

**BOARD OF WORKS
WATER UTILITY
FEBRUARY 19, 2010
8:00 A.M.**

Mayor James Fleck – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Marcia McNagny – Absent
Walter Crowder – Present
Roger Seymoure – Present

The Columbia City Board of Works met in regular session specifically with the water department. All members were present, Mayor Fleck presiding.

BOARD OF WORKS DIRECTIVE ON ASH TREE REMOVAL Mayor Fleck advised he asked Eddie Beagles to attend the meeting to talk about making policies and procedures with respect to Ash Trees and their removal. He explained we did have to remove one tree that was susceptible to or suspect to having the Emerald Ash Bore and there was one other identified. He advised they received feedback from the owner who was upset in the way we approached it and felt before we would go any further that we make sure we are all on the same page.

Eddie Beagles explained the problem was the owners do not want the trees removed and so the Tree Board was asking for direction from the Board as to how to handle it. He stated the tree in question had not definitively been diagnosed as having the Emerald Ash Bore but it was highly suspected. He stated even beyond that a Certified Arborist looked at the tree and even if it's not affected by EAB it was a diseased tree that has been diagnosed as being in critical condition and in his opinion should be removed. He explained the homeowner does not want the tree removed. He stated if the tree was not removed it could cause damage to person or property but if we do remove it there was a chance the citizen could take legal action against the City and Tree Board. He felt the problem was only going to get worse as we were under a general quarantine, the EAB was only going to spread and would like to have a policy in place that they could move forward to what they would do as the problem continues to grow.

Walt Crowder questioned if the Arborists comments were documented. Mr. Beagles advised they were. Walt questioned if they had sought legal direction. Mayor Fleck advised he had not brought it up. Mr. Beagles reported they were going to seek Attorney Shipman's advice but at the last Tree Board they discussed the idea that if the homeowner decides they do not want the tree removed then they would have to sign a release of liability so that if in the future the tree causes damage or needs to be removed then it would be at the homeowner's expense. He advised they wanted to make sure it was ok with the Board of Works before taking it to the attorney.

Mayor Fleck advised his concern was the spread of the infestation. He stated it was difficult to tell whether a tree was infested until it starts to die. Mr. Beagles added it was a 3 year process with the damage starting at the top so there are dead limbs and debris. He advised another question was if all EAB trees should automatically be removed. He stated the Tree Board was not here to remove trees they were here to protect the trees and the removal was a last resort. He stated one of the things they were going to start doing was an immediate campaign to start educating people on the EAB.

Roger Seymoure confirmed if they do not remove a diseased tree it will just spread to other trees. Mr. Beagles advised it would. Roger stated releasing the City from liability would not stop the spread. Mr. Beagles advised it would not.

Walt Crowder felt all due diligence had been done and supported what the Tree Board has done so far. He felt they should continue to take the Board's recommendation of what needed to be done to protect the trees.

Roger Seymoure questioned if the Bore was in a tree if they had no choice but to take it down. Mr. Beagles advised that was what they were trying to decide. He stated there was no law but then it becomes an issue of liability for the City.

Mayor Fleck explained one of the things they have worked on is the notification process to make sure the homeowner knows the tree was being taken down. He advised with the first tree they attempted to do notification but were unable to make personal delivery. He stated the electric department removed the tree but the homeowner was concerned because they never received notification.

Roger Seymoure questioned if they were looking for direction from the Tree Board to give the Board of Works a recommendation. Mayor Fleck felt Mr. Beagles gave it. Walt Crowder advised that was how he interpreted it with bringing in an expert for an evaluation and opinion; it was documented and very well defined. He felt they needed to support the Tree Board in their work. Mr. Beagles questioned if the homeowner absolutely does not want the tree removed do they remove it anyway. He stated he and Martha have also talked about not only sending a letter but to have someone from the Tree Board make a personal visit to the home. Walt Crowder advised he and Roger have made visits in difficult circumstances and offered to go out and talk with the homeowner as well.

Mayor Fleck questioned Attorney Grossnickle what her thoughts were. Attorney Grossnickle confirmed they were just talking about street trees that were in the right-of-way. Mayor Fleck advised that was correct. Attorney Grossnickle felt if the tree was within the City right-of-way we had the right to remove it but agreed with Mr. Beagles in that we definitely need to get the homeowners on board. She also felt the education aspect was important. She questioned what they would be doing with the wood. Mr. Beagles advised they currently do not have a lot slated to remove but they have a gentleman who lives within the county who said he would take the wood. Jeff Walker advised we would be capable of chipping the limbs. Mr. Beagles advised they have also been working with Allen County because they have a larger chipper.

Mayor Fleck questioned Mr. Beagles if he had sufficient direction from the Board. Mr. Beagles advised he did. He explained they would pay a visit to the homeowner and set up a date to have the tree removed.

WATER DEPARTMENT Mike Dear reported they have turned on 4 new services and continue to hook up radio boxes. He advised there was excavation training coming up in Rochester and was planning to send a couple of his guys. He reported he was still working with INDOT on the Main Street permits. He advised they were advertising to sell their Hydrostop machines. He stated they have not used them in over 4 years and have done everything around town that they would use them for. He advised he would like to then purchase a used tapping machine for 4, 6 & 8" taps. He reported he was still working with the contractor on the Overlook Villas. He stated Max and himself attended meetings in Indianapolis regarding conservation and protecting the Great Lakes.

FINANCIALS Rosie Coyle advised she did not have anything unless the Board had questions.

Mike Dear pointed out that the net income/loss for this month was not normal. He explained it included all of the private hydrant and sprinkler system revenues.

JOINT PLANNING AND BUILDING DEPARTMENT Mayor Fleck reported the Joint Planning and Building department met. He advised things were better than they were the year before in terms of growth and maintaining increased valuation. He advised he would get the Board a copy of the report.

Mayor Fleck reported it was pointed out that some procedural changes needed to be made regarding the review of the Department's recommended budget by City and County Council. He advised we have never had a problem with respect to that as we

have never had to reduce operations. He reported the County had to reduce a variety of services.

SRF – EXTRA MONEY Mayor Fleck explained when we did the wastewater plant we were able to come in under budget by \$1.3 billion. He stated as we proceeded with projects Jeff Walker went to SRF to see if we could use those monies for other sewer related projects. He stated it was identified that those funds could be used for the two new lift stations. It was questioned as to whether these funds could be used for the PER proposals for the CF Goma cleanup.

Mayor Fleck explained there might be an opportunity to refinance at a lower rate and wanted to inform the Board in case they heard something. He advised there had been no decisions made or action taken.

Walt Crowder advised there was a lot going on and questioned if someone could make a list of open projects, the scope of the projects and where the funding was coming from.

SIGN REQUEST – BALL FURNITURE Rosie Coyle presented a request from Ball Furniture to put a sign out for next Friday and Saturday.

Walt Crowder advised he was ok with it as long as there was something documented. Seymoure agreed.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle