

CITY OF DECATUR
BOARD OF PUBLIC WORKS & SAFETY MINUTES
DECEMBER 16, 2008

The City of Decatur Board of Public Works and Safety met on Tuesday, December 16, 2008 at 6:00 p.m. at City Hall in Council Chambers. Members present were Mayor John Schultz and Board member Bill Karbach. Also present was City Attorney, Tim Baker. Board member Ken Meyer was absent.

The meeting was called to order by Mayor John Schultz. The Clerk-Treasurer emailed the minutes from December 2nd. There were no corrections or amendments offered, so Karbach made a motion to approve the minutes as received, Schultz seconded the motion. Motion carried.

Leo Henkenius and Rebecca Hall were served a notice by the Decatur City Police Department on December 3, 2008 to attend the Board of Works meeting to present evidence and/or speak in defense of themselves in response to citizen complaints of their dogs running at large. Only Leo Henkenius was present for the meeting. Karbach made a motion to make the notice a matter of record. Schultz seconded the motion. Motion carried.

The City Attorney had police dispatch reports from July through November 2008 from neighbors complaining about dogs running at large, who stated these dogs belonged to Henkenius. Karbach made a motion to make the police dispatch reports a matter of record. Schultz seconded the motion. Motion carried.

Henkenius apologized to the board members and to the neighbors. Henkenius commented he only has two (2) dogs now, his and his sons. Henkenius stated he has secured the area, to make sure the dogs are contained. Henkenius also stated an electrical device has been installed if barking gets out of control. Henkenius volunteered to remove the dogs if another incident happens. Schultz made a motion that a nuisance does exist and an Order of Abatement be issued if Henkenius and Hall fail to comply, which will result that no more than two (2) dogs can be harbored or kept at 304 N 16th Street, any dogs in excess of two (2) dogs currently harbored or kept at 304 N. 16th St. shall be permanently removed from said location within 5 days of the date of this Order. Any dogs harbored or kept at 304 N. 16th St. shall be properly restrained at all times to avoid such dogs running at large. Violation of this order shall result in a fine of \$200.00 for each day a violation occurs and may result in the humane destruction of any dog caught running at large, the expense of which shall be the obligation of Leo Henkenius and/or Rebecca Hall. Karbach seconded the motion. Motion carried.

The Mayor read Change Order No. 2 from Fleming Excavating, Inc. for Industrial Park Phase III-A a decrease of \$4,402.54 to adjust the unit price quantities to reflect the actual quantities installed. Karbach made a motion to approve Change Order No. 2, Schultz seconded the motion. Motion carried.

Karbach made a motion to approve and have the Mayor sign on behalf of the Board of Works members the Certificate of Substantial Completion from Fleming Excavating for Industrial Park Phase III-A. Schultz seconded the motion. Motion carried.

Karbach made a motion to approve final payment #7 to Fleming Excavating, Inc. for \$38,025.77 plus interest for Industrial Park Phase III-A. Schultz seconded the motion. Motion carried. This closes out

the retainage account; the adjusted contract amount for this project to Fleming Excavating totaled \$760,515.38.

The Mayor read Change Order No. A-3 from Thieneman Construction for the Wastewater Treatment Plant Project. The Change Order is an increase of \$3,699.39 to add electrical to ATAD building HVAC, revise main power, and add Tel/data outlets to Administration Building. Karchach made a motion to approve Change Order No. A-3, Schultz seconded the motion. Motion carried.

The Mayor read Change Order No. A-4 from Thieneman Construction for the Wastewater Treatment Plant Project. The Change Order is an increase of \$11,339.20 to revise location of RAS well 4 due to conflict with existing electrical to UV system, and add acoustical tile ceiling in office closets. Karchach made a motion to approve Change Order No. A-4, Schultz seconded the motion. Motion carried.

The Mayor read the letters received from Ben Adams of Commonwealth Engineers, Inc. who has reviewed the following contractor claims for accuracy and recommends Payment #5 to Thieneman Construction for the Wastewater Treatment Plant Project for \$448,580.54. Payment #5 to Dave's Excavating, Inc. for the Sanitary Sewer Separation Project for \$189,499.35, and Payment #4 to Fleming Excavating, Inc. for the Lift Station Improvements for \$101,020.92. Karchach made a motion to approve Payment #5 to Thieneman Construction, Payment #5 to Dave's Excavating, and Payment #4 to Fleming Excavating. Schultz seconded the motion. Motion carried.

The Mayor read an email from Mark Jesse of Bonar Group recommending final payment for the Water Tower Rehabilitation Project to ERA Valdivia, which will close out the retainage account in the amount of \$39,242.50 plus interest. Karchach made a motion to approve final payment to ERA Valdivia, Schultz seconded the motion. Motion carried. The contract amount for this project to ERA Valdivia totaled \$784,850.00.

The City Attorney prepared a letter to Ralph Biggs pertaining to Meadows at Cross Creek Subdivision. The letter confirms the City has agreed to reduce the amount of Fairway Lakes, LLC letter of credit with First Merchants Bank, issued in favor of the City of Decatur to \$50,000.00 regarding street improvements remaining to be made in the Meadows at Cross Creek Subdivision. The letter also states the letter of credit was reduced as a result of an inspection of the blister constructed at the entrance to the subdivision off Winchester Road. Biggs has agreed to pay the sealing of said blister by Pavement Solutions at a cost of \$300.00. The letter of credit shall continue to be required until such time as the streets in the subdivision have been paved with a final top coat of asphalt per City specifications. Schultz made a motion to make the letter a matter of record. Karchach seconded the motion. Motion carried.

The Mayor handed out Weather Condition Code Sheets to the board members and the council members. The Mayor reported he spoke with EMA Director, John August and snow emergencies will be declared by the Adams County Commissioners instead of the Mayor.

Ralph Biggs is requested credits from the City for rehabilitation to Village Green Apartments I. The Mayor will invite Biggs to the next meeting to discuss this program to the Board Members and the Council Members.

The Mayor announced the State of the City will take place at Woodcrest Auditorium on Monday, January 12th at 12:30 p.m.

The City Attorney, Tim Baker reported he has been working with the Department Heads in updating the City Code of Ordinance books. Baker will prepare an ordinance in the future for the Department Heads and Council Members to review for all the changes.

The Clerk-Treasurer, Phyllis Whitright explained the fund transfers the Departments Heads requested for year-end to be passed by resolution at the council meeting.

The Mayor reported the City Attorney, the Clerk-Treasurer, Board of Works member, Bill Karbach and himself attended a meeting with the Adams County Council discussing the LOIT tax. This is not a new tax, but a tax to replace revenue losses from property tax caps. The County is not in favor of this Local Option Income Tax at this time.

There being no further business, Karbach made a motion for adjournment. Schultz seconded the motion. Motion carried. The meeting was adjourned at 7:25 p.m.