

BOARD OF WORKS
TUESDAY, JANUARY 24, 2012
5:15 P.M.

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

The Columbia City Board of Works met in regular session with all members present, Mayor Daniel presiding.

MINUTES Motion was made by Crowder to accept an overview of the December 30, 2011 meeting minutes as presented, there was no second to the motion due to the change in Board members, Crowder voted aye, Daniel and Weigold abstained.

Motion was made by Weigold to approve an overview of the January 3, 2012 meeting minutes as presented, Crowder second the motion, all voted aye.

STREET CLOSING PERMIT: WHITLEY COUNTY AUTUMN ART FESTIVAL Jeff Walker reported this was for September 8, 2012. He stated the request remains unchanged from last year; the DBA has been notified and will be in contact with the Farmer's Market people. He advised the department heads have signed off on it.

Walt Crowder questioned the trash dumpsters. Jeff Walker explained the City has always provided the ones behind City Hall.

Motion was made by Weigold to accept the street closing for September 8 for the Whitley County Autumn Art Festival, Mayor Daniel second the motion, all voted aye.

KIM GAVIN: 510 W. MARKET – REGARDING SEWER PROBLEM Kim Gavin reported she purchased the home at 510 W. Market Street on November 14, 2011; moved in approximately November 29 and on December 12 her sewer backed up into her basement. She explained she found out through a plumber that her sewer line was collapsing at 60 ft and 68 ft and it was confirmed the tap was broken badly. She stated she was present to ask if there was any way she could get assistance in paying for repairs since she had only lived there for 2 weeks before it happened.

Mayor Daniel questioned Kelly Cearbaugh if there was any additional information to be added. Kelly Cearbaugh reported they were called to check the main and it was flowing fine; to make sure he sent the jet machine up there to run the line to make sure there was no obstruction but it was open. He explained Gibson Plumbing had a sewer camera and showed several spots that were broken down and was broken down at the main too.

Walt Crowder questioned if they had run into this circumstance in the past. Kelly Cearbaugh advised it happens quite a bit where excavating companies dig up taps and replace them. Walt questioned the actual trouble she was having. Kelly reported it was common with clay tile; it breaks down a lot and sometimes goes clear to the main. Walt confirmed it was due to deterioration. Kelly advised that plus roots, separation of the joints, freezing and thawing.

Dan Weigold confirmed the current policy states that the City takes care of the main and the property owner takes care of everything up to the main. Kelly Cearbaugh advised that was correct.

Mayor Daniel confirmed this typically was not the kind of thing the City pays for. Kelly Cearbaugh advised that was correct.

Mayor Daniel questioned if there was any kind of inspection done prior to the purchase. Ms. Gavin advised she had the typical home inspection done. Tina Houser, realtor, explained that inspection typically does not go into the sewer.

Kelly Cearbaugh explained the camera showed the clay tile going right into the side of the main and then fell apart right there. He advised the main was fine and they were able to get through it with the jet machine.

Dan Weigold questioned if there were any other types of funding mechanisms that might be available through the City for that. Mayor Daniel explained, in preparation for this presentation, Rosie and he had been looking at a couple different options but was not sure any of them would be necessarily viable. He questioned if they had explored any other non-profit organizations. Ms. Gavin advised she had talked with Carl Siler with Habitat for Humanity and needed to call Julie at USDA.

Walt Crowder questioned Ms. Gavin if she was out of service right now. Ms. Gavin advised she was still up and running but checks her basement every day. Walt confirmed the reason it backed up was due to a blockage but when they cleared the blockage they found the rest of the issue. Ms. Gavin advised that was what happened and has already put \$3400 into putting in a clean out.

Mayor Daniel advised he could not speak for the other two Board members but was concerned to set precedence because this does take place in a lot of areas of our community; there were multiple people who come to the City for situations like this. He shared that he was investigating some other opportunities that, if this does not go through, he was working to try to get something that would work for her.

Dan Weigold agreed with not setting precedence. He stated it was not that they did not care about the situation by any means but did not want to put the City into a position of liability. He felt if they could look at other avenues for her it would be well spent time.

Ms. Gavin's father was present and shared what exasperates this entire thing was it appeared her connection goes out to the street and then travels down the street to finally get to the tap, so in

order to fix this they have to tear up the street and then obviously have to put the street back into working order. He shared that he understood her being liable for the connection of the tap where it was on her property and on her easement but this was not on her property it was out into the street. Mayor Daniel questioned how prevalent it was that it not only go from the house to the street but also goes down the street; do we have a lot of properties that have that kind of thing. Kelly Cearbaugh advised we did; the main runs down the center of the street and the houses connect to it, which was how the sewer ordinance reads. Walt Crowder advised there was a similar circumstance he was involved with that did exactly as what was said; it went under the sidewalk, down the street to the closest intersection and the circumstance was the same.

Ms. Houser questioned if Ms. Gavin could tap in right in front of her house; change the tap point. Kelly Cearbaugh advised she could but it would still be the same distance, she just would not have the alley to go down. He stated they would be reconnecting to a different part of the main and at that point it was a different tap connection so they would have to decide whether to waive the fee and then someone would have to repair the main to close the other hole. He stated the issue is someone would still have to dig the street up where the tap collapsed.

Mayor Daniel questioned if a vote would be needed. Attorney McNagny advised they would not need a vote unless the Board was absolutely going to do something.

Mayor Daniel advised he would be in contact to start working on some different options. He stated he wanted to work with Ms. Gavin to try to get it taken care of.

TODD SIMMERS: DOWNTOWN PARKING Mr. Simmers was not present to discuss the issue.

UMBAUGH & ASSOCIATES: AGREEMENT FOR SRF BOND Jeff Walker advised application was submitted to SRF for an additional loan to fund the short fall that came about in our Long Term Control Plan Phase IIA project when multiple occasions of contamination was found. He stated SRF requires a rate study, information from our financial consultant as well as our bond counsel. He advised this was Umbaugh's request to enter into agreement with us to do those services. He reported they were well underway on these because pre-closing was February 2. He stated this was very typical of the overall costs and scope and was comfortable with everything.

Walt Crowder thought they normally put 'not to exceed' in the language and asked for clarification. Jeff Walker advised usually with these it ends up being a lump sum amount so could not argue or support the cause for not to exceed. He understood their services to be based off of the overall loan amount. Rosie Coyle thought it had always been a flat amount.

Motion was made by Crowder to enter into the agreement with Umbaugh dated December 29, 2011 for the proposed sewer work revenue bonds of 2012 as presented, Weigold second the motion, all voted aye.

WARRANTY AGREEMENT: WALKER WAY Jeff Walker explained upon completion of the street portion of the improvements there were drainage problems on the northwest side of the

intersection of Main and Walker Way. He advised CLW talked amongst themselves and suggested that if an agreement was made between Mr. Snider's client and they, and the City approved of the private agreement, then CLW would take care of the drainage since it was coming off of a public street onto private property. He reported that was agreed to by the Board of Works and finally in late fall everything was settled between the two private parties. He added that the Board suggested the dedication of infrastructure be provided through this construction warranty.

Jeff explained the warranty agreement was filled out based off of the construction completion date in 2007 and would simply be sewer, street and storm sewer. He stated when talking with Mr. Snider about this he advised his client was not receptive to the idea of an additional one year warranty because they were already 5 years past the construction completion date; this was well past the time we require anyone else to see if there are any defects in the construction and there have been none. He stated in talking with Kelly Cearbaugh they would like to make a recommendation to the Board to accept this as is. He advised we have been maintaining it since day one but this would make it official and would allow us to submit this partial mileage to INDOT for road taxes as well as have control over additional commercial cuts along that stretch.

Motion was made by Mayor Daniel to accept Walker Way and this agreement as is, Crowder second the motion, all voted aye.

PAY REQUEST: BURGESS & NIPLE INVOICE #478654 - \$28,906.08 Jeff Walker reported this was for a period from October 24 – November 20 of last year. He advised this was for the LTCP Phase IIA project for construction inspection, construction management and administration. He recommended the Board act favorably in the sum of \$28,906.08.

Motion was made by Weigold to accept Invoice #478654 for \$28,906.08, Crowder second the motion, all voted aye.

PAY REQUEST: BOWEN ENGINEERING CORPORATION INVOICE #17 \$89,330.26 Jeff Walker advised this has been reviewed by Burgess & Niple but thought we were holding it due to the lack of funds. He stated we could go ahead and approve it contingent upon that. He advised everything was in order and recommended the Board act favorably in the sum of \$89,330.26.

Walt Crowder clarified the funding was just a timing thing. Rosie Coyle advised that was correct and were waiting approval on Loan 2 & 4

Motion was made by Crowder to accept Jeff Walker's recommendation to approve Invoice #17 for the LTCP Phase IIA for the amount of \$89,330.26 to be paid to Bowen Engineering, Mayor Daniel second the motion, all voted aye.

PAY REQUEST: AMERICAN STRUCTUREPOINT INVOICE #53575 \$17,092.92 Jeff Walker reported this was on the SR 205 project. He advised they were pretty well done with the draft design as far as second phase submittal to INDOT. He reported the option to purchase has been made to the adjacent property owner and were waiting to hear if they accept it.

Jeff Walker stated everything was in order and recommended the Board approve this in the sum of \$17,092.92.

Walt Crowder questioned when the final draft would be presented back to the Board. Jeff advised once the property acquisition takes place.

Motion was made by Mayor Daniel to pay Invoice #53575 to American StructurePoint in the amount of \$17,092.92, Weigold second the motion, all voted aye.

PERMIT FOR BURIED TELEPHONE FACILITIES Larry Whetstone reported they met with Larry Weiss on the project and had quite a bit of discussion regarding the easement. He stated they decided to go on the east side of our poles which gives them about 6” right of way, then would go down and bore under Reddick Avenue to get to their target area. He thought they still needed to get a right of way or easement to do that on the other side of the road. He reported they were aware of all of things in their way, especially our lines that go from the substation.

Larry recommended if they go the way they have planned to give them permission.

Attorney McNagny commented on the agreement. She advised they were pretty specific in the 4th paragraph of the Application for Permit where they say “in layers not exceeding 4” deep and to maintain the surface which has been disturbed in a smooth and uniform condition.....” but they do not put it in the agreement. She questioned if that was important enough that it should be carried over to the actual agreement. She noted that they also do not mention the bond in the agreement aspect and if it was something the Board wished to have it and if so it should be carried over as well. She also noted in paragraph 9 of page 3 of 3 it needed to say the City of Columbia City would be held harmless not just the Board of Works.

Larry Whetstone felt it would be nice to have all of that in there but this would be directional bore so they should not disturb the street anyway. Kelly Cearbaugh felt the wording was set up for trenching. Walt Crowder suggested it was a ‘cookie cutter’ document.

Mayor Daniel questioned if they could approve it conditional to the ‘Board of Works’ being changed to the ‘City of Columbia City’. She advised they could do that and then if they were desiring a bond that needed to be contingent upon a bond being issued. Larry Whetstone felt they should be bonded for all of the critical things that we have there. Walt Crowder felt it would be very valid.

Attorney McNagny questioned what the time frame was on this. Larry Whetstone advised the starting date was still up in the air.

Mayor Daniel advised he would feel more comfortable tabling this and making sure all of the language was put into the agreement. This issue was tabled until the next meeting.

BILLS Rosie Coyle advised they were quite lengthy but because of closing out the books for end of year she could not do any bills.

Motion was made by Crowder to pay the bills as presented in the amount of, Weigold second the motion, all voted aye.

Walt Crowder acknowledged total amount of the bills to be \$1,318,169.81 and confirmed it was a combination of closure for 2011. Rosie Coyle advised it was.

PARK DEPARTMENT Mark Green reported on the IPR Conference he attended; registration for baseball and softball starts February 1 and both boards have been meeting every week; Father/Daughter dance was next Friday, was a sold out event and there would be 2 princesses there. He reported Melinda and Terry were working on the new Park website and gave an update on the trail extension project. He advised the Park Board decided to rebid the trail and bridge separately in hopes to save money and the restroom side would be done later.

POLICE DEPARTMENT Tim Longenbaugh reported Gary Archold and Robert Stephenson were selected as the new detectives. He advised he and the Captain have met with shift supervisors to talk about goals and expectations for the future. He stated they would be meeting with each shift, officers and supervisors, to discuss goals and expectations. He reported he has been networking with other Chief's of communities our size and has started to review the SOP for the department.

WATER DEPARTMENT Mike Dear reported they installed auxiliary contacts in the control panel for the lift station to pick up when pumps go on and off. He advised they received 54 applications and would start the interview process. He reported they unhooked an abandoned service line on Simonson Street and would be putting in a new meter setting in Eagle Glen.

ELECTRIC DEPARTMENT Larry Whetstone reported they continue working on their tree schedule then will have the stumps to grind and would be putting in a couple new services. He reported on a power outage and the difficulty they had due to muddy conditions getting to the area they needed to fix the problem.

STREET DEPARTMENT Kelly Cearbaugh reported they continue to help the electric department with tree removal and they also continue to work on snow removal. He advised they have been televising in the Columbia Shores area.

Walt Crowder questioned the status of the curb cut down in his area. Kelly advised he worked with Attorney McNagny and Rosie on the letter then was hand delivered to the gentleman. He thought because of the asphalt he may need to request an extension. Walt requested a copy of the letter be given to the Board and Jacie Worrick.

IS/COMMUNICATIONS DEPARTMENT Terry Wherry reported he was working with SDS Communications on getting a camera on the trailhead bathrooms. He advised he was working with Melinda on the new Park website and hoped to have it up soon. He reported the power outage affected City Hall pretty badly in that the generator did not start so the computer systems, servers, radio and phone systems all went offline. He explained once the company got here to get the generator started they were able to bring things back up and only lost a monitor in dispatch. He advised they had about 40-45 applications for the dispatchers position.

WASTEWATER DEPARTMENT Mike Cook reported they were working on cleaning the secondary tanks and the pre-construction meeting for the improvement project was Thursday, January 26 at 9:30 a.m.

Having no further business to discuss, motion was made by Crowder to adjourn the meeting, second by Weigold, all voted aye.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle