

# **Rising Sun City Council**

**November 5, 2009**

**7:00 P.M.**

**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 September 3<sup>rd</sup>, September 17<sup>th</sup>, and October 1<sup>st</sup> City Council meetings had been distributed to Council prior to the meeting. After discussion a motion was made by Councilman Padgett to approve the three sets of minutes as written, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0.

## **Reports from Boards and Committees**

### **Police Department**

Police Chief, David Hewitt informed Council and Mayor Marksberry the transmission went out of the Durango used as the Canine Unit. Hewitt stated he had submitted a grant application to the RS Regional Foundation in October to replace this vehicle in the amount of \$36,000 and hoped they could replace the vehicle after the first of the year. At this time a transmission has been located at a cost of \$1,600 and the vehicle will be repaired by the first of the week.

### **Historic Downtown Main Street**

Amy Hoffman, Director of Historic Downtown Main Street presented a report to Council and Mayor Marksberry of monthly activities. See Attached Exhibit A. Hoffman reported the Historic Downtown Program voted to change the boundaries of the Historic District to include the entire city. Previously the boundaries were from Mulberry to Front Street and 2<sup>nd</sup> Street to 6<sup>th</sup> Street. She also reported they have received a verbal extension of the ReCap Façade Grant from the State and are waiting for something in writing. According to Hoffman originally the funds had to be spent by 2008 and an extension was granted until December 31, 2009. Hoffman reported there were 24 people that attended the Energy Efficiency Workshop on October 17<sup>th</sup>. She also reported there will be one last printing of the Community Newsletter. It was stated Fletcher Construction will start on the roof of the former Foutty Building on Friday so discussions can get serious regarding bringing another pharmacy to town.

Northcutt and Hoffman made the following requests for ReCap Façade Projects:

- Two quotes were received to fix the brick walls around the windows and doors at the former Foutty Building as follows:
  - Billy Hoffman \$ 4,000
  - Weaver Construction \$19,500

Northcutt stated the Design Committee recommended Council approve Billy Hoffman to do this work. After discussion a motion was made by Councilman Radcliff to approve the recommendation of the Design Committee and accept Billy Hoffman's quote of \$4,000, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0.

- A quote was received to replace the Dibble Building door from Appletree Design in the amount of \$11,714. Northcutt stated the Design Committee recommended Council approve Appletree to replace this door. After discussion a

motion was made by Councilman Slack to approve the recommendation of the Design Committee and approve Appletree to replace this door at a cost of \$11,714, 2<sup>nd</sup> by Councilman Powell; motion carried 5-0.

### **Park Board—Jamie Bell**

Park Director, Jamie Bell reported to Council on the following monthly activities. See attached Exhibit B.

- 100 forms have been received to date for the “31 Days in October” program.
- A bicycle safety program is going to be added this spring/summer for kindergarteners.
- The Park Board is currently updating the By-Laws.
- Doing some minor repairs at the Senior Building.

Councilman Padgett commented the landscaping looks good. Jamie stated this landscaping was completed in conjunction with the School. Jamie requested approval to add vinyl based trim at a cost of \$449.96 by Fletcher Construction at the Schroeder Facility. After discussion a motion was made by Councilman Padgett to approve the cost of this work, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0. This cost will come from the New Fairgrounds Park Funds.

### **USB—Marty Dennis**

Clerk Gipson informed Council and Mayor Marksberry, Dennis had submitted a report for their review. The report is in the monthly packet of information. See attached Exhibit C.

### **Project Manager**

Northcutt informed Council and Mayor Marksberry that Dave O’Mara Contractors will be in town next Thursday for miscellaneous paving and to finish the repairs on Fourth Street.

### **OCCF—Peg Dickson**

Peg Dickson informed Council and Mayor Marksberry they will hold an Open House Tuesday November 10<sup>th</sup> from 4-7. She invited all to come and see the facility.

### **Historical Society—Bill Dichtl**

Bill Dichtl reported the Nightmare on Walnut Street was once again a big success and the model train display is coming soon.

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

There was no one present with petitions or comments.

### **Introduction of Sewer Rate Increase 3yrs/10%/year**

Mayor Marksberry stated this will be on the December Council Agenda and will be considered a Public Hearing. Marksberry also informed Council there will be a Special Council Meeting on November 19<sup>th</sup> at 5:30 pm with the Utility Service Board to discuss pay off of the WWTP BAN. Clerk Gipson stated the Board of Works will also be meeting on November 19<sup>th</sup> at 4:00pm.

### **2nd Reading Ordinance 2009-6 “An Ordinance to Authorize The Use of a Blanket Bond and/or Crime Insurance Policy to Cover the Faithful Performance of the Duties of Employees and Office Holders, Including the Clerk Treasurer”**

Mayor Marksberry presented Ordinance 2009-6 “An Ordinance to Authorize the use of a Blanket Bond and/or Crime Insurance Policy to Cover the Faithful Performance of the Duties of Employees and Office Holders, Including the Clerk Treasurer” to Council for 2nd reading. Attorney Kay Fleming reported to Council and Mayor Marksberry the Bond and or Crime Insurance Policy meets statutory requirements and gives us broader coverage as well. Cost of the policy is \$2,314. After discussion a motion was

made by Councilman Slack to approve Ordinance 2009-6, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0.

**Resolution 2009-12—"Disposal of Equipment"**

Clerk Gipson presented Resolution 2009-12 "A request of Disposal of Equipment" to Council and Mayor Marksberry for approval. After discussion a motion was made by Councilman Padgett to approve Resolution 2009-12, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0. See Attached Exhibit D.

**RLF Deferral Request—Rae Gipson**

Rae Gipson, representing the Revolving Loan Board informed Council and Mayor Marksberry at the last Revolving Loan Fund meeting it was approved to recommend a 3 month Deferral Request (Jan-Mar 2010) for Tim Emmrich, Walnut Properties LLC to Council for approval. Gipson stated Emmerich's request meet the guideline requirements for a deferral request. After discussion a motion was made by Councilman Radcliff to approve this Deferral Request upon recommendation of the RLF Board, 2<sup>nd</sup> by Councilman Graves; motion carried 5-0.

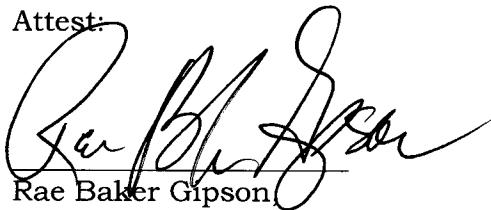
**Miscellaneous**

- **Downey Insurance Safety Award**--Mayor Marksberry reported the City had received the 2009 Downey Insurance Safety Award.
- **Community Event Funding Meeting**—After discussion it was determined at the January 7<sup>th</sup> City Council meeting there will be no reports from Committees or Boards. Instead Council will address Community Event Funding requests for 2010 during this time. Clerk Gipson will get a memo to the recipients with a deadline to return requests by December 15<sup>th</sup>.
- **Thanks**—Councilman Padgett informed Council and Mayor Marksberry that Sue Hart was not able to make the meeting but wanted all to know the Instructional Aids at the school have been very helpful with her class.

**Adjournment**

After the reviewing and signing of claims, and with no further business; a motion to adjourn was made by Councilman Graves, 2<sup>nd</sup> by Councilman Slack; meeting adjourned at 7:43pm.

Attest:



Rae Baker Gipson,  
Clerk Treasurer



William A. Marksberry,  
Mayor

*On the October 27, 2009 meeting the Historic Downtown Program board voted to make the Historic District the whole city. Previously, the boundaries were Mulberry to Front Street and 2<sup>nd</sup> Street to 6<sup>th</sup> Street. The State's Main Street office did agree with boundary changes. The State and Federal Main Street allows for the local Main Street programs to determine their boundaries. This only means more reporting for our local office.*

## DESIGN

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

- Received State Approval for six of the seven projects
- Waiting on potential funding for the seventh before applying for State approval (R.S. Wellness Spa)

#### Potts

- The State denied the change of the Potts' project of replacement aluminum windows on the alley façade
- Waiting for Potts' to turn in bids for wooden replacement windows for alley façade (state approved wood replacement windows)

#### Hong Kong Kitchen and Old Post Office

- Paul Muller (architect) is working on 2 of the projects (Hong Kong Kitchen and Old Post Office)
- Waiting for possible letter from State stating that Historic Preservation Grants are non-taxable

#### Foutty

- Appletree Design is manufacturing custom door and windows for Foutty
- Barrett Painting only bid for Foutty Paint and Tuck Point \$5,400 (has been approved by City Council and HDP's Design Committee)
- Order of work for Foutty (roof, gutters, removal of old windows & doors, rebuilding wall for new windows and door, installation of windows & doors, tuck pointing, and painting)
- Redevelopment will be paying for new roof and gutters for Foutty building
- Design Committee approved Billy Hoffman to fix brick walls around windows and door (\$4,000)
- City Council needs to approve Billy Hoffman to fix brick walls before work can begin

#### Dibble

- Bids are being excepted for the tuck point and painting of the Dibble building
- Bid for the Dibble's doors has been approved by the Design Committee (\$11,714, waiting for City Council)

#### Pendleton Art Center

- Andrea Grimsley has finished Gibson sign
- Clayton Painting to start painting trim of Pendleton Art Center

### Energy Efficiency Workshop with a Preservation Twist

- October 17, 2009 9:00 am to 4:00 pm (break for lunch) FREE workshop was a success—24 attended
- Received funding from Ohio County Community Foundation, Regional Foundation and Historic Landmarks of Indiana.

## PROMOTIONS

### Geocaching Contest

- 250 entries were turned in for the Geocaching Contest.
- Furthest away was team GEOSLACKRS (the family of local Brian Slack, who now lives in North Pole, AK)
- Four other winners are Greg Sterger, Zach Brown, Tristan Gray, and David and Evelyn Kittle

### Community News

- Printing one more Community News (Nov.-Dec)

## ECONOMIC RESTURCTURING

### Business Development

- Heritage Hall Holiday Shopping Expo will be the first Fridays and Saturdays in Nov. and Dec.
- Interviewed on WSCH on Weds. Nov. 4 promoting Heritage Hall Holiday Expo
- Waiting for the Foutty building to be renovated to have further discussions with pharmacy providers
- Beyer Pharmacy building is for sale, but they do not have price. They are interested in offers at this time. It has 2 one-bedroom apartments on second level with the retail space on first floor.

## ORGANIZATION

### Organizing the creation of a Strategic Plan

- Have had 9 Strategic Plan meetings to date last one on October 21
- Next Strategic Plan November 18 at 11:00 am in Education Center

### Preserve America Award

- Sent a draft of our Preserve American Application to SHPO
- Developing the Preservation Gala for 2010

### Community Involvement

- Attended the following meetings
  - Revolving Loan
  - Redevelopment
  - Rising Sun Art Council
  - Rotary
  - Rising Sun Society of Artist
  - IACT conference in French Lick
  - Historic Downtown Board
    - Design
    - Economic Restructuring
    - Promotions
    - Organization

### Historic Downtown Program Mission (Draft)

*Historic Downtown Program's mission is to revitalize and preserve our historic downtown district through business development, partnerships and promotion.*

### Historic Downtown Program Vision (Draft)

*Historic Downtown Program, in the next 5 years, will be a charming river town with a rich 200-year history where visitors and residents enjoy vibrant businesses, attractions, and on-going activities. It will be a growing community that provides a feeling of stepping back in history with convenience of present day.*

RSOC Parks & Recreation Dept. Monthly Report			
	<p>Month: October, 2009            Prepared by: Jamie Bell</p>		
<b>Events</b>	<ol style="list-style-type: none"> <li>1. The Martial Arts classes are going very well. We've added another kid class on Tuesday evenings. We are currently offering 3 classes.</li> <li>3. The 31 Miles of October has ended. This is the same program as last year. Participants must complete at least 31 miles of walking or running in the month of October. We currently have 100 people enrolled. We have 63 kindergarteners enrolled as well. I am collecting the log sheets at this time.</li> <li>4. I visited with each kindergarten class. I read a book to them and praised them for their hard work in the 31 Miles program.</li> <li>5. The field trip to Swan Lake went very well according to Laura Baresel. There were 77 people that attended the ballet.</li> </ol>		
<b>Projects</b>	<ol style="list-style-type: none"> <li>1. I completed a grant to the Community Foundation for the purchase of security cameras. Grant notification will be late November.</li> <li>2. Presentation to the joint councils was on October 21<sup>st</sup>.</li> <li>3. October Events at Senior Citizen Center-25</li> <li>4. October Events at Schroeder Facility-12</li> </ol>		
<b>Rental</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <ol style="list-style-type: none"> <li>1. <u>Senior Citizen Center</u>                October Rental- \$1275.00                October Security Deposits- \$500.00                Dance- \$1165.00                Martial Arts- \$1630.00                Yoga- \$54.00                As of 10/27/09</li> </ol> </td> <td style="width: 50%; border: none; text-align: right;"> <u>Schroeder Facility</u>                October Rental- \$280.00             </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. <u>Senior Citizen Center</u>                October Rental- \$1275.00                October Security Deposits- \$500.00                Dance- \$1165.00                Martial Arts- \$1630.00                Yoga- \$54.00                As of 10/27/09</li> </ol>	<u>Schroeder Facility</u> October Rental- \$280.00
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<b>Attended Meetings</b>	<ol style="list-style-type: none"> <li>1. Schroeder Educational/Recreational Task Force</li> <li>2. City Council Meeting</li> <li>3. Joint City/County Riverboat Budget Meeting</li> </ol>		
<b>Repairs</b>	<ol style="list-style-type: none"> <li>1. Dishwasher element was replaced, cost of \$538.80</li> <li>2. Urinal was repaired.</li> <li>3. Door lock into the reception room was repaired, cost of \$99.76.</li> <li>4. Light in reception room was repaired.</li> <li>5. The ice maker was repaired. I have not received the bill yet.</li> <li>6. The water softener needs to be moved according to Scott Henry and Mike Northcutt. It is blocking the overflow prevention valve. Mike is addressing.</li> <li>7. Vandalism in the playground crawl-through tunnels at the River Park, writing in marker.</li> </ol>		

Water Well 1R

- \*well drilling and development is complete
  - 113ft depth x 16in diameter
  - 25ft of .040 mesh screen, 88ft of steel casing, 3/8" wall thickness
- \*step and 24hr pump tests are complete
  - tested at 1200gpm (150% of design)
  - static water level stayed constant at 50 to 51ft
- \*chlorine and sodium fluoride upgrades are complete
  - new pumps, valves, and saturator
- \*building foundation is complete
  - floor grade raised by 11" to better fit surrounding area
- \*old well 1 has been pulled
- \*hole will be pumped and grouted in this week
- \*collection piping is being installed now
- surprised to find 6" PVC main at tapping point, not a safe tap for 800gpm well
- we asked contractor to install 8" DI tee at pit to connect new well
- change order resulting in approx. \$3,000.
- \*electric control installation to begin this week
  - start inside utilities building and work toward new well
- \*building construction to begin next week
  - mason will begin to lay block walls
- \*scheduled pump and motor delivery is November 16
- \*target to complete project, including clean up and punch list, is November end
  - substantial completion deadline on contract is December 10

## WWTP LAN

- \* Mayor Bill, Rae, Lane, Jeff Peters, Buzz Krohn, and myself met on November 2
  - discussion on payoff of the WWTP and setting a PILOT payment schedule
- \* request a special joint meeting with the Utility Service Board and City Council
  - November 19 at 5:30pm
  - to make everyone aware and involved on a plan moving forward
- \* sewer rate ordinance to have 1<sup>st</sup> reading in December Council meeting
  - after signed resolution from Utility Service Board



Resolution 2009-12


Exhibit D

## Disposal of Equipment Declared at No Value

Request to declare the following items of no value:

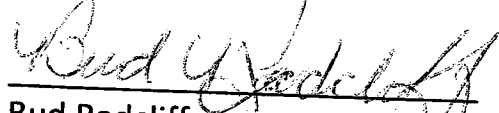
- Two outdated MDI Laptop Computers  
(Mike Northcutt # 00166 and Pool Laptop Model # Z91E)

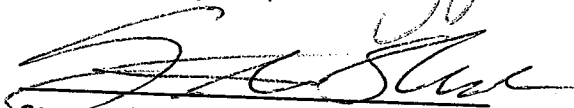
Approved this 5<sup>th</sup> day of November, 2009.

  
Lynn Graves

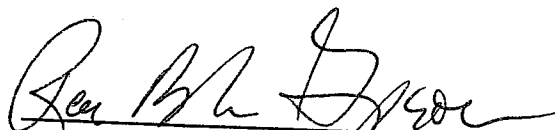
  
Mike Padgett

  
Roy Powell

  
Bud Radcliff

  
Steve Slack

  
William A. Marksberry, Mayor

  
Attest: Rae Baker Gipson,  
Clerk Treasurer

**Rising Sun City Council  
Utility Service Board  
Special Joint Meeting  
November 19, 2009  
5:30 P.M.  
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 except Councilman Graves. Marty Dennis Utility Superintendent was also present with all the Utility Service Board present except Mark Guard.

**Minutes**

Minutes of the November 5<sup>th</sup> City Council meeting had been distributed to Council prior to the meeting. After discussion a motion was made by Councilman Slack to approve the November 5<sup>th</sup> Council minutes as written, 2<sup>nd</sup> by Councilman Padgett; motion carried 4-0.

**Petitions and Comments from Citizens**

There was no one present with petitions or comments.

**Unfinished Business**

None

**New Business**

**Discussion of Pay-Off of WWTP BAN**

Marty Dennis and RSMU Consultant Buzz Krohn presented information to the respective boards and Mayor Marksberry regarding the refinancing of the Bond Anticipation Note (BAN) for the Wastewater Treatment Plant. Buzz informed the group the BAN matures January 1, 2010. Krohn stated the original proposal to Council was the City put an additional \$1 million down on the BAN and pre-pay 5 years of Riverboat pie chart funding to buy down the long term bond to \$1.7 million in 2010. The remaining \$1.7 million of BAN would be converted to a long term bond with a 14 year amortization @ 4.5% interest at a cost of \$165,000 per year annual payment. Krohn stated since the last Council meeting there have been various discussions and changes to the proposal are as follows: Propose using riverboat funds to retire the entire BAN with no long term bond issue. This plan contemplates no further riverboat pie chart funding for the utilities—except for broadband. Electric, Water and Sewer Utilities will pay PILOT to the City on a going forward basis. The PILOT payment will be \$250,000 annually and the Utilities will also implement a 10% annual rate adjustment thru 2012 for Wastewater.

There was discussion regarding preparing an Ordinance addressing this concept for Council to review at the December Council meeting. City Attorney Lane Siekman and Consultant Jeff Peters requested language that USB study rates on a specific schedule and adjust rates if revenues were not sufficient to pay the PILOT. Utility Superintendent Dennis requested flexibility to deal with revenue drops in the Utilities. According to Dennis at the November 18<sup>th</sup> USB meeting the Board approved a Resolution to recommend to Council for a rate increase for wastewater at 10% each year for 3 years. Utility Superintendent Dennis voiced concerns regarding future funding for Utility infrastructure projects. There was discussion that funding for Utility Projects could be requested from Council on a project by project basis—but the rates should be sufficient for operations and maintenance. Clerk Gipson informed

Council and Mayor Marksberry there is approximately \$6.5 million in Riverboat funds available. The pay-off of this debt will reduce available cash, but according to Gipson will make the City debt free. After further discussion a motion was made by Councilman Powell to move forward with this process, 2<sup>nd</sup> by Councilman Radcliff; motion carried 4-0. After further discussion a motion was made by USB Member Stephanie Scott to move forward on this process, 2<sup>nd</sup> by USB Member Mona Cook; motion carried 4-0. RSMU Office Manager Sue Bovard stated this investment equally affects everyone in the community.

### **Miscellaneous**

- **Council Year End Close Out Meeting Date**—After discussion the Council close out meeting was set for December 17<sup>th</sup> at 5:30pm.
- **Budget Discussion**—Clerk Gipson informed Council and Mayor Marksberry she had been discussing Budgets with City Consultant Jeff Peters. Peters discussed points to consider in reference to the proposed 2010 Park Budget. He stated with the County funding in the amount of \$80,000 vs. the \$100,000 which was used for budget calculations, the 2010 Park Budget will be \$20,000 short in funding. Other considerations for the 2010 Park Budget are as follows:
  - County contributions should be payable in Jan, April, July and Oct in order to facilitate cash flow and receive this entire funding source during the calendar year.
  - Substantial capital projects for Parks should be brought to City and County Councils on an individual basis in lieu of establishing a capital projects fund. He stated the Capital Projects fund would limit where funds could be spent.

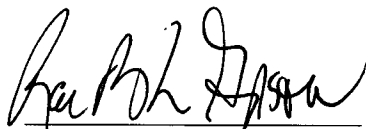
Clerk Gipson stated her and Peters had discussed the 2010 Park Budget with Park Director, Jamie Bell earlier today. Bell requested Gipson and Peters attend the January Park Board Meeting as well. Gipson and Peters recommend an Interlocal Agreement with the County to address these issues. Attorney Siekman will work on preparing something for Council to review.

There was also discussion regarding the pie chart percentages and actual budgets. Peters stated the original concept was to keep all operations in the General Budgets and all capital or project budgets in the Riverboat Budget. The thought being anything in the Riverboat Budgets was not actually necessary for operations. Clerk Gipson stated with projections made through the end of the year the Riverboat Police Budget will be 10-12,000 over budget. There was also discussion of having each department prepare a budget for operations only in 2010. This would help departments in preparing for what is actually available for operations.


### **Adjournment**

With no further business before Council and USB; a motion to adjourn was made by Councilman Slack, 2<sup>nd</sup> by Councilman Padgett; meeting adjourned at 6:35pm.

Attest:



Rae Baker Gipson,  
Clerk Treasurer



William A. Marksberry,  
Mayor