

**CITY COUNCIL MEETING
CITY ADMINISTRATION OFFICES**

**OCTOBER 6, 2005
7:00 PM**

Mayor Marksberry called the meeting to order with the Pledge of Allegiance. A quorum of Council was determined with Councilman Slack, Councilman Brown and Councilwoman Scott in attendance.

MINUTE APPROVAL

Minutes of the September Council meeting had been previously distributed to the Council and Mayor Marksberry. After discussion a motion was made by Councilwoman Scott to approve the September 1st Council minutes, 2nd by Councilman Slack; motion carried 3-0.

REPORTS OF COMMITTEES, BOARDS & DEPARTMENTS

RS POLICE DEPARTMENT

Chief of Police David Hewitt had nothing to report at this time.

OHIO COUNTY COMMUNITY FOUNDATION—PEG DICKSON

Peg Dickson reported to the Mayor and Council that Rising Sun was not awarded a CAPE grant. Dickson had provided Clerk Gipson with information for the Council to review pertaining to an Ivy Tech endowment which would be used for scholarships for Ohio County residents to attend classes at Ivy Tech. See Attached Exhibit A. She stated no decision was necessary tonight but this would need addressed by year end.

SAFE PASSAGE—YNEZ TAYLOR

Clerk Gipson informed the Mayor and Council that Ynez Taylor had called stating she would not be able to attend tonight's meeting regarding Council's decision on the requested funding for Safe Passage. Taylor had requested \$10,000 for Safe Passage at the September 15th Council meeting and had planned to attend for Council's decision. After discussion it was determined that this request would be addressed with the Riverboat Budget process.

PROJECT MANAGERS REPORT

Project Manager Mike Northcutt was not in attendance due to an EDC meeting conflict. He had provided a report for the Mayor and Council to review. See Attached Exhibit B.

PETITIONS OR COMMENTS FROM CITIZENS

There was no one present with comments or petitions.

**HISTORICAL DOWNTOWN/WESTERLY GROUP—BILL DICHTL &
CAMILLE FIFE**

Information was presented to the Mayor and Council regarding the acquisition of National Register status of the Rising Sun Historical District. The Westerly Group has

been hired to prepare the National Registry Application to be on this registry. The status of being listed on the National Historic Registry benefits businesses through tax credits. The presentation was an update for the Mayor and Council on the progress and a draft copy of the National Register Nomination was left for their review.

OHIO COUNTY ANIMAL SHELTER—MATT MOBLEY

Matt Mobley updated the Mayor and Council on the past few months' activities at the Animal Shelter. Mobley informed all present of a scheduled Open House on Saturday October 15th to let everyone see what has been accomplished at the Shelter. He also presented information on new laws adopted by the County which address aggressive and certain breeds of dogs. After discussion Council requested Mayor Marksberry have Attorney Siekman incorporate the information into a City Ordinance for them to address. Matt also presented a report on the Spay/Neuter/Rabies funding program. He stated this program was extremely successful. Mobley thanked the Mayor and Council for the 2005 funding which allowed him to initiate this program and requested Council continue to fund the Animal Shelter in the 2006 Budget year in order to continue to offer these type of programs.

PROCLAMATION—PUBLIC POWER WEEK OCTOBER 2-8

Mayor Marksberry presented this proclamation to Council.

HALLOWEEN TRICK OR TREAT NIGHT

Mayor Marksberry requested Council designate hours for Halloween "Trick or Treat" for October 31st from 6-8. After discussion Councilwoman Scott made a motion to approve hours for Halloween "Trick or Treat" for October 31st from 6-8pm, 2nd by Councilman Brown; motion carried 3-0. According to Marksberry the Chamber will be holding the Halloween Parade prior to the "Trick or Treat" hours and requested authority to close Main Street from Walnut to the River from 5:00pm until "Trick or Treat" begins—approximately 6:00pm. After discussion Councilwoman Scott made a motion to approve the street closing request for the Halloween parade, 2nd by Councilman Slack; motion carried 3-0.

RIVERBOAT BUDGET MEETING

Clerk Gipson requested November dates for the Riverboat Budget meeting with the County. After discussion Council requested Gipson get with the County for possible dates. Clerk Gipson also requested the Policy Committee set a meeting to address the issues with the proposed policy. After discussion a meeting was set for October 27th immediately following the Board of Works meeting. The Policy Committee consists of Councilman Slack, Councilwoman Scott, Attorney Siekman, Mayor Marksberry and Clerk Gipson.

TE GRANT ADMINISTRATION PROPOSAL—TPMA

This proposal had been previously distributed to the Mayor and Council by Clerk Gipson. See Attached Exhibit C. The proposal is a rate of \$125 per hour until tasks are more clearly defined—and then hourly estimates for each task—with total fees not to exceed

4% of the total project costs. Gipson stated she had requested a quote from Sharon Wilson as well but had received a message from Wilson stating due to their current workload they would be unable to submit a proposal for this administration. Gipson stated she had also spoken with Tom Miller of TPMA and he was prepared to define the proposal more clearly as the scope of the project became clearer. After further discussion a motion was made by Councilman Slack to approve the TPMA proposal at the hourly rate of \$125 until a more clearly defined scope is determined, 2nd by Councilman Brown; motion carried 3-0.

TOOLS FOR TOTS—COST

Mayor Marksberry requested Council's pleasure regarding a request from Tools for Tots for the City to pay the costs for the completed audit by Glenn's Tax Service. According to Marksberry Mr. Glenn was recently killed in a car accident and the family has requested payment be made as soon as possible. The cost of the audit is \$1940. Councilman Slack stated he understood the City had requested an audit—but not really sure when the City said they would pay for it. It was also stated that the City requested a copy of the audit which we have not received. Angie Lozier stated Lane Siekman said the City would pay for it. Councilwoman Scott stated she understands that Siekman requested the audit. She also stated that she appreciates the Tools for Tots staff as Daycare provider, but the group has to be more self sufficient. She further stated there are other Daycare providers within the City and this puts Council in a bad position. It was stated the City approved payment of back taxes a few months ago of over \$15,000. Tools for Tots representatives stated they appreciate all the help Council has given them in the past and they are moving forward. After further discussion a motion was made by Councilman Slack to approve the payment to Glenn's Tax Service of \$1940 for the audit—Slack also stated --this is it for me and I can't speak for the rest of the Council but I will not approve any further funding—You are a business. The motion to approve this payment was 2nd by Councilman Brown; motion carried 3-0.

RESOLUTION 2005-15 “A RESOLUTION ESTABLISHING PARAMETERS FOR CITY EMPLOYEE HEALTH REIMBURSEMENT ACCOUNTS”

Clerk Gipson presented Resolution 2005-15 “A Resolution Establishing Parameters for City Employee Health Reimbursement Accounts” in order to set up administration of a health reimbursement account for city employees. After further discussion a motion was made by Councilwoman Scott to approve Resolution 2005-15, 2nd by Councilman Brown; motion carried 3-0.

ORDINANCE 2006-8 ESTABLISHING RATES FOR BROADBAND INTERNET SECOND READING

The second reading of Ordinance 2006-8 “Establishing rates for Broadband Internet Services” was held. After discussion a motion was made by Councilman Slack to approve Ordinance 2005-8, 2nd by Councilwoman Scott; motion carried 3-0.

MISCELLEANOUS

Mayor Marksberry requested permission for a group of kayakers be allowed to camp on the riverfront. Council granted permission for this group to camp as long as they cleaned up their mess.

Councilwoman Scott invited everyone present to come to the Navy Bean Festival. She stated they have scheduled live entertainment from 11am-10pm on Saturday.

Mayor Marksberry informed Council he approved signage designation along the walking path at an approximate cost of \$1500.

Clerk Gipson requested to hire additional staff for the Clerk Treasurer's office. She stated she could start with a part-time deputy working approximately 30 hours per week. According to Gipson she has operated with 2 part-time Deputies and one fulltime deputy for several years. Gipson stated the part-time employees do not receive benefits, which adds an additional cost of \$15-20,000 per employee when at fulltime status. Gipson further stated she lost part-time deputy Mardelle Eichler in April. Erin Kelly helped through the summer—but has returned to college and currently only takes minutes for different Boards. Kathy Ruch currently runs the manual ledger, which takes awhile to grasp and is essential to efficient operations. Deputy Clerk Charlotte Abel is currently out due to illness. Gipson stated she would not be able to fund additional benefits from her 2006 budget—but could probably manage the 30 hours per week. Councilman Slack voiced concerns with the costs of additional benefits. He stated he would feel better hiring a part-time deputy and reviewing a fulltime position next year at budget time. After discussion a motion was made by Councilwoman Scott to give Clerk Treasurer Gipson approval to advertise and hire a part-time deputy up to 30 hours per week; 2nd by Councilman Slack; motion carried 3-0.

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

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor

Ivy Tech Community College

Special Initiative to Strengthen Philanthropy For Indiana Higher Education Institutions -

A New Initiative by Ivy Tech Community College.

Chancellor Jim Helms now has the opportunity to establish endowment funds for the purpose of funding scholarships for students to attend classes at Ivy Tech Community College in each county in his region. This region is a five county region, including Ohio County. After the Ohio County Community Foundation Board of Director's meeting on September 29, 2005, it was decided that it would be advantageous for residents of Ohio County if this program was approved. Therefore, the Board of Directors approved starting the process to raise the matching funds to contribute to the Ivy Tech Community College Endowment Fund.

Application of Matching Funds. With respect to the matching funds, the rate of match is \$1.25 of matching funds per \$1.00 of contributions raised. To qualify for a match, a contribution must actually be received after May 31, 2005 and before January 1, 2007. Only irrevocable contributions of cash or property qualify for the match. Deferred gifts and pledges do not qualify. Each County in this region must raise \$28,560.00 and will be matched with \$35,700.00 of matching funds from Ivy Tech Community College. The total in the new endowment fund will be \$64,260.00, unless there is are additional funds available.

Use of Funds. Chancellor Jim Helms, in this region, has elected to establish an Ivy Tech Endowment Fund in each county in his region, including Ohio County. The interest on this Endowment Fund will be returned to Ivy Tech Community College to pay for only Ohio County residents' scholarships to attend classes at Ivy Tech Community College.

Documentation of Contributions/Reporting on Use of Funds. It is extremely important to keep in mind that each region will be required to submit documentation of qualified contributions in order to draw down matching funds. In addition, each region also will need to provide detailed information on how those matching funds are being utilized.

Funding Sources Any agency or person may contribute to this fund. This fund will qualify for two programs that the Ohio County Community Foundation currently has in progress.

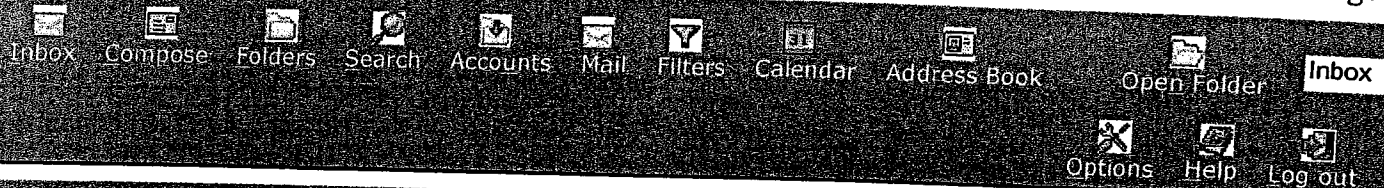
\$1,000.00 for new the establishment of Endowment Funds
\$ 500.00 for donations to Agency Funds

Therefore, \$1,500 is already earmarked for the new Ivy Tech Community College Endowment Fund. A balance of \$27,060.00 is still needed.

Project Manager's Report

October 6, 2005

- 1.) The 200, 300 block and the 400 block of South High Street are completed by Dave O'Mara. Backfill as needed by Street Department.
- 2.) Phase 3B of the River Front- fountain pump is being repaired by Fountain Specialist, cause to be determined. To reduce lime build up in the fountain magnesium can be add to the water, this is not expensive about \$212.00 a year. Sunesis will repair and seal fountain base and schedule to do final punch list with KZF Design. See attached e-mail.
- 3.) Public Restrooms – Some small punch list items to be fixed before retainage could be released.


Inbox: FW: 04-23 Rising Sun: Precast Fountain Base Joints (33 of 34)

 Mark as: Move | Copy | This message to

Delete | Reply | Reply to All | Forward | Redirect | View Thread | Blacklist | Whitelist | Message Source | Save as | Print

Back to Inbox

Date: Wed, 5 Oct 2005 12:57:15 -0400 [12:57:15 PM EDT]

From: Joe Salzano <jsalzano@sunesisconstruction.com>

To: Mike Amell <mamell@sunesisconstruction.com>

Cc: Mike Northcutt <mike@cityofrisingsun.com>

Reply-To: jsalzano@sunesisconstruction.com

Subject: FW: 04-23 Rising Sun: Precast Fountain Base Joints

Part(s): Download All Attachments (in zip file)

Headers: Show All Headers

Alternative parts for this section:

unnamed [text/html] 22.88 KB

Mike Amell:

Please get a color chart from CMA for the Sika Flex 2CNS sealant and select a color that best matches the Precast Fountain Base. We will need to send a crew to remove the old grout and seal the joints with the Sika material.

Please schedule a "walk Through" with Mike Northcutt and Hank Fedders so that we can close the project ASAP.

Hank Fedders:

I have records of much correspondence between you and I regarding grouting the joints in the fountain base. As you are aware, Sunesis (I) warned you that the grout would crack. Now that the grout has performed exactly as I predicted, we have to repair it using the method I told you to use in the first place. Please explain to me where in our contract it calls for these joints to be grouted much less Sunesis to perform any work on these joints. We are asking that KZF cover the cost to remove the cracked grout and seal the joints as I originally proposed.

Joe Salzano,

Construction Manager

Sunesis Construction Company

2610 Crescentville Road

West Chester, Ohio 45069

Phone: 513-326-6000

Fax: 513-326-6001

<http://webmail.cityofrisingsun.com/horde/imp/message.php?index=1027>

10/5/2005

Email: jsalzano@sunesisconstruction.com

From: Dean Hardee [mailto:DHardee@baxterprecast.com]
Sent: Wednesday, October 05, 2005 10:07 AM
To: jsalzano@sunesisconstruction.com
Cc: bobkelly@fuse.net; Jim Wiggins
Subject: RE: 04-23 Rising Sun: Precast Fountain Base Joints

Joe:

After discussions with our personnel that have knowledge of this project, we hereby respond is as follows:

1. The grouting was done as a favor, as this is neither our specialty nor expertise.
2. The grout was supposed to be covered with a clear silicone to prevent moisture from getting to it. Can you confirm if this was done? Unless a sealant is applied, the grout will continue to leak and crack, especially during the winter.
3. Our advice would be to use caulking instead of grout.

For our knowledge, would you please email us some digital photographs showing the ones with cracks? Can you also confirm if all of the joints have cracked or if it is just certain ones? If it is only certain ones, please describe.

If there is anything further we can do, please don't hesitate to contact us.

Respectfully submitted,

Dean Hardee

Sales & Project Manager

BAXTER Precast, LLC.

Phone: 513.860.3593

<http://webmail.cityofrisingsun.com/horde/imp/message.php?index=1027>

10/5/2005

Fax: 513.860.3893

<<http://www.baxterprecast.com/>>

-----Original Message-----

From: Joe Salzano [mailto:jsalzano@sunesisconstruction.com]
Sent: Friday, September 30, 2005 1:45 PM
To: Dean Hardee
Subject: FW: 04-23 Rising Sun: Precast Fountain Base Joints

Dean:

Below is the email I sent to Brett regarding the Fountain Base at Rising Sun. The grouted joints are all failing and need to be repaired. Please call me to discuss this matter ASAP.

Joe Salzano,
Construction Manager
Sunesis Construction Company
2610 Crescentville Road
West Chester, Ohio 45069
Phone: 513-326-6000
Fax: 513-326-6001
Email: jsalzano@sunesisconstruction.com

From: Joe Salzano [mailto:jsalzano@sunesisconstruction.com]
Sent: Tuesday, September 20, 2005 12:40 PM
To: Brett Smith (brettsmith@fuse.net)
Cc: Mike Amell (mamell@sunesisconstruction.com)
Subject: 04-23 Rising Sun: Precast Fountain Base Joints

Brett:

I received a call from Mike Northcutt @ Rising Sun regarding the fountain base joints that were grouted. Apparently, all the joint grout is cracking. Can this be repaired? If so, how? Should a silicone sealant be used instead of re-grouting. Please advise.

<http://webmail.cityofrisingsun.com/horde/imp/message.php?index=1027>

10/5/2005

Joseph Marc Salzano,
 Construction Manager
 Sunesis Construction Company
 2610 Crescentville Road
 West Chester, Ohio 45069
 Phone: 513-326-6000
 Fax: 513-326-6001
 email: jsalzano@sunesisconstruction.com



Exhibit C

Thomas P. Miller and Associates

Building Assets through Knowledge & Innovation

September 30, 2005

Ms. Rae Gipson
City of Rising Sun
200 N. Walnut Street
Rising Sun, Indiana 46204

RE: Quote for Project Assistance River Walk TE Grant Implementation

Dear Ms. Gipson:

Thank you for the opportunity to provide you with a quote for Implementation assistance for your Rising Sun River Walk Transportation Enhancement Grant, Indiana Department of Transportation Designation Number (0500827).

We will provide you with Project management Assistance; Financial Records management and reporting assistance; and any other assistance that the City would require to complete the River Walk project as applied for and granted under the Transportation Enhancement Program.

We would propose to bill you at the blended hourly rate of \$125 per hour and we would bill you monthly. As the tasks get more clearly defined, we will give you hourly estimates for each task, and our total fees for the project will not exceed 4% of total project costs.

We will work with you and the other professionals involved with the project to minimize overall project professional fees.

The primary point of contact for our firm will be Tom Miller, and I will be doing most of the day to day management of the TPMA portion of the project.

We look forward to this project, and are ready to begin working on this project as early as next Wednesday, October 5, 2005.

Cordially,

David A. Shaw
Senior Vice President

6169 WEST 300 NORTH PHONE: 1-317-894-5508
GREENFIELD, IN 46140 FAX: 1-317-894-5370
WWW.TPMA-INC.COM TPMAMAIL@TPMA-INC.COM



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Room N758

Indianapolis, Indiana 46204-2216

(317) 232-5533

FAX: (317) 232-0238

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MITCHELL E. DANIELS, JR., Governor
THOMAS O. SHARP, Commissioner

Writer's Direct Line
317-232-5224

July 22, 2005

City of Rising Sun
Mayor William A. Marksberry
200 N. Walnut Street, Box 172
Rising Sun, IN 46204

Dear Mayor Marksberry

Subject: Application for Transportation Enhancement (TE) Project
Rising Sun River Walk, Designation Number (0500827)

Congratulations, your application for the above subject has been approved by the Indiana Department of Transportation (INDOT). The amount of \$561,691 federal funding may be used in any phase of your project. This funding cannot exceed 80% of the Total Project Cost. The Local Public Agency (LPA) will be required to accrue 20% match prior to the letting date. The 20% may include credits earned during project development.


In addition, you are required to achieve goals to demonstrate your willingness to complete your project. There are certain steps you must accomplish, or the funding for your project may be at risk of being withdrawn. These steps are as follow:

1. Use the Designation Number (0500827) in all your correspondence regarding this project.
2. Schedule a "Scope-of-Work" meeting with Mr. Bruno Canzian at INDOT's Local Service Center within 90 days of the date of this letter. Mr. Canzian can be reached at (317) 232-5319.
3. Demonstrate to the Transportation Enhancement (TE) Committee that you have the required environmental documents submitted to INDOT within 24 months of the date of this letter for initial review.

The actual year in which this project can be "let" for federal aid depends on the duration of project development and the availability of funds at the time of your request per the readiness of other approved projects. Please note that any increase in cost above 10% of the approved amount must be borne locally. Otherwise, the applicant will be responsible to re-apply directly to the Committee for additional federal funds.

Please do not hesitate to contact me at (317) 232-5224 if you have any questions about this notification.

Sincerely,


Gerald G. Nieman

Transportation Enhancements Program Manager

RESOLUTION 2005- 15

A RESOLUTION ESTABLISHING PARAMETERS FOR CITY EMPLOYEE HEALTH REIMBURSEMENT ACCOUNTS

WHEREAS, the City of Rising Sun by its common council has previously authorized the establishment of Health Reimbursement Accounts as a part of its employee benefits package in conjunction with the City's Health Insurance Plan, and

WHEREAS, it is necessary to establish certain parameters for employee participation in the Health Reimbursement Accounts:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THAT:

Every full-time employee of the City of Rising Sun is entitled to participate in the Health Reimbursement Account; and

The amount of contribution per employee per year is hereby established at \$1,500. In event of a newly hired employee for the City of Rising Sun the amount of contribution will be established by a quarterly prorating calculation. The pro-rated amount will be based on Quarter hired as follows:

August -October	\$1500
September- January	\$1125
February - April	\$ 750
May - July	\$ 375

Each employee may rollover the Health Reimbursement Account each year up to a maximum of \$5,000 or as established by Internal Revenue Service regulations, and

The Health Reimbursement Account will be effective beginning August 1, 2005 and on each anniversary thereafter until further determined by Council.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 6TH DAY OF OCTOBER, 2005.

NAY

AYE

Michael Padgett

Michael Padgett

Gerald L. Brown

Gerald L. Brown

Gerald L. Brown

Stephanie Scott

Stephanie Scott

Stephanie Scott

Angel Siekman

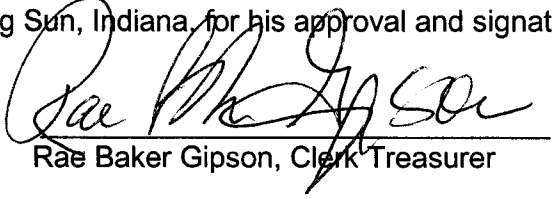
Angel Siekman

Steven Slack


Steven Slack

Steven Slack

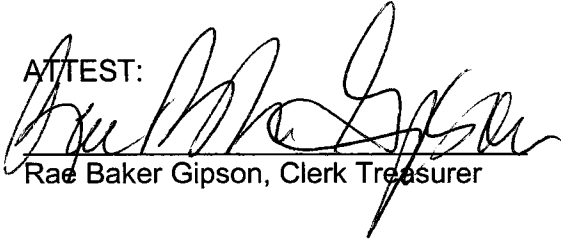
Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this 6th day of October, 2005.


Rae Baker Gipson, Clerk Treasurer

This Resolution approved and signed by me on this 6th day of October, 2005.


William A. Marksberry, Mayor

ATTEST:


Rae Baker Gipson, Clerk Treasurer

ORDINANCE
of
CITY OF RISING SUN

(AN ORDINANCE TO ESTABLISH RATES FOR WIRELESS BROADBAND SERVICE)

WHEREAS, the City of Rising Sun through the Rising Sun Municipal Utilities offers wireless broadband internet service; and

WHEREAS, the City desires to establish rates for this wireless broadband service.

BE IT THEREFORE ORDAINED by the Common Council of the City of Rising Sun that rates and charges for wireless broadband internet service provided by the City of Rising Sun, Rising Sun Municipal Utilities shall be as follows:

1. Residential Rates:

<u>Speed</u>	<u>Price</u>
512 kps	\$35.00 per month
1.0 mps	\$70.00 per month

Includes up to 3 e-mail addresses
\$50.00 Installation Charge

2. Business Rates:

<u>Speed</u>	<u>Price</u>
128 kps	\$ 50.00 per month
256 kps	\$ 75.00 per month
512 kps	\$115.00 per month
1.5 mps	\$195.00 per month
>1.5 mps	Negotiated

Includes up to 10 separate e-mail accounts
\$100.00 Installation Charge

3. Rates For Network Systems:

The rate for closed network systems shall be computed as (number of radios x \$150.00) plus \$100.00 per Meg. of bandwidth.

The educational rate for closed network system shall be computed as (number of radios x \$50.00) plus \$100.00 per Meg. of bandwidth per month.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON ITS PASSAGE AND APPROVAL BY THE MAYOR.

ADOPTED by vote of a majority of the Common Council on the 6th day of October, 2005, with all Council Members casting an affirmative vote affixing their signatures hereon.

CITY COUNCIL OF RISING SUN, INDIANA

Stephanie Scott

Stephanie Scott

Gerald Brown

Gerald Brown

Michael Padgett

Steve Slack

Steve Slack

Angel Siekman

ATTEST:

Rae Baker Gipson

Clerk/Treasurer: Rae Baker Gipson

Presented to the City Executive, Mayor William Marksberry, on Oct 6th, 2005 at 8:05 o'clock PM, EST.

Dated: 10/6/05

Rae Baker Gipson

Clerk/Treasurer: Rae Baker Gipson