



## ***Common Council Meeting – Minutes for August 2nd, 2021***

**Council Members in Attendance:** Ben Leavitt, Dana Hollar, Amy Rosa, David Kauffman, Denny Miller

**Also Present: Mayor:** Phil Jenkins, **City Attorney:** Brian L. Hoffer, **Clerk Treasurer:** Jeff Knight, 11 guests (of the 11 guests, 2 attended via videoconference) and 1 member of the press.

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm and opened the session with the Pledge of Allegiance and a prayer.
- Roll Call: Council members listed above were in attendance in person.
- Approval of Minutes from July 19th, 2021: Councilman Kauffman motioned to approve the minutes. Councilman Leavitt seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens: There were none.
  - Build Operate Transfer Public Hearing: At 7:03 pm Mayor Jenkins opened the Public Hearing for comments pertaining to proceeding with the Build Operate Transfer project process for developing the Wellfield Park restroom/concession/storage facility, and restroom facilities for Stauffer, Recovery, and South Parks. There were no comments. The Public Hearing was closed at 7:03 pm.
- Reports of Committees, Boards, and Commissions: There were none.
- Unfinished Business: There was none.
- New Business:
  - Funding of the Build Operate Transfer Project for Wellfield Park and Various Park Restroom Facilities:
    - Resolution 746-21: Mayor Jenkins noted that this resolution is for the authorization of the City to enter into the BOT agreement with GM Development Companies, LLC to provide for the development, construction, financing, operation, and transfer of new park improvements located in the City, along with associated infrastructure. City Attorney Hoffer suggested that this would also be a good time to discuss the funding of the project. Mayor Jenkins reviewed what had been discussed at the last meeting. The Wa-Nee School district will pay \$906,107, TIF will pay \$1,000,000, and the City will pay \$1,492,366 (out of cash on hand). The City will continue to have healthy cash

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City should contact the Office of the City Clerk-Treasurer as soon as possible but no later than 48 hours before the scheduled event. Contact Info: 300 West Lincoln Street, Nappanee, Indiana 46550. Telephone (574) 773-2112. Email: [jknight@nappanee.org](mailto:jknight@nappanee.org).



balances after these funds are put into the project. CT Knight told the Council that he has spoken with Mrs. Randi Libby (Business Manager for Wa-Nee Community Schools) and that she concurred with the amounts and payment methods as presented. City Attorney Hoffer suggested that it would be best to approve the Resolution in conjunction with the designation that the City plans to pay this with cash rather than pursuing another financing option. Mr. Martz (GM Development Companies, LLC) indicated that he was comfortable with the agreement language that indicated the funds would be appropriated instead of pledged. Councilman Miller motioned to approve Resolution 746-21. Councilman Kauffman seconded. There were no further questions or comments. Resolution 746-21 was approved unanimously by roll call vote.

- **Build Operate Transfer Agreement with GM Development Companies, LLC:** Mayor Jenkins presented the Agreement with GM Development Companies, LLC. Mayor Jenkins showed the designs of the facilities to be built. The architects involved with the design of the building are Barton-Coe-Vilamaa (Wellfield Park) and Agape Designs (various park restroom facilities). Councilman Miller asked if the restrooms will be temperature controlled. Planning Superintendent Nunemaker said no. Mayor Jenkins added that there will be the capability to make them temperature controlled in the future. Superintendent Nunemaker said the restrooms are small enough that installing some heat lamps could work. Mayor Jenkins added that the restrooms are typically closed in the wintertime. The agreement shows an estimated date of completion as June 15, 2022. Mr. Martz said that he feels comfortable with that date, but the most important part is getting the project started soon. The desire is to get the project mobilized by the beginning of September. Councilman Miller motioned to approve the agreement as presented. Councilman Hollar seconded. There were no further questions or comments. The Build Operate Transfer Agreement with GM Development Companies, LLC was approved unanimously by roll call vote.
- **Easement Agreement:** Mayor Jenkins presented the Easement Agreement to the Council. This agreement allows the developer to access the sites. These are temporary easements, and the legal descriptions are attached. Councilman Miller motioned to approve the agreement. Councilwoman Rosa seconded. There were no



further questions or comments. The Easement Agreement was approved unanimously by roll call vote.

- 1<sup>st</sup> Reading Ordinance 1592 – TIF Citywide Additional Appropriation for Wellfield Park: Mayor Jenkins presented the Ordinance. The additional appropriation will be for \$1,000,000. These funds will be used to pay a portion of the construction at Wellfield Park. This has been presented to the Redevelopment Commission and is now presented to Council with their recommendation. Once again, this is cash on hand. Councilman Hollar motioned to approve Ordinance 1592 on first reading. Councilman Leavitt seconded. There were no further questions or comments. Ordinance 1592 was approved unanimously by roll call vote on first reading.
- 1<sup>st</sup> Reading Ordinance 1593 – Parks and Recreation Additional Appropriation for South Park Project: Mayor Jenkins presented the Ordinance. This project has been in the works for roughly a year-and-a-half. The City received a grant from the Department of Natural Resources of \$250,000. The total cost of the project is \$555,000. This will allow for the construction, curbs and sitework. There is a separate agreement for the park equipment. Mayor Jenkins showed an overview of what the park will look like and the playground equipment that will be put in. Park Superintendent Davis noted there will also be a basketball court built, soccer goals installed, a measured walking loop trail created, and expanded parking. Mayor Jenkins stated this will come out of cash on hand. At the end of the year (2020) it was projected that the Park Department would have cash on hand of roughly \$592,000. The amount was actually just over \$800,000. With the \$555,000 the City is appropriating, it will get back \$250,000 from the DNR. Parks and Rec should continue to be in good financial shape. Councilman Kauffman confirmed that the total cost will be \$555,000. Mayor Jenkins said yes and reiterated that \$250,000 will be reimbursed to the City from the DNR. Councilman Leavitt motioned to approve Ordinance 1593 on first reading. Councilman Hollar seconded. Ordinance 1593 was approved unanimously by roll call vote on first reading.
- Express Interest in Acquiring Easement for Utility Extension along Tomahawk Trail (CR 101): Mayor Jenkins presented the request. The City will obtain the easements. The business owner will reimburse the City. This will allow the City to extend the utilities to the property. Councilman Miller asked how many feet an easement normally entails. Mayor Jenkins responded 60' from the right-of-way on the west side of CR 101. The others are narrower as you get closer to the property. The process is that when the City acquires an easement or



land, it needs to express an interest first. Councilwoman Rosa motioned to express an interest in acquiring the easements. Councilman Hollar seconded. There were no further questions or comments. Unanimous approval was granted to express interest in acquiring easements for utility extension along Tomahawk Trail (CR 101) by roll call vote.

- Approval of Accounts Payable Vouchers: 2021 APV's Totaling \$454,730.16: Councilman Kauffman motioned to approve the APV's. Councilman Leavitt seconded. There were no further questions or comments. The APV's were approved unanimously by voice vote.
- Reports from City Officers: There were no official City Officer reports submitted for this meeting. Mayor Jenkins asked each of the officers if they had an update and then gave the Council members a chance to ask questions. Park Superintendent Davis mentioned that the giant slip-and-slide will take place on Thursday the 5<sup>th</sup>. The cost is \$5.00 and there is no limit on how many times a person can go down the slide. Also mentioned was the last day for the City pool to be open is August 8<sup>th</sup>. Utility Superintendent Gerber informed the Council that the last water service along the highway was connected today. There are about 7 or 8 services remaining to be connected on the side streets. CT Knight recognized the work that Park Superintendent Davis put into the getting the BOT process put into place. The project would not have come to fruition without his efforts. Mayor Jenkins noted the AIM Idea Summit taking place in October. If Council members wish to attend, they need to let CT Knight know ASAP in order to reserve rooms. Mayor Jenkins also pointed out the list of potential Capital Projects for the City over the next five years.

Adjournment: With no further business to be discussed, Councilman Miller motioned to adjourn the meeting and Councilman Hollar seconded. The meeting was adjourned at 7:37 pm by unanimous voice vote.

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Phil Jenkins, Mayor

Attest: \_\_\_\_\_  
Jeff Knight, Clerk of the Council