



## ***Common Council Meeting – Minutes for May 16, 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 (7 IP, 1 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 and prayer.
- Roll Call: Council members listed above were in attendance.
- Approval of Minutes from May 2, 2022: Councilwoman Rosa motioned to approve the minutes. Councilman Hollar seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens: Mrs. Judy Spicher (351 S. Locke St). Mrs. Spicher reiterated the continued health difficulties her family deals with regarding the dust and noise from the Tri-State Crush mill. Specifically mentioned were the breathing issues. She commented that this impacts her neighbors as well and that they cannot open their windows because of the dust. Mayor Jenkins asked what Mrs. Spicher would like to see the owners of the mill do. Mayor Jenkins went to Tri-State last week and spoke with both Travis and Adam and they continue to work to improve the operations of the mill. Mrs. Spicher stated that other neighbors are moving, but her family cannot afford to move. As it pertains to the noise, Mayor Jenkins commented that once the mill has been notified of an increased noise level, they have tried to fix it within a matter of hours. CT Knight asked a second time what Mrs. Spicher would like to have done. Mrs. Spicher asked what it was that the mill was supposed to work on. Mayor Jenkins responded the noise, smell, and dust. Additionally, the owners were asked to take the old mill down. Mrs. Spicher then commented that when the mill was taken down, it caused a rat issue. Mayor Jenkins discussed the changes that the company has made and the improvements they have made. There have been several complaints filed with the Indiana Department of Environmental Management. Each time there is an investigation, the report comes back showing no violations. Mayor Jenkins said Tri-State will continue to make improvements. Mrs. Spicher noted that all of her family now has sinus issues when they did not used to. Mayor Jenkins asked if her doctor would be willing to go on record stating that the dust from the mill was the cause. Mrs. Spicher said yes. CT Knight asked once again what was the end result that the Spichers wish to have happen. Mrs. Spicher said she did not know. Mayor Jenkins asked if she wanted the mill shut down. There was no answer. Mrs. Spicher then suggested that because their house was on the south side of the tracks that they did not matter. Mayor Jenkins disagreed with her



comment. Councilwoman Rosa asked what recourse the City has in situations like this. She did not believe the Council, nor the City, has much recourse. City Attorney Hoffer commented if the company was not found to be in violation with IDEM and the statutes of the City were not violated, then there really was no recourse. He thought the mayor was trying to be sensitive to the conditions for all of the neighbors and doing his best to work with them. Mayor Jenkins noted that in his conversation with Adam, the ground had been too saturated to get equipment in to put any additional trees in as a barrier. He will follow-up with Adam. CT Knight commented that Mrs. Spicher's frustrations have not fallen on deaf ears and the Council is not unsympathetic to her concerns. The attempt is to try and find solutions for her family and nearby homeowners as well as for the mill. Mayor Jenkins said that her family does matter, and that the City will continue to work to find a solution.

- Reports of Committees, Boards, and Commissions:

- Clerk-Treasurer's Report for April 2022: CT Knight gave an update on the financial condition of the City. He pointed out that various major funds are ahead of where they were a year ago. The City has roughly \$17 million in the bank with additional funds held in investments. Councilman Kauffman commented on the increased interest rate environment now due to inflation and thought that the CD's that mature in the near future should have much improved interest rates. Councilman Kauffman asked if the City had a good pool of banks from which to choose when the investments mature. CT Knight agreed and noted that by using Baker Tilly's investment services, the City has a much broader pool of banks from which to choose in order to get the best return on its invested dollars. Councilman Kauffman motioned to approve the CT Report. Councilman Leavitt seconded. The CT Report was approved unanimously by voice vote.

- Unfinished Business:

- Public Hearing for Ordinance 1604 – Appropriations for Park and Rec and Street Department: Mayor Jenkins noted that there was proof of publication for the public hearing to take place. He opened the public hearing at 7:24 pm. No one asked any questions or made any comments. The public hearing was closed at 7:25 pm.
- 3rd Reading of Ordinance 1604 – Additional Appropriations for Park and Rec and Street Departments: Councilwoman Rosa motioned to approve Ordinance 1604 on third reading. Councilman Hollar seconded. Ordinance 1604 was approved unanimously on third reading by roll call vote.



- Public Hearing for GEN-Y Hitch Tax Phase-in: Mayor Jenkins noted that there was proof of publication for the public hearing to take place. He opened the public hearing at 7:26 pm. No one asked any questions or made any comments. The public hearing was closed at 7:26 pm.
- Confirmatory Resolution 761-22 – Gen-Y Hitch Tax Phase-in: Mayor Jenkins introduced the resolution and noted that a change needed to be made as he inadvertently attached the incorrect Declaratory Resolution. The correct one should be Declaratory Resolution 759-22. Also noted, was the proof of publication will be added to the package as well. City Attorney Hoffer explained the differences between the declaratory resolution and a confirmatory resolution. Councilwoman Rosa motioned to approve Confirmatory Resolution 761-22 with the corrections and additions noted. Councilman Hollar seconded. Confirmatory Resolution 761-22 was approved unanimously by roll call vote.
- New Business:
  - Authorize Mayor to sign INDOT agreement for Woodview Drive: Mayor Jenkins presented the request. Woodview Drive has been a project in the works for four years. The process has gone through the preliminary design phase, right-of-way acquisition, and now the City is moving into construction. The form presented is a DocuSign form. The previous phases have been presented and approved by Council. Attachment A deals with the construction phase. The schedule is to send this out for bids in December of this year and hopefully construction will begin in the spring of 2023. This project is an 80% match with a maximum amount of federal funds allocated to the project of \$3,892,000. This amount is elevated from the original estimate due to the current economic situation. The increase is approximately \$965,000. Councilman Kauffman asked how the \$3.892 million cost was derived. Mayor Jenkins responded that First Group Engineering has monthly or quarterly update meetings with INDOT. The prices have been updated as the meetings go along. Councilman Kauffman motioned to authorize Mayor Jenkins to sign the INDOT agreement for Woodview Drive. Councilwoman Veenstra seconded. Authorization was approved unanimously by voice vote.
  - Temporary Plant Stand 1156 E. Market Street: Planning Superintendent Nunemaker presented the request. The location where the plant stand is now is zoned B2 (business). The request from the Tobias' is to operate the temporary plant stand from May 1, 2022, through November 1, 2022, with tear down by November 15, 2022 (per Mayor Jenkins). Mr. Tobias indicated they are trying to purchase the property. A map showing the layout of the plant stand and parking was provided. A discussion about the zoning ordinance and where this

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type of business falls ensued. The closest classification is “roadside sales”. Councilwoman Rosa asked if there would be signage indicating “no parking” along the frontage of the property (US 6). Mr. Tobias responded they are putting their plants as close to the road as possible without encroaching on where they are not supposed to be in order to prevent people wanting to park along that section of roadway. Councilman Hollar did not think there had been an issue and noted how busy they have been. Councilman Kauffman asked about the timing of the request because it is nearing June. Mr. Tobias response was that there was some confusion about the request as they were looking at purchasing the property and were uncertain what the appropriate steps were. They have been in contact with Superintendent Nunemaker. Councilman Hollar motioned to approve the temporary plant stand from May 1<sup>st</sup> through November 15<sup>th</sup>, 2022. Councilman Leavitt seconded. The request was approved unanimously by voice vote.

- Approval of Accounts Payable Vouchers: 2022 APV’s Totaling \$342,724.61: CT Knight presented the APV’s. Included in the vouchers is one payroll, salt purchases for the Street Department, and the purchase of a lawn mower for the Fire Department. Councilman Kauffman motioned to approve the APV’s as presented. Councilman Hollar seconded. The APV’s were approved unanimously by voice vote.
- Reports of City Officers: Digital reports were submitted by the Fire, Police, and Street Departments. There were no questions.

Adjournment: With no further business to be discussed, Councilwoman Rosa motioned to adjourn the meeting and Councilman Leavitt seconded. The meeting was adjourned at 7:47 pm by unanimous voice vote.

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Phil Jenkins, Mayor

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