

**BOARD OF WORKS  
TUESDAY, MAY 26, 2015  
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.

**MINUTES** Motion was made by Weigold to approve an overview of the May 12, 2015 meeting minutes as presented, Crowder seconded the motion, all voted aye.

**REQUEST TO INSTALL SOIL BORINGS EAST MARKET STREET RIGHT OF WAY**

Jeff Walker explained People's Federal was in the process of getting ready to sell their property and in researching the historic records they found at one point the corner had a gas station. He stated they just want to make sure the property was not contaminated.

Motion was made by Mayor Daniel to approve the request to install soil borings as presented, Weigold seconded the motion, all voted aye.

**GRANITE RIDGE SUBDIVISION ISSUES**

Jeff Walker advised he invited Granite Ridge to attend the Board of Works meeting. He explained based off of the subdivision condition of their soil and erosion control methods and maintenance, they were not meeting the intent of our ordinance or Rule 5 at a County level through IDEM. He stated this has been going on since the middle of last year and has been contacted by himself, John Gotz and Cathy Gardner. He advised he had forwarded pictures to the Board for consideration; the catch basin inlets were completely plugged with mud, straw and debris and there was erosion in the right of way. He shared that every month John Gotz provides on-site inspections and forwards the report to the developer, County, Brandon Forrester, the City, etc. and highlights what is good or not so good.

Jeff Walker reported that Granite Ridge has not returned any of his inquiries but has provided some updates to John Gotz. He shared that in his latest email correspondence to Kathy Hartman and Lonnie Norris from Granite Ridge he informed them he would be recommending some sort of enforcement action at the meeting tonight.

John Gotz explained the major issue was that seeding had not been done and since there is no seed, there is erosion and sediments are collecting in the wetlands. He stated this would be a huge issue with IDEM.

Dan Weigold felt we have given them amply opportunities to remedy the situation.

Mayor Daniel felt the erosion control methods that were not being followed were causing most of this and is one of the first things that needed to be addressed. He advised he also had major issues with the fact that the inlets are plugged with mud, which ultimately will go to the retention area. He felt it needed to be cleaned out on both ends.

Attorney McNagny advised there were a lot of opportunities under the ordinance for a variety of enforcement mechanisms. She stated whatever the Board decides, she and Jeff Walker would work together to take care of it, unless it would fall under IDEM. John Gotz advised IDEM has a Regional Storm Water Inspector who would have authorities as far as the Rule 5 violations.

Mayor Daniel felt if a notice of violation had not been given yet, that should be the first step. He questioned along with that if we needed to provide a penalty clause. Attorney McNagny advised it should include the penalty, violation, abatement or whatever route the Board wanted to take.

Walt Crowder concurred they needed to take the next step and engage what their options were. He suggested maybe IDEM needed to be involved with the City. He felt it would be a good partnership of addressing the issue from 2 different perspectives; 1.) from an ordinance violation and 2.) from IDEM violation. John Gotz advised he could contact the District Representative from IDEM. Walt Crowder felt it was a much bigger picture than just the subdivision since there were wetlands involved.

Mayor Daniel questioned if we should proceed concurrently; contact IDEM but proceed with our notice of violation and penalty. Attorney McNagny felt the City needed to 'stay its course' and do what we needed to do and not worry about IDEM. She suggested John could still contact IDEM. Walt Crowder felt it was important to communicate with IDEM so they were aware of what the City was doing in regards to going forward, which may encourage them to join in.

Mayor Daniel advised there were 2 things he would like to see done; clean out of the storm pipe on both ends and would also like to see the area seeded and strawed post haste. He stated he would also be open to fining up to \$500 per violation per day after the 10 day notice. Walt Crowder suggested to take it one step further, in addition to the fine, that if work was not complete within the time period then permits would be held.

Walt Crowder questioned how many violations there were. Jeff Walker advised there were 2 subdivisions we were having problems with. Attorney McNagny clarified there were permits for each subdivision. Jeff Walker advised that was correct. Attorney McNagny advised that was clearly 2 separate violations and then the clean out of the storm pipe was a violation of the sediment control plan. She questioned if both subdivisions were failing to do that. John Gotz advised they were. Attorney McNagny advised that would be 4 violations; seeding, seeding, catch basin, catch basin.

Attorney McNagny noted that under the erosion control portion the ordinance says if within 5 days after notification they do not comply with the erosion and sediment control plan the City shall revoke the permit. She advised that could be extended.

Mayor Daniel clarified with Shawn Lickey that in Chesapeake Landing Section 3 repairs had been made to the silt fence. Shawn Lickey advised all repairs had been made to the silt fence.

Attorney McNagny advised she could meet with Jeff Walker and John Gotz to confirm which part of the ordinances these things fall under; the seeding seemed to be erosion control but questioned if the catch basin portion was under erosion control as well. John Gotz clarified that would be an illicit discharge to the storm sewer. Attorney McNagny advised then there would be two separate sections.

Attorney McNagny advised the Board just needed to let her know what it was that Granite Ridge needed to do, the time frame in which to get it done and whether the City would fine them if it was not done after that period of time and also would the City go ahead, abate and charge them if they do not get it done. Mayor Daniel suggested \$500 per violation per day after a 10 day period. Walt Crowder suggested we not cap the fine and do a progressive fine if they continue to not respond. Mayor Daniel confirmed with the Board they were ok with a 10 day period rather than 5 day. The Board agreed.

Attorney McNagny questioned if the City would proceed to abate if they do not. Mayor Daniel felt if by our next meeting on June 9 it looks like they still do not care then we address the issue of when to abate ourselves and charge them. He stated usually when we abate a situation like that we put a lien on the property and questioned where that lien would be placed. Attorney McNagny advised she would have look into that; she was not sure there was a lien process on that.

Walt Crowder questioned if there was any money set aside as retainage. Jeff Walker stated this was all under warranty now and it was signed off on last summer before the issues started.

Mayor Daniel explained if the Board gives them 10 days from this date it would give them until June 6; then at the next meeting on June 9 if there was still no progress the Board could set a date to abate the situation. Walt Crowder confirmed the notification would start immediately. Mayor Daniel advised it would. There was discussion as to when the 10 days would begin. Attorney McNagny suggested it be 10 days from the date of receipt. Rosie Coyle questioned when the fines would start. Mayor Daniel advised they would start after the 10<sup>th</sup> day.

Kelly Cearbaugh questioned if they would have an opportunity to seed before the pipe cleaning takes place; it seemed that the grass needed to be established before cleaning the pipes. Walt Crowder agreed and felt both needed to be identified up front but the process might be a little early to understand which should go first and second.

Motion was made by Mayor Daniel to send the notice of violation to Granite Ridge addressing both seeding and strawing of currently unseeded areas and the clean out of the storm pipe on both ends along with protection of the inlets themselves with a violation after 10 days of \$500 per violation per day, Weigold seconded the motion, all voted aye.

**STREET CLOSING PERMIT – WC AUTUMN ART FESTIVAL** This issue was postponed.

### **STREET CLOSING PERMIT – COLUMBIA CITY POLICE COPS & ROBBERS 5K**

Tim Longenbaugh requested permission to close the 100 block of South Chauncey Street and the 100 block of West Van Buren Street on July 25 from 0700 – 1200 hours. He advised his department would take care of traffic direction. He stated this would be a fundraiser for possibly a new K9 program and the car seat program. He advised this will be similar to the Zombie race that was last fall. He stated they would also like to close off the north side of the 100 block of Market Street between Main and Chauncey to allow runners to come down Market Street. He advised the eastbound lane would still be open and the closure would only be for a short time. He stated it would not interfere with the Farmer's Market.

Mayor Daniel questioned if the Main Street Association had been notified. Rosie Coyle did not believe they had. Mayor Daniel requested communication with the Main Street Association as well as the Farmer's Market to make sure everyone was informed.

Motion was made by Mayor Daniel to approve the Cops & Robbers 5K on July 25 as presented with the request that both the Main Street Association and Farmer's Market are notified of the event, Weigold seconded the motion, all voted aye.

**WATER TOWER SERVICE AGREEMENT QUOTES** Rick Jessup with the Leary Construction Company was present. He discussed the background of the company and reviewed the maintenance contract being considered.

Attorney McNagny discussed the termination language she had suggested. She felt it was a little more clear and specific. Mr. Jessup advised he was doing everything he could to protect the town and has made every change that protects the City. Attorney McNagny advised it was fine as written if the Board was ok with it. Mr. Jessup advised they would do everything they say their going to do.

Walt Crowder questioned their emergency response time. Mr. Jessup advised it would be within 48 hours and that was stated in the agreement.

Walt Crowder questioned how long before we take the east tower over. Mike Shoda advised it would be ours next December. Mr. Jessup stated they put that tank off until the 3<sup>rd</sup> year.

Mayor Daniel questioned the Board's thoughts regarding Attorney McNagny's minor tweaks to the contract termination language and if they were fine with how it was written or if they wanted to use her suggestions. Walt Crowder advised he was comfortable with it. Dan Weigold agreed.

Rosie Coyle advised we still needed a Certificate of Insurance. Mr. Jessup advised it would be included with the invoice.

Motion was made by Crowder to go with the Leary Construction proposal as presented on our 10 year plan for our water towers for the City of Columbia City, Weigold seconded the motion, all voted aye.

**BILLS** Motion was made by Dan Weigold to pay the bills as presented in the amount of \$1,877,068.74, Mayor Daniel seconded the motion, all voted aye.

**WATER TOWER TANK CONTRACT - UTILITY SERVICES** Jeff Walker questioned if the Board had considered any opportunities in going after the previous company for breach of contract. Walt Crowder felt we still needed to review what the options were. Mayor Daniel advised he was under the impression that we may have a weak case to go after breach of contract. Attorney McNagny advised she would have to go back and look at the contract.

**YOUTH COUNCIL** Mayor Daniel introduced Ethan Tinsley and Emily Temple with the Youth Council. Ethan Tinsley reported they did landscaping at the W.C. Historical Museum.

Having no further business to discuss the meeting was adjourned.

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Mayor Ryan Daniel

Attest:

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Clerk Treasurer Rosie Coyle