

MARCH 6, 2019

TOWN COUNCIL MEETING

Those present:

Chalmer Tobias	Adam Penrod	Cam Kissinger	Eric Christiansen
Laura Rager	Carrie Mugford	Craig Walters	Steve Shumaker
Jim Smith	Matt Mize	Jennifer Hotchkiss	Lois Karnof
Allen Miracle	Jim Kirk	Aaron Popplewell	Robert Sklar
Tom Dale			

Those absent: None. A quorum was attained.

The March meeting of the North Manchester Town Council was held at the Public Safety Building, 709 W. Main Street, North Manchester, Indiana, on March 6, 2019 at 7:00 p.m., pursuant to notice duly given in accordance with the rules of the Council. The meeting was called to order by Council President Chalmer Tobias.

The agenda was amended to remove the ratification of the Redevelopment Commission agreement.

**MINUTES**

Minutes of the 02/06/19 regular meeting were presented for approval. Motion to approve: Rager/Miracle. Motion passes unanimously.

**VISITOR COMMENTS**

President Chalmer Tobias responded to comments made at the February council meeting where three residents questioned snow removal in downtown. Tobias stated that every snow fall event is different and will produce different outcomes. The snow removal process has been reviewed with the parks department and the expectations have been reinforced. Tobias confirmed again that it is ultimately not the towns responsibility to remove snow from sidewalks. The park department clears snow as a service to downtown building owners. Tobias affirmed that business owners can opt out of the service if they feel it is not adequate. However, ultimately business owners have the responsibility to keep the sidewalk clean in front of their business. Tobias responded to concerns over trash pickup on the service road behind downtown. Tobias remarked that his initial response to the situation was not meant to be disrespectful. Instead merely stating a fact that businesses have the right to contract for their own refuse removal. No one expects 100% accuracy at all times from any vendor. However, the actions of Republic Services are nowhere near the level of default at this time. No additional measures will be taken against Republic.

Bob Sklar, 116 W Main Street, addressed snow removal on downtown sidewalks. An INDOT representative has been contacted who says snow removal, including handicap ramps, was part of the contract with the town when the sidewalks were improved. A request has been submitted for INDOT to look into the agreement with the town since the town can't provide it. Sklar referenced local ordinance title 3, chapter 2 as making the town marshal responsible for enforcing snow removal. Sklar ultimately remarked that there are two ways to address the issue, either the town does a better job or require all occupants to remove snow noting if each owner did their part the sidewalks would be better. Sklar acknowledged that the trash pick-up service seems to be better this year. Sklar further commented on an article in today's Wabash *The Paper* about a recent State of the Community breakfast where President Tobias presented the update for North

Manchester. Sklar made several comments towards the council. It's great that Tobias mentioned larger economic businesses but would have been nice to mention smaller businesses. What about loss of business and 19 businesses leaving in the last few years. Businesses shut down almost weekly. Doing business in this town is perceived as difficult. Last month a prospective business owner called town hall to ask about starting a business and was told to come to council. That is disgraceful. Shouldn't residents be able to go to town offices to get help starting a business? The council should make an effort to make doing business easier in town. Lastly, Sklar remarked that the town manager is the ADA compliance officer. However, the town manager is leaving the downtown ADA ramp covered in snow for weeks at a time.

Councilmember Allen Miracle read from the sidewalk ordinance from Warsaw. The council has been notified that ordinances like this are unenforceable because they are continually challenged and lose. The town simply cannot make the elderly or infirm get out to shovel snow in a specific amount of time. But just because residents can't doesn't make it the town's responsibility to do it for them. We can't afford to remove snow from every sidewalk in town. I appreciate the downtown business owners but why would the council make the town responsible for those sidewalks. Miracle went on to address the trash contract. Fort Wayne changed trash vendors recently because they were dealing with a horrible situation. Republic Services is doing the best they can to honor our contract. This situation is not anywhere near the point of having to rescind the contract.

### **UNFINISHED BUSINESS**

1. Utility Ordinance Amendments, GO #1, 2019 – Second Reading. Clerk-Treasurer Carrie Mugford read general ordinance #1, 2019, by title only. Tobias clarified that these fees and charges are for special circumstances not an overall water rate increase. Mugford confirmed. Motion to approve GO#1 on second reading: Rager/Dale. Motion passes unanimously.
2. Third Street Water Main Project Bid Opening Results – Town Manager Adam Penrod stated that two bids were opened in February. The total bid amounts came in higher than expected probably due to the large amount of work available to contractors. The engineers have reviewed the documents and given their approval. The lowest bid was received from API Construction Corporation for \$274,115.00. Motion to award API Construction Corp the bid for the most recent water project: Rager/Smith. Motion passes unanimously. Penrod commented that this project will move the water main at PreMedTech to facilitate their upcoming expansion. The expanded production facility is expected to bring an additional 40 new jobs to town.
3. Wabash Road Sewer Extension Project Bid Opening Results – Penrod stated that bids for this project were opened February 22 because of additional engineering work needed due to water table concerns. Only one bid was received which is a little disappointing but probably due, once again, to the availability of work. API Construction Corporation presented the only bid for \$168,015.00. All documents are in order. Motion to award API Construction Corp the bid for the wastewater project: Smith/Dale. Motion passes unanimously. Penrod explained that this is a sewer extension for Wabash Road which will service the western industrial park and Midwest Poultry headquarters.

### **NEW BUSINESS**

1. Request for CEDIT Funds for Utility Projects – Town Manager Penrod explained that both water and wastewater project bids came in over the engineers estimate. Penrod stated these improvements are economic development that will benefit town. It would be appropriate to spend CEDIT funds to offset the cost to the utility. Penrod asked council to consider spending \$50,000 of CEDIT money toward each of the projects. Both water and wastewater departments will use improvement funds on hand to pay for the expansions instead of borrowing. Penrod emphasized

the cost savings of paying for projects from cash on hand rather than going through the time and expense of borrowing. Councilmember Tom Dale remarked that this is a good idea and a good use of economic development dollars. Using funds we have available helps keep utility rates in town low. Councilmember Jim Smith agreed that both projects are economic development. Motion to approve using \$50,000 of CEDIT funds toward the current water main and wastewater expansion project for a total of \$100,000: Rager/Miracle. Motion passes unanimously.

2. Manchester Alive Festival Street Closings Request – Clerk-Treasurer Mugford presented a schedule of road closures for Funfest and Harvestfest for later in the year. Funfest is scheduled for July 25-27 and Harvestfest will be October 5. In addition to the street closures, Manchester Alive is asking for permission to hold a raffle on public streets. Motion to approve closure of streets based on the submitted schedule and use of streets for raffle: Rager/Smith. Motion passes unanimously.

3. RDC Agreement Ratification – Removed from agenda.

4. Chester Heights Final Plat Extension Request – Building Commissioner Steve Shumaker explained that the preliminary plat for the new housing addition was approved last March at the plan commission meeting and then approved by town council in April. Final plat approval is to be given within a year. Biggs, Inc. has submitted a request for an extension to get everything ready for the final plat. Smith clarified that an extension doesn't mean the development won't start for another 12 months. Biggs just needs a few more weeks to have documents ready for final plat approval. Smith remarked development is eminent. Motion to approve the time extension request from Biggs, Inc.: Smith/Dale. Motion passes unanimously.

5. Umbaugh Fee for Service Agreement – Clerk-Treasurer Mugford requested council approval to continue to use HJ Umbaugh & Associates as the dissemination agent to handle required filings on the Municipal Securities Regulatory Board's (MSRB) Electronic Municipal Market Access (EMMA) system. Mugford explained that the sidewalk bond of 2012 has continuing disclosure requirements which Umbaugh has completed for the past several years. Mugford would like to have Umbaugh complete this requirement again in 2019. Motion to approve the use of HJ Umbaugh for continuing disclosure services: Rager/Miracle. Motion passes unanimously.

## **DEPARTMENTAL & COMMISSION REPORTS**

Appointments – None at this time.

Police Dept. – Police Chief Jim Kirk reported that the department can see a reduction in the drug activity around town. President Tobias commended the police department for obvious decline in drug activity and related crime. Smith seconded Tobias' comment.

Fire Dept. – Fire Chief Cam Kissinger reported that long-time full-time fireman Mark Roser intends to retire this month. Kissinger is going to start looking for Roser's replacement once there is a confirmed retirement date. Councilmember Laura Rager asked if the call volume from central dispatch is still high. Kissinger replied that the department has 111 runs for the year right now. The department doesn't reach 111 calls until well into April usually. Tobias asked if the department was still adjusting to the new arrangement or if there will just be more runs now. Kissinger feels the call volume is just going to be higher.

Code Enforcement – Report included in packet

Plan Commission – Building Commissioner Steve Shumaker reported that plan commission will meet on March 25<sup>th</sup> to consider a special exception request.

Board of Zoning Appeals – Building Commissioner Steve Shumaker reported that BZA will meet in March to consider a special exception request and a variance request.

Traffic Commission – Did not meet.

Parks & Recreation – Park Director Jennifer Hotchkiss reported that since swim team season is over now the pools should be a little calmer. The Daddy/Daughter dance was a success with both sessions selling out. Approximately 112 people in attendance at both sessions. It was a great night. The new security cameras are installed. The new system has several upgrades including: more cameras, mobile capability, and a larger DVR for more storage. There were 7 people in most recent lifeguard class which is a larger class than normal. Hotchkiss reported that the new basketball court at the Town Life Center is about 2-3 thousand dollars away from having all the money raised. Once all the donations are secured construction can begin.

Town Life Center – Report in packet.

Tree Advisory – Minutes in packet. Councilmember Rager reminded everyone that the Walrod Tree Program is going on right now. Residents can come to town hall to apply for a tree. The cost is \$50 per tree.

Grow Wabash County – Town manager Penrod reported that the State of Community breakfast was well attended. All the incorporated communities had representation and the speakers were great.

RDC – Town manager Penrod reported that the Redevelopment Commission met in February and considered the proposed housing development agreement. The RDC will meet March 13 to review the agreement again with some language changes.

Medcor – Did not meet

Solid Waste – Councilmember Tom Dale reported that tipping fees at the Solid Waste District were the highest they have been for 9 years. This year is looking like it will continue that trend. People are bringing more stuff to Solid Waste which costs more to get rid of but also keeps it out of the landfill.

Storm Water Board – Nothing to report. Wastewater Superintendent Aaron Popplewell reported that the Storm Water Board met and approved the docket.

Public Works – Street Superintendent Craig Walters reported that his department is hoping for no more snow.

## **TOWN MANAGER'S REPORT**

Town Manager Adam Penrod reported that he, Smith, and Kirk met with Manchester University administration for a town and gown event last week. The group discussed current relationships as well as needs for and from the students and university. The group plans to meet every 12 weeks. Penrod asked for suggestions on topics to discuss at the meeting.

## **CLERK-TREASURER'S REPORT**

1. Financial Reports – Approved subject to audit.
2. Claims - The Town claim docket totaling \$407,032.92 and the Public Works docket totaling \$182,340.87 were submitted for payment. Motion to pay for our obligations: Smith/Rager. Motion carried by unanimous voice vote of members present.

**VISITOR COMMENTS**

None.

**COUNCIL COMMENTS**

None.

Meeting adjourned at 7:43 pm.

TOWN COUNCIL, TOWN OF N. MANCHESTER

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Chalmer Tobias, President

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Laura Rager, Vice-President

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Tom Dale

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Allen Miracle

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Jim Smith

ATTEST

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Carrie Mugford, Clerk-Treasurer