

PUBLIC HEARING MINUTES

Preliminary Hearing Barrett Law

Resolution: #66818, Country Club Gardens Water Main Extension Phase 1

July 14, 2020

**BOARD OF PUBLIC WORKS
ROOM 035 –COUNCIL CHAMBERS
MEETING HELD AT 12:22 P.M.**

**SHAN GUNAWARDENA, CHAIR
KUMAR MENON, MEMBER
MIKE AVILA, MEMBER
MICHELLE FULK-VONDRAN, CLERK**

Present: Shan Gunawardena, Mike Avila, Michelle Fulk-Vondran, Emily Ridgway, Angela Erpelding, and Austyn Smedberg.

Shan Gunawardena: Good afternoon ladies and gentlemen, welcome to the preliminary hearing for WO #66818, Country Club Gardens Water Main Extension Phase 1, July 14, 2020. My name is Shan Gunawardena, Chair to the Board of Public Works. To my right is member Mike Avila, member Kumar Menon is absent today, and to my left is Clerk to the Board, Michelle Fulk-Vondran and Emily Ridgway, Barrett Law Accountant. Before we begin I would like to ask that all attendees please sign in for this hearing. We will call to order the preliminary hearing for resolution, #66818, Country Club Gardens Water Main Extension Phase 1. To begin, I would like to have the project manager, Austyn Smedberg from City Utilities Engineering give a presentation.

Austyn Smedberg: Thank you. The preliminary hearing is for #66818, Country Club Gardens Water Main Extension project. It consists of 8,175 feet of water main extension including: hydrants, valves, services and all the other appurtenances. The project is located near Woodhill Dr and South Bend Dr as indicated by the red pin on the map behind me. The new HDPE water main will provide reliable high quality water, increased fire protection in the area. It will be installed by directional drilling which will be less disruptive than open cut installation. The project is in our budget, funded by water utility revenue and utilizing Barrett Law for additional funding. If approved, construction would begin this fall. Property owners in the area have signed petitions and show interest in the project moving forward and that is what we are here to talk about today.

Shan Gunawardena: Did you say this is a 2 inch water main?

Austyn Smedberg: It is a mixture between 2, 6 and 8 inch water mains.

Shan Gunawardena: Any other questions for Austyn? If not I would like to open the floor to anyone that is here to speak in favor of this project. Is anyone here to speak in favor of this project or would like to speak on behalf of it? You are in favor of it, but do not necessarily want to speak?

Resident: I am in favor of it.

Shan Gunawardena: Very good. Is there anyone here who is not in favor of this project and would like to remonstrate against it? Please come up to the podium and state your name and address and let us know what your thoughts are.

Resident (Cary Sloan): Cary Sloan, 4111 Woodhill Drive, and before I make a statement I have a procedural question. Is each individual who is here who wishes to speak limited to one trip to this microphone?

Shan Gunawardena: Yes.

Resident (Cary Sloan): Okay, so I have to say everything I have to say while I am here at this microphone. Okay, first off I would like to go on record as objecting to the meeting in its entirety because this does not meet state statute for proper notice. It doesn't state the time, it states the time of your meeting and none of us here have any way of knowing if your meeting takes 10 minutes or 4 hours. I think that this document does not meet the state standards for proper notice. So that being the first thing said. The second thing said for myself is that over 35 years ago the city came through what was not City property and put in sewer lines which the people had to pay because they were not in the City. My wife has owned her home for 45 years, she was told at that time that the city would be coming through with water in a couple of years. Since she has had to pay to have 2 wells drilled one of which was drilled just a couple of years ago. Before we drilled that well, we went and asked at the City Utilities Department could we tap into the line that was done one block over from us for free no cost to anyone who lived there, that line went in. I don't know how, I have never been able to get an actual, accurate, proper answer. And we were told yes we could tap into that, we could buy an easement across the neighbor's property and pay what would end up being about \$13,000 to bring that water over to our home instead of putting in a well. Now, I also asked are there any plans to bring water to the addition, to our street. And we were told there were no plans that they had any knowledge of. So those are our reasons for objecting to this, we have just put in a very expensive well and yes I agree with the other person's statement our water is not very good. But I also think that when the City of Fort Wayne annexed our area, the City of Fort Wayne assumed the responsibility to bring the improvements that they were telling the people who were being annexed all these wonderful things that they were going to bring to us. And there were inferences in statements about this project that say how we are going to save money on our insurance our homeowners insurance. I have spoken with the company that does our homeowners insurance, now at \$1,200 it will take us at least 120 years to see the kind of savings that they are inferring we are going to see on our homeowners. Homeowners insurance covers a lot of things; fire damage is only one of those things. So we might at the most see \$10 savings in our insurance. Well to make the \$1,200 that you're assessing that we have to pay, we have to live another 120 years. I don't think God is going to allow that. I think that this project is something that the City should be paying for. The one thing that we have had since the City came in is garbage removal that is unreliable. The inability to burn our leaves, the name of our street is Woodhill, it is appropriate. We have 200 year old trees on our property; we have been burning leaves for 45 years, well minus since we have been in City. So we are not allowed to burn our leaves we are to rake them out to the curb. The very first year they came and picked up our leaves, they didn't come on the first cycle, they came on the second cycle of pick up and they were in a little bit of a hurry, and I think maybe they had somebody who didn't know anything about the equipment he was running because he was on the crown of the road and as he proceed down in to scoop up the leaves he took a 6 foot wide a foot and a half deep, 3 foot across portion of our property and dumped it in their collection bin. We called the City they sent somebody out, now I don't know how many cubic feet that is but it's a lot. They brought three 5 gallon buckets of dirt, some grass seed and some straw. And afterwards I had to bring in the dirt and make all the repairs myself. Our experience with the City providing services has not been a good one. We participated in the clean up here a couple of years ago, they wanted us to go down and clean up the river greenway downtown. Somebody's proud project they wanted to look as good as possible. Well we have friends that come and visit us in Fort Wayne and they tell us we use to call this the City of Churches, now we call it trash city because your garbage pick-up or somebody when its windy out and dumping the trash I don't know if the equipment is improper or if the way they do it is improper but they spread so much trash around you would have to do this monthly to clean this town up. Most of the people who live in Fort Wayne have lived here a long time have had pride memories and have lived here many many years, raised their families, their children, their grandchildren and frankly I don't think this City holding up their responsibilities very well. And this project I do not believe should go forward unless the City is going to pay for it. You got a very very nice bump in your tax base when you annexed us. We didn't ask to be annexed. You annexed us and I think with that bump in tax base you have responsibilities. And that isn't to come through and pay some of the cost and dump the rest on the people that you annexed. And since I am not allowed to come to this microphone again, I am sure there are other things I would like to say when more has been said but since I am not allowed to return to the microphone there will be things that you are not going to hear that I think you should. Thank you

Shan Gunawardena: Thank you very much Mr. Sloan, as you made a statement about several questions that you have not gotten answers to, any questions related to this particular item will be responded to and will be available to the public.

Resident (Lyn Wittwer): 4136 Woodhill Drive. I would like start by saying that I have spoken with Michelle, Emily and Austyn and also emails, they have been very kind and very good about answering questions. So I will start with that before I start complaining (laugh). I would like to know how many people actually responded to the initial letter asking if we wanted this project to go on? I believe it was Emily that explained to me which Streets, I was unaware who all answered. Our neighborhood is very unique, in that it is more of a country setting, if you didn't know you were that close to Jefferson once you are in there, the woods and ponds, I mean you would not know that you are actually in the city. So we don't have sidewalks, we have narrow streets that are chip and seal. They just recently got resealed, we have been there since 1988, I can't remember the year, I meant to look it up before I came to this meeting, I apologize for not being ready, we had not had our road resurfaced since the City annexed us back when Mayor Helmke was in office. So I called and called and the 311 lady I think we became friends on the phone, hey do you know anything yet? I spoke with people about that. I know I am off topic a little bit, but I just want you to be aware that we have been kind of that little forgotten area because we always felt like they just took us because they had to take us to get to Aboite which is where the real money at that time was. I kind of always felt that way, but I have heard that from other people in the neighborhood. My question is how many people responded? And of those people what percentage of the total respondents responded that they want to have this done? I am questioning why so many people if there were very few, I kind of got the impression that there were very few that did respond why they did not respond? I wonder if they understood what the cost was going to be involved if they didn't respond and so many people did? The cost may not be a lot to some people but to other people it's quite a lot of money. I have another question, I don't know if somebody can answer it now, one of my question is you run the water down the street, my particular property to hook up to my house its approximately 700 feet from Woodhill Dr from the actually road. Our driveway our property goes in a V shape from Woodhill Dr, we have about 40 feet along Woodhill Dr of frontage on the actual road for our mailbox and our trash. We have never been able to take our leaves down there, we have to figure out how to dump them in our woods. We are surrounded by woods, we have a huge pond on our property, I am not sure how they are going to get that water to me? I have friends who live on Coleman and when this project went through for them on Coleman they had to pay a plumber to actually hook up to the water on the street. I know I can't afford to pay a plumber to run plumbing 400 feet through the woods and around a pond to get to my house. So I am not really sure how I am going to be affected where I live. I don't want my neighbors who want this project to go through not to have what they need and what they want. I happened to have a really good water softener that I paid a lot of money for not that many years ago that works phenomenally and I would give anybody that information if they want it. I would say that I do not intend on hooking up to city water because I really like my well water. I am having a hard time as it is paying \$17.90 a month for nothing, when I called about that I was told its for city sewers, I said we don't have city sewers back here. We don't have any sewage drainage back where we live. They said it's because you pay to live in the city, you drive through the city don't you? And I said well yeah but so do a lot of other people that don't pay for the water going down the water mains and sewage areas in the city and no answer. That's always bugged me, I know its only \$17.90 but it has just always bugged me so I mentioned it. Lastly, I was told that if we don't hook up, if we decided to sell our property that either we would have to pay or the person who purchases our home would have to pay to hook up to city water before we could sell and they would have to cap that well. So I need to know the answer to that question. I think all of these questions are questions that need to be answered before people can make a decision. I think a lot of people in our neighborhood have lived there so long we kind of move along in our lives and live our lives the way we have for several several several years. I think if they had the answers to these questions they may not have neglected to turn in their response or they may have responded differently. Those are my questions and I like the other gentlemen Mr. Sloan, I will probably have more questions later, but I just happen to have your email address and your email address so thank you very much for listening (laughing).

Shan Gunawardena: Thank you very much Mrs. Wittwer. We have gotten a lot of questions, all of these questions will be recorded and will be responded to as part of the proceedings of this public hearing today. Any other individuals who wish to remonstrate against this project. Come on up, state your name and address and let us know what your thoughts are.

Resident (Kris Behringer): I am for it, can I come and talk?

Shan Gunawardena: That's fine, come ahead and come talk anyway.

Resident (Kris Behringer): My name is Kris Behringer and I live at 3817 Highland. My husband and I voted for city water to come through. We have been at 3817 Highland for 20 years. We moved in February of 2000 and shortly after that we got a letter from the city saying that they were thinking about bringing water down, we had been annexed at that point, five years later we put a well in because the water didn't come. We have heard a couple of times the city is going to come and no body shows up. Honestly I feel like what my neighbor just said, we are the forgotten neighborhood in Fort Wayne. Literally have chip and seal roads, we don't have asphalt, we don't have concrete. I just listen to all these people come up and ask for new concrete, we have chip and seal. So when we drive down on a hot day the tar throws the rocks up on our car. We pay for sewer, its time for water. I mean we have paid taxes for a lot of years and really we aren't getting anything out of it. Sewer and garbage, but we are the forgotten people. So I feel like it's our time. We don't have street lights, we don't have sidewalks that you have to maintain, I would love a real road, that's what, I am not out in the country, I am in the city. Like just a few miles down the road. Love for you to come look at what our roads look like. So I think for the water, it's not too much to ask, get it down to us. I love what he said, I would love not to have to pay so much. Because for 20 years you have collected my taxes and I haven't seen a lot of return for that. So my vote is for water, I hope it goes through. I am not personally going to hook up, I am going to have it run to my house. I can't afford to hook it up into my house. I am a household of 7, 4 teenagers and a parent living with me. And so our water usage from what I understand we can't afford it. We would be over a couple hundred dollars a month to the City for our sewer water. So I can't afford to hook up yet, someday my kids will be gone. Then I will hire a plumber and I will hook up so that I can have some good water. I love well water, and I love my well water and I won't give up my well, I would like to not put a new well in but I would like to have city water. So my vote is for.

Shan Gunawardena: Thank you very much Mrs. Behringer. Any other respondents to this petition who would like to speak either for or against? Please state your name and address.

Resident (Ann Butler): I am Ann Butler, I live at 4111 Highland Dr. I am for this because we do have bad water. Doesn't matter how good your softener is to a degree. You go through a couple of them, you get tired of having to buy the salt and the softener and everything. My question is, I own three properties all in a row. One of them is a pond, why do I have to pay for the pond? Due to the fact that, the pond where it is situated, here is Woodhill, here is Highland here is my pond. You can't put water through it, it's got water there, why do I have to pay to run a water line where you can get to it the other houses by land either from Woodhill or from Highland? So somebody can answer that question for me because I know there is other people in the neighborhood that have the same situation. We have been the redheaded stepchild back there forever. I have lived there for 26 years, I love where we live, we have the country vibe but I am 5 minutes from every amenity I need. We do not have sidewalks, we do have chip and seal streets, they're terrible. Try and get anybody out there to do anything is ridiculous. We are the redheaded stepchild. So if you can answer my question about my pond I would greatly appreciate that. Because you're charging me \$3,500 just to run the main because I own 3 properties. Now if the Mayor or somebody lived out there it wouldn't be that way. Coleman got their's for free, they are two streets over. This is ridiculous to me. Yes I am in favor of this because we need the amenity if we want to sell our houses. But I don't understand why one street in the whole addition got it for free and now we have to pay for it. Thank you.

Shan Gunawardena: Thank you very much Mrs. Butler, once again all those questions will be responded to and made publicly available as part of the proceedings of this hearing. Anybody else have any thoughts on this project? Like I said we limit speaking to one time only. You can still contact us and let us know if you have any additional thoughts and we will be happy to respond to those as part of the proceedings. I am going to ask Austyn Smedberg to come and give some closing thoughts.

Austyn Smedberg: One second, sorry.

Shan Gunawardena: Yes.

Austyn Smedberg: Sorry, I didn't realize I would need to speak again. What was the question?

Shan Gunawardena: I just want you to give some closing thoughts on if you have any additional information you would like to provide on anything that you have heard today or if you would rather wait to respond to all the questions as part of the proceedings of this hearing.

Austyn Smedberg: Yeah, I will respond to a couple, just to clear some air about a couple things. For Coleman Ave, a lot of you are concerned that street got water for free. That's a good point that was a water transmission main so that was benefitting the entire system. What we are asking for is assessment for the distribution portion. The water mains that just go down your streets and only benefit the property owners in that one spot. As part of this project we do have another transmission main going in and that portion of the project is not being assessed towards your portion. So there is another free water main going in along with the distribution side that feeds your homes, if that makes sense. Along with paying for the project I just finished the estimates last week based on the project area, the City is expecting to pay about 80% of the project and property owners are expected to pay about 20% of the project. Just a couple things there, but other than that I think we can address the rest of the questions through the other process.

Shan Gunawardena: Alright, thank you very much Austyn. At this point I would like to ask the Barrett Law Accountant, Emily Ridgway to talk to us about the remonstrance process and the time frame for that.

Emily Ridgway: Good afternoon Board, I am Emily Ridgway, Barrett Law Accountant. I want to give an overview of the remonstrance process. This process allows property owners who oppose the project to file a remonstrance petition. 51% of the affected property owners must sign the remonstrance petition in order to cancel the project and all signatures of those listed on the property deed must be on the petition. The petition must be returned to the Board of Public Works within the 10 days of the initial public hearing. The deadline that the petition must be received for this project is July 24, 2020. If the project is remonstrated and 51% of the affected property owners have signed the remonstrance petition, the signatures on the remonstrance will be verified. If remonstrance is successful, citizens may repetition the project 6 months after the remonstrance was filed with the Board of Public Works. If the project is not remonstrated or is remonstrated but the necessary number of affected property owners signatures is not obtained the project will be advertised for bid after the 10 day remonstrance period. Once the project moves on to the bidding process, property owners will not be contacted from the City of Fort Wayne Barrett Law until the final hearing notices are mailed. The notice will indicate the date of the final public hearing to be held by the Board of Public Works. For anyone that would like to discuss this further or has any additional questions regarding the remonstrance period or the Barrett Law loan program I would be glad to speak with you after the preliminary hearing has adjourned.

Shan Gunawardena: Thank you very much Emily. As she described the process of remonstrance if you have any additional questions she will be available after this hearing to answer any questions. Also please be advised that the proceedings that are happening today are being recorded and will be available for you to review on City access TV. So if you want to refresh what happened today and have any additional questions, feel free to contact Emily or Austyn and get any additional questions answered. At this point I do have a couple of closing comments about some statements made about streets, particularly chip and seal streets. I want to go on record as stating that the City of Fort Wayne has over 129 chip and seal streets. It is not a random that your neighborhood only has chip and seal streets. We do spend a lot of money fixing chip and seal streets. Our strategy is to rate them every year based on the rating received we go back and chip and seal them. We keep a constant record of that. All this information is available if you would like to see that. If you do have any questions about the condition of your street please contact the Public Works office or call 311. Any other questions about this project once again feel free to contact Austyn, Emily or Michelle. At this point I would entertain a motion to adjourn this public hearing.

Mike Avila: I move to close the public hearing and adjourn the meeting.

Shan Gunawardena: I will second that.

Shan Gunawardena: All those in favor?

Mike Avila, Shan Gunawardena: Aye.

Shan Gunawardena: This public hearing is now adjourned. Thank you.

Note: See Sign in sheet for property owner attendance.

BOARD OF PUBLIC WORKS

BY: _____
Shan Gunawardena, Chair

BY: _____
Kumar Menon, Member

BY: _____
Mike Avila, Member

ATTEST: _____
Michelle Fulk-Vondran, Clerk

Date: _____