

**COMMON COUNCIL
REGULAR SESSION
May 18, 2009
7:00 P.M.**

The Common Council of the City of Warsaw met in a Regular Session on Monday, May 18, 2009 at 7:00 P.M. in the Council Chambers at City Hall. Mayor Ernest B. Wiggins presided and the following persons were noted as present or absent:

PRESENT: Councilmen Charles Smith, Jeff Grose, Joe Thallemer, Daniel Hampton, George Clemens, Kyle Babcock and Jerry Patterson. Mayor Ernest Wiggins, Clerk-Treasurer Elaine Call, City Attorney Michael Valentine, City Planner Jeremy Skinner, Fire Chief Mike Rice, Charles Neuwirth of Owen's, Attorney Steve Snyder, Attorney Scott Smith, Attorney Daniel Vanderpool, Rob Bartels, CEO of Martin's Supermarket, Martin's representative Ted Alwine, Nick LaCroix of Wightman Petrie, local resident Jeremiah Heierman, President of the WCDC Mary Ellen Rudisel-Jordan, and Warsaw Times Union Reporter Jennifer Peryam.

ABSENT:

The meeting was called to order by Mayor Wiggins followed by the Invocation and the Pledge of Allegiance.

MINUTES –

The minutes from the May 4, 2009 meeting were presented for approval. Motion made by Councilman Smith to approve the minutes as presented, seconded by Councilman Grose and carried by unanimous vote.

REPORTS/ORAL & WRITTEN COMMUNICATIONS –

1. Clerk-Treasurer Call presented the April 2009 Financial Report.

VACATION ORDINANCE/HUSKYTRAIL/MENARDS –

City Planner Jeremy Skinner presented Ordinance #2009-05-02, an ordinance vacating a public consisting of 2.44 acres, located off of Husky Trail. He reported the petitioners are Menard's, Inc., Dale Hermann and Joan Hermann. He also reported the Plan Commission gave a favorable recommendation to vacate this land. Attorney Steve Snyder was present to speak on behalf of his client Menard's. He reported that this vacation has been quite complicated since the land involves Kosciusko County and the City of Warsaw. He stated that City Attorney Michael Valentine will be preparing deeds to complete the necessary transaction. Mayor Wiggins stated the minutes should reflect that no one was present to speak against the vacation. Motion made by Councilman Babcock to approve the vacation, seconded by Councilman Patterson, carried by unanimous vote.

ZONING AMENDMENT/MARTIN'S SUPERMARKET PETITIONER –

City Planner Jeremy Skinner presented Ordinance #2009-05-03, an ordinance amending the map for Appendix B of the City Code of Laws, changing the land, more specifically set forth within the ordinance, from R-1/Residential to C-3/Commercial,. Martin's Supermarket is the petitioner. This property is located east of Lot 2, Menards Subdivision – Size .65 Acres. He reported that the Plan Commission gave a favorable recommendation. Attorney Daniel Vanderpool and Attorney Scott Smith were present to answer any questions on behalf of their client Martins Supermarket. Rob Bartels, Martin's Supermarket CEO, spoke regarding his companies operation and their interest in setting up a store in Warsaw at this site. He reported that this is in the planning stages and no final decisions have been made by Martin's. Mayor Wiggins stated the minutes should reflect that no one was present to speak against the re-zoning. Council discussion followed. Motion was made by Councilman Patterson to approve Ordinance #2009-05-03, seconded by Councilman Babcock, carried by a vote as follows: Four (4) Ayes to two (2) Nays and one (1) abstention. Councilman Grose and Councilman Hampton voted Nay. Councilman Smith abstained due to Conflict of Interest,

TAX ABATEMENT COMPLIANCE FORMS –

City Planner Jeremy Skinner recommended and submitted for approval a Compliance Form (CF-1 Form) submitted by the following company for the continuation of tax abatement.

R & B Investors - Wildman Uniform – CF-1/Real Property.

Motion made by Councilman Grose to approve the continuation of tax abatement as recommended, seconded by Councilman Thallemer, carried by unanimous vote.

(Copy of the form attached to minutes).

PETITION TO DLGF/FIRE TERRITORY –

Clerk-Treasurer Call presented for approval a petition to the Department of Local Government Finance Tax Control Board (DLGF) requesting to be put on the DLGF Tax Board agenda on June 25, 2009 to seek approval to levy property taxes beginning with taxes payable in 2010 for the Fire Territory Operating Fund and Equipment Replacement Fund. Motion made by Councilman Thallemer to approve the petition, seconded by Councilman Babcock, carried by unanimous vote.

(Copy of petition attached to minutes).

STREET LIGHT REQUEST –

Mayor Wiggins reported that there was a request for streetlight placement on Kincaid Street. Councilman Babcock stated that he had not visited the site and therefore could not make a recommendation to the Council on whether a new streetlight would be necessary. He will do so before the next Council meeting.

ADJOURNED -

There being no further business to come before the Council by a motion duly made and seconded, the meeting was adjourned.

ATTEST:

Elaine Call, Clerk-Treasurer