

City of Harrington
MINUTES
City Council Meeting
July 28, 2014

Public Comments

John Condron thanked the Public Works staff for working on his meter.

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on July 28, 2014 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Cheryl J. Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy L. Minner; Council Member Charles W. Porter; Council Member Kenneth W. Stubbs; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Also present: Alan Moore, Public Works Supervisor; Tom Wilkes, Remington, Vernick, and Beach, City Engineer; Rhiannon Bush, City Clerk; Bill Falasco, Parks and Recreation Director; Kathryn Blanchette; Phyllis Masten; C. Carr; Barbara Bullock; Jennifer Haynes; M. Jean Miller; John Condron; Eric Marquis; Viva Poore; Linda Niehorster; Richard Niehorster; and Marie Cunningham.

Mayor Moyer called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was given.

The Invocation was given by Pastor Johnson.

Roll was called.

Check presentation to Harrington Historical Society

Mayor Moyer presented a check to Viva Poore and M. Jean Miller from the Harrington Historical Society.

Ms. Poore stated that the Historical Society building has been submitted through the State to be placed on the National Historic Registry and is being reviewed.

Mayor Moyer stated that the Historical Society's building was in need of repair, and they received a matching grant; the City is providing the matching funds.

Consent Agenda

The Clerk of Council read the description of the consent agenda from the meeting agenda:

Those items on the Council agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

Council Member Bivans stated that he would like the City Manager's Report and the Public Works Departmental Report removed from the consent agenda. Council Member Minner stated that she would like the June 5, 2014 City Council Workshop Minutes and the City Engineer's Report removed from the consent agenda.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the consent agenda as amended. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Minutes

April 3, 2014 Proposed Water and Sewer Rate Public Meeting

Approved with the consent agenda.

April 9, 2014 Proposed Water and Sewer Rate Public Meeting

Approved with the consent agenda.

June 2, 2014 Swearing In Ceremony and City Council Organizational Meeting

Approved with the consent agenda.

June 5, 2014 City Council Workshop

Council Member Minner asked that on page three, two point two cents be written as (2.2¢) rather than (\$.022).

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to accept the June 5, 2014 City Council Workshop Minutes as amended. The MOTION passed unanimously.

June 16, 2014 City Council Meeting

Approved with the consent agenda.

Police Chief's Report

Approved with the consent agenda.

City Manager's Report

Council Member Bivans stated that the packet included a note stating that the City Manager's Report would be presented at the meeting, and it is included for approval under the consent agenda without being reviewed prior to the meeting. Mayor Moyer stated that it is a rare occasion that the report would not be in the packet. The City Manager stated that the Code Enforcement Report and Clerk of Council Report were included in packets.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the City Manager's Report as presented. The MOTION passed unanimously.

Financial Report

Approved with the consent agenda.

Departmental Reports

Public Works

Council Member Bivans stated that if the brown water calls are improving, that should be listed on the report. The City Manager stated that the number of calls about brown water are listed on the report as one call in June and one call in May. The Public Works Supervisor stated that the brown water has decreased with each hydrant flushing; it is the second time it has been flushed since the phosphorus has been added.

Mayor Moyer asked how the phosphorus is added. The Public Works Supervisor stated it is continuously added at the well.

Council Member Bivans stated that there have been water line issues, but there needs to be progress on the potholes. The Public Works Supervisor stated that there are blacktopping days scheduled. The City Manager stated that it takes most of a day to fix a water leak, and there have been many water leaks. Fixing leaks is a priority over fixing potholes.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to accept the Public Works Departmental Report as presented. The MOTION passed unanimously.

Library

Approved with the consent agenda.

Parks and Recreation

Approved with the consent agenda.

Fire and Ambulance

Approved with the consent agenda.

City Planner's Report

Approved with the consent agenda.

City Engineer's Report

Council Member Bivans stated that there is concerns over Jerry's Paving. The City Engineer stated that the construction phase is complete, and the punchlist items are finished as of today. The contractor does not get paid until all the work is completed to satisfaction.

Mayor Moyer asked if all millings were removed from the drains. The Public Works Supervisor stated that there is some blacktop in a drain at Simmons and Second. Mayor Moyer asked if the City can clean it up and bill Jerry's Paving. The City Engineer stated that Jerry's will address that.

Council Member Minner stated that Jerry's Paving did not meet the requirements for notifying residents with door hangers.

The City Engineer stated that Jerry's Paving has previously done a good job on other projects in the City.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the City Engineer's Report as presented. The MOTION passed unanimously.

Old Business

**Public Hearing on Ordinance 14-12 – Amending Chapter 212,
Floodplain Regulations, to change the definition of Historic Structure**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to suspend the reading of Ordinance 14-12. The MOTION passed unanimously.

There were no comments from the public.

**Second Reading of Ordinance 14-12 – Amending Chapter 212,
Floodplain Regulations, to change the definition of Historic Structure**

The Clerk of Council read Ordinance 14-12.

The City Manager stated that this ordinance amends the recently adopted Floodplain Regulations that were approved by FEMA then FEMA requested this change in the definition of Historic Structure.

Vice Mayor Lahman asked if any properties in Harrington fall under this definition. The City Manager replied no, but the Historic Society has applied for the first one. There are few properties in the floodplain in Harrington.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to adopt Ordinance 14-12. The MOTION passed unanimously.

Police Contract

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to lift the Police Contract from the table. The MOTION passed unanimously.

The City Manager stated that this is the standard contract that has been passed the last several years. The Police accept the same raises and benefits that the rest of the City employees receive. There were no pay increases this year.

Council Member Minner stated that the years listed under paragraph one are incorrect.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the Police Contract as amended. The MOTION passed unanimously.

New Business

Utility bill of 8 Clark Street

Council Member Porter stated that he spoke to the City Manager about how this issue has been handled.

Vice Mayor Lahman asked about notifying the customer of the high usage. The City Manager stated that readings are taken monthly. The City Clerk stated that the notice of high usage being indicated would have gone out at the same time as the utility bill; there was no time to alert the customer. Vice Mayor Lahman stated that this is an unusual situation.

Richard Niehorster stated that the business has one toilet and two sinks. The property was vacant at the time of the high usage and inspected weekly. No evidence of a leak was found. No plumbing work was done to fix a leak, and the high usage has stopped on its own. Vice Mayor Lahman stated that it may have been a toilet running and stopped itself. Vice Mayor Lahman stated that the meter is being tested.

The City Clerk stated that initially, letters were being sent to property owners with excess usage. It ended up being the same property owners every month.

Discussion occurred regarding possible sources and sizes of leaks.

The City Manager stated that the meter tested accurate. Mr. Niehorster stated that the meter was tested many weeks after the problem. The City Manager stated that meters do not intermittently act up; they are a mechanical device. Mr. Niehorster stated that it may be a software problem.

Mayor Moyer asked for the Public Works Supervisor's opinion. The Public Works Supervisor stated that it is a lot of water and had to have been going down the drain or it would have been visibly running down the street.

Mayor Moyer asked if the property was checked for a cross connection. The Public Works Supervisor stated that it was checked with the neighboring property.

Council Member Stubbs asked what the temperatures were during this time. The City Manager stated that they were in the low thirties.

Linda Niehorster stated that the average daily usage before the problem was nineteen gallons a day, because it is a minimal use business, and the property was vacated on February 8, 2014; this problem started on February 21, 2014.

Ms. Niehorster stated that had notification been made that there was a problem, it would have been investigated immediately. The City Clerk stated that the meters are read once a month, it is not practical to read meters daily.

Vice Mayor Lahman asked if the business has previously used less than the allowance. Ms. Niehorster replied yes.

A MOTION was made by Council Member Coleman, seconded by Vice Mayor Lahman, to table the utility bill for 8 Clark Street. The MOTION passed unanimously.

Mayor Moyer stated that the Council can get more information and discuss this at a workshop. The City Manager stated that the Niehorsters have paid the first part of the bill.

Purchase of radar equipment

The Chief of Police stated that the Police Department was awarded four thousand eight hundred dollars (\$4,800) to purchase equipment. The Chief of Police stated that he would like to order the equipment now, and it will be reimbursed in September.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to allow the purchase of radar equipment. The MOTION passed unanimously.

First Reading of Ordinance 14-13 – Amending Chapter 180, Municipal Fees, relating to water meter and irrigation meter fees

The Clerk of Council read Ordinance 14-13.

Council Member Porter asked if there has been any applications for irrigation meters yet. The City Manager stated that there have not.

Mayor Moyer asked for clarification on professional fees. The City Manager stated that for larger lines there is usually engineering associated with the establishment. Council Member Minner stated that it does not include a plumber.

Mayor Moyer asked if a 5/8" meter is large enough for an irrigation system. Council Member Stubbs stated that the watering is done in zones.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve the First Reading of Ordinance 14-13. The MOTION passed unanimously.

Quadrant I inflow and infiltration remediation project (approval of project scope and bid documents)

The City Engineer stated that the City Council had requested bid documents at a previous meeting.

Council Member Porter asked if there is a priority list. The City Engineer stated that repairs will be made as the lines are examined. The pipe will be jetted and cleaned then tv'ed, sectioned off and pressure tested then grouted or pipe lined as needed. An inspector or engineer will be on site.

The City Manager stated that the City is waiting to hear from the USDA; there may be some grant money available. The City Council can review the specifications and ask any questions at the next workshop.

Vice Mayor Lahman stated that the City Council had previously talked about spending five hundred thousand dollars (\$500,000) of the City's money to fix inflow and infiltration (I & I). The USDA is willing to give the City four hundred thousand dollars (\$400,000) in grant money if the City spends (\$700,000). By spending two hundred thousand dollars (\$200,000) more, the I & I in two quadrants can be fixed. The money the City has saved can be used to pay off the loan.

Council Member Minner asked about the warranty on the grouting and prevailing wage costs. The City Engineer stated that prevailing wage does have to be used.

A MOTION was made Vice Mayor Lahman, seconded by Council Member Stubbs, to table Quadrant I inflow and infiltration remediation project to workshop. The MOTION passed unanimously.

The City Engineer stated that he can prepare the bid package.

Discussion occurred on whether weather will be a factor for the work.

Modify park grant and offer

The City Manager stated that money was approved in 2013 for Parks and Recreation building repairs including roof repairs, gas heater installation, and natural gas hook-up. The USDA was going to fund seventeen thousand five hundred dollars (\$17,500) of that. The USDA had additional funding available, and replacing the bathrooms is another project that needs to be done at the Parks and Recreation building.

A MOTION was made Council Member Porter, seconded by Council Member Coleman, to approve ten thousand nine hundred fifty dollars

(\$10,950) be transferred from reserves and four thousand five hundred dollars (\$4,500) be reallocated from the CIP Price Center window replacement to complete the bathroom repairs. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Public Comments

Marie Cunningham thanked the City for paving the alley between Commerce and West Streets, and asked if the tax rate was included in the budget. Ms. Cunningham stated that the trust issues with the City Council are not a perception of any illegal actions but a lack of confidence in judgment.

Jennifer Haynes stated she is concerned over the safety around her house on Reece Avenue; the large bushes on the island block the view of the house.

City Council Comments

Council Member Porter stated that there were concerns at the Citizen's Meeting over a lack of communication. The City Council is here for the citizens; the City staff works for the City Council.

Council Member Minner thanked the City's employees for taking the calls about the rate increases. The City Clerk stated that she is working on the program for residents to be able to access their monthly meter readings online.

Mayor Moyer thanked Public Works for fixing many water leaks.

Council Member Bivans thanked the staff for addressing the brown water issue. Small issues must be concentrated on to prevent big problems. An overview of the action taking on Public Comments should be given.

The Chief of Police stated that soft speed bumps and stop signs are being looked at for alleyways.

The City Solicitor stated that the Freedom of Information Act prevents the City Council from discussing items that are not on the posted agenda. It promotes transparency in government but can also slow down the process. In the past, people have been referred to the City Manager or Chief of Police to address their concerns.

Mayor Moyer asked about volunteers to paint curbs.

Council Member Bivans stated that he would like City Council to consider changing the layout of the Council Chambers.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Coleman, seconded by Council Member Porter, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council