

**COMMON COUNCIL**  
**TUESDAY, SEPTEMBER 22, 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  
Daniel Weigold – Present

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

**MINUTES** Motion was made by Seymoure to approve an overview of the September 8, 2009 meeting minutes as amended under the Golf Cart Ordinance issue, Penrod second the motion, all voted aye.

**ECONOMIC DEVELOPMENT INCENTIVE PROPOSAL – WARNER ELECTRIC**

Mayor Fleck advised they have had 2 executive sessions regarding this issue. He stated it was for a proposal from Warner Electric asking for certain incentives to be able to retain them in Columbia City and would occupy the former Precision Plastics building on Swihart Street.

Alan Tio, Economic Development Director, explained they were working closely with the State and they had proposed incentives. They were requesting the Council to consider approving incentives locally to help the company to decide to move forward with a product to retain and expand and to solidify their presence in Columbia City.

John with Warner Electric explained since 5 – 6 years ago they have quadrupled in size. He stated they have a facility in Illinois that was being shut down and 1/3 of that business would be coming to Columbia City. He advised they could not fit that business in the building they currently have and was why they had to expand into the Swihart Street building. He explained there was about 50,000 square foot of warehouse but there was no other infrastructure in place for production so they had to invest about \$170,000 in the building to bring it up to par for production. He advised it should add in the neighborhood of 20 employees.

Motion was made by Penrod to authorize the Mayor and Clerk Treasurer to sign the agreement, Weigold second the motion, all voted aye.

**ECONOMIC DEVELOPMENT INCENTIVE PROPOSAL – DANA/CF GOMMA** Mayor Fleck explained the clean-up of the Dana/CF Gomma site has been an ongoing issue for a long period of time. He advised we had an opportunity to make an assessment but would have to approve entering into a contract with Partner's Environmental. He stated the contract would

authorize us to spend \$12,200 pursuant to the agreement and the assessment and preparation for grant applications within that context in order to do a clean-up of the site.

Walt Crowder questioned where the funds would come from. Mayor Fleck advised they would come from the Unplanned Long Term Project fund.

Motion of Penrod to enter into the agreement and pay the sum of \$12,200 for the assessment, Weigold second the motion, all voted aye.

**PUBLIC HEARING – 2010 BUDGET PROPOSAL** Mayor Fleck recessed the regular City Council meeting to hold a public hearing on the 2010 budget.

Mayor Fleck advised this budget was more challenging since we did not at the time understand what the revenue sources were or the amount. He explained in consultation with Council and the Department Heads a determination was made to maintain a flat line budget for the year. He stated the things they were not certain about were primarily in the health insurance area. He advised Rosie Coyle contacted the plan administrator and he assured us that our revenues to date were sufficient and there was no reason to believe we would not come in budget.

Mayor Fleck reported the amounts were published in the newspaper on August 7, 2009 in the amount of \$4,761,633.00.

Hearing no questions or comments Mayor Fleck closed the public hearing.

**HUMANE SHELTER CONTRACT RENEWAL** Karen Friend-Bowman was present to answer any questions the Council had.

Rosie Coyle questioned under the income portion of the report if they had it broken down for the Government contracts. Karen stated they get funding from South Whitley, Churubusco, Columbia City and Larwill.

Roger Seymoure advised he would like to see the 2009 year to date income and expenses so they could tell where they were at for the year. Karen advised she did not have that with her and only had the breakdown from when the Foundation took over the finances. Roger advised for 2010 he would like to see an income breakdown of where they were going to get \$143,000 as it was quite an increase from 2009. Karen explained that was the proposed budget and advised the animal intake and adoption fees were the majority of their income. She explained government contracts were about  $\frac{1}{2}$  -  $\frac{3}{4}$  of it and the donations and fund raisers were not solid numbers. She advised they did some real cost evaluations as well as reduced some of their fixed expenses. She stated a definite increase in the expenses was a boost in wages to minimum wage.

Roger Seymoure stated it appeared that in 2009 Columbia City was about  $\frac{1}{3}$  of their funding for the year including fundraising. Karen advised that was correct. She stated they were going to boost their fundraising to at least once a month and also had bulk mailings ready to send out for donations.

Walt Crowder did not feel there was a good check and balance to determine where the animals were coming from. Karen advised they were not allowed by the Directors to take in animals from the country. She explained they were not true numbers but it was all they had to go by right now. She stated they were still in negotiations with the County to get the funds they do have set aside but have not relinquished yet. Walt advised the people who work the system will work the system. Karen advised when they come in as strays there was no way to check exactly where the animal came from. She explained if they are willing to pay the intake fees they have to take the animal. She stated it has been a problem ever since the Humane Society Directors refused to take county animals.

Dan Weigold questioned what the intake fees were. Karen advised if it was a stray they charge \$15 and if it was owner surrendered the charge was \$50. She stated their business expenses were the biggest challenge but it also inhibits them to get more revenue when they are not allowed to take animals in from the county.

Walt Crowder questioned if the alarm system was a necessity. Karen advised it was mainly for fire prevention.

Dan Weigold advised he looked at the investment a little differently because before the shelter the City took care of the animals at the water treatment plant. He stated a lot of man hours went into just taking care of the animals and felt a \$25,000 investment was a very good deal versus where we were at.

Nicole Penrod understood Walt's concern and wondered if they could do something like the Library in that if the township you live in does not participate and you want to use the Library then a fee is paid. She questioned if they could raise the fee for those that come from the county rather than saying no one from the county. Karen advised they were looking into a proposed fee schedule and were also talking with the township trustees. She stated they have tentative fees that they could charge quarterly to the township.

Roger Seymoure questioned if they had savings to survive. He had concerns because of the estimated shortfall of \$24,000 in 2009 and then were raising the budget another 40% for 2010. Karen explained they were working with Lori Shipman as far as some grants and also to get additional education on how to run the business. She advised the people who started it up did it with the mind set of just saving the animals and not as a business. She stated they are trying to get back on solid ground on how to run it as a business while taking care of the animals. She reported they have seen an increase in adoption rates and a real decrease in euthanasia rates. She advised it was turning around but right now could not get out from underneath the Community Foundation's umbrella and thought in a year or so they could if it continued to grow like it has.

Roger Seymoure questioned if the building was paid for. Karen advised it was.

Don Sexton questioned Karen what her feel was on the response from County government. Karen advised she met with the County Council and they voted to not give the Shelter money. She stated they do have the County Attorney working on it with Lori Shipman and advised it was pretty much a breach of contract. She explained it was in the contract that they were to be

notified by October 31 of the previous year if the terms of the contract were going to be changed. She advised they would not be getting anything next year but were fighting for what was there for this year.

Rosie Coyle asked the Council to take it under advisement for a couple weeks because she was working with Attorney Grossnickle on some things in the agreement. She explained as far as the funding it was in the budget, unless it has to be changed. Nicole Penrod questioned if it would be smarter to wait until after they pass the budget before committing the funds. Rosie advised it would.

### **REQUEST FOR SIDEWALKS: E. JEFFERSON BETWEEN MADISON AND WAYNE**

Mayor Fleck explained there was a request from at least one home owner that the City pay 100% of sidewalk construction. He advised there were no sidewalks there presently. He stated historically when a person builds their home or a developer develops a subdivision they are required to construct the sidewalks. He explained the sidewalks the City does pay for in entirety generally have to do with utility improvements. He advised the only program the City has for sidewalks is for large economic development projects such as the Oak Street project and the 50/50 program. He stated we have never gone into a subdivision or a place after housing was in and put in new sidewalks. He advised if we were to do this on E. Jefferson there could be at least 30 other places where we would have the same request.

Dan Weigold stated being in the location it is on Jefferson Street and being a very highly used stretch of road especially with the potential of Brennan's Addition being developed and being a direct route to Mary Raber School he felt the area was different than Westgate and Brookwood Estates. He advised he did not want to set precedence but felt it was a unique situation.

Roger Seymoure questioned if there was a sidewalk across the street. Dan advised there was on this portion. Roger confirmed there were various spots that have sidewalk on one side but not the other. Mayor Fleck advised they had that throughout the City.

Mayor Fleck questioned what percentage of the City did not have sidewalks. Kelly Cearbaugh advised they looked at that about 5 years ago and was thinking it was around 40% - 50%.

Walt Crowder stated normally the rule of thumb of where the City stops and the homeowner takes over is to the curb except for all of the exceptions of street enhancements or widening of the street.

Nicole Penrod questioned what the reason was for not having a sidewalk to begin with. Mayor Fleck advised at the time it was in the Country and was just at the edge of town. Nicole felt if the City had the precedence of the 50/50 program she did not see why it should change for this.

Mayor Fleck thought there was liability on the homeowner's part with respect to the sidewalk even though they are a public sidewalk.

Attorney Grossnickle felt the 50/50 program has been more for improvement and not adding a sidewalk that did not previously exist.

Dan Weigold wondered with all of the enhancement projects with the trails, etc. if there were any monies available for sidewalk enhancement. Mayor Fleck explained under certain Economic Development Block grants some do fund sidewalks or streets but the issues almost have to fall under economic development.

Mayor Fleck advised we did not have a single person participate in the 50/50 program last year and we had \$10,000. Nicole Penrod questioned if no one would apply would we consider putting in new. Walt Crowder felt maybe it would have been taken under consideration.

**ORDINANCE 2009-17: ONE SIDE STREET PARKING – 2<sup>ND</sup> READING** Motion was made by Seymoure to read Ordinance 2009-17 by title only, Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-17 an ordinance amending Title VII, Chapter 75, Schedule VI of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Sexton to adopt Ordinance 2009-17 on second and final reading, Penrod second the motion, all voted aye.

**ORDINANCE 2009-15: AMENDMENT TO THE FIREWORKS ORDINANCE – 2<sup>ND</sup> READING** Motion was made by Penrod to read Ordinance 2009-15 by title only, Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-15 an ordinance amending Title IX, Chapter 101, Section 101.02 (A), use of consumer fireworks, of the Code of Ordinances of the City of Columbia City.

Motion was made by Crowder to adopt Ordinance 2009-15 on second and final reading, Penrod second the motion, all voted aye.

**ORDINANCE 2009-16: AMENDMENT FOR PARKING OF TRUCKS – 2<sup>ND</sup> READING** Motion was made by Seymoure to read Ordinance 2009-16 by title only, Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-16 an ordinance amending Title VII, Chapter 71, Section 71.16 (A), parking of trucks, of the Code of Ordinances of the City of Columbia City.

Mayor Fleck questioned the reason for the change. Mike Petersen explained at first reading they looked at the problem of semi tractor/trailers and the definition of a vehicle. He stated in our ordinance the definition of a vehicle was anything that could convey something so would not have to have a motor. He advised one of the questions was whether or not a trailer would be considered a vehicle and under our ordinance it would be. He explained after doing some research on widths, 8 ½ ft. would be the maximum trailer widths. He stated that would also include some semi tractors but under his recommendation there was an exception where semi tractor trailers would not be allowed to park in residential areas except for unloading or offloading.

Motion was made by Seymoure to adopt Ordinance 2009-16 as amended for second and final reading, Weigold second the motion, all voted aye.

**ORDINANCE 2009-18: NET ENERGY METERING – 1<sup>ST</sup> READING** Larry Whetstone explained he has had many request from residents who want to have generators to manufacture their own electricity. He advised IMPA has researched the issue and have come up with an ordinance that several Cities have already adopted. He stated there was a lot of responsibility when manufacturing your own electricity; everything has to be phased right, have to have transfer switches, the proper amount of insurance, etc. He felt it was a very good ordinance they needed to get adopted because people are thinking it is very economical to generate their own electricity but they will come to find out it is quite expensive.

Roger Seymoure pointed out that according to the ordinance people could not just hook up a gas generator and start running it as their primary source. Larry advised that was correct. Walt Crowder advised we already had a covenant that Geothermal was not allowed in the City limits. Roger questioned if they could put a wind tower in the City. Larry was not sure but thought some lots might be big enough. He advised we needed to come up with something because he has no answer for what rules and regulations people need to abide by. Dan Weigold reported some counties were already looking at having windmill ordinances in place.

**ORDINANCE 2009-18: 2010 EMPLOYEE SALARY ORDINANCE – 1<sup>ST</sup> READING** Motion was made by Crowder to read Ordinance 2009-18 by title only, Penrod second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-18 an ordinance to be known as the 2010 Salary Ordinance.

Motion was made by Seymoure to adopt Ordinance 2009-18 as first reading, Penrod second the motion.

Mayor Fleck advised the ordinance was for salary ranges. He explained there were very few people making either end of the ranges but he and Rosie increased the top range about \$1.00.

Rosie Coyle advised the three public safety department heads who get holiday pay agreed to give that up for next year. She stated if they get the pay they either have to work the holiday or take a vacation day. She advised it was \$1100 for each of them. Walt Crowder confirmed it was for police, fire and communications. Rosie advised that was correct.

Upon the motion, all voted aye.

**ORDINANCE 2009-21: STOP SIGNS CHESAPEAKE LANDING – 1<sup>ST</sup> READING** Motion was made by Penrod to read Ordinance 2009-21 by title only, Crowder second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-21 an ordinance amending Title VII, Chapter 75, Schedules III, IV and VI of the Code of Ordinances of the City of Columbia City, Indiana.

Roger Seymoure confirmed the ordinance covered two things; no parking on Ohio Street between Chicago and Swihart and also puts stops out at Chesapeake.

Motion was made by Seymoure to pass Ordinance 2009-21 for first reading, Sexton second the motion.

Walt Crowder questioned if it was a safety issue with the stop signs. Mike Petersen advised it was. Walt questioned if they should suspend the rules. Chief Petersen felt they should. Attorney Grossnickle questioned if the signs were up. Kelly Cearbaugh advised the posts were in place but was not sure they had the signs up yet.

Seymoure withdrew his original motion, Sexton withdrew his second to the motion.

Motion was made by Seymoure to suspend the rules and adopt Ordinance 2009-21 on first and final reading, Sexton second the motion, all voted aye.

Motion was made by Seymoure to adopt Ordinance 2009-21 as first and final reading, Penrod second the motion, all voted aye.

**WASTEWATER DEPARTMENT** Mike Cook reported he and Austin Babb had been working on drafting a grease trap ordinance. He advised they have completed all of the industrial inspections. He reported Austin met with each individual at the particular places and discussed the fees that would be in place. He advised there were no objections to the fees. He reported they would be starting repair to the grit fluidizing line.

**FIRE DEPARTMENT** Tom LaRue reported their compressor passed the test and was now up and running. He advised they did pump testing on all the large pieces of apparatus and the oldest truck did not pass so was sent to Ohio for repair. He reported it was back and in service. He stated the 2004 truck was down and were waiting on parts for it.

Chief LaRue reported there was someone going around asking people if they would like to have the numerical part of their address painted on their curb for \$15. He agreed it was a good idea but advised in the winter time they would not be able to see it because of the snow. Kelly Cearbaugh questioned if that was something the City wanted to have done. Mayor Fleck felt they should take it under advisement and look into it.

**STREET DEPARTMENT** Kelly Cearbaugh reported they cleaned the new force main at SDI. He advised he met with Dick Kyler about assisting with wood chips at the library. He reported they were going to be mandated to have a program in place and implemented by 2012 for stop sign replacement and street name signs to meet the reflectivity requirements. He advised they would not be able to make the signs anymore as they do not have the equipment to make them.

**WATER DEPARTMENT** Mike Dear reported they did the annual service and testing of the wells and pumps. He reported they had one high service pump but it was scheduled to be overhauled this year.

**ELECTRIC DEPARTMENT** Larry Whetstone reported they had been working with Wagner Electric at the old Precision Plastics building. He advised they ran the primary in the new portion of Chesapeake Landing and also ran the overhead temporary for the hospital. He reported their trucks were inspected and Truck #7 failed and the cost to repair it was \$10,000. He asked for approval to have it fixed. He advised they hooked up 2 of the Habitat Houses.

**POLICE DEPARTMENT** Mike Petersen reported the Homecoming Parade went really well. He thanked Captain Anspach for creating a flyer for Halloween on safety tips.

**BUDGET MEETING** Walt Crowder requested to have a follow up meeting regarding the budget.  
Having no further business to discuss the meeting was adjourned.

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Mayor James Fleck

Attest:

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Clerk Treasurer Rosie Coyle