

Common Council Meeting – Monday, September 12, 2011 – Held at Ligonier City Hall – 7:00 pm – Audio Available

Pledge of Allegiance to the Flag

Call to order Public Hearing for Precision Tank Waiver by Mayor Fisel

Precision exceeded estimates for the investment in machinery and equipment provided in the August 2009 Statement of Benefits form and is asking for a waiver for non compliance from City Council. As there were no comments from the public, the hearing was closed by Mayor Fisel.

Call to order Public Hearing for Additional Appropriations for 2011 by Mayor Fisel

The following additional appropriations are requested:

CEDIT	\$186,000
Debt Service	\$13,709
General (Employee Insurance)	\$126,000
General (Sanitation)	<u>\$22,000</u>
TOTAL	\$347,709

As there were no comments from the public, the hearing was closed by Mayor Fisel

Call to order Public Hearing for 2012 Budget by Mayor Fisel

The proposed budget is as follows:

Rainy Day	\$20,000
General	\$1,738,016
Debt Service	\$232,606
Community Bldg (Rec Center)	\$144,900
Local Road & Street	\$20,000
Motor Vehicle Highway	\$397,735
Cum Fire Special	\$32,825
Park & Recreation	\$124,700
Cum Capital Development	\$100,000
CEDIT	<u>\$117,000</u>
TOTAL	\$2,927,782

As there were no comments from the public, the hearing was closed by Mayor Fisel.

Call to order Common Council Meeting by Mayor Fisel

Roll Call

Present: Council President Ken Schuman, Council members John Pettit, Gary Bishop, and John Lutton

Also Present: Mayor Patty Fisel, City Attorney Steve Hagen, and Clerk Treasurer Barb Hawn

Absent: Council member Karen Richendollar

Minutes from previous meeting of August 22, 2011

Motion to approve by: John Lutton Seconded by: Ken Schuman Vote: All Ayes

Citizens Comments

Name & Address: Chris Fought, 506 Main Street

Comment: Asked if there is an attendance policy for council members. Mayor Fisel replied that there is no policy but with absenteeism, passing ordinances can be difficult,

Unfinished Business – None

New Business

1. Resolution 0912-2011 – Precision Tank Waiver
Brent and Dolph were present from Precision Tank. They spent more on equipment than planned and are up to 15 employees. They are asking for a noncompliance waiver.

***Motion to approve resolution 0912-2011 – waiver for noncompliance for Precision Tank by: Ken Schuman
Seconded by: Gary Bishop Vote: All Ayes***

2. Resolution 0912A-2011 – Tax Abatement for Creative Woods
Randy Cooper was present. Creative Woods is asking for tax abatement on equipment totaling \$300,000. Finding of facts were conducted by Attorney Steve Hagen.

Motion to approve resolution 0912A-2011 – tax abatement for Creative Woods for 10 years for machinery valued at \$300,000 and accept the findings by: Gary Bishop Seconded by: John Pettit Vote: All Ayes

3. Ordinance 796-2011 – Additional Appropriations for 2011
Request for the following additional appropriations was presented in Ordinance 796-2011

CEDIT	\$186,000
Debt Service	\$13,709
General (Employee Insurance)	\$126,000
General (Sanitation)	<u>\$22,000</u>
TOTAL	\$347,709

***Motion to approve Ordinance 796-2011 on the first reading by: Gary Bishop
Seconded by: John Lutton Vote: All Ayes***

***Motion to suspend the rules and approve Ordinance 796-2011 on the second reading by: Gary Bishop
Seconded by: John Lutton Vote: All Ayes***

Motion to further suspend the rules and approve Ordinance 796-2011 on the third and final reading by: Gary Bishop Seconded by: John Lutton Vote: All Ayes

4. 2012 Budget
The budget was discussed with no action taken. The 2012 Budget is set to be adopted at the 9-26-2011 meeting.
5. Ordinance 798-2011 – Adopting Codification Supplement
The City's Code of Ordinance was updated recently by American Legal. It now comes before Council to adopt the supplement.

***Motion to approve Ordinance 798-2011 on the first reading by: John Lutton
Seconded by: Ken Schuman Vote: All Ayes***

***Motion to suspend the rules and approve Ordinance 798-2011 on the second reading by: John Lutton
Seconded by: Ken Schuman Vote: All Ayes***

Motion to further suspend the rules and approve Ordinance 798-2011 on the third and final reading by: John Lutton Seconded by: Ken Schuman Vote: All Ayes

6. Ordinance 799-2011 – Parking at Police Dept.
Ordinance 799-2011 would restrict parking in six spaces each on the north and south side of the police department for a period of two hours.

Motion to approve Ordinance 799-2011 on the first reading by: John Lutton

Seconded by: Gary Bishop

Vote: All Ayes

Motion to suspend the rules and approve Ordinance 799-2011 on the second reading by: John Lutton

Seconded by: Gary Bishop

Vote: All Ayes

Motion to further suspend the rules and approve Ordinance 799-2011 on the third and final reading by: John Lutton

Seconded by: Gary Bishop

Vote: All Ayes

7. Ordinance 797-2011 – Police and Fire Wage Worker’s Compensation

Police Chief Bryan Shearer recapped the history of the request for wage compensation in the event of injury to police or fire fighters. Statute would have these public safety officers borrow from their 1977 Pension Fund to cover wage compensation as a result of on the job injury. This would require an office to wait up to 5 – 8 months for the compensation. The state does now allow supplemental coverage. After gathering information from other local cities, ordinance 797-2011 is being proposed. This will cover police or fire fighters with 100% of wages for up to one year should they be injured on the job. Discussion ensued regarding the possibility of a catastrophic policy which might limit the City’s exposure due to a multiple incident. Although the City will look into this coverage, it was determined that we should wait no longer in passing the ordinance.

Motion to approve Ordinance 797-2011 on the first reading by: Gary Bishop

Seconded by: John Lutton

Vote: All Ayes

Motion to suspend the rules and approve Ordinance 797-2011 on the second reading by: Gary Bishop

Seconded by: John Lutton

Vote: All Ayes

Motion to further suspend the rules and approve Ordinance 797-2011 on the third and final reading by: Gary Bishop

Seconded by: John Lutton

Vote: All Ayes

8. Hoosier Start – Amendment to Deferred Compensation Plan

The voluntary deferred compensation available to City employees now allows a governmental 457(b) plan to allow Roth deductions. The City can choose either pre-tax or Roth 457(b) contributions. The City must affirm or decline to offer the new plan feature to the employees

Motion to approve the Hoosier Start amendment and permit employees to elect to have their elective deferrals made either on a pre-tax basis or as Roth contributions, and allow Mayor Fisel to sign the amendment to the plan by: Ken Schuman

Seconded by: Gary Bishop

Vote: All Ayes

9. Trick or Treat Date

Discussion ensued regarding Trick or Treat. Resident Lois Rosenogle asked if Council could coordinate with other nearby cities and towns to have the event on the same night. After further discussion:

Motion to hold Trick or Treat on Thursday, October 27, 2011 from 5-7 pm by: Gary Bishop

Seconded by: John Lutton

Vote: All Ayes

10. October – First Scheduled Council Meeting Date

The Mayor and Clerk will be attending the IA CT conference in Indianapolis on October 10, the first regularly scheduled meeting of October. Council president Schuman will also be out of town. Suggestion to either cancel or reschedule the meeting was made.

Motion to cancel the October 10, 2011 City Council meeting by: Gary Bishop

Seconded by: Ken Schuman

Vote: All Ayes

If necessary, a special meeting of the Council could be called on an alternate date.

It was noted by council member John Pettit that he will be out of town for the October 24, 2011 meeting.

Claim Registers – APV # 34399 through 34573

Motion to approve by: John Lutton

Seconded by: Gary Bishop

Vote: All Ayes

Comments by Members of Council and Administration

Fire Chief Jeremy Weaver: The CA firefighters who stopped in Ligonier made it successfully. They enjoyed their stay in Ligonier and toured the murals, schools, and fire house. Jeremy also thanked the Library for the First Responder's Breakfast and activities for 9-11.

Police Chief Bryan Shearer: Bryan also thanked the Library for their 9-11 activities which ran from midnight to midnight. Bryan requested clarification on the work comp ordinance. He asked if the wait period would be the same as for other City employees.

Motion to follow the guidelines of work comp and implement the seven day wait for wage eligibility by: Ken Schuman

Seconded by: Gary Bishop

Vote: All Ayes

Street Superintendent Mike Burdette: Mike brought to the attention the 4-way stops in the majority of alleys in the City. It is difficult to turn with the positioning of many of the stop signs and plowing is difficult. Per Chief Shearer, the police officers follow the public right of way law on the streets and alleys. It was determined that no action by Council was needed to allow the street department to remove the 4-way stop signs.

Council member John Pettit: John was involved with a project through FLA (Future Ligonier Alliance) and John Bry, along with students from Trine University, Angola. They are doing a market analysis this semester as a class project and will have it available to the City after completion.

Council member Gary Bishop: Gary commented that his brother visiting from Texas commended the City for the Labor Day parade, which he feels is the best parade. Gary also commented about the City clean up. It is set for Saturday, September 17 from 8:00 to 1:00.

Clerk-Treasurer Barb Hawn: Barb informed Council that the SBOA completed their audit of 2010. She and Mayor Fisel met with Greg Burtsfield in the exit interview. The only comment included in the report will be regarding capital assets. The plans are to purchase software in 2012 for capital asset tracking.

Mayor Patty Fisel: The Mayor sent her compliments and thanks to the Library for the 9-11 ceremonies at the Library. The January 2012 deadline for the mandated changing of street signs is being eliminated. The City was informed they would receive a \$90,000 grant for signs, however, were denied because population was lower than the requirement. AEP will be removing and trimming trees in the City that interfere with the power lines. The trees have been marked in red. Chris Fought asked about AEP replacing the trees they cut down and believes that Kendallville requires them to do so. Mayor Fisel responded that Kendallville is a tree city and there are certain guidelines that follow that participation.

Adjournment

Motion to adjourn by: John Lutton

Seconded by: Gary Bishop