

Rising Sun City Council Meeting
January 4, 2007
7:00 P.M.
City Hall

Call to Order/Pledge

The meeting was called to order with the Pledge of Allegiance led by Mayor Bill Marsksberry with all of Council present.

Minutes

After discussion, a motion was made by Stephanie Scott to nominate Councilman, Steve Slack, as Council Pro-tem for 2007, seconded by Angel Siekman. Motion carried 4-0. The minutes of the December 7, 2006 Council meetings had been previously distributed to Mayor Marksberry and Council. After discussion a motion was made by Councilman Steve Slack to approve minutes as written, 2nd by Councilman Scott; motion carried 5-0.

Reports of Committees, Boards, & Departments

EDC

Trey Clifton, President of Economic Development, informed Council of upcoming term expiration February 1, 2007. Trey thanked Council, and stated he appreciated their support, but doesn't want to continue in this position due to time constraints. Council commended Trey for his service.

Project Manager—Mike Northcutt

Northcutt presented a report update to the Mayor and Council. See Attached Exhibit A.

In reference to the Fifth St. Drainage Project, Northcutt reported he had received the IDEM permit required for this project. See attached report.

Historic Downtown—Tammy Elbright

Elbright discussed the new Community Newsletter. She urged everyone to participate. In regards to the Market Analysis, going to get a couple other proposals, and currently preparing proposals on the former Foutty Building.

RSMU Update—Trey Clifton

Trey informed Council that WWTP was 99% complete with a February 17, 2007 deadline. Open House will be held within the next few months. Trey concluded that the broadband internet service was going very well, and Switzerland County is also talking with him regarding options service.

Tourism Update—Sherry Timms

Sherry updated council that she received \$150,000 grant for Economic Development Program. Tourism is buying tickets from the Ohio County

Historical Society and giving to visitors to promote public relations for our community.

Police Department—David Hewitt

Chief David Hewitt reported that Indiana Gaming Agents currently handling issues at boat, and he does not see the need for additional officer at this time. On the 25th of January, David will be attending a one-day seminar for IMPACT to learn about FMLA. He will set up training for other officers in the future. Officer Rodney Rimstidt will be out for six weeks training with new canine dog. The canine dog with training cost \$10,500. He told Council he has \$5,000 put aside. He told Council that Denise is working on year end report. David inquired about the \$800 clothing allowance. Mule purchased for City at year end 2006.

OCCF Update—Peg Dickson

Peg informed Council of a new program entitled “Imagination Library.” This program is for children ages 0-5 years old. The Dolly Parton Foundation does this program throughout the United States. She requested that Council be a sponsor on the flyer—Council concurred.

PETITIONS

None

NEW BUSINESS

COMMUNITY EVENT FUNDING GRANTS

Prom Committee—2007-1

Ryan Palaima from the RSHS Prom Committee represented Rising Sun High School. As of the fall of 2006, school took over prom. The cost per person is around \$300. The Prom Committee has a budget of around \$8,000 with a request from Council of \$7,000. In the past the Prom Committee has always funded the Prom with no school affiliation by using fundraisers. School requested two sponsors with Pam McClure and Debbie Cappel administering the Prom. Questions from Council: How do other schools do prom? How is prom funded for other schools? Steve Slack motioned to approve \$5,000 (25 students X \$200), and Mike Padgett seconded. Motion carried 5-0.

Bill Dichtl with Ohio County Historical Society gave report on “Nightmare on Walnut.” Compared to last year not as good a draw with attendance being around 350 or less. Supplies purchased from Community Event Funding Grant can be used for future years. Financially not supported as compared to last year, and will continue to learn a few things from year to year.

Region 9 Work Force Development—Ron Timms

Ron presented information to Council and told them to call if anyone has questions.

Update Status Report—Boat Sale

Ice Miller Attorney Kay Fleming addressed Council and Mayor Marksberry regarding the potential sale of Grand Victoria Casino/Hyatt. Fleming stated the City has made contact with potential bidders requesting a relationship and involvement relating to the project. Final bids are to be submitted in the near future. As we have discussed at past meetings, our goal is to ensure the riverboat remains in the City of Rising Sun and that potential bidders plan to make capital investments at the property.

Mayor Marksberry stated in order to proceed with discussions with potential bidders I need your indication of approval for me, as Mayor, to continue in the discussions and negotiations with all potential bidders the City identifies to discuss potential economic incentives and other potential strategic relationships in this process. Attorney Fleming stated any items agreed upon with a potential bidder would be subject to subsequent City Council approval. It was discussed that a motion was not necessary at this time. City Attorney Siekman requested Council to indicate by a show of hands that Council supported Mayor Marksberry continue to move forward with the discussions and negotiations and potential economic incentives with all potential bidders for the riverboat. Council supported unanimously.

Miscellaneous

In regards to Tornado Warning Sirens, SIRPC has been requested to write a grant through the Rising Sun Regional Foundation for half the cost of the project. This will allow sufficient coverage for our community once installed. \$14,870 (\$5,500 per pole X 3) equals approximately \$60,000. Utility workers could install sirens once purchased. Need to check with Myrle to see if 3 will cover the area needed in our community. The following areas are being considered: Sewer Plant, Street Dept., and Substation.

Adjournment

After the reviewing and signing of claims, and with no further business; a motion to adjourn was made by Councilman Padgett, 2nd by Councilman Slack; meeting adjourned at 8:00pm.

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor

Project Manager's Report Update

January 4, 2007

1.) Fifth Street Drainage Project

- a. Permit from IDEM has been granted (see attached)
- b. Temporary and Permanent Easements- only a few attended the meeting Carolyn Brown, Kenny Ashcraft, and Larry Montgomery all have granted easements. Still need to meet with Jason Hankins, Steven Ballard, and Rising Sun Church of Christ. Adam McCarty & Myrle White declined offer of storm sewer extensions.

2.) River Front Phase 5

- a. IDEM has been granted (see attached)
- b. IDNR has not yet granted permit (see attached)
- c. US Army Corps of Engineers pending.

3.) Skate Board Park

- a. Submittals are being made for handrail, ect.
- b. Concrete work will start in the spring.
- c. Paving for parking lot extension will be done in spring as well.

4.) First Presbyterian Church

- a. Stain Glass windows are finished and will be delivered next week and stored at lock and store.
- b. Plans are ready for State Design Release - will forward them to the State



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

OWQ Drinking Water Branch – Mail Code 66-34
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

PERMIT FOR PUBLIC WATER SUPPLY CONSTRUCTION

VIA CERTIFIED MAIL 7002 0510 0004 0392 7965

Mr. William Clifton, Utility Superintendent
City of Rising Sun
200 North Walnut Street
Rising Sun, IN 47040

WS-9845

DEC 20 2006

Permit Number

Date Issued

Patrick Carroll, Chief
Drinking Water Branch
Office of Water Quality

You are hereby notified that the Office of Water Quality has approved the general design of plans and specifications of water works improvements to the Rising Sun public water system (PWSID 5258002). This is to install approximately 1466 feet of water main. This Permit is issued under provisions of Indiana Code (IC) 13-15, IC 13-18-16, 327 Indiana Administrative Code (IAC) 8-3, and 327 IAC 8-4-1.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-4(d), this Permit is effective on the date mailed (date issued).

The project consists of the installation of approximately 1466 feet of 4 inch, 6 inch, 8 inch, and 10 inch ductile iron and polyethylene pipe, together with all the necessary appurtenances.

This Permit is issued with the following conditions:

1. That at a flowrate equal to the peak daily customer demand as determined in 327 IAC 8-3.3-2, the normal operating pressure in the water main not be less than twenty (20) psi under all conditions of flow at the ground level at all points in the water main when demonstrated in conformance with 327 IAC 8-3.2-11(c);
2. That the public water system not willfully introduce, permit, or suffer the introduction of a direct additive or indirect additive into the drinking water that does not meet the requirements of 327 IAC 8-1-2;

11. That all ductile iron water mains and their accessories be inspected, unloaded, handled, stored, installed, pressure and leak tested, and disinfected in accordance with the provisions of American Water Works Association (AWWA) Standard C600-99. If an AWWA Standard is not available for the particular installation, the manufacturer's recommended installation procedure must be followed;
12. That the polyethylene pressure pipe and fittings, four (4) inches through sixty-three (63) inches, meet the requirements of American Water Works Association Standard C906-99; and,
13. That, after final flushing and before the new water main is connected to the distribution system, two consecutive sets of acceptable samples, taken at least twenty four (24) hours apart, be collected from the new main. At least one set of samples must be collected from every twelve hundred (1200) feet of the new water main, plus one set from the end of the line and at least one set from each branch. All samples must be tested for bacteriological quality in accordance with the 19th edition of the Standard Methods for the Examination of Water and Wastewater, and must show the absence of coliform organisms.

Plans and specifications entitled Fifth Street Drainage Improvements, certified by Andrew C. Cochrane, P.E., were submitted by American Consulting, Inc., on November 16, 2006.

This Permit shall become void if construction is not started by January 2008. Any fundamental change in plans or specifications which may affect drinking water quality, operations, or public health must be submitted for review and approval by this agency.

This Permit may be modified, suspended, or revoked for cause including, but not limited to the following:

1. Violation of any term or condition of this Permit; or,
2. Obtaining this Permit by misrepresentation or failure to fully disclose all relevant facts.

Nothing herein shall be construed as guaranteeing that the proposed public water supply facility shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and operation of the proposed project.

Any person adversely affected or aggrieved by this decision authorizing construction of this facility may request a review, provided that a petition for administrative review is filed as required by IC 4-21.5-3-7. The petition must be filed within eighteen (18) days of the mailing date of the Permit. The petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved or adversely affected by this decision or a person otherwise entitled to review by law.

If a petition for review is filed within eighteen (18) days of the mailing date of the Permit and a petition for stay of effectiveness of the Permit is filed by a party or another person who has a pending petition for intervention in the proceeding, an environmental law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the permit should be stayed in whole or in part. The burden of proof in the preliminary hearing is upon the person seeking the stay per IC 4-21.5-3-4.

Additionally, IC 13-15-6-2 requires that a petition include:

1. The name and address of the person making the request;
2. The interest of the person making the request;
3. Identification of any persons represented by the person making the request;
4. The reasons, with particularity, for the request;
5. The issues, with particularity, proposed for consideration at the hearing;
and,
6. Identification of the Permit terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of law governing permits of the type granted or denied by the Office of Water Quality.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the Office of Environmental Adjudication. The filing of such a petition is complete on the earliest of the following:

1. The date on which the petition is delivered or the date of the postmark on the envelope containing the petition, if the petition is mailed via United States Postal Service addressed as follows:

Office of Environmental Adjudication
100 North Senate Avenue
Government Center North
Room 1049
Indianapolis, Indiana 46204

or,

2. The date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Patrick Carroll, Chief of the Drinking Water Branch, OWQ Drinking Water Branch - Mail Code 66-34, 100 N. Senate Ave., Indianapolis, Indiana 46204-2251.

If you do not object to this Permit, you do not need to take any further action. If you have any questions regarding this matter, please contact Mr. Arnold Bockrand, Permit Review Engineer, Office of Water Quality, at 317/308-3302.

cc: Ohio County Health Department
Andrew C. Cochrane, PE, American Consulting, Inc.
Ken Brown, IDEM Field Inspection (electronic copy)
Liz Melvin, Chief, Field Inspection (electronic copy)

ws9845ab.doc



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

December 22, 2006

VIA CERTIFIED MAIL 7002 0510 0003 0025 3921

Mr. Mike Northcutt
City of Rising Sun
200 North Walnut Street
Rising Sun, IN 47040

Dear Mr. Northcutt:

Re: Section 401 Water Quality Certification Modification
Project: Riverfront Erosion Phase 1-3
IDEM No.: 2001-211-58-RRJ-B
2003-35-58-AJP-B
COE No.: 200100460-jea
200201611-jea
County: Ohio

This letter is in response to your request, dated November 30, 2006, for a modification to two separate Section 401 Water Quality Certifications issued for the aforementioned project on June 21, 2001, and April 4, 2003. In the original certifications, you were granted approval to discharge riprap for bank protection for a total of 1,100 linear feet below the ordinary high water mark of the Ohio River. The project is located along the banks of the Ohio River between Fourth Street and Main Street in the city of Rising Sun. In your request you propose the following changes to the original certification:

1. You propose to remove approximately 465 linear feet of previously approved riprap and replace it with larger riprap. The project will impact a total of 0.21 acre from the excavation and placement of stone.

Based on available information, it is the judgment of this office that the proposed modification will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the modified certification complies with the conditions set forth below. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby modifies the Section 401 Water Quality Certifications originally issued on June 21, 2001, and April 4, 2003. Any changes in project design or scope not detailed in the request described above or modified by the conditions below are not authorized by this certification. All modifications proposed in your letter dated November 30, 2006, must be conducted in compliance with all conditions of the original Water Quality Certifications issued for this project on June 21, 2001, and April 4, 2003.

1. Project Specific Condition No. 3 is added to read as follows: Immediately seed and stabilize all disturbed areas upon completion of the project.

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

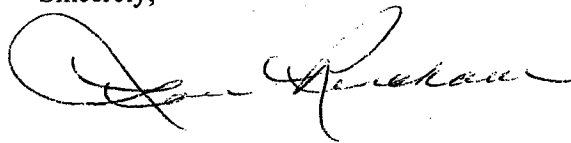
Identifying the certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact the Office of Environmental Adjudication at 317-232-8591.

If you have any questions about this modified certification, please contact Jason Randolph, Project Manager, of my staff at 317-233-0467, or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,



Marylou Poppa Renshaw, Chief
Watershed Planning Branch
Office of Water Quality

cc: Jane Archer, USACE-Louisville
Mike Litwin, USFWS
Danny Gautier, IDNR
Calvin Mason, The Survey Company
Robin Feller, JRM Environmental, Inc.

Indiana Department of Natural Resources / Division of Water

Incomplete Application Notice

Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Notice Date : December 27, 2006

Toll Free # : (877) 928-3755
Telephone # : (317) 232-4160
FAX # : (317) 233-4579

Application # : FW-24082
Stream : Ohio River

Type : Construction in a floodway

Applicant:

City of Rising Sun
Mike Northcutt
200 North Walnut Street
Rising Sun, IN 47040-0712

Agent:

The Survey Company
Calvin Mason, PE
201 West William Street
Lawrenceburg, IN 47025-1929

Dear Applicant:

On November 29, 2006, the Division of Water received your permit application under the Flood Control Act, IC 14-28-1, and the Navigable Waterway Act, IC 14-29-1, with the associated Flood Hazard Area Rule, 312 IAC 10; and Navigable Waterway Rule, 312 IAC 6, for the project described on the next page. Based on staff's preliminary review, your application is incomplete and has been placed in abeyance for the reason(s) listed on the following page(s). If you fail to provide the missing information within 30 days from the date of this notice, your application will be recommended for denial.

If you have any questions regarding the status of your application, please contact the appropriate staff member at the address shown above or at one of the following telephone numbers. Refer to application # FW-24082 in all correspondence with the Department.

<u>Responsibility</u>	<u>Staff</u>	<u>Telephone and Fax #</u>
Administrative	Darlene Simpson, CFM	(317) 234-1097, 233-4579
Technical	Darlene Simpson, CFM	(317) 234-1097, 233-4579
Environmental	Christie L. Stanifer	(317) 232-4160, 233-4579

In addition to a permit from the Department of Natural Resources, you may also be required to obtain a permit from, or coordinate with, the following agencies. Contact with these agencies is your responsibility.

<u>Agency</u>	<u>Telephone #</u>
*US Army Corps of Engineers, Louisville District	(502) 315-6733
Ohio County Drainage Board	(812) 438-2953
Indiana Department of Environmental Management	(317) 233-8488 or (800) 451-6027
Local city or county planning or zoning commission	

Be advised that this notice is not a permit nor an authorization to proceed with the project. It should not be construed as a waiver of the provisions or requirements of any other state, federal, or local regulatory activity.

Indiana Department of Natural Resources / Division of Water

Incomplete Application Notice

Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Notice Date : December 27, 2006

Toll Free # : (877) 928-3755
Telephone # : (317) 232-4160
FAX # : (317) 233-4579

Application # : FW-24082
Stream : Ohio River

Type : Construction in a floodway

Description:

Approximately 465 linear feet of the river's eroded streambank will be stabilized with a 12' high retaining wall to deter further bank erosion. The retaining wall will consist of Mesa blocks with geo-grid reinforced sod. The streambank in front of the wall will be stabilized by a concrete sidewalk and riprap placed over a geotextile fabric that will extend down to the normal pool level at a 3:1 sideslope. The retaining wall and the concrete sidewalk will be constructed above the ordinary high water elevation of 459.0'. Additionally, a new concrete stairway with landing and a 36" pipe with a 36" end treatment will be constructed. Details of the project are contained in information and plans received at the Division of Water on November 29, 2006.

Location:

Along the south side of Front Street at the intersection of Main Street and Front Street extending upstream approximately 465' to the intersection with 4th Street at Rising Sun, Randolph Township, Ohio County

NW¼, SE¼, SW¼, Section 2, T 3N, R 1W, Rising Sun, IN-KY Quadrangle

UTM Coordinates: Downstream 4312950 North, 686275 East

UPSTREAM:

UTM Coordinates: Upstream 4313100 North, 686350 East

Indiana Department of Natural Resources / Division of Water

Incomplete Application Notice

Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Notice Date : December 27, 2006

Toll Free # : (877) 928-3755
Telephone # : (317) 232-4160
FAX # : (317) 233-4579

Application # : FW-24082
Stream : Ohio River

Type : Construction in a floodway

Number	Reason
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(1)	Environmental.
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Design modifications that allow the dual use of the riverbank by wildlife and people are necessary. The current design includes terraces with vertical walls that will preclude wildlife movement between the river and bank. The riprap layer at the edge of the river needs be replaced with a smooth-surfaced material such as articulated concrete mats seeded with native vegetation.

Send copies of the requested changes/revised plans to the south region biologist and to the Division of Water.

If you have any questions regarding this notice please contact the south region environmental biologist at 812-334-1137.

Daniel Gautier
South Region Environmental Biologist
Indiana Department of Natural Resources
553 East Miller Drive
(812)334-1137