

**Rising Sun City Council
October 6, 2011
6:30 PM City Hall**

Claims

The meeting began at 6:30pm in order for Council to review the claims

Call to order/Pledge

The meeting was called to order at 7:00pm with the Pledge of Allegiance led by Mayor Marksberry with all of Council present except Councilman Graves and Councilman Powell. City Attorney Leslie Votaw was also in attendance.

Minutes

Minutes of the September 8th and September 14th City Council meetings were distributed to Council and Mayor Marksberry prior to the meeting. After discussion a motion was made by Councilman Slack to approve both sets of minutes as written, 2nd by Councilman Radcliff; motion carried 3-0.

Reports from Boards and Committees

Project Manager

Northcutt presented a report to Council and Mayor Marksberry on the following items:

- **Main Street Drainage Improvement Project**—Northcutt reported 5 bids were submitted and the apparent low bidder is Sedam Contracting Co. LLC in the amount of \$262,307. Councilman Radcliff questioned if the project was a prevailing wage project. Mike stated it was. Councilman Padgett questioned if Sedam had done work for us before. Northcutt stated they had—and had actually done the work for the first part of the Main Street Drainage Project a few years back. After discussion a motion was made by Councilman Radcliff to table this project until the next meeting because Councilman Powell and Councilman Graves want to be here, 2nd by Councilman Slack; motion carried 3-0. See Attached Exhibit A.
- **Slotted Drain Pipe @ former RSMU building**— Northcutt submitted 3 quotes to install a slotted drain for the area at the former RSMU building as follows: Paul H. Rohe Co \$6,230, O'Mara Contractors \$11,600, McAlister Excavating Co \$9,700. According to Mayor Marksberry there is a problem with water freezing on the street during the winter in this area. After discussion a motion was made by Councilman Radcliff to approve the quote of Paul H. Rohe Co. in the amount of \$6,230, 2nd by Councilman Slack; motion carried 3-0. See Attached Exhibit B.

Police Department

Police Chief, David Hewitt could not be in attendance but had dropped a Drug Policy Source Book for Council and Mayor Marksberry to review regarding current drug issues affecting the country today.

Tourism—Mary Turner

Mary stated she had nothing at this time. Mayor Marksberry asked Mary to step up to the podium. Marksberry informed Turner he had received several inquiries as to the Director of Tourism being suspended without pay and the appointment by the Tourism Board of an Acting Director. Marksberry questioned the status of these positions. Turner stated she had nothing to say at this time at the advice of the Attorney. Marksberry questioned who the Attorney was and contact information. Turner stated she didn't have that information with her but would get it to Marksberry and the City Attorney.

Historic Downtown Main Street

Amy Hoffman, Director of Historic Downtown Main Street submitted a report for Council and Mayor Marksberry of September activities. Attached as Exhibit C. Hoffman noted Meet the Candidate is Oct 26.

Park Board—Jamie Bell

Clerk Gipson informed Council and Mayor Marksberry Jamie would not be here but the park report is included in Council packet information.

RSRF—Ed Sullivan

Ed Sullivan, Executive Director of RSRF presented a list of grants made by RSRF for the 3rd Quarter. Sullivan state the group received applications in excess of \$700,000 and awarded grants of \$298,000. Sullivan stated the next grant application deadline is Oct 15th.

Redevelopment—Jim Clements

Jim Clements, President of Redevelopment stated he had nothing to report at this time.

EDC—Lane Siekman

Lane Siekman informed Council and Mayor Marksberry that EDC had met on Tuesday and approved moving forward on the sign for the industrial park. He also reported there will be a 10-15 week course for business using Purdue Alumni and there are 2 spots open in January.

Petitions and Comments from Citizens

None

Unfinished Business

None

New Business**ADOPTION OF 2012 BUDGET--ORDINANCE 2011-8 "2011 BUDGET ORDINANCE"--SECOND READING**

The second reading of Ordinance 2011-8 "2012 Budget Ordinance" was held. There was no public present with comments or petitions. Clerk Gipson had previously distributed Budget copies to Council and Mayor Marksberry to review at their leisure. Gipson stated the Public Hearing on the Budget was held on September 8th. She stated the EDC, Redevelopment, and Park

Budgets are local appropriations and are added on the Additional Appropriation at the first of the year. At this time the Park Budget is funded well, but anticipated revenues for EDC and Redevelopment are significantly lower than past years. After discussion a motion was made by Councilman Slack to approve Ordinance 2011-8 "Budget Ordinance" reducing EDC and Redevelopment to zero making the total 2012 budget \$3,270,658, 2nd by Councilman Padgett; motion carried 3-0. See attached Exhibit D. It was noted that EDC and Redevelopment budgets will be addressed in the Additional Appropriation in January.

Southeastern Indiana Regional Plan Commission—Kathy Kelly

Mayor Marksberry stated he had requested Kathy to present some information on potential housing grants. Kelly stated the City has previously received housing improvement grants, but it had been several years. The funding is based on low to moderate income, targeting 55 to older and disabled. The funds are used for energy efficiency programs and appliances. There would be an energy audit and an elderly assessment. The grant would be submitted for \$300,000 to IHFA and this would be able to assist about a dozen homes. Another grant could be submitted to RSRF for \$30,000 or the 10 percent match. A lien is placed on the home and after 3 years is released. After discussion a motion was made by Councilman Slack to proceed with making application for grants to offer this housing improvement program, 2nd by Councilman Radcliff; motion carried 3-0.

Rising Sun Medical Center--Cheri Hall

Cheri Hall presented information to Council and Mayor Marksberry regarding assistance with funding due to multiple issues affecting the viability of the clinic and requested authorization of payment of operating expenses for the month of September in the amount of \$17,203. See Attached Exhibit E. After discussion a motion was made by Councilman Slack to approve this request, 2nd by Councilman Radcliff; motion carried 3-0.

Resolution 2011-14—Lap Top usage

Mayor Marksberry presented a resolution regarding lap tops and or broad band service provided to the Mayor, Clerk Treasurer, City Council and City Attorney. According to Clerk Gipson this Resolution was requested by SBA during this years audit. After discussion a motion was made by Councilman Padgett to approve Resolution 2011-14, 2nd by Councilman Radcliff; motion carried 3-0.

Letter of Engagement/Fleming Stage

City Attorney Leslie Votaw stated Council had requested the Mayor, Council Pro Tem, Clerk Treasurer and City Attorney to meet with Fleming to define the scope of this contract. Votaw stated this review has been made and all concerns were addressed. The contract is billed hourly with a cap not to exceed \$15,000 per month to be reviewed on a semi-annual basis. The venue was also changed from Marion County to Ohio County—according to Votaw the contract is reasonable. Votaw stated it is not that I can't do the work but Kay has the expertise and experience that I don't have and I would recommend you approve this contract. After discussion Councilman Slack stated with only 3 of the

Council present tonight he would make a motion to table this contract approval, 2nd by Councilman Radcliff, motion carried 3-0

Riverboat Budget Meeting October 19th at 6:00

Clerk Gipson informed Council the Riverboat Budget meeting would be October 19th at 6pm. Food would be available at 5:15. Councilman Padgett stated he had Parent Teacher Conferences and would not be able to make this meeting.

Miscellaneous

- City Attorney Votaw had sent a letter to Council regarding payment of Council Attorney contract. See attached Exhibit F. The October 3rd claims for Council Attorney Siekman have been reduced to include payment of only what is allowed by law. Votaw also stated Siekman was paid from the beginning of August even though his contract wasn't signed until August 24th. Siekman stated the amount to be paid to him is less than the City Attorney if it is prorated. Votaw stated this was reviewed with SBA and the City is not permitted to pay any more than the City Attorney is paid. Gipson stated she would review with State Board of Accounts again regarding pro-rating both attorney pays. Siekman said he wanted the response in writing from SBA. Gipson will make this request. Councilman Radcliff then questioned how Fleming could get \$15,000 per month and Votaw only receive what she receives?
- Addendum to Retainer—An Addendum to Retainer Agreement for Council Attorney Lane Siekman was submitted by Council and Council Attorney Siekman for approval. After discussion a motion was made by Councilman Slack to approve this addendum, 2nd by Councilman Padgett; motion carried 3-0. See attached Exhibit G.
- There was discussion regarding the November Council meeting time. After discussion a motion was made by Councilman Slack to hold the next Council meeting on November 3rd at 6:30 pm in order to review the claims, 2nd by Councilman Padgett; motion carried 3-0.
- With the review of claims at the beginning of the meeting a motion was made by Councilman Padgett to approve the submitted claim docket, 2nd by Councilman Radcliff; motion carried 3-0.

With no further business before Council; a motion to adjourn was made by Councilman Padgett, 2nd by Councilman Powell; meeting adjourned at 8:00 pm.

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor



VS ENGINEERING, INC.

Civil • Structural • Transportation • Environmental

September 29, 2011

Mr. Mike Northcutt
Project Manager
City of Rising Sun
200 N. Walnut Street
Rising Sun, IN 47040

Re: Main Street Drainage Improvements Project
Bid Tabulation and Evaluation

Dear Mr. Northcutt,

Enclosed herewith is one (1) copy of the Bid Tabulation and Bid Evaluation for the Main Street Drainage Improvements Project. Based upon our reviews of the bids received, Sedam Contracting Co., LLC submitted all necessary forms and was the apparent low bidder at \$262,307.00. It should be noted that McAlister Excavating Co., Inc. failed to submit the Wage Rates Acknowledgement form and Paul H. Rohe Co., Inc. had an error in their unit price computations. These items have been noted on the enclosed Bid Tabulation and Bid Evaluation.

Upon signature of the Agreement between the Owner and Contractor a pre-construction meeting between the Owner, Contractor, Engineer and Utilities needs to be scheduled. Per the Contract Documents, the Pre-Construction meeting is scheduled and run by the resident project representative appointed by the Owner. Should you require any additional services for construction administration, outside of our current contract, please let me know.

If you have any questions or desire further information regarding our bid tabulation, evaluation and review or the pre-construction meeting, please contact me at (317) 293-3542 Ext. 137 at your convenience.

Sincerely,

Nicholas R. Jahn, PE
Project Engineer

Enclosure

PROPOSAL FOR CONSTRUCTION SERVICES

Exhibit B



Paul H. Rohe Co., Inc.

P.O. Box 67

Aurora, Indiana 47001

Phone (812) 926-1471 Fax (812) 926-2400

"Proudly serving Southeastern Indiana since 1930."

Quote To: **Rising Sun** Attention: **Mike Northcut**
 Phone Number: **812 290 3530**
 Fax Number:
 E-Mail Address:

Project Description: **Slotted drain install @ city utility building** Paul H. Rohe Contact: **Rick Seaver**
 Cell Phone: **812-584-0924**
 Project Location: **Rising Sun** E-Mail Address: **rck.seaver@jnet.com**
 Addendums Reviewed:

Itemized Proposal

Bid Item	Bid Item Description	Quantity	Unit of Measure	Bid Unit Price	Bid Item Extension
10	SLOTTED DRAIN	20.00	LF	\$ 234.07	\$ 4,681.40
20	CONCRETE PATCH	80.00	SF	\$ 12.97	\$ 1,037.60
30	MOBILIZATION	1.00	LS	\$ 511.00	\$ 511.00
Proposal Total \$					6,230.00

General Notes - Terms and Conditions

- 1 No work will be performed without a signed proposal or other form of agreement.
- 2 The above pricing does not include Sales Tax and may be increased should a Tax Exemption Certificate not be received.
- 3
- 4
- 5
- 6
- 7
- 8
- 9

Authorized Signature

This Proposal has been prepared by:

Date:

10/08/11

Rick Seaver

Acceptance of Terms, Conditions and Pricing

I hereby accept the Terms, Conditions and Pricing as indicated above pertaining to the Proposal for Construction Services on the project as described herein and attest that I am duly authorized to accept such an agreement of contract on behalf of the organization being represented.

Accepted By:

printed

sign

date

B



Dave O'Mara Contractor, Inc.

PO Box 1139 * 1100 E. O & M Avenue
North Vernon, Indiana 47265

Phone: 812.346.4135
Fax: 812.346.6305

To: Mike Northcutt Date: 9/26/2011
 Address: City of Rising Sun Project: _____
 _____ Location: _____

Dear Mike,

The following scope of work and quotation are offered to you for your consideration on the
aforementioned project.

Scope of Work:

Area- Jacks Place	
Remove existing asphalt and sidewalk	
Install concrete sidewalk	
Install 6" #53 stone	
Install 3" base asphalt	
Install 1.5" surface asphalt	
TOTAL	\$9,700.00
Area- Utility Bldg.	
Install 20' slotted drain	
Install 2- 2'x2' inlet boxes	
Install 2' of concrete each side of drain	
TOTAL	\$11,600.00
Area- Patching 7-areas in 5 locations	TOTAL \$4,400.00

We thank you for the opportunity to quote you on this project. If you have any questions regarding this quote, please contact our office at 812.346.4135. Thank you.

NOTES: _____

Quotation valid for 30 days
Quotation prepared by: Ron Gregory

To accept this quotation, sign here and return: _____

Signature of Representative

Date

B

McAlister Excavating Co., Inc.
12883 North Branch Road
Patriot, Indiana 47038
Ph.: 812-594-2402
Fax: 812-594-2832
mcalisterexc@cainpro.com

Drainage Project located on Popular Street
October 6, 2011

Our Company proposes the following Lump Sum quote for Popular St. Drainage project.

Lump Sum : \$9,700.00

Includes:

20 ft. of 18 inch slotted drain pipe
(2) each 2x2x2 catch basins & grates
12 inch concrete on each side of drain & inlets
Mob/demob of equipment
Labor to perform work.
Materials furnished & installed.

Union Workforce paid Union wagescale
Non union employee paid prevailing wage.


H. Lynn McAllister
McAlister Excavating Co., Inc.

Not apart of this quote:
Permits or locates

ORGANIZATION

- Brochures
 - Churches
 - Veteran Tower
 - Barges
 - Historic Downtown Program (done)
 - Walking Tour (done)
 - Hoosier Boy
 - Public Art
 - Fountain (done)

- Meet the Candidate October 26 Heritage Hall 7pm
- Lunch and Learn. November 7, Heritage Hall noon Gary Eldridge reenacting Lochry

PROMOTIONS

Music on Main, 3rd Fridays, Your Hometown Friday Night

- February 18... Benjamin Belew (56)
- March 18... Tyler Brindley (32)
- April 15... RR2 Kick off for cruise in... rained, but had 132
- May 20... Rusty Bladen (60 cars) (375 people)
- June 17... Stevie and the Johns (36 cars) (350 people)
- July 25... Retrovibes (27 cars) (200 people)
- August 19... Scott McKenna Band (37 cars) (275 people)
- September 16... Acoustic Blue (32 cars) (215 people)
- October 21... Chuck Brisbin and the Tuna Project
- November 18... Slow Ride

Rising Sun Newsletter

- rscommnews@yahoo.com to enter information in the RS Newsletter
- October 28 deadline for December Newsletter

COMMUNITY INVOLVMENT

- Attended the following meetings
 - Revolving Loan
 - Redevelopment
 - City Council
 - Historic Downtown Board
 - Design
 - Economic Restructuring
 - Promotions
 - Organization

Historic Downtown Report
www.risingsundowntown.com
(October 2011)

DESIGN

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

Potts

- Waiting on Awnings

Hong Kong Kitchen

- DONE

Foutty

- DONE

Dibble

- DONE

Pendleton Art Center

- DONE

Lawrence Robinson

- Waiting to get information

ECONOMIC RESTURCTURING

Business Development

- Artist Exchange with Vevay artist to help promote local artists
- Partnering with Redevelopment to help administer
 - Sign Matching Grant
 - Paint the Town
 - Awning Matching Grant
 - Challenge Grant
 - Rising Sun Soap Company
 - Snack Shack
 - Rebuild America Loan

PRESCRIBED BY DEPT OF LOCAL GOVERNMENT FINANCE
Budget Form No 4 (Rev 2011)
FORM APPROVED BY STATE BOARD OF ACCOUNTS

ORDINANCE FOR APPROPRIATIONS AND TAX RATES 2011-8

3270658

Be it ordained by the RISING SUN CIVIL CITY unit, Ohio County, Indiana that for the expenses of RISING SUN CIVIL CITY for the year ending December 31, 2012 the sum of ~~\$2,926,658~~ as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of RISING SUN CIVIL CITY, a total property tax levy of \$439231 and a total tax rate of 0.5167 as shown on Budget Form 4-B are included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

Name of Adopting Entity: Rising Sun Civil City
Select Type of Fiscal Body: Common Council and Mayor
Date of Adoption: 10/06/2011

Name	(circle one)			Signature
Roy Powell	Aye	Nay	Abstain	
Mike Padgett	<input checked="" type="radio"/> Aye	Nay	Abstain	<u>Mike Padgett</u>
Steve Slack	<input checked="" type="radio"/> Aye	Nay	Abstain	<u>[Signature]</u>
Lynn Graves	<input checked="" type="radio"/> Aye	Nay	Abstain	<u>[Signature]</u>
Bud Radcliff	Aye	Nay	Abstain	

ATTEST

Name: Rae Baker Gipson
Title: Clerk Treasurer

Signature: Rae Baker Gipson

MAYOR ACTION (For City Use Only)

Name: William A. Marksberry
(circle one)
Approve Veto

Signature: W.A. Marksberry Date: 10-6-2011

Exhibit E

Draw 3
270004391

Rising Sun Medical Center

230 Sixth Street
Rising Sun, IN 47040
812-438-2555

INVOICE 400.391
Invoice Number: 003 19203

Invoice Date: 9/27/11

V=400

Customer Information: Subsidy Request

Billing Address:		Shipping Address:	
Company:	City of Rising Sun	Company:	
Name:	Bill Marksberry, Mayor	Name:	
Address:	Walnut Street	Address:	
City/State/Zip	Rising Sun, IN 47040	City/State/Zip	

Shipping Method:

Order Information:

Qty	Product Description	Amount Each	Amount
	Subsidy Request August 2011		\$17,023.00
Subtotal:			
Deduction:			
Shipping:			
Grand Total:			\$17,023.00

Notes:

RECEIVED
SEP 27 2011
BY: _____

Exhibit F

Votaw & Schwarz

Joseph W. Votaw, III
Allison R. Schwarz
Leslie L. Votaw
Andrew D. Baudendistel
Joseph R. Johns

AN ASSOCIATION OF ATTORNEYS

230 West High Street
Lawrenceburg, IN 47025
(812) 537-4500
(812) 539-4500 fax

October 3, 2011

Rising Sun Common Council

RE: Your Attorney's recent claims

Gentlemen:

Pursuant to IC 36-4-6-24 and advisements to the Clerk-Treasurer from the State Board of Accounts, this letter is to inform you that Mr. Siekman's claims, as submitted on September 29, 2011, cannot be paid as it is contrary to the law. According to the aforesaid statute, as attorney for City Council, Mr. Siekman cannot be paid more than the amount that is budgeted for the City Attorney. The City Attorney is currently paid \$1,187.80 bi-weekly or \$2,375.60 per month. Therefore, the retainer agreement dated August 4, 2011 and signed by him on August 24, 2011, or, at a minimum, the provision which provides for payment (specifically paragraph 4), is void. I would suggest that Mr. Siekman prepare a new retainer agreement or an addendum thereto for consideration at the City Council meeting.

Sincerely,

Leslie L. Votaw
Attorney for City of Rising Sun

Cc: Rae Baker Gipson, Clerk-Treasurer
Lane Siekman
Mayor Bill Marksberry

Addendum to Retainer Agreement

It is agreed that this Addendum shall form a part of the Retainer Agreement entered into on the 4th day of August, 2011 by and between the Common Council of the City of Rising Sun (hereinafter "City Council"), represented herein by Steven Slack, President Pro-Tempore of the Common Council of the City of Rising Sun, and Lane A. Siekman, Attorney at Law (hereinafter "Attorney").


Paragraph 4 of the original retainer agreement is hereby revised as follows:

4. In consideration of performing the said legal services and advancing necessary costs and expenses required to fulfill this responsibility, it is hereby agreed that Attorney shall be paid at the rate of Two Thousand Five Hundred Dollars (\$2,500.00) per month. This sum is based upon Two Hundred Dollars (\$200.00) per hour which is comparable to other legal rates paid by the City for representation.


All other terms and conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands on this 6th day of October, 2011.

CITY COUNCIL OF RISING SUN

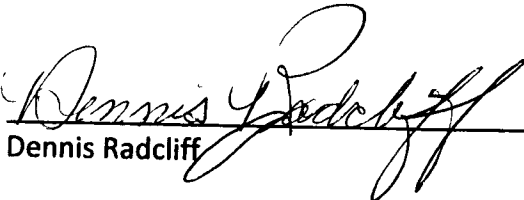


Steve Slack



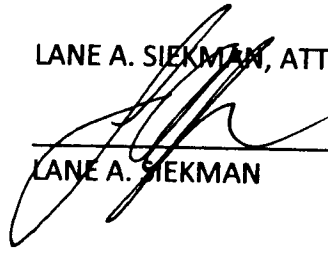
Mike Padgett

Lynn Graves



Dennis Radcliff

Roy Powell

LANE A. SIEKMAN, ATTORNEY AT LAW


LANE A. SIEKMAN