

**COMMON COUNCIL
TUESDAY, OCTOBER 13, 2009
6:30 P.M. EXECUTIVE SESSION
7:00 P.M. MEETING**

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 – Absent
Daniel Weigold - Present

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

MINUTES Motion was made by Weigold to approve an overview of the September 22, 2009 meeting minutes as presented, Penrod second the motion all voted aye.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROJECT This was rescheduled for the October 27 meeting.

ORDINANCE 2009-18 – 2010 EMPLOYEE SALARY ORDINANCE – 2ND READING

Motion was made by Crowder to read Ordinance 2009-18 by title only, Sexton 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 Penrod to approve the salary ordinance as second and final reading, Weigold second the motion, all voted aye

ORDINANCE 2009-20 – NET ENERGY METERING Motion was made by Weigold to read Ordinance 2009-20 by title only, Crowder second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-20 an ordinance adopting net energy metering for Columbia City Electric Utility.

Motion was made by Crowder to approve Ordinance 2009-20 for first reading, Sexton second the motion.

Mayor Fleck stated there was a belief that as people were faced with rising cost of their utility bill that they might be able to have some of their own to help reduce costs. He advised it was not that simple in that if an alternative power source was hooked into our power source and became part of the grid you literally could be killed. He stated there were regulations with respect to how it was done and requirements that had to be met.

It was questioned if a person had a surplus of credit every month they would continue to accrue credit and they would stagnate there. Mayor Fleck stated it apparently would. Attorney Grossnickle advised they would never be paid out for it. Mayor Fleck advised they did not think individual systems were inexpensive enough for anyone to really look at as a viable option. He explained the ordinance was really just to set out the guidelines.

Upon the motion, all voted aye.

REZONE PETITION 09-C-REZ-2 CONNIE FEIST – 1539 BUS. 30 EAST David Sewell reported a petition had been submitted by Connie Feist to amend the zoning map for his property. He stated the northern portion of the property was currently zoned R-1 and was requesting it to be changed to A-1 which was agricultural. He reported the requested use was for commercial recreation such as off-road motorsport events which did not fit within the current regulations for a residential district. He advised the Plan Commission sent an unfavorable recommendation with a vote of 4 in favor and 5 against.

Mr. Sewell explained the Board of Zoning Appeals heard a preliminary petition by the same applicant for a special exception that if the zoning was approved the special exception was required for that land use to take place. He stated the BZA more or less heard the details of the request of how it was going to be operated, under what circumstances, hours, days and months of operation for this operation from a land use perspective. He advised the Board's action was 4 – 1 to approve the potential petition with the condition that the City Council would approve the rezoning. He stated if the rezoning was not approved the petition would not be valid.

Walt Crowder questioned what other services could be built on the A-1 classification. Mr. Sewell explained as far as the agricultural district the primary use, other than grazing of animals, was dairy and egg production farms. He stated there were also other open land uses such as nursery's, winery's and things generally considered with production such as crop production and/or agricultural type products. He advised residential was also permitted within agricultural district. He explained there were a number of uses listed as special exceptions similar to commercial recreation.

Mr. Sewell advised the property was not in the city limits but was within the 2 mile jurisdictional area.

Don Sexton questioned when the BZA puts limitations on a property who enforces it. Mr. Sewell explained the enforcement ultimately comes back to them but the Plan Commission office will generally try to ensure compliance. He advised if found out of compliance their petition or permit could be withdrawn and the use would no longer be allowed.

Connie Feist explained they purchased the property in 1973 as a motorcycle riding family when it was zoned Industrial Light. He stated he has never had a complaint from any neighbor at any time since 1973 about what they have been doing there, which was riding motorcycles informally. He advised if he had known of any problems with any of his neighbors he might not have proposed any of this. He felt this was a good thing for our community, economically as well as the social fabric of the children to be in something that requires responsibility,

commitment and dedication. He stated he was not asking to run events in the summer but would like to run 3 or 4 events in October and November and maybe some snowmobile races in the dead of winter. He explained how they would handle the dust and advised they would prescribe to the Federal, State and Racing Organization regulations, whichever one had the lowest standard. He stated the idea was not to continuously cause a problem for his neighbors but because they did not get any complaint whatsoever from anyone in the neighborhood they did not think it was an issue. He advised if we had a facility locally it would bring money in from other communities. He felt it was time for recreation to start happening because our young children were currently going out of town to do things. He stated motorsports would only benefit a limited number of children but every little bit should count toward the whole community.

John Roy advised he was 100% for this. He stated he spends a lot of time on Connie's property and maintains a part of it so that his kids could use it. He explained he had been at his residence since 1977 and there has been motorcycles on the property since then but has never had a problem with it. He stated he could not list the amount of people this would benefit. He stated Mr. Feist was not asking about 100 events a year but only 3 or 4 events in the winter months. He advised he heard through the grapevine that it would devalue their property but he failed to see that happening because of the motor cross across the street. He felt it would be a huge asset for the community, for kids and adults as well.

Nicole Hunt from Allen County spoke of bringing their child to Connie's property every Tuesday night. She felt Connie's events would only bring money to the community and mentioned that if he does not have the events they would be taking their family and money to Michigan.

Andy Vanderford was in agreement that motor cross may be a good thing but felt there were better places to put this. He stated 100 South was not built to hold 400 – 500 cars, trucks and trailers and added that it was not a very wide road. He advised Connie's property was right on Business 30 and was probably a better road to handle traffic like that. He stated he did not want to infringe on people's rights to have fun and did not think that was the issue people were looking at but when there were well over 100 houses within ¼ mile of the property that it was not fit to have a major motor cross event. He suggested if the property was out in the county it would still bring money to the county and felt if there were that many people behind it the money would be there or would come but it did not have to be right next to his house. He discussed the noise and stated 10 – 15 riders for 3 – 4 hours was bearable but 60 – 100 riders would probably be pretty unbearable and would not be something people could handle all day long. He respected their interest in wanting to have fun but did not feel motor cross was needed where there were 100 + plus houses that border the property.

Mary Frankle advised a petition was submitted with names of those opposing the request. She discussed the problems with noise, dust and traffic. She felt it had the potential to get out of hand, in a good way for Mr. Feist but not for the neighbors in the area. She advised when they moved into their home they did not know the racing was going on. She stated they have never complained to Mr. Feist and respected that it was his home but with what he was proposing she was not sure they could handle that.

Fern Reimers explained when they moved there 8 years ago they could almost count on every Tuesday having bikers on the track and sometimes on Saturdays but this past year it has been 2 – 3 nights a week always Saturday or Sunday nights. She advised she was objecting to the events happening because they were used to Tuesdays night but with bigger events and more people she did not want. She stated the residences in the area had been established years ago and this was moving in on them. She advised she would like to see the major events being proposed not voted for.

Kevin Frankle stated the noise was tolerable now but if more was added it would be less tolerable. He wondered too about the noise drifting over to the new hospital property.

Kathy Heuer advised she did not live in the area but had previously been on City Council and the Plan Commission and had a great appreciation for the decisions that had to be made. She explained she was always taught that when placing any kind of different zoning into a large area that was zoned something else it was called spot zoning and was usually not looked upon very favorably. She stated she was also told not to look at the use of the land but the zoning of the land and if it made sense. She advised she was asked to attend the meeting to talk about the possibility of the homes losing their value but stated she could not look into a crystal ball and say whether that would happen or not.

Nicole Penrod mentioned the zoning in 1973 was Industrial Light and questioned why it was changed to Residential and when. Mr. Feist advised they were never made aware it was changed. He stated his father objected to it when they found out and were told the only thing that could not be built on the property was a rendering plant and oil refinery. David Sewell advised in doing some research he did verify that as of 1989 Connie's entire parcel was zoned Light Industrial. He stated that whole corridor all the way out to US 30 was and is some portion of Business Industrial. He believed that in 1995 the Plan Commission adopted a new ordinance and at that time there were changes made to the zoning map. He stated a public hearing was held on the whole City as far as adopting the ordinance and the corresponding zoning map. Nicole Penrod questioned what the area was zoned where all the houses are now. David Sewell thought maybe some Residential some Agricultural.

Nicole Penrod questioned Mr. Feist why he proposed having the entrance on 100 South. Mr. Feist advised they were trying to do it as cheap as they could to get started and then make improvements. He stated they did not want to put in a semi-paved parking lot not knowing how many people to prepare for and then be out of code so their thoughts were to park everyone off of Business 30.

Nicole Penrod questioned what made them decide to request the change now rather than in previous years. Mr. Feist advised it was economic need. Nicole questioned by doing this how many employees he would have. Mr. Feist advised at a minimum it would be 16. He explained if he was in the business to become rich from this he would go to Marion County where they have nothing like this at all. He stated he did not know the track in Peru and in Laotto, if you ask the 25 people that have been there, it is too dangerous. He advised people are not going to go somewhere that has a bad reputation for dust and danger. He stated overall they had not done it for years because the economic need was not there.

Nicole Penrod questioned if they would not change the zoning would he continue to use it the way it was used now. Mr. Feist advised he was not going to do something out of the ordinary and have kept the track in the valley. He stated it was just a group of people who trust him not to get them injured so they can practice and be better competitors when they go to races.

Nicole Penrod questioned if it was still zoned Light Industrial could they do this. David Sewell advised he had not investigated that. He stated it may not qualify today as things have changed.

Nicole Penrod questioned with what they do now how far they felt the noise traveled. John Roy advised it depended on the wind and felt it could travel a mile on a windy day. He stated the noise from US 30 and the railroad pose more noise to his house than the motor cross track.

Don Sexton questioned the parking in looking at the map and hearing the number of people who may come to the events where he would put all the people. Mr. Feist advised they would come in waves. He stated there may be 150 people there at 7:30 in the morning and be gone by 10:30 then there would be another group that would come in. He advised there were people who might stay the entire day.

Dan Weigold advised at the Plan Commission he made a recommendation to approve this process. He stated he had been riding the fence all along and trying to get feedback from both sides. He advised he fully appreciated and respected the passion for what they were doing but also had to look at and respect the people who live out there. He questioned what they would be gaining by denying the request. He also questioned in looking at the petition; although very concerned about the people who live adjacent to the property, there were people who live on Airport Road or at Tri-Lakes. He stated they were talking about rezoning the property and he did not look at it as a spot zone because it was a gravel pit and added if future residential use would go in there he saw the expense versus profit being very opposite. He stated he had to be very concerned for the immediate people living right there. He advised there was no disrespect for what they run or the passion for the sport but he had to look at a large group of people and balance it out which was extremely difficult.

Motion was made by Penrod to read Ordinance 2009-22 by title only, Sexton second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-22 an ordinance amending the zoning classification of certain property from the R-1 single family residential zoning district to the A-1 agricultural zoning district.

Motion was made by Sexton to approve Ordinance 2009-22 as first reading. The motion failed due to the lack of a second.

Motion was made by Penrod to accept the Plan Commission's recommendation, Crowder second the motion, all voted aye.

POLICE DEPARTMENT Mike Petersen reported they were invited to Desert Snow training that is held at the Indiana State Fair Grounds. He explained it was for drug interdiction and

would be sending the Drug Task Force and some additional units. He advised the school was free and by invite only so was a huge opportunity.

PARK DEPARTMENT Mark Green reported they were on their last week of JFL and Sunday Softball league was completed. He advised they would be starting on Christmas lights and would be closing the bathrooms at the parks.

COMMUNICATIONS/IS DEPARTMENT Terry Wherry reported he and Amy LaRue attended training for the new IDACS system. He advised the system would be out in the next 3 months and would be quite a change for everyone.

WASTEWATER DEPARTMENT Mike Cook reported Jeff Walker and himself met with Bonar Group regarding the design phase of the Main and Jefferson Street lift stations. He advised they completed all of the flow metering on the industries and have pulled the meters. He reported they have started to install the drive at the Coesse lift station. He stated the Grease Trap ordinance was drafted and forwarded to the County and legal counsel for review.

EMBARQ/CENTURYLINK BANDWIDTH Mayor Fleck reported Walt Crowder, Terry Wherry and himself met with Centurylink on a challenge with respect to Bandwidth. He advised they did a study of our system and have saved us a couple hundred thousand dollars with their analysis and recommendations. Walt Crowder advised they were still getting quotes based upon the recommendations.

Having no further business to discuss the meeting was adjourned.

Mayor James Fleck

Attest:

Clerk Treasurer Rosie Coyle