

TOWN OF FERDINAND

REGULAR MEETING

October 18, 2016

The Ferdinand Town Council met for their special meeting at 7:30 PM on Tuesday, October 18, 2016 in the Town Hall. Present were President, Ken Sicard, Debbie Johnson and Ron Weyer Council members, Clerk Treasurer, Beverly Schulthise, and Town Attorney, Bill Shaneyfelt.

Memorandum of Understanding with Keith Fritz has not been signed because changes need to be made to the budget and timeline. Debbie made a motion and Ron seconded to authorize Ken and Bev to sign once these changes have been made. Motion carried 3-yes, 0-no. The bid documents were reviewed by Tom Lueken and he suggested the bid from J.H. Rudolph & Co. be accepted for \$184,542.50. Ron made a motion and Debbie seconded to accept bid and Ken and Bev to sign necessary paperwork. Motion carried 3-yes, 0-no. Tom recommended that lowest responsible bid from Bob Lueger's GMC truck at \$26,903.36 w/snow plow prep be accepted. Debbie made a motion to accept bid and seconded by Ron. Motion carried 3-yes, 0-no.

The bid documents were reviewed by John Wetzel of Midwestern Engineers for the Sewer construction Project Division I and Division II. He recommends the Graves Plumbing bid of \$121,313.00 for Division I and \$1,646,565.00 for Division II be accepted. However, some changes need to be made to the Division II bid. The bids came in more than the engineers estimate so we will not accept the alternate equipment bids, and that amount will come out of the operating budget instead. Roger believes he can find equipment for less cost if we purchase directly ourselves. There is a contingency for construction of \$65,372 which is 3.7% of budget. The non-construction costs are estimated at \$278,750. Making some changes gets us to the amount of project financing which is \$1,172,000.00 Loan and \$940,000.00 grant. John Wetzel has a good relationship with Graves Plumbing and the Town Council recommended the Wastewater Project Division I and Division II be given to Graves Plumbing. Debbie made a motion and Ron seconded. Motion carried 3-yes, 0-no. Rural Development will review bid before we can recommend to Graves Plumbing to proceed. Engineer said Midwestern will review each invoice and recommend payment to be made at monthly Town Council meeting for Council's approval. Ron made a motion and Debbie seconded to have Ken and Bev to sign Loan Resolution for \$1,172,000.00. Motion carried 3-yes, 0-no. Town will be borrowing from the Indiana Bond Bank via a Bond Anticipation Note. The interest rate on Rural Development loan is for 40 years at 2.25%.

Ordinance 2016-18, an ordinance concerning the construction of additions and improvements to the sewage works of the Town of Ferdinand, 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 was read by title, Ron moved that the ordinance be read a second time. This motion was seconded by Debbie, and on call of the roll was carried 3-yes, 0-no. Debbie moved that any applicable local rules be suspended and that unanimous consent of the members present

be given for consideration of Ordinance No. 2016-18 on the day or at the meeting at which said ordinance was introduced and for third reading Ordinance No. 2016-18 at this meeting without further consideration. This motion was seconded by Ron, and on the call of the roll motion carried 3-yes, 0-no. The Presiding Officer stated that the motion for the suspension of the rules and such consideration of Ordinance No. 2016-18 having been carried by unanimous vote of the member's present, final action on said ordinance would now be in order. He then directed the Clerk-Treasurer to read said ordinance a third time by title. Said ordinance having been read a third time by title, Ron then moved that the ordinance be adopted as read. This motion was seconded by Debbie and on call of the roll motion carried 3-yes, 0-no. The Presiding Officer announced that there being at least two-thirds of the members elect of the Council present at the meeting and the motion for adoption having been carried by a two-thirds vote of all such elected members, Ordinance No. 2016-18 had been duly passed and adopted. Debbie moved that the Clerk-Treasurer publish all notices required by statute pertaining to the sewage works project. This motion was seconded by Ron and on the call of the roll motion carried 3-yes, 0-no. William Shaneyfelt then stated that a rate ordinance had been prepared for consideration by the Council in the matter of setting the rates and charges for the use of and service rendered by the sewage works of the Town. Ken Sicard introduced the rate ordinance, entitled "An ordinance amending Section 10,08.030 of the Ferdinand Municipal Code regarding Sanitary Sewer User Rates and Charges. This ordinance was Ordinance No. 2016-19. Debbie seconded the motion and on call of the roll was carried 3-yes, 0-no. Debbie moved that public hearing on said ordinance be held at a meeting of the Council on November 8, 2016 at 8:30 PM. Motion was seconded by Ron and on call of the roll was carried 3-yes, 0-no. Ken moved that the Clerk-Treasurer, with the advice of counsel, be instructed to publish all notices required by statute pertaining to the hearing on the proposed rate ordinance. Ron seconded the motion and on call of the roll motion carried 3-yes, 0-no. HJ Umbaugh provided a rate study for the sewer utility. Umbaugh recommended either a 44% rate increase or the lower rate of 31%. The reason for the rate increase is the cost of sewer construction project and last rate increase was December 2008. All Council members talked to Bill individually and all said to draft an ordinance for the 31%. Ron said he would have liked to see this rate increase lowered but we need to be able to operate. This increase is based on bids received for construction project and includes dollar amounts necessary to future operation and planning for the plant. The equipment needed is included in the rates.

Ordinance 2016-20, an ordinance amending chapter 9.06 of the Ferdinand Municipal code regarding traffic regulations was adopted on motion by Ron and seconded by Debbie. Motion carried 3-yes, 0-no. This addresses the parking issues on Michigan street between 13th and 14th street on Mondays through Fridays from 7:00 AM to 3:30 PM while school is in session.

Special claims were approved. They are Sisters of St. Benedict for \$240.00 for 8 reservations to the Christkindlmarkt meal and to Shaneyfelt & Bohnenkemper for \$3576.00 on Knu property work and another \$104.45 for Plan commission, webinar, Begle tax abatement and copies. Debbie made motion to pay and Ron seconded. Motion carried 3-yes, 0-no.

Concerning engineering for sewer and water on Begle Apartments, the intent is to start once agreement with Begle is signed. There is an interested party who would like to purchase some lots that are in the Town of Ferdinand. These lots are in Kimberly Court but the street needs to be fixed. Tom is getting costs for reconstruction of this street.

As there was no further business to discuss, Ron made a motion to adjourn and Debbie seconded. Motion carried 3-Yes 0-No. Meeting adjourned at 8:45p.m.

Next regular meeting is November 8, 2016 at 7:30 p.m. The meeting of Economic Development Commission will meet on November 8, 2016 at 6:00 PM. The Park Board will meet on Wednesday, November 16, 2016 at 4:30 PM. Zoning Board will meet Wednesday, October 26, 2016 at 6:30 PM and Plan Commission meeting will be at 7:00 PM.. Special Council meeting is Tuesday, October 18, 2016 at 7:30 PM.

ATTEST:

FERDINAND TOWN COUNCIL

Beverly A. Schuttler
Clerk-Treasurer

Ken Seaid
Ron Wy
Debbie Jones

EXCERPTS FROM MINUTES OF A
SPECIAL MEETING OF THE TOWN COUNCIL
OF THE TOWN OF FERDINAND

The Town Council ("Council") of the Town of Ferdinand, Indiana ("Town") met in the Town Hall, 2065 Main Street, Ferdinand, Indiana, on the 18th day of October, 2016, at the hour of 7:30 p.m., in a special meeting pursuant to call in accordance with the rules of the Council.

The meeting was called to order by Kenneth J. Sicard, who presided.

On call of the roll the members of the Council were shown to be present or absent as follows:

Present:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Absent:

Mr. William Shaneyfelt, Town Attorney, was also present.

William Shaneyfelt explained that Ice Miller LLP, attorneys in Indianapolis, employed by the Town as bond counsel, had prepared a bond ordinance for consideration by the Council in the matter of the financing of the construction of additions and improvements to the sewage works of the Town.

William Shaneyfelt then stated that it would now be in order for the Council to consider said ordinance.

Kenneth J. Sicard then introduced the bond ordinance, entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the Town of Ferdinand, 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" and moved that said ordinance be numbered and placed on first reading, and that the same be read by title at this time.

Said motion was seconded by Debbie, and on call of the roll was carried by the following vote:

Ayes:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Nays:

The ordinance having been numbered 2016-18, and having been read by title,
Ron moved that the ordinance be read a second time. This motion was
seconded by Debbie, and on call of the roll was carried by the following vote:

Ayes:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Nays:

Debbie moved that any applicable local rules be
suspended and that unanimous consent of the members present be given for consideration of
Ordinance No. 2016-18 on the day or at the meeting at which said ordinance was introduced and
for third reading of Ordinance No. 2016-18 at this meeting without further consideration. This
motion was seconded by Ron, and on call of the roll the vote on said
motion was as follows:

Ayes:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Nays:

The Presiding Officer stated that the motion for the suspension of the rules and such
consideration of Ordinance No. 2016-18 having been carried by unanimous vote of the member's
present, final action on said ordinance would now be in order. He then directed the
Clerk-Treasurer to read said ordinance a third time by title.

Said ordinance having been read a third time by title, Row
then moved that the ordinance be adopted as read. This motion was seconded by
Debbie, and on call of the roll was carried by the following vote:

Ayes:

Nays:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

The Presiding Officer announced that there being at least two-thirds of the members elect of the Council present at the meeting and the motion for adoption having been carried by a two-thirds vote of all such elected members, Ordinance No. 2016-18 had been duly passed and adopted.

Debbie moved that the Clerk-Treasurer publish all notices required by statute pertaining to the sewage works project.

This motion was seconded by Row, and on the call of the roll was carried by the following vote:

Ayes:

Nays:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

William Shaneyfelt then stated that a rate ordinance had been prepared for consideration by the Council in the matter of setting the rates and charges for the use of and service rendered by the sewage works of the Town.

William Shaneyfelt then stated that it would now be in order for the Council to consider said ordinance.

Kenneth J. Sicard then introduced the rate ordinance, entitled "An Ordinance Amending Section 10.08.030 Of The Ferdinand Municipal Code Regarding Sanitary Sewer User Rates And Charges" and moved that said ordinance be numbered and placed on first reading, and that the same be read by title at this time.

Charges" and moved that said ordinance be numbered and placed on first reading, and that the same be read by title at this time.

Said motion was seconded by Deb, and on call of the roll was carried by the following vote:

Ayes:

Nays:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Deb moved that a public hearing on said ordinance be held at a meeting of the Council on November 8, 2016, at the hour of 8:30 p.m.

This motion was seconded by Ron, and on call of the roll was carried by the following vote:

Ayes:

Nays:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson

Ken moved that the Clerk-Treasurer, with the advice of counsel, be instructed to publish all notices required by statute pertaining to the hearing on the proposed rate ordinance.

This motion was seconded by Ron, and on call of the roll was carried by the following vote:

Ayes:

Nays:

Kenneth J. Sicard

Ronald J. Weyer

Debra Johnson