

BOARD OF WORKS
TUESDAY, MARCH 13, 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 Weigold to approve an overview of the February 28, 2012 meeting minutes as presented, Crowder second the motion, all voted aye.

PAY REQUEST: BOWEN ENGINEERING – INVOICE #19 \$27,860.00 Jeff Walker reported they were completely done with the exception of site restoration. He advised everything was in order and recommended the Board approve this as presented.

Motion was made by Crowder to accept Jeff Walker's recommendation to pay Bowen Engineering Corporation \$27,860.00 for estimate #19, Weigold second the motion, all voted aye.

DANGEROUS DOG COMPLAINT Officer Trey Insley explained on March 8 about 5:05 p.m. they were called to the area of 200 E. Van Buren Street with a report of 3 dogs loose. He reported Officer Leatherman and he arrived and located one of the dogs; pit bull type dog, grey in color. Officer Leatherman used the dog harness to secure the animal. He stated the animal was at the door of the Kruckenberg residence; Mr. Kruckenberg heard the sound of the dog and came out to question what was going on and was advised that his dogs were loose. Mr. Kruckenberg took custody of the dog, put it back in the house so they could go get the other 2. He stated in the meantime the neighbors called and reported the dogs were fighting in the back yard so they went back there and it was determined the dogs were on the Gates' property. He reported one of the dogs ran from the Gates' property to Mr. Kruckenberg and the other dog Officer Leatherman chased around the east side of the house and back around to Mr. Kruckenberg. He stated they went to the back yard of the Gates' residences and discovered the dogs had attacked the Gates' cat; it was mortally wounded and was in the dying process. He explained from the statements, Mr. Gates said the dark colored dog had the cat in its mouth and was shaking the cat. He stated he had Mr. Kruckenberg meet him at the Humane Shelter and the dog was impounded and remains impounded. He reported Mr. Kruckenberg was cited for, under City ordinance, allowing his dogs to run at large and failure to register.

Phyllis Gates was present to give her testimony of the incident and shared pictures. She reported their cat died on the way to the vet's office. She expressed a concern for the children and others in their neighborhood.

Cheryl Kruckenberg advised she was very sorry this happened. She noted that their dogs were restrained within a fence and were not sure how they got outside; very seldom were they outside for any long amount of time without supervision. She explained her brown dog was not a pit bull, it is a Rhodesian Ridgeback. She did not feel her dog was a danger; she has had many people in her house and garage and they have never had any of them try to attack anyone. She stated she would register the dog as a dangerous animal.

Mayor Daniel questioned how the classifications of the dogs were determined. Officer Insley stated the event itself classified the dog as a dangerous animal and was why they impounded the dog.

Walt Crowder questioned if they inspected the area where the dogs were caged. Officer Insley advised he did; there was a 7 ft. fence properly constructed and maintained. He reported he checked the ground area around it to see if there were areas where the dogs may have dug but did not find anything. He stated there was one area of erosion on the west side but there was a brick there and did not see any fresh scrapes there. He did not know how the dogs got out and have never had any complaints of their dogs running at large.

Dan Weigold questioned if the dogs were extremely aggressive when they tried to restrain the dogs. Officer Insley stated in his observation as soon as the dogs saw Mr. Kruckenberg they went immediately to him and were responsive to his commands. He explained the dog they impounded, the personnel at the Humane Shelter were able to guide without incident. He stated the dogs appeared to be very docile with adults.

Mrs. Kruckenberg shared that she had 7 year old and 18 month old grandsons that play with dogs all of the time and have never had a problem.

Walt Crowder questioned Mrs. Kruckenberg if she concurred with everything that had been said. Mrs. Kruckenberg stated she did. Walt questioned if she agreed that there were 2 dogs involved. Mrs. Kruckenberg advised she was not there but did not rebuttal the statement.

Walt Crowder advised this was something they take very serious and did not want to make a split decision on. He recommended taking this under advisement to make sure they follow the guidelines and rules and to see what options they have. Attorney McNagny advised the determinations need to be made in a public meeting and thought it had to be done within 48 hours. After review of the ordinance, Attorney McNagny advised the 48 hours was actually the time the Kruckenberg's had to appeal the Board's decision. She explained the Board first had to make a formal determination on whether the dog is a dangerous animal; she could not find where it says how soon they need to make a determination with what to do with the animal.

Motion was made by Mayor Daniel that pursuant to our ordinances it be determined that the Kruckenberg's dog is classified as a dangerous dog, Weigold second the motion, all voted aye.

Walt Crowder clarified that they were only referring to the one dog that was impounded. Mayor Daniel advised that was correct.

Mayor Daniel questioned if the other 2 dogs were the same breed as the one currently impounded. Mrs. Kruckenberg advised one was and the other was a mix that did have some pit bull in it.

After additional discussion, it was decided to take the issue under advisement to hold an executive session to discuss the legalities and then hold a special Board of Works meeting to render a verdict as to where they go with the incident.

Mrs. Kruckenberg questioned if the dog would have to remain impounded at the Shelter for the 10 days. Attorney McNagny advised as long as the permit has been established and all of the things in section 90.25 have been met then the dog can be released. The Board was in agreement to leave the dog impounded until the special meeting was held.

HOLDEN LAKE DISCUSSION Dan Weigold felt there were extenuating circumstances that contribute to the rising of that pond and did not think the City should be responsible for dredging the lake nor taking care of any of the situations that have arisen on a personal property lake. Walt Crowder concurred.

Motion was made by Mayor Daniel to deny the request to contribute to the dredging of Holden Lake, Crowder second the motion, all voted aye.

ECONOMIC DEVELOPMENT AGREEMENT Jeff Walker reported this last week the County requested a meeting with representatives from City Ford to discuss some outstanding issues. He advised there was a private retention basin that was considered on the development plan that was not in compliance with the County's ordinance and there was also discussion of whether there would be a public or private street. He added that there was discussion on drainage issues on how to manage not only that site but future lots to the east in this commercial area. He stated the construction contractor, county commissioners, David Sewell from the Planning and Building Department as well as the owners and he met to hammer out the particulars on it; Brandon Forrester was also there representing the Engineer's Office and drainage. He advised at the conclusion of the meeting all parties were in agreement with how they would be moving forward. He reported the County was satisfied with the answers provided to them but the City did have a couple updates that needed to be done on the construction utility plan drawings; those were supposed to be forwarded to us so we can file with the state for a pipe permit for the water extension.

Rosie Coyle passed out copies of Exhibit C which is the City's contribution. Jeff Walker noted that our contribution to this was not just for City Ford and was for future economic development; he thought there would be 10 lots this would be servicing just in that immediate vicinity. He advised the City has committed to purchase all of the materials for the sewer and water main at wholesale costs and would be reimbursed by the County Redevelopment Commission. He stated we would also be providing sewer inspection oversight for the project and Mike Dear would be doing the permit application to the State.

Jeff Walker explained we had a claw back provision in the agreement that if the project does not move past the first year or subsequent 5 year period we would be reimbursed for what it cost us

to provide the services that we are. He stated as it stands right now the Ford Motor Company is pushing very hard to get this project going post haste.

Kelly Cearbaugh pointed out in the first part of the agreement it talks about there being no charge for inspection but in the specifications it talks about if the contractor wants to use the City for televising it would be charged by the hour. He questioned if that would be a waived fee. Jeff Walker advised that was not discussed and the contractor realizes televising has to be done as part of the specs; he felt it would be a billable item.

Mayor Daniel questioned Attorney McNagny, where it states the City would provide, without charge, sewer inspection services for the project if televising could be lumped under that as a misunderstanding. Attorney McNagny felt there already was and if there was an issue it should be excepted out. Kelly was not sure they would even contact us for it. Jeff Walker advised every project requires televising but since we have the equipment we were giving them the option to contact us. Attorney McNagny questioned what sewer inspection services meant; was it just a visual inspection. Kelly advised it was. Mayor Daniel confirmed in every project, in which they would connect to our sewer system, we make them televise the lines. Jeff Walker advised any line that would be publically dedicated requires televising. Mayor Daniel felt that should be included as part of the sewer inspection services. He stated if that is what we make companies do when they move in, to him, it should be part of the sewer inspection services. Walt Crowder questioned if he was saying as part of the City's side or the contractor's side. Mayor Daniel stated as part of the City's side because we force them to do that. Kelly explained when a new subdivision is put in that was the developer's responsibility to have it televised before it is dedicated over to us.

Dan Weigold felt they would be setting precedence and if a subdivision developer comes in he felt the developer should still pay for that part of the service; that was a considerable amount of money coming in. He questioned what kind of fees they would be looking at. Kelly Cearbaugh advised it was \$250 per hour and that included manpower. Jeff Walker questioned how long it would take for 2 guys. Kelly thought it would be a couple hours at the most. He stated if the contractor asks if we could do it he just wanted to have the answer whether we would charge them or not.

Mayor Daniel stated he was going to differ with Dan on this because it was an economic development project versus a housing, subdivision type project. He stated he did not have a problem including this as a part of the contribution from the City as an in-kind service. Dan Weigold felt we were already doing quite a bit for this project by providing our services. He advised he understood economic development but felt at the same time we needed to be accountable with our own departments. He stated he was looking for a better definition of what our sewer inspection services were. Attorney McNagny felt inspection service needed to be defined given the confusion.

Walt Crowder felt this was a good project, definitely economic development. He stated the payback on the investment that we would incur for 2 hours of labor would be made up many times over. Jeff Walker noted we would go out and televise it at a given point in time for our

data base. Walt felt this would be a very minor investment compared to the big job. He stated he was looking more for who was accountable for the tasks in the agreement.

Dan Weigold advised he did not have a problem with giving the 2 hours but expressed a concern for giving hand outs and felt they needed to be careful where they go with it. Walt Crowder understood the concern and did not disagree but felt they needed to be flexible and make this more of a collaboration of all parties. Mayor Daniel advised for this project we could say because of the potential future economic development opportunities that lie to the east of this property we believe this is the right contribution but by no means does this mean for every other project we would do this.

Attorney McNagny suggested, if the Board wanted to leave it in the City's hands, we could say the City would provide without charge 'the City's basic sewer inspection services for the project' that way it was under what we traditionally do and if they ask for more it would be the City's discretion as to whether or not we would give more. Mayor Daniel felt that would be fair; Dan Weigold agreed.

Motion was made by Mayor Daniel to enter into the economic development agreement with Doug McKibben or an entity in which Doug McKibben is a majority interest holder that provides multiple City services as outlined in Exhibit C of this economic development agreement pending changes in regards to the sewer inspection work, Weigold second the motion, all voted aye.

BILLS Motion was made by Weigold to accept the bills as presented, Crowder second the motion, all voted aye.

PARK DEPARTMENT Mark Green reported softball registration ends Saturday and baseball evaluations will be held for minor and major league. He shared that the Park Board decided to have the pool inspected this spring by an engineering group to determine costs and what would have to be done to continue the pool for another 10 years. He advised they were planning to be open this summer. He reported he would be meeting with INDOT to discuss a project that would elevate the US 30 bridge; project was scheduled for 2014. He advised they started advertising for the rebidding of the trail and bridge project and have a pre-bid meeting next week.

WASTEWATER DEPARTMENT Mike Cook reported all of the UV bulbs were cleaned, inspected, installed and would be turned on next week to start some initial testing. He advised their tour season would be starting soon; they were contacted by a Boy Scout Troop from Albion as well as ISMS for the 8th grade class. He reported he participated in a webinar today to get 1 CEU towards his license.

COMMUNITY DEVELOPMENT Jeff Walker reported the County asked the City to file the right of way application for the City Ford project in which he has already applied for. He advised he was still in the fact gathering mode of the proposed storm water project at the high school regarding the City's partnership with that. He reported he would be out all day Thursday at an economic development session at IMPA's office.

FIRE DEPARTMENT Tom LaRue reported they have been interviewing for some volunteers. He advised they have had to replace some equipment that has either been lost or left at fire's they have been to.

POLICE DEPARTMENT Tim Longenbaugh reported both detective's have completed Finding Words Training which means they are certified to be on the sexual assault team. He advised they would be meeting with the Reserve Coordinator, Officer Parrett, to start reviewing the Reserve Policy and would also start planning with the reserves to help out with some of the major events this summer. He reported he had 4 officers attend training put on by the US Dept. of Education. He advised Thursday they would be restricting the use of the personal patrol vehicles to only to and from work due to the increase in fuel costs and the uncertainty of what the prices may be this summer. He reported he would be out of the office all week next week attending a state mandated class.

ELECTRIC DEPARTMENT Larry Whetstone reported they finished taking down trees at Kenneth Wright Park and Baker Park. He advised they replaced 2 poles on 700 North and have been grinding stumps.

WATER DEPARTMENT Mike Dear reported they cut out a valve and put in new at Oak Street and North Street; ran 2 new services lines for the corner houses and would be abandoning the old 4" main. He added that they put in a new meter setting and changed out 16 meters.

STREET DEPARTMENT Kelly Cearbaugh reported the leaf pile was ground and ready for people to take or they could wait until April 14 and they will have the loader there. He advised they dug out and poured a new sidewalk around the restroom facility at the cemetery; raised a casting behind the church between Jefferson and Jackson; have had the sweeper and jet machine out. He reported they have been working on a curb on South Washington Street.

IS/COMMUNICATIONS DEPARTMENT Terry Wherry reported he has been working at the MSF moving data onto Angie Hildebrand's computer since Deb retired. He advised they installed 2 new monitors in dispatch and replaced an auto leveler that raises and lowers the consoles. He reported he was working with SDS on the camera for the trailhead bathrooms which should be accessible on the network tomorrow.

LIMB PICKUP Kelly Cearbaugh questioned if they could get the limb pickup changed to curb pickup only. He advised they could save up to \$1200 per month by reducing the time spent on it and cutting out 15 miles of alleys.

Walt Crowder advised his concern was that we educate the public before we would engage it.

Dan Weigold advised he had no problem with making the change.

Mayor Daniel advised he had no problem in moving to curb side only especially during this time in which we were talking about cutting back on gas consumption.

Walt Crowder felt Council should have the opportunity for input on the issue.

Mayor Daniel felt it was the consensus of the Board to go ahead with the change pending what Council says.

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

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle