

**Westfield City Council September 26, 2016**

The Westfield City Council met in regular session on Monday September 26, 2016 at the Westfield City Hall. Members present were Chuck Lehman, Steve Hoover, Joe Edwards, Cindy Spoljaric and Mark Keen. Also present were Clerk Treasurer, Cindy Gossard and City Attorney, Brian Zaiger.

President Chuck Lehman called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Steve Hoover made a motion to approve September 12, 2016 minutes. Joe Edwards seconded.  
Vote: Yes-5; No-0.

**Guest:**

None

**Claims:**

Mark Keen made a motion to approve the claims as presented. Cindy Spoljaric seconded.  
Vote: Yes-5; No-0. Motion carries.

**Miscellaneous Business/Special Presentations:**

None

**Old Business:**

**Ordinance 16-29: Junction North Planned Unit Development (PUD) District**  
**Council Introduction: August 8, 2016**  
**APC Public Hearing: September 6, 2016**  
**APC Recommendation: September 19, 2016**  
**Adoption Consideration: September 26, 2016**

Pam Howard presented this item explaining the request for change in zoning of the 1.55 acres. The PUD would allow for 5 residential lots.

Mark Keen made the motion to approve Ordinance 16-29 as presented. Cindy Spoljaric seconded. Vote: Yes-5; No-0. Motion carries.

**Ordinance 16-37: 2017 Budget**  
**Council Introduction- September 12, 2016**  
**Public Hearing – September 26, 2016**  
**Adoption Consideration - October 10, 2016**

President Lehman introduced this item

Public Hearing: opened 7:09

Ray Schneider spoke, stating his concerns on the budget.

Linda Nass spoke, stating her reasons for being opposed to the budget. (SEE ATTACHED)

Public Hearing: closed 7:17

**New Business:**

**Ordinance 16-38: 2017 Salary Ordinance**  
**Council Introduction: September 26, 2016**  
**Adoption Consideration: October 10, 2016**

Todd Burtron presented this item giving a brief overview of the annual Salary Ordinance.

**Ordinance 16-40: Amending Ordinance 16-33, The Pledge of Certain Revenues of the City to the Payment of Lease Rentals**  
**Council Introduction: September 26, 2016**  
**Adoption Consideration: September 26, 2016**

Brian Zaiger presented this item discussing the language changes on the amended Ordinance.

Joe Edwards made a motion to suspend the rules to approve Ordinance 16-40 as amended. Steve Hoover seconded. Vote: Yes-5; No-0. Motion carries.

Steve Hoover made a motion to approve Ordinance 16-40 as amended. Joe Edwards seconded. Vote: Yes-5; No-0. Motion carries.

John Knight manager of Grand Junction Brewery spoke explaining his reasons behind his request to be exempt from the current Food Truck Ordinance.

There was Council discussion with the Petitioner

Jim Ake will meet with Petitioner to work through the details of his request.

**CITY COUNCIL COMMENTS:**

Steve Hoover gave APC update.

Cindy Spoljaric spoke about Grand Junction Derby and Janus at the Junction this Saturday.

**MAYOR COMMENTS:**

Bulk Trash Day on Oct 8<sup>th</sup> from 8am to Noon

Home A Rama had 5,000 visitors in first week

Coffee with Cops success

At our Lantern Awards Westfield Officer Billy Adams and Westfield Fire Mike Sherley received award last weekend

Talked about Denny Hayes (Westfield Employee Award recipient) being an employer's dream, dependable, hardworking, knowledgeable, and loyal.

Without any further business the meeting was adjourned at 8:45 p.m.

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Clerk-Treasurer

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President

September 26, 2016  
 2017 Budget Public Hearing – Westfield  
 161<sup>st</sup> Street Neighbors – Linda Naas

**Opposed:** This budget is a \$1.5 Million deficit budget.

**Solution:** Look for budget reductions and solutions other than spending Cash Reserves.

Population increased from 2010 to 2016 by 22.6%: 30,068 to 36,864

Budget increased from 2010 to 2016 by 72%: \$19,807,713 to \$34,070,409

Budget increased at the rate of 3.2 times the rate of increase in the population.

FYI – The budget increased from 2010 to 2017 by 86.7%

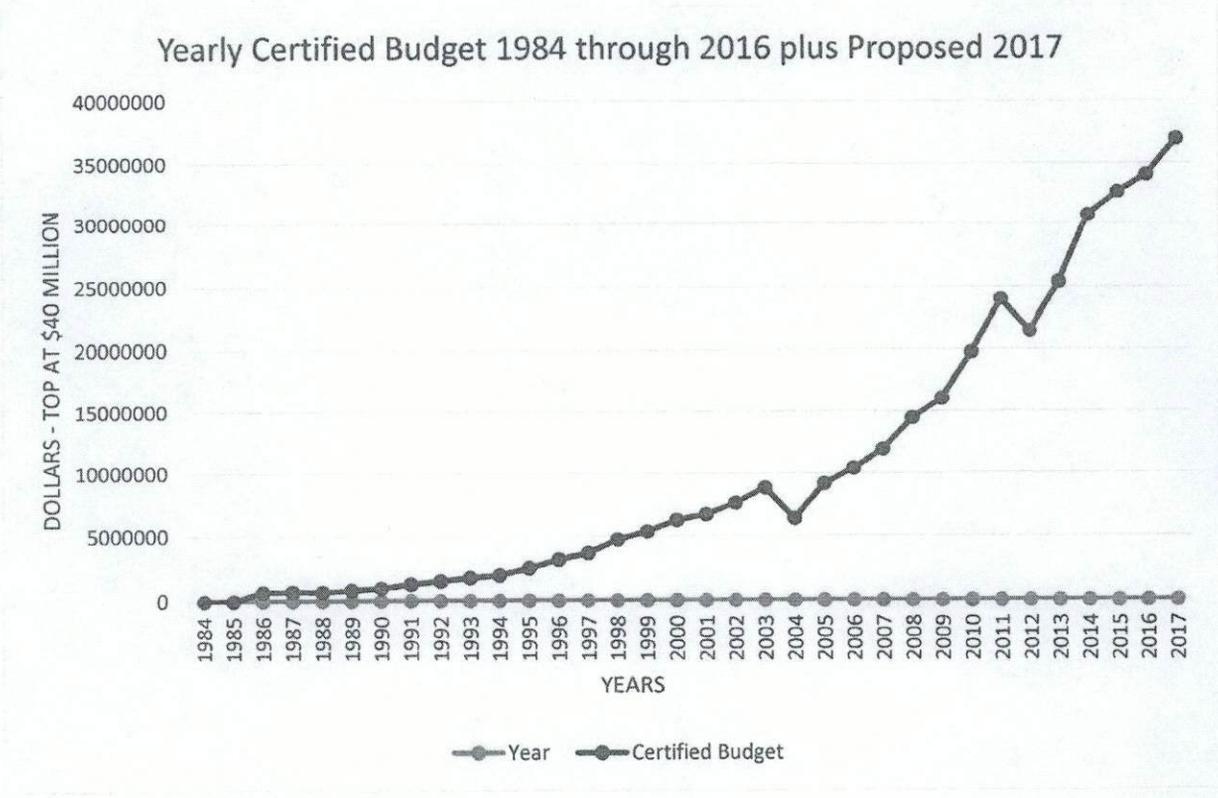
**Opposed to rate of budget increase based on population numbers.**

Pages 6 & 7 are misleading in growth, since the taxes don't go to the general fund if the growing properties are in TIF. All increase for existing MF/commercial and new MF/commercial go to TIF to the RDC – not to the General Fund. So the growing AV doesn't translate to new general fund property taxes. (The non-TIF tax projections are available from the Ham Co Auditor offices.)

**This budget should consider a reduction in capture to TIF which could cover the deficit of \$1.5 M.**

The increase in certified budget last year was 4.3%, this year's proposed budget is double that. (DLGF)

**Opposed to doubling the budget increase.**



Last October the Westfield Sustainability Report said there would be \$3 Million taken from Acct 641 Reserves in 2016 but nothing expected in the next year 2017. But this 2017 budget proposes taking \$1.5 Million from Acct 641 in 2017. These reserves should be used for unexpected expenditures or shortages on previous year budget per Muni-code on Cash Reserves. With the City knowing that the operational costs of the Grand Park outdoor and indoor are going to fluctuate and the City will owe \$2.5 Million for the Indoor facility and nearly \$2 Million for the payments on the Grand Park Campus land and fields, etc. bonds, conservative spending would serve the City well and save the taxpayers. Management agreements require the City to cover many of the operational costs of the Sports Campus, the City's largest economic development to date, even of the outdoor fields, and those costs are hard to project. There could certainly be unexpected expenditures in this area and others.

**Opposed to using Cash Reserves to pay for excessive spending. Look for budget reductions.**

Salaries appear in all budget departments and therefore it is not easily seen how much the number of employees or amounts for salaries and benefits increase in total each year. The City's largest single expenditure is salaries and benefits. This budget shows a 2% increase for cost of living this year in the salary ordinance. (Last year it was 1% - that's double this year).

**Compensation is nearing \$13 Million – 87% of Property Taxes for the year 2017.**

The budget once again shows that the employees' contribution to the PERF (retirement fund) will again be paid by the taxpayers.

- Although unpopular to take away extra benefits, the City should consider requiring the employees to pay their own 3% contribution as do other cities and thereby save the taxpayers considerable funds and reduce the deficit.
- The City should also consider dropping the match of 457 funds which also would save the taxpayers considerable funds and reduce the deficit.
- The 11.2% of compensation paid by the City into the fund is at a much higher rate than most of the private sector as the State has a part in determining this percentage.
- Apply the same to certain fire employees as for other civilian employees which they are.
- Fact: Police and Fire employees receive higher 17.2% but no matches to this or 457 fund.
- Typically the employees who benefit most from the two above extras are the more highly-compensated employees. The Clerk-Treasurer could certainly provide analysis of this.
- These matches benefit the more highly compensated when they hope is to give a benefit to the lower-compensated employees. A good HR person can explain the benefits to all but it is the employees' decision. Of course, the State allows anyone to pay the employee contribution of 3% to add to their funds, but it is a high cost to taxpayers to do so. 3% is a large bonus to already high-compensated employees. There are other ways to handle this in compensation without paying the employee contribution.
- Who in the private sector gets a deal like this? The City is asking taxpayers to pay for better benefits than they receive themselves. This is not fair to taxpayers.
- **Do not vote on the Salary Ordinance tonight until this issue is discussed.** Make the appropriate changes to the Salary Ordinance to be presented later this evening.

**Bring benefits and compensation into line with currently available tax revenues and competitive salaries in the area.**

Additional employees: After the Financial Advisor advised in October 2015:

Assume 1 new police officer per year from 2016-2019

Assume 3 new Street Department employees added in 2016

The City added 5 last year

2 Police Officers

EMS Division Chief (Fire)

Associate Planner ECD

Part-time Admin Assistant ECD

(moved Facility Coord from Admin to Public Works)

(moved 2 inspectors from PW to Stormwater)

This year, against financial advice, the City is proposing adding 9 employees:

2 Patrol Officers

Deputy Chief of Admin (Fire)

Laborer PW

Encroachment Inspector PW

Engineer PW

Project Foreman Stormwater

Infrastructure Foreman Stormwater

Customer Service Rep Stormwater

**Follow the financial advice and keep growth of government under control – brainstorm and implement more effective work methods. Change priorities. Cut employees when outside vendors are hired.**

Are we balancing the importance of Police and Fire (Public Safety) to Economic Development in the budget? First and foremost the City is to supply public safety. Are those budgets squeezed and the focus of those departments prioritized to a Grand Park which pays no taxes to support police and fire due to exempt properties and TIF. Single-family property owners cannot support the cost of public safety since MF/Commercial are almost entirely in TIF. Page 5 of the presentation puts public safety below Economic Strategic Priorities. For the amount of money spent on Economic Development in Westfield which is in the multi-millions, the taxpayers have seen no relief in taxes, no improvement in schools and an ever-growing government.

**Prioritize Public Safety in the Budget as number 1. Cut Administration if necessary.**

This Administration has taken Clerk-Treasurer authorities given by the State and Municipal Code and given them to employees outside the Clerk-Treasurer's office and outside the authority of the Clerk-Treasurer. The Administration has set up an Enterprise Development Department which is not defined in the Municipal Code or State codes. (See the Municipal Code and State codes for a clear explanation of what duties and authority fall within the elected office of Clerk-Treasurer for a third class city.) This has caused duplication of work efforts and errors regarding finances and thereby costing the taxpayers more. Clearly this caused errors, and cost time and money in transferring to the current software system for the records of the Clerk-Treasurer. It also appears to have added to the lack of transparency in the City's finances as IC 36-4-10-4.5 outlining the duties of the Clerk-Treasurer is not followed and others in the Admin depart have usurped that authority. Clearly, per Code, the Clerk-Treasurer hires staff that works under the purview of that office according to Codes both State and City. **Finances could be handled much more efficiently and cost-effectively if the Duties of the Clerk-Treasurer as outlined in IC 36-4-10-4.5 were followed by all in the City. Dispense with duplication under Administration.**

Westfield:  
third class

**IC 36-4-10**

**Chapter 10. City Clerk and Fiscal Officer**

**IC 36-4-10-1**

**Application of chapter**

Sec. 1. This chapter applies to second and third class cities.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.50.*

**IC 36-4-10-2**

**City clerk or city clerk-treasurer; election; fiscal officer; term of office; immunity**

Sec. 2. (a) A city clerk shall be elected under IC 3-10-6 by the voters of each second class city, and a city clerk-treasurer shall be elected under IC 3-10-6 by the voters of each third class city.

(b) The city clerk or clerk-treasurer is the clerk of each city.

(c) The city controller appointed under IC 36-4-9-6 is the fiscal officer of each second class city, and the city clerk-treasurer is the fiscal officer of each third class city.

(d) The city controller of a second class city is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the city controller's duty as fiscal officer of the second class city, unless the act or omission constitutes gross negligence or an intentional disregard of the controller's duty.

(e) The term of office of a city clerk or clerk-treasurer is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.51; P.L.5-1986, SEC.52; P.L.67-2002, SEC.5.*

**IC 36-4-10-2.5**

**Office space provided**

Sec. 2.5. If office space exists in a building owned or leased by the city, the city executive and legislative body shall provide office space for:

- (1) the clerk or clerk-treasurer; and
- (2) the staff and records of the clerk or clerk-treasurer.

*As added by P.L.69-1995, SEC.8.*

**IC 36-4-10-3**

**Clerk; eligibility; residence**

Sec. 3. (a) A person is eligible to be the clerk only if the person meets the qualifications prescribed by IC 3-8-1-28.

(b) Residency in territory that is annexed by the city before the election is considered residency for the purposes of subsection (a), even if the annexation takes effect less than one (1) year before the election.

(c) The clerk must reside within the city as provided in Article 6,

Section 6 of the Constitution of the State of Indiana. The clerk forfeits office if the clerk ceases to be a resident of the city.  
*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.11, SEC.164; P.L.5-1986, SEC.53; P.L.3-1987, SEC.558.*

#### **IC 36-4-10-4**

##### **Clerk; duties**

Sec. 4. The clerk shall do the following:

- (1) Serve as clerk of the city legislative body under IC 36-4-6-9 and maintain custody of its records.
- (2) Maintain all records required by law.
- (3) Keep the city seal.
- (4) As soon as a successor is elected and qualified, deliver to the successor all the records and property of the clerk's office.
- (5) Perform other duties prescribed by law.
- (6) Administer oaths when necessary in the discharge of the clerk's duties, without charging a fee.
- (7) Take depositions, without charging a fee.
- (8) Take acknowledgement of instruments that are required by statute to be acknowledged, without charging a fee.
- (9) Serve as clerk of the city court under IC 33-35-3-2, if the judge of the court does not serve as clerk of the court or appoint a clerk of the court under IC 33-35-3-1.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.36-1986, SEC.3; P.L.189-1988, SEC.1; P.L.33-1998, SEC.9; P.L.98-2004, SEC.160.*

#### **IC 36-4-10-4.5**

##### **Third class cities; fiscal officer; duties**

Sec. 4.5. (a) This section applies to third class cities.

(b) The fiscal officer is the head of the city department of finance.

The fiscal officer shall do the following:

- (1) Receive and care for all city money and pay the money out only on order of the approving body.
- (2) Keep accounts showing when and from what sources the fiscal officer has received city money and when and to whom the fiscal officer has paid out city money.
- (3) Prescribe payroll and account forms for all city offices.
- (4) Prescribe the manner in which creditors, officers, and employees shall be paid.
- (5) Manage the finances and accounts of the city and make investments of city money.
- (6) Prepare for the legislative body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate.
- (7) Issue all licenses authorized by statute and collect the fees fixed by ordinance.
- (8) Serve as clerk of the board of public works by attending

meetings, preparing agendas, and recording proceedings.

(9) Perform all other duties prescribed by statute.

(c) A fiscal officer is not liable in an individual capacity for an act or omission occurring in connection with the performance of the duties prescribed by subsection (b), unless the act or omission constitutes gross negligence or an intentional disregard of the fiscal officer's duties.

*As added by P.L.189-1988, SEC.2. Amended by P.L.35-1999, SEC.6.*

**IC 36-4-10-5**

**Second class cities; fiscal officer; duties**

Sec. 5. (a) This section applies to second class cities.

(b) The fiscal officer is the head of the city department of finance.

The fiscal officer shall do the following:

- (1) Prescribe the form of reports and accounts to be submitted to the department.
- (2) Sign and issue all warrants on the city treasury.
- (3) Audit and revise all accounts and trusts in which the city is concerned.
- (4) Keep separate accounts for each item of appropriation made for each city department, including a statement showing the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance remaining.
- (5) At the end of each fiscal year, submit under oath to the city legislative body a report of the accounts of the city published in pamphlet form and showing revenues, receipts, expenditures, and the sources of revenues.
- (6) Maintain custody of the records of the department and turn them over to the fiscal officer's successor in office.
- (7) Perform duties prescribed by statute concerning the negotiation of city bonds, notes, and warrants.
- (8) Keep a register of bonds of the city and of transfers of those bonds.
- (9) Manage the finances and accounts of the city and make investments of city money, subject to the ordinances of the legislative body.
- (10) Issue city licenses on payment of the license fee.
- (11) Collect fees as fixed by ordinance.
- (12) Pay into the city treasury, once each week, all fees and other city money collected by the department during the preceding week, specifying the source of each item.
- (13) Prescribe payroll and account forms for all city offices.
- (14) Prescribe the manner in which salaries shall be drawn.
- (15) Prescribe the manner in which creditors, officers, and employees shall be paid.
- (16) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payments.
- (17) Notify the city executive of the failure of any city officer

~~to collect money due the city or to pay city money into the city treasury.~~

~~(18) Draw warrants on the city treasury for miscellaneous city expenditures not made under the direction of a department and not specifically fixed by statute.~~

~~As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.189-1988, SEC.3.~~

#### **IC 36-4-10-5.5**

##### **Employment of attorneys or legal research assistants**

Sec. 5.5. (a) A clerk or clerk-treasurer may hire or contract with competent attorneys or legal research assistants on terms the clerk or clerk-treasurer considers appropriate.

(b) Employment of an attorney under this section does not affect a city department of law established under IC 36-4-9-4.

(c) Appropriations for the salaries of attorneys and legal research assistants employed under this section shall be approved in the annual budget and must be allocated to the clerk or clerk-treasurer for the payment of attorney's and legal research assistant's salaries.

*As added by P.L.69-1995, SEC.9. Amended by P.L.34-1999, SEC.2.*

#### **IC 36-4-10-6**

##### **Repealed**

*(As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1982, P.L.1, SEC.57; P.L.57-1986, SEC.4; P.L.12-1992, SEC.160. Repealed by P.L.173-2003, SEC.41.)*

#### **IC 36-4-10-7**

##### **Third class cities; clerk's deputies and employees**

Sec. 7. (a) This section applies to third class cities.

(b) The clerk shall appoint the number of deputies and employees needed for the effective operation of the office, with the approval of the city legislative body. The clerk's deputies and employees serve at the clerk's pleasure.

(c) If a city owns a utility and the clerk is directly responsible for the billing and collection of that utility's rates and charges, the clerk shall appoint those employees who are also responsible for that billing and collection. These employees serve at the clerk's pleasure.

(d) Whenever the city court judge does not serve as clerk of the city court or appoint a clerk to serve as clerk of the city court under IC 33-35-3-1, the clerk shall serve as clerk of the city court.

*As added by P.L.189-1988, SEC.4. Amended by P.L.33-1998, SEC.10; P.L.98-2004, SEC.161.*