

Yorktown Town Council Regular Meeting

Monday, June 15, 2020 @ 5:30 PM

Zoom Conference/Yorktown Town Hall

The Yorktown Town Council June 15, 2020, meeting was held via Zoom video/telephonic conference according to Governor Holcomb's Executive Order 20-09

(https://www.in.gov/gov/files/Executive_Order_20-09_Continuity_of_Government_Operations.pdf).

The following information was provided: Website- <https://www.zoom.us/>, Meeting ID-815 0486 7516, Password-013105, Alternate access- 1 312 626 6799. The meeting was moderated by the Town Manager, Pete Olson. The meeting was recorded and will be preserved as part of the record of the meeting in addition to the minutes. Actions were approved by a roll call vote until the members of the Council could convene and sign the necessary documents.

Call to Order, Roll Call: Rich Lee-present, Robert Ratchford-present, Rick Glaub-present, Daniel Flanagan-present, Lon Fox-present, Michael Burke-present, Bryan Smith-absent. Attendance reflected a quorum to conduct the regular business of the Council.

Approval of Claims-Daniel Flanagan moved to approve claims totaling \$1,342,719.06 and Rick Glaub seconded. Roll call vote to approve the claims:

Daniel Flanagan	Rick Glaub	Robert Ratchford	Lon Fox	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Approval of May 18, 2020, Regular Town Council Meeting Minutes-Michael Burke motioned to approve the minutes; Daniel Flanagan seconded. Roll call vote:

Michael Burke	Daniel Flanagan	Robert Ratchford	Rick Glaub	Lon Fox	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Public Hearing-Rate Hearing for Delaware County Regional Waste District Wholesale Rate

The following instructions were provided to all interested parties in the publicly posted agenda:

The host will unmute individuals who have notified the moderator, Town Manager Pete Olson.

Speakers utilized the "raise hand" function from zoom by clicking on the icon labeled "Participants" at the bottom center of your PC or Mac screen and then clicking the button labeled "raise hand".

Using a mobile device, attendees could click on the icon labeled "Participants" at the upper right of their screen, and then click the button labeled "raise hand". Individuals would be "called on" one at a time, were requested to announce their name and address, and make comments. For users who called into the meeting, an email was to be sent to polson@yorktownindiana.org, providing the telephone number and identification of who was calling. Once everybody had an opportunity to make comments the microphones of the commission members and pertinent staff/consultants would be unmuted to allow the rest of the meeting to take place. It was recommended that emails to polson@yorktownindiana.org be sent in advance to create a list of those individuals that requested to speak.

Council President Rich Lee declared the Public Hearing open at 5:34 p.m. Pete Olson explained that in January of 2020, sewer rates were increased to cover the State Revolving Loan financing for the removal of phosphorus mandated by the Clean Water Act of 2016 in order to acquire the NPDES permit. The Town borrowed approximately \$10 million from the Indiana Finance Authority to remove phosphorus and upgrade equipment. Part of the negotiation with DCRWD included lowering

the per 1,000-gallon treatment price and added a per month cost for treatment. The new agreement required the rate ordinance to be changed with the new costs to go into effect July 1, 2020.

Bruce MacFarland stated that it was hard to make comments because he had not been provided a table that would explain how much the rates were being raised, the amount that would be brought in with the rate increase, and how long the rates would be in effect. His concern was that the justification for raising rates were more based on the rates of surrounding towns rather than the actual cost of what was going on and what was being brought in by each rate increment. He requested an explanation for the rates, how long this was going on for, and when the rate would be cut back and so on. Town Manager Olson explained that it was a 20-year loan and the rate was amortized to cover the loan cost over 20 years. The table that compared rates with other communities was not what the rates were based on. Mr. Olson explained that the rates were based entirely on the amount of the loan and the amount required to pay off the loan. He concluded by explaining that the table was for comparison purposes only. The Town Manager reported that no other individuals had raised their hands. President Lee closed the Public Hearing at 5:39 p.m.

The following message was also received about the Public Hearing. It had spaces and other items removed to shorten its length. The message itself was not edited. From: Richard Yencer [<mailto:ryencer12@gmail.com>], To: Pete Olson<polson@yorktownindiana.org> Subject: Public hearing. Pete, I was muted and denied an opportunity to speak at the public hearing. Here is my comment. The increase in sewage utility rates for Yorktown customers by the town and county is excessive. More than 200 people signed petitions opposed to the county rate hike that could be decided in court. Simply raising rates to borrow money to improve infrastructure is reckless. More than \$50 million in borrowing by government and schools for various projects is a debt to utility customers and property and income taxpayers for 20 years. That is excessive given the yearly cost of government and schools and could lead to bankruptcy from shutdown and layoffs during the pandemic. The state already lost \$2 billion during the last two months causing cutbacks in services and programs. Local government should stop spending money on new projects until the shortfall from the pandemic is known. Rick Yencer, 3100 N County Road 500 West, Muncie In.

Old Business: Ordinance 798-Rate Ordinance for the Delaware County Regional Waste District Wholesale Rate. Introduced last month, the rate would appropriately charge the Regional Waste District to repay their share of the bond proceeds from the State Revolving Loan. Daniel Flanagan moved to adopt the Ordinance; Michael Burke seconded. Roll call vote:

Daniel Flanagan	Michael Burke	Robert Ratchford	Rick Glaub	Lon Fox	Rich Lee
Yes	Yes	Yes	No	Yes	Yes

New Business: Police Car Purchase. Last month, the Town auctioned surplus vehicles and brought in approximately \$28,000. The Marshal is requesting to purchase an additional Ford Explorer Hybrid similar to the models purchased last year. The bid was the same as the one used last year. Councilman Fox asked if this purchase would complete the fleet. The Town Manager responded that there were two more vehicles to replace, the Town Marshal and the newest officer. Rick Glaub moved to approve the purchase and Daniel Flanagan seconded. President Lee lost internet connection prompting Vice President Robert Ratchford to accept the motions. Roll call vote:

Rick Glaub	Daniel Flanagan	Lon Fox	Michael Burke	Robert Ratchford	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Interlocal Agreement-The Town has been working with the County to request funds to help with the Downtown Redevelopment Program. Last year, the Town negotiated an agreement through a resolution to allow the County to use EDIT funds for the jail project in exchange for the County passing along TIF funds to the Town. The Redevelopment Commission and the Council expanded the Economic Development Area to facilitate the current interlocal agreement that allows TIF dollars from the Morrison/Nebo TIF district to help with Yorktown's downtown redevelopment projects. The Delaware County Commissioners and the Delaware County Redevelopment Commission approved the interlocal agreement last week to provide \$1,300,000 for planning, purchasing property, and infrastructure work and an additional \$3,000,000 over 10 years earmarked for the use of new development projects within the district. The agreement was also approved by the Yorktown RDC last week. Robert Ratchford motioned to approve the agreement and Lon Fox seconded. The results of the roll call vote:

Robert Ratchford	Lon Fox	Rick Glaub	Daniel Flanagan	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Ordinance 799 Issuing "[Taxable] Economic Development Revenue Bonds, Series 2020 (Bison Project)"- The attorney representing the Town, Lisa Lee, commented that the Yorktown Redevelopment Commission in August of 2019 publicly worked to create a new economic development area to contain the properties associated with the Bison development project so that the project would be self-sustaining. Ms. Lee explained that this bond ordinance was different than the other bond issues of the Town that were paid with TIF revenues. The Town Council created a three-member Economic Development Commission consisting of members appointed by the Town Council President, the Town Council, and the Delaware County Council. The Yorktown RDC and the Town desire to use this financing to incentivize a private developer to bring residents into the revitalized downtown area. Previous financing tools were for public works projects using TIF revenue and property taxes for alternative funding.

This project utilized the EDC statute that permits the Town to issue bonds and then provide those proceeds to a private entity, serving strictly as a financing tool. The EDC will hold a public hearing on the Bison project on June 29, 2020, at 4:00 p.m., after advertising the hearing on June 17, 2020. The Commission would determine if there would be an adverse competitive effect on other like projects in the Town and then recommend to the Town Council whether the Ordinance should be adopted. The Ordinance is to be introduced and then can be considered for adoption at the next council meeting following the recommendations of the EDC. The ordinance sets maximum parameters of a 25-year term, a maximum amount of \$5.5 million, and pledges TIF revenue only from Bison Area #1. In the event that the developer does not follow through or the value is lower than the amounts assessed by the financial advisors leading to a shortfall in the debt service, there would be no available recourse towards the Town or the YDC. President Lee and Robert Ratchford confirmed that the risk to the Town was minimized and that the Town would have to pay nothing back. Rick Glaub moved to introduce the ordinance; Daniel Flanagan seconded. Roll call vote:

Rick Glaub	Daniel Flanagan	Robert Ratchford	Lon Fox	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Resolution 2020-8 Establishing Economic Development Area-As Attorney Lisa Lee explained, the RDC began the process of creating the EDA isolating the three TIF areas based on the properties owned by Bison Development, the Planning Commission approved that the area and the project plan conformed to the Town's development, the Town Council considered the plan order, a public hearing was held along with notices of tax impact reported, and the RDC adopted a resolution confirming the

creation the SR32 Economic Development Area containing the three Bison TIF areas. Daniel Flanagan motioned to approve the Resolution; Rick Glaub seconded. Roll call vote:

Daniel Flanagan	Rick Glaub	Robert Ratchford	Lon Fox	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Removal of Overhead Wires along Canal Street-After mediations with Mr. Puckett and Mrs. Martin, authorization was given to continue with plans to put power wires under ground into their homes and along the rest of Canal Street. BF&S called for bids and received only one bid from a local company Reid Electric, LLC, for the amount of \$82,425. Daniel Flanagan moved to accept the bid and Lon Fox seconded. Roll call vote:

Daniel Flanagan	Lon Fox	Robert Ratchford	Rick Glaub	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Settlement Agreement with Indiana Bell Telephone Company, Inc.-Mr. Townsend and Mr. Olson have been working with AT&T, owners of the building in the Northeast Quadrant of the Canal Street project, concerning parking, access to the building, and storage of trash receptacles. The agreement included parking off of Walnut Street and provided access next to the building. Robert Ratchford motioned to accept the agreement and have the Town Manager sign the agreement; Daniel Flanagan seconded. Roll call vote:

Robert Ratchford	Daniel Flanagan	Rick Glaub	Lon Fox	Michael Burke	Rich Lee
Yes	Yes	Yes	Yes	Yes	Yes

Water/Waste Water/Storm Water-The pre-construction meeting with Thieneman and the State Revolving Loan Fund staff will take place tomorrow (Tuesday, June 16, 2020).

Departmental Reports-Mr. Myrick reported that fireworks would be let off on July 4 at dark and several food vendors would operate in the park. Reach [Yorktown] Ministry, led by Mary Ann Stroeh, typically stocked their food pantry using donations to the Post Office Food Drive that was cancelled this spring. Consequently, a trailer to accept donations will be placed at Morrow's Meadows from June 29-July 4 and will be emptied on a nightly basis to address the recent increase in demand. Councilman Glaub encouraged other council members to volunteer at the food distributions held on the third Saturday of each month after volunteering in May. Based on the request from Clerk Treasurer Turner, the Council acknowledged receiving the annual TIF report before the deadline in April, 2020.

Councilman Ratchford wanted the public to fully understand the rate increases and sewage rates and questioned whether the Town Council had anything to do with the rates. Town Manager Olson clarified that the Clean Water Act of 2016 put in place by the Federal Government mandated the removal of phosphorus by the Waste Water Treatment Plant as part of the NPDES permit renewal process [National Pollutant Discharge Elimination System]. Also, the last major upgrade to the WWTP was made 40 years ago and a number of the pieces of equipment are coming to their end of life. Mr. Olson added that once the pumps and aerators have worked that long, there were a number of things required. He concluded that the project was borne out of necessity and the Clean Water Act to be in compliance with Federal and State requirements. Councilman Ratchford requested that the explanation be included in the minutes. President Lee described that the actions discussed tonight did not pertain to the DCRWD rates but strictly the rates the Town charged to DCRWD. He also

encouraged everyone to support Reach Yorktown Ministry June 29-July 4. Mr. Lee stressed that the impact study of the SR 32 Development Area showed no negative impacts in the report. Councilman Lee and Councilman Glaub discussed the possibility of a live meeting next month. Councilman Fox passed along well wishes to Councilman Smith.

Rick Glaub motioned to adjourn; Daniel Flanagan seconded.

Adjournment: 6:14 p.m.

Upcoming Meetings: July 20, 2020

President-Rich Lee

**Prepared by/Attest
Clerk Treasurer-Lance Turner**