

**AGENDA OF THE
BOARD OF PUBLIC WORKS AND SAFETY
City of Angola, Indiana**

Tuesday, September 3, 2019 – 6:30 p.m.

CALL TO ORDER BY CHAIR HICKMAN

1. Member roll call by Clerk-Treasurer Twitchell.

Hickman _____ Martin _____ Olson _____

2. Request approval of the July 15 minutes. (attachment)

ORDER OF BUSINESS

1. Sheryl Copeland regarding flooding issue at 118 Chaudoin Drive. (attachment)
2. Jim Hornbacher regarding drainage at Fairhaven Development Corp. property on East Redding Road. (attachment)
3. Review water and sewer connection charges to determine if an incremental increase is warranted.
 - Water residential connection \$870
 - Sewer residential connection \$2,220
4. Department reports.
5. Other business.

ADJOURNMENT

The next meeting is Monday, October 7 at 6:30 p.m.

JULY 15, 2019

A special meeting of the Board of Public Works and Safety of the City of Angola, Indiana was called to order by Chair Richard M. Hickman at 6:00 p.m. at City Hall, 210 North Public Square. Members Richard M. Hickman, David B. Martin, and David A. Olson answered roll call. No member was absent. Clerk-Treasurer Debra A. Twitchell recorded the minutes.

Present were Chief of Police Stu Hamblen, City Attorney Kim Shoup, City Engineer Amanda Cope, Street Commissioner Doug Anderson, Wastewater Superintendent Craig Williams, Deputy Clerk Tammy Onofrietti, and MS4 Coordinator Kris Thomas.

Also present were Ashlee Hoos of *The Herald-Republican*, Colin Meadowcroft of WLKI, Mae Everidge (1998 Buell Drive), Ann McMillen (1994 Buell Drive), Charles Hampton (2012 Buell Drive), Doug Grandin (2000 Buell Drive), Deborah Grandin (2000 Buell Drive), Donna Rabe (2004 Buell Drive), Sheila Walterhouse (2006 Buell Drive), Maureen Bedenk (2016 Buell Drive), Lisa Stout (1965 Regency Drive), Steven Squire (2022 Buell Drive), Ruby Squire (2022 Buell Drive), and Anne Marks (2010 Buell Drive).

APPROVAL OF MINUTES

Member Olson moved to approve the July 1, 2019 minutes. Member Martin seconded the motion. Motion carried 3-0.

ORDER OF BUSINESS

Residents of North Pointe Woods expressed many concerns of standing water in their yards and in the street (Regency Drive). Residents have tried to speak with the developer (Jim Mutton) and the builder (Leroy Steury), however, the drainage issues have not been fixed. Discussion followed. A curve, speed limit, and street lighting were also topics of discussion. City Engineer Cope said there are a combination of problems and no magic fix. The lots are small, and yards are not established. The City has done what is possible based on City ordinance and laws. Cope asked for direction from the Board. City Attorney Shoup said the drainage issues would be a private concern between the homeowner's association and Jim Mutton and/or Steury Builders and then stated that the best solution is the homeowner's association sue Mutton. According to the residents, because the subdivision has not been built out, a resident homeowner's association has not been established. On October 2, 2018, Shoup wrote a letter to Mr. Mutton describing the locations of inadequate drainage and referenced the City of Angola Stormwater Management/BMP Facilities Agreement signed by Mutton which could be a cause of action by the City. State law expressly prohibits the City from financially resolving the drainage matter. More discussion followed. Board members agreed a meeting with

Mutton and Steury should be scheduled with the Engineering Department and City Attorney Shoup. The City has gone beyond to fix the problem but will facilitate a solution. More discussion followed. The Board also agreed that the City Traffic Commission should determine if the speed limit should be lowered on Regency Drive and if a curve sign should be installed.

ADJOURNMENT

There being no further business, the meeting was considered adjourned at 6:29 p.m.

Richard M. Hickman, Chair

Attest:

Debra A. Twitchell, Clerk-Treasurer

DECEMBER 14, 2011

The Board of Public Works and Safety of the City of Angola, Indiana was called to order at 8:31 a.m. at City Hall, 210 North Public Square. Members Richard M. Hickman, David B. Martin, and Edward J. Nagle answered roll call. No member was absent. Member Hickman presided. Clerk-Treasurer Debra A. Twitchell recorded the minutes.

Present were Chief of Police Stu Hamblen, City Engineer Bill Boyer, Water Superintendent Dan Olis, Human Resources Administrator Sue Essman, Building Commissioner Dean Twitchell, Fire Chief Mike Meek, Park Superintendent Bob Walter, Deputy Clerk Tammy Onofrietti Street Commissioner Doug Anderson, Wastewater Superintendent Craig Williams and Administrative Assistant Suzy Adams.

In addition, present were Jennifer Decker of *The Herald Republican*, Jim Mease! of WLKI, and Susan Macfadyen.

APPROVAL OF THE MINUTES

Member Nagle moved to approve the Board of Public Works and Safety minutes of November 16, 2011. Member Martin seconded the motion. The motion carried 3-0.

ORDER OF BUSINESS

City Engineer Boyer asked the Board for direction on a drainage problem in Timber Creek subdivision. Boyer explained the Timber Creek property owners installed an 18" pipe to drain the area. The drain is plugged and operating at an estimated 10% capacity. Neither the Steuben County Drainage Board nor the City approved the pipe installation. Wastewater Superintendent Williams stated the Wastewater Department spent hours trying to unplug the drain during recent heavy rains and flooding. Boyer said the pipe installed by the property owners, which does not have a guard, may be plugged by a dead animal. After much discussion, Board members agreed the matter is a private property issue. The Board took no action. The property owners would be notified.

Member Nagle moved to reappoint Craig Williams to represent the Board on the Angola Plan Commission. Member Martin seconded the motion, which carried 3-0.

Chief of Police Hamblen announced the appointment of Chuck Thomas as Sergeant.

OTHER BUSINESS

Susan MacFadyen of 505 West Maumee Street addressed the Board about a drainage problem. Mayor Hickman asked Wastewater Superintendent Williams to meet with MacFadyen about the issue.

CRAIG T. BENSON
ATTORNEY AT LAW
POST OFFICE BOX 51
109 SOUTH MARTHA STREET
ANGOLA, INDIANA 46703-0051
TELEPHONE, 219-665-6111
FAX 219-665-5769

August 13, 1998

Craig Rice
Booth-Rose & Assoc., Inc.
901 North Wayne Street, Suite A
Angola, IN 46703

RE: Lot #10 Timbercreek

Dear Craig:

I reviewed the purchase agreement faxed to me after 5:00 p.m. on July 24, 1998 with Randy after July 27th. I pointed out the responsibility he was undertaking concerning excavating the basement as well as providing the amount of fill that the Buyer apparently desired. I told him that there should not be a closing until he knew exactly what he was going to have to do. I further reviewed with him the fact there ought to be a drainage plan involving all three lot owners while he was putting some fill on the lot. This drainage plan obviously would effect your property as well as the Stewart property and there should be contributions from all parties as a matter of fairness. Frank Stewart has informed me that he is willing to cooperate.

At the present time, Randy is waiting for the proposed plans from the purchaser and will then place them on a survey of the lot so that it can be determined what he is expected to do by the purchaser. Obviously, if what he is willing to do and what the purchaser wants done vary significantly, there probably will not be a sale.

I have been advised that closing has been tentatively set for August 20, 1998. Unless there is a great deal of movement on this matter very quickly, I do not see how that closing date is at all feasible.

Yours very truly,

Craig T. Benson

CTB/jw
cc: Randy and Marla Julian

AGREEMENT

COMES NOW Randy Julian, Marla Julian, and Mary Janet Kankamp (hereinafter referred to as "Seller") and comes also Susan A. Robart (hereinafter referred to as "Robart") and comes also Craig Rice and Ann Rice (hereinafter referred to as "Rice") and

WHEREAS, Seller are the present owners of Lot numbered ten (10) in the Plat of Amended Timbercreek Subdivision, as recorded in Plat Book, #5, Page 53, Steuben County Recorder's Office, Steuben County Courthouse, Angola, Indiana, EXCEPTING THEREFROM: The West 7.00 feet, by right angles of said Lot numbered Ten (10); and

WHEREAS, Rice is the present owner of Lot numbered nine (9) and the west 7.00 feet of Lot numbered ten (10) of Amended Timbercreek Subdivision; and

WHEREAS, Robart and Seller entered into a Purchase Agreement dated July 23, 1998 for the sale of said Lot numbered 10 as hereinabove described; and

WHEREAS, a condition of said Purchase Agreement provided "Owner to tile any surface water away from Lot #10 and provide any fill to prepare a proposed building site on said lot and to excavate for Buyer's basement"; and

WHEREAS, Seller is willing to construct at Seller's expense a 15 inch tile as shown on Exhibit A and also deposit not more than 100 cubic yards of dirt on Lot #10; and

WHEREAS, Rice and Robart are willing to pay the additional expense to have an 18 inch tile line installed in the location as depicted on Exhibit A and also pay for the expense of constructing clean-out/catch basins as shown on Exhibit A; and

WHEREAS, Seller is prepared to convey said real estate upon having a full Release from Rice and Robart for any future damages to present or future improvements on Lots 9 or 10, however caused, resulting from any surface water, malfunction, or lack of maintenance of the tile line installed.

NOW, THEREFORE, the parties agree as follows:

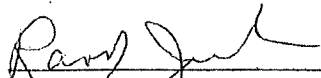
A. That Seller shall install an 18 inch tile line and also install clean-out/catch basins on

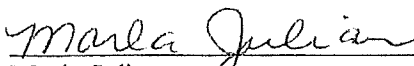
the boundary lines between lots #8 and #9 and #9 and #10 as depicted on the attached drawing at the time Robart's basement is excavated by Seller.

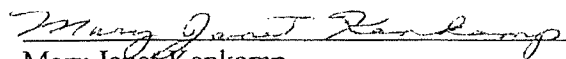
- B. That Rice and Robart will pay the sum of \$2,200.00 to Seller for the installation of said 18 inch tile line and two clean-out/catch basins.
- C. That Seller shall deposit not more than 100 cubic yards of dirt on Lot #10 pursuant to the terms of the Purchase Agreement and shall excavate a basement in the location depicted on the diagram attached hereto as Exhibit A.
- D. That upon completion of the installation of the 18 inch drain tile and clean-out/catch basins, Rice and Robart shall execute the attached Release releasing Seller from any future responsibility for maintenance of said 18 inch tile line or any direct, indirect, or consequential damages resulting from surface water and/or the malfunctioning of said installed tile line.
- E. That Seller's responsibility for drainage work or excavation of basement terminates one year from date of closing. After that date, Buyer shall not have any recourse against Seller for any matter concerning Lot 10.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 18 day of January, 1999.


SELLER



Randy Julian


Marla Julian

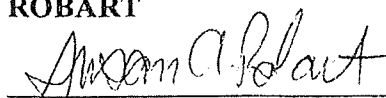

Mary Janet Kankamp

RICE


Craig A. Rice


Ann M. Rice

ROBART


Susan A. Robart

RELEASE

This Agreement made and entered into this ____ day of _____, 1999 by and between Craig A. Rice and Ann M. Rice and Susan Robart (hereinafter referred to as "Releasors") and Randy Julian and Marla Julian and Mary Janet Kankamp (hereinafter referred to as "Releasee")

Release and Discharge

1. Releasor on behalf of themselves, their heirs, successors, and assigns, in consideration of the installation of a certain tile line by Releasee, hereby fully release and discharge Releasee and their heirs, assigns, and successors from all rights, claims, and actions which Releasors and their above named successors now have or may have after the installation of a certain 18 inch tile and clean-out/catch basins against Releasee and their above named successors rising out of surface water or other water draining through said tile or not draining through said tile.
2. This Release is intended by the parties to release all claims for injuries, damages, or losses to Releasor or their persons and property, real or personal, whether known, unknown, foreseen, unforeseen, patent or latent, which Releasor may have against Releasee. Releasors understand and acknowledge the significance and consequence of such specific intention to release all claims, and hereby assume full responsibility for any future injuries, damages, or losses they may incur through the maintenance or installation of the above described 18 inch tile drain.
3. This Release is fully and voluntarily executed by Releasors after having been apprised of all relevant information and data. Releasor in executing this Release does not rely on any inducements, promises, or representations made by Releasee other than the construction of the 18 inch line as described in the Agreement between the parties executed on January _____, 1999, their above-named representatives or anyone

acting on behalf of Releasee.

4. Releasors agree to hold Releasees harmless and indemnify Releasees from any and all claims due to water damage resulting from surface waters going across said Lots #9 and #10 or from the malfunctioning of the drainage tile installed, whether direct, indirect, or consequential.

RELEASOR

RELEASOR

Craig A. Rice

Susan A. Robart

Ann M. Rice

STATE OF INDIANA)
) SS:
COUNTY OF STEUBEN)

Before me, a Notary Public in and for said County and State personally appeared: Craig A. Rice and Ann M. Rice this ____ day of _____, 1999 and acknowledged the execution of the foregoing document as their voluntary act and deed.

IN WITNESS WHEREOF, I subscribe my hand and affix my notarial seal.

MY COMMISSION EXPIRES:

Resident of _____, Notary Public
Co., IN

STATE OF INDIANA)
) SS:
COUNTY OF STEUBEN)

Before me, a Notary Public in and for said County and State personally appeared: Susan A. Robart this ____ day of _____, 1999 and acknowledged the execution of the foregoing document as their voluntary act and deed.

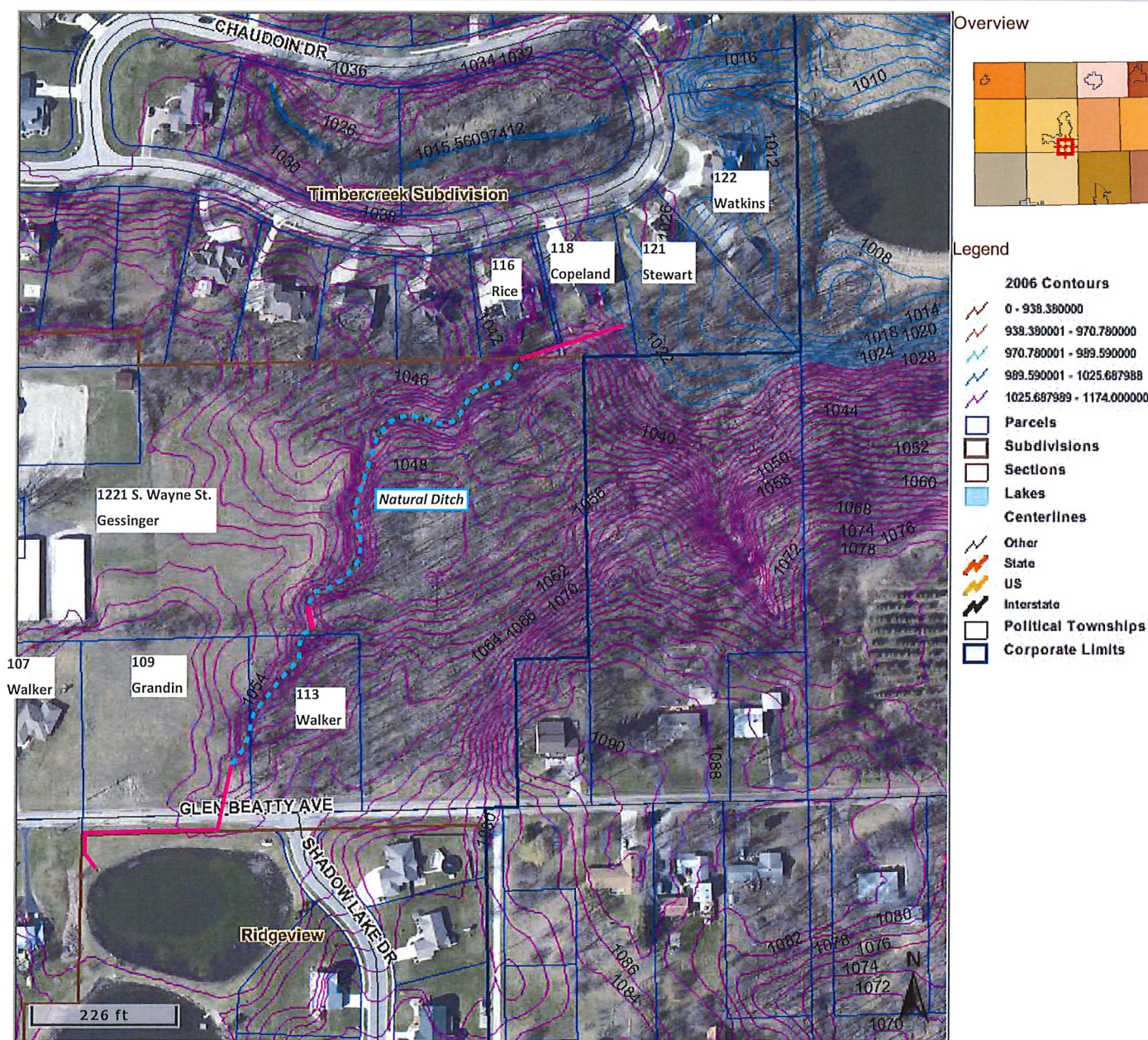
IN WITNESS WHEREOF, I subscribe my hand and affix my notarial seal.

MY COMMISSION EXPIRES:

Resident of _____, Notary Public
Co., IN

This document prepared by Craig T. Benson, Attorney At Law, 109 S. Martha St., Angola, IN 46703

Date Created: 6/15/2011



Last Data Upload: 6/15/2011 3:48:39 AM

The information on this page was collected from several sources. Steuben County assumes no legal responsibility for the information contained on this map. Users noting errors or omissions are encouraged to contact the Steuben County GIS Department. See full disclaimer for more information.



developed by
The Schneider Corporation
www.schneidercorp.com

SEPTEMBER 16, 2005

The regular meeting of the Board of Public Works and Safety of the City of Angola, Indiana was called to order at 9:30 a.m. at City Hall, 210 North Public Square. Members Richard M. Hickman, Edward J. Nagle, and David B. Martin answered roll call. Member Hickman presided. Clerk-Treasurer Debra A. Twitchell recorded the minutes.

Attending were Chief of Police Jon Parrish, City Engineer Bill Boyer, City Planner Brook Steed, City Attorney Kim Shoup, Wastewater Superintendent Michael Keleman, Street Commissioner Doug Anderson, Park Superintendent Bob Walter, Building Commissioner Dean Twitchell, Engineering Assistant Jim Myers, and Deputy Clerk Tammy Onofrietti.

In addition, attending were Jim Measel of WLKI, Bob Fitzwater, Jim Hornbacher of Fairhaven Development, Bob Shearer of Rowland Associates, and Aaron Steury of A & D Specs.

APPROVAL OF THE MINUTES

Member Nagle moved to approve the Board of Public Works and Safety minutes of July 13, 2005. Member Martin seconded the motion. The motion carried 3-0.

ORDER OF BUSINESS

City Engineer Boyer addressed stormwater control in the Fairhaven Development proposed subdivision, The Villas of Fairhaven, located along the north side of Redding Road between Redding Lane and Beery Drive. Fairhaven is requesting approval to use an existing wetland/detention pond on adjoining property north of the proposed development. The property north of the development is controlled by the USDA Soil Conservation Service. The stormwater control ordinance, administered by the Board, requires that stormwater be detained on site. If the Board does not approve the use of the existing wetland/detention pond on the adjoining property, Fairhaven must provide on site stormwater control which would require eliminating one or two lots in the proposed subdivision. The wetland/detention pond is downstream and will not alter the outlet. Boyer recommended that the Board approve the stormwater control on the adjoining property subject to USDA approval. Member Nagle so moved. Member Martin seconded the motion. The motion carried 3-0.

The Board discussed possible financial participation by developer A & D Specs to the Sunnyfield Sanitary Sewer Improvements project for the proposed Woodhaven subdivision located on the north side of Calvary Lane between the Sunnyfield and the Easton Place subdivisions. City Engineer Boyer explained that a contract award for the Sunnyfield project is pending. The project bids were very good and the issue of possible financial participation by A & D Specs should be resolved in order to award the project contract and complete construction before the end of the year. Wastewater