

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
JULY 14, 2009**

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**FINANCE COMMITTEE**

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

**ACTION**

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**S-09-07-01**

**AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Computer Aided Police Dispatch Mobile software at a total cost of \$108,272 from and through Spillman Technologies, Inc. by the City of Fort Wayne, Indiana  
Total cost of \$108,272**

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**S-09-07-11**

**AN ORDINANCE certifying and approving the need for the services Of a consultant to provide professional engineering services for Resolution #2018-2007, Lime Sludge Pumping and Draw-Off Control Improvements, Phase 2 Project  
Total cost of \$241,460**

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**S-09-07-10**

**AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional engineering services for the WPCP Pond #1 Grit Facility Project, Res. #2208-2009, W..O. #75399 W.O. #75399  
Total cost of \$151,400**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**R-09-07-02**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6.-1.1-12.1 for property commonly known as 2108 West Washington Center Road, Fort Wayne, Indiana 46818 (RTT Investments, LLC)**

**Total cost of \$550,000**

**To be passed this evening**

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**R-09-07-03**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2108 West Washington Center Road, Fort Wayne, Indiana 46818 (RTT Investments, LLC)**

**Total cost of \$550,000**

**Public Hearing 7-28-09 – 5:30 P.M.**

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**R-09-07-04**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8710 Indianapolis Road, Fort Wayne, Indiana 46809 (Johnson Controls, Inc.)**

**Total cost of \$4,212,000**

**To be passed this evening**

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**R-09-07-05**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8710 Indianapolis Road, Fort Wayne, Indiana 46809 (Johnson Controls, Inc.)**

**Total cost of \$4,212,000**

**Public Hearing – 7-28-09 – 5:30 P.M.**

**FINANCE COMMITTEE**

**CONTINUED**

## **ACTION**

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**R-09-07-06**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3912 Option Pass, Fort Wayne, Indiana 46818 (TMK Enterprises, Inc.)**

**Total cost of \$158,000**

**To be passed this evening**

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**R-09-07-07**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3912 Option Pass, Fort Wayne, Indiana 46818(TMK Enterprises, Inc.)**

**Total cost of \$158,000**

**Public Hearing 7-28-09 - 5:30 P.M.**

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## **REGULATIONS COMMITTEE**

*Thomas F. Didier - Chair*

*John Shoaff - Co-Chair*

*All Council Members*

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**No Ordinances or Resolutions up for introduction**

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## **PUBLIC WORKS COMMITTEE**

*Marty Bender - Chair*

*Karen E. Goldner-Co-Chair*

*All Council Members*

**ACTION**

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**S-09-07-12**

**AN ORDINANCE approving Project Coordination Contract with the Indiana Department of Transportation (INDOT) for work order #11961, Johnny Applesseed to Shoaff Park River Greenway Extension, Phase 1A**

**Total cost of \$615,000**

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**CITY UTILITIES COMMITTEE**

*Tim Pape - Chair  
Mitch Harper - Co-Chair  
All Council Members*

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**S-09-07-08**

**AN ORDINANCE approving the awarding of ITB #3046 - purchase of a Hydraulic Excavator by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Brandies Machinery Company for the BIO Solids Department**

**Total cost of \$213,983**

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**S-09-07-09**

**AN ORDINANCE approving construction contract #2102,2009, Braum Drain - Woodbine Avenue Storm Drainage between Underground Contractors, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$127,641**

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**BILL NO. S-09-07-01**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Computer Aided Police Dispatch

Mobile software at a total cost of \$108,272 from and through  
Spillman Technologies, Inc. by the City of Fort Wayne, Indiana,

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

**SECTION 1.** That the purchase of Yearly Maintenance for Computer Aided Police Dispatch Mobile software from Spillman Technologies, Inc for a total of cost to the City of \$108,272 is hereby approved in all respects. That said Yearly Maintenance will be used to ensure the proper operation of the City's 911 dispatching system.

**SECTION 2.** That the City is authorized and directed to take all action necessary for the purchase of this system by and through Spillman Technologies, Inc.

**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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

Fort Wayne City Council  
c/o City Clerk' Office  
1 East Main Street  
Fort Wayne, IN 46802

James Haley  
Interim CIO  
City of Fort Wayne  
(260) 427-1461

Subject: Yearly Maintenance for Spillman Mobile software

Members of City Council:

This ordinance is to authorize the purchase of yearly maintenance for Computer Aided Police Dispatch Mobile software from Spillman Technologies, Inc for the operation of the City's 911 dispatching system. This year's cost of maintenance for mobile software is \$108,272.

This payment is part of a group of four payments by the City and County to Spillman Technologies, Inc each year. The City paid \$79,468 for the maintenance of the main Spillman system. Allen County also paid \$79,468 for the maintenance of the main Spillman system and paid \$46,402 the maintenance of their mobile software. The difference in cost of the mobile maintenance is due the different number of mobile Spillman clients in the City and County, i.e. the city has more squad cars and fire trucks.

Maintenance payments are a typical expense for most software applications. For the expense of the maintenance, the software vendors provide support for problems with the software and provide new releases of the software. Considering the critical nature of the software and ongoing City/County commitment to this software platform, I strongly recommend continued funding of Spillman maintenance.

If you have any questions, please call me at 427-1461.

James Haley  
Interim CIO  
City of Fort Wayne

**DIGEST SHEET**

**TITLE OF ORDINANCE** Spillman Maintenance Appropriation

**DEPARTMENT REQUESTING ORDINANCE** Information Systems

**SYNOPSIS OF ORDINANCE** Appropriates money for the software maintenance of Spillman mobile software.

**EFFECT OF PASSAGE** Software maintenance for Spillman mobile software client is extended for another year. The City receives support for the mobile and access to new releases as they become available.

**EFFECT OF NON-PASSAGE** The City would be self supporting for the mobile client and not receive new releases. If the City ever wanted to add vendor maintenance back, the City would have to pay all the missed payments plus a penalty.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)**

\$108,272

**ASSIGNED TO COMMITTEE (PRESIDENT)** \_\_\_\_\_

**AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR THE SERVICES OF A CONSULTANT TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR RESOLUTION #2018-2007, LIME SLUDGE PUMPING AND DRAW-OFF CONTROL IMPROVEMENTS, PHASE 2 PROJECT**

**WHEREAS**, the Board of Public Works desires to hire a consultant for professional ENGINEERING SERVICES FOR RESOLUTION #2018-2007, LIME SLUDGE PUMPING AND DRAW-OFF CONTROL IMPROVEMENTS, PHASE 2 PROJECT; and

**WHEREAS**, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

**WHEREAS**, it is anticipated that the amount to be paid to said consultant will be TWO HUNDRED FORTY-ONE THOUSAND, FOUR HUNDRED SIXTY AND NO/100 DOLLARS - (\$241,460.00).

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of BLACK & VEATCH CORPORATION to provide professional ENGINEERING SERVICES for RESOLUTION #2018-2007, LIME SLUDGE PUMPING AND DRAW-OFF CONTROL IMPROVEMENTS, PHASE 2 PROJECT.

**SECTION 2.** 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

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Carol T. Taylor, City Attorney

**BILL NO. S-09-07-10**

**SPECIAL ORDINANCE NO. S- \_\_\_\_\_**

**AN ORDINANCE CERTIFYING AND APPROVING THE  
NEED FOR THE SERVICES OF A CONSULTANT TO  
PROVIDE PROFESSIONAL ENGINEERING SERVICES  
FOR THE WPCP POND #1 GRIT FACILITY PROJECT,  
RES. #2208-2009, W.O. #75399.**

**WHEREAS**, the Board of Public Works desires to hire a consultant for professional ENGINEERING SERVICES services WPCP POND #1 GRIT FACILITY PROJECT, RES. #2208-2009, W.O. #75399; and

**WHEREAS**, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

**WHEREAS**, it is anticipated that the amount to be paid to DLZ INDIANA, LLC will be ONE HUNDRED FIFTY-ONE THOUSAND, FOUR HUNDRED AND NO/100 DOLLARS - (\$151,400.00).

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of DLZ INDIANA, LLC to provide professional ENGINEERING SERVICES services for the WPCP POND #1 GRIT FACILITY RES. #2208-2009, W.O. #75399.

**SECTION 2.** 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

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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 2108 West Washington  
Center Road, Fort Wayne, Indiana 46818 (RTT  
Investments, LLC)**

**WHEREAS**, Petitioner has duly filed its petition dated April 14, 2009 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 seven full-time, permanent jobs for a total new, annual payroll of \$322,000, with the average new annual job salary being \$46,000; and

**WHEREAS**, the total estimated project cost is \$550,000; 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.

**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.

**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, 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.

**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 \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$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.

**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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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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 2108 West Washington  
Center Road, Fort Wayne, Indiana 46818 (RTT  
Investments, LLC)**

**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 seven full-time, permanent jobs for a total additional payroll of \$322,000, with the average new annual job salary being \$46,000; and

**WHEREAS**, the total estimated project cost is \$550,000; and

**WHEREAS**, a recommendation has been received from the Committee on Finance; 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.

**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.

**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, 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.

**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 \$2.5511/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$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 real property shall be for a period of ten 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 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 with 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 9.** The performance report must contain the following information

- A. The cost and description of real property improvements.
- 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 property deductions.
- F. The tax savings resulting from the real 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 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 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 8710 Indianapolis  
Road, Fort Wayne, Indiana 46809 (Johnson  
Controls, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated June 15, 2009 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 retain 110 full-time, permanent jobs for a total current annual payroll of \$4,935,084, with the average current, annual job salary being \$44,864; and

**WHEREAS**, the total estimated project cost is \$4,212,000; 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;

**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 \$2.9753/\$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 \$2.9753/\$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 \$2.9753/\$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 ten 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

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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 8710 Indianapolis  
Road, Fort Wayne, Indiana 46809 (Johnson  
Controls, Inc.)**

**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 retain 110 full-time, permanent jobs for a current annual payroll of \$4,935,084, with the average current annual job salary being \$44,864; and

**WHEREAS**, the total estimated project cost is \$4,212,000; 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.

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

**SECTION 1.** That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area an economic revitalization area before the initiation of development for which Johnson Controls, Inc. desires to claim an economic revitalization area deduction. Such waiver shall be in effect for personal property improvements during the period of June 1, 2009 through the date of this resolution and is granted through the authority of I.C. 6-1.1-12.1-9.5; I.C. 6-1.1-12.1-11.3, I.C. 6-1.1-31-1 and 50 I.A.C. 10-4-1(a)(2) and (3).

**SECTION 2.** That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 \$2.9753/\$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 \$2.9753/\$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 \$2.9753/\$100 (the change would be negligible).

**SECTION 7.** 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 ten years.

**SECTION 8.** 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.** 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 10.** 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 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 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 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3912 Option Pass, Fort Wayne, Indiana 46818 (TMK Enterprises, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated July 1, 2009 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 12 part-time, permanent jobs for a total new, annual payroll of \$95,000, with the average new annual job salary being \$7,917 and retain 18 full-time and two part-time, permanent jobs for a total current annual payroll of \$546,000, with the average current, annual job salary being \$27,300; and

**WHEREAS**, the total estimated project cost is \$158,000; 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.

**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 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 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 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 \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.

- (e) 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 \$2.8800/\$100 (the change would be negligible).
- (f) 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 \$2.8800/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (h) 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 \$2.8800/\$100 (the change would be negligible).
- (i) 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 \$2.8800/\$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 logistical distribution and information technology equipment shall be for a period of ten 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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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 3912 Option Pass,  
Fort Wayne, Indiana 46818 (TMK Enterprises, Inc.)**

**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 12 part-time, permanent jobs for a total additional annual payroll of \$95,000, with the average new annual job salary being \$7,917 and retain 18 full-time and two part-time, permanent jobs for a current annual payroll of \$546,000, with the average current annual job salary being \$27,300; and

**WHEREAS**, the total estimated project cost is \$158,000; 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.

**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 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 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 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 \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (e) 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 \$2.8800/\$100 (the change would be negligible).
- (f) 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 \$2.8800/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.

- (h) 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 \$2.8800/\$100 (the change would be negligible).
- (i) 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 \$2.8800/\$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 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 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 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

**BILL NO. S-09-07-12**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving PROJECT COORDINATION CONTRACT WITH THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) FOR WORK ORDER #11961, JOHNNY APPLESEED TO SHOAFF PARK RIVER GREENWAY EXTENSION, PHASE 1A.

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

**SECTION 1.** That the PROJECT COORDINATION CONTRACT WITH THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) FOR WORK ORDER #11961, JOHNNY APPLESEED TO SHOAFF PARK RIVER GREENWAY EXTENSION, PHASE 1A, is hereby ratified, and affirmed and approved in all respects, respectfully for:

Project Coordination Contract with the Indiana Department of Transportation (INDOT) for Work Order #11961, Johnny Appleseed to Shoaff Park River Greenway Extension, Phas 1A;

involving a total cost of SIX HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS - (\$615,000.00). A copy of said contract s on file in 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

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Carol T. Taylor, City Attorney

**BILL NO. S-09-07-08**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

**AN ORDINANCE** approving the awarding of ITB #3046 - PURCHASE OF A HYDRAULIC EXCAVATOR by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and BRANDIES MACHINERY COMPANY for the BIO SOLIDS DEPARTMENT.

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

**SECTION 1.** That ITB #3046 - PURCHASE OF A HYDRAULIC EXCAVATOR between the City of Fort Wayne, by and through its Department of Purchasing and BRANDIES MACHINERY COMPANY for BIO SOLIDS DEPARTMENT, respectfully for:

hydraulic excavator for the Bio Solids Department involving a total cost of TWO HUNDRED THIRTEEN THOUSAND, NINE HUNDRED EIGHTY-THREE AND NO/100 DOLLARS - (\$213,983.00) all as more particularly set forth in said ITB #3046 - PURCHASE OF A HYDRAULIC EXCAVATOR 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-09-07-09**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving CONSTRUCTION CONTRACT #2102-2009, BRAUN DRAIN - WOODBINE AVENUE STORM DRAINAGE between UNDERGROUND CONTRACTORS, 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 CONSTRUCTION CONTRACT #2102-2009, BRAUN DRAIN - WOODBINE AVENUE STORM DRAINAGE by and between UNDERGROUND CONTRACTORS, 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 approximately 1,220 LF of 15-36 inch storm sewer pipe, 8-manholes, 2-special headwall structures and all required drainage swales, grading, seeding and restoration; all associated with the drainage improvements of Braun Drain and Woodbine Ave. north of Cook Rd.:

involving a total cost of ONE HUNDRED TWENTY-SEVEN THOUSAND, SIX HUNDRED FORTY-ONE AND NO/100 DOLLARD - (\$127,641.00). 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

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Carol T. Taylor, City Attorney



