

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

FEBRUARY 26, 2008

5:30 P.M. **COMMITTEE SESSION**
COMMON COUNCIL
CONFERENCE ROOM 128

5:30 P.M. **LEGAL PUBLIC HEARINGS**
COMMON COUNCIL
CONFERENCE ROOM 128

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE COMMITTEE
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM
COUNCIL ATTORNEY

BENDER_____ , BROWN_____ , DIDIER_____ ,
GOLDNER_____ , HARPER_____ , HINES_____ ,
PAPE_____ , SHOAFF_____ , SMITH_____ ,

ORDER OF THE AGENDA

1. ROLL CALL

2. LEGAL PUBLIC HEARINGS – PAGES 3 AND 4

3. PRIOR APPROVAL REQUEST – PAGE 5

**4. DISCUSSION OF PENDING
ORDINANCES AND RESOLUTIONS – PAGES 6 THRU 8**

LEGAL PUBLIC HEARINGS

5:30 P.M.

FINANCE COMMITTEE

*MITCH HARPER - CHAIR
THOMAS E. SMITH - CO-CHAIR
ALL COUNCIL MEMBERS*

R-08-02-07

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 301 West Jefferson Boulevard, Fort Wayne, Indiana 46802 (Barry Real Estate)

Total cost of \$20,300,000

They will develop a mixed-use complex in downtown Consisting of 62 luxury condominiums over, 24,000 square feet of retail space. The development project will also include 91 spaces of below-grade parking for the condominium residents. 125 full-time jobs are projected to be created as a result of the project

R-08-02-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 4903 Avionics Drive, Fort Wayne, Indiana 46809 (Vita Nonwovens)

Total cost of \$4,991,583

They will install new manufacturing equipment - 22 full-time jobs will be created and 25 full-time jobs will be retained as a result of the project

R-08-02-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3824 Transportation Drive, Fort Wayne, Indiana 46818 (Keefer Printing Company, Inc.)

Total cost of \$1,275,000

For personal property improvements – they will purchase new manufacturing equipment – Three full-time jobs will be created as a result of the project

PRIOR APPROVAL REQUEST

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

"PRIOR APPROVAL REQUEST" Gretna Avenue Storm Sewer Improvements – contract was awarded to Scheidleman Excavating in the amount of \$204,678.54

ORDINANCES AND RESOLUTIONS UP FOR

DISCUSSION

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-02-07

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FINANCE COMMITTEE

CONTINUED

ACTION

R-08-02-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3824 Transportation Drive, Fort Wayne, Indiana 46818 (Keefer Printing Company, Inc.)

Total cost of \$1,275,000

For personal property improvements – will purchase new manufacturing equipment - three full-time jobs will be created as a result of the project

REGULATIONS COMMITTEE

Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members

G-08-01-18

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way – Councilmanic District #5

A 14 foot wide alley located between Fulton Street, Broadway, Jefferson Boulevard and Sturgis Street – vacation of the unused alley will facilitate a property sale by creating a larger tract

PUBLIC WORKS COMMITTEE

Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members

ACTION

No Ordinances or Resolutions up for discussion

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

No Ordinances or Resolutions up for discussion

REGULAR SESSION

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AGENDA

FORT WAYNE COMMON COUNCIL

FEBRUARY 26, 2008

.....
REGULAR SESSION
IMMEDIATELY FOLLOWING COMMITTEE SESSION
COMMON COUNCIL CHAMBERS ROOM 126

.....
PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE REGULAR
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH H. BONAHOOM
COUNCIL ATTORNEY

.....
BENDER_____, BROWN_____, DIDIER_____,
GOLDNER_____, HARPER_____, HINES_____,
PAPE_____, SHOAFF_____, SMITH_____,

.....
ORDER OF THE AGENDA
.....

PRESENTATION OF NATIONAL COLORS

SERGEANT-AT-ARMS

ROLL CALL

SANDRA E. KENNEDY
CITY CLERK

PRESIDENT'S REPORT AND COMMENTS

THOMAS F. DIDIER
PRESIDENT

COMMUNICATIONS:

1. FROM BOARD OF PUBLIC SAFETY – REGULATORY RESOLUTIONS (3)
2. FROM CE&D – ZONING AMENDMENTS (3)

INTRODUCTION OF ORDINANCES AND RESOLUTIONS – PAGES 3 THRU 8

PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 9 THRU 13

MISCELLANEOUS BUSINESS

CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS

RETIREMENT OF COLORS

ADJOURNMENT

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION**

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FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

A-08-02-17

AN ORDINANCE appropriating monies into certain accounts for the 2008 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2008

Total costs of \$542,803

PUBLIC HEARING 3-11-08 --- 5:30 P.M.

S-08-02-16

AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of various vehicles and equipment items by the City of Fort Wayne; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto

Total cost shall not exceed \$5,150,000

FINANCE COMMITTEE CONTINUED

ACTION

R-08-02-20

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)

Total cost of \$223,772 - 3 full-time jobs will be created

TO BE PASSED THIS EVENING

R-08-02-21

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)

Total cost of \$223,772 – 3 full-time jobs will be created

PUBLIC HEARING 3-11-08 -- 5:30 P.M.

R-08-02-18

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a/ Fort Wayne Metals Research Products Corporation)

Total cost of \$5,000,000 – 10 full-time jobs will be created

TO BE PASSED THIS EVENING

R-08-02-19

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)

Total cost of \$5,000,000 – 10 full-time jobs will be created

PUBLIC HEARING 3-11-08 -- 5:30 P.M.

REGULATIONS COMMITTEE

Tim Pape – Chair
Marty Bender – Co-Chair
All Council Members

ACTION

G-08-02-29

**AN ORDINANCE amending Section 31.03 Residence
Requirements, of the City of Fort Wayne Code of Ordinances
Residence Requirements**

S-08-02-22

**A SPECIAL ORDINANCE establishing new Economic
Development Target Areas**

PUBLIC WORKS COMMITTEE

*Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members*

S-08-02-28

**AN ORDINANCE approving the awarding of I.T.B. No. 2796 –
annual contract for the purchase of aggregates by the City of Fort
Wayne, Indiana, by and through its Department of Purchasing
and Stone Street, Hanson Aggregates, Old Prairie CBK
Enterprises and Eselman Sand & Gravel for the Street
Department, Water Maintenance and Service Department, WPC
Maintenance Department and various other City Departments
Total cost of \$573,200**

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

S-08-02-24

**AN ORDINANCE approving the awarding of increase of I.T.B.
No. 2645 – purchase of bulk salt by the City of Fort Wayne,
Indiana, by and through its Department of Purchasing and
Cargill Salt for the Street Department
Total cost of \$249,000**

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

S-08-02-23

**AN ORDINANCE approving the awarding of extension of I.T.B. No. 2630- purchase of a Five Yard Loader by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MacDonald Machinery for the BIO Solids Department
Total cost of \$191,992**

S-08-02-26

**AN ORDINANCE approving contract for Gretna Avenue Storm Sewer Improvements, Resolution #2065-2007 between Scheidleman Excavating and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$204,678.54**

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-08-02-27

**AN ORDINANCE approving contract for WPCP Improvements for the CSO Ponds #1 and #2 Bleedback, Resolution #1874-2006 between R.E. Crosby, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$749,700**

S-08-02-30

**AN ORDINANCE approving the awarding of I.T.B. No. 2798 – annual requirements for the purchase of large (commercial) water meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco Water, Inc. and E.J. Prescott, Inc. for the Water Maintenance & Service Department
Total cost of \$464,036.40**

S-08-02-31

**AN ORDINANCE approving the awarding of I.T.B. No. 2797 – annual requirements for the purchase of small (residential) Water Meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco Water Inc., for the Water Maintenance & Service Department
Total cost of \$361,029.75**

R-08-02-25

**A RESOLUTION approving the Board of Public Works Resolution Number #95-02-06-08-01 for the Professional Services Agreement with Aqua Indiana for the operations and maintenance of the Northern Potable Water and Wastewater System
Total cost of an aggregate expenditure of no more than \$400,000 without additional approvals from Common Council**

CITY UTILITIES COMMITTEE CONTINUED

ACTION

R-08-02-32

**A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne, Division of City Utilities
Total cost of \$38,000**

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

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FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-02-07

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 301 West Jefferson Boulevard (Barry Real Estate)

**Total cost of \$20,300,000
125 full-time jobs will be created**

R-08-02-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 4903 Avionics Drive, (Vita Nonwovens)

Total cost of \$4,991,583

**22 full-time jobs will be created and 25 full-time jobs
Will be retained**

R-08-02-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 3824 Transportation Drive (Keefer Printing Company, Inc.)

Total cost of \$1,275,000

3 full-time jobs will be created

FINANCE COMMITTEE

CONTINUED

ACTION

R-08-02-20

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 3216 Congressional Parkway (Custom Poly Packaging)

Total cost of \$223,772 – 3 full-time jobs will be created

R-08-02-18

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 9733 Ardmore Avenue (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)

Total cost of \$5,000,000 – 10 full-time jobs will be created

DO PASS

S-08-02-03

AN ORDINANCE approving annual contract for Street Tree

**Pruning – for the Parks and Recreation Department
Total cost of \$313,620**

DO PASS S-08-02-05
**AN ORDINANCE approving annual funding commitment for
the Fort Wayne Allen County Economic Development Alliance –
Department of Economic Development
Total cost of \$200,000**

DO PASS S-08-02-12
**AN ORDINANCE approving purchase of passenger vehicles and
police vehicles for the Police Department and various other
Departments
Total cost of \$1,840,862.42**

DO PASS S-08-02-13
**AN ORDINANCE approving grants to be funded from the Cable
TV Fund
Total cost of \$82,289.84**

FINANCE COMMITTEE CONTINUED

ACTION

DO PASS S-08-02-14
**AN ORDINANCE approving the one year extension of the
contract with Affiliated Computer Services for the City of Fort
Wayne
Total cost of \$1,963,644**

DO PASS R-08-02-02
**A RESOLUTION adopted January 31, 2008, for the lease of 2.65
acres of land owned by the Norfolk Southern Railway
Total cost of – lease agreement for one year with an annual
Rental payment of \$13,250**

REGULATIONS COMMITTEE

*Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members*

G-08-01-18

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way – Councilmanic District #5

East-west west off 1114 Fulton Street – Vacation of the unused alley will facilitate a property sale by creating a larger tract

REGULATIONS COMMITTEE CONTINUED

ACTION

DO PASS Z-08-01-01

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-34 (Sec. 20 of St. Joe Township) – Councilmanic District #2
5232 & 5202 St. Joe Road – develop a student housing complex
To service the students attending IPFW**

DO PASS Z-08-01-02

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-34 (Sec. 20 of Washington Township) – Councilmanic District #3
4500 block of West Washington Center Rd – AALCO will develop the real estate for use as its corporate headquarters**

DO PASS Z-08-01-03

AN ORDINANCE amending the City of Fort Wayne Zoning Map

**No. F-2 (Sec. 8 of Wayne Township) - Councilmanic District #4
5215 Illinois Road - Hanauer Development Associates,
intends to incorporate the site into their existing
development**

PUBLIC WORKS COMMITTEE

*Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members*

No Ordinances or Resolutions up for passage

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

ACTION

DO PASS S-08-02-04

**AN ORDINANCE approving purchase and delivery of liquid
sodium hypochloride for the Water Pollution Control Plant
Total cost of \$180,000**

**PREPARED BY THE OFFICE
OF THE CITY CLERK**

**SANDRA E. KENNEDY
CITY CLERK**

BILL NO. A-02-

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE appropriating monies into certain accounts for the 2008 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2008.

WHEREAS, the budget adjustment policy of the City of Fort Wayne stipulates that all Departments operating on a tax supported and/or City Council approved budget shall submit requests to the Controller for appropriation of additional monies to the 2008 budgets to provide sufficient operating funds for the remainder of 2008;

WHEREAS, adequate funds exist in the unappropriated and unobligated balance of the funds specified and in the appropriations of certain departments as specified; and;

WHEREAS, such appropriations have been recommended by the City Controller.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated to the 2008 budget accounts of the various departments listed below, the following amounts, respectively, to-wit:

ADDITIONAL APPROPRIATIONS:

<u>FUND:</u>	<u>DEPARTMENT:</u>	<u>TO:</u>	<u>LINE:</u>	<u>AMOUNT:</u> <u>Increase</u>
<u>GENERAL</u>				
	Weights & Measures	536N	Garage – Non Target	\$ 5,400
		536T	Garage - Target	1,100
	CD-Planning	5314	Consulting Svcs	21,880
		5331	Printing	<u>19,460</u>
			TOTAL GENERAL FUND	<u>\$ 47,840</u>

<u>FUND:</u>	<u>DEPARTMENT:</u>	<u>TO:</u>	<u>LINE:</u>	<u>AMOUNT:</u> <u>Increase</u>
<u>MOTOR VEHICLE</u> <u>HIGHWAY</u>	Street	5274	Salt	\$ 250,000
		5395	Grants	60,058
			TOTAL MVH	<u>\$ 310,058</u>
 <u>CUMULATIVE</u> <u>CAPITAL</u>	Property Management	5435	Contingency	<u>\$ 184,905</u>
			TOTAL CUMULATIVE CAPITAL	<u>\$ 184,905</u>
			<u>TOTAL ADDITIONALS</u>	<u>\$ 542,803</u>

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**AN ORDINANCE AMENDING SECTION 31.03
RESIDENCE REQUIREMENTS, OF THE CITY
OF FORT WAYNE CODE OF ORDINANCES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That Section 31.03 RESIDENCE REQUIREMENTS, of
Fort Wayne Code of Ordinances be amended as follows:

Section 31.03 RESIDENCE REQUIREMENTS.

(A) All appointed officers and all employees of the various departments of the City, except those City employees whose residency requirements are established expressly by Indiana State law, who accept regular full-time employment or regular part-time employment after April 1, 1989, must have their principal place of residence in Allen County. Those employees who are employed by the Communications Department as Dispatchers or as a Supervisor of Dispatchers must have their principal place of residence in Allen County or in a county contiguous to Allen County.

(B) Employees and appointive officers whose residency requirements are not established by **Indiana** state law and who were first appointed **or employed** prior to April 1, 1989, but who have had a break in service with the city and are reappointed or reemployed after April 1, 1989, must also have their principal place of residence in Allen County.

(C) Employees and appointive officers first appointed prior to April 1, 1989, and who have had no break in service with the city, are not subject to any residency requirements other than those established by Indiana state law.

(D) Employees must have a valid phone number and physical address on file with the Human Resources Department.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)

WHEREAS, Petitioner has duly filed its petition dated February 7, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create ten full-time, permanent jobs for a total new, annual payroll of \$400,000, with the average new annual job salary being \$40,000 and retain 345 full-time and 37 part-time, permanent jobs for a total current annual payroll of \$17,000,000, with the average current, annual job salary being \$44,503; and

WHEREAS, the total estimated project cost is \$5,000,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution

referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new manufacturing, research and development, logistical distribution and information technology equipment, all contained in Petitioner's Statement of Benefits, are reasonable and are benefits that can be reasonably expected to

result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.3461/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.3461/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.3461/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (g) If the proposed new research and development equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (h) If the proposed new research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).

- (i) If the proposed new research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (j) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (k) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (l) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (n) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (o) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the new manufacturing, research and development, logistical distribution and information technology equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create ten full-time, permanent jobs for a total additional annual payroll of \$400,000, with the average new annual job salary being \$40,000 and retain 345 full-time and 37 part-time, permanent jobs for a current annual payroll of \$17,000,000, with the average current annual job salary being \$44,503; and

WHEREAS, the total estimated project cost is \$5,000,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of redevelopment or rehabilitation and estimate of the value of the new manufacturing, research and development, logistical distribution and information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.3461/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.3461/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax

rate for the site would be \$2.3461/\$100 (the change would be negligible).

- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (g) If the proposed new research and development equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (h) If the proposed new research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (i) If the proposed new research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (j) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (k) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).

- (l) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7206/\$100.
- (n) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).
- (o) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7206/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new manufacturing, research and development, logistical distribution and information technology equipment shall be for a period of five years.

SECTION 7. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new manufacturing, research and development, logistical distribution and information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction

application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 10. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new manufacturing, research and development, logistical distribution and information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 12. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 13. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION
designating an “Economic Revitalization
Area” under I.C. 6-1.1-12.1 for property
commonly known as 3216
Congressional Parkway, Fort Wayne,
Indiana 46808 (Custom Poly Packaging)**

WHEREAS, Petitioner has duly filed its petition dated February 13, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create three full-time, permanent jobs for a total new, annual payroll of \$81,050, with the average new annual job salary being \$27,016 and retain 12 full-time, permanent jobs for a total current annual payroll of \$417,490, with the average current, annual job salary being \$34,791; and

WHEREAS, the total estimated project cost is \$223,772; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December

31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an “Economic Revitalization Area” shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new manufacturing equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION
designating an “Economic Revitalization
Area” under I.C. 6-1.1-12.1 for property
commonly known as 3216 Congressional
Parkway, Fort Wayne, Indiana 46808
(Custom Poly Packaging)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create three full-time, permanent jobs for a total new, annual payroll of \$81,050, with the average new annual job salary being \$27,016 and retain 12 full-time, permanent jobs for a current annual payroll of \$417,490, with the average current annual job salary being \$34,791; and

WHEREAS, the total estimated project cost is \$223,772; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new manufacturing equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five years.

SECTION 7. The benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. The performance report must contain the following information

(a) The cost and description of real property improvements and/or new manufacturing equipment acquired.

(b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.

(c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.

(d) The total number of employees employed at the facility receiving the deduction.

(e) The total assessed value of the real and/or personal property deductions.

(f) The tax savings resulting from the real and/or personal property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-02-25

RESOLUTION NO. _____

A RESOLUTION APPROVING THE BOARD OF PUBLIC WORKS RESOLUTION NUMBER #95-02-06-08-01 FOR THE PROFESSIONAL SERVICES AGREEMENT WITH AQUA INDIANA FOR THE OPERATIONS AND MAINTENANCE OF THE NORTHERN POTABLE WATER AND WASTEWATER SYSTEM.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Board of Public Works Resolution Number #95-02-06-08-01, attached hereto and made a part hereof and marked as Exhibit "A," for the Professional Services Agreement with Aqua Indiana for the Operations and Maintenance of the Northern Potable Water and Wastewater System is approved and ratified but limited to an aggregate expenditure of no more than \$400,000 without additional approvals from this Common Council.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. R-08-02-32

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL
ESTATE FOR THE CITY OF FORT
WAYNE, DIVISION OF CITY
UTILITIES.**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase property located at 648Wagner Street, specifically described in the Purchase Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this property for future expansion/projects of the Water Filtration Plant; and

WHEREAS, the purchase price for the property is THIRTY-EIGHT THOUSAND AND NO/100 DOLLARS – (\$38,000.00).

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase of real estate by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 648 Wagner Street, specifically described in the Purchase Agreement, Exhibit "A," is hereby

approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Timothy A. Manges, City Attorney

BILL NO. R-08-02-32

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL
ESTATE FOR THE CITY OF FORT
WAYNE, DIVISION OF CITY
UTILITIES.**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase property located at 648 Wagner Street, specifically described in the Purchase Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this property for future expansion/projects of the Water Filtration Plant; and

WHEREAS, the purchase price for the property is THIRTY-EIGHT THOUSAND AND NO/100 DOLLARS – (\$38,000.00).

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase of real estate by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 648 Wagner Street, specifically described in the Purchase Agreement, Exhibit "A," is hereby

approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Timothy A. Manges, City Attorney

BILL NO. S-08-02-16

SPECIAL ORDINANCE NO. A-_____

AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of various vehicles and equipment items by the City of Fort Wayne; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto.

WHEREAS, the City of Fort Wayne, Board of Public Works needs to acquire various vehicles and equipment items for use by several departments of the City of Fort Wayne for continued effective operations; and

WHEREAS, the Board of Public Works has, in the past, generally coordinated the leasing of various vehicles and equipment items and has let bids therefore; and

WHEREAS, various bids have been let for the acquisition of various vehicles and equipment items and Common Council approval of the acquisition of said various vehicles and equipment items is pending; and

WHEREAS, this Common Council now deems it in the public interest to lease finance said various vehicles and equipment items rather than outright purchase said items; and

WHEREAS, sufficient net revenues are available from the City to make lease financing debt payments on a timely basis as required for the leasing of various vehicles and equipment items; and

WHEREAS, a form of lease with option to purchase has been reviewed and is deemed appropriate for the lease of said various vehicles and equipment items by the City; and

WHEREAS, notices have been published requesting proposals from lessors to acquire the various vehicles and equipment items and to lease same to the City, pursuant to the terms and conditions contained in the form of lease; and

WHEREAS, the proposed lease provides for fair and reasonable rental and other equitable terms and conditions and, further, that the execution of said lease will permit the use and acquisition of said various vehicles and equipment items within the present financial capabilities of the City and therefore same is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. This Common Council finds that the Board of Public Works should be and hereby is designated as the leasing agent for the City of Fort Wayne, Indiana, for the transaction herein contemplated.

SECTION 2. The Common Council of the City of Fort Wayne hereby authorizes the City to lease, as lessee, those various vehicles and equipment items listed on the attached Exhibit "A", made a part hereof. It is understood that the exact lessor purchase costs for such various vehicles and equipment items listed on the Exhibit "A" shall be determined in accordance with bidding procedures of this City and accordingly subject to approval by this Common Council; however, the gross cost for such purchases excluding financing costs shall not exceed Five Million One Hundred Fifty Thousand and no/100 Dollars (\$5,150,000).

SECTION 3. The form of the lease, with option to purchase for said lease is attached hereto as a part hereof, as Exhibit "A". The City shall use this form of lease, with option to purchase, for the transactions herein contemplated and said form of lease is hereby approved and ratified. This lease form may be modified only to the extent that such modifications are not material in form or consideration. Authority is hereby given for the Board of Public Works to enter into the lease upon the determination by the Corporation Counsel.

SECTION 4. The Board of Public Works of the City of Fort Wayne is hereby empowered and authorized to award lessor rights to the most responsive and responsible bidder.

SECTION 5. The Mayor and the Board of Public Works are empowered and authorized to execute, on behalf of the City, leases and other documents as contemplated herein with lessor so selected.

SECTION 6. This ordinance shall be in full force and in effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A SPECIAL ORDINANCE ESTABLISHING NEW
ECONOMIC DEVELOPMENT TARGET AREAS**

WHEREAS, the General Assembly of the State of Indiana has enacted certain legislation now codified as IC 6-1.1-12.1-7 regarding the establishment of economic development target areas; and

WHEREAS, according to IC 6-1.1-12.1-7 (a)(1) economic development target areas are specific geographic territories that have become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property or have been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under IC 36-7-11, IC 36-7-11.1, IC 36-7-11.2, IC 36-7-11.3 or IC 14-3-3.2, or encompass buildings, structures, sites, or other facilities that are listed on the National Register of Historic Places pursuant to 16 U.S.C. 470 et seq., the Indiana Historic Sites and Historic Structures Register established under IC 14-21-1, or are determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer; and

WHEREAS, per Indiana law the designation of economic development target areas is made by ordinance of the fiscal body of a city after a favorable recommendation by an economic development commission; and

WHEREAS, the Fort Wayne Economic Development Commission is the economic development commission with jurisdiction in the City of Fort Wayne; and

WHEREAS, the Fort Wayne Common Council is the fiscal body of the City of Fort Wayne; and

WHEREAS, the Fort Wayne Economic Development Commission has made such favorable recommendation to the Fort Wayne Common Council; and

WHEREAS, the Fort Wayne Common Council may designate a maximum of fifteen percent (15%) of the total geographic territory of the city to be in economic development target areas; and

WHEREAS, economic development target areas established by the city before July 1, 1987 continue in effect until modified or abolished by ordinance of the Fort Wayne Common Council; and

WHEREAS, the current economic development target areas were defined by Fort Wayne Common Council Resolution Numbers S-102-01, S-226-91 (as amended); S-81-85; S-115-83, S-37-03, S-19-05 and S-113-05; and

WHEREAS, it is the intention of both the Fort Wayne Economic Development Commission and the Fort Wayne Common Council to induce private recapitalization in certain areas of the City of Fort Wayne; and

WHEREAS, the Commission, with the assistance of the Community Development Division of the City of Fort Wayne has completed research on the geographic areas within the City of Fort Wayne which would qualify as economic development target areas, and within which economic

development target area status might serve as an inducement for recapitalization by private interests; and

WHEREAS, due to changed economic and demographic patterns it is now deemed appropriate to designate new economic development target areas; and

WHEREAS, it has been determined through mapping that the recommended economic development target area comprises an area less than 15% of the total geographic area of the City of Fort Wayne,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. Based on the favorable recommendation of the Fort Wayne Economic Development Commission, the Fort Wayne Common Council finds that certain areas of the City meet the definition of economic development target area and are areas within which economic development target area status can serve as an inducement for recapitalization by private interests.

SECTION 2. Fort Wayne Common Council herein formally adopts an ordinance designating as economic development target areas the following new areas with the boundaries shown as exhibit A that includes previously designated economic development target areas:

- A. Tillman Road – Those properties fronting Tillman Road from Calhoun Street to South Anthony Boulevard.

- B. Creighton Avenue – Those properties fronting Hanna Street to South Anthony Boulevard.

- C. US 27/Hanna Street – Those properties fronting U.S. 27 and/or Hanna Street at the intersection of U.S. 27 and Hanna Street.

- D. Decatur Road/Paulding Road/Southgate Plaza – Those properties roughly bounded by Pettit Avenue on the north, Hanna Street and Decatur Road on the east, East Paulding Road on the south and U.S. 27/South Lafayette Street on the west.

- E. Former Diplomat Plaza – Those properties on the northeast corner of Hessencassel Road and McKinnie Avenue.

SECTION 4. Common Council shall designate additional qualifying areas as economic development target areas on a case-by-case basis.

SECTION 5. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-08-02-23

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of EXTENSION OF I.T.B. NO. 2630-PURCHASE OF A FIVE YARD LOADER by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MACDONALD MACHINERY for the BIO SOLIDS DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That EXTENSION OF I.T.B. NO. 2630-PURCHASE OF A FIVE YARD LOADER between the City of Fort Wayne, by and through its Department of Purchasing and MACDONALD MACHINERY for the BIO SOLIDS DEPARTMENT, respectfully for:

purchase of a five yard loader for Bio Solids:

involving a total cost of ONE HUNDRED NINETY-ONE THOUSAND, NINE HUNDRED NINETY-TWO AND NO/100 DOLLARS - (\$191,992.00) all as more particularly set forth in said EXTENSION OF I.T.B. NO. 2630-PURCHASE OF A FIVE YARD LOADER, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-02-24

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of INCREASE OF I.T.B. NO. 2645 - PURCHASE OF BULK ROAD SALT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CARGILL SALT for the STREET DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That INCREASE OF I.T.B. NO. 2645 - PURCHASE OF BULK ROAD SALT between the City of Fort Wayne, by and through its Department of Purchasing and CARGILL SALT for the STREET DEPARTMENT, respectfully for:

increase the purchase of bulk road salt during 2008 for the Street Department:

involving a total cost of ONE HUNDRED FORTY-NINE THOUSAND AND NO/100 DOLLARS - (\$249,000.00)

SECTION 2. Prior Approval has been requested from Common Council on FEBRUARY 19, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from

and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving CONTRACT FOR GRETNA AVENUE STORM SEWER IMPROVEMENTS, RESOLUTION #2065-2007 between SCHEIDLEMAN EXCAVATING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONTRACT FOR GRETNA AVENUE STORM SEWER IMPROVEMENTS, RESOLUTION #2065-2007 by and between SCHEIDLEMAN EXCAVATING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for installation of approximately 2,727 LF of 12-inch thru 30-inch diameter storm sewers, 20 inlet structures, 6 manholes, 1 metal end section and appurtenances and all other work as necessary for the drainage improvement:

involving a total cost of TWO HUNDRED FOUR THOUSAND, SIX HUNDRED SEVENTY-EIGHT AND 54/100 DOLLARS - (\$204,678.54). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving CONTRACT FOR WPCP IMPROVEMENTS FOR THE CSO PONDS #1 AND #2 BLEEDBACK, RESOLUTION #1874-2006 between R.E. CROSBY, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONTRACT FOR WPCP IMPROVEMENTS FOR THE CSO PONDS #1 AND #2 BLEEDBACK, RESOLUTION #1874-2006 by and between R.E. CROSBY, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for construction of a new junction structure connecting to an existing sanitary sewer, a new meter vault, and modifications to an existing structure. Work includes sitework, yard piping, structural, process equipment, electrical, and instrumentation and control. At a minimum, maintain flow in existing sewers at all time, provide dewatering services as required, remove all debris and excess materials from Project Site generated by construction Work, and restore areas disturbed by construction to original condition or as specified by Contract Documents:

involving a total cost of SEVEN HUNDRED FORTY-NINE THOUSAND, SEVEN HUNDRED AND NO/100 DOLLARS - (\$749,700.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving the awarding of I.T.B. NO. 2796 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and STONE STREET, HANSON AGGREGATES, OLD PRAIRIE, CBK ENTERPRISES AND ESHELMAN SAND & GRAVEL for the STREET DEPARTMENT, WATER MAINTENCE AND SERVICE DEPARTMENT, WPC MAINTENANCE DEPARTMENT AND VARIOUS OTHER CITY DEPARTMENTS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That I.T.B. NO. 2796 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES between the City of Fort Wayne, by and through its Department of Purchasing and STONE STREET, HANSON AGGREGATES, OLD PRAIRIE, CBK ENTERPRISES AND ESHELMAN SAND & GRAVEL for the STREET DEPARTMENT, WATER MAINTENCE AND SERVICE DEPARTMENT, WPC MAINTENANCE DEPARTMENT AND VARIOUS OTHER CITY DEPARTMENTS, respectfully for:

purchase of stone, topsoil, dirt, sand, etc., for the Street Department, Water Maintenance & Service Department, WPC Maintenance Department and various other City departments for 2008:

involving a total cost of FIVE HUNDRED SEVENTY-THREE THOUSAND, TWO HUNDRED AND NO/100 DOLLARS - (\$573,200.00) - (STONE - \$189,500.00; HANSON - \$144,500.00; OLD PRAIRIE - \$13,200.00; CBK -

\$148,000.00; ESHELMAN - \$78,000.00) all as more particularly set forth in said I.T.B. NO. 2796 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES , which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-02-30

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of I.T.B. NO. 2798 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELSTER AMCO WATER INC. AND E.J. PRESCOTT, INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That I.T.B. NO. 2798 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS between the City of Fort Wayne, by and through its Department of Purchasing and ELSTER AMCO WATER INC. AND E.J. PRESCOTT, INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT, respectfully for:

purchase of large water meters for the City of Fort Wayne Water Distribution System for commercial and industrial accounts:

involving a total cost of FOUR HUNDRED SIXTY-FOUR THOUSAND, THIRTY-SIX AND 40/100 DOLLARS - (\$464,036.40) - (ELSTER - \$87,085.25; E.J.P. - \$376,951.15) all as more particularly set forth in said I.T.B. NO. 2798 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-02-31

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of I.T.B. NO. 2797 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELSTER AMCO WATER INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That I.T.B. NO. 2797 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS between the City of Fort Wayne, by and through its Department of Purchasing and ELSTER AMCO WATER INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT, respectfully for:

purchase of water meters, size 5/8" thru 1" for the City of Fort Wayne Automatic Meter Reading Program. Meters needed for new construction as well as for replacement of frozen or damaged meters:

involving a total cost of THREE HUNDRED SIXTY-ONE THOUSAND, TWENTY-NINE AND 75/100 DOLLARS - (\$361,029.75) all as more particularly set forth in said I.T.B. NO. 2797 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney