Rising Sun City Council Utility Service Board September 1, 2010 6:00 PM City Hall

### Call to order

The meeting was called to order by Mayor Marksberry with all of Council present except Councilman Radcliff.

### **IMPA Presentation**

Carolyn Wright and Chris Redding presented information to Council and Mayor Marksberry regarding energy efficiency programs and technology that help save energy. Some possible programs that could be offered in Rising Sun are: energy audits –providing a walk thru of homes at least 10 years old and education of home weatherization. IMPA representatives will follow up with information as the program evolves.

Rising Sun City Council September 1, 2010 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 August 5<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 Graves to approve the August 5<sup>th</sup> City Council minutes as written, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0.

### Reports from Boards and Committees

### Police Department

Police Chief, David Hewitt reported to Council and Mayor Marksberry the department continues to have problems with the fireworks or bombs being set off in town. According to Hewitt he has a list of 6-7 names he would like City Council to take a look at after the meeting. He stated it may help if Council talked with the firework offenders. Hewitt stated they have had as many as 30 calls after one is set off in town. One was set off the other night and dispatch had 3 calls, Hewitt had 3 calls, Colen had 3 calls and Siekman had 2 calls within 5 minutes. Hewitt stated he would like for Council to ask them to put their toys away.

### **Project Manager**

Northcutt presented a report to Council and Mayor Marksberry attached as Exhibit A. Northcutt requested approval for a \$650 change order for Clayton Painting on the Pendleton project as was recommended by the ReCap Design Committee. After discussion a motion was made by Councilman Padgett to approve the \$650 change

order, 2<sup>nd</sup> by Councilman Powell; motion carried 5-0. Mike also informed Council and Mayor Marksberry the survey for the Jackson property is complete. The property surveyed at 2.98 acres. After discussion a motion was made by Councilman Padgett to approve the survey of the Jackson property and proceed on the purchase of this property, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0. Northcutt also distributed information to Council and Mayor Marksberry to review regarding the LED lighting grant received from IMPA.

### Park Board—Jamie Bell

Park Director, Jamie Bell reported to Council and Mayor Marksberry on August 2010 activities. See attached report Exhibit B. Bell also informed Council and Mayor Marksberry on various dance and fitness programs available. Bell stated the Park Board will be doing the "31 Days in October" again this year and urged everyone to sign on. Mayor Marksberry stated he had given Jamie a packet of information regarding rental agreements and possible updates to consider.

### Historic Downtown Main Street

Amy Hoffman, Director of Historic Downtown Main Street submitted a report of activities and updates attached as Exhibit C. Hoffman reported that attendance for Music on Main on First Friday continues to increase. She invited everyone to attend the last Music on Main this coming Friday.

### OCCF—Peg Dickson

Dickson stated she had nothing to report this month—they had just been busy!

### Historical Society—Bill Dichtl

Bill Dichtl reported the Museum has been participating in First Fridays and there will be a vintage baseball game at Shiner Park at 2pm on Sept 11. Dichtl also stated there will be jewelry vendors at the museum on Sept 9<sup>th</sup> and on Sept 18<sup>th</sup> there will be a venue of prehistoric stone tools from 10-4. On November 7<sup>th</sup> there will be a Road Rally fundraiser.

### Redevelopment—Jim Clements

Clements informed Council and Mayor Marksberry the Foutty building renovations are somewhat at a standstill. They are waiting on the drawings from the architect. He also informed all he attended a Redevelopment meeting in Marion, Indiana which was very informative.

### Board of Works—Bill Marksberry

Mayor Marksberry reported to Council that letters were sent to residents for public input near the Alley behind Fulton Place regarding the request from Barb Smith to make this alley one way; and residents on Fourth Street from Elm to Barnes Alley regarding congestion and safety concerns in this area on Fourth Street. The Board of Works meets September 23<sup>rd</sup> and these items will be discussed. A recommendation will be made by the Board of Works to Council once the issues are researched and a possible solution or decision is made by the board.

### Petitions and Comments from Citizens

No petitions or comments were presented.

### **Unfinished Business**

### Code Update Ordinance—Clerk Gipson

Clerk Gipson stated her and Attorney Siekman are still not satisfied with proposing this Ordinance for a first reading.

### Earlywine's Nuisance/Noise Complaint—John Miller

Mayor Marksberry informed Council he had provided each with a copy of the Nuisance Ordinance from the City Code Book. Councilman Slack asked if anyone had received any more complaints. No one had received any additional complaints. Chief of Police, David Hewitt stated he thought some of the issues had slowed down and there appears to be only one older truck at the residence. After discussion Council decided to defer a decision until the October meeting with hopes that these issues will work out.

### Disposal of Equipment —Declare of No Value

Clerk Gipson presented a request to dispose of various items that no longer were of value or use to the City. See Attached Exhibit D. After discussion a motion was made by Councilman Slack to approval this request, 2<sup>nd</sup> by Councilman Graves, motion carried 5-0.

### **New Business**

### Public Hearing—2011 Proposed Budget—First Reading Ordinance 2010-3

There was no one present with comments or petitions regarding the proposed 2011 Budget. This hearing serves as the first reading of Ordinance 2010-3. Clerk Gipson distributed Budget packets to Council and Mayor Marksberry to review at their leisure. She stated the second reading and adoption of Ordinance 2010-3 the proposed 2011 Budget will be on October 7th at 7:00pm at the City Administration Offices. Public Hearing closed at 7:30pm.

### Ordinance 2010-2 Salary Ordinance—

After discussion it was determined that Council will have a Special Council meeting to address the  $2^{nd}$  Reading of the Salary Ordinance for 2011 on September  $13^{th}$  at 5:00 pm.

### RLF Recommendation—Kay Fleming

Kay Fleming Attorney for RLF presented information to Council and Mayor Marksberry as follows:

Regarding the Macku loan/settlement, Fleming stated Michael and Diana Macku had a loan to operate a construction company. They borrowed \$220,000 and secured it with the building formerly known as the Dibble Building, which the Lions Club currently operates. The last payment made by the Mackus on the loan was November 1, 2001. At the time the loan had an outstanding principle balance of \$213,682.05. RSOCF then went through court to foreclose on the property. RSOCF bought the property at Sheriff's Sale for \$200,000 and had to pay unpaid real estate taxes on the building. The \$200,000 was applied to the outstanding balance. RSOCF sought and obtained a default judgment in the amount of \$75,024.20, which represents the remaining principal balance of \$20,000, interest, taxes, and attorney fees. After a period of time the former RLF Board indicated the balance of the loan was uncollectable.

About a year or so ago Rae Gipson set up a meeting with Michael Macku, Kathy McKay, Attorney Fleming and Gipson. The purpose of the meeting was to determine if Michael and Diana wanted to pay the principal amount in exchange for a settlement of the judgment. Michael indicated he could pay \$7,500 to RSOCF. The Board did not go any further since it did not feel the \$7,500 offer was sufficient; the Board determined, at a minimum, the Mackus should pay the principle amount of the loan. Michael recently contacted Kay and asked if the City would settle for less than the \$20,000.

He offered to pay \$15,000 if the RLF and the City Council approve the agreement. The Revolving Loan Board recommends City Council approve \$15,000 in terms of settlement paid by Macku with a cashiers or certified check. The settlement agreement will have a provision that Macku cannot attempt to set aside the judgment if he files bankruptcy after the divorce. After further discussion a motion was made by Councilman Slack to accept \$15,000 in terms of a settlement paid by a cashiers or certified check upon recommendation of the RLF Board, 2<sup>nd</sup> by Councilman Radcliff; motion carried 5-0.

Regarding the Rebuild America Grant application submitted by Mark Scott "215 Main Street LLC": It was discussed that Rebuild America Grants are awarded to make historic buildings located in Rising Sun more energy efficient. The loans are extended to building owners or tenants to cover the cost of up to 50% of the proposed project in a maximum amount of \$5,000. The original grant was awarded to the Historic Downtown Program. The Rebuild America Partnership Team was set up to review the energy efficiency of the proposed work and the RLF board is to administer the low interest loans consistent with its guidelines. The loans are for a maximum period of three years and an appropriate note is to be executed. The loans are to be secured by a real estate mortgage or other security and the appropriate UCC-1 is to be filed.

Mark Scott, the primary owner of 215 Main Street LLC has applied for a Rebuild America loan to improve the energy efficiency of the building 215 Main Street LLC is buying on contract. The RLF Board Members had concerns regarding the application being submitted by "215 Main Street LLC (Scott)" vs. the owner of the building—Fred Taylor, as well as, the fact that Scott was not providing any security for the \$5,000 loan. The loan request has failed to meet the Revolving Loan Board qualifications and the RLF Board recommends the loan be denied in its current form. A new application can be submitted by Fred Taylor, the actual building owner, if desired or secured collateral or some guarantee is needed from 215 Main Street LLC (Scott). After further discussion a motion was made by Councilman Radcliff to deny this Rebuild American Loan Request upon recommendation of the RLF Board, 2nd by Councilman Graves; motion carried 5-0.

### 9/11 Proclamation

Mayor Marksberry presented the 9/11 Proclamation to Council. 9/11 Services will be held on September 10<sup>th</sup> at 9:30 am at the Ohio County Elementary Middle School.

### Miscellaneous

- Animal Control Officer Concerns—Councilman Graves stated he had been approached by the Animal Control Officer—Jeff Cosby regarding the cat population in Rising Sun. Graves stated it is out of control. Graves also stated Cosby needs a spay/neuter clinic and wants to purchase some cat boxes to be able to catch and transport the animals. Clerk Gipson stated the City Council currently funds a spay/neuter program for cats and dogs—but if they are stray cats there is no owner to sign them up for the program. It was also discussed that the Animal Control Officer only works on a complaint basis. Various other members of Council had also been approached by Cosby with concerns about truck repairs to the Animal Control vehicle. Mayor Marksberry stated the County holds the budget for Animal Control and repairs should be taken from his Animal Control budget, but Marksberry will check into some box traps for Cosby.
- Marksberry informed Council he had received a letter of resignation from Denise Singler from the Plan Commission. Marksberry stated this is a Council appointment. Marksberry also informed Council that Steve Stewart had voiced

- an interest in the appointment to this board. After discussion Councilman Slack requested to make this appointment to replace Singler at the next Council meeting.
- Clerk Gipson informed anyone that was interested in attending the IACT Annual Conference in Fort Wayne Oct 3-6th needed to contact the office as soon as possible.
- Councilman Slack requested a letter be sent to Ray Rector regarding weed nuisance/Johnson grass at old Rise and Shine location. Slack stated he had also been contacted by Jeff Moore (Jelly House location) regarding high weeds on property across the street (former Buddy Walton property). Steve checked the property and didn't see a problem. He called Moore back and Moore said it had been mowed. Clerk Gipson stated Moore had called City Hall a few times and Street Commissioner Paul Bovard has been keeping a watch of the area. Gipson stated she thought Bovard had talked with person living at the residence and requested them to mow more frequently.

### Adjournment

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 Slack; meeting adjourned at 8:00pm.

Attest:

Rae Baker Gipson Clerk Treasurer

William A. Marksberry,

Mayor

Exhibit A

## Project Manager's Report Update City Council

### September 1, 2010

- 1.) 223 225 Main Street (Former Foutty Building)
- A. Muller Architects is developing plans and spec's to finish the first floor interior. Waiting on drawing from Halpe Engineering for mechanicals and bid specs.
- 2.) Main Street (S.R. 262) Drainage Project under design.
- 3.) LED Lighting- grant was award to IMPA for 5 million we are part of this grant. 19 Communities met to vote on the type of over head light that will be purchased by IMPA, we will receive 194 overhead lights. Three communities had decorative street lights in the grant application; these will be processed case by case as each community has different decorative street lights. We have 140 of these lights.
- 4.) Recap Grant the Design Committee recommends change order in the amount of \$650.00 for additional work for Clayton Painting & staining for the Pendleton Art Center (See attached).
- 5.) Fairgrounds
- a. Jackson property survey complete, need approval of survey of 2.980 Acres.
- b. Getting three quotes to pave gravel parking lot behind the new exhibit hall.
- c. Getting estimate Joe Schmeltzer with Driven Engineering to build restrooms with out showers.



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## www.claytonpainting.com

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	December 19
	RSOC Parks & Recreation Dept. Monthly Report  Month: August 2010
[ -	Month. August 2010
Programa	Prepared by: Jamie Bell
Programs	<ol> <li>New fitness classes started last week. Classes are being taught by Brenda Winters and Deena Owens. The names of the classes are: Cardio Interval, Body Blast, Pilates, Yoga for All and Mommy &amp; Me Yoga. Classes are being taught at the RS-OC Senior Citizen Center and the Schroeder Educational and Recreational Facility. Fees are \$4 per class or \$6 for two classes taken on the same day.</li> <li>We have had 7 new kids join the martial arts classes over this past week.</li> <li>The Dance program will begin on Sept. 13<sup>th</sup>. This will be the eighth year for this program.</li> <li>We will be promoting the 31 Miles in October walking program soon. This will be the third year for this program.</li> </ol>
Projects	<ol> <li>The Street Dept. completed the sidewalks off of the emergency exits near Shiner Blvd at the RS-OC Senior Citizen Center.</li> <li>We received 3 quotes to paint the Bear Branch Park shelter.</li> <li>Rusty Keith placed 2 handrails near the steps of the stage at the RS-OC Senior Citizen Center.</li> <li>Mike Northcutt and I have been working together on getting appraisals done on Bruce Howard's property on Fifth St.</li> </ol>
Rental	August Events at the Senior Citizen Contact 47
z contui	August Events at the Senior Citizen Center- 17 August Events at the Schroeder Facility- 17
	Senior Citizen Center Schroeder Facility
	Dontol #700 00
	Rental- \$720.00 Rental- \$660.00
	Security Deposits- \$475.00 Martial Arts- \$370.00  Group Fitness- \$252.00
i	As of 8/24/10
Meetings	Rising Sun-Ohio County Park Board     Rising Sun City Council
Repairs	3. Local Public Health System Assessment through Purdue University
pans	<ol> <li>Urinal in men's restroom at Senior Center was repaired.</li> <li>The walking trail at Shiner Community Park was sealed by O'Mara.</li> </ol>
Comments	1. Just a reminder, the new pricing for rental goes into affect September 1, 2010. Park

## Rising Sun-Ohio County Parks and Recreation Programs

<u>DANCE-</u> Classes are taught in jazz, tap and ballet for children ages 4-18. Classes take place at the Rising Sun-Ohio County Senior Citizen Center. For more information, contact Laura Baresel, Dance Instructor, at 438-9281.

MARTIAL ARTS- Kung Fu is a martial art for children and adults giving healthy training for bodies and minds. Classes are at the Schroeder Educational and Recreational Facility on Fairgrounds Rd. Class for adult ages 13 and older is at 6:30-7:30p followed by a children's class ages 6-12 at 7:30-8:30p on Tuesdays.

To take the class on an ongoing basis, the cost is \$10/class each week. If more than one member of a family takes the class there is a 50% discount for the additional family member(s).

**GROUP FITNESS CLASSES**- Group fitness classes will begin the week of August 16<sup>th</sup>. Classes include:

<u>Cardio Interval</u>- This is a combination of different type cardio exercises including intervals & kickboxing performed for 30-60 second time frames designed to raise & lower your heart rate for a fabulous fat burner workout.

<u>Body Blast-</u>Lift weights & use your body weight to firm and shape the arms, chest, back, hips, thighs and abs. Participants will work with hand weights & their own body weight to improve muscle tone, flexibility and posture.

<u>Pilates</u>-A mat based core conditioning and body toning class. Develop strong abs, back strength and flexibility while toning the tush and arms!

Yoga for All- Stretch, tone, relieve stress and energize with yoga sequences. May use light weights and balls to improve overall health and wellness.

Mommy & Me Yoga-Bring your child along for a fun for everyone Yoga experience. Infants to school age children can participate with Mommy in an easy to learn, total body yoga workout. A great way for busy moms and their child to learn and appreciate the benefits of yoga practice.

Classes are \$4.00 each or \$6.00 for 2 classes taken on the same day.

Day	Class	Time	Location	Instructor
Monday	Cardio Intervals	5:45-6:30p	Schroeder Facility	Deena Owens
Monday	Body Blast	6:30-7:15p	Schroeder Facility	Deena Owens
Tuesday	Pilates	5:45-6:30p	Senior Center	Brenda Winters
Tuesday	Yoga for All	6:30-7:15p	Senior Center	Brenda Winters
Wednesday	Cardio Intervals	5:45-6:30p	Senior Center	Deena Owens
Wednesday	Body Blast	6:30-7:15p	Senior Center	Deena Owens
Thursday	Yoga for All	9-10a	Senior Center	Brenda Winters
Thursday	Mommy & Me Yoga	10:15-11a	Senior Center	Brenda Winters

CARDIO TENNIS KIDS- The Rising Sun-Ohio County Parks and Recreation Department is offering Cardio Tennis Kids. It is a group play activity featuring action based tennis drills and games for children ages 6 thru 12 of all ability levels. Cardio Tennis Kids emphasizes movement and fun using music and pedometers. Cardio Tennis Kids environment develops tennis and athletic skills essential in player development while at the same time improving health and fitness making it a winner for every child who steps on the court.

The 4-week session will be taught at the tennis courts in Shiner Community Park on Tuesdays at 4:30-5:15p starting Sept. 7th. Lessons are taught by Tammy Anderson, Certified Tennis Pro. Cost is \$40.00 for the entire session. The child will need to bring a tennis racket and water bottle. Child must be pre-registered for this program. Space is limited! Call Jamie Bell, Park Director, at 438-2700 to register your child or if you have questions.

31 MILES IN OCTOBER- This is a free walking program designed to provide the citizens of Rising Sun and Ohio County an opportunity to exercise, meet people, reach goals and be rewarded for a healthy lifestyle. The goal of the program is for participants to walk at least 31 miles during the month of October.

If you would like to participate in the program, proper paperwork must be completed by October 1, 2010 to be eligible for the program and prize. 31 Miles in October runs October 1-October 31, 2010.

To register for any of the programs or for questions contact Jamie Bell, Park Director, at 438-2700 or jamiebell@orvcomm.com

Exhibite

## Historic Downtown Report

## www.enjoyrisingsundowntown.com (September 2010)

### **DESIGN**

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

- Granted an extension from the State projects need to be complete Dec. 31, 2010
- Is 'forgivable loan'

### Potts

- Mark Swanson had lowest bid for tuck point and paint—\$11,786 (waiting for his schedule to open)
- Awning—Visual Impact lowest bid \$2,990.65

### Hong Kong Kitchen

- Contract signed
- 14 invitation to bid for the painting of Hong Kong Kitchen were mailed deadline 9.17.10 Foutty
- RECAP portion complete (after work hardware arrives) Dibble
- Approved the door drawings ready to manufacture
- Paint combination approval waiting for an Appearance Review Committee to meet <u>Pendleton Art Center</u>
- Andrea Grimsley has finished Gibson sign
- Project complete pending \$650 change order for painting

### **ECONOMIC RESTURCTURING**

### **Business Development**

- Waiting for the 223-225 Main Street building to be renovated to have further discussions with pharmacy providers
- Focusing on First Fridays and Rising Sun Newsletter to promote our Main Street

### **ORGANIZATION**

### Lunch and Learn

- Indiana Small Business regional representative to speak in November
- Plaque finished for historic house on corner of 4<sup>th</sup> and Walnut

### **PROMOTIONS**

### **Rising Sun Newsletter**

Contact Gary Eldridge at rscommnews@yahoo.com to enter information in the RS Newsletter

### Music on Main

- Streets Closed First Fridays May thru September
- Donna Frost over 200 people and 49 Cars in August
- Received Grant from Ohio County Community Foundation for funds to add family entertainment and promotion
- Sept. 3 Patriot Jail—last one of the season

### Rising Sun Camp -n- Canoe

- Took flyers and talked to people at the following:
  - D&D Outfitters
  - o Bass Pro Shop
  - o Benchmark Outfitters (Blue Ash)
  - Sun & Ski (Kenwood)
  - Delmar & Hopkins (Hyde Park)
  - Ronkers (O'Brienville)

### **Geocaching Contest**

• Planning a geocaching day event November 6

### **Motorcyclist-Possibilities**

• Ride and Roll.... Rt. 56 and Riverhouse ("couple of hundred")

### Rising Sun Calendar

• Created and updated the new www.risingsuncalendar.com

## Promotion Grant at Rising Sun Regional Foundation

7 new brochures—AWARDED \$3,600

### **COMMUNITY INVOLVMENT**

- Attended the following meetings
  - Revolving Loan
  - o Redevelopment
  - Rotary
  - City Council
  - Rising Sun Art Council
  - Historic Downtown Board
    - Design
    - Economic Restructuring
    - Promotions
    - Organization

## Disposal of Equipment Declared at No Value

ExhibitD

Request to declare the following items of no value:

- Radio Receiver for Main System City Hall.
- Monitor, Keyboard, & Mouse—old system City Hall.
- Two (2) Old Printers—HP DeskJet 1220C and HP 2500C.
- OKIDATA—Microline 321 Turbo 9 Pin Printer

Declared as property of no value Sun, this 1st day of September,	by the City Council of the City of Rising 2010.
Lynn Graves	<del></del>
Mike Padgett	
Roy Powell	
Bud Radcliff	<del></del>
Steve Slack	
William A. Marksberry, Mayor	
Attest: Rae Baker Gipson,	