



## ***Common Council Meeting – Minutes for February 22, 2022***

**Council Members in Attendance:** Ben Leavitt, Dana Hollar, Amy Rosa, David Kauffman, Kelbi Veenstra

**Also Present: Mayor:** Phil Jenkins, **City Attorney:** Brian Hoffer, **Clerk Treasurer:** Jeff Knight, **Guests:** 8 (6 IP and 2 OL), and one member of the press.

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm and opened with the Pledge of Allegiance and Councilman Hollar prayed.
- Roll Call: Council members listed above were in attendance.
- Approval of Minutes from February 7, 2022: Councilwoman Rosa motioned to approve the minutes. Councilman Kauffman seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens:
  - Mr. Robert Bartman (152 West Lincoln St. #16) requested an updated on what he presented as an assault case. Police Chief Rulli walked Mr. Bartman and the Council through how the process works. This case now resides with the prosecutor's office. It will be their determination as to where the case goes from this point forward. Mayor Jenkins said someone from the city would touch base with the prosecutor to see where the case stood.
  - Public Hearing for Ordinance #1600 – Annexation – Cleveland Capital, LLC: Mayor Jenkins opened the public hearing at 7:03 pm. There were no comments or questions from the public. The meeting was closed at 7:03 pm.
- Reports of Committees, Boards, and Commissions: There were none.
- Unfinished Business:
  - Second Reading of Ordinance #1600 – Annexation – Cleveland Capital, LLC: Councilwoman Rosa motioned to accept Ordinance #1600 on second reading. Councilwoman Veenstra seconded. Mayor Jenkins displayed maps (online) for the Council to see the location of the property. There were no further questions or comments. Ordinance #1600 was approved unanimously by voice vote on second reading. Third Reading will be on March 21<sup>st</sup>.



- New Business:

- Resolution 577-22 – Fiscal Plan – Cleveland Capital Annexation: Mayor Jenkins requested that this be tabled until third reading on March 21<sup>st</sup> in order to get the language correct. This is different than a normal Fiscal Plan since it consists of two existing lots with improvements on them. Mayor Jenkins and City Attorney Hoffer wish to take some additional time in order to make certain everything is correct. Councilman Kauffman motioned to table the Fiscal Plan. Councilman Leavitt seconded. The Fiscal Plan was tabled by unanimous voice vote until third reading on March 21<sup>st</sup>.
- 2022 Animal Control Interlocal Agreement with Elkhart County: Mayor Jenkins presented the request. This is the formal Interlocal agreement with Elkhart County. The contract is for \$11,535 (two payments of \$5,767.50 one on April 1<sup>st</sup> and one on August 1<sup>st</sup>). Mr. Rob LeRoy with the Humane Society noted the relationship with the City of Nappanee began in February of 2021. It has worked well thus far. They have received nearly double the number of animals anticipated. Mayor Jenkins commented that this agreement has received approval from the BOW as well. Councilman Leavitt inquired if the Humane Society was having any capacity issues since it expanded its facilities but has also had almost double the number of animals. Mr. LeRoy responded they have adjusted their procedures to handle the animals. They have not had to euthanize any animals due to space constraints. They expected approximately 46 animals and received 80 plus. Councilman Hollar motioned to approve the agreement for 2022. Councilman Kauffman seconded. The agreement was approved unanimously by roll call vote.
- MACOG Active Transportation Planner MOU: Mayor Jenkins presented the three-year agreement. The previous agreement was for three years as well. This serves St. Joseph, Elkhart, Kosciusko, and Marshall counties. The cost to the city will be \$5,000 per year (total \$15,000) subsequent to appropriation of funds by Council. Councilwoman Rosa motioned to approve the MOU. Councilman Hollar seconded. The MOU was approved unanimously by roll call vote.
- South-Bend Elkhart Regional Partnership 2022-2025: Ms. Regina Emberton gave an overview of the partnership. The cost impact on the city will be \$1,000 per year for three years. Councilman Kauffman asked if this pertained only to St. Joseph and Elkhart counties or if it ranged beyond. Ms. Emberton responded that it extends into Marshall County as well. There are certain situations where the services may extend to Berrien and Cass counties in Michigan

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).



and Kosciusko and Fulton counties in Indiana. Councilman Kauffman motioned to approve the partnership. Councilman Hollar seconded. Funding will be subsequent to appropriation by the Council. The partnership was approved unanimously by roll call vote.

- Gen-y Hitch Corporation Request for Primary Plat Approval of a One-Lot Industrial Subdivision: City Planning Superintendent Nunemaker presented the request. This is the combination of one Jamie Corp parcel and two Irene Corp parcels. The Planning Board voted 4-0 in favor. Councilman Leavitt motioned to approve the request. Councilwoman Veenstra seconded. The request was approved unanimously by roll call vote.
- Water and Wastewater Write-offs: CT Knight presented these outstanding balances for write-off. They are balances remaining from renters that are no longer at the residence or otherwise simply deemed uncollectable. Most balances are two years old or older. These have also been turned over to a collection agency to see if any recovery can be made. These funds constitute less than 1% of the utility balances. Councilman Leavitt motioned to approve the write-offs. Councilman Hollar seconded. Councilman Leavitt asked if this was fairly normal. Mayor Jenkins said yes. The write-offs were approved unanimously by roll call vote.
- Approval of Accounts Payable Vouchers: 2022 APV's Totaling \$988,652: CT Knight commented that \$928,000 of the total was due to three payrolls and a pension payroll. Councilman Kauffman motioned to approve the APV's. Councilwoman Rosa seconded. The APV's were approved unanimously by voice vote.
- Reports of City Officers: There were a couple of reports submitted but no questions were asked. Mayor Jenkins noted the passing of Mr. Jim Stover. He had served on the Board of Zoning Appeals and the Planning Commission. Mayor Jenkins thanked him for his service and noted he will be truly missed.

Adjournment: With no further business to be discussed, Councilman Rosa motioned to adjourn the meeting and Councilman Hollar seconded. The meeting was adjourned at 7:38 pm by unanimous voice vote.

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Phil Jenkins, Mayor

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