



Common Council Meeting – Minutes for April 18, 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:** 15 (10 IP, 4 OL), and one member of the press.

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm. The meeting opened with the Pledge of Allegiance. Clerk-Treasurer Knight prayed.
- Roll Call: Council members listed above were in attendance. Councilwoman Veenstra returned from vacation and arrived during the Baker Tilly Master Services Agreement discussion.
- Approval of Minutes from April 4, 2022: Councilman Leavitt motioned to approve the minutes. Councilman Hollar seconded. The minutes were approved unanimously (4-0) by voice vote.
- Petitions or Comments by Citizens: Mayor Jenkins introduced Mr. Shawn Johnson (3268 Blackstone Way) who submitted a request to speak and then yielded the floor to Mr. Johnson. His request to speak noted he was representing himself and he wished to discuss Vision 2020 and the lack of timely completion of the soccer complex. He discussed the presentations that were made to the school board beginning in 2016 and the impact on the various properties the decisions have had (e.g. Building of Boys and Girls Club where the soccer field was, FCDC moving into the former Boys and Girls Club building, and moving the soccer field out to Wellfield Park). Mr. Johnson commented that the scope phase of project was not presented to Council until 2/1/21 with funding options discussed on 7/19/21. Moving forward with the funding of the project was on 8/2/21. Mr. Johnson said that the project did not get any traction until he met with Mayor Jenkins and CT Knight. He noted that at that time, the school was going to take the funding portion of the complex and move forward. He suggested that the existing facility (at the time) could have been upgraded and that they could have had the potential of holding the sectionals and regionals at that field. Mr. Johnson further noted that a storm came through last season that caused the girls to find shelter on a mini bus instead of having access to Nappanee Elementary School as they would have if the old field had been upgraded. Mr. Johnson stated his belief that the kids have been hurt by this process and that the City made empty promises. Mr. Johnson further stated that for a period of time the kids lost access to a field and that the other entities involved in Vision 2020 received what they wished for by the end of 2020 (Boys and Girls Club building specifically mentioned). Mr. Johnson commented that the City has great leaders in the Nappanee community, but the kids were impacted. He continued by saying the City



dragged its feet in completing the project and is now facing skyrocketing prices and that local contractors are price gouging. He mentioned R. Yoder Construction specifically. Mr. Johnson continued by noting his disappointment with the City for its lack of follow-through and failure to plan and execute the plan. He believes this was avoidable. He said there has been a repetitive display of mismanagement over the years but that he would discuss that at his next visit to the Council. Mr. Johnson continued by commenting on the turnover the City Council has had which may have impacted continuity. Mr. Johnson concluded with a reminder that an election is coming up where there will be an increased focus on visibility and accountability and that the Council should engage community members.

Mayor Jenkins thanked Mr. Johnson for attending the meeting and for his comments. He told Mr. Johnson that he would be happy to sit down with him at any point and discuss this subject with him. The mayor said this was the first he had heard of this and that he was disappointed that it had to be brought up in a public setting. Mayor Jenkins said he would be happy to speak with anybody about the project, about what the City did, and about what support the City had.

Dr. Brian Topping (local dentist) was in attendance and asked if he could set a time with the mayor to discuss the project. Mayor Jenkins said absolutely and offered Dr. Topping the opportunity to speak in the open forum. Dr. Topping pointed out that he is one of the coaches and he does not like to see the girls having to change in front of the coaches or referees. He also noted that the mayor had daughters that had played for the school in the past.

Mayor Jenkins asked if the Council members had any questions or comments. Councilman Leavitt asked if the facilities that were being constructed at this time addressed the issue presented. Mayor Jenkins responded yes, and that completion should be in the next month.

- Reports of Committees, Boards, and Commissions: CT Knight presented the Clerk-Treasurer Reports for the months of February and March. He noted the cash decline during the periods due to continued payments being issued for work on the Wellfield Park and various park restrooms project. CT Knight also noted the shift of \$600,000 from investments to cash in the money market account in order to stay liquid and have access to the funds that were designated for these projects. Councilwoman Rosa motioned to approve both reports. Councilman Kauffman seconded. The reports were approved unanimously (4-0) by voice vote.



- Unfinished Business:

- Baker Tilly – 2022 Engagement Letter of Agreement (Tabled at 3/21 and 4/4 meetings): Mayor Jenkins noted that this was tabled at the last meeting and asked for this to be removed from the table. Councilman Hollar motioned to remove the agreement from the table. Councilwoman Rosa seconded. The agreement was removed from the table by unanimous (4-0) voice vote.

Councilwoman Veenstra arrived in time for Mr. Rowe’s presentation. Mayor Jenkins introduced Mr. Jeff Rowe (Baker Tilly) who presented the agreement to the Council. M. Rowe discussed the various segments of the agreement and noted that this is a shift from having an agreement for each particular program offered the City to a subscription-based approach. The cost will be \$6,900/month which, on an annualized basis, is roughly what the City pays for their services now. Councilman Kauffman inquired if the only real difference between what was presented was the difference in how they were paid for other than being combined into one agreement. Mayor Jenkins responded affirmatively. Councilman Kauffman also asked what the duration of the agreement is. Mayor Jenkins replied that this is an annual agreement (January 1 through December 31). Mayor Jenkins noted that this will go to the BOW’s for their approval as well and that costs will be allocated by department. The agreement was approved unanimously (5-0) by roll call vote

- New Business:

- Declaratory Resolution 759-22 – Gen-Y Hitch Phase-in: Mr. Jeff Kitson (Redevelopment Commission) presented the resolution. The request is for authorization of a 7-year real property and 5-year personal property tax abatement. Mr. Kitson mentioned that Gen-Y expects to bring 52 new employees to the company in the next 3 to 4 years with an average salary of \$66,500. Mr. Dan Miller (Gen-Y) explained the process and type of employee the company will need. It will be more of a hi-tech related job versus hand welding manual labor. The approach will be more automotive in nature. Mr. Kitson informed the Council that the company sells its product on a international basis. Mayor Jenkins walked the Council through the tax abatement application process. This is the first step in the process. Councilman Hollar asked if 7 years was normal for industries that come to Nappanee. Mr. Kitson said there have been 10 years in the past, but this is more common. Councilwoman Rosa asked what the process is in order to be able to stipulate the company has met the requirements of the original contract. Mr. Kitson discussed the CF-1 document that is submitted and the

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process by which these are presented to the Council annually. Councilman Kauffman asked about the timing of receiving the equipment necessary to get up and running. Mr. Miller said that it was being layered in terms of ordering what they need and when they will need it. Councilman Leavitt asked if the current state of the economy had curtailed when the equipment would arrive. Mr. Miller said that they plan for that and just have to wait a little longer. Councilman Hollar motioned to accept the declaratory resolution. Councilman Kauffman seconded. Declaratory Resolution 759-22 – Gen-Y Hitch Phase-in was accepted unanimously (5-0) by roll call vote.

Councilwoman Rosa motioned to allow Mayor Jenkins or CT Knight to set the public hearing and issue the publication. Councilman Leavitt seconded. The motion carried unanimously (5-0) by voice vote.

- Tax Phase in Compliance: Mr. Jeff Kitson presented all of the CF-1's for The Aluminum Trailer Company, Fairmont Homes, Newmar Corporation, Tri-State Crush, and US Rod. The documents are available for review as is the recording of this meeting. The following is a recording of the votes with a bit more detail interjected pertaining to Tri-State Crush:
 - The Aluminum Trailer Company:
 - Personal Property: Councilwoman Rosa motioned to approve. Councilman Leavitt seconded. The request was approved unanimously (5-0) by roll call vote.
 - Real Property: Councilman Kauffman motioned to approve. Councilman Hollar seconded. The request was approved unanimously (5-0) by roll call vote.
 - Fairmont Homes LLC:
 - Personal Property: Councilman Kauffman motioned to approve. Councilman Hollar seconded. The request was approved unanimously (5-0) by roll call vote.
 - Newmar Corporation:
 - Personal Property: Councilwoman Rosa motioned to approve. Councilwoman Veenstra seconded. The request was approved unanimously (5-0) by roll call vote.



- Real Property: Councilman Kauffman motioned to approve. Councilman Leavitt seconded. The request was approved unanimously (5-0) by roll call vote.
- Tri-State Crush, LLC: Mr. Kitson told the Council the City is in year 4 of 7 for both real and personal property with Tri-State. The company did remove the old mill during the past year. A new filtration system has been installed. There are currently 8 employees, instead of 9, with an average \$55,000 salary. With what they have done over the last year, Mr. Kitson found the company in compliance and recommended approval. Councilwoman Rosa asked if all 8 of their employees are working in Nappanee. Mr. Kitson responded yes. Councilman Hollar asked if any of the neighbors were complaining about the smell. Mr. Kitson was unable to answer that question because no one has raised their complaint to him, if there were any. Mayor Jenkins commented that he has not heard any complaints in the last year. The only complaints raised were regarding the rats when the old mill came down. The City stepped in to help offset extermination costs to residents, but no issues have been raised in the last 6 months regarding that issue. That was confirmed by CT Knight. Councilwoman Rosa said that the owner was going to try to recapture the odor via the use of new equipment. She asked Mr. Kitson if the new equipment has been installed. Mr. Kitson replied that he was not aware of whether or not the equipment was able to be obtained. Mr. Kitson did say there was a scent/odor depending on wind direction. Councilwoman Rosa concluded her comments by noting that this issue comes down to being a good neighbor and that it is a challenge. Mr. Kitson answered that it is a challenge when the City did not have a mill operational for many years and then try to bring one back.
 - Personal Property: Councilman Kauffman motioned to approve. Councilman Leavitt seconded. The request was approved 4-1 by roll call vote. Councilwoman Rosa voted no.
 - Real Property: Councilman Leavitt motioned to approve. Councilman Kauffman seconded. The request was approved 4-1 by roll call vote. Councilwoman Rosa voted
- US Rod
 - Personal Property: Councilwoman Rosa motioned to approve. Councilman Leavitt seconded. The request was approved unanimously (5-0) by roll call vote.



- Real Property: Councilman Kauffman motioned to approve. Councilman Hollar seconded. The request was approved unanimously (5-0) by roll call vote.
- First Reading – Ordinance 1604 – Additional Appropriations for Park and Rec and Street Departments: CT Knight presented the request. There is only \$15,000 of new money being requested. By doing these additional appropriations it will prevent a large transfer at year end as it pertains to work done by the Street department via the \$717,988.69 of CCMG money received. Since it is not normally budgeted, due to the inability to determine how much the City will receive, it becomes prudent to ask for the additional appropriation once the money is received thus preventing a large negative balance on the appropriation report. The Park and Rec department auctioned off equipment in the amount of roughly \$27,000 last year. Thus these funds and the additional \$15,000 will go towards the purchase of the new truck and light package obtained earlier this year. Councilman Leavitt asked if there was a need to replace the equipment that was auctioned off. CT Knight said no. Mayor Jenkins said it was declared obsolete. Councilman Kauffman asked if the CCMG funds would be used dollar for dollar and that the City would not run short. Mayor Jenkins responded that we did not know what we would receive but once it was in, the City was able to determine what funds could be used towards the projects. CT Knight said the funds have already been received. Councilman Kauffman motioned to approve Ordinance 1604 on first reading. Councilwoman Veenstra seconded. Ordinance 1604 – Additional Appropriations for the Park and Rec and Street Departments was approved unanimously (5-0) by roll call vote.
- Resolution 760-22 – Forward Purchase Orders from 2021 to 2022: CT Knight presented this request. These were purchase orders opened in 2021 using 2021 budgeted dollars but the items to be purchased were not available or the project was in process but carried over from one year to the next. This is evidenced by the \$823,724.94 of TIF funds carried forward. These are funds allocated for the Wellfield Park improvement project that carried over from 2021 into 2022 and should be wrapped up next month. The same thing happened with Park and Rec where a majority of the funds being rolled forward are for the South Park project. Of the total expense of the South Park project, \$250,000 will be reimbursed to the City. Councilwoman Rosa motioned to approve Resolution 760-22. Councilman Leavitt seconded. The resolution was approved unanimously (5-0) by roll call vote.
- Quarterly EMS Write-offs for 4Q 2021 and 1Q 2022: CT Knight presented the write-offs and described how the increase in pricing has impacted the write-offs. Councilman Leavitt motioned to approve the write-offs. Councilman Kauffman seconded. The 4Q 2021 and 1Q 2022 write-off were approved unanimously (5-0) by roll call vote.



- Capital Project Review: Mayor Jenkins and CT Knight presented an overview of projects currently in progress, where the funding is coming from, and potential projects and where the proposed/possible funding may come from. Included in the presentation was a listing of major fund balances and the portions of the funds available in order to still keep a 50% cash reserve. Councilman Kauffman asked how the list of priorities (sequence) was arrived at. Mayor Jenkins said that some of these were already in progress and others have been worked on for quite a while. Some have a commitment, but they are out a few years. However, if the Council has other priorities, then those can be entertained, and the list can be sequenced how they see fit. Councilwoman Rosa asked if the department heads are consulted about their various capital needs from near term to long term. Mayor Jenkins said yes, and that the City is always trying to improve the model 1 to 2 years out. The number of projects far outweighs the amount of funds available. Councilman Leavitt agreed that the biggest item on the City's priority list is the Fire Station. He asked if there was anything else the Fire Department would need (e.g. trucks and equipment) that would need to be considered. Mayor Jenkins talked about the potential needs. Two fire trucks can be replaced by one new one. Councilman Hollar asked if Public Safety LOIT funds can be used for that project. Mayor Jenkins said yes and that we are trying to let the funds grow. Mayor Jenkins and CT Knight both noted that the City has no debt in its General Fund. This exercise was to give the Council insight as to where the City currently stands from a financial standpoint as well as make the case for moving forward with the Oakland Trail project. Councilwoman Rosa mentioned how dangerous Oakland Trail currently is because of the damage the tree roots have done to the path. Councilwoman Rosa motioned to approve moving forward with the Oakland Trail project. Councilman Leavitt seconded. Proceeding with the Oakland Trail project was approved unanimously (5-0) by roll call vote.
- Approval of Accounts Payable Vouchers: 2022 APV's Totaling \$442,041.10: Because the APVs had inadvertently not been posted to the Google Drive for the Council Members to review, a short recess was called in order for CT Knight to upload them to the system. Councilman Leavitt made the motion to recess. Councilman Hollar seconded. The recess was approved unanimously (5-0) by voice vote. Councilman Hollar motioned to reconvene the meeting. Councilman Leavitt seconded. The meeting was reconvened unanimously (5-0) by voice vote. Once the meeting reconvened, CT Knight noted that most of the expenses on the APVs were payroll related. He also noted the benefit of using the credit cards to make purchases. Councilman Kauffman asked about the Central School roof replacement. Mayor Jenkins noted that it needed to be repaired and thus it appears on this list. Councilman Hollar asked if the CT department has the detail of the credit card purchases. CT Knight said yes. Councilwoman Rosa asked if these are dual controlled purchases. CT Knight said yes.



Councilman Hollar motioned to approve the APV's. Councilwoman Rosa seconded. The APV's were approved unanimously (5-0) by roll call vote.

- Reports of City Officers: Utility Superintendent Gerber informed the Council that Indiana Earth will be remobilizing and beginning the repair work left over from last year. They should be in the City tomorrow, weather permitting. Mr. Kitson commented that Scooters Coffee opened for business this morning. Traffic was an issue, but they will work to resolve it.

Adjournment: With no further business to be discussed, Councilman Hollar motioned to adjourn the meeting and Councilman Leavitt seconded. The meeting was adjourned at 8:34 pm by unanimous voice vote.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of the Council