

WESTFIELD CITY COUNCIL, November 9, 2009

The Westfield City Council met in regular session Monday November 9, 2009 at the Westfield City Hall. Members present were John Dippel, Steve Hoover, Bob Horkay, Ken Kingshill, Bob Smith, Tom Smith and Rob Stokes. Also present were Mayor Andy Cook, Clerk Treasurer Cindy Gossard and Legal Counsel Brian Zaiger. Mayor Cook called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

Tom Smith asked that the minutes be consistent in referring to fines rather than fees on the second page. Steve Hoover made the motion to approve October 26, 2009 minutes as amended. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

GUESTS:

None

CLAIMS:

Bob Horkay made the motion to approve the claims as presented. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

MISCELLANEOUS BUSINESS/SPECIAL RECOGNITION:

Zip Codes Discussion

Mayor Cook gave an update of the continued discussion of the various zip codes in Westfield. He has had recent conversations with Representative Burton's office as well as the U.S. Post Office. This communication has indicated that the two entities are agreeing to attempt to consolidate Westfield and all addresses within our township. Although this would take care of the identity and Public Safety Concerns it would not take care of bulk mailings. There is still more communication that needs to happen to further clarify if this is a remedy.

OLD BUSINESS:

Ordinance 09-33 Zoning Ordinance Amendments – Sign Standards

Introduction- September 14, 2009

APC Workshop – October 5, 2009

APC & Public Hearing – October 19, 2009

Second Reading – November 9, 2009

Adoption Consideration – November 9, 2009

Jennifer Miller explained that this comes before the Council with a unanimous, positive recommendation from the Advisory Plan Commission.

Tom Smith made the motion to approve Ordinance 09-33 as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carries.

NEW BUSINESS:

Zoning Ordinance Amendments – Temporary Use and Event

Introduction – November 9, 2009

Zoning Ordinance Amendments - Definitions

Introduction – November 9, 2009

Jennifer Miller asked to present the Temporary Use and Event with the Definitions together. Permission was granted by the Council.

She went on to explain that these two items are being introduced before going on to the Advisory Plan Commission for review and a public hearing.

With no objection from the Council these amendments will be forwarded to the Advisory Plan Commission before coming back to this Council in January of 2010.

Resolution 09-14 – Bonds for East Side EDA

First Reading – November 9, 2009

Adoption Consideration – November 9, 2009

Mayor Cook described that there are three items affected by Resolution 09-14. One is the construction cost and financing of the new Fire Station. He went on to explain the financial arrangement with the school of a purchase price of one dollar.

The second project affected by the resolution is the initial construction of the Grand Junction Phase I. This City Council has endorsed this plan. This plan relies on the cooperation of property owners and the development community.

Included in the plan is the extension of the Natalie Wheeler trail constructed on the West side of South Union Street between downtown and 171st Street.

Also included in the plan is the extension of the Midland Trail between Carey Road and South Union Street.

Another important plan that will be included in these bonds will be a storm water plan. This is necessary to continue enticing desirable businesses to our downtown area.

James Crawford with Krieg Devault described the bond process and how this council would consider the issuance of these bonds that were approved November 4, 2009. This amount would not exceed 7.4 million. Mr. Crawford also explained that Krieg Devault will be covering the legal part of the bonds and O.W. Krohn and Associates will cover the financial information.

There was some discussion on the time line for a public hearing in regard to additional appropriations. Jim Treat from O.W. Krohn described the process and how the process is different than Utility and General Obligation Bonds. He also explained the positive tax ratings.

Tom Smith asked why the control is at the Redevelopment Commission. Jim Treat explained that these are Tax Increment Funds not tax backed bonds. He went on to explain that the Redevelopment Commission, by statute, is the charged entity for these funds.

Bruce Hauk explained that this TIF area was and is designed for Economic Development to put less pressure on the tax payers to build amenities and improvements.

Steve Hoover made the motion to approve Resolution 09-14 as presented. Bob Horkay seconded. Vote: Yes-7; No-0. Motion carries.

Ordinance 09-22 – Elected City Officials Salary Ordinance

First Reading – November 9, 2009

Second Reading – December 14, 2009

Adoption Consideration – December 14, 2009

Brian Zaiger introduced the Ordinance and explained that this is for the elected officials only. In the City of Westfield it includes the Mayor, Clerk-Treasurer and the City Council. He explained that it will be ready for adoption at the December 14, 2009 meeting.

There was some discussion on considering an increase for City Council.

This will come back to the Council for consideration in December.

Resolution 09-15 – Resolution Encouraging the Preservation of Indiana Jobs

First Reading – November 9, 2009

Adoption Consideration – November 9, 2009

Ken Kingshill explained that this is before the Council for consideration due to legislation that is before Congress. This legislation could potentially change the student loan program over a 10 year period. This is designed for low income students through federal control of the programming.

This Town of Fishers has asked this Council to consider another proposal from the Indiana Student Loan Industry. Sallie Mae in Fishers employs in all of Hamilton County but this comes to this Council with interest. There are 35 residents of Westfield that are employed by Sallie Mae. The ISLI proposal accomplishes what Washington is proposing without reducing Indiana Jobs that are supported by student loans. This proposal would be sent to our Senators (Bye and Lugar).

Tom Smith made a motion to approve Resolution 09-15 as presented. Bob Smith seconded. Vote: Yes-6; No-1 (Rob Stokes). Motion carried.

Ordinance 09-29 – Repealing Annexation Ordinance 08-35

First Reading - November 9, 2009

Second Reading – December 14, 2009

Adoption Consideration – December 14, 2009

Brian Zaiger explained that this is a duplication of Ordinance 08-35. This is an effort to clean up a duplicate annexation. Mr. Zaiger would like the Council to consider repealing Ordinance 08-35 by suspending the rules and accepting Ordinance 09-29.

Bob Smith made the motion to suspend the rules to approve Ordinance 09-29 as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carries.

Rob Stokes made the motion to approve Ordinance 09-29 as presented. Tom Smith seconded. Vote: Yes-7; No-0. Motion carries.

Ordinance 09-28 – Repealing Annexation Ordinance 08-31 (Southwest Area 1)

First Reading – November 9, 2009

Second Reading – December 14, 2009

Adoption Consideration – December 14, 2009

Ken Kingshill explained that this is a similar duplication as Ordinance 09-29.

John Dippel made the motion to suspend the rules to approve Ordinance 09-28. Bob Smith seconded. Vote: Yes-7; No-0. Motion carries.

Rob Stokes made a motion to approve Ordinance 09-28 as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carries.

Mayor Cook gave a brief description of the process. He explained that each area had the opportunity to meet individually or as a group with City Officials on any questions or concerns that they may have. One compelling comment to encourage annexation is that they would have a vote for City Officials.

During this process Mayor Cook communicated to the proposed annexed areas that if they did not want to be included in the City of Westfield that he would encourage this City Council to repeal the proposed annexation.

John Dippel made the motion to suspend the rules and consider a repeal of **Ordinance 08-28**. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

Rob Stokes made the motion to approve the repealing of **Ordinance 09-28**. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

Rob Stokes would like to see more discussion before considering the next four repeals. Bob Smith said that he had met with most of the representatives of those areas and the majority of their area did not want to be annexed. They did express a willingness to cooperate with the Midland Trace effort.

Steve Hoover commented on the areas benefiting from some of the improvements that the City of Westfield has put in to place and the unwillingness to contribute to the tax base. He makes exception with area one as it is primarily agricultural.

Ordinance 09-27 – Repealing Annexation Ordinance 08-20 (Southeast Area 9)
First Reading – November 9, 2009
Second Reading – December 14, 2009
Adoption Consideration – December 14, 2009

Ordinance 09-24 – Repealing Annexation Ordinance 08-18 (Southeast Area 1)
First Reading – November 9, 2009
Second Reading – December 14, 2009
Adoption Consideration – December 14, 2009

Ordinance 09-25 – Repealing Annexation Ordinance 08-19 Southeast Area 2)
First Reading – November 9, 2009
Second Reading – December 14, 2009
Adoption Consideration – December 14, 2009

Ordinance 09-26 – Repealing Annexation Ordinance 08-20 (Southeast Area 3)
First Reading – November 9, 2009
Second Reading – December 14, 2009
Adoption Consideration – December 14, 2009

After much discussion among the Council on how to proceed, it was determined that there will be opportunity for more discussion and research and Ordinances 09-24; 09-25; 09-26; and 09-27 will come back to the City Council for consideration December 14, 2009.

Delinquent Utility Account Charge Offs:

Kurt Wanninger explained that this is an annual process to clean up year end. He also pointed out that the charge off list is less than .07% of billings for the current year. The actual amount to be written off, as proposed, would be \$ 4,615.15.

John Dippel made the motion to approve *Utility Year End Write Offs* not to exceed \$4,615.15. Bob Smith seconded. Vote: Yes-7; No-0. Motion carries.

CITY COUNCIL COMMENTS:

None

MAYOR COMMENTS:

Mayor Cook asked that Parks Director Melody Jones make the announcement received today.

Ms. Jones announced that she received information from Indianapolis MPO that the City of Westfield will receive \$ 1,096,000.00 T Grant money payable in 2013. This is to be used for the Monon Trail from State Road 32 North to 191st Street. Ms. Jones thanked Neil VanTrees and Donna Luley for their assistance.

Mayor Cook announced that State Road 32 West will continue to be landscaped by the City of Westfield and signage will be displayed for this recognition.

U.S. 31 will be fully funded by 2020.

The State Road 32 interchange date has been moved up to 2012.

The portion of State Road 32 east to 31 will be postponed indefinitely.

With no further business Tom Smith made the motion to adjourn. Steve Hoover seconded. Vote: Yes-4; No-0. Motion carried. The meeting was adjourned at 9:10 P.M.

Clerk-Treasurer

President