

**Rising Sun City Council**  
**February 3, 2011**  
**7:00 PM**  
**City Hall**

**Call to order/Pledge**

The meeting was called to order with the Pledge of Allegiance led by Mayor Marksberry with all of Council present.

**Minutes**

Minutes of the November 18<sup>th</sup> Board of Works meeting were distributed to Council and Mayor Marksberry prior to the meeting. It was recommended by Attorney Siekman to present these minutes for approval at the Council meeting since Board Members changed January 1<sup>st</sup>. After discussion a motion was made by Councilman Radcliff to approve the November 18<sup>th</sup> Board of Works Minutes as written, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0.

Minutes of the January 6<sup>th</sup> City Council meeting were distributed to Council and Mayor Marksberry prior to the meeting. After discussion a motion was made by Councilman Padgett to approve the January 6<sup>th</sup> Council minutes, 2<sup>nd</sup> by Councilman Powell; motion carried 5-0.

**Reports from Boards and Committees**

**Police Department**

Police Chief, David Hewitt presented Council and Mayor Marksberry with the 2010 Annual Police Department report. Hewitt reported he had been researching liability concerns with Greg Hummel regarding Officer Rimstidt's work with the Dearborn County Crimes Unit. He had received an opinion from Hummel stating Rimstidt was covered under the City policy since this was still in the scope of duties of the Rising Sun Police Department and; Rimstidt was paid by the City of Rising Sun and reimbursed by Dearborn County. He informed Council and Mayor Marksberry proposed HB 1530 regarding criminal offenses is being pushed through as a cost savings by the Governor. According to Hewitt Indiana has stricter laws than bordering states—and if this passes no drug crime would be classed higher than a class C Felony. Hewitt also informed all he had been appointed as the At Large Director for the Chief's Association for another year.

**Project Manager**

Northcutt presented a report to Council and Mayor Marksberry attached as Exhibit A.

- **One Way Alley**—Northcutt informed Council the Board of Works gave a favorable recommendation to make the alley from Main Street to Second Street, between Walnut and Poplar Streets, near the former Foutty Building as One Way toward Second Street. This change is for the purpose of a teller window for the new pharmacy. Councilman Radcliff voiced concerns regarding Rumpke garbage pick-up in this area. There was also discussion about cars blocking the sidewalk while waiting at the drive up window—and if Main Street traffic would be affected. After further discussion a motion was made by Councilman Radcliff to approve the Board of Works recommendation that the Alley from Main Street to Second Street, between

Walnut and Poplar Streets, near the former Foutty Building be approved as one way toward Second Street effective March 15th, 2<sup>nd</sup> by Councilman Graves; motion carried.

#### **Park Board—Jamie Bell**

Park Director, Jamie Bell reported to Council and Mayor Marksberry on January 2011 park activities. See attached report Exhibit B. Bell reported some have already hit the bronze level in the Move it Ohio County Program. Bell also reported the Park Board may start the Art Academy with Andrea Grimsley. She also stated the Park Board will be having an Executive Session on February 8th regarding the Bearbranch Park ownership. Councilman Graves questioned if there is signage in the community park stating you must clean up after your animals? Bell stated there was such signage. Councilman Graves questioned if people could be fined for not cleaning up after their animals. Attorney Siekman stated he will have to look into this.

#### **Historic Downtown Main Street**

Amy Hoffman, Director of Historic Downtown Main Street had submitted a report for Council and Mayor Marksberry and is attached as Exhibit C. Hoffman informed Council and Mayor Marksberry she had prepared and submitted the Main Street Annual Report and a copy is on file at City Hall. Hoffman reviewed various Main Street activities during the past month. She also presented a packet of information for Historic Downtown businesses.

#### **Petitions and Comments from Citizens**

Mary Turner stated she had been informed the public records she requested would be ready on or before February 4, 2011, and since she had not received the information to date she was making another request for these records. Clerk Gipson stated the requested information will be ready tomorrow. Turner requested Clerk Gipson to call her and she would pick up the information vs. Gipson mailing to her.

#### **Unfinished Business**

##### **New Business**

##### **Fred Taylor—Adjust Sanitation Fee**

Clerk Gipson presented a memo to Council and Mayor Marksberry attached as Exhibit D. Gipson stated Taylor is requesting an adjustment be made to sanitation fee for 4 months. Council approved the fee adjustment at the November 2010 meeting and due to software modification the fee adjustment has not started yet. The fee adjustment is \$5.50 for 13 apartments for four months or \$286. Gipson stated she is working with Utility Superintendent Dennis on the easiest way to get this accomplished. The new program should be ready for the March RSMU billing cycle. After discussion a motion was made by Councilman Padgett to have RSMU adjust the sanitation fee for four months for Taylor, as this was approved at the November Council meeting, 2<sup>nd</sup> by Councilman Powell; motion carried 5-0.

##### **Ordinance 2011-3 “An Ordinance Establishing the Monthly Fee for Recycling and Trash Collection” First Reading and Suspension of Rules for Second Reading and Passage**

Clerk Gipson presented Ordinance 2011-3 “An Ordinance Establishing the Monthly Fee for Recycling and Trash Collection” for first reading. After discussion a motion was made by Councilman Slack to Suspend the Rules and hold the Second Reading of Ordinance 2011-3, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0. A motion was then made by Councilman Radcliff to approve Ordinance 2011-3 “An Ordinance Establishing the Monthly Fee for Recycling and Trash Collection”, 2<sup>nd</sup> by Councilman

Graves; motion carried 5-0. The Suspension of Rules and approval of revision of Ordinance 2011-3 will allow Keystone to make the changes to the program and allow RSMU and the City to address issues such as Fred Taylor's more quickly.

### **RLF Deferral--Lay**

Rae Gipson, representing the Revolving Loan Board informed Council and Mayor Marksberry on December 9<sup>th</sup> Henrietta Lay had submitted a request to obtain a deferral on her loan fund payments during the months of January, February, and March 2011. The Revolving Loan Fund ("RLF") Guidelines state that a Borrower must have made at least 12 consecutive payments before being eligible for a deferral. To date, Lay has made 9 consecutive payments since the expiration of her most recent deferral. At the January 10, 2011, RLB meeting, the Board considered Lay's request and voted to recommend she be granted a deferral on her loan for the months of April, May and June 2011. This approval is contingent on receiving payments January, February, and March 2011 which constitutes 12 consecutive monthly payments and brings Lay into compliance with the RLF guidelines. Clerk Treasurer Gipson made this recommendation to City Council for final approval. There was some discussion regarding the hardships on businesses and understanding why this would be requested for Jan-Mar because of less foot traffic and business in Jan-Mar. After discussion a motion was made by Councilman Powell to approve the recommendation of the RLF Board, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0.

### **RS/OC Summer Ball—sponsoring field signs**

Mayor Marksberry presented information to Council from RSOC Schools regarding continuing to sponsor signs for the summer ball league at the community park in the amount of \$300. After discussion a motion was made by Councilman Graves to approve this cost, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0.

### **David Hewitt and Tom Baxter—Funding Request—Interview Room**

Chief Hewitt presented information to Council and Mayor Marksberry to aid with funding an Interview Room at the County Courthouse. According to Hewitt an Interview has to be recorded, which basically ends up as an unfunded mandate because most do not have the room or recording equipment. Hewitt stated Sheriff Fancher has space to dedicate as an interview room which the City, County and State Police could all utilize, as well as, other various groups. According to Baxter they have researched recording equipment with an approximate cost of \$5,800. The County has agreed to pay half the cost and Chief Hewitt stated he will be able to pay some funds from his budget or Law Training Funds. After further discussion a motion was made by Councilman Radcliff to approve up to \$3,000 for this project, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0. Chief Hewitt will work with Clerk Gipson on this cost breakdown.

### **Ordinance 2011-1 Second Reading "An Ordinance Adopting a Supplement to the Code of Ordinances of the City of Rising Sun"**

Mayor Marksberry presented Ordinance 2011-1 "An Ordinance Adopting a Supplement to the Code of Ordinances of the City of Rising Sun" for second reading. After discussion a motion was made by Councilman Slack to approve Ordinance 2011-1 "An Ordinance Adopting a Supplement to the Code of Ordinances of the City of Rising Sun", 2<sup>nd</sup> by Councilman Powell; motion carried 5-0.

**Ordinance 2011-2 Second Reading “An Ordinance Providing the Control of Noise in the City of Rising Sun, Indiana”**

Mayor Marksberry presented Ordinance 2011-2 “An Ordinance Providing the Control of Noise in the City of Rising Sun, Indiana” for second reading. Marksberry stated if there are concerns regarding this Ordinance this can be addressed at the next meeting. Council requested input from Chief of Police David Hewitt. Hewitt stated the Ordinance is necessary in order for the PD to address noise issues that have been brought to Council in the past. Councilman Padgett stated there needs to be something in place that says how much noise is too much. Attorney Siekman stated that Chief Hewitt will have to purchase a decibel meter or two but feel the ordinance is a good start at addressing the noise concerns. After discussion a motion was made by Councilman Padgett to approve Ordinance 2011-2 “An Ordinance Providing the Control of Noise in the City of Rising Sun, Indiana” with a Violation Bureau cost of \$25, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0.

**Cancellation of Warrants/Old Outstanding Checks**—Clerk Gipson presented a list of checks outstanding for two or more years to Council and Mayor Marksberry. Gipson requested pursuant to IC 5-11-10.5 to cancel all checks outstanding and unpaid for a period of two years as of 12/31/10. After discussion a motion was made by Councilman Padgett to approve the cancellation of these checks pursuant to the Indiana Code, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0. Clerk Gipson will receipt the amounts of the checks back to the fund they were originally drawn from. See Attached Exhibit E.

**Miscellaneous**

- Mayor Marksberry requested approval from City Council to submit a grant application to the RSRF for Fire Department Training Equipment. Attorney Siekman will put the application together.
- Mayor Marksberry informed Council that 10 adults graduated from the Eco15 Start Program with a 90% average.

After the reviewing and signing of claims, and with no further business before Council; a motion to adjourn was made by Councilman Padgett, 2<sup>nd</sup> by Councilman Radcliff; meeting adjourned at 8:20 pm.

Attest:

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Rae Baker Gipson,  
Clerk Treasurer

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William A. Marksberry,  
Mayor

Exhibit A

## **Project Manager's Report Update City Council**

**February 3, 2011**

**1.) 223 – 225 Main Street (Former Foutty Building)**

**Work with Cousins Construction Company is moving forward- metal studs, rough in plumbing, roughing electric, insulation and drywall is underway.**

**The Board of Works gave a favorable recommendation to make the alley between Main Street and Second Street between Walnut Street and Poplar Street one way toward Second Street for the purpose for a teller window for the pharmacy.**

**2.) LED Lighting- Rising Sun Utilities has installed approximately 120 over head lights out of 190. IMPA is ready to take RFP's for decorative street lights. We hope to change out 140 MH light bulbs to LED.**

**3.) Main Street Drainage Improvement Project consisting of approximately 1600 LFT of HDPE enclosed storm sewers and drainage structures and swale grading. We hope to have pre-bid meeting March 21, 2011 with bids due March 31, 2011 for your consideration April 7, 2011.**

**Respectfully Submitted by Mike Northcutt Project Manger**

Exhibit B

RSOC Parks & Recreation Dept. Monthly Report													
	<p><b>Month:</b> February 2011  <b>Prepared by:</b> Jamie Bell</p>												
<b>Programs</b>	<ol style="list-style-type: none"> <li>1. "Move-It" Ohio County kicked off January 1. This is a year-long program. We currently have 82 people enrolled in it.</li> <li>2. We are adding a new program to the Parks and Recreation Department. The Rising Sun Art Academy will be offering classes at the Rising Sun-Ohio County Senior Citizen Center after school on Mondays starting February 28</li> <li>4. Current Programs are- "Move It" Ohio County, Children's Dance classes, Martial Arts classes for adults and children, fitness classes for adults and the Biggest Loser.</li> </ol>												
<b>Projects</b>	<ol style="list-style-type: none"> <li>1. I am working with Tammy Anderson, Tennis Pro, to offer various tennis programs this year.</li> </ol>												
<b>Revenue</b>	<p>January Events at the Senior Citizen Center-19            January Events at the Schroeder Facility- 6</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Senior Citizen Center</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Schroeder Facility</u></th> </tr> </thead> <tbody> <tr> <td>Rental- \$1390.00</td> <td>Rental- \$115.00</td> </tr> <tr> <td>Security Deposits- \$1500.00</td> <td>Martial Arts- \$715.00</td> </tr> <tr> <td>Group Fitness- \$278.00</td> <td></td> </tr> <tr> <td>Dance-\$1433.20</td> <td></td> </tr> <tr> <td><b>Total: \$3931.20</b></td> <td><b>Security Deposit: \$1500</b></td> </tr> </tbody> </table>	<u>Senior Citizen Center</u>	<u>Schroeder Facility</u>	Rental- \$1390.00	Rental- \$115.00	Security Deposits- \$1500.00	Martial Arts- \$715.00	Group Fitness- \$278.00		Dance-\$1433.20		<b>Total: \$3931.20</b>	<b>Security Deposit: \$1500</b>
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<b>Total: \$3931.20</b>	<b>Security Deposit: \$1500</b>												
<b>Repairs/ Problems</b>	<ol style="list-style-type: none"> <li>1. We are having problems with people not cleaning up after their animals in Shiner Community Park. I have placed a letter in the paper. I did speak to one individual that was not cleaning up. I explained to him the rules and that there are pet waste stations in the park. He was cooperative and cordial when I spoke to him.</li> <li>2. Bobby White has replaced 4 toilets in the Senior Citizen Center.</li> </ol>												
<b>Misc.</b>	<ol style="list-style-type: none"> <li>1. The Park Board is having an executive session meeting on Tuesday, February 8, 2011 at 6:30p at the Bear Branch Community Building. The item to be discussed is the Bear Branch Park.</li> </ol>												

Exhibit C  
Historic Downtown Report  
www.risingsundowntown.com  
(January 2011)

**DESIGN**

**RECAP 2.0 (Façade Grant for the MSB-1 district)**

- Have state and City approval for extension June 30, 2011
- Requesting Regional Foundation to extend their portion of the grant

Potts

- Awning
- Tuck Point and Paint bids will be sent out February

Hong Kong Kitchen

- Renovations nearing completion
- Billy Hoffman will be painting Hong Kong Kitchen (Lane contracts)

Foutty

- RECAP portion complete (after work hardware arrives)

Dibble

- Approved the door drawings ready to manufacture and paint colors
- Bid returned too high, will rebid this spring

Pendleton Art Center

- Done

**ECONOMIC RESTURCTURING**

**Business Development**

- Waiting for the 223-225 Main Street building to be renovated to have further discussions with pharmacy providers
- Business Plan Grant
- Partnering with Redevelopment to help administer
  - Paint the Town Grant
  - Awning Matching Grant
  - Sign Matching Grant
  - Challenge Grant
  - Rebuild America Loan

**ORGANIZATION**

**Annual Dinner**

- January 25, 2011 in Heritage Hall at 6pm
- New Board members
- New Board positions
- Next Lunch and Learn (March possible Eric Scudder)
- Arbor Day last Saturday in April (landscape and garden expo)

## PROMOTIONS

### Music on Main, 3<sup>rd</sup> Fridays, Your Hometown Friday Night

- February 18... Benjamin Belew...
- March 18.... Tyler Brindley
- April 15... RR2
- May 20... Kick off for cruise in
- June 17... Stevie and the Johns

### Rising Sun Biggest Loser

- 218 people registered
- Total beginning weight 47,968
- Average weight of 109 males and 109 females should be 38,477
- First week lost 592
- Second week lost 266

### February Fun in Rising Sun

- Promotional piece to try to aid local businesses

### Rising Sun Newsletter

- Contact Gary Eldridge at [rscommnews@yahoo.com](mailto:rscommnews@yahoo.com) to enter information in the RS Newsletter
- March Deadline is January 28<sup>th</sup> at 4pm

### Rising Sun Calendar

- Created and updated the new [www.risingsuncalendar.com](http://www.risingsuncalendar.com)

### Promotion Grant at Rising Sun Regional Foundation

- 7 new brochures—AWARDED \$3,600... just be complete by June 2011
  - Historic Downtown Program
  - Historic Churches
  - Running and Walking
  - Barges
  - Ghost Tours
  - Veteran Tower
  - Fountain

## COMMUNITY INVOLVMENT

- Attended the following meetings
  - Revolving Loan
  - Redevelopment
  - Port Authority
  - Board of Works
  - Rotary
  - City Council
  - Navy Bean Festival
  - Historic Downtown Board
    - Design
    - Economic Restructuring
    - Promotions
    - Organization



# Exhibit D

\*\*\*\*\*MEMO\*\*\*\*\*

February 3, 2011

To: City Council:  
Lynn Graves  
Mike Padgett  
Roy Powell  
Bud Radcliff  
Steve Slack

CC: Mayor, Bill Marksberry  
Attorney, Lane Siekman

From: Rae Baker Gipson,  
Clerk Treasurer

## **RE: Fred Taylor Trash Adjustment**

**At the Nov 4 2010 City Council meeting it was approved that the garbage pick-up fee for the 13 apartments/properties Taylor owns be removed from his utility bills as he provides dumpsters for the trash removal at the apartments. Taylor would still be responsible for the \$3.00 recycling pick-up charge.**

**A new program has to be written by Keystone to change this in the billing software which according to email attached should be complete for the March 1<sup>st</sup> billing to be paid in April. Taylor has requested an adjustment to these bills from the approved November date. I have discussed this with Marty and he is working on how to address this in the Keystone system. At this time the adjustment is 13 X \$5.50= 71.50 for 4 months equals \$286.**

## Rae Gipson

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**From:** Sue Bovard [esbovard@cityofrisingsun.com]  
**Sent:** Wednesday, February 02, 2011 10:23 AM  
**To:** Rae Gipson  
**Cc:** Tammy Johns; 'Marty Dennis'; Mayor  
**Subject:** Rate Change for City Trash

Rae,

I have spoken with Keystone, Sherry says she can get the rate change done by March 1<sup>st</sup>. But she needs a signed agreement and the new ordinance by this afternoon.

We will already have cards printed by Feb 23<sup>rd</sup> so the rate will not go into effect until the end of March anyway. Can you get the new ordinance completed at this Council meeting?

She will need the rates to state the rate for "trash and recycling" and a second rate for "recycling only". We can have the rate effective on the April bills if you can get this accomplished. Let me know what you can do.

I will have the agreement in hand today.

Evon Sue Bovard  
Rising Sun Municipal Utilities  
P. O. Box 38  
200 N. Walnut Street  
Rising Sun, IN 47040  
812-438-3616

LIST OF CHECKS OUTSTANDING FOR OVER TWO YEARS			
Date of check	Check Number	Check Amount	Fund
6/24/2008	28012	450.00	Park
8/21/2008	28420	102.00	Riverboat
12/31/2008	29434	235.17	General

EXHIBIT E

# CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES

Page 2

December 2009

## **CANCELLATION OF WARRANTS – OLD OUTSTANDING CHECKS**

Pursuant to IC 5-11-10.5, all checks outstanding and unpaid for a period of two years as of December 31 of each year shall be declared cancelled.

Not later than March 1 of each year, the controller or clerk-treasurer shall prepare or cause to be prepared a list in duplicate of all checks outstanding for two or more years as of December 31 last preceding. The original copy shall be filed with the city or town council and the duplicate copy maintained by the controller or clerk-treasurer of the city or town. The controller or clerk-treasurer shall enter the amounts so listed as a receipt to the fund or funds upon which they were originally drawn and remove the checks from the list of outstanding checks. If the fund from which the check was originally drawn is not in existence or cannot be ascertained, the amount of the outstanding check shall be receipted into the general fund of the city or town.

## **FEDERAL AND STATE MILEAGE RATES**

It is our understanding that the Federal mileage rate will be reduced from 55 cents per mile to 50 cents per mile, effective January 1, 2010. The State mileage rate is 40 cents per mile.

## **SOCIAL SECURITY TAX BASE CHANGES JANUARY 1**

The 2009 contribution rate will remain at a total of 15.3 percent. The tax rate for both employees and employer for 2009 will be 7.65 percent. (6.2% Social Security and 1.45% Medicare)

We further understand that the maximum amount of earnings that will be subject to Social Security contributions will be \$106,800 effective January 1, 2010, unchanged from 2009.

Please contact the Internal Revenue Service at 1-800-829-1040 if you should have questions on this matter.

## **ENCUMBERED APPROPRIATIONS – BALANCE AVAILABLE**

With the opening of a new budget year and a new set of ledgers, it is to the advantage of a municipality to review the unpaid purchase orders and contracts which remain on the ledgers as "encumbered."

Those items under purchase order or contract are to be added for each appropriation account and the total carried to the new 2010 corresponding account. The actual unpaid amount of the purchase orders or contracts should be totaled and shown as a separate amount on the appropriation ledger sheet for 2010, with proper explanation, and added to the 2010 appropriation for the same purpose. By properly carrying out this procedure, the 2010 budget will not be expected to stand any expense not anticipated in making the budget.