

Hamilton City Council
1010 Broadway St.
October 1, 2012

The Hamilton City Council met in regular session at 7:00p.m. with Mayor Woodruff, Eddings, Schlatter, Bierbaum, Summers, Boone, Richardson, Replinger, and Johnson answering roll call.

Mayor Woodruff led everyone in the “Pledge of Allegiance”.

Bierbaum moved to approve the Minutes of the September 17, 2012 meeting. Boone seconded the motion. Roll call was called with Eddings, Schlatter, Bierbaum, Summers, Boone, Richardson, Replinger and Johnson voting aye. Motion carried with 8 aye votes and no nay votes.

Betty Gray spoke to the Council Members regarding her involvement in the legal issues surrounding the property on Broadway. She was concerned with the time it has taken for the cleanup to begin. City Attorney, Stan Tucker explained to Ms. Gray that the City had to wait on legal papers to be filed and all the parties involved located. He thanked her for signing off on her portion of the paperwork.

Eddings reported that the Finance Committee held a meeting on September 25th. He noted that the committee discussed the server software update and will look at other options.

Eddings reported that the committee discussed the clean up on Broadway. He noted that we had appropriated up to \$100,000.

Eddings reported that the state still owes \$56,325.95 for the months of July, August and September.

Eddings made a motion to approve the Selected Check Registers and the Treasurer's Report. Richardson seconded the motion. Roll call was called with Schlatter, Bierbaum, Summers, Boone, Richardson, Replinger, Johnson and Eddings voting aye. Motion carried with 8 aye votes and no nay votes.

Eddings read Ordinance #10 Requiring City Checks to be Cashed Within Ninety Days. Eddings made a motion to approve all three readings of Ordinance #10. Richardson seconded the motion. Roll call was called with Bierbaum, Summers, Boone, Richardson, Replinger, Johnson, Eddings and Schlatter voting aye. Motion carried with 8 aye votes and no nay votes.

Eddings reported the Finance Committee will hold a meeting on Tuesday, October 9th at 5:30p.m.

Schlatter reported the Water and Sewer Committee will be holding a meeting on Wednesday, October 3rd at 6:00p.m.

Schlatter made a motion to approve McClure Engineering Associates' Invoice #11109 for the amount of \$1,800.00 for the Preliminary Design for the Industrial Park Sewer Extension. Bierbaum seconded the motion. Roll call was called with Summers, Boone, Richardson, Repplinger, Johnson, Eddings, Schlatter, and Bierbaum voting aye. Motion carried with 8 aye votes and no nay votes.

Mayor Woodruff reported that Carthage's Mayor, Jim Nightingale had called to request the City of Carthage purchasing more water from the City of Hamilton. He noted that he would like to suggest to the Council that we approve tonight a Resolution agreeing to a lower rate for an additional amount of water. Carthage is agreeing to purchase 80,000 gallons minimum per day at a \$.32/1,000 gallon discount. He noted that we can ratify this at the next Council meeting. Schlatter made a motion to approve Resolution #5 Approving Carthage Water Contract Temporary Modification. Bierbaum seconded the motion. Roll call was called with Boone, Richardson, Repplinger, Johnson, Eddings, Schlatter, Bierbaum, and Summers voting aye. Motion carried with 8 aye votes and no nay votes.

Schlatter reported they were holding agenda items 2-4 regarding the Sewer Lining Contracts to allow for McClure Engineering to review.

Bierbaum reported the Street Committee held a meeting. He noted that the Street Department had sold some scrap metal from around the shop for the amount of \$1,477.00. This money will be used to buy tools for the Department.

Bierbaum reported they have completed the chip and seal program and looks good.

Bierbaum reported Beulah Pilkington's property is up for sale. He noted that the City has a plated street through this property. Stan will check with their attorney to make sure they are aware of this.

Summers reported that the Health and Safety Committee held a meeting on September 20th. She noted that the committee discussed the 900 block clean up.

Summers reported the Committee discussed the Animal Ordinance and will be presented for approval.

Summers reported that Chief Bell made a presentation to a 9 year old boy in Hamilton for his heroism. She noted he reacted quickly by running home to get a knife to cut a boy loose from a rope that had got caught around his neck.

Summers made a motion to approve the Third Reading of Ordinance #8 To Allow Video Gaming. Bierbaum seconded the motion. Roll call was called with Johnson, Eddings, Schlatter, Bierbaum, and Summers voting aye. Richardson, Repplinger, and Boone voted nay. Motion carried with 5 aye votes and 3 nay votes.

Summers asked for discussion regarding the proposed Animal Ordinance. She noted that it did not pass the first reading last meeting and would like for the Council Members to discuss what they were against and if any changes could be made to the Ordinance. It was noted that some discussion was needed on the portion that limited the number of dogs you were allowed to have. Also there were those opposed to the number of chickens that would be allowed. It was noted that we are not able to pick up cats without building a \$150,000 building that is heat and aired at all times. Carthage is no longer accepting cats because they are at their limit. After further discussion, Bierbaum made a motion to table the Ordinance and return it to Committee for more discussion and changes. Boone seconded the motion. Roll call was called with Repplinger, Johnson, Eddings, Schlatter, Bierbaum, Summers, Boone and Richardson voting aye. Motion carried with 8 aye votes and no nay votes.

Summers reported that we had received five (5) bids for the Clean-up of Gray Structure and Fire Debris at 940 Broadway. The bids were as follows: \$28,927 from Cullen Construction & Excavating, Inc.; \$23,000 from Bricker Excavating/Demolitions; \$25,000 from Davolt Demo; \$27,900 from JPK Construction, Inc.; and \$12,443 from Beau Whitaker, Hustler Hauling.

Mr. Whitaker addressed the Council regarding his bid. He noted that he had included his bill for fill too because the Invitation for Bid stated both in the heading and first paragraph. He stated that he believed both jobs should be done hand in hand. He noted that he would start on the South side, remove debris and back fill as he goes so this saves the sidewalk on the front and keeps the foundation of the building on the West somewhat supported. He noted that he has in his past jobs removed the debris but is allowed to use the bricks as fill. Tucker noted that tonight we are bidding the removal only but in the next couple days if the committee wants to meet and talk with him and the Engineer regarding the fill requirements we may not need to bid the fill. Mr. Whitaker stated that he will stand by the bid even if he isn't allowed to fill. Chief Bell will call the Engineer tomorrow.

Schlatter made a motion to authorize the Health and Safety Committee to accept low bid at the Committee meeting held on October 3rd contingent on discussion and information learned from Engineer regarding fill process. Johnson seconded the motion. Roll call was called with, Johnson, Eddings, Schlatter, Bierbaum, Summers, Boone Richardson and Repplinger voting aye. Motion carried with 8 aye votes and no nay votes.

Repplinger submitted a demolition permit to J.P.K. Construction at 19th & Church for demolition of house. Repplinger made a motion to approve the permit. Boone seconded the motion. Roll call was called with Eddings, Schlatter, Bierbaum, Summers, Boone, Richardson, Repplinger and Johnson voting aye. Motion carried with 8 aye votes and no nay votes.

Repplinger submitted the following building permits: 10' x 10' Front Porch to Josh Turner at 1870 Laurel and 16' x 9' x 16' Shelter House to Lonnie Boley at 1446 North 800 County Road. Repplinger made a motion to approve the permit. Johnson seconded the motion. Roll call was called with Schlatter, Bierbaum, Summers, Boone, Richardson, Repplinger, Johnson and Eddings voting aye. Motion carried with 8 aye votes and no nay votes.

Replinger submitted the following building permit: 38' x 10' x 20' Lean-to Storage to Dale Mulch at 450 North 18th. Replinger made a motion to approve the permit. Johnson seconded the motion. Replinger noted that all the Council Members had received a copy of the variance that was approved regarding this property. Mr. Mulch was present to address the Council regarding the permit being held at the previous Council Meeting. After further discussion, roll call was called with Bierbaum, Summers, Boone, Richardson, Replinger, Johnson, Eddings and Schlatter voting aye. Motion carried with 8 aye votes and no nay votes.

Replinger submitted the following building permit: to Wade Plowman at corner of Grove and Dania Drive. Replinger made a motion to approve the permit. Boone seconded the motion. Discussion was held regarding if a crawl space was required. Building Inspector, Tim Hempen was called and addressed the Council by speaker phone. He reported to the Council that according to a City of Hamilton Ordinance a crawl space or basement is required in all living spaces. Also he noted that you can not build just a garage without a house according to City Ordinances. Hempen stated that the owner could apply for a variance and the Zoning Commission could review their request. The property is zoned residential. After further discussion with land owner it was decided the permit would be held and discussed further in a Committee meeting to be held Tuesday, October 9th at 6:30p.m. Boone withdrew her second and Replinger withdrew his motion for approval.

City Attorney, Stan Tucker asked to return to Health and Safety. He noted that the low bid for clean up from Hustler Hauling has including all the information needed for the bid and he stated it was good whether or not he has to remove the brick. Tucker noted that there is no reason his bid couldn't be accepted tonight. He stated that after they meet in committee and review information from the Engineer on fill, they may be able to proceed that evening. Summers made a motion to accept the bid for \$12,443.00 from Hustler Hauling. Schlatter seconded the motion. Roll call was called with Summers, Boone, Richardson, Replinger, Johnson, Eddings, Schlatter, and Bierbaum voting aye. Motion carried with 8 aye votes and no nay votes.

Summers moved to adjourn the meeting at 8:46 pm. Bierbaum seconded the motion. Roll call was called with Boone, Richardson, Replinger, Johnson, Eddings, Schlatter, and Summers voting aye. Bierbaum voted nay. Motion carried with 8 aye votes and 1 nay votes.

Mayor

Approved

Attest: _____
City Clerk