

**BOARD OF WORKS  
TUESDAY, APRIL 11, 2023  
5:00 PM**

Mayor Ryan Daniel – Present  
Clerk Treasurer Rosie Coyle – Present  
Attorney Marcia McNagny – Present  
Walter Crowder – Absent  
Nicole Penrod – Present

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

**MINUTES** Approval of the minutes was postponed until the next meeting.

**DOWNTOWN REVITALIZATION PLAN – SCOPE PROPOSAL** Chip Hill explained this was for the downtown revitalization plan. Mayor Daniel advised the contract was for \$49,500.00. Chip Hill shared they would do public outreach by having a booth at First Friday's, focus groups, etc.

Motion was made by Mayor Daniel to approve the agreement for the downtown revitalization plan with HWC Engineering as presented with a not to exceed number of \$49,500.00, Nicole Penrod seconded the motion, all voted aye.

**ENCROACHMENT AGREEMENT – 894 N. EMANCIPATION CT. – LIBBY DENNISON** Libby Dennison was present to explain she would like to put up a fence in the back and partially on the side of her property.

Mayor Daniel did not think there were any issues from the department heads. He shared if the City needed to access the easement, we would try to gently move things but would be at the cost of the homeowner to replace.

Motion was made by Nicole Penrod to approve the encroachment agreement at 894 N. Emancipation Court, Mayor Daniel seconded the motion, all voted aye.

**ENCROACHMENT AGREEMENT – 1308 E. LOUISE DRIVE – SARAH SIMMONS** Mayor Daniel noted Sarah Simmons was not present. He stated it looked like the request was for a wood fence. Further discussion took place on the request.

Motion was made by Mayor Daniel to approve the encroachment agreement for 1308 E. Louise Drive as presented, Nicole Penrod seconded the motion, all voted aye.

**PERMIT TO CUT INTO STREET – LIBERTY DR. TO 651 COUNTRYSIDE DR.** Mayor Daniel noted this was for QC Communications for Mediacom. Kelly Cearbaugh advised they would be crossing over a sewer line but they would have to call in for locates. He did not have any concerns other than that.

Motion was made by Nicole Penrod to approve the permit to cut into curbs, streets, or alleys for Mediacom under Liberty Drive to 651 Countryside Dr., Mayor Daniel seconded the motion, all voted aye.

**NORTH SUBSTATION UPGRADE – KENT POWER \$385,932.01** Mayor Daniel requested to table this issue until Shawn Lickey was present.

**STREET CLOSING REQUEST – FARMER’S MARKET** Chris Brazel, President for the Whitley County Farmers Market was present to discuss the street closing request for this year’s Farmer’s Market. He advised there were not a lot of changes this year but have shortened it up a little with the last date being the first weekend in October. He reviewed the setup as they have done in the past.

Motion was made by Mayor Daniel to approve the street closing permit for the Whitley County Farmer’s Market as presented, Nicole Penrod seconded the motion, all voted aye.

**BILLS** Motion was made by Nicole Penrod to pay all accounts payable vouchers in the amount of \$169,196.61 from the allowance of accounts payable vouchers dated 04/11/2023 for EFT Payments, Mayor Daniel seconded the motion, all voted aye.

Motion was made by Nicole Penrod to pay all accounts payable vouchers in the amount of \$920,485.46 from the allowance of accounts payable vouchers dated 04/11/2023 for check payments, Mayor Daniel seconded the motion, all voted aye.

**PAYROLL** Motion was made by Nicole Penrod to pay all paytypes except overtime in the amount of \$260,928.64 plus overtime in the amount of \$11,688.46 for the payfile ending 03/24/2023, Mayor Daniel seconded the motion, all voted aye.

**ERI TRAIL CONTRACT** Chip Hill shared this was for the trail expansion from Vine Street out to the high school. He explained the project was moving forward but very slowly. He advised ERI has worked on this for probably 2 years without payment, but they finally submitted this contract to get moving forward. He was hopeful they could get started this summer with completion by next fall. He advised the contract in front of the Board for engineering was \$369,890.00. Mayor Daniel felt this amount fit well with what they were anticipating. Chip Hill noted all the work ERI has done in the past 2 years was done pro bono. Mayor Daniel was thankful for ERI, as we were working with another firm on this but experienced some major challenges which took us in a different direction and ERI was willing to step up and help. He noted ERI had already worked with us on the stretch of trail out by Demoney-Grimes.

Attorney McNagny pointed out some concerns within the contract.

- She noted the date on Attachment B should be 2023 but it referenced 2022.
- She wanted to confirm the contract was a not to exceed the total amount. Chip Hill explained on page 5 regarding the Field Investigation Records Collections they had some issues with the surveying so it was a not to exceed amount but the cost may come down if they do not have to do surveying themselves. She shared her concern was on page 2,

section 4.01 (E)(1)(A) where it states ‘lump sum amounts’ and in (B) it again states ‘lump sum amounts’ and wanted to make sure the cost was a lump sum not to exceed \$369,890.00. She felt it was important to be clear and thought that was what they meant but it is oddly stated.

- She noted on page 3 (C)(2) when referring to termination, she advised these points are often more clear as to what would be owed. She felt it would still be within the not to exceed lump sum amount, and we were ok, but it was unclear.
- She noted on page 4, section 6.01 (A) they were making no warranties on the work they were performing and felt that was a little scary. She understood they have nothing to do with the contractor. Mayor Daniel questioned if this was common. It was shared by another engineering firm that was not typical of what they do. Attorney McNagny advised she would like this looked into further.
- She pointed out on page 4 (F) it was interesting to her that we would have paid for everything but would not have ownership of the plans when complete. She was not sure what the limited license meant and how it applies to our future ownership.

Mayor Daniel felt his biggest concern was the warranty piece and agreed we needed clarity when it comes to what our licensing is of the documents we are paying for. He was hopeful these could all be cleared up by the next meeting.

Motion was made by Mayor Daniel to table approval until the next meeting, Nicole Penrod seconded the motion, all voted aye.

**DEPARTMENT REPORTS** **Tom LaRue** – computer programs for Fire Inspectors, installing generator, air pack testing postponed, update on hiring process. **Mike Cook** – mowing, valve needing replaced in underground tank on Ellsworth Street, concerns with concrete for CSO19 project, update on the Main and Jefferson project bids. **Kelly Cearbaugh** – continuing to televise and clean Columbia Shores area, partnering with water department to repair storm sewer on Van Buren. **Chip Hill** – Eagle Park bid opening moved to April 24, planted trees at Morsches Park, water line loop to Quail Ridge quote from Wigent Excavating for \$44,910.00 - Board of Works supported, storm sewer collapsed on Emancipation Ct.

**YOUTH COUNCIL** Sariah Arnold was present representing the Youth Council and reported on their activities.

**MAYOR REPORT** Mayor Daniel reported they have been in conversation with Connie Dye on her development. He shared the Redevelopment Commission received news on the old Cardinal Grain property and were still working with the DNR. He advised the State of the City address was scheduled for May 5 at Autumn Trace. He reported on the city-wide junk pickup days.

Having no further business to come before the Board, Mayor Daniel called the meeting adjourned.

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Mayor Ryan Daniel

Attest:

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Clerk Treasurer Rosie Coyle