



Common Council Meeting – Minutes for May 20, 2024

Council Members in Attendance: Ben Leavitt, Austin Yoder, Amy Rosa, Dustin Geyer, Kelbi Veenstra

Also Present: Mayor Phil Jenkins **City Attorney** Brian Hoffer, **Clerk-Treasurer** Jeff Knight **Guests:** 9 (8 IP; 1 OL), and two members of the press (IP) were in attendance.

- Call to Order: Mayor Jenkins called the meeting to order at 7:01 pm and led the Council in the Pledge of Allegiance. CM Veenstra offered the opening prayer.
- Roll Call: Council members listed above were in attendance in person.
- Approval of Minutes from the May 6, 2024, Council meeting: CM Rosa motioned to approve the minutes. CM Leavitt seconded. The minutes were approved unanimously by voice vote.
- There were no petitions or comments by citizens and no unfinished business.
- Reports of Commissions, Boards, or Commissions:
 - CT Knight presented the Clerk-Treasurer’s Report for month-end April 2024. There was no substantial change from the prior month in terms of balances. He noted that there will be a supplemental income tax distribution made to the City before the end of May in an amount just under \$800,000. CM Geyer asked what the cause of the supplemental distribution was. Mayor Jenkins responded that the amounts distributed to municipalities is an estimate and these supplemental funds are paid out after there is certainty of what the collection amounts really were. CM Leavitt motioned to approve the CT Report for April 2024 month-end. CM Yoder seconded. The CT Report was approved unanimously by voice vote.
 - Quilt Garden – Elkhart County Convention and Visitor’s Bureau: Mayor Jenkins introduced Mr. Terry Mark (Director of Communications and Public Relations) with the ECCVB. Mr. Mark gave an update as to how things are going with the ECCVB and the quilt gardens. He thanked the Council and City for their support of the quilt gardens and Ms. Sandy Witt (Nappanee EMS) for her work on the quilt gardens. CM Leavitt asked when the new economic impact study would be completed. The last report showed tourism accounted for \$700 million in revenue to Elkhart County. The new data should be received later this summer with results to be released at a future date once the data has been confirmed.
 - Proclamation – EMS Week: On behalf of EMS Week. Mayor Jenkins read a proclamation and thanked the EMS for their service to the City.
- Unfinished Business
 - Third Reading of Ordinance 1628 – Establishing a Redevelopment Authority: Mayor Jenkins reminded the Council that the first and second readings of this Ordinance took place back in December 2023. However, at that time, the City was unable to determine which financing approach it would utilize for the fire station. By establishing this Authority, this will allow the City to pursue financing the station via Lease/Rental Bond financing. This process is established by Indiana code and allows the Redevelopment Authority to operate as a separate body to finance or lease local improvements for the Redevelopment Commission. The three members of the RDA will be mayoral appointees. The intent is to have one member from the Council, one from the BOWs, and one from the RDC. CM Rosa motioned to approve Ordinance 1628 on third reading along with approving the mayor to make the three appointments. CM Geyer seconded. Ordinance 1628 was approved unanimously by roll call vote.



- Second Reading of Ordinance 1629 – 2024 Building Permit Fees: Mayor Jenkins reintroduced the ordinance. CM Geyer asked when these fees would go into effect if the ordinance is approved. Mayor Jenkins said immediately upon approval and publication. This usually means about 30 days from publication. The Council meeting scheduled for June 3rd will have the final reading of the ordinance and, if approved at that meeting, the fees would go into effect somewhere around the first of July. CM Leavitt motioned to approve Ordinance 1629 on second reading. CM Veenstra seconded. The Ordinance was approved unanimously by voice vote on second reading.
- Second Reading of Ordinance 1630 – Taxable Economic Development Note: Mayor Jenkins reintroduced the Ordinance. CM Rosa asked what would happen if the developer used all of their funds and all of the loan funds but was unable to complete the project due to circumstances such as COVID or another unforeseen circumstance. City Attorney Hoffer commented that the developer would have to hold onto the property for five years and there was also no requirement that the full amount of the loan would need to be issued. Mayor Jenkins interjected that he did not see any language in the document directly pertaining to CM Rosa’s question. City Attorney Hoffer and Mayor Jenkins both believe there is default language in the documentation between the developer and City. Ms. Heather James (Bond Attorney with Ice Miller) commented that there is no language requiring the completion of the project. However, there is language stipulating the developer expend their funds first for their portion of the project prior to the City disbursing any of the loan funds. City Attorney Hoffer also noted that the loan is not forgiven until the property owner reaches their five-year ownership requirement. Ms. James said that while the agreement is in substantially final form, there is still time to make adjustments if necessary. CM Yoder motioned to approve Ordinance 1630 as presented. CM Rosa seconded. Ordinance 1630 was approved unanimously by voice vote on second reading.
- Suspend the Rules to Allow Third Reading of Ordinance 1630: CM Rosa motioned to suspend the rules to allow the third reading of Ordinance 1630. CM Veenstra seconded. Suspension of the rules to allow the third reading was approved unanimously by roll call vote.
- Third Reading of Ordinance 1630 – Taxable Economic Development Note: CM Veenstra motioned to approve Ordinance 1630 on third reading. CM Yoder seconded. Ordinance 1630 – Taxable Economic Development Note was approved unanimously by roll call vote.
- New Business
 - Resolution 779=24 – Hoosier Start Program and Adoption Agreement: Mayor Jenkins presented the resolution for the deferred compensation program that is completely optional for employees to use. CT Knight indicated that the terms and conditions regarding the use of this program are beneficial for the municipal employees. CM Leavitt wanted to make sure the City was not part of any administration of the program. Mayor Jenkins confirmed the City is not. CM Leavitt motioned to approve Resolution 779-24 – Hoosier Start Program and Adoption Agreement. CM Yoder seconded. Resolution 779-24 was approved unanimously by voice vote.
 - GenY Hitch CF-1: Director of Development Collins presented the personal property and real property CF-1s for Council approval and another year of tax abatement. The company far surpassed real property improvements. Estimated improvements were \$600,000. Actual improvements were \$6MM. They fell short of the new jobs created. They estimated 52 but



only had 12. Director Collins will follow up with the company regarding this issue. However, for both personal property and real property they are in compliance on an overall basis. CM Geyer asked when this snapshot was taken. Director Collins said May 8th. CM Geyer asked if all of the numbers provided pertained to their new location. Director Collins said the only numbers that pertained to the old location were the number of employees that were retained, and wages related to them. CM Leavitt noted his concern regarding the company getting behind on their hiring of employees. All of the other numbers looked good though. Director Collins noted that this is the first year that the company has filled out the form. He will also keep an eye on the hiring numbers and have the conversation with the company to see what is going on. Mayor Jenkins commented he would like to have the first CF-1s reviewed in order to see if the 52 employees was estimated to be hired in the first year or over the course of two or three years. Mayor Jenkins also pointed out the that definition of substantial compliance can be vague but the Council can decide what they feel meets the definition of substantial compliance. CM Leavitt commented that the improvements the company has invested in have been impressive.

- Personal Property: CM Leavitt motioned to approve the CF-1 for personal property. CM Yoder seconded. The GenY Hitch CF-1 for personal property was approved unanimously by voice vote.
 - Real Property: CM Leavitt motioned to approve the CF-1 for real property. CM Rosa seconded. The GenY Hitch CF-1 for personal property was approved unanimously by voice vote.
 - Approval of Accounts Payable Vouchers: City 2024 APV's Totaling \$401,008.86: CT Knight presented the APV's for approval. He walked the Council through the AP register, pointing out the significant expenditures other than payroll. Those expenditures were primarily consultant/engineering expenses related to the various projects now in progress. CM Rosa motioned to approve the APV's. CM Veenstra seconded. The APV's were approved unanimously by voice vote.
 - Reports by City Officers:
 - Fire Department: The Fire Department submitted their report for review.
 - Mayor Jenkins asked for the Council's approval to seek appraisals on Miriam Dr. and Woodview Dr. to, potentially, use those pieces of real estate as collateral for the Lease/Rental Bond that will be used to finance the fire station. CT Knight CM Rosa motioned to approve pursuing the appraisals on the two roadways. CM Yoder seconded. The request was approved unanimously by voice vote.
- Mayor Jenkins concluded the meeting with a brief discussion of the financing plan for the fire station.
- Adjournment: With no further business to discuss, CM Leavitt motioned to adjourn the meeting and CM Yoder seconded. The meeting was adjourned at 7:57 pm by unanimous voice vote.

Mayor Jenkins

Attest: _____
Jeff Knight, Clerk of the Council