

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION**

OCTOBER 13, 2009

FINANCE COMMITTEE

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

ACTION

S-09-10-06

AN ORDINANCE approving the awarding of ITB #3075- Demolitions and Lot Restorations for properties throughout the City of Fort Wayne by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Oxendine, Palermo, Leininger Excavating, Martin's and Lunz for the Neighborhood Code Enforcement

Total cost of \$231,646.36

R-09-10-07

A RESOLUTION approving the purchase of certain real estate (2214 Melbourne Court) for the City of Fort Wayne, Indiana

Total cost of property \$87,000 (2214 Melbourne Court)

R-09-10-01

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3725 North Wells Street, Fort Wayne, Indiana 46808 (AK Distribution, LLC/Klopfenstein Homerooms, Inc.

Total cost of \$291, 500

TO BE PASSED THIS EVENING

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-10-02

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3725 North Wells Street, Fort Wayne, Indiana 46808 (AK Distribution, LLC/Klopfenstein Homerooms, Inc.)

Total cost of \$291,500

PUBLIC HEARING - 10-27-09 - 5:30 P.M.

R-09-10-08

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC

Approval of this resolution and granting of a waiver of noncompliance will allow them to recoup one year of real property tax abatement that is lost due to late filed deduction forms.

LEGAL PUBLIC HEARING 10-27-09 - 5:30 P.M.

R-09-10-09

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Apollo Design Technology)

Approval of this resolution and granting of a waiver of Noncompliance will allow the company one year of real property tax abatement that it lost due to late filed deduction forms

LEGAL PUBLIC HEARING 10-27-09 - 5:30 P.M.

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-10-10

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (For 103 ERA and Form 103 EL) for JAC Real Estate, LLC and Ceruti's Catering, Inc.

Approval of this resolution and granting of a waiver of noncompliance will allow the company to receive its personal property tax abatement for 2008 payable 2009 due to late filed deduction forms

LEGAL PUBLIC HEARING 10-27-09 - 5:30 P.M.

R-09-10-11

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Citadel Realty, LLC/Fort Wayne Oncology and Hematology

Approval of this resolution and granting of a waiver of noncompliance will allow this company to recoup two years of real property tax abatement that it lost due to late filed deduction forms

LEGAL PUBLIC HEARING 10-27-09 - 5:30 P.M.

R-09-10-12

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for Knight Mechanical Testing, LLC

Approval of this resolution and granting of a waiver of noncompliance will allow the company to receive its personal property tax abatement that it will lose in 2010 due to late filed deduction forms

LEGAL PUBLIC HEARING 10-27-09- 5:30 P.M.

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-10-13

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for The Medical Protective Company)

Approval of this resolution and granting of a waiver of noncompliance will allow the company to receive its personal property tax abatement that it will lose in 2010 due to late filed deduction forms

LEGAL PUBLIC HEARING 10-27-09 - 5:30 P.M.

REGULATIONS COMMITTEE

Thomas F. Didier - Chair

John Shoaff - Co-Chair

All Council Members

G-09-10-17

AN ORDINANCE amending Chapter 36, Personnel Policies of the Fort Wayne, Municipal Code of Ordinance that establishes a prohibition against caps on the increase in the amount of insurance premiums paid by employees

PUBLIC WORKS COMMITTEE

*Marty Bender - Chair
Karen E. Goldner-Co-Chair
All Council Members*

ACTION

S-09-10-14

AN ORDINANCE approving contract #7250-2009, Tillman Road Concrete Street Repairs – Work Order: 12142 between Garcia Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$180,728.70

S-09-10-15

AN ORDINANCE approving construction contract #7249-2009, Ley Road Phase 3, Work Order; 12146 between Primco, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$257,573.18

CITY UTILITIES COMMITTEE

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

S-09-10-16

AN ORDINANCE approving the awarding of ITB #2940- purchase and delivery of liquid ferric chloride by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Kemira Water Solutions for the Water Pollution Control Plant

Total cost of \$149,000

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-09-10-05

AN ORDINANCE approving Plant 3 Clarifier Improvements – Res. #2207-2009, W.O. #65891 between R.E. Crosby and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$189,000

S-09-10-04

AN ORDINANCE approving WOODROW/VANCE PARTIAL SEWER SEPARATION PHASE II – Res. #2248-2009, W.O. #75425 between All Star Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$798,000

S-09-10-03

AN ORDINANCE approving Beckman Drain Improvements – Res. #1882-06, W.O. #80557 between Beiger Excavating and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$306,989

AN ORDINANCE approving the awarding of ITB #3075-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, PALERMO, LEININGER EXCAVATING , MARTIN'S, AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT.

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

SECTION 1. That ITB #3075-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, PALERMO, LEININGER EXCAVATING, MARTIN'S, AND LUNZ for NEIGHBORHOOD CODE ENFORCEMENT, respectfully for:

demolitions and lot restorations for 42 structures involving a total cost of TWO HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED FORTY-SIX AND 36/100 DOLLARS - (\$231,646.36) - (OXENDINE (13) - \$75,445.00; LEININGER (2) - \$8,716.00; MARTIN'S (9) - \$48,551.34; LUNZ (12) - \$70,379.00; PALERMO (6) - \$28,555.02) all as more particularly set forth in said ITB #3075-DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE 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. R-09-10-07

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL ESTATE
(2214 MELBOURNE COURT) FOR THE CITY
OF FORT WAYNE, INDIANA.**

WHEREAS, the City of Fort Wayne desires to purchase property located at 2214 Melbourne Court, specifically described in "Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the purchase of this property is necessary for the City Utilities flood mitigation plan for the Lawrence Drain.

WHEREAS, the purchase price for this property is EIGHTY-SEVEN THOUSAND AND NO/100 DOLLARS – (\$87,000.00).

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase or conveyance 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 property located at 2214 Melbourne Court, by the City of Fort Wayne, is hereby approved and agreed to.

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

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 3725 North Wells Street,
Fort Wayne, Indiana 46808 (AK Distribution,
LLC/Klopfenstein Homerooms, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated September 22, 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 14 full-time and one part-time, permanent jobs for a total new, annual payroll of \$417,000, with the average new annual job salary being \$27,800 and retain 16 full-time and two part-time, permanent jobs for a total current annual payroll of \$465,665, with the average current, annual job salary being \$25,870; and

WHEREAS, the total estimated project cost is \$291,500; 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 \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$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.

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 3725 North Wells Street,
Fort Wayne, Indiana 46808 (AK Distribution,
LLC/Klopfenstein Homerooms, 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 14 full-time and one part-time, permanent jobs for a total additional payroll of \$417,000, with the average new annual job salary being \$27,800 and retain 16 full-time and two part-time, permanent jobs for a current annual payroll of \$465,665, with the average current annual job salary being \$25,870; and

WHEREAS, the total estimated project cost is \$291,500; 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 \$2.7298/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC

WHEREAS, the Allen County Council designated and declared by Confirmatory Resolution and a Statement of Benefits Approval Resolution property at 7950 West Jefferson Boulevard for Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC (Resolution Number 05-07-21-1) pursuant to Allen County Council Resolution Number 2004-12-16-03 and I.C. 6-1.1-12.1; and

WHEREAS, the property designated an economic revitalization area in 2005 for Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC by Allen County Council was located in unincorporated Allen County; and

WHEREAS, the property is now located in the City of Fort Wayne as a result of the Southwest Extended annexation effective January 1, 2006; and

WHEREAS, Common Council with the support of Allen County Council will process Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC's request for a waiver of non compliance; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC and approved under Resolution Number 05-07-21-1 was for \$9,600,000 in real property improvements and \$1,500,000 in personal property improvements; and

WHEREAS, construction of a 56,000 square foot medical office building for NeuroSpine/Pain Surgery Center, LLC was completed in August 2006; and

WHEREAS, Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC received a partial assessment on their real property improvements for 2006 payable 2007; and

WHEREAS, Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC filed FORM 322/RE with the Allen County Auditor's Office to receive their real property tax abatement for 2006 payable 2007 tax year; and

WHEREAS, representatives of Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) for the remainder of their building for 2007 payable 2008 tax year was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis on other economic revitalization area designation paperwork; and

WHEREAS, the Common Council finds that Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC has fulfilled its pledge to build the facility; and

WHEREAS, NeuroSpine/Pain Surgery Center, LLC has retained its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2007 payable 2008 tax year and paying Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC an immediate refund of the excess taxes paid in those years would not be fiscally responsible under the circumstances, but granting relief by permitting Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC to receive the lost ERA deductions over one year would be an appropriate way for the

Common Council to grant Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC the benefit of its tax abatement without creating a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC to recover the lost ERA deduction amounts in subsequent tax years, in accordance with the following schedule:

Tax Year	Real Property Deduction Amount
2009 pay 2010	\$45,605.18
TOTAL	\$45,605.18

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions Allied Building Company, LLC/NeuroSpine/Pain Surgery Center,

LLC lost in 2007 payable 2008 that will be applied to Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC 2009 payable 2010 real property taxes. These amounts shall be in addition to the real property tax abatement deduction amounts to which Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC would have been or will be entitled in the one-year period over which the lost 2007 payable 2008 deduction amount is recouped. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the additional deduction amounts in accordance with this schedule. Any credit given to Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC for the 2007 payable 2008 deduction amount shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to Allied Building Company, LLC/NeuroSpine/Pain Surgery Center, LLC personal property.

SECTION 3. 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 RESOLUTION approving a Waiver of Noncompliance
for a Late-Filed Application for the Economic
Revitalization Area Deduction on Real Property
Improvements (Form 322/RE) for Apollo Design
Technology**

WHEREAS, the Allen County Council designated and declared by Confirmatory Resolution and a Statement of Benefits Approval Resolution property at 4121 and 4130 Fourier Drive for Apollo Design Technology (Resolution Number 06-03-16-1) pursuant to Allen County Council Resolution Number 2004-12-16-03 and I.C. 6-1.1-12.1; and

WHEREAS, the property designated an economic revitalization area in 2006 for Apollo Design Technology by Allen County Council was located in unincorporated Allen County; and

WHEREAS, the property is now located in the City of Fort Wayne as a result of the Huguenard annexation effective June 30, 2006; and

WHEREAS, Common Council with the support of Allen County Council will process Apollo Design Technology's request for a waiver of non compliance; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Apollo Design Technology and approved under Resolution Number 06-03-16-1 was for \$800,000 in real property improvements and \$1,700,000 in personal property improvements; and

WHEREAS, construction of a 5,841 square foot addition for Apollo Design Technology was completed in March 2007; and

WHEREAS, representatives of Apollo Design Technology have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) for their building addition for 2007 payable 2008 tax year was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Apollo Design Technology which has made diligent efforts in good faith to make all required Indiana tax

abatement filings on a timely basis on other economic revitalization area designation paperwork; and

WHEREAS, the Common Council finds that Apollo Design Technology has fulfilled its pledge to expand their facility; and

WHEREAS, Apollo Design Technology has retained its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Apollo Design Technology has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Apollo Design Technology receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2007 payable 2008 tax year and paying Apollo Design Technology an immediate refund of the excess taxes paid in those years would not be fiscally responsible under the circumstances, but granting relief by permitting Apollo Design Technology to receive the lost ERA deductions over one year would be an appropriate way for the Common Council to grant Apollo Design Technology the benefit of its tax abatement without creating a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Apollo Design Technology to recover the lost ERA deduction amounts in subsequent tax years, in accordance with the following schedule:

Tax Year	Real Property Deduction Amount
2009 pay 2010	\$6,917.54
TOTAL	\$6,917.54

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions Apollo Design Technology lost in 2007 payable 2008 that will be applied to Apollo Design Technology 2009 payable 2010 real property taxes. These amounts shall be in addition to the real property tax abatement deduction amounts to which Apollo Design Technology would have been or will be entitled in the one-year period over which the lost 2007 payable 2008 deduction amount is recouped. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the additional deduction amounts in accordance with this schedule. Any credit given to Apollo Design Technology for the 2007 payable 2008 deduction amount shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to Apollo Design Technology's personal property.

SECTION 3. 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 RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for JAC Real Estate, LLC and Ceruti's Catering, Inc.

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Amended Confirming Resolution property at 6601 Innovation Boulevard for JAC Real Estate, LLC and Ceruti Catering, Inc. (R-72-07) 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; and

WHEREAS, the amended Statement of Benefits and economic revitalization area designation application submitted by JAC Real Estate, LLC and Ceruti Catering, Inc. and approved under R-72-07 was for \$375,000 in personal property improvements and \$2,350,000 in real property improvements; and

WHEREAS, representatives of JAC Real Estate, LLC and Ceruti Catering, Inc. have informed the City of Fort Wayne that their schedule of deduction from assessed valuation of personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for JAC Real Estate, LLC and Ceruti Catering, Inc. which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that JAC Real Estate, LLC and Ceruti Catering, Inc. has fulfilled its pledge to install new manufacturing, research and development logistical distribution and information technology equipment; and

WHEREAS, JAC Real Estate, LLC and Ceruti Catering, Inc. has grown its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that JAC Real Estate, LLC and Ceruti Catering, Inc. has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that JAC Real Estate, LLC and Ceruti Catering, Inc. receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2008 payable 2009 tax year and paying JAC Real Estate, LLC and Ceruti Catering, Inc. an immediate refund of the excess taxes paid in those years would not be fiscally responsible under the circumstances, but granting relief by permitting JAC Real Estate, LLC and Ceruti Catering, Inc. to receive the lost ERA deductions over one year would be an appropriate way for the Common Council to grant JAC Real Estate, LLC and Ceruti Catering, Inc. the benefit of its tax abatement without creating a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation

those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit JAC Real Estate, LLC and Ceruti Catering, Inc. to receive the lost ERA deduction amount in accordance with the following schedule:

Tax Year	Personal Property Deduction Amount
2009 pay 2010	\$71,920
TOTAL	\$71,920

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions JAC Real Estate, LLC and Ceruti Catering, Inc. lost in 2008 payable 2009 that will be applied to JAC Real Estate, LLC and Ceruti Catering, Inc. 2009 payable 2010 personal property taxes. These amounts shall be in addition to the personal property tax abatement deduction amounts to which JAC Real Estate, LLC and Ceruti Catering, Inc. would have been or will be entitled in the one-year period over which the lost 2008 payable 2009 deduction amount is recouped. The Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the additional deduction amounts in accordance with this schedule. Any credit given to JAC Real Estate, LLC and Ceruti Catering, Inc. for the 2008 payable 2009 deduction amount shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to JAC Real Estate, LLC's real property.

SECTION 3. 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 RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Citadel Realty, LLC/Fort Wayne Oncology and Hematology

WHEREAS, the Allen County Council designated and declared by Confirmatory Resolution and a Statement of Benefits Approval Resolution property at 7950 West Jefferson Boulevard for Citadel Realty, LLC/Fort Wayne Oncology and Hematology (Resolution Number 05-10-25-02) pursuant to Allen County Council Resolution Number 2004-12-16-03 and I.C. 6-1.1-12.1; and

WHEREAS, the property designated an economic revitalization area in 2005 for Citadel Realty, LLC/Fort Wayne Oncology and Hematology by Allen County Council was located in unincorporated Allen County; and

WHEREAS, the property is now located in the City of Fort Wayne as a result of the Southwest Extended annexation effective January 1, 2006; and

WHEREAS, Common Council with the support of Allen County Council will process Citadel Realty, LLC/Fort Wayne Oncology and Hematology's request for a waiver of non compliance; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Citadel Realty, LLC/Fort Wayne Oncology and Hematology and approved under Resolution Number 05-10-25-02 was for \$7,000,000 in real property improvements and \$3,200,000 in personal property improvements; and

WHEREAS, construction of a 44,024 square foot facility for Fort Wayne Oncology and Hematology was completed in July 2006; and

WHEREAS, representatives of Citadel Realty, LLC/Fort Wayne Oncology and Hematology have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence due to errors in the issuance of property tax bills; and

WHEREAS, Citadel Realty, LLC/Fort Wayne Oncology and Hematology has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis on other economic revitalization area designation paperwork; and

WHEREAS, the Common Council finds that Citadel Realty, LLC has fulfilled its pledge to build the facility; and

WHEREAS, Fort Wayne Oncology and Hematology has retained its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Citadel Realty, LLC/Fort Wayne Oncology and Hematology has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Citadel Realty, LLC/Fort Wayne Oncology and Hematology receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2007 payable 2008 tax years and paying Citadel Realty, LLC/Fort Wayne Oncology and Hematology an immediate refund of the excess taxes paid in those years and correcting real property tax bills would not be fiscally responsible under the circumstances, but granting relief by permitting Citadel Realty, LLC/Fort Wayne Oncology and Hematology to receive the lost ERA deductions over one year would be an appropriate way for the Common Council to grant Citadel Realty, LLC/Fort Wayne Oncology and Hematology the benefit of its tax abatement without creating a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of

the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Citadel Realty, LLC/Fort Wayne Oncology and Hematology to recover the lost ERA deduction amounts in subsequent tax years, in accordance with the following schedule:

Tax Year	Real Property Deduction Amount
2009 pay 2010	\$138,619.52
TOTAL	\$138,619.52

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions Citadel Realty, LLC/Fort Wayne Oncology and Hematology lost in 2007 payable tax years that will be applied to Citadel Realty, LLC/Fort Wayne Oncology and Hematology 2009 payable 2010 real property taxes. These amounts shall be in addition to the real property tax abatement deduction amounts to which Citadel Realty, LLC/Fort Wayne Oncology and Hematology would have been or will be entitled in the one-

year period over which the lost 2007 payable 2008 deduction amounts are recouped. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the additional deduction amounts in accordance with this schedule. Any credit given to Citadel Realty, LLC/Fort Wayne Oncology and Hematology for the 2007 payable 2008 amount shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to Citadel Realty, LLC/Fort Wayne Oncology and Hematology personal property.

SECTION 3. 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 RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for Knight Mechanical Testing, LLC

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 6016 Highview Drive for Knight Mechanical Testing, LLC (R-61-07) 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; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Knight Mechanical Testing, LLC and approved under R-61-07 was for \$283,944 in personal property improvements; and

WHEREAS, representatives of Knight Mechanical Testing, LLC have informed the City of Fort Wayne that their schedule of deduction from assessed valuation of personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Knight Mechanical Testing, LLC which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that Knight Mechanical Testing, LLC has fulfilled its pledge to install new research and development and information technology equipment; and

WHEREAS, Knight Mechanical Testing, LLC has grown its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Knight Mechanical Testing, LLC has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Knight Mechanical Testing, LLC receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2009 payable 2010 tax year will not create a strain on the City of Fort Wayne fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Knight Mechanical Testing, LLC to receive the lost ERA deduction amount in accordance with the following schedule:

Tax Year	Personal Property Deduction Amount
2009 pay 2010	\$136,950

TOTAL	\$136,950
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The foregoing numbers represent deductions from assessed valuation of personal property, not tax liability. The total deduction amounts set forth in the preceding table represent deductions Knight Mechanical Testing, LLC will lose in 2009 payable 2010. The Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value or taxes payable with respect to Knight Mechanical Testing, LLC's real property.

SECTION 3. 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 RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Personal Property Improvements (Form 103 ERA and Form 103 EL) for The Medical Protective Company

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 5814 Reed Road for The Medical Protective Company (R-98-05) 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; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by The Medical Protective Company and approved under R-98-05 was for \$1,521,000 in personal property improvements; and

WHEREAS, representatives of The Medical Protective Company have informed the City of Fort Wayne that their schedule of deduction from assessed valuation of personal property in economic revitalization areas (Form 103-ERA) and the equipment list for new additions to ERA deduction personal property in an economic revitalization area (Form 103-EL) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for The Medical Protective Company which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that The Medical Protective Company has fulfilled its pledge to install new information technology equipment; and

WHEREAS, The Medical Protective Company has grown its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that The Medical Protective Company has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that The Medical Protective Company

receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2009 payable 2010 tax year will not create a strain on the City of Fort Wayne fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit The Medical Protective Company to receive the lost ERA deduction amount in accordance with the following schedule:

Tax Year	Personal Property Deduction Amount
2009 pay 2010	\$833,929
TOTAL	\$833,929

The foregoing numbers represent deductions from assessed valuation of personal property, not tax liability. The total deduction amounts set forth in the preceding table represent deductions The Medical Protective Company will lose in 2009 payable 2010. The Allen County Assessor shall be supplied with a copy of this Resolution, upon passage, and instructed to apply the deduction amounts in accordance with this schedule. This resolution shall have no effect on the assessed value or taxes payable with respect to The Medical Protective Company's real property.

SECTION 3. 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. G-09-10-17

ORDINANCE NO. G- _____

**AN ORDINANCE AMENDING CHAPTER 36,
PERSONNEL POLICIES OF THE FORT WAYNE
MUNICIPAL CODE OF ORDINANCES THAT
ESTABLISHES A PROHIBITION AGAINST CAPS
ON THE INCREASE IN THE AMOUNT OF
INSURANCE PREMIUMS PAID BY EMPLOYEES**

WHEREAS, the City of Fort Wayne provides a benefit to all civil city and city utility employees, both union and non-union, with regard to the payment of group health insurance premiums; and

WHEREAS, the cost to the City of Fort Wayne for group health insurance premiums paid for and on behalf of employees continues to escalate; and

WHEREAS, it is in the best interest of the City to amend the degree to which the City of Fort Wayne contributes to health insurance premium benefits for all civil city and city utilities, union and non-union employees; and

WHEREAS, one way to accomplish this is to eliminate caps on the increase in the portion of the premium which employees are required to pay.

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

SECTION 1. Chapter 36 of the Municipal Code of Ordinances is hereby amended to add Section 36.31 which section shall read as follows:

§ 36.31 **PROHIBITION AGAINST CAPS ON ACTIVE RATE INCREASES REGARDING HEALTH INSURANCE PREMIUMS**

A. Applicability. This section shall apply to all employees of the civil city and city utilities of the City of Fort Wayne (union and non-

union) including all employees of City of Fort Wayne subdivisions, departments, divisions, commissions, authority, institution, establishment, facility, or governmental unit under supervision of the City of Fort Wayne. Further, the provisions set forth herein shall be applicable to any contracts (including collective bargaining agreements) entered into after the effective date of this Ordinance by the City of Fort Wayne, city utilities, or any of the City of Fort Wayne's subdivisions, departments, divisions, commissions, authority, institution, establishment, facility, or governmental unit under supervision of the City of Fort Wayne with any union or other third party which contract, in whole or in part, pertains to health insurance.

B. Definitions. For the purpose of this Section, the following definitions shall be applicable:

1. **"Premium Cost"** shall mean the total cost of group health insurance benefits attributable to an employee on an annual basis. The Premium Cost can and will change from year to year as the group health insurance benefits and the cost therefore change from year to year.
2. **"Active Rate"** shall mean the cost which an active employee, employed by the City of Fort Wayne is required to contribute towards the total Premium Cost for group health insurance benefits annually. The Active Rate may change from year to year.

C. Prohibition against Caps on the Increase of Active Rates. The City of Fort Wayne, City of Fort Wayne Utilities, or any City of Fort Wayne's subdivisions, departments, divisions, commissions, authority, institution, establishment,

facility, or governmental unit under supervision of the City of Fort Wayne, is prohibited from entering into any agreement or contract whereby it agrees to cap or otherwise restrict the amount of any increase in the Active Rate payable by employees of the City of Fort Wayne from year to year.

SECTION 2. The City is directed to take all action necessary and proper in order to amend the City of Fort Wayne’s Policy and Procedure Manual accordingly with the implementation of this Ordinance.

SECTION 3. This Ordinance, 36.31 is intended to apply to all civil city employees and city utilities employees both union and non-union. As such, any union contract entered into subsequent to the effective date of this ordinance, shall be subject to and in compliance with the terms of this ordinance.

SECTION 4. The City is directed to take all action necessary and proper for the implementation of this Ordinance.

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

Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

BILL NO. S-09-10-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT #7250-2009, TILLMAN ROAD CONCRETE STREET REPAIRS – WORK ORDER: 12142 between GARCIA CONCRETE 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 #7250-2009, TILLMAN ROAD CONCRETE STREET REPAIRS – WORK ORDER: 12142 by and between GARCIA CONCRETE 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 Tillman Road concrete street repairs;

involving a total cost of ONE HUNDRED EIGHTY THOUSAND, SEVEN HUNDRED TWENTY-EIGHT AND 70/100 DOLLARS - (\$180,728.70).

SECTION 2. Prior Approval has been requested from Common Council on SEPTEMBER 8, 2009. 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

BILL NO. S-09-10-15

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7249-2009, LEY ROAD, PHASE 3, WORK ORDER : 12146 between PRIMCO, 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 #7249-2009, LEY ROAD, PHASE 3, WORK ORDER : 12146 by and between PRIMCO, 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 Ley Road, Phase 3;

involving a total cost of TWO HUNDRED FIFTY-SEVEN THOUSAND, FIVE HUNDRED SEVENTY-THREE AND 18/100 DOLLARS - (\$257,573.18).

SECTION 2. Prior Approval has been requested from Common Council on SEPTEMBER 22, 2009. 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

BILL NO. S-09-10-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #2940-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for the WATER POLLUTION CONTROL PLANT.

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

SECTION 1. That ITB #2940-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE between the City of Fort Wayne, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for WATER POLLUTION CONTROL PLANT, respectfully for:

purchase of additional liquid ferric chloride for use at the Water Pollution Control Plant;

involving a total cost of ONE HUNDRED FORTY-NINE THOUSAND AND NO/100 DOLLARS - (\$149,000.00) all as more particularly set forth in said ITB #2940-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE 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-09-10-05

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PLANT 3 CLARIFIER IMPROVEMENTS - RES. #2207-2009, W.O. #65891 between R.E. CROSBY 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 PLANT 3 CLARIFIER IMPROVEMENTS - RES. #2207-2009, W.O. #65892 by and between R.E. CROSBY 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 completion of the Plant 3 Clarifier Improvements - replacement of mechanical equipment including clarifier drive mechanisms and associated coating systems:

involving a total cost of ONE HUNDRED EIGHTY-NINE THOUSAND, AND NO/100 DOLLARS - (\$189,000.00). 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

BILL NO. S-09-10-04

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving WOODROW/VANCE PARTIAL SEWER SEPARATION PHASE II - RES. #2248-2009, W.O. #75425 between ALL STAR CONSTRUCTION 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 WOODROW/VANCE PARTIAL SEWER SEPARATION PHASE II - RES. #2248-2009, W.O. #75425 by and between ALL STAR CONSTRUCTION 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 1,200 LF of 8-inch water mains and 4,400 LF of storm sewers and all appurtenant structures associated with the Woodrow/Vance partial sewer separation phase II improvements:

involving a total cost of SEVEN HUNDRED NINETY-EIGHT THOUSAND, NINE HUNDRED AND NO/100 DOLLARS - (\$798,000.00). 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

BILL NO. S-09-10-03

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving BECKMAN DRAIN IMPROVEMENTS - RES. #1882-06, W.O. #80557 between GEIGER 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 BECKMAN DRAIN IMPROVEMENTS - RES. #1882-06, W.O. #80557 by and between GEIGER 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 construction of approximately 1, 220 LF of sewers ranging from 8-inch to 72-inch and 1,200 LF of Ditch re-grading and/or cleaning, 4 inlets/manholes, 2 special junction boxes and all appurtenant structures associated with the Beckman Drain improvements:

involving a total cost of THREE HUNDRED SIX THOUSAND, NINE HUNDRED EIGHTY-NINE AND NO/100 DOLLARS - (\$306,989.00). 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

