

**COMMON COUNCIL
TUESDAY, APRIL 10, 2012
7:00 P.M.**

Mayor Ryan Daniel – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Marcia McNagny – Present

Council Members

Nicole Penrod – Present
Ben Romine – Present
William (Bill) Simpson – Present
Daniel Weigold – Present
Jacie Worrick – Present

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

MINUTES Motion was made by Nicole Penrod to approve an overview of the March 27, 2012 meeting minutes as presented, Bill Simpson second the motion, Penrod, Simpson, Weigold and Worrick voted aye, Romine abstained.

REQUEST FOR ORDINANCE CHANGE TO ALLOW POULTRY (HENS) IN CITY LIMITS: ROBIN LAHRMAN, 409 E. MARKET STREET Robin Lahrman was present to request a change in the ordinance that would allow hens in the city limits. She suggested, for those interested in having hens, a maximum of 12 hens be allowed.

Ben Romine questioned how much area would be needed for 12 hens. Ms. Lahrman advised they would not need a pen any bigger than a dog house.

Dan Weigold expressed a concern for the waste. Ms. Lahrman advised it could be composted. Dan felt there would need to be some type of restrictions on the waste removal.

Bill Simpson reported he researched with other cities in Indiana that allow chickens, including Indianapolis and Evansville. He did not think any of them allowed males, they restricted the amount of hens a person could have, restricted them from running free. He stated until he moved to Columbia City he had chickens most of his life and did not feel ½ dozen birds would create anywhere near the amount of waste as what an 80 lb. dog would. He stated as long as the waste was not allowed to build up he did not think there would be a problem. Ms. Lahrman felt the only waste that would really have to be cleaned up is if someone would have a permanent structure but if they had a roaming structure that could be rolled around the yard the waste would dissipate with the rain.

Bill Simpson stated, under controlled conditions, he really would not have an issue with this. He felt if people could save money by raising their own food or have healthier food by doing that, he was not sure why we would want to interfere with that.

Additional discussion followed on the types of chickens and how to determine what would be allowed.

Bill Simpson questioned if they could form a committee to work out the details. Mayor Daniel thought there was an animal ordinance committee of some sort being established. Rosie Coyle advised there was a committee of Attorney McNagny, Tim Longenbaugh and herself and were meeting May 1. Ben Romine offered to be a part of the committee.

Dan Weigold suggested looking at what other cities and towns have done.

Nicole Penrod questioned if there needed to be a certain lot size. Ms. Lahrman advised it wasn't so much the lot size but was the coop size; their coop size was about the size of a small shed.

Dan Weigold questioned the covenants in subdivisions if they would have to be changed or adhered to. Ben Romine clarified if the neighborhood rules would override City ordinance. Attorney McNagny advised they would.

Ms. Lahrman suggested looking into stipulations as far as butchering when the chickens are no longer producing and people want to get rid of them.

Mayor Daniel questioned if the sense of Council was to send this to the animal ordinance committee to look at but lean towards having chicken hens be an allowable animal within the city limits. Council members agreed it was.

MAKO GROUP – RED FLAG (THEFT IDENTITY) David Lefever was present to reintroduce his company and discuss how the Red Flag rules apply to the City as well as a recommendation for how he felt it would benefit the City.

Mr. Lefever explained how their company helps customers protect private and proprietary information that is collected such as social security numbers, credit card numbers, etc. He advised municipalities were bound by the Red Flag Rule which was governed by the FTC.

Mr. Lefever reviewed the recommendations the MAKO group was suggesting for the City.

Dan Weigold questioned the time frame; it seemed the Federal Government was dragging their feet in making us comply with the Red Flag Rule. He felt before we would spend a lot of money towards something he would like to see something a little more concrete.

Rosie Coyle stated in 2009 we were required to have the Red Flag Ordinance in place and questioned what the changes were since then. Mr. Lefever explained the regulation changed to be more specific to include municipalities.

Mayor Daniel explained the reason why Mr. Lefever was asked to come in again was because himself and Attorney McNagny had a discussion on this too and figured out that we have the basic compliance but there has not necessarily been a total system audit on the safety and security of the different systems we have. Attorney McNagny stated one of the things Rosie had in one of the reports was to say what has been done, whether State Board of Accounts has audited or whether we have internal audits or not. She advised the ordinance provides the framework and then the question is if the City is taking care of what is in that framework. Mayor Daniel felt Mr. Lefever was saying that it may be good, at some point, to have an internal audit

to make sure we were protecting all of our data and that there was no potential breaches of security.

Bill Simpson confirmed that we believe we were compliant with the law but the intent of this would be to check our system to make sure the system we have in place was working. Mayor Daniel advised it was; first of all to make sure we were following federal laws and secondly to make sure there were no potential for breaches. Mr. Lefever advised he was not aware there was a system in place; last time he talked about this it did not appear that everything was in place. He stated he was just trying to raise awareness.

Rosie Coyle reported after David Lefever was here last time she got with Dick Buchanan and did extra security on our bank accounts. She stated State Board of Accounts also do a security check on all of our stuff. Bill Simpson confirmed we were ok on that audit. Rosie advised we were.

Nicole Penrod confirmed with Mr. Lefever that they would come in and do an audit like what the FTC would do. Mr. Lefever explained the City would get a report signed off by them. He stated they would write a report listing all of the things that were found as well as the recommendations the MAKO Group was making. He advised the City would then have a mandatory response time that would tell them when and how the City was going to fix it. Nicole questioned, with all of the requirements and being in compliance, if we were required to do an audit like this. Mr. Lefever advised we were not and could do an internal audit but it would need to be someone other than who set the program up.

Jacie Worrick advised she went through the ordinance and felt it was very comprehensive. Mr. Lefever shared whether there was someone internally that does it or someone externally who checks against it, it was a good thing to have in place.

Nicole Penrod confirmed with Mr. Lefever that he was asking if the City would like to hire his company to come in and do an audit. Mr. Lefever advised he would love to do an audit and reported for basically 100 hours of work it would cost \$14,900.

Dan Weigold wondered if this would be something for the HR person to take a look at and make sure we were in compliance. Mr. Lefever advised he could put us in touch with their other municipal contacts to talk about what their programs look like.

Mr. Lefever stated they work with the Ohio Waterworks Association and the American Waterworks Association and they like to see someone appointed that just handles this. He advised it was a good idea to have someone who understands the rules and is in charge of the program.

Mayor Daniel advised if there was any further process he would let Mr. Lefever know.

ORDINANCE 2012-3: ESTABLISHING CEMETERY HOURS Mayor Daniel explained the Board of Works has the responsibility of taking care of the cemetery and was the opinion of the Board to establish hours for individuals to be in the cemetery from 5 a.m. – 11 p.m. and to also put a fine to the ordinance.

Bill Simpson questioned what the general fine was for this type of ordinance violation. Rosie Coyle advised we had various ordinances but suggested \$25. Attorney McNagny noted that the curfew violation was \$25. It was the consensus of the Council to establish a fine of \$25.

Motion was made by Dan Weigold to read Ordinance 2012-3 by title only, Nicole Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-3 an ordinance amending Chapter 91, cemeteries, of Title IX of the code of ordinances of the City of Columbia City, Indiana.

Motion was made Ben Romine to approve Ordinance 2012-3 for first reading, Bill Simpson second the motion, all voted aye.

ORDINANCE 2012-4: ESTABLISHING FINES FOR PARK HOURS Mayor Daniel assumed it was the sense of the Council to put the same fine dollar amount of \$25 on this ordinance.

Motion was made by Dan Weigold to read Ordinance 2012-4 by title only, Bill Simpson second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-4 an ordinance amending Chapter 96, parks, of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Bill Simpson to pass Ordinance 2012-4 for first reading, Ben Romine second the motion, all voted aye.

HUMAN RESOURCE POSITION REQUEST Mayor Daniel reported that everyone should have received a job description in their packet for a Human Resource Officer. He pointed out a couple changes that were made in that the position would report to the Mayor and the City Attorney; in the cases where there would be Human Resources type disciplinary issues the Mayor would not be able to deal with the issue in the event it would go to a hearing. He advised the position would require a Bachelor's Degree with a minimum of 5 years experience.

Mayor Daniel explained the need for this position was very much due to the fact that our community has grown fairly quickly and on top of that the responsibilities encompassed in the Human Resource Officer has been falling on the Clerk Treasurer's Office and was not fair to put all of that responsibility on her and her department. He felt this was one way in which we could bring our City more into compliance when it comes to safety issues, we could do a better job in making sure our personnel records are well maintained and updated and also provides an opportunity to reach one of his personal goals of evaluations of all city workers every year.

Dan Weigold assumed funding of this position would come out of the various departments. Mayor Daniel advised it would be a mixture but have not worked up the funding formula yet. Rosie Coyle advised it was in the salary ordinance and has been for the past several years.

Jacie Worrick advised she was a real advocate of this position. She felt for the amount of employee's we have, this officer could definitely pull together some loose ends. Bill Simpson agreed and felt it would be very positive for the City.

Mayor Daniel advised he would like to move forward with the hiring process and have this person in place by mid-summer.

WASTEWATER DEPARTMENT Mike Cook advised he was looking at April 23 or 25 for Council tours of the plant; it was scheduled for April 23 at 5:30.

Mike reported they started to clear some brush that they have not been able to get to for the past several years; repaired a leak on the chemical tank and repaired the sludge transfer pump; he has 3 gentlemen coming in from Pittsburgh, Pennsylvania to look at our static upload screen that was installed on the eq basin.

STREET DEPARTMENT Kelly Cearbaugh advised they started limb pickup for April; leaf mulch was all gone; they replaced 100' of 10" storm sewer pipe on Lincolnway; they replaced a catch basin at Whitley and Hanna that was collapsed and put a new catch basin in and 6" pipe on Lincolnway and Business 30; they opened the cemetery restrooms and found some vandalism of headstones; they were patching alleys and running the sweeper.

COMMUNITY DEVELOPMENT Jeff Walker reported he and the Mayor attended the Downtown Business Association meeting, he was nominated to be the City's representative on the Main Street Committee; he gave an update on the Long Term Control Plan project. He discussed a large electric user that requested the City help them to achieve efficiencies in their organization. He reported IMPA came in and met with them; we just received information back from them showing what could be achieved through capacitor and power factor adjustments.

ELECTRIC DEPARTMENT Larry Whetstone reported one of our customer's had a fire that destroyed their whole electrical room and Mayor Daniel gave permission for his department to help reconnect their overhead lines; they continue to remove stumps; the pole project was almost complete; he and the Mayor met with South Whitley Utilities and would be making another presentation when he returns from vacation. Mayor Daniel felt it would be a win, win; win for us in the fact that we will be able to make some additional dollars without overextending our work force and South Whitley will be able to save dollars by basically contracting work with us.

Ben Romine questioned what exactly we were looking to do in South Whitley. Larry explained their thoughts were to have us down there 2 days out of each quarter. He stated they have people who can read meters and do hook ups but we would do a list of things that would require bucket trucks, etc. Mayor Daniel added that they have also talked about having a quarterly inspection; basically go through their whole system to see what projects need to be done and what improvements need to take place. He advised South Whitley understands that we have a service to provide to Columbia City first.

Bill Simpson confirmed it was not just a matter of reimbursing costs but the utility would actually make a profit. Mayor Daniel advised that was correct.

POLICE DEPARTMENT Tim Longenbaugh reported on training; Detective Stephenson would be putting on a drug awareness class for parents of the school system on April 26 at the library; they identified suspects in the vandalism at the trailhead restrooms and interviews were scheduled soon.

Bill Simpson mentioned the US 30 and Lincolnway intersection and questioned if they had numbers. Chief Longenbaugh reported from 2007 to current there have been a total of 27 accidents at that intersection with 23 being property damage accidents and 4 were personal injury accidents. Mayor Daniel questioned if they knew how that compared with other intersections along US 30. Chief Longenbaugh advised he did not compare but could if needed. Bill Simpson questioned if they could draft a letter to the DOT asking them to take a look at that intersection. Mayor Daniel questioned if that should be a legal thing. Attorney McNagny did not feel it needed to be and felt it could just be a request. Mayor Daniel advised he would like to work with Bill and Martha to draft a letter and then present it to Council at their next meeting.

IS/COMMUNICATION DEPARTMENT Terry Wherry reported he continues to work on the new City ID cards; he continues to update the website and Facebook; he replaced another monitor in dispatch that went bad and have ordered a replacement weather satellite controller for the weather station that also went bad.

FIRE DEPARTMENT Tom LaRue reported on May 11 at 9 a.m. they would be having a fire dog in to do fire prevention for daycare's and would be held at First Church of God; they were making some repairs to their fitness equipment.

MAYOR REPORT Mayor Daniel reported that Mark Green and Mike Dear were both on vacation. He advised the secretary for the park has been hired, it was Andrea Pequignot and she would be starting in a two weeks.

TESTWORTH BUILDING Bill Simpson advised the kids have been breaking into this building and the fire department has been securing it, he questioned if they knew what the status was. Mayor Daniel reported they were looking at ways in which we can take care of that building, whether it means putting more pressure on the current owners or whether it means figuring out a way to bring the building down. He advised there has been a lot of discussion between the Fire Chief, Clerk Treasurer and himself; when they have more information he will bring it to Council.

MAY 8 BOARD OF WORKS/COUNCIL Mayor Daniel advised May 8 was primary election day and suggested moving the meeting to the next day, Wednesday, or move it up a week. After some discussion it was decided to email some dates to determine what day works best.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle