The Common Council of the City of Kokomo, Indiana met Monday November 23rd, 2020 at 6:00p.m. in the City Hall Council Chambers.

The meeting was called to order by President Rudolph.

President Rudolph states, those who wish to stand may stand, or you may remain seated.

Councilwoman Sanders introduced Pastor Kerry Williams of Grace Baptist Church.

Pledge:

Present: Rudolph, Grecu, Acord, Collins, R. Stewart, T. Stewart, McKibben, Sanders, Miklik

Absent: None

The minutes of the Council Meeting held November 9th, 2020 were declared approved as presented.

Communications: John Roberts of Kokomo, stated he approached the Council in July about fireworks.

Mr. Roberts would like the Council to consider adopting a firework ordinance. Similar cities in size have Firework Ordinances in place. Mr. Roberts had a letter for all the Council that included Cities and the time frame fireworks were allowed with dates and times. The letter was handed out to all Council. (the letter will be on file with the minutes)

Deb Smith of Kokomo, states she is in support of a firework ordinance. Would like something done soon.

Councilwoman McKibben states, she has had conversation with a Firework store owner, and Diana Bond about starting a social media campaign for the coming year to get the word out on fireworks and their use.

Diana Bond of Kokomo states, she supports any firework ordinance and urges the Council to proceed after the first of the year.

Committee Reports: none were given at this regular meeting

Ordinance #6973 An Ordinance amending Ordinance #6852 for certain fees pertaining to the City’s wastewater and storm-water utility.

Ordinance #6973 was read by the Clerk by title only. Councilman Miklik moved for passage on second reading. Seconded by Councilwoman Sanders

Vote for passage follows: 9-0

Aye: All

Nay: None

Ordinance #6974 (case P13-z-20) An Ordinance requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone from R4 (urban residential) to OC
Ordinance #6974 was read by the Clerk by title only. Councilwoman Sanders moved for passage on the first reading. Seconded by Councilman Collins.

Dr. Devona Beard Anderson of Kokomo states, this is to establish a Medical office here in Kokomo. It is a new concept based health care with a limited number of patients. She is the owner and CEO. She is born and raised in Kokomo. She feels there is a need, and with this new concept based health there is more time given with each patient.

Vote for passage on first reading follows: 9-0
Aye All
Nay: None

Ordinance #6975 (case P11-z-20) An Ordinance requesting the Kokomo City Plan Commission petition a recommend to the Kokomo Common Council for a Change in zone classification from PR (parks & recreation) to C1 (small to medium scale commercial) located at 3116 W Boulevard Kokomo IN. 46902

Ordinance #6975 was read by the Clerk by title only. Councilwoman Sanders moved for passage on the first reading. Seconded by Councilman R. Stewart.

Doug Stellhorn of Stellhorn Home improvement from Russiaville IN. 46979 states that he would like to move a travel trailer business to this location. They have plans to clean up the area and remove the old mini golf area. To landscape the area and utilize the current buildings as a new showroom and a service center.

Amy Henderson of Kokomo states, her concerns are the increase in traffic along Boulevard and the travel trailers on the road. She states this is mainly a residential area.

Darrell Henderson of Kokomo states, he is worried about the noise level of the service area.

Vote for passage on first reading follows: 9-0
Aye: All
Nay: None

Resolution #2753 Resolution to provide for reimbursement to Public Health and Public Safety payroll costs with CARES ACT funding.

Resolution #2753 was read by the Clerk by title only. Councilman Miklik moved for passage. Seconded by Councilman R. Stewart.

Vote for passage follows: 9-0
Aye: All
Nay: None
Ordinance #6976 Whereas, it has been determined that it is now necessary to appropriate money in accordance with the General Fund.

Ordinance #6976 was read by the Clerk by title only. Councilman Miklik moved for passage on first reading. Seconded by Councilman R. Stewart.

Councilman Miklik states, for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the general fund for the purposes specified. Reimburse EDIT fund for the Stronger forgivable loan, other cost related to COVID, and for equipment cost related to COVID.

Vote for passage follows: 9-0

Aye: All
Nay: None

Ordinance #6977 An Ordinance of the Kokomo Common Council concerning certain actions and proceedings with respect to the financing of certain KHA RAD I Apartments.

Ordinance #6977 was read by the Clerk by title only. Councilman Miklik moved for passage on the first reading. Seconded by Councilman Grecu.

Councilman Miklik states this is an Ordinance authorizing the City of Kokomo to issue one or more series of its City of Kokomo Multifamily Housing Revenue Bonds. The city is authorized to issue revenue bonds for the purpose of financing, reimbursing of refinancing the costs of acquisition, construction, renovation, of all Kokomo Housing Units.

Bob Davis AFCME President states he has concerns for the employees of KHA as the project moves forward.

Vote for passage follows: 6-3

Aye: Collins, R. Stewart, Grecu, Rudolph, Sanders, Miklik
Nay: Acord, T. Stewart, McKibben

Attest: President

__________________________

__________________________

City Clerk
PUBLIC HEARING AGENDA

DECEMBER 14th, 2020

At 6:00 p.m. in the Council Chambers

100 S. Union St.

Kokomo IN. 46901

COUNCIL MEETING immediately following

CALL TO ORDER:

ROLL CALL:

ORDINANCE #6976

Whereas, it has been determined that it is now necessary to appropriate money in accordance with the General Fund.
AGENDA

December 14th, 2020

KOKOMO COMMON COUNCIL

CITY OF KOKOMO, INDIANA

PUBLIC INFORMATIONAL MEETING AT 5:30 P.M. IN THE LOUKS CONFERENCE ROOM LOCATED ON THE FIRST FLOOR. COUNCIL MEETING IMMEDIATELY FOLLOWING AT 6:00 P.M. IN THE COUNCIL CHAMBERS CITY HALL 100 S UNION ST.

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting minutes held November 23rd, 2020

COMMUNICATIONS:

COMMITTEE REPORTS:

Ordinance #6974 Case P13-Z-20 is a petition of Devona Beard Anderson, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone from R4 (urban residential) to OC (office commercial) for property described as Garden Place lot 50x100 x200 E SD lot 50 & E PT lot 51 containing 0.458 acres, more or less, City of Kokomo, Center Township, Howard County, IN. at 1613 N Delphos St.

(second reading) Sanders

Ordinance #6975 Case P11-Z-20 is the petition of Doug Stellhorn, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from PR (parks & recreation) to C1 (small to medium scale general commercial) for
property described as part of the southeast quarter of section 3, township 23 north, range east, center township, Howard County, Indiana, located at 3116 West Boulevard Kokomo In. 46902

(second reading) Sanders

Ordinance #6976  Whereas, it has been determined that it is now necessary to appropriate money in accordance with the General Fund.

(second reading) Miklik

Ordinance #6977  An Ordinance of the Kokomo Common Council concerning certain actions and proceedings with respect to the financing of certain KHA RAD I apartments.

(second reading) Miklik

Ordinance #6978  re: P15-Z-20 rezone from M2 (multi-family residential) to LI (low intensity industrial/business park) at 3109 W. Sycamore St.

First reading (Sanders)

Ordinance #6979  Re: P14-Z-20 rezone from C1 (small to medium scale general commercial) to C2 (medium to large scale general commercial/us 31 agricultural over-lay)

2200 S. Goyer Rd. or 2500 E. Boulevard Kokomo Indiana

First reading (Sanders)

Resolution #2754  A Resolution of the Common Council of the City of Kokomo, Indiana, regarding Change Order for the Downtown Parking Garage Project.

(Collins)

Resolution #2755  Resolution of the Common Council of the City of Kokomo, Indiana authorizing and approving amended and restated cooperation agreement for the Housing Authority of the City of Kokomo, Indiana

(Collins)

Resolution #2556  Transfer Funds General Fund

(Miklik)
## 2020 Encumbrances Master Listing by Fund by PO Number

<table>
<thead>
<tr>
<th>Fund</th>
<th>Date</th>
<th>Vendor No</th>
<th>Vendor Name</th>
<th>Account Number</th>
<th>Encumbrance Amount</th>
<th>Liquidated Amount</th>
<th>Outstanding Amount</th>
<th>Project</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>General Fund - Board of Works</strong></td>
<td></td>
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<td>16355 12/4/2019</td>
<td>5533</td>
<td>Envoy, INC</td>
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<td>5,168,512.50</td>
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<td>743,149.50</td>
<td>Parking Garage</td>
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<td>16709 12/5/2019</td>
<td>5616</td>
<td>Community 1st, FBO Envoy</td>
<td>1010-1900-413.400-40-47</td>
<td>396,487.50</td>
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<td>103,607.55</td>
<td>Parking Garage - Retainage</td>
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<td>16359 12/5/2019</td>
<td>5450</td>
<td>B5&amp;A Software</td>
<td>1010-1900-413.400-40-91</td>
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<td>Software Upgrade</td>
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<td>17425 12/4/2020</td>
<td>4071</td>
<td>New Sesco Inc</td>
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<td>634,010.00</td>
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<td>634,010.00</td>
<td>1114 Dixon Clean up</td>
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<td><strong>General Fund - Fire</strong></td>
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<td>17386 12/4/2020</td>
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<td>5 Alarm Fire &amp; Safety Equipment</td>
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<td>PEB Enterprises, LLC</td>
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<td>8,083.19</td>
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<tr>
<td>17388 12/4/2020</td>
<td>4777</td>
<td>Barley's LED Outfitters</td>
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<td>2,500.00</td>
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<td>2,500.00</td>
<td>Lights for 2021 Chevy Truck</td>
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<tr>
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<td>4777</td>
<td>Barley's LED Outfitters</td>
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<td>Lights for 2021 Chevy Tahoe</td>
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<td>1,495.68</td>
<td>8 NRS Zen Rescue Vest (larger sizes)</td>
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<td>17393 12/4/2020</td>
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<td>CrossFit Kokomo</td>
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<td>9,790.00</td>
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<td>LUCAS Home Furnishing</td>
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<td>11,550.00</td>
<td>21 ROCKER RECLINER</td>
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<td>2,700.00</td>
<td>90 MATTRESS PROTECTOR</td>
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<td>17398 12/4/2020</td>
<td>5384</td>
<td>The Outlet</td>
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<td>5,760.00</td>
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<td></td>
<td>5,760.00</td>
<td>18 MATTRESSES</td>
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<td>17400 12/4/2020</td>
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<td>Ascension St Vincent</td>
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<td>54,508.34</td>
<td>Annual Clearance Physicals</td>
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<td>17407 12/4/2020</td>
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<td>UON</td>
<td>1010-2200-422.400-20-29</td>
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<td>17,260.75</td>
<td>Attack Digital Fire Training Panel</td>
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<td>UON</td>
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<td>Softwares</td>
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<td>17408 12/9/2020</td>
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<td>Stryker Medical</td>
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<td>39,873.87</td>
<td>Cot with MTS Power Load</td>
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<td><strong>Total General Fund</strong></td>
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<td>6,858,299.68</td>
<td>5,177,717.95</td>
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<td><strong>Motor Vehicle Highway - Street</strong></td>
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<tr>
<td>17404 12/4/2020</td>
<td>4176</td>
<td>RPM Machinery</td>
<td>2010-3200-431.400-40-44</td>
<td>50,000.00</td>
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<td></td>
<td>50,000.00</td>
<td>2013 Case 580SN Loader Backhoe</td>
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<td><strong>Total Motor Vehicle Highway</strong></td>
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<td>50,000.00</td>
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<td>50,000.00</td>
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<tr>
<td><strong>Local Road and Street</strong></td>
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<td>17410 12/4/2020</td>
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<td>217,003.02</td>
<td>2020 Street Resurfacing, Phase 2</td>
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<td><strong>Total Local Road and Street</strong></td>
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<td></td>
<td></td>
<td>217,003.02</td>
<td></td>
<td>217,003.02</td>
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</table>

**TOTAL:**

- **General Fund - Board of Works:** $743,149.50
- **General Fund - Fire:** $5,565.00
- **Total General Fund:** $1,680,581.73
- **Motor Vehicle Highway - Street:** $50,000.00
- **Total Motor Vehicle Highway:** $50,000.00
- **Local Road and Street:** $217,003.02
- **Total Local Road and Street:** $217,003.02
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<tr>
<th>P.O. NUMBER</th>
<th>DATE</th>
<th>VENDOR NO</th>
<th>VENDOR NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PROJECT AMOUNT</th>
<th>LIQUIDATED AMOUNT</th>
<th>OUTSTANDING AMOUNT</th>
<th>DESCRIPTION</th>
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<tr>
<td>17412</td>
<td>12/4/2020</td>
<td>5609</td>
<td>Henke Development Group</td>
<td>2040-5002-452-400-30-15</td>
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<td>City's share of the Construction Cost</td>
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<tr>
<td>17437</td>
<td>12/9/2020</td>
<td>5910</td>
<td>Sightlines Athletic Facilities</td>
<td>2040-5002-452-400-40-44</td>
<td>75,228.00</td>
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<td>8'-10' High portable pitch mound</td>
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<tr>
<td>17438</td>
<td>12/9/2020</td>
<td>4675</td>
<td>Beacon Athletic</td>
<td>2040-5002-452-400-40-44</td>
<td>29,572.00</td>
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<td>12-6' High portable pitch mound</td>
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<tr>
<td>17439</td>
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<td>4675</td>
<td>Beacon Athletic</td>
<td>2040-5002-452-400-40-44</td>
<td>27,923.00</td>
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<td>Concession Equip: Popcorn, hot dogs,</td>
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<td>17440</td>
<td>12/9/2020</td>
<td>112</td>
<td>R.E.S Enterprises</td>
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<td>TCA 1400 Turfcare brush</td>
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<td>12/10/2020</td>
<td>3000</td>
<td>Marschands AFS</td>
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<td>24,980.00</td>
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<td>17450</td>
<td>12/10/2020</td>
<td>5927</td>
<td>Baseballracks.com, Inc</td>
<td>2040-5002-452-400-40-44</td>
<td>24,980.00</td>
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<td>64 dugout benches</td>
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<td>12/10/2020</td>
<td>5927</td>
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<td>BSN Sports</td>
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<td>BSN Sports</td>
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<td>17444</td>
<td>12/9/2020</td>
<td>3413</td>
<td>KMB refrigeration &amp; Electric LLC</td>
<td>2040-5002-452-400-40-44</td>
<td>9,858.74</td>
<td>9,858.74</td>
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<td>9,858.74</td>
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**TOTAL PARKS**

|                |            |            |                                   |               |               | 569,989.97      | 0.00                | 569,989.97 |

**TOTAL PLAN COMMISSION**

|                |            |            |                                   |               |               | 20,000.00       | 16,102.00          | 3,898.00 |

**TOTAL ALL FUNDS**

|                |            |            |                                   |               |               | 7,715,292.67   | 5,193,819.95        | 2,521,472.72 |
November 12, 2020

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P13-Z-20
Rezone from R4 (Urban Residential) to OC (Office Commercial)
1613 N Delphos St.

Ordinance No. 6974
Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, November 10, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P11-Z-20 is the petition of Devona Beard Anderson, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from R4 (Urban Residential) to OC (Office Commercial) for property described as Garden Place Lot 50 x 100 x 200 E SD Lot 50 & E PT Lot 51 containing 0.458 acres, more or less, City of Kokomo, Center Township, Howard County, Indiana, at 1613 N Delphos St.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6974
Case:P13 - Z - 20

STATE OF INDIANA )
CITY OF KOKOMO ) SS:
COUNTY OF HOWARD )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 10th day of November, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this ___12___ day of ___November____, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this ___12th___ day of ___November____, 2020.

Dianne Trobaugh
Notary Public
Howard County

My commission expires:

January 27, 2028.

This instrument was prepared by Jessica Gold, Secretary City Plan Commission, Kokomo.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended, with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from **R4 (Medium Density Urban Residential)** to **OC (Office Commercial)** for property described: Garden Place Lot 50 100x 200 E SD Lot 50 & E PT Lot 51, containing .458 acres, more or less, Center Township, Howard County, Indiana, at 1613 N. Delphos St..

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

PASSED by the Kokomo Common Council this _____ day of _____________, 2020.

Attest:

____________________________
Lynn Rudolph, Sr., President,
Kokomo Common Council

Diane Howard, City Clerk

PRESENTED by me to the Mayor this _____ day of _________________, 2020.

____________________________
Diane Howard, City Clerk

APPROVED by me this _____ day of _________________, 2020.

____________________________
Tyler Moore, Mayor
City of Kokomo, Indiana

Attest:

____________________________
Diane Howard, City Clerk
Devona Anderson is requesting a change in zone classification for the property listed above in order to use as a “Medical/Consultation Office and Treatment”.

The adjoining property uses and zoning(s) are:

North: R4 (Urban Residential)
South: R4 (Urban Residential)
East: R4 (Urban Residential)
West: R4 (Urban Residential)

According to the City of Kokomo Zoning Ordinance, “OC” (Office Commercial) is considered an “appropriate adjacent district” within the area specified.

According to the City of Kokomo Comprehensive Plan “Future Land Use Map”, this property is located in an area proposed for “Medium Density Residential” which is single-family housing of varying types between 3 to 6 dwellings per unit per acre. Typical medium density housing would be: single family detached, duplexes, triplexes, condominiums, townhomes and cluster housing.

Land Use Goals:
1. Encourage orderly and responsible development to promote health, safety and quality of life of residents in the City of Kokomo, while maintaining Kokomo as a leading community for affordable housing

Relevant Land Use Objectives are:
1. Encourage adequate land for residential, commercial, industrial, institutional and recreational uses.
2. Designate specific districts in the community suitable for residential, commercial, industrial, institutional and recreational uses.
The goal of the **City of Kokomo Comprehensive Plan Transportation Map**, is to enhance connections throughout the city for improved safety, function and efficiency for all modes of transportation including vehicular, bicycle and pedestrian networks.

According to the **Transportation Map**, “N Delphos“ is defined as a “Local Street”, which is a street designated primarily to provide access to abutting properties and discourage through traffic. *The traffic count for this area of North Delphos is 3,508 (the East block of Ohio is the closest count)*

The requested zoning change is compatible with the existing adjoining districts. Therefore, the staff desires the Plan Commission forward a favorable recommendation to the Kokomo Common Council.
TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P11-Z-20
Rezone from PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial)
3116 W Boulevard

Ordinance No. 6975
Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, November 10, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P11-Z-20 is the petition of Doug Stellhorn, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from PR (Parks & Recreation) to C1 (Small to Medium Scale General Commercial) for property described as Part of the Southeast Quarter of Section 3, Township 23 North, Range East, Center Township, Howard County, Indiana, described as follows: Beginning at the southeast corner of said quarter marked by a 5/8 inch diameter rebar; thence N 00 degrees 22' 00" E 1313.27 feet along the west line of said quarter; thence N 89’ 10’ 11” E 1227.23 feet to the northwest right-of-way of Cera Railroad marked by a 5/8 inch diameter rear with orange cap stamped “FIRM 0047”; thence S 37” 08’ 25” W 1663.98 feet along said right-of-way to the south line of said quarter marked by a mag nail with aluminum washer stamped “FIRM0047”; thence S 88’ 51’ 54” W 230.90 feet along said line to the point of beginning, containing 21.96 acres more or less, subject to the highway right-of-way, at 3116 West Boulevard.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6975
Case:P11 - Z - 20

STATE OF INDIANA )
CITY OF KOKOMO ) SS:
COUNTY OF HOWARD )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 10th day of November, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this 12th day of November, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 12th day of November, 2020.

Dianne Trobaugh
Notary Public
A resident of Howard County

My commission expires:

January 27, 2028.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended, with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial) for property described: Part of the Southeast Quarter of Section 3, Township 23 North, Range East, Center Township, Howard County, Indiana, described as follows:
Beginning at the southeast corner of said quarter marked by a 5/8 inch diameter rebar; thence N 00 degrees 22' 00" E 1313.27 feet along the west line of said quarter; thence N 89' 10' 11" E 1227.23 feet to the northwest right-of-way of Cera Railroad marked by a 5/8 inch diameter rear with orange cap stamped "FIRM 0047"; thence S 37' 08' 25" W 1663.98 feet along said right-of-way to the south line of said quarter marked by a mag nail with aluminum washer stamped "FIRM0047"; thence S 88' 51' 54" W 230.90 feet along said line to the point of beginning, subject to the highway right-of-way, containing 21.96 acres, more or less, Center Township, Howard County, Indiana, at 3116 West Boulevard.

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

PASSED by the Kokomo Common Council this _____ day of ____________, 2020.

Attest:

Lynn Rudolph, Sr., President,
Kokomo Common Council

PRESENTED by me to the Mayor this_____ day of ________________, 2020.

Diane Howard, City Clerk
Staff Report
Case P11-Z-20
PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial)
34-09-03-451-001.000-002
3116 W Boulevard

Douglas B Stellhorn is requesting a change in zone classification for the property listed above, in order to be used as a “Travel Trailer/RV Dealership”.

The adjoining property uses and zoning(s) are:
North: C2 Medium to Large Scale General Commercial
South: R1 Very Low Density Residential & R3 Medium Density Residential
East: R3 Medium Density Residential
West: PR Parks and Recreation & R3 Medium Density Residential

According to the City of Kokomo Zoning Ordinance, “C1” (Small to Medium Scale General Commercial) is considered an “appropriate adjacent district”. However, in order to open a business such as this in a “C1” zone; the petitioner will also go before the Board of Zoning Appeals seeking a Special Exception.
According to the City of Kokomo Comprehensive Plan "Future Land Use Map", this property is located in an area proposed for "Parks and Recreation" which are public and private parks used for passive and active recreation. Also, low impact commercial recreation facilities.

Land Use Goals:
1. Encourage orderly and responsible development to promote health, safety and quality of life of residents in the City of Kokomo, while maintaining Kokomo as a leading community for affordable housing.

Relevant Land Use Objectives are:
1. Encourage adequate land for residential, commercial, industrial, institutional and recreational uses.
2. Designate specific districts in the community suitable for residential, commercial, industrial, institutional and recreational uses.

The goal of the City of Kokomo Comprehensive Plan Transportation Map, is to enhance connections throughout the city for improved safety, function and efficiency for all modes of transportation including vehicular, bicycle and pedestrian networks.

According to the Transportation Map, "W. Boulevard" is defined as a "Major Collector", which is a street designed to facilitate the collection of traffic from local streets. Also, it provides circulation within neighborhood areas and convenient ways to reach arterial streets. The traffic count for this area of West Boulevard is recorded as being 6,431 (Dixon to Park).

The requested zoning change is compatible with the existing adjoining districts. Therefore, the staff desires the Plan Commission forward a favorable recommendation to the Kokomo Common Council contingent upon the passing of the Special Exception.
Ordinance #6976

WHEREAS, it has been determined that it is now necessary to appropriate money in accordance with the General fund, therefore:

SECTION I

Be it ordained by the Common Council of the City of Kokomo, County of Howard, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the General fund for the purposes specified, subject to the laws governing the same:

<table>
<thead>
<tr>
<th>GENERAL Fund</th>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Public Works IFA CARE grant-Grants &amp; Allowances 101-1900-413-400-3096</td>
<td>$950,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>Reimburse EDIT fund for the Stronger forgivable loan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of Public Works IFA CARE grant-Other Contractual 101-1900-413-400-3015</td>
<td>$150,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>For Other Contractual cost related to COVID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of Public Works IFA CARE grant-Other Equipment 101-1900-413-400-4044</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>For Other Equipment cost related to COVID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$1,200,000</td>
<td>$1,200,000</td>
</tr>
</tbody>
</table>

SECTION II

That the Common Council of the City of Kokomo, Indiana will conduct a public hearing on December 14, 2020 at 6:00P.M. in the Council Chambers City Hall to hear all citizens on said additional appropriation. Following the hearing the aforementioned Council will meet at City Hall Council Chambers on December 14, 2020 at 6:00P.M. to adopt the ordinance. Taxpayers appearing at the hearing shall have a right to be heard thereon.

SECTION III

This Ordinance shall remain in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.
Ordinance #6976

SECTION IV

PASSED by the Common Council of the City of Kokomo, Indiana, this ___ th day of December, 2020

AYE

NAY

ATTEST:

CITY CLERK

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this ___ th day of December, 2020.

CITY CLERK

APPROVED by me as Mayor of the City of Kokomo, Indiana, this ___ th day of December, 2020

TYLER MOORE, MAYOR
CITY OF KOKOMO, INDIANA

ATTEST:
NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Kokomo, Howard County, Indiana that the Common Council of the City of Kokomo at their regular meeting place at Kokomo City Hall, 100 South Union, Kokomo Indiana, at 6:00 PM on December 14, 2020 will consider the following additional appropriations for the current budget year.

<table>
<thead>
<tr>
<th>AMOUNT REQUESTED</th>
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<tbody>
<tr>
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</tr>
<tr>
<td><strong>$1,200,000</strong></td>
<td><strong>$1,200,000</strong></td>
</tr>
</tbody>
</table>

Preceding the meeting the City Council of the City of Kokomo will conduct a public hearing about the proposed additional appropriations. That Public hearing will take place at 6:00 PM, December 14, 2020 in the City Council chambers at Kokomo City Hall, 100 South Union, Kokomo Indiana.

Taxpayers appearing at either meeting shall have the right to be heard.

Weston Reed
City Controller, City of Kokomo
ORDINANCE NO. 6977

AN ORDINANCE OF THE KOKOMO COMMON COUNCIL
CONCERNING CERTAIN ACTIONS AND PROCEEDINGS
WITH RESPECT TO THE FINANCING OF CERTAIN
KHA RAD I APARTMENTS

AN ORDINANCE authorizing the City of Kokomo, Indiana, to issue one or more series of its City of Kokomo, Indiana Multifamily Housing Revenue Bonds, Series 2021 (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) in the maximum aggregate principal amount not to exceed Twenty-Three Million Dollars ($23,000,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Kokomo, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, improvement, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment and provision of affordable housing in or near the City; and

WHEREAS, a representative of KHA RAD I, LP, an Indiana limited partnership (the “Borrower”), has advised the Kokomo Economic Development Commission (the “Commission”) and the City that it proposes that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt Multifamily Housing Revenue Bonds, Series 2021 (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the “Bonds”), in an aggregate principal amount not to exceed Twenty-Three Million Dollars ($23,000,000) and lend proceeds of the Bonds to the Borrower to pay incidental expenses incurred on account of the issuance of the Bonds and to provide a portion of the funds for the acquisition, design, construction, renovation, improvement and/or equipping of the existing multifamily housing facilities located in the City consisting of 1) the Pine Valley Apartments located at West Center Road, 100 West Pine Valley Court, containing 100 residential rental units in 21 buildings; 2) the Civic Center Tower located at 200 E. Taylor, containing 106 residential units in 1 building; 3) the Terrace Towers located at 605 South Bell Street, containing 105 residential rental units in 1 building; and 4) the Dunbar Court Townhouses located at 705 East Havens Street, 709 East Havens Street, 717 East Havens Street, 721 East Havens Street, 904 North Purdum Street, 906 North Purdum, 908 North Purdum, 910 North Purdum, 803 North Jay Street, 805 North Jay Street, 807 North Jay Street, 809 North Jay Street, 811 North Jay Street, 813 North Jay Street, 815 North Jay Street, 817 North Jay Street, 819 North Jay Street, 821 North Jay Street, 823 North Jay Street, 825 North Jay Street, 827 North Jay Street, 829 North Jay Street, 831 North Jay Street, 833 North Jay Street, 835 North Jay Street, 837 North Jay Street, 839 North Jay Street, 841 North Jay Street, 843 North Jay Street, 845 North Jay Street, 847 North Jay Street, 849 North Jay Street, 851 North Jay Street, 853 North Jay Street, 855 North Jay Street, 857 North Jay Street, 859 North Jay Street, 861 North Jay Street, 863 North Jay Street, 865 North Jay Street, 867 North Jay Street, 869 North Jay Street, 871 North Jay Street, 873 North Jay Street, 875 North Jay Street, 877 North Jay Street, 879 North Jay Street, 881 North Jay Street, 883 North Jay Street, 885 North Jay Street, 887 North Jay Street, 889 North Jay Street, 891 North Jay Street, 893 North Jay Street, 895 North Jay Street, 897 North Jay Street, 899 North Jay Street, 901 North Jay Street, 903 North Jay Street, 905 North Jay Street and 907 North Jay Street, containing 24 residential rental units in 8 buildings, together with functionally related and subordinate facilities
such as recreational facilities and parking areas (the “Development”) to be owned by Borrower; and

WHEREAS, the Commission has rendered a report (the “EDC Report”) concerning the proposed financing of the Development for the Borrower and the Plan Commission has been given the opportunity to comment thereon; and

WHEREAS, pursuant to Indiana Code 36-7-12-24, as amended, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Treas. Reg. 5f.103-2, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance all or a portion of the Development, and on November 23, 2020, the Commission held the Public Hearing for the purpose of receiving evidence and testimony on the Development and matters related to the proposed financing thereof and heard all persons interested in the proceedings and considered written remonstrances and objections, if any; and

WHEREAS, following such Public Hearing, the Commission adopted a resolution (the “EDC Resolution”) making findings that the financing of the Development complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, will provide affordable housing, and that the Development will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about the City; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the costs of the Development by issuing the Bonds; and

WHEREAS, the Act provides that such revenue bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue a series of Bonds (the “Series A Bonds”) consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Series A Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Indenture”), by and between the City and The Huntington National Bank (the “Trustee”), in order to obtain a portion of the funds necessary to provide for the financing of a portion of the costs of the Development in accordance with the terms of a Financing Agreement (as defined in the Act), to be dated as of the first day of the month in which the Series A Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Series A Loan Agreement”), by and between the City and the Borrower with respect to the Series A Bonds and the Development; and

WHEREAS, the City intends to issue a series of Bonds (the “Series B Bonds”) consistent with the terms of this Ordinance and pursuant to a Bond Purchase and Loan Agreement, to be dated the first day of the month in which the Series B Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Series B Bond Purchase and Loan Agreement”), by and among the City, the Borrower and Merchants Bank of Indiana (or an affiliate thereof) (the “Series B Bond Purchaser”), in order to obtain a portion of the funds necessary to provide for the financing of a portion of the costs of the Development in accordance with its terms,
to be dated as of the first day of the month in which the Series B Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve); and

WHEREAS, pursuant to the Series A Loan Agreement and Series B Bond Purchase and Loan Agreement, the Borrower will make representations, warranties and commitments with respect to the Development and the use of the proceeds of the Bonds to be provided to the Borrower in accordance with the terms thereof; and

WHEREAS, no member of the Common Council of the City (the "Council") has any pecuniary interest in the Series A Loan Agreement or the Series B Bond Purchase and Loan Agreement or any employment or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, there has previously been submitted to the Commission for its approval the forms of the Bonds, the Indenture, the Series A Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants among the City, the Trustee and the Borrower (the "Series A Regulatory Agreement"), the Series B Bond Purchase and Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants among the City, the Series B Bond Purchaser and the Borrower (the "Series B Regulatory Agreement"), the Interlocal Cooperation Agreement between the Indiana Housing and Community Development Authority ("IHCDA") and the City (the "Bond Volume Interlocal Cooperation Agreement") and the Bond Purchase Agreement among The Sturges Company, as the underwriter of the Series A Bonds, the Borrower and the City (the "Series A Bond Purchase Agreement") (collectively, the "Financing Documents"), and a form of this proposed Ordinance, which were incorporated by reference in the EDC Resolution adopted on November 23, 2020, which EDC Resolution has been transmitted hereto; and

WHEREAS, certain costs of the Bonds or costs related to the Development are expected to be paid prior to the issuance of the Bonds (collectively, the "Expenditures"), and such Expenditures are expected to be reimbursed with proceeds of the Bonds received by the City upon the issuance of the Bonds; and

WHEREAS, the Council has previously, by way of its Special Resolution No. 2748, declared its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, based upon the EDC Report and EDC Resolution, the Council hereby finds and determines that the funding approved by the Commission for a portion of the Development will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Development, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of revenue bonds in an aggregate combined principal amount not to exceed Twenty-Three Million Dollars ($23,000,000):
BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF KOKOMO, INDIANA:

SECTION 1. After considering the evidence presented in the EDC Report and EDC Resolution, it is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Development, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the Borrower to finance all or a portion of the Development, will: (i) promote a substantial likelihood of diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City and the provision of quality, affordable, multifamily rental housing within the jurisdiction of the Issuer; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment and providing affordable multifamily housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved, with any and all such changes as may be deemed necessary, desirable or appropriate by the Mayor and the Clerk of the Council (the "Clerk") and all such documents shall be kept on file by the Clerk of the City or the Controller of the City (the "Controller"). In compliance with Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

SECTION 3. The City is authorized to issue the Bonds in one or more series, any series of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed Twenty-Three Million Dollars ($23,000,000), with a maximum term not to exceed forty (40) years from the date of the issuance of any series of the Bonds and with a maximum interest rate not to exceed ten percent (10.0%) per annum, for the purpose of procuring funds to pay all or a portion of the costs of the Development by making all or a portion of the proceeds of the Bonds available as set forth in the Financing Documents and paying incidental expenses incurred on account of the issuance of the Bonds. The Bonds shall be payable as to principal and interest upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds may be subject to mandatory tender or optional redemption at one or more times prior to maturity. The Bonds shall never constitute a general obligation of, moral obligation of, an indebtedness of, or charge against the general credit of the City or a pledge of the full faith or credit of the City within the purview of any constitutional or statutory limitation or provision.

SECTION 4. The Mayor and the Controller are authorized and directed to sell the Bonds to the purchaser or purchasers thereof at a price not less than 98% of the aggregate principal amount thereof plus accrued interest, if any. One or more bond purchase agreements, each in form and substance acceptable to the Mayor and the Clerk (collectively, the "Purchase Agreements"), are hereby authorized and approved, and the Mayor and the Clerk are hereby authorized and
directed to execute and deliver the Purchase Agreements in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance, with such to be conclusively evidenced by their execution thereof.

SECTION 5. The Mayor and the Clerk are authorized and directed to execute the Financing Documents, and the Mayor, the Controller, the Clerk and any other officer of the City are authorized and directed to execute such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Mayor, the Clerk, the Controller and any other officer of the City are authorized to arrange for the delivery of the Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and the Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor or the Clerk without further approval of this Council or the Commission if such changes do not affect terms set forth in Section 27(a)(1) through and including (a)(10) of the Act.

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the provisions of Sections 5 and 13 of this Ordinance, if necessary or desirable, a Preliminary Official Statement of the City relating to the Series A Bonds (the “Preliminary Official Statement”), in a form acceptable to the Mayor, is hereby (a) authorized and approved, together with such changes in form and substance as may be deemed necessary or appropriate by the Mayor pursuant to Sections 5 and 13 of this Ordinance, (b) authorized and approved, as the same may be appropriately confirmed, modified and amended pursuant hereto, for distribution as the Preliminary Official Statement of the City, (c) authorized to be deemed and determined by the Mayor on behalf of the City, as of its date, to constitute the “final” official statement of the City with respect to the Series A Bonds to be offered thereby, subject to completion as permitted by and otherwise pursuant to the provisions of Rule 15c2-12 of the Securities and Exchange Commission (the “SEC Rule”), and (d) authorized and approved, consistent with the provisions of any Purchase Agreement and the SEC Rule, to be placed into final form and distributed and delivered to purchasers and potential purchasers of the Series A Bonds offered thereby as the final official statement of the City, as of the date thereof, with respect to the Series A Bonds (the “Official Statement”).

SECTION 8. Subject to the obligations of the Borrower set forth in the respective Financing Documents and/or the certificates or agreements of such Borrower to be executed upon the issuance of the Bonds, if any of the Bonds are issued on a tax-exempt basis for purposes of
federal income taxation, the City will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute “arbitrage bonds” under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Documents, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance, sale and delivery of the Bonds.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 13. The Mayor, the Controller, the Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions
described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

SECTION 14. This Council hereby re-affirms its official intent, to the extent permitted by law, to issue the Bonds in one or more series or issues, not to exceed the maximum aggregate principal amount authorized herein, and to reimburse costs of the Development consisting of the Expenditures from proceeds of the sale of the Bonds.

SECTION 15. This Council finds and determines that the amount of tax credits to be allocated to the Development under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Development and its viability as a qualified housing project throughout the credit period for the Development. In making the foregoing determination, this Council has relied upon representations of the Borrower. The foregoing determination shall not be construed to be a representation or warranty by this Council as to the feasibility or viability of the Development. In reliance upon the representations of the Borrower, it is hereby found and determined that the Development satisfies the requirements for the allocation of a housing credit dollar amount under the Indiana Housing and Community Development Authority’s qualified allocation plan.

SECTION 16. This resolution shall be in full force and effect immediately upon passage by this Common Council and signing by the President of this Common Council and by the Mayor.

(Signature page to follow)
COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

Presiding Officer

(SEAL)

ATTEST:

________________________________________
Diane Howard, City Clerk
City of Kokomo, Indiana

Presented by me to the Mayor of the City of Kokomo, Indiana this ___ day of
__________________________, 2020, at ____ o’clock ____M.

________________________________________
Diane Howard, City Clerk
City of Kokomo, Indiana

Approved and signed by me, Tyler Moore, Mayor of the City of Kokomo, Indiana this
____ day of ____________________, 2020 at ____ o’clock ____M.

________________________________________
Tyler Moore, Mayor
City of Kokomo, Indiana

ATTEST:

________________________________________
Diane Howard, City Clerk
City of Kokomo, Indiana
I, Diane Howard, City Clerk of the Common Council, Kokomo, Howard County, Indiana, do hereby certify the above and foregoing is a full, true and complete copy of ORDINANCE NO. R-_____20, an ORDINANCE, passed by the Common Council on the ___ day of ____________, 2020, by a vote of _____ YEAS and _____ NAYS, which was signed by the Mayor on the ___ day of ____________, 2020, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Kokomo, Indiana, this ___ day of ________, 2020.

(SEAL)

Diane Howard, City Clerk, Common Council
December 9, 2020

TO THE MEMBERS OF THE HONORABLE KOKOMO COMMON COUNCIL

Re: P15-Z-20

Rezone from M2 (Multi Family Residential) to LI (Low Intensity Industrial/Business Park)
3109 W Sycamore St.

Ordinance No. 6978

Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, December 8, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P15-Z-20 is the petition of Honey Comb Holdings, LLC, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from M2 (Multi Family Residential) to LI (Low Intensity Industrial/Business Park) for property described as Part of the Northwest Quarter of Section 34, Township 24 North, range 3 east, containing 4.85 acres, more or less, City of Kokomo, Center Township, Howard County, Indiana, at 3109 W Sycamore St.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6978
Case:P15 - Z - 20

STATE OF INDIANA  )
CITY OF KOKOMO   ) SS:
COUNTY OF HOWARD  )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 8th day of December, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this 9th day of December, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 9th day of December, 2020.

Dianne Trobaugh
Notary Public
A resident of Howard County

My commission expires:
January 27, 2028.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED
BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended,
with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from M2 (General Multifamily Residential) to LI (Low Intensity Industrial/Business Park) for property described: A PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 24 NORTH, RANGE 3 EAST, CENTER TOWNSHIP, HOWARD COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER SECTION; THENCE NORTH 89 DEGREE 29 MINUTE 00 SECONDS WEST (ASSUMED BEARING BY DEED RECORD 239 PAGE 3252) ON THE SOUTHERLY QUARTER SECTION LINE 338.25 FEET TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN DEED RECORD 240 PAGE 3483 Recorder's Office; THENCE NORTH 01 DEGREES 31 MINUTES 12 SECONDS EAST (NORTH 00 DEGREES 04 MINUTES 10 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION AND ON THE WESTERLY LINE OF SAID NORTHWEST QUARTER SECTION AND ON THE WESTERLY LINE OF SAID RECORDED PARCEL, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 10 MINUTES 19 SECONDS WEST 420.65 FEET; THENCE NORTH 01 DEGREES 18 SECONDS EAST 500.00 FEET TO THE CENTERLINE OF STATE HIGHWAY #22 (SYCAMORE ROAD); THENCE SOUTH 89 DEGREES 10 MINUTES 13 SECONDS EAST 421.80 FEET ON THE CENTERLINE OF SAID STATE HIGHWAY TO THE NORTHWEST CORNER OF SAID RECORDED PARCEL; THENCE SOUTH 01 DEGREES 12 SECONDS WEST 500.00 FEET PARALLEL WITH THE WESTERLY LINE OF SAID NORTHWEST QUARTER SECTION AND ON THE WESTERLY LINE OF SAID RECORDED PARCEL TO THE POINT OF BEGINNING, containing 4.85 acres, more or less, Center Township, Howard County, Indiana, at 3109 W Sycamore St..

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

PASSED by the Kokomo Common Council this _____ day of ______________, 2020.
Attest:

______________________________
Tyler Moore, Mayor
City of Kokomo, Indiana

______________________________
Diane Howard, City Clerk

This instrument was prepared by Jessica Calderon, City Plan Commission Secretary.
I affirm, under the penalty for perjury, that I have taken reasonable care to redact each social security number in this document, unless, required by law. Jessica Calderon, Plan Commission Secretary
December 9, 2020

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P14-Z-20

Rezone from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial/US 31 Agricultural Over-Lay)

2200 S Goyer Rd. or 2500 E Boulevard

Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, December 8, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P14-Z-20 is the petition of Harold & Arlene Coates Trust, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial/US 31 Agricultural Over-Lay) for property described as Part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 23 North, Range 4 east, containing 4.82 acres, more or less, City of Kokomo, Center Township, Howard County, Indiana, at 2200 S Goyer Rd. or 2500 E Boulevard.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6977
Case: P14 - Z - 20

STATE OF INDIANA   )
CITY OF KOKOMO  ) SS:
COUNTY OF HOWARD  )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 8th day of December, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this 9th day of December, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 9th day of December, 2020.

Dianne Trobaugh
Notary Public
Howard County

My commission expires: January 27, 2028.

This instrument was prepared by Jessica Calderon, Secretary, City Plan Commission. I affirm

AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED
BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended,
with all subsequent amendments be and is hereby amended as follows:

SECTION I.

The following described tract of land shall be changed from **C1 (Small to Medium Scale General Commercial)** to **C2 (Medium to Large Scale General Commercial/US 31 AG Over-Lay)** for property described: Lots numbered 174, 175, 176, 177 and 178 in Bellaire Gardens Second Addition to the City of Kokomo, Howard County (Center Township), Indiana.

Part of Lot number 1 in Garden City Estates, Center Township, Howard County, Indiana, being 86.3 feet off the entire North side of said Lot Number 1. Also all that part of vacated Markland Avenue in Howard County, which lies north of and adjacent to said Lot number 1.

Part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 23 North, Range 4 East, commencing at the Northwest corner of the Northeast Quarter of said Section, and running thence East 23½ rods; thence South 48 rods to the center line of the track of the Penn Central Railroad (formerly the P. C. C. & St. Louis Railroad); thence Northwesterly with the said center line of said track to the West line of the said Quarter Section; thence North 27 rods to the place of beginning, containing 5.60 acres, more or less; EXCEPT 40 feet off the entire North side and 40 feet off the entire West side of this tract, containing in said exception .77 acres, more or less, and leaving a total of 4.83 acres, more or less., Center Township, Howard County, Indiana, at 2200 S Goyer Rd. or 2500 E Boulevard.

SECTION II.

The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III.

This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

ASSED by the Kokomo Common Council this _____ day of ________________, 2020.

Lynn Rudolph, Sr., President,
Kokomo Common Council
Resolution #2756

WHEREAS, it has been determined that it is now necessary to transfer funds.

SECTION I

Be it resolved by the Common Council of the City of Kokomo, County of Howard, Indiana, that the following balance be and hereby transferred for the purposes herein specified, subject to the laws governing the same.

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<th>TRANSFERRED FROM:</th>
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<th>AMOUNT</th>
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<tr>
<td>GENERAL FUND</td>
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<tr>
<td>Fire-Workers Comp</td>
<td>Fire-Motor Equipment</td>
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<td>1010-2200-422-400-30-41</td>
<td>1010-2200-422-400-40-42</td>
<td>$28,273</td>
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<tr>
<td>(Payoff the lease on 2021 Chevy Van)</td>
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<td>Fire-Workers Comp</td>
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<td>1010-2200-422-400-40-44</td>
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<td>(Purchase a thermal imaging camera)</td>
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SECTION II

Be it further resolved that any sum remaining unused out of this Resolution shall remain in the fund from which the transfer was made to.

SECTION III

This Resolution shall remain in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.
Resolution #2756

SECTION IV

PASSED by the Common Council of the City of Kokomo, Indiana, this _____ day of December, 2020
COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By: ________________________________
Presiding Officer

___________________________
ATTEST:

___________________________
CITY CLERK

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this __ day of December, 2020

___________________________
CITY CLERK

APPROVED by me as Mayor of the City of Kokomo, Indiana, this ___ day of December, 2020

___________________________
TYLER MOORE, MAYOR
CITY OF KOKOMO, INDIANA

ATTEST:

___________________________
CITY CLERK
RESOLUTION NO. 2754

Resolution of the Common Council of the City of Kokomo, Indiana, Regarding Change Order for the Downtown Parking Garage Project

WHEREAS, there was previously submitted Resolution No. 2738 Resolution of the Common Council of the City of Kokomo, Indiana, Regarding Acceptance of a Bid of A Developer for the Downtown Parking Garage Project wherein Common Council of the City of Kokomo, Indiana (the “Council”) approved a certain Build Operate Transfer Agreement the ("BOT Agreement") for the construction, operation, maintenance, and transfer to the City of Kokomo, Indiana (the “City”) of a downtown parking garage to be located at 113 and 115 South Union Street (the northwest comer of East Superior Street and South Union Street) (the "Project") by and between the City and the Envoy, Inc. (the “Developer”), and the Council thereafter authorized the City to enter into the BOT Agreement.

WHEREAS, on or about the 19th day of November, 2019, the Developer, the City, and the Council executed the BOT Agreement.

WHEREAS, the Project is substantially complete and the Developer has requested a certain change order to the Project based upon modifications which it believes were outside the scope of work of the original Project, totaling $164,747.00 (the “Change Order”). A true and accurate copy of the Change Order is attached hereto as Exhibit A.

WHEREAS, Resolution No. 2738 provides that “the maximum guarantee price under the BOT Agreement shall be not greater than $6,000,000 and the Mayor and President of the Council are authorized to subsequently amend the BOT Agreement to provide for a lower guaranteed maximum price.”

WHEREAS, the Mayor and President of the Council now wish to receive authorization from the Council to approve the Change Order with funds for payment of the Change Order expected to be paid from the City of Kokomo Redevelopment Commission’s Consolidated Allocation Area, upon authorization.

WHEREAS, there has been submitted to Council a copy of the Change Order and the Council now desires to authorize the Mayor and the President of the Council to approve the Change Order.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kokomo, Indiana, as follows:

1. The Council hereby authorizes the Mayor of the City and the President of the Council to subsequently approve the Change Order from the Developer in accordance with the terms and conditions of the BOT Agreement, in an amount not to exceed $164,747.00.

2. This Resolution shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.
Passed and adopted by the Common Council of the City of Kokomo, Indiana this 14th day of December, 2020.

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ATTEST:

Diane Howard, Clerk

PASSED by the Common Council of Kokomo, Indiana by a _____ vote of all members present and voting this ____ day of ________________, 2020.

I Presiding Officer

Presented by me to the Mayor of the City of Kokomo, Indiana, on the ____ day of ________________, 2020, at the hour of ____ : ____ m.

Diane Howard, Clerk

This resolution approved and signed by me, the Mayor of the City of Kokomo, Indiana, on the ____ day of ____________, 2020, at the hour of ____ : ____ m.

Tyler Moore, Mayor
STATE OF INDIANA) ) SS:
COUNTY OF HOWARD )

CERTIFICATION

I, DIANE HOWARD, the duly elected CITY CLERK of the City of Kokomo, Howard County, Indiana DO HEREBY CERTIFY that the attached is a full, true, correct and complete copy of the following Resolution(s):

RESOLUTION NO. 2755

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA AUTHORIZING AND APPROVING AMENDED AND RESTATED COOPERATION AGREEMENT FOR THE HOUSING AUTHORITY OF THE CITY OF KOKOMO, INDIANA

I FURTHER CERTIFY that said Resolution was duly passed by the Common Council of the City of Kokomo, Indiana on the ____ day of ____________, 2020 signed by the Kokomo City Clerk on the ____, day of ____________, 2020 and is on file and a matter of record in the Office of the City Clerk of the City of Kokomo, Indiana.

Dated this ____ day of ____________, 2020.

DIANE HOWARD, CITY CLERK
City of Kokomo, Howard County, Indiana
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA AUTHORIZING AND APPROVING AMENDED AND RESTATED COOPERATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF KOKOMO, INDIANA

WHEREAS, the City of Kokomo, Indiana (the "City") is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the "Common Council"); and

WHEREAS, Housing Authority of the City of Kokomo, Indiana, an Indiana municipal corporation (the "Authority") provides safe and affordable residential care multifamily housing facilities located in the City consisting of 1) the Pine Valley Apartments located at West Center Road, 100 West Pine Valley Court, containing 100 residential rental units in 21 buildings; 2) the Civic Center Tower located at 200 E. Taylor, containing 106 residential units in 1 building; 3) the Terrace Towers located at 605 South Bell Street, containing 105 residential rental units in 1 building; and 4) the Dunbar Court Townhouses located at 705 East Havens Street, 709 East Havens Street, 717 East Havens Street, 721 East Havens Street, 904 North Purdum Street, 906 North Purdum, 908 North Purdum, 910 North Purdum, 803 North Jay Street, 805 North Jay Street, 807 North Jay Street, 809 North Jay Street, 811 North Jay Street, 813 North Jay Street, 815 North Jay Street, 817 North Jay Street, 819 North Jay Street, 821 North Jay Street, 823 North Jay Street, 825 North Jay Street, 901 North Jay Street, 903 North Jay Street, 905 North Jay Street and 907 North Jay Street, containing 24 residential rental units in 8 buildings, together with functionally related and subordinate facilities (collectively, the "Properties"); and

WHEREAS, the Authority and the City previously entered into a certain Cooperation Agreement to facilitate and expedite the development of affordable housing within the City’s corporation limits wherein the Authority agreed to make certain annual payments in lieu of taxes (the "Original Agreement"); and

WHEREAS, neither the City nor the Authority have been able to locate a copy of the Original Agreement which they therefor deem as lost; however, the City and the Authority acknowledge and agree that the parties have been bound by the terms of the Original Agreement which has been in effect; and

WHEREAS, the Authority and the City therefore desire to amend and restate the Original Agreement, in its entirety, and more particularly to set forth the parties' agreement with respect to (i) the exemption of the developments from all real and personal property taxes, special assessments, and to the extent provided herein, fees, charges or assessments, without regard to nomenclature, assessed by the City or any political subdivision or taxing unit thereof, including without limitation any dependent special district or municipal services taxing unit created by the City, (ii) the specific payments that the Authority shall make in satisfaction of 42 U.S.C. § 1437d(d)(ii), and (iii) the public services and facilities furnished from time to time without cost or charge by the City; and
WHEREAS, the Authority and the City have negotiated and agreed to an Amended and Restated Cooperation Agreement (the "Amended Cooperation Agreement") wherein the authority has agreed to make certain annual payments in lieu of taxes which has been presented to this Common Council for its ratification and is attached hereto as Exhibit A; and

WHEREAS, the Common Council finds that it is in the best interest of the City and its citizens to approve the proposed Amended Cooperation Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Amended Cooperation Agreement and acknowledges and ratifies its execution and delivery by the Mayor on behalf of the City, all for the purposes contemplated herein.

2. The Amended Cooperation Agreement, in substantially the form attached hereto as Exhibit A, is hereby authorized to be executed and delivered by the Mayor on behalf of the City, with such changes thereto as the Mayor, upon the advice of the Corporation Counsel of the City, may approve, as conclusively evidenced by the execution thereof.

3. The City Clerk is hereby directed to record an executed copy of this Resolution and a copy of the executed Amended Cooperation Agreement with the Howard County Recorder’s Office and file the recorded Resolution and Amended Cooperation Agreement with the City Controller’s Office, the Howard County Assessor’s Office, the Howard County Auditor’s Office and the Howard County Treasurer’s Office.

4. This Resolution shall be effective upon adoption and passage and shall remain in full force and effect from and after passage and approval by the Authority.

[remainder of page intentionally left blank]
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA,
this ___ day of ______________, 2020.

Lynn Rudolph, Presiding Officer
Kokomo Common Council

ATTEST:

Diane Howard, City Clerk
City of Kokomo, Indiana

PRESENTED by me, the undersigned City Clerk of the City of Kokomo, Indiana, to the
Mayor, for approval and signature, this ___ day of ______________, 2020 at __:___.m.

Diane Howard, City Clerk
City of Kokomo, Indiana

The foregoing Resolution No. ______________ is hereby APPROVED AND SIGNED
BY ME, the undersigned Mayor of the City of Kokomo, Indiana, this ___ day of ______________,
2020 at __:___.m.

Tyler O. Moore, Mayor
City of Kokomo, Indiana

This Resolution is approved in form by Corporation Counsel, Thomas P. Rethlake.
EXHIBIT A

Amended and Restated Cooperation Agreement
AMENDED AND RESTATED COOPERATION AGREEMENT

THIS AMENDED AND RESTATED COOPERATION AGREEMENT (this "Agreement") is entered as of December ___, 2020 (the "Effective Date"), by and between the HOUSING AUTHORITY OF THE CITY OF KOKOMO, INDIANA, a public body corporate and politic duly organized under the laws of the State of Indiana (the "Authority") and the CITY OF KOKOMO, INDIANA, a municipal corporation (the "City").

RECITALS

A. The Authority and the City previously entered into a Cooperation Agreement (the "Original Agreement") to facilitate and expedite the development of affordable housing in Kokomo, Indiana and pursuant to which the Authority pays and the City collects certain annual payments in lieu of taxes.

B. Neither the Authority nor the City have been able to locate a copy of the Original Agreement which they hereby deem as lost; however, the Authority and the City acknowledge and agree that the parties have been bound by the terms thereof and it is in effect.

C. The Authority and the City therefore desire to amend and restate the Original Agreement, in its entirety, and more particularly to set forth the parties' agreement with respect to (i) the exemption of the Developments (as subsequently defined) from all real and personal property taxes, special assessments, and to the extent provided herein, fees, charges or assessments, without regard to nomenclature, assessed by or payable to the City or any political subdivision or taxing unit thereof, including without limitation any dependent special district or municipal services taxing unit created by the City, (ii) the specific payments that the Authority shall make in satisfaction of 42 U.S.C. § 1437d(d)(ii), and (iii) the public services and facilities furnished from time to time without cost or charge by the City.

D. The City and the Authority have the power to enter into agreements with each other.

E. The City desires to act cooperatively with the Authority to provide adequate low income housing opportunities within the City.

AGREEMENT

In consideration of the promises and mutual covenants set forth herein, the parties hereto, with the intent to be legally bound hereby, agree as follows:

1. Definitions. Whenever used in this Agreement:

(a) The term "Development" shall mean any housing currently owned or operated or hereafter developed, created, acquired, owned or operated by the Authority, an affiliate thereof, or a co-developer procured by the Authority or an affiliate thereof or a partnership or limited liability company in which the Authority or an affiliate thereof has an ownership interest (collectively, the "Owner Entity") with the financial assistance of the United States of America (the "Government") either (i) acting through the Secretary of the Department of Housing and Urban Development or any of its predecessor agencies or any successor governmental agency; or (ii) pursuant to the Low-