

**Yorktown Town Council Regular Meeting
Monday, September 23, 2019 @ 5:30 PM
Yorktown Police Department**

Roll Call

Rick Glaub	Lon Fox	Rich Lee	Daniel Flanagan	Robert Ratchford	Michael Burke	Bryan Smith
Present	Present	Present	Present	Absent	Present	Present

Approval of Claims: Accounts Payable Vouchers totaling \$979,801.69 were reported. Rich Lee moved to approve claims, Michael Burke seconded and the motion passed.

Approval of August Minutes: Rick Glaub motioned to accept the minutes from August, Lon Fox seconded, and the minutes were approved 5-0. Michael Burke abstained.

Public Hearing for the Town of Yorktown 2020 Budget: President Flanagan officially opened the Public Hearing. Town Manager Olson explained that Clerk Treasurer Turner advertised the budget according to DLGF standards on the Indiana Gateway for Government Units website. John Mogush, 9101 W Lone Beech, read the fund name, the budget estimate maximum to be raised, estimated funds to be raised, etc. and requested an explanation of the columns posted in the advertisement and how the items were related. Pete Olson explained that the funds held cash accounts, or monies. If a fund receives revenue from property taxes, a fund balance will be listed. Lease Rental Payments were new items connected with the two bonds used for the Canal Street and the Civic Green that included a partial payment from last year. The General Fund encompasses the Town Council, Town Manager, Clerk Treasurer, and Police Department expenditures. The Cumulative Cap Development and the Cumulative Fire Fund were sinking funds. Mr. Olson described the Community Services as Township poor relief; the Local Road and Street and Motor Vehicle were associated with street funds; the Fire Department, Parks and Rec, and Cemetery were dedicated to those functions of the government. He clarified that LECE was Law Enforcement Continuing Education and LIT Public Safety related to an income tax passed by the County and the City of Muncie.

Mr. Mogush asked about the Budget Estimate and comparing column two with column three Maximum Estimated Funds to be Raised, and wanted an explanation about the difference between \$7,100,385 and \$5,633,671. Mr. Olson stated that the difference came from the Town receiving revenues from other sources but the Town was required by the State to show the Property Tax Levy is being established and the property tax effect. Other revenues were received from Trash, from the State from the sale of license plates and gas, and other sources. The Town Manager said that the difference was made up through other revenue sources that are not documented as part of the property tax or spending down other fund balances. John Mogush clarified that the \$7,100,385 budget sent to the DLFG was the operating amount to be approved. The Town Manager concurred. Mr. Mogush asked about the effects of the \$5 million bond on the coming year's tax, as the anticipated tax levy in regards to last year's rates of 92 or 95 per 100, that three years ago it was about 78, and then it went to 83. Pete Olson stated that the number was associated with the assessed value and the fund balances and that would not be available until December.

Rick Yencer, 3100 N 500 W, commented that based on the budget, taxes would need to be raised because the Town borrowed too much. He resented that money was spent on a project that effected Ruby Martin and the Puckett's that wasn't going to produce jobs and not going to bring

tax money into the community. Mr. Yencer also stated that it looked like the tax rate was going to be over \$1 and was restricting the General Fund to pay for the bonds. He added that the community was bonded too much beyond the debt limit because of more bonding to the utility. Rick was opposed to any general tax increase especially after the tax increase this year with the Government leaving the Fire Cum Fund off the budget.

Bruce McFarland, 9414 W Canal St, asked what the typical tax increase would be on a \$100,000 home and commented that the levy percentage difference seemed really big. President Flanagan replied that there were tax caps at about \$150,000, no additional taxes would be paid, and the difference would not be determined until assessed values were given. Bruce McFarland inquired if this was a tax increase on lower houses or the poor. President Flanagan pointed out that it might not be a tax increase at all and that the budget was not finished. Michael Burke wanted to know if the Town would recoup from the State amounts above the cap. The Town Manager explained that amount had to be worked into the budget and that fund balances were built up to for that amount. President Flanagan closed the hearing.

Public Hearing for the Yorktown Library 2020 Budget: President Flanagan officially opened the Public Hearing. Town Manager Olson explained that because of the bonding obtained by the library, the increased budget was more than the growth quotient and required a public hearing at the Council Meeting. President Flanagan added that the hearing was taking place to bring the increase in the library budget rate in front of the public for input. Liz Rozelle, Director of the Library, made herself available to answer questions. Without any comments being made, President Flanagan closed the hearing.

Public Hearing for the Tax Abatement for All Steel Carports: President Flanagan officially opened the Public Hearing. Town Manager Olson introduced President Chavez and Mr. Burton to share information and explained that the application for real property tax abatement for the new location on St Rd 332 had already been received. Michael Burton, the Executive Assistant to the President, reported that the company had existed for 20 years; had plants in Oklahoma, Texas, and California; produced over 20,000 buildings a year; and installed structures in 12 different states. Mr. Burton thanked Brad Bookout, Pete Olson, and Matt Ray. The new facility will be used for manufacturing, house the sales center, and could potentially reach parents of out-of-state Ball State students. All Steel Carports is the largest steel building manufacturer in Indiana, will create jobs in the expansion, had a positive professional and efficient experience in relocating within Delaware County, and will benefit the surrounding area when contractors move into the area and support the local economy.

John Mogush, 9101 W Lone Beech, inquired about the structure of the sliding abatement. Pete Olson summarized that the abatement reduced 20% per year. Wayne Studebaker, 10300 W St Rd 32, commented that his taxes were over \$850 every 6 months, was redirected to relevant comments by President Flanagan, and asked about the necessity for a tax abatement since construction had already taken place. Diana Thornburg, 1004 S Stratford, sought clarification that tax abatements were to encourage new, upcoming, or struggling companies; welcomed the company to the area; and questioned why a successful company needed a tax abatement instead of other local businesses that might need a tax abatement more.

Mike Blanch, 12051 W St Rd 32, asked about the qualifications to get a tax abatement to build on his farm. Town Manager Olson answered that there were job, value, and usage requirements. A follow up question regarded if one employee would qualify or how many employees were needed to qualify. The Town Manager stated that the State Code based the size of the tax

abatement on the number of employees. Mr. Blanch again requested a tax abatement to build on his farm. It was explained that the State determined the criteria and it was suggested by Councilman Burke that he hire 48 people and pay them \$1.5 million. Wayne Studebaker asked if the Village Pantry and if the other gas stations received a tax abatement and was told by the Town Manager and the President that the Town did not grant them. John Mogush welcomed All Steel Carports, was accepting of new jobs, expressed dissatisfaction with the competition between communities for businesses and how economic development was handled at the State and National level, expected the company to fully contribute taxes at the end of the 5 years, and complimented the company on their new location.

Michael Burton shared that three other locations were considered, the property was purchased two years ago, the abatement was specifically for the purpose of purchasing millions of dollars of equipment and steel, and that the company did not build and ask for assistance. Mr. Burton added that the decision to choose Yorktown was based on an agreement that the abatements were not guaranteed but would be considered impartially. Furthermore, Mr. Burton stated that the proper procedures have been followed at the State and County levels, that Muncie would attest to the contributions of the company to the tax base, that company revenues could help the area including the use of deductions, the company had worked on itemizing every machine and employee for a little over a year, and that Mr. Chavez lives in the area and pays taxes like other residents do on their homes. Mr. Mogush acknowledged the positive in that the Town was giving up a little but was gaining a lot.

Ian Anderson, 1912 S Hunter, asked how many additional jobs would move to Yorktown. Mr. Burton explained that everyone except for some factory workers would work in Yorktown, or about 130 people. The company expects to add 24 positions in the first six months, with the goal of adding 50-60 new employees. Mr. Anderson wanted to know about the pay scales. Michael Burton said that contractors involved in traveling and installation earned about \$200,000 per year, the hourly pay scale was between \$12-\$17 for sales and customer service positions, and that the national call center would be located at the new facility. Mr. Anderson asked the council to consider depreciation on the assets for the first five years, that the portion the company is receiving the abatement for is when the town tax revenue would be the highest. Also, Ian Anderson wanted to know if the pay scale would be adjusted for new hires since they would be subsidizing the tax burden. Mr. Burton commented that was not a requirement. Rick Yencer, 3100 N 500 W, asked what the tax abatement actually was. Town Manager Olson estimated that it would be \$45,000 over a 5-year period. Michael Burke proposed that the amount depended on the assessed value. Pete Olson clarified that the amount was supported by the abatement analysis. President Flanagan closed the hearing.

Old Business-Ordinance 784 Supplement to the Yorktown Code of Ordinances: The Ordinance was introduced last meeting to codify the Town Ordinances. Rich Lee motioned to approve Ordinance 784. Lon Fox seconded and the motion passed uncontested.

Resolution 2019-14-Confirming 5-Year Tax Abatement: Last month the introductory Resolution for All Steel Carports was presented. This Resolution confirmed the council agreed to a tax abatement on a depreciating 20% scale for 5 years. Michael Burke motioned to approve, Rick Glaub seconded and the motion passed 6-0.

New Business-Resolution 2019-13 Reclassification of Fire Expenditures: The cash balance for the Fire Fund was zero at the beginning of the year. Since the midyear tax draw has been deposited, there is sufficient funds in the Fire Fund to reclassify expenditures from January

through June in the amount of \$145,476.11 from the Rainy Day Fund to the Fire Fund. Rich Lee motioned to approve, Bryan Smith seconded and the motion was approved unanimously.

Proposal to Purchase Automatic External Defibrillators: Chief Boone reported that the batteries in the current AED's are no longer working properly and are no longer under warranty. Chief Boone is requesting to spend less than \$11,000 to put new AED's in all of the Fire Department Vehicles. This amount exceeds the Town Managers threshold for approval and must be approved by the Council. Rick Glaub motioned to approve, Bryan Smith seconded, and the motion passed unopposed.

Special Claims: AEP requires payment of \$49,501.80 to begin underground wiring for the Canal St and the Civic Green area. The Council will need to approve both payments to submit to the Redevelopment Authority and the 2018 Bond Trustee for payment. The second claim is the progress report on Canal St. from the 3D company in the amount of \$546,592.43. Michael Burke motioned to approve, Rich Lee seconded and the motion passed uncontested.

Nebo Road Sidewalk Inspection Agreement: The final design of a pedestrian path that will be installed on the east side of Nebo Road from St Rd 32 to River Road is approaching. INDOT is requiring the Town to secure a contractor, BF&S, to be inspected by the INDOT and to issue purchase orders. It was confirmed the Town would incur 20% of the costs of the project. Rick Glaub motioned to approve, Michael Burke seconded and the motion passed 6-0.

Vacation of Alley between 9312 W Smith St and 9304 W Smith St: Because of the placement of utilities, the alley needed to be vacated. An agreement was reached with Marathon Petroleum to vacate the alley in exchange for right of easement allowing entrance into their property. The Council would need to approve a Petition to Vacate and introduce Ordinance 786. A public hearing would be held in October along with moving to adopt the Ordinance. Michael Burke motioned to introduce, Rich Lee seconded, and the motion was approved unanimously.

Wastewater/Water/Storm Water-Park One Utility Extension: All Steel Carports needed water and sewer lines extended across SR 332 using casing that already exists. The only quote gathered by BF&S was from Midas, formerly Culey, that would cost either \$13,180 or \$17,150 depending on the need for poly or C900 pipes to be charged to sewer and \$18,280 charged to water. It was explained that revenues from services provided would pay back the costs. Rick Glaub motioned to approve, Lon Fox seconded, and the motion passed unopposed.

WWTP Improvements: Upgrades to the facility including the required phosphorus removal and replacing equipment used for 35 years were presented that would use a Guaranteed Savings Contract. BF&S recommended using a maximum price with the hopes that anything below those projections would be returned to the Town. Of the three contractors interviewed, the best scores were obtained from Thieneman Construction with phosphorus removal expected to take place by April 1. Michael Burke motioned to approve the BF&S recommendation, Rich Lee seconded, and the motion passed uncontested.

Departmental Reports: On behalf of the Park Board, John Myrick thanked Town Employees for fixing playgrounds and Burton Brothers for attending the Carnival. The next event announced was Go Kart racing on October 5th and 6th that only cost to be in the pits. The following groups were recognized for helping with Touch a Truck: Erin and Tom Hurley, Town employees with 5 vehicles, about 10-15 members of the Fire Department, the Police Department for controlling traffic and providing vehicles, Delaware County Police and SWAT, Delaware

County EMS, Indiana DNR, the National Guard, Yorktown Post Office, Yorktown Community Schools, AgBest Fuel, Reid's Electric, Best Way Disposal, Townsend Trees, TK Constructors, IMI, Spangler Farms, Brian Nixon Farms, AEP, Northwest Wrecker, and Ball Memorial/IU Health. Chief Boone thanked the Council for the AED's. Marshal St. John thanked Amanda and the CT office for keeping track of the overtime required in unusually large cases; highlighted the work of Officers Brook Barnard, Ryan Jaromin, and Blake Barnard; and distributed Police Officer Calendars. The Town Manager requested that the October Council Meeting be moved to Oct. 14 instead of Oct. 21 due to a Conference and concerns about the budget, a budget meeting with the Council and Department Heads needed to be scheduled before Oct. 14, and presented a draft of a Golf Cart Ordinance. The Clerk Treasurer presented a special claim for \$755.66 to Knot Hole Innovations for signs and entertainment at the Farmers Market. Rich Lee motioned to approve, Bryan Smith seconded, and the claim was approved.

Comments from the Floor: Ryan Jaromin, thanked the Town for sponsoring a 10 and Under traveling softball team. Walt Wilner, 7925 W Cornbread, thanked the Town Manager for working on a golf cart ordinance and pointed out that the fee in Daleville was \$10 and in Chesterfield was \$5. Mike Blanch, 12051 W St Rd 32, asked the Council to consider adding sidewalks inside the Town of Yorktown. Greg Rifner, 708 Jade, inquired about the Bison project and drainage issues on behalf of the Yorktown Christian Church. The Council stated they had not received any information about the progress of the project. Bridget Myers, 709 S Prestwick, requested a Public Hearing about the roundabout at Nebo and River Rd. The Town Manager relayed that INDOT was in charge of that process. Liz Rozelle, Director of the Yorktown Public Library, shared that the delay in construction was because the property was in a flood plain, the project had been approved by DNR but not FEMA, disputed that fact that the library had any involvement with neighboring properties, and commented that the library was not providing Day Care. Bruce McFarland, 9414 W Canal St, talked about the meeting minutes, eminent domain on Canal Street, Mr. and Mrs. Puckett and Ms. Martin, the location of a storm drain, the location of a gas line, and the advertisement of the 2020 budget.

Comments from Town Council Members: Rick Glaub commented that the Homecoming Parade was well represented. Rich Lee mentioned the long-term benefits including incentivizing growth and employment using a tax abatement; expressed concern about limiting the impairment of neighbors during the roundabout construction; emphasized the budget process was to advertise high, request as much funds as possible, reevaluate, and then make cuts; and thanked everyone in attendance. Michael Burke thanked everyone in attendance. Bryan Smith thanked the police for their efforts and excellent communication with council; complimented the Street Department for improving the appearance of the sidewalks and the Town for the Homecoming Parade; and thanked the community for attending the meeting. Dan Flanagan thanked those in attendance; commended the work of the Police Officers; complemented the Parks, Fire Departments, Town Board, and community; acknowledged the success of the Touch a Truck event; and wished the Library luck.

Upcoming meetings-Next Town Council Meeting: October 14, 2019, at 5:30 p.m.

Adjournment: 6:39 p.m.

President-Daniel Flanagan

Clerk Treasurer-Lance Turner