

**MINUTES OF MEETING  
COMMON COUNCIL  
CITY OF MONTICELLO  
Monday April 4, 2016**

The regular meeting of the Common Council, of the City of Monticello, Indiana, was held on Monday April 4, 2016, at 6:00 p.m. The meeting was called to order by Mayor Ken Houston and opened with the Pledge of Allegiance.

Roll call, by Clerk Treasurer Jim Mann, was answered by Mayor Ken Houston, Councilors Doug Pepple, Kim Kramer, Phil Vogel, Tim McQuinn and Ralph Widmer. City Attorney George Loy was also present.

**Minutes**-Doug Pepple made a motion to approve the minutes from the March 21, 2016 meeting as presented. Ralph Widmer seconded. All ayes except for Tim McQuinn who abstained, motion passed.

**Additions & Deletions**-None

**Department Heads Reports**-Mitch Billue with the Parks Department mentioned that the improvements with the amphitheater are progressing well. Efforts are ongoing with the Dodge Camp access site for additional parking. Trees fell and required clean up at Jordan and Altherr Parks. The Water Department assisted the Parks Department as all the restrooms have been opened for the season. Additional trails for Altherr Park have been designed and are ready for implementation. Street Commissioner Frank Arthur indicated that brush pick up will resume the week of 4-11-16. Spring Clean-up is scheduled for the last two Saturdays of April. The East side of Main Street will be on April 23<sup>rd</sup> and the West side on April 30<sup>th</sup>. Frank will be meeting on the 5<sup>th</sup> with a representative of VS Engineering to discuss sign repairs. Wastewater Superintendent Joe Mowrer said the plant was without power for 12 hours from the storm on Sunday. Water Superintendent Rod Pool declared winter was officially over and he said there were 7 water main breaks over the winter. Fire Chief Galen Logan said that several firefighters attended the viewing for Officer Koontz at Kokomo. Tad Henderson and Nick Green arranged a special day for Noah Wells, an Oaklawn Elementary student. Noah was Firefighter for a Day and was presented a set of turn out gear. Galen, Rocky Strange, Steve Fisher and Craig Green attended training "Supervising the Toxic Officer" on the 29<sup>th</sup> and 30<sup>th</sup>. Assistant Chief Tim McFadden reported that he and Jason Lingenfelter responded to a report of an individual trying to get into a garage on S Bluff Street. They found an active meth lab and it was neutralized.

**Citizen Participation**-None

**Committee Reports**-None

**Old Business:**

1. 2<sup>nd</sup> Reading of Amendment to Zoning Standards #47-Childcare Home/House Standards Ordinance 2016-05. Doug Pepple made a motion to approve the amendment. Kim Kramer seconded. Mayor Houston asked for discussion and questions. Brooke Johnson addressed the Council hoping that some of the details of the amendment could be changed so that other daycares will not be closed down. She said that the plot map she provided shows the impact of the 500 foot rule as provided by the amendment. She stated that this would impact existing daycare providers in Monticello, if the grandfathering rules were to be broken. Also, she suggested that property values have increased in the neighborhood where her daycares are located. Kathleen Miller spoke up indicating that the neighbors do not want any more daycares in the neighborhood. It is a residential area. She stated she

was not against daycares, but now there is an intensity of use problem in the neighborhood. Sherry Reece indicated that Brooke Johnson is not looking to add any more daycares to the neighborhood. Tanika Phinisee introduced herself as a quality coach for several licensed daycares in the area and mentioned she is involved in monitoring the rating system for them. Brooke's daycares have high ratings through this system. She suggested that the amendments being discussed would make it harder for new daycares to be licensed. Nicki Benson stated that she has a daycare in front of her home and another one behind her home. She said the traffic has increased. She does not believe the property values have gone up. Don Miller indicated he did not feel that speed bumps would be helpful. Amanda Marvin stated she feels that most of the speeding traffic is right before and after school. She did not feel that shutting the daycares down would be wise for those families that depend on them. Area Plan Director Joe Rogers mentioned that the Amendment will not shut down existing daycares. A daycare would have to violate the grandfathering rights to lose its license. Joe raised the question...does the community wish to have unregulated intensity of use standards for daycares? John Rees addressed the Council stating the homes in the neighborhood are distressed homes. John indicated they will put up a privacy fence, fix another fence and to try and address other issues for the neighborhood. He expressed concern about the comments made by residents of the neighborhood as some of it has been untrue. Clerk Treasurer Jim Mann reminded the Council that Doug Pepple made a motion seconded by Kim Kramer to approve the amendment adopting Ordinance 2016-05. All ayes, motion carried.

2. Rezoning Petition 1046 MPL Properties LLC-Area Plan Director Joe Rogers addressed the Council regarding the petition for rezoning an R2 to a B2 for property known as Dodge Camp. The Area Plan Commission voted to deny the request. Joe Rogers presented three options available to the Council. One would be to confirm the recommendation of the Area Plan Commission, a second would be to vote against their recommendation, and a third would be to attach conditions that would be more restrictive than the recommendation presently reads. Mayor Houston called for a motion. Doug Pepple made a motion to confirm the recommendation of the Area Plan Commission. Ken Hardebeck of MPL Properties asked if he would be able to speak. Mayor Houston indicated there has to be something to address. Kim Kramer seconded the motion. Ken Hardebeck wanted to thank the Council for their consideration regarding the matter at hand. Ken indicated that since the Area Plan Commission meeting a compromise has been worked out with his neighbors. It involves creating a subdivision where a portion of the property would remain B2 and the rest R2. Ken also addressed concerns raised by the City of Monticello on the matter of Dodge Camp customers overflowing into City's public access area. Ken stated he has hired Arkor Engineering out of Lafayette to do the building plans. He will build the building based upon the parking areas. Ken stated that B2 is the correct zoning classification for the property as listed in the schedule of uses. Phil Vogel commented that the nature of the building and parking is unknown. Ken indicated there are 16 parking spaces planned. There are also 18 boat lifts (with A&B). Phil Vogel stated the property sets in between a residential neighborhood and a park. Phil indicated that he is concerned about the B2 zoning and the proposed bar as a result of the youth at the park and the residential neighborhood on the other side. Ken said his core business is the marina. The bar will be a small place and serve pizza, appetizers, and beer. Ken said it will not compete with Sportsman and Riverside. Ken said he has 16 parking spots with one being handicapped accessible. He has room for 4-6 boat parking spots. He said he will not allow Dodge Camp customers on City Park property. Ken said he feels Holiday weekends are where the most congestion occurs especially between noon to five in the afternoon. The City access area fills up before the Dodge Camp side does. Phil Vogel said he has met with the Park Superintendent to encourage the development of additional parking for the City. Ken indicated that on 10-15-2015 he was granted an alcohol permit and he would like to use it. Ken said that restaurant customers and lift customers would not be there all at the same time. Ralph Widmer asked if Ken had started the subdivision process. Ken indicated he has not done so yet but has communicated with his

neighbors and the Area Plan Commission. Joe Rogers of the APC stated he should review what options the Council has at this point with regards to the petition. Mayor Houston stated that this was the second reading of the rezoning petition. City Attorney George Loy stated the motion before the Council is to accept the recommendation of the Area Plan Commission. Ken Hardebeck stated that what the Council is seeing tonight is much different than what the APC saw. Mayor Houston indicated that a change from what is on the agenda tonight would be a different ordinance. Joe Rogers stated the Council could take action on the matter in a different way if they wished to do so. Joe stated the APC office has not seen any parking plans on the development.

Joe Rogers outlined the options available to the Council. 1) Accept the APC recommendation 2) Attach conditions such as the City being willing to rezone contingent upon the subdivision being approved 3) Not make a decision until the City knows that the subdivision has been approved 4) Vote to reverse the APC recommendation. George Loy inquired about the time frame on a conditional approval regarding the subdivision and Joe Rogers stated there is none. The rezoning takes effect once the subdivision is approved. Tim McQuinn asked if approving the APC recommendation would prevent Ken Hardebeck from going forward with the subdivision plan. Ken stated that he does not want the entire area to be B2 as he originally did. He wants a contingency based upon the approval of the subdivision. George Loy stated that approving the APC recommendation does not prohibit Ken from coming back with a subdivision plan. Joe Rogers stated that it prohibits him from coming back and re-applying within a year under the same conditions. Tim McQuinn asked if the contingent approval was given does it necessarily mean a restaurant and a bar would be approved. Joe Rogers stated that the answer would be yes because anything allowed in the zoning class would be permitted. Ken Hardebeck stated his restaurant would be small and there would not be partying until the wee hours of the morning. The hours would be 10:00 am to 8:00 pm. Ken reviewed the nature and quality of his lift customers. He stated he worked hard on this. Ralph Widmer asked what the advantages would be of going ahead with the contingencies approval rather than going ahead with the subdivision. Ken stated the contingency approval will save him a step. Ralph Widmer said that if the Council goes along with the APC recommendation it does not mean a no for the development. Ralph stated there have been no plans to review and there is no information with which to make a decision on. Ken stated that at the rezoning process you do not talk about parking and detailed things. Ralph Widmer stated that he felt that parking and other matters in the development are important to the City. Ken stated he has done some preliminary parking plans as a result of the City's concerns, but that the matter tonight is for rezoning and he is concerned about spending money on engineering when he does not have zoning approval. Mayor Ken Houston stated that it is hard for the City to approve a rezone change when the situation has changed from what was discussed at the time the City brought sewage to the development. Ken Hardebeck agreed it is different than at the time the sewer was constructed. Ralph Widmer stated it seems Ken wants the Council to approve the development before they see the plans and details. Joe Rogers stated that a rezone decision is one that is tied to the best land use. Joe Rogers stated that when you have situations where the development of the site can have a significant impact on the surrounding environment which affect the best use of the land then the preparation of engineering plans would show how the development standards could be met. Joe indicated that when rezone requests have locations and factors that do not make them "typical" it is necessary to obtain more information through which a decision can be made. Ken Hardebeck indicated that B2 is the proper zoning for the property. He said the B2 would bring it into compliance. City Attorney George Loy stated that the motion on the floor is to approve the recommendation of the Area Plan Commission. Ken Hardebeck asked if the Council voted to approve the APC recommendation and the motion passed could they make another motion to approve the rezone with conditions. Joe Rogers said that would not be acceptable. Ken Hardebeck said it was his understanding that the vote was to approve the APC recommendation as it stands or to vote with a contingency. George Loy reiterated that there is motion

on the floor to approve the recommendation of the Area Plan Commission. Roll call vote was taken by Clerk Treasurer Jim Mann. All ayes, motion carried.

3. Randall Miller Invoice 15-0271-Mayor Ken Houston said that this did not get a second at the last meeting. The details were not available at the March 21, 2016 meeting. The total project cost of the alley reconstruction will be \$51,214.00. The Street Department will pay \$11,129.00 and the Wastewater Department will pay \$36,284.00. The Mayor is asking the Council to pay for the \$3,000.00 engineering invoice. Doug Pepple made a motion to approve the invoice. Tim McQuinn seconded. Ralph Widmer stated his concern is about paying the bill after the work was done as opposed to being made aware of it prior to spending the money. Mayor Houston agreed and said he takes full responsibility for the situation. He did not have all the information prior to the meeting of March 21<sup>st</sup>. Phil Vogel stated he feels the project is Sewer related and should be paid from their funds. Roll call vote was taken by Clerk Treasurer Jim Mann. McQuinn-Yes, Kramer-Yes, Pepple-Yes, Vogel-No, and Widmer-No. Motion carried.

4. 2<sup>nd</sup> Reading of Amendment #2 to Ordinance 2000-9 City Attorney George Loy outlined the background on the establishment of permit fees for occupation of right of ways. The Ordinance would increase the fees. The Bond would be increased to \$20,000.00. Doug Pepple made a motion to adopt Ordinance 2016-07. Phil Vogel seconded the motion. All ayes, motion carried.

#### **New Business:**

1. Cindy Beck-Warren-Request to use Constitution Plaza for the Police Memorial/Appreciation On May 15, 2016 and the use of Bluewater Beach for the Rotary Regatta on July 30<sup>th</sup>. Phil Vogel made a motion to approve the request. Ralph Widmer seconded. All ayes, motion carried.

2. Indianapolis Colts Road Closure on Main Street- Lori Cheever requested the closure of Main Street from Broadway to Washington beginning at 1:00 pm on June 1<sup>st</sup> lasting until 8:00 pm. The Colts will bring in their own stage and power for the event. There will be a kid's play area. The actual event will be from 5-7 pm. Kim Kramer made a motion to approve the closure of Main Street. Doug Pepple seconded. All ayes, motion carried.

**Accounts Payable Vouchers-** None

**Miscellaneous and all other matters-** Doug Pepple mentioned that there is a meeting planned for 4-5-16 to review a communication software proposal which would help City officials better communicate and document the status of ordinance violations. Mayor Houston asked the Council to drive down to the Tioga bridge area and look it over. Ideas are being sought as to what to do.

**Adjournment-**There being no further business the meeting adjourned at 7:40 p.m.

James D Mann  
Clerk Treasurer  
City of Monticello