

**Rising Sun City Council
September 14, 2011
Special Meeting
4:00 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 except Councilman Powell. City Attorney Leslie Votaw was also in attendance. Others in attendance were City Council Attorney Lane Siekman, Project Manager Mike Northcutt and Tim Hillman Newspaper Editor.

Minutes

There were no minutes to address as this was a special meeting.

Reports from Boards and Committees

There were no reports from Boards or Committees as this was a special meeting.

Petitions and Comments from Citizens

There were no petitions and comments from citizens as this was a special meeting.

Unfinished Business

New Business

Ordinance 2011-7 “Amendment to the Ordinance 2000-7 To Provide for the Payment of Claims Prior to City Council Approval.”

Attorney Votaw presented Ordinance 2011-7 to Council and Mayor Marksberry for review. See Attached Exhibit A.

Item 1—Promotional Funding

According to Gipson in order to pay claims for Community Event Funds which Council approved earlier in the year—this needs to be added to the Prior Authority Ordinance. Gipson stated the Arts Festival is this weekend and there are claims that need to be paid for the event. According to Gipson last weekend she received approval to cut the Catfish Tournament checks from Rising Sun Ohio County First or the event pay out would not have happened as planned.

Item 2—Revenue Sharing Distributions

Gipson requested to add Revenue Sharing Distributions which are based on previous Interlocal Agreements entered into by the City and other entities. After much discussion by Council Attorney Lane Siekman the language “or similar agreement” was struck from the proposed ordinance as requested by Siekman. After further discussion a motion was made by Councilman Slack to suspend the rules and hold second reading of the Ordinance 2011-7 with language stricken as requested by Siekman, 2nd by Councilman Padgett, motion carried 4-0. After further discussion a motion was made by Councilman Slack to approve Ordinance 2011-7 An amendment to the Ordinance 2000-7 To provide

for the Payment of Claims Prior to City Council Approval striking “or similar agreement, 2nd by Councilman Padgett; motion carried 4-0

Item 3—New Fairgrounds Park Expenses

Gipson also had requested to add Fairgrounds Park expenses in order to pay Fletcher Construction who had submitted a payment request which was not approved by the Task Force to be put on the docket for the September 8th meeting.

Reviewing and Passing of Claims—Leslie Votaw

City Attorney Leslie Votaw addressed the concern of why the Special Meeting was necessary. Votaw stated at the Regularly Scheduled Council meeting on September 8 the docket had not been signed or approved by Council. The next day a letter was submitted dated September 9th approving all claims included on the docket but claims from Fleming Stage Attorneys LLC and Monte Denbo. This letter included signature from all City Council members including Lynn Graves who was not in attendance at the September 8th Council meeting. According to Votaw there are several concerns here..Council either held a meeting without proper notice of such or held a serial meeting and made a decision at such meeting of which neither is allowed. Clerk Gipson in discussions with Charlie Pride at SBA had informed her that Council cannot approve payment of claims unless in a meeting—and the September 8th meeting was adjourned. So a meeting was set for Monday to address payment of claims approval. After some additional research it was determined 48 hour notice does not include Saturday and Sunday so the meeting was moved to Wednesday or today to be in compliance with Indiana Code. Attorney Votaw apologized for the confusion stating she should have caught this and been more aware of the process but didn't. Clerk Gipson informed Council that Fleming Stage LLC and Monte Denbo had requested to withdraw their previously submitted claims. After discussion a motion was made by Councilman Slack to approve the claim docket noting the withdrawn claims from Fleming Stage Attorneys LLC and Monte Denbo, 2nd by Councilman Graves; motion carried 4-0.

After discussion it was determined that Council will begin meeting at 6:30 pm to review claims prior to the Council meeting. With nothing further before Council a motion was made by Councilman Slack to adjourn, 2nd by Councilman Padgett; meeting adjourned at 4:35pm.

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor

Exhibit A

Common Council Ordinance #2011-__

AMENDMENT TO ORDINANCE SECTION 35.32

An amendment to the ordinance allowing the Clerk-Treasurer to make claim payments in advance of City Council approval for certain classes of claims.

WHEREAS, the City Council of the City of Rising Sun, found it necessary to adopt an Ordinance to authorize the Clerk-Treasurer to pay certain expenses and obligations of a continuing nature, pursuant to the provisions of I.C. 36-4-8-14 and contained in Ordinance §35.32.

WHEREAS, the City Council finds it necessary to amend said ordinance for Community Event Funding, Revenue Sharing Distributions and New Fairgrounds Park Expenses, since said expenses are of a continuing nature.

NOW THEREFORE, be it ordained that the aforementioned ordinance be amended so Clerk-Treasurer is authorized to make claim payments in advance of City Council approval for the following types of expenses, in addition to the thirteen (13) types contained in §35.32:

- (1) Promotional Funding, including, but not limited to, community event funding, City-sponsorships and advertising.
- (2) Revenue Sharing Distributions, according to previous Interlocal Agreements or similar agreements, entered into by the City and various other entities; and
- (3) New Fairgrounds Park Expenses.

BE IT FURTHER ordained that each payment of expenses must be supported by a fully itemized invoice or bill with certification of the Clerk-Treasurer; and that the City Council of the City of Rising Sun shall review and allow the claim at the next regular or special meeting following the preapproved payment of the expense.

ADOPTED by vote of a majority of the Common Council on this ____ day of _____ 2011, with all Council Members casting an affirmative vote affixing their signatures hereon.

Steve Slack

Dennis Radcliff

Mike Padgett

Roy Powell

Lynn Graves

The undersigned duly qualified and acting Clerk-Treasurer of the City of Rising Sun, Ohio County, State of Indiana, certified that the foregoing is a true and correct copy of Ordinance No. 2011-____ adopted at a legally convened meeting of the Common Council of the City of Rising Sun held on the ____ day of September, 2011.

Rae Baker Gipson, Clerk-Treasurer
City of Rising Sun, Indiana

The foregoing within and attached Ordinance passed by Common Council of the City of Rising Sun, Ohio County, State of Indiana, on the ____ day of September, 2011, is presented to me this ____ day of September, 2011 at _____ o'clock P.M. to the Mayor of the City of Rising Sun, Indiana.

Rae Baker Gipson, Clerk-Treasurer
City of Rising Sun, Indiana

The foregoing and within and attached Ordinance No. 2011-____ passed by the Common Council of the City of Rising Sun, Ohio County, Indiana, on the ____ day of September, 2011, is approved by me this ____ day of September, 2011 at _____ o'clock P.M.

William A. Marksberry
Mayor of the City of Rising Sun