

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
AUGUST 10, 2010**

CITY UTILITIES COMMITTEE

*Glynn A. Hines - Chair
Thomas F. Didier - Co-Chair
All Council Members*

ACTION

S-10-08-05

AN ORDINANCE approving Amendment No. 1 to Professional Services Agreement /Downtown Fort Wayne Stormwater/Sewer Masterplan/Res. #2220-2010, W.O. #75414 between VS Engineering and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$246,600 (Total amount of Contract \$574,000)

FINANCE COMMITTEE

*Thomas E. Smith - Chair
Tim Pape - Co-Chair
All Council Members*

S-10-08-01

AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Accounting, Purchasing, and Payroll software at a total cost of \$119,466 from and through Tyler Technologies, Inc. by the City of Fort Wayne, Indiana

Total cost of \$119,466

FINANCE COMMITTEE CONTINUED

ACTION

R-10-08-02

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 5503 Distribution Drive, Fort Wayne, Indiana 46825 (Trelleborg Sealing Solutions, Inc.)

Total cost of \$879,907- 46 full-time jobs will be created as a result of the project

TO BE PASSED THIS EVENING

R-10-08-03

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 5503 Distribution Drive, Fort Wayne, Indiana 46825 (Trelleborg Sealing Solutions, Inc.)

Total cost of \$879,907 - 46 full-time jobs will be created as a result of the project

**LEGAL PUBLIC HEARING
8-24-10 - 5:30 P.M.**

REGULATIONS COMMITTEE

***Mitch Harper - Chair
Karen E. Goldner - Co-Chair
All Council Members***

G-10-08-06

AN ORDINANCE amending Chapter 38, of the Fort Wayne Municipal Code of Ordinances

Disclosure required by all purchasers or sellers

With whom the City contracts with for the purchase and sale of goods, real estate and Services

PUBLIC WORKS COMMITTEE

*John Shoaff - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

ACTION

S-10-08-04

**AN ORDINANCE approving South Anthony Blvd/Norfolk-Southern Railroad Grade Separation Feasibility Study between DLZ Engineering and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$199,900**

BILL NO. S-10-08-05

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT / DOWNTOWN FORT WAYNE STORMWATER / SEWER MASTERPLAN / RES. #2220-2010, W.O. #75414 between VS ENGINEERING 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 AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT / DOWNTOWN FORT WAYNE STORMWATER / SEWER MASTERPLAN / RES. #2220-2010, W.O. #75414 by and between VS ENGINEERING 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:

Scope of Basic Engineering Services and compensation revisions for the Downtown Stormwater / Sewer Masterplan:

involving a total cost of TWO HUNDRED FORTY-SIX THOUSAND, SIX HUNDRED AND NO/100 DOLLARS - (\$246,600.00) - (TOTAL AMOUNT OF CONTRACT \$574,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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-10-08-01

ORDINANCE NO. S-_____

AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Accounting, Purchasing, and Payroll software at a total cost of \$119,466 from and through Tyler 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 Accounting, Purchasing, and Payroll software from Tyler Technologies, Inc for a total of cost to the City of ONE HUNDRED NINETEEN THOUSAND, FOUR HUNDRED SIXTY-SIX AND NO/100 DOLLARS (\$119,466) is hereby approved in all respects. That said Yearly Maintenance will be used to ensure the proper accounting of the City's fiscal operations.

SECTION 2. That the City is authorized and directed to take all action necessary for the purchase of this system by and through Tyler 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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 5503 Distribution Drive, Fort Wayne, Indiana 46825 (Trelleborg Sealing Solutions, Inc.)

WHEREAS, Petitioner has duly filed its petition dated July 23, 2010 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 46 full-time, permanent jobs for a total new, annual payroll of \$1,657,000, with the average new annual job salary being \$36,022 and retain 320 full-time, permanent jobs for a total current annual payroll of \$15,089,000, with the average current, annual job salary being \$47,153; and

WHEREAS, the total estimated project cost is \$879,907; 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 \$2.8601/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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.

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 5503 Distribution Drive, Fort Wayne, Indiana 46825 (Trelleborg Sealing Solutions, 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 46 full-time, permanent jobs for a total additional annual payroll of \$1,657,000, with the average new annual job salary being \$36,022 and retain 320 full-time, permanent jobs for a current annual payroll of \$15,089,000, with the average current annual job salary being \$47,153; and

WHEREAS, the total estimated project cost is \$879,907; and

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

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

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 \$2.8601/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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 ten 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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. G-10-08-06

General Ordinance No. S-_____

**AN ORDINANCE AMENDING CHAPTER 38, OF THE
FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

Whereas, in the interest of transparency, both the City of Fort Wayne and the general public has an interest in full disclosure as to individual owners, parent companies, subsidiaries and other ownership affiliations with regard to those entities with whom the City contracts with for the purchase and sale of goods, real estate, and services; and

Whereas, requiring disclosure of ownership information prior to the consummation of contractual relationships with entities contracting with the City of Fort Wayne, would allow for such greater transparency.

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

SECTION 1. Chapter 38 of the Municipal Code of Ordinances is hereby amended to add Section 38.05, which section shall read as follows:

§ 38.05 DISCLOSURE REQUIRED BY ALL PURCHASERS OR SELLERS

1. Any non-governmental entity which bids on or otherwise offers to contract with the City of Fort Wayne, any city-owned or operated utility or any board or commission created by, under the purview of and/or which receives funding from or under, in the City of Fort Wayne's budget (hereinafter collectively any of the foregoing boards, commission, utilities, etc., shall be referred to as the "City of Fort Wayne") shall be required to disclose all persons or entities owning ten percent (10%) or more of a shareholder, membership, partnership, or ownership interest of any nature in the entity contracting with the City of Fort Wayne. The disclosure shall be required prior to the approval and/or execution of any contracts in excess of \$50,000.00 for the purchase or sale of all goods, services, real estate, or any other

purchase or sale agreement between the City of Fort Wayne, and any non-organizational entity.

2. For the purposes of this disclosure, entity shall include, but shall not be limited to, corporations, partnerships, limited liability companies, limited liability partnerships, or any other entity in which there may be a shared ownership interest. To the extent that there is an entity or entities that are owners of 10% or more of the entity contracting with the City of Fort Wayne, then those entities shall be required to make disclosure of shareholders, members, partners, or ownership interests of any nature of 10% or more.

3. To the extent that a contractual arrangement will last more than one (1) year, then the entity entering into the contract with the City of Fort Wayne shall be required to update its disclosure annually.

SECTION 2. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

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, but shall expire, unless action is taken to extend it, three (3) years after it becomes effective.

Mitch Harper, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

BILL NO. S-10-08-04

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving SOUTH ANTHONY BLVD./NORFOLK-SOUTHERN RAILROAD GRADE SEPARATION FEASIBILITY STUDY between DLZ ENGINEERING 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 SOUTH ANTHONY BLVD./NORFOLK-SOUTHERN RAILROAD GRADE SEPARATION FEASIBILITY STUDY by and between DLZ ENGINEERING 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:

Contract is for a grade separation feasibility study to analyze costs, benefits, and impacts of re-constructing Anthony Blvd. to pass over or under the Norfolk Southern Railroad tracks in the 1600 block of South Anthony Blvd. The study is required to obtain Federal funding for any future construction of an overpass or underpass on Anthony Blvd:

involving a total cost of ONE HUNDRED NINETY-NINE THOUSAND, NINE HUNDRED AND NO/100 DOLLARS - (\$199,900.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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

