

TOWN OF MONTGOMERY  
RESOLUTION/ORDINANCE LOG

**AGREEMENT CONCERNING REPAIR AND/OR  
REPLACEMENT OF UTILITY LINES**

THIS AGREEMENT entered into by and between the Town of Montgomery, (hereinafter referred to as the "Town"), and Barr-Reeve Community Schools, Inc, an Indiana School Corporation, (hereinafter referred to as "Barr-Reeve").

WITNESSETH:

WHEREAS, the Town has several water lines and sewer lines located on real estate owned by Barr-Reeve; and

WHEREAS, some of the water lines and sewer lines are located on and under Barr-Reeve's softball field, boy's baseball field, and agricultural building; and

WHEREAS, the parties acknowledge that the aforesaid water lines and sewer lines may need to be repaired, replaced and/or relocated in the future; and

WHEREAS, the parties wish to enter into an agreement concerning the responsibility for the cost of such repair, replacement and/or relocation of such water lines and sewer lines.

NOW THEREFORE, in consideration of the covenants hereafter made by the parties hereto, it is agreed as follows:

1. RESPONSIBILITY FOR COST. Barr-Reeve hereby agrees to be responsible for the cost for the repair, replacement and/or relocation of the water lines and/or sewer lines located on or about the softball field, boy's baseball field and/or the agricultural building, subject to the terms of this Agreement.

2. DETERMINATION OF COST. The Town hereby agrees to provide Barr-Reeve with an estimate of the cost of such repair, replacement and/or relocation of such water lines and/or sewer lines at least 45 days prior to the commencement of the work by the Town, except in the case of emergency repairs, replacement and/or relocation of the water lines and/or sewer lines. Barr-Reeve reserves the right to approve or disapprove the estimate for repair. If Barr-Reeve approves the repair estimate, the Town shall be allowed to commence the necessary work on the water lines and/or sewer lines. If Barr-Reeve disapproves the repair estimate, then the Town agrees not to commence the necessary work until the Town and Barr-Reeve have reached an agreement concerning the cost of the necessary work to be done.

3. PAYMENT OF COST. Upon the completion of the agreed upon work on the water lines

and/or sewer lines, the Town will submit a claim to Barr-Reeve for the amount of work done. Barr-Reeve agrees to pay such claim in its ordinary course of business.

4. REFERENCE. Wherever appropriate, words used in this Agreement in the singular shall include the plural, and the plural, the singular. The masculine gender shall include the feminine, and the feminine gender, the masculine unless the context clearly indicated otherwise.

5. ENTIRE AGREEMENT. Each party acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and further agrees that it is the complete and exclusive statement of the Agreement between the parties, which supersedes and merges all prior proposals understandings and all other agreements, oral and written, between the parties relating to this Agreement. This Agreement may not be modified or altered except by written instrument duly executed by both parties.

6. GOVERNING LAW. This Agreement and the performance hereunder shall be governed by and construed in accordance with the laws of the State of Indiana. Any and all proceedings relating to the subject matter hereof shall be maintained in the courts of the State of Indiana or the Federal District Courts sitting in Indiana, which courts shall have exclusive jurisdiction for such purpose.

7. ENFORCEABILITY. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired thereby.

8. NO WAIVER. The waiver or failure of either party to exercise in any respect any right provided herein shall not be deemed a waiver of any further right hereunder.

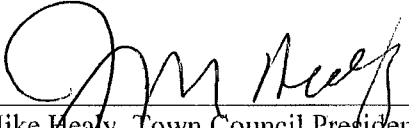
9. ATTORNEYS' FEES. In the event of default of either party in performance of their respective obligations pursuant to this Agreement, the aggrieved party shall be entitled to recover its reasonable attorneys' fees and costs of litigation and other incidental expenses incurred in pursuing its remedy or remedies as the case may be against the defaulting party.

10. JOINT LIABILITY. This Agreement shall be binding upon the parties hereto, and each of them jointly and severally, and any reference to either party in the singular shall be deemed a reference to each person including the definition of such party.

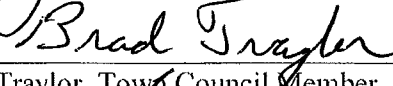
11. PARTIES BOUND. This Lease and all provisions herein contained shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 13<sup>th</sup> day of AUGUST, 2019.

"Town"



Mike Healy, Town Council President

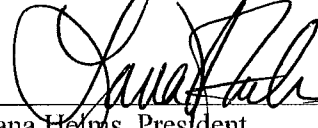


Brad Traylor, Town Council Member



Deron Steiner, Town Council Member

"Barr-Reeve"



Lana Helms, President



Jody Schultheis, Vice-President



Alex Knepp, Secretary

ATTEST:



Cynthia Smith, Clerk-Treasurer

This instrument was prepared by Jeffrey R. Norris, Attorney No. 11637-14, Norris Law Office, 405 East Main Street, Washington, Indiana 47501, (812) 254-2740.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. /s/Jeffrey R. Norris.

Daviess County Recorder  
Jamie K. Chapman

11/07/2018 03:29:44P Trans #: 000089209  
Business Date: 11/08/2018 Rec By: EB

184189	MISC	03:29:44P
	ID PROTECTION	\$1.00
	OFFICIALS TRAINING	\$1.00
	RECORDING FEE	\$8.00
	RECORDER FEE	\$10.00
	SURVEYOR FEE	\$5.00
	Subtotal:	\$25.00
	Receipt Total:	\$25.00

Paid By	Amount	Ref #
CHECK	\$25.00	0000013588
NORRIS LAW OFFICE		

Rcvd From: NORRIS LAW OFFICE

Have a nice day!

184189 MISC \$25.00  
11/07/2018 03:29:44P 3 PGS  
Jamie K. Chapman  
Daviess County County Recorder IN  
Recorded as Presented



**FILED**

NOV 07 2018

*Patricia K. Ball*  
AUDITOR, DAVIESS COUNTY

**AN ORDINANCE VACATING A PUBLIC WAY (ALLEY) IN THE TOWN OF EDNAVILLE, NOW WITHIN THE TOWN OF MONTGOMERY, INDIANA**

**ORDINANCE NO. 11 C - 2018**

WHEREAS, on October 24, 2018, the Town Board of Montgomery received from the Barr-Reeve Community Schools, Inc., also known as Barr-Reeve Community School Corporation, Inc., a Petition to Vacate a Public Way (Alley) known as the ("Ednaville Alley") in the Town of Ednaville located within the Town of Montgomery, Indiana; and

WHEREAS, said Petition satisfied the requirements of I.C. 36-7-3-12; and

WHEREAS, the Clerk-Treasurer gave notice of the Petition and of the time and place of hearing on the Petition pursuant to I.C. 5-3-1 and said Notice was published in The Washington Times-Herald on 25<sup>th</sup> day of October, 2018 as more fully appears in the copy of the Publisher's Affidavit attached to this ordinance as "Exhibit 1"; and

WHEREAS, the Clerk-Treasurer mailed a copy of the Notice by certified mail to each owner of land that abuts or may abut the portion of the Public Way (Alley) to be vacated that did not waive notice by signing the Petition to Vacate; and

WHEREAS, the Town Board of Montgomery on the 5<sup>th</sup> day of November, 2018, did hear and determine the Petition and found same to be in satisfactory form and content and there being no objection to the vacation as proposed in the Petition, the Board granted said Petition.

WHEREAS the Town Board believes it in the best interest of the health, safety and general welfare of the citizens of the Town of Montgomery, Indiana, that said public way (alley) be vacated.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. That the public way (alley) which property is described as follows, to-wit:

All of the 20-foot wide alley in the Town of Ednaville (now within the Town of Montgomery), Town of Montgomery, Daviess County, Indiana, as per plat

All of the 20-foot wide alley in the Town of Ednaville (now within the Town of Montgomery), Town of Montgomery, Daviess County, Indiana, as per plat thereof, recorded on June 15, 1905 in Deed Book 20 (new), page 434 in the office of the Recorder of Daviess County, Indiana; being more specifically described as follows:

**BEGINNING AT** the southwest corner of said alley, and also being the southeast corner of Lot 10 in said Town of Ednaville; thence Northwesterly approximately 761 feet to the northwest corner of said alley; thence Easterly approximately 21 feet to the northeast corner of said alley; thence Southeasterly approximately 751 feet to the southeast corner of said alley, and also being the southwest corner of a 100-foot by 175-foot lot that lies immediately southeast of Lot 6 in said Town of Ednaville; thence Southwesterly approximately 20 feet to the point of beginning.

shall be and is hereby vacated.

Section 2. That the Clerk-Treasurer is hereby authorized and directed to record a copy of this ordinance in the Office of the Recorder of Daviess County, Indiana, and the Office of the Auditor of Daviess County, Indiana.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Town Board of Montgomery, Indiana and to be included in its Ordinance Record.

Section 4. The Town of Montgomery Ordinance Record is hereby amended in conformity with the Ordinance.

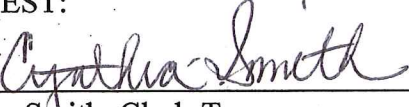
ADOPTED by the Town Board of Montgomery, Daviess County, Indiana, this 5th day of November, 2018.

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Council Member

\_\_\_\_\_  
Deron Steiner, Council Member

ATTEST:

  
\_\_\_\_\_  
Cindy Smith, Clerk-Treasurer  
Town of Montgomery

Publisher's Affidavit

The State of Indiana,  
Daviness County

SS:

Personally appears before the undersigned

Melody Brunson Publisher

THE WASHINGTON TIMES-HERALD

a public newspaper of general circulation, printed and published in Wash-  
ington in the county aforesaid, who, being duly sworn upon his oath, said: The  
notice of which the attached is a true copy was published in said paper on

October 25, 2018

Melody Brunson

Subscribed and sworn to before me, thi 25th day of October 2018

Printer's Fee \$ 13.29

Sharon R. Lengacher, Notary Public  
Sharon R Lengacher-Commission number: 679515  
My commission expires February 4, 2024

Additionally the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- Newspaper has a Web site, but due to technical problem or error, public notice was posted on \_\_\_\_\_.
- Newspaper has a Web site but refuses to post the public notice.

EXHIBIT "1"

**NOTICE OF PUBLIC HEARING  
VACATION OF PUBLIC WAY  
(ALLEY)**

Notice is hereby given that The Town Board of the Town of Montgomery, Indiana on the 5th day of November, 2018, at 6:30 p.m. in the town offices of the Town of Montgomery, County of Daviess, State of Indiana, will hold a public hearing on a Petition to Vacate a Public Way (Alley) filed by Barr-Reeve Community Schools, Inc. to vacate a certain public way (alley) as set forth in the petition. A copy of the petition on file in the office of the town treasurer located at 111 Main Street, in Montgomery, County of Daviess, State of Indiana. Said hearing may be continued from time to time as may be necessary.

Dated, this 25th day of October, 2018.

By: Chay Smith  
Town Clerk  
Town of Montgomery  
October 25, 2018



ORDINANCE NO. 11B-2018

AN ORDINANCE AMENDING AND RESTATING THE SCHEDULED RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Town of Montgomery, Indiana (the "Town") has heretofore constructed, operated and maintained a sewage collection and treatment works; and

WHEREAS, the Town has heretofore established rates and charges for the use of and the service rendered by such sewage works; and

WHEREAS, the Town has employed O.W. Krohn & Associates, LLP (the "Financial Advisor") to prepare a study regarding sewer rates and charges in the Town; and

WHEREAS, the Financial Advisor has prepared and submitted a special purpose report (the "Rate Report"), which evaluates such rates and charges; and

WHEREAS, pursuant to Ind. Code § 36-9-23-26, this Town Council of the Town (the "Town Council") may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, Ind. Code § 36-9-23-25 authorizes the Town Council to adopt by ordinance just and equitable rates and charges for sewer services rendered by the Town's sewer system; and

WHEREAS, the Clerk-Treasurer of the Town has given notice of the public hearing on proposed rates pursuant to the Act; and

WHEREAS, a public hearing was held before the Town Council, at which time testimony from interested persons was received, after introduction of this ordinance and pursuant to the Act; and

WHEREAS, the Town Council determines it necessary to amend and restate the sewer rates and charges in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected by said sewage works from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the sewage system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 5<sup>th</sup> day of November, 2018.

ATTEST:

                                Cynthia Smith                                  
Clerk-Treasurer of Town of Montgomery, Indiana

                                Jim Kurf                                

                                Brad Truitt                                

\_\_\_\_\_

**MONTGOMERY WASTEWATER RATE ORDINANCE - ATTACHMENT "A"**

**SCHEDULE OF CURRENT AND PROPOSED WATER RATES AND CHARGES**

**MONTHLY METERED RATES PER 1,000 GALLONS OF WATER USAGE (ALL USERS)**

		<u>IN-TOWN RATE PER 1,000 GALLONS</u>	
<b>METERED SALES:</b>		<u>CURRENT</u>	<u>1/1/2019</u>
	Proposed Increase		15.0%
FIRST 2,000 GALLONS		\$ 15.09	\$ 17.35
NEXT 3,000 GALLONS		10.34	11.89
NEXT 5,000 GALLONS		6.87	7.90
NEXT 10,000 GALLONS		6.15	7.07
NEXT 30,000 GALLONS		5.49	6.31
OVER 50,000 GALLONS		5.16	5.93

		<u>FLAT RATE PER MONTH</u>	
<b>NON-METERED RESIDENTIAL SEWER USERS:</b>		<u>CURRENT</u>	<u>1/1/2019</u>
<b>FLAT MONTHLY SEWER CHARGE - PER E.D.U.</b>		\$ 48.71	\$ 56.02

<b>CONNECTION CHARGES</b>	\$ 750.00	\$ 750.00
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		<u>OUTSIDE-TOWN RATE PER 1,000 GALLONS</u>	
<b>METERED SALES:</b>		<u>CURRENT</u>	<u>1/1/2019</u>
	Proposed Increase		15.0%
FIRST 2,000 GALLONS		\$ 17.28	\$ 19.87
NEXT 3,000 GALLONS		11.84	13.62
NEXT 5,000 GALLONS		7.87	9.05
NEXT 10,000 GALLONS		7.04	8.10
NEXT 30,000 GALLONS		6.29	7.23
OVER 50,000 GALLONS		5.91	6.80

		<u>FLAT RATE PER MONTH</u>	
<b>NON-METERED RESIDENTIAL SEWER USERS:</b>		<u>CURRENT</u>	<u>1/1/2019</u>
<b>FLAT MONTHLY SEWER CHARGE - PER E.D.U.</b>		\$ 55.80	\$ 64.17

<b>CONNECTION CHARGES</b>	\$ 750.00	\$ 750.00
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**NOTE:** The Proposed Rate Increase represents a 10% increase over the rates previously approved to become effective in 2020. A corresponding rate decrease of more than 15% is being concurrently proposed for the Montgomery Water Utility.

ORDINANCE NO. 11A-2018

AN ORDINANCE AMENDING AND RESTATING THE RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Town of Montgomery, Indiana (the "Town") has heretofore constructed, operated and maintained a waterworks system; and

WHEREAS, the Town has heretofore established rates and charges for the use of and the service rendered by such waterworks; and

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8, this Town Council of the Town (the "Town Council") may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, Ind. Code § 8-1.5-3-8 authorizes the Town Council to adopt by ordinance nondiscriminatory, reasonable and just rates and charges for services rendered by the Town's water system; and

WHEREAS, the Clerk-Treasurer of the Town has given notice of the public hearing on proposed rates pursuant to the Act; and

WHEREAS, a public hearing was held before the Town Council, at which time testimony from interested persons was received, after introduction of this ordinance and pursuant to the Act; and

WHEREAS, the Town Council determines it necessary to amend and restate the water rates and charges in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said waterworks, rates and charges shall be collected by said waterworks from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the water system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF  
MONTGOMERY, INDIANA, on the 5<sup>th</sup> day of November, 2018.

ATTEST:

*Cynthia Smith*  
\_\_\_\_\_  
Clerk-Treasurer of Town of Montgomery, Indiana

*JM Reed*  
\_\_\_\_\_  
*Brad Trough*  
\_\_\_\_\_  
\_\_\_\_\_

**MONTGOMERY WATER RATE ORDINANCE - ATTACHMENT "A"**

**SCHEDULE OF MONTGOMERY MUNICIPAL WATER RATES AND CHARGES**

		<b>MONTHLY METERED RATES PER 1,000 GALLONS</b>			
		<b>CURRENT</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
		<b>In Town</b>	<b>Outside Town</b>	<b>In Town</b>	<b>Outside Town</b>
			<i>14.5%</i>		<i>14.5%</i>
<i>Outside Town Surcharge</i>					
<b>FIRST</b>	<b>2,000 GALLONS</b>	\$ 8.08	\$ 9.25	\$ 8.08	\$ 9.25
<b>NEXT</b>	<b>3,000 GALLONS</b>	5.54	6.34	5.54	6.34
<b>NEXT</b>	<b>5,000 GALLONS</b>	3.69	4.23	3.69	4.23
<b>NEXT</b>	<b>10,000 GALLONS</b>	3.32	3.80	3.32	3.80
<b>NEXT</b>	<b>30,000 GALLONS</b>	2.96	3.39	2.96	3.39
<b>OVER</b>	<b>50,000 GALLONS</b>	2.78	3.18	2.78	3.18

		<b>MINIMUM MONTHLY CHARGES (ALL USERS)</b>			
<b>WATER METER SIZE:</b>	<i>Minimum Gallons</i>	<b>CURRENT</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
		<b>In Town</b>	<b>Outside Town</b>	<b>In Town</b>	<b>Outside Town</b>
			<i>14.5%</i>		<i>14.5%</i>
<i>Outside Town Surcharge</i>					
	5/8 INCH METER	2,000 \$ 16.16	\$ 18.50	\$ 16.16	\$ 18.50
	3/4 INCH METER	2,000 16.16	18.50	16.16	18.50
	1 INCH METER	5,000 32.78	37.53	32.78	37.53
	1 1/4 INCH METER	8,000 43.85	50.21	43.85	50.21
	1 1/2 INCH METER	11,600 56.53	64.73	56.53	64.73
	2 INCH METER	20,000 84.39	96.63	84.39	96.63
	3 INCH METER	46,000 161.44	184.85	161.44	184.85
	4 INCH METER	80,000 256.64	293.85	256.64	293.85
	6 INCH METER	182,000 540.03	618.33	540.03	618.33

**FIRE PROTECTION (PER HYDRANT)**

		<b>RATE PER ANNUM</b>			
		<b>CURRENT</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
		<b>In Town</b>	<b>Outside Town</b>	<b>In Town</b>	<b>Outside Town</b>
			<i>14.5%</i>		<i>14.5%</i>
<i>Outside Town Surcharge</i>					
<b>PRIVATE</b>		\$ 673.52	\$ 771.18	\$ 673.52	\$ 771.18
<b>PUBLIC</b>		2,150.00	N/A	2,150.00	N/A

**CONNECTION CHARGES**

		<b>CURRENT</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
		<b>In Town</b>	<b>Outside Town</b>	<b>In Town</b>	<b>Outside Town</b>
			<i>N/A</i>		<i>N/A</i>
<i>Outside Town Surcharge</i>					
<b>RESIDENTIAL (5/8-3/4 INCH METER)</b>		\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
<b>ALL OTHER METER SIZES</b>		<i>AT COST. BUT NOT LESS THAN RESIDENTIAL CHARGE</i>			

		<b>CURRENT</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
		<b>In Town</b>	<b>Outside Town</b>	<b>In Town</b>	<b>Outside Town</b>
<b>METER DEPOSIT</b>					
<b>RESIDENTIAL</b>		\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
<b>COMMERCIAL</b>		\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00

**Meter Deposits:** Meter Deposit is for protection to the Town if customers do not pay their bill. Any delinquent customer whose service has been terminated is subject to a \$50 Reconnection Charge; and, the delinquent user must make a new customer deposit equal to two (2) times the deposit noted above.

**Proposed Rate Change:** The proposed rates and charges essentially rescind the previously approved rate phase-in plan approved back in 2016, eliminating Phases 2-4.

**Delinquent Penalty Charges:** Pursuant to 170 IAC 6-1-13 (IC Code 8-1), delinquent accounts are subject to a penalty charge equal to 10% of the 1st \$3.00 and 3% of the excess 17 days after the water bill is tendered.

**Resolution Number 2-2018**  
**RESOLUTION AUTHORIZING APPLICATION SUBMISSION**

RESOLUTION OF THE TOWN OF MONTGOMERY TOWN COUNCIL OF DAVIESS COUNTY,  
INDIANA, AUTHORIZING THE SUBMITTAL OF THE WASTEWATER/DRINKING WATER  
PROGRAM APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS  
AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Montgomery, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

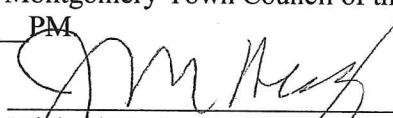
WHEREAS, the Town of Montgomery, Indiana has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearing to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Indiana that:

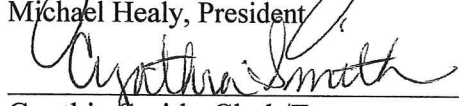
1. The President is authorized to prepare and submit an application for grant funding to address the Town's Wastewater System and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Montgomery, Indiana hereby commits local funds in the amount of Four Hundred Thousand Dollars (\$400,000) from a bank loan, such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

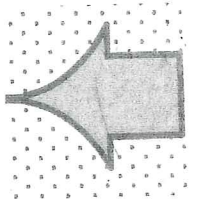
Adopted by the Montgomery Town Council of the County of Daviess, Indiana this 5th day of February, 2018, at 6:30 PM

SIGNATURE: \_\_\_\_\_

  
Michael Healy, President

ATTEST: \_\_\_\_\_

  
Cynthia Smith, Clerk/Treasurer



RESOLUTION NO. 12B-2017

**OF THE TOWN COUNCIL OF THE TOWN OF  
MONTGOMERY, IN**


WHEREAS, The Town of Montgomery recognizes their responsibility to maintain minimum internal control standards as defined by State Board of Accounts and IC 5-11-1-27.

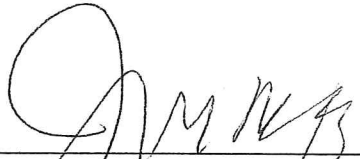
Now Therefore Be It Resolved, that the Montgomery Town Board does Hereby adopt internal control standards.

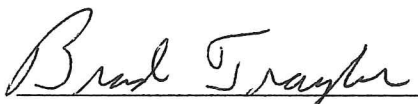
Passed and adopted by the Town Council of Montgomery, Daviess County, Indiana this 4th day of December 2017 at 6:30 pm.

Town Council of Montgomery, Indiana

ATTEST:

  
\_\_\_\_\_  
Cynthia Smith, Clerk-Treasurer

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Council

  
\_\_\_\_\_  
Deron Steiner, Council



RESOLUTION NUMBER 12A-2017

**RESOLUTION ESTABLISHING POLICY REQUIRING  
DISCLOSURE OF CONTRACTS WITH RELATIVES**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy requiring disclosure of contracts with the Town and relatives of certain Town officials.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

- A. "Elected official" means a Town Board member.
- B. "Relative" means any of the following:
  - 1. Spouse;
  - 2. Parent or step parent;
  - 3. A child or step child;
  - 4. Brother, sister, step brother or step sister;
  - 5. A niece or nephew;
  - 6. An aunt or uncle; or
  - 7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Application to Certain Contracts**

The Town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this Resolution are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

**Section 3. Disclosure of Contracts with Relatives**

An elected official whose relative enters into a contract with the Town shall file a full disclosure of that contract.

Disclosure statement must be in writing, describe the contract or purchase to be made by the Town, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

Disclosure statement must be submitted to the Town Board and be accepted by the Town Board in a public meeting prior to final action on the contract on or purchase.

Disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Daviess County Clerk of the Circuit Court.

**Section 4. Actions By the Town Board or Appropriate Agency**

The Town Board shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 4th day of DECEMBER, 2017.

TOWN BOARD OF MONTGOMERY, INDIANA

By [Signature]

By [Signature]

By [Signature]

ATTEST:

[Signature]  
Secretary/Treasurer

RESOLUTION NUMBER 12-2019

**RESOLUTION ESTABLISHING POLICY PROHIBITING NEPOTISM**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy that prohibits nepotism among its workforce.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

A. "Employed" means an individual who is employed by the Town on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the Town. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the Town of Montgomery.

B. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the Town Board of Montgomery to make decisions regarding salary ordinances, budgets or personnel policies of the Town.

C. "Relative" means any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Nepotism Prohibited**

Individuals who are relatives shall not be employed by the Town in a position that results in one relative being in the direct line of supervision of the other relative.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

**Section 3. Exceptions to Prohibition Against Nepotism**

This Resolution does not abrogate or affect an employment contract with the Town that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the Town.

**Section 4. Impact of Resolution of Those Individuals Employed by Town On July 1, 2014**

An individual who is employed by the Town on July 1, 2014, is not subject to this Resolution unless the individual has a break in employment with the Town. The following are not considered a break in employment with the Town:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 4th day of December, 2017.

TOWN BOARD OF MONTGOMERY, INDIANA

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: \_\_\_\_\_

Cynthia Smith  
Secretary/Treasurer

ORDINANCE NO. 3D-2017

AN ORDINANCE AMENDING THE SCHEDULED IMPLEMENTATION DATES OF THE PHASE II AND PHASE III RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated and maintained a sewage collection and treatment works; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges for the use of and the service rendered by such sewage works as set forth in Ordinance No. 120 passed June 28, 1971 and as amended by: Ordinance No. 120 passed July 5, 1983; Ordinance No. 120 passed July 29, 1987; Ordinance No. 120 passed October 1, 1990; Ordinance No. 95 passed August 31, 1995; and Ordinance No. 06-007 passed December 4, 2006; and Ordinance No. 3-B passed MARCH 6, 2017; and,

**WHEREAS**, the Town Council finds that the rates and charges adopted in 2016 are sufficient to properly operate its sewage works system, however, the Town Council desires to delay the Phase II water rate increase in order to implement the Phase III sewer rate increase on 1/1/2018 at no overall net change in the Phase III or Phase IV rates for both the water and sewer utility rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected by said sewage works from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the sewage system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 4<sup>th</sup> day of December, 2017.

ATTEST: Cynthia Smith  
Clerk-Treasurer of Town of Montgomery, Indiana

[Signature]  
[Signature]  
[Signature]

ORDINANCE NO. 30-2017

AN ORDINANCE AMENDING THE SCHEDULED IMPLEMENTATION DATES OF THE PHASE II AND PHASE III RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated and maintained a waterworks; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges for the use of and the service rendered by such waterworks as set forth in Ordinance No. 111 passed November 1, 1954 and as amended by Ordinance No. 117 passed June 6, 1970; and as amended by Ordinance No. 122 passed April 19, 1982; and as amended by Ordinance No. 123 passed October 7, 1991; and Ordinance No. 3-A passed MARCH 6, 2017; and,

**WHEREAS**, the Town Council finds that the rates and charges adopted in 2016 are sufficient to properly operate its waterworks system, however, the Town Council desires to delay the Phase II water rate increase in order to implement the Phase III sewer rate increase on 1/1/2018 at no overall net change in the Phase III or Phase IV rates for both the water and sewer utility rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said waterworks, rates and charges shall be collected by said waterworks from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the water system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 14<sup>th</sup> day of December, 2017.

ATTEST: Cynthia Smith  
Clerk-Treasurer of Town of Montgomery, Indiana

Jim Hess  
Brad Trapp  
Deon Jones

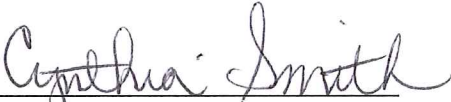
RESOLUTION NO. 10-2017

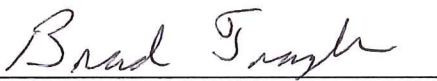
**OF THE TOWN COUNCIL OF THE TOWN OF  
MONTGOMERY, IN**

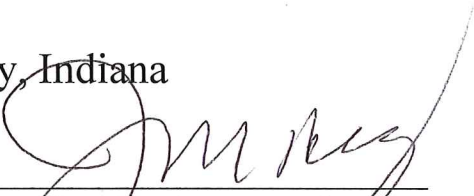
WHEREAS, The Town of Montgomery, has approved and adopted the budget for 2018.

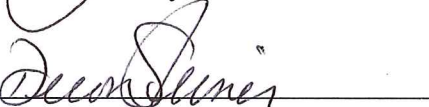
Passed and adopted by the Town Council of Montgomery, Daviess County, Indiana this 9th day of October, 2017 at 6:30 pm.

ATTEST: Town Council of Montgomery, Indiana

  
Cynthia Smith, Clerk-Treasurer

  
Brad Traylor, Council

  
Mike Healy, President

  
Deron Steiner, Council

ORDINANCE NO. 3-B-2017

AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated and maintained a sewage collection and treatment works; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges for the use of and the service rendered by such sewage works as set forth in Ordinance No. 120 passed June 28, 1971 and as amended by: Ordinance No. 120 passed July 5, 1983; Ordinance No. 120 passed July 29, 19987; Ordinance No. 120 passed October 1, 1990; Ordinance No. 95 passed August 31, 1995; and Ordinance No. 06-007 passed December 4, 2006; and

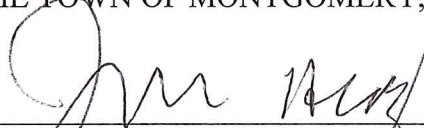
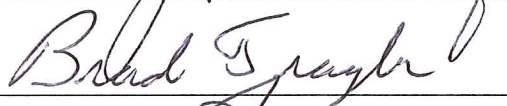

**WHEREAS**, the Town Council finds that the rates and charges are insufficient to properly operate its sewage works system;

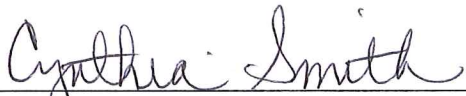
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected by said sewage works from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the sewage system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 6<sup>th</sup> day of MARCH, 2017

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

ATTEST:   
\_\_\_\_\_  
Clerk-Treasurer of Town of Montgomery, Indiana



ORDINANCE NO. 3A-2017

AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated and maintained a waterworks; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges for the use of and the service rendered by such waterworks as set forth in Ordinance No. 111 passed November 1, 1954 and as amended by Ordinance No. 117 passed June 6, 1970; and as amended by Ordinance No. 122 passed April 19, 1982; and as amended by Ordinance No. 123 passed October 7, 1991; and

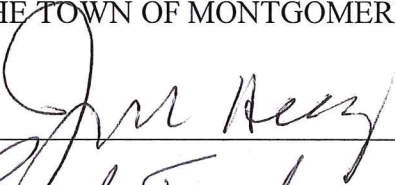
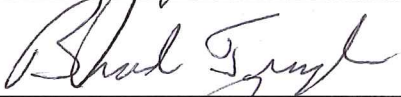

**WHEREAS**, the Town Council finds that the rates and charges are insufficient to properly operate its waterworks system;

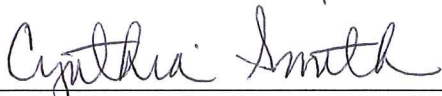
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said waterworks, rates and charges shall be collected by said waterworks from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the water system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 6<sup>th</sup> day of MARCH 2017

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

ATTEST:   
\_\_\_\_\_  
Clerk-Treasurer of Town of Montgomery, Indiana

02/06/2017

RESOLUTION # 12-2017

TOWN OF MONTGOMERY EMERGENCY RESPONSE PLAN FOR THE PROVISION OF SAFE DRINKING WATER DURING EMERGENCIES

I. PURPOSE:

The purpose of this plan is to define responsibilities; and to describe procedures designed to assure the optimum reaction to any major emergency having effect on drinking water supplies in the Town of Montgomery.

- II. A. IDEM Public Water Supply Section 812-380-2314
- B. Police  
Daviess County Sheriff 812-254-1060
- C. Fire  
Montgomery Fire Dept. 911  
Daviess County Sheriff 812-254-1060
- D. Daviess County Civil Defense 812-254-1060
- E. Town of Montgomery  
Superintendent 812-486-3298  
812-486-3628  
812-444-9454
- F. Superintendent 812-486-3628  
812-444-9454
- G. Well & Pump Service, Hacker Plumbing 812-882-8053  
812-881-7137
- H. Mechanical Contractor, Hacker Plumbing 812-882-8053  
812-881-7137
- I. Chemical Supplier, Brenntag Mid-South 270-827-4509
- J. Daviess County Hospital 812-254-2760
- K. National Response Center 800-424-8802
- III. See enclosed map of system.
- IV. Amount budgeted for emergency are incorporated into operating budget; therefore, are not reserved specifically for emergencies. Emergency expenditures are subject to requirements of the Indiana State Board of Accounts.
- V. Alternative source of water-interconnection with Daviess County Rural Water. Potable water alternative is bottled water available from commercial sources.
- VI. There are no critical users of water connected to the system.
- VII. Radio stations to be notified in case of an emergency:  
Washington WAMW 812-254-6761

Loogootee WRZR  
Washington WWBL

812-295-9480  
812-254-4300

- VIII. Entire system would be simultaneously pressurized once reason for depressurization is repaired.
- IX.1) No affect on system due to short term power failure (less than 2 hour duration).
- 2) In case of extended power outage, notify users of system that an emergency exists via emergency in VII above. Alert power supplied of need to restore power.
  - 3) Engage back up pump, affect immediate repair of failed pump/motor.
  - 4) Engage back up well, determine cause of failure and affect immediate action necessary to restore well to service.
  - 5) In case of major water main break, isolate leak to preserve storage capability, repair leak and repressurize isolated area.
  - 6) Alternative Operator available if needed:  
Robert Showalter 812-486-3447
- X.1) The Emergency Response plan required by this section shall be revised and updated as necessary, but at least annually.
- 2) Any condition causing the activation of any part of a Public Water Systems emergency response plan shall be reported to the Indiana Dept. of Environmental Management in writing within 15 days of said condition. The report shall include but not be limited to the following:
    - a) Tim Showalter  
6221 E. Terrace Court  
Montgomery, IN 47558  
812-444-9454
    - b) Montgomery Water Works  
P.O.Box 57  
Montgomery, IN 47558  
812-486-3298
    - c) Time, date and type of incident
    - d) Extent of injuries, if any
    - e) An assessment of actual or potential hazards to human

*Jim Kery*

*David Smith*

*Brad Traylor*

**RESOLUTION NO. 1-2017**  
**OF THE TOWN COUNCIL OF**  
**THE TOWN OF MONTGOMERY, INDIANA**  
**APPROVAL OF THE COMPREHENSIVE PLAN UPDATE**

WHEREAS, the Town of Montgomery, Indiana had identified adequate reason to complete a Comprehensive Plan Update; and

WHEREAS, the Town of Montgomery has hired Lochmueller Group to define and describe the issues, advise the Town of our options, and make recommendations to address these issues in the near future, and

WHEREAS, the Town of Montgomery has received federal Community Development Block Grant dollars from the Indiana Office of Community and Rural Affairs to fund this study and has contributed \$4,445.00 as local match for this project, and

WHEREAS, the Town of Montgomery has reviewed the process and completed a study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied; and

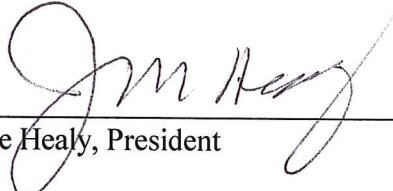
WHEREAS, the Town of Montgomery has received two copies of this document for our records and will keep them on file in the Town Hall for future reference, and

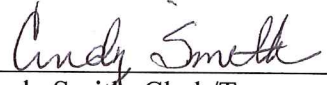
WHEREAS, the Town of Montgomery has received approval of the final plan from the Indiana Office of Community and Rural Affairs, then

**BE IT RESOLVED** by the Town of Montgomery that the final document is hereby approved.

Passed and adopted by the Town Council of the Town of Montgomery, Indiana this 9th day of January, 2017, at 6:30 p.m.

TOWN COUNCIL OF MONTGOMERY

  
\_\_\_\_\_  
Mike Healy, President

ATTEST:   
\_\_\_\_\_  
Cindy Smith, Clerk/Treasurer

RESOLUTION NUMBER 12B-16

**RESOLUTION ESTABLISHING POLICY REQUIRING  
DISCLOSURE OF CONTRACTS WITH RELATIVES**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy requiring disclosure of contracts with the Town and relatives of certain Town officials.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

- A. "Elected official" means a Town Board member.
- B. "Relative" means any of the following:
  - 1. Spouse;
  - 2. Parent or step parent;
  - 3. A child or step child;
  - 4. Brother, sister, step brother or step sister;
  - 5. A niece or nephew;
  - 6. An aunt or uncle; or
  - 7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Application to Certain Contracts**

The Town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with and individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this Resolution are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

**Section 3. Disclosure of Contracts with Relatives**

An elected official whose relative enters into a contract with the Town shall file a full disclosure of that contract.

Disclosure statement must be in writing, describe the contract or purchase to be made by the Town, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

Disclosure statement must be submitted to the Town Board and be accepted by the Town Board in a public meeting prior to final action on the contract on or purchase.

Disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Daviess County Clerk of the Circuit Court.

**Section 4. Actions By the Town Board or Appropriate Agency**

The Town Board shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

**Section 5. Certification by Elected Officers of the Town**

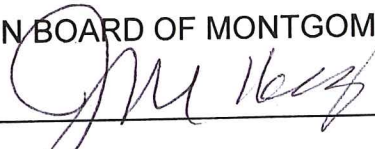
Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

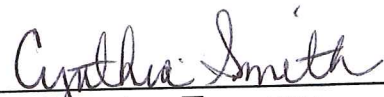
ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 29<sup>th</sup> day of December, 2016

TOWN BOARD OF MONTGOMERY, INDIANA

By 

By 

By 

ATTEST:   
Secretary/Treasurer

RESOLUTION NUMBER 12 A-16

**RESOLUTION ESTABLISHING POLICY PROHIBITING NEPOTISM**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy that prohibits nepotism among its workforce.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

A. "Employed" means an individual who is employed by the Town on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the Town. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the Town of Montgomery.

B. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the Town Board of Montgomery to make decisions regarding salary ordinances, budgets or personnel policies of the Town.

C. "Relative" means any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Nepotism Prohibited**

Individuals who are relatives shall not be employed by the Town in a position that results in one relative being in the direct line of supervision of the other relative.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

**Section 3. Exceptions to Prohibition Against Nepotism**

This Resolution does not abrogate or affect an employment contract with the Town that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the Town.

**Section 4. Impact of Resolution of Those Individuals Employed by Town On July 1, 2014**

An individual who is employed by the Town on July 1, 2014, is not subject to this Resolution unless the individual has a break in employment with the Town. The following are not considered a break in employment with the Town:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 29<sup>th</sup> day of December, 2016

TOWN BOARD OF MONTGOMERY, INDIANA

By *[Signature]*

By *[Signature]*

By *[Signature]*

ATTEST: *[Signature]*  
Secretary/Treasurer



UMB i7000031 (R 02/07)

ORGANIZATION RESOLUTION AND AGREEMENT FOR CREDIT CARD PROGRAM

CYNTHIA SMITH, who is the undersigned Recordkeeper for TOWN OF MONTGOMERY, (the "Organization"), a GOVERNMENT (type of entity) organized under the laws of IN (state), does hereby certify:

- 1. That he/she is the Secretary or Assistant Secretary, or an officer, partner, owner, principal, manager, member or other person having lawful custody of the official records of the above Organization (the "Recordkeeper") and is authorized to provide this document to UMB Bank, n.a. ("Bank").
2. That at a meeting of the governing body of the Organization duly held on 12-29-16 (date) and at which a quorum was present and acting throughout, or pursuant to the unanimous written consent of its members, the following Resolution and Agreement was duly adopted and approved and is currently in full force and effect, and has not been amended or rescinded:

RESOLVED, that a credit card authority for this Organization be established by the Designated Officer named in the section immediately below with UMB Bank, n.a., and that separate accounts and credit cards ("Cards") under said authority be opened and issued by Bank in the name of this Organization for use by employees and agents of this Organization who are identified from time to time by the Designated Officer, or by any successor to the Designated Officer identified from time to time by the Recordkeeper (or by the successor to the Recordkeeper), and that the Organization authorizes the use of the Cards in accordance with the Cardholder Agreement that is sent by Bank with the Cards; and

RESOLVED FURTHER, that CYNTHIA SMITH is the Designated Officer referred to in the above section of this Resolution, and that the Designated Officer or any successor to the Designate Officer designated in writing by the Recordkeeper (or by a successor Recordkeeper) may from time to time: request that Cards be issued in the name of this Organization; request that the credit limits and purchase controls be changed on existing Cards issued in the name of this Organization; designate additional persons authorized to use Cards issued by Bank in the name of this Organization; request termination of use of existing Cards; and communicate other pertinent information to Bank; and

RESOLVED FURTHER, that the forgoing resolution shall remain in full force and effect until written notice of an amendment or rescission thereof is delivered to and receipted for by Bank; and

RESOLVED FURTHER, that the Recordkeeper be and he/she is hereby authorized and directed to certify to Bank this resolution and that the Recordkeeper signing this Resolution and Agreement or any person designated in writing by the Recordkeeper, is authorized to certify to the Bank the names and signatures of persons authorized to act on behalf of the Organization under the foregoing Resolution and Agreement, and from time to time hereafter, as additions to or changes in the identity of said Recordkeeper are made, such Recordkeeper or designee shall immediately report, furnish and certify such changes to the Bank, and shall submit to Bank a new incumbency certificate or other document reflecting such changes in order to make such changes effective; and

RESOLVED FURTHER, that the foregoing resolution was adopted in accordance with the governing documents of the Organization, and that such resolution is now in full force and effect.

IN WITNESS WHEREOF, the undersigned Recordkeeper has subscribed his or her name and, if appropriate or required, applied the seal of the Organization to this Resolution and Agreement as of this 29th day of Dec., 2016

RECORDKEEPER

Signature by Secretary, Assistant Secretary, or other Person certifying to this Resolution and Agreement

Cynthia Smith
Signature
Name: CYNTHIA SMITH
Title: CLERK - TREASURER

ADDITIONAL OFFICER

Signature by Second Person, certifying to incumbency of Recordkeeper

Mike Healy
Signature
Name: Mike Healy
Title: BOARD PRESIDENT

Affix Seal, if required by Organization's governing documents.

**Additional Signatures of Members, Partners or Other Required Persons**

The undersigned persons, being Members, General Partners, or other persons required under the governing documents of the foregoing Organization Resolution and Agreement for Credit Card Program, hereby consent to the adoption thereof.

Signature Brad Taylor  
Name: BRAD TRAYLOR  
Title: BOARD MEMBER

Signature Deron Steiner  
Name: DERON STEINER  
Title: BOARD member

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Guidelines for Completion** for Customers that are U.S. legal entities:

- Corporation: The Recordkeeper signing above should be the corporate secretary or assistant secretary. The second person may be the Chairman, President, CEO, a Board member, the Treasurer or the CFO.
- Partnership, Limited Liability Partnership, Limited Liability Company, or Sole Proprietor: All general partners, all members, or the sole proprietor must sign this form, unless Organization's governing documents specify that a manager, managing general partner or other person may act. In any event, a second general partner or member must sign in the second place. Sole proprietors do not require a second signature.
- Governmental Entity: The Treasurer must sign in the first place, unless the Organization's charter specifies otherwise. The entity's Chairperson, Vice Chairperson, or Counsel must sign in the second place.

RESOLUTION NO. 1A-2017

RESOLUTION OF THE PLAN COMMISSION  
ADOPTING THE COMPREHENSIVE PLAN

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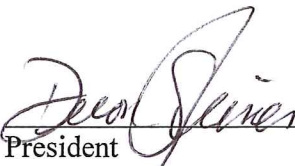
A RESOLUTION RECOMMENDING THAT THE MONTGOMERY TOWN BOARD ADOPT THE ATTACHED COMPREHENSIVE PLAN FOR THE TOWN OF MONTGOMERY, CONSISTENT WITH INDIANA STATE LAW REQUIREMENTS, WHICH STATE THAT A COMPREHENSIVE PLAN MUST CONTAIN THE FOLLOWING ELEMENTS:

1. A statement of objectives for the future development of the jurisdiction.
2. A statement of policy for the land use development of the jurisdiction.
3. A statement of policy for the development of public ways, public places, public lands, public structures, and public utilities.

WHEREAS, the Advisory Plan Commission of Montgomery, Indiana, did on December 5, 2016, hold a legally advertised public hearing on the proposed Comprehensive Plan of the Town of Montgomery, Indiana until all comments and objections were heard; and

WHEREAS, the Advisory Plan Commission found that said plan is in the best interest of the citizens of Montgomery, Indiana.

NOW THEREFORE, BE IT RESOLVED that the Advisory Plan Commission of Montgomery Indiana, recommends to the Montgomery Town Board the adoption of said Comprehensive Plan attached hereto named Town of Montgomery Comprehensive Plan, dated December 12, 2016.

  
\_\_\_\_\_  
President  
Montgomery Advisory Plan Commission

12/12/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Secretary  
Montgomery Advisory Plan Commission

12/12/16  
\_\_\_\_\_  
Date

Ordinance No. 7-3-2016

**TOWN COUNCIL  
OF MONTGOMERY, INDIANA**

**An Ordinance for the transfer of Funds to Rainy Day Funds**

**WHEREAS**, the Town Council of the Town of Montgomery desires, in accordance with Indiana Code §36-1-8-5.1 desires to transfer monies from other funds into Rainy Day Fund.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Montgomery, Indiana, that:

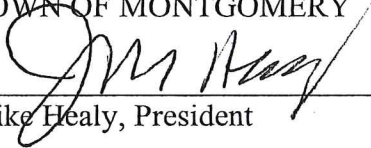
The following funds are hereby transferred into the Town of Montgomery Rainy Day Fund and ordered set apart of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

- (1) **FROM** Fund 257 Special LOIT Distributions Restricted Fund in the amount of \$11,903 **TO** Fund \_\_\_\_\_ Rainy Day Fund Restricted Local Road and Bridge Matching Grant Fund.
- (2) **FROM** Fund 201, MVH (Motor Vehicle Highway) **TO** Fund 260, Rainy Day Restricted in the amount of \$\_\_\_\_\_.
- (3) **FROM** Fund 202, Local Road and Street **TO** Fund 261, Rainy Day Restricted in the amount of \$\_\_\_\_\_.

This Ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this 16<sup>th</sup> day of July, 2016.

TOWN COUNCIL OF THE TOWN  
TOWN OF MONTGOMERY

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Member

  
Deron Steiner, Member

ATTEST:

  
Cindy Smith, Clerk-Treasurer

698929

Ordinance No. 7-2-2016

**TOWN COUNCIL  
OF MONTGOMERY, INDIANA**

**An Ordinance Establishing LOIT Special Distribution Fund 257  
and Allocating Special Distribution per Ind. Code § 6-3.6-9-17**

**WHEREAS**, the Town of Montgomery has received a one (1)-time distribution pursuant to Ind. Code § 6-3.6-9-17 in the amount of \$ 11903.00 (the "Special Distribution"); and

**WHEREAS**, pursuant to Ind. Code § 6-3.6-9-17(h)(1)(A) and the Indiana State Board of Account's Memorandum on One-Time Special Distributions Per SEA 67 dated April 22, 2016, at least seventy-five percent (75%) of the Special Distribution must be deposited into Fund 257, titled LOIT Special Distribution, and used for certain infrastructure expenses as enumerated in Ind. Code § 6-3.6-9-17(h)(1)(A), and the remaining twenty-five percent (25%) of the Special Distribution may be deposited into the Town's general fund, rainy day fund, or a properly created home rule fund and used for any purpose of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Montgomery, Indiana, that Fund 257, titled LOIT Special Distribution, be established in the books and accounts of the Town and that one hundred percent (100%) of the funds received as part of the Special Distribution be deposited into Fund 257 to be used for local road and street expenses and improvements.

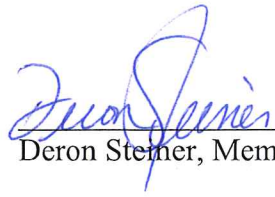
This Ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this 26<sup>th</sup> day of July, 2016.

TOWN COUNCIL OF THE TOWN  
TOWN OF MONTGOMERY

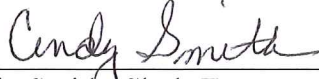
  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Member



\_\_\_\_\_  
Deron Steiner, Member

ATTEST:



\_\_\_\_\_  
Cindy Smith, Clerk-Treasurer

**TOWN COUNCIL  
OF MONTGOMERY, INDIANA**

**An Ordinance Establishing a "Rainy Day Fund" Pursuant to  
Ind. Code § 36-1-8-5.1**

**WHEREAS**, Indiana Code 36-1-8-5.1 authorizes political subdivisions to establish a Rainy Day Fund to receive transfers of certain unused and unencumbered funds whenever the purposes of such a tax levy have been fulfilled and an unused and unencumbered balance remains;

**WHEREAS**, the Town of Montgomery (hereinafter "Town") has received notice, pursuant to HEA 1001, that the State of Indiana will distribute, through the Daviess County (hereinafter "County"), special LOIT distributions to be used for local roads, bridges and infrastructure in a special Indiana Department of Transportation Local Road and Bridge Matching Grant Fund;

**WHEREAS**, monies in the rainy day fund are an appropriate source of matching funds under the Indiana Department of Transportation Local Road and Bridge Matching Grant Fund; and

**WHEREAS**, the Town Council of the Town now determines it to be in the best interest of the Town and its taxpayers that a rainy day fund be established as an appropriate source of matching funds for the Indiana Department of Transportation Local Road and Bridge Matching Grant Fund. The Rainy Day fund may also serve a purpose of accumulating funds for the operation of the municipality and its various departments when the Town does not have sufficient levies or funds to pay Town costs, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Montgomery, Indiana, that:

**Section 1. Creation of Rainy Day Fund.** There is hereby established a Town of Montgomery "Rainy Day Fund" pursuant to Ind. Code §36-1-8-5.1 to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the Town whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains; under Ind. Code §36-1-8-5; Ind. Code §6-3.5-1.1-21.1; IC 6-3.5-6-17.3; Ind. Code §6-3.5-7-17.3; and any other funding source specified in the ordinance not otherwise prohibited by law.

**Section 2. Purposes of the Fund.** The funds on deposit in the Rainy Day Fund may be used for the operation of the Town and its various departments, when the Town



does not have sufficient levies or funds to pay such costs, including, but not limited to, salaries and wages, costs of service, supplies, equipment, capital improvements, repairs and similar expenditures; and As an appropriate source for matching funds for the Indiana Department of Transportation Local Road and Bridge Matching Grant Fund program.

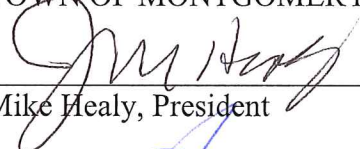
**Section 3. Transfer to Fund.** On or before December 31<sup>st</sup> of each year, The Town Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than ten percent (10%) of the Town's total budget for that fiscal year and the Town may also deposit special funds for special purposes, such as the INDOT Matching Grant Program.

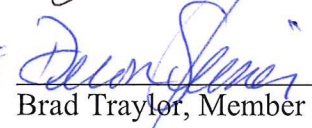
**Section 4. Appropriations.** The Town Council of the Town may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund.

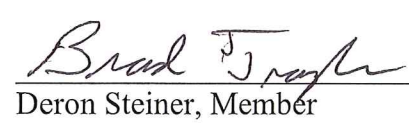
**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this 26<sup>th</sup> day of July, 2016.

TOWN COUNCIL OF THE TOWN  
TOWN OF MONTGOMERY

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Member

  
\_\_\_\_\_  
Deron Steiner, Member

ATTEST:

  
\_\_\_\_\_  
Cindy Smith, Clerk-Treasurer

**Resolution Number 1-2016**  
**RESOLUTION AUTHORIZING APPLICATION SUBMISSION**

RESOLUTION OF THE TOWN OF MONTGOMERY TOWN COUNCIL OF KNOX COUNTY, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CDBG APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Montgomery, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 Public Law 110-252, approved June 30, 2008, and Public Law 110-329, approved September 30, 2008, for disaster relief of unmet needs resulting from tornadoes and flooding in the state, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

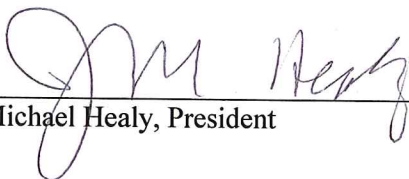
WHEREAS, the Town of Montgomery, Indiana has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearing to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Indiana that:

1. The President is authorized to prepare and submit an application for grant funding to address the Town's Comprehensive Plan and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Montgomery, Indiana hereby commits local funds in the amount of Four Thousand Four Hundred Forty-five Dollars (\$4,445), from Town Funds on Hand for said program, such commitment to be contingent upon receipt of CDBG Planning funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Montgomery Town Council of the County of Knox, Indiana this 4th day of January, 2016, at 6:30 PM.

SIGNATURE:

  
\_\_\_\_\_  
Michael Healy, President

ATTEST:

  
\_\_\_\_\_  
Cynthia Smith, Clerk/Treasurer

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## Drug Free Workplace Ordinance

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*GENERAL ORDINANCE*       11      , 2015

***Section 1***      ***Overview***

WHEREAS, the Town of Montgomery, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the Town and its employees. Since the Town of Montgomery values each employee, the Town offers employees assistance in dealing with alcohol and drug abuse problems.

***Section 2***      ***Policy***

WHEREAS, the Town of Montgomery requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the Town at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the Town.

***Section 3***      ***Prohibited Drugs***

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription controlled substance which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on County premises (including vehicles used for Town business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

**Section 4      *Alcohol***

The use of alcohol on the job or on Town premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off Town premises. The use of alcohol in vehicles used for Town business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on Town premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for Town business is never authorized.

**Section 5      *Reporting Violations***

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the Town under a criminal drug statute for violations occurring on or off Town premises when conducting Town business. Report of a conviction must be made to the Town within five (5) business days after the conviction. The Town will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the Town will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the Town's reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

**Section 6      *Employee Rehabilitation***

Health maintenance is primarily a personal responsibility and it is the individuals responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the Town will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in an approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to not a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other Town policies or job requirements.

Any employee identified through a Town investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

**Section 7      Testing**

The Town of Montgomery, Indiana will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

- 1      When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
- 2      During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the Town.
- 3      When required by law.

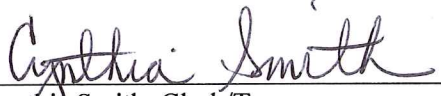
If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the Town. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the Town. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

***Certification of Adoption***

It is hereby certified that this Ordinance Number 11-2015 was passed by the Town Council of the Town of Montgomery, Indiana, at its legally convened meeting of November 2, 2015.

Chief Elected Official:   
Mike Healy, President

Attested By:   
Cynthia Smith, Clerk/Treasurer

Date: November 2, 2015

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## Town of Montgomery Fair Housing Ordinance

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### GENERAL ORDINANCE # 10-2015

**WHEREAS**, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. Seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin:

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

#### **Section 1 Policy Statement**

It shall be the policy of the Town of Montgomery to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

#### **Section 2 Definitions**

The definitions set forth in this Section shall apply throughout this Ordinance:

- A. Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section. Also, pursuant to 24 CFR Part 5, the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
- C. Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- D. To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

E. Discriminatory Housing Practice means an act that is unlawful under Sections 4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.

F. Handicap means, with respect to a person:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities.
2. A record of having such an impairment, or
3. being regarded as having such an impairment,
4. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. Any other impairment defined under I.C. 22-9.5-2-10.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b); nor does the term 'Handicap' include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c).

G. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):

1. claims to have been injured by a discriminatory housing practice; or
2. believes that such person will be injured by a discriminatory housing practice that is about to occur.

H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

I. Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.

J. Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

### **Section 3 Unlawful Practice**

Subject to the provisions of subsection (B) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana

Code.

B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:

1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4( C) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:

1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or



3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

**Section 4    *Discrimination in the Sale or Rental of Housing***

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
  1. that buyer or renter;
  2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  3. any person associated with that person.
- G. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

1. that person; or
2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
3. any person associated with that person.

H. For purposes of this subsection, discrimination includes:

1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
2. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;
  - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
  - b. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - c. all premises within such dwellings contain the following features of adaptive design:
    - i. an accessible route into and through the dwelling;
    - ii. light, switches, electrical outlets , thermostats, and other environmental controls in accessible locations;
    - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as □ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

**Section 5 *Discrimination in Residential Real Estate-Related Transactions***

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
  
- B. As used in this section, the term residential real estate-related transaction means any of the following:
  - 1. The making or purchasing of loans or providing other financial assistance:
    - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
    - ii. secured by residential real estate.
  
  - 2. The selling, brokering, or appraising of residential real property.
  
- C. Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

**Section 6 *Discrimination in the Provision of Brokerage Service***

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

**Section 7 *Interference, Coercion, or Intimidation***

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

**Section 8 *Prevention of Intimidation in Fair Housing Cases***

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or

national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or
  - 2. affording another person or class of persons opportunity or protection so to participate; or
- C. any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

**Section 9 Exemptions**

- A. Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (B) and (C) of this Section.
- B. Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- C. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:

1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
2. intended for, and solely occupied by, person 62 years of age or older; or
3. intended and operated for occupancy by at least one person 55 years of age or older per unit.

**Section 10 Administrative Enforcement of Ordinance**

- A. The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the Town of Montgomery, Indiana.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Montgomery, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Montgomery, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the Town of Montgomery, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- D. The Chief Elected Official of the Town of Montgomery, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

**Section 11 Separability of Provisions**

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

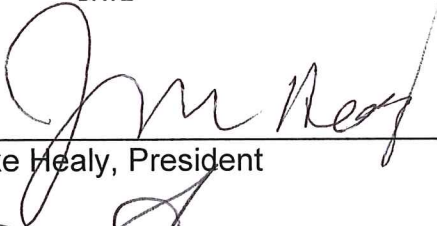
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**Certification of Adoption**

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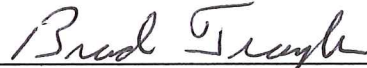
It is hereby certified that this Ordinance Number 10-2015 was passed by the Common Council of the Town of Montgomery, Indiana, at its legally convened meeting on November 2, 2015.

DATE

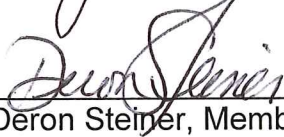


Mike Healy, President

Date

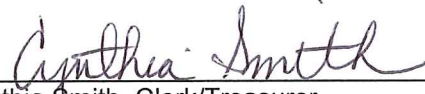


Brad Traylor, Member



Deron Steiner, Member

Attest:



Cynthia Smith, Clerk/Treasurer

**MONTGOMERY TOWN COUNCIL  
DAVISS COUNTY, INDIANA**

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF MONTGOMERY

WHEREAS, Indiana Code §36-4-3-1 *et seq.* authorizes the Town Council to annex territory that is contiguous to the corporate limits of the municipality; and

WHEREAS, the Town has a need to bring new tracts of land under its direct jurisdiction in order to apply sound planning and development principles in the pursuit of fiscally-responsible economic and community development; and

WHEREAS, a description of the territory to be annexed is attached hereto as Exhibit A, which also includes a map thereof (the "Annexation Territory"); and

WHEREAS, Indiana Code §36-4-3-2.5 requires that an annexation of territory must also include the entire width of contiguous areas of the public highway and rights-of-way of the public highway (collectively, the "Public Highway"); and

WHEREAS, the Annexation Territory consists of approximately 913 acres +/-, located in Barr Township and generally located to the north, south, east, and west of the existing corporate boundaries of the Town of Montgomery; and

WHEREAS, the Annexation Territory is at least one-eighth contiguous to the existing corporate boundaries of the Town; and

WHEREAS, reasonable planning and state law require adoption of a fiscal plan and a definite policy for the provision of services to the Annexation Territory; and

WHEREAS, Resolution No. 7-2014 (The "Fiscal Plan") of the Town Council, which meets the requirements of Indiana Code §36-4-3-3.1 and §36-4-3-13, adopts a written fiscal plan, and a definite policy for the provision of services of both a noncapital and a capital nature to the Annexation Territory, which Fiscal Plan is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, the Town Council for the Town of Montgomery has found that the annexation is equitable to the property owners and residents of the municipality and the Annexation Territory as set forth in the terms and conditions of the Fiscal Plan, which is hereby incorporated by reference.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montgomery, Daviess County, Indiana, that:

Section 1. The above recitals are incorporated herein by reference as if fully set forth herein below.

Section 2. In accordance with Indiana Code §36-4-3-1 *et seq.*, the Annexation Territory and the entire width of any contiguous Public Highway is hereby annexed into the Town of Montgomery and thereby included within the corporate boundaries pursuant to the terms of this Ordinance.

Section 3. The Annexation Territory is hereby assigned to the Agricultural District (AG), Residential District 1 (R1), Special Use District (SU), and Industrial District 3 (I3) Zoning Districts as provided on the attached zoning map of the Annexation Territory, attached hereto and incorporated herein as Exhibit C, of the Town of Montgomery's Zoning Code upon the effective date of this ordinance.

Section 4. The Annexation Territory shall become part of the Town of Montgomery immediately upon the effective date of this Ordinance for the purpose of municipal election boundaries, and the residents of the Annexation Territory shall immediately upon the effective date of this Ordinance have the same voting privileges as existing residents of the Town. The Town of Montgomery does not have Town Council Districts.

Section 5. All prior ordinances or parts of ordinances which may be inconsistent with any provision of this Ordinance are hereby repealed. The sections, subsections, paragraphs, references, clauses, and phrases of this Ordinance are severable; if any section, subsection, paragraph, reference clause, or phrase of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining provisions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage by the Town Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including passage of any applicable waiting period, all as provided by the laws of the State of Indiana.

*[The remainder of this page intentionally left blank.]*



Upon motion duly made and seconded, this Ordinance No. 8-2014 is hereby passed and adopted by the Town Council of the Town of Montgomery, Daviess County, Indiana on this 3rd day of November, 2014.

**TOWN COUNCIL OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY,  
INDIANA**

AYE

NAY

Mike Healy  
Brad Traylor  
Deron Steiner

MIKE HEALY,  
PRESIDENT  
BRAD TRAYLOR,  
MEMBER  
DERON STEINER,  
MEMBER

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

ATTEST:

Cindy Smith  
CINDY SMITH, CLERK-TREASURER

Publish: Washington Times Herald

Instrument Prepared By: Angela L. Gidley, Parr Richey Obremskey Frandsen & Patterson, LLP, 201 North Illinois Street, Suite 300, Indianapolis, IN 46204, Telephone (317) 269-2500.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Angela L. Gidley  
499415

**MONTGOMERY TOWN COUNCIL  
DAVISS COUNTY, INDIANA**

**A RESOLUTION ADOPTING A FISCAL PLAN FOR THE  
ANNEXATION OF LANDS DEFINED IN ORDINANCE 8-2014**

WHEREAS, the Town of Montgomery, Indiana (the "Town") desires to annex certain parcels as identified in Exhibit A hereto and incorporated herein (the "Annexation Territory") into the municipality; and

WHEREAS, pursuant to Indiana Code §36-4-3-3.1, a fiscal plan must be prepared and adopted by resolution prior to such annexation; and

WHEREAS, the required fiscal plan, attached hereto and incorporated herein as Exhibit B (the "Fiscal Plan") has been prepared and presented to the Town Council for consideration; and

WHEREAS, the Fiscal Plan has been reviewed and complies with the requirements of Indiana Code §§36-4-3-3.1 and 13.

NOW, THEREFORE, BE IT RESOLVED, that the Fiscal Plan attached hereto and incorporated herein as Exhibit B is hereby approved and adopted by the Montgomery Town Council.

ADOPTED AND PASSED THIS 7<sup>th</sup> DAY OF JULY, 2014, BY THE MONTGOMERY TOWN COUNCIL, DAVIESS COUNTY, INDIANA.

**TOWN COUNCIL OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY,  
INDIANA**

AYE

NAY

Mike Healy  
Brad Traylor  
Deron Steiner

MIKE HEALY,  
PRESIDENT  
BRAD TRAYLOR,  
MEMBER  
DERON STEINER,  
MEMBER

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

ATTEST:

Cindy Smith  
CINDY SMITH, CLERK-TREASURER  
571976

RESOLUTION NO. 9-2013

**OF THE TOWN COUNCIL OF THE TOWN OF  
MONTGOMERY, IN**

WHEREAS, The Town of Montgomery, has approved and adopted the purchase of a part of the NEQ-NWQ 26-3-6 in the Town of Montgomery, IN in Barr Township in Daviess county, IN containing .32 acres, more or less.

Whereas, The Town of Montgomery has agreed to pay Barr-Reeve School the sum of \$10,000.00 for said .32 acres. This will be paid out of the *water* <sup>+</sup> fund.  
*Sewer*

Passed and adopted by the Town Council of Montgomery, Daviess County, Indiana this <sup>3rd</sup> day of September, 2013 at 6:30 pm.

ATTEST: Town Council of Montgomery, Indiana

Cynthia Smith  
Cynthia Smith, Clerk-Treasurer

Brad Traylor  
Brad Traylor, Council

Mike Healy  
Mike Healy, President

Deron Steiner  
Deron Steiner, Council

# BARR-REEVE COMMUNITY SCHOOLS, INC.

DEDICATED STAFF \* ENGAGED STUDENTS \* INVOLVED PARENTS \* DEVOTED COMMUNITY

## RESOLUTION TO SELL PROPERTY TO TOWN OF MONTGOMERY

**RESOLUTION REGARDING Part of the NEQ-NWQ 263-6 IN THE TOWN OF Montgomery, Indiana in Barr Township in Daviess County, Indiana and containing .32 acres.**

The Board of Trustees for the Barr-Reeve Community School Corporation hereby certify that the following resolution was duly adopted by the Barr-Reeve Community Board of School Trustees on August 28, 2013 and that this resolution is in full force and effect on the date hereof:

WHEREAS, certain residential real property commonly known Part of the NEQ-NWQ 263-6 IN THE TOWN OF Montgomery, Indiana in Barr Township in Daviess County, Indiana and containing .32 acres is owned by The Barr-Reeve Community School Corporation and was recently appraised at the value of Ten Thousand Dollard (\$10,000);

WHEREAS, the Corporation has received an offer for the purchase of the Property from the Town Of Montgomery for Ten Thousand Dollars (\$10,000);


WHEREAS, the Corporation desires to accept the Offer and to sell the Property to The Town of Montgomery in accordance therewith;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Barr-Reeve School Corporation as follows:

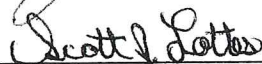
- The Barr-Reeve School Corporation will assume the cost of an appraisal on the property Two Hundred and Fifty Dollars (\$250.00).
- The Town of Montgomery will pay Ten Thousand Dollars (\$10,000) plus assume any and all "closing costs" associated with the property sale.
- This resolution shall take effect immediately.

IN WITNESS WHEREOF, the undersigned, The Barr-Reeve Community School Corporation has executed this instrument as of the 28th day of August, 2013.

Signed

  
Joe Cummings, Board President

Date: August 28, 2013

  
Scott Lottes, Board Vice President

  
Galen Graber, Board Secretary

Travis Madison, Superintendent  
Mary Lottes, Treasurer  
Tamara Swartzentruber, Secretary

P.O Box 97  
Montgomery, IN 47558  
(812) 486-3220  
FAX (812) 486-3509  
www.barr.k12.in.us

Galen Graber, Board Member  
Joe Cummings, Board Member  
Scott Lottes, Board Member

**INTER-LOCAL AGREEMENT  
BETWEEN DAVIESS COUNTY, INDIANA,  
AND THE TOWN OF MONTGOMERY, INDIANA**

This Inter-local Agreement ("Agreement") is entered into by and between the DAVIESS COUNTY BOARD OF COMMISSIONERS ("County") and the TOWN OF MONTGOMERY, INDIANA, by and through its Town Board ("Town").

**RECITALS**

WHEREAS, the County and Town (hereinafter referred to as "Parties") are political subdivisions; and

WHEREAS, the County and Town wish to have a well-maintained County Road 650 East (hereinafter referred to as "Road").

IT IS NOW, THEREFORE, AGREED as follows:

1. The County has agreed to maintain the Road from North First Street lying in the Town from U. S. Highway 50, North for a distance of 0.4908 miles to County Road 100 North.

2. "Maintenance" is defined as only
- (A) ditch maintenance (which shall not include storm sewer maintenance, snow and ice control),
  - (B) pavement maintenance (which only includes crack seal, chip seal and road overlays), and
  - (C) sign maintenance (which shall only include signs on the Road in the area specified herein and shall not include any signs on intersecting streets).

3. The Maintenance shall be performed at the sole discretion of the County and the County's Highway Supervisor. Any obligations not specifically assumed by the County in this Agreement shall remain with the Town.

4. The Town agrees to pay to the Daviess County Highway Department One Thousand Two Hundred Dollars (\$1,200.00) per year for maintenance. Payment shall be made on or before February 1st of each year.

5. The parties agree to review this Agreement every two (2) years from the date of execution and hold good faith discussions for any necessary changes. This

agreement may be terminated with twelve (12) months' written notice by either Party. Furthermore, this Agreement shall terminate automatically and become null and void at any such time the Daviess County Solid Waste District Landfill on County Road 650 East is no longer in operation.

Dated, this 1st day of April, 2013.

BOARD OF COMMISSIONERS

By \_\_\_\_\_  
Anthony D. Wichman

By \_\_\_\_\_  
C. Michael Taylor

By \_\_\_\_\_  
Larry G. Wilson

ATTEST:

\_\_\_\_\_  
Gail Doades, Auditor

TOWN OF MONTGOMERY

By \_\_\_\_\_  
*Jim Henry*

By \_\_\_\_\_  
*Brad Traylor*

By \_\_\_\_\_  
*Devin Slusser*

ATTEST:

*Cynthia Smith*  
\_\_\_\_\_  
Clerk-Treasurer

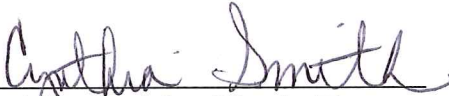
RESOLUTION NO. 2-2013

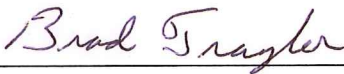
**A RESOLUTION ADOPTING THE MUTUAL AID  
ALARM AGREEMENT**

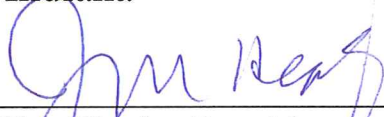
WHEREAS, The Town of Montgomery, has approved and adopted the mutual aid box alarm system agreement as presented. Deron made the motion to adopt the agreement, Brad 2<sup>nd</sup> it. All in favor, motion passed and agreement was adopted.


Adopted by the Town Council of Montgomery, Daviess County, Indiana this 4<sup>TH</sup> day of February, 2013 at 6:30 pm.

ATTEST: Town Council of Montgomery, Indiana

  
\_\_\_\_\_  
Cynthia Smith, Clerk-Treasurer

  
\_\_\_\_\_  
Brad Traylor, Council

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Deron Steiner, Council

Publisher's Affidavit

The State of Indiana,  
Daviess County

SS:

Personally appears before the undersigned

Melody Brunson, General Manager of

THE WASHINGTON TIMES-HERALD

a public newspaper of general circulation, printed and published in Washington in the county aforesaid, who, being duly sworn upon his oath, said: The notice of which the attached is a true copy was published in said paper on

August 24 2012

Melody Brunson

worn to before me, this 24<sup>th</sup> day of August 2012

28.71

Mary Ellen Pride

Mary Ellen Pride

, Notary Public

My commission expires March 14, 2016

Public Notices

ORDINANCE NO. 8-2012  
ORDINANCE OF THE  
MONTGOMERY  
TOWN COUNCIL

An Ordinance Establishing the Schedule of Civil Zoning Violation Written Warnings and Fines.

WHEREAS, the Town of Montgomery wishes to adopt a schedule of fines to amend Section 14 of the Montgomery, Indiana Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Montgomery, Daviess County, Indiana, that:

Section 1. Section 14 of the Montgomery, Indiana Zoning Ordinance is hereby amended to include as follows:

14.6 CIVIL ZONING VIOLATION WRITTEN WARNINGS AND FINES

A) Prior to issuing a fine for any civil zoning violation, the Administrator shall issue a written warning, in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance, providing the person to whom the written warning is directed ten (10) days to correct said violation.

B) If the person to whom written notice of a civil zoning violation is issued fails to correct the violation within ten (10) days of the date the notice is issued, a citation shall be issued by the Administrator, in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance, in the amount of Fifty Dollars (\$50.00) per day for up to ten (10) days and One Hundred Dollars (\$100.00) per day thereafter until the violation is corrected. Notwithstanding the foregoing, if a person who receives a warning ticket or a citation chooses to file a petition for a Variance, Special Exception Use, Rezoning, or other means provided by Section 14 to correct the violation, monetary fines, as described herein, shall be stayed in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance.

C) This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Approved this 6th day of August, 2012, by a vote of 3 yeas and 0 nays.

TOWN OF MONTGOMERY, IN  
TOWN COUNCIL

J. M. Healy, Brad Traylor,  
Deron Steiner  
ATTEST: Cynthia Smith  
Clerk/Treasurer

August 24, 2012



Publisher's Affidavit

The State of Indiana,  
Daviess County

SS:

Personally appears before the undersigned

Melody Brunson, General Manager of

THE WASHINGTON TIMES-HERALD

a public newspaper of general circulation, printed and published in Washington in the county aforesaid, who, being duly sworn upon his oath, said: The notice of which the attached is a true copy was published in said paper on

August 24 2012

Melody Brunson

sworn to before me, this 24th day of August 2012

71.57

Mary Ellen Pride

Notary Public

My commission expires March 14, 2016

ORDINANCE NO. 7-2012

BE IT ORDAINED by the Town of Montgomery, Daviess County, Indiana

WHEREAS, both natural and man-made conditions may arise or occur which cause a temporary shortage of water; and WHEREAS, such conditions may affect the Town of Montgomery public water system's ability to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system; and WHEREAS, in such event it is imperative to the well being of the residents of the Town of Montgomery that uses of water not essential to the health, welfare and safety be restricted;

NOW THEREFORE, BE IT ORDAINED by the Town of Montgomery:

Section 1. Application. This ordinance shall apply to all persons, firms, partnerships, corporations companies or organizations connected to The Town of Montgomery's public water system or using water therefrom (hereafter, users).

Section 2. Declaration of Need. Upon determining that the Town of Montgomery's public water system is in a condition of water shortage, the Town of Montgomery shall declare a water conservation emergency and establish the appropriate measures and the duration thereof.

Section 3. Conservation Measures. Practices that conserve water should be used at all times. Examples of conservation measures include:

- a. Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation; Eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;
- b. Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;
- c. Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;
- d. Repairing or replacing leaking water fixtures and service lines;
- e. Using appliances such as clothes washers and dishwashers only when they are full;
- f. Turning off the water while brushing teeth or shaving;
- g. Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- h. Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing; and
- i. Covering swimming pools when not in use to reduce evaporation.

Section 4. Voluntary Conservation. During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The Town of Montgomery shall identify reasonable and meaningful conservation techniques and provide such information to users. The Town of Montgomery may also implement conservation pricing and prohibitions to encourage water conservation.

Section 5. Mandatory Conservation. During severe water shortages

tions as the governing body shall adopt and append to this document.

Section 6. *Rationing.* In addition to mandatory conservation measures users shall be limited during extreme water shortage to water use by the following schedule:

a. Residential use shall be limited to 150 gallons per residential unit per day.

b. Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential.

Section 7. *Exceptions.* The Town of Montgomery shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions.

Section 8. *Notice.* Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance.

Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door to door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States mail.

Section 9. *Enforcement.* A person who violates this Ordinance or knowingly allows a violation of this Ordinance to occur upon his/her property shall be penalized as follows:

a. The person shall receive a warning for the first offense.

b. The person shall receive a fine of not in excess of \$10.00 for the second offense.

c. The person shall receive a fine not to exceed twice the amount of the most recent previous fine for each additional offense or violation.

d. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 4 or 5 of this ordinance.

e. Each day of violation shall constitute a separate violation.

f. The Town of Montgomery shall be entitled to collect reasonable attorney fees and court costs incurred by the Town in enforcing the provisions of this Ordinance.

Section 10. *Effective date.* This ordinance shall be in full force and effect upon passage.

Passed and adopted by The Town of Montgomery on the 6th day of August, 2012.

Trustees; J.M. Healy, Brad Traylor, Deron Steiner

ATTEST: Cynthia Smith  
Title: Clerk-Treasurer

August 24, 2012

ORDINANCE NO. 8-2012

ORDINANCE OF THE MONTGOMERY TOWN COUNCIL

An Ordinance Establishing the Schedule of Civil Zoning Violation Written Warnings and Fines.

WHEREAS, the Town of Montgomery wishes to adopt a schedule of fines to amend Section 14 of the Montgomery, Indiana Zoning Ordinance,

**NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Montgomery, Daviess County, Indiana, that:**

Section 1. Section 14 of the Montgomery, Indiana Zoning Ordinance is hereby amended to include as follows:

**14.6 CIVIL ZONING VIOLATION WRITTEN WARNINGS AND FINES**

- A) Prior to issuing a fine for any civil zoning violation, the Administrator shall issue a written warning, in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance, providing the person to whom the written warning is directed ten (10) days to correct said violation.
- B) If the person to whom written notice of a civil zoning violation is issued fails to correct the violation within ten (10) days of the date the notice is issued, a citation shall be issued by the Administrator, in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance, in the amount of Fifty Dollars (\$50.00) per day for up to ten (10) days and One Hundred Dollars (\$100.00) per day thereafter, until the violation is corrected. Notwithstanding the foregoing, if a person who receives a warning ticket or a citation chooses to file a petition for a Variance, Special Exception Use, Rezoning, or other means provided by Section 14 to correct the violation, monetary fines, as described herein, shall be stayed in the manner set forth in Section 14.3 of the Montgomery, Indiana Zoning Ordinance.
- C) This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Approved this 6 day of August, 2012, by a vote of 3 yeas and 0 nays.

TOWN OF MONTGOMERY, IN TOWN COUNCIL

[Signature]  
[Signature]  
[Signature]

ATTEST:

[Signature]  
 Clerk/Treasurer

ORDINANCE NO. 7-2012

BE IT ORDAINED by the Town of Montgomery, Daviess County, Indiana

WHEREAS, both natural and man-made conditions may arise or occur which cause a temporary shortage of water; and

WHEREAS, such conditions may affect the Town of Montgomery public water system's ability to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system; and

WHEREAS, in such event it is imperative to the well being of the residents of the Town of Montgomery that uses of water not essential to the health, welfare and safety be restricted;

NOW THEREFORE, BE IT ORDAINED by the Town of Montgomery:

Section 1. *Application.* This ordinance shall apply to all persons, firms, partnerships, corporations, companies or organizations connected to The Town of Montgomery's public water system or using water therefrom (hereafter, users).

Section 2. *Declaration of Need.* Upon determining that the Town of Montgomery's public water system is in a condition of water shortage, the Town of Montgomery shall declare a water conservation emergency and establish the appropriate measures and the duration thereof.

Section 3. *Conservation Measures.* Practices that conserve water should be used at all times. Examples of conservation measures include:

- a. Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation;  
Eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;
- b. Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;
- c. Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;
- d. Repairing or replacing leaking water fixtures and service lines;
- e. Using appliances such as clothes washers and dishwashers only when they are full;
- f. Turning off the water while brushing teeth or shaving;

- g. Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- h. Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing; and
- i. Covering swimming pools when not in use to reduce evaporation.

Section 4. *Voluntary Conservation.* During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The Town of Montgomery shall identify reasonable and meaningful conservation techniques and provide such information to users. The Town of Montgomery may also implement conservation pricing and prohibitions to encourage water conservation.

Section 5. *Mandatory Conservation.* During severe water shortages users shall be prohibited from selected water uses subject to reasonable terms, times and conditions as the governing body shall adopt and append to this document.

Section 6. *Rationing.* In addition to mandatory conservation measures users shall be limited during extreme water shortage to water use by the following schedule:

- a. Residential use shall be limited to 150 gallons per residential unit per day.
- b. Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential.

Section 7. *Exceptions.* The Town of Montgomery shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions.

Section 8. *Notice.* Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance.

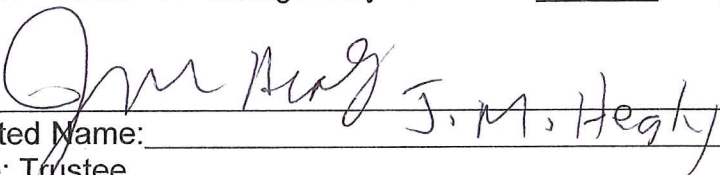
Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door to door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States mail.

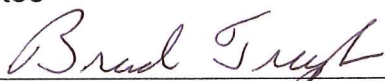
Section 9. *Enforcement.* A person who violates this Ordinance or knowingly allows a violation of this Ordinance to occur upon his/her property shall be penalized as follows:

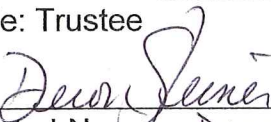
- a. The person shall receive a warning for the first offense.
- b. The person shall receive a fine of not in excess of \$100.00 for the second offense.
- c. The person shall receive a fine not to exceed twice the amount of the most recent previous fine for each additional offense or violation.
- d. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 4 or 5 of this ordinance.
- e. Each day of violation shall constitute a separate violation.
- f. The Town of Montgomery shall be entitled to collect reasonable attorney fees and court costs incurred by the Town in enforcing the provisions of this Ordinance.

Section 10. *Effective date.* This ordinance shall be in full force and effect upon passage.


Passed and adopted by The Town of Montgomery on the 6<sup>th</sup> day of AUGUST, 2012.

  
Printed Name: \_\_\_\_\_  
Title: Trustee

  
Printed Name: \_\_\_\_\_  
Title: Trustee

  
Printed Name: \_\_\_\_\_  
Title: Trustee

ATTEST:

  
Printed Name: CYNTHIA SMITH  
Title: Clerk-Treasurer

RESOLUTION NUMBER 5-2012

**RESOLUTION ESTABLISHING POLICY PROHIBITING NEPOTISM**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy that prohibits nepotism among its workforce.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

A. "Employed" means an individual who is employed by the Town on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the Town. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the Town of Montgomery.

B. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the Town Board of Montgomery to make decisions regarding salary ordinances, budgets or personnel policies of the Town.

C. "Relative" means any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Nepotism Prohibited**

Individuals who are relatives shall not be employed by the Town in a position that results in one relative being in the direct line of supervision of the other relative.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

**Section 3. Exceptions to Prohibition Against Nepotism**

This Resolution does not abrogate or affect an employment contract with the Town that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the Town.

**Section 4. Impact of Resolution of Those Individuals Employed by Town On July 1, 2012**

An individual who is employed by the Town on July 1, 2012, is not subject to this Resolution unless the individual has a break in employment with the Town. The following are not considered a break in employment with the Town:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 22nd day of June, 2012.

TOWN BOARD OF MONTGOMERY, INDIANA

By [Signature]

By [Signature]

By [Signature]

ATTEST: [Signature]  
Secretary/Treasurer



RESOLUTION NUMBER 6-2012

**RESOLUTION ESTABLISHING POLICY REQUIRING  
DISCLOSURE OF CONTRACTS WITH RELATIVES**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy requiring disclosure of contracts with the Town and relatives of certain Town officials.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

- A. "Elected official" means a Town Board member.
- B. "Relative" means any of the following:
  - 1. Spouse;
  - 2. Parent or step parent;
  - 3. A child or step child;
  - 4. Brother, sister, step brother or step sister;
  - 5. A niece or nephew;
  - 6. An aunt or uncle; or
  - 7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Application to Certain Contracts**

The Town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with and individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this Resolution are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

**Section 3. Disclosure of Contracts with Relatives**

An elected official whose relative enters into a contract with the Town shall file a full disclosure of that contract.

Disclosure statement must be in writing, describe the contract or purchase to be made by the Town, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

Disclosure statement must be submitted to the Town Board and be accepted by the Town Board in a public meeting prior to final action on the contract on or purchase.

Disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Daviess County Clerk of the Circuit Court.

**Section 4. Actions By the Town Board or Appropriate Agency**

The Town Board shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 22nd day of June, 2012.

TOWN BOARD OF MONTGOMERY, INDIANA

By *Jim Acord*

By *Bred Trapp*

By *Deon Swain*

ATTEST:

*Cynthia Smith*  
Secretary/Treasurer

**RESOLUTION OF THE Town of Montgomery, INDIANA  
[HEREAFTER REFERRED TO AS "APPLICANT"]**

**AUTHORIZING THE SUBMITTAL OF THE *COMMUNITY DEVELOPMENT BLOCK GRANT* ("CDBG") APPLICATION TO THE INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY; RECEIPT OF CDBG FUNDS; AND ADDRESSING RELATED MATTERS**

WHEREAS, the Applicant recognizes the need to stimulate growth and to maintain affordable housing to benefit its citizens;

WHEREAS, the Housing and Community Development Act of 1974, as amended, allows the Indiana Housing and Community Development Authority ("IHCDA") to award grants to local units of government to meet the affordable housing and community development needs of low and moderate income persons; and

WHEREAS, the Applicant has conducted or will conduct a public hearing prior to the submission of an application to IHCDA, to assess the housing, public facilities, and economic needs of low and moderate income residents.

**NOW THEREFORE, BE IT RESOLVED THAT:**

The Chief Elected Official ("CEO") is authorized to apply for and receive an award in the amount of up to the sum of **Eighty Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$86,750.00)** in Community Development Block Grant ("CDBG") funding to address conditions relating to **Town of Montgomery in Montgomery** (location), Indiana, and to execute and administer resultant grant including requisite general administration and management, contracts and agreements according to the terms and conditions as are more particularly set forth in IHCDA's and the U.S. Department of Housing and Urban Development's ("HUD") published policies, procedures and regulations, as amended from time to time, and as are set forth in the application

**FURTHER RESOLVED**, funds in the amount of ten percent (10%) of the CDBG award shall be and hereby are set aside for this activity. Such commitment fulfills the minimum leverage requirement for the CDBG request and is to be contingent upon receipt of CDBG funding from IHCDA.

**FURTHER RESOLVED**, that the following individuals:

<u>Mike Healy</u>	Town Council President
	Name Title
<u>Cynthia Smith</u>	Clerk Treasurer
	Name Title

be, and each hereby is, authorized, empowered and directed to execute, acknowledge and deliver in the Applicant's name and on its behalf any and all applications, grant agreements, documents, covenants binding real estate, instruments or writings, as are necessary and/or as appropriate to consummate this application and receipt of CDBG Funds.

APPROVED AND ADOPTED, this 6th day of February, 2012.

By: [Signature]  
Name: Mike Healy  
Title: Chief Elected Official

By: [Signature]  
Name: Brad Traylor  
Title: Member

By: [Signature]  
Name: Deron Steiner  
Title: Member

By: [Signature]  
Name: Cynthia Smith  
Title: Clerk Treasurer

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
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By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ORDINANCE NO. 6-2010

AN ORDINANCE AMENDING THE SCHEDULE OF  
RATES AND CHARGES TO BE COLLECTED BY THE  
MONTGOMERY MUNICIPAL WATER UTILITY  
FROM THE TOWN OF MONTGOMERY, INDIANA  
FOR FIRE HYDRANT RENTAL

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated, and maintained a Municipal Water Utility; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges which the Town of Montgomery pays to the Montgomery Municipal Water Utility for Fire Hydrant Rental; and

**WHEREAS**, such rates and charges heretofore established are in need of amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONTGOMERY, INDIANA:

**SECTION 1**

That effective January 1, 2010, the Town of Montgomery shall pay to the Montgomery Municipal Water Utility an annual charge of Fifty Dollars (\$50.00) for each fire hydrant utilized by the Town of Montgomery.

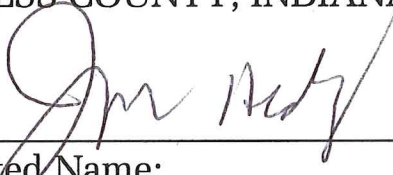
**SECTION 2**

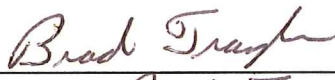
That the charge set forth in Section 1 above shall be due and payable on or before the 31 day of December, 2010 and each successive year thereafter.

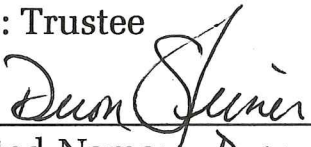
**SECTION 3**

That this ordinance shall be in full force and effect as of January 1, 2010.

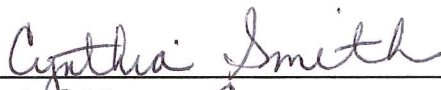
PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this 7 day of June, 2010.

  
\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: Trustee

  
\_\_\_\_\_  
Printed Name: Brad Traylor  
Title: Trustee

  
\_\_\_\_\_  
Printed Name: Deron Steiner  
Title: Trustee

ATTEST:

  
\_\_\_\_\_  
Printed Name: CYNTHIA SMITH  
Title: Clerk-Treasurer

ADDITIONAL APPROPRIATION RESOLUTION/ORDINANCE

Whereas, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget; now, therefore:

Sec. 1. Be it ordained (resolved) by the Town Board  
(Governing Body)

Of Town of Montgomery, Daviess County, that for the expenses of the  
(Taxing Unit) (County)

taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: <u>General</u>	Amount Requested	Amount Approved By Fiscal Body
<i>Major Budget Classification:</i>		
10000 Personal Services	\$ _____	\$ _____
20000 Supplies	\$ _____	\$ _____
30000 Other Services & Charges	\$ 10,512	\$ 10,512.00
40000 Capital Outlays	\$ _____	\$ _____
Total for <u>General</u> Fund:	\$ 10,512	\$ 10,512.00

Adopted this 7 day of June, 2010

NAY

AYE

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

Jim King  
Brad Gray  
Don Stuenkel

ATTEST:

Cynthia Smith  
(Secretary of Governing Body)

**Resolution Number 5-2010**  
**RESOLUTION AUTHORIZING APPLICATION SUBMISSION**

RESOLUTION OF THE TOWN OF MONTGOMERY TOWN COUNCIL OF DAVIESS COUNTY,  
INDIANA, AUTHORIZING THE SUBMITTAL OF THE DISASTER APPLICATION TO THE  
INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED  
MATTERS

WHEREAS, the Council of the Town of Montgomery, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 Public Law 110-252, approved June 30, 2008, and Public Law 110-329, approved September 30, 2008, for disaster relief of unmet needs resulting from tornadoes and flooding in the state, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the Town of Montgomery, Indiana has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearing to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Indiana that:

1. The President is authorized to prepare and submit an application for grant funding to address the Town's Stormwater Drainage System, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Montgomery, Indiana hereby commits local funds in the amount of Ten Thousand Dollars (\$10,000), from the Town's Wastewater Utility Operating fund for said program, such commitment to be contingent upon receipt of Disaster CDBG funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Montgomery Town Council of the County of Daviess, Indiana this 26<sup>th</sup> day of April, 2010, at 6:34 PM.

SIGNATURE: \_\_\_\_\_

James M. Healy, President

ATTEST: \_\_\_\_\_

Cynthia Smith, Clerk/Treasurer



RESOLUTION  
OF THE  
TOWN OF MONTGOMERY  
OF DAVIESS COUNTY, INDIANA

(A RESOLUTION DECLARING A CERTAIN AREA WITHIN THE TOWN OF MONTGOMERY, INDIANA A BLIGHTED AREA FOR THE PURPOSES OF FOCUSING ATTENTION AND RESOURCES TO ADDRESS CONDITIONS WHICH HAVE CONTRIBUTED TO THE DETERIORATION OF THE AREA AND TO ENCOURAGE GROWTH AND DEVELOPMENT IN THE AREA.)

WHEREAS, the Town Council of Montgomery, Indiana, desires to eliminate slum and blighted areas within the corporate limits of Montgomery, Indiana, and specific areas just outside the area of (See Exhibit A); and

WHEREAS, identifying such areas is necessary for effective action to eliminate slum and blighting conditions; and

WHEREAS, widespread deterioration of public improvements has taken place as evidenced by sidewalks and curbs that are cracked or nonexistent, crumbling, and unsafe creating a potential public hazard. Utility upgrades including stormwater drainage, lighting and pavement improvements are necessary as well as "pedestrian friendly" upgrades such as sidewalks providing handicapped accessibility and curbs and ramps.

WHEREAS, the downtown area has experienced a cessation of private investment since 2003, and

WHEREAS, 15% of the first floor commercial space, 0% of second floor commercial space, and 15% of total commercial space in downtown Montgomery is currently vacant, and

WHEREAS, widespread deterioration of downtown commercial buildings and utilities has taken place as evidenced by crumbling facades, broken or boarded windows, vandalism, growth of vegetation, occasional flooding of streets and yards and presence of litter in and around many downtown commercial buildings and residences,

BE IT THEREFORE RESOLVED by the Town Council of Montgomery, Indiana that the areas of downtown Montgomery, Indiana defined in the attached "Exhibit A" hereby be designated as slum and blighted as defined by Indiana Code 36-7-14.

Main Street, 1st Street, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street from Hwy 50 to Railroad Street/Park Road to include, Orleans Road, Mill Street, Church Street, Rudolph Street, and Meyers Street;  
3<sup>rd</sup> Street from Railroad St. north to CR 100 N(past School)  
N 1<sup>st</sup> Street from Railroad Street to Gasthof entrance;  
Railroad Street/Park Road east through Ruritan Park Area.

ADOPTED this 15th day of March, 2010.

ATTEST:

Cynthia Smith  
Cindy Smith, Clerk Treasurer

TOWN COUNCIL OF MONTGOMERY

Mike Healy  
Mike Healy, President

Deron Steiner  
Deron Steiner, Council Member

Brad Traylor  
Brad Traylor, Council Member

RESOLUTION NO. 3-2010

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CFF APPLICATION TO THE INDIANA  
OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its city limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

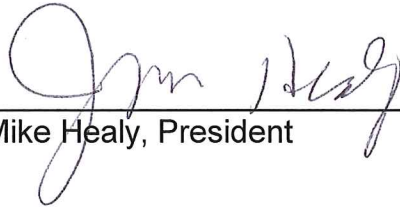
NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address downtown revitalization for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Indiana hereby commits the requisite local funds in the amount of ninety-three thousand dollars (\$93,000), from the Town's EDIT (\$32,000) and MVH (\$26,000) funds and from the Daviess County Community Foundation in the amount of \$5,000 as philanthropic funds, as well as \$30,000 from the Daviess County Economic Development Corporation, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

Adopted by the Town Council of Montgomery, Indiana this 15th day of  
March, 2010 at \_\_\_\_\_ p.m.

SIGNATURE:



\_\_\_\_\_

Mike Healy, President

ATTEST:



\_\_\_\_\_

Cynthia Smith, Clerk Treasurer

**ORDINANCE FOR CROSS CONNECTION CONTROL**  
**ORDINANCE NO. 2-2010**

**TO PROVIDE A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINATES THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM.**

*Whereas Chapter 10 of the Uniform Plumbing Code, as adopted by the State of Indiana, requires protection of the public water supply from contaminants due to backflow of contaminants through the water service connection; and*

*Whereas the Indiana Department of Environmental Management endorses the maintenance of continuing program of cross connection control which will systematically and effectively prevent the contamination of all potable water systems;*

**NOW, THEREFORE, BE IT ORDAINED** by the council of the **TOWN OF MONTGOMERY, State of Indiana:**

*Section 1. That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the TOWN OF MONTGOMERY water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gasses, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.*

*Section 2. That no person, firm or corporation shall establish or permit to be established or maintain of permit to be maintained any cross connection. No inter-connection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the TOWN OF MONTGOMERY may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the TOWN OF MONTGOMERY utilities and by the Indiana Dept. of Environmental Management in accordance with 327 IAC 8-10.*

*Section 3. That it shall be the duty of the TOWN OF MONTGOMERY to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the TOWN OF MONTGOMERY.*

*Section 4. That upon presentation of credentials, the representative of the TOWN OF MONTGOMERY shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the TOWN*

*OF MONTGOMERY for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.*

*Section 5. That the TOWN OF MONTGOMERY utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee or occupants of the property or premises where a violation is found or suspected to exist. Water Service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.*

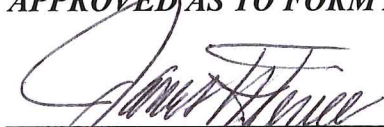
*Section 6. That, if it is deemed by the TOWN OF MONTGOMERY utilities that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the TOWN OF MONTGOMERY and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for a hearing within 10 days of such emergency discontinuance.*

*Section 7. That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.*

*Section 8. That this ordinance does not supersede the State Uniform Plumbing Code or the TOWN OF MONTGOMERY plumbing ordinance No. \_\_\_\_\_, but is supplementary to them.*

*Section 9. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the TOWN OF MONTGOMERY requiring it.*

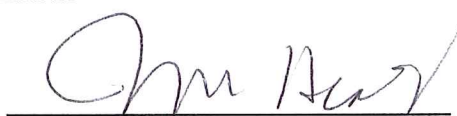
**APPROVED AS TO FORM AND LEGALITY:**


  
\_\_\_\_\_  
Town Attorney



First Reading: 12-7-09

Second Reading: 1-4-10

Third Reading: 2-1-10

  
\_\_\_\_\_  
Council President

  
\_\_\_\_\_  
Clerk-Treasurer

 (Council)  
 (Council)

**Effective Date:** 3-1-10

**Distributed to Council:** 3-1-10

ORDINANCE NO. 1-2010

**AN ORDINANCE VACATING A PORTION OF PUBLIC WAYS  
(STREET & ALLEY)  
IN MACKELL'S THIRD ADDITION  
TO THE TOWN OF MONTGOMERY, INDIANA**

WHEREAS, on December 7, 2009, the Town Board of Montgomery received from Kenneth J. Mangin and Theodosia A. Mangin, husband and wife, Joseph Daniel Heffernan and Sheila J. Heffernan, husband and wife, Charles A. Keller, Jr., and Renae G. Keller, husband and wife, and Thomas A. Gallagher a Petition to Vacate Part of a Public Ways (Street & Alley), being a portion of a certain public way, known as ("Walnut Street") and a portion of a certain public way, being an alley located in Mackell's Third Addition in said Town of Montgomery, Indiana; and

WHEREAS, said Petitions satisfied the requirements of I.C. 36-7-3-12; and

WHEREAS, the Clerk-Treasurer gave notice of the Petition and of the time and place of hearing on the Petition pursuant to I.C. 5-3-1 and said Notice was published in the Washington Times Herald on 12<sup>th</sup> day of December, 2009, as more fully appears in the Publisher's Affidavit attached to this ordinance as "Exhibit A"; and

WHEREAS, the Clerk-Treasurer mailed a copy of the Notice by certified mail to each owner of land that abuts the portion of the Public Way (Street & Alley) to be vacated that did not waive notice by signing the Petition to Vacate; and

WHEREAS, the Town Board of Montgomery on the 4<sup>th</sup> day of January, 2010, did hear and determine the Petition and found same to be in satisfactory form and content and there being no objection to the vacation as proposed in the Petition, the Board granted said Petition.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. That the following described Portion of Public Ways (Street & Alley) located in Mackell's Third Addition to the Town of Montgomery, which property is described as follows, to-wit:

Beginning at the Northeast corner of Lot Thirty-nine (39) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence East a distance of thirty feet (30'); thence South a distance of one hundred twenty feet (120'); thence West a distance of thirty feet (30') to the Southeast corner of said Lot Thirty-nine (39); thence North a distance of one



hundred twenty feet (120') along the East line of said Lot Thirty-nine (39) one hundred twenty feet (120') to the place of beginning, containing .08 acre, more or less.

ALSO, beginning at the Southwest corner Lot Thirty-eight (38) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence East a distance of one hundred fifty feet (150'); thence South a distance of ten feet (10'); thence West a distance of one hundred fifty feet (150'); thence North a distance of ten feet (10') to the place of beginning, containing .03 acre, more or less.

shall be and hereby is vacated, and ownership is confirmed in Kenneth J. Mangin and Theodosia A. Mangin, husband and wife.

Section 2. That the following described Portion of Public Way (Street & Alley) located in Mackell's Third Addition to the Town of Montgomery, which property is described as follows, to-wit:

Beginning at the Northwest corner of Lot Forty (40) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence West a distance of thirty feet (30'); thence South a distance of one hundred twenty feet (120'); thence East a distance of thirty feet (30'); thence North along the West line of Lot Forty (40) a distance of one hundred twenty feet (120') to the place of beginning, containing .08 acre, more or less.

ALSO, beginning at the Southeast corner of Lot Forty-two (42) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence South a distance of ten feet (10'); thence West a distance of two hundred ten feet (210'); thence North a distance of ten feet (10'); thence East a distance of two hundred ten feet (210') to the place of beginning, containing .05 acre, more or less.

shall be and hereby is vacated, and ownership is confirmed in Charles A. Keller, Jr., and Renae G. Keller, husband and wife.

Section 3. That the following described Portion of Public Way (Street & Alley) located in Mackell's Third Addition to the Town of Montgomery, which property is described as follows, to-wit:

Beginning at the Southwest corner of Lot Thirty-six (36) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence West one hundred twenty feet (120'); thence South a distance of ten feet (10'); thence East a distance of one hundred twenty feet (120'); thence North a distance of ten feet (10') to the place of beginning, containing .02 acre, more or less.

shall be and hereby is vacated, and ownership is confirmed in Joseph Daniel Heffernan and Sheila J. Heffernan, husband and wife.

Section 4. That the following described Portion of Public Way (Street & Alley) located in Mackell's Third Addition to the Town of Montgomery, which property is described as follows, to-wit:

Beginning at a point ten feet (10') South of the Southwest corner of Lot Thirty-six (36) in Mackell's Third Addition to the Town of Montgomery, according to the Town Plat; thence East a distance of four hundred eighty feet (480'); thence South a distance of ten feet (10');

thence West a distance of four hundred eighty feet (480'); thence North a distance of ten feet (10') to the place of beginning, containing .11 acre, more or less.

shall be and hereby is vacated, and ownership is confirmed in Thomas A. Gallagher.

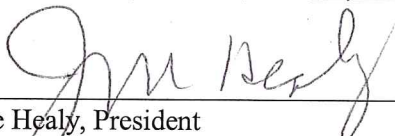
Section 5. A copy of the pertinent plat of Mackell's Third Addition is attached hereto, made apart hereof by reference and labeled "Exhibit B".

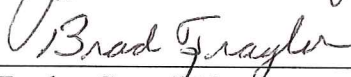
Section 6. That the Clerk-Treasurer is hereby authorized and directed to record a copy of this ordinance in the Office of the Recorder of Daviess County, Indiana, and the Office of the Auditor of Daviess County, Indiana.

Section 7. This ordinance shall be in full force and effect from and after its passage by the Town Board of Montgomery, Indiana and to be included in its Ordinance Record.

Section 8. The Town of Montgomery Ordinance Record is hereby amended in conformity with the Ordinance.


ADOPTED by the Town Board of Montgomery, Daviess County, Indiana, this 4th day of January, 2010.

  
\_\_\_\_\_  
Mike Healy, President

  
\_\_\_\_\_  
Brad Traylor, Council Member

  
\_\_\_\_\_  
Deron Steiner, Council Member

ATTEST:

  
\_\_\_\_\_  
Cynthia Smith, Clerk-Treasurer  
Town of Montgomery

RESOLUTION # 12-2009

TOWN OF MONTGOMERY EMERGENCY RESPONSE PLAN FOR THE  
PROVISION OF SAFE DRINKING WATER DURING EMERGENCIES

I. PURPOSE:

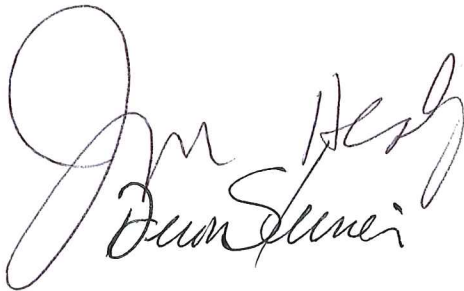
The purpose of this plan is to define responsibilities; and to describe procedures designed to assure the optimum reaction to any major emergency having effect on drinking water supplies in the Town of Montgomery.

- II. A. IDEM Public Water Supply Section 812-380-2314
- B. Police  
Daviss County Sheriff 812-254-1060
- C. Fire  
Montgomery Fire Dept. 911  
Daviss County Sheriff 812-254-1060
- D. Daviss County Civil Defense 812-254-1060
- E. Town of Montgomery 812-486-3298  
Superintendent 812-486-3628  
812-444-9454
- F. Superintendent 812-486-3628  
812-444-9454
- G. Well & Pump Service, Hacker Plumbing 812-882-8053  
812-881-7137
- H. Mechanical Contractor, Hacker Plumbing 812-882-8053  
812-881-7137
- I. Chemical Supplier, Brenntag Mid-South 270-827-4509
- J. Daviss County Hospital 812-254-2760
- K. National Response Center 800-424-8802
- III. See enclosed map of system.
- IV. Amount budgeted for emergency are incorporated into operating budget: therefore, are not reserved specifically for emergencies.  
Emergency expenditures are subject to requirements of the Indiana State Board of Accounts.
- V. Alternative source of water-interconnection with Daviss County Rural Water. Potable water alternative is bottled water available from commercial sources.
- VI. There are no critical users of water connected to the system.
- VII. Radio stations to be notified in case of an emergency:  
Washington WAMW 812-254-6761

Loogootee WRZR  
Washington WWBL

812-295-9480  
812-254-4300

- VIII. Entire system would be simultaneously pressurized once reason for depressurization is repaired.
- IX.1) No affect on system due to short term power failure (less than 2 hour duration).
- 2) In case of extended power outage, notify users of system that an emergency exists via emergency in VII above. Alert power supplied of need to restore power.
  - 3) Engage back up pump, affect immediate repair of failed pump/motor.
  - 4) Engage back up well, determine cause of failure and affect immediate action necessary to restore well to service.
  - 5) In case of major water main break, isolate leak to preserve storage capability, repair leak and repressurize isolated area.
  - 6) Alternative Operator available if needed:  
Robert Showalter 812-486-3447
- X.1) The Emergency Response plan required by this section shall be revised and updated as necessary, but at least annually.
- 2) Any condition causing the activation of any part of a Public Water Systems emergency response plan shall be reported to the Indiana Dept. of Environmental Management in writing within 15 days of said condition. The report shall include but not be limited to the following:
    - a) Tim Showalter  
6221 E. Terrace Court  
Montgomery, IN 47558  
812-444-9454
    - b) Montgomery Water Works  
P.O.Box 57  
Montgomery, IN 47558  
812-486-3298
    - c) Time, date and type of incident
    - d) Extent of injuries, if any
    - e) An assessment of actual or potential hazards to human



Jim Hersh  
Dum Slonei

OCT 21 2009

PUBLIC EMPLOYEES  
RETIREMENT FUND

**RESOLUTION ELECTING TO JOIN  
THE PUBLIC EMPLOYEES' RETIREMENT FUND**

**WHEREAS,** TOWN BOARD, is the governing body of the MONTGOMERY in DAVISS County in the State of Indiana, and

**WHEREAS,** the actuary for the Public Employee's Retirement Fund has furnished such governing body with certain cost estimates to become a participant in such Fund as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto and

**WHEREAS,** such governing body is fully cognizant that the percentage of cost of gross annual payroll of covered employees has been set at 7 % by the actuary of the Fund, and that at five year intervals, or more often if directed by the Board of Trustees of the Public Employees' Retirement Fund, the actuary will review the status of the employees covered and shall adjust the cost percentage accordingly so that the FUND will remain on an actuarially sound basis, and

**WHEREAS,** such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

**NOW THEREFORE, BE IT ORDAINED** by the governing body of the TOWN OF MONTGOMERY in DAVISS County, in the State of Indiana:

**SECTION ONE:** The TOWN OF MONTGOMERY elects to become a participant in the Public Employees' Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto.

**SECTION TWO:** The TOWN OF MONTGOMERY agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act."

**SECTION THREE:** The positions listed on Appendix A are declared to be covered by the Fund.

**SECTION FOUR:** It is hereby declared that none of the classifications or positions specified in Section Three are compensated on a fee basis or of an emergency nature, or in a part-time category

**SECTION FIVE:** The active participating membership of the TOWN OF MONTGOMERY shall begin on 1-1-2010.  
(Name of Political Sub-Division)

**SECTION SIX:** This Resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in Section Five.

**RESOLUTION ELECTING TO JOIN  
THE PUBLIC EMPLOYEES' RETIREMENT FUND**

Dated this 12<sup>th</sup> day of  
OCTOBER, 20 09

SIGNATURES OF THE GOVERNING BODY:

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

*Jim Kemp*  
Chairman/President

\_\_\_\_\_  
*Don Skinner*

\_\_\_\_\_  
*Brad Grayler*

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

**APPROVED**  
**BOARD OF TRUSTEES**  
Public Employees' Retirement  
Fund  
State of Indiana

*Jim Boyd*

Director

Date: 11-20-2009

**MONTGOMERY TOWN COUNCIL  
DAVISS COUNTY, INDIANA**

An Ordinance Establishing the Montgomery Advisory Plan Commission and  
Providing for the Appointment of Membership

WHEREAS, Indiana Code §36-7-4-202 authorizes the legislative body of a municipality, to wit: the Montgomery Town Council, to establish by ordinance an advisory plan commission; and

WHEREAS, an advisory plan commission is necessary in order for the Town of Montgomery to exercise planning and zoning authority within the Town; and

WHEREAS, the Town of Montgomery believes the exercise of planning and zoning in the Town of Montgomery is necessary and will improve the health, safety, convenience, and welfare of the citizens of the Town of Montgomery and will aid in the planning for future development; and

WHEREAS, the Town of Montgomery desires to exercise planning in zoning within the jurisdiction limits of the Town of Montgomery in accordance with Indiana law; and

WHEREAS, the Town of Montgomery, acting through the Montgomery Town Council, now desires to adopt the aforementioned ordinance establishing an advisory plan commission.

BE IT ORDAINED, by the Town Council of the Town of Montgomery, Daviess County, Indiana, as follows:

Section 1. The Montgomery Advisory Plan Commission is hereby established as the plan commission for the Town of Montgomery, Indiana, in accordance with Indiana Code § 36-7-4-202.

Section 2. The legal name of the plan commission for the Town of Montgomery shall be the "Montgomery Advisory Plan Commission."

Section 3. The membership of the Montgomery Advisory Plan Commission, the qualifications of its members and terms of membership shall be in accordance with Indiana Code § 36-7-4-200 et seq.

(a) In accordance with Indiana Code § 36-7-4-207(b), the Montgomery Advisory Plan Commission shall consist of seven (7) members, three (3) which are elected or appointed officials or employees of the Town of Montgomery, as

appointed by the legislative body, and four (4) which are citizen members, no more than two (2) of the same political party, as appointed by the municipal executive.

(b) Citizen members of the Montgomery Advisory Plan Commission shall be appointed in accordance with § 36-7-4-216, and in particular:

Each citizen member shall be appointed because of the member's knowledge and experience in community affairs, the member's awareness of the social, economic, agricultural, and industrial problems of the area, and the member's interest in the development and integration of the area. A citizen member may not hold other elective or appointive office in municipal, county, or state government, except in the case of an area plan commission membership on the school board, the park board, or the board of directors for public utilities or board of trustees for utilities created under IC 8-1-11.1. A citizen member must be a resident of the jurisdictional area of the plan commission.

(c) The terms of office for members of the Montgomery Advisory Plan Commission shall be in accordance with Indiana Code § 36-7-4-217 and 218 as follows:

(1) Members appointed by the legislative body shall serve terms coextensive with their terms of office qualifying them for appointment, unless the legislative body appoints another representative at its first regular meeting of any subsequent year.

(2) Citizen members appointed by the municipal executive shall serve staggered terms. Two (2) citizen members shall be appointed for initial terms of three (3) years, and two (2) citizen members shall be appointed for initial terms of four (4) years.

(3) Citizen members shall thereafter serve terms of four (4) years, although such members shall serve until appointment of a successor and are eligible for reappointment.

Section 4. The Montgomery Advisory Plan Commission is hereby vested with the duties and powers granted and imposed to an advisory plan commission under advisory planning law.

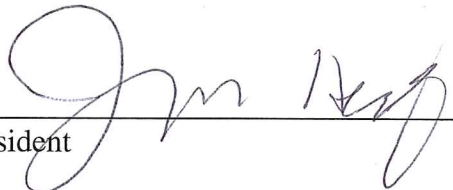
Section 5. All Ordinances or parts of Ordinances, inconsistent with the provision of this Ordinance, are hereby repealed.

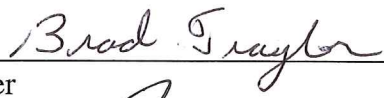
Section 6. This Ordinance shall be effective upon publication of notice of passage hereof pursuant to Indiana Code Section 5-3-1.




Adopted this 12<sup>th</sup> day of OCTOBER, 2009, by a vote of 3 ayes and 0 nays.

TOWN COUNCIL OF THE TOWN OF  
MONTGOMERY, DAVIESS COUNTY,  
INDIANA:

  
\_\_\_\_\_  
President


  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Clerk/Treasurer

304311

ORDINANCE NO. 2009- 9-01AN ORDINANCE TO REGULATE THE USE OF GOLF  
CARTS WITHIN THE CORPORATE LIMITS OF  
THE TOWN OF MONTGOMERY, INDIANA

**WHEREAS**, there has been an increase in the use of golf carts on public streets, roads and alleys within the Town of Montgomery, Indiana; and

**WHEREAS**, the Town Board believes that, in order to help preserve the health and safety of its citizens, it is necessary to regulate the use of golf carts on streets, roads and alleys within the corporate limits of the Town of Montgomery, Indiana.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONTGOMERY, INDIANA, AS FOLLOWS:**

**SECTION 1 POLICY STATEMENT**

This Ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads (hereinafter "streets") and the Town of Montgomery in no way advocates their operation on streets. The Town of Montgomery, by regulating such operation, is merely addressing safety issues. Adoption of this Ordinance is not to be relied upon as a determination that operation of golf carts on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride in golf carts on roads do so at their risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Montgomery has no liability under any theory of law, for permitting golf carts to be operated on streets under this Ordinance. Any person who operates a golf cart is responsible for procuring liability insurance as set forth in this Ordinance as a condition of using a golf cart on the streets of the Town of Montgomery.

Notwithstanding the foregoing, the Town of Montgomery, after considering the speed, volume and character of motor vehicle traffic using its public roads, has reviewed and approved the use of golf carts on streets under the conditions and limitations hereinafter prescribed.

## **SECTION 2 DEFINITIONS**

- A. "Golf Cart" shall mean a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.
- B. "Financial Responsibility" shall have the meaning expressed in IC 9-25-4-1 et seq (as it now reads or may be amended in the future).
- C. "City Street" shall mean the entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel within the corporate limits of the Town of Montgomery. The term includes, but is not necessarily limited to, streets, alleys, roads, highways, or thoroughfares.
- D. "High Visibility Flag" shall mean a flag, the banner of which is at least sixty (60) square inches and which is orange, yellow, green or red in color.
- E. "Operate" shall mean to exercise any control over the function or movement of a golf cart.
- F. "State Highway" shall mean any street under the control of and maintained by the State of Indiana.

## **SECTION 2 REQUIREMENT OF DRIVER'S LICENSE**

The operator of the golf cart on a city street must have a valid driver's license and must have the driver's license in his or her possession while operating a golf cart.

## **SECTION 3 REQUIREMENT OF FINANCIAL RESPONSIBILITY**

No person may operate a golf cart on a city street unless financial responsibility is in effect with respect to the golf cart as provided under IC 9-25-4-4 (as it now reads or may be amended in the future).

## **SECTION 4 TIME OF OPERATION AND NIGHTTIME RESTRICTIONS**

No golf cart shall be operated on a street between one-half (1/2)

hour after sunset and one-half (1/2) hour before sunrise unless the golf cart is equipped with two (2) headlamps, two (2) tail lamps, front and rear turn lamps, and rear brake lamps, all of which must be visible from a distance of at least five hundred feet (500').

#### **SECTION 5 REQUIREMENT OF HIGH VISIBILITY FLAG**

No golf cart shall be operated on a street unless the golf cart is equipped with a high visibility flag, the banner of which shall measure no less than sixty (60) square inches. The flag shall be mounted on a pole in such a manner that the bottom of the banner of the flag is not less than seven feet (7') and no more than twelve feet (12') above the ground when mounted.

#### **SECTION 6 PLACE OF OPERATION**

No golf cart shall be operated on or at the following:

- A. Any town street or any portion of any town street where the speed limit in effect at the place of operation is greater than thirty (30) miles per hour;
- B. Any town street designated as a State Highway, except to cross any State Highway by traveling on a city street perpendicular to the State Highway at a location where the city street intersects with the state highway;
- C. Any sidewalk, trail, pedestrian bridge, or greenway path, not specifically designated for use by a motor vehicle.

#### **SECTION 7 TRAFFIC LAW AND ORDINANCES**

The operator of a golf cart on a street shall comply with all traffic laws and rules adopted by the State of Indiana and/or the Town of Montgomery, including restrictions and prohibitions as set forth in the Ordinances of the Town of Montgomery.

#### **SECTION 8 OCCUPANTS**

The number of occupants of a golf cart shall be limited to the number of occupants the vehicle was designed to accommodate. The operator and occupants shall be properly seated at all times and no part of the body of the operator or occupants shall extend outside the

perimeter of the golf cart while the golf cart is in operation; provided however, the operator shall use proper traffic hand signals when required. No one under the age of two (2) years shall be permitted to be an occupant of a golf cart.

**SECTION 9 TOWING**

No golf cart shall be used to tow any type of trailer or other vehicle of any type.

**SECTION 10 EXCEPTIONS**

The Town Board of the Town of Montgomery shall have the authority to specifically permit the use of golf carts by identified persons at special events; provided, however, that the operator of a golf cart must still be a licensed driver and financial responsibility must be in effect with respect to the golf cart.

Passed and adopted by the Board of Trustees of the Town of Montgomery, Daviess County, Indiana, this 1 day of September 2009.

*J. M. Healy*

Printed Name: \_\_\_\_\_

J. M. Healy

Printed Name: \_\_\_\_\_

Brad Traylor

*Brad Traylor*

Printed Name: \_\_\_\_\_

Deron Steiner

*Deron Steiner*

ATTEST:

*Cynthia R. Smith*

Printed Name: \_\_\_\_\_

CYNTHIA R. SMITH

Title: Clerk-Treasurer

**RESOLUTION NO. 2009-7-23**  
**OF THE TOWN COUNCIL OF**  
**THE TOWN OF MONTGOMERY, INDIANA**  
**APPROVAL OF THE DOWNTOWN REVITALIZATION PLAN**

**WHEREAS**, the Town of Montgomery, Indiana has caused a Downtown Revitalization Plan dated July, 2009 prepared by the consulting firm of VS Engineering. The plan was funded by a Planning Grant from the Indiana Office of Community and Rural Affairs and local matching funds provided by the Town of Montgomery, Indiana; and

**WHEREAS**, said plan has been presented to the public at a public hearing held on July 20, 2009 for comments; and

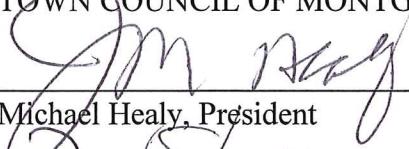
**WHEREAS**, the Town Council of Montgomery, Indiana finds that there was not sufficient evidence presented in objection to the recommended project in the plan.

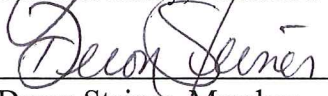
**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Montgomery, Indiana that:

1. The Town of Montgomery Downtown Revitalization Plan dated July 2009 be approved and adopted by the Town Council of the Town of Montgomery; and
2. That said plan was submitted to the Indiana Office of Community and Rural Affairs for final review and approved.

Passed and adopted by the Town Council of the Town of Montgomery, Indiana this 23rd day of July, 2009, at \_\_\_\_\_ p.m.

TOWN COUNCIL OF MONTGOMERY

  
\_\_\_\_\_  
Michael Healy, President

  
\_\_\_\_\_  
Deron Steiner, Member

  
\_\_\_\_\_  
Brad Traylor, Member

ATTEST:   
\_\_\_\_\_  
Cynthia Smith, Clerk Treasurer

RESOLUTION  
OF THE  
TOWN OF MONTGOMERY  
OF DAVIESS COUNTY, INDIANA

(A RESOLUTION DECLARING A CERTAIN AREA WITHIN THE TOWN OF MONTGOMERY, INDIANA A BLIGHTED AREA FOR THE PURPOSES OF FOCUSING ATTENTION AND RESOURCES TO ADDRESS CONDITIONS WHICH HAVE CONTRIBUTED TO THE DETERIORATION OF THE AREA AND TO ENCOURAGE GROWTH AND DEVELOPMENT IN THE AREA.)

WHEREAS, the Town Council of Montgomery, Indiana, desires to eliminate slum and blighted areas within the corporate limits of Montgomery, Indiana, and specific areas just outside the area of (See Exhibit A); and

WHEREAS, identifying such areas is necessary for effective action to eliminate slum and blighting conditions; and

WHEREAS, widespread deterioration of public improvements has taken place as evidenced by sidewalks and curbs that are cracked or nonexistent, crumbling, and unsafe creating a potential public hazard. Utility upgrades including stormwater drainage, lighting and pavement improvements are necessary as well as "pedestrian friendly" upgrades such as sidewalks providing handicapped accessibility and curbs and ramps.

WHEREAS, widespread deterioration of downtown commercial buildings and utilities has taken place as evidenced by crumbling facades, broken or boarded windows, vandalism, growth of vegetation, occasional flooding of streets and yards and presence of litter in and around many downtown commercial buildings and residences,

BE IT THEREFORE RESOLVED by the Town Council of Montgomery, Indiana that the areas of downtown Montgomery, Indiana defined in the attached "Exhibit A" hereby be designated as slum and blighted as defined by Indiana Code 36-7-14.

Main Street, 1st Street, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street from Hwy 50 to Railroad Street/Park Road to include, Orleans Road, Mill Street, Church Street, Rudolph Street, and Meyers Street.

ADOPTED this 6th day of October, 2008.

ATTEST:

Cynthia Smith  
Cindy Smith, Clerk Treasurer

TOWN COUNCIL OF MONTGOMERY

Mike Healy  
Mike Healy, President

Deron Steiner, Council Member

Brad Traylor  
Brad Traylor, Council Member

# Town of Montgomery, IN

Figure 1-A





**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION TO THE TOWN COUNCIL OF MONTGOMERY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE PLANNING GRANT APPLICATION TO THE INDIANA  
OFFICE OF COMMUNITY AND RURAL AFFAIRS ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of the Town of Montgomery, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Montgomery, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;


NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Montgomery, Indiana that:

1. The President is authorized to prepare and submit an application for grant funding to address conducting a downtown revitalization planning study of the Town and area and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Montgomery hereby commits the requisite local funds in an amount not to exceed Five thousand six hundred dollars (\$5,600.00), in the form of funds available from the Town's Cumulative Capital Improvements funds, as matching funds for said program, such commitment to be contingent upon receipt of funding from the Indiana Office of Community and Rural Affairs.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

Adopted by the Town Council of the Town of Montgomery, Indiana this 26th day of  
August, 2008, at 6:46 p.m..

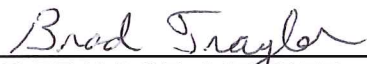
ATTEST:

  
\_\_\_\_\_  
CINDY SMITH  
CLERK TREASURER

TOWN COUNCIL OF MONTGOMERY,  
INDIANA

  
\_\_\_\_\_  
MIKE HEALY, PRESIDENT

  
\_\_\_\_\_  
DERON STEINER, MEMBER

  
\_\_\_\_\_  
BRAD TRAYLOR, MEMBER

RESOLUTION  
OF THE  
TOWN OF MONTGOMERY  
OF DAVIESS COUNTY, INDIANA

(A RESOLUTION DECLARING A CERTAIN AREA WITHIN THE TOWN OF MONTGOMERY, INDIANA A BLIGHTED AREA FOR THE PURPOSES OF FOCUSING ATTENTION AND RESOURCES TO ADDRESS CONDITIONS WHICH HAVE CONTRIBUTED TO THE DETERIORATION OF THE AREA AND TO ENCOURAGE GROWTH AND DEVELOPMENT IN THE AREA.)

WHEREAS, the Town Council of Montgomery, Indiana, desires to eliminate slum and blighted areas within the corporate limits of Montgomery, Indiana, and specific areas just outside the area of (See Exhibit A); and

WHEREAS, identifying such areas is necessary for effective action to eliminate slum and blighting conditions; and

WHEREAS, widespread deterioration of public improvements has taken place as evidenced by sidewalks and curbs that are cracked or nonexistent, crumbling, and unsafe creating a potential public hazard. Utility upgrades including stormwater drainage, lighting and pavement improvements are necessary as well as "pedestrian friendly" upgrades such as sidewalks providing handicapped accessibility and curbs and ramps.

WHEREAS, widespread deterioration of downtown commercial buildings and utilities has taken place as evidenced by crumbling facades, broken or boarded windows, vandalism, growth of vegetation, occasional flooding of streets and yards and presence of litter in and around many downtown commercial buildings and residences,

BE IT THEREFORE RESOLVED by the Town Council of Montgomery, Indiana that the areas of downtown Montgomery, Indiana defined in the attached "Exhibit A" hereby be designated as slum and blighted as defined by Indiana Code 36-7-14.

Main Street, 1st Street, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street from Hwy 50 to Railroad Street/Park Road to include, Orleans Road, Mill Street, Church Street, Rudolph Street, and Meyers Street;  
3<sup>rd</sup> Street from Railroad St. north to CR 100 N(past School)  
N 1<sup>st</sup> Street from Railroad Street to Gasthof entrance;  
Railroad Street/Park Road east through Ruritan Park Area.

ADOPTED this 26th day of August, 2008.

ATTEST:

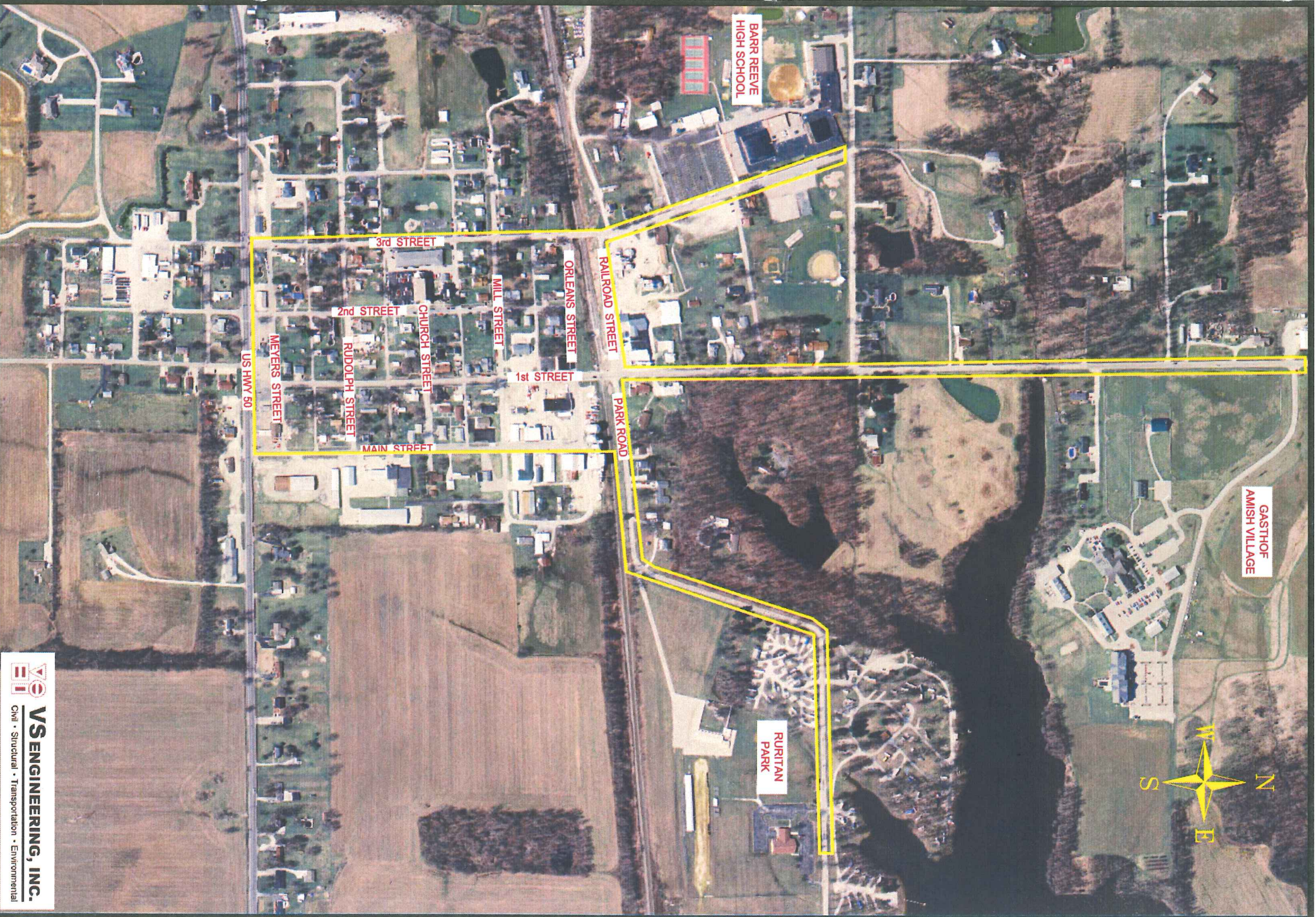
Cindy Smith  
Cindy Smith, Clerk Treasurer

TOWN COUNCIL OF MONTGOMERY

Mike Healy  
Mike Healy, President

Deron Steiner  
Deron Steiner, Council Member

Brad Traylor  
Brad Traylor, Council Member



# Town of Montgomery, IN

RESOLUTION NO. 4-2008

**A RESOLUTION CONCERNING AN ADDITIONAL APPROPRIATION  
OF FUNDS TO BE OBTAINED FROM THE RECEIPT OF GRANTS  
AND THE SALE OF BONDS IN THE TOTAL AMOUNT OF \$1,288,000  
PURSUANT TO ORDINANCE NO. 1-2008,  
FOR SEWAGE WORKS IMPROVEMENTS**

WHEREAS, the Town of Montgomery, Indiana (the "Town") is a municipal corporation in the State of Indiana; and,

WHEREAS, the Council of the Town ("Council") has determined that it would be of public utility and benefit and in the best interest of the Town and its citizens to pay the costs for sewage works improvements and the expenses in connection therewith by the receipt of grants and the issuance of bonds therefor (hereinafter referred to as the "Project"); and,

WHEREAS, the Town has been awarded grants in an amount of \$500,000 for the Project; and,

WHEREAS, pursuant to Ordinance 1-2008 adopted on January 7, 2008, the Council authorized the issuance of bonds, in an amount not to exceed \$788,000 for the purpose of providing for the payment of (i) sewage works improvements and (ii) the costs of selling and issuing the bonds; and,

WHEREAS, following the publication of legal notice in accordance with Indiana Code 5-3-1-2(b), the Council held a public hearing on the additional appropriation, at which hearing taxpayers appearing at the meeting were given the opportunity to be heard, all in accordance with Indiana Code 6-1.1-18-5 (together with certain other applicable provisions of the Indiana Code, as amended, the "Act");

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA AS FOLLOWS:

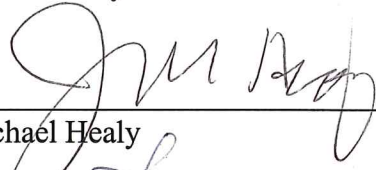
Section 1. Additional Appropriation. The Council hereby makes an additional appropriation in the amount of \$1,288,000, from funds to be provided out of the proceeds of the bonds and grants. The appropriation is in addition to all other appropriations provided for in the existing budget and tax levy. The Clerk-Treasurer is hereby authorized and directed to provide the Department of Local Government Finance with a certified copy of this Resolution in accordance with the Act.

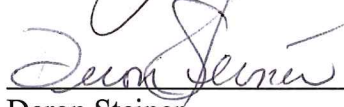
Section 2. Incorporation of Preambles. The preambles to this Resolution are hereby incorporated into the text of this Resolution as if fully set forth herein.

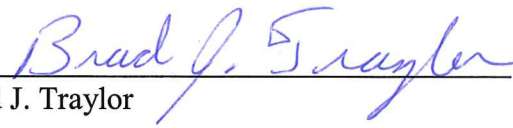
Section 3. Effective Date. This Resolution shall be in full force and effect from and after its passage and adoption by the Council as provided by law; provided, however, that this

Resolution shall be subject to the receipt of a written determination from the Department of Local Government Finance as to the sufficiency of funds to support the appropriation in accordance with the Act.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF montgomery, INDIANA THIS 4 DAY OF February, 2008.

  
\_\_\_\_\_  
J. Michael Healy

  
\_\_\_\_\_  
Deron Steiner

  
\_\_\_\_\_  
Brad J. Traylor

ATTEST:

  
\_\_\_\_\_  
Cynthia K. Smith, Clerk-Treasurer

Publisher's Affidavit

The State of Indiana,  
Daviess County

SS:

Personally appears before the undersigned

Ron Smith, General Manager of

THE WASHINGTON TIMES-HERALD

a public newspaper of general circulation, printed and published in Wash-  
ington in the county aforesaid, who, being duly sworn upon his oath, said: The  
notice of which the attached is a true copy was published in said paper on

January 3, 2008



born to before me, this 3 day of January, 2008

124.64

Mary Ellen Pride, Notary Public

My commission expires March 14, 2008

AN ORDINANCE VACATING  
A PORTION OF A PUBLIC  
WAY (STREET) IN PART OF  
THE NORTHWEST  
QUARTER OF SECTION 26,  
TOWNSHIP 3 NORTH,  
RANGE 6 WEST, TOWN OF  
MONTGOMERY, INDIANA  
ORDINANCE 2007-002

WHEREAS, on November  
16, 2007, the Town Board of  
Montgomery received from  
Gerald R. Stoll and Norma  
Lynn Stoll, husband and wife,  
Jodey Neukam and Amanda  
Neukam, husband and wife,  
and Wilmer D. Miller and  
Teresa Miller, husband and  
wife, a Petition to Vacate Part  
of a Public Way (Street) known  
as ("Hastings Street") located  
in the Northwest quarter of  
Section 26, Township 3 North,  
Range 6 West, in said Town of  
Montgomery, Indiana; and

WHEREAS, said Petition  
satisfied the requirements of  
I.C. 36-7-3-12; and

WHEREAS, the Clerk-  
Treasurer gave notice of the  
Petition and of the time and  
place of hearing on the Petition  
pursuant to I.C. 5-3-1 and said  
Notice was published in the  
Washington Times-Herald on  
20th day of November, 2007,  
as more fully appears in the  
Publisher's Affidavit attached  
to this ordinance as "Exhibit 1";  
and

WHEREAS, the Clerk-  
Treasurer mailed a copy of the  
Notice by certified mail to each  
owner of land that abuts the  
portion of the Public Way  
(Street) to be vacated that did  
not waive notice by signing the  
Petition to Vacate; and

WHEREAS, the Town  
Board of Montgomery on the  
3rd day of December, 2007,  
did hear and determine the  
Petition and found same to be  
in satisfactory form and con-  
tent and there being no objec-  
tion to the vacation as pro-  
posed in the Petition, the  
Board granted said Petition.

NOW, THEREFORE, IT IS  
ORDAINED AS FOLLOWS:

Section 1. That the following  
described Portion of a Public  
way (Street) located in the  
Northwest quarter of Section  
26, Township 3 North, Range 6  
West, which property is  
described as follows, to-wit:

Beginning at the Southwest  
corner of Lot No. 3 in the  
Wilson Coal Company's  
Addition to the Town of  
Montgomery;

thence  
S88°19'41"W a distance of  
60.0 feet; thence N01°17'44"W  
parallel to the West line of said  
Lot No. 3 a distance of 120.0  
feet; thence N88°19'41"E par-  
allel to South line a distance of  
60.0 feet to the Northwest cor-  
ner of said Lot No. 3; thence  
S01°17'44"E along said West

RESERVING, Indiana, its successors and assigns, an easement for the purpose of providing access to and constructing, inspecting, maintaining, operating, enlarging, rebuilding, and/or repairing sewer utility mains, pipes, manholes, or other equipment currently located on the above-described real estate.

shall be and hereby is vacated, and ownership is confirmed in Jodey Neukam and Amanda Neukam, husband and wife.

Section 2. That the following described Portion of a Public Way (Street) located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, which property is described as follows, to-wit:

Commencing at the Southwest corner of Lot No. 4 in the Wilson Coal Company's Addition to the Town of

Montgomery; thence S88°19'41"W a distance of 30.0 feet to the Point of Beginning; thence continue S88°19'41"W a distance of 30.0 feet; thence N01°17'44"W parallel to the West line of said Lot No. 4 a distance of 120.0 feet; thence N88°19'41"E parallel to South line a distance of 30.0 feet; thence S01°17'44"W parallel to said West line a distance of 120.0 feet to the place of beginning, containing 0.08 acres more or less.

EXCEPTING AND RESERVING, unto the Town of Montgomery, its successors and assigns, an easement for the purpose of providing access to and constructing, inspecting, maintaining, operating, enlarging, rebuilding, and/or repairing sewer utility mains, pipes, manholes, or other equipment currently located on the above-described real estate.

shall be and hereby is vacated, and ownership is confirmed in Wilmer D. Miller and Mary Teresa Miller, husband and wife.

Section 3. That the following described Portion of a Public Way (Street) located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, which is properly described as follows, to-wit:

Beginning at the Southwest corner of Lot No. 4 in the Wilson Coal Company's Addition to the Town of Montgomery; thence S88°19'41"W a distance of 30.0 feet; thence N01°17'44"W parallel to the West line of said Lot No. 4 a distance of 120.0 feet; thence N88°19'41"E parallel to South line a distance of

Filed: \_\_\_\_\_  
20

AFFIDAVIT OF PUBLICATION

VS.

NO: \_\_\_\_\_



Jan. 3, 2008  
Montgomery

Clerk Treasurer, Town of  
Brad Taylor, Council Member  
ATTEST: Michelle Fuhs,  
Council Member  
Chris O'Brian,  
Mike Healy, President  
December, 2007.

Board of Montgomery, Davess  
County, Indiana, this 3rd day of  
ADOPTED by the Town  
Record is hereby amended in  
conformity with the Ordinance.  
Montgomery Ordinance  
Section 7. The Town of  
Record

to be included in its Ordinance  
Montgomery, Indiana, and to  
the Town Board of  
shall be in full force and effect  
from and after its passage by  
Section 6. This ordinance  
County, Indiana.

of the Auditor of Davess  
County, Indiana, and the Office  
of the Recorder of Davess  
County, Indiana, and directed to record a copy  
and directed to record a copy  
of this ordinance in the Office  
Treasurer is hereby authorized  
Section 5. That the Clerk-

"Exhibit 2".  
is attached hereto and marked  
Boblitt, IN, Reg. L.S. 2030007  
and prepared by David R.  
Survey Plat showing the por-  
tion of the alley to be vacated

Section 4. A copy of the  
band and wife.  
and Norma Lynn Stoll, hus-  
confirmed in Gerald R. Stoll  
vacated, and ownership is  
shall be and hereby is  
described real estate.

located on the above-  
other equipment currently  
mains, pipes, manholes, or  
and/or repairing sewer utility,  
ating, enlarging, rebuilding,  
inspecting, maintaining, oper-  
ment for the purpose of provid-

cessors and assigns, an ease-  
Montgomery, Indiana, its suc-  
RESERVING, unto the Town of  
EXCEPTING  
AND  
acres more or less.

beginning, containing 0.08  
120.0 feet to the place of  
line of Lot No. 4 a distance of  
S01°17'44"E along said West  
ner of said Lot No. 4; thence  
30.0 feet to the Northwest cor-  
allel to South line a distance of  
feet; thence N88°19'41"E par-  
Lot No. 4 a distance of 120.0  
parallel to the West line of said  
30.0 feet; thence N01°17'44"W  
S88°19'41"W a distance of

Montgomery;  
Addition to the Town of  
Wilson Coal Company's  
corner of Lot No. 4 in the  
Beginning at the Southwest  
described as follows, to-wit:

Section 3. That the following  
scribed Portion of a Public  
ay (Street) located in the  
orthwest quarter of Section  
6, Township 3 North, Range 6  
West, which is properly  
and wife.

**JEFFREY R. NORRIS**

ATTORNEY AT LAW

105 EAST MAIN STREET

WASHINGTON, INDIANA 47501

TELEPHONE (812) 254-2740  
FAX (812) 254-4572

E-MAIL  
jnorrislaw@sbcglobal.net

January 14, 2008

Town of Montgomery  
Clerk-Treasurer  
P.O. Box 57  
Montgomery, IN 47558

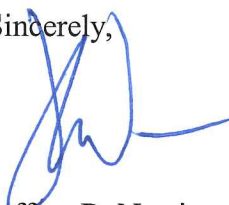
Re: Ordinance Vacating Public Way

To Whom this May Concern:

I have enclosed the original Publisher's Affidavit for the above-referenced matter.

Thank you for your time in this matter.

Sincerely,



Jeffrey R. Norris  
Attorney at Law

JRN/asj  
Enclosures  
cc: File

AN ORDINANCE VACATING A PORTION OF A PUBLIC WAY (STREET) IN PART OF  
THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 6 WEST,  
TOWN OF MONTGOMERY, INDIANA

ORDINANCE 07-2002

WHEREAS, on November 16, 2007, the Town Board of Montgomery received from Gerald R. Stoll and Norma Lynn Stoll, husband and wife, Jodey Neukam and Amanda Neukam, husband and wife, and Wilmer D. Miller and Teresa Miller, husband and wife, a Petition to Vacate Part of a Public Way ( Street) known as ("Hastings Street") located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, in said Town of Montgomery, Indiana; and

WHEREAS, said Petition satisfied the requirements of I.C. 36-7-3-12; and

WHEREAS, the Clerk-Treasurer gave notice of the Petition and of the time and place of hearing on the Petition pursuant to I.C. 5-3-1 and said Notice was published in the Washington Times Herald on 20<sup>th</sup> day of November, 2007 as more fully appears in the Publisher's Affidavit attached to this ordinance as "Exhibit 1" ; and

WHEREAS, the Clerk-Treasurer mailed a copy of the Notice by certified mail to each owner of land that abuts the portion of the Public Way (Street) to be vacated that did not waive notice by signing the Petition to Vacate; and

WHEREAS, the Town Board of Montgomery on the 3<sup>rd</sup> day of December, 2007, did hear and determine the Petition and found same to be in satisfactory form and content and there being no objection to the vacation as proposed in the Petition, the Board granted said Petition.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. That the following described Portion of a Public Way (Street) located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, which property is described as follows, to-wit:

Beginning at the Southwest corner of Lot No. 3 in the Wilson Coal Company's Addition to the Town of Montgomery; thence S88°19'41"W a distance of 60.0 feet;

thence N01°17'44"W parallel to the West line of said Lot No. 3 a distance of 120.0 feet; thence N88°19'41"E parallel to South line a distance of 60.0 feet to the Northwest corner of said Lot No. 3; thence S01°17'44"E along said West line a distance 120.0 feet to the place of beginning, containing 0.17 acres more or less.

EXCEPTING AND RESERVING, unto the Town of Montgomery, Indiana, it's successors and assigns, an easement for the purpose of providing access to and constructing, inspecting, maintaining, operating, enlarging, rebuilding, and/or repairing sewer utility mains, pipes, manholes, or other equipment currently located on the above-described real estate.

shall be and hereby is vacated, and ownership is confirmed in Jodey Neukam and Amanda Neukam, husband and wife.

Section 2. That the following described Portion of a Public Way (Street) located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, which property is described as follows, to-wit:

Commencing at the Southwest corner of Lot No. 4 in the Wilson Coal Company's Addition to the Town of Montgomery; thence S88°19'41"W a distance of 30.0 feet to the Point of Beginning; thence continue S88°19'41"W a distance of 30.0 feet; thence N01°17'44"W parallel to the West line of said Lot No. 4 a distance of 120.0 feet; thence N88°19'41"E parallel to South line a distance of 30.0 feet; thence S01°17'44"W parallel to said West line a distance of 120.0 feet to the place of beginning, containing 0.08 acres more or less.

EXCEPTING AND RESERVING, unto the Town of Montgomery, Indiana, it's successors and assigns, an easement for the purpose of providing access to and constructing, inspecting, maintaining, operating, enlarging, rebuilding, and/or repairing sewer utility mains, pipes, manholes, or other equipment currently located on the above-described real estate.

shall be and hereby is vacated, and ownership is confirmed in Wilmer D. Miller and Mary Teresa Miller, husband and wife.

Section 3. That the following described Portion of a Public Way (Street) located in the Northwest quarter of Section 26, Township 3 North, Range 6 West, which property is described as follows, to-wit:

Beginning at the Southwest corner of Lot No. 4 in the Wilson Coal Company's Addition to the Town of Montgomery; thence S88°19'41"W a distance of 30.0 feet; thence N01°17'44"W parallel to the West line of said Lot No. 4 a distance of 120.0 feet; thence N88°19'41"E parallel to South line a distance of 30.0 feet to the Northwest corner of said Lot No. 4; thence S01°17'44"E along said West line of Lot No. 4 a distance of 120.0 feet to the place of beginning, containing 0.08 acres more or less.

EXCEPTING AND RESERVING, unto the Town of Montgomery, Indiana, it's successors and assigns, an easement for the purpose of providing access to and constructing, inspecting, maintaining, operating, enlarging, rebuilding, and/or repairing sewer utility mains, pipes, manholes, or other equipment currently located on the above-described real estate.

shall be and hereby is vacated, and ownership is confirmed in Gerald R. Stoll and Norma Lynn Stoll, husband and wife.

Section 4. A copy of the Survey Plat showing the portion of the alley to be vacated and prepared by David R. Boblitt, IN, Reg. L.S. 20300007 is attached hereto and marked "Exhibit 2".

Section 5. That the Clerk-Treasurer is hereby authorized and directed to record a copy of this ordinance in the Office of the Recorder of Daviess County, Indiana, and the Office of the Auditor of Daviess County, Indiana.

Section 6. This ordinance shall be in full force and effect from and after its passage by the Town Board of Montgomery, Indiana and to be included in its Ordinance Record.

Section 7. The Town of Montgomery Ordinance Record is hereby amended in conformity with the Ordinance.

ADOPTED by the Town Board of Montgomery, Daviess County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Mike Healy, President

\_\_\_\_\_  
Brad Traylor, Council Member

\_\_\_\_\_  
Chris O'Brian, Council Member

ATTEST:

\_\_\_\_\_  
Michelle Fuhs, Clerk-Treasurer  
Town of Montgomery

Publisher's Affidavit

The State of Indiana,  
Daviness County

SS:

Personally appears before the undersigned

Ron Smith, General Manager of

THE WASHINGTON TIMES-HERALD

a public newspaper of general circulation, printed and published in Washing-  
ton in the county aforesaid, who, being duly sworn upon his oath, said: The  
notice of which the attached is a true copy was published in said paper on

November 20, 2007



sworn to before me, this 20 day of November, 2007

\$ 18.86

Mary Ellen Pride, Notary Public

My commission expires March 14, 2008

NOTICE OF PUBLIC  
HEARING - VACATION OF  
PUBLIC WAY

Notice is hereby given that the Town Board of the Town of Montgomery, Indiana on the 3rd day of December, 2007, at 6:30 p.m., in the town offices of the Town of Montgomery, County of Daviess, State of Indiana, will hold a public hearing on a Petition to Vacate Part of Public Way (Street) filed by Gerald R. Stoll and Norma Lynn Stoll, husband and wife, Jodie Neukam and Amanda Neukam, husband and wife, and Wilmer D. Miller and Theresa Miller, husband and wife to vacate a portion of a certain public way as set forth in the Petition.

A copy of the Petition is on file in the office of the Clerk-Treasurer located at 370 N. Main Street in Montgomery, County of Daviess, State of Indiana. Said hearing may be continued from time to time if necessary.

Michelle Fuhs,  
Clerk-Treasurer  
Town of Montgomery  
Nov. 20, 2007

"EXHIBIT 1"

RESOLUTION NO. 07-001

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CDBG APPLICATION TO THE INDIANA  
OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its town limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater system improvements for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Daviess County, Indiana hereby commits the requisite local funds in the amount of six hundred fifty eight thousand dollars (\$658,000) of total local match from a USDA Rural Development loan, with such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

Adopted by the Town Council of Montgomery, Daviess County, Indiana this 5th day  
of March, 2007, at \_\_\_\_\_ P.M.

ATTEST:

Town Council of Montgomery, Indiana

Michelle Fuhs

Michelle Fuhs, Clerk/Treasurer

Mike Healy

Mike Healy, President

Chris O'Brian

Chris O'Brian, Member

Brad Traylor

Brad Traylor, Member



**ORDINANCE NO. 06-007 AS AMENDED**

**AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the Town of Montgomery, Indiana (the "Town") is governed by the Town Council (the "Council"); and

WHEREAS, the Town owns and operates a sewage utility; and

WHEREAS, the Council adopted rates and charges for sewer service pursuant to Ordinance No. 120 adopted June 28, 1971 and amended July 5, 1983, July 29, 1987, October 1, 1990 and Ordinance No. 95, adopted August 31, 1995; and

WHEREAS, the Council has the authority to amend ordinances and to establish and adjust rates and charges for sewer utility service; and

WHEREAS, the Town requested its financial adviser to examine the rates and charges of the sewer utility with respect to the cost of service for providing sewer service to the Town's customers; and

WHEREAS, as a result of the examination by the Town's financial adviser, the Council determined that it was in the best interests of the Town to fully recover the costs of serving its customers; and

WHEREAS, the Town consulted with its financial adviser and found that the changes recommended were reasonable, non-discriminatory and just; and

WHEREAS, the Town gave proper notice of the changes and held a public hearing; and

WHEREAS, due to a scrivener's error, some of the charges were not included in the original Ordinance No. 06-007 which was adopted on December 4, 2006; and

WHEREAS, the Council desires to amend Ordinance No. 06-007 consistent with the determination of the examination of its financial adviser;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montgomery, Indiana, that:

Section 1. Section 1 of the original Ordinance No. 06-007 is hereby amended by deleting Section 1 and substituting the following language:

For the use of and the service rendered by the sewage works owned and operated by the Town of Montgomery, Indiana, the following rates and charges shall be payable and collected from the owners of each and every lot, parcel of real estate, or building that is connected with, uses, or is served by the sewage works in any way:

(a) Metered Users

Treatment Charge per 1,000 gallons

First 2,000 gallons	\$ 8.68
Next 3,000 gallons	5.95
Next 5,000 gallons	3.95
Next 10,000 gallons	3.54
Next 30,000 gallons	3.16
Next 50,000 gallons	2.97

(b) Non-User of Town Water

<u>Treatment Charge per 1,000 gallons</u>	\$ 28.02
---	----------

(c) Minimum Charges

<u>Meter Size (inches)</u>	<u>Gallons</u>	
1/2	2,000	\$ 17.36
5/8	2,000	17.36
3/4	5,000	36.21
1	10,000	54.96
1 1/4	10,000	54.96
1 1/2	25,000	106.16
2	40,000	153.56
3	100,000	279.90
4	100,000	279.90
6	100,000	279.90

Section 2. Any current Town policy or ordinance in effect contrary to the provisions of this Ordinance, shall be deemed void. Any portion of this Ordinance that may later be deemed invalid shall not affect the remaining provisions.

Section 3. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law. All ordinances or parts thereof in conflict herewith are hereby ordered repealed.

57th Passed and Adopted By The Town Council Of The Town Of Montgomery, Indiana, on the  
day of January, 2007.

Jim Henry  
Chris Brown  
Brad Taylor

ATTEST:

Michelle Tuls

Clerk-Treasurer of Town of Montgomery, Indiana

ORDINANCE NO. 06-007

AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the TOWN OF MONTGOMERY, Indiana has heretofore constructed, operated and maintained a sewage collection and treatment works; and

WHEREAS, the TOWN OF MONTGOMERY, Indiana has heretofore established rates and charges for the use of and the service rendered by such sewage works as set forth in Ordinance No. 120 passed June 28, 1971 and as amended by Ordinance No.120 passed July 5, 1983; Ordinance No.120 passed July 29, 1987, Ordinance 120 passed October 1, 1990; Ordinance No.95 passed August 31, 1995; and

WHEREAS, such rates and charges heretofore established by the TOWN OF MONTGOMERY, Indiana:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected for the use of and the service rendered by said sewage works from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the sewage system of the TOWN OF MONTGOMERY, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows;

<u>Quantity of Water</u> <u>Used Per Month:</u>	<u>Present Rate</u>	<u>Charge Per 1000</u> <u>Gallons Water Used:</u> <u>Proposed Rate</u>
First 2000 gallons	\$4.61	\$8.68
Next 3000 gallons	3.16	5.95
Next 5000 gallons	2.10	3.95
Next 10,000 gallons	1.88	3.54
Next 30,000 gallons	1.68	3.16
Over 50,000 gallons	1.58	2.97

Non-User of Town Water

Customers not connect to Town's Water Utility will  
Be charged a monthly flat rate; this rate only applies if a  
Customer is a non-metered sewer customer & non-user of town water  
Customer. \$28.02

Section 2. This ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the 4<sup>th</sup> day of December, 2006.

Jim Auz  
C. Bair  
Brad Taylor

ATTEST:

Michelle Tubs  
Clerk-Treasurer of Town of Montgomery, Indiana

RESOLUTION NO. 06-006

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CDBG APPLICATION TO THE INDIANA  
OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its town limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

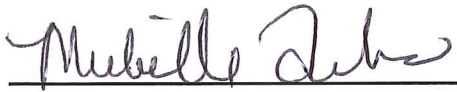
1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater system improvements for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Daviess County, Indiana hereby commits the requisite local funds in the amount of six hundred fifty eight thousand dollars (\$658,000) of total local match from a USDA Rural Development loan, with such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

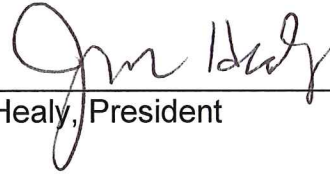
Adopted by the Town Council of Montgomery, Daviess County, Indiana this 5th day  
of September, 2006, at 6:30 P.M.

ATTEST:

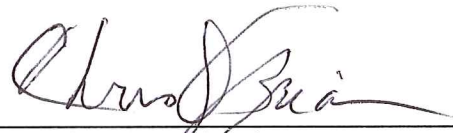
Town Council of Montgomery, Indiana



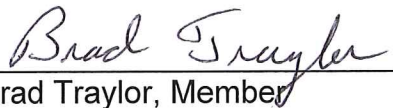
Michelle Fuhs, Clerk/Treasurer



Mike Healy, President



Chris O'Brian, Member



Brad Traylor, Member

**RESOLUTION NO. 06-005**  
**OF THE TOWN COUNCIL OF**  
**THE TOWN OF MONTGOMERY, INDIANA**  
**APPROVAL OF THE COMPREHENSIVE PLAN**

**WHEREAS**, the Town of Montgomery, Indiana has caused a Comprehensive Plan dated August, 2006 prepared by the consulting firm of Strategic Development Group (SDG). The plan was funded by a Planning Grant from the Indiana Office of Community and Rural Affairs and local matching funds provided by the Town of Montgomery, Indiana; and

**WHEREAS**, said plan has been presented to the public at a public hearing held on August 29, 2006 for comments; and

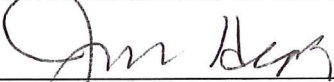
**WHEREAS**, the Town Council of Montgomery, Indiana finds that there was not sufficient evidence presented in objection to the recommended project in the plan.

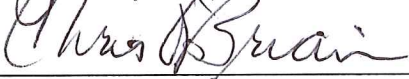
**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Montgomery, Indiana that:

1. The Town of Montgomery Comprehensive Plan dated August 2006 be approved and adopted by the Town Council of the Town of Montgomery; and
2. That said plan was submitted to the Indiana Office of Community and Rural Affairs for final review and approved.

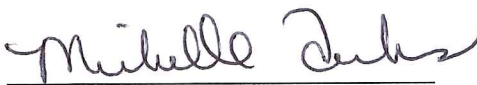
Passed and adopted by the Town Council of the Town of Montgomery, Indiana this 5th day of September, 2006, at 6:35 p.m.

TOWN COUNCIL OF MONTGOMERY

  
\_\_\_\_\_  
Michael Healy, President

  
\_\_\_\_\_  
Chris O'Brian, Member

  
\_\_\_\_\_  
Brad Traylor, Member

ATTEST:   
\_\_\_\_\_  
Michelle Fuhs, Clerk Treasurer



ORDINANCE NO. 06-004

WHEREAS, Indiana Code §36-5-2-4.1 provides that the Board of Trustees of the Town of Montgomery, Indiana may, by ordinance, be elected at large by the voters of Montgomery; and

WHEREAS, the Board of Trustees of the Town of Montgomery, Indiana desires that the Board of Trustees of the Town of Montgomery, Indiana be elected at large by the voters of the Town of Montgomery, Indiana and that all previously established and existing legislative body districts of the Town of Montgomery, Indiana be abolished;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONTGOMERY, INDIANA, as follows:

- (1) That the Board of Trustees of the Town of Montgomery, Indiana shall be comprised of three (3) members.
- (2) That all members of the Board of Trustees shall henceforth be elected at large by the voters of the Town of Montgomery, Indiana .
- (3) That all previously established and existing legislative body districts of the Town of Montgomery, Indiana are hereby abolished.

Passed and adopted by the Board of Trustees of the Town of Montgomery, Daviess County, Indiana, this 7<sup>th</sup> day of August, 2006.

*John M Healy*

Printed Name: John M Healy

*W. Chris O'Brien*

Printed Name: W. Chris O'Brien

*Brad Traylor*

Printed Name: Brad Traylor

ATTEST:

*Michelle Tubbs*

Clerk-Treasurer

BOARD RESOLUTION NO. 06-003

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MONTGOMERY,  
INDIANA LENDING MONEY TO THE TOWN OF MONTGOMERY SEWAGE  
DEPARTMENT BY THE TOWN OF MONTGOMERY WATER DEPARTMENT FOR  
CURRENT PURPOSES IN ANTICIPATION OF TAXES LEVIED AND TO BE  
COLLECTED**

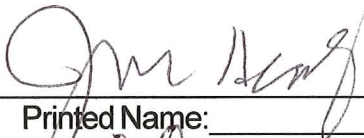
BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MONTGOMERY, INDIANA AS FOLLOWS:


1. The Town Board has adopted Ordinance No. \_\_\_\_\_ authorizing the Town of Montgomery Sewage Department to borrow money from a municipally owned utility for current purposes in anticipation of taxes levied and to be collected.
2. The Ordinance requests the Town of Montgomery Sewage Department borrow Thirty Five Thousand and no/100 Dollars (\$35,000.00) from the Town of Montgomery Water Department.
3. The Board finds that the Town of Montgomery Water Department has a surplus of cash exceeding by at least the amount loaned the sum of all amounts required to pay the indebtedness of the utility falling due during the current calendar year and the following year.
4. The Board also finds that the Town of Montgomery Water Department has on hand the amount of funds necessary to meet current expenses during the year together with the amount necessary to pay for improvements contemplated to be made during the year minus the estimated receipts during the calendar year.
5. The Board further finds that a loan may not be made for a sum in excess of fifty percent (50%) of the amount estimated to be collected from anticipated taxes.
6. The Board has reviewed the form of Note attached to the Ordinance as an Exhibit and approves same as appropriate evidence of the Town of Montgomery Water Department's obligation and that when properly signed it will be a valid and binding obligation of the Town of Montgomery Water Department.

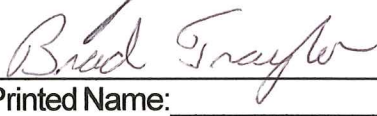
7. That the proposed borrowing by the Town of Montgomery Sewage Department from the Town of Montgomery Water Department as set forth in the Ordinance is hereby approved.

IT IS SO RESOLVED this 1<sup>st</sup> day of May, 2006.

TOWN OF MONTGOMERY

By:   
Printed Name: \_\_\_\_\_

By:   
Printed Name: \_\_\_\_\_

By:   
Printed Name: \_\_\_\_\_

TOWN BOARD OF MONTGOMERY

ATTEST:

  
Michelle Fuhs, Clerk-Treasurer

Resolution No. 06-002  
**Resolution Declaring Surplus of Funds and Transfer of  
Funds**

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana declared a surplus of funds for the Town of Montgomery Water Department.

WHEREAS, these cash reserve funds will be transferred from the Water Municipality Fund to the General Fund in the 2006 Budget to pay Midwestern Engineer for Wastewater Testing, a sewer expense. Per Indiana Code of Statues 8-1.5-3-11.

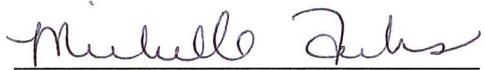
NOW THEREFORE, Be it resolved that the Town of Montgomery, Daviess County, Indiana that:

The Town Council of Montgomery, Indiana approves fourteen thousand dollars (\$14,000.00) being transferred from Water to the General Fund to pay Sewer expenses.

Adopted by the TOWN OF MONTGOMERY, Indiana this 1st day of May 2006.

ATTEST:

Town Council of Montgomery, Daviess  
County, Indiana

  
Michelle Fuhs, Clerk-Treasurer

  
Mike Healy, Council President

  
Brad Traylor, Member

  
Chris O'Brian, Member

ORDINANCE NO. 06-001

**AN ORDINANCE AUTHORIZING THE TOWN OF MONTGOMERY SEWAGE DEPARTMENT TO BORROW MONEY FROM THE TOWN OF MONTGOMERY WATER DEPARTMENT FOR CURRENT PURPOSES IN ANTICIPATION OF TAXES LEVIED AND TO BE COLLECTED**

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA, AS FOLLOWS:

1. Pursuant to I.C. 8-1.5-3-12, the Town of Montgomery Sewage Department may borrow money from a utility owned by the Town of Montgomery, Indiana for current purposes in anticipation of taxes levied and to be collected.
2. The Town of Montgomery Sewage Department proposes that it borrow Thirty Five Thousand and no/100 Dollars (\$35,000.00) from the Town of Montgomery Water Department.
3. The Town of Montgomery Water Department, by resolution, shall lend money to the Town of Montgomery Sewage Department in the amounts set forth in Paragraph #2 above and provided the requirements of I. C. 8-1.5-3-12 (b) and (c) have been fulfilled to the Town Board's satisfaction.
4. A copy of the Promissory Note evidencing the referenced obligation is attached to this Ordinance as Exhibit 1 and incorporated by reference herein.

PASSED AND ADOPTED by the Town Board of the Town of Montgomery, Daviess County, Indiana, this 1 day of May, 2006.

TOWN OF MONTGOMERY

By: [Signature]

Printed Name: John m. Healy

By: [Signature]

Printed Name: Chris O'Brian

By: [Signature]

Printed Name: Brad Traylor

TOWN BOARD

ATTEST:

[Signature]

Michelle Fuhs, Clerk-Treasurer

PROMISSORY NOTE

\$35,000.00

For value received, the undersigned Town of Montgomery Sewage Department, promises to pay to the order of the Town of Montgomery Water Department, the sum of Thirty Five Thousand and no/100 Dollars (\$35,000.00) at such place as the holder hereof may direct in writing, with interest thereon at the rate of 0% per annum from the date of this instrument, together with attorneys fees and costs of collection, and without relief from valuation and appraisement laws.

The maker and indorser waive demand, presentment, protest, notice of protest and notice of nonpayment or dishonor of this note, and each of them consents to extensions of the time of payment of this note.

No delay or omission on the part of the holder hereof in the exercise of any right of remedy shall operate as a waiver thereof, and no single or partial exercise by the holder hereof of any right or remedy shall preclude other or further exercise thereof or of any other right or remedy.

The due date of this loan shall be on or before thirty (30) days after the last day for the payment of anticipated taxes as required by I.C. 8-1.5-3-12.

This note, and any extensions or renewals hereof, is unsecured.

TOWN OF MONTGOMERY SEWAGE DEPARTMENT

By: [Signature]  
Printed Name: John m. Healy

By: [Signature]  
Printed Name: Chris O'Brian

By: [Signature]  
Printed Name: Brad Traylor

TOWN BOARD OF MONTGOMERY

ATTEST: [Signature]  
Michelle Fuhs, Clerk-Treasurer

Dated: 1<sup>st</sup> May, 2006.

RESOLUTION NO. 06-01

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CDBG APPLICATION TO THE INDIANA  
OFFICE OF RURAL AFFAIRS AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its town limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater system improvements for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Daviess County, Indiana hereby commits the requisite local funds in the amount of six hundred fifty eight thousand dollars (\$658,000) of total local match from a USDA Rural Development loan, with such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Rural Affairs.



RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

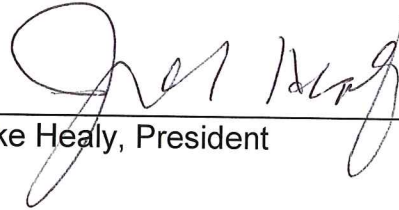
Adopted by the Town Council of Montgomery, Daviess County, Indiana this 6<sup>th</sup> day of  
March, 2006, at 6:35 P.M.

ATTEST:

Town Council of Montgomery, Indiana



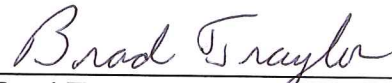
Michelle Fuhs, Clerk/Treasurer



Mike Healy, President



Chris O'Brian, Member



Brad Traylor, Member

Resolution No. 05-006

**Resolution Declaring Surplus of Funds and Transfer of Funds**

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana declared a surplus of funds for the Town of Montgomery Water Department.

WHEREAS, these cash reserve funds will be transferred from the Water Municipality Fund to the General Fund in the 2005 Budget to pay Midwestern Engineer for Wastewater Testing, a sewer expense. Per Indiana Code of Statues 8-1.5-3-11.

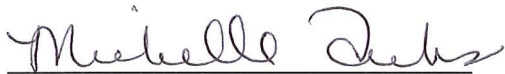
NOW THEREFORE, Be it resolved that the Town of Montgomery, Daviess County, Indiana that:

The Town Council of Montgomery, Indiana approves six thousand dollars (\$6,000.00) being transferred from Water to the General Fund to pay Sewer expenses.

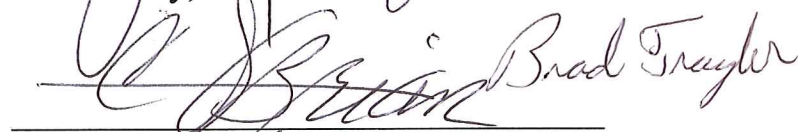
Adopted by the TOWN OF MONTGOMERY, Indiana this 5<sup>th</sup> day of December 2005.

ATTEST:

Town Council of Montgomery, Daviess  
County, Indiana

  
Michelle Fuhs, Clerk-Treasurer

  
Mike Healy, Council President

  
Brad Traylor, Member

  
Chris O'Brian, Member

RESOLUTION NO. 05-05

**A RESOLUTION ADOPTING THE NATIONAL  
INCIDENT MANAGEMENT SYSTEM (NIMS)**

WHEREAS, Homeland Security Presidential Directive / HSPD-, 28 Feb 2003 established the National Incident Management System (NIMS); and

WHEREAS, the NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work together efficiently and effectively together using a national approach to domestic incident management; and

WHEREAS, the NIMS provides a consistent nationwide approach for Federal, State, and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and

WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and

WHEREAS, beginning January 1, 2006 all Town departments and agencies shall make adoption of the NIMS a requirement, to the extent provided by law, for providing Federal preparedness assistance through grants, contracts or other activities to local governments;

NOW THEREFORE, Be it resolved that the Town of Montgomery hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.

RESOLUTION ADOPTING THE NATIONAL INCIDENT  
MANAGEMENT SYSTEM (NIMS)

Adopted by the Town Council of Montgomery, Daviess County, Indiana  
this 3<sup>rd</sup> day of October, 2005 at 4:00 pm.

ATTEST:  
Indiana

Town Council of Montgomery,

  
\_\_\_\_\_

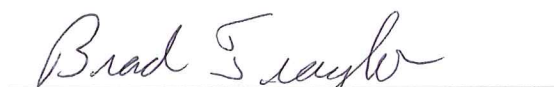
SHELLIE FUHS, Clerk/Treasurer

  
\_\_\_\_\_

MIKE HEALY, President

  
\_\_\_\_\_

CHRIS O'BRIAN, Member

  
\_\_\_\_\_

BRAD TRAYLOR, Member

RESOLUTION NO. 05-04

**RESOLUTION SUPPORTING APPLICATION**

RESOLUTION OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA  
SUPPORTING THE SUBMITTAL OF AN APPLICATION TO EPA

WHEREAS, the Town of Montgomery, Daviess County, Indiana recognizes the need to maintain a sound environment and provide for local development; and

WHEREAS, the Environmental Protection Agency is authorized to provide grants to organizations such as the Southern Indiana Development Commission to meet economic and environmental needs;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

The Town Council of Montgomery, Indiana is in support of the brownfield program the Southern Indiana Development Commission is proposing to assess both hazardous substances and petroleum related brownfield sites.

Adopted by the Town of Montgomery, Indiana this 3<sup>rd</sup> day of October, 2005 at pm.

ATTEST:




Shellie Fuhs, Clerk Treasurer

Town Council of Montgomery, Daviess  
County, Indiana



Mike Healy, Council President



Brad Taylor, Member



Chris O'Brian, Member

RESOLUTION NO. 05-03

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CDBG APPLICATION TO THE INDIANA  
OFFICE OF RURAL AFFAIRS AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its city limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater system improvements for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Daviess County, Indiana hereby commits the requisite local funds in the amount of six hundred fifty eight thousand dollars (\$658,000) of total local match from USDA Rural Development Funds, with such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Rural Affairs.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

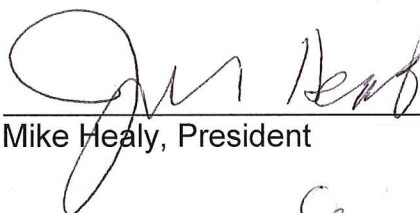
Adopted by the Town Council of Montgomery, Daviess County, Indiana this 24<sup>th</sup> day of  
August, 2005 at 1:35 P.M.

ATTEST:

Town Council of Montgomery, Indiana



Shellie Fuhs, Clerk/Treasurer



Mike Healy, President



Chris O'Brian, Member



Brad Traylor, Member

RESOLUTION 05-002

RESOLUTION OF THE TOWN OF MONTGOMERY, INDIANA  
REQUIRING WAIVER OF THE RIGHT TO OBJECT OR  
REMONSTRATE AGAINST FUTURE PROPOSED ANNEXATION

WHEREAS, certain residents and real estate owners now residing adjacent to or in the close proximity of the corporate limits and boundaries of the Town of Montgomery, Indiana are desirous of receiving the benefits of the Town's water and/or sewer services (hereinafter referred to as "services") and;

WHEREAS, the Town of Montgomery is willing to provide such services to said non-town residents and real estate owners, but only provided that such non-town residents and real estate owners execute a written waiver of their rights to object to or remonstrate against any proposed future annexation of non town residents and real estate owners' property into the Town of Montgomery;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That hereafter any non-town residents and real estate owners requesting any town services to be provided to them at the regular town or other agreed upon rate or charges therefor, shall first be required to sign a Waiver of their right to object and/or remonstrate against future annexations of their real estate by the Town before any such services as so requested will be considered or provided.

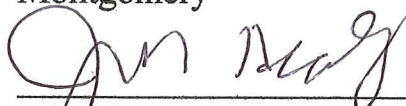
BE IT FURTHER RESOLVED, that neither this Resolution nor any such Waiver shall act as a guarantee or assurance that the Town shall be required to grant or will grant such Town services as so requested hereafter by any such non town residents and real estate owners residing outside the corporate limits and boundaries of the Town of Montgomery.

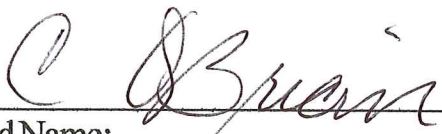
BE IT FURTHER RESOLVED, that neither this Resolution nor any such Waiver shall impose upon the Town any requirement or duty to annex the non-town residents and real estate owners' real estate or any other real estate.

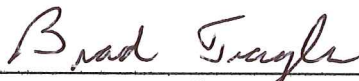


AND ALL OF WHICH IS NOW DULY UNANIMOUSLY RESOLVED  
BY SAID TOWN OF MONTGOMERY, INDIANA, on this \_\_\_\_ day of  
\_\_\_\_\_, 2005, at \_\_\_\_\_ .m.

Town Board Members of the Town of  
Montgomery

  
Printed Name: \_\_\_\_\_

  
Printed Name: \_\_\_\_\_

  
Printed Name: Brad Traylor

ATTEST:

  
Michelle Fuhs, Clerk-Treasurer

RESOLUTION NO. 05-01

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION  
AND LOCAL MATCH COMMITMENT**

RESOLUTION OF THE TOWN OF MONTGOMERY, DAVIESS COUNTY, INDIANA  
AUTHORIZING THE SUBMITTAL  
OF THE CFF APPLICATION TO THE INDIANA  
DEPARTMENT OF COMMERCE AND ADDRESSING  
RELATED MATTERS

WHEREAS, the Town Council of Montgomery recognizes the need to stimulate growth and to maintain a sound economy within its Town limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Montgomery, Daviess County, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of Montgomery, Daviess County, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater system improvements for the Town of Montgomery, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. The Town Council of Montgomery, Indiana hereby commits the requisite local funds in the amount of six hundred fifty-eight thousand dollars (\$658,000) of total local match from loan funds through the USDA Rural Development program, with such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

RESOLUTION AUTHORIZING APPLICATION  
SUBMISSION & LOCAL MATCH COMMITMENT  
PAGE 2

Adopted by the Town Council of Montgomery, Indiana this 7<sup>th</sup> day of  
March, 2005 at \_\_\_\_\_.

ATTEST:

Town Council of Montgomery, Indiana

Michelle Fuhs

Michelle Fuhs, Clerk/Treasurer

Mike Healy

Mike Healy, President

Chris O'Brian

Chris O'Brian, Member

Brad Traylor

Brad Traylor, Member

# TOWN OF MONTGOMERY

MONTGOMERY, INDIANA 47558

## RESOLUTION

Be it resolved that the Town of Montgomery has entered into an agreement with the Daviess County Commissioners for the construction and maintenance of First Street in the Town of Montgomery, which street is presently designated by the Commissioners as a land fill road and a coal route. The County Commissioners in their commitments of November 13, 1978, agreed to maintain that route 100% through the Town of Montgomery. The Town of Montgomery hereby agrees that First Street may be used by Daviess County as a land fill route as long as the county maintains said route 100%. It is understood that this route may also encompass parts of the St. Michaels Road.

Date Passed: March 5, 1979.

Board of Trustees of the  
Town of Montgomery, Indiana

*Donald J. Jones*  
*James A. O'Brien*

President

*Dan Deloney*

Attest:

Clerk-Treasurer

*May Sue Showalter*

November 13, 1978

Davieess County Commissioners met this Monday Morning, November 13, 1978, with all members present: Larry M. Stafford, Joseph L. Haskins, Charles C. Newton and the County Attorney, Harry Hanson.

Minutes of last meeting read and approved.

IN THE MATTER OF PORTERSVILLE BRIDGE SETTLEMENT

Harry Hanson, County Attorney, notified the Commissioners that the Portersville Bridge suit for damages in 1974 has been settled out of court. Mr. Timothy Scherle is to pay \$8,500.

IN THE MATTER OF WIRING FOR EXTENSION FAX COMPUTER

Gene Bieber brought in estimate from Moore and Armes, Inc. \$447.38 for installing isolated ground circuit for computer. (Wire from circuit breaker in boiler room.) Motion was made by Mr. Haskins to have Moore and Armes install this line and pay from Court House Building and Structures Budget. Mr. Newton seconded and motion unanimously carried.

IN THE MATTER OF NEW LIGHTING IN BOILER ROOM (Court House)

Motion was made by Mr. Newton to also install four - 4 ft. fluorescent drop lights in boiler room. Mr. Haskins seconded and motion unanimously carried.

IN THE MATTER OF INVESTMENT

Letters were written to the five area banks offering \$400,000 for investment up to December 21, 1978. The following bids were received:

9.26 %	Peoples National Bank
9.30 %	State Bank of Washington
8.25 %	Washington National Bank
9.10 %	Citizens Bank & Trust Co.

Investment was awarded to State Bank and C. D. #S90025 purchased in name of Davieess County Commissioners.

IN THE CONTINUING MATTER OF MONTGOMERY RAILROAD CROSSING

Bob Showalter and Jim O'Brian request that agreement be made between Town of Montgomery and Davieess County Commissioners for construction and maintenance of Landfill Road on Streets of Montgomery.

Motion was made by Mr. Haskins, thatas long as Davieess County continues to operate the Landfill at present site, the County will maintain route 100% through Montgomery, with money to come from local taxes and budgeted for Landfill. Mr. Newton seconded and motion unanimously carried.

\$27,603 is estimate of construction cost as filed by John H. Kretz, Inc. using 1978 Open-End Contract prices. The Auditor was instructed to encumber this amount from 1978 Landfill Appropriation, for work to be done in 1979. Kretz Proposal was accepted and signed by all three Commissioners.

Ed Humbarger is asked to come in next Monday morning with actual plans for this Street.

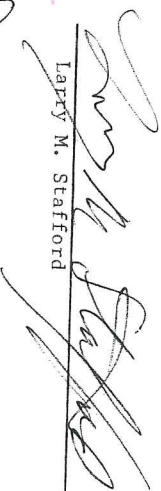
IN THE MATTER OF APPROVAL OF CLAIMS AND REPORTS

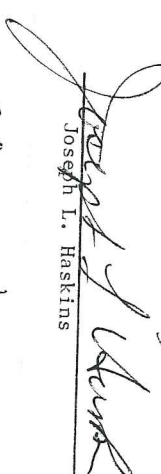
Election Claims were examined and signed by Commissioners.

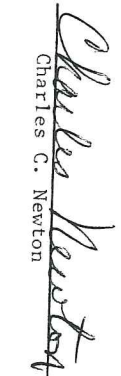
Payroll Claims due November 17 were approved by signatures on the Docket.

Treasurer's Report for month of October was examined and approved.

Commissioners meeting was then adjourned to Monday morning, November 20, 1978.

  
Larry M. Stafford

  
Joseph L. Haskins

  
Charles C. Newton

Attest Camilla McKinney  
Camilla McKinney, Davieess County Auditor for

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SCHEDULED IMPLEMENTATION OF PHASE II AND PHASE III RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF REAL ESTATE AND BUILDINGS CONNECTED TO THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS

*Do again  
Dec. 2018  
Bath Water +  
Sewer*

**WHEREAS**, the Town of Montgomery, Indiana has heretofore maintained a sewage collection and treatment works; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore levied and collected rates and charges for the use of and the service rendered by such sewage works as provided by Ordinance No. 120 passed June 28, 1971 and as amended by: Ordinance No. 120 passed July 5, 1983; Ordinance No. 120 passed July 29, 1987; Ordinance No. 120 passed October 1, 1990; Ordinance No. 95 passed August 31, 1995; and Ordinance No. 06-007 passed December 4, 2006; and Ordinance No. \_\_\_\_ passed \_\_\_\_\_, 2016; and,

**WHEREAS**, the Town Council finds that the rates and charges adopted in 2016 are sufficient to properly operate its sewage works system, however, the Town Council desires to delay the Phase II water rate increase in order to implement the Phase III sewer rate increase on 1/1/2018 at no overall net change in the Phase III or Phase IV rates for both the water and sewer utility rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected by said sewage works from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the sewage system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the \_\_\_\_\_ day of December, 2016.

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer of Town of Montgomery, Indiana

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SCHEDULED IMPLEMENTATION DATES OF THE PHASE II AND PHASE III RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MONTGOMERY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

**WHEREAS**, the Town of Montgomery, Indiana has heretofore constructed, operated and maintained a waterworks; and

**WHEREAS**, the Town of Montgomery, Indiana has heretofore established rates and charges for the use of and the service rendered by such waterworks as set forth in Ordinance No. 111 passed November 1, 1954 and as amended by Ordinance No. 117 passed June 6, 1970; and as amended by Ordinance No. 122 passed April 19, 1982; and as amended by Ordinance No. 123 passed October 7, 1991; and Ordinance No. \_\_\_ passed \_\_\_\_\_, 2016; and,

**WHEREAS**, the Town Council finds that the rates and charges adopted in 2016 are sufficient to properly operate its waterworks system, however, the Town Council desires to delay the Phase II water rate increase in order to implement the Phase III sewer rate increase on 1/1/2018 at no overall net change in the Phase III or Phase IV rates for both the water and sewer utility rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA:

Section 1. For the use of and the service rendered by said waterworks, rates and charges shall be collected by said waterworks from the owners of each and every lot, parcel of real estate or building that is connected with or uses such works, by or through any part of the water system of the Town of Montgomery, Indiana or that in any ways users or is served by such works, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as shown on Attachment A.

Section 2. This ordinance shall be in full force and effect after its passage by the Town Council of the Town of Montgomery, Indiana. The Phase I rates will be effective upon passage. Phase II rates will be effective on 1/1/2018. Phase III rates will be effective on 1/1/2019. Phase IV rates will be effective on 1/1/2020.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTGOMERY, INDIANA, on the \_\_\_\_\_ day of December, 2017.

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer of Town of Montgomery, Indiana

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

**RESOLUTION ESTABLISHING POLICY PROHIBITING NEPOTISM**

WHEREAS, the  
determined that there is  
workforce.

*Do every yr.  
By 12-31-*

ss County, Indiana has  
bits nepotism among its

NOW THEREF  
MONTGOMERY, DAVI

TOWN BOARD OF

**Section 1. Definition**

The following de  
Resolution:

and the enforcement of this

A. "Employee"  
part time, temporary, in  
who holds only an elected office.  
employment contract with the Town. The performance of the duties of a precinct election  
officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment  
by the Town of Montgomery.

by the Town on a full time,  
s not include an individual  
dual who is a party to an

B. "Direct line of supervision" means an elected officer or employee who is in  
a position to affect the terms and conditions of another individual's employment, including  
making decisions about work assignments, compensation, grievances, advancement or  
performance evaluation. The term does not include the responsibilities of the Town Board  
of Montgomery to make decisions regarding salary ordinances, budgets or personnel  
policies of the Town.

C. "Relative" means any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The  
terms "brother" and "sister" shall include a brother or sister by half blood (a common  
parent).

**Section 2. Nepotism Prohibited**

Individuals who are relatives shall not be employed by the Town in a position that  
results in one relative being in the direct line of supervision of the other relative.



An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

**Section 3. Exceptions to Prohibition Against Nepotism**

This Resolution does not abrogate or affect an employment contract with the Town that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the Town.

**Section 4. Impact of Resolution of Those Individuals Employed by Town On July 1, 2014**

An individual who is employed by the Town on July 1, 2014, is not subject to this Resolution unless the individual has a break in employment with the Town. The following are not considered a break in employment with the Town:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOWN BOARD OF MONTGOMERY, INDIANA

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary/Treasurer

RESOLUTION NUMBER \_\_\_\_\_

**RESOLUTION ESTABLISHING POLICY REQUIRING  
DISCLOSURE OF CONTRACTS WITH RELATIVES**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy requiring disclosure of contracts with the Town and relatives of certain Town officials.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

- A. "Elected official" means a Town Board member.
- B. "Relative" means any of the following:
  - 1. Spouse;
  - 2. Parent or step parent;
  - 3. A child or step child;
  - 4. Brother, sister, step brother or step sister;
  - 5. A niece or nephew;
  - 6. An aunt or uncle; or
  - 7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Application to Certain Contracts**

The Town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with and individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this Resolution are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

**Section 3. Disclosure of Contracts with Relatives**

An elected official whose relative enters into a contract with the Town shall file a full disclosure of that contract.

Disclosure statement must be in writing, describe the contract or purchase to be made by the Town, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

Disclosure statement must be submitted to the Town Board and be accepted by the Town Board in a public meeting prior to final action on the contract on or purchase.

Disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Daviess County Clerk of the Circuit Court.

**Section 4. Actions By the Town Board or Appropriate Agency**

The Town Board shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

**Section 5. Certification by Elected Officers of the Town**

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**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 2016

TOWN BOARD OF MONTGOMERY, INDIANA

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary/Treasurer

RESOLUTION NUMBER \_\_\_\_\_

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Disclosure statement must be submitted to the Town Board and be accepted by the Town Board in a public meeting prior to final action on the contract or purchase.

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**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOWN BOARD OF MONTGOMERY, INDIANA

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary/Treasurer

RESOLUTION NUMBER \_\_\_\_\_

**RESOLUTION ESTABLISHING POLICY PROHIBITING NEPOTISM**

WHEREAS, the Town Board of Montgomery of Daviess County, Indiana has determined that there is a need to establish a policy that prohibits nepotism among its workforce.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA THAT:

**Section 1. Definitions**

The following definitions shall apply in the interpretation and the enforcement of this Resolution:

A. "Employed" means an individual who is employed by the Town on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the Town. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the Town of Montgomery.

B. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the Town Board of Montgomery to make decisions regarding salary ordinances, budgets or personnel policies of the Town.

C. "Relative" means any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

**Section 2. Nepotism Prohibited**

Individuals who are relatives shall not be employed by the Town in a position that results in one relative being in the direct line of supervision of the other relative.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

**Section 3. Exceptions to Prohibition Against Nepotism**

This Resolution does not abrogate or affect an employment contract with the Town that an individual is a party to and is in effect on the date the individual's relative begins service a term of an elected office of the Town.

**Section 4. Impact of Resolution of Those Individuals Employed by Town On July 1, 2014**

An individual who is employed by the Town on July 1, 2014, is not subject to this Resolution unless the individual has a break in employment with the Town. The following are not considered a break in employment with the Town:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

**Section 5. Certification by Elected Officers of the Town**

Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Resolution. An elected officer shall submit the certification to the Town Board not later than December 31 of each year.

**Section 6. Effective Date of Resolution**

This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN BOARD OF MONTGOMERY, DAVIESS COUNTY, INDIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 2016

TOWN BOARD OF MONTGOMERY, INDIANA

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary/Treasurer