

**CITY COUNCIL MEETING
CITY ADMINISTRATION OFFICES**

**DECEMBER 9, 2004
7:00 PM**

Mayor Marksberry called the meeting to order with the Pledge of Allegiance. A quorum of Council was determined with all of Council present.

MINUTE APPROVAL

Minutes of the November 4th Council meeting had been previously distributed to the Council and Mayor Marksberry. After discussion a motion was made by Councilman Siekman to approve the November 4th Council minutes as written, 2nd by Councilman Brown; motion carried 5-0.

REPORTS OF COMMITTEES, BOARDS & DEPARTMENTS

TOURISM—SHERRY TIMMS

Sherry Timms, Director of Tourism informed the Mayor and Council about cooperative efforts between Rising Sun and Grand Victoria to focus on several events bringing people to Rising Sun and the casino. She stated a criteria of activities have been separated into tiers with levels of impact attached. Timms introduced Darryl Paddock with Grand Victoria who spoke about a possible event that Rising Sun and Grand Victoria could host. According to Paddock he had contact with a group that would like to bring a Boat Show to Rising Sun in August. This show has been held at the Cincinnati Convention Center and in Dayton and brings approximately 80-90,000 people. The show would be 4 days and boats would be parked at the Grand Victoria and on the Riverfront. Paddock stated with some financial support and partnering with Grand Victoria we could make this a major event in Rising Sun. They would like to bring in some entertainment and hopefully make this an annual event. In order to proceed Paddock needs City support and a minimum financial commitment of \$60,000. After discussion a motion was made by Councilwoman Scott to support this project and allow preliminary approval of \$60,000 for this event, 2nd by Councilman Siekman; motion carried 5-0.

Timms also informed the group she had included the Tourism annual report for their review.

MAIN STREET

Tammy Elbright, Main Street Director updated the Mayor and Council on monthly activities. She stated Jamon Zeiller with Zeiller Music Store located in the former Dibble Hardware building is open for business. There is a Chinese Restaurant moving in at the former building of Ron Baker's on Main Street. Elbright submitted a grant request (2004-7) through the Special Event Funding for \$800 to continue to include Carriage Rides for the Holiday Season. She stated the Home for the Holidays this past weekend was very successful. After discussion a motion was made by Councilman Siekman to approve funding this request, 2nd by Councilwoman Scott; motion carried 5-0. Councilwoman

Scott requested the Carriage Rides go along the Riverfront. Tammy stated they have been working on the route to include the Riverfront.

RS POLICE DEPARTMENT

Chief of Police David Hewitt informed Council and Mayor Marksberry he had a problem with gutters at the Police Department building and repairs need to be made before the problem magnifies. Hewitt recognized this was a Board of Works issue but wanted everyone to be aware he was going to get quotes to have the repairs made.

OHIO COUNTY COMMUNITY FOUNDATION

Peg Dixon informed Council and Mayor Marksberry they continue to work on CAPE funds available through Lily. She also requested to use the Council and Mayor on letterhead for educational projects. The Council and Mayor had no problems with their titles on the letterhead.

PROJECT MANAGERS REPORT

See Attached Exhibit A.

There was discussion regarding the former Fryman property. It appears IDEM requires additional sampling (before and after) work at this location. A lump sum cost not to exceed \$8,204.50 for this work has been received from ATC. After further discussion a motion was made by Councilman Slack to approve the costs from ATC in the amount of \$8,204.50, 2nd by Councilman Brown; motion carried 5-0.

Northcutt requested authority to purchase pontoon replacement docks from Dock Hardware and Marine in the amount of \$982.00. After discussion a motion was made by Councilman Siekman to approve this purchase, 2nd by Councilwoman Scott; motion carried 5-0.

Northcutt requested release of retainage to Dave O'Mara Contractors for the High and Maiden Project and approval of Change Order #1 a deduct in the amount of \$8,828.27 to close out this project. After discussion a motion was made by Councilman Siekman to approve Change Order 1 and the release of retainage for this project to Dave O'Mara Contractors, 2nd by Councilman Brown; motion carried 5-0.

PETITIONS OR COMMENTS FROM CITIZENS

There was no one present with comments or petitions.

NEW BUSINESS

LIONS CLUB—RISING SUN EVENT FUNDING GRANT REPORT

Mark Guard representing the Rising Sun Lions Club supplied copies of the Grant Report for funds received from the City for July 4th fireworks. He thanked the Mayor and Council for all their support in the past and continued support with the acquisition of the new Lion's home. Guard stated this gives the Lions more visibility and allows them to become a more active part in the community.

CAR SHOW—RON EADS RISING SUN EVENT FUNDING REPORT

Ron Eads supplied information for the Grant Report on activity for funds received from the City for the Car Show held annually in July. He thanked the Mayor and Council for all their past and continued support. He stated all the funds raised at the event go to fund the band. He informed the group that 2006 will be the 10th annual car show and he'd like to make it special.

LIBRARY BOARD—AMY KETZER

Members of the Library Board were in attendance and informed the Mayor and Council they were ready to pursue a bond issue to build a library. According to the group they have been researching and working towards this for quite some time and are ready to proceed. They have been in contact with Ivy Tech—and there are no funds available for them to participate with the Library. They are aware of a possible \$125,000 for construction for a Library through CAPE funds. The Group stated they need to know soon if the City is going to participate and at what financial level. Councilwoman Scott stated there has been some hold up on the site or land that the County plans to contribute. According to Mayor Marksberry he spoke with Ron York County Highway Superintendent and the land/site should be available by March or so. There was some discussion of another possible site—and the Library Board stated they were open to options. The Library Board has a meeting on January 5th with the architect and financial consultant. Councilman Siekman stated he felt there needed to be representatives from the City and County participate in this meeting and throughout this process. After further discussion it was determined that Councilman Siekman, Councilman Padgett, and Mayor Marksberry will attend these meetings and participate in this project. They asked County Councilwoman Tammy Elbright to request a member from the County Council and County Commissioners also participate. Tammy stated she would pass this along.

BILL PARKS FUNDING PART TIME HELP AT ANIMAL SHELTER

Bill Parks representing Acheiva Resources formerly Green Acres presented information to the Mayor and Council regarding supporting costs for a person with a learning disability to do part time work—4 hours a week at minimum wage at the Animal Shelter. The individual would be coached by Parks and is a resident of Dearborn County. He stated the County will not fund this position but will allow the position be created and paid through the County. After much discussion a motion was made by Councilman Siekman to allow the participation with the Achieva Resources as a one time request for

4 hours per week at minimum wage, 2nd by Councilman Padgett; motion carried 4-1 with Councilman Brown being against.

BUILDING CODE ORDINANCE

Mayor Marksberry presented the Building Code Ordinance to Council. He stated this is primarily a housekeeping issue as the original Ordinance (approved by Council in 1988) does not have State signatures. The proposed Ordinance has been recommended by the State Building Commission and according to Attorney Siekman has been prepared just as they requested only acknowledging State and Code changes or updates. Councilman Siekman questioned Mike Northcutt who serves as building inspector if this would give him the ability to approve commercial buildings as well as residential buildings. Northcutt stated it would allow this. It was discussed that this was good because it kept the control here vs. at the State level. After further discussion a motion was made by Councilman Siekman to table the Ordinance to the December 29th meeting, 2nd by Councilman Brown motion carried 5-0.

RESOLUTION 2004-21 “A RESOLUTION AMENDING THE RESOLUTION ESTABLISHING THE MONTHLY FEE FOR RECYCLING AND TRASH COLLECTION”

Mayor Marksberry presented Resolution 2004-21 to Council for consideration. This resolution addresses the concerns raised by the Utilities regarding issues with their computer software and businesses that contract with private waste collection services. After discussion a motion was made by Councilman Slack to approve 2004-21, 2nd by Councilman Brown; motion carried 5-0.

YMCA DEARBORN COUNTY—RICK HOUP

Rick Houpp presented further information to the Mayor and Council of activities offered by the YMCA, and options and costs of contracting the City pool operations to the YMCA. Council had previously received financial comparisons from Clerk Gipson. See Attached Exhibit B. Council had requested further research be done at the November 4th Council meeting. Councilman Siekman stated he had concerns about losing control over the facility. It was discussed there were concerns within the community if the City contracts with the YMCA that the possibility of getting a swim team within the City will not happen. It was asked of Mr. Houpp if there was a need for a swim team could that be done through the YMCA. Houpp stated there would still have to be lifeguards on duty for the swim team. Further stating the YMCA currently does not participate in a competitive swim team but would be open to any activities. He questioned how complicated it was to take down the slide—for the swim competition? Mayor Marksberry stated it was not that complicated. Clerk Gipson informed Council she attended a meeting yesterday with Mr. Houpp, Mona Cook, Doug Baker, Paul Bovard and Attorney Siekman present to address any issues or concerns. There was a lot of discussion regarding operations, activities, personnel and duties. After further discussion Councilman Siekman stated he wanted to wait and not make a decision until the next meeting. Councilman Slack made a motion to

table the issue to the December Close out meeting, 2nd by Councilman Siekman; motion carried 5-0.

HANDBOOK POLICY ISSUES

Nothing at this time.

YEAR END CLOSE OUT MEETING DATE

Mayor Marksberry requested to change the Year End Close Out meeting previously set for December 30th at 7:00 to December 29th at 7:00. According to Marksberry with this being a holiday—and the year end meeting it would be best to have staff present throughout the day.

COUNCIL APPOINTMENTS 2005

A motion was made by Councilman Slack, 2nd by Councilman Padgett and approved by all to appoint Jim Thies to the Utility Service Board for a 4 year term, Fred Taylor and Gene Siekman to Redevelopment for 1 year terms, and Laverne Hayes to the Ohio County Community Foundation for a 3 year term. Mayor Marksberry informed Council Jim Thies had requested to be taken off of the Economic Development Commission.

RESOLUTION 2004-22 “TRANSFER RESOLUTION”

Clerk Gipson presented Resolution 2004-22 “Transfer Resolution of Appropriations” to Council for approval. Gipson stated the Resolution was the beginning of transfers for year end –mostly addressing Riverboat Revenue Sharing. After further discussion a motion was made by Councilman Siekman to approve Resolution 2004-22, 2nd by Councilman Slack; motion carried 5-0.

APPROVAL ORDINANCE 2004-16 “AN ORDINANCE AUTHORIZING THE SALE OR TRANSFER OF REAL ESTATE CURRENTLY OWNED BY THE CITY OF RISING SUN, INDIANA”

The first reading of Ordinance 2004-16 “Authorizing the Sale or Transfer of Real Estate owned by the City of Rising Sun” was held. After discussion a motion was made by Councilwoman Scott to suspend the rules and approve Ordinance 2004-16, 2nd by Councilman Slack; motion carried 5-0. After further discussion a motion was made by Councilman Slack to approve and adopt Ordinance 2004-16 “Authorizing the Sale or Transfer of Real Estate owned by the City of Rising Sun” suspending the rules of holding a Second Reading, 2nd by Councilman Padgett; motion carried 5-0. The Notice will be published in the local paper requesting bids.

MAYOR’S YOUTH COUNCIL--REPORT

Abbey Gipson and Karrie Ferrick reported to Council on the past month activities of the Mayor's Youth Council. The group has been working closely with student Council and the Mayor. Karrie is serving on the School Needs Assessment Committee.

MISCELLENEOUS

Mayor Marksberry informed Council a letter had been received from Richelle Wakefield, State Director of Code Enforcement regarding the outside over-current disconnecting means of the City Building Department. See Attached Exhibit C. According to Mayor Marksberry this addresses the issue with the renovation and electric for a local contractor on a commercial building inspection. Marksberry stated he wanted Council to understand that Mr. Northcutt had been correct in his actions with this contractor.

Northcutt pointed out to Council that without the approval or passage of the Building Code Ordinance—the City cannot issue permits.

Discussion was had regarding a letter sent by Attorney Siekman on behalf of the City to the property owner of the burnt house on Fifth Street and Broad Alley. It was the consensus of Council that no attempt had been made to alleviate the concerns. A motion was made requesting Attorney Siekman proceed with the legal process to have this nuisance eliminated by Councilman Brown, 2nd by Councilman Siekman; motion carried 5-0.

Mayor Marksberry presented a quote for a copier of approximately \$13,500. The cost would be split between the City and Utilities. After discussion a motion was made by Councilman Siekman to approve splitting the cost of the copier with the Utilities, 2nd by Councilman Brown; motion carried 5-0.

After the reviewing and signing of claims, and with no further business; a motion to adjourn was made by Councilwoman Scott, 2nd by Councilman Slack; meeting adjourned at 9:30pm

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor

Project Manager's Report

December 9, 2004

- 1) Riverfront Phase III, two party checks have been issued for sub-contractors. All Contactors have picked up their checks for final payment and have signed release (see attached signed releases).**
- 2) River Front Phase III B – Sunesis Construction Company is moving forward with project. Large curved retaining has been pored.**
- 3) Building Code Ordinance – has been challenged, awaiting State Building Commission requirements giving this ordinance full force and effect. Apparently ordinance is on file from 1977 with State Building Commission but not signed by State Building Commission as approved. This Ordinance needs to be adopted to continue to issue permits.**
- 4) Former Junkyard Monitoring Wells – additional charge of \$473.00 to drill additional eleven feet on Well No. 1. Original contract of \$9,200.00 for a revised total of \$9673.00. IDEM will require some addition sampling of the wells to have before and after samples. ATC has supply cost estimate for additional work lump sum of \$ 8,204.50 cost not to exceed.**
- 5) Dock Pontoon Replacement - purchase from Dock Hardware & Marine Fabrication two 3' x 6' x 20" pontoons and two 3' x 4' x 20" for \$982.00.**
- 6) The Drainage improvement along High Street, Maiden Lane and Plum Street have been completed by Dave O'Mara Contractor, Inc. see attached letter from American Consulting, Inc. recommending Change Order No.1 of deduct of \$8,828.27 and release retainage as complete.**

Exhibit 15

CITY POOL REVENUE/EXPENSE COMPARISON 2001-YTD 2004 (9/30/04)										
	2001	2002	2003	2004	Average	2005 Budget	Scenario 1	Scenario 2		
Salaries	34,436.23	37,196.61	50,696.70	54,912.25	44,310.45	116,309.80	56,000.00	56,000.00		
Misc Supplies	1,725.31	1,328.65	2,174.97	1,203.60	1,608.13	2,000.00	2,000.00	1,608.13		
Concessions	5,424.70	6,051.70	9,567.15	9,442.32	7,621.47	8,500.00	8,500.00	7,621.47		
Clothing	800.00	882.43	1,716.73	2,034.51	1,358.42	2,000.00	2,000.00	1,358.42		
Chemicals	1,435.23	2,008.56	3,894.53	3,675.30	2,753.41	7,500.00	7,500.00	2,753.41		
Cleaning supplies	-	425.79	95.62	140.34	165.44	1,500.00	1,500.00	165.44		
First Aid	101.55	240.50	2.94	-	86.25	400.00	400.00	86.25		
Repair & Maint Supplies	9,004.98	4,530.65	8,522.30	4,220.00	6,569.48	10,000.00	10,000.00	6,569.48		
Contract Svcs	3,800.00	-	2,240.00	592.50	1,658.13	3,000.00	3,000.00	1,658.13		
Phone	858.73	1,246.41	1,244.08	941.08	1,072.58	1,800.00	1,800.00	1,072.58		
Travel	-	-	-	-	-	200.00	200.00	-		
Printing	-	306.00	379.00	692.96	344.49	500.00	500.00	344.49		
Signage	85.50	-	500.00	113.93	174.86	500.00	500.00	174.86		
Utilities	6,078.42	6,336.54	6,719.63	5,045.26	6,044.96	7,200.00	7,200.00	6,044.96		
Security	2,115.40	2,231.72	2,354.44	3,177.64	2,469.80	2,500.00	2,500.00	2,469.80		
Repair & Maintenance	717.50	1,308.86	-	975.00	750.34	1,000.00	1,000.00	750.34		
Equipment Rental	-	-	500.00	-	125.00	1,000.00	1,000.00	125.00		
Pool Refunds	-	-	-	-	-	1,000.00	1,000.00	-		
Pool Expenditures	66,583.55	64,094.42	90,608.09	87,166.69	77,113.19	166,909.80	106,600.00	88,802.76		
	2001	2002	2003	2004	Average	2005 Budget	Scenario 1	Scenario 2		
Concession Revenues	8,326.97	9,984.10	9,632.65	12,349.70	10,073.36	10,073.36	10,073.36	10,073.36		
Admission Revenues	13,958.50	15,793.40	13,799.30	18,211.85	15,440.76	15,440.76	15,440.76	15,440.76		
Total Revenues	22,285.47	25,777.50	23,431.95	30,561.55	25,514.12	25,514.12	25,514.12	25,514.12		
Total cost	44,298.08	38,316.92	67,176.14	56,605.14	51,599.07	141,395.68	81,085.88	63,288.64		
2005 Budget Column reflects total cost if all of the 2005 Budget is expended.										
Scenario #1 reflects the proposed YMCA Costs with all other budget lines expended.										
Scenario #2 reflects the proposed YMCA Costs with the average of all other budget lines expended.										
These columns all reflect an average of revenues other the past 4 years.										

Exhibit C



JOSEPH E. KERNAN, Governor
STATE OF INDIANA

STATE EMERGENCY MANAGEMENT AGENCY
DEPARTMENT OF FIRE AND BUILDING SERVICES
PUBLIC SAFETY TRAINING INSTITUTE

LUTHER J. TAYLOR Sr., Executive Director

Indiana Government Center South

302 West Washington Street

Indianapolis, IN 46204

December 9, 2004

www.in.gov/sema
www.in.gov/sema/osfm
www.in.gov/sema/osbc

Mr. Mike Northcutt
City of Rising Sun
P O Box 172
Rising Sun, IN 47040

Re: Outside Over-Current Disconnecting Means

Dear Mr. Northcutt:

This office is in receipt of your letter dated December 9, 2004 requesting the result of the on-site inspection performed at 314 N. Walnut Street, Rising Sun, Indiana on December 6, 2004.

It is the opinion of Shelly Wakefield, Director, Code Enforcement Division, Roger Williams, Deputy Building Commissioner and Jim Hawkins, Assistant Director, that an outside over-current disconnecting means is required on this structure by Section 230.70 (A) (1) of the 2002 Indiana Electrical Code (875-IAC-17-1.6). We feel your interpretation of this Code Section is correct as it applies to this project.

If you have any questions please do not hesitate to contact this office.

Very truly yours,

Richelle L. Wakefield, C.B.O.
Director
Code Enforcement Division

Emergency
Management
Agency

Emergency
Management
Philip K.
Roberts
Deputy Director
Room E208
(317) 232-3980

Homeland
Security
Lester C. Miller
Deputy Director
Room E208
(317) 232-3980

Emergency
Medical
Services
Michael S.
Garvey
Deputy Director
Room E208
(317) 233-6545

Department of
Fire
And Building
Services

Office of the
State
Fire Marshal
Ivan Nevil
State
Fire Marshal
Room E241
(317) 232-2222

Office of the
State Building
Commissioner
Stephen R.
Schutz
State Building
Commissioner
Room 246
(317) 232-1404

Public Safety
Training
Institute
Room E239
(317) 233-6206

RESOLUTION 2004 - 21

A RESOLUTION AMENDING THE RESOLUTION ESTABLISHING THE MONTHLY FEE FOR RECYCLING AND TRASH COLLECTION

WHEREAS, On September 2, 2004, the Common Council of the City of Rising Sun, Indiana adopted Resolution No. 2004-19, which established a monthly fee for recycling and trash collection which was based upon the contract price with the agency or company to which the City has awarded an exclusive contract or franchise for such services, and

WHEREAS, It has become necessary to exempt certain businesses from the payment of the monthly fee for recycling and trash collection where the businesses have entered into contracts with private waste collection services for commercial properties located within the City of Rising Sun.

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

1. The Superintendent of the Rising Sun Municipal Utilities or his or her designee and the Mayor of the City of Rising Sun or his or her designee has the authority, upon proper application as set forth herein, to waive the monthly fee for recycling and trash collection on an annual basis upon the following conditions:
 - a. The property is primarily commercial in nature and has an operating business on the premises, and
 - b. The business has obtained a City of Rising Sun Business License from the office of the Clerk/Treasurer, and
 - c. The business has a contract for recycling and trash collection with a private waste disposal firm for at least weekly pickup of a dumpster or containers which is located on the property. No exemption shall be granted for offsite dumpsters or containers.
2. The property or business owner shall provide the Utility Department with a copy of his or her business licence and waste disposal contract by January 31st of each year and the exemption which may granted herein will be good for a period of one year and renewable on an annual basis.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 9th DAY OF Dec, 2004.

NAY

Michael Padgett

Gerald L. Brown

Gene Siekman

Stephanie Scott

Steven Slack

AYE

Michael Padgett
Michael Padgett

Gerald L. Brown
Gerald L. Brown

Gene Siekman
Gene Siekman

Stephanie Scott
Stephanie Scott

Steven Slack
Steven Slack

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this 9th day of Dec, 2004.

Rae Baker Gipson
Rae Baker Gipson, Clerk Treasurer

This Resolution duly approved and signed by me on this 9th day of Dec, 2004.

William A. Marksberry
William A. Marksberry, Mayor

ATTEST:
Rae Baker Gipson
Rae Baker Gipson, Clerk Treasurer

RESOLUTION 2004-22

AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF
APPROPRIATIONS FOR SEVERAL DEPARTMENTS OF THE CITY OF
RISING SUN, INDIANA, FOR THE YEAR 2004, AS REQUIRED BY
THE DEPARTMENT HEADS AND FORWARDED TO THE COMMON COUNCIL
FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6

WHEREAS, Certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2004 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

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

SECTION 1. For that expenses of the City Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such funds herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have obligated balances, which will be available for transferring as follows:

CCIF

\$ 1,000.00	From	Special Projects 401950431	To	Sidewalks 401950411
\$1,000.00		Total Transfer		

Riverboat

Street

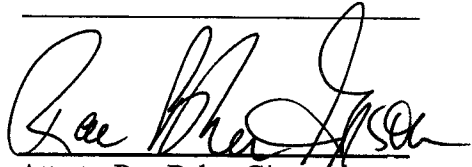
\$ 20,000.00	From	Burgess/Sunset 270005432	To	High/Maiden 270005431
\$20,000.00		Total Transfer		

Council

\$ 15,000.00	From	Special Projects 270011451	To	Promotional Fund 270011312
\$ 5,000.00	From	Special Projects 270011451	To	City Hall 270011454
\$ 32,135.90	From	Special Projects 270011451	To	School 270006391
\$ 8,213.58	From	Special Projects 270011451	To	Library 270007391
\$ 2,053.40	From	Special Projects 270011451	To	Port Authority 270008391
\$16,427.19	From	Special Projects 270011451	To	Life Squad 270014391
\$16,427.19	From	Special Projects 270011451	To	Fire Dept 270015391
\$95,257.26		Total Transfer		


Adopted this 9th day of December 2004.

NAY



Attest: Rae Baker Gipsom
Clerk Treasurer

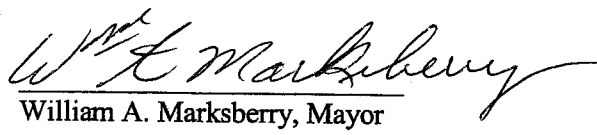
AYE



Mike Padgett

Steve J. Juch

Stephanie Scott



William A. Marksberry, Mayor

CITY OF RISING SUN
ORDINANCE NO. 200 4-14-16

**AN ORDINANCE AUTHORIZING
THE SALE OR TRANSFER OF REAL ESTATE
CURRENTLY OWNED BY THE CITY OF RISING SUN, INDIANA**

WHEREAS, the City of Rising Sun owns a certain tract of land located on Smart Drive and known as _____ being more particularly described in Exhibit "A" attached hereto (the "Real Estate"); and

WHEREAS, the Real Estate was not acquired by the City through its power of eminent domain; and

WHEREAS, The City of Rising Sun owns a tract of land on Smart Drive as described in attached exhibit "A"; and

WHEREAS, said Real Estate is no longer be needed for City purposes and has no utility to the City; and

WHEREAS, state law requires, at 36-1-11-3 that a conveyance of land must be authorized by an ordinance of the common council fixing the terms and conditions of the sale; and

WHEREAS, the City of Rising Sun desires to sell or transfer the subject Real Estate;

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

Section 1. That the Mayor of the City of Rising Sun, is hereby authorized to proceed to sell or transfer the Real Estate described in Exhibit "A" attached hereto pursuant to the provisions of Indiana Code 36-1-11

et. Seq.

Section 2. That the Mayor is authorized to obtain appraisals and to conduct a sale of said real estate by sealed bids in accordance with Indiana Code.

Section 3. That pursuant to the approval of the Common Council and the Mayor, the Mayor is authorized to execute documents of conveyance to the tract described on Exhibit A. to an appropriate purchaser, at a value that is not less than the appraised value.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 9th DAY OF Dec, 2004.

NAY

Michael Padgett

Gerald L. Brown

Gene Siekman

Stephanie Scott

Steven Slack

AYE

Michael Padgett
Michael Padgett

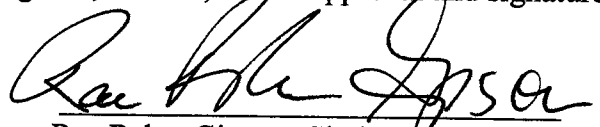
Gerald L. Brown
Gerald L. Brown

Gene Siekman
Gene Siekman

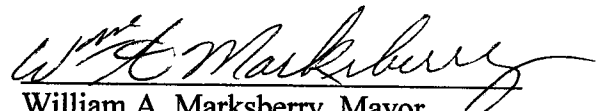
Stephanie Scott
Stephanie Scott

Steven Slack
Steven Slack

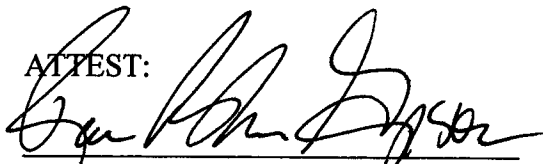
Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature
this 7 day of Dec, 2004.


Rae Baker Gipson, Clerk Treasurer

This Ordinance approved and signed by me on this 9th day of Dec, 2004.


William A. Marksberry, Mayor

ATTEST:


Rae Baker Gipson, Clerk Treasurer