

**COMMON COUNCIL
TUESDAY, MAY 28, 2019
6:00 PM**

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

Council Members

Walter Crowder – Present
Nicole Penrod – Present
Jennifer Romano – Present
Tad Varga – Present
Daniel Weigold – Present

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

MINUTES Motion was made by Jennifer Romano to approve an overview of the March 12, 2019 meeting minutes as presented, Dan Weigold seconded the motion, Romano, Weigold and Crowder voted aye, Penrod and Varga abstained.

Motion was made by Nicole Penrod to approve an overview of the April 23, 2019 meeting minutes as presented, Tad Varga seconded the motion, Varga, Penrod and Crowder voted aye, Romano and Weigold abstained.

Mayor Daniel noted a spelling error on the April 23, 2019 meeting minutes regarding American Pitbull Terrier. Motion was made by Nicole Penrod to approve an overview of the April 23, 2019 meeting minutes as corrected, Tad Varga seconded the motion, Varga, Penrod and Weigold voted aye, Crowder and Romano abstained.

SWEARING IN CEREMONY FOR NEW FIREFIGHTER RHYS PERRY Rosie Coyle performed the swearing in ceremony for Rhys Perry.

PUBLIC HEARING FOR WAIVER OF REDUCTION OF PROPERTY TAXES – 607 S. CHAUNCEY STREET Mayor Daniel recessed the Council meeting to hold a public hearing.

Attorney McNagny advised this already went through the Redevelopment Commission for the waiver of taxes on the Brownfield property and needed to come before City Council as well so they can get the property back going again.

Hearing no comments or questions, Mayor Daniel closed the public hearing.

Motion was made by Dan Weigold to read the recommendation regarding parcel# 92-06-11-601-326.904-004 by title only, Nicole Penrod seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read the Recommendation regarding Parcel #92-06-11-601-326.904-004 as the

Petition for waiver or reduction of property taxes against a Brownfield, Columbia City Redevelopment Commission.

Mayor Daniel noted the address was 607 S. Chauncey Street. He also noted a spelling error on the second page.

Motion was made Tad Varga to approve the waiver, Nicole Penrod seconded the motion, all voted aye.

LEE BAATZ: WATER RATE INCREASE Lee Baatz, Chairman of the Utility Rate Advisory Board, was present to discuss the water rate increase. He reported the Utility Board met with the Mayor and Utility Consultant Buzz Krohn back on November 28, 2018 to review the financial status of the utilities. He noted the water utility has debt service coverage of \$430,000.00 annually, which was roughly over 20% of the total revenue collected for the water utility. He advised there were not sufficient reserves; if something were to happen that additional funds needed to be borrowed, the present bond holders could put a halt to it or cause problems. He shared Buzz Krohn recommended a 25% rate increase in the water utility. He felt that may seem like a pretty hefty percentage but fortunately Columbia City has among some of the lowest rates in the area.

Mr. Baatz presented and reviewed a diagram on current and proposed rates. He shared it was the consensus of the Utility Board that rather than having a 3 stage increase to go ahead with a single rate increase. He advised the single rate increase would bring the utility back into a position where we no longer may have to default on the bonds. He stressed the utility needed to build up some reserves to be in a position to handle any contingencies. He shared it was the recommendation of the Utility Board to approve a one-time water rate increase.

Dan Weigold confirmed for those who use 4,000 gallons a month, the increase would be roughly \$5.00 per month. Mr. Baatz advised that was correct. He also noted Fort Wayne City was going for a water rate increase. Mayor Daniel noted the prices were higher for equipment, pipes, etc.

Tad Varga felt we really did not have much of a choice; we had to do this increase just to stay within our base in case there was an emergency, otherwise we would not be able to get emergency dollars. He confirmed the 25% increase would bring us up over the threshold to be able to service debt and also get some excess dollars in the coffers. Mr. Baatz advised it was expected to.

Walt Crowder questioned with this enhancement what the projected rate increase would carry us through. Mr. Baatz shared that Buzz had some projections but it would probably carry through for a number of years. He noted there has not been a water rate increase for a number of years; this was really to catch up with inflation.

Mayor Daniel noted we have three sets of bonds; in 2022 the first set of bonds would effectively fall off which would increase our cash flow. Rosie Coyle advised it would drop about \$300,000.00 per year. Mayor Daniel shared it was almost like we would be getting an additional influx of cash without having an additional rate increase in 2022.

Mayor Daniel noted we would be paying less and less on the debt for the next decade, which is one thing they have discussed, do we take on additional debt with the rate increase or try to cash flow some of the projects. He asked Mike Shoda to address some of the projects that need to get done with the rate increase. Mike Shoda shared one of the projects was to get the old well repaired and functioning and then 3 years down the road would like to drill a new well. He advised another project was getting the filters redone and then also adding phosphorous to the water system. He explained adding phosphorus to the water would coat the lead pipes. He stressed the lead pipes were not City owned, they were customer owned. Mayor Daniel noted the vast majority of lead pipes were private but the problem was when we have to do testing for IDEM we are getting water from older homes that have the lead lines. Mike Shoda advised the testing has to be taken from houses that have the possibility of lead lines, pre-1960's, so we are testing at the worst case scenario. Mayor Daniel noted one other project they have been looking at was moving towards AMI meters for the water.

Mayor Daniel advised he would really like to establish a path forward; whatever decision was made by Council he would plan to send out a letter to the residents to let them know what was going on. He advised there would still be public hearing and all of the processes.

Nicole Penrod felt they did not have much choice; they had to do it.

Jennifer Romano felt it made more sense to do it all at once rather than to do multiple increases with small amounts of money. She felt it sounded scary at 25% but what was being presented was not a huge amount. Nicole Penrod felt a lot of people look at their whole utility bill and think 25% of that, not just 25% of the water. Mayor Daniel agreed that was a critical point. He noted when looking at the utility bill, outside of trash, water was the cheapest thing.

It was the consensus of Council to move forward with a one-time rate increase on water. Attorney McNagny advised she would begin drafting an ordinance. Rosie Coyle was asked to put together a timeline that they needed to adhere to.

PETITION TO VACATE – UMESH PATEL Mayor Daniel noted this was next to 405 E. Swihart Street. Dan Weigold reported Mr. Patel had come into his office and advised he would like to own the property. Dan noted it was Indiana Street that had never been developed; he informed Mr. Patel there may be some utilities that run through the area and would need to check. He felt if they would vacate that area the City would need some type of easement clause. Shawn Lickey advised we definitely would not want to vacate because that would vacate the easement as well. He felt there would need to be at least a 20 ft. utility easement since there are several other utilities through the area. He shared he did not have an issue with Mr. Patel owning the property and us having an easement.

Kelly Cearbaugh and Mike Shoda advised it would not be an issue for their departments.

Dan Weigold advised he informed Mr. Patel that a survey would have to be done since they would be creating a parcel and would also have to go before the Parcel Committee.

Mayor Daniel saw this as a cooperative effort, if Council wanted to do this, that we would grant the vacate simultaneously of Mr. Patel granting us the easement.

Jennifer Romano questioned if there was any financial value to that land. Nicole Penrod did not think anyone owned it. Dan Weigold advised no one owned the land; it was a platted right of way, not a deeded piece of ground.

Mayor Daniel confirmed with Shawn Lickey that his electric lines run down the middle of that piece of land. Shawn advised they did. Mayor Daniel confirmed someone could not build a house on it but maybe a shed. Shawn advised they could put a shed on it as long as it was not a permanent structure. Jennifer Romano confirmed Mr. Patel could not resell the property. Shawn Lickey advised he could but the new owners would have the same restrictions.

Mayor Daniel questioned if the City did not own the land was it ours to give. Attorney McNagny advised without knowing all of the details of the property she could not answer the question. After additional discussion, Attorney McNagny felt this may be more of a quiet title action than a petition to the City to vacate. Dan Weigold felt that was the best way to go with any type of vacate because the judge would implement the rights to the acquisition of the ground. Walt Crowder expressed a concern if ownership was granted and then the new owner comes back and says we have to move our utilities. Attorney McNagny advised the City would have the right to respond in the quiet title action. Mayor Daniel agreed we needed to protect our utilities going through there. Dan Weigold advised Mr. Patel understood that.

Dan Weigold felt Mr. Patel was looking for Council to give him direction; otherwise, he did not want to spend the money for a survey and legal counsel.

Attorney McNagny suggested Mr. Patel get legal advice and then come back to Council. She did not feel it was for Council to say “yes, we would approve a vacate” when the City does not even own the property.

Additional discussion followed. Attorney McNagny advised the bottom line was you can vacate a public way or alley, things that are owned by the public, but if it is within a plat and is platted private, even though not deeded to anybody, they have to work within their plat and the property owners there. She advised it was 2 very different things. She explained as a City, we cannot say “here is some land, we don’t own it but you have come to us to vacate it, so here it is” we just cannot do that. She advised that was why she suggested getting legal counsel; the attorney could look at it to see if it is maybe a plat vacation or quiet title action just to see who does own it and whether Mr. Patel would have the right to own it.

Mayor Daniel suggested our method back to Mr. Patel is that Council is not exactly sure and feel he should seek legal counsel on what the appropriate approach is for this piece of property.

Jennifer Romano did not feel anything should be conveyed to Mr. Patel that the City would be approving anything one way or another.

Council agreed to have Mr. Patel seek legal counsel.

ORDINANCE 2019-13: ISSUANCE OF SEWAGE WORKS REVENUE BONDS FOR THE REFUNDING OF THE CITY'S SEWAGE WORKS REVENUE BONDS OF 2005 AND 2006 – 1ST READING

Motion was made by Tad Varga to read Ordinance 2019-13 by title only, Jennifer Romano seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2019-13 an ordinance concerning the refunding by the City of Columbia City of its outstanding Sewage Works Revenue Bonds of 2005 and Sewage Works Revenue Bonds of 2006; authorizing the issuance of sewage works refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the sewage works and the safeguarding of the interests of the owners of the sewage works refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith.

Mayor Daniel noted this would be for the refunding of our sewage bonds.

Motion was made by Nicole Penrod to approve Ordinance 2019-13 on second and final reading, Walt Crowder seconded the motion, all voted aye.

ORDINANCE 2019-11: AMENDMENT TO FOOD TRUCK ORDINANCE – 2ND

READING Motion was made by Tad Varga to read Ordinance 2019-2 by title only, Nicole Penrod seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2019-11 an ordinance amending Chapter 114, Restaurants, of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Jennifer Romano to approve Ordinance 2019-11 on second and final reading, Nicole Penrod seconded the motion, all voted aye.

ORDINANCE 2019-9: SPECIAL EVENTS – 1ST READING Motion was made by Jennifer Romano to read Ordinance 2019-9 by title only, Tad Varga seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2019-9 an ordinance restating and amending Chapter 100 of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

Attorney McNagny explained the current Special Events ordinance was pretty dated and really only covered Old Settlers. She advised this was an attempt to put something out there for special events, not only for the ones that have been approved on an annual basis, but also for the ones who come before the Board of Works to get an event approved. She advised she listed Old Settlers, Veteran's Marathon, First Friday's and Farmer's Market as ones that have been approved on more of an annual basis. She noted First Friday's needed to be changed to go through October.

Motion was made by Nicole Penrod to approve Ordinance 2019-9 as first reading, Tad Varga seconded the motion, all voted aye.

ORDINANCE 2019-2; MOBILE NON-FOOD VENDORS – 2ND READING Motion was made by Tad Varga to read Ordinance 2019-2 by title only, Nicole Penrod seconded the motion,

all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2019-2 an ordinance regulating mobile (non-food) vendors.

Motion was made by Jennifer Romano to approve Ordinance 2019-2 on second and final reading, Nicole Penrod seconded the motion, all voted aye.

ANNEXATION BOUNDARIES – CITY ATTORNEY Attorney McNagny explained the annexation laws now read that an annexation that is intended to become effective the year prior to a Census being taken cannot become effective until the year of the Census being taken. She advised we had 2 super voluntary annexations at the end of 2018 that were passed by Council but because of the notice requirements we could not get everything in by December 31, 2018. She noted the annexations for Armstrong and Site, Inc. could not become effective until January 1, 2020. She stated it would not affect our Census but wanted to make sure it was clear to everyone.

DEPARTMENT REPORTS Scott Leatherman reported Officer Alan Meeks turned in his resignation effective May 31 and requested to start the process to replace him, update on the new Dispatch Center. **Mike Cook** – training on new stations, bid opening for LTCP, testing on 300 E lift station June 5. **Shawn Lickey** – update on hiring process. **Mike Shoda** – flushing hydrants, storm water projects. **Mark Green** – playground installation at Southside Park, sand volleyball nets are up, Aquatics Center open every day once school is out, selected JPR Engineers for the high school property, planning new skate park, fireworks July 3rd.

MAYOR REPORT Mary Raber 3rd graders in to tour City Hall; did not receive the trail grant for the extension to the new high school property and will be meeting with DNR to see how we can improve our application for the next round; will be handing out mailboxes to the high school graduates; CGI Communications doing promotional videos for the City and will be in town on June 5, 6 & 7.

YOUTH COUNCIL Gabby Fry was present representing the Youth Council and gave an update on what they have been doing.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle