

**COMMON COUNCIL
TUESDAY, MAY 12, 2009
7:00 P.M.**

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

Council members

Walt Crowder – Present
Nicole Penrod – Present
Don Sexton – Present
Roger Seymoure – Present
Dan Weigold – Present (late)

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

**PUBLIC HEARING: LTCP PHASE IIA PROJECTS – CHAUNCEY STREET
INTERCEPTION PROJECT**

Mayor Fleck recessed the Common Council meeting and opened the public hearing concerning the Long Term Control Plan Phase IIA of the wastewater project called the Chauncey Street Interceptor Project. He turned the meeting over to Engineer Glen Morrow with Burgess & Niple.

Glen Morrow distributed two exhibits to the Council for review. He discussed the first exhibit of the Pipeline Location Map that showed where the new sanitary sewer would be placed. He advised the idea was to try and separate the sanitary sewer from the storm water flows and get as much as possible to the treatment plant. He explained once it gets to the treatment plant they would use an equalization basin that was shown on the second exhibit. He continued to explain the route of the pipeline.

Mr. Morrow discussed the second exhibit showing the equalization basin and explained how the basin would operate. He advised the flows would go through screening, aeration, chlorine and disinfection.

Mr. Morrow distributed a preliminary plan cost summary. He explained it was based on interceptor sewer plans that were about 95% complete. He advised they were waiting on a few final details to finish up the design. He explained it was also based on 50% design for the equalization basin and hoped to submit a 75% set of plans to Jeff Walker or Mike Cook this week or early next week. He explained the reason they were trying to get it done so quickly was to meet the dates listed under the 6.4 Participation Schedule of Activities. He stated they anticipate approval of the Preliminary Engineering Report at the May 29 meeting; they would go through the process and look to start construction on December 31, 2009. He advised we were slightly ahead of schedule of what was promised to IDEM so if something were to happen or the project was delayed for several months we would be fine.

Mr. Morrow explained the Preliminary Engineering Report also called a PER was compiled to comply with Indiana State Revolving Loan Fund Requirements so if the City chose to fund some or all of this project through the SRF program it was their belief that it would be accepted by the State. He advised they would submit it when the project was done. He reported they had submitted it once with anticipation of receiving some stimulus package money but it was not selected for the first round. He felt it was prudent to get this before IDEM as quickly as we could. He explained in talking with the SRF folks they mentioned the projects selected were shovel ready which was really the difference between the projects selected and those that were not.

Mayor Fleck stated if we would not get financing for Phase II with SRF we would have the option to slow the project to see if we could qualify for another round. He advised we

were notified that there was progress with respect to the project in terms of another grant that involves the Flood Water Funds.

Hearing no further comments or questions the public hearing was adjourned and the City Council meeting was re-adjourned.

Dan Weigold now present.

MINUTES Upon the motion of Sexton second by Penrod to accept an overview of the May 12, 2009 meeting minutes as presented, all voted aye.

RESOLUTION 2009-9: SIGNATORY AUTHORIZATION Mayor Fleck explained pursuant to the public hearing they just had the Council needed to adopt pursuant to the procedure a resolution with respect to authorization to proceed. He stated there were two resolutions one being the Signatory Authorization allowing the Mayor to sign the necessary legal documents with respect to the project as it proceeds and the second was an acceptance resolution that says there was sufficient evidence to proceed pursuant to the law.

Upon the motion of Crowder second by Seymoure to accept the resolution 2009-9 as presented, all voted aye.

RESOLUTION 2009-10: PER ACCEPTANCE RESOLUTION Mayor Fleck explained this was the acceptance resolution which accepts the evidence presented and asks the project be moved along.

Upon the motion of Sexton second by Penrod to accept Resolution 2009-10 titled PER Acceptance Resolution, all voted aye.

ORDINANCE 2009-8: ONE SIDE STREET PARKING Tom LaRue reported the Committee met 3 weeks ago. He advised he and Kelly Cearbaugh had driven around and looked at the streets themselves as far as where mailboxes were versus the hydrants. He explained in the ordinance parking would be on the opposite side of the mailboxes. He advised a lot of the streets had gravel pull-offs for off street parking on the side that would be no parking. He explained it was his and Kelly's as well as the committee's belief that those would be grandfathered in as long as they were parked off of the street.

Roger Seymoure questioned Attorney Grossnickle if she agreed with having the off street parking. She thought it would be ok but questioned if someone had talked to the police department about it just to make sure no one would be ticketed. Chief LaRue advised he had not made a specific point to talk to them but believed there was a situation before that had been run by Chief Petersen and was ok'd by him so assumed the rest would fall in line with that.

Walt Crowder questioned if letters had been sent to residents affected. Chief LaRue advised there was but he had not received any feedback from it. Roger Seymoure advised he received one call from a resident in Rolling Hills that wanted no parking restrictions at all. Dan Weigold advised he had not received any yet.

Chief LaRue reported he did have a resident stop in to request adding Collins Street. He explained it was above 26 ft. and would not be added to this ordinance.

Mayor Fleck explained to those in attendance the background and purpose of the Parking Committee. Daniel Simmers felt Madison Street may be a possible problem for emergency vehicles. Chief LaRue explained with the measurements they had Madison Street was 26 ft. or above and those streets were not being addressed at this time. Mayor Fleck asked Chief LaRue to check into the situation.

Upon the motion of Weigold second by Penrod to read Ordinance 2009-8 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-8 an ordinance amending Title VII, Chapter 75, schedule VI of the code of ordinances of the City of Columbia City, Indiana.

Upon the motion of Crowder second by Seymoure to accept Ordinance 2009-8 as first reading, all voted aye.

COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY:

WARNER ELECTRIC Rosie Coyle advised the number of additional employees was estimated at 91 but they were only at 46 right now. Walt Crowder pointed out on the personal property they show having 126 employees. Rosie compared numbers from past years and advised it looked like they lost quite a few employees.

Dan Weigold suggested having someone present to explain the numbers. He advised he would like to hear from those actually requesting the abatement so the Council knows what is going on. He asked to table this until the next meeting.

Mayor Fleck questioned if these go to the County first. Rosie advised it was reviewed by the City first.

Upon the motion of Penrod second by Seymoure to table the issue until the next meeting and request representatives to be present, all voted aye.

Mayor Fleck suggested having the DLGF be present at the next meeting as well.

ORDINANCE 2009-7 AMENDMENT TO HANDICAPPED PARKIGN – 2ND

READING Mayor Fleck advised this had to do with the doctor's office on Market Street.

Upon the motion of Penrod second by Sexton to read Ordinance 2009-7 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-7 an ordinance amending Title VII, Chapter 75, Schedule IX of the Code of Ordinances of the City of Columbia City, Indiana.

Upon the motion of Seymoure second by Penrod to approve Ordinance 2009-7 as second and final reading, all voted aye.

Mayor Fleck questioned if the City was responsible for putting up the proper signage. Kelly Cearbaugh advised we were.

NUISANCE COMPLAINTS – SIMMERS Bec Simmers was present to discuss the Linville property at 605 E. Van Buren Street. She expressed her frustration with condition of the house, the rodents and the high grass. Mayor Fleck agreed but advised each offense requires the City to follow the ordinance and explained the process. Walt Crowder advised the Building Inspector and Health Department would need to be involved with some of the issues.

Rosie Coyle advised she would be glad to contact the building department and let them know of the complaints on the condition of both the house and daycare building.

Mrs. Simmers presented another issue in that their neighbor put up fence posts 4-5 years ago and advised a portion of them were on their property. She advised the fence posts were starting to fall over and they would like them removed. Attorney Grossnickle advised that would be a property owner's dispute. Mrs. Simmers advised they already went through a lawyer. Attorney Grossnickle questioned if there was resolution. Mr. Simmers advised the posts did not meet City code. Attorney Grossnickle explained if it was a violation of an ordinance that was one thing but as far as it coming over onto their

property it was a private matter. She advised we could check into it. Dan Weigold questioned if that would be an issue for the Planning & Building Department. Walt Crowder stated if it was a civil matter the court would handle it.

Mayor Fleck asked Attorney Grossnickle to look into the status and get back with the Simmers on how they should proceed.

Mr. Simmers brought up another issue regarding a ditch by their house. He advised Jeff Walker was aware of the issue and explained there was a ditch by their house that when there is a big rain it floods their front yard. Walt Crowder asked for their address. Mr. Simmers advised it was 1200 W. Business 30. Jeff advised they have worked on it before but it may need additional attention. Kelly Cearbaugh explained cleaning it out helped for a while before but would check it.

Mrs. Simmers reported the last thing they had was regarding a speed trap out their way. She explained her husband got stopped for going 35. She advised there was no reduced speed from 45 to 30. Mayor Fleck advised he would bring it to the police attention to look at. The Simmers reported they were out there every night. Mayor Fleck questioned if it was different officers or the same one. The Simmers advised it was the same one.

WASTEWATER DEPARTMENT Mike Cook reported he should have the completed contract for the recycle station shortly and would start soliciting bids for that project. He advised they were also working on amending the Sewer Use Ordinance for sampling and testing fees. He reported Eric Arter passed his exam and was now a Certified Operator. He advised they were continuing with interviews.

STREET DEPARTMENT Kelly Cearbaugh reported his newest employee had been training to take his CDL test and has successfully passed. He advised brush pickup was last week and have replaced two catch basins and Elm and Spencer Street.

ELECTRIC DEPARTMENT Larry Whetstone reported they started with stump removal and put in 2-3 new services. He advised they continue with tree trimming and had 61 disconnects for the month. He reported they moved a primary at Heritage Place and continue with meter replacements.

OUTSIDE OPERATIONS Jeff Walker reported the contractor had been in working on the Humbarger Drain just off of Towerview Drive and announced that it was working marvelously. He advised he and Gene Haskins have been working on the storm water program trying to get into compliance for the audit by IDEM. He reported he had been fielding questions and concerns regarding the interceptor sewer and force main restoration.

WATER DEPARTMENT Mike Dear advised they worked on meter settings at Heritage Place and Chesapeake; changed out a valve at Ellsworth and Madison Street and fixed service line leaks at Elm and Spencer and Morsches Park. He reported the aeration tank had a couple more days to cure before putting water back in and was a little more work to be done on the outside. He advised he had been working with Bonar Group on the plans for the Main Street water main relocation.

Mayor Fleck reported Mike agreed to lead the Green Committee to become more environmentally friendly, conserve energy and reduce costs. He advised we would also set up an educational program to share with the public.

FIRE DEPARTMENT Tom LaRue reported the grass rig was now in service. He thanked Randy Jordan for helping.

PARK DEPARTMENT Mark Green advised it was a crazy time at the park with having baseball, softball and high school games. He reported on the Heartbeats Festival

and felt it was good experience for everyone involved. He thanked the Water Department for fixing a leak at the drinking fountain at the T-ball fields. He discussed the new programs that would be starting. He reported on the new park drive and advised they would be putting in more speed bumps. He advised they were replacing the bathroom doors at DeVol Field. He reported on the pool inspection and advised the Splash Pad was scheduled to open June 1 and would have the same hours as last year of 12-8 Monday – Saturday and 12-6 on Sunday. He thanked the Fire Department for rinsing off sidewalks with their new grass rig.

STATE BOARD OF ACCOUNTS AUDITS Walt Crowder reported he received a letter from the State Board of Accounts letting Council know that they were doing the annual audit with the City.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle