

**COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 19, 2009  
7:00 P.M.**

The Common Council of the City of Warsaw met in a Regular Session on Monday, October 13, 2009 at 7:00 P.M. in the Council Chambers at City Hall. Council President Joe Thallemer presided and the following persons were noted as present or absent:

**PRESENT:** Councilmen Jeff Grose, Jerry Patterson, George Clemens, Joe Thallemer, and Daniel Hampton. Also present Clerk-Treasurer Elaine Call, WWTP Utility Manager Brian Davison, City Planner Jeremy Skinner, City Aviation Manager David Beall, President of the WCDC Mary Ellen Rudisel-Jordan, Attorney Steve Snyder, representatives from BDI Engineering, Inc. – Vern Johnson, Brad Johnson and Tina Mevis, State Coordinator for Alliance for American Manufacturing Rachel Steury, Kosciusko County Assessors Office representative Kristy Mayer, local residents Dan Smith, Matt Dick, Greg Mead and Jo Paczkowski, Stacey Page, reporter with News with Stacey Page, and Warsaw Times Union Reporter Jennifer Peryam.

**ABSENT:** Councilmen Kyle Babcock and Charles Smith and Mayor Ernest Wiggins.

The meeting was called to order by Council President Joe Thallemer followed by the Invocation and the Pledge of Allegiance.

**REPORTS –**

**SBOA EXIT CONFERENCE –**

(1) Council President Joe Thallemer reported he attended the exit conference with the State Board of Accounts, who completed the 2008 audit of the City's financial records. He was pleased with the comments made by the SBOA. He complimented the Clerk-Treasurer on a job well done.

(2) Clerk-Treasurer Call presented the September Financial Report.

(3) Fire Department September 2009 reports.

**TRANSFER ORDINANCE/AVIATION –**

Ordinance #2009-10-01, an ordinance transferring \$36,000 within the Aviation Budget, more specifically set forth within the ordinance was presented again for approval. This ordinance was previously tabled for further information. Airport Manager David Beall was present to answer any questions. Motion made by Councilman Grose, seconded by Councilman Patterson, carried by unanimous vote.

**TAX ABATEMENT COMPLIANCE/BDI ENGINEERING –**

Attorney Steve Snyder, representing petitioners BDI Engineering, Inc., provided documents and legal references as to why the City should consider allowing BDI to continue with the tax abatement on real and personal property. He explained BDIs' predecessor, LRC Products, was approved by City Council for tax abatement on February 22, 2005, and BDI should be entitled to the benefits of the deductions upon the filing of the appropriate CF-1 Forms. He presented for approval Resolution #2009-10-04, a Resolution of the Warsaw Common Council Waiving the Noncompliance of BDI Engineering and DeBradley Madison Properties in regard to the filing of Deduction Applications. Attorney Snyder stated that there are seven years left on the tax abatement. They are requesting waiver for year 2008, 2009 forward for the remaining seven years. Discussion followed. Kristy Mayer from the Kosciusko County Assessors Office provided further information on the forms submitted not being properly completed, and also spoke regarding the taxes in year 2008 have already been collected and distributed to all taxing units in the area. Motion made by Councilman Hampton to table this item of business to allow more investigation into the matter, seconded by Councilman Patterson, carried by unanimous vote.

**NEW NIPSCO SERVICE –**

WWTP Utility Manager Brian Davison requested new utility service through NIPSCO for the following:

The first location - 3907 St Rd 15 N – lift station.

The second location is the flow meter used for monthly billing of Leesburg.

The third location is – 412 W. Market Street – flow meter.

Motion made by Councilman Hampton to approve all service areas as requested, seconded by Councilman Grose, carried by unanimous vote. (Copy of letter attached to minutes).

**WWTP CHANGES TO RATES& SURCHARGES BASED ON AMMONIA –**

WWTP Utility Manager Brian Davison presented an Ordinance #2009-10-05, an ordinance amending Section 78-159 (a) (2) c. of the Warsaw Code. Section 78-159 (a) (2) c. should read:

(c) Rate and Surcharges based upon ammonia. There shall be a charged rate of \$0.69 per pound of ammonia received in excess of 100 milligrams per liter of fluid.

Motion made by Councilman Patterson to approve the amendment, seconded by Councilman Hampton, carried by unanimous vote.

**BUY AMERICAN –**

Resolution #2009-10-01, a resolution committing to purchasing only products and services that are made or performed in the United States of America, more specifically set forth within the resolution was presented for approval. Motion made by Councilman Grose to approve Resolution #2009-10-01, seconded by Councilman Clemens, carried by unanimous vote.

**VOLUNTARY ANNEXATION/FISCAL PLAN/MINER -**

City Planner Jeremy Skinner stated Resolution #2010-10-02, a resolution adopting a Fiscal Plan for proposed annexation petitioned by James and Nancy Miner was presented for approval.

Motion made by Councilman Grose to approve the Fiscal Plan, seconded by Councilman Clemens, carried by unanimous vote. (Copy attached to minutes).

**RESOLUTION DETERMINING THE EXISTENCE OF DEER NUISANCE AREAS –**

Resolution #2009-10-03, a resolution determining the existence of “Deer Nuisance Areas” within the City’s Corporate Boundaries was presented for approval. Councilman Grose reported that this resolution sets forth the deer reduction nuisance zones proposed by the Deer Task Force. This identifies where the deer reduction may take place. Motion made by Councilman Patterson to approve the resolution, seconded by Councilman Clemens, carried by unanimous vote.

**ADJOURNED -**

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

**ATTEST:**

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**Elaine Call, Clerk-Treasurer**