

The Westfield Town Council met in regular session Monday, September 13, 2004 at the Westfield Town Hall. Members present were Teresa Otis Skelton, Bob Smith, David Mikesell, Jack Hart and Ron Thomas. Also present were Clerk-Treasurer Cindy Gossard, and Legal Council Brian Zaiger. President Otis Skelton called the meeting to order at 7:00 PM.

Approval of Minutes

Jack Hart made a motion to approve the minutes of August 9, 2004 as presented. Bob Smith seconded. Vote: Yes-5; No-0. Motion carried.

Bob Smith made a motion to approve the minutes of July 28, 2004 as presented. Dave Mikesell seconded. Vote: Yes-4; No-0; Abstain-1 (Jack Hart). Motion carried.

Guests:

Andrew Bures spoke and asked the council to move forward and study the comprehensive plan.

Ron Wilke spoke about stop signs on the Natalie Wheeler Trail and about an unfinished sidewalk. He also questioned if sidewalks are going to be asphalt or concrete. He also asked if the Bridgewater project is exempt from perimeter sidewalks.

Old Business

Ordinance 04-25 **Vacation of Alley**
Public Hearing –June 14, 2004
Second Public Hearing
First Reading

Jerry Rosenberger presented this item. He noted there would be a second public hearing to allow the adjoining neighbors to speak this evening and have their specific questions answered.

A public hearing was opened at 7:13 PM

Daisy Miller spoke and stated she did not want to maintain the alley and pay taxes on that property if it were vacated. She is also displeased with the drainage situation and wanted to know when that would be fixed.

Mark Gerth spoke and also expressed his displeasure with this situation. He asked the council to take care of its own problems, not pass them to the adjoining neighbors. He asked the council to pave this alley, as they have all the others in town.

The public hearing was closed at 7:25PM.

Bruce Hauk responded to the paving of alleys and drainage issues. He noted that the alleys are paved on a schedule, and that since this particular alley was slated for vacation, it wasn't paved.

Ron Thomas made a motion to table this item for further investigation. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

This item will return to the October town council meeting.

Ordinance 04-12 Annexation-Viking Meadows-Phase I
First Reading-Public Hearing-August 9, 2004
Second Reading

Jerry Rosenberger explained this item for the council. He described the location and noted it is Phase I. This has been approved by the City of Carmel.

David Mikesell made a motion to approve Ordinance 04-12. Bob Smith seconded. Vote: Yes-5; No-0. Motion carried.

Resolution 04-16 Fiscal Plan for Viking Meadows Phase I

Dave Mikesell made a motion to approve Resolution 04-16. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Regulatory Changes/Council Introduction:

First Council Consideration:

- 1. Oak Ridge Road-South of SR 32-rezone of 17 acres**
- 2. WC 16.04.030 residential Districts (zoning ordinance)**

1. Kevin Buchheit introduced this item. He described the location and described the proposal. Kevin then introduced Steve Hardin and John Talbot.

Mr. Steve Hardin explained the project, stated it is aimed at the "empty-nester" market, and noted there is fiscal impact information included in the packet. He also asked the council for their suggestions on exactly how they would like this project to proceed. There is no specific zoning ordinance that fits this type of duplex project, and that the current multi-family ordinance poses difficulties for this type of development. This project could also be approached as a PUD. The current zoning ordinance could also be revised.

There were some council comments and questions regarding the proposed project. There was support to creating a new ordinance to allow these types of attached products. There was consensus that this project should not go forward as a PUD.

There was consensus from the council to move toward an ordinance amendment and to return this to the town council.

2. Kevin presented this item. He explained some of the changes proposed for the agricultural -single family district. He spoke about some of the difficulties in managing this district for tax exemptions and staying within the stated purpose of the district

Council members had some comments regarding definitions and some uses contained in the ordinance.

Kevin explained this ordinance would go to the standards committee for their review.

Jack Hart made a motion to send this item to the Advisory Plan Commission with the request that they hold a public hearing and return it to the council in October. David Mikesell seconded. Vote: Yes-5; No-0. Motion passed.

Second Council Consideration:

**Rezone 159th and Towne Road AG-SF 1 to SF-2
Carriger and Caito.**

Mr. Charlie Frankenberger described the proposal and commitments regarding building materials and architectural standards.

There was some concern with the property being farther out in the township (because of utilities and not being contiguous) and with the densities.

New Business

***Resolution 04-27* **Parks Master Plan
Presentation and Adoption****

Steve Reitmeyer presented the parks master plan. He concentrated on why this document is important to the town. He noted this is a long-term process and that parks are a crucial item to the quality of life.

Jack Hart thanked the parks committee for their work.

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David Mikesell made a motion to approve Resolution 04-27. Bob Smith seconded. Vote: Yes-5; No-0. Motion carried.

Fee Waiver Request from Westfield Washington Schools

Jerry Rosenberger introduced this agenda item. He noted that the schools were requesting fee waivers for five different projects.

Bob Smith made a motion to waive applicable fees. David Mikesell seconded. Vote: Yes-4; No-0; Abstain-1 (Hart). Motion carried.

Ordinance 04-31 Traffic controls update First Reading

Jerry stated that certain traffic controls must be included in the town's regulations in order to be effective and for police to give citations.

David Mikesell made a motion to suspend the rules and consider this item on the first reading. Bob Smith seconded. Vote: Yes-5; No-0. Motion carried.

Bob Smith made a motion to approve Ordinance 04-31. David Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Resolution 04-26 Claim procedure for Capital Purchases

Jerry Rosenberger presented this item. He explained that currently all capital items over \$3,000 must come to the council for approval. He suggested increasing this to \$25,000.

Ron Thomas made the motion to approve Resolution 04-26 with a spending limit up to \$10,000 with an itemized list for expenditures over \$5,000 for unique items. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 04-32 Extension of water and sewer services First Reading

Jerry Rosenberger explained that this item and 04-34 go together and both are expected to be back to the October council meeting for a decision. This allows the department to extend services at the town's expense to facilitate economic development. Subsequent hook-ups will pay back the initial investment.

Ron Thomas requested that residential not be classified as economic development.

Jerry explained that growing water and sewer utilities is different than general economic development.

This item will return to the council in October.

**Ordinance 04-34 Connector Fees-Ditch Road Water extension
First Reading**

This item will return to the council in October.

Resolution 04-20 Lease authority for fire truck leasing

Jerry Rosenberger stated the approval to lease fire trucks has already been granted. This resolution explains how the lease will be paid for.

Jack Hart made a motion to approve Resolution 04-20 in an amount not to exceed \$641, 077.90 with the council president to sign necessary bank documents. David Mikesell seconded. Vote: Yes-4; No-0; Abstain-1 (Smith). Motion carried.

**Ordinance 04-33 Bridgewater PUD amendment
Public Hearing at Advisory Plan Commission –July 26, 2004
First Reading**

Kevin Buchheit presented this item and explained the details of this amendment for the council. He described the parcel and noted that the elements of the original PUD will be in effect for this additional property. He noted this item comes forward with a unanimous recommendation of approval from the Advisory Plan Commission.

Jack Hart made a motion to approve Ordinance 04-33. David Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

**2005 Budget Town of Westfield 2005 Budget
Public hearing Held September 2, 2004
Final Action**

Jerry Rosenberger gave a recap of the budget presented initially at the September 2 public hearing. Jerry pointed out where some changes (reductions) had been made since that earlier meeting.

David Mikesell made a motion to approve the 2005 budget as presented, with a maximum tax rate of 42.5 cents/hundred. Bob Smith seconded. Vote: Yes-5; No-0. Motion carried.

Resolution 04-28 Excessive Levy appeal Authorization

Jerry Rosenberger presented this item.

David Mikesell made a motion to approve Resolution 04-28. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Consent Agenda

Release of Performance Bonds

Mapleton at countryside development

Bruce Hauk asked to move the bond for Mapleton at Countryside from performance to maintenance.

David Mikesell made the motion to release the performance bond and enact the maintenance bond for Mapleton. Ron Thomas seconded. Vote: Yes-5; No-0. Motion carried.

Release of Maintenance Bonds

None at this time

Town Manager Report:

Jerry announced the upcoming Midland/Monon presentation.

He also noted the new park impact fee of \$267/residence went into effect today.

Denny White gave a presentation on benefits/costs of remaining a town or becoming a city. He spoke briefly on the differences in government structure between town and city.

Ron Thomas questioned the January 1, 2007 start date. He believes moving from town to city may not change the terms of town councilors, and some of those terms will go beyond 2007.

Jerry noted that Maple Knoll has made an agreement with the town for a specific amount of edu's for utility costs. This will allow Westfield to serve that area as soon as construction begins.

David Mikesell made a motion to authorize the town manager to sign a contract with Platinum Properties for the water and sewer services contract. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Council Members Comments:

Bob Smith questioned whether an ordinance would be required to prevent semi trucks from parking overnight on residential streets.

Ron Thomas stated he had attended the county hazardous waste budget hearing. He noted that agency is willing to make a general information presentation to the town council.

Teresa Otis Skelton stated the council used to receive monthly appropriation reports. She asked that those reports be included in future council packets.

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Jack Hart asked if monthly HNTB reports could be distributed earlier.

Claims:

David Mikesell made a motion to approve claims as presented. Bob Smith seconded.
Vote: Yes-5; No-0. Motion carried.

With no further business the meeting was adjourned at 10:10 PM. An Executive Session followed.

Clerk-Treasurer

Council President