

**Rising Sun City Council  
December 18, 2008  
Year End Meeting  
6:00 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 except Councilman Graves.

**Minutes**

No minutes addressed at this meeting.

**Reports from Boards and Committees**

No reports from Boards and Committees at this meeting.

**RLF Loan Issues—Henrietta Lay Loan**

Clerk Gipson informed Council there was a mix up and Ms. Lay was unaware she was on the December 4<sup>th</sup> Agenda. Gipson apologized to Ms. Lay for the confusion. Ms. Lay informed Council and Mayor Marksberry she had a loan approved by the Revolving Loan Board in April. She was told when she closed on the loan she could defer payments from January – March. She applied for a deferral with the RLF Board last month and was told City Council adopted new rules and she does not qualify for a deferral since she has not been making loan payments for 12 consecutive months. She feels loans made before the new rules should be grandfathered in and the revised rules should only be applicable to new loans. Lay stated she has been in business for 16 months and would have had her loan for a year if the RLF Board hadn't taken so much time to process the loan. She further stated the new rules are really vague. There are no dates of when they go into effect—just left up to Council. Ms. Lay admitted that her loan documents did not specify deferrals were available but this was a conversation she had with the person receiving payments and she was told deferrals had been available in the past. She requested Council allow her a deferral based on these points.

There was much discussion regarding the new loan procedures which were approved by Council at the November 6, 2008 Council meeting. Lay was informed 2 other applicants have also applied for deferrals and been denied because they did not meet the revised requirement of making loan payments for 12 consecutive months. The Council is concerned that it must apply the new rules to all existing loans to be consistent. Councilman Radcliff stated he would make the payment for Ms. Lay—but could not vote for a deferral. There was some discussion regarding the possibility of Ms. Lay requesting RLF to reamortize her loan. This would increase the length of the loan—but could possibly get the payments to a level where she would be better able to make the payments in slow months. Lay would need to make a request to the RLF Board and the Board may or may not be willing to recommend such action. Clerk Gipson questioned if this wasn't just a deferral by a different name. Attorney Siekman stated it would be a new loan with increased payments at a lower monthly amount. Siekman will get with the RLF and get back with Ms. Lay]. Siekman clarified this may not be something the Board would want to recommend—but Lay could request such action. RLF would review each such request and make recommendations to Council on a case-by-case basis. After further discussion a motion was made by Councilman

Slack to deny the request for a deferral by Ms. Lay, 2<sup>nd</sup> by Councilman Padgett; motion carried 4-0.

### **Year End Transfer Resolution 2008-12**

Clerk Gipson presented Transfer Resolution 2008-12 to Council and Mayor Marksberry. She stated these are all budget adjustments. There are no departments that are over budget. Gipson also pointed out the transfers in the Mayor and Clerk budgets are to cover costs associated with the Website and Laser fiche project. After discussion a motion was made by Councilman Slack to approve Resolution 2008-12, 2<sup>nd</sup> by Councilman Padgett; motion carried 4-0.

### **New Fairgrounds Park**

Councilman Slack questioned Attorney Siekman regarding the contract for services rendered for the 4-H Community Center. After discussion a motion was made by Councilman Padgett to authorize the Mayor to sign this contract in an amount not to exceed \$18,000 for design services for the community center; 2<sup>nd</sup> by Councilman Slack; motion carried 4-0.

**Economic Development**—Clerk Gipson informed Council that during discussions with the EDC she was advised they had opened an additional bank account as part of a participation agreement with the bank on the OMI project. It is her understanding there are 3 signators on the account—and she is not one of them. Gipson stated Council approved by Ordinance a few months ago that she would be the fiscal administrator of this account. Gipson and Marksberry requested Ice Miller review the EDC operations and advise whether or not the EDC funds are considered public funds to be administered by the City – Gipson read the information received from Ice Miller to Council, see Attached Exhibit A. Council requested Gipson further research the additional bank account and appropriate process to comply with the law. Mayor Marksberry stated at this point we are in direct violation of the Ordinance which Council previously passed.

### **2009 Appointments to Boards and Committees**

Mayor Marksberry presented Council with a list of Board and Committee members which had agreed to be reappointed for 2009. See Attached Exhibit B. After discussion a motion was made by Councilman Slack to approve these appointments, 2<sup>nd</sup> by Councilman Radcliff; motion carried 4-0

### **Adjournment**

After the reviewing and signing of claims, and with no further business; a motion to adjourn was made by Councilman Radcliff, 2<sup>nd</sup> by Councilman Slack; meeting adjourned at 7:00pm.

Attest:

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Rae Baker Gipson,  
Clerk Treasurer

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William A. Marksberry,  
Mayor