

Rising Sun City Council
August 4, 2011
7:00 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. City Attorney Leslie Votaw was also in attendance.

Minutes

Minutes of the July 7, 2011 City Council meeting were distributed to Council and Mayor Marksberry prior to the meeting. After discussion a motion was made by Councilman Graves to approve the July 7th Council minutes, 2nd by Councilman Radcliff; motion carried 5-0.

Reports from Boards and Committees

Park Board—Jamie Bell

Clerk Gipson informed Council and Mayor Marksberry Jamie was on vacation and would not be in attendance. A report of July 2011 park activities is attached as Exhibit A.

Tourism—Eric Scudder

Mayor Marksberry asked if Tourism Director Eric Scudder had anything to report. He stated he did not.

Project Manager

Northcutt presented a report to Council and Mayor Marksberry attached as Exhibit B. He also reported on the following items:

- **Navy Bean Festival Street Closings—** Northcutt presented street closings for the Navy Bean Festival for review. After discussion a motion was made by Councilman Radcliff to approve the Navy Bean Festival Street Closings, 2nd by Councilman Graves; motion carried 5-0. Map included in Exhibit B.

Police Department

Police Chief, David Hewitt informed Council and Mayor Marksberry there was approximately \$1,700 worth of vandalism done to the Riverfront. The Police Department has arrested and charged 3 people related to the vandalism. Hewitt stated he wanted to commend Lt. Brian Browning for his hard work on this case.

Redevelopment—Jim Clements

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

EDC—Lane Siekman

There was nothing reported to Council and Mayor Marksberry.

Rising Sun Ohio County Port Authority—Larry Gipson

Port Authority President Larry Gipson presented information to Council and Mayor Marksberry regarding a SeaPlane project. At this time the Port Authority is looking into the possibility of building a hanger that could house the SeaPlane owned by Troy MacVey a retired pilot. The hanger could be rented or leased to MacVey. MacVey approached Council and Mayor Marksberry regarding the potential project. He is excited and will work with the community to make this project a reality. According to President Gipson the Port Authority is on the agenda for the Board of Zoning Appeals in Sept. Gipson also noted the planes would be very helpful in the case of an emergency. He invited all to the next Port Authority meeting as well.

Historic Downtown Main Street

Amy Hoffman, Director of Historic Downtown Main Street submitted a report for Council and Mayor Marksberry of July activities. Attached as Exhibit C. Hoffman stated they will be moving back into the office on Monday since their remodel. Karrah has been painting. According to Hoffman Scott McKenna is the Third Friday Cruise In feature during August. Street Closing Requests for the Arts Festival were submitted to Council and Mayor Marksberry. Attached as Exhibit D. After discussion a motion was made by Councilman Graves; seconded by Councilman Radcliff; motion carried 5-0. It was stated to work with Chief Hewitt and Street Commissioner Bovard regarding the street closings.

OCCF—Peg Dickson

Peg Dickson, Director of OCCF informed Council and Mayor Marksberry the Annual Report would be ready next week and Vincennes Classes start on Monday.

Petitions and Comments from Citizens

None

Unfinished Business

None

New Business

City Council Legal Counsel

Councilman Graves presented a contract and requested pursuant to IC 36-4-6-24 to approve funding and hire Attorney Lane Siekman as City Council Attorney. After discussion a motion was made by Councilman Graves to approve funding and hire Attorney Lane Siekman as City Council Attorney, 2nd by Councilman Radcliff; motion carried 5-0.

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 June in the amount of \$19,823. See Attached Exhibit E. After

discussion a motion was made by Councilman Padgett to approve this request, 2nd by Councilman Powell; motion carried 5-0.

Matt Arnett Methodist Church—5K Walk/Run Navy Bean Festival

Matt Arnett informed Council and Mayor Marksberry the walk run will be held before the parade and the group plans to keep participants away from SR 56 or High Street. The funds raised will go to for the annual mission trip. After discussion a motion was made by Councilman Radcliff to approve the walk run route, 2nd by Councilman Graves; motion carried 5-0.

Christmas Lights Display—William Bruce

William Bruce had presented a proposal to Council and Mayor Marksberry at the last Council meeting to supply a decorative display on the Riverfront from First to Fourth Street. See Attached Exhibit F. Bruce had provided an animated holiday display last year at no cost to the city. The proposal amount is \$31,024.20 and expands the display with a one-time purchase of equipment with Bruce providing planning, installation, support, and tear down for 5 years. After discussion a motion was made by Councilman Powell to approve this proposal with proof of insurance, 2nd by Councilman Radcliff; motion carried 5-0. Bruce stated he will need funds to order equipment soon. It was stated for Bruce to get Clerk Gipson proof of liability insurance in order to get a check.

American Legion Post 59-VA Transportation Funding

Post Commander Barb Anderson informed Council she had dropped a letter for Council and Mayor Marksberry with Clerk Gipson requesting \$1,000 towards funding for transportation to VA Hospital for Dearborn, Ohio and Switzerland County Residents. See Attached Exhibit G. It was stated there are approximately 15-20 veterans in the Ohio County area that rely on this transportation. Current funding for the project is through the Dearborn County Veterans Service office and the Dearborn County Sherriff. After discussion a motion was made by Councilman Graves to approve this request, 2nd by Councilman Padgett; motion carried 5-0.

Oversight Committee to Coordinate Development Opportunities with RSRF and Full House Resorts, Inc.

Mayor Marksberry informed Council that Councilman Pro Tem Slack, Councilman Padgett, City Legal Counsel, and himself had attended the Rising Sun Regional Foundation meeting with Full House Resort Representatives. During the meeting there were discussions about coordinating development opportunities for the City of Rising Sun and included parties. The information discussed is confidential at this point. Mayor Marksberry stated he felt the Council representatives were pleased with the meeting and requested Councilman Slack and Councilman Padgett be on a Committee to work with representatives of Full House Resorts, the Rising Sun Regional Foundation, and the Mayor to address various development opportunities. City Council Attorney Lane Siekman stated what the mayor is requesting is Council to create an oversight committee. After further discussion a motion was made by Councilman Radcliff to table creating this committee, 2nd by Councilman Powell; motion carried 5-0.

Resolution 2011-9—“Resolution for Outside Legal Counsel and Consultants”

Resolution 2011-9 “Resolution for Outside Legal Counsel and Consultants” was presented by Clerk Gipson. See Attached Exhibit H. It was questioned by Council who created the proposed Resolution. Gipson stated she had prepared the Resolution since Council had requested a Resolution be prepared by City Attorney Siekman at the prior meeting and Siekman since was terminated by the Mayor. If this is not what she interpreted the request to be the Resolution can be changed. According to Gipson she had sent the proposed Resolution in the Council packets prior to the meeting. City Attorney Votaw said the proposed Resolution did not appear to be out of line with the law. City Council Attorney Lane Siekman stated he had prepared 2 alternate resolutions since he was requested to do so at the last Council meeting. After discussion City Council Attorney instructed City Council to get a number from the Clerk Treasurer and enter them as Resolutions. No document was given to the Clerk Treasurer until after the meeting, but a motion was made by Councilman Padgett to approve Resolution 2011-9 “Use of Outside Legal Counsel” and Resolution 2011-10 “Use of Outside Consultants” as prepared by City Council Attorney Lane Siekman, motion was 2nd by Councilman Radcliff; motion carried 5-0. There was some discussion regarding if the Mayor does not sign the Resolutions within 10 days they will be considered vetoed.

Retainer Agreement/Letter of Engagement Outside Legal Counsel—Kay Fleming

Kay Fleming addressed Council and Mayor Marksberry regarding a potential retainer agreement for services provided. Fleming stated she had forwarded the Agreement to the Mayor. It was stated Council had received a copy of the information. According to Fleming the proposed retainer agreement/letter of Engagement is in the amount of \$15,000/month, which reflects an overall average of monthly billings with a 25% discount applied to arrive at the monthly retainer. Fleming asked if there were any questions. There were none. Council opted to reevaluate the contract and not act on Fleming’s contract.

HRA Resolution

Clerk Gipson informed Council it was not necessary to address this tonight but wanted to get the information to Council. According to Gipson it will need addressed by the end of the year.

Ordinance 2011-6 First Reading “An Ordinance Establishing Fees for Copying Records and Documents”

Mayor Marksberry presented Ordinance 2011-6 “An Ordinance Establishing Fees for Copying Records and Documents” for first reading. This Ordinance will be addressed for 2nd reading at the September 8th City Council meeting.

Salary Ordinance 2011-5

Council will address the Salary Ordinance 2011-5 for second reading at the next meeting.

Flood Insurance Meeting

Mayor Marksberry informed Council there was a Flood Insurance Meeting scheduled for August 10th at the County Courthouse.

Retainer Agreement—City Council Attorney

Councilman Graves presented a retainer agreement with City Council Attorney Lane Siekman for approval. There was no vote taken as it was determined to have been approved earlier in the meeting under New Business. See Attached Exhibit H.

Miscellaneous

Mayor Marksberry informed City Council Utility Superintendent Marty Dennis has submitted his resignation effective September 2nd. Broadband Technician Ryan Friend has also resigned his position with RSMU and will start as Deputy Sherriff with Ohio County on August 22.

City Council Attorney Lane Siekman informed City Council they may want to schedule a Special meeting on August 15th in the case the Mayor vetos Resolution 2011-9 and 2011-10. After discussion it was determined by Council to hold off at this time.

After the reviewing and signing of claims, and with no further business before Council; a motion to adjourn was made by Councilman Graves, 2nd by Councilman Radcliff; meeting adjourned at 8:10 pm.

Attest:

Rae Baker Gipson,
Clerk Treasurer

William A. Marksberry,
Mayor