

**City of Columbus**  
**Public Hearing - Zoning Code Amendments – Chapters 7A & Chapter 9 Re: Excavation,**  
**Extraction, and Mining**  
**(PC-16-113)**  
**June 1, 2016**

The June 1, 2016 Public Hearing to receive testimony regarding consideration of revisions to Chapters 7A and 9 of the City Code related to excavation, extraction, and mining was called to order at 7:02 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson and Bill Krebs, and Pat Preiner.

**Sternberg:** So now we have a Public Hearing, Chapter 7A and Chapter 9 – Zoning Code Amendment, pages 1. Ordinance work – excavation and animals, chickens in particular. And, at this time, I'd like to ask the recording secretary to read the notice as published.

**Boland:** I did want to just note the way that's worded on the agenda, I don't see anything in the notice about chickens, so I think we're just looking at . . .

**Sternberg:** Animals.

**Boland:** . . . excavation.

**Sternberg:** Oh, just excavation.

**Boland:** I'll read it and we'll see how it's worded.

Notice was read at this time by the recording secretary.

**Sternberg:** I think you're correct. This has nothing to do with, the public hearing has nothing to do with animals, just excavation and mining. So what do you guys think about excavation and mining?

**Wolowski:** Why are we speaking about it? Is there a reason?

**Sternberg:** We had a joint meeting.

**Wolowski:** Yeah, so, let's bring me up to speed. I had to go on vacation.

**Sternberg:** There was a discussion of eliminating the entire chapter from the Code book that pertains to mining, so that we wouldn't end up with John's Black Dirt. But then it was brought brought up by the mayor that there are areas that could be mined off, you know, without

disturbing – like, you know, that chunk of land that was sold off for the - Lang Builders, I think it was? He had that land out, he ended up selling to Pheasants Forever.

**Wolowski:** Oh, yeah. Yeah.

**Sternberg:** He was out in the wetlands out there.

**Wolowski:** Yup. Yup. I remember that.

**Sternberg:** Well it was brought up that possibly he could've mined out there – dirt, black dirt and sand and so forth.

**Wolowski:** Okay.

**Sternberg:** So I think what we're discussing is those types of items.

**Wolowski:** And was there any directive or . . . ?

**Sternberg:** There was a moratorium. Right?

**Wolowski:** There was what? A moratorium.

**Sternberg:** A moratorium on mining operations.

**Krebs:** That was their . . . Yeah. That was . . .

**Preiner:** Solution.

**Krebs:** But they have not . . .

**Sternberg:** Implemented.

**Krebs:** Huh?

**Sternberg:** They haven't implemented the moratorium.

**Krebs:** Well, they can't. They can't do that 'til they actually have a full meeting.

**Wolowski:** Okay.

**Krebs:** You know, um, as a Council.

**Sternberg:** Council.

**Krebs:** They couldn't do it at a work session, in other words.

**Wolowski:** Okay.

**Krebs:** But that was their recommendation or their . . .

**Wolowski:** Consensus.

**Krebs:** Consensus. Thank you.

**Wolowski:** The consensus of the City Council was a full moratorium.

**Krebs:** For now. What the moratorium just does is it just puts everything on hold so that pieces can be put into place. They can lift the moratorium at any time. It doesn't, just because they give it a designated time doesn't mean it holds to that time. It just gives them that amount of time to have to implement whatever it is they feel is important to have.

**Sternberg:** Okay. Hash out the details. Elizabeth can probably give us a little background on excavation and mining.

**Wolowski:** All right.

**Mursko:** Okay. So, um . . .

**Wolowski:** Excite us.

**Mursko:** Well hello, Pam.

**Wolowski:** Hi.

**Mursko:** So, in looking at the agenda tonight, um, prior to looking at the moratorium, I didn't know what –before the joint meeting I didn't know which direction the Council was going to go, because there was two directions they could've gone. One could've been, you know, Jake put together an ordinance, and we had a public hearing tonight, and we move forward. You know, I think from past experience, and if you're here on a day that hauling is happening, you'd understand that that operation can't happen again. It's just, it's very stressful. It's stressful for the neighborhood. It's stressful for us. And it's, you can tell it's wearing on the neighborhood. I mean they have two more years; we're only half way through. And it, I've got to say, Forest Lake Contracting, they're, they are really great to work with, but it's just stress. I mean it's, they've had two trucks go off the road on Vassar, you know, in the two years that they're there. So, there's, there's a lot of issues there. And literally, on that day, between Bronwyn and I, we're on the phone, you know what I mean, for different people who are either asking questions or whatever. So, anyway, so I knew the excavation chapter had to be addressed. And so, the Council could have done the whole public hearing, and we could've rushed through trying to get an ordinance in place – well not rushed, but obviously worked through it. Or they could've just done a moratorium, which basically protected the City against another one happening. And so, when I talked to Jake, I said, 'You know, we just want to carve out that that particular type of

entity doesn't happen again. Um, but all the other activity I don't have a problem with, so let's carve out the exception so that we can work through it and we're not in this big rush to get it done.' Not that we shouldn't get it done – Let's get 'er done – but, let's work on it. So, the Council had the choice, and, you know, they chose the moratorium versus working with it just over time. It's just a way to protect the City, and, I've got to say, those people, that group from John's Black Dirt, um, every chance they're here, you can see two or three people are here, you know, at each meeting, um, not because they want to be here, but they want to know what's going on for, for different things. So, I think they're very – I don't want to say sympathetic, but – appreciative that we are serious. Because the number one question I get: 'You don't think the Council is going to extend this, do you?' 'You don't think the Council's going to . . .' I'm like, 'No. This Council will not go back on their word.' And, if they do, there's going to probably be big, big trouble. So, it kind of put a, you know what I mean, it showed them that the City was serious that we're not going to be doing that. We are going to protect the neighborhoods. Another neighborhood's not going to do this. They're not going to get another chance. Um, so, with that, tonight you needed to open the hearing and if someone was here, you were to take testimony. If they weren't you would just close the hearing, so it's, it's just simply opening and closing the hearing. Um, they adopted the moratorium so . . . they also adopted a resolution saying that the Planning Commission would work on it. So what Jake did was, he gave you a list of questions that you're going to work through, and from these questions, he's going to draft the ordinance. So instead of him drafting the ordinance, he said, 'No. The Planning Commission was supposed to set policy, and that's what I want to do. I want them to answer the questions; then I'll draft it and I'll come back with it.' And the same with the chickens. So we gave you two worksheets to work through. I'm not saying you have to work through everything tonight, I'm just saying that this is your beginning. But he wanted all of you to talk about it and . . . 200 chickens, 100 chickens? I mean, he's not going to give you a number.

**Sternberg:** Sure.

**Krebs:** And these are just, it is a worksheet, so we are able to implement or say why we would feel something isn't a priority, correct? I mean . . .

**Mursko:** Right. This is, this was a place to start. Because he thought, okay, this is, I mean he'll get the gist of what he needs to write it, and then if there's other things that you guys want to add then that would be great.

**Krebs:** Okay.

**Sternberg:** So I can open up the excavation and mining hearing to the public then?

**Mursko:** Yup.

**Sternberg:** Is there anybody from the public? Okay, at this time, I'll close the hearing with the right to reopen if it becomes necessary.

Hearing closed at 7:10 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary