

**BOARD OF WORKS
THURSDAY, MAY 21, 2009
8:00 A.M.**

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

The Columbia City Board of Works met in regular session with all members except Crowder present, Mayor Fleck presiding.

MINUTES Mayor Fleck asked to postpone the minutes of May 8, 2009 since he came in late to the meeting.

Upon the motion of Mayor Fleck second by Seymoure to approve an overview of the May 15, 2009 meeting minutes as presented, all voted aye.

STREET CLOSING REQUEST – COLUMBIA CITY ROTARY Trudy Miller-Longhenry was present to request permission to close Chauncey Street from Van Buren to the alley south of the Clugston on July 10th for the 90th birthday celebration of the Rotary. She explained back on May 19, 1919 the first initial meeting of the Rotary was held at the Clugston. She advised they would like to set up around 4 p.m. and clean up around 9 p.m.

Rosie Coyle advised the department heads all signed off on the request.

Brian Anspach suggested closing the whole block. He felt that would be safest and would keep traffic from driving down through there. He advised the only business would be the police department and they could get through. Roger Seymoure confirmed they would be ok with closing all the way to Market. Captain Anspach advised they would and felt it would be safer.

Upon the motion of Seymoure second by Mayor Fleck to approve the request by the Rotary Club to close from Van Buren to Market Street as revised on July 10 from 4 – 9 p.m., all voted aye.

STREET CLOSING REQUEST – OLD SETTLERS: JUNE 22 – 28 This issue was postponed.

PAY REQUEST - WHITLEY COUNTY WATER AND SOIL WATER CONSERVATION DISTRICT Jeff Walker reported everything was in order on the request and explained it covered several months of work with the agency. He recommended the Board act favorably in the amount of \$1,618.56.

Upon the motion of Seymoure second by Mayor Fleck to approve the request for Soil and Water Conservation billing for purchase order 2771 in the amount of \$1,618.56, all voted aye.

ENGINEERING AGREEMENT: MAIN STREET & JEFFERSON STREET LIFT STATION REPLACEMENTS

Marcia McNagny advised she had just a few minor things. She stated she did not see an Exhibit G which was the Dispute Resolution and then also had a question on whether there were any issues with asbestos, PCB's or petroleum that we needed to be worried about. Jeff Walker advised there was none to his knowledge but thought they had to put that in the agreement just in case. Attorney McNagny stated her only other thing was Exhibit F regarding carrying insurance and if it was sufficient. She advised it looked sufficient to her but was not sure what the City normally required. Mayor Fleck stated the City would have blanket coverage that would cover them. Rosie Coyle advised they would have to cover this. She also pointed out there was not an Exhibit G. Jeff Walker advised he could certainly get with them. Attorney McNagny explained it was their form for dispute resolution and was not a big deal but just noticed an Exhibit was missing that the agreement was referencing.

Roger Seymoure questioned if there were limitations on reimbursable expenses or do we usually have any. Jeff advised we usually always have reimbursables such as mileage, reports that would have a per page costs and have had in the past hotel costs.

Attorney McNagny felt the agreement was fine but the scope would be up to Jeff and Mike Cook's review. Jeff advised they had 2 engineering consulting firms review the scope so felt comfortable with it.

Mayor Fleck questioned in terms of length of time when could we expect to have the services completed. Jeff advised a ballpark time would be early fall. Mayor Fleck reported they met with Region 3A with respect to the availability of grants and stimulus.

Upon the motion of Mayor Fleck second by Seymoure to approve the agreement not to exceed the amount of \$72,300.00 for the combined allocation and that we accept the amounts for each of the parts in the event we do not do the entire project.

Rosie Coyle wanted to add that if we would not get the stimulus money the wastewater utility did not have the money. She thought storm water could maybe subsidize it. Mayor Fleck advised it was in part a storm water project.

Jeff questioned how they were being directed on this. Rosie thought they were approving the whole thing but wanted it itemized in case there was something we would not do. Mayor Fleck advised they were approving the whole thing but did not want to get any more specific then they had to in the event they find for some reason we could get part of this funded by stimulus money. He stated the lady (Region 3A representative) was getting with OKRA with respect to how this would qualify, whether it would qualify and how to proceed. Jeff questioned what he should direct Bonar to do. He stated they would start out with an environmental for both projects and they would also start a design review phase for both projects. He questioned Mayor Fleck if he could tell them to go ahead with this. Mayor Fleck advised that was correct because we had to have this project regardless if we have to pay for it 100% or we get funding.

Roger confirmed they would basically be approving the whole thing not to exceed \$72,300 and if we can get funding for part of the project through stimulus we want to somehow be able to break

the \$72,300 into one piece or the other piece. Mayor Fleck advised that was right. Rosie Coyle advised their purchase order would designate each item separately. Roger confirmed they would bill for one station or the other station. Rosie advised that was right and would specify that when sending back the contract.

Upon the motion, all voted aye.

STREET DEPARTMENT Kelly Cearbaugh reported the curb and sidewalk enhancement project started and would be tied up with that for the next couple weeks. He advised they sent letters out to the residents letting them know what was going on. He was not sure when they would start pouring concrete.

OUTSIDE OPERATIONS Jeff Walker reported the Federal Highway Association has begun a new program that whenever the Feds provide local public agencies such as the City with grant money there was a new program in place that was meant to track their money to make sure it was being spent wisely and correctly based off of the provisions set forth and administered through INDOT. He explained one of the provisions was that it requires a certified representative of the local agency which he and Kelly were now Level I certified.

He advised he was approached by representatives of the Eagle Glen Golf Course regarding the course hosting the high school boys conference tournament this Saturday. He explained there was some concern about the parking as they had never hosted this before. He stated they had the primary lot and a secondary gravel lot across Hancock Farm Road and were requesting that as a last resort if they ran out of parking if they could park along the one side of the road that had been recently posted 'no parking'. He advised he contacted Chief LaRue and reported his concern was what criteria they use when they start doing exceptions to the ordinance and identify those to have a policy in place. He explained as far as the Chief was concerned the Board could act either way as long as emergency vehicles could get through but had the underlying concern. Captain Anspach advised his biggest concern was the fire department but with his department he felt if there was parking on both sides it would slow the traffic down. He suggested for criteria of allowing parking on a no parking zone would be during daylight time only. Mayor Fleck stated he was very hesitant to allow parking on both sides and felt there were other alternatives that people could park and walk. He stated if we do that, then with any event, there would be comments of 'well you waived it for them why can't you waive it for us?' and then would be back to the same problem we started to correct. Rosie pointed out they could request parking on both sides during the 4-H fair and agreed with the Mayor. Attorney McNagny stated just liability wise she agreed with the concern with emergency vehicles. Roger Seymoure did not see waiving the no parking. Jeff advised they were not sure it would be a problem but wanted to have something in place. Mayor Fleck felt at the present time they could not approve it. Jeff advised he would pass along the information.

ELECTRIC DEPARTMENT Larry Whetstone reported they completed their rerouting of the primary line in Heritage Place and continue with meter replacements. He advised they were about halfway finished with stump grinding for the season and put in a couple new services. He reported they were making preparations to move the poles back from the street from Morsches Lumber to the YMCA. He advised the First Baptist Church requested 1,000 amp services and

were making preparations to do that. He also reported they ran a water line overhead and down their poles at the corner of Ohio and Collins Street to provide temporary water service to the residents while construction was going on. He advised that was a first for him and his department.

WASTEWATER DEPARTMENT Mike Cook reported he received a call that one of their buildings where they keep the tractors and trucks had about 6" water in it from the storm on Friday. He advised they found the manhole was plugged with dirt and materials from the outside catch basins and were working to clean it up. He reported they have also been working on the older secondaries to get them back in operation. He advised Corporate Construction was on site to work on the influent box and the channels up to the fine screen.

Roger Seymoure questioned if any contact had been made with Donohue regarding this issue. Mayor Fleck advised him, Jeff Walker and Cecil Whitaker had been discussing it and were requested by Cecil not to send anything yet.

POLICE DEPARTMENT Brian Anspach reported two weeks ago they had a police car accident in Westgate and was notified the insurance company was going to total the car. Rosie advised the repairs were going to be about \$16,000 and the value was only \$13,000. She explained there would probably be about a \$6,000 difference for a new car and thought they would have to commit the money out of the unplanned projects. She advised Chief Petersen was getting prices from Trier's this week.

SIGN REQUEST – YORKSHIRE PUB - WEST VAN BUREN STREET Rosie Coyle reported Todd Simmers, owner of the Yorkshire Pub, asked for permission to place a sign in one of the parking spots for this weekend. She stated he was to be at the meeting today to explain the request. She advised in their conversation Mr. Simmers brought up the fact that Ball Furniture does it and another one down the street that does it. She explained she was going to notify those businesses that they need to request permission.

Captain Anspach thought one Mr. Simmers referred to was the Eagle's but they don't set theirs on the street. He advised no one has complained about Ball's because he doesn't put his in a parking spot because he has the unique situation by the alley where there's no parking. He stated the other one they had at the tattoo place the City made them move it off the street.

Mayor Fleck questioned what the sign was for. Jeff Walker advised it was to advertise the entertainment for the weekend. Mayor Fleck questioned if it would be permanent. Jeff advised it was strictly for this weekend. Mayor Fleck stated he would have different entertainment next week and questioned if he would want the same sign next week. Captain Anspach felt that was why they needed to see where they should stand with it.

Attorney McNagny questioned if Ball's was on their own property. Captain Anspach advised they were not and set the sign on the street. Attorney McNagny felt they did need to get permission according to the ordinance. Captain Anspach felt if it was granted there should be perimeters as to how long it would stay there. Attorney McNagny advised according to the ordinance it was 30 days and an extension could be requested.

Mayor Fleck questioned who it would affect, The Nook. Captain Anspach guessed it would be in front of Columbia House Interiors and would be close to the corner. Jeff Walker reported Mr. Simmers indicated to him that it would not be in a parking spot but would be in the yellow curbed area just west of the last spot right at the corner. Mayor Fleck advised there was a reason why that was yellow and had to do with safety.

Rosie stated if the Board wanted to give her direction she would call Mr. Simmers.

Attorney McNagny did not feel the Board could do anything because the ordinance requires the consideration of certain factors and if nothing is known about the sign she did not think anything could be done without Mr. Simmers being here to present it.

Discussion followed about enforcing the ordinance and requiring downtown businesses to get permission to put up temporary signs. Jeff suggested as the policy was being reviewed to consider not only from the curb out but also from the curb back. He stated if the street was restricted they would want to move it back on the sidewalk.

Mayor Fleck advised since there was nothing presented a vote would not be taken therefore the request would not be approved.

MAYOR INTERN Mayor Fleck introduced Scott Mawhorter as his intern for the next 6 weeks.

HOSPITAL WATER AGREEMENT Attorney McNagny questioned if the hospital matter had been resolved yet. Jeff Walker advised their legal counsel was still reviewing it. He felt they understood where the City was at with the issue but it was just not priority for them right now. He advised he would follow up on it.

NUISANCE COMPLAINTS – LINVILL Rosie Coyle reported she contacted Craig Wagner about the property. He walked the property and could not find any place for animals to be able to enter the house, did not notice any broken windows that had not already been boarded up and could not see any violation but advised he would occasionally check the property.

SEWAGE ADJUSTMENT – COMMUNITY GARDENS Rosie Coyle advised she met with Mike Dear and had Attorney McNagny review the adjustment requests.

Roger Seymoure questioned how they would be billed. She explained we would bill just like residential for the summer which would be based off of their April usage and would only be for their June through September billing. Roger Seymoure confirmed they would have to come back next year if they wanted to do the same thing. Rosie advised they would. Roger questioned if their April water usage was consistent with prior months. Rosie reported the April usage for the Interfaith Mission was 13,000 and the prior months were 11,000, 12,000 and 13,000 so their usage was pretty normal but the April usage for First Church of God was 57,000 with the prior month's usage ranging from 97,000 down to 43,000. She explained their average for the year was around 54,000. Mayor Fleck suggested taking the average for the 3 months prior rather than just the April bill since their activities vary.

Roger advised he talked with a Board member of the Lighthouse who thought they were just going to let the rain water the garden. He advised they would have to run a lot of hose to get from a spicket to the garden since it was at the bottom of the hill. Rosie reported they talked with Mike Dear about getting a hydrant meter but she suggested waiting until after this meeting. Roger mentioned checking with Niblock to see if they could hook up to them. He felt it would be a nice donation by them to a community operation. He advised there was a meter there already for Niblock. Rosie suggested having the Interfaith Mission hook up to the hydrant and there would be no problem or exceptions and for the First Church of God they could do the average.

Roger advised for the First Church of God he liked using the year average of 54,000 but suggested giving the Interfaith choices of either putting a meter on, ask Niblock to use their water or take the average.

Attorney McNagny felt it needed to be a part of the approval to discuss the community aspect of it. Rosie advised she would add that as # 6 on the adjustment form that it was a community benefit.

BILLS Mayor Fleck noted the electric bill appeared to be down considerably. He reported he met briefly with Buzz Krohn and he indicated that the Tracker would be considerably lower for the next quarter.

Upon the motion of Mayor Fleck second by Seymoure to approve the bills dated 5/22/09 in the amount of \$638,446.62, all voted aye.

Having no further business to come before the Board the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle