



Common Council Meeting – Minutes for May 1, 2023

Council Members in Attendance: Ben Leavitt, Dana Hollar, Amy Rosa, Dustin Geyer, Kelbi Veenstra

Also Present: Mayor: Phil Jenkins, **City Attorney:** Brian Hoffer, **Clerk-Treasurer** Jeff Knight, **Guests:** 9 (9 IP) and 1 member of the press (IP).

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm and led the Council in the Pledge of Allegiance and an opening prayer.
- Roll Call: All council members listed above were in attendance in person.
- Approval of Minutes from the April 17, 2023, Council meeting: Councilman Geyer motioned to approve the minutes. Councilman Leavitt seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens:
 - Proclamation – Mental Health Awareness Month: Mayor Jenkins read the proclamation and thanked members from the Mental Health Task Force for being in attendance. The catch phrase for the State is “look around and look within”. Ms. Mandy Gerber (member of the Task Force) thanked the Mayor.
 - Proclamation – Poppy Days: Mayor Jenkins read the proclamation and thanked the American Legion Auxiliary #154 representatives that were in attendance. A member of the Auxiliary presented Mayor Jenkins with a poppy. The representatives talked about how the proceeds of the poppy sale will be used.
- Reports of Committees, Boards, or Commissions:
 - Clerk-Treasurer Reports for February 28, 2023, and March 31, 2023: CT Knight presented the CT Reports. CT Knight talked about how the timing of receipts and disbursement impacted February in a positive manner. March expenditures were higher due to there being three payrolls in the month. He continued to talk about the City’s ability to pay for projects using cash in the current interest rate environment. Also mentioned were the increased interest rates on investments. Councilwoman Veenstra motioned to approve the CT Reports for February and March. Councilman Hollar seconded. The reports were approved unanimously by voice vote.
- Unfinished Business:
 - 2nd Reading – Ordinance 1620 – Amending Ordinance 845 – Parks: Mayor Jenkins presented the ordinance and talked about the language update included as well as noting that this ordinance allows the Park Board to determine when alcohol will be allowed in the parks. Ordinance 1620 amends section 12 of Ordinance 845. Included in this amended ordinance is the ability to assess fines up to \$2,500 if there is a violation. Parks Superintendent Davis commented on the work that has been put into creating an application and making sure they have the correct forms for potential use once the new policy and procedures are put in place. Councilman Geyer asked if someone wanted to rent the golf course if the City would need to take out an insurance policy to cover such an event. City Attorney Hoffer noted that the City already has a hefty liability insurance policy. The Park Board will require those renting the park facility to provide an insurance policy of \$1 million in which the City is listed as additionally insured. Councilman Leavitt commented that there may be a couple of minor things the City will need to do from an insurance standpoint depending on establishing alcohol sales at the golf course. Councilman



Geyer asked if security would be provided for the events by the Nappanee Police Department. Police Chief Rulli said that has yet to be determined. Nothing in the ordinance stipulates that the Nappanee Police Department needs to be the entity providing security, just that security needs to be provided. Councilwoman Veenstra asked who would be responsible for paying the police officers used for security. Mayor Jenkins replied that whoever was putting on the event would pay for the officers. CT Knight asked a question about how an injury at one of these events could impact the City even though the required insurance was purchased by the sponsor of the event. Both Attorney Hoffer and Councilman Leavitt said that the City would be included in the limits of the policy required and that the City has substantial liability insurance in addition to that policy if necessary. Councilman Leavitt motioned to approve Ordinance 1620 on second reading. Councilman Hollar seconded. Ordinance 1620 – Amending Ordinance 845 was approved unanimously by roll call vote on second reading. Third reading will take place on May 15th.

- 2nd Reading – Ordinance 1621 – Shepard Land Investments – Rezoning of 1755 E. Market St.: Mayor Jenkins presented the ordinance in. Councilwoman Rosa motioned to approve Ordinance 1621 on second reading. Councilman Leavitt seconded. Ordinance 1621 – Shepard Land Investments – Rezoning of 1755 E. Market St. was approved unanimously by roll call vote on second reading. Third reading will take place on May 15th.

- New Business: There was no new business.
- Approval of Accounts Payable Vouchers - 2023 APV's Totaling \$770,833.53: CT Knight presented the APV's for approval. They include two payrolls (approximately \$600,000), waste removal (monthly payment of \$35,000), 14 trees removed (\$7,500), and the animal shelter (monthly payment of \$5,700). Councilman Leavitt asked how much remained of the Oakland Trail project. Mayor Jenkins said that primarily landscaping remains, and Mayor Jenkins and CT Knight suggested that about all that is left is retainage. Councilman Leavitt motioned to approve the APV's. Councilman Geyer seconded. The APV's were approved unanimously by voice vote.
- Reports by City Officers: Mayor Jenkins gave a brief Fire Station update.
- Adjournment: With no further business to be discussed, Councilwoman Veenstra motioned to adjourn the meeting and Councilman Hollar seconded. The meeting was adjourned at 7:39 pm by unanimous voice vote.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of the Council