

**COMMON COUNCIL
TUESDAY, JANUARY 12, 2010
7:00 P.M.**

Mayor James Fleck – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Lindsey Grossnickle – Present

Council Members

Walter Crowder – Present
Nicole Penrod – Present
Don Sexton – Present
Roger Seymoure – Present
Daniel Weigold – Present

The Columbia City Common Council met in regular session with all members present, Mayor Fleck presiding.

MINUTES Motion was made by Weigold to approve an overview of the December 22, 2010 meeting minutes as presented, Penrod second the motion, all voted aye.

ANNUAL CHRISTMAS LIGHTING AWARD PRESENTATION Dan Weigold and Mike Cook presented awards to the lighting winners for 2009.

ELECTION OF COUNCIL PRESIDENT Dan Weigold nominated Walt Crowder to the position. There were no other nominations. All voted aye to appoint Walt Crowder as Council President.

JOINT ADVISORY BOARD – COUNCIL APPOINTMENT Walt Crowder reported that Don Langeloh currently serves on the Board and has agreed to stay on for another term. Walt made a recommendation to honor his wishes, all voted aye.

ECONOMIC DEVELOPMENT COMMISSION Walt Crowder advised Doug Fahl has been the Council representative and has agreed to stay on for another 4 years. Walt made a recommendation that Mr. Fahl continue to stay on as agreed, all voted aye.

POLICE DEPARTMENT Brian Anspach reported the new police car was out on the road and was assigned to Pete Yorg.

WATER DEPARTMENT Mike Dear reported they fixed a main break last week as well as a service line leak. He advised they fixed a fire hydrant on Business 30 due to an accident. He reported they were in the process of replacing the blower motor on the aeration tank.

STREET DEPARTMENT Kelly Cearbaugh reported they finished removing the snow piles from downtown and have been working on opening up the alleys as well as the catch basins. He advised if we get some good weather they will have the sweeper out.

WASTEWATER DEPARTMENT Mike Cook reported they had a pump failure at the 700 E. lift station and hoped to have it reinstalled by Thursday. He advised sludge mixer #1 stopped working and grit mixer #1 also stopped working but both fall under warranty items with Shambaugh. He reported the raw sampler pump burnt up and should have it back by Friday if not before.

ORDINANCE 2010 -1: AMENDMENT TO SEWAGE ORDINANCE FOR GREASE & FAT TRAPS – 1ST READING Motion was made by Penrod to read Ordinance 2010-1 by title only, Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2010-1 an ordinance amending Title V, Chapter 51, Sewage Service of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Seymoure to approve Ordinance 2010-1 as first reading, Penrod second the motion.

Austin Babb advised they started the grease trap inspection program last year for restaurants and businesses. He explained the ordinance would give them some ‘teeth’ to get processes changed if they find things are not being done right. Don Sexton questioned how the inspection routine would work. Austin explained he would do yearly inspections and would basically be the City representative to address any problems. Mike Cook explained since it also somewhat applies to storm water that it may be possible that a representative from Soil & Water could do the inspection process if we would not be available.

Roger Seymoure questioned with inspections from the past if there would be compliance issues. Austin advised he had not found anybody yet but some of the places the traps were old and undersized.

Walt Crowder questioned if a new restaurant starts up if we would go in and do an inspection to make sure the grease trap was sized appropriately. Austin explained that would fall under the building code and then he would inspect it after it had been in use. Walt questioned if there was a violation if there was a warning process and who would do that. Attorney Grossnickle explained in the ordinance under the definition of the POTW or the Publicly Owned Treatment Works it appeared to be the City. Mike Cook reviewed the violation and enforcement section. Walt questioned if they would have to make up citations to go along with the ordinance. Mike Cook advised they did not have citations per say but hoped there would never be anything more than a minor violation. Walt advised he was trying to understand who the enforcers were but it seemed to be multiple people. Mike Cook explained when it comes down to enforcement it would be the City. Walt felt it could be interpreted several ways. Mayor Fleck stated although the person citing could be anyone he felt if it was serious the Attorney would be engaged to make sure we were following the process.

Upon the motion, all voted aye.

ORDINANCE 2009-30: ONE SIDE PARKING – 2ND READING Motion was made by Seymoure to read Ordinance 2009-30 by title only, Weigold second the motion, all voted aye.

Clerk Treasurer Rosie Coyle read Ordinance 2009-30 an ordinance amending Title VII, Chapter 75, Schedule VI of the Code of Ordinances of the City of Columbia City, Indiana.

Dan Weigold advised he was informed by a resident on Carlyle Street that the mailboxes were on the west side of the road. It was suggested to change the wording in the ordinance from east to west on Carlyle.

Motion was made by Weigold to adopt Ordinance 2009-30 as second and final reading, Penrod second the motion.

The Ordinance was modified on Carlyle Street from the east side to the west side. Dan Weigold advised the hydrants were on the east side of the road.

Mayor Fleck advised the proposed Ordinance had been amended. Upon the motion, all voted aye.

MEMORANDUM OF UNDERSTANDING: WHITLEY COUNTY EMA AND CITY

Mayor Fleck explained in order to have an Emergency Management Agency it was necessary to have a joint agency that has a board pursuant to Indiana Code. He advised Cathy Broxon-Ball stated it was a requirement to have this and failure to do so would eliminate us for funding through FEMA.

Motion was made by Crowder to enter into the memorandum of understanding, Penrod second the motion, all voted aye.

RESOLUTION 2010-2: TRANSFER OF FUNDS Rosie Coyle explained at the end of the year any appropriations left in the City budgets can be transferred to the Rainy Day Fund. She stated there was \$100,000 left and recommended the Council transfer these funds into the Rainy Day Fund. Walt Crowder confirmed it was still controlled by Council and anything taken out had to have approval. Rosie advised that was correct and she would also have to go to the state for approval.

Roger Seymoure commended the department heads for simply not just spending those funds.

Motion was made by Seymoure to accept the recommendation of the Clerk Treasurer and transfer \$100,000 to the Rainy Day Fund.

Don Sexton questioned with respect to the 205 project where the City's 20% would come from. Mayor Fleck advised it would be over a 2 year period and the initial part we would be billed for. He stated the engineering fees were being paid for by Parkview but at some point there would be an evening up with respect to those funds and the monies will probably come from Unplanned Projects. He stated there may not be any cash depending upon the cost and the in-kind services but they would not know for 2 years.

Upon the motion, all voted aye.

CENSUS Mayor Fleck advised he had a Proclamation for the Council to present to Jennifer Ramono with the Census Committee.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle