



Common Council Meeting – Minutes for March 21, 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:** 4 (3 IP, 1 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. Councilman Leavitt prayed.
- Roll Call: Council members listed above were in attendance.
- Approval of Minutes from March 7, 2022: Councilwoman Rosa motioned to approve the minutes. Councilman Hollar seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens: There were none.
- Reports of Committees, Boards, and Commissions: CT Knight presented both reports listed below. He commented on the strong financial footing of the City at year end. He also reminded the Council that the City intentionally has a deficit budget for 2022 as it intends to utilize cash reserves to pay for significant projects for the city (Wellfield Park, South Park, WaNee Schools water and sewer, etc). CT Knight also reiterated that the City has received the first half of the ARPA funds (just shy of \$760,000) and the remaining half is anticipated to be received in June or July.
 - Clerk-Treasurer Report – December 2021: Councilman Leavitt motioned to approve the CT report for December 2021. Councilman Hollar seconded. The report was approved unanimously by voice vote.
 - Clerk-Treasurer Report – January 2022: Councilman Kauffman motioned to approve the CT report for January 2022. Councilwoman Veenstra seconded. The report was approved unanimously by voice vote.
- Unfinished Business:
 - Resolution 757-22 – Fiscal Plan for Annexation – Cleveland Capital: Mayor Jenkins presented the fiscal plan. This fiscal plan was different due to the fact that it has standing facilities on it versus the normal agricultural land. Thus a slightly different analysis had to be completed. City Attorney Hoffer discussed the “Impact Statement” portion of the fiscal plan. He noted the following impacts over a four-year period:



- Estimated levy increase of \$6,611 (\$5,651 net of circuit breakers)
- Circuit Breakers on the overlapping taxing units of \$273 for Elkhart County, \$9 for Union Township, \$599 for the School and \$121 for the Library.

Because of the nuances of dealing with this particular fiscal plan, this presentation was tabled at the last meeting with the intent of proceeding at this meeting. Thus, Councilman Hollar motioned to accept the fiscal plan as presented. Councilman Leavitt seconded. Councilwoman Rosa was out of the room during the voice vote. The remaining four council members accepted the fiscal plan unanimously by voice vote.

- 3rd Reading of Ordinance 1600 – Annexation – Cleveland Capital: As this was the third reading and the annexation was thoroughly vetted during the first two, Councilman Kauffman motioned to approve Ordinance 1600 on third reading. Councilwoman Veenstra seconded. Councilwoman Rosa was still out of the room at this point in the meeting. Ordinance 1600 – Annexation – Cleveland Capital was approved unanimously on 3rd Reading by roll call vote with the remaining four members. The approved ordinance will be published in the paper to begin the 30-day remonstrance period. At the completion of that time frame, the annexation will be recorded with the county recorder (assuming no negative comments are made causing further action to potentially take place).
- 2nd Reading of Ordinance 1602 – Amending Employee Handbook – Overtime: Mayor Jenkins introduced the ordinance. There were no questions or comments. Councilman Kauffman motioned to approve the ordinance on second reading. Councilman Leavitt seconded. Councilwoman Rosa returned to the meeting. Ordinance 1602 was approved on 2nd Reading unanimously by voice vote.

- New Business:

- First Reading of Ordinance 1603 – Amending Employee Handbook - Insurance: Mayor Jenkins talked about how the City changed health insurance carriers at the beginning of 2022 to the AIM Medical Trust from CIGNA. There were a few updates in the handbook as to when the insurance begins and when the premiums are due. Dental and Vision are paid 100% by each employee. In order to even out the payments the City shifted to 26 pay periods for covering insurance instead of the 24 pay periods it used up until now. The amendments also included that medical, dental, vision, life, and disability are no effective on the employee's date of hire and ends on the employee's date of termination. The previous plan had the

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ending date extending through the end of that month. City Attorney Hoffer noted that this is retroactive to January 1, 2022. Councilwoman Rosa inquired if the City would need to refund any of the prepaid premiums at the time of separation. Mayor Jenkins responded that we previously prepaid but now the payments are in arrears. Mayor Jenkins also noted that an employee has access to the City's insurance via COBRA post termination. Councilman Hollar asked if the City has used the insurance yet. Mayor Jenkins and CT Knight both said yes and then the mayor talked about the seamlessness of the transition. CT Knight stated that the list of physicians for AIM was reviewed and pretty much the same as what had been included on the CIGNA plan. Councilman Hollar motioned to approve Ordinance 1603 on first reading. Councilwoman Veenstra seconded. Ordinance 1603 was approved unanimously on 1st Reading by unanimous voice vote.

After the first reading, Mayor Jenkins requested a suspension of the rules in order for ordinances 1602 and 1603 to move through the approval process at the same time. Councilman Rosa motioned to suspend the rules. Councilman Leavitt seconded. The rules were suspended by unanimous voice vote.

On second reading, Councilwoman Rosa motioned to approve Ordinance 1603. Councilman Hollar seconded. Ordinance 1603 was approved unanimously on 2nd Reading by voice vote.

- Resolution 758-22 – Electronic Meetings: Mayor Jenkins presented the resolution. The COVID health emergency has been lifted. There is a statutory method whereby the various boards of the City may still meet by videoconference. There are various stipulations, of which the public must be able to attend and that all members in attendance must be able to be seen AND heard. There is also a limit on the numbers of meetings you may attend virtually. You must attend at least 50% of the meetings in person. You may attend meetings virtually two meetings in a row, but you must attend the third in person. Also, when a board member attends a meeting virtually, the votes must be taken as roll-call votes. At least 50% of the board members must be in attendance in person. Councilman Leavitt asked if this policy applied to other boards. Mayor Jenkins said yes and that this resolution would be used as the template. Councilwoman Rosa reiterated that, going forward, the council/board members need to let Mayor Jenkins know when they will be attending virtually in order to make sure there would be enough members meeting in person to have a formal meeting. Mayor Jenkins said yes. Councilman Leavitt motioned to approve the resolution. Councilman Kauffman seconded. Resolution 758-22 was approved unanimously by voice vote.



- Baker Tilly Engagement Letter: Mayor Jenkins introduced the engagement letter and discussed the various agreements we had with them in the past. This is a streamlined document that functions more like a retainer. There are still some details to work out. The intent is to present this, let the Council review, and then bring back at the next meeting for approval. Mayor Jenkins requested to table action on this engagement letter until that time. Councilman Kauffman asked if this was something the Council will see annually more along the lines of a calendar basis. Mayor Jenkins said yes. CT Knight said the cost of service (\$6,900/month) is roughly the same as when numerous different annual contracts were signed with them. Councilman Hollar motioned to table the engagement letter. Councilman Leavitt seconded. The engagement letter was tabled by unanimous voice vote.
- Declaratory Resolution 759-22 – Tax Phase-in Gen-Y Hitch: Mayor Jenkins introduced Mr. Jeff Kitson (Redevelopment). Mayor Jenkins also gave a brief overview of the resolution. Mr. Kitson gave an overview of the company. Mayor Jenkins indicated the company will be bringing forty new jobs. Mayor Jenkins also discussed other incentives the company might be able to get. Councilman Hollar asked if the table in the document was similar to what has been submitted in the past. Mr. Kitson said yes. Phase in for Gen-Y will be 7 years and 5 years. All of the documentation contained in the package will be clarified or cleaned-up prior to resubmission at the meeting on the 18th. Councilman Kauffman motioned to table the resolution until April 18th. Councilwoman Rosa seconded. The resolution was tabled unanimously by voice vote until the meeting on April 18th.
- Approval of Accounts Payable Vouchers: 2022 APV's Totaling \$641,154.77: CT Knight said these vouchers contain two payrolls and a \$220,000 street sweeper. CT Knight indicated that several vehicles, owned by the city, are reaching an age where they need to be replaced. Councilman Leavitt asked if the new street sweeper was in the City's possession. CT Knight said yes. A discussion ensued regarding the various vehicles in the various departments that need to be replaced and the lead times for them. Councilman Kauffman motioned to approve the APV's. Councilman Hollar seconded. The APV's were approved unanimously by voice vote.
- Reports of City Officers: Mayor Jenkins discussed whether or not to have a meeting on April 4th or move it to the 11th due to spring break. It was decided to keep the meeting on the 4th and use the electronic meeting process.

Secondly, Mayor Jenkins wished to use the May 2nd meeting as a work session.



Thirdly, the mayor informed the Council that bids have been received for the Oakland Trail project. The bids came in at \$1.2 million. Mayor Jenkins gave a brief overview of the work to be completed. Mayor Jenkins would like input from the Council to see if this is what is in the best interest of the City prior to having the BOW award the contract. Councilwoman Rosa asked what the current spending priorities are. Mayor Jenkins noted Miriam Street, Woodview Dr., other park improvements, fire station, as well as this. CT Knight discussed his willingness to use funds on hand to get projects done. The City has been making progress, but there is a time where the City needs to prioritize its projects but also realize there is a time to take a breath and resupply the cash on hand. Councilwoman Rosa asked if there was a vehicle replacement plan in place. Mayor Jenkins said yes and then walked the Council through the list of funds from which the vehicles could be paid from. Councilman Hollar asked if LOIT can be utilized for the emergency service projects (e.g. fire station). Mayor Jenkins said the City could use LOIT but there are more projects than funds. Councilman Kauffman asked if the Oakland Trail project would be a top priority for the Parks and Rec department. Mayor Jenkins said that it is. Councilman Kauffman asked if the Oakland Trail project could be done in phases. Mayor Jenkins responded that it could be, but that it would be more fully utilized with the new lighting. Councilwoman Rosa asked what the City liability would be if someone were to trip and fall. City Attorney Hoffer talked about the liability the City would have in case of injury along the trail. Mayor Jenkins asked what the Council felt in terms of telling the BOW's to move forward with awarding the contract or asking them to hold off for further discussion at Council. Councilman Hollar said he was indifferent and that he trusted the CT's judgement. CT Knight suggested working up a programmatic presentation and having further discussion at the next meeting in two weeks. Mayor Jenkins concurred. Mayor Jenkins said bids may be able to be held for 60 days so there should not be an issue.

Adjournment: With no further business to be discussed, Councilman Leavitt motioned to adjourn the meeting and Councilman Hollar seconded. The meeting was adjourned at 7:57 pm by unanimous voice vote.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of the Council