-1 provides examples of state statutes governing the use of system development charges and impact fees.

Legal issues addressed in court opinions and rulings help establish procedures for implementing SDCs. The judicial system has provided guidance for establishing SDCs in several states. A primary legal issue related to SDCs is establishing a reasonable connection, or rational nexus, between the amount of the SDC and the cost associated with serving the new development. This rational nexus test is common in both the enabling statutes and court decisions. In short, this test requires that the charge be based on a reasonable connection between the cost to the utility of new development and the amount of the SDC collected.

Some water utilities are under the authority of a regulatory utility commission. Regulatory commissions generally have procedures for instituting various fees and charges. A regulated utility should verify with its regulatory agency the process used for establishing an SDC before initiating the process. The ability of an investor-owned utility to "sell" its assets, along with the taxing of SDC receipts, generally reduces the desirability of implementing SDCs for such systems.

METHODS OF CALCULATING SDCs

The two basic methods for calculating SDCs are the *equity method* and the *incremental cost method*. Either method may be appropriate, depending on the utility's financial circumstances, legal constraints, goals, and objectives. In many instances, particularly where some existing reserve capacity for growth is available and new capacity is planned, a combination of the two methods may be appropriate.

The equity method is based on the principle of achieving capital equity between new and existing customers. Sometimes referred to as the *system buy-in method*, this approach attempts to assess new customers a fee to approximate the equity or debt-free investment position of current customers. The financial goal is to achieve a level of equity from new customers by collecting an SDC representative of the average equity attributable to existing customers.

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Table 28-1 Examples of state statutes governing the use of system development charges and impact fees

State	Statute	Effective Date	Description
Arizona	Rev. Stat. Ann. § 9-463.05 (Supp. 1988)	1982	"A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development" ...resulting "in a beneficial use to the development." Fees "must bear a reasonable relationship to the burden imposed upon the municipality to provide additional necessary public services to the development."
Georgia	Ga. Code Ann. § 36-71.	1990	"Development impact fee" means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development." Impact fees: 1) shall not exceed a proportionate share of the cost of system improvements, 2) shall be calculated and imposed on the basis of service areas, 3) shall be calculated on the basis of levels of service for public facilities. This statute does not limit a local government from collecting a proportionate share of the capital cost of water or sewer facilities by way of hook-up or connection fees as a condition of water or sewer service to new or existing users.
Indiana	Ind. Code 36-7-4-1300 to 1342 § 4354 (Supp. 1991)	1991	The legislative body of a unit may adopt an ordinance imposing an impact fee on new development in the geographic area over which the unit exercises planning and zoning jurisdiction. The ordinance must aggregate the portions of the impact fee attributable to the infrastructure types covered by the ordinance so that a single and unified impact fee is imposed on each new development. Must adopt a comprehensive plan and establish an advisory committee.
Maine	Me. Rev. Stat. Ann. Title 30-A	1989	"A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, subsection 2, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement. The amount of the fee must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development."
Oregon	Ore. Stat. § 223.297-314	1989	Municipalities are empowered to impose system development charges at issuance of permit or connection to the capital improvement. Applies to water, wastewater, drainage, transportation, and parks and recreation. Reimbursement fees shall consider the cost of the existing facility or facilities, prior contributions by existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other factors. Future system users can contribute no more than an equitable share of the cost of existing facilities.
Virginia	Va. Code Ann. § 15.2-2318-2327	1989	Certain counties, cities, and towns are empowered to impose impact fees to offset the cost for road improvements attributable to the development if supported by needs assessment and road improvement plans and assisted by an advisory committee.

Source: State statutes.

The incremental cost method is based on the concept of new development paying for the incremental cost of system capacity needed to serve new development. This approach proposes to mitigate the cost impact of new growth on existing customers' user rates. The goal is to charge a fee for new customers sufficient to allow customer user rates to be revenue-neutral with respect to growth of the system. However, in systems undergoing rapid and expensive growth, this may be difficult to achieve.

Equity (Buy-in) Method

The goal of the equity method is to achieve an equity position between new and existing customers of the system. The method assumes that existing customers have provided equity in the existing system and that built-up equity should accrue to benefit existing customers. Under the equity method, the base level of the SDC is established at the current level of system equity related to the capacity used to serve an existing equivalent residential customer. This approach is most appropriate where current system facilities adequately serve existing and future customers, where no new significant system investment is anticipated, and where existing facilities are not scheduled for replacement in the near future.

System equity. A key component in developing an equity method SDC is determining system equity. The major components include the valuation of system assets, accumulated depreciation, system liabilities, sources of equity, and system capacity.

System assets. For SDC purposes, one measure of the valuation of the system assets is the original value of the total plant less accumulated depreciation. This valuation may be adjusted to recognize the cost of reproducing or replacing assets, depending on the rules and regulations of the applicable regulatory body. The reproduction cost estimate is an indication of the cost to duplicate the system at current prices. Additionally, reproduction cost valuation reflects equity contributions made by existing customers in terms of current dollars. Whether using original or reproduction costs, asset values are often expressed as net of depreciation to reflect the valuation of the system available to new customers.

System liabilities and equity. Balance-sheet liabilities and equity that are recognized in the equity valuation encompass outstanding long-term debt as well as any applicable contributions, such as grants or other non-SDC contributions, to SDC facilities. Both of those liabilities should reflect book value. In a situation where the SDC is separated in component costs by function (such as source of supply, production, storage, or transmission), any applicable contributions may need to be allocated to these functional categories. For example, if grants were provided specifically for the production facilities, these contributions should be credited to the cost of those specific facilities.

Equity sources. Equity in the water system established by existing customers can accrue from various sources, including the retirement of debt, cash financing of capital improvements, or previous SDC payments. All of these sources are provided by existing customers through annual revenues. It should be noted that the term equity refers to that portion of system value for which there is no offsetting debt. It does not imply ownership of, or title to, utility facilities.

System usage. An analysis of existing system usage is necessary to determine the equivalent units of current customers. System usage is often expressed in terms of equivalent units, such as $\frac{5}{8}$ -in.-meter equivalents.

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Table 28-2 Equivalent meter factors

Meter Size, in.	Maximum Flow, gpm ^a	Equivalents Relative to 5/8-in. Meter [†]
5/8	20	1.0
1	50	2.5
1 1/2	100	5.0
2	160	8.0
3	300	15.0

^aSource: AWWA Manual M6, Water Meters—Selection, Installation, Testing, and Maintenance.

[†]Using standard maximum meter-flow capacity ratios.

Column 3 of Table 28-2 shows equivalent meter ratios expressed in terms of the ratio of rated meter capacity for each meter size relative to a 5/8-in. meter, as stated in AWWA Manual M6, *Water Meters—Selection, Installation, Testing, and Maintenance*. As an alternative, utilities often analyze their own actual annual water use data, and weight it by applicable maximum-day demand ratios, for each meter size within its service area to establish utility-specific equivalent-meter factors.

SDC determination. For purposes of the example SDC calculation under the equity method shown in Table 28-3, the average equity per equivalent unit in the system is determined by dividing the net system value by the number of 5/8-in.-equivalent customers the system is capable of serving. The applicable SDC is determined by multiplying the average equity per existing equivalent customer (\$720) by the appropriate equivalent-meter ratio from Table 28-2.

Though meter-equivalent ratios may be computed for meters larger than 3 in., the use of these ratios as a basis for computing the SDC for larger meters may or may not be indicative of the potential demand requirements of any particular customer. It is recommended that a specific determination of the SDC be made for customers with larger meter sizes. In addition, where the basis of design of certain SDC-related facilities is not based on peak system demands, such as large impounding reservoirs, sole use of meter-equivalent ratios may not provide an equitable basis of allocating such costs.

Incremental Cost Method

The incremental cost method assigns to new development the incremental cost of system expansion needed to serve the new development. The financial objective is to provide system expansion to serve new development without an undue impact on existing user rates. Generally, this method is considered most appropriate when a significant portion of the capacity required to serve new customers must be provided by the construction of new facilities.

Determining SDC. To calculate SDCs under the incremental cost method, the practitioner must determine various factors, including the period of growth, growth rates, type of growth, capacity associated with the various improvements needed to serve the projected growth, and cost of these improvements.

Service area. The service area must be determined before the SDC can be computed. Commonly, the total service area of the utility system is used, but some utilities divide their system into separate service areas. Particular care should be used when dividing a utility system into subsets to ensure that the subsets are based on identifiable differences from the system as a whole.

The delineation of the utility service area is important for growth planning and for assessing capital improvements needed for new development. Though the service

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Table 28-3 Illustrative determination of system development charge using the equity method

	Original Cost. \$thous	Accumulated Depreciation, \$thous	Net Cost. \$thous
Plant			
Source of supply	4,000	(1,000)	3,000
Treatment and pumping	7,200	(1,200)	6,000
Transmission system	9,300	(1,300)	8,000
Distribution mains	4,300	(500)	3,800
Services, meters, and hydrants	5,600	(800)	4,800
General structures	<u>1,600</u>	<u>(200)</u>	<u>1,400</u>
Subtotal	32,000	(5,000)	27,000
Less Net Cost of			
Distribution mains			(3,800)
Services, meters, and hydrants			<u>(4,800)</u>
Net investment in plant			18,400
Less			
Outstanding bonds allocable to SDC facilities			<u>(4,000)</u>
Total Equity Investment			14,400

NOTES: Number of equivalent $\frac{3}{8}$ -in. customers the system is capable of serving: 20,000.

Average net equity investment per equivalent $\frac{3}{8}$ -in. customers $(\$14,400,000 \div 20,000) = \720 .

area usually is easy to determine, the conclusion is critical to the analysis and development of the SDC. Typical service areas are municipal corporate limits and public utility commission certificated or franchised service areas. The inclusion of extraterritorial jurisdictions may be appropriate where service is currently provided or the provision of service is imminent.

Planning period. The SDC planning period is needed to project the growth and service requirements of the system. Though utilities have used various lengths of time, the planning period for determining SDCs should equal the normal planning period of the utility. Usually, this ranges from 10 to 20 years for distribution and treatment facilities planning, but may exceed 50 years for supply planning. Another criterion for determining a planning period is the financial cycle for long-term financing. For example, the normal financing term for long-term debt is useful in determining the duration of the SDC planning period. This is typically 10 to 30 years. The normal system financial planning period should be the minimum planning period for SDCs; analyzing a shorter period might limit the utility's view of its ability to repay debt on system expansion projects that are to be funded from SDC revenues.

Growth rate and magnitude of expansion. A projection of the future system growth is an integral part of the incremental cost method. The rate and type (customer class) of growth has a direct impact on the type of system expansion needed to serve new development over the planning period. A breakdown of growth by type or class of customer is important because different customer classes have different water demands. For example, types of growth may include residential, commercial, industrial, and institutional. There may be additional subcategories or

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fewer types of customers, but a sufficient number of categories should be used to describe the utility's customer base and to identify any expected changes in the customer base.

Growth rates usually are estimated in terms of population, employment, and commercial or industrial floor area. Planned types of growth must be assigned a utilization or equivalency factor, generally stated as a function of an equivalent residential customer. This factor equates growth-rate elements for each type of growth to common terms for estimating capital improvements needed to serve future customers. For example, growth in residential customer demand can be evaluated on the basis of water usage of a single-family unit. Larger commercial, industrial, and institutional growth in demand can be assessed by analyzing existing water usage or by tabulating usable square footage of similar businesses and buildings.

Capital improvements plan for system expansion. After the projected growth and future demands for the system are established, the capital improvements needed to meet new growth can be planned. Capital planning also considers the timing and magnitude of the projected growth. Because growth and related increases in system demand may be incremental or occur in stages over the planning period, care should be used to match the system capacity with the growth in demand and revenue flow from the associated SDCs. A large investment in system capacity without a comparable increase in demand will result in an undesirable under-utilization of the system and will have a negative impact on current rate payers.

SDC-related capital improvements should be restricted to common-use facilities; generally, they do not include site-specific or local facilities. Examples of common-use facilities are supply sources, source water intakes, source water transmission, treatment facilities, and major water transmission mains. Capital costs associated with environmental-regulation compliance are becoming an increasingly significant portion of water utility capital program budgets. Such costs can be included in the SDC. However, it is important to recognize that such costs, generally, are common to existing customers and new customers. In determining SDCs, care should be exercised to charge the new customers only for their proportionate share of these costs.

When long-term financing is required to provide funding for a part of the capital improvement plan, all or a portion of the financing cost (i.e., interest on debt and debt issuance cost) may be included in the incremental cost for SDC determination purposes. This is particularly important where the SDC is intended to be the sole funding source for system expansion. In cases where capital improvement financing is also included in user rate revenue requirements, the utility must be careful to avoid double counting the financing costs in both the SDC and the user rate revenue requirements. For example, to the extent that debt service on bonds issued to finance major capital improvements for SDC facilities in previous years are included in the current year revenue requirements recovered through general water rates, an allowance, or credit, in the level of the current SDC must be recognized to avoid a double cost recovery of the debt service applicable to such SDC facilities.

Excess capacity in the existing system available for future development. The efficient economic expansion of the system often requires that improvements be built in increments that exceed the immediate level of demand. The unused capacity is available for future growth and may be included to determine the incremental cost to serve new development. Including the excess capacity cost in the SDC shifts the financing of this excess capacity from the existing rate payers to the new development. If existing facilities are included in the incremental cost method,

amount of available capacity and investment of these existing facilities should be documented to substantiate the actual cost and value of the facilities.

Determining development units. To calculate the SDC, the projected system growth in demand must be converted into common units. Units used to establish the SDC will vary with available information, timing of the SDC assessment and collection, and the billing practices used by the utility. Units may be derived from the system growth analysis and capital improvements planning.

Most SDC-related facilities are designed on the basis of annual average day use, maximum day demand, or maximum hour demand. After the SDC-related capital investment is determined, it must be divided by the applicable design capacity to obtain a cost per unit of capacity. Each type of customer (i.e., residential, commercial, or industrial) has a particular demand or capacity requirement that, when applied to the unit cost of SDC facilities, provides a measure of the investment in SDC facilities applicable to that type of customer. It is common to develop an SDC for a residential customer, or equivalent residential unit, using this unit cost approach, then develop a schedule of SDCs using common billing determinants that relate potential demands of other types of customers to that of the base, or residential, demand. Among the more frequently used units for this purpose are meter size, fixture units, and land area with associated land-use characteristics. Meter size is the most common determinant for assessing SDCs, and the capacity factors developed in Table 28-2 often are used to establish charges for customers with meters greater than $\frac{5}{8}$ -in.

When charges are collected at the time of service initiation, meter size is often used as a basis for computing SDCs although many utilities use alternative approaches in defining the base service unit, including equivalent residential units (ERUs) or fixture units. Usually, equivalent service units are developed for customers with more intense uses or potential demand. For example, charges for larger meters may be based on AWWA-rated meter capacity using a $\frac{7}{8}$ -in. meter as the base service unit. Total overall premise use, facility size, capacity requirement, and number of fixtures also are used with ERU-based charges.

The meter size approach may be easiest to explain to customers. It is based on the potential maximum demand that the customer may put on the system, but it does not consider patterns or intensities of customer usage. Meter sizes are expressed in terms of equivalent meters, generally based on the relative capacity of various meter sizes. The ERU approach differentiates among customer classes, but it can be difficult to explain and, in some situations, difficult to determine and apply consistently. The ERU approach is often directly related to the number of fixture units and is based on the potential loading of various fixtures. As a result, the charge for each new customer must be computed individually, which is a disadvantage to this approach.

If collection of the SDC is made at the time of platting, the service unit usually is based on an equivalent dwelling unit. The equivalent dwelling unit is based on the estimated demand of a single-family residential unit in the service area. The charge is then based on the size of the dwelling, the types and number of fixtures, or both. Utility billing records are a data source related to system utilization. Water demand characteristics are normally expressed in terms of equivalent units to quantify the capacities of system expansion projects.

An example of the calculation of an SDC on an incremental cost basis is shown in Table 28-4. For purposes of the example in Table 28-4, it is assumed that all local, on-site facilities, such as distribution mains, meter, services, and hydrants, are contributed by the developer through charges and assessments other than the SDC.

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Table 28-4 Illustrative determination of system development charge using the incremental cost method

	Five-Year Capital Improvements Plan, \$thou.	Maximum-Day Design Capacity, mgd	Unit Cost, \$/mgd
Plant			
Source of supply	7,500	25	300,000
Treatment and pumping	8,000	15	533,000
Transmission system	3,000	10	300,000
Distribution mains	2,000	N/A	N/A
Services, meters, and hydrants	1,800	N/A	N/A
General structures	500	50	10,000
Subtotal	22,800		1,143,000
Less net cost of			
distribution mains	(2,000)	N/A	N/A
Services, meters, and hydrants	(1,800)	N/A	N/A
Net Investment in Plant	19,000		1,143,000

NOTES: Maximum-day demand for average equivalent $\frac{5}{8}$ -in. customer: 1,100 gpd.

Average investment per equivalent $\frac{5}{8}$ -in. customer ($\$1,143,000 \times 1,100/1,000,000$): \$1,257.

*Current-year cost levels.

N/A-not applicable; assumed to be contributed by developer for purposes of this example.

REIMBURSEMENT POLICIES

Utilities frequently require developers to construct facilities that provide service beyond the requirements of the new development. When this occurs, developers should be reimbursed for the facilities constructed in excess of their own requirements. This may be in the form of a reduction in the SDC for the new development. Because the purpose of the SDC is to pay for system expansion, the utility must also consider contributions to system expansion in the form of physical improvements and additions. Payments of SDCs, together with other system contributions for the same facilities, could result in a double contribution to the system. Many utilities remedy this potential double contribution by implementing credits to the SDC or a development agreement where the developer agrees to contribute infrastructure needs in lieu of paying an SDC. In addition, reimbursement contracts for infrastructure contributions help eliminate double counting.

Credits are reductions to all or part of SDCs. The credits may be allowed for any contributed infrastructure or may be limited to specific types of contributions. Credits should not exceed the total amount of the SDCs due.

A development agreement is another method used for contribution of utility infrastructure. The developer contractually agrees to make contributions in place of all or a part of the SDCs. It should be noted that policy objectives regarding credits will affect the range of SDC values.

Reimbursement contracts often are used by water utilities for infrastructure contributions. These contracts typically provide for reimbursement of some contribu-

facility costs from SDCs collected from future customers who will use the contributed facility. Limitations on the amount of and the time period for reimbursement are included in the contracts.

ECONOMIC DEVELOPMENT ISSUES

The utility should be aware of the possibility of deterring growth of its service area or customer base. When SDCs are collected at the time service commences, the developer can defer the charges to a time near the end of the development process. In some circumstances the charge is paid directly by the new customer. Usually, SDCs have the greatest negative economic impact on development projects that are in the planning stage. This can be mitigated by phasing in the SDCs over a period of time or setting an effective due date in the future.

The practitioner must consider the effect of SDCs on competition for new development. Some utilities serve an area that is in competition with nearby regions or other major economic centers. Whether competition is local or global, the utility, in conjunction with the local or state government, may wish to promote its competitive standing when considering the implementation of an SDC.

Assessing SDCs

The utility must decide which new customers will be assessed and when the assessment will occur. Some or all of the following should be considered:

- new plats
- unplatted properties
- previously platted properties
- new service
- additional service

Timing Assessments

Timing of the SDC assessment and collection has both financial and administrative impacts. Typical points of time for assessing an SDC are at the time the plat is approved, at the time the building permit is issued, or at the time service begins.

At the time of platting. Many utilities assess and collect SDCs at the time of platting a new development. This approach allows the utility to collect the charges earlier in the project. The disadvantage of this approach is that, often, it is difficult to determine the number of service units the development will demand. Because of the number of estimates that must be made if the SDC is paid early in the development process, the computation is less accurate and more difficult to defend. In addition, the utility is required to make a significant investment in facilities on a somewhat speculative basis.

At the issuance of the building permit. Some utilities assess and collect the SDC at the time the building permit is issued for new developments. This is closer to the time of service, and the new development's impact can be estimated. The disadvantages of this approach are that the exact impact is not known, the utility must invest in facilities on a speculative basis, and the funds may not be available to the utility in time to construct the necessary facilities.

At the time service is requested. Other utilities assess and collect SDCs at the time service is requested. Usually, this is when the certificate of occupancy is issued or when a customer applies for a meter or for service. Utilities receive funds

later with this approach, but the service units are easier to determine and explain to the customer. Most builders and developers favor payment at the time of service because delayed payment lessens their carrying costs during the project. This approach may, in fact, result in homeowners directly paying the charge.

The timing of collection involves two conflicting issues that must be reconciled. First, the utility needs to collect the SDC early enough to make funds available for system improvements. Second, the utility can accurately assess the SDC only later in the development process, when the actual meter size or number of fixture units is known.

Timing differences exist between user rates and SDCs. Many major projects related to system expansion require substantial funds for design and construction before sufficient funds are available from SDC receipts. Therefore, usually some funding from user rates is needed to pay for the facilities, generally in the form of paying for debt service on the bonds to finance facilities. This may result in double cost recovery if user rate funding of debt service on SDC-related facilities is not considered in establishing the level of SDC. For example, debt service payments included in the user rate analysis are partially offset by the projected receipts from the SDC.

ADMINISTRATIVE AND ACCOUNTING PROCEDURES

The utility should adopt general administrative and accounting procedures that assure the collection of SDCs are managed and used for the facilities needed to provide service to new development in the utility's service area. Some state statutes require all such funds to be used for the specific facilities that the SDCs were designed to finance. SDC funds should be identified and segregated from the utility's unrestricted assets. To avoid spending a large portion of revenues on administration, the utility may find it helpful to first document the current development process and try to integrate the SDCs into the existing organization. In no case should SDC funds be used to fund annual O&M expenses.

Administrative Issues

Utility managers should develop procedures to administer the SDC program, including establishing a process for hearing appeals and exceptions to the SDC policies and procedures. In the case of regulated utilities, the regulatory authority may oversee this process. The multitude of development and contribution scenarios require some procedure for dealing with unusual circumstances.

Reimbursements. Some utilities have policies to reimburse contributions when facilities are later used by others. These circumstances usually involve a developer contributing major system facilities without using utility funds. Reimbursements are typically limited in time and for specific situations. For example, reimbursements may be limited to a period of 10 years after the contribution and limited to the same component (i.e., source, treatment, distribution, or transmission) of the SDCs collected in the service area of the contributed facilities.

Refunds. The utility should consider refunds of SDCs under the following circumstances:

- When service is not provided in a reasonable period of time after the charges are paid.
- When collected charges are not spent on system expansion within a reasonable time period.

Interest income. The utility may wish to dedicate interest income from SDCs to the SDC accounts. This helps to offset inflationary cost increases for system expansion projects. In some jurisdictions, such dedication of interest income is a legal requirement.

Income taxes. For investor-owned utilities, SDCs are generally included as ordinary taxable income for federal tax purposes.

Regulatory issues. Under the utility approach to rate making, most regulatory commissions exclude contributions of facilities and the related depreciation on contributed assets from the rate base in the rate-making process. Generally, SDCs would be considered as an offset to plant investment in determining rate base. Typically, any income tax liability generated from the collection of SDCs would be included in the rate base to determine rates for an investor-owned utility, unless such liability is already included in the SDC. When the cash approach to rate making is used, SDCs do not reduce annual revenue requirements. Over the long run, however, annual debt service costs will be less as major capital improvements are financed through SDCs rather than through the issuance of debt.

Accounting Issues

Collection. Because SDCs are imposed to recover the cost of new development, proper accounting of receipts is important to document authorized use of those funds. Assessment and collection records should be maintained by individual lot if charges are collected at the time of platting. This practice requires accounting for each new lot in all subdivisions. Assessment at the time service is requested requires accounting for SDC by service connection. With this approach, collection of SDCs is similar to regular customer service accounting.

Receipts. The utility should account for SDC receipts with the same procedure used for contributed facilities. Specifically, SDCs should not be included as a part of general operating revenues. SDCs should be used for capital-related purposes, including either retiring debt or constructing capital facilities related to system growth.

Expenditures. SDCs should be expended in a manner consistent with the financial goals and basis for which the charges were established. Expenditure accounting for SDCs should be maintained to support the revenues derived from the charges.

UPDATES OF THE SDC ANALYSIS

As development occurs and the economic mix of the community that the utility serves changes, growth and development assumptions also change. At that point, utilities should reassess their initial assumptions and compare the historical development achieved with that originally planned or projected. Utilities that use SDCs as a funding source commonly update their SDC levels at three- to five-year intervals.

SELLERSBURG TOWN COUNCIL MEETING

May 10, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on May 10, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:01 P.M.

PRAYER:

Reverend Gary Fenner, Calvary Christian Church.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the Town Council meeting of April 12, 2004. Danny F. Yost makes a motion to approve the minutes of the Town Council meeting of April 12, 2004, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve the minutes of the Executive Council Meeting of April 12, 2004, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve the minutes of the Executive Council Meeting of April 19, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve the minutes of Special Council Meeting of May 3, 2004, seconded by Jacques S. Smith. 4-aye, 1 abstains, motion approved.

Jacques S. Smith makes a motion to approve payment of the bills as submitted by the Clerk-Treasurer, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

LARRY ROTHBAUER: Requesting the Town Council vacate an alley between lots 23 and 24 of the Greenwood subdivision. Town Attorney McCall advises Rothbauer to check with his attorney, Virgil Bolly, about the necessary requirements for vacating an alley.

ARTHUR H. McDERMENT, Jr.: Complaining about a line fence from his neighbor blocking his view of the roadway when he exits his driveway.

Mr. McDerment, Jr. also complaining about the Water/Sewer Department crossing his property to repair a leak in an easement.

Sellersburg Town Council Meeting
May 10, 2004
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Ken Alexander, Utility Administrator, advises that the Water/Sewer Department used the neighbor's yard to access the easement.

Town Attorney McCall advises the Council that Mr. McDerment has employed David Nachand as his attorney and that the council should not address any of the complaints but have Mr. Nachand contact him about the matter.

NATHAN GRIMES, (Representing Chris O'Neal): Mr. O'Neal wants permission to gravel fill a lot and put up a tent for a sale. This lot is on South New Albany Street.

Danny F. Yost makes a motion to permit the construction of a temporary tent for a tent sale in June, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

NATHAN GRIMES, (Representing Kevin Staton): You have sketch plat for Adams Creek Phase II, this is in the information phase and we will meet with the Planning Board this week.

JAN KIGHT: Complaining about blasting on Bean Road, she has contacted the Clark County Commissioners, Raymond "Buddy" Parker, and he is requesting a letter from the Town Council complaining about the blasting.

In addition, the small creek that runs along Parallel Avenue needs to be cleaned. When the rains come this creek overflows, it is a breeding grounds for mosquitoes, and dangerous for the children in the area that play in the creek.

Jacques Smith and Michael Lockhart will check into this and get back with you.

Attorney McCall will write a letter to the County Commissioners about the blasting.

GRETCHEN SMITH: Has a water leak since earlier this year. Jesse Bellew repaired the leak but she still owes approximately \$2,400.00 (two thousand four hundred dollars) for water.

Attorney McCall will look into this and determine how any payment can be arranged.

KENNETH J. ALEXANDER, (Utility Administrator): Have a bill for the purchase of a wireless microphone for the meeting room, \$127.96 (one hundred twenty-seven and 96/100 dollars). Jacques S. Smith makes a motion to pay Mr. Alexander the \$127.96 (one hundred twenty-seven and 96/100 dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

I would like permission to purchase a rain gauge for \$3,365.00 (three thousand three hundred sixty-five dollars). Jacques S. Smith makes a motion to permit the Utility Administrator to purchase the rain gauge for \$3,365.00 (three thousand three hundred sixty-five dollars), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting

May 10, 2004

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A vacuum truck to clean sewer lines and storm water lines was examined this week and the prices range from \$165,000.00 (one hundred sixty-five thousand dollars) to \$190,000.00 (one hundred ninety thousand dollars). I request the Town Council accept bids for a truck and have the bids for the June meeting.

Jacques S. Smith makes a motion to permit the Utility Administrator to solicit bids for a vacuum truck and for the Administrator and the Clerk-Treasurer to open the bids and have them ready for the June Town Council meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

WILLIAM P. BRADSHAW, (Chief of Police): Has prepared a 2004 Cops Grant, for a Resource Officer for the local schools, this needs the President of the Town Council's signature.

Jacques S. Smith makes a motion to have the Council President sign off on the grant for a Resource Officer and possible having that Resource Officer stay on thereafter the grant expires, seconded by Trinetta S. Imhof. 5-aye, 0-nay, motion approved.

NATHAN R. GRIMES, (Building Commissioner): Presents the Building Commissioner Report for the month.

R. THOMAS LOWE, (Town Court Judge): I have two ordinances: **ORDINANCE NO. 2004-014, AN ORDINANCE DIRECTING REVENUE FROM THE SELLERSBURG TOWN COURT DEFENSIVE DRIVING PROGRAM TO THE TOWN OF SELLERSBURG GENERAL FUND.**

Danny F. Yost makes a motion to consider Ordinance 2004-014 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve Ordinance 2004-014 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

I have a contract for services for Alcohol Education Program. James P. Regan will be the administrator. The fee will be \$100.00 (one hundred dollars), \$25.00 (twenty-five dollars) goes to Regan and \$75.00 (seventy-five dollars) goes to the Town General Fund.

Jacques S. Smith makes a motion for the Town Council President to sign the contract as it is written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

I have **ORDINANCE NO. 2004-015, AN ORDINANCE DIRECTING REVENUE FROM THE SELLERSBURG TOWN COURT ALCOHOL EDUCATION PROGRAM TO THE TOWN OF SELLERSBURG GENERAL FUND.**

Jacques S. Smith makes a motion to consider Ordinance 2004-015 on the first reading, seconded

Sellersburg Town Council Meeting

May 10, 2004

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by Danny F. Yost. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to pass Ordinance 2004-015 on the first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

I want to present a bill for \$1,125.00 (one thousand one hundred twenty-five dollars) due A-1 Products, Inc. for thirty chairs that were purchased for the Court.

Have a bill from M & M Office Products for \$1,050.00 (one thousand fifty dollars) maintenance agreement for copier, printer, fax and scanner.

Jacques S. Smith makes a motion to pay the A-1 Products, Inc. bill of \$1,125.00 (one thousand one hundred twenty-five dollars) and the M & M Office Products for \$1050.00 (one thousand fifty dollars), seconded by Michael N. Lockhart.

I have a bill from Data Design, invoice 11788, for Court Works Financial module and one per diem cost to install the software. I am asking that it be paid from the CCI Fund.

Danny F. Yost makes a motion to pay the Date Design invoice, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Have an invoice 11785 from Data Design; I have some disagreements with the itemized bill that was submitted. This bill encompasses the remainder of the hardware that we purchased for the court; as server, two workstations, and charge for the case management training and their per diem charges that they were entitled to under the contract.

There were some charges that were outside the contract or were otherwise covered under the contract so I didn't know how you wanted me to do this because the total bill is \$10,907.50 (ten thousand nine hundred seven and 50/100 dollars), after striking the disputed portion the bill is \$8,645.00 (eight thousand six hundred forty-five dollars) and this is out of an existing court budget line item # 431.

Jacques S. Smith makes a motion to approve payment of, \$8,645.00 (eight thousand six hundred forty-five dollars), and the undisputed portion of the bill, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, (Town Attorney): I have prepared an Ordinance amending the Sellersburg Traffic Code, if any of the Council wants a copy let me know.

I have prepared a Resolution, for next Monday, to adopt a fiscal plan for annexed area "P".

Have prepared a Resolution worded to the effect that the Town Council resolves to give the Silver Creek Township Park the yearly cost on water and the cost of providing a dumpster for the

Sellersburg Town Council Meeting
May 10, 2004
Page 5 of 5 pages

Silver Creek Township Park. That is in return for the fact that the Town of Sellersburg predominately uses that park.

There is a case pending against Metro Transmit and it should be resolved in the next few weeks.

PRESIDENT REITER, announces that we are having a special meeting on May 17, 2004 at 7:00 P.M. We will get with you on the agenda.

Have an Ordinance for a zoning change; **ORDINANCE 2004-003 AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA.**

Michael N. Lockhart makes a motion to approve ordinance 2004-003 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

PRESIDENT DOUGLAS J. REITER: Have a mutual release form contract from Jay Wyzard, Semonin Realtors reduced the commission to \$500.00 (five hundred dollars).

Jacques S. Smith makes a motion to pay Semonin Realtors \$500.00 (five hundred dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Have a bill for \$550.00 (five hundred fifty dollars), from Russell Paris for moving the fence at the Sheffield residence. Michael N. Lockhart makes a motion to pay Russell Paris for the fence, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved

Have a bill from Waste Management for dumping the dumpster at Silver Creek Little League Park for \$194.57 (one hundred ninety-four and 57/100). Danny F. Yost makes motion to pay this bill, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.


Jacques S. Smith makes a motion to adjourn, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved and meeting adjourned at 8:47 P.M.



Douglas J. Reiter, Council President



Danny F. Yost, Council Vice-President




Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

May 17, 2004

SPECIAL MEETING:

The Sellersburg Town Council met in Special Meeting on Monday, May 10, 2004, the meeting was called to order by Council President Douglas J. Reiter at 7:00 P.M. Members present were Council President Douglas J. Reiter, Council Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall and Clerk-Treasurer David L. Kinder.

PRAYER: Offered by Council Member Michael N. Lockhart.

PLEDGE OF ALLEGIANCE: Recited by all present.

SPECIAL MEETING: President Reiter asks if everyone has read the minutes of the May 10, 2004 meeting and does anyone want to make a motion to approve those minutes.

Danny F. Yost makes a motion to approve the minutes of the May 10, 2004 as written, seconded by Michael N. Lockhart. 4-aye, 1-absent, motion approved.

MICHAEL BROTZGE: President of Giraffe Business Forms and ADS, Automated Distribution Systems, asking for tax abatement on real estate and equipment for new business.

Jack Ragland, President Southern Indiana Economic Council speaks on behalf of Mr. Brotzge.

Jacques S. Smith makes a motion for an **oral Resolution, R2004-002**, to change the Economic Revitalization Area equipment abatement from five (5) to ten (10) year period, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, (Town Attorney): Presents **RESOLUTION NO. R2004-003, 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.**

Danny F. Yost makes a motion to approve Resolution No. R2004-003, adopting fiscal plan for area "P", seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
May 17, 2004
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William P. McCall, III introduces **ORDINANCE NO. 2004-016, AN ORDINANCE FOR THE ANNEXATION OF TERRITORY ADJACENT AND CONTIGUOUS TO THE TOWN OF SELLERSBURG KNOWN AS "ANNEXATION AREA P"**.

There must be a public hearing, but it cannot be less than sixty (60) days from today's date; the notice must be sent sixty (60) days prior to the hearing. Council President Reiter sets the date for a public hearing on August 16, 2004 at 7:00 P.M.

I have an **AGREEMENT BETWEEN THE TOWN OF SELLERSBURG BY AND THROUGH THE SELLERSBURG PARKS BOARD AND THE WEST CLARK SEACATS SWIM TEAM BY AND THROUGH ITS MANAGING BOARD.**

I made one change it was the limits of liability, from three (3) million to one (1) million per occurrence, and how much they will pay each year for the use of the pool. This is a five (5) year agreement to be renewed to another five (5) years.

Jacques S. Smith makes a motion to approve the agreement, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.


Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved meeting adjourned at 7:58 P.M.



Douglas J. Reiter, Council President



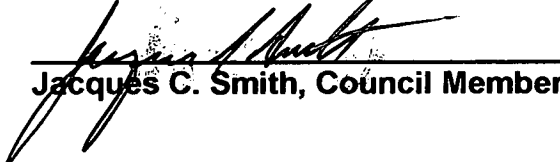
Danny F. Yost, Council VicePresident



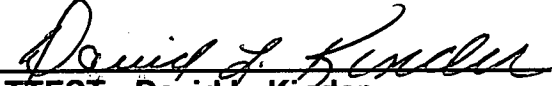
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques C. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

June 14, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on June 14, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, and Clerk-Treasurer David L. Kinder.

Town Attorney William P. McCall, II was absent.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:02 P.M.

PRAYER:

Reverend Larry Poe, Faith Community Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the May 17, 2004 meeting. Jacques S. Smith makes a motion to approve the minutes as written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

OLD BUSINESS: Contract with West Clark Seacats Swim Team and Town of Sellersburg has not been returned and is still pending.

KENNETH J. ALEXANDER, (Bid summaries for a Vac-Truck): Have two bids, the bids were opened June 3, 2004 at 3:00 P.M.; one from Best Equipment Company, Inc. for a VAC CON truck, \$182,331.00 (one hundred eighty-two thousand three hundred thirty-one and no/100 dollars), the second from Deeds Equipment Company, Inc for a VACTOR 2110 for \$198,283.00 (one hundred ninety-eight thousand two hundred eighty-three and no/100 dollars). Deeds Equipment Company, Inc. also offered an alternate bid for a VACTOR 2110 demonstrator model for \$184,989.00 (one hundred eighty-four thousand nine hundred eighty-nine and no/100 dollars).

President Reiter tables the bids until the July 12, 2004 Town Council meeting.

PATTY WHITE: Has a \$500.00 (five hundred dollar) water bill that she would like an adjustment, as she did not use that amount of water.

Kevin Wright, EMC, will have the billing office check into past bills and will present monthly average to Council at the July 12, 2004 Council meeting.

GARY BRINKWORTH, (Engineer for Pat Lilly): Requesting to tap onto the sewer for property Mr. Lilly owns next to Andrew Estates and Kelly Estates across County Line Road.

Sellersburg Town Council Meeting

June 14, 2004

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Brinkworth presents letter from Greg Fifer, Attorney for the New Albany Sewer Department, stating that they will not furnish sewers to this area, so Lilly is asking permission to tap onto Sellersburg Sewer system with these twelve lots.

Danny F. Yost makes motion to permit Lilly to tap onto sewers, seconded by Trinetta S. Imhof. During discussion, the question arose about the lift station being able to handle this, so motion to grant permission, pending approval by Kevin Wright and John Toombs approving lift station capacity. 5-aye, 0-nay, motion approved.

JACK RAGLAND, (President Southern Indiana Economic Development Council):

Proposes that Sellersburg become a trustee member of the Southern Indiana Economic Development Council. Annual dues for trustee membership are \$5,500.00 (five thousand five hundred dollars) per year.

Jacques S. Smith makes a motion to have a Town Council member on the Southern Indiana Economic Development Council, seconded by Michael N. Lockhart.

After discussion about the funds being available in 2004, Jacques S. Smith amends his motion to have a member of the Town Council on the Southern Indiana Economic Development Council and I would like the funding to come out of what is budgeted for this year when we get the money, seconded by Michael N. Lockhart. Discussion, Smith states "what I am wanting to do is when we get the money that we are suppose to get, whenever that is, we pay it out of 2004 budget not the 2005 budget; and if it come out of where Ken just said to take it out of, I know we don't have the dollars today, but I want to pay it with those dollars when we get those dollars and they are kind enough, the Development Council is kind enough to wait until 2005 for us to pay for it.

President Reiter states he wants a member on the Economic Development Council and as far as payment of this, to be certain it is clarified, we do our workshop for the budget we are going to throw it in the budget to pay this and when we get the tax levy it all goes in 2005 and your understanding as long as we pay it before July 2005 your fine.

Danny F. Yost asks, "the money will come out of 2005 budget not this one were in." President Reiter replies it will come out of 2005's because he is willing to wait.

5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to appoint Trinetta S. Imhof to the Southern Indiana Economic Development Council, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

KEVIN WRIGHT, (Environmental Management Corporation): Have two invoices that were approved earlier for the purchase of adaptors for fire hydrants from Harrington, Inc. for

Sellersburg Town Council Meeting

June 14, 2004

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\$5,335.55 (five thousand three hundred thirty-five and 55/100 dollars); and fifty-two water meters from SLC meter Service, Inc. for \$1,972.09 (one thousand nine hundred seventy-two and 09/100 dollars).

Michael N. Lockhart makes a motion to pay the two invoices, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

JOE PASZEK, (Bastin-Logan Water Service, Inc.): Explains about the three existing water wells in the well field (off Utica Pike in Jeffersonville). Two of the wells were dug in 1961 and the other well was dug, on an emergency basis, in 1988.

Danny F. Yost makes a motion to let Bastin-Logan set the specifications so we can take bids on a test well, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, (Utility Administrator): I have been contacted about the property on Villa Drive; a developer is interested in having the Villa Drive property re-bid. This property joins property owned by Robert Smith and he can develop both properties outside the floodplain.

Danny F. Yost makes a motion to have Jacques S. Smith, Robert Smith join together to work out the details on the Villa Drive property, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to have our Utility Administrator serve on the (Geographical Information System) board, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Alexander request a motion to pay Data Design for the Court Work's software and equipment and hold a retainer of \$3,000.00 (three thousand dollars) until some of the software issues are resolved and then release the \$3,000.00 (three thousand dollars) when the issues are resolved.

Michael N. Lockhart makes a motion to pay Data Design the \$11,827.50 (eleven thousand eight hundred twenty-seven and 50/100 dollars) for the purchase of the software and equipment and the \$3,000.00 (three thousand dollars) to be paid later once the issues are addressed, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

The Holman Lane (water) tank, I would like to ask the Council to have John Toombs (Jacobi, Toombs and Lanz Engineering, Inc.) to write specifications to get the bids out to see what the actual cost would be on this.

Jacques S. Smith makes a motion to have Mr. John Toombs to spec out the tank on Holman's Lane, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Scata calls out systems need to be installed at the High School, Bean Road, Terry Lane and Camp

Sellersburg Town Council Meeting

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Chelan lift stations. These will automatically call when the lift stations lose power or something goes wrong at the lift stations. The cost of these is \$3,875.00 (three thousand eight hundred seventy-five and no/100 dollars), plus the telephone line installation.

Jacques S. Smith makes a motion to install the telephone lines and the Scata equipment into those four lift stations, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The water utility annual report is due, Kevin has been putting this together, the financials are a minimum requirement, and because it is going through the IURC (Indiana Utility Regulatory Commission), we need a more detailed financial side of it.

Michael N. Lockhart makes a motion to have H. J. Umbaugh and Associates do the financials for the Municipal Water Utility Report to submit to IURC, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

WILLIAM P. BRADSHAW, (Chief of Police): Presents the May statistics for the police department.

NATHAN GRIMES, (Building Commissioner): Submits the Building Commissioners Report for the month.

MICHAEL N. LOCKHART, (Council Member): I have some storm drain projects that are going to require some engineering; the Allentown Project, St Paul's, the Phil Dean residence, New Albany street catch basin, sidewalk repair, Popp Street, I would like the Council consider getting Mr. Toombs to prepare sketches and bid spec (fictions) for these projects and I would like to advertise for bids for our July meeting.

Danny F. Yost makes a motion to instruct Mr. Toombs to prepare sketches for these projects and give Mr. Lockhart the authority to place bids for the July meeting consideration, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Sidewalk repair; we have different areas to repair and we want to get started on the repairs.

Michael N. Lockhart makes a motion to bid out for sidewalk repairs for the following areas: the police station back entrance that measures thirty-three feet by eight feet; police station front entrance, measures sixty feet by eleven feet; 417 New Albany Street measures eighty-nine feet by four feet; 408 East Utica measures eighty-nine by six feet for a total of 1,814 (one thousand eight hundred fourteen) feet, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Have estimates to seal coat and stripe the parking lots for the Sewer and Police Departments, \$1,650.00 (one thousand six hundred fifty dollars). Seal coating and striping of Street Department lot, \$685.00 (Six hundred eighty-five dollars). Seal coating and striping of (parking) lot across from police department \$625.00 (six hundred twenty-five dollars).

Sellersburg Town Council Meeting
June 14, 2004
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I suggest that the Sewer Department and Police Department lots not be done until the sidewalk repairs have been completed.

We can move forward on the Street Department Lot and the lot across from the police department.

Jacques S. Smith makes a motion to approve the seal coating and striping for the lot across from the police station and the street department for the sums of \$625.00 (six hundred twenty-five dollars) and \$685.00 (six hundred eighty-five dollars) and in time, after the reconstruction of the sidewalk the Town of Sellersburg Police and Sewer Departments seal coating and striping there for \$1,650.00 (one thousand six hundred fifty dollars), seconded by Danny F. Yost.

During discussing Council Member Imhof, questions if the Town has a striping machine and why not use that?

Jacques S. Smith withdraws his motion and Council will check into the striping.

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

DOUGLAS J. REITER, (Town Council President): Sellersburg Census mailing, the printing for three thousand pieces postage and handling and design comes to \$3,800.00 (three thousand eight hundred dollars), does anyone want to make a motion to approve that invoice.

Michael N. Lockhart makes a motion to pay the invoice to December Media for \$3,800.00 (Three thousand eight hundred dollars), seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Have contracts for William R. Whelan and Mark G. Levesque. Jacques S. Smith makes a motion to approve contracts between the Town of Sellersburg and Mark Levesque and William Whelan, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

These contracts are to compensate these people to work on the computers at the police department.

Have Ordinance number 2004-017, **ORDINANCE AMENDING ORDINANCE 2002-008 REGARDING UNIFORM/CLOTHING ALLOWANCES FOR THE TOWN OF SELLERSBURG POLICE OFFICERS, DISPATCHERS, CLERK/TREASURER AND CLERK TREASURER EMPLOYEES.**

Jacques S. Smith makes a motion to consider ordinance 2004-017 on first reading, seconded by Michael N. Lockhart. 2-aye, 3-nay. Reiter polls the Council, Imhof, no, Yost, no, Reiter, no, Lockhart, yes, Smith, yes. Ordinance defeated.

Sellersburg Town Council Meeting

June 14, 2004

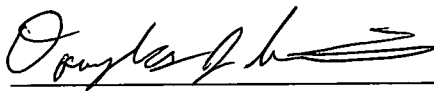
Page 6 of 6 pages

Ken Alexander needs to purchase telephone numbers to complete the 2004 census.

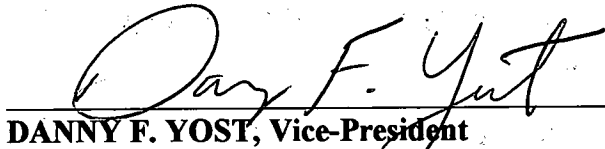
Jacques S. Smith makes a motion to approve Ken Alexander to contact one member of the board for approval to purchase phone numbers to conduct this survey, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost will be the contact person for Ken Alexander to get approval to purchase phone numbers for the survey we are getting ready to conduct.

Jacques S. Smith makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 10:24 P.M.



DOUGLAS J. REITER, President



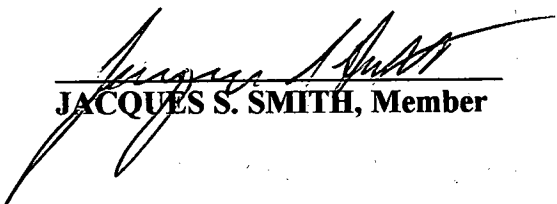
DANNY F. YOST, Vice-President



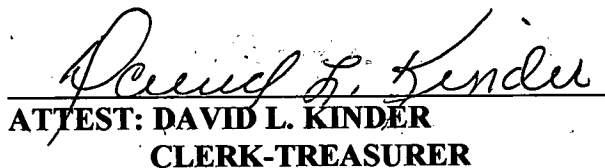
TRINETTE S. IMHOF, Member



MICHAEL N. LOCKHART, Member



JACQUES S. SMITH, Member



ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL BUDGET WORKSHOP MEETING

June 21, 2004

The Sellersburg Town Council met in a Budget Workshop Meeting at the Sellersburg Town Hall. Town Council members present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:19 P.M.

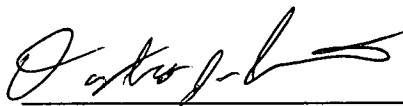
Prayer was offered by Frank Brand, First Baptist Church.

Pledge allegiance was recited by all present.

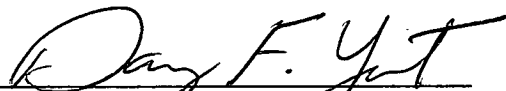
State Board of Account Form 1's were presented by Animal Control Officer, Mark Robinson, Sellersburg Town Court by Judge R. Thomas Lowe, Street and Sanitation, by Mark Warren, Sellersburg Police Department, by Chief of Police W. Pat Bradshaw, Clerk-Treasurer's Office, by Clerk-Treasurer David L. Kinder, Motor Vehicle Highway and Local Road and Street by Ken Alexander.

Copies of all form 1 sheets were given to the Town Council for their review.


Jacques S. Smith made a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved, meeting adjourned 9:46 P.M.



Douglas J. Reiter, President



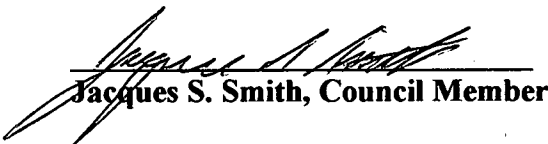
Danny F. Yost, Vice President



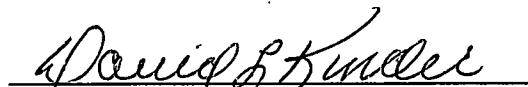
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



**ATTEST: David L. Kinder
Clerk-Treasurer**

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
July 12, 2004**

EXECUTIVE SESSION:

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall on July 12, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 3:05 P.M.

TOPICS OF DISCUSSION:

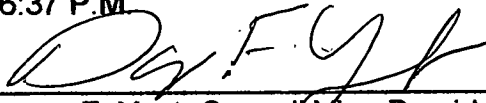
Town Council discussed litigation strategy of threatened litigation as authorized by I.C. 5-14-1.5-6.1(b) (2) (B).

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.

Trinette S. Imhof makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, meeting adjourned at 6:37 P.M.



Douglas J. Reiter, Council President



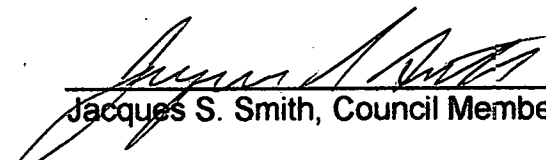
Danny F. Yost, Council Vice-President



Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

July 12, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on July 12, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

PRAYER:

Reverend Paul Drake, Speed Community Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the June 14, 2004 meeting. Jacques S. Smith makes a motion to approve the minutes as written, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

President Reiter asks if everyone has reviewed the minutes of the June 21, 2004, Budget Workshop meeting? Danny F. Yost makes a motion to approve the minutes of the Budget Workshop meeting, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

OLD BUSINESS:

VIRGIL BOLLY, (Attorney at Law): I represent Larry Rothbauer reference the vacating of a street into Greenwood sub-division from US 31 into the sub-division. The street is between Lots 23 and 24, owned by petitioner and on the rear by Lot 56.

Notice was published in The Evening News June 23, 2004. There were no objections to the petition.

Danny F. Yost makes a motion pass Resolution Number R2004-005, to vacate the street, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

PATTY WHITE: Has a \$500.00 (five hundred dollar) water bill that she would like an adjustment, as she did not use that amount of water.

Ken Alexander and Kevin Wright have checked this matter and an adjustment of \$375.06 (three hundred seventy-five and 06/100 dollars) to her sewer bill and an adjustment of \$43.81 (forty-three and 81/100 dollars) late fees will be made to her bill. Total adjustment \$418.87 (four hundred eighteen and 87/100 dollars).

Sellersburg Town Council Meeting
July 12, 2004
Page 2 of 4 pages

Trinette S. Imhof makes a motion to make this adjustment, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER (Utility Administrator): The bids for the vacuum truck need to be re-bid because of errors in the specifications in the last bidding process.

Jacques S. Smith makes a motion to reject the bids of June 3, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to re-open the bidding process for a vacuum truck, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

VIRGIL BOLLY, (Attorney-at-Law): Presents a petition for Economic Revitalization Area for Giraffe Business Forms, Inc. Have **Resolution No. R2004-004, PRELIMINARY RESOLUTION OF THE TOWN COUNCIL OF SELLERSBURG, INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE TOWN OF SELLERSBURG AS AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSES OF REAL AND PERSONAL PROPERTY TAX ABATEMENT.**

Michael N. Lockhart makes a motion to pass Resolution No. R2004-004, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

MIKE WHALEN, (Hinton Corby Insurance Company): Presents Commercial Package and Commercial Auto proposals for Town Insurance. Overall, there is a six percent increase in the premium. Mr. Whalen will make presentation at August 9, 2004 meeting.

He requests the town look into the Williams Building reference zoning violation and unkempt property.

Also, storm sewer drainage problems causing rainwater to flood into his building when it rains.

ROBERT ERSKINE: Development of Katherine Estates and hooking onto Sellersburg Sewers. Mr. Erskine presents a letter from New Albany Sewer Board for consent for Sellersburg to furnish sewers for 32 lots on 10.25 acres off County Line Road.

Michael N. Lockhart makes a motion to approve Robert Erskine Development to tap on to our sewers for Katherine Estates provided sewer extension agreement and improvements to the lift station, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved.

MELISSA McCORMICK: Asking the Town to make Walk Drive a one-way traffic from West Utica Street to Allhands. Lockhart will look into this.

KENNETH J. ALEXANDER, (Utility Administrator): The Town is ready to go ahead with

Sellersburg Town Council Meeting
July 12, 2004
Page 3 of 4 pages

the design phase of the sewer expansion. Michael N. Lockhart makes a motion to approve Tetra Tech to go ahead with the design phase pending approval from IDEM (Indiana Department Environmental Management) with the plan that was submitted to them, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Request approval to purchase a grinder pump motor for lift stations to be used as a back-up motor. Jacques S. Smith makes motion to approve maximum of \$3,000.00 (three thousand dollars) to purchase a back-up grinder pump, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

At the August 9, Town Council, meeting will have Keystone and Greentree Applied systems present new software for the billing office.

The roof on the police building needs replaced. Trinette S. Imhof makes a motion to approve Doug Reiter, Jacques Smith and Nathan Grimes look into this project and make a decision on what needs to be done and give approval for the work to a contractor, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The air conditioner on the police building is out and Crum Heating and Air Conditioning has said that the compressor needs to be replaced at a cost of \$6,000.00 (six thousand dollars).

Jacques S. Smith makes a motion to approve the \$6,000.00 (six thousand dollars) for the twenty-ton compressor, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Have a bid from Clarke Mosquito Control for \$8,900.00 (eight thousand nine hundred dollars) for a Pro-Mist HD Machine with Smart Flow and radar. This is for the mosquito problem in Town.

Michael N. Lockhart makes a motion to purchase the Clarke Mosquito Control with Smart flow and radar for \$8,900.00 (eight thousand nine hundred dollars) with charger and chemicals, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to have Mark Robinson take necessary training for Mosquito control, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

NATHAN GRIMES, (Building Commissioner): Have monthly Building Commissioner's Report; are there any questions by the Council? (None).

WILLIAM P. McCALL, III, (Town Attorney): Does the Council want me to write Data Design advising them that we will not be using their computer system for the billing office.

Trinette S. Imhof makes a motion to have the Town Attorney write the letter to Data Design, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting
July 12, 2004
Page 4 of 4 pages

MICHAEL N. LOCKHART, (Council Member): Makes a motion to have Lewellen Sealcoating, LLC strip the parking lots after seal coating, as written in their estimates, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

JACQUES S. SMITH, (Council Member): Makes a motion to approve the Consulting Agreement contract between the Town of Sellersburg and Ken Alexander to provide consultant services as a MS4 Operator, seconded by Michael N. Lockhart. 3-aye, 1-nay, one-abstains: President Reiter polls the Council: Smith, Lockhart, Reiter vote aye, Imhof votes nay and Yost abstains.

DAVID L. KINDER, (Clerk-Treasurer): Need a motion to approve payment of the bills as submitted. Michael N. Lockhart makes a motion to pay the bills, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

DOUGLAS J. REITER, (Council President): Have a bill from H. J. Umbaugh and Associates for \$2,500.00 (two thousand five hundred dollars) for Sewage System Development Charges.

Danny F. Yost makes a motion to pay the Umbaugh bill, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 9:34 P.M.

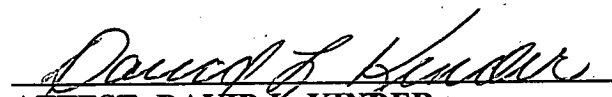

DOUGLAS J. REITER, President


DANNY F. YOST, Vice-President


TRINETTE S. IMHOF, Member


MICHAEL N. LOCKHART, Member


JACQUES S. SMITH, Member


ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL MEETING

August 9, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on August 9, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Chief Deputy Clerk-Treasurer Michelle D. Eve.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:06 P.M.

PRAYER:

Father Paul Richart.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the Town Council meeting of July 12, 2004. Jacques S. Smith makes a motion to approve the minutes of the Town Council meeting of July 12, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve the minutes of the Executive Council Meeting of July 12, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

UNFINISHED BUSINESS:

Kevin Burns (Airport Business Park Street Dedication): Not Present

Walk Drive becoming one-way street: Michael N. Lockhart advised that nothing had been decided yet, to be continued until next meeting.

Williams Building Update: Nathan Grimes advises that the site has been cleaned up but there was still concern over an oil leak, it wasn't an oil leak it was where some oil was spilled when it was being transferred. It is a Vegetable Product. The design of the apartment building is being finished up to submit to the State. They will be coming back to the Town for a zoning change. They have cut the amount of units down so there is only one variance due. They hope to start construction in September or October.

Sellersburg Town Council Meeting
August 9, 2004
Page 2 of 6 pages

Mike Whelan (Hinton Corby Insurance): Presented proposal for the Town's Liability Insurance. The final premium is: Alliance: Package Premium \$87,479, Alliance: Terrorism Coverage \$770.00, Travelers: Boiler & Machinery \$1,555.00, Auto Owners: Equipment \$1,171.00 and Auto Owners: Worker's Compensation \$15,035.00.

Motion made by Michael N. Lockhart to approve Liability Insurance, seconded by Danny F. Yost. 5-aye, 0-nay. Motion approved.

Robert Overton Property: Virgil Bolly advised that the cars and trees have been removed along the driveway. Mr. Bolly stated that he recommended they get a dumpster and start the tearing down of the structure. Mr. Bolly asked that this matter be continued to next month's meeting.

Bids for Vac-Truck: One bid was received from Best Equipment in the amount of \$196,812.00. No other bids were received.

Motion by Jacques S. Smith to accept bid from Best Equipment in the amount of \$196,812.00, pending review of the lease agreement by Town Attorney, William P. McCall III, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion Approved.

NEW BUSINESS

Virgil Bolly (Petition for Economic Revitalization Area for the Giraffe Business Forms Area): Mr. Bolly advised that the preliminary resolution was passed at the July 12, 2004 meeting and the public notice was advertised on July 19, 2004. Mr. Bolly presents the final resolution R-2004-004 for approval.

Motion made by Danny F. Yost to approve Resolution R-2004-004, seconded by Jacques S. Smith. 5-aye, 0-nay. Motion Approved.

Bill Skees (Bond Counsel for Community Montessori, Inc. in reference to an Economic Development Revenue Bond): Mr. Skees presents proposal for a preliminary resolution for Economic Development Revenue Bond for Community Montessori, Inc.

Motion by Michael N. Lockhart to approve Preliminary Resolution R-2004-006, Economic Development Revenue Bond for Community Montessori, Inc., seconded by Danny F. Yost. 5-aye, 0-nay. Motion approved.

Sellersburg Town Council Meeting
August 9, 2004
Page 3 of 6 pages

Dave Duggins (Economic Development Commission): Advised the Council that Roy Everitt resigned from the Economic Development Commission and they will need an appointment from the Council to that position.

President Doug Reiter: Asks the Council for a motion to donate \$10,000.00 to Sellersburg Celebrates, \$5,000.00 for two years ago and \$5,000.00 for the current year.

Tom Lowe (Sellersburg Celebrates Committee): Advised the Council that the Council approved the donations in prior years but the check was never written. President Reiter advised that the proper paperwork was never filled out for the checks to be issued.

Motion by Jacques Smith to donate \$5,000.00 for two years ago and \$5,000.00 for the current year, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

Richard Werle (Sellersburg United Methodist Church): Requesting sewer adjustment due to pressure washing of the exterior of the Church. Mr. Reiter advised that he had Mr. Alexander and Kevin Wright (EMC) check on this and the total sewer adjustment would be \$309.70.

Motion by Michael N. Lockhart to approve sewer adjustment at 226 N. New Albany in the amount of \$309.70, seconded by Jacques S. Smith. 5-aye, 0-nay. Motion approved.

Kevin Wright (EMC): Does not have anything to present.

Dan Christiani: Addressing the Council on water and sewer for development on Greenleaf and Salem Noble Roads. Mr. Christiani will work with Kenneth Alexander, Utilities Consultant, on this issue.

Kenneth J. Alexander (Utilities Consultant): Presents quotes for billing software for the utility billing office. Has a quote from Greentree (Underground Pipe & Valve Inc.) for \$16,155.00 and an additional \$850.00 per year for additional phone support after the first year. Has another quote from Keystone Consulting for \$8,000.00 for software and \$11,000.00 for options, \$265.00 for bundle and an annual maintenance fee of approximately \$1,000.00 per year.

Motion by Michael N. Lockhart to go with Greentree in the amount of \$16,155.00 and the yearly cost of \$850.00 each year, seconded by Danny F. Yost. 4-aye, 1-nay by Jacques S. Smith. Motion approved.

Sellersburg Town Council Meeting
August 9, 2004
Page 4 of 6 pages

Mr. Alexander advises the Council that Mark Link Homes requests a letter to take to the Clark County Commissioners in reference to a change in easement.

Motion made by Jacques S. Smith for President Reiter to sign letter for Mark Link Homes that reads as follows: "Mark Link Homes, as per your request, the Town of Sellersburg is granting the change of easement on your lot to allow for construction of your new home, if there are any questions, contact the Utilities Administrator, phone number 502-989-4688, Town Council President, Doug Reiter". Seconded by Danny F. Yost. 5-aye, 0-nay. Motion Approved.

John Toombs (Jacobi, Toombs & Lanz): Recommends that the Council have William P. McCall III, Town Attorney, review the final documents for Mark Link Homes.

Ken Alexander (Utilities Consultant): At the last Council meeting a sewer adjustment was approved for Patty White for a leak. A new law went into effect on July 1, 2004 that states that we can now give adjustments for water for undetected leaks. Mr. Alexander asks the Council if they want to give Ms. White a water adjustment. The Council advises no, because her leak was before the law went into effect. Mr. Alexander advises the Council that the Town has to set a new policy on this and Mr. Yost and Mr. Reiter need to work on new policies on how to get an adjustment.

Mr. Alexander asks permission for Jacobi, Toombs & Lanz to approve specifications for bids for test wells at the well field.

Motion by Danny F. Yost to approve Jacobi, Toombs & Lanz to review specifications for the new water well, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

Mr. Alexander advises the council that in the language of the new contract for EMC, the part about splitting the utility bills for the billing office was left out. William P. McCall III advises Kevin Wright to propose an addendum to the contract to the Council.

Mr. Alexander presents three invoices: one for 3 remote meters in the amount of \$905.73 to EMC, one to Indiana Underground in the amount of \$530.40 (this will be a quarterly charge), and one in the amount of \$227.50 to Delta Electric.

Motion made by Jacques S. Smith to approve these bills as presented, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

Sellersburg Town Council Meeting
August 9, 2004
Page 5 of 6 pages

Mr. Alexander asks for the Council's direction on making Kevin Harper available for the Vac-Truck. The Council gives their okay.

Nathan Grimes (Building Commissioner): Submitted Building Commissioners report.

William P. McCall (Town Attorney): I need a formal motion to approve the settlement of the Estate of O'Brien vs. The Town of Sellersburg.

Motion made by Trinetta S. Imhof, seconded by Jacques S. Smith. 5-aye, 0-nay. Motion approved.

Jacques S. Smith (Council Member): Advises Council that Mike Zody resigned from the Police Commission and a new member needs to be appointed.

Motion by Trinetta S. Imhof to appoint Doug Pixley to the Police Commission, seconded by Danny F. Yost. 4-aye, 0-nay, 1-abstained by Jacques Smith.

Mr. Smith advises that the Council needs to make a nomination to the Economic Development Commission to replace Roy Everitt. Table until next meeting.

Michelle D. Eve (Chief Deputy Clerk Treasurer): Needs approval for payment of the bills as submitted.

Motion by Danny F. Yost for payment of bills as submitted, seconded by Jacques S. Smith. 5-aye, 0-nay. Motion approved.

Doug Reiter (Council President): Announces that the Budget Pre-Adoption hearing will be September 9, 2004 at 7:00 p.m. and the Budget Adoption will be September 20, 2004 at 7:00 p.m.

President Reiter gives roofing bid for Police Building to William P. McCall III for review. It was approved at last meeting and needs to be signed. President Reiter signs bid.

President Reiter presents bill for Crum Heating and Air for extra cost for repairing air conditioner at Police Department in the amount of \$841.48.


Motion by Jacques S. Smith to approve bill to Crum Heating and Air in the amount of \$841.48, seconded by Danny F. Yost. 5-aye, 0-nay. Motion approved.

Sellersburg Town Council Meeting
August 9, 2004
Page 6 of 6 pages

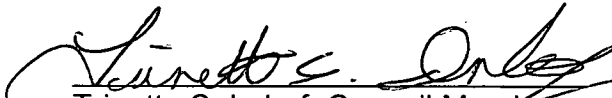
Danny F. Yost makes a motion to adjourn, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned at 8:50 P.M.



Douglas J. Reiter, Council President



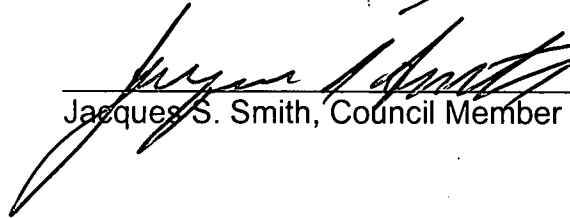
Danny F. Yost, Council Vice-President




Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: Michelle D. Eve
Chief Deputy
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL PUBLIC HEARING

AUGUST 16, 2004

The Sellersburg Town Council met in a Public Hearing at the Sellersburg Town Hall. Town Council members present were President Douglas J. Reiter, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Chief Deputy Clerk-Treasurer Michelle D. Eve. Council Vice President, Danny Yost was absent.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:02 P M.

Prayer was offered by President Reiter.

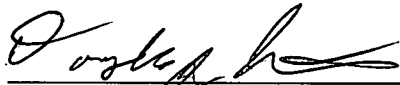
Pledge of allegiance was recited by all present.

Topic of Public Hearing was Annexation of Area P.

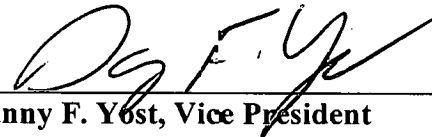
William P. McCall III, Town Attorney advised that the Fiscal Plan has been filed.

Citizens speaking at the hearing were: Rob Hartlage, Robert Mohlenkamp, James Bartlett and Alvin Dixon.

Michael N. Lockhart made a motion to adjourn the meeting, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved, meeting adjourned 7:36 P.M.



Douglas J. Reiter, President



Danny F. Yost, Vice President



Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member

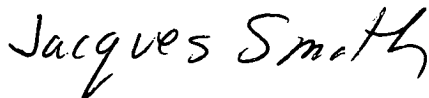


Jacques S. Smith, Member



ATTEST: Michelle D. Eve

Chief Deputy Clerk-Treasurer



SELLERSBURG TOWN COUNCIL PUBLIC HEARING

SEPTEMBER 9, 2004

The Sellersburg Town Council met in a Public Hearing at the Sellersburg Town Hall. Town Council members present were President Douglas J. Reiter, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Chief Deputy Clerk-Treasurer Michelle D. Eve. Council Vice President, Danny Yost was absent.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

Topic of Public Hearing was the 2005 Budget.

No citizens were present.


Trinette S. Imhof made a motion to adjourn the meeting, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved, meeting adjourned 7:02 P.M.



Douglas J. Reiter, President

ABSTAINS

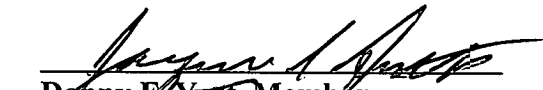
Danny F. Yost, Vice President



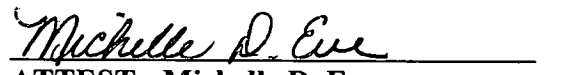
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith
Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL

September 13, 2004

EXECUTIVE SESSION:

An Executive session of the Sellersburg Town Council was held at the Sellersburg Town Hall on September 13, 2004. Present for the meeting were Town Council President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III, and Clerk-Treasurer David L. Kinder.

CALLED TO ORDER:

President Douglas J. Reiter called the meeting to order at 5:35 P.M.

TOPICS OF DISCUSSION:

Town Council Discussed litigation strategy of threatened litigation as authorized by I.C. 5-14-1.5-6.1(b) (2) (B).

NO SUBJECT MATTER WAS DISCUSSED IN THE EXECUTIVE SESSION OTHER THAN THE SUBJECT MATTER SPECIFIED IN THE PUBLIC NOTICE.


Danny F. Yost makes a motion to adjourn the meeting, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned at 6:58 P.M.



Douglas J. Reiter, Council President



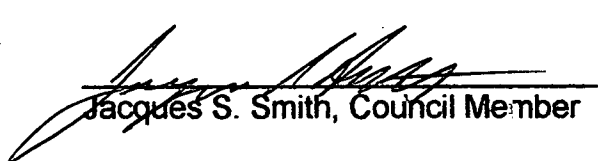
Danny F. Yost, Council Vice-President



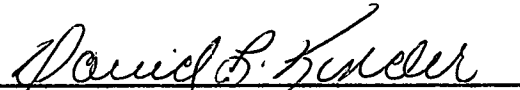
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

September 13, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on September 13, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:06 P.M.

PRAYER:

Reverend Robert Hauselman, Restoration Christian Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks for a moment of silence for all military in Iraq, Afghanistan, James Faulkner of Clarksville and the victims of 9-11 (2000).

President Reiter asks if everyone has reviewed the minutes of the September 9, 2004 Public hearing on the 2005 budget, Michael N. Lockhart makes a motion approved the minutes as written, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter asks if everyone has reviewed the minutes of the Public hearing of August 16, 2004. Michael N. Lockhart makes a motion to approve the minutes as written, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter asks if everyone has reviewed the minutes of the regular Town Council meeting of August 9, 2004. Jacques S. Smith makes a motion to approve the minutes as written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter presents the bills for the month as submitted by the Clerk-Treasurer. Jacques S. Smith makes a motion to approve the bills as submitted, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

OLD BUSINESS:

President Reiter asks about the Wall Drive project. Michael N. Lockhart advises that is still in the discussion stage and he will present it at the next meeting.

NATHAN GRIMES (Renaissance Design): Presents plans for the Williams Building, 109 –

111 North New Albany Street, the Sellersburg Technical Review Committee reviewed the plans and there are a couple of changes recommended, that we will do, and everything else is in compliance, I have submitted an ordinance to change the Zoning from B-1 to R-3.

Trinette S. Imhof makes a motion to approve **Ordinance 2004-019 AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA**, seconded by Michael N. Lockhart, strictly for the purposes of discussion. 2-aye, 2-nay, one-abstains, Clerk-Treasurer asked to break the tie vote, Clerk-Treasurer votes aye. President Reiter polls the Council, Imhof-aye, Yost-nay, Reiter-nay, Lockhart-abstains, Smith-aye, Clerk-Treasurer-aye. Motion approved.

Town Attorney will check the statues reference the Clerk-Treasurer casting a tie-breaking vote when the entire Council is present and one Council member abstains to create the tie vote.

PRESIDENT REITER, next order of business, Virgil Bolly references the Robert Overton Property. Nathan Grimes advise he is working with Mr. Bolly on this and they will walk through that building on Wednesday.

BILL SKEES, (Economic Development Revenue Bond for Montessori School): We were here, at your August meeting and obtained preliminary approval for up to 4.5 million dollars bond issue for the Montessori Community School.

Michael N. Lockhart makes a motion to consider **Ordinance 2004-018, AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA AUTHORIZING THE ISSUANCE OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2004 (COMMUNITY MONTESSORI, INC. PROJECT), IN THE PRINCIPAL AMOUNT OF \$4,500,000.00 TO FINANCE THE COSTS OF AN ECONOMIC DEVELOPMENT FACILITY FOR COMMUNITY MONTESSORI, INC. 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, STOCK YARDS BANK & TRUST COMPANY, AS PURCHASER, AND COMMUNITY MONTESSORI, INC., AS BORROWER, PROVIDING FOR LOAN REPAYMENTS SUFFICIENT TO PAY THE PRINCIPAL OF, AND INTEREST ON THE BONDS AS THE SAME BECOME DUE; AND TAKING OTHER RELATED ACTION**, seconded by Trinette S. Imhof. With amendment of \$1,500.00 (fifteen hundred dollars) paid each year for three years. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve ordinance 2004-018 on the first reading, with the amendment of \$1,500.00 payable for the next three years each year, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

BETTY OMICINSKI, (President of Sellersburg Celebrates): Just want to thank the town for the donation and all the help in making Sellersburg Celebrates a success.

Sellersburg Town Council Meeting
September 13, 2004
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DAN CRISTIANI: Requesting water and sewer hook up for Greenleaf Road and Salem-Noble Road, we have a 68-acres sight there to develop and we are going before the (County) Plan Commission for final approval.

Jacques S. Smith makes a motion to have Council President Reiter to sign a letter approving the water and sewer service for Danny Cristiani providing he does everything for the State Statue and County Ordinance that apply and for me to sign the letter which would be binding contract for our final plat determined by our Plan Commission, from the Town of Sellersburg, to this development, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, (Utility Administrator): The income survey was completed and results have been certified and the Town now available for three grants which will total 1.5 million dollars. This will make \$500,000.00 (five hundred thousand dollars) per department we have, sewer, water and civil and you are available for \$30,000.00 (thirty-thousand dollars) for the planning grant which we talked about for the revitalization plan. We can only have one grant open at a time.

Danny F. Yost makes a motion for Council President Reiter to sign a letter of intent to the Indiana Department of Natural Resources Division of Historic Preservation, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve the Utility Administrator and John Toombs (Jacobi, Toombs and Lanz Engineering) to start the application process for year one grants, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to publish for interest in serving on a beatification Committee, advertise in Evening News and The Leader and post on the Town Bulletin Board, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Have an invoice from Geotivity, Inc. for rain gauge, installation, freight, website and desiccant pack for a total of \$3,815.00 (three thousand eight hundred fifteen dollars); this was approved at a prior meeting.

Alexander submits an ordinance, **ORDINANCE 2004-021, AN ORDINANCE REGULATING THE INSTALLATION OF SUMP PUMPS, THE DISCHARGE OF SURFACE WATERS, DRAINTILE INSTALLATION, PROHIBITION OF DISCHARGES INTO THE SANITARY SEWER SYSTEM, MUNICIPAL STREETS OR ADJOINING PROPERTIES AND PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.**

Jacques S. Smith makes a motion to consider Ordinance 2004-021 on first reading, seconded by

Sellersburg Town Council Meeting
September 13, 2004
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Danny F. Yost. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve Ordinance 2004-021 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

There was a charge from Dr. Little, from IUS, for certifying the survey, the charge is \$220.00 (two hundred twenty dollars).

Danny F. Yost makes a motion to pay Dr. Little the \$220.00 (two hundred twenty dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Utility Administrator requesting permission to purchase a 1998 electric golf cart from Interstate 65 Truck Sales, Inc for \$1,650.00 (one thousand six hundred fifty dollars).

Jacques S. Smith makes a motion for the purchase of a golf cart from Interstate 65 Truck Sales, Inc. of Memphis for \$1,650.00 (sixteen hundred fifty dollars) and to let the Utility Administrator to make modifications to the golf cart as he sees necessary for use in the field, seconded Michael N. Lockhart. 5-aye, 0-nay, motion approved. Pay this from sewers and storm water.

Jacques S. Smith makes a motion for Council President Reiter to sign the retail order form for Interstate 65 Truck Sales, Inc., seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Utility Administrator request a new belt press for the sewer department. Danny F. Yost makes a motion to publish request for bids for a belt press, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Utility Administrator request permission for John Toombs to handle the bid process for the new well in Jeffersonville.

Jacques S. Smith makes a motion to approve John Toombs to handle the bid process for the new (water) well in Jeffersonville, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to amend the prior motion to Test #6 well, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve the amendment, seconded by Trinetta S. Smith. 5-aye, 0-nay, motion approved.

Utility Administrator request permission to purchase a new printer for the utility billing department for up to \$5,800.00 (five thousand eight hundred dollars).

Michael N. Lockhart makes a motion for the Utility Administrator not to exceed \$5,800.00 (five thousand eight hundred dollars) for a printer for the utility billing office, seconded by Jacques S.

Sellersburg Town Council Meeting
September 13, 2004
Page 5 of 7 pages

Smith. 5-aye, 0-nay, motion approved.

Utility Administrator request that Underground Pipe & Valve, Inc. for Data Conversion for additional inactive with balance customers in old CRC system.

Danny F. Yost makes a motion to approve Underground Pipe & Valve, Inc to make the conversion for \$2000.00 (two thousand dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Ken Alexander states that the mosquito machine that was furnished for a two week trial bases (from Clark Mosquito Control with smart flow and radar at a cost of \$8,900.00) does not work properly so another machine, from Westfield, Indiana has been furnished for a trial period at the same price.

Jacques S. Smith makes a motion to reject the first machine (Clark Mosquito Control) and approve payment to the new company for \$8,900.00 (eight thousand nine hundred dollars).

Alexander states that the roof on the police building has been completed for \$13,640.00 (thirteen thousand six hundred forty dollars) but there were 2.5 sheets of decking in addition for \$200.00 (two hundred dollars), this was in their contract that if they found bad decking it was to be replaced.

Jacques S. Smith makes a motion to pay the extra \$200.00 (two hundred dollars) for the decking that was put on the police station roof, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Bids for the sidewalk repair were opened August 27, 2004 at 3:15 P.M., there were three bids with Team Contracting LLC, being the lowest bid at \$60.00 (sixty dollars) per square yard.

Jacques S. Smith makes a motion to approve Team Contracting to replace the sidewalks at \$60.00 (sixty dollars) per square yard, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

NATHAN R. GRIMES, (Building Commissioner): Presents the Building Commissioner's report for the month of August.

Have plans for the River Valley Financial Bank, across from the Baptist Church on SR 311, and the retention basin needs to be checked for compliance with Town regulations.

Jacques S. Smith makes a motion to allow Renaissance Design to check on the retention basin, at 8005 SR 311, across from the Baptist Church, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, (Town Attorney): Have an ordinance for the Police Commissioners.

Danny F. Yost makes a motion to consider **ORDINANCE 2004-020, ORDINANCE OUTLINING THE DUTIES AND RESPONSIBILITIES OF THE SELLERSBURG BOARD OF METROPOLITAN POLICE COMMISSIONERS**, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes motion to approve Ordinance 2004-020 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

McCall recommends that the Council allow Bank One of Kentucky to prepare the final documentation for purchase of the Vac-truck.

Jacques S. Smith makes a motion to approve financing (for Vac Truck) through Bank One of Kentucky, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, (Utility Administrator): Request that \$9,327.00 (nine thousand three hundred twenty-seven dollars) be approved for the purchase of computers for the Utility Billing Office from AMS, Inc. of Louisville, Kentucky.

Jacques S. Smith makes a motion to approve up to \$9,327.00 (nine thousand three hundred twenty-seven dollars) contingent upon delivery of the equipment, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Alexander request final payment of \$3,000.00 (three thousand dollars) to Data Design.

Michael N. Lockhart makes a motion to pay Data Design the final payment of \$3,000.00 (three thousand dollars), seconded by Danny F. Yost. Discussion by Clerk-Treasurer that presently this does not meet State Board of Account standards, the security to the system is not secured.

Alexander states that he will work on the system and it will meet the State Board of Accounts requirements and be accepted

This system is causing Michelle and Robin (Clerk-Treasurer's Office) much extra work because faults in the system. They have written a letter to the Council about the system, there is not even a manual available from Data Design.

Ken Alexander states he will continue to work on the system, he just needs time to work on the system. He has the court system working and he presently does not know where the system does not work. Data Design had a bad taste in their mouth when we dropped them for the utility software and then we withheld payment because this system did not work. So they need this payment to assist us in fixing the system.


Sellersburg Town Council Meeting
September 13, 2004
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This has already been paid, three Council members signed off on paying them and this is just to formalize the payment.

President Reiter calls for the vote on the motion. 5-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to adjourn the meeting, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned at 9:53 P.M.

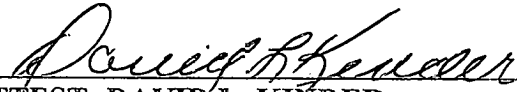

DOUGLAS J. REITER, President


DANNY F. YOST, Vice President


TRINETTE S. IMHOF, Member


MICHAEL N. LOCKHART, Member


JACQUES S. SMITH, Member


ATTEST: DAVID L. KINDER
CLERK-TREASURER

**SELLERSBURG TOWN COUNCIL SPECIAL MEETING
ADOPTION OF "ANNEXATION AREA "P"**

September 20, 2004

TOWN COUNCIL SPECIAL MEETING FOR ANNEXATION AREA "P":

The Sellersburg Town Council met in Special Session on September 20, 2004 at the Sellersburg Town Hall, for adoption of "Annexation of Area "P". Present were President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:46 P.M.

PRAYER:

Prayer was offered by Council Member Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

Offered by all present.

SPECIAL BUSINESS:

WILLIAM P. McCALL, III, (Town Attorney): This was a special meeting called to consider on the first reading the ordinance for annexation territory known as annexed area "P". The public hearing was held on August 16, 2004. The only thing that has changed the legislative district has been annexed into area five.

Jacques S. Smith makes a motion to consider **Ordinance 2004-016, AN ORDINANCE FOR THE ANNEXATION OF TERRITORY ADJACENT AND CONTIGUOUS TO THE TOWN OF SELLERSBURG KNOWN AS "ANNEXATION AREA P"** on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S Smith makes a motion to approve 2004-016 on first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

The Clerk-Treasurer needs to make sure this gets to The Evening News one time. This will start the remonstrance period starting from the time it is published.

Jacques S. Smith makes a motion to approve the minutes of the Executive Session of September 13, 2004, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
September 20, 2004
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Jacques S. Smith makes a motion to approve the minutes as written of the Regular Town Council meeting September 13, 2004, seconded by Michael N. Lockhart.

Michael N. Lockhart request the minutes reflect that on the Zoning Change Ordinance, 2004-019, that he "seconded the motion strictly for the purpose of discussion".

President Reiter states that he request that the minutes reflect the name of James Faulkner, from Clarksville, in the moment of silence for the military.

Also that the addition of wording of "May 10, 2004 Town Council meeting reviewed and only \$3,365.00 was approved" be deleted from the September 13, 2004 minutes.

Jacques S. Smith makes a motion to resend prior motion, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve the minutes of the Regular Town Council Meeting of September 13, 2004 as amended, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve an additional \$450.00 (four hundred fifty dollars to Geotivity, Inc. for the rain gauge, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.


Jacques S. Smith makes a motion to approve the payment to D & B Roofing for the police building, \$13,640.00 (thirteen thousand six hundred forty dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
September 20, 2004
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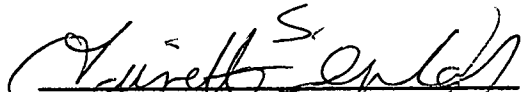
Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 7:15 P.M.



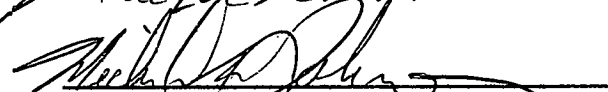
Douglas J. Reiter, President



Danny F. Yost, Council Vice-President



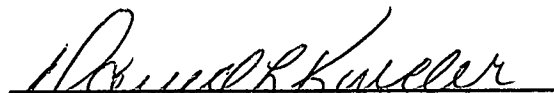
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Danny F. Yost, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

September 20, 2004

BUDGET ADOPTION

TOWN COUNCIL SPECIAL MEETING:

The Sellersburg Town Council met on September 20, 2004 at the Sellersburg Town Hall for Adoption of appropriations and Tax rates for 2005. Present were President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:16 P.M.

SPECIAL BUSINESS:

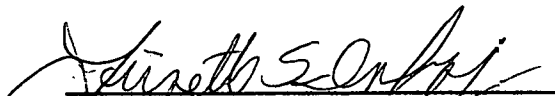
Michael N. Lockhart makes a motion to consider **ORDINANCE 2004-022, AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES** on first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve Ordinance 2004-022 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

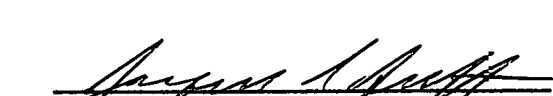
Motion by Danny F. Yost to adjourn the meeting, seconded by Trinette S. Imhof. 5-aye, 0-nay, motion approved and meeting adjourned at 7:22 P.M.

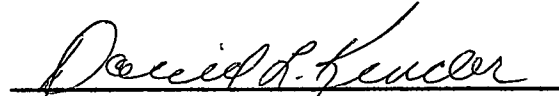

Douglas J. Reiter, President


Danny F. Yost, Council Vice-President


Trinette S. Imhof, Council Member


Michael N. Lockhart, Council Member


Jacques S. Smith, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

October 4, 2004

Ordinance 2004-023 Adoption

TOWN COUNCIL SPECIAL MEETING:

The Sellersburg Town Council met on October 4, 2004 at the Sellersburg Town Hall for Adoption of Ordinance 2004-023, Lease Purchase with Banc One for Vac-Truck. Present were President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:33 P.M.

PRAYER: Offered by Council President Douglas J. Reiter

PLEDGE OF ALLIGENCE: Offered by all present.

SPECIAL MEETING:

Danny F. Yost makes a motion to approve the minutes of the Town Council Meeting of September 13, 2004 as written, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve the minutes of the Town Council Special Meeting of September 20, 2004 as written, seconded by Michael N. Lockhart. 5-0aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve the minutes of the Town Council Special Meeting of September 20, 2004 for Budget Adoption as written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

William P. McCall, III, (Town Attorney):

Introduces **ORDINANCE 2004-023, AN ORDINANCE OF DECLARATION OF OFFICIAL INTENT, (Lease Purchase of Vac-Truck).**

Jacques S. Smith makes a motion to consider on first reading Ordinance 2004-023, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve Ordinance 2004-023 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

**Special Town Council Meeting
October 4, 2004
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DAVID L. KINDER, (Clerk-Treasurer):

Presents Council President Douglas J. Reiter the necessary papers, for signature, concerning the lease purchase agreement with Banc One for the Vac-Truck.

KENNETH A. ALEXANDER, (Utility Administrator):

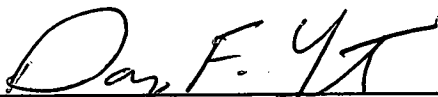
The water line in front of McDonalds Restaurant, Ohio Avenue and State Road 311, might need to be moved because of highway reconstruction and I recommend that Jacobi, Toombs and Lanz Engineers be hired to do the engineering work for this project.

Jacques S. Smith makes a motion to authorize Jacobi, Toombs and Lanz to do the preliminary engineering work on this project, seconded by Michael N. Lockhart. 3-aye, 2-nay, motion approved. President Reiter polls the Council for their vote: Trinette S. Imhof, votes nay; Danny F. Yost, votes nay; Douglas J. Reiter, votes aye; Michael N. Lockhart, votes aye and Jacques S. Smith, votes aye.

Danny F. Yost makes a motion to adjourn, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved and meeting adjourned at 6:50 P.M.



Douglas J. Reiter, President



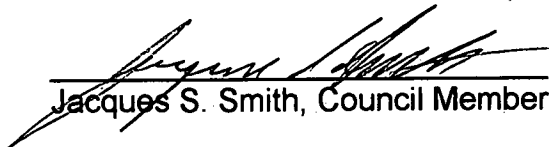
Danny F. Yost, Council Vice-President



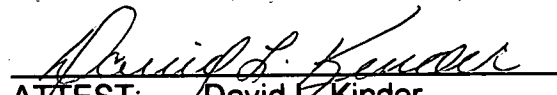
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

October 18, 2004

TOWN COUNCIL SPECIAL MEETING:

The Sellersburg Town Council met on October 18, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice-President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:33 P.M.

PRAYER: Offered by Council Member Michael N. Lockhart.

PLEDGE OF ALLIGENCE: Offered by all present.

SPECIAL MEETING:

Michael N. Lockhart makes a motion to approve the minutes of the Town Council Meeting of October 11, 2004 as written, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter presents Resolution Number 2004-007 a Resolution for Economic Development Revenue Bond, Series 2003A. for YMCA.

Danny F. Yost makes a motion to approve **Resolution 2004-007, a RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A REPLACEMENT BOND FOR THE TOWN OF SELLERSBURG, INDIANA ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 2003 A, (YMCA OF SOUTHERN INDIANA PROJECT).**

Bill Skees, Jr., Attorney for the YMCA presents the Council with a check for \$1,500.00 (one thousand five hundred dollars) for the closing on Montessori School, administration fee 000FDE.0526735.

WILLIAM P. BRADSHAW, (Chief of Police): Presents invoice from Hinton and Corby Insurance, for Commercial Package Endorsement for Contractors Equipment Rental, for \$66.00 (sixty-six dollars).

Jacques S. Smith makes a motion to approve payment of the invoice, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Chief Bradshaw also presents invoices from James Agee Home Improvements for repairs to police building: invoice for \$665.00 (six hundred sixty-five dollars

Sellersburg Town Council Special Meeting
October 18, 2004
Page 2 of 3 pages

and another invoice for \$175.00 (one hundred seventy-five dollars) for a total of \$840.00 (eight hundred forty and no/100 dollars).

Jacques S. Smith makes a motion to approve payment of these invoices for \$840.00 (eight hundred forty and no/100 dollars), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter presents Ordinance 2004-025 for approval on the second reading.

Jacques S. Smith makes a motion to pass **ORDINANCE 2004-025, AN ORDINANCE ESTABLISHING ILLICIT DISCHARGE DETECTION AND ELIMINATION POLICY AND PROCEDURES FOR THE TOWN OF SELLERSBURG**, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

President Reiter presents Ordinance 2004-026 for approval on the second reading.

Jacques S. Smith makes a motion to pass **ORDINANCE 2004-026, AN ORDINANCE ESTABLISHING URBAN CONSTRUCTION SITE RUNOFF CONTROL POLICY AND PROCEDURE FOR THE TOWN OF SELLERSBURG**, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, (Utility Administrator): A & A Properties request sewer tap-ins for eight lots in Equestrian Lakes. This is a hold over from the Mike Davis properties when Mr. Davis did not pay for the lift station upgrade.

Danny F. Yost makes a motion to approve eight lots for A & A Properties, Inc. for the pre-adoption fee of \$1,570.00 (one thousand five hundred seventy dollars) per lot, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Mr. Alexander presents an agreement between the Town of Sellersburg and Robert Lynn Company, Inc. and Silver Glade II, LLC, to provide for an upgrade to the water main line for Butler Road and the cost of \$11,124.00 (eleven thousand one hundred twenty-four dollars) for said improvement.

Trinette S. Imhof makes a motion to approve the agreement between the Town of Sellersburg and Robert Lynn Company, Inc. and Silver Glade II, LLC, to provide for an upgrade to the water main line from Butler Road and the cost of said improvement, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting

October 18, 2004

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Mr. Alexander presents a quotation from American Micro Solutions-2004 for installation of Symantec 5 user small business edition antivirus with one year of updates for the water company and the Town Court, plus the installation for a price on \$1,024.08 (One thousand twenty-four and 08/100 dollars).

Jacques S. Smith makes a motion to approve the purchase of the antivirus from American Micro Solutions-2004 for \$1,024.00 (one thousand twenty four and 08/100 dollars) seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART, (Council Member): presents a quotation from GPS Solutions of Tampa, Florida for two G4 Uplink Wireless Download System, one Office Suite and two Installation pack-connectors, torque seal and fuse and two installation fees for a cost of \$2,425.00 (two thousand four hundred twenty-five dollars); for installation on the garbage and yard waste trucks.

Michael N. Lockhart makes a motion to approve the purchase from GPS Solutions for two G4 Uplink Wireless Download Systems, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Trinette S. Imhof makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay motion approved and meeting adjourned at 7:36 P.M.



Douglas J. Reiter, Council President



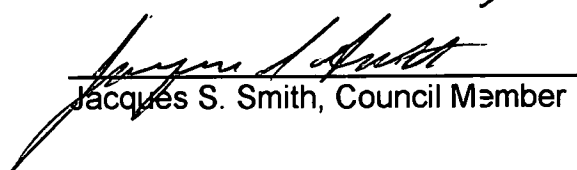
Danny F. Yost, Council Vice-President



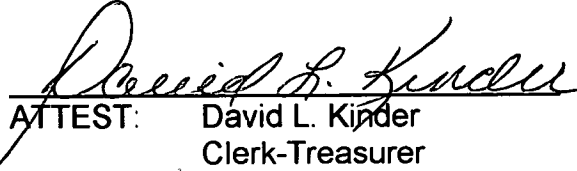
Trinette S. Imhof, Council Member



Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

October 11, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on October 11, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

PRAYER:

Reverend Larry Poe, Faith Community Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the Special Meeting of October 4, 2004. Danny F. Yost makes a motion to approve the minutes as written, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

President Reiter presents the bills for the month as submitted by the Clerk-Treasurer. Jacques S. Smith makes a motion to approve the bills as submitted, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

OLD BUSINESS:

President Reiter asks about the Walk Drive project. Michael N. Lockhart advises in the interest of safety this will remain as it is.

NATHAN GRIMES (Renaissance Design): Speaks for Virgil Bolly reference the Robert Overton property. Mr. Bolly had another meeting and if needed can be here in twenty minutes. President Reiter states he will put Mr. Bolly at the end of the Council meeting.

DAVID FRANKE: Would like to have his property on US 31 de-annexed because he does not have sewer service to his property. William P. McCall, III, (Town Attorney) explains the procedures necessary for de-annexation.

H. S. HARDY: (Hardy Center): Nathan Grimes advises that the Hardys' want to be put on next months agenda.

Sellersburg Town Council Meeting
October 11, 2004
Page 2 of 4 pages

WILLIAM P. BRADSHAW, (Chief of Police): I have the new regulations for the Police Department; Police Commissioners Resolution Number 2004-001 approved these on October 5, 2004 to become effective at mid-night that night.

NATHAN R GRIMES, (Building Commissioner): Presents Building Commissioners Report. No questions about the report from the Council members.

KENNETH J. ALEXANDER, (Utility Administrator): I have several bills to present that were not furnished the Clerk-Treasurers office for payment.

AMS, Inc, invoice number 1490, dated 10-07-04 for \$2,308.75 (two thousand three hundred eight and 75/100 dollars). Michael N. Lockhart makes a motion to pay this invoice, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

AMS, Inc., invoice number 1489, dated 10-07-04 for \$166.25 (one hundred sixty-six and 25/100 dollars). Danny F. Yost makes a motion to pay this invoice, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

EMC (Environmental Management Corporation), Job #0305, dated 10-04-04, for water meters at 224 and 225 Silver Glades, \$208.96 (two hundred eight and 96/100 dollars). Michael N. Lockhart makes a motion to pay this invoice, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

SLC Meter Services, Inc, Invoice 167189, dated 09-01-04, for Flush Hydrant, \$350.00 (three hundred fifty and no/100 dollars. (Pay EMC). Jacques S. Smith makes a motion to pay this invoice, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Delta Electric Company, Inc., Invoice 24811, dated 09-14-04, Installation and testing of four, eight channel auto dialers, \$15,500.00 (fifteen thousand five hundred and no/100 dollars). Jacques S. Smith makes a motion to pay this invoice, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Omega Rail Management, Invoice 04-LI-PH-001-B, dated 09-23-04, \$256.57 (two hundred fifty-six and 57/100 dollars). Jacques S. Smith makes a motion to pay this invoice, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

JOHN TOOMBS, (Jacobi, Toombs and Lanz, Inc.): Bids were accepted for a new test well, there were three bidders. The bids were opened at 11:00 A.M. today. The low bid was from Bastin Logan, Franklin, Indiana, for \$62,270.00 (sixty-two thousand two hundred seventy dollars).

President Reiter advises the other bids were \$89,772.00 (Eighty-nine thousand seven hundred

Sellersburg Town Council Meeting
October 11, 2004
Page 3 of 4 pages

seventy-two dollars) (Ortman Drilling Company, Kokomo, Indiana) and \$67,869.00 (sixty-seven thousand eight hundred sixty-nine dollars) (Reynolds, Inc, Louisville, Kentucky).

Danny F. Yost makes a motion to accept the Bastin Logan bid of \$62, 270.00 (sixty-two thousand two hundred seventy dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Mr. Alexander states that there was another outstanding bill for \$60.00 (sixty dollars), the shipping charges for the printer for the billing office, to Advanced Business Machines. Michael N. Lockhart makes a motion to pay this bill, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Storm Water Phase II requires we have a street sweeper, we have examined two and I (Mr. Alexander) would like to seek bids for the purchase of a street sweeper. Jacques S. Smith makes a motion to have Mr. Alexander seek bids, next Monday, for a street sweeper, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Bids (proposals) will be presented to the Council at the next regular Council meeting.

President Reiter presents Ordinance No. 2004-025, establishing illicit discharge detection and elimination policy and procedures for the Town of Sellersburg.

Michael N. Lockhart makes a motion to consider **ORDINANCE 2004-025, AN ORDINANCE ESTABLISHING ILLICIT DISCHARGE DETECTION AND ELIMINATION POLICY AND PROCEDURES FOR THE TOWN OF SELLERSBURG**, on the first reading, seconded by Danny F. Yost. 4-aye, 1-abstention. Motion does not pass.

Trinette S. Imhof makes a motion to consider **ORDINANCE 2004-026, AN ORDINANCE ESTABLISHING URBAN CONSTRUCTION SITE RUNOFF CONTROL POLICY AND PROCEDURE FOR THE TOWN OF SELLERSBURG**, on the first reading, seconded by Danny F. Yost. 4-aye, 1-abstention. Motion does not pass.

Trinette S. Imhof makes a motion for approval of **ORDINANCE 2004-025, AN ORDINANCE ESTABLISHING ILLICIT DISCHARGE DETECTION AND ELIMINATION POLICY AND PROCEDURES FOR THE TOWN OF SELLERSBURG** on first reading, seconded by Michael N. Lockhart. 4-aye, 1-abstention, motion is approved.

Danny F. Yost makes a motion for approval of **ORDINANCE 2004-026, AND ORDINANCE ESTABLISHING URBAN CONSTRUCTION SITE RUNOFF CONTROL POLICY AND PROCEDURE FOR THE TOWN OF SELLERSBURG**, on first reading, seconded by Michael N. Lockhart. 4-aye, 1-abstention, motion approved.

There will be a special meeting of the Town Council on Monday, October 18, 2004 at 7:00 P.M. for approval of Ordinances 2004-025 and 2004-026.

Mr. Alexander presents the bids for the Belt Press. There was only one bid it was from MSD Environmental Services, Inc. and the bid was \$92,500.00 (ninety-two thousand five hundred dollars). Jacques S. Smith makes a motion to accept the bid of \$92,500.00 (ninety-two thousand five hundred dollars), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to consider **ORDINANCE 2004-024, AN ORDINANCE OF DECLARATION OF OFFICIAL INTENT FOR LEASE/PURCHASE OF (One Meter BDP Industries Model E Belt Press)**, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.


Jacques S. Smith makes a motion to approve Ordinance 2004-024 on first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

VIRGIL E. BOLLY, (Attorney for Robert Overton): Have a plan for the restoration of the property at 110 North New Albany Street, work to be completed by March 31, 2005.

Council requests that Mr. Bolly furnish a progress report on the building restoration at the regular Town Council meeting December 13, 2004.

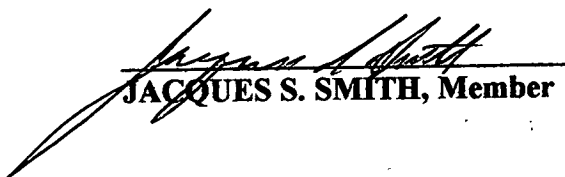
Danny F. Yost makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 8:28 P.M.

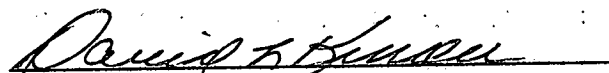

DOUGLAS J. REITER, President


DANNY F. YOST, Vice-President


TRINETTE S. IMHOF, Member


MICHAEL N. LOCKHART, Member


JACQUES S. SMITH, Member


ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL MEETING

November 8, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on November 8, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinetta S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

PRAYER:

Reverend Bob Hauselman, Restoration Christian Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter asks if everyone has reviewed the minutes of the October 18, 2004 Town Council Meeting? Jacques S. Smith makes a motion to approve the minutes as written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter presents the bills for the month as submitted by the Clerk-Treasurer. Danny F. Yost makes a motion to approve the bills as submitted, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

MARK POPE, (Forrest Estates sub-division): Request that eleven new street lights be added to those already in Forrest Estates sub-division. Cinergy will furnish and install the lights and the sub-division will pay for any installation cost that require under the road installations.

Jacques S. Smith makes a motion to approve the cost of the extra electricity and rental of the eleven lights, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

RAYMOND T. LOWE, (Town Court Judge): Presents a bill for hotel expenses at the City and Town Court Conference in Indianapolis in the amount of \$217.78 (two hundred seventeen and 78/100 dollars).

Michael N. Lockhart makes a motion to approve the Hotel bill of \$217.78 (two hundred seventeen and 78/100 dollars), seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

NATHAN R. GRIMES, (Building Commissioner): Presents the Building Commissioners report for the month of October.

Sellersburg Regular Town Council Meeting

November 8, 2004

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KENNETH J. ALEXANDER, (Utility Administrator): Request approval to purchase chemical from Purafil for the High School lift station; the total purchase price is \$2,734.20, (two thousand seven hundred thirty-four and 20/100 dollars). EMC (Environmental Management Corporation) will pay half of this bill and we will pay the other half, \$1,367.10 (one thousand three hundred sixty-seven and 10/100 dollars).

Michael N. Lockhart makes a motion to approve the purchase of the chemicals from Purafil for \$1,367.10 (one thousand three hundred sixty-seven and 10/100 dollars), seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Alexander states that an electric service line needs to be installed at the Sewer Plant on Bean Road. REMC will install the line for \$4,200.00, (four thousand two hundred dollars).

Jacques S. Smith makes a motion to install the electric line for \$4,200.00 (four thousand two hundred dollars), seconded by Michael N. Lockhart. 4-aye, 0-nay (Yost was absent during this vote), motion approved.

Mr. Alexander presents a letter from **Team Contracting, LLC**, about build handicap ramp in front of Courtroom (old bank building) for \$5,900.00 (five thousand nine hundred dollars); a handicap ramp at the rear of police station \$1,600.00 (one thousand six hundred dollars and modify two (2) catch basins in the street to curb inlets for \$4,000.00 (four thousand dollars) for a total cost of \$11,500.00 (eleven thousand five hundred dollars). (This is equal to 191.67 yards of sidewalk (\$11,500.00 times \$60.00 per yard). Mr. Alexander is requesting the council to approve this.

Danny F. Yost makes a motion to approve the \$11,500.00 (eleven thousand five hundred dollar) repairs for handicap ramps and catch basins, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Mr. Alexander presents a bill from **Jacobi, Toombs and Lanz, Inc** for Phase 2 Storm Water implementation assistance for \$9,031.13 (nine thousand thirty-one and 13/100 dollars).

Michael N. Lockhart makes a motion to pay the bill from Jacobi, Toombs and Lanz, Inc. for \$9,031.13 (nine thousand thirty-one and 13/100 dollars), seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

Mr. Alexander presents a bill from **James Agee Home Improvements** for installation and purchase of Sump Pump in basement of police station for \$62.50 (sixty-two and 50/100 dollars).

Jacques S. Smith makes a motion to pay James Agee Home Improvements \$62.50 for the sump pump replacement and repairs, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion

Sellersburg Regular Town Council Meeting
November 8, 2004
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approved.

The Bond Anticipation Note from May 29, 2002 becomes due November 2004. H. J. Umbaugh and Associates and Bank One recommend that this bond be paid and a new Bond be purchased when needed.

Danny F. Yost makes a motion to pay the Bond Anticipation Note plus interest, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, (Clerk-Treasurer): Request for a Public Hearing Meeting be set for November 29, 2004, 6:00 P.M. at the Town Hall meeting room for additional appropriations. President Reiter approves this meeting for the Council.

DOUGLAS J. REITER (Council President): Presents bill for \$5000.00 (five thousand dollars) for the Clark County Animal Shelter, this is a contracted expense.

Jacques S. Smith makes a motion to pay the Animal Shelter bill, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

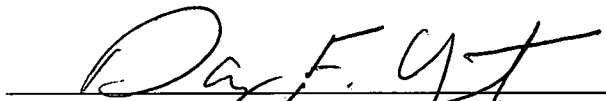
NATHAN GRIMES, (Building Commissioner): Presents Sewer Facility Extension Agreement between the Town of Sellersburg and Hardy Development Corporation of 1425 Hill, Charlestown, Indiana 47111 for water and sewer service for six lots at Hardy Business Center on State Road 311 in Sellersburg.

Jacques S. Smith makes a motion to approve six water/sewer services hook-ups for Hardy Business Center, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to adjourn the meeting, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved and meeting adjourned at 8:00 P.M.



DOUGLAS J. REITER, President



DANNY F. YOST, Vice-President



TRINETTE S. IMHOF, Member



MICHAEL N. LOCKHART, Member



JACQUES S. SMITH, Member



ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

November 29, 2004

SPECIAL TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session on November 29, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Michael N. Lockhart, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 6:00 P.M.

PRAYER:

Council Member Danny F. Yost offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

President Reiter opened the Public Hearing. Ordinance 2004-027, An Ordinance necessary to appropriate more money than was appropriated in the annual budget.

There was no public discussion about the ordinance.

Danny F. Yost makes a motion to close the public hearing, seconded by Michael N. Lockhart. 5-aye, 0-nay.

President Reiter opens the Special Council Meeting at 6:02 P.M. He states there was a public hearing on a request for additional appropriations, we closed that public hearing and now we are in Special Session.

Jacques S. Smith makes a motion to consider ORDINANCE NO. 2004-027, AN ORDINANCE NECESSARY TO APPROPRIATE MORE MONEY THAN WAS APPROPRIATED IN THE ANNUAL BUDGET, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve Ordinance No. 2004-027 on the first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion is approved.

President Reiter presents the salary ordinance for elected officials.

Michael N. Lockhart makes a motion to consider ORDINANCE NO. 2004-028, AN ORDINANCE FIXING THE COMPENSATION OF ELECTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2005 on the first

Special Sellersburg Town Council Meeting

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November 29, 2004

reading, seconded by Jacques S. Smith. 4-aye, 1-abstension.

President Reiter asks Town Attorney McCall if he can continue with the ordinance. Attorney McCall advises that nothing further can occur (on the Ordinance) as there must be unanimous consent.

Attorney McCall questions Yost if he understood the motion and Yost, if he thought it was vote on the ordinance itself or just to consider it. Yost advises he thought it was a vote just to consider it.

Yost admits he was mistaken as to what he thought the vote was and withdraws his abstention.

President Reiter then polls the Council vote on Ordinance No. 2004-028. Imhof, aye; Yost, aye; Reiter, aye; Lockhart, aye, Smith, aye. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approve Ordinance No. 2004-028 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

President Reiter presents Ordinance No. 2004-029.

Jacques S. Smith makes a motion to consider **ORDINANCE NO. 2004-029, AN ORDINANCE FOR HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2005**, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve Ordinance No. 2004-029 on the first reading, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter presents Ordinance No. 2004-030.

Jacques S. Smith makes a motion to consider **ORDINANCE NO. 2004-030, AN ORDINANCE FIXING THE COMPENSATION OF APPOINTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2005**, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to approved Ordinance No. 2004-030 on the first reading, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

President Reiter asks the Council if everyone has had a chance to read the minutes of the meeting from November 8, 2004.

Jacques S. Smith makes a motion to approve the minutes as written, seconded by Danny F. Yost. 5-aye, 0-nay, motion approved.

Special Sellersburg Town Council Meeting

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November 29, 2004

President Reiter presents a Consulting Agreement between the Town of Sellersburg and Ken Alexander up for renewal the first of the year; we are renewing it for the same annual amount that was prior.

Michael N. Lockhart makes a motion to approve the consulting agreement with Ken Alexander at the same amount as prior, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

President Reiter has a letter to Greentree Software Company for taking responsibility of the Utility Software. The reason for doing this is that the Utility Administrator needs to access addresses and everything to do mailings he has to have a password to get into the software from his laptop.

Jacques S. Smith makes a motion to have the Town Council President to sign the letter to Greentree, seconded by Danny F. Ycst. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, (Utility Administrator): There is a school in Clarksville to learn about mapping the storm drains, storm sewers etc. on December 1 and 2nd, it cost \$300.00 (three hundred dollars) per day and I am asking the council to approve me taking this class.

Jacques S. Smith makes a motion to approve the expenditure of \$600.00 (six hundred dollars) for Mr. Alexander to attend the school, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Michael N. Lockhart makes a motion to approve payment to Spadal Data Integrations, Inc, \$1,225.00 (one thousand two hundred twenty-five dollars) for ArcView 9.x for Windows, seconded by Jacques S. Smith. 5-aye, 0-nay, motion approved.

These expenses will be divided between the water and sewer accounts.

Alexander reports that the work is being done on the sidewalk repairs in town.


President Reiter asks each Council Member if there is any further business and no Council Member has further business to discuss.


Special Sellersburg Town Council Meeting

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November 29, 2004

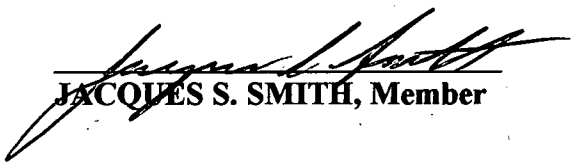
Danny F. Yost makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 6:23 P.M.

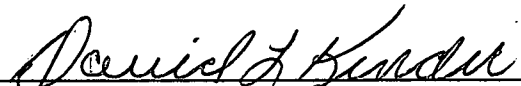

DOUGLAS J. REITER, President


DANNY F. YOST, Vice-President


TRINETTE S. IMHOF, Member

MICHAEL N. LOCKHART, Member


JACQUES S. SMITH, Member


ATTEST: DAVID L. KINDER
CLERK-TREASURER

SELLERSBURG TOWN COUNCIL MEETING

December 13, 2004

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on December 13, 2004 at the Sellersburg Town Hall. Present were President Douglas J. Reiter, Vice President Danny F. Yost, Council Member Trinette S. Imhof, Council Member Jacques S. Smith, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

Council Member Michael N. Lockhart was absent.

CALL TO ORDER:

President Douglas J. Reiter called the meeting to order at 7:00 P.M.

PRAAYER:

Reverend Father Paul Richart, Saint Paul's Catholic Church offered the prayer.

PLEDGE OF ALLEGIANCE:

Offered by all present.

REGULAR BUSINESS:

MELISSA WOOD, (River Hills Economic Development District): Sellersburg is an applicant for Community Focus Fund grant through the Indiana Department of Commerce for Sellersburg Sanitary Sewer Improvements Project and to designate the following "consulting parties" as a term used in 36 C.F.R. Part 800 Regulations, designating River Hills Economic Development District and Regional Planning Commission and Jacobi Toombs and Lanz, Inc.

Danny F. Yost makes a motion to have Council President Reiter sign the Letter to Indiana Department of Natural Resources for the designating the "consulting parties", seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

Have two additional letters to Dan Lake, Community Development Division, Indiana Department of Commerce authorizing River Hills Economic Development District and Regional Planning Commission to prepare and submit the minutes of the required hearings related to the Community Focus Fund Grant and to prepare and submit the minutes of the required hearings related to the Community Focus Fund Planning Grant application for Downtown Revitalization.

Jacques S. Smith makes a motion to have Council President Reiter sign both letters to Mr. Dan Lake, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Ms. Woods has a Citizen Participation Report that has the Notice of First Public hearing, Date of First public hearing; describe the method used to solicit participation of low-and moderate-income persons, the Town advertised in the local paper; and denote any adverse

Sellersburg Town Council Regular Meeting
December 13, 2004
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comments/complaints received and describe resolution.

Danny F. Yost makes a motion to have Council President Reiter to sign the Citizen Participation Report, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

PRESIDENT REITER asks if all Council Members have read the minutes of the November 29, 2004 Council Meeting. Jacques S. Smith makes a motion to approve the minutes of the November 29, 2004 Council Meeting, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

President Reiter also presents the bills as submitted by the Clerk-Treasurer. Danny F. Yost makes a motion to approve payment of the bills as submitted, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

President Reiter reads **ORDINANCE 2004-031, AN ORDINANCE AMENDING ORDINANCE NO. 2003-026 HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA CALENDAR YEAR 2004**

Jacques S. Smith makes a motion to consider Ordinance 2004-031 on the first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve Ordinance 2004-031 the first reading, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

President Reiter reads **ORDINANCE 2004-032, AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG.**

Jacques S. Smith makes a motion to consider ordinance 2004-032 on the first reading, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Danny F. Yost makes a motion to approve Ordinance 2004-032 on the first reading, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

President Reiter presents a letter from Team Contracting, LLC for additional sidewalk repair to be added to the original contract for \$9,552.50 (nine thousand five hundred fifty-two and 50/100 dollars).

Jacques S. Smith makes a motion to approve the additional repairs for \$9,552.50 (nine thousand five hundred fifty-two and 50/100 dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

President Reiter presents a request from Kevin Harper, operator of the Town Vac Truck, he has

Sellersburg Town Council Regular Meeting

December 13, 2004

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requested additional equipment for the truck; Chisel Point Nozzle, Rotator nozzle Combo, Chain Scraper Demo, Berube Grabber Assembly, Sinch culvert nozzle assembly (60 GPM @ 2000 PSI) and Man hole roller guide assembly, for a total cost of \$5,908.37 (five thousand nine hundred eight and 37/100 dollars).

Danny F. Yost makes a motion to purchase the item for \$5, 908.37 (five thousand nine hundred eight and 37/100 dollars) from Best Equipment, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

JOHN TOOMBS, (Jacobi, Toombs and Lanz, Inc.): presents bids for General Storm Sewer projects. There were seven bids ranging from \$68,277.10 (sixty-eight thousand two hundred seventy-seven and 10/100 dollars) to \$45,884.00 (forty-five thousand eight hundred eighty-four dollars). The low bid was by Steven L. Green Enterprises, Inc. for \$45,884.00 (forty-five thousand eight hundred eighty-four dollars)

Danny F. Yost makes a motion to approve the bid of Steven L. Green Enterprises, Inc. for \$45,884.00 (forty-five thousand eight hundred eighty-four dollars), seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

R. THOMAS LOWE, (Sellersburg Town Court Judge): Presents a resolution **R2004-008 a RESOLUTION concerning City and Town Courts.**

Danny F. Yost makes a motion to approve Resolution 2004-008 on the first reading, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

PRESIDENT REITER asks if anyone present wants to speak on the bids for a Sweeper Truck.

Charles Parsley, Best Equipment Company, speaks on behalf of his company. Don Back, Municipal Equipment Company speaks on behalf of his company.

Danny F. Yost makes a motion to accept the bid of Best Equipment Company for \$115,000.00 (one hundred fifteen thousand dollars), seconded by Trinette S. Imhof. 4-aye, 0-nay, motion approved.

KEVIN WRIGHT, (Environmental Management Company): request \$2,000.00 (two thousand dollars) for the purchase of additional water meters.

Danny F. Yost makes a motion to approve \$2,000.00 (two thousand dollars) for purchase of additional water meters, seconded by Douglas J. Reiter. 3-aye, 1-abstains. President Reiter polls the Council: Imhof, aye, Yost, aye, Reiter, aye and Smith abstains. Motion approved.

WILLIAM P. BRADSHAW, (Chief of Police): Request the Council approve changing the regular meeting of the Police Commissioners from 7:00 P.M. on the first Tuesday of each month

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to 6:00 P.M. on the first Tuesday of each month, starting in January 2005.

Danny F. Yost makes a motion to approve the changing of the time for the Police Commissioner meetings from 7:00 P.M. to 6:00 P.M. the first Tuesday of each month, starting in January 2005, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

Chief Bradshaw also requests an Executive Session for 6:00 P.M., January 10, 2005, to discuss personnel matters.

NATHAN R. GRIMES, (Building Commissioner): Presents his Commissioner report for the month and asks if there are any questions.

He will get with Virgil Bolly, Attorney, reference the Overton Property on North New Albany Street, reference the progress on the building. President Reiter and Council Member Smith request to be notified of the meeting so they can also walk through the building and see what progress has been made in cleaning up the building.

KENNETH J. ALEXANDER, (Utility Administrator): Have some bills for submission. Have invoice from Bastin Logan Water Services, Inc, this is for Test Well No. 6 for \$17,883.00 (seventeen thousand eight hundred eighty-three dollars). This is part of the contract.

Have three bills from Jacobi, Toombs and Lanz, Inc: Invoice 04-1428, Job 0426 – West Creek Subdivision & General Area Drainage (5) areas, \$3,983.38 (three thousand nine hundred eighty-three and 38/100 dollars); Invoice 04-1427, Job 0458, State Road 311-INDOT Utilities, \$3,822.00 (three thousand eight hundred twenty-two dollars); and Invoice 04-0126, Job 9917, Sellersburg WWTP & system study, \$2,522.79 (two thousand five hundred twenty-two and 79/100 dollars).

Jacques S. Smith makes a motion to pay Jacobi, Toombs and Lanz, Inc. the amounts of \$3,822.00 (three thousand eight hundred twenty-two dollars), \$2,522.79 (two thousand five hundred twenty-two and 79/100 dollars) and \$3,983.38 (three thousand nine hundred eighty-three and 38/100 dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

The Belt Press will be delivered about December 28 and there must be a concrete pad installed.

Jacques S. Smith makes a motion to approve Kamer Construction Company to pour a 30 foot by 30 foot by 6 inch concrete slab for \$6,760.00 (six thousand seven hundred sixty dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Alexander advises that he has a contract with Tetra Tech, Inc. for Design and Construction of the outfall pipe for the treatment plant. Town Attorney McCall says he approves everything except for the Ownership of Documents (section of the contract), it should read that *Documents*

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prepared by Consultant for the Project are instruments of service and shall be the property of owner upon full payment of consultant fees.

Jacques S. Smith makes a motion to approve the contract with Tetra Tech, Inc. for design and construction services with the change recommended by Town Attorney McCall to the section Ownership of Documents, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Have a dumpster bill for the little league park. Jacques S. Smith makes a motion to pay the Waste Management dumpster bill for \$212.59 (two hundred twelve and 59/100 dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Jacques S. Smith makes a motion to pay the water bill for Silver Creek Little League Park not to exceed \$600.00 (six hundred dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, (Town Attorney): Provides the Council members with statues for terms of various Boards and Commissions.

There is a contract with Fuller, Mossbarger, Scott & May Engineers, Inc., I have been in contact with them about changing some of the terms of the contract, and in talking with Ken (Alexander), and they have no problem with the changes. The "Limit of Liability" is the only part in question now.

Jacques S. Smith makes a motion to approve the contract with Fuller, Mossbarger, Scott & May Engineers, Inc. subject to the addendum be prepared concerning limits of liability, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

DOUGLAS J. REITER, (Council President): Have an invoice from Fuller, Mossbarger, Scott & May Engineers, Inc. to pay back payment for work they have done for \$10,500.00 (ten thousand five hundred dollars).

Danny F. Yost makes a motion to pay Fuller, Mossbarger, Scott & May Engineers, Inc. to pay the invoice, seconded by Jacques S. Smith. 4-aye, 0-nay, motion approved.

Have an invoice from Silver Creek Water for an interconnection and our portion of the bill is \$2,351.54 (two thousand three hundred fifty-one and 54/100 dollars).

Jacques S. Smith makes a motion to pay our half of the interconnection \$2,351.54 (two thousand three hundred fifty-one and 54/100 dollars), seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

PAT LARR, (Clark County Soil and Water Conservation District): The memorandum of agreement for implementation of the Phase II National Pollution Discharge Elimination System

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(NPDES). The conservation District feels like we could provide a service for you and other MS 4 communities, Jeffersonville, Clarksville, Sellersburg and Clark County to meet your basic obligations. Sellersburg's share would be an annual compensation of \$8,000.00 (eight thousand dollars), payable on a monthly basis.


Jacques S. Smith makes a motion to approve the Memorandum of Agreement Clark County Soil and Water Conservation District and Sellersburg, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved.

Trinette S. Imhof makes a motion to adjourn the meeting, seconded by Danny F. Yost. 4-aye, 0-nay, motion approved and meeting adjourned at 9:02 P.M.



Douglas J. Reiter, Council President

Danny F. Yost, Council Vice President



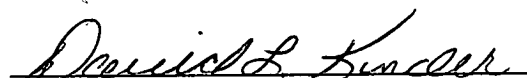
Trinette S. Imhof, Council Member

ABSENT

Michael N. Lockhart, Council Member



Jacques S. Smith, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer