

**COMMON COUNCIL
TUESDAY, MAY 11, 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
Donald 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 Seymoure to approve an overview of the April 27, 2010 meeting minutes as presented, Penrod second the motion, all voted aye.

AMENDMENT TO THE SUBDIVISION ORDINANCE David Sewell was present with a favorable recommendation from the Columbia City Planning Commission on a amendment to the subdivision ordinance specifically dealing with curb ramps in the sidewalk improvement section. He stated they did not have any section regarding the detectable warning surfaces for the visually impaired. He explained they made some minor amendments making reference to those improvements. He advised the Plan Commission held a public hearing and voted 8 – 0 for a favorable recommendation.

Nicole Penrod questioned if this was for new subdivisions. Mr. Sewell advised it was as well as any repairs or reconstruction.

ORDINANCE 2010-13: AMENDMENT TO SUBDIVISION ORDINANCE – 1ST

READING Motion was made by Sexton to read Ordinance 2010-13 by title only, Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2010-13 an ordinance amending the subdivision ordinance of Columbia City, Indiana amending Chapter 4 requirements for improvements, reservations and design, sidewalks and curb ramps and Appendix A, figures of design details.

Motion was made by Crowder to accept Ordinance 2010-13 for first reading, Weigold second the motion, all voted aye.

OCRA GRANT Mayor Fleck advised in order to comply with the Brownfield and Economic Development Grants we were required to have Council approval.

Alan Tio advised he had two separate memos to review. He stated the first referenced a company interested in the acquisition of the C.F. Gomma property. He explained as part of the

incentive package they were putting together the Office of Community and Rural Development has a program where they can pre-award dollars to support equipment purchases by the company so they can meet their job creation goals but then pay the money back. He stated in moving forward with that application it does require the City to apply for the dollars which would then be passed through to the recipient company. He advised there was a deadline to complete the application of July 1. He did recommend moving forward and provided a resolution for consideration. He stated since there was no matching part to the grant he recommended striking the second part of the resolution.

Mayor Fleck stated when this was previously discussed it was clear the City would have to be the applicant because Block Grant's only go through governmental units.

Walt Crowder confirmed \$125,000 was the amount for the potential buyer to use. Mr. Tio advised that was correct. Walt questioned what happened with the money if there was not a buyer. Mr. Tio advised the money would not be disbursed. Walt confirmed if there was a buyer they would have documents to sign stating they would pay the money back. Mr. Tio advised there were. Walt confirmed the longest we could hold the money was 18 months and if nothing transpires it returns. Mr. Tio advised that was correct.

Walt Crowder questioned who the money was controlled by. Mr. Tio explained the funds would be disbursed to the City and then passed through to the company. He recommended having the companies provide copies of invoices showing they bought the equipment they said they would. Rosie Coyle questioned who would monitor that. Mr. Tio advised the grant administrator. Mayor Fleck questioned if we would need someone in addition to Rosie. Mr. Tio advised it does require a certified grant administrator.

Attorney Grossnickle felt the resolution looked fine but directed the Council to strike the second paragraph referring to the \$125,000.

Motion was made by Sexton to accept the resolution titled Resolution Authorizing Application Submission and Local Match Commitment and to strike item #2, Weigold second the motion, all voted aye.

Mr. Tio provided an update on the EPA grants; one for petroleum based assessments and one for hazardous substances assessments for a total of \$400,000.00. He explained the process involved finalizing the paperwork side of things by June 1; pre-qualifying 2 – 3 different consultants that would be available to work with the City on the individual sites; inventorying the exact list of sites to be looked at and then approving the plans for each site. He recommended putting together an informal task force to coordinate some of the day to day things.

Mayor Fleck advised he had asked Don Sexton to serve on the task force as well as Kevin Snell who also serves on the Redevelopment Commission. He stated their task was to come up with the priorities in terms of which Brownfields we analyze.

Mr. Tio advised we would be able to access the funds on July 1.

Walt Crowder questioned if the timelines fall in line with the potential buyer. Mr. Tio advised they did.

Motion was made by Penrod to authorize the Board of Works to enter into an agreement for an administrator and have paperwork done by June 1, 2010 including writing the grant, Weigold second the motion, upon the motion, all voted aye.

FLOODING – EAGLE GLEN Nicole Penrod reported flooding issues on Eagle Glen Trail were brought up at their Association meeting. She advised Kelly Cearbaugh already looked at it.

Mayor Fleck questioned Kelly Cearbaugh when they might be able to schedule that type of work. Kelly advised they had already started the repair work and needed to wait for it to dry up to finish the one part. He stated weather permitting they would probably work on taking out that section of road and would also work on the side ditch to help with the drainage.

Mike Sedor questioned if this would be permanent so when they snow plow and grate along there it would not get covered over. Kelly advised they would try to maintain the berm better and keep it so it will flow into the ditch like it is supposed to.

Nicole Penrod advised another issue was traffic control. She explained one of the residents was going to write a letter and thought they would be asking for stop signs. She stated they did mention speed bumps but the Mayor advised that would not happen. She advised they also were inquiring about Children at Play signs but it would all come in the letter. Mayor Fleck stated at that point they would have Kelly, the Police Chief and Fire Chief research that to see what the appropriate action would be.

COMPLIANCE WITH STATEMENT OF BENEFITS – STAFCO – REAL ESTATE

Rosie Coyle advised as far as the real estate they were fine but they were down in the number of employees from what they were.

Motion was made by Penrod to grant the tax abatement for STAFCO for the coming year and to find them substantially in compliance, Sexton second the motion, all voted aye.

COMPLIANCE WITH STATEMENT OF BENEFITS – STAFCO – PERSONAL

Rosie Coyle explained the only thing that was not up to what was actually submitted was the employees. She stated they were at 18 and were currently at 15 employees.

Motion was made by Seymoure to approve STAFCO as substantially in compliance with the abatement, Weigold second the motion, all voted aye.

EMERGENCY ROUTE – OLD SETTLERS Tom LaRue advised he had received several phone calls from individuals on the route with concerns with reference to the parking. He stated he had been working with Rosie on a letter and have been around to talk with business owners to get permission for people to park in their parking lots. He advised pending approval they do have it worked out for the homeowners to have parking during that time.

Mayor Fleck questioned if they would need to make it into ordinance form. Attorney Grossnickle advised if we wanted to be able to issue tickets we would need some sort of backing for it. Mayor Fleck asked Chief LaRue and Chief Petersen to meet with Attorney Grossnickle and have something for the next meeting since Old Settlers was quickly approaching.

POLICE PARKING – CHAUNCEY STREET Rosie Coyle advised Attorney Grossnickle prepared an ordinance regarding the additional police parking in front of City Hall. She stated she held up on it because it was unsure what was needed. Mayor Fleck felt they needed to hold it and think it through a little more.

Attorney Grossnickle advised signs were in place but not to issue tickets.

Attorney Grossnickle asked the Council to look at Ordinance 71.03 (D) & (E) she stated that was where the ordinance would be modified if they did add additional spaces. She advised in starting the ordinance she found they did not make sense or repeat each other. She asked the Council to look at it and advise her how they would like it changed.

PARK GRANT Mayor Fleck advised the Park Board applied for a DNR grant for the bridge project and a multi-use trail up to a place next to the Demoney-Grimes property. He stated the amount of the grant application was \$150,000 and required a local match. He advised as part of the project there would be water access at about the bridge and that was included in the grant application. He stated at the present time we had to improvise with respect to the local match and there were several foundations and groups who said they would contribute money.

Roger Seymoure questioned what the percent was. Mayor Fleck advised it was 80/20.

Don Sexton questioned if there was a time table. Mayor Fleck did not know what it was.

LIGHTING GRANT Mayor Fleck advised Electric filed for a \$250,000 grant to switch lighting to LED. Larry Whetstone advised there was a significant savings to switch from the Cobra head to the LED bulbs.

Roger Seymoure questioned if the savings was nearly as good as the stop lights were. Larry advised it would be very similar.

ORDINANCE 2010-12: AMENDMENT TO GOLF CART ORDINANCE – 1ST READING
Motion was made by Sexton to read Ordinance 2010-12 by title only, Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2010-12 an ordinance amending Title VII, Chapter 73, Section 73.39 of the code of ordinances of the City of Columbia City, Indiana.

Attorney Grossnickle advised Walt Crowder brought it to her attention that in the ordinance as far as what equipment needed to be on a golf cart, brake lights were not included and asked that the ordinance be amended to include them.

Motion was made by Seymoure to approve Ordinance 2010-12 for first reading, Weigold second the motion, all voted aye.

ORDINANCE 2010-11: AMENDMENT TO ANIMAL CONTROL ORDINANCE – 1ST

READING Motion was made by Crowder to read Ordinance 2010-11 by title only, Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2010-11 an ordinance establishing provisions for animal control and safety within the city limits of the City of Columbia City.

Motion was made by Seymoure to approve Ordinance 2010-11 for first reading, Penrod second the motion.

Rosie Coyle explained they were having a lot of problems trying to enforce the animal ordinance. She advised it was drafted off of sample ordinances and was so strict. She reported she and Attorney McNagny had been working on it to get some things changed and the amendments were highlighted in the packet.

Roger Seymoure questioned if people realize certain types of dogs had to be registered. Rosie advised they did not.

Dan Weigold questioned by taking away the habitable escape proof dwelling would it open us up for something. Attorney Grossnickle advised the ordinance states that the animal would be under the control of the master or owner we were just not defining exactly what it had to be kept in. Roger Seymoure stated it would not remove the responsibility of the owner to control their animal. Chief Petersen advised they could use the State statute which would allow us to quarantine or take the animal and then the owner would have to apply to the court to get it back.

Upon the motion, all voted aye.

WASTEWATER DEPARTMENT Mike Cook reported the overhead crane repair was going to be about \$725 cheaper than what they originally estimated. He also reported he had 2 homeschooled families tour the plant.

POLICE DEPARTMENT Mike Petersen distributed a speed sign report from when it was posted in the alleyway between Walnut & Oak Streets. He advised the highest speed recorded in the nine days was 23 – 24 mph and the average speed was 6.9 mph. He stated he would like to start by relocating the stop signs and possibly the two yield signs that were already in place and then report back in 2 weeks.

WATER DEPARTMENT Mike Dear reported they took 40 lead and copper samples as a follow up test from the lead test 2 years ago that was high. He explained if these samples come back ok they could go back to testing every 3 years rather than every 6 months. He advised they had to change a fire hydrant on Jeffrey Drive and fix one on 500 E. that someone ran into.

Mayor Fleck questioned when we were up to have the towers repainted. Mike advised they should be in sometime this summer to do the cleaning and inspections to see what is needed and

2 of the 3 tower contracts expire at the end of this year and would be up for renewal. Walt Crowder questioned if that was something that would be put out to bid. Mike advised it was not really something they put out to bid as there were only one or two companies in the United States who do it. He stated the company we originally signed with sold to another company so was waiting to see what they do. Roger Seymoure questioned how often they paint the towers. Mike stated they try to keep everything touched up but if it gets bad enough they will do a complete repaint.

ELECTRIC DEPARTMENT Larry Whetstone reported the company interested in the CF Gomma property met with him to lay out some lights they would like to have turned on. He reported they were working in the Brennan Addition to get the lines underground. He advised they had 48 shut offs for this month. He explained Kilgore Manufacturing received a contract and will doing a lot of production which will require a bigger 3 phase service. He advised they would be taking bids to have the country poles checked to see the conditions of them. He reported they were replacing insulators on the poles.

COMMUNICATIONS/IS DEPARTMENT Terry Wherry reported he continues to monitor the new wireless units between City Hall and the Wastewater facility. He advised the bandwidth has been great and were running at maximum speed.

STREET DEPARTMENT Kelly Cearbaugh reported they have had the jet machine out cleaning the west central part of town. He advised he met with Niblock at the fire museum and they anticipate getting the surface on this week. He stated he was waiting on a few more signs and then the sign replacements would be complete. He reported the city wide trash pickup would be June 12 for the west side and June 19 for the east side.

FIRE DEPARTMENT Tom LaRue thanked Kelly Cearbaugh for helping out with the paving at the fire museum.

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

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle