

**COMMON COUNCIL
TUESDAY, JULY 14, 2009
7:00 P.M.**

Mayor James Fleck – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Lindsey Grossnickle – Present

Council members

Walter Crowder – Present
Nicole Penrod – Present
Donald 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 Seymoure second by Weigold to approve an overview of the June 23, 2009 meeting minutes as presented, all voted aye.

Upon the motion of Sexton second by Penrod to approve an overview of the June 25, 2009 meeting minutes as amended to add Dan Weigold's name as being in attendance, all voted aye.

“IF I WERE MAYOR” CONTEST WINNER – CARIANN FREED Mayor Fleck reported there were 30 students who participated in the “If I were Mayor” contest. He introduced Cariann Freed, who was selected as the winner, along with her parents Candy & Joey Pease. Cariann was presented with a \$50 check.

GENE HASKINS: PRESENTATION OF STORM WATER PROGRAM Gene Haskins with the W.C. Soil and Water Conservation District discussed their plans for public education and outreach.

He also discussed fat traps which was a program needed in order to meet another minimum control measure for the MS4. He explained a fat trap was a grease disposal system for residential customers. He advised the City of Frankfort has had so much success with their grease disposal program that he and Jeff Walker were considering implementing it in Columbia City.

Walt Crowder questioned if the customer would return the grease containers. Mr. Haskins advised they would dispose of them in the garbage.

Mayor Fleck asked Mike Dear to discuss the program he was heading up. Mike Dear explained the program had to do with using CFL light bulbs. He advised they were trying to get it set up through the school system where the different school groups would sell the bulbs and the school would get to keep the money from a certain number of sales. He explained it would be a way to

use 14, 19 & 23 watt bulbs to help keep the peak demand on energy lower and help save on overall costs to the City.

CODE OF ORDINANCE #71.16 – SIZE OF VEHICLES Mike Petersen reported Ordinance 71.16 had been brought to his attention that maybe needed reviewed. He explained it was an older ordinance that dealt with the overall width and length of vehicles that could be parked on City streets. He researched and found there were certain boat trailers, extended construction trailers, RV's and certain truck models that extend the width and length. He asked for direction from the Council on whether to move forward with further research and propose a change to the ordinance. He advised in order to cover the newer model trucks the ordinance would have to be changed from 7'6" to 8'6". He stated that would cover the boat trailers, trucks, some RV's and truck campers.

Walt Crowder questioned if this would open up a situation for semi-tractor/trailers to park on the street. Attorney Grossnickle stated those could be specifically excluded. Chief Petersen advised it would depend on if it was the tractor or the tractor/trailer combo. Walt advised we did not have the issue today and did not want to find an area that would have to be brought back.

Don Sexton questioned if the 8'6" width was a standardized factory built size trailer. Chief Petersen advised that was correct according to the data he had. Don questioned if the overall length needed to be clarified whether it was the trailer separate from the truck or whatever it might be attached to. Attorney Grossnickle felt if the trailer was attached it would be considered all one thing. Chief Petersen advised the verbiage might need to be changed so it was easier to read.

Nicole Penrod mentioned streets were being made one side parking for safety issues. She stated if wider vehicles were being allowed to park on those streets that had parking on both sides it did not seem consistent to her. Walt Crowder advised they were already parking that way. Nicole felt if it was made wider it would be less safe. Walt explained the manufacturers were making them wider and we were just trying to adjust to the new standards. Chief Petersen advised this was not the first time they have had to adjust. He explained he talked with the Fire Chief about it and he did not feel it would be problematic. Walt understood Nicole's concerns and thought they may need to look at it on a case by case basis. Attorney Grossnickle felt the ordinance could be written in a way to work around it.

Chief Petersen advised he would work with Attorney Grossnickle on the issue.

ORDINANCE 2009-13: GOLF CART DISCUSSION Mayor Fleck advised he asked Chief Petersen to go to the website of the national manufacturer of golf carts who have model ordinances as well as contact other communities.

Mike Petersen explained our ordinance was modified from the Town of Lebanon. He stated they have also received ordinances from 6 other communities. He advised the only difference between our ordinance and the 6 others were a fluctuation in a couple areas; marking of the vehicle, amount of insurance that had to be carried on the vehicle and the age of passengers.

Chief Petersen reported he received a memo from the Prosecutor's Office on the interpretation of the current law. He stated all of the roadways located within the City boundary would be applicable. He advised they did exclude US 30 travel but it did allow for the crossing of US 30.

Don Sexton questioned if anyone discusses the size of engine. Chief Petersen advised State Law addresses that. He explained golf carts were manufactured to go between 14 – 17 mph. Walt Crowder questioned if they had to be registered or licensed with the City. Chief Petersen advised State Law did not require it but the City could choose to. Walt questioned if seat belts were required. Chief Petersen advised they were not at this time but the Prosecutor was researching that. Walt questioned if it would apply to trail ways. Mayor Fleck advised motorized vehicles were not allowed on the Greenway but that did not mean we could not take the Gator on it. Chief Petersen advised that issue has been brought up and he did write an exception in ordinance for the UTV.

Dan Weigold did not see a reason for them to be able to travel on the heavily traveled roads such as Main Street, Line Street and Van Buren Street. Chief Petersen explained they talked about it but the law already has in place for motorized wheelchairs to be able to travel on those roadways.

Nicole Penrod questioned how many people would use a golf cart. There were 2 in the audience who said they would. She felt 2 might not make a difference but if there were a lot of people using them it might cause a problem.

Roger Seymoure mentioned if they would restrict certain streets some people would be restricted to just their addition.

Walt Crowder questioned if they would need to look at the parking ordinance. Chief Petersen advised they would for public parking.

Todd Grigsby questioned if they would have to carry proof of insurance in the vehicle. Chief Petersen advised they would.

Mr. Grigsby advised he had been to Hot Rod Golf Carts in Angola. He explained they put different bodies on the golf cart and questioned if that would be legal. Chief Petersen advised the shell could be changed but not the power train or motor. Attorney Grossnickle explained according to the ordinance it would need to have front and rear lights. Mr. Grigsby advised they would have that. He stated the manufacturer can make them to run 32 – 35 mph. Attorney Grossnickle advised the ordinance, as written now, had no restrictions on speed.

Walt Crowder questioned if they could go out of City limits with it. Chief Petersen advised State Law prohibits it and only allows City's to adopt the ordinance. Mr. Grigsby questioned if that was something they could get from DNR. Chief Petersen advised they could only do ATV's and UTV's out of town.

Roger Seymoure questioned how you could tell if it had been modified. Chief Petersen advised it would be by frame, power train & chassis. He stated by having the electric or gas model, changing the tires, the color or shell would not be problematic.

Chief Petersen advised it was wide open and felt the State was relying upon each community to put the restrictions in. He stated his biggest concern with the draft was the liability insurance and would like to check with other communities. Attorney Grossnickle suggested putting in a minimum amount of insurance that had to be carried.

COESSE – WATER & WASTEWATER Mayor Fleck reported he asked a county representative, Health Department representative, EDC representative and Board of Works to start discussions to hopefully come to a unified approach to this.

POLICE DEPARTMENT Mike Petersen reported Captain Anspach turned in a speed sign study for Van Buren traveling east/west bound in front of the American Legion. He advised he would present it to the Board of Works.

ELECTRIC DEPARTMENT Larry Whetstone reported they activated the line on Van Buren Street for the reconductering for the hospital circuit. He advised they had 44 shut offs for this month. He advised they were trimming trees in Columbia Shores and were still changing out meters.

STREET DEPARTMENT Kelly Cearbaugh reported the paving crew was working on Towerview Drive. He advised they had the jet machine cleaning lift stations. He reported they put a new catch basin in on Jefferson Street and have been doing sewer inspections in the new phase of Chesapeake Landing.

WASTEWATER DEPARTMENT Mike Cook reported letters were sent out to the industries they do testing for per their NPDES permit. He advised each industry was given a 30 day comment period. He explained the approximate cost to conduct the testing on 3 of the industries was \$2,000 and about 16 hours of labor. He advised it was not their intent to make money but to offset the costs and break even.

PARKING/GARBAGE PICKUP – HERITAGE PLACE Dan Weigold reported the trash was not picked up again on Burke Street because of the cars parking on both sides. He questioned if a letter could be sent out to the residents.

Mayor Fleck advised they received several calls on that as well. He reported the driver did go back later in the day and was able to pick up the trash.

DIVERSITY TRAINING Rosie Coyle reported dates were set for the next diversity training and schedules were given to the department heads to sign up their employees.

BUDGETS Mayor Fleck reported they met with the civil city and public safety department heads. He explained because of the non-clarity as to what the revenue stream was they were publishing the budget they had for last year.

Mayor Fleck advised he asked the department heads to prepare a 2nd budget that would be 5% less.

Walt Crowder questioned if the CIP would need to be reviewed earlier. Mayor Fleck advised in discussion with Jeff Walker with the stimulus, matches and etc. the CIP may have to be modified in order for us to do some of the projects; one being the fiber project. He stated even though requests had been made final decisions may not want to be made until we receive word on the grants that would require matching funds. He advised in the past we have anticipated \$400,000 but they have modified it this year in terms of the cap. Rosie Coyle thought we would be safe going with \$400,000.

Having no further business to come before Council the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle