

LYNNVILLE TOWN COUNCIL

OCT. 2, 2018 MEETING AGENDA

CALL TO ORDER: PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: SEPT. 18, 2018

APPROVAL OF CURRENT BILLS: SEPT. 19, 2018 THROUGH OCT. 2, 2018

OLD BUSINESS:

NEW BUSINESS: ADOPTION OF 2019 BUDGET, ORD. NO. 2018-2

LOAN 05-2% INTEREST RATE, 40 YEAR TERM, \$441,000.00

GRANT 06 - \$932,000.00

LOAN 07 – 2.37%, 40 YEAR TERM, \$1,214,000.00

BOND ORDINANCE, ORD. NO. 2018-4

RATE ORDINANCE, ORD. NO. 2018-5

ELBERFELD FALL FESTIVAL

TECUMSEH TRAIL/ECONOMIC DEVELOPMENT COALITION

ADJUSTMENTS: TOM HORN, HOSE LEFT ON, \$12.51

ANNA DRONE, TOILET LEAK, \$52.38

REPORTS: STEVE BAILES, WATER/SEWER

SARAH KOLLEY, PARK

TIM REIBOLD, FIRE DEPARTMENT

BRYAN FLOWERS, TOWN MARSHALL

J. WM. BRUNER, ATTORNEY

CORRESPONDENCE:

ADJOURNMENT:

NEXT MEETING WILL BE HELD OCT. 16, 2018 AT 6:00 P.M.

ANY AND ALL OTHER BUSINESS TO PROPERLY COME BEFORE THE LYNNVILLE TOWN COUNCIL

LYNNVILLE TOWN COUNCIL

OCT. 2, 2018 – 6:00 P.M.

PRESENT: Doris Horn, Eric Erwin, Stacy Tevault, J. William Bruner, Sherry Jones

Doris called the meeting to order and asked everyone to please rise for a moment of silence and then to join in the Pledge of Allegiance to the Flag.

Doris asked the other board members if they had read through the minutes from the Sept. 18, 2018 meeting. She asked if anyone had any additions or corrections and Stacy pointed out that there was one on page 10 about half way down the page where it says posting and it should have read hosting. Stacy made a motion to approve the minutes for the Sept. 18, 2018 meeting with the correction being made. Eric seconded the motion. All voted aye. Motion carried.

Doris asked the other members if they had any additions or corrections to the bills presented for payment from Sept. 19, 2018 through Oct. 2, 2018. No one had any so Eric made a motion that we pay the bills. Stacy seconded the motion. All voted aye. Motion carried.

Water turn offs. Doris asked if they had an opportunity to look at the delinquent bills. Stacy said she is concerned about number 10. It has been on the disconnects several times. It looks like they are trying to get assistance with the trustee again, which is great. However, they've done it multiple times and this time they have yet to fulfill their part of that agreement. If for some reason she does not make it in tomorrow it needs to be shut off and she has got to pay in full no matter what. Other than that Stacy makes a motion that everybody else with a shut off gets disconnected on the date if they are not paid. Eric seconded the motion. All voted aye. Motion carried. Eric said he has something he wants to say on the water bills. The people that are delinquent on these bills, they need to know that their payment has to be in here during business hours. They are coming in on Friday's after business hours and I'm getting phone calls to go turn on their water and I'm not going to do it any more. They have to be paid during business hours while the workers are here.

NEW BUSINESS: The Adoption of the 2019 Budget, Ordinance No. 2018-2. Sherry explained that the townspeople had reviewed the budget at the last meeting on Sept. 18, 2018. No one had any questions or comments regarding the budget at that time. Stacy made the motion to adopt the 2019 budget, Ordinance No. 2018-2. Eric seconded the motion. All voted aye. Motion carried.

Doris brought up Loan 05 at 2% interest rate for a 40 year term for \$441,000.00. She then turned this over to Mr. Bruner. Mr. Bruner introduced the Loan Resolution in the amount of \$441,000.00, a resolution of the town council of the Town of Lynnville authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Wastewater Collection and Treatment Facility to serve an area lawfully within its jurisdiction to serve. It is necessary for the Town of Lynnville to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Four Hundred Forty-

one Thousand & 00/100 pursuant to the provisions of IC 8-1.5. So if the President would request a motion and a second accordingly. Doris asked for a motion on this. Eric made a motion to proceed with the Loan Resolution, Position 5, IC 8-1.5. Stacy seconded the motion. All voted aye. Motion carried.

Doris brought to everyone's attention that we will be receiving a grant in the amount of \$932,000.00 for improvements to the wastewater treatment plant that we are expanding. Doris told them that this was not our decision but the State requires us to expand at such time as our current facility reaches 90% capacity. Stacy told everyone that it is not just us that is having to expand but there are lots of other communities as well. The State comes in and checks the plant and they make the determination that we must upgrade and expand to accommodate the community. If you compare our project to Elberfeld, they have to raise over \$6,000,000.00 for their expansion.

Next on the agenda is Loan 07 at 2.3% interest rate for a 40 year term in the amount of \$1,214,000.00. Mr. Bruner then introduced the loan resolution in the amount of \$1,214,000.00, a resolution of the Town Council of the Town of Lynnville authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Wastewater Treatment and Collection Facility to serve an area lawfully within its jurisdiction to serve. It is necessary for the Town of Lynnville to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of One Million Two Hundred Fourteen Thousand & 00/100 pursuant to the provisions of IC 8-1.5. Doris asked for a motion on this. Eric made a motion to proceed with the Loan Resolution in the amount of \$1,214,000.00. Stacy seconded the motion. All voted aye. Motion carried.

Bond Ordinance No. 2018-4, Ice Miller, Attorneys in Indianapolis employed by the town as bond council has prepared a bond ordinance for consideration for the town council in the matter of the financing and construction of improvements and additions to the sewage works of the town. It would be now in order for the council to consider said ordinance. Doris read Bond Ordinance No. 2018-4, An Ordinance concerning the construction of additions and improvements to the sewage works of the Town of Lynnville, Indiana, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

Eric read, an ordinance concerning the construction by the Town of Lynnville, Indiana of the frequence in addition to the sewer works of the town. The issuance of the revenue bonds still apply to the costs thereof the collection, segregation and distribution of the revenue of the said works the safeguarding of the interests of the owner of said debt revenue bonds other matters connected therewith including the insurance of note and application of bonds and repealing ordinances inconsistent herewith and move to said ordinance be numbered and placed on first reading and that the same be read by title at this time. Doris referred to Bond Ordinance no. 2018-4, Eric Erwin had moved that the bond ordinance be read the second time and that time be given to offer an amendment. Stacy seconded the motion. Bond Ordinance 2018-4 was then read a second time, An Ordinance concerning the

construction of additions and improvements to the sewage works of the Town of Lynnville, Indiana, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

Eric moves that any applicant or local rural be suspended of any unanimous consent of the members present given for consideration of ordinance no. 2018-4 on the day or at the meeting of which said ordinance was introduced and for the third reading of Ordinance No. 2018-4 at this meeting without further consideration. Stacy seconded the motion. All voted aye. Motion carried.

Motion for this inspection of the rules for such consideration of the ordinance 2018-4 has been carried by a unanimous vote of the members present final action on said ordinance 2018-4 was then read a third time, An Ordinance concerning the construction of additions and improvements to the sewage works of the Town of Lynnville, Indiana, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

Stacy made a motion to pass Ordinance No. 2018-4. Eric seconded the motion. All voted aye. Motion carried.

The Rate Ordinance, Ordinance No. 2018-5, An Ordinance To Amend Ordinance No. 2-1981, As Amended, An Ordinance Establishing A Schedule Of Rates And Charges To Be Collected By The Town of Lynnville From The Owners Of Property Served By The Sewage Works Of Said Town And Other Matters Connected Therewith

WHEREAS, the Town Council of the Town of Lynnville, Indiana ("Town"), has determined that an increase in sewer rates is required to adequately fund the operation of the sewage works of the Town; and

WHEREAS, it has been determined that the sewage rates and charges, for the use of and service rendered by the sewage works, as continued in Sections 3(a) and 3 (b) of Ordinance No. 2-1981, as amended, should be amended to adequately fund the operation of the sewage works of the Town;

NOW THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF LYNNVILLE, INDIANA, AS FOLLOWS:

SECTION 1

That Section 3(a) of Ordinance No. 2-1981, as amended, is hereby further amended in part to provide that the sewage rates and charges, for the use of and service rendered by the sewage works shall be as follows:

All Class 1 Users

1) Treatment rate \$12.47 per 1,000 gals. Of usage

PLUS

Monthly Base Rate

<u>Monthly Base Charge</u>	<u>Monthly Rate</u>
5/8" water meter	\$26.18
¾" water meter	34.19
1" water meter	52.94
1 ¼" water meter	82.06
1 ½" water meter	113.98
2" water meter	189.10

SECTION 2

That Section 3(b) of Ordinance No. 2-1981, as amended, is hereby further amended to read as follows:

(b) For residential users of the sewage works that are not metered water users or for whom accurate meter readings are not available, the monthly charge shall be as follows:

	<u>Monthly Charge</u>
TOTAL	\$73.57

Non-residential unmetered users shall be charged a rate based upon estimated monthly usage to be determined by Town officials on an individual basis.

SECTION 3

The foregoing amendments to Ordinance No. 2-1981, as amended, shall be in full force and effect upon passage of and adoption of this ordinance. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 4

That pursuant to the provisions of West's A.1.C. 36-9-23-26, notice of the public hearing setting forth the above stated rate changes, at which users of the sewage works, owners of the property served or to be served by the works, and other interested persons were to be heard, was published in accordance with West's A.1.C. 5-3-1.

PASSED AND ADOPTED by the Town Council of the Town of Lynnville, Indiana on this _____ day of _____, 2018.

Elberfeld Fall Festival is next on the agenda. Stacy was contacted by Paul Kruse. We have donated camp site rentals for years to their fall festival. The fall festival is this weekend. He apologized for getting to me so late but he would like to secure, I think last time we gave them 2 weekends, if I'm not mistaken so, I would like to make a motion that we do that once again by allowing the donation of two camp weekends to the Elberfeld Fall Festival for them to raffle. Eric seconded the motion. All voted aye. Motion carried.

Tecumseh Trail/Economic Development Coalition is the next order of business. Stacy said she asked Sherry to put this on the agenda. Doris and I have been on this committee for a while now and on September 18, I was asked to go with Steve ^{Ruelle} Royal and ^{Chrissy} Christy Ash, they were meeting with the Warrick County Economic Development Department to request a grant for \$300,000.00 to go towards the \$518,000.00 needed to fund the pathway going from the town to the school so the first step was to meet with the Economic Development and get their approval and the, of course, once they've made that motion then we will meet with the County Council. They were overwhelming in support of that which is huge for us, that will leave the town only \$218,000.00 to raise to get this done. So, at this point, we will meet with the County Council at their November meeting. We would love to see the presence of people from the community in Lynnville to be there so that they know that we all want this. Lynnville doesn't come to the county for much, we haven't in years, to get this kind of thing so a \$300,000.00 grant would be huge towards this pathway in getting it started and finished at the same time which is very important. I just wanted to let you guys know and Eric asked when the meeting would be and Stacy said it's the first one in November, I believe it's November 1st. It's the first Thursday of the month and I can make sure I get that to you. At the November County Council meeting, we will be back down there to see if that happens and that would be a \$300,000.00 grant to match with the \$218,000.00 that we would need to raise. Of course, I know that we've talked about making our donation at the front of the park and I would like to get that pledged tonight if possible. I don't know if you want to wait until we get to park business and Doris said that would be fine.

Ruelle
& Chrissy

Danielle Wigodenski came to the podium. Doris asked her to state her business. Danielle said she has a partial payment for her lot rent. She stated that she had gone to Court on September 25 for her disability and that she is still waiting on an answer. She is asking the board to accept \$450.00 toward her lot rent and then maybe wait until she hears from the Judge and/or her attorney. Doris said I think that you have received a letter from our attorney that we are not going to renew your lease out there. You mean because I have not paid my lot rent. I have the letter at home, I don't remember what it says. Mr. Bruner said he doesn't have a copy of it with him. Doris asked if anyone remembered why she received the letter. Stacy said she believes it was because the power had been shut off and leaving your animals unattended and leaving when the power was off. There has been property issues with the clean-up ordinance, there has been several times when the law has been out to your property and Danielle said the law came once and I had to come up here and when the law came the second time it was for my son and Stacy said, I'm just trying to explain why you received that letter. Then, of course, the water was off also. So then you've got your lease that you are not

able to pay, you've got the water that's way past due but the issue, my main issue is that we cannot grant you the opportunity to pay your lease partially and then not offer everybody else that leases out there the same. There is a time that your lease is due, it's an annual thing. I can't vote to allow partial payments on leases, unfortunately. That just opens up a whole can of worms for everybody else that lives out there. We don't do that. Danielle said it's not like I was sitting on my butt and not trying to work. Stacy said I never said that you couldn't and Danielle interrupted by saying that she is going through resources to get my bills help. Doris said, here's the thing, you asked to move to the park, you sat right there, and it's on record, that you read the contract and that you understand and we had to call you back in within six to eight weeks because the law had been out there and you said that would never happen again and you just said the law had been out there one other time because of your, Danielle interrupted by saying there were no disputes over domestic and Doris said that's what's in the contract. Danielle said okay. Mr. Bruner told her that if she had not paid her rent the contract can be terminated because it was supposed to be paid by July 1st, I believe. He said there are extensions up through Oct. 1st and this is the 2nd. Danielle said she thought it was until the 31st. Mr. Bruner said that under the terms of the lease from a legal stand point, Danielle interrupted again and asked what she needed to do. How much time do I have? Eric said she had 30 days and Danielle asked to move her trailer and she was told yes.

Rusty Hornby came to the podium next. She lives at 206 N. Main Street. She said she was here to speak about the alley. I was here before and Doris had brought it up and I didn't appear about either closing it or what. You said you didn't want me parking in the alley. Stacy said if it's going to be an alley, it needs to be an alley and then if we close it, we close it and, honestly, I know something needs to be done. It's just one of those things. I don't know if we've gotten anything and Mr. Bruner said you would have to petition if you want to abandon the alley. Doris said, here's the thing, after we got that 10 inch rain, and Stacy said that something had to be done with that culvert, but she didn't know what. Doris talked about looking for a grant and of course they are not going to let you use it for an alley which is stupid, you know, that's part of their town. Now, I did have Metzger's come in and look at it and he suggested, and I called Jason Fuchs, I was going to bring that up tonight because he is a surveyor, because you know how that alley goes, he's supposed to come in and survey that alley and find out where the lines are and then Metzger is going to come back and give us an estimate of what it costs because it's not going to be cheap. Rusty said a gentleman came to her house and told her that she had to move her downspouts, that we all had to move our downspouts in the alley because it was washing out the alley and you have four downspouts coming off the pavement and down to the gravel. I had one and he said he wouldn't do anything to the alley until we moved our downspouts. So, I moved my downspouts off of the garage and he said, and I said that I had a permit to build my garage and I saw something and I improved it, I didn't know that I was doing something wrong but he said that we all had to move our downspouts and I moved my downspouts. Doris said she had seen that. And it's still doing the same thing that it was doing before I built my garage. Doris said I dispute you on that and Rusty said, well, it is doing the same thing. Doris said, when we got that 10 inches of rain, you build and you are close to the alley and that made that being, it just dug it out and yes, I do have four downspouts. Rusty said I know and that's what he told me that we all had to move our downspouts. Doris said, well, the thing of it is I moved mine to go into the flowers

and mine is three times away from the road and it's concrete there and yours went out into the gravel. Rusty said it is still doing the same thing and Doris said she never filled in that spot and Rusty said she did. Doris said oh, you did. Rusty said yes, he told me I needed to and I went out there and filled it in. Eric asked her who told her to move her downspout. She said our guy and Sherry told him it was Steve that had talked to her. Eric said one why is Steve going to the residents and telling them they have to move their downspouts. Stacy said, I agree. Eric said that needs to come up here. If Steve will take it upon himself to tell residents to do stuff, it has to come through us first. Stacy said right, if Rusty had stopped by my house and asked me about it I wouldn't have known what she was talking about. I didn't know that. I just need to be aware too. Doris said, here's what happened, we had a complaint because people could get hurt in that ditch because it is bad. So, I had them to put cones up and I called you guys and Stacy said we knew the cones were up and then Steve came and talked to me and told me what we needed to do. It's just that it's a temporary fix which was to get some concrete, gravel or something in that hole so we can drive down the alley. And that's when he told me that he had talked to you and I did not tell him to say that. I did not tell him to tell you to move the downspout. You and I had talked about it. Rusty said he told me that we all had to move our downspouts because this is what it's doing and yours has pavement and it comes off the pavement down and it makes a big gulley on that side of the alley. I said okay and that's when I moved the downspouts. I was just seeing where we were at on the alley. Doris told her that she had Jason Fuchs coming in so that he can survey it because we can't get an answer from Hunter's or from Metzgers because I live there and that has to be straightened up because otherwise the alley is encroaching on my property and that's not going to happen. Stacy asked if Jason Fuchs is charging us to do this, I mean I know that we need to do something but I didn't, and Doris said she just called him the other day to see if he would come look at it and give us a price of what it would cost. Stacy said so he's going to give us a price on what it costs to survey it. Eric said let me ask you if we get this survey done and then we find out that it's going to cost an ungodly amount to keep that alleyway open and the town goes through the legal procedures to close it, how are you all going to get to your property? We'll have to go through the front, Doris said. Eric said if we're going to close the alley, we're going to close it from street to street. See what I'm saying, you built a pole barn on the alleyway and you saw what the alleyway looked like when you built the pole barn. It wasn't a paved highway, it was an alley. So, if we come in here and close this alley, who's going to maintain it because if we close it, the town's not. If we close it we're going to take it down to the dirt and put grass seed on it. How are we going to get to our property? Rusty said, well, I can get to my property. I can just close the garage door on this side and put it on the other side and then go in that way. Eric said that's just what I'm saying, we're sitting here and going back and forth about an alleyway that might cost the town thousands of dollars to keep open. And I'm not for keeping it open, the only reason I'd keep it open is for those people right there, the fire department. Doris said if you're going to do that, I think I've brought this up before because I don't really care, but if you close it, it's going to cause Chris and I to fix it or actually I'd have the town fix it. Rusty said, let me ask you if you close that alley can we fix our own alley, can we gravel that? Mr. Bruner said what ultimately happens if it's vacated is that the adjacent land owners own up to the middle of the alley so if you're over here and somebody else is over here and the alley is here, you each get half of the alley. Rusty asked so then we can maintain it, we can maintain it how we want and Mr. Bruner said you can't make it a thoroughfare. You can do

what you want on your own property. Then we can gravel it and Stacy told her it just depends on how much footage you would get, if you would get a large enough area for you to put your driveway. We all know there is stuff that needs to be addressed with it, we just have to figure out what's going to be the right way to do it. Doris said even if we get to go on the other side, you have to get a permit from the state to put in a driveway. Rusty said in my yard. Doris said you have to get a permit from the state. Doris said we've had so many alleys, Joan Caswell has got one along the side of her building and her house and to keep people out of it, you know what she did, she took a shovel and dug through the middle of it and she said, in a public meeting, she told Charles don't ever let the town put gravel in that alley. Stacy said there is an alley on the side of her house it goes all the way up between Ms. Dimmett and my house. I thought it was a ditch and it's never been vacated so it's an actual alley. Rusty said that right there by Gary's, Casey's went right up the middle of it. I don't fixing my half of the alley because I have put gravel in several times. Mr. Bruner told her that he can't give her legal advice because he represents the town. If you want legal advice, I'd advise you to talk to an attorney of your choosing. Stacy said so basically it looks like Doris has talked to Jason Fuchs and he is supposed to give us an estimate on the cost if we want to get it surveyed. Then once we see what that cost is, Rusty said the ditch also, that ditch is falling in. Stacy said you're talking about that culvert and Rusty said I'm talking about the whole ditch it's just falling in. Doris said that's the property owners. Stacy said the ditch at the back of your property and Doris said if you close it you have to go before the board to close it, some people have. Eric told them that you have to be careful when you are talking about water ways. You cannot force water onto other people. Rusty asked what would be the best way to fix that? Eric said he knows what she's saying but we have all kind of codes with the county that you have to go through on water ways like that. You can't just go by there and say this water way is a certain size and you say I don't want it that size and you go dumping a lot of dirt in the water way because that's one of the main water ways. Rusty said so the best way is for me to get a lawyer and Mr. Bruner said if you want legal advice. She said if you want legal advice you're supposed to talk to a lawyer about that ditch? Mr. Bruner told her again if you want legal advice yes because I represent the board. Doris said you own half of the ditch and then she said it depends on where the property line is. Mine is on the full ditch so I'm never going to close mine. Rusty said I don't know what to do about that so I just need to get legal advice about that. And this is something we've been talking about. Stacy told her when you get into the ditches it falls on the land owners. Doris said you can't stop up the water way. Rusty talked about the trees along the ditch behind what used to be Margaret's place. Stacy said I'm not trying to give you legal advice but can you not talk to the state or the county to see if there is a wastewater, not wastewater, storm water, there is a storm water department with the county and that would be where I would call if my ditch was, I would call them because they work with the whole county and they might be able to give you some advice. I can't go knock on somebody's door and say hey I need you to take your tree down. I don't know what to do, I just know that we have issues, any time ditches come up, I can't make you go dig out your ditch. I mean, it's your yard, and your neighbor might, Doris added that there is a big _____ sewer line back there. If they are in the town right of way there is a certain issue we can do but if they are running through back yards and it's your property, I don't know that there's anything I can do about it. Rusty said she doesn't mind having trees in her back yard.

Doris called Tim Reibold with the fire department next. Tim gave the board a copy of the new roster and the updated by laws. This year for Halloween night we are going to be involved in the Teal Pumpkin Project. It's for kids with food allergies, for some of them it's difficult for them to go trick or treating because of all the food allergies going around. What goes on with the Teal Pumpkin Project is instead of candy you give out small little toys. It's a new thing that's going around. The trunk or treat out at the park, is that going to be on the 20th? Doris asked if they are going to do trunk or treat at the churches. Stacy and Sherry told her that they are going to have this on the 27th of the month. He passed out copies of the updated by laws. He told the board that they went through and updated some stuff and made them clear. After we read through all the meetings this is what we came up with. Stacy told him she appreciated him bringing us a copy of it, they are your by laws but it's kind of nice for us to have a copy of what you guys have going on and it looks like you have quite a few new fire fighters. Tim said they still have one that needs to take his test. He wasn't able to take his test with the others due to work but we have five of them that passed their state test. All they have to do now is some truck training. We talked to insurance about that and they want us to do 5 to 10 hours per person per vehicle, that's driving trucks and running something I couldn't make out so if you see the trucks out and driving around, that's training. Eric asked if that should read the Lynnville Volunteer Fire Department or Lynnville/Hart Twp. Volunteer Fire Department? Eric asked if Hart Township was supposed to be in the by laws. Mr. Bruner said he didn't remember what the precise name is. Stacy said she thinks their incorporated name is the Lynnville Volunteer Fire Department, Inc. That's the first thing I saw and I noticed that some of the trucks has got Lynnville/Hart Township Volunteer Fire Department on the side. Tim told him that was because whenever they were bought it was still Hart Township and now that it is a territory, it's changed the writing. If any of you guys have any issues with anything, let me know.

Mr. Bruner is next on the agenda. I have a couple of things. First of all, on the road damage at 2nd and Oak. I prepared a letter on that. Sherry sent me a copy of the estimate and it's showing \$8988.00. Surely that's not what it's going to cost to repair it or is it. Sherry told him that's the quote they gave us. Well, that's the price they gave us to do that area, not to repair it. Sherry explained that the figure is what we're going to have to pay them for doing the work. Stacy said he is just wanting to know what the cost is for them to repair. I just sent you the estimate for the cost of having that road repaired. Mr. Bruner said that's fine, I just wanted to make sure of the correct price for the repair work. Somebody's going to have to, Eric asked if he'd sent this out yet and Mr. Bruner told him no. Eric said instead of sending this out with \$8988.00, can we put on there the cost of intersection was \$8988.00. Mr. Bruner said we can but that's not the measure of damages. We can't collect that and then they're going to want to know how much it going to cost. Stacy said I think what he's wanting to say is to make sure that this is how much we paid for this work and you damaged it and it costs this much more. So, you need to know from Hunter what the actual damage was. Mr. Bruner said, in other words, it cost that much to put it in there but we need to know the actual damage that was done and what it will cost to fix it. Sherry said she would think we would have to get that figure from Hunter. Eric said they came down 2nd Street and they made a turn on Oak Street. It cost almost \$9000.00 to do four roads. I'd almost say divide that by half. I'd say that would be a good estimate of the damage. Mr. Bruner said that makes sense. Stacy said if we're going to have

the lawyer send out a letter, we're probably going to have to ask Hunter to give us something . I agree that's probably a very good estimate. Mr. Bruner said he doesn't have a problem at all with putting this in there and you're probably right, Eric. Eric said it would probably be nice to send an estimate to go along with it. I'd like them to know that they didn't even give the workers time to get out of the way before they drove over the top of it. Mr. Bruner said that's not a problem but he'd also like to have what it's going to cost to make it right. That's really all I need on that. That's the reason it hasn't been sent. The other one I had was the notice to Reed. He's in a position where, if I understand it correctly, there has been no rent paid. He's really in default and his lease is subject to termination. Stacy told him that Sarah had stopped by and said that he had not been in to pay. Mr. Bruner said that he can change this to say your lease is terminated. I haven't sent it because I wanted to make sure what you wanted to do. Here we are in October and Stacy said they had just told the lady that was here that we can't make special circumstances and this is the way that the leases are read and they know when they sign it and Mr. Bruner said he would change it to notice of termination of lease then. Sherry told them that he has not even attempted to contact us and let us know that his mother had passed away. As far as he knows, we don't even know that she has passed away. Mr. Bruner said that was all that he had.

Doris asked Sherry if she had anything. She said the first thing is that the flag is supposed to be lowered to half staff on October 7th. This is in honor of our fallen firefighters. It's supposed to be lowered to half staff early that morning and raised back up at sunset. That is this next Sunday. Doris said she would ask Chris to lower it and then raise it again that evening. Sherry told Doris that she had a letter that needed to be signed by her for Eric Parsley. She also mentioned that she had given all of them a copy of some correspondence that came for them to look through and see if they wanted to act on it. Stacy said this letter is about building codes and we haven't made any changes to any building codes that she is aware of, all we've done is adopt whatever the county has done. Mr. Bruner asked if we had an ordinance concerning building codes and he was told no, that we go by the county codes. She told the board that the neighbors up on 4th Street had called to complain about the grass at a certain resident. Stacy said she had this on her list of things to bring up also. The neighbors wanted to know if anything could be done to get this mowed and to send the homeowner a bill. Stacy said there were two properties that she knew of that had both had complaints on them and one is the one you are talking about and the other one is the fenced in house there on the corner. There have been complaints filed on both of them. The one where the fence is at, if they do get someone to mow the grass, they don't have it weakeated. The weeds are growing up along the fence line and it looks bad. The one is not just the grass, there is stuff piled up all around. The neighbors said the grass was up to their knees and now it's mid thigh. Doris said she knew they had talked about having Steve fill out the papers as he was out but she's had second thoughts on this and doesn't feel that we should have him do it. Stacy said that not only Steve but our other person is out and about reading meters and should know our ordinance well and should be able to file the papers so Sherry can move on them and we don't have to keep talking about it, especially the ones that are repeat offenders. Mr. Bruner said that the people that are complaining can also fill out the complaint form. Sherry said she told them that any one of them can come in and file a complaint. Stacy said that these two particular ones have already had a complaint filed and I don't think, one of them we

were okay with and the other one keeps saying that they are working on it and then there is a divorce and now. Doris said he knows better so he should just go on to court. Doris asked Sherry if she could get Mr. Bruner the information on that one. She said there is no reason to call him in, he's an adult, he's been in here before and he knows the rules. Eric said he agrees, but he wasn't the one that came in. Stacy said that is true. Doris said he did come in once. Everyone told Doris that he did not come in, it was her. Sherry confirmed that it was her that came in and she also told Doris that she really did clean things up a lot after she was in here but then when all this other stuff happened it got worse again. Doris said she was thinking of the wrong guy. Stacy said since there was already a complaint filed, can we not send him a request to appear since he never finished. She started it and was doing okay, now they are divorced and he got the house, now we can bring him to court on the existing complaint. Doris said she will fill out a new one tomorrow. Mr. Bruner agreed that we should start over. Doris said okay that she would be up tomorrow to file a new complaint. Sherry told Eric that the next thing is the paper towel rack he put up in the bathroom fell off the wall. We need to get someone to fix it. There are big holes in the wall. We have put a roll of paper towels in there but the sink is not big enough to set the paper towel roll on it. We need to get it repaired. Doris said to ask Steve to come and fix it. The last thing is regarding Terry Lane. She explained to the board that Bobby Thompson was in the office complaining about the culvert that is in such bad shape on Terry Lane. Hunters still hasn't gotten the road fixed up there and on the other side going into Terry Lane there is a culvert that is in bad shape and needs repair. Stacy asked if he lived on the side where the culvert is and she told him yes. Stacy said she knew the road still was not done. She said she understands that their truck broke down or something and they'll have to get it repaired before they can complete the job. Eric said it has been 2 weeks ago that the distributor went out on the truck. Since then the material has been delivered for their collection boxes and the pipe and they started on Old Petersburg and Fourth Street and I don't know that they've worked on it any this week. Sherry told them that it had been raining this week. Eric said he's tired of hearing that they can't work because it's raining. He works on roads for the county and he works in the rain all the time so I don't want to hear they can't work because of the rain. We dig ditches and lay pipe and put in culverts and everything else. I don't know, Mr. Bruner, is there not anything we can do. I don't think they are violating their contract with us but good grief. They've chip and sealed one section of the park and then the truck broke down. I'm almost in fear that when the guy was standing there telling me that the distributor was not acting right that they done half of the road from the intersection to the boat ramp but they've got enough oil and tar on that, Mr. Bruner said we could send them a letter I guess. Eric said I don't know what to do but they just don't show up. There is all kind of work they could be doing. That other box is sitting down at the sewer plant for over here at Christmas'. They haven't touched this one up here in two or three days. I don't care if they have to work on Saturday and Sunday, they're going to have to do something or the weather's going to get them. Sherry asked if they had actually got any of the jobs done except for Peach Street and Central Avenue. They did Kiddie Lane. Sherry said they hadn't sent us a bill for any of that work yet. Eric said, I'm going to tell you right now that I'm not going to vote to pay them anything. Stacy said the only reason she voted to pay them for the other job was because we couldn't apply for any other grants until it had been paid. Eric said he wants it put on record right now that he isn't voting to pay them anything until they are finished. Sherry said we had to pay for the other or we would have lost that grant money.

Eric said I understand that. Stacy said that was kind of a force to an end because before we could apply for any other grants, that had to be paid. Eric said, all I know is, like I said, I work for the County Highway Department and our road season started after April and we're done with every road we were going to surface in the county. Sherry said they are going to have to get finished before Dec. 31st or we won't be able to use any of the money that we encumbered for this project. Mr. Bruner said that we need to, at some point, send them a letter stating that if we lose any money on it, we'll be looking to them for compensation. Stacy said, I think we can go ahead and send them that letter. Eric said we need to request a completion date. Stacy said demand not request but demand a completion date and let them know where things lie if it doesn't get done. Mr. Bruner said that's on them. Eric said he talked with the gentleman that's running the crew at the park a couple of times and it's just like that culvert pipe, that crossover pipe they have put up there by the cemetery up on Oak Street, all that is is a plastic pipe. I told the guy you can drive right down there to Boonville at J & J and pick it up right now, half the roads asphalted, half the road, the other half is ate up, the other half is a six inch drop off and they've got the hold tanks up there to put the pipe in, I just don't get it, I really don't get it. Doris asked Mr. Bruner if she could request him to go ahead and send them a letter? She asked Sherry to get him the information for Hunter Paving. Stacy said, it's very aggravating. We did get letters of recommendations from a lot of other towns. This was not just a fly by the seat of your pants company that was hired. They did work for Huntingburg, Ferdinand, we had letters from their towns, I mean Haubstadt, all of these places. Doris added Oakland City. There was no reason for us to think this would happen. Eric said he doesn't think the employees that is doing the job actually works for Hunter because I know that guy that's running the crew. He stood right out there at the park and asked me how I liked the work he had done down there in front of Casey's. I said what have you done at Casey and he told me he did all that asphalt work. Stacy said that was a Hunter truck. I saw it. Eric said he asked him if Hunter did that down there and he said oh no, Hunter didn't do that, I did that. Stacy said, well, it was a Hunter truck because Kirk said why are you doing the corners and I said we're not, that is the state, we don't do that but I wondered why they were doing them and not ours. Eric said I think we need to do something. Winter is going to hit and they are calling for a bad winter. If they can't work when it rains a little bit they darn sure aren't going to work when it's 30 degrees outside and snowing. We're going to get bit over the money.

Doris asked if Eric had anything and he said let Stacy go first, I need to calm down a little bit. Stacy said, I don't know if this is going to calm you down or not but going back to the purchase of the truck. After we left the meeting and I contacted the salesperson at Law Chevrolet, he went to get the deal done and the dealership that they were negotiating the trade backed out and the reason they backed out was because in the time it took us to have our meeting, Chevrolet announced that they were no longer going to make regular cab trucks for this type of truck, they are going to full four doors so anybody that has these type of trucks are now holding onto them so Law did not have the truck and they were making a trade with another dealer which is very known to happen. I've been talking with them repeatedly. They are doing everything they can, right now, they have not found that particular truck again to be able to make a trade so they are supposed to get with me and keep me informed if they can't and there's no trucks like that here. Uebelor has a ton of trucks but not the way that we wanted it and the ones that do are holding theirs hostage because they know that there value is going

to go up. I will keep you guys informed and they are doing everything that they can, they said they would come and appear before us if you want, I think that they are really trying but they can't help it. Eric said they cannot find what I consider an extended ¾ ton 6.0 4 wheel drive gasoline truck. Stacy said they've got to get the snow plow package. They can find it but they can't get people to trade for that price. They have to trade one of their vehicles and they quoted us a price so I think what's going to happen is they're going to have to provide us something else. They did tell me that they would not send another one until they know it's set in stone that they are getting that truck. They are not going to take a chance of a dealer pulling this again, so, at this point, if you guys want to try to call another dealership, I know they have called several dealerships in other states trying to get it. If you want to look elsewhere, you can but for now we're stuck. Law Chevrolet has been doing everything they can to try to work with Stacy. They feel horrible. It happens a lot but usually you can find somebody else to come in with it and they wanted to know if they found one that already has a snow plow on it, it's going to cost more, do we want to up that price, are we willing to go ahead and get one. We're getting one that already has the package but it doesn't already have a snow plow, a snow plow being added is another seven to ten thousand dollars. I know we have the money for that but do we want to go ahead and get that, that was an option. Doris said, you know in the long run, it would save money because every time they go out, it's \$100.00 an hour. So, it really wouldn't take but a bad year to pay for it. They will keep in touch and I will forward anything I get from them to the town, to both of you. If something comes across, I know that we've already voted to purchase a 2018 Chevy truck at a certain price, I don't know what else we can do at this point. I don't think it's going to be that price, that was one specific truck. I think we're going to be able to get a truck, it's just not going to be that truck. Like I said, they are looking at four door trucks now because everybody's holding onto their two door trucks now. Doris asked if there was anything else. Stacy asked if we needed to rescind that motion now since we know we're not buying that particular truck at that price? Mr. Bruner asked if they knew for sure they weren't going to get a truck like that and Stacy said they know they aren't going to find one. Mr. Bruner said you can always rescind the motion. The UTV has been delivered though, we have got that, correct? That's a plus, we got one of the two. Stacy said the only other thing she had was to talk about a pledge from the park for the Tecumseh Trail. Doris said she thought it was important for us to make a nice donation because it is basically going to be the park except for a very short part at the end. Stacy said that one of the things that people asked her at the Economic Development stated that it is actually, probably going to benefit the park as well. People are already asking where is the pathway when they come and camp. I think we're going to be able to generate more dollars for campers and we might be able to look at increasing the gate fees at some point and there is talk about the bicycles, the trail bikes, they want to come in and talk to us about maybe bringing in a path like Scales has as well. All of this is going to benefit the community and I'm looking at, I know what the budget is, what we've been able to hold and this is from the park, it's not taxes, I'm looking at being able to and make a motion to do a \$50,000.00 pledge on behalf of Lynnville Park for the Tecumseh Trail. Doris seconded the motion. All voted aye. Motion carried. That will go a long way when we go to the County Council.

Doris called on Eric next. Eric brought up about the ditch up on Old Petersburg Road again. The Wilcox Earth Works submitted an estimate on the west side of Old Petersburg Road that is washed

out. That is just digging it and putting it back where it needs to be and rip rapping it using our rip rap. Eric said something about a pipe and Hunter's using a 30 inch pipe. We spoke with the County, I know both of you talked to Commissioners. I talked to them down there and they told me they were going to come up here last Wednesday and I haven't seen anybody yet, they haven't done anything, as a matter of fact, I haven't heard another thing about it. I'm going to tell you right now, you're spinning your wheels calling down there because they're going to do everything they've got to do in the county before they even come and look at it. Stacy said they'll come to Lynnville if we shut down the road, if it falls in. Honestly Stacy, I don't think they will because they don't care. If we shut down the road, they can't get to the county road. Eric said again, they don't care. I think we can sit and wait on them. Stacy said I don't want to just sit and wait but I'd like to maybe make one more phone call. The one side is being addressed and Steve has given you prices on both sides, right. Eric said yes. I didn't know that the east side of Old Petersburg Road, I didn't know that they were going to do that work. Now, I want to be clear on that, are they going to go all the way from that junction box to Hwy. 61 with the pipe? Or are they just going to that section right there where we rip rapped the road here a while back? Stacy said she didn't know but there is a lot of pipe laying there. Eric said that pipe might be going to other jobs and it just all got delivered. Stacy said, I don't know because Hunter Paving doesn't talk to us. Doris said she would call Hunters tomorrow, I'm going to call Marlin and then I'm going to call Bob Johnson again. Doris said, if the county's not going to do it, I would like to see him do the rip rap because with the grant for the community crossing, they told me that we could include that ditch to totally enclose it with grant money. Doris said she'd hate to pay \$6000.00 and Stacy said if we can get grant money and give \$6000.00 to fix that road when it's just going to cost \$1200.00. That's just my opinion. I told the commissioners, we've got the rock and the dirt, we just don't have the man power and the equipment to do anything with, if we could save four or five thousand, we could use that in the alley or somewhere. That's a lot of money. So, I'll call Hunters and I'll call Bob and I'll call Marlin and see if they can help us. And if they're not, Stacy said if they're not, they need to tell us they're not. Marlin told me, I know he told you, and he was actually on the phone with Bob Johnson when he told me they would send a crew up, it wasn't that big of a deal and they would come up and see what they could do. Eric said he talked to the immediate supervisor for this district up here and last week on Monday he said he couldn't get to it then because I guess he thought I mean could he go right now, but he said I'm looking at Wednesday so as of tomorrow that's going to be a week and we only work four days. Doris said, one thing I want to know is if the county won't come up and do anything with it would one of you make a motion for this other gentleman to at least put the rip rap in because we have got to get at least a bandage on it until we can get either the grant money or other money or someone is going to go into that ditch, someone is going to get hurt. Within two weeks it's fixing to start raining again so if at least by tomorrow we don't know at least we've got one coming in to put a bandaid on it. Well, I'm not afraid of that road any more if they fix that east side ditch, that was the problem. What I'm afraid of now is the sewer, and surely you've seen it now, is the riser on the sewer. It's about to wash all that out then we're going to have big trouble. That's why, if this doesn't work out, we need to have a set back up before we leave tonight. Eric said, I'll make a motion to have Wilcox Works do Old Petersburg Road on the west side for \$1440.00, that's fixing the ditch and placing the rip rap if the county can't get to it. Stacy seconded the motion. All voted aye. Motion carried.

Doris said she just has three things. The first one is the adjustments on the water. Doris asked Sherry how we only got a figure for adjustment for Tom Horn's bill when his bill was over \$200.00. Sherry explained to Doris that Lauri had figured his adjustment. We had a problem with the computers. They didn't update all the bills. She explained that they might want to wait until the next meeting for the adjustments because we have to find out what happened and get the bills straightened out. I explained that the power went out as Lauri was running the bills and we need to get that straightened out before we give anyone an adjustment. Stacy asked if there would be a problem with all the bills then and I told her I didn't know. We need to wait on these until we can call Keystone and try to get this straightened out on Thursday. Doris said she questioned it because even Kirk stopped to see what was going on because water was going everywhere.

Doris said we are going to have Halloween out at the park on October 20. I'm asking if anyone would want to donate some candy for this. We said we would get some candy. Doris said Bob is going to do the hayride. Do you know where we can get some hay or straw for the hayride? Stacy said she knows someone and she will ask for a few bales for the hayride. Eric said we need six to eight bales. They said something about getting a bigger trailer this year so that more kids could ride. Stacy asked if they thought 12 would be enough. Doris said she thinks so and we can store them up at the water plant.

Doris told the board that she went up to French Lick today and she is planning to go back tomorrow and it was really nice, not just meeting people, but we went to several of the programs and one of them was for board members and the majority of the people there were board members and everybody was giving ideas. The biggest complaint was the community crossing grant. That they had to go in and mess with the computer program that we had to use last year and they thought it was a big deal to make changes and everybody was complaining about it and no one was able to get any grants in because no one got a lot of their stuff done. I did get a hold of the gentleman that put on the seminar and he told me that he will get me the information because we never got our information on the roads and that was one of the biggest complaints. They've changed what they are asking for, instead of grading the roads, they want to grade them differently. They want to know the thickness, how much we're going to put on it, for patching how long we think it's going to last. How can you know how long a road is going to last when you're driving semi's and tractors. Doris said it is a really good training.

John Edwards came to the front. He was asking if there was anything that can be done about the cats that are gathered at the Marathon Station. There are hundreds of them down there and they are making their way down the street to his home causing damage. They are setting off his sensors in the middle of the night. About the only thing that can be done is to call animal control. Doris asked Sherry to call animal control and see what can be done.

Stacy made a motion to adjourn the meeting. Eric seconded the motion. All voted aye. Motion carried.

LYNNVILLE TOWN COUNCIL

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Doris Khan

Member

John Quinn

Member

Jan Dault

ATTEST:

Sheridan Jones

Clerk-Treasurer



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MEMORANDUM

TO: All City and Town Courts
FROM: Paul D. Joyce, State Examiner *pdj*
DATE: June 26, 2018
RE: Court Costs/Fee Changes

=====
The following court fees will change, effective July 1, 2018:

1. PRETRIAL DIVERSION FEES – Public Law 24, House Enrolled Act 1057, adds an initial user fee of \$75 for a felony offense. It also increases a monthly user's fee from \$10 to \$20 and adds any additional program fee or cost that is reasonably related to the persons' rehabilitation and approved by the court. Finally, it adds that a monthly user fee may not be collected beyond the maximum length of the possible sentence.

A breakdown of court costs and fees on Infraction/Ordinance Violation Cases and Civil Cases is enclosed.

If you should have further questions, please contact Todd Caldwell or Susan Gordon at (317) 232-2513 or email cities.towns@sboa.in.gov.

TEC:csc

Enc.

CHAPTER 2
COURT COSTS

COURT COSTS TO BE CHARGED

<u>Case Type</u>	<u>Case Class Code</u>	<u>Total Cost 100%</u>	<u>Due State Semiannually 55%</u>	<u>Due County Monthly 20%</u>	<u>Due City/Town Monthly 25%</u>
Criminal Actions [IC 33-37-4-1] (Note 1):					
Criminal Felony	CM	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Criminal Misdemeanor	CM	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Miscellaneous Criminal	MC	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Judgments [IC 33-37-4-2] (Note 2):					
Infractions	IF	\$ 70.00	\$ 38.50	\$ 14.00	\$ 17.50
Local Ordinance Violations	OV	\$ 70.00	\$ 38.50	\$ 14.00	\$ 17.50
Civil Actions [IC 33-37-4-4]:					
Civil Collections	CC	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Plenary	PL	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Domestic Relations	DR	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00

Note 1. Instead of criminal costs fees prescribed by IC 33-37-4-1, the clerk shall collect a **pretrial diversion program fee** if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires the payment of those fees by the accused person. The pretrial diversion program fee is an initial user's fee of fifty dollars (\$50) for a misdemeanor offense and an initial user's fee of seventy-five dollars (\$75) for a felony offense; a monthly user's fee of twenty dollars (\$20) for each month that the person remains in the pretrial diversion program; and any additional program fee or cost that is reasonably related to the person's rehabilitation and approved by the court. A monthly user fee may not be collected beyond the maximum length of the possible sentence. [IC 33-37-4-1(c)]

In addition and where the court defers prosecution under IC 33-39-1-8, IC 33-37-5-17 requires the defendant to pay a **deferred prosecution fee** for court costs of one hundred twenty dollars (\$120.00) and any applicable user or program fees described under IC 33-39-1-8(f) or IC 33-39-1-8(h).

The one hundred twenty dollars (\$120.00) would be distributed as follows:

<u>Total Cost 100%</u>	<u>State Semiannually 55%</u>	<u>Due County Monthly 20%</u>	<u>Due City/Town Monthly 25%</u>
\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00

Persons placed in the pretrial diversion program shall also pay a public defense administration fee of five dollars (\$5), a judicial insurance adjustment fee of one dollar (\$1), a judicial salaries fee of twenty dollars (\$20), a court administration fee of five dollars (\$5), a DNA sample processing fee of three dollars (\$3), a document storage fee of five dollars (\$5), a highway worksite zone fee of fifty cents (\$.50) for a driving offense, and an automated record keeping-deferral/diversion fee of five dollars (\$5).

Note 2. Instead of the infraction or ordinance violation costs prescribed by IC 33-37-4-2, the clerk shall collect a **deferral program fee** if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is an initial user's fee of not to exceed fifty-two dollars (\$52.00) and a monthly user's fee of not to exceed ten dollars (\$10.00) for each month the person remains in the deferral program. [IC 33-37-4-2(e)]

In addition, IC 34-28-5-1 requires the defendant in the action to agree to pay a fee of seventy dollars (\$70.00) to the clerk of the court if the action involves a moving traffic offense (as defined in IC 9-13-2-110). Furthermore, IC 33-37-8-5 requires two dollars (\$2) of every deferral program fee collected to be accounted for as a jury fee. The defendant shall also pay a highway worksite zone fee of fifty cents (\$.50) for a driving offense, a document storage fee of five dollars (\$5) and an automated recordkeeping-deferral/diversion fee of five dollars (\$5).

The seventy dollars (\$70.00) would be distributed as follows:

Total Cost 100%	State Semiannually 55%	Due County Monthly 20%	Due City/Town Monthly 25%
<u>\$ 70.00</u>	<u>\$ 38.50</u>	<u>\$ 14.00</u>	<u>\$ 17.50</u>

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MI McGowan, Craig - RD, Jasper To: Doris Horn, Eric Parsley, Lee, Lisa (Lisa.Lee@icemiller.com)

Jeremy Callahan (pjcalla@msn.com), Mr. J. William Bruner, Cc: Sherry Jones, Wylie Zeigler, Debbie Bennett-Steersman, Audrie Burkett

Lynnville Team;

I have received word that the new Lynnville Loan has been obligated. You are now all clear to make all arrangements to move forward with your items to pass on October 3. Let me recap where we are:

- Loan 05 – 2% Interest Rate, 40 year term, \$441,000.00
- Grant 06 - \$932,000.00
- Loan 07 – 2.375%, 40 year term, \$1,214,000.00

We will use interim Financing with Indiana Bond Bank (application sent already)

At this time, I will need the attached Loan Resolutions passed at your next Board meeting. Please complete only the first 2 pages of these attachments. Page 3 will be completed at a later date.

To make sure we hit our Nov. 14 closing date with IBB, the Bond Ordinance and the beginning of the Rate Ordinance will need to be passed/started at your October 3 meeting. I am hopeful we have given enough time to be ready for that date.

There will be some additional items that I will continue to work with the Town to get, but these are the pressing issues at this time.

Please let me know if you have any additional questions.

Craig McGowan

CP Southern District Director
Community Programs

Rural Development

United States Department of Agriculture
1484 Executive Boulevard | Jasper, IN 47546
Phone: (812) 482-1171 ext 3443 | (855) 641-9020

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MI McGowan, Craig - RD, Jasper
Craig McGowan@usda.gov
2018-09-21 10:20



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ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/24/2018 2:08:55 PM

Ordinance Number: *2018-2*

Be it ordained/resolved by the **LynnvilleTown Council** that for the expenses of **LYNNVILLE CIVIL TOWN** for the year ending December 31, **2019** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **LYNNVILLE CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **LynnvilleTown Council**

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
LynnvilleTown Council	Town Council	10/02/2018

Funds					
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate	
0061	RAINY DAY	\$6,625	\$0	0.0000	
0101	GENERAL	\$109,032	\$56,053	0.4000	
0706	LOCAL ROAD & STREET	\$10,664	\$0	0.0000	
0708	MOTOR VEHICLE HIGHWAY	\$52,300	\$0	0.0000	
1303	PARK	\$184,225	\$0	0.0000	
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$13,000	\$0	0.0000	
2411	ECONOMIC DEV INCOME TAX CEDIT	\$40,500	\$0	0.0000	
8604	SPECIAL FIRE PROTECTION TERRITORY GENERAL	\$135,900	\$122,420	0.1675	
8692	SPECIAL FIRE PROTECTION TERRITORY EQUIPMENT REPLACE	\$38,000	\$22,024	0.0256	
		\$590,246	\$200,497	0.5931	

Name		Signature
Doris Horn	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Doris Horn</i>
Eric Erwin	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Eric Erwin</i>
Stacy Tevault	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Stacy Tevault</i>

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/24/2018 2:06:55 PM

ATTEST

Name	Title	Signature
Sheridan J Jones	Clerk-Treasurer	<i>Sheridan Jones</i>

MAYOR ACTION (For City use only)

Name		Signature	Date
	Approve <input type="checkbox"/>		
	Veto <input type="checkbox"/>		

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Home

Mason jar crafts, Clay Re: [EXT] Town of Lyn Re: Water Payments chili, jars and 12 othe

Compose

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Inbox

Re: [EXT] Town of Lynnville

Yahoo/Inbox



William Bruner <brunlaw1@gmail.c
To: Lee, Lisa,
sjones65@frontier.com,
McGowan, Craig - RD, Jasper, IN



William Bruner
brunlaw1@gmail.com

Lisa:

The following took place at the meeting of the Lynnville Town Council last night:

- a. The Town council introduced the rate ordinance.
- b. The bond ordinance was adopted with a suspension of the rules.
- c. Both Bond Resolutions were approved and adopted.

If you have not already done so, please provide the Notice of adoption to Sherry so she can get it to the newspaper today.

If you need anything further at this time, let me know. FYI: I will be out of the office this afternoon.

Bill

On Tue, Oct 2, 2018 at 4:45 PM Lisa.Lee@icemiller.com
<Lisa.Lee@icemiller.com> wrote:

Thxt

Sent from my iPhone

On Oct 2, 2018, at 5:27 PM, William Bruner
<brunlaw1@gmail.com<mailto:brunlaw1@gmail.com>> wrote:

I have it now.

----- Forwarded message -----

From: William Bruner
<brunlaw1@gmail.com<mailto:brunlaw1@gmail.com>>
Date: Tue, Oct 2, 2018 at 4:25 PM
Subject: Re: [EXT] Town of Lynnville
To: Lee, Lisa
<Lisa.Lee@icemiller.com<mailto:Lisa.Lee@icemiller.com>>
Cc: Passmore, Debra
<Debra.Passmore@icemiller.com<mailto:Debra.Passmore@icemille
r.com>>

No, but the Clerk-Treasurer has advised me that she has it.

Bill

On Tue, Oct 2, 2018 at 4:22 PM
Lisa.Lee@icemiller.com<mailto:Lisa.Lee@icemiller.com>
<Lisa.Lee@icemiller.com<mailto:Lisa.Lee@icemiller.com>> wrote:
We ha e drafted it and will copy you when we send it. Did you
receive the email from Debra Passmore that had the rate ordinance
attached? It was sent today.

Sent from my iPhone

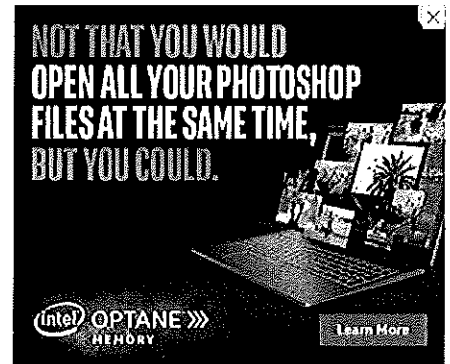
> On Oct 2, 2018, at 5:20 PM, William Bruner
<brunlaw1@gmail.com<mailto:brunlaw1@gmail.com>> wrote:

> Lisa:

> Who is preparing the notice of adoption of bond ordinance for the
newspaper? I have not seen it.

> Bill

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confidential and may be protected by legal privilege. If you are not
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Thank you.
ICE MILLER LLP



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September 25, 2018

Ms. Sheridan Jones, Clerk-Treasurer
Lynnville
PO Box 99
Lynnville, IN 47619

RE: Building Code Effectiveness Grading Schedule Program
Lynnville, Warrick County, IN

Dear Ms. Jones:

ISO is in the process of evaluating building code enforcement departments throughout the United States. The legacy code organizations and the insurance industry worked cooperatively to develop ISO's Building Code Effectiveness Grading Schedule (BCEGS[®]) program in 1995. The advisory program assesses adopted building codes and the degree of enforcement of those codes, with a focus on natural hazard mitigation. That assessment translates into a classification of 1 to 10, with class 1 representing excellent code enforcement and adoption efforts.

ISO has completed an analysis of the building codes adopted by Lynnville and the efforts put forth by Warrick Co to enforce those codes. The resulting BCEGS Class 7 for commercial and industrial properties and Class 99 for one- and two-family residential properties will apply to your community.

Insurers may use the BCEGS classifications to help them determine premium credits. While individual insurers may use different credits or different effective dates to assess risk, the ISO BCEGS program will apply credits to new construction within Lynnville where the building code department has issued a Certificate of Occupancy in the year 2018 and thereafter.

If you're planning on any future changes to your building codes or their enforcement, please advise us, as those changes may affect our analysis and your community's classification. If you have questions about the classifications that we developed, feel free to contact us at the phone number on our letterhead.

Sincerely,

National Processing Center
BCEGS Building Codes Department

SECTION 2

That Section 3(b) of Ordinance No. 2-1981, as amended, is hereby further amended to read as follows:

- (b) For residential users of the sewage works that are not metered water users or for whom accurate meter readings are not available, the monthly charge shall be as follows:

	<u>Monthly Charge</u>
TOTAL	\$73.57

Non-residential unmetered users shall be charged a rate based upon estimated monthly usage to be determined by Town officials on an individual basis.

SECTION 3

The foregoing amendments to Ordinance No. 2-1981, as amended, shall be in full force and effect upon passage of and adoption of this ordinance. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 4

That pursuant to the provisions of West's A.I.C. §36-9-23-26, notice of the public hearing setting forth the above stated rate changes, at which users of the sewage works, owners of the property served or to be served by the works, and other interested persons were to be heard, was published in accordance with West's A.I.C. §5-3-1.

PASSED AND ADOPTED by the Town Council of the Town of Lynnville, Indiana,
on this _____ day of _____, 2018.

President

Member

Member

ATTEST:

Clerk-Treasurer

NOTICE OF DETERMINATION TO CONSTRUCT AND FINANCE
ADDITIONS AND IMPROVEMENTS TO THE LYNNVILLE SEWAGE
WORKS AND THE ADOPTION AND PURPORT OF THE ORDINANCE
AUTHORIZING SAME

Property owners, ratepayers and other interested parties in or served or to be served by the sewage works of the Town of Lynnville, Indiana ("Town") are hereby notified that on October 2, 2018, the Town Council adopted Ordinance No. 2018-4 ("Ordinance"), thereby determining to construct additions and improvements to the Town's sewage works consisting of the following:

Construction of wastewater treatment plant improvements that include a new influent mechanically cleaned bar screen, a new influent process pump station, a new influent flow meter, convert existing SBRs into an excess flow equalization basin, two new SBRs, new effluent flow meter, new UV disinfection structure, new blowers for the SBR and a new sludge dewatering system. The existing SBR blowers will be re-used for the new EQ tanks. Lift station improvements will also be performed at three lift stations in the wastewater collection system.

The total estimated cost of the project is \$3,235,000. The Ordinance further directed that a portion of the cost of the project be financed by the issuance of revenue bonds in an amount not to exceed \$1,655,000 which bonds will be payable solely from the net revenues of the sewage works, on a parity with certain outstanding sewage works revenue bonds of the Town. The bonds will be sold at a private sale to the United States of America, U.S. Department of Agriculture, acting through Rural Development, at an interest rate not to exceed 4.0% per annum, and will mature annually over a period not to exceed forty (40) years after the date of issuance of the Bonds. Copies of the plans, specifications, cost estimates and of the Ordinance are on file in the office of the Clerk-Treasurer and are available for inspection by any interested parties during regular business hours. Objections to said project and the bonds may be filed in the time and manner provided by Indiana Code, Title 36, Article 9, Chapter 23.

Dated this 11th day of October, 2018.

/s/Sherry Jones, Clerk-Treasurer
Town of Lynnville, Indiana



J. WILLIAM BRUNER

Attorney at Law
316 South Second Street
Boonville, Indiana 47601

Phone (812) 897-2972

Fax (812) 897-2973

FACSIMILE COVER SHEET

DATE: June 20, 2018

TIME:

TO: Sherry
Town of Lynnville

FAX NUMBER: (812) 922-3264

FROM: **J. William Bruner**

NUMBER OF PAGES: 3 (Including cover sheet)

MEMO/INSTRUCTIONS: RE: Fire Department

Sherry:

Here is the statute and administrative code section I cited to at the last meeting. If you need anything else, call. I will be here until two. See you at six.

Bill

The information contained in this facsimile message is **ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. If you should have any questions, or do not receive all of the pages, please call (812) 897-2972.

**By Laws
Of
The Lynnville Volunteer Fire Department**

Article I – Name

The name of this organization will be The Lynnville Volunteer Fire Department, Inc., hereafter referred to in this document as The Department.

Article II – Purpose

The purpose of this organization is to provide the fire protection and aid in other emergencies for the area of Lynnville and Hart Township. We will also aid in other departments in Warrick, Pike, Dubois, and Gibson counties on a mutual aid basis and as requested by these departments.

The department also has a contract with Lane Township of Warrick County Indiana, to provide fire protection and other emergency services within its capabilities to that area.

Article III – General Policy

The Department shall be a self-governing body on the following matters:

- A. Rules of eligibility for membership
- B. Election of officers
- C. Rules of conduct for its members
- D. Monthly meetings
- E. Expenditure of its funds for equipment and supplies, as necessary, for the operation of the department

Article IV – Membership

Section 1

The Department shall consist of not more than thirty (30) active members. The Department may also have inactive, honorary, and associate members who will be non-voting and will not participate in any emergency duties.

Section 2

A person must be at least eighteen years of age (18) to become an active member of the The Department. A person must be an active member and at least twenty-one (21) years before driving a department truck.

Section 3

Members must either live or work in Warrick County, Indiana

Section 4

Membership is not transferable

Section 6

Members are required to complete any state mandated training. Failure to complete said training will move member to inactive status until training is completed.

Section 7

Members are required to attend at least twenty percent (20%) of scheduled meetings and respond to twenty percent (20%) of all fire and emergency runs. Work schedules, illness, death in the immediate family, and childcare are the only excusable absences.

Failure to meet the required percentages will move the member to an inactive status. Percentages will be calculated by November 15 of each year. Only active members are eligible for a clothing allowance.

Section 8

Members will use The Department, its equipment, and supplies for department related functions only and not for personal activities.

Article VI – Meetings

Section 1

Regularly scheduled business meetings will be the second (2nd) Monday of each month starting at 6:30pm local time. The training meeting for the month will be the fourth (4th) Monday of each month starting at 6:30pm local time.

Training meeting time and day can be changed at the chief's discretion.

Section 2

Special meetings can be called at any time at the discretion of the chief.

Section 3

There will be no set quorum for the transaction of business. Business will be considered transacted when a majority of the voting members present vote in favor of or against an item of business that has been brought before the membership.

Section 4

An officer must be present at any meeting before business can be conducted.

Section 5

All meetings will be conducted under Roberts Rules of Order.

Section 6

Only active members who are not probationary members are eligible to vote.

Article IX – Amendments to The Department By Laws

Section 1

A change to these by laws will require a majority vote of the members present at the time of the requested change.

Section 2

The proposed change or changes will be read aloud at two (2) consecutive business meetings prior to the vote for acceptance or rejection.

Section 3

Adopted changes will take effective immediately.

Section 4

Revised by laws will be printed and be made available to all members of The Department.

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