

**COMMON COUNCIL
TUESDAY, MARCH 24, 2009
7:00 P.M.**

Mayor James Fleck – Present
Deputy Clerk Treasurer Sally Wherry – Present
Attorney Lindsey Grossnickle – Present

Council members

Walt Crowder – Present
Nicole Penrod – Present
Don Sexton – Present
Roger Seymoure – Present
Dan Weigold – Present

The Columbia City Common Council met in regular session with all members present, Mayor Fleck presiding.

MINUTES Upon the motion of Crowder second by Penrod to approve an overview of the March 10, 2009 meeting minutes as presented, all voted aye.

COMPLIANCE WITH STATEMENT OF BENEFITS: TEGHTMEYER PROPERTIES, LLC Sally Wherry distributed a copy of last year's statement of benefit as a comparison. She advised they were in compliance.

Upon the motion of Sexton second by Weigold to accept the compliance with statement of benefits for Teghtmeyer Properties, all voted aye.

STAR TIRE & AUTOMOTIVE SERVICES, INC./BUSZ ENTERPRISES LLC Sally Wherry advised they were also in compliance.

Upon the motion of Seymoure second by Sexton to approve the compliance with statement of benefits for Star Tire & Automotive Services, Inc., all voted aye.

RESOLUTION 2009-5: TAX ABATMENT BREYDEN PRODUCTS INC. Dave Koenig with Region 3A was present to discuss the tax abatement request. He explained the abatement would be on an investment of \$100,000 of real property improvements and \$135,000 for new manufacturing equipment. He advised they currently employ 24 people and anticipate adding an additional job.

Mike Zuber and Jay Miller were present representing Breyden Products. Mr. Zuber advised they had tripled in size since moving here in 2004.

Upon the motion of Sexton second by Penrod to pass Resolution 2009-5 and accept the abatement.

Mayor Fleck advised the Council needed to determine the number of years. Roger Seymoure questioned if they were requesting 5 years on equipment and 5 years on the building. Mr. Koening advised the company was requesting 10 years on equipment and 10 years on the building.

Roger Seymoure questioned what the standard had been in the past. Walt Crowder advised the standard had been a guideline in the past. He stated 10 and 10 would be the top end but felt with a proven track record and being a great neighbor to the community he would support the 10 and 10 request.

Upon the motion of Sexton second by Penrod to accept the abatement as presented and use the 10 year formula for both real property and new equipment.

Walt Crowder advised there had been situations where factories had been awarded large tax abatements but had closed due to the economy and questioned if there was anything they should be concerned about as a City in giving 10-year tax abatement. Attorney Grossnickle advised the abatement was specific to Breyden Products so if someone else came onto the property they would have to make a new request. Mayor Fleck advised the City also had recourse under the law.

Upon the motion, all voted aye.

REDEVELOPMENT COMMISSION – APPROPRIATION OF FUNDS Carl Siler, President of the Redevelopment Commission, was present to discuss their request for funds. He explained it was in relationship with the purchase of the Eagle's lot. He advised they were required to have 3 appraisals done on the property and then took the average of the 3 which came to \$243,667.00. He stated the Commission made a down payment of \$5,000.

Mr. Siler advised they had \$91,110.53 remaining from the RECAP grant and had \$172,694.81 in TIF money but already had appropriated \$100,000 as a match to the grant. He requested the Council release an additional \$60,000 so if the Eagle's accept the purchase offer the Redevelopment Commission could execute the purchase.

Mr. Siler explained there was a deadline on executing the RECAP which was August of 2009. He advised if the money was not spent by then it would be subject to recapture.

Mr. Siler stated there was a pretty strong possibility that IHEDA would grant the Commission another \$100,000 if everything goes well through the first phase.

Nicole Penrod confirmed with the release of \$60,000 it would leave about \$12,000 in TIF monies. Mr. Siler advised that was correct.

Walt Crowder clarified that when an investor does invest the money would go to the Redevelopment Commission. Mayor Fleck advised that was correct.

Upon the motion of Seymoure second by Penrod to approve the release of \$60,000 of the TIF balance towards the Eagle's block project, all voted aye.

REDEVELOPMENT COMMISSION COUNCIL APPOINTMENTS Walt Crowder advised Don Sexton was able to assist in recruiting a nominee and requested Council consider Robin Arms, businessman who owns R & D Yamaha in Columbia City. He advised he was a resident of Columbia City and was interested in serving on the Commission.

Upon the motion of Crowder second by Sexton to nominate Rob Arms to the Redevelopment Commission, all voted aye.

ORDINANCE 2009-2: ONE SIDE STREET PARKING (REVISED) 3RD READING Upon the motion of Penrod second by Weigold to read Ordinance 2009-2 by title only, all voted aye.

Tom LaRue explained the ordinance had been on hold because the parking committee had not all been present and there was some concern from another individual on the 4-H Park Board who expressed concern to Councilman Weigold. He felt there was little resistance to the ordinance and most people understood it was for the betterment of the community.

Roger Seymoure questioned what changes were made to the ordinance since it was started. Mayor Fleck advised everything around the 4-H center was added. Chief LaRue advised they removed Countryside Drive and left it as it was. He explained the ordinance, at least for the streets around the 4-H grounds, basically reinforces a previous ordinance enacted 1 ½ years ago in that people cannot park in the grass.

Dan Weigold advised one of the officials at the 4-H grounds still had some concern that if they were not hindering the road in any way if it would still be alright to park there. He stated they still wanted to have an open discussion at one of their meetings. Chief LaRue thought their meetings ran in conjunction with City Council meetings but had been invited to come to a City Council meeting to discuss it. He explained part of the discussion of the Committee was that in parking off the road like that they do block hydrants. He advised he had three members of the Board in support and one against.

Nicole Penrod thought the 4-H Board was going to discuss it at their last meeting and then if they still had concerns someone was going to attend this Council meeting. Walt Crowder advised he has had no inquiries from anyone. Roger Seymoure advised he has had positive comments from the people who live out there. Chief LaRue explained the people who live there want it to happen but their concern was that it be enforced so that it does happen. Mayor Fleck advised he has had good comments.

Discussion followed on getting the ordinance published and when it would be enforceable.

Dan Weigold asked to make sure proper contact was made with the 4-H people. He stated he was told last time not everybody was contacted on the Board. Attorney Grossnickle advised they were sent the same notice as the residents so they had notice from the very beginning. Walt

Crowder advised the ordinance was always up for evaluation so they would have the opportunity to come back and share concerns.

Upon the motion of Sexton second by Seymoure to adopt revised Parking Ordinance 2009-2 on third and final reading, all voted aye.

FIRE DEPARTMENT Tom LaRue reported a representative from Umbaugh & Associates spoke on districts & territories at a meeting held with the other township departments. He stated the whole idea of the meeting was not to start developing territorial districts but to become informed on what they are and what they offer if we would ever need to go that direction.

WASTEWATER DEPARTMENT Mike Cook reported they completed cleaning the UV structure and was ready for testing. He advised they were going to start hauling out the sludge tank so repairs could be made. He reported they set the last flow meter for flow testing of the industries for the first quarter.

PARK DEPARTMENT Mark Green advised they put new signs up around the baseball fields and made tops for the trash cans. He reported they were draining and cleaning the pool next week. He advised they continue with clean up from the flood.

Mayor Fleck reported he & Mark met with the Coon Hunter's to explain the 205 project. He advised they were also moving along with the grant program for the bridge and trail expansion to the hospital and Cider Mill Road.

POLICE DEPARTMENT Mike Petersen advised they were addressing some issues with their policy regarding mopeds and golf carts. He explained the criteria for mopeds under the law. He advised if the moped did not fall under that criteria then it had to be licensed as a motorcycle. He explained it had become a problem because manufacturers were making mopeds that meet all of the criteria but had a flat plane speed that exceeded 25 mph. He advised R & D Yamaha could govern the speeds by adding a restrictor inside the moped and would provide a signed document stating that they had made the modification. He advised the documentation would be accepted by the police department and prosecutor of Whitley County.

ELECTRIC DEPARTMENT Larry Whetstone reported they continue with pole replacements and tree trimming. He advised they made preparations in Countryside to replace a few lines and continue with meter replacements.

WATER DEPARTMENT Mike Dear advised they finished cleaning the last filter. He reported he got a permit for Valley River Section 3 and reviewed some plans for another section of Chesapeake Landing. He advised they fixed a leak on an abandoned line in front of 119 S. Main Street and hooked up a meter for the irrigation system at City Hall.

STREET DEPARTMENT Kelly Cearbaugh advised the leaves were ground last week and would be having a mulch giveaway on April 25 from 8 a.m. – 12 p.m. He reported they started cleaning up the cemetery. He advised limb pickup started April 6 and the week of April 13 they would be making a pass with the leaf machine.

EMERGENCY MANAGEMENT/FEMA – MITIGATION PLAN Dan Weigold reported FEMA and Homeland Security were requesting that all the incorporated entities in Whitley County come together as one team and put together a mitigation plan for any emergency situation that might arise. He advised if a plan was not in place we would have no chance of getting Federal money if disaster happens. He stated they were working with Region 3A, the Polis Center out of IUPUI in Indianapolis and have also formed a team of people from South Whitley, Columbia City and Churubusco as well as pulled in some other people to be part of the team to implement the plan. He advised it would take about 5 months to put together. Dan stated all of the GIS data had been submitted to them which served as payment to partake of the plan. He advised this was federally mandated back in 2000-2001 but nothing ever happened because no one was willing to pay outside entities to build the plan.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Deputy Clerk Treasurer Sally Wherry