

BOARD OF WORKS
FRIDAY, JULY 24, 2009
8:00 A.M.

Mayor James Fleck – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Dawn Boggs – Present
Walter Crowder – Present
Roger Seymoure – Present

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

MINUTES Upon the motion of Seymoure second by Crowder to approve an overview of the July 10, 2009 as amended, all voted aye.

HABITAT – SEWER CONNECTION REQUEST This issue was tabled.

VEHICLE ISSUE – ONE STOP AUTO Rodney Sheets with One Stop Auto was present to discuss the junk vehicle and scrap ordinance.

Mike Petersen explained there were two businesses that dealt with scrapping motor vehicles. He advised one of his officers addressed, through the ordinance, having an accumulation of scrap and motor vehicles with no plates. He explained the problem was that the ordinance did not exclude automotive businesses from having vehicles on their property which do not have a license plate or are inoperative. He stated they technically would have those types of vehicles on their property every day. He advised he looked over the ordinance and the Board may grant permission on a temporary basis for the vehicle to be on private property but he did not want to have to return to the Board every week. He suggested amending the ordinance to make an exception for those businesses in the auto repair industry so that they can have those vehicles in an inoperative state. He stated if they were to have a huge accumulation of scrap or if someone were to start a junk yard then they would have to return to the Board on a case by case nature.

Rodney Sheets felt that would be fair.

Walt Crowder confirmed with Mr. Sheets that there had been times when repairs were made but the bill had not been paid so he would hold the vehicle. Mr. Sheets advised that was correct and had 2 or 3 right now. Walt confirmed if the vehicle was not his but on his property he was accountable for it. Chief Petersen advised that was correct. Walt questioned what happened when it's one or two years later and the vehicle is still there. Mr. Sheets advised that was the situation with a couple of them he had now. He stated he could get an abandoned title but it cost \$150 and the vehicles were not worth that much.

Mayor Fleck questioned Attorney Boggs if Mr. Sheets had a lien on a vehicle but did not own the vehicle who would be responsible to move it. Attorney Boggs felt it would be the owner's

responsibility but if Mr. Sheets was being held liable he could go after the owner of the vehicle for indemnity.

Chief Petersen advised Smith's Towing goes through the same problem and thought it may be a loss to them there was not a lot that could be done.

Mayor Fleck suggested keeping it between the owner and the business person where the City would not have to be involved. He wondered if the ordinance was going to be modified that they consider that being the issue. He felt in terms of public safety, etc. if the City could stay out of the situation in the sense of citing somebody we would be better off.

Mayor Fleck felt they could give a temporary extension but felt a time period needed to be determined. He felt Mr. Sheets needed to be given a chance to figure out what his options were.

A 60 day extension was suggested.

Roger Seymoure questioned if this would be for both businesses. Mayor Fleck felt they may as well.

Upon the motion of Seymoure second by Crowder to allow 60 days for the two locations for the vehicles that were cited for the owners of the businesses to move or discharge the vehicles, all voted aye.

Roger Seymoure questioned if Chief Petersen would be looking at the ordinance. Mayor Fleck advised that would be the next step for Mike to make recommendations to the Attorney to modify.

NIBLOCK INTERCEPTOR SEWER CLOSE-OUT Jeff Walker explained for several months they have had a challenge with close-out of the project. He advised he distributed to the Board the most recent letter from the consulting firm that provides the construction, management and inspection services on the project. He gave an overview of where the issue was. He explained there was misinterpretation between the parties about what constituted finishing the project. He advised in the eyes of the law a project could not be closed out unless the remaining items were put into a warranty phase rather than a non-complete phase. He stated the contractor thought because of the time of year seeding would not take without some real nurturing and asked to have the final restoration backed up to September. He advised in talking with Marcia McNagny and Ed Queen, representing Schneider Corporation, they felt since the seeding had been done twice and both attempts failed that it would not be a warranty issue. He stressed they were in need of closing the project out.

Jeff reported Sandra Jones put together a snapshot of where they were at; the issues, what was outstanding, potential costs for additional services and her interpretation of liquidated damage status based off of the completion date of May 29.

Jeff advised they had a couple ways they could go; hold them to this and wait until September for the seeding. Jeff did not feel this was a feasible option. He stated the contractor said if there

was a problem with waiting to close it out through the State they would reduce the contract by the amount they have remaining in their budget for the seeding. Jeff explained at that point it would revert back to the responsibility of the City to finish up the approximate 2 acres of seeding and he was not comfortable with that. He explained the third option would be to shift it over to a warranty item which at this point would be his preference. He explained Niblock had been responsive to our needs and felt this all came about because of a misunderstanding at the meeting on June 3.

Jeff explained another issue was the potential of having assessed liquidated damages to the firm from the May 29 period and continuing. He advised that was an issue he would leave up to the Board but because of the misunderstanding from the meeting it really should not be liquidated damages at this point. He explained from his standpoint because it was unintentional and was just seeding only he did not think it would be in anyone's best interest to assess it.

Mayor Fleck questioned how many residents were involved in this. Jeff explained there were just a couple residents affected by the seeding issue and the biggest area was along Frontage Road.

Walt Crowder confirmed the seeding had been done twice it just had not taken due to the climate and dry weather. Jeff advised that was correct and explained the first time there was a torrential downpour that washed everything away and caused considerable erosion and the second time they fixed the erosion and seeded and then it dried up. He stated they understand they will have to seed again. Walt questioned how many months the warranty was. Jeff stated everything was supposed to be a year but there were specific specifications for grass.

Roger Seymoure confirmed the recommendation was to move the remaining items to warranty items with no liquidated damages. Jeff advised that was correct.

Upon the motion of Mayor Fleck second by Crowder to take Jeff Walker's recommendation and place the remaining items on the punch list to a warranty and go ahead and pay under the contract as we have, all voted aye.

B & J RENTAL – BLOCK SIDEWALK REQUEST Jeff Walker advised he as well as the Board members talked with Brett about some of the concerns. He reviewed the diagram of what Brett's intentions were.

Walt Crowder confirmed Brett was doing the work himself. Jeff advised he was going to salvage all of the bricks he could and fill in the boarded up windows with the brick.

Walt questioned if the final blessing would come from the State. Jeff explained the State would only have involvement if it would encroach out into the driving lane. Walt questioned if he would be in the right of way. Jeff advised he was but the State was only concerned with something that would be permanent.

Roger Seymoure advised the Board could make their approval conditional to receiving approval from the State. Jeff stated that was what he would do.

Walt questioned the duration of time this would be blocked. Jeff reported he initially said 30-45 days. Mayor Fleck felt they should give him adequate time. Walt suggested 90 days from the time he starts and if he needs more time he could come back and request it. Mayor Fleck suggested setting a time specific date rather than a number of days.

Upon the motion of Mayor Fleck second by Seymoure to grant permission to close the sidewalk for a period not to exceed December 1, 2009 for the removal of the second floor and reroofing as presented to the Board subject to any State approval necessary, all voted aye.

PAY REQUEST – SES ENVIRONMENTAL – INV. 09FWC465 \$312.00 Jeff Walker explained the request was for preparation work at the former substation on South Chauncey Street. He advised everything was in order and recommended the Board act favorably in the amount of \$312.00

Upon the motion of Seymoure second by Crowder to approve Invoice 09FWC465 dated 06/30/09 in the amount of \$312.00 to SES Environmental as recommended by Jeff Walker, all voted aye.

PAY REQUEST – BURGESS & NIPLE – INV. 342161 \$81,957.79 Jeff Walker explained this was for work done on the South Chauncey Street Interceptor Sewer Equilization Basin project. He advised everything was in order and recommended the Board act favorably in the amount of \$81,957.79.

Upon the motion of Crowder second by Seymoure to accept Jeff Walker's recommendation on Invoice 342161 for \$81,957.79 as presented, all voted aye.

COMMUNICATIONS/IS DEPARTMENT Terry Wherry reported J & K was out to the MSF on Wednesday to do the rebanding of the radios and were at the Fire Department on Thursday. He advised everything went well.

Walt Crowder confirmed they received the new recorder for dispatch. Terry advised they had.

PARK DEPARTMENT Mark Green reported they started JFL registration and were still raffling off tickets for the 4-wheeler. He advised they were having issues with having enough toilets at Morsches Park as well as other issues with the bathrooms they were working on.

POLICE DEPARTMENT Mike Petersen reported overall 4-H went well as far as parking. He stated they did use the cones and were anticipating using more next year.

OUTSIDE OPERATIONS Jeff Walker reported cleanup on the former electric substation would be starting next Wednesday.

STREET DEPARTMENT Kelly Cearbaugh reported they have had the jet machine out cleaning lift stations. He advised Three River's Barricade completed the striping in town and reported Wigent's had the sanitary and storm sewer installed at Cheseapeake and they were

waiting on the 30 day settle time to air pressure the lines. He advised they had to fix a catch basin that collapsed at the cemetery.

Walt Crowder questioned if they were done painting curbs. Kelly advised they were not and still had the east side to do.

WASTEWATER DEPARTMENT Mike Cook reported Dixon Engineering would be in to do some inspections on the wet wells for the Main and Jefferson Street lift station project. He advised he and his guys have been working on some issues with the primary tank.

BILLS Mayor Fleck questioned if it would be difficult to provide the last 3 – 4 years history for the electric, particularly for the summer months. Rosie advised she could get copies of the bills.

Upon the motion of Seymoure second by Mayor Fleck to approve payment of the bills dated 7/24/09 in the amount of \$866,449.10 as presented, all voted aye.

MAYOR UPDATE Mayor Fleck reported a request had come in from a college student who was interested in interning without pay in the area of public safety.

Mayor Fleck advised there were some tree stumps issues that needed to be dealt with.

He reported the American Red Cross was sponsoring a 5K race and were asking for police departments, fire departments and cities to participate. He advised they needed 3 – 5 members per team and he had the sign up forms.

He advised he received an update on the grant application for the South Chauncey Street project and was moving on schedule.

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

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle