

COMMON COUNCIL
TUESDAY, DECEMBER 22, 2009
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 Weigold to approve an overview of the December 8, 2009 meeting minutes as presented, Seymoure second the motion, all voted aye.

WASTEWATER DEPARTMENT Mike Cook reported they were working on the CSO update for IDEM, continue with grease trap inspections and started working on their annual sludge report.

FIRE DEPARTMENT Tom LaRue reported they were bagging candy to give out on Christmas Eve.

AMERICAN STRUCTURE POINT, INC.: LPA CONSULTING CONTRACT (SR 205)
Jeff Walker gave a brief overview on the status of the project.

Scott Crites with American StructurePoint reviewed the scope of the project. He advised there was no design on the project yet but walked the Council through a rendering of what it might look like. He explained there would be a 4 lane section with 2 of the lanes dedicated for through traffic only and the other 2 would be dedicated as turning lanes. He stated this could change based on the design and once they look at the traffic impact. He reported Towerview Drive would remain where it was but the Morsches Park entrance would be relocated to make one intersection and the Library entrance would remain at the same location. He advised the traffic signal at Towerview Drive had been eliminated as well as a traffic study. He stated one thing that had been added was a pedestrian tunnel to go under SR 205 and would be looked at further as the design progresses.

Mr. Crites reported American StructurePoint developed a project budget and would be refined as they get into the design process. He stated the budget they have right now is \$5.3 million which included everything needed to construct the project. He reported the City has been awarded a \$2.9 million Group 3 grant from INDOT to use towards the project. He explained the \$2.9 million along with any additional grant money that may be awarded from INDOT plus the 20%

local match would make up the total \$5.3 million budget. He advised based upon the \$2.9 million from INDOT there was a shortfall so they submitted a request for additional Group 3 funding on November 23 for approximately \$1.3 million. He stated it was uncertain at this point on whether the funds would be awarded but have discussed it with INDOT and they did look favorably upon the project. He advised they set a date of January 22 to award the funding.

Mr. Crites explained this was a Federal 80/20 project and based upon the \$5.3 million project budget they had, the local dollar contribution would be \$1.057 million which would be split between the City and Parkview. He advised Parkview has committed to contribute up to \$1.2 million to the project which means the City would pay less than the 20% match required to pay.

Mr. Crites advised they would like to start construction in late summer or early fall of 2010 in order to meet Parkview's timeline. He stated it would be a very fast track project.

Mr. Crites noted that if the City decides not to do the project the \$2.9 million would have to be given back to INDOT.

Dan Weigold questioned if the tunnel was factored into the \$5.3 million. Mr. Crites advised it was. He stated as they go through the project they would look at ways of saving money and costs.

Dan Weigold mentioned one of the departments suggested one way of saving money was to have the City do some of the work. He questioned if it was possible that our own departments could do that. Mr. Crites advised they touched base with INDOT on that issue and felt that was something the City would have to contact INDOT directly once the project gets started. He felt there definitely needed to be further discussion with INDOT to see if that would be a possibility. Dan questioned if there had been a cost estimate to see what the savings might be. Jeff Walker did not think there had been to this point. He explained with these types of projects sewer and water were typically part of the construction phase done by a general contractor. He stated at an early coordination meeting the idea was brought up and INDOT did not look favorably on having us do our own work. He advised we could approach it again but it did not sound too promising.

Dan Weigold questioned if it was really necessary to relocate the water lines. Mayor Fleck advised they were not reducing the width of the road but it would not be as wide as originally hoped. He stated the stakes out there were only Parkview's part of the project, we had to stop to get the environmental and acquisition of easements. He explained there were certain sequences that had to be done and if it is done out of sequence then the items that are match eligible are no longer eligible. He advised those were both reimbursable and could go towards the match. Dan felt it was important that the public hear these things so they can better understand. Mayor Fleck agreed. He stated the problem in all of the discussions was the complicated nature of Federal money sent through the State for a state road. He advised the utilities had to be outside of the paved portion of the road. Dan understood but in looking out there he thought there might be a possibility the utilities would not be under the proposed paved roadway. Jeff Walker advised for this project they would not allow any utilities to be under the paved area. He understood they would have to dedicate a new easement and all the utilities would go in that easement.

Roger Seymoure questioned if there was going to be a left center lane for turning. Mr. Crites advised that could be a possibility but it was not set up in this rendering. He stated that was something they would look at in design to make sure everything would accommodate the traffic needs.

Walt Crowder questioned if they were on schedule with the deadlines. Mr. Crites advised at this point they felt they were but it was very tight.

Dan Weigold felt it was a little scary not knowing if we were going to get the \$1.3 million grant. He stated he did not want to enter into an agreement and then not have the funding. Jeff Walker advised it had been approved and we had a signed contract that the money was there. Dan did not think they would find out until January 22. Jeff advised that was for the additional grant money. Mayor Fleck explained that included some items that were called highway enhancements which means trails, sidewalks, curbs. He stated those may not be part of the project and we could at that point just not do them. Roger Seymoure questioned if the trails and sidewalks were a part of the \$5.3 million. Mr. Crites advised that was correct. He explained everything was included in the \$5.3 million but the trails as seen on the rendering were not necessarily included but they have included a multi-use path. He stated the trails may not be included in the Federal money but the multi-use path or sidewalk would be so there would be pedestrian access. Walt Crowder stated if we would not get the additional funding for the enhancements there were alternatives. Dan advised he just wanted to make sure we would not be locked into something that we would have to figure out how to come up with \$1.3 million. Mayor Fleck agreed it was a little unsettling but explained they could not get INDOT to answer until they were ready to. He explained the State could not receive Federal funds directly so it had to cycle through another entity and in this case it happened to be the City. Mr. Crites advised there were opportunities to be creative so as they design, and since they were in such a crunch to move forward, they had the opportunity to itemize individual bid packages such that if funding was not available they could still bid the project.

Mayor Fleck felt confident in that this was moving in the right direction but was not confident in our ability to meet the demands to move the utilities. Dan Weigold questioned how this development was different from other developments where the developer pays for sewer and water improvements within their subdivision. Mayor Fleck explained they would but we had an obligation to run it to their property.

Mayor Fleck advised we would have to advance money under this grant.

Nicole Penrod questioned if the entrance to Morsches Park would be wider than it was now. Mr. Crites advised that was something they would look at and felt it would be a good idea to have a right and left turn lane going out.

Walt Crowder mentioned to Mr. Crites that they were proactively doing a lot of things without the contract being completed and confirmed they would not bill us for something that does not get done. Mr. Crites advised that was correct.

Roger Seymoure confirmed a contract would also have to be set up between the City and Parkview for their funding. Mayor Fleck advised that was correct.

Motion was made by Penrod to recommend the Board of Works enter into the contract with American StructurePoint, Seymoure second the motion.

Don Sexton expressed his thoughts; the first being how the project was being justified. He explained from the get-go he has felt this was an unnecessary project and questioned who originated the project and where did it come from. He advised the citizens did not come to us and from what he was hearing they were opposed to the project and realize it was an unnecessary waste of public funds. He stated it was not originated by the Common Council, it was the Mayor's project. He explained as City Council members if we approve the first step then it would become the Council's project and future statements would be that the Council approved it. He advised they did approve \$25,000 expenditure and received an aerial photo showing Morsches Park and Coon Hunter's entrance. He stated there have been many explanations as to why we needed to do this project with some saying they did not want another SR 9 & 30 intersection or SR 109 & 30 intersection. He felt that was a false notion as this section of highway only contained the City Park, Library, YMCA and hospital properties. He did not feel they would see the kind of congestion that was seen at SR 9 or 109 and contend long range project looking more at US 30 and 100 S. He discussed the turn lanes that were already in place and concluded that this was an unjustified project and did not see the need.

Mr. Sexton discussed his financially related thoughts. He stated the general criticism of grant programs is that it encourages overspending by municipalities and contends that the 80/20 formula was a classic example of an overblown wasteful project. He pointed out that unlike many local governments we were healthy financially. He advised we do have cash in the bank and have been told by the Mayor that it would be prudent to place capital improvement project money in a general category of unforeseen projects to be used for emergency situations but he did not believe that this 1/2 million request qualified for an emergency. He stated in looking at the internal financial statements that were received from Buzz Krohn and in looking at where the utilities have been in the last year the electric was down 35%, water was down 44%, storm water was down 42% with water pollution control up 21% but the overall 12 month timeframe for net cash provided from operations the City was down 8.25% or a little over \$151,000. He explained as a banker one of the things he looks at was the debt to income and right now the City was in a healthy position and hated to see us strap ourselves. He stated this project would not increase the revenues and would not decrease our costs. He explained with the decreasing utility revenues they could put the City in a very tenuous financial position.

Mr. Sexton felt there were too many loose ends to the contract. He reviewed the items listed in the contract and their costs and felt it was overblown. He stated they were obligating the City to \$451,855.00 and when asked for explanations they were told it was "just too complicated". He advised there have been deals made with parties involved Parkview, INDOT, State of Indiana, Federal Government, the City of Columbia City and still are not sure who is responsible for what. He asked the Council to seriously consider their vote and the financial impact it would have on the future of our community and the financial health of Columbia City.

Mayor Fleck clarified that this was not the Mayor's project. He stated it was initiated by the public and started with the collaboration with Parkview once their project was underway. He explained at the very first meeting there were 75-100 people who represented different parts of the public from the Federal Government, State Representatives, INDOT representatives, business people, Chamber of Commerce representatives, Library representatives as well as the Coon Hunters. He stated the project as originally conceived was an idea but has been shaved and defined up until this point. He explained what was being entered into was the design part of the project which will determine what will be let out for bid. He advised it was no different from any other project in terms of new construction.

Mayor Fleck explained with respect to building up a capitol fund the Council 6 years ago agreed to set aside CEDIT money because there was not a project. He explained there was also an emergency fund which was the Rainy Day Fund. He stated they were different line items. He advised they have been saving for projects and there just had not been one identified. He explained we would get the money back except for 20% and were not spending 100% but would spend 100% if we would not proceed.

Mayor Fleck stated with respect to revenues on the utilities the last outcry was that we were going to raise the electric rates so that they income would be appropriate and we would not replace or reduce our cash reserves. He advised storm water was a part of a rate increase that was attached to the wastewater project. He explained as soon as we receive approval with respect to that project and proceed the entire deficit gets paid back to us. He advised the numbers reflected would not be accurate. He stated we certainly were not making money in the water utility and have dealt with that for about 2 years. He explained with respect to dollars and cents the City was in very good shape and we are able to afford this. He stated we would be doing it with 20¢ dollars but if we miss this opportunity we would be paying 100¢ dollars on something we were obligated because of Parkview regardless of whether we have this project.

Mayor Fleck explained with respect to items placed in the contract, they had to put a number in because it was required for reimbursement from INDOT. He stated there were certain qualifying factors that must be met so we could get an estimate of what our 20% would be. He explained since we have an up to \$451,000 contract it does not mean they would charge us \$451,000 and they have already said if things drop out it would not be charged.

Mayor Fleck explained this project was no different than other capital projects the only difference he could see was we were not mandated to do this. He stated every other one we just proceeded because we had a mandate.

Don Sexton stated as far as projects he advised he was not anti-spending. He advised he was in favor of important necessary projects for our infrastructure that would benefit the community. He felt this was an unnecessary project and yes people were at the meetings but would label them as special interest groups not citizens. He advised he was talking about the guy on the street that Council represents. He stated public funds were being spent on something that was not broken. Mayor Fleck advised he was not going to discount that but felt public safety was the most important thing the City has to provide and the entrance to Morsches Park was not safe.

Dan Weigold felt he probably traveled in and out of Morsches Park more than anyone and had been dealing with that area for the past 15 years or better. He felt it would be a greater deal of irresponsibility if we did not take advantage of the opportunity. He stated the way the financial structure of this was set up the City could come out far greater ahead utility wise plus having the benefit of the entrance. Don Sexton advised we did not know what the costs were going to be and felt a park entrance could be done a whole lot cheaper. Dan Weigold stated from his understanding with the financial set up of this it might not cost the City anything.

Mayor Fleck reminded Council that the \$451,855 was a shared number and was included in the \$5.3 million but we had to be the main recipient for the entire project.

Nicole Penrod felt the Morsches Park entrance was a plus and added if that was going to be the only entrance to the hospital traffic would be increased tremendously. She felt it was a big benefit to do this.

Upon the motion Crowder, Penrod, Seymoure and Weigold voted aye, Sexton voted nay.

2009 UTILITY ACCOUNT WRITE-OFFS Rosie Coyle explained these were accounts where the customer has either filed bankruptcy or are deceased. She asked for the Council's approval to write off the accounts.

Roger Seymoure questioned if records were kept in case they ever come in to pay. Rosie advised they were. Roger questioned once they file bankruptcy if they come back on our lines if we could require them to pay the back bill. Rosie advised we could not.

Motion was made by Sexton to accept the 2009 written off accounts as presented by the Clerk Treasurer, Penrod second the motion, all voted aye.

ORDINANCE 2009-30: ONE SIDE PARKING – 1ST READING Tom LaRue reported this was phase 5 & 6 for streets 26 ft. or less in getting one side street parking.

Paul Burkett, resident of Wooddale, was present and questioned if there were any regulations as to how wide a paved street should be. Mayor Fleck advised there should be and there were several areas that when annexed the City took over the roads. He stated we had to maintain those roads until it was deemed there was a need to make them conform to City standards. Mayor Fleck questioned if in Wooddale if they had curbs. Mr. Burkett advised they had no curbs or sidewalks and felt they needed a wider street. He stated people park in the grass leaving ruts and the garbage and recycle trucks normally cut the curb as much as 3 ft. in to the yards.

Mayor Fleck stated if the residents of Wooddale were interested in the City doing something which may involve curbs and sidewalks for some of those homes a lot of the front yard would go away. He advised as a City we were not interested in creating a bigger problem. Mr. Burkett advised he was just present representing himself and could not speak for the others.

Motion was made by Crowder to read Ordinance 2009-30 by title only, Penrod second the motion. 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.

Motion was made by Crowder to approve Ordinance 2009-30 as first reading, Seymoure second the motion, all voted aye.

RESOLUTION 2009-29: TRANSFER OF FUNDS Rosie Coyle explained at the end of every year she has a resolution to transfer funds to others that are in the hole. She advised there was a total of \$10,000 in the street department and then in the general fund there was \$8,825. She stated it was down from what it usually is.

Motion was made by Weigold to approve the transfer of funds as set out in Resolution 2009-29, Sexton second the motion, all voted aye.

ORDINANCE 2009-23: ELECTED OFFICIALS 2010 SALARY ORDINANCE – 2ND READING Motion was made by Crowder to read Ordinance 2009-23 by title only, Weigold second the motion, all voted aye. Clerk Treasure Rosie Coyle read Ordinance 2009-23 an ordinance fixing the annual salaries of all elected officials of the City of Columbia City, Indiana effective December 19, 2009 for the year 2010.

Motion was made by Sexton to approve Ordinance 2009-23 for second and final reading, Penrod second the motion, all voted aye.

CHRISTMAS TREE LIGHTING AWARDS Dan Weigold thanked Mike Cook for his assistance in making the selections. He reported the winner for the Northwest district was Larry Jackson, the Northeast district winner was David & Kathy Gardner, the Southeast district winner was Andres Briones and the Southwest district winner was Phil & Kay Fisher and the overall winner was Warren & Marcia Cole.

Rosie Coyle advised awards would be presented at the January 12, 2010 Council meeting.

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

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle