



## ***Common Council Meeting – Minutes for May 15, 2023***

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

**Also Present: Mayor:** Phil Jenkins, **City Attorney:** Brian Hoffer, **Clerk-Treasurer** Jeff Knight, **Guests:** 4 (4 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. Councilman Leavitt offered an opening prayer.
- Roll Call: All council members listed above were in attendance in person.
- Approval of Minutes from the May 1, 2023, Council meeting: Councilman Geyer motioned to approve the minutes. Councilwoman Veenstra seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens: There were none.
- Reports of Committees, Boards, or Commissions:
  - Clerk-Treasurer Reports for April 30, 2023: CT Knight presented the CT Report. The focus of his comments was on the \$1.5 million that was sent to INDOT during the month as the City's portion of the Woodview Drive project. Mayor Jenkins added that in late June the City will receive its first disbursement of property tax funds from the State. Councilman Leavitt motioned to approve the April CT Report as presented. Councilwoman Rosa seconded. The report was approved unanimously by voice vote.
- Unfinished Business:
  - 3rd Reading – Ordinance 1620 – Amending Ordinance 845 – Parks: Mayor Jenkins presented the ordinance. Park Superintendent Davis submitted a draft version of the West Park Pavilion Rental Agreement if alcohol will be present. The final document may be used as an online document or downloadable as a paper copy. The intent is to utilize the alcohol policy as a living document to account for unforeseen circumstances. Superintendent Davis noted that if the Park Board grants approval for rental of a facility/park, then all of the documentation required must be received prior to the event taking place. If all of the documentation is not received, then the event will not be allowed to proceed. Councilman Geyer asked Councilman Leavitt if the City's insurance was sufficient. Councilman Leavitt said yes. He commented that a couple of tweaks will be necessary when the City begins to sell alcohol at the golf course. Councilman Geyer noted his concern that if an injury took place that it was inevitable that the City would be named in a lawsuit. Mayor Jenkins stated that the renter will need to sign a waiver of liability as part of the agreement. City Attorney Hoffer drew the distinction between the City letting someone use their facilities (who will provide their own alcohol) and the City actually selling alcohol. He went on to say the City had a significant amount of insurance above and beyond what is required of those renting the City's facilities. Councilman Leavitt motioned to approve Ordinance 1620 on third Reading. Councilwoman Veenstra seconded. Ordinance 1620 was approved unanimously (4-0) by roll call vote on third reading.
  - 3rd Reading – Ordinance 1621 – Shepard Land Investments – Rezoning of 1755 E. Market St.: Mayor Jenkins presented the ordinance. Councilwoman Geyer motioned to approve Ordinance 1621 on third reading. Councilwoman Rosa seconded. Ordinance 1621 – Shepard Land Investments – Rezoning of 1755 E. Market St. was approved unanimously (4-0) by roll call vote on third reading.



- **New Business:**
  - **Approve Interlocal Agreement with Goshen for Level II Charging Stations:** Mayor Jenkins presented the request. The agreement is between the City of Nappanee and the City of Goshen and will allow the City of Nappanee to install two level two electric vehicle charging stations. The funding is through a grant from INDOT that was obtained by the Michiana Area Council of Governments on behalf of the Cities of Nappanee and Goshen. The locations of the stations will be the SW corner of the pavilion and the parking lot north of Walnut Street north of the Library. 80% (\$38,320) of this grant is from INDOT and 20% (\$9,580) is from a local company who wishes to remain anonymous. There will be no cost to the City. INDOT's fiscal year runs from July 1 through June 30. The planning of this will take place in their fiscal year 2025 with implementation taking place in fiscal year 2026. The term of this agreement is four years. This agreement has been approved by the Goshen Board of Public Works and Safety and their Council. Councilman Geyer asked if the \$47,900 total cost of this project for Nappanee is for one or both charging stations. Mayor Jenkins said both. The difficult part of this will be getting power to the parking lot by the library. However, there is a transformer on the north side of that lot. The City is not providing free electricity to those who use the stations. Payment will be application based where the user pays for the electricity. The cost of charging can be increased the longer a person uses the charging station. Councilwoman Rosa inquired about maintenance and upkeep. Mayor Jenkins replied that those would be the City's responsibility. Councilman Geyer asked if the pricing would take into account the potential maintenance and upkeep costs. Mayor Jenkins said that would be built into the fees charged for use of the stations. Councilman Leavitt asked if the City of Goshen would share their experiences with the City of Nappanee. Mayor Jenkins commented on what Goshen has shared already. Councilman Leavitt motioned to approve the agreement. Councilman Geyer seconded. The agreement was approved unanimously (4-0) by roll call vote.
- **Approval of Accounts Payable Vouchers - 2023 APV's Totaling \$1,945,438.06:** CT Knight pointed out that this contains one regular payroll, a pension payroll, and an Oakland Trail pay app. However, the largest part of this was the nearly \$1.5 million issued to INDOT for the Woodview Drive project. CT Knight also updated the Council by telling them there was \$208,000 remaining to be paid to R. Yoder Construction on the Oakland Trail project. Half of that is retainage. Mayor Jenkins noted that the \$1.5 million sent to INDOT was the City's 20% match. A preconstruction meeting was held on May 8<sup>th</sup>. All of the organizational and timeline details are being worked out. NIPSCO is still working on their gas line relocation. Councilwoman Rosa motioned to approve the APV's. Councilman Geyer seconded. The APV's were approved unanimously by voice vote.
- **Reports by City Officers:** Fire Chief Lehman said there will be a Memorial Day Breakfast for City employees, families, and staff. Mayor Jenkins also commented on the parade that will be held that day at 10:30.
- **Adjournment:** With no further business to be discussed, Councilwoman Rosa motioned to adjourn the meeting and Councilwoman Veenstra seconded. The meeting was adjourned at 7:28 pm by unanimous voice vote.

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Phil Jenkins, Mayor

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