

BOARD OF WORKS
TUESDAY, MAY 23, 2013
5:15 P.M.

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

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

MINTUES Motion was made by Weigold to approve an overview of the April 23, 2013 meeting minutes as presented, motion was seconded by Crowder, all voted aye.

STREET REPAIR BID OPENING Rosie Coyle opened and read bids received from E & B Paving in the amount of \$139,327.00; Niblock Excavating in the amount of \$113,800.00 and Wayne Asphalt in the amount of \$143,760.00.

The bids were taken under advisement and would be awarded at the next Board meeting.

SENIOR CENTER: WAIVER OF SEWER TAP FEE Debra Darr, representative for the Council on Aging, explained they were putting up a bus barn to house their 10 vans along with a wash bay. She stated they had the fees when they put up the Center and asked for consideration in reducing the tap fees for the barn.

Mayor Daniel noted that they already paid the sewer tap fees but were told to come to the Board to discuss the project since they were nonprofit and a benefit to our community.

Walt Crowder was in favor of waiving the fees. Weigold agreed.

Motion was made by Mayor Daniel to waive the sewer tap fees for the Senior Center and reimburse them for the costs already paid, motion was seconded by Crowder, all voted aye.

CRACK SEAL QUOTES Kelly Cearbaugh reported they received bids from Pavement Solutions and Synergy Solutions. He recommended awarding the bid to Pavement Solutions in the amount of \$34,060.00.

Motion was made by Weigold to award the bid to Pavement Solutions in the amount of \$34,060.00, motion was seconded by Crowder, all voted aye.

ORDINANCE VIOLATION: 670 W. OLD TRAIL ROAD – BRONI Chris Broni explained they purchased the property in 2001 with the intentions of housing 2 horses on the property; it was documented by the realtor at the time of sale. In addition they requested from the Zoning Board a statement about the property and were told the property was zoned for livestock and

could have one large animal per acre of property; they own 2.5 acres. She advised they were not notified of any ordinance or zoning change and purchased a second horse in 2008. She explained in doing that they started having issues with flies so began keeping chickens to manage the fly population and have found it to be very successful. She stated they were proposing that their property be grandfathered in with the animals that they currently have and with the understanding that they bought the property with the 2 horses in mind. She advised one of the horses was 27 years old and were expecting at some point they would lose her but would like to be grandfathered as such that they could bring an additional horse onto the property.

Mayor Daniel questioned when they brought the chickens onto the property. Mrs. Broni could not recall; she advised she teaches at an elementary school in which the kindergarten classes often raise chickens and every year they need to find homes for the chickens so as their flock would die out they would bring in new chickens.

Dan Weigold did not feel it was right if they purchased the property in good faith and then we change the ordinance. He felt they should be grandfathered in this situation. He could not recall when the property was annexed but did not feel it was right that if they already had the horses and whatever there that we go in and say they can't have them.

Walt Crowder supported Dan's comments but was also trying to abide by the ordinance as best as they could. He felt the acreage was also a positive and supports the needs of having 2 horses and falls in line with the ordinance. He felt the issue of timing should be looked at to be grandfathered and that if they ever decide to move or sell it would not carry on.

Attorney McNagny explained the issue was not the grandfathering in, the ordinance already does that, the issue was the registration and whether the Board would allow them to register beyond the date they had to register the animals.

Mayor Daniel questioned if there would be a difference between the chickens and the horses. He advised he did have a problem with giving them the ability to register late but how would the two entities work; horses were one thing, chickens were another. Attorney McNagny questioned the Broni's if they had the chickens before 2005. Mr. Broni advised it was hard to say because they had gotten chickens from the kindergarten class several times and did not document when they got the first ones.

Mrs. Broni expressed that part of their concerns, in wanting the property grandfathered rather than the animals, was that according to the ordinance it states the animals on the property are the ones eligible for the grandfathering. She explained the reason they would like the property grandfathered was because the second horse did not arrive until after the ordinance was passed as they were not aware of the ordinance change and were operating off of the documentation that they had at the time of sale of the property. Attorney McNagny explained the zoning ordinance was subject to the ordinances the City passes; the zoning aspect would be a complete decision on the Board's part. She explained the City's code is superior as far as the language of the zoning part so the Board would have to make a decision on whether to allow the exception. Walt Crowder clarified the exception was if one horse deceases they have the ability to replace it. Mrs. Broni advised that was correct. Attorney McNagny advised the Board would be looking at

the zoning ordinance they brought them in under despite what we have in the animal control ordinance. Walt Crowder advised he was ok with that as long as they register the animals. Dan Weigold agreed.

Walt Crowder asked if the question was clarified regarding the chickens. Mayor Daniel felt they were basically saying since they cannot determine the time at which the chickens came on; he felt it was very plausible that the chickens came on before the ordinance, that if they were going to accept the property it would include the horses and the chickens. He noted that he preferred not to have any additional animals but if they were replacing the animals that was a different topic. Walt Crowder agreed.

Attorney McNagny clarified for the registration process that if there are two horses and one passes and they replace the horse the Board was ok with that but they cannot bring 10 horses on the property; the same for the chickens, it needs to be kept within what they have. Mayor Daniel advised that was correct.

Motion was made by Mayor Daniel to void the ordinance violation and allow the Broni's to register their property and the animals on the property, motion was seconded by Crowder, all voted aye.

Rosie Coyle questioned if she should do up a letter to reflect what was discussed. Mayor Daniel felt that would be a good idea and noted for the record they talked about 2 horses and 3 chickens.

ORDINANCE VIOLATION: 605 W. ELLSWORTH STREET – JESSICA BURKETT

Jessica Burkett explained they have 6 hens fenced in on their property. She stated they would like to be able to keep the chickens and were looking to move in June or July.

Dan Weigold questioned when they had the chickens established at their home. Ms. Burkett stated they have had them about a year.

Mayor Daniel questioned what the chances were that they would be moving in the next 2 months. Ms. Burkett advised it was certain.

Dan Weigold advised he did not have a problem with them keeping the chickens until they move but to set a date of July 30 to have the chickens moved.

Walt Crowder questioned if this was due to a complaint or the officer just doing his duty. Chief Longenbaugh advised it was due to a complaint. Ms. Burkett advised they were unaware of any complaints.

Mayor Daniel advised he did not have a problem with it since they were looking at two months and setting a date of July 30 for the chickens to be gone.

Walt Crowder advised he had no qualms with the timeline but felt the complainant needed to be made aware of the decision.

Motion was made by Mayor Daniel to grant an extension until July 30 at which point the Burkett's need to have the chickens off of the property, motion was seconded by Weigold, all voted aye.

CURB CUT REQUEST: 601 W. ELLSWORTH STREET Eric Bose explained on the Oak Street side of their property they have a one car drive but would like to widen that to make it a two car drive. He stated they would asphalt the drive.

Kelly Cearbaugh advised he met with Eric and was ok with it. Walt Crowder and Dan Weigold agree.

Motion was made by Crowder to approve the permit to cut the curb at 601 W. Ellsworth Street as presented in the documentation, motion was seconded by Weigold, all voted aye.

CURB ENHANCEMENT QUOTES Kelly Cearbaugh advised he sent requests out to Primco, JB Concrete and Garcia. He recommended awarding the bid to Garcia in the amount of \$59,398.50.

Motion was made by Weigold to approve Garcia in the amount of \$59,398.50 for curb enhancement, motion was seconded by Crowder, all voted aye.

ECONOMIC DEVELOPMENT REDLG LOAN Mayor Daniel explained Alan Tio, EDC, and Bill Smith, Blue M Medical, were present to discuss a REDLG Loan (Rural Economic Development Loan and Grant Program).

Alan Tio explained he was working with Bill to identify resources to start up Blue M Medical here in Columbia City. He stated one of the pieces that would look very attractive would be to access a program through USDA called REDLG program which was available to support projects in rural areas such as building purchases. Mr. Smith was considering the purchase of a building in Columbia City to house his company. The program requires the Board to serve as an intermediary to make the request to USDA, and if successful, receive the funds then transfer those funds to Blue M Medical for a 0% interest 10 year loan towards the building purchase.

Mr. Smith explained his startup company was looking to locate in Columbia City. They would be focusing on German style instrumentation and would be looking to hire, short term, 5-8 people to help support the operation.

Walt Crowder questioned the dollar amount they were looking to receive. Mr. Smith advised \$150,000.00. Walt advised he was very optimistic but questioned if something would go south if the city would be accountable for that loan for the cycle of 10 years. Mr. Tio advised that was correct. Mayor Daniel confirmed the City could use the building as collateral. Mr. Tio advised that was correct and could sell the building to pay the loan.

Walt Crowder confirmed this would not commit the City to anything and would just start the process. Mr. Tio advised that was correct.

Motion was made by Mayor Daniel to move forward in the REDLG program to partner with the EDC, Lori Shipman Consulting and Blue M Medical, motion was seconded by Dan Weigold, all voted aye.

BETH GAFF – CITYWIDE GARAGE SALE Beth Gaff presented a proposal to the Board to start up a citywide garage sale. She advised they would like to hold the first annual garage sale on the first Saturday in August with this year's sale being August 3rd with a proposed time of 8 – 5. She stated her group would provide flyers, advertising and the opportunity for people to be put on a map to show the location of their sale; they were also asking to have any fees waived for this sale.

Mayor Daniel questioned if this would require any street closures. Ms. Gaff advised it would not.

Dan Weigold questioned the fee. Rosie Coyle advised there was a \$1.00 permit fee. She also noted that weekend was the Jr. Achievement Car Show downtown.

Mayor Daniel questioned Chief Longenbaugh if he had any concerns. Chief Longenbaugh expressed concern for some of the additions where traffic could be an issue.

Mayor Daniel noted the only real decision of the Board was not whether they could have the sale but whether to waive the fees for that day. He advised the biggest question he had was by granting this one time per year waiver would they be favoring one group over another (i.e. Eagle Glen, Columbia Shores). Dan Weigold noted that this was the first group to ever ask to have it waived. Walt Crowder felt to be fair and consistent, even though this would be titled citywide, they should still follow the permit process.

Ms. Gaff questioned if they would need to come to the Board next year. Mayor Daniel advised the only time they would need to come to the Board is if they were closing streets or need an exemption of some sort.

BILLS Motion was made by Weigold to approve the bills as presented with the evaluation of Mayor Daniel for the amount of \$787,545.32, motion was seconded by Crowder, all voted aye.

DEPARTMENT REPORTS Reports were given by Terry Wherry, Mike Dear, Tom LaRue, Kelly Cearbaugh, Larry Whetstone, Mike Cook, Tim Longenbaugh and Mark Green.

CITYWIDE TRASH PICKUP Dan Weigold commented that individuals have started putting things out for the pickup and requested that they hold off until the week before. Mayor Daniel felt next year they needed to put a cap on how early people can put stuff out.

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

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle