

COMMON COUNCIL
TUESDAY, APRIL 24, 2012
7:00 P.M.

Mayor Ryan Daniel – Present
Deputy Clerk Treasurer Sally Wherry – 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 Mayor Daniel pointed out a spelling error under the wastewater department discussion.

Motion was made by Ben Romine to approve an overview of the April 10, 2012 meeting minutes as corrected, Nicole Penrod second the motion, all voted aye.

ORDINANCE 2012-3: ESTABLISHING CEMETERY HOURS – 2ND READING Motion was made by Dan Weigold to read Ordinance 2012-3 by title only, Ben Romine second the motion, all voted aye. Deputy Clerk Treasurer Sally Wherry 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.

Mayor Daniel explained this ordinance would set the hours of 5 a.m. – 11 p.m. and also sets a \$25 fine.

Motion was made by Ben Romine to approve Ordinance 2012-3 as presented, Bill Simpson second the motion, all voted aye.

ORDINANCE 2012-4: ESTABLISHING PARK HOURS – 2ND READING Motion was made by Dan Weigold to read Ordinance 2012-4 by title only, Nicole Penrod second the motion, all voted aye. Deputy Clerk Treasurer Sally Wherry 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.

Mayor Daniel explained this ordinance put some teeth to the laws we already have. He advised it gives the same \$25 fine per violation of being in the parks after hours.

Motion was made by Jacie Worrick to accept Ordinance 2012-4, Ben Romine second the motion, all voted aye.

RESOLUTION 2012-5:TRANSFER OF FUNDS – RAINY DAY Mayor Daniel reported this was for the CAGIT funds that were found at the State level. He explained the hope was to use these dollars to help pay off the City Hall bond early.

Bill Simpson confirmed this did not represent the total amount of dollars received. Mayor Daniel advised that was correct; there were 2 parts CEDIT dollars and CAGIT dollars. He reported the CEDIT dollars were appropriated into the CIP Unplanned Projects.

Motion was made by Dan Weigold to approve Resolution 2012-5 as presented, Nicole Penrod second the motion, all voted aye.

ORDINANCE 2012-6: WATER BOND ORDINANCE Motion was made by Dan Weigold to read Ordinance 2012-6 by title only, Nicole Penrod second the motion, all voted aye. Deputy Clerk Treasurer Sally Wherry read Ordinance 2012-6 an ordinance of the City of Columbia City authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said City, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

Mayor Daniel noted that in the ordinance there was an amount of \$2.5 million and the reason for that was because once the ordinance passes it would be hard to go back and do a new ordinance to increase it. He advised we were not expecting to get that much but were expecting right around \$2 million; this would provide for leeway if, for some reason, we would need to ask for additional amounts on the bond.

Attorney McNagny reviewed the bond and advised it was pretty typical.

Ben Romine questioned in passing the ordinance if it would mean they were going ahead with the issuance of the bond. Attorney McNagny advised it would not; Council would not be required to proceed.

Ben Romine assumed we would receive a lower interest rate than the 7.5% it refers to. He advised it references 'do not exceed 7.5%' and questioned if there was a ceiling put on it. Attorney McNagny felt it was simply a ceiling and the rate would be negotiated. She thought it was probably common to put that in.

Mayor Daniel stated in order for us to move forward in negotiations with the actual percentage of rate increase they asked us to have the bond ordinance secured. Attorney McNagny explained we have to do all of this first, there were processes to go through and then move forward with the bids, etc. before we could determine what we were looking at. Ben Romine commented that he did not want to put us in a situation where we were forced to do something because they approved this ordinance.

Bill Simpson questioned why they would do this at all until they knew what the revenue was. Mayor Daniel advised they were not entering into the actual bond; this ordinance gives Council the ability to enter into the bond. He explained they could basically wait until we would get final approval of the negotiated settlement between O.W. Krohn and the IURC before we would even move forward in the bond. He advised we would know our revenues before we would enter into the actual bond. Nicole Penrod confirmed this would just allow for a bond. Mayor Daniel advised that was correct; it basically gives the assurance to the IURC that we are going to go into a bond situation.

Ben Romine questioned if we were locked into the projects attached with the ordinance. Mayor Daniel did not believe we were locked into any of the projects on the list; there was opportunity to change and maneuver.

Ben Romine confirmed if they pass the ordinance it just gives permission to a bond and will vote again before they do the actual bond. Mayor Daniel advised that was correct.

Bill Simpson advised he still had issues with considering doing a bond before we would know the revenue. He added that he was also concerned with doing additional bonds when there was still a significant amount in bonds out there for similar projects. Mayor Daniel explained the last time there was a rate increase there was projected growth in the system; with this one it was a flat rate and growth was not included. He stated as to the other question this was the process. Attorney McNagny believed that Buzz Krohn needed this in order to move forward in negotiations with the IURC to show that we are moving forward. Walt Crowder advised the process was typical up to the point of giving Buzz the authority to move forward to negotiate. He stated if Council did not feel it was the right thing to do when it is presented there was still the option to not move forward. He explained with the previous bond it was forecasted to support the cost of doing business but unfortunately the economy went south and water usage went down. He stated there were things that have played into this and there was always a risk.

Discussion followed on the ability to pay back the debt.

Motion was made by Dan Weigold to approve Ordinance 2012-6 as first reading, Nicole Penrod second the motion, all voted aye.

It was later determined that the IURC would not go any further with finalizing rates until this ordinance was passed; Council could wait until the next meeting or approve on an emergency basis.

Dan Weigold retracted his original motion.

Motion was made by Dan Weigold to suspend the rules and pass Ordinance 2012-6 on an emergency basis as first and final reading, Nicole Penrod second the motion, all voted aye.

ALAN TIO – WHITLEY COUNTY EDC PRESENTATION Alan Tio gave a presentation to Council on the purpose, the responsibilities, special programs and goals of the EDC. He also discussed their funding and request for an additional \$25,500. He explained this would be

divided amongst the funders, City, County and Towns, by population; what it would mean to the City was an annual increase of just under \$6,000 for the calendar year 2012. He stated this was the first time they have asked for an increase of any size since 2007.

Jeff Johnson with Numerix Inc. was present to discuss the Small Business & Entrepreneurship Initiative offered through the EDC and how Alan Tio and this program helped turn his struggling business into a growing, successful business.

Mayor Daniel questioned Alan Tio if he was present to advocate the increase for next year or was he looking to pick up the additional this year. Alan Tio asked the Council to look at it for this year. He stated the other communities in the County have agreed to do so.

Ben Romine advised he has been involved of the Small Business Program since its conception and was a big proponent of it; he stated the City has put \$1500.00 in it and has gotten a lot more in return for that. He advised they did a study on it and the cost per job was less than an abatement costs the City.

Bill Simpson questioned if there was a reason last year during the budget process that the Council did not approve the \$5,877.75 increase. Mayor Daniel explained Rosie briefed him a little on it and the issues at that point were that Council felt it would be unfair to our departments if they did not receive an increase but would be giving an increase to the EDC. Bill Simpson advised the reason the last Council did not approve this still exists; our departments were still functioning without an increase. Mayor Daniel advised that was correct.

Ben Romine stated in the EDC agreement it allows for a budget increase of 3% per annum but it does not say whether it accumulates or if it was based upon the prior year. He questioned Attorney McNagny if there had not been an increase for 4 years what the maximum increase allowed without City approval would be. Attorney McNagny did not feel it would accumulate, it would be based upon the amount from the prior year.

Bill Simpson stated with all due respect to the departments having to hold flat in their budgets he felt the program benefited the City much more than the actual cost. He questioned if the money existed. Mayor Daniel advised there was money available that could be appropriated.

Nicole Penrod questioned what would happen if the City would not give the money. Alan Tio advised he did not know; he thought they may need to get rid of some programming and go back to just being Director and Assistant.

Jacie Worrick confirmed the overall budget increase was approximately 24% and was asking the City to do an 8.75% increase. Alan Tio advised that was correct and explained what was anticipated for those contributions. Jacie questioned if the increase they were asking from the other cities was the same percentage being asked from us. Mr. Tio advised it was exactly the same; take their overall CEDIT funded budget and divide it by population.

Motion was made by Nicole Penrod to approve the additional funds requested by the EDC, Ben Romine second the motion, all voted aye.

COMMUNITY DEVELOPMENT Jeff Walker distributed information on animal waste that Gene Haskins prepared for the website; he and Attorney McNagny were working on the illicit discharge detection and elimination ordinance and should have the first revision to Council by the first meeting in May; he was working with an environmental firm on the C & R Plating storm water pollution prevention plan.

WATER DEPARTMENT Mike Dear reported they flushed all of the fire hydrants and have a few that need some repair work; Todd Coyle attended a 3 day conference in Columbus; they were fixing a leak at 116 E. Ellsworth Street and also have one at 407 W. Van Buren.

IS/COMMUNICATIONS DEPARTMENT Terry Wherry reported James Wagner passed his IDACS test and will be certified for 2 years; he has been working with Chris LaRue to finish setting up his iPad to do mobile fire inspections; he advised City ID's were done except for 3 departments.

STREET DEPARTMENT Kelly Cearbaugh reported they have some training coming up on the jet machine and sweeper; he had Troy change the locks on the cemetery bathrooms due to vandalism problems; they grated all of the berms around town and have replaced 3 catch basins; the sewer material came in for the City Ford project.

POLICE DEPARTMENT Tim Longenbaugh reported on their fire arms qualifications; they held a command staff meeting to measure their progress; he would be attending tornado training with the Mayor; Detective Stephenson along with Captain Hively have been working with the W.C. Domestic Task Force to develop a program geared towards high school males that would teach them accountability, responsible behavior, etc.

WASTEWATER DEPARTMENT Mike Cook reported his staff serviced and inspected the circulation pump for the digester and have also pulled, cleaned and inspected the load out pump and mixers in the sludge storage tank; they installed odor and corrosion control in the tanks at Morsches Park; he reported Kyle Walters would be taking his State certification exam and advised the Board of Works approved the concrete for the maintenance building and will be doing that later this year.

DISCUSSION ON REQUEST FOR HENS IN CITY LIMITS Mayor Daniel reported the animal ordinance committee had not met but knew some of the Council Members had received some feedback on it and wanted to provide an opportunity to talk about it.

Dan Weigold advised he received a number of phone calls on it, more comments against it. He stated the concerns were how it was going to be regulated, who was going to regulate it and who would be in charge when there was a situation, how would they handle animal waste and irresponsible chicken owners.

Nicole Penrod reported she looked up some information from other communities and felt if we allow it, there would have to be a lot of regulation with it.

Jacie Worrick advised she received all negative feedback. She expressed a concern for the amount of regulation that would have to be imposed and who would regulate it.

Dan Weigold felt the problems would outweigh the benefits.

Mayor Daniel advised he spoke with other Mayor's in the Northeastern part of the State; the only one he has been able to find that allows chicken's within the City limits was New Haven and they are allowed under very strict regulation. He advised he spoke with an individual with the Alliance of Realtor's for this area about what it would do to property value and she believed it would not bring value down a significant amount but would in some way shape or form. He shared as he was reading the minutes from the last meeting, Mrs. Lahrman's comment about how the 'poo' would dissipate with the rain got him thinking about storm water. He talked with Jeff Walker about it, who then contacted IDEM and they had concerns about the runoff from the ground water into storm water catch basins and ultimately into rivers untreated.

Ben Romine questioned if we do not allow chickens will we require the people who have them to get rid of them. Mayor Daniel advised that was an ordinance violation we would need to take care of because of the ordinance we currently have in place. Ben advised he saw some along Lincolnway.

Mayor Daniel questioned Council what their feelings were now, 2 weeks after the initial meeting. Jacie Worrick recommended that it not go back to the Committee. Dan Weigold agreed; he felt it was bad to penalize the people who would be responsible but was having a problem with the number of people who were against it versus for it. Bill Simpson advised he did not receive any negative calls on it; he did not feel the waste was a huge pollution issue and as far as it being regulated by the police, they deal with issues outside of law enforcement anyway. He stated he was more neutral on the issue. Jacie Worrick advised she was born and raised with chickens but felt there was a time and place for chickens and was not sure they belong in town. Ben Romine advised he did not have strong feelings either way on it but felt it would have to be highly regulated. Nicole Penrod felt it should just die and leave the ordinance as is.

Mayor Daniel stated having heard 3 voices out of the 5 saying no to the chicken ordinance the recommendation back to the Animal Ordinance Committee would be that chickens not be allowed in the City. He advised he would write a letter to Mrs. Lahrman.

INTERSECTION OF US 30 AND LINCOLNWAY Mayor Daniel advised he drafted a letter to the Department of Transportation and received good responses from everyone except Dan; he suggested additional detail. He explained as he worked with Bill and Chief Longenbaugh they both said that INDOT could go in and look at any accident at any intersection in the State.

Dan Weigold advised as long as the DOT could access the data and know why we were concerned, he was ok with sending out the letter.

PARK BOARD – SALE OF PARKS Mayor Daniel informed Council they would be receiving a letter from the Park Board suggesting the sale of park property to nearby land owners; North

Street Garden at the corner of North and Line Streets, Mayor's Park and Langeloh Park both in Columbia Shores. He explained these parks are not used very heavily and there has been interest in at least one of the properties. He shared that the Park Board feels there is a lot of maintenance, time and energy that goes into those parks and feel it would be more beneficial to focus on the parks being used more frequently.

TREE BOARD – STREET TREE DIRECTOR Mayor Daniel informed Council they would also be receiving letter from the Tree Board regarding an ordinance change. He explained in the ordinance the Street Tree Director was described as the Community Development Director. He advised the Tree Board will be recommending changing, amongst a few other changes, the Street Tree Director to the Tree Board President.

NEXT COUNCIL MEETING The next Council meeting was scheduled for Thursday, May 10 at 7 p.m.

PARK AND POOL CHANGES Mayor Daniel informed Council that the Park Board approved leaving the pool open until 8 p.m. 2 nights a week and have changed the park office hours to 8:00 a.m. – 4:30 p.m.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Deputy Clerk Treasurer Sally Wherry