

Council met in special session with the following persons present: Mayor Richard Zink, Safety-Service Director Ralph Holt, Law Director Fred Beery, Auditor Gary Lewis and Clerk Beverly Brown.

President Richard Donley called the meeting to order at 7:00 p.m.

Councilman Bonnie Parr asked a blessing on the assembly and Mayor Zink led those present in the "Pledge of Allegiance".

ROLL CALL:

Present: Mr. Kevin Chambers, Mr. Lee Koogler, Mr. John Levo, Mrs. Bonnie Parr, Mr. David Shoemaker, Mr. Tim Young.

Absent: Mr. Charles Walker

Mr. Chambers made a motion to excuse Mr. Walker and Mr. Levo seconded the motion with all members present voting yea.

RES. 06-11 – A RESOLUTION TO AUTHORIZE AND DIRECT THE SAFETY AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND PLACEMENT OF A TEMPORARY FIRE HOUSING AND TO DECLARE AN EMERGENCY- The clerk read the resolution in full for a first reading.

Mr. Levo said that he thought at their meeting they stated there was to be a condition that it met state codes. Mr. Holt said that it would meet state codes. That is why it was being brought to council at this time. The company that they are purchasing it from in order to send the prints to the state; they want to see some kind of a binding agreement that the city is going to purchase it because it costs between \$1500 and \$3000 to get the prints to the state for approval.

Mayor Zink said that if the state doesn't approve it, it doesn't mean anything anyway. Mr. Holt said that it has to be a state approved structure. He said that they will send the prints to the state; the state will review them and then send the prints back to McCarty for site drawings.

Mr. Shoemaker asked out of curiosity, "Do they have to be on residence in order to do the job or can they be rescheduled?" Chief Powell said, "They have to be on station. We're a fulltime fire department. The other departments in the county depend on us to be able to go immediately." Mr. Shoemaker then asked, "So in other words, and I'm just questioning; they can't come in and work an eight hour shift and someone else come in and work their eight hour shift and so on and so forth?" Chief Powell responded, "We looked at some of the scheduling. It would be difficult to do quite honestly." Mr. Shoemaker then asked why it would be difficult to do and Chief Powell replied, "You would actually need more firefighters than we have and be able to maintain the coverage that we need to do."

Mr. Lewis asked how many firefighters he had. Chief Powell said that they had thirteen fulltime. Mr. Lewis then asked how many were on duty at one time and Chief Powell said that there were four on a shift. Mr. Lewis said that essentially then they were looking at three different shifts and Chief Powell said they had three twenty-four hour shifts.

Mr. Lewis then said, "I have a few questions. A lot of times when we're talking and the situation comes up and maybe the mayor and safety-service director are considering their options and maybe council members are talking to another one and that sort of thing and have input from community members; a lot of times the information doesn't get disseminated back to the community as a whole. So I do have a few questions that I'd like to ask just to make sure that that information is out there for public consumption. And again if you would permit me, I'd like to ask those questions."

I know the police department temporarily was in the armory and the armory is not too far away from the current fire department, so why can't the fire department be placed in the armory?" Mr. Holt responded, "Well, for one thing you're going to have to secure the fire department. You can't leave it unlocked and you're half a block away at the armory. When you get calls at 2 o'clock in the morning, you're going to have to get up, run to the firehouse, unlock the doors, raise the doors and make the run. Now, if I'm laying in the middle of the floor with a heart attack; I'd really appreciate it if the guys were there on station so they could get out as quickly as possible."

Chief Powell added, "I spent most of the night over there mopping mold off of the floor. Quite honestly, the armory has a worse problem as far as trying to make it habitable in one sense. It was really a problem for me." Mayor Zink said, "The roof leaks, too. I think in three or four places the roof's falling in."

Mr. Lewis continued, "So basically the armory looks nice on the outside but...." Mayor Zink said, "You should go in a look at it. I think Mr. Shoemaker was in there, Mr. Levo was in there. These people were in there; they all saw it, they know what it is."

Mr. Lewis stated, "We're talking about a modular and with placement of that modular. Can a modular be placed behind the current fire department?" Mr. Holt replied, "A modular can be placed anywhere, but to put the modular where we can utilize the firehouse.... They talked about putting the modular back on county property. The issue you have is, you still have to get the guys....the guys are going to have to respond back to the firehouse. So in order for them to do that, they're going to have to run down the alley, run up the street, unlock the doors and go in and make their run. There are also issues back there about power lines, telephone lines and cable TV. Wherever you place this at, you can't have any lines going over the top of this building. So you have to have a space, a safe area around this building so nothing's going over that building."

Captain Lyle said, "If I could interject also; we measured that a couple three weeks ago. The state requires us to have twenty feet of fire lane between Brown's Body Shop building and twenty feet from the back of the annex where my offices are. You would have to put it in an easterly-westerly direction again to get it to set in there; the one you're looking at purchasing. It puts it over on Mr. Hapner's property which....don't know whether they'll allow us to do so or not, but still maintain that fire lane between the two. It cannot block an exit and the back of the building is an exit for any employees that's in there and there's approximately twenty employees that work in there every day. But the chief is absolutely right, you can't have the wiring and all that right over the top. There are four different wires that run from the corner of the lawyer's office there, Armintrout and Pence; runs back across to the county building. Now the electric wires actually run catty-cornered across there. But there's at least four or five wires that's going to have to be either removed or run somewhere else to put a modular back there. The other side of it is, it's going to have to be downhill a pretty good ways. It's going to have to sit; you've got about a three-foot drop from the front right there where the county annex building is, to the alley. So it's going to have to sit on blocks up a pretty good distance to be able to level the home out."

Mayor Zink said, "Also the ground that it would have to sit on is not very substantial either. There's what you might call blacktop, but you can scrape it apart. I mean, it's just nothing."

Mr. Lewis said, "The next question I have; I know in my house if I had an electrical problem I would call in an electrician and he would fix that specific problem. I know in our city building, if we had an electrical problem, that would be fixed. What is the issue where one day we had electric that worked...." Mayor Zink said, "It didn't work. It didn't work, that's the problem. The electric didn't work. You would slap the wall and the lights went off and the lights come back on. And the junction box got 100 degrees. Now that's not working."

Mr. Lewis said, "I understand. A year ago did it work?" Mayor Zink answered, "Probably." Mr. Lewis continues, "Okay, so something happened between a year ago to two years ago and the time when we evacuated. So there was a problem. I presume that problem; had we known about it; could have been fixed. So I guess my question is, why can't that problem be fixed now?"

Mr. Holt replied, "Well, before this all came down I talked with John Shaw, who's a journeyman electrician. We knew there were problems over there. So I asked John to go over to see what we needed to do to fix the electrical problems in the building. Where do we need to go to get this fixed so we can get this wiring taken care of. So he went away and he came back. He said, 'I can't find the wiring. I can't trace it.' He has the equipment to trace the wiring. He had circuits that he couldn't trace back. He couldn't get back to the box with them. So the issue is that from talking with him and seeing some of the wiring that I witnessed; over the years of people needing circuits throughout the building, they bridged on to other circuits to get that electric where they needed it or wanted it. So you've got a situation where you've got a circuit that leaves Point A and goes to Point C but you have all these legs that are coming off of it where they are feeding other circuits. There's no way, the only way you're going to do it is go in a take it out. Number one, Gary, the difference between your residence and that building up there; is that's a municipal building and it has to meet state code. Your house doesn't. So it's got to be brought up to state code in order for us to stay in that building."

President Donley said that he had a question while they were on the subject of electricity. He asked, "When you're talking about running here and running there and running from this one to another one; was that done in-house or was there an electrician that did that?" Capt. Lyle said

that he knew of five different electricians that had worked in there since he'd been there. Mr. Holt asked if they were electricians or were they handymen? Mr. Lyle said that electricians was all that he could call them. He didn't know if they were certified.

Mr. Lewis said, "Another question that I have is going back to the modular." Mr. Holt asked if he could say something before they continued. He said, "We basically....John said that we could utilize the 200 amp service that were in the bays so that they could get the guys back in so they could sleep in their bunks. We couldn't provide service everywhere but I asked him about the amperage that we were pulling. What we're pulling at some times is right at 200 amps and sometimes where they kick the air compressor on it apparently goes over 200 amps because it kicks the breaker."

Mr. Lyle said that the only heat they had in the dayroom was a little electric heater. Mr. Holt continued, "What I'm saying is; we're looking at pulling all these amps out of this 200 amp service. It would be like you driving your car because you can drive it 100 miles an hour; you drive it at 85 all the time." Mr. Chambers said that when they had Mr. McCarty in there he said that none of that was going to fly. Once the state's involved, you're done; that's it. Mr. Holt said, "When they come in you won't have any more decisions to make. They'll make them for you."

Mr. Lewis asked, "Is a modular the best possible solution to our temporary problem? Obviously we know it's not a long term fix." Mr. Holt replied, "You know, I've been thinking about that quite a bit since we took them out of the firehouse. I don't know another solution. Quite honestly, apparently no one else does because no one's come to me and said, 'Here. This will fix this.'"

Mr. Lewis then asked, "Can a modular be placed elsewhere? Part of this question is this; I guess I should be saying, can a modular and the fire equipment be placed elsewhere? We had a list of potential properties that were available. Could a modular potentially be put on one of those properties and then move the fire equipment there rather than being garaged put on the outside?" Chief Powell responded, "What we're trying to do now was unless they were going to do something with the existing building that required them to tear it down or do anything like that; we were attempting to continue to house the equipment in the building if the state will allow us by temporarily housing the firefighters in a safe environment. That then would allow us to look at the long term solution so that if we spend what I assume will be a substantial amount of money; we'll be able to do it in a fashion that you can study it and spend it as wisely as you can."

Mr. Holt stated, "But Jerry, the question is this, 'Can you take the tanker truck out this time of year and park it outside?'" Chief Powell said, "No. And also our EMS vehicles by state law have to be housed in a controlled environment. They have medications on them and there are other things so you're going to have to replace that with a structure that will be able to do that."

Mr. Lewis stated, "And I think you've already answered this question; this is my last question. Did anybody have any other viable solution for this problem; that anybody knows of? And my concern is this, as the auditor I'm concerned about making the most cost-effective decision for the city and for the residents of the city to make sure that this temporary problem is taken care of so we can look logically and deliberately at the long term solution. Is there any other viable solution, any other options that come into play that would be a better solution than what a modular would be?"

Mayor Zink replied, "What we've been looking at it now since January the 20th and nobody has come up; in fact you haven't come up and asked me those questions. You haven't said a word and I've been in the office every day except yesterday afternoon and today. And I guess I just wonder why you didn't come up and discuss it if you were so interested in it at the time instead of waiting till now?"

Mr. Lewis replied, "First off, just like when I first mentioned at the beginning, when I first started asking the questions; a lot has to do with asking these questions now, is to disseminate information to the public to make sure that they have all the information so what decision that we do come to; they know why."

President Donley asked Mr. Holt if they had any design or pictures of another modular that somebody had placed? Mr. Holt said that he had pictures in his office but he didn't have them with him. He said, "It's a modular. The only difference between a residential modular and this modular is that this is a commercial modular and it's built to commercial specs." Mr. Levo asked if it was built and ready to move in. Mr. Holt said that it wasn't built yet. He said that he couldn't do anything until council makes a decision. If council would agree to do this, then it

would be ordered tomorrow. Mayor Zink said that if they were to rent; the money would be gone. If they have the modular he thought they would be able to get 50% of their money back

Mr. Koogler asked Mr. Beery, "The resolution as it is currently styled; will this protect the city from actually having to complete the transaction if the event arises that the plans do not meet state specifications?" Mr. Beery replied, "The legislation is intentionally written to describe the type of activity that you intended to use the modular for and therefore has to meet that part of it or we're not giving them what they contracted for. So that is the protection. It's for the non-general public, but nevertheless it is a public building. There are certain EPA issues but those are addressed because you can't be a firefighter and have the kind of disability where you can't climb steps to get into it. So, it's only authorized personnel so I think it fairly meets all those requirements. Should they give us something that is not suitable for that purpose, then they haven't completed their contract."

Mr. Young asked, "If we purchased the modular, is there anything stating that the bays that we're going to use to house the trucks will still be okay with the state? I mean, are they going to come in and say, 'Well, you can't use the bays anymore.?'?" Mayor Zink replied, "The mold and the things that BWC found in the building, to my understanding and Jerry can correct me if I'm wrong; will not injure the fire equipment, but it will the personnel."

Mr. Beery said, "The answer to your question is 'yes' they could claim that you cannot maintain that structure for the purpose of storing your equipment. It's unlikely though that that would hold water on appeal. They have to really be concerned that there is an imminent threat to public safety." Mr. Holt said that if they don't have employees in there, then they would no longer need the electricity back to the bunk room and other parts of that building. They would be able to reduce the number of amps that are being utilized on that 200 amp service.

Mr. Levo said, "If we were to do the modular, I believe there are two offices in the firehouse proper, in where they house the trucks; the front office and I think one behind. Would we be able to still use those?" Captain Lyle replied, "Correct me if I'm wrong chief, but from what the gentleman told Ed that once we....the modular or wherever we would end up; that part of the building has to be shut down. Now, the front office up where Chief Powell has his office, is not in that; it's in a different...." Mr. Levo said, "That's okay. That's the area that I'm talking about; the front corner." Captain Lyle said, "Yeah, that one office there could still be used for storage or whatever else we might need, for file cabinets, stuff like that. The modular cannot be made as a living quarters/office. The state will not approve that. Now, can we put a computer in one of the bedrooms or something like that and still continue doing our reporting and all that? Sure! But it cannot be an established building that is residential and office. It's strictly for residential."

Mr. Levo said, "The question is; that office in the existing building can continue to be used as an office?" Chief Powell said that he would intend to use the one up front. Mr. Beery said, "I think that may be problematic to assign any personnel to office space under those circumstances. I think that could be an issue." President Donley said that would raise another question if we're not allowed to put office space in a dwelling. Chief Powell said that they had an office available in the city building that could be used for that purpose.

Mr. Koogler said, "I do have one concern. Before this evening I was unaware; I was always thinking that this modular would be able to be used for the dormitory in addition to office space. So it's my understanding now that we're going to have to come up with office space. Is that correct?" Mr. Holt said, "We can still put PC's in it and we'll have to put the alarm system in it for runs. But we can't put offices in it."

Chief Powell said, "When you go in where the washer and dryer would normally be, we'll be able to have our dispatch, our radio and things like that. They have to be dispatched out of building because they are going to spending substantial amount of time. I don't think that that would be a problem. Everybody realizes they're firefighters, they live in it, they have to be able to get the calls to be able to go out and do the job. I don't think that that's a problem. The day to day office space that they're talking about, we can still use the other part of the building for storage of files and those kinds of things. If need be, I have an office over in the Water Department that I could utilize for the day to day operations; what I do during my time. They'll be able to do all the things they need to do. They'll be able to enter their runs, they'll be able to respond to the calls the way they need to do. It won't be the most convenient thing; but it will work. The thing we're trying to do; I think all of this as much as we can is do this as cost effectively as we can to give us the time then to solve the problem on a long term basis. Everything I've seen, everything I've heard, everything I've talked to different people; it just seems to me that getting them out of that environment and into a building; to me this is the most cost effective way to go. As they say, if you go renting places; that's money you just kind of throw away. This at least you have an

opportunity to get some of the money back and it solves the problem. I just believe that this is the best way to solve the problem.”

Mr. Koogler said, “Well, let me ask this real quick. You said that at one time you guys on a temporary basis ended up in a sort of camper. Would, rather than purchasing a modular; what about leasing a large RV for a period of time. Is that something.....” Captain Lyle said, “You’ve still got the problem with beds. Our bunk room right now; it’s a problem for the four people that work in there. But we’ve got stuff piled all around the fire station because there’s no place to put it in that room. What Chief Powell is after, and I think what BWC is after, is to.....where we put our linen and all of our bed clothing, our cooking utensils and all that stuff; I mean BWC said you’ve got roach manure scattered all over the place. Chief asked us a week ago and took everything out of all of the cabinets, swept it, mopped it, chlorined it and everything on a Saturday and two days later you would never know that we had done anything. The big thing there is that, yeah, we could have and would it be inconvenient? Yeah. Could we survive? Sure. But the only thing is, it’s not something we’re looking at for two or three months. We’re looking for at least a year or sixteen months of time. Even if we had something today, to get plans drawn, the structure started and all that; there are people maybe husband and wife maybe live in campers all the time. But you’re looking at four or five people that are working in there, living in there. We could go over and sit in the engine room during the day and just sleep there at night. Sure. Like we did with the camper. But the guys didn’t sleep and I’ve got guys that are pushing medication that can save your life; but if they push the wrong amount because they’re just so tired and fatigued; then that’s also a liability for you folks because if one of our medics gives too much of one particular.....We use morphine and everything. If we actually harm somebody or God forbid, kill somebody; then I don’t think we want to go there either. They need to have a decent night’s sleep. Now, do we always sleep? No. I don’t sleep that well in the station anyway. Never have. But a lot of the guys; the three nights we were in the camper, I think I slept an hour all night because every little creak, moan and groan and everything else; it’s not a conducive type environment. But under the circumstances, we adapted.”

Mr. Chambers made a motion to suspend the three-reading rule and Mr. Koogler seconded the motion. All members present voted yea. Mr. Shoemaker made a motion to allow the resolution to proceed as it is written and Mrs. Parr seconded the motion. All members present voted yea. Resolution adopted.

Mayor Zink said that he would like to thank the council members. He said he knew that this would take a big load off the chief’s mind and the employees, too. He said that he felt real good about getting it passed.

RES. 06-12 – A RESOLUTION TO AUTHORIZE AND DIRECT THE SAFETY AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE LEARY CONSTRUCTION COMPANY, INC. AND TO DECLARE AN EMERGENCY- The clerk read this resolution in full for a first reading. Mr. Chambers asked since they had looked at this last year; were they sure that they could repair that, do all the coatings and everything; for \$50,700.00? Mr. Holt said that when they did Oak Street it was basically the same contract. When they get inside of it, they start cleaning off the paint, they start chipping or whatever they do to get that off. If there are any issues, then they bring them up and say, “You’ve got a problem here” and they show us what’s going on so we can make a decision from there. Mr. Chambers then asked whether or not the price included any repairs that had to be made. Mr. Holt said if it was something that was clear off the wall; then there would be additional costs. The \$50,700.00 was for the cleaning and painting. Mr. Holt said that the bid that they had in front of them, when they bid Oak Street, they bid Tower Drive also. When they came down to fix the leak and fix the seam; basically the tank had to be drained. It was decided that they should try to get the inside painted this year. He said that it made sense that since they have already drained the tank that they go ahead and do it. Mr. Holt said that they would probably be in the last of March or the first of April. In the interim the city will run off of Oak Street Tower until this is completed. Mayor Zink said that if council approved this that Leary would move us ahead and get it just as soon as the weather got favorable so we could get water back in the tower. Leary Construction asked Mr. Coomer (water plant superintendent) if he still had the bid for last year and Mr. Coomer said “Yes”. Leary Construction said that they would do it for that bid. If it is taken out for bid again it would be about 15% more, so it could cost another \$8,000.00.

Mr. Shoemaker made a motion to suspend the three-reading rule on Resolution 06-12 and Mr. Levo seconded the motion. All members present voted yea. Mr. Koogler made a motion to pass the resolution and Mrs. Parr seconded the motion will all members present voting yea. Resolution passed.

ORD. 2006-4 – AN ORDINANCE TO TEMPORARILY PARTIALLY CLOSE GOVERNOR TRIMBLE PLACE AND DECLARE AN EMERGENCY- The clerk read this ordinance in full

for a first reading. Mr. Young asked if this would take effect before they bring the unit in. Mr. Holt said they wouldn't do anything until the unit comes in. That's the only reason they could do it. Mr. Levo made a motion to suspend the three-reading and Mr. Shoemaker seconded the motion with all members present voting yea. Mr. Chambers made a motion to pass the ordinance and Mrs. Parr seconded the motion. All members present voted yea. Ordinance adopted.

With no further business to come before council, Mr. Koogler made a motion to adjourn and Mrs. Parr seconded the motion. Meeting adjourned.

Richard Donley, President of Council

Beverly Brown, Secretary