

COMMON COUNCIL MINUTES

April 8, 2019

The City of Nappanee Common Council met on Monday March 18, 2019 at 7:00 PM in the Council Chambers of the City Building. Mayor Jenkins called the meeting to order.

ROLL CALL: Members were present or absent as follows:

Present: Todd Nunemaker, Anna Huff, Amy Rosa, Dana Hollar and Jake Dermott

Absent:

Others Present: Mayor Phil Jenkins, Clerk-Treasurer Kathy Brown, City Attorney Brian Hoffer, Fire Chief Don Lehman, Police Chief Steve Rulli, Park Superintendent Chris Davis, Street Superintendent Brent Warren, Senior Center Co-Directors Rex and Beth Hershberger, EMS Tye Chupp and Superintendent Gale Gerber, 34 visitors and 1 media.

APPROVAL OF THE MINUTES: Dana Hollar made a motion to approve the March 18, 2019 meeting minutes. Jake Dermott seconded the motion and it carried, *viva voce*.

PETITIONS AND COMMENTS BY CITIZENS: Phil opened the floor for discussion by attendees. Alan Duncan and Brandie Yoder introduced themselves as running for 4th district. Anissa Gruendler, 608 W Walnut St asked what the Council/City was going to do about the smell, debris, sound, dust, odor, noise, lack of fresh air, people with asthma not being able to go outside, the air quality issues, health issues and the continual vibrations due to Tri-State Crush not following through as promised. Brian Spicher, 351 S Locke, stated that it is not a healthy environment to live in. Ashley Lent, 204 W. Randolph asked the Mayor what happened to the letter, pictures and petition that she had given to Don Lehman and the Mayor. Travis promised he would power wash their house and it has not happened; she has a child with respiratory problems that has had to be transported by ambulance numerous times. The sewer pipe that the company broke back in October is still broken and the mosquitoes and smell are just awful. Denny Miller is the only one who has asked her about the business. What about the businesses uptown? The Common Council made the decision to let this company come in and now do not seem to care about the residents on the south side of the City. I am a foster parent and the case worker even asked about the smell. Ruth Trinkley, 402 N Madison St stated that she had called Paul at IDEM and the company has no air quality permit. Ruth talked to the Mayor months ago and as of today when she called IDEM, Tri-State Crush has still not gotten a permit; IDEM also stated that they have not heard from the City per Ms. Trinkley. She went on to state that she is concerned about chronic lung issues and the City should be requesting a hearing from IDEM. She also stated that the Citizens could ask for a hearing. Mandy Havert, 100 E Van Buren St, stated she has been looking and cannot find any public information on the business, but she wonders why it doesn't seem they are using dampeners or filters. She also wondered why there was no public representative from the Company at the meeting. Bob Ivin stated he was there representing his daughter, Sara Ivin who lives at 353 S Nappanee St, as she is newly married and has not lived in their house long and is wondering how this is going to affect her family. At 11:30 pm you can still hear the humming in their home. Mr. Ivin stated he was also concerned about when they have children. Ashley Lent stated that she has talked with the Mayor regarding the company banging on the bins at 1:00 and 2:00 am and was told to call the police to enforce the noise ordinance. She stated she met with Adam in November and December and nothing has changed. Judy Spicher asked the Council how many of them had seen the pictures, even if they do an enclosure that their trees are 30 feet tall and are covered with the white sticky substance that is coming from the plant. You have allowed this company to come in and affect our property values and yet you would not have let them build this plant by you. Jean Purcell, 457 N Summit St, stated you have been hearing these complaints for months and yet nothing is being done. Why is that? Am I even going to be able to use my pool this summer? Ruth Trinkley stated the Council is going to give them an abatement and she was

under the impression that you must have 15 employees to get a tax abatement and they only have 9; does this void the abatement? Bob Ivin then gave a quote on what an Industrial Company should be. Jean Purcell then stated they do not meet the quote that was just given, who approved them moving in. Ashley Lent stated that you let them build the building on residential property and then rezoned it to commercial. There were only 2 or 3 people told about this happening. How could you allow this you obviously do not care about the South side of the City? Mayor Jenkins stated that it had been a mill for a long time. ADM purchased the two parcels and when they sold to the new company wasn't aware of the issue until they pulled the building permits and we realized the property wasn't zoned the same. Mayor Jenkins stated he is concerned and if they do not follow their plan of action the tax abatement can be denied. He shared with everyone that he had been given a plan of action by the owner and had copies if anyone wanted one. Ruth Trinkley stated that as of March 26th IDEM has given them 30 days and after that time the Citizens could request a hearing. Scott Tuttle stated that as a business owner it is the owner's job to get with IDEM. Ruth also wanted to know how they could run 24/7 as no other business in town does that. Ashley Lent said that is great that the Mayor was given an action plan, but it seemed like another empty promise as she can't even get a phone call returned. Others agreed phone calls were not being returned. Don Lehman stated the business is trying to get the pipe fixed but had been waiting on the weather. Don also went on to state that there is nothing in the ordinances to limit hours of operation for a business. Don also stated that the Police and he had went down and the decibels were too high and they talked with the company and they made some changes and stated once the enclosure was up there would be no noise. Mayor Jenkins stated he did talk with IDEM; they have given the company 30 days and they are addressing the plan of action at the same time. He also stated that this is a completely organic (no chemicals used) and is Non GMO. Anissa Gruender stated that does not mean it is safe to breathe and would not cause lung issues. Mayor Jenkins stated the City would be looking at their tax abatement on May 6th. The Council admitted that they did not know about the petition, letter, pictures or complaints of odors, dust and the broken sewer line on private property. Ashley Lent stated she doesn't want to be a bully but she asked Don Lehman and the Mayor for help with no resolution so now she is asking the Council. She felt that this should have been brought to the Council without everyone having to come to a meeting after she brought her letter, petition and pictures to the Mayor and Don months ago. She then asked Council members directly if they had seen the information she had given the Mayor in February and what they thought about it. She went on to ask where is this information did you throw it in a drawer or just throw it away? Again you do not seem to care about the South side of the City as you did nothing. Dana Hollar stated he had heard nothing until Sam Beachy asked him about it. Jake Dermott stated he had just started hearing complaints and wondered why the Council hadn't been informed sooner. Todd Nunemaker stated he had only spoken with Ruth Trinkley. Amy Rosa stated she is new but she is sure that departments are working on it; she would like to see a plan of action and empower the departments to do their jobs. Anna Huff stated that we are here for you. Alan Duncan asked if this was a redevelopment project. Mayor Jenkins stated that it was not. Ruth Trinkley asked who we send our Doctor bills too. Mayor Jenkins said that would be a civil matter not a city matter. Kami Tuttle stated that they have been on both sides with their new business and the City has followed through and will take it to heart. Anna Huff stated that all citizens can get on the internet if they are looking for information. The Citizens stated not everyone has/does internet. Clerk-Treasurer Brown stated that anyone can get information from her office and explained the open door law. Mayor Jenkins thanked everyone for coming and stated we will have the letter, petition and pictures in the one drive for all Council Members to see tomorrow a.m. The Council Members were then thanked by a citizen who has transported by ambulance and she wanted them to know what a wonderful job they did.

REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS:

UNFINISHED BUSINESS:

NEW BUSINESS: Anna Huff made a motion to approve Resolution 716-19 regarding purchasing a new senior center van with INDOT. Our cost will be \$10,600.00 and will be put in the 2020 budget. Jake Dermott seconded the motion and it carried, *viva voce*. Dana Hollar made a motion to approve Resolution 717-19 for the Outdoor Sales Stand. Todd Nunemaker asked about structural removal and why the blocks and posts were left, the Mayor asked that they work with Don Lehman regarding code structure. Anna Huff seconded the motion and it carried, *viva voce*.

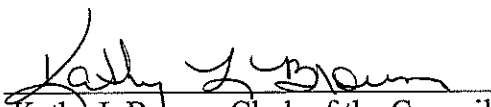
APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: Todd Nunemaker made a motion to approve 2019 APVs totaling \$316,352.14 and 2019 Payroll Holding APV's totaling \$196,185.26. Anna Huff seconded the motion and it carried, *viva voce*.

REPORTS OF CITY OFFICERS: Councilman Dermott asked Superintendent Davis if the South Park merry-go-round had been put back up yet, Superintendent Davis stated that it is broken and will probably not be put back up. Councilman Dermott asked when we were going to see the Park Master Plan and was told by Councilwoman Huff that it was on line. Clerk-Treasurer Brown stated that there was no remonstrance on the Cumulative Capital Development so it will be moving forward. Everything was sent to DLGF (Department of Local Government and Finance) on April 4th. Mayor Jenkins stated that he read a proclamation today regarding this being Boys & Girls Club Week. Stop in from 3:15 to 5:00 and see all that they are up to. The new building should be completed October of 2019.

ADJOURNMENT: The meeting adjourned at 8:21 PM.



Phil Jenkins, Mayor

ATTEST: 

Kathy L Brown, Clerk of the Council

CC

4-8-2017

Name	Address
Denny Miller	301 West Walnut St
Jo Clem	451 " " "
EDD SHEPHERD	701 ANGIES WAY
Matt HOFFK	7058 WISSON
Jean Purcell	457 N. Summit
Mason Warren	26544 Cr 52
Scott Tuttle & Kami	1001 PARKWOOD DR
Ruth Drinkley	402 N Madison
Brandi Yoder	351 N Hartman St.
Jeff Knight	1513 Day Kiew, Dr.
Alvin Duncan	960 E John
Scott	8675 N. Ashbury St. Nappanee, IN
Anissa Grendler	608 W Walnut St
Carol Linville	208 N-Nappanee & Nappanee E.
Phoen Muthart	402 N. Nappanee St. Nappanee
Quah Spacher	351 S Locke St Nappanee
Brian Spacher	351 S. Locke St Napp
Nastasha Spicher	351 S. Locke St Napp.
E.T. Greener	608 W. Walnut
Matt & Ewe Tobian	1002 E mollet st
Ashley Lent ✓	204 W. Randolph St.
Bonnie Bigger	353 N. Hartman St.
178 C 11	