

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
JANUARY 25, 2011**

CITY UTILITIES COMMITTEE

*Glynn A. Hines - Chair
Marty Bender - Co-Chair
All Council Members*

ACTION

S-11-01-20

AN ORDINANCE approving Cipp 2010 Small Diameter Package #2: Res. #2316-2010 - WO #75450 between Insituform and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,017,443

S-11-01-21

AN ORDINANCE approving Beckett's Run Relief Interceptor-Phase I: Res. #2223-2009, W.O. #75411 between S.J. Louis Construction Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$\$5,918,973

FINANCE COMMITTEE

*Thomas E. Smith - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

ACTION

S-11-01-16

**AN ORDINANCE approving the awarding of ITB #3278 –
Foellinger Theater Roof Improvement by the City of Fort Wayne,
Indiana, by and through its Department of Purchasing and CMS
Roofing, Inc. for the Fort Wayne Parks and Recreation
Department**

Total cost of \$160,290

S-11-01-19

**AN ORDINANCE approving the awarding of Contract for
Aircard Service by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and Verizon for the Fort
Wayne Police Department**

Total cost of \$126,042

R-11-01-17

**A DECLARATORY RESOLUTION designating an “Economic
Revitalization Area” under I.C. 6-1.1-12.1 for property commonly
known as 200 Sixth Street, Fort Wayne, Indiana 46802 (Advantage
Direct 365 Corporation)**

**Total cost of \$740,599 - personal property
Improvements - two full-time jobs will be
created**

To be passed this evening

FINANCE COMMITTEE

CONTINUED

ACTION

R-11-01-18

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 200 Sixth Street, Fort Wayne, Indiana 46802 (Advantage Direct 365 Corporation)

Total cost of \$740,599 - personal property Improvements - two full-time jobs created

Legal Public Hearing - 2-8-2011 - 5:30 P.M.

REGULATIONS COMMITTEE

No Ordinances or Resolutions up for introduction

PUBLIC WORKS COMMITTEE

No Ordinances or Resolutions up for introduction

BILL NO. S-11-01-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CIPP 2010 SMALL DIAMETER PACKAGE #3: RES. #2316-2010 - WO #75450 between INSITUFORM 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 CIPP 2010 SMALL DIAMETER PACKAGE #3:

RES. #2316-2010 - WO #75450 by and between INSITUFORM 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 Rehabilitation of approximately 31,365 LF of small diameter (8-inch to 15-inch) sanitary sewer by means of a cured-in-place pipe method;

involving a total cost of ONE MILLION, SEVENTEEN THOUSAND, FOUR HUNDRED FORTY-THREE AND NO/100 DOLLARS - (\$1,017,443.00). 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 Helton, City Attorney

BILL NO. S-11-01-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving BECKETT'S RUN RELIEF INTERCEPTOR-PHASE I: RES. #2223-2009, W.O. #75411 between S.J. LOUIS CONSTRUCTION, 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 BECKETT'S RUN RELIEF INTERCEPTOR-PHASE I: RES. #2223-2009, W.O. #75411 by and between S.J. LOUIS CONSTRUCTION, 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 Installation of approximately 13,650 LF of FRP gravity relief sewer ranging in diameters from 27" to 54" to parallel and provide relief to the existing Beckett's Run Interceptor. Also included is bid alternate "A" that includes 2,714 LF of RCP stormwater pipe:

involving a total cost of FIVE MILLION, NINE HUNDRED EIGHTEEN THOUSAND, NINE HUNDRED SEVENTY-THREE AND NO/100 DOLLARS - (\$5,918,973.00).

SECTION 2. Prior Approval has been requested from Common Council on JANUARY 11, 2011. 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 Helton, City Attorney

BILL NO. S-11-01-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB# 3278 - FOELLINGER THEATER ROOF IMPROVEMENT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CMS ROOFING, INC. for the FORT WAYNE PARKS AND RECREATION DEPARTMENT.

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

SECTION 1. That ITB# 3278 - FOELLINGER THEATER ROOF IMPROVEMENT between the City of Fort Wayne, by and through its Department of Purchasing and CMS ROOFING, INC. for the FORT WAYNE PARKS AND RECREATION DEPARTMENT, respectfully for:

supply equipment, material and labor to overlay the existing roof at the Foellinger Theatre. Remove and replace all flashing and counter flashing. Alternate 1: Install new aluminum flashing on the north fascia. Alternate 2: Repaint gutter and fascia board

involving a total cost of ONE HUNDRED SIXTY THOUSAND, TWO HUNDRED NINETY AND NO/100 DOLLARS - (\$160,290.00) all as more particularly set forth in said ITB# 3278 - FOELLINGER THEATER ROOF IMPROVEMENT 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 Helton, City Attorney

BILL NO. S-11-01-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of Contract for Aircard Service by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and VERIZON for the FORT WAYNE POLICE DEPARTMENT.

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

SECTION 1. That Contract for Aircard Service between the City of Fort Wayne, by and through its Department of Purchasing and VERIZON for the FORT WAYNE POLICE DEPARTMENT, respectfully for:

2011 Verizon aircard service for the Fort Wayne Police Department;
involving a total cost of ONE HUNDRED TWENTY-SIX THOUSAND, FORTY-TWO AND NO/100 DOLLARS - (\$126,042.00) all as more particularly set forth in said Contract for Aircard Service 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 Helton, City Attorney

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 200 Sixth Street,
Fort Wayne, Indiana 46802 (Advantage Direct 365
Corporation)**

WHEREAS, Petitioner has duly filed its petition dated January 12, 2011 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 two full-time, permanent jobs for a total new, annual payroll of \$90,000, with the average new annual job salary being \$45,000 and retain 20 full-time and nine part-time, permanent jobs for a total current annual payroll of \$1,155,000, with the average current, annual job salary being \$39,828; and

WHEREAS, the total estimated project cost is \$740,599; 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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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

Carol Helton, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 200 Sixth Street,
Fort Wayne, Indiana 46802 (Advantage Direct 365
Corporation)**

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

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

WHEREAS, said project will create two full-time, permanent jobs for a total new, annual payroll of \$90,000, with the average new annual job salary being \$45,000 and retain 20 full-time and nine part-time, permanent jobs for a current annual payroll of \$1,155,000, with the average current annual job salary being \$39,828; and

WHEREAS, the total estimated project cost is \$740,599; 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 Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

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

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

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

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

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

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of 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 new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction

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

SECTION 9. The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

