

**COMMON COUNCIL  
TUESDAY, MAY 22, 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 – Absent

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

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

**FARMER’S MARKET UPDATE – CHRIS LILLY** Mayor Daniel explained there was a request given to the Board of Works by Chris Lilly to give the Farmer’s Market expansion room on the northern side of the court house square from Chauncey Street to the walk way to the main doors. He stated it was the opinion of legal counsel for the Board of Works to approve it subject to Council’s approval. He advised they were looking to change the ordinance because of how much they have grown.

Chris Lilly explained they were interested in expanding the Farmer’s Market due to the growth over the past couple of years. He stated the only place they could expand safely and without the State’s permission was Van Buren Street. He advised they were looking to the northwest corner of the court house square for expansion.

Mayor Daniel advised the Board of Works was requesting from Council to approve the addition onto what they currently have, space wise, and in the meantime they would work on the ordinance change.

Bill Simpson questioned if there were any issues with police or fire. Mayor Daniel did not believe there was. Chief LaRue confirmed they would not be blocking traffic. Mayor Daniel advised they would not; they would just be in the parking spaces.

Motion was made by Bill Simpson to approve the request, Ben Romine second the motion, all voted aye.

**PUBLIC HEARING: PROPOSED WATER RATE INCREASE** Mayor Daniel opened the meeting for citizens to give their opinion on the proposed water rate increase. Having no comments or questions Mayor Daniel closed the public hearing.

**ORDINANCE 2012-7: ESTABLISHING RATES FOR THE WATERWORKS – 2<sup>ND</sup>**

**READING** Buzz Krohn with O.W. Krohn & Associates was present. He stated on April 27 the OUCC filed a docket informing the IURC that we had reached a settlement and those rates were in the ordinance tonight. He reported at the end of last year we filed for a 36.94% across the board increase and we settled for a 33.08% increase. He stated a minimum usage customer of 2,000 gallons would see an increase of \$2.14 per month and an average user of 4,000 gallons would see an increase of \$5.35 per month. He advised he planned on utilizing the small utility filing procedure as opposed to a full blown rate case hearing.

Ben Romine questioned Buzz in their calculations if they looked at what happened in the past when we raised the rates and had a decrease in usage. Buzz advised they have been following that and there was always that risk but they were not anticipating this would have a dramatic impact on it. Ben advised he just wanted to make sure we were not in the same position 5 years from now where our debt reserve was in the negative. Buzz advised they would just have to keep an eye on it.

Motion was made by Ben Romine to read Ordinance 2012-7 by title only, Nicole Penrod second the motion, all voted aye. Rosie Coyle read ordinance 2012-7 an ordinance establishing rates and charges for the use and services rendered by the waterworks of the City of Columbia city and repealing ordinances inconsistent herewith.

Motion was made by Dan Weigold to approve Ordinance 2012-7, Bill Simpson second the motion, all voted aye.

**ORDINANCE 2012-12: AMENDMENT TO THE ZONING ORDINANCE – SDS**

**COMMUNICATIONS – 1<sup>ST</sup> READING** David Sewell, Executive Director of the Joint Planning and Building Department, was present representing the Columbia City Plan Commission with a recommendation on a rezone petition that was filed and heard by the Columbia City Plan Commission. He explained petition 12-C-REZ-1 filed by SDS Communications was a request to change zoning from A-1 agricultural zoning district to a GB general business zoning district. He stated the area was just shy of 1.5 acres located on the north side of West Lincolnway, 1/8 mile west of 150 West. He advised a public hearing was held and there was no opposition to the request.

Nicole Penrod questioned what type of business it would be. Mr. Sewell advised it was a communication/phone service office. He stated there would be no retail sales and no traffic other than delivery and business trucks.

Motion was made by Ben Romine to read Ordinance 2012-12 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-12 an ordinance amending the zoning classification of certain property from the “A-1” agricultural zoning district to the “GB” general business zoning district of Columbia City, Indiana.

Motion was made by Ben Romine to approve the zoning change from agricultural to general business for the West Lincolnway property, Dan Weigold second the motion, all voted aye.

**RESOLUTION 2012-8: ADDITIONAL APPROPRIATION** Rosie Coyle reported we received unexpected money back from the State and have been working with Buzz Krohn and Lake City Bank to get the City Hall bond paid. She stated the payoff was \$321,000.00 and by doing this it would save us about \$100,000.00 per year. She advised she had to get additional appropriations out of the Rainy Day fund to pay it off. She stated it would have to be sent to the State for approval.

Mayor Daniel felt this was the responsible thing to do. We would be saving interest but on top of that we were being good stewards of dollars we have in trying to save taxpayer money through this.

Bill Simpson questioned if we continued to pay the bond how much longer would it be. Rosie Coyle advised it would be 2 more years.

Ben Romine questioned if we would put the money that we were now not spending on the bond payment back into the Rainy Day Fund. Rosie Coyle explained part of it went in there anyway and the other portion would go into the Cum Cap Development Fund. She explained whichever fund it was in they could still use it. Mayor Daniel advised he and Rosie talked about this as they could not necessarily appropriate CCD dollars into the Rainy Day Fund; the only way they could put money in the Rainy Day is if it was left over at the end of the year. Rosie advised they put \$130,000 in the Rainy Day Fund that was received from the State.

Motion was made by Bill Simpson to pass Resolution 2012-8, Nicole Penrod second the motion, all voted aye.

**ORDINANCE 2012-9: AMENDMENT TO THE ILLICIT DISCHARGE AND CONNECTION TO THE STORM WATER SYSTEM – 2<sup>ND</sup> READING** Motion was made by Dan Weigold to read Ordinance 2012-9 by title only, Nicole Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-9 an ordinance amending Chapter 56, illicit discharge and connection to the municipal storm water system of Title V of the code of ordinances of the City of Columbia City, Indiana.

Attorney McNagny reminded Council that we already had an ordinance in place mandated by EPA. She stated our ordinance was based upon the EPA's model but the changes being presented were purely along the lines of clarification purposes.

Jeff Walker felt it was important to understand that this was specific to our storm water collection system and does not include the sanitary system.

Ben Romine advised his biggest concern was for the people who have purchased homes that have been inspected by a licensed inspector and have been told it was ok but now we are saying they cannot do this and it is at the homeowner's expense to fix it. Jeff Walker stated none of the new homes that would have been inspected since the building department has been in place would have direct connections to the storm water. Mayor Daniel questioned how long the original ordinance had been in place. Jeff Walker advised 2005 was when our ordinance was established. Ben Romine felt this was just opening up for a lot of lawsuits; if a house was

purchased and it was not disclosed that it was improperly connected and then the City comes in to smoke test and the owner has to fix something that was not disclosed at the time of purchase. Attorney McNagny advised this was amending a required ordinance; it was not the City doing something to homeowners. She stated it was already in place, this was just a clarification of the ordinance. Ben questioned how the City was going to deal with it when the City starts smoke testing. Jeff Walker explained this was work in progress and every community in Indiana that has storm water MS4 was dealing with the same thing. He stated one of the key minimum control measures was public education and outreach and was something we were going to have to develop a program for.

Mayor Daniel advised it would be a process, the plan was to have a lot of public outreach and education as to what we were being forced to do.

Mike Cook noted that Chapter 51.09 (B) conflicts with this ordinance so will need to do an amendment.

Ben Romine felt this was something that should be disclosed when buying a home; it would be nice to know, when buying a home, if there was an improper connection. Mayor Daniel questioned if that was a State mandate that realtors were expected to know. This questioned could not be answered. Ben felt it was something we needed to educate the realtors on.

Motion was made by Nicole Penrod to adopt Ordinance 2012-9, Dan Weigold second the motion, all voted aye.

**ORDINANCE 2012-10: AMENDMENT TO THE TRAFFIC ORDINANCE – 1<sup>ST</sup>**

**READING** Motion was made by Ben Romine to read Ordinance 2012-10 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-10 an ordinance amending Chapter 75, traffic schedules of title VII of the code of ordinances of the City of Columbia city, Indiana.

Kelly Cearbaugh explained during their sign replacement project they were running into streets that did not have speed signs posted as well as yield and stop signs that were posted that did not make sense.

Ben Romine questioned what made up the decision to change the yields and stops. Kelly advised in some areas the sign posted did not make sense so in working with the police chief they made these determinations.

Motion was made by Ben Romine to approve Ordinance 2012-10 on first reading, Bill Simpson second the motion, all voted aye.

**ORDINANCE 2012-11: AUTHORIZING SALE OF PARK LAND – 1<sup>ST</sup>** **READING** Motion was made by Ben Romine to read Ordinance 2012-11 by title only, Nicole Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-11 an ordinance authorizing the sale of park lands owned by the City of Columbia City, Indiana.

Mayor Daniel read a letter from the Park Board that was addressed to the Council concerning the parks they were looking to sell and the reasons why. The parks they were looking to sell were North Street Garden, Langeloh Park and Mayor's Park.

Mark Green also presented a slide show of the properties they would like to sell.

Mayor Daniel reported he spoke with the individuals who use to own the properties; Phyllis Crace was very receptive of us using Mayor's Park as we feel fit as well as Don Langeloh felt the same in regards to Langeloh Park. He was unsure about North Street and how it was or became the City's. Attorney McNagny advised they were still looking into that one. Mike Dear explained North Street Garden happened when they widened Line Street, the City bought a house on that corner and tore it down but wanted to straighten out the street and that is what is left of the lot. Mayor Daniel confirmed the City purchased that lot. Mike advised we did.

Dan Weigold advised Langeloh Park was basically a place for dogs to relieve themselves but there were kids that do play in the Mayor's Park. He discussed a concern that was presented to him regarding sexual offenders and the 1,000 ft radius around the parks and if that was taken away the areas of possibility that the offenders could be. He stated there were a number of homes that could be involved. Mayor Daniel questioned if that was a state mandate. Chief Longenbaugh advised it was watched and they were checked upon to make sure they were residing where they say they are.

Bill Simpson advised he has had a couple people talk to him about the Mayor's Park and hoped the City would reconsider selling that property. He advised he was an advocate for neighborhood parks. He realized the Mayor's Park was small but suggested taking steps so that it would be utilized more.

Ben Romine questioned from a sex offender standpoint could it be designated as a park but the City not own it, could the housing association keep it. Mayor Daniel advised it could not.

Bill Simpson advised he was not opposed to the other two parks but was opposed to selling the Mayor's Park. Ben Romine agreed.

Mayor Daniel confirmed with Council that they would like to change the ordinance to take out Mayor's Park and just do the sale or vacate of Langeloh Park and North Street Garden. Council agreed.

Motion was made by Dan Weigold to pass the current ordinance but take out the Mayor's Park, Nicole Penrod second the motion, all voted aye.

**COMPLIANCE WITH STATEMENT OF BENEFITS: BONES THEATRE** Rosie Coyle advised they had a 10 year abatement and this was their 6<sup>th</sup> year. She advised they were in compliance.

Motion was made by Nicole Penrod to find Bones Theater in compliance with their statement of benefits, Ben Romine second the motion, all voted aye.

**STREET DEPARTMENT** Kelly Cearbaugh reported on the new parking area on Line Street, they continue to inspect the City Ford sewer, he had three employees attend a seminar on sweeper maintenance and operation, they fixed a sink hole on Swihart Street and continue to sweep a couple days a week.

Ben Romine questioned for limb pickup if there had ever been consideration to charging a fee to pick up more than what the guidelines state. Mayor Daniel advised they have had some initial discussion on it but Kelly's department does so much and felt it was an issue of manpower more than anything.

Mayor Daniel noted for the City wide pickup the west side would be June 9 and the east side would be June 16.

**IS/COMMUNICATIONS DEPARTMENT** Terry Wherry reported he finished setting up two computers, he continues with Facebook and City website updates, SDS was out doing preventative maintenance on all of the cameras, all ID's were complete except one.

**WASTEWATER DEPARTMENT** Mike Cook reported he would be going over the final punch list for the EQ basin, he gave an update on the miscellaneous improvements project, he was reviewing their permits as well as Chapter 51 of the sewer ordinance so they were not in conflict with the storm water ordinance.

**WATER DEPARTMENT** Mike Dear reported they ran a service line on 700 E. for a house on the SDI property, started work on South Line Street, they have been working on patching yards and their consumer confidence report should go out in 2-3 weeks.

**ELECTRIC DEPARTMENT** Larry Whetstone reported Spectrum Engineering was in to check the south substation, have been hauling dirt out from the new underground line they put in Countryside Park, repaired a meter problem at the softball diamonds, put in a temporary service in Chesapeake and have been busy trimming trees, installing new poles and services.

**PARK DEPARTMENT** Mark Green reported on the vandalism, the 5K race on July 14 to raise money for fireworks, they would be starting up the Jr. Golf tournaments, they were taking registrations for day camps, they continue to work on DeVol Field. He reported the boiler was out at the pool and the Park Board decided instead of spending \$17,000 to repair it they were going to do what a lot of other communities do and just let the sun heat it. He advised the splash pad opens Friday and will be open from noon – 8:00 p.m. every day. He reported the splash pad could be rented for private parties.

Dan Weigold questioned when the fireworks will be. Mayor Daniel advised they would be on July 3<sup>rd</sup>; vendors and jumping houses will be set up too. Mark Green added that Spike & The Bulldogs will be playing. Bill Simpson asked if it was open to private vendors or just park vendors. Mark advised it was open to all vendors but they would have to pay a deposit.

Ben Romine questioned what the cost savings was of not heating the pool water. Mark Green reported the people affected by it most would be the swimming lesson kids in the morning. He

advised they normally make about \$4,000 - \$5,000 for swimming lessons and would cost \$17,000 to repair the boiler. Ben questioned the savings by not having the cost to heat the pool Mark advised he did not have the gas bill costs available but knew it was a lot. Ben confirmed it should lower our potential loss for this year. Mark advised it should. He stated that was why many municipalities were not heating their pools, because of the costs.

**POLICE DEPARTMENT** Tim Longenbaugh reported on their training, Captain Hively would be giving a presentation to a group of Kindergarten kids, they continue to plan for parades and other special events and they were seeing an increase of thefts from vehicles in town.

**FIRE DEPARTMENT** Tom LaRue reported on their training, they had a test on their standing orders which is what they can and cannot do as a BLS non transport ambulance service, the Chief's Association was researching a grant to upgrade their radio service in the County so all department's could communicate.

**COMMUNITY DEVELOPMENT** Jeff Walker reported they recently found a storm water outfall at the Phillips Ditch that was in bad disrepair; he thanked Kelly for getting that repaired with a local contractor. He advised we were required by IDEM to annually test the waters of the State which is the Phillips Ditch, Blue River and Eel River; dry weather was done but were waiting to find a wet weather testing day. He distributed an article from Talk of the Town regarding leaders from the Northeast Indiana Regional Counties that met for 2 days to do visioning for the northeast Indiana area. He explained the goal was to create rich employment base that will eventually create a better quality of life for our people here. He stated the Mayor has been talking about a comprehensive community development plan and creating a strategy for our community and this would dovetail that.

**MAYOR'S REPORT** Mayor Daniel reported Rosie, Attorney McNagny and himself have been working on the HR application process.

**TREE'S – IN FRONT OF THE JAIL** Bill Simpson reported the tree's in front of the jail were hanging over the sidewalk pretty low. Mayor Daniel advised he would look into it.

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

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Mayor Ryan Daniel

Attest:

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Clerk Treasurer Rosie Coyle