

COMMON COUNCIL
TUESDAY, JANUARY 27, 2009
7:00 A.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
Dan Weigold – Present

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

MINUTES Upon the motion of Sexton second by Seymoure to approve an overview of the January 13, 2009 meeting minutes as presented, all voted aye.

PUBLIC HEARING ON SEWAGE RATE ADJUSTMENTS Mayor Fleck recessed the Council meeting at 7:05 p.m. and called to order a public hearing for the amendment of Section 51.32 Rates and Charges Fixed for Real Estate Outside City Limits.

Mayor Fleck explained the context in which the process would work. He stated those people who have septic systems along Business 30 who are residents or businesses have certain rules and regulations with respect to hooking into the public sewer system as their septic systems fail or need replaced. He advised the rates and charges, adopted for rural users, was in some ways very high in comparison to what other users pay. He reported a user brought this to the City and asked the rates be adjusted for the users in rural areas so they would be more fair and equitable and to also get clarification as to who would be mandated to be served by the rural line.

Mayor Fleck advised they contacted Attorney McNagny and attorneys in Indianapolis as well as the accountants who determine the rates and charges to see whether the rates could be adjusted. He explained it was the opinion of legal counsel and the accountant that the City did have the right to adjust the rates.

Mayor Fleck discussed the rates and charges in place and having adequate money to pay for all expenses related to the sewer line. He advised we were assured that the City did have sufficient operating rates to do that.

Mayor Fleck explained when the fees were established, and presumed to be just and equitable, there were no residences required to hook up so therefore there were no fees or charges to pay but by putting them into affect they found the charges were very high versus what other residents were charged within the system. He advised the fees must be based on one or more of the factors that were set forth in the Indiana Code that there is a flat charge for each sewer connection whether inside or outside of the corporate limits and secondly that there was an adequate calculation of the amount of water used on the property. He explained in the County we had sewer users only versus sewer and water users in town. He stated in the City the sewer rate was based upon the water rate. He advised the Council and accountants indicated that concept was fair but would be

difficult to justify a higher rate since they could not calculate how much water would be going into the sewer.

Mayor Fleck advised the upsizing had nothing to do with any residential user along the line.

Rosie Coyle explained the reason this was only residential was because commercial properties, even though they did not have water, were required to have a meter and were charged based on their usage. She advised residential did not have meters.

Dan Weigold questioned if it was just those along the corridor. Rosie advised there were only 3 residents this would affect. She stated there were people in the City limits that did not have water and they were paying the flat rate.

Mayor Fleck advised all the factors were considered and deemed by the committee consisting of Rosie Coyle, Walt Crowder, Attorney McNagny, himself, consultations with Umbaugh & Associates and Ice Miller.

Patty Cook explained their sewer went bad and were forced to hook into the City sewer at the cost of about \$12,000. She advised since then they had been stuck with an \$81 sewer bill every month. She felt the City, from this day forward, needed to be fair to the people and could not pick and choose who had to hook in. She did not feel there was any reason why they could not have fixed their sewer. Mayor Fleck understood but advised the City only set the rates and charges and it was the County Health Officer who makes the call on who has to hook in.

Attorney Grossnickle suggested Mrs. Cook talk with the County Council or Commissioners. Mrs. Cook felt they should either have to hook in or not hook in but not pick and choose. Mayor Fleck advised it was how the state law was written.

Walt Crowder advised as this was brought about there had been a lot of learning through the process. He supported Attorney Grossnickle's comment in talking with the Commissioners who were in charge of what happens with the rural decision. He felt it may be worth their while to share the challenges and what had transpired.

Mrs. Cook questioned if it was the laws of the State of Indiana that the Health Officer had to follow. Walt Crowder advised there were ordinances and state statutes that Mr. Wagner had to stay within the guidelines of.

Attorney Grossnickle felt the Cook's deserved an answer as to why they were required to hook in and others around them were not. She advised there had to be a basis as to why.

Mayor Fleck advised the City had limited authority and that was to set the costs. He advised the City was not soliciting customers nor did we want customers hooking on who were unjustly required to pay higher fees.

Dennis Cook questioned how they set the fees. Rosie Coyle explained the minimum was based on an average usage of 5,000 gallons per month which was set by the accountants. Mr. Cook advised they had their own well and all that would be going through the sewer would be the toilet. Rosie advised their rate would go down from \$81.60 to \$51.50. Mr. Cook did not feel it was right and explained a new house was put in just down the road

and they were not required to hook into the sewer and received a permit to put in a septic system.

Walt Crowder explained the only true way to pay for what was used was to put a meter on it but that was a high maintenance item due to the nature of what it was monitoring. He stated there were no sewer meters on any residential home in the City and they were monitored by how much water they used. He felt it unfortunate that they could not get to the level of paying for what was used but they were doing the best they could with what they had.

Mayor Fleck advised the ordinance was not just and was why they were making the adjustment. He explained they were trying to respond as quickly as they could and as fairly as they could under what they had to work with at the present time.

Having no further comments the public hearing was closed.

ORDINANCE 2008-26: AMENDMENT TO SEWAGE RATE ORDINANCE FOR RURAL USERS: 2ND READING Upon the motion of Crowder second by Weigold to read Ordinance 2008-26 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2008-26 an ordinance amending Title 5, Chapter 51, sewage service, of the Code of Ordinances of the City of Columbia City, Indiana.

Upon the motion of Sexton second by Penrod to adopt Ordinance 2008-26 for second and final reading, all voted aye.

Rosie confirmed this would go into effect on the next bill and would not go back. Mayor Fleck advised that was correct and did not think they had the authority to go back.

ORDINANCE 2009-1: ZONING AMENDMENT – PARKVIEW HEALTH SYSTEMS, INC – 2ND READING Upon the motion of Weigold second by Sexton to read Ordinance 2009-1 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-1 an ordinance amending the zoning classification of certain property from the “R-1” single-family residential zoning district to the “GB” general business zoning district.

Upon the motion of Seymoure second by Penrod to approve Ordinance 2009-14 for second and final reading, all voted aye.

ORDINANCE 2009-2: ONE SIDE STREET PARKING – 1ST READING Upon the motion of Weigold second by Sexton to read Ordinance 2009-2 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-2 an ordinance amending the Title VII, Chapter 75, Schedule VI of the Code of Ordinances of the City of Columbia City, Indiana.

Upon the motion of Seymoure second by Penrod to pass Ordinance 2009-2 as first reading.

Tom LaRue advised they would like to add Walnut Street south of Factory Avenue. He advised it was only about 15- 16 ft. wide and there were parking and traffic issues as well as plowing issues. Attorney Grossnickle advised she could have it added for 2nd reading.

Roger Seymoure questioned if the no parking was being moved from one side to the other. Chief LaRue advised that was correct. He confirmed the others were additions. Chief LaRue advised that was correct.

Nicole Penrod questioned why they were changing from one side to the other. Chief LaRue explained so parking would be on the opposite side of the fire hydrants.

Dan Weigold questioned if there was mailbox collection areas in Countryside. Walt Crowder advised they had mailbox locations for multiple boxes. Dan just wanted to make sure they would not get into a situation with that. Chief LaRue advised they would be mailing letters out to the addresses that would be affected.

Walt Crowder questioned if the owner of the trailer park had been notified. Chief LaRue advised he had not been in contact with him. Rosie suggested sending a letter to the owner as well.

Upon the motion, all voted aye.

FORMER SUBSTATION CLEAN-UP QUOTES Mayor Fleck advised the Council should have received bids for the clean-up of the old substation area to industrial standards. He explained the determination to clean-up to industrial standards was because it was in an area where there would not be any residential development. He advised the Council would need to make a recommendation to the Board of Works.

Upon the motion of Penrod second by Sexton to enter into an agreement with the lowest bidder for the clean-up.

Walt Crowder questioned what the total price would be. Mayor Fleck advised it would be \$49,138.26.

Upon the motion, all voted aye.

PUBLIC ACCESS CHANNEL Mayor Fleck advised he had several inquiries about public access television. He explained the City has a long term contract with Mediacom and part of the provisions in the contract was that the City would be entitled to access to a public channel for things such as meetings, school events and other events of public nature. He advised it also stated in the contract that Mediacom had to provide the equipment to make it happen. Terry Wherry advised the equipment was purchased and installed at the public library.

Mayor Fleck advised a committee consisting of Terry Wherry, Don Langeloh, Attorney McNagny, himself, representatives of the library and the school met several times to look at how to get started. He explained the more they talked about it the more they began to understand how complex the whole issue would be with respect to public access television. He advised issues were liability, cost and the number of residents who could actually access the channel. He explained in knowing that over 50% of the residents would not be able to access the channel it was determined the service would be rather expensive and was not worth moving forward.

Mayor Fleck advised if the Council would like to open it up and pursue it further there was no reason why it could not be but at that time it was determined it was not a wise use of public funds.

Dan Weigold felt the benefit versus cost did not seem to equal out but felt there was a lot of positive things that could happen with it. Mayor Fleck advised that was just for the first year and it was a trial year. Dan questioned if there was a way to investigate a webcast. Mayor Fleck advised they could and felt it would be good but they would have to make the determination of cost benefit. Dan asked how to get the ball rolling on that. Mayor Fleck advised we had a department that was about technology and could investigate it. Terry Wherry thought it would be similar to how the meeting minutes were digitally placed on the City website now. Mayor Fleck advised there would be costs involved but felt it was worth investigating. He explained when we received that equipment it was at no cost to the City and it was being unused. Terry mentioned how out dated the equipment at the library might be and felt it would be a good idea to use the internet.

FIRE DEPARTMENT Tom LaRue reported he spoke with the Mayor in reference to their skid unit which is used for grass fires, remote fires, etc. He advised it was discovered the engine was shot and the pump was no longer usable. He explained they were getting prices to repair it but also to replace the unit.

Roger Seymoure confirmed they had won the unit at a show. Chief LaRue advised they had about 10 years ago. Roger questioned what the unit did. Chief LaRue explained it was a unit that held water and had a small pump and self contained motor that slides in the back of the pickup and is used for grass and brush fires or when the big trucks could not be taken off road. He advised it has been a very valuable tool to them.

COMMUNICATIONS/IS DEPARTMENT Terry Wherry reported they continue to work on the rebanding program for the City radios. He advised the tornado sirens were back up to speed after suffering from battery damage in the past 30-60 days due to weather. He reported he met with Kathy from EMA on the 800mghz regarding applying for more grant money to get additional equipment.

STREET DEPARTMENT Kelly Cearbaugh reported they started working with the Electric Department on the tree removal list. He advised they sanded the alleys and filled some potholes.

ELECTRIC DEPARTMENT Larry Whetstone reported they were trimming trees as well as working on the Tree Board list. He advised they put in a couple more underground services.

Walt Crowder questioned if there was interest in the wood. Larry advised there were several people who have called interested in the wood so have had no problem getting rid of it but they did have a mountain of wood chips.

POLICE DEPARTMENT Brian Anspach reported they hope to have Trey's vehicle back in service by the end of the week first part of next week. Rosie inquired about Shad's vehicle. Captain Anspach was not sure where that one stood but the damage was minimal. He advised he would look into it. He reported they ordered 2 more tasers to phase into the department.

Rosie Coyle questioned if they were still using the speed monitor. Captain Anspach advised he had not been using during the winter weather.

BOY SCOUT – TROOP 86 Jeffrey Hoag introduced himself and advised he was present so that he could earn one of his merit badges in Scouts. He stated he was a star scout working to be a life scout and was 12 years old.

COMMUNITY SERVICE SNOW REMOVAL Mayor Fleck reported the Community Services workers had been removing snow off of sidewalks particularly on the major streets. He advised it was not a free service to everyone but did want to assist those who were unable to do it. He advised it was a great service and was greatly appreciated.

COUNCIL APPOINTMENTS Walt Crowder advised there were some appointments that needed to be made to the Redevelopment Commission. He asked to have recommendations by the next meeting.

GRANT MONEY Mayor Fleck reported the state would be receiving an additional \$93 million because of the flood in early summer. He advised there were certain counties affected and Whitley County was one of those. He stated it would allow us to participate in applications for grants that would affect the City. He advised he completed the survey and turned it in describing improvement projects that may or may not qualify.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle