

COMMON COUNCIL
REGULAR SESSION
March 21, 2011
7:00 P.M.

The Common Council of the City of Warsaw met in Regular Session on Monday March 21, 2011 at 7:00 P.M. in the Council Chambers at City Hall. Mayor Ernest Wiggins presided and the following persons were noted as present or absent:

PRESENT: Council members Jerry Patterson, Joe Thallemer, Jeff Grose, Kyle Babcock, George Clemens, Charles Smith and Diane Quance. Also present Mayor Wiggins, Clerk-Treasurer Lynne Christiansen, City Attorney Mike Valentine, WWTU Manager Brian Davison, City Planner Jeremy Skinner, Assistant City Planner Tim Dombrosky, local attorneys Steve Snyder and Steve Harris, Todd Samuelson from Umbaugh & Associates, Randy Rompola from Baker & Daniels, Linda Berger, Royce and Marty Cox, Dan, Martha, and Gregg Robinson, Chris and Cindy Katris, Roger Nawrot and Mike Diamenite from Abonmarche Consultants, WCDC President Mary Ellen Rudisel-Jordan, Mike Diffendal from Borden Waste, Larry Hanes, Juergen Voss, Mike Ragan, Lynette Merkler, Jian Zhen, Troy Turley, and Jennifer Peryam, reporter with the Warsaw Times Union

ABSENT: None.

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

MINUTES –

The minutes from the March 7th, 2011 executive and regular sessions were presented for approval. Motion made by Councilmember Quance to approve the minutes as presented, seconded by Councilmember Patterson and carried by unanimous vote.

REPORTS & COMMUNICATIONS

The following reports and communications were presented:

- (1) Letter from Boys & Girls Club of Kosciusko County advising of a temporary closure until May 1, 2011.
- (2) Fire Territory-February 2011 Activity Report.
- (3) WWTU 2010 Year End Summary
- (4) February 2011 financial reports.

Documentation attached to minutes.

UNFINISHED BUSINESS- None

NEW BUSINESS –

RESOLUTION/ PATRICIA H. SOMMERS TRUST ANNEXATION FISCAL PLAN-

City Planner Jeremy Skinner presented **Resolution No. 2011-03-02** accepting the fiscal plan for annexation of the Patricia H. Sommers Trust property located in the Southeast Quarter of Section 19, Township 32, Range 6 East, in Wayne Township. Mr. Skinner reported within the Fiscal Plan that there is little or no cost for essential services. He stated that the proposed annexed territory will bring in approximately \$350 in annual tax revenues. After discussion Councilmember Smith motioned to accept the fiscal plan, seconded by Councilmember Clemens, carried by unanimous vote. (Documentation attached)

ORDINANCE TO REZONE PROPERTY/MEIJER-

Mr. Skinner presented **Ordinance 2011-03-04** amending appendix B of the code of laws of Warsaw rezoning approximately 37.7 acres from an R-2 residential and C-3 commercial to a C-5 commercial status in order to allow for the construction of a Meijer Store, Garden Center and Gas Station. The property is located southeast of the Anchorage Road and U.S. 30 intersection and is a tract of land located in the Northwest Quarter of Section 4, Township 32 North, Range 6 East, Wayne Township, Kosciusko County, Indiana better described within the legal description. Mayor Wiggins advised he had a conflict of interest in this matter so he would not be engaging in any conversation other than to run the meeting. Steve Snyder, attorney representing Meijer Stores, advised the Council that the Plan Commission had already approved the re-zoning and the matter was now before the Council for their recommendation as well. Mr. Snyder described

the land surrounding the property being discussed and explained the proposed C-5 classification was created on the recommendation of the Plan Commission by an amendment to the zoning ordinance for the purpose of providing an appropriate location for “big-box” stores. The proposed Meijer Store will have a 200,000 square foot building with adequate parking, a convenience store that sells gasoline, and four (4) out-lots. He also discussed ingress and egress for the proposed site along with lighting, drainage, traffic, and buffer issues. He believes the necessary criteria have been met to allow the re-zoning. Next, Mayor Wiggins ask if anyone in support of the rezoning would like to speak, and no one came forward. Mayor Wiggins asked if anyone in opposition or with concerns would like to speak and several people came forward. Dan Robinson spoke on behalf of his mother, who lives adjacent to the property, and has various concerns. Steve Harris, Mr. Robinson’s Attorney, offered other concerns for his client as well. Lynette Merkler, President of Pike Lake Association and Troy Turley President of Center Lake Association both spoke in regards to flooding and environmental concerns. Marty Cox came forward voicing her concerns as she and her husband own property adjacent to the proposed rezoning, and their fear of possible impact from traffic, etc. Jian Zehn offered his concerns on possible traffic congestion and safety of pedestrians, while Larry Hanes spoke on behalf of his mother who also lives adjacent to the property. Mayor Wiggins then closed the public comment session and turned the discussion over to the Council. Lynn Richardson, real estate manager for Meijer, was asked to address the Council on some of the issues mentioned, particularly environmental concerns regarding the proposed gas station. The Council addressed all the concerns brought forward and upon recommendation from the Plan Commission, Councilmember Babcock motioned to pass Ordinance 2011-03-04, seconded by Councilmember Patterson, carried by unanimous vote. (Copy attached).

MAYOR WIGGINS CALLED FOR A BRIEF RECESS, AND COUNCILMEMBER PATTERSON EXCUSED HIMSELF FROM THE MEETING:

MEMORADUM OF UNDERSTANDING/WINONA PVD-

City Planner Jeremy Skinner presented **Resolution 2011-03-03** including a Memorandum of Understanding (MOU) for proposed incentives for Winona PVD Coatings. During the March 7, 2011 session the Council had voted for Winona PVD to go forward and explore funding for their proposed expansion. Todd Samuelson from Umbaugh & Associates reviewed the Tax Increment Financing (TIF) feasibility analysis and updated bonding scenarios from the previous Council session, mainly reducing the life of the bond to fifteen (15) years. Next Randy Rompola from Baker & Daniels reviewed the Resolution and the MOU and the “whereas” clauses proposing expansion through construction of a new building, potential leasing of additional space for warehousing, upgrading their equipment, the Redevelopment Commissions amending its Economic Development Plan for the area, and payment of the bond(s). He gave a brief overview of the rest of the articles contained within the MOU. After discussion, Mr. Thallemer made a motion to approve Resolution 2011-03-03 and the Memorandum of Understanding, seconded by Mr. Smith, with Mayor Wiggins remaining independent, carried by unanimous vote. (Copies attached).

CONFLICT OF INTEREST STATEMENT –

The following “Conflict of Interest Statement” was filed before the Council.

1. Robert Barker
2. Michael Brubaker

The conflict of interest statements were duly noted as being filed. Motion made by Mr. Smith to acknowledge receipt of the statements, seconded by Mr. Clemens, carried by unanimous vote. (Copy attached to minutes).

ADJOURNMENT -

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

ATTEST:

Lynne Christiansen, Clerk-Treasurer

