

Rising Sun City Council Meeting Minutes

May 4, 2006

7:00 P.M.

City Hall

Call to Order/Pledge

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

Minutes

The April 6th Council minutes had been distributed to Mayor Marksberry and Council Members prior to the meeting. Councilwoman Scott noted a correction regarding these meeting minutes on Page 7 under the section “Community Event Funding Grant Application—2006-9” paragraph 1 line 10 should strike “the vice president position on the Chamber of Commerce” and reflect “a Board Member of the Chamber of Commerce”. After discussion a motion was made by Councilwoman Scott to accept the April 6th minutes with this correction, Councilwoman Siekman seconded the motion; motion carried 5-0.

Reports of Committees, Boards, & Departments

Mayor’s Essay Winners

Mayor Marksberry informed all present the 6th Grade Class at OCEMS had participated in an “If I was Mayor ...” essay contest. Mona Cook, Executive Secretary to the Mayor informed all present the City had been participating in this contest for the past 3 years. According to Mayor Marksberry it was really difficult to narrow all the essays to three winners—everyone done a great job. Marksberry then requested the final three to come forward and read their essay. Haley O’Shaughnessy received 1st Place—winning a Family Pool Pass and a \$125 savings bond. Elizabeth Reinhold received 2nd Place—winning a Family Pool Pass and a \$100 savings bond, Kaylee Rayls received 3rd Place—winning a Family Pool Pass and a \$50 savings bond. Marksberry thanked Mona Cook and all the participants, as well as, Barb Clifton this year’s contest Judge and Grand Victoria for the prize donations. All participants’ essays have been forwarded to Indiana Association of Cities and Towns where one State wide winner will be chosen as well.

Project Manager

Northcutt informed all present of the following:

- There will be a public hearing on Thursday May 11th at 6:30 for the Fifth Street Drainage Project.
- Representatives from Windows World are going to be in town Monday regarding the stained glass windows for the Presbyterian Church.
- One quote has been received from Dick Moore regarding demolition for the Presbyterian Church project in the amount of \$12,263. Council requested Northcutt acquire at least one additional quote. There was some discussion by Council of the safety of the building since the fire—also Councilwoman Scott questioned if the repairs for this were covered by insurance—or if they were to be paid out of funds set aside for the church renovation? According to Northcutt there are items that will have to be done that were existing before the fire and a claim will be filed with the insurance company—possibly need Legal Counsel to make a determination on the claim.

TOURISM

Sherry Timms, Director of Tourism informed Council and Mayor Marksberry Rising Sun is featured in several publications in the next few months including Indianapolis Dines, Indy Star, Indy Living and Midwest Living. The group continues to work on the Tourism and River Days website. The Flag banners approved by Council a few months ago are being printed and should be complete in the next couple weeks—these banners will not be up at the same time American Flags are. Timms reported she had not heard anything about the Scenic By Way signs—so assumes everything to be moving along. Tourism has also been participating in meetings regarding the Presbyterian Church.

Port Authority

It was reported the Boone County Kentucky Planning and Zoning voted 4-0 not to rezone for the proposed ferry project. On May 17th the full Board will address the proposal.

Historic Downtown

There was no report as Tammy Elbright was on vacation.

Police Department

Police Chief David Hewitt reported to City Council that the new 800 Meg radios system is fully operational. He also reported Officers had been participating in several training seminars. According to Hewitt the training is geared for small departments relating to issues from identity theft, procedural issues and requirements, as well as, regional leadership issues. Hewitt stated he feels the training to be extremely beneficial to the officers and directly benefits the citizens/community. Hewitt also informed Council the Department will be increasing foot patrol to curb some of the vandalism issues. The cameras installed at the city restrooms have been helpful and quotes are currently being requested for camera installation on the riverfront. Chief Hewitt presented a proposed Policy Amendment of Standard Operating Procedure regarding Hiring Procedures to Council for review. He plans to propose this amendment to the Board of Works for approval. Attorney Siekman questioned if any other area Police Departments were using this as SOP. Hewitt stated that Fayette County does and Dearborn County and Lawrenceburg offer general testing. Hewitt requested the group to review and contact him with comments or concerns.

OCCF

Clerk Gipson informed Council she had received calls regarding the City of Rising Sun 4 Year College Future Generations Scholarship applicants being required to attend a school in Indiana, Kentucky, or Ohio. Gipson stated she made contact with Peg Dickson who reported this was listed as part of the criteria—but could be changed at Council's pleasure by an amendment to the Member of Intent. According to Gipson she requested Peg prepare this amendment for Council's review. After further discussion a motion was made by Councilman Slack to approve the criteria for this scholarship be amended to take out the requirement of applicants attend an Indiana, Kentucky or Ohio school. This was seconded by Councilman Padgett; motion carried 4-0 with Councilwoman Scott abstaining due to conflict of interest.

Petitions or Comments from Citizens

Diane Elam
411 Second Street
Rising Sun, IN 47040
Adjoining Property Concerns—Nuisance issues at
415 Second Street
Rising Sun, IN 47040

Elam reported to Council regarding concerns at the location of 415 Second Street—

- inoperable vehicles, unlicensed vehicles, and vehicle parts
- uncut grass and weeds over 12 inches high
- trash—litter including glass, metal, paper, used furniture

Elam's concerns include health and safety factors of stagnant water as well as rats, mice & snakes.

She also noted 3 incidents with the resident at this location:

- 4/2/06—Elam's house was egged
- 4/8/06—Police called by Elam @4:45 am due to obnoxious communications.
- 4/19/06—Police called by Elam as the residents of the 415 Second Street approached Elam's bedroom window—screaming and yelling; then urinating—
- After Police leave (approximately Ten minutes) fireworks thrown from 415 Second Street Address towards Elam's residence.

There was much discussion about the citizens concerns after which a motion was made by Councilman Slack to declare the property at 415 Second Street a nuisance, 2nd by Councilman Brown; motion carried 5-0. After further discussion a motion was made by Councilwoman Scott to authorize Attorney Siekman proceed with the process by City Code to clean up this property, 2nd by Councilman Padgett; motion carried 5-0.

Lorraine Stonebraker

815 Fifth Street

Rising Sun, IN 47040

Adjoining Property Concerns—Burnt remains of Thomas House

1019 Fifth Street

Rising Sun, IN 47040

Adjoining Property Concerns—open cistern located at Bea Daniels property

812 Fifth Street

Rising Sun, IN 47040

Stonebraker first reported to Council regarding concerns on the Bea Daniels property located at 812 Fifth Street. According to Stonebraker Ms Daniels is 96 years old—her property has an open cistern that is an accident waiting to happen. Stonebraker voiced concerns about the health and safety factors of someone falling into the cistern. She requested the City fill the cistern before it is too late. It was discussed that Ms Daniels or her power of attorney would have to give the City consent to do this work. After discussion a motion was made by Councilwoman Scott to allow the Street Department to fill the cistern on the Fifth Street property of Bea Daniels with Daniels' or her representative's written consent, 2nd by Councilman Brown; motion carried 5-0.

Stonebraker recognized several other Fifth Street residents in attendance with concerns regarding the burnt remains of the Thomas home and the existing building on the Thomas' adjacent property. Tina Menke, 1022 Fifth Street reported to Council— that the grass is uncut and weeds growing fiercely--- there is trash all over the property and the smell will overtake you. Menke stated she was concerned as well for the children living and playing in this area. This was echoed by others in attendance. There was much discussion about the citizens concerns after which a motion was made by Councilman Slack to declare the Thomas property at 1019 Fifth Street a nuisance and to authorize Attorney Siekman proceed with the process by City Code to clean up this property, 2nd by Councilwoman Siekman; motion carried 5-0.

Charlie Scott
1006 Fifth Street
Rising Sun, IN 47040
Noise Nuisance—dirt bikes and 4 wheelers
Fifth Street
Rising Sun, IN 47040

Charlie Scott reported to Council he was a 50 year resident of Ohio County. He complained of noise nuisance concerns caused by dirt bikes and 4 wheelers-- so loud he couldn't hear anything. According to Scott the frequent riders will rev their motors any and all times of day or night. Discussion was had regarding the difference between a mower or tractor noise being classified as a nuisance...Scott stated that mowers and tractors were necessary equipment—the dirt bikes and 4 wheelers were not. Councilman Slack stated that what is nuisance noise to one may not be the same to another. There was discussion that the land owner has to complain for the Police to have authority. Chief Hewitt will address the issue with some of the families in the area. Scott will call the police with his complaints.

Mayor Marksberry informed Council there had been complaints of tall weeds and uncut grass at the Brian Curlin property 207 N Poplar Councilman Slack asked if we didn't have a process for this—Marksberry stated the Street Commissioner has the authority to declare a nuisance and proceed with the process as stated in Ordinance 2006-1. After further discussion Marksberry stated he would address this with Street Commissioner Ballard and move forward with the process.

Unfinished Business

Beastmaster Pest Services

Mayor Marksberry reported he spoke with Casey Rayls aka Beastmaster Pest Services and he will provide services at the City Pool and City Restrooms the first business day of each month to alleviate hassle of chasing down a key. The cost to expand these services is \$750 annually. After discussion a motion was made by Councilman Slack to expand the services with Beastmaster Pest Services for the Front Street Restrooms, Main Street Restrooms, and the City Pool, Locker Rooms, and snack bar for \$750 annually, 2nd by Councilman Padgett; motion carried 5-0.

EDC—Covenants Conditions & Restrictions for Barbour Business Park

EDC President Clifton had presented “Covenants Conditions and Restrictions for the Barbour Business Park” at the April meeting for Council and Mayors review. It was stated that the objective of this document is that there is consistency in building standards. It was noted that the exterior front walls of buildings facing public streets are to be 50% masonry and accessory structures have to match the original building design. Attorney Siekman informed Council these covenants follow the land as deed covenants which gives EDC some control over County Zoning. After discussion a motion was made by Councilwoman Scott to approve these Covenants, Conditions & Restrictions for the Barbour Business Park, 2nd by Councilman Brown; motion carried 5-0.

RSMU PANGAEA Quote Clarification

Clifton had also presented a contract agreement to the Mayor and Council from PANGAEA at the April Council meeting. Council had requested Clifton get a clarification of the quote/agreement and bring back to Council at the May meeting. Clifton had emailed Council with

information from David Gelhausen, Geologist, of the Pangaea Corp. who provided the quote for the well test borings discussed at April's council meeting. Gelhausen stated that the total amount for Option 2 should be \$8000.00. He confirmed that the "per boring" was a mistype. Therefore the difference between options 1 and 2 should be a total of \$1000.

The quotes received reflect as follows:

- Soft costs \$2500
- Drilling Option 1 \$7000
- Drilling Option 2 \$8000

After further discussion a motion was made by Councilwoman Slack to approve Drilling Option 2, 2nd by Councilman Padgett; motion carried 5-0.

Resolution 2006-9 “Accounting Software SBA Approval—Capital Asset Program”

Clerk Gipson presented Resolution 2006-9 “A Resolution to request approval from SBA for Keystone Accounting Software—Capital Asset Program”. Gipson stated this Resolution adopts the Keystone Capital Asset software systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by the City of Rising Sun, and any updates and revisions provided in the future for use by the City of Rising Sun. After discussion a motion was made by Councilman Padgett to approve Resolution 2006-9, 2nd by Councilwoman Siekman; motion carried 5-0.

Second Reading Ordinance 2006-2—“To Amend the Zoning Inspection Fee Rate Schedule” and Ordinance 2006-3—“To Amend the Building Inspection Fee Rate Schedule”

Mayor Marksberry presented Ordinance 2006-2 —“To Amend the Zoning Inspection Fee Rate Schedule” and 2006-3 —“To Amend the Building Inspection Fee Rate Schedule” to Council for second reading. After discussion a motion was made to approve these Ordinances by Councilwoman Scott, 2nd by Councilman Slack; motion carried 5-0. Attorney Siekman requested Clerk Gipson to publish the Ordinances in the local paper.

Miscellaneous

Mayor Marksberry reported there was a meeting April 26th with skateboarders and interested parties regarding the skateboard park design which Councilwoman Scott and Councilman Slack attended. According to Marksberry the engineer was happy with the meeting and once the well testing is complete the project can move to the next phase.

The closing set for tomorrow regarding the construction of the new Library has been tentatively rescheduled to May 12th between 11am and 1pm at the Main Source Bank. Council requested they be contacted with a confirmation of this closing.

Marksberry also present a proclamation for the Pendleton Art Center in celebration of five years in Rising Sun and one for Clean Up Rising Sun Week set for April 30th-May 6th.

Marksberry noted Lane Siekman has published Volume 1 of “Sketches of Historical Buildings in Rising Sun”. He will be signing this publication at the Historical Society tomorrow evening. The books are available through the Ohio County Community Foundation by making a tax deductible donation of only \$50 to any fund held at the OCCF.

Marksberry also informed Council the Fire Department will have a ladder truck on site as a demo on May 15th. He urged Council to stop by and see the demo—stating there are safety concerns that our current department can not address. It was discussed that approximate cost of this type of truck was \$500,000—Councilwoman Scott questioned if any

other community in our surrounding area had this type of truck. Marksberry stated Aurora, Lawrenceburg and Greendale do.

Marksberry passed around pictures of the Flood which will be placed on various buildings.

It was reported that the Fountain pump on the riverfront is running—but other work must be done before the water flows.

Clerk Gipson reminded Council of the IACT Spring Leadership Conference May 22-24th at Grand Victoria.

Clerk Gipson informed Council she had held interviews for the Deputy Clerk position vacated with the termination of Charlotte Abel on April 7th. Gipson informed Council she would like the position be a 32 hour a week position with benefits, as is the position that was hired in December. Gipson further stated the 8 hours per employee or 16 hours per week saves approximately 10-12,000 per year. After discussion Council stated they appreciated the request—but felt the decision was the Clerk Treasurer's to make. After further discussion Council gave Clerk Gipson their blessing to hire a Deputy Clerk for 32 hours per week with benefits at the 2nd Deputy Pay rate. Clerk Gipson thanked Council for their support and announced that she had selected Angie Turner for this position.

Adjournment

After the reviewing and signing of claims, and with no further business; a motion to adjourn was made by Councilwoman Scott, 2nd by Councilman Padgett; meeting adjourned.

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor