

MADISON COUNTY COUNCIL MINUTES
June 26, 2012

The Madison County Council was called to order by President Mike Phipps. The following Council Members were present:

John Bostic, Jr.
Mike Gaskill
Rick Gardner
Larry Higgins (absent)
David McCartney
Buddy Patterson
Mike Phipps

Also present were Council Attorney John Hughes, County Auditor Kathy Stoops-Wright and First Deputy Auditor Patty Mauck.

Motion was made by Mike Gaskill and seconded by David McCartney to approve the agenda presented by the President.

6 Ayes 0 Nays 1 Absent (Higgins) Motion carried.

Motion to suspend the rules to read by title only and for unanimous consideration of Ordinance 2012-6C, Ordinance Authorizing the County Commissioners to Issue a Note/Bonds for the Reconstruction of the Fosters Branch Regulated Drain made by John Bostic and seconded by Buddy Patterson.

6 Ayes 0 Nays 1 Absent Motion carried.

Jerry Shine, County Attorney, representing the Drainage Board and the Commissioners came before the Council to answer several questions from the Councilman concerning this Ordinance.

Brad Rayl, Project Engineer, answered several questions from the Councilman.

Council asked why we would have to borrow the full amount if the City of Anderson has the money already available.

John Bostic asked the Council's attorney, John Hughes, for advise on this issue. Mr. Hughes explained to the Council that one way to structure the financing for reconstruction of a drain is to ask the Council for a short term loan. We do not have a ck from the City of Anderson up front to pay their part of the reconstruction. This is the typical way to finance the reconstruction of a drain.

June 26, 2012

Councilman Mike Gaskill read some amendments that he would like added to this Ordinance:

“Whereas, the purpose of this loan is for the reconstruction of the Fosters Branch Drain and only for said purpose;

BE IT FURTHER ORDAINED that the loan proceeds for this project may only be used for the reconstruction of the Fosters Branch Drain and may not be used for any other purpose.”

President Phipps opened the microphone to any public input.

Mike Miller, Anderson

Burl Tyner, Elwood – asked if the General Fund could pay for this issue
(could borrow the money but nothing to pay back the money)

Motion was made by Councilman John Bostic and seconded by Buddy Patterson to approve said Ordinance No. 2012-6C with the amendments presented by Councilman Gaskill. A roll call vote was taken:

Bostic – yes	Patterson – yes
McCartney – no	Gaskill – yes
Gardner – yes	Phipps – yes

5 Ayes 1 Nay 1 Absent Motion carried.

There being no further business the meeting was adjourned.

ORDINANCE NO. 2012-6C

**ORDINANCE AUTHORIZING THE COUNTY COMMISSIONERS TO
ISSUE A NOTE/BONDS FOR THE RECONSTRUCTION OF
THE FOSTERS BRANCH REGULATED DRAIN**

WHEREAS, the Madison County Drainage Board has indicated that pursuant to *Indiana Code § 36-9-24-49*, it referred the Fosters Branch Drain to Rayl Surveying & Engineering, Inc., contract engineer ("Rayl"), for a reconstruction report, whereby Rayl determined and set forth a report on the best and most cost-effective method of reconstructing said drain; and

WHEREAS, Rayl made its investigation into the matter and filed a reconstruction report with the Madison County Drainage Board; and

WHEREAS, notice was mailed to all effected landowners, notifying said owner that the Madison County Drainage Board would conduct a hearing on said construction report; and

WHEREAS, said notice stated that the cost of construction would not exceed Five Hundred and Fifty Thousand Dollars (\$550,000.00); and

WHEREAS, the Madison County Drainage Board has indicated that it conducted hearings on August 3, 2009, September 9, 2009 and December 21, 2011, and, after hearing all objections and evidence, determined that the proposed reconstruction would benefit the landowners and that the total amount authorized would not exceed Five Hundred Fifty Thousand Dollars (\$550,000.00); and

WHEREAS, the Madison County Drainage Board ordered that a notice be published in accordance with *Indiana Code § 5-3-1*, and that said notice dated January 3, 2012 stated that the finding and order of the Board were filed and were available for inspection in the office of the Surveyor; and

WHEREAS, no judicial review of the finding and order of the Board has been filed; and

WHEREAS, pursuant to *Indiana Code § 36-9-27-97.5*, the Board resolved that the cost of the reconstruction of the drain was in an amount that the owners of land to be assessed therefore could conveniently pay in installments over a five (5) year period; and

WHEREAS, by *Resolution No. 2012-DB-R-1* of the Madison County Drainage Board dated May 23, 2012, a copy of which is attached hereto as Exhibit A, the Madison County Drainage Board did formally request the Madison County Council to obtain a loan for the reconstruction; and

WHEREAS, the Madison County Drainage Board has determined and advised the Council that the institution with the most advantageous terms on said Note at this particular point in time is Star Financial Bank; and

WHEREAS, the purpose of this loan is for the reconstruction of the Fosters Branch Drain and only for said purpose; and

WHEREAS, pursuant to *Indiana Code § 36-2-6-18(d)*, the Madison County Council is authorized by Ordinance to make loans of money for not more than five (5) years for County functions including the duties and functions of the Madison County Drainage Board.

NOW, THEREFORE, BE IT ORDAINED that the Madison County Council hereby authorizes the Madison County Commissioners to issue a note in exchange for a loan from Star Financial Bank in the principal sum of Five Hundred Fifty Thousand Dollars (\$550,000.00) and the said loan will comply with the following requirements:

- a. Must have a fixed or variable interest rate;
- b. Must mature within five (5) years after the date it is obtained;
- c. Shall be repaid solely from installments collected from assessments of landowners over a five (5) year period;
- d. The only funds pledged to pay for the loan and any costs shall be the funds received from the special assessments imposed on the effected landowners pursuant to the rolls as maintained in the Surveyor's office; and
- e. The proceeds of said loan shall be deposited into the General Drainage Improvement Fund.

BE IT FURTHER ORDAINED that the loan proceeds for this project may only be used for the reconstruction of the Fosters Branch Drain and may not be used for any other purpose.

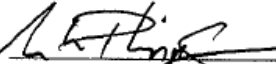
BE IT FURTHER ORDAINED that the loan proceeds for this project may only be used for the reconstruction of the Fosters Branch Drain and may not be used for any other purpose.

BE IT FURTHER ORDAINED that the above recitals are incorporated by reference.

PASSED AND ADOPTED by the Madison County Council, Madison County, Indiana, this 26th day of JUNE 2012.


MADISON COUNTY COUNCIL

BY:

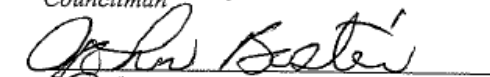

Michael Phipps, President

ATTEST:


Kathy Stroop-Whight
Madison County Auditor


Mike Caswell
Councilman


Rick Smith
Councilman


John Bester
Councilman


Buddy E. Patterson
Councilman

PREPARED BY:

Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

Councilman