

Fishers City Council
Minutes
July 12, 2023

BOARD/COMMISSION: Joint Meeting: City Council Meeting and Board of Trustees of Hamilton Southeastern School Corporation

DATE: 7/12/2023

DIRECTIONS: Hamilton Southeastern School Corporation, Central Office, 13485 Cumberland Road, Fishers Indiana

SPECIAL CITY COUNCIL MEETING, 5:30 P.M

1. **Meeting Called to Order with the Pledge of Allegiance**
President John Weingardt called the meeting to order at 5:40 p.m. Present were Pete Peterson, Selina Stoller, Brad DeReamer, Todd Zimmerman, David Giffel, Crystal Neumann, Cecilia Coble. Jocelyn Vare arrived about 7:15pm. Others present were Mayor Scott Fadness, Deputy Mayor Elliott Hultgren, Lisa Bradford, Lindsey Bennett, Jason Taylor, Ashley Elrod, Megan Baumgartner, Jake Reardon McSolely
2. **Community Comment: NONE**

REGULAR AGENDA

3. **(HSE)** Requesting approval of Resolution to place the School Operating Referendum on the November Ballot.
4. **(City) R071223A** – Request to approve Resolution of the Common Council for the City of Fishers, Hamilton County, Indiana Supporting Hamilton Southeastern School Corporation's Extension of the Operating Referendum Tax Levy. Resolution
 - Mayor Scott Fadness presented. Jocelyn Vare, Todd Zimmerman, Selina Stoller and Cecilia Coble all spoke in favor of approval. John Weingardt made motion, Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
5. **Meeting Adjournment**
 - Pete Peterson made a motion to adjourn the city council meeting. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed. The meeting was adjourned at 7:36 p.m.

Respectfully Submitted,



Lindsey M. Bennett
Fishers City Attorney

Fishers City Council
Minutes
July 12, 2023

BOARD/COMMISSION: City Council Meeting

DATE: 7/12/2023

DIRECTIONS: Hamilton Southeastern School Corporation, Central Office, 13485 Cumberland Road, Fishers Indiana

SPECIAL CITY COUNCIL MEETING, 6:45 p.m., Mudsock Room

1. **Meeting Called to Order with the Pledge of Allegiance**
President John Weingardt called the meeting to order at 7:10 p.m. Present were Pete Peterson, Selina Stoller, Brad DeReamer, Todd Zimmerman, David Giffel, Crystal Neumann, Cecilia Coble. Jocelyn Vare arrived about 7:15pm. Others present were Mayor Scott Fadness, Deputy Mayor Elliott Hultgren, Lisa Bradford, Lindsey Bennett, Jason Taylor, Megan Baumgartner, Jake Reardon McSolely, Delaware Trustee Debbie Driskell, Marilyn Schenkel, and Samantha Chapman
2. **Announcements: NONE**
3. **Proclamations: NONE**
4. **Presentations:**
 - a. **Police Swearing In: NONE**
 - b. **Delaware Township Trustee**
 - i. Debbie Driskell and Jason Taylor discussed the interlocal for design and construction of the 131st Street Trail as well as the partnership for the pedestrian bridge over the White River
5. **Council Committee Reports**
 - a. **Finance Committee Report – NONE**
6. **Department Reports**
 - a. **Health Department Report - REPORT**
 - b. **Engineering Report - REPORT**
7. **Consent Agenda:**
 - a. Request to approve the previous meeting minutes from June 19 2023 City Council Meeting.
 - b. R071223 – A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds
 - Pete Peterson made a motion to approve the Consent Agenda. Todd Zimmerman seconded the motion. All members voted yay. The motion passed.

REGULAR AGENDA

Government/Miscellaneous

8. 061923 - An Amendment to Chapter 51 of the City of Fishers Code of Ordinances (Sewer Use) – 2nd & 3rd Reading: [Council Action Form](#) | [Ordinance](#)
 - Lisa Bradford made her presentation to the council members.

- Pete Peterson made a motion to have the 2nd & 3rd Reading of ordinance and to Approve **061923**. Selina Stoller seconded the motion. All members voted yay. The motion passed.

Planning & Zoning

9. **071223** - Request to approve a voluntary annexation of 5 acres known as Nix Property. Subject site is located at 10405 Mollenkopf Road (ANX-23-9) **1st Reading & Public Hearing Continued to August**

REGULAR ITEMS

10. Any other Unfinished / New Business:
None
11. Community Comment: None
None
12. Meeting Adjournment
 - Pete Peterson made a motion to adjourn the city council meeting. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed. The meeting was adjourned at 7:36 p.m.

Respectfully Submitted,



Lindsey M. Bennett
Fishers City Attorney



To: Fishers City Council
From: Jason Taylor, P.E. –Director of Engineering
Date: July 12, 2023

RE: Barrett Law of Commercial Private Roadways – Britton Park/Trade Center and Publishers Business Parks

Purpose

The purpose of this memorandum is to provide the City Council with information concerning the current status of the Barrett Law of Commercial Private Roadways. Specifically, the private roadways within the Britton Park/Trade Center and Publishers Business Parks. (exhibits included)

Summary

Since 2022, the City and the business owners within the above mentioned business parks have been collaborating on ways the private roadways can be improved and what support the City can provide to the business owners. Through the discussions, it was determined the Barrett Law process was an avenue that allowed the improvements to occur while not requiring the businesses to bear the costs in a single lump sum. Once the Barrett Law process was determined to be a way to accomplish the improvements while spreading the payments over time, the Department of Engineering communicated with the businesses of the intent through a series of presentations and one-on-one meetings.

On March 14th, the Board of Public Works & Safety approved the preliminary resolution to begin the Barrett Law process for both commercial private roadways. Those resolutions can be found here: [Barrett East](#) and [Barrett West](#). Per Indiana Code 36-9-36, the City mailed official notifications to the property owners/businesses that a Public Hearing will be held at the Board of Public Works and Safety meeting on March 28, 2023. Although not required, the City provided additional information to the property owners/businesses concerning the construction costs that can be expected. An example letter is included as an attachment in this memo.

Approximately eight (8) of the property and/or business owners, including the property manager, were in attendance at the March 28, 2023 meeting for the public hearing. Comments were provided and the video of the meeting can be found [here](#). One property owner hired an attorney, of which was present and spoke against the project with the other property owners being generally supportive of the need of the improvements but had concerns related to the total costs. As such, the mayor and other board members requested the Department of Engineering to revisit the scope of the work to determine if there were other methods for the improvements that could be explored and provide an alternate of the work being performed in 2024.

Since those meetings, the Department of Engineering and City Attorney have communicated the allocation percentage to the property/business owners through the property manager, but due to the requirements of IC-36-9-36, the total costs of the project will not be determined until after full completion of the improvements.

With the feedback and direction from the board, an updated timeline (60 days) for the project has been determined:

- May 8th thru June 11th **COMPLETED**
 - May 11th - Core samples taken in the field for Geo-tech firm laboratory evaluation.
 - Geo-tech firm analyze core samples in laboratory of existing cross -section of pavement and condition of sub grade.
 - Geo-Tech firm will create report on lab analysis with recommendations on possible scope changes.
 - Revise scope and prepare project manual bid documents to be advertised for bid.
 - This timeline has changed due to the industry not having availability to perform the work
- June 12th thru June 20th **COMPLETED**
 - Geo-Tech Firm completed analysis of core samples and submitted report.
 - City Engineering Department is reviewing Geo-Tech report, and will utilize in the revision of the project scope.
 - Continue discussion on ways to reduce financing costs.
 - Complete revised new project manual to prepare for bid letting.
- June 21st thru July 8th **Project is currently out to bid Revised from previous update**
 - Project was advertised for bid July 5th – to help have actual costs instead of engineer estimates.
 - Bids Due July 24th – Open contractor bids
- July 10th thru August 2nd **Revised from previous update**
 - Proposed City information meeting to answer questions and share bid results
 - Proposed date for POA meeting for POA to approve conditional road dedication agreement document to be presented at following Board of Public Works and Safety
 - City will be guest of POA meeting to answer any questions
- August 8th **Revised from previous update**
 - Present updates (bid and dedication documents) to the Board of Public Works & Safety
 - The City is still working towards trying to maintain this schedule however, it is important to ensure transparency, and follow the correct procedures, as opposed to meeting artificial deadlines.

The Engineering Department has been in continuous communication with all property owners via the Property Owners Association management with weekly status updates including timeline, road dedication process, and current steps being taken. Progress was made on determining a revised construction scope. The Engineering Department hired Geo-Tech firm Terracon to collect roadway and subgrade core samples in the field for laboratory analysis and further recommendations on construction/rehabilitation options in an effort to reduce overall costs. Those recommendations resulted in requesting an alternate scope bid, along with a base bid, from prospective bidders to compare overall costs. Engineering staff met with the Controller's Office, City Attorney, and a bond finance professional to continue to evaluate and explore bond financing cost savings. Under the current timeline we anticipate being able to share results from the bid process with property owners/businesses before the beginning of August. The intent is still for the roadways to be under construction and completed prior to the end of the 2023 construction season, but it has been communicated the work may move to 2024 due to pricing and scheduling.



Fishers Health Department Update – 7/12/2023

Senate Enrolled Act 4 - Governors Public Health Commission Legislation

- Hamilton County Commissioners opted in to receive the new public health funding. Fishers Health Department to receive ~\$1M in 2024. Next step requires joint interlocal agreement between Hamilton County Health Department and Fishers Health Department, along with detailed budget and KPIs, by September 1, 2023. Funding for 2024 may increase depending on final number of counties opting in for funding.

Health Conditions Under Watch:

- Arboviral season March – November with peak mosquito season in July. Monitoring for West Nile Virus through vector control activities: no positive findings to date; 45 mosquito infections and 0 human infections county-wide 2022.

Community Health Assessment:

- Writing report based on analyses data and developing community-based surveys, focus groups for remainder of summer 2023.

Core Health Services (June 2023)

- 146 patients seen for non-COVID-19 immunizations and tuberculosis (TB) tests.
- 110 COVID-19 vaccines administered. Booster uptake 22.8%.
- 8 COVID-19 tests administered. All tests are currently offered free of charge through COVID-19 grant funding.
- Reportable conditions continue to be managed at a steady pace and monitored for outbreak potential.

Mental Health

- Launched the new [StigmaFreeFishers](#) platform powered by CredibleMind on May 1. First 60 days: 2,301 users with 2,799 sessions on the platform. Users largely from Fishers and surrounding area. Most common features used are mental health assessments (825) around depression and anxiety, and over 195 unique resources used.
- Launched Mental Health Matters monthly newsletters. July newsletter available [here](#). In addition to highlighting mental health issues, the newsletter includes resources and event information, and is a leading contributor to internet traffic to the Stigma Free Fishers website.
- Mental health action teams hosting Service Day at the Fishers Farmers Market on July 22.

Environmental Health & Inspections

- [Food Grade and Inspection Dashboard](#) is live for viewing sanitation grades and inspection reports for retail food establishments. Graded 300 facilities to date with 259 receiving grade A, 25 grade B, and 16 grade C. Three facilities failed inspection. Two have corrected critical issues and re-opened. One will remain closed until critical issues are remediated. There are 118 more facilities to be inspected and graded. Grades to be posted publicly on September 30, 2023.

Community Outreach and Social Media

- July social media is highlighting community events, lead testing changes, and service-awareness.
- Outreach activities include participation in Fishers Farmers Markets and community-based catch-up vaccination clinics at area apartments and Fishers Youth Assistance Program.
- FHD's first Teen Public Health Academy begins next week from July 17-22 with 10 students. Interactive learning sessions mixed with skills training. Academy participants will develop learning session for FHD's Fishers Farmer's Market on July 22.

Emergency Preparedness:

- Finalizing FHD Emergency Operations Plan based to submit to IDOH July 30, 2023.



Grants and Funding:

- FHD has been host site for Indiana Public Health Association student intern, as well as hosting an additional intern. Both will complete their internship this month and have contributed to roll-out activities for Stigma Free Fishers and assisted various health education and community events.
- We have received a third year of CoAg grant funding, which supports our school liaison position and efforts to improve relationships and services with our schools.
- We have received a third year of COVID Supplemental funding which will continue to support our Community Health Advocate position as well as COVID testing and vaccination efforts.
- We have received another year of VFC grant funding. This funding supports staff to provide all scheduled vaccinations, and vaccinations for underinsured and uninsured children.
- We have collected \$2,896,541.21 to date from IDOH to date for COVID vaccines administered.

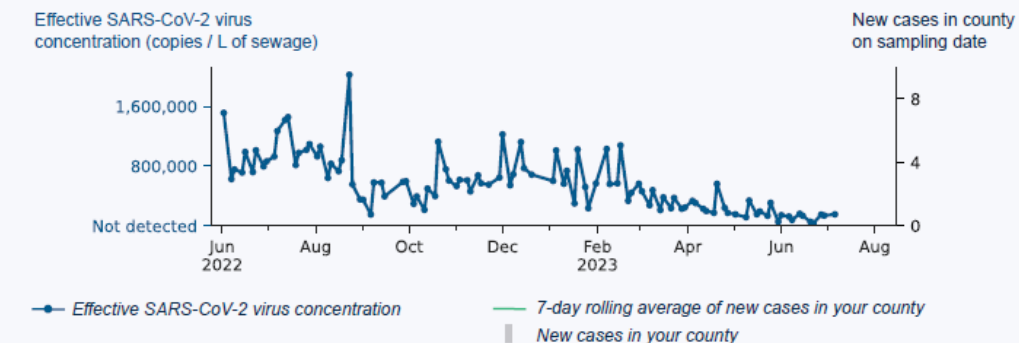
Open Positions

- Currently hiring for two open Public Health Nurse positions, one core-funded and other grant-supported.
- Part-time Health Inspector role.

COVID-19 Community Level.

- CDC no longer doing community scale. Report on wastewater sampling below with sample levels remaining at all-time low since tracking began.

Effective virus concentration over time



Form Name:	Public Meeting Comment Form
Submission Time:	June 24, 2023 7:28 pm
Browser:	Mobile Safari 16.1 / iOS
IP Address:	68.38.225.111
Unique ID:	1115196935
Location:	39.9564, -85.9651

Name	Eldon Mckenzie
Address	8274 Caraway Court Fishers , IN 46038
Email	emckenzi@gmail.com
Subdivision or business name	Reserve at Lantern road
Please select the meeting to which you would like to submit a public comment	Board of Public Works and Safety City Council Fishers Advisory Committee on Disability Parks Advisory Committee Plan Commission Meeting
Meeting Date	Jun 24, 2023
Project Name/Resolution Number	Saturday Spark parade and celebration
Comment	<p>Spark parade and celebration -Sat June 24th 2023</p> <p>Atrocious planning:</p> <p>No provisions for handicap parking. Little direct communication of traffic blocks. Residences inside downtown apartments and others were completely blocked in for hours. No traffic direction or instructions to get around the area.</p> <p>Celebrations are good , but not when they take away from Fishers residence basic rights and dignity with poor communication, a fiasco of a traffic pattern, and discrimination of handicap people .</p> <p>Fishers is better than this! I will be finding out planning committee names and council people, along with the Mayor who approved this event and its planning at the expense of many Fisher resident's rights.</p> <p>Eldon Mckenzie 3174601170</p>
Would you like to receive email communications and updates from the City of Fishers?	Yes

Form Name:	Public Meeting Comment Form
Submission Time:	June 27, 2023 10:56 am
Browser:	Firefox 107.0 / Windows
IP Address:	149.162.236.191
Unique ID:	1115968688
Location:	39.786, -86.1589

Name	Whitney Smith-Kinnaman
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Address	7864 Dawson Drive Fishers, IN 46038
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Email	whitneyrs@gmail.com
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Subdivision or business name	Sunblest housing subdivision
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Please select the meeting to which you would like to submit a public comment	City Council
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Meeting Date	Jun 28, 2023
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Project Name/Resolution Number	7825 Dawson Drive-short term rental application
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Comment

I am writing regarding the application filed by the owner of property located at 7825 Dawson Drive to make this residence a short-term rental. Given the recent housing market, many locally owned family homes have now been purchased by capital wielding property management firms that are not located even in the state of said purchase. The market is what it is, and there is nothing we can do about these out of state landholders. However, allowing those out of state property owners to run these homes as short-term rentals is where we need to put our foot down. I'm sure I won't be the only one referencing the many local news stories about parties and shootings at short term rental homes in Indianapolis, but it bears repeating. Additionally, what is the main pull for having a short-term rental in our neighborhood? While we have a lot to see and do in our city, we have quite a few very nice new hotels that can be utilized for this purpose. If the purpose for the short-term rental tag on this house is for a company to use for their relocates, great! It should be mandatory for this property to be managed by a LOCAL property management group.

Through my years in college and after, I have rented plenty of apartments and homes. Even though I didn't own the address where I was living, I still took pride in the appearance because, well, I lived there. For years at a time. While it would be nice to assume that everyone treats a short-term rental like their own, we have to be honest. Short term renters have no reason to take care of the property.

Our Fishers neighborhood is a really great place to live. My husband and I have been here since 2007 and have been homeowners since 2008. Most folks on our street have been there for as long as we have, if not longer. If short term rentals become a 'thing' in our city, new families, young adults, and Midwest transplants would likely be priced out of the opportunity to own or rent a home in a great neighborhood. Why one earth would you want to cater to short term renters, instead of new residents that work, play, and contribute to our city for years and years?

I would've liked to have been there in public for the hearing to be able to learn the reasons a short-term rental is the goal for a home in our established neighborhood. Since that wasn't possible, I'm thankful for the opportunity to submit my concerns and comments online. I appreciate your time and consideration.

Whitney Smith-Kinnaman

**Would you like to receive email
communications and updates from the
City of Fishers?**

Yes

Form Name:	Public Meeting Comment Form
Submission Time:	July 11, 2023 11:05 pm
Browser:	Safari 16.5 / OS X
IP Address:	152.117.79.89
Unique ID:	1120349622
Location:	39.9594, -86.0199

Name	Daniel Owens
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Address	12676 Brookhaven Drive Fishers, IN 46037
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Email	chaplainowens@gmail.com
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Subdivision or business name	Brookfield
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Please select the meeting to which you would like to submit a public comment	City Council
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Meeting Date	Jun 19, 2023
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Project Name/Resolution Number	Community Center. R061923A
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Comment	<p>I would respectfully submit my concern on the approval of the Community Center Resolution and that each council person vote against the resolution. There are ample commercial facilities that provide these services already on a fee basis. The City of Fishers should not be spending 60 million dollars for a facility that commercial entities would not spend in any city. This project would only add to the ballooning debt that the city currently holds. With a recent 15% property tax increase, this will only bring more financial hardship to our city residents. Thank you,</p> <p>Daniel Owens</p>
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Would you like to receive email communications and updates from the City of Fishers?	Yes
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Form Name:	Public Meeting Comment Form
Submission Time:	July 12, 2023 11:13 am
Browser:	Firefox 114.0 / OS X
IP Address:	184.170.166.176
Unique ID:	1120480446
Location:	39.9564, -85.9651

Name	Ross Reinhardt
Address	7704 Creekside Ct. Fishers, IN 46038
Subdivision or business name	Sunblest
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Jul 12, 2023
Project Name/Resolution Number	R071223A
Comment	<p>The education of our youth is one of the most important things a community can invest in. Public education makes sure everyone has a chance to thrive and reach their potential. An educated and engaged electorate is essential to a functioning democracy, making our public schools a core part of our great American experiment. Strong schools allow us to foster and attract the best talent to live and work in Fishers, leading to a stronger city.</p> <p>For all these reasons, I would encourage us to NOT drop the referendum rate to something lower and would be thrilled for my tax dollars to continue to fund education in our community at the current rate of \$0.2275.</p>

RESOLUTION NO. R071223A

A RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA SUPPORTING THE HAMILTON SOUTHEASTERN SCHOOL CORPORATION'S RENEWAL OF A REFERENDUM TAX LEVY

WHEREAS, Indiana Code § 20-46-1, as amended (the "Act"), permits a public school corporation to adopt a resolution to place a referendum on the ballot if the governing body of the school corporation determines that the school corporation cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under the Act;

WHEREAS, pursuant to the Act, the voters of the Hamilton Southeastern Schools (the "School Corporation") approved a referendum tax levy in 2016, with a maximum tax rate of \$0.2275 for seven (7) years (the "2016 Referendum");

WHEREAS, the Board of School Trustees (the "Board") of the Hamilton Southeastern Schools (the "School Corporation"), being the governing body of the School Corporation, has determined that based on current revenue calculations for the years 2024 through and including 2031, the School Corporation will not be able to carry out its public educational duty unless it continues to annually impose a referendum tax levy in accordance with the Act;

WHEREAS, based on the foregoing, on July 12, 2023, the Board adopted a resolution to place a referendum on the ballot under the Act in order to renew the existing 2016 Referendum (the "Renewal Resolution"), to be considered in a referendum of the registered voters residing in the boundaries of the School Corporation at an election to be held on November 7, 2023, all as further described in the Renewal Resolution;

WHEREAS, the School Corporation and the City of Fishers, Hamilton County, Indiana ("City") have enjoyed a longstanding partnership, which includes, among other items, winter and ground maintenance, fleet fueling station, educational programming, and student resource officers; and

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana ("City Council"), being the fiscal body of the City, now desires to show its support of the Board's Renewal Resolution and approval of the referendum for the purpose of funding academic and educationally related programs, maintaining class sizes, retaining and attracting of teachers, essential safety initiatives, and changing the previously approved maximum referendum tax rate from \$0.2275 to \$0.1995 per one hundred dollars (\$100) of assessed valuation, which will further strengthen our School Corporation and City.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in a duly noticed joint meeting as follows:

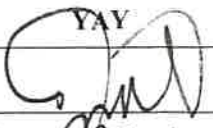


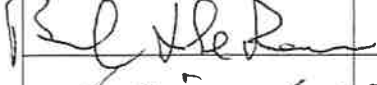

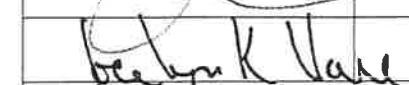

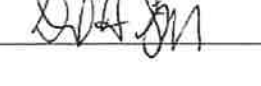
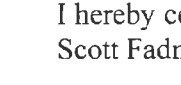
Section 1. The City Council hereby supports the Renewal Resolution and the extension of the referendum tax levy for the years 2024 through and including 2031.

Section 2. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.


SO RESOLVED, by the Common Council of the City of Fishers, Hamilton County,
Indiana, meeting this 12th day of July, 2023.

R071223A

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY		NAY	ABSTAIN
	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 12th day of July 2023 at _____

ATTEST: 
Lindsey Bennett




Scott A. Fadness, Mayor

MAYOR'S APPROVAL

July 12, 2023
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers. Hamilton County, Indiana, One Municipal Drive,
Fishers. Indiana, 46038

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this
document, unless required by law." Lindsey Bennett

RESOLUTION NO. R071223

**A RESOLUTION AUTHORIZING THE CITY CONTROLLER
TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS
INTO CERTAIN BUDGET CATEGORIES**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted certain amounts of funds that are used for general municipal operational purposes of the City;

WHEREAS, the certain funds as described in Exhibit A, which is attached hereto and incorporated herein (“Transfers”) are in need of various transfers in order to continue their intended purposes and operations; and

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

Section 1. The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

Section 2. This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 12th day of July, 2023.

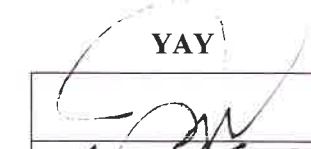
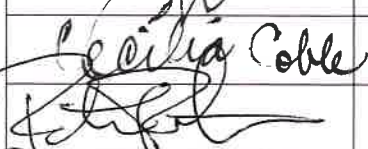
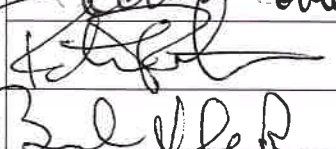
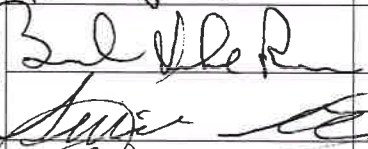
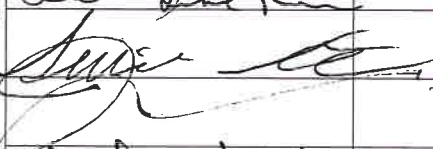

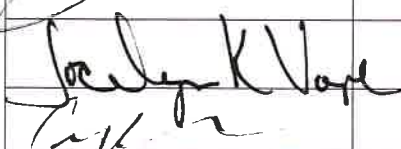
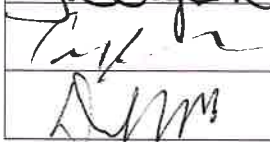
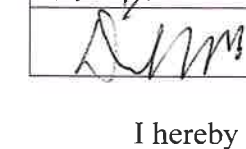
R071223

COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

YAY

NAY

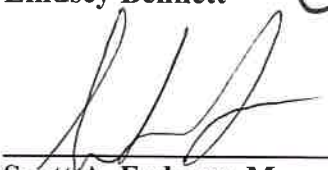
ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the ___ 12th ___ day of ___ July ___ 2023 at _____

ATTEST: 
Lindsey Bennett




Scott A. Fadness, Mayor

MAYOR'S APPROVAL

____ July 12, 2023 ____
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive,
Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this
document, unless required by law." Lindsey Bennett

BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	EFF DATE	PREV BUDGET	BUDGET CHANGE	AMENDED BUDGET	ERR
ACCOUNT					LINE DESCRIPTION					
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY AMEND				
2023 07	4	07/13/2023	LRS	R071723	BUA 116SftyFnc	1 1				
1	20209011 43100		LR&S	PW Streets	Professional Services		776,562.26	-3,845.65	772,716.61	
	2020.901.91.000.43100.				116thSafetyFenceRepairProj		07/13/2023			
2	20209011 44920		LR&S	PW Streets	Capital Expenses		205,189.41	3,845.65	209,035.06	
	2020.901.91.000.44920.				116thSafetyFenceRepairProj		07/13/2023			
** JOURNAL TOTAL								0.00		
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY AMEND				
2023 07	62	07/13/2023	BSG	R071223	BUA BSGSupp	1 1				
1	10101012 43100		General Fund - BSG		Professional Services		921,387.02	-2,500.00	918,887.02	
	1010.101.12.000.43100.				BSG Operating Supplies		07/13/2023			
2	10101012 42200		General Fund - BSG		Operating Supplies		.00	2,500.00	2,500.00	
	1010.101.12.000.42200.				BSG Operating Supplies		07/13/2023			
** JOURNAL TOTAL								0.00		

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: valois1

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT	DESC	T	OB	DEBIT	CREDIT
										LINE	DESC				
2023	7	4													
BUA	20209011-43100														
	07/13/2023	116SftyFnc	LRS			R071723				T	Professional Services	5			3,845.65
											116thSafetyFenceRepairProj				
BUA	20209011-44920										Capital Expenses	5		3,845.65	
	07/13/2023	116SftyFnc	LRS			R071723				T	116thSafetyFenceRepairProj				
											JOURNAL 2023/07/4	TOTAL		.00	.00
2023	7	62													
BUA	10101012-43100														
	07/13/2023	BSGSupp	BSG			R071223				T	Professional Services	5			2,500.00
											BSG Operating Supplies				
BUA	10101012-42200										Operating Supplies	5		2,500.00	
	07/13/2023	BSGSupp	BSG			R071223				T	BSG Operating Supplies				
											JOURNAL 2023/07/62	TOTAL		.00	.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
FUND TOTAL						.00	.00

** END OF REPORT - Generated by Lorena Valois **



Council Action Form

MEETING DATE	July 12, 2023			
TITLE	A Resolution Authorizing the City Controller to Transfer Certain City of Fishers Budget Funds Into Certain Budget Categories			
SUBMITTED BY	Name & Title: Lisa Bradford, City Controller			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading <input type="checkbox"/> Final Reading
	Ordinance #:		Resolution #: R071223	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input checked="" type="checkbox"/> Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	<input checked="" type="checkbox"/> Assistant/Deputy Department Head		<input checked="" type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head		<input checked="" type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor		<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor		<input checked="" type="checkbox"/> Other: Corresponding Department Heads
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>		
BACKGROUND (Includes description, background, and justification)	<p>A transfer of funds from one appropriation to another means removing monies from one category such as “supplies” and moving it to another such as “contractual services”.</p> <p>Due to various circumstances and reasons sometimes throughout the year budget appropriations in their respective funds need to be transferred to avoid drawing a negative balance. When this occurs, the respective department provides a written and signed transfer request to the Controller's Office.</p> <p>All transfers require Department Head approval before submission to the Controller's Office, whether or not they are between categories (ex. 200's to 300's) in the same department or transfers between departments. Transfers between departments also require City Council approval in addition to Department Head approval. As such, all transfers requiring City Council approval are prepared by the Controller's Office and submitted to the City Council for approval. Upon approval they are processed by the Controller's Office. Money cannot be transferred between funds.</p> <p>Attached is a resolution and its accompanying Exhibit A ("Transfers") requesting authorization for the City Controller to transfer all funds as outlined in the exhibit.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		N/A
	Expenditure \$:		N/A
	Source of Funds:		See Exhibit A
	Additional Appropriation #:		N/A
	Narrative:		This action does not require an expenditure or receive a revenue, rather it is transferring funds within various City funds. See Exhibit A for all transfers and transfer detail.
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve this resolution and authorize the City Controller to make the transfers	
	2.	Deny this resolution and request	
	3.	Approve selected transfer requests	
	4.	Provide alternate direction	
PROJECT TIMELINE	All approved transfers will be transferred respectively immediately following approval.		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that the City Council approve this resolution authorizing the City Controller to transfer all funds as outlined in Exhibit A and fully oversee this process and request.		
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Resolution 2. Exhibit A		

ORDINANCE NO. 061923

**AN ORDINANCE AMENDING CHAPTER 51, SEWER WORKS, OF THE CITY OF
FISHERS CODE OF ORDINANCES**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) owns and operates a municipal sewer utility pursuant to Ind. Code §36-9-23-1 *et. seq.*, that provides sewer service within and outside of the boundaries of the City of Fishers;

WHEREAS, the Board of Public Works & Safety has supervision and control over the construction, acquisition, improvement, operation and maintenance of the sewer utility;

WHEREAS, the City has established just and equitable fees for service rendered by the sewage works and provided the dates on which the fees are due;

WHEREAS, pursuant to Indiana Code §36-9-23-31, if fees for sewer service are not paid within the time fixed by the City, they are delinquent and a penalty of ten percent (10%) of the amount of the fee shall attach to the delinquent fees;

WHEREAS, the City may, by ordinance, require the owners, lessees, or users of property served by the sewage works to pay a deposit to ensure payment of sewer fees in an amount not to exceed the estimated average payment due from the property served by the sewage works for a three (3) month period; and

WHEREAS, the Common Council of the City of Fishers hereby wishes to amend its Code of Ordinances to add provisions for late payments and deposits.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. Chapter 51 of the Fishers Code of Ordinances shall be amended as follows:

§ 51.72 BILLING OF SERVICE CHARGES.

(A) Billing period. User charges for sewer service shall be prepared and billed each month by the city and shall be payable to the city’s Controller’s office no later than the date reflected on the user’s monthly bill.

(B) Liability for payment. The rates and charges for all owner-occupied properties shall be billed to the owner of the property. The rates and charges may be billed to the tenant of rental properties served by the sewage works. Such billing of rental properties shall in no way relieve the owner of the property from liability in the event payment is not made as herein required, nor does such billing restrict the city from any collection procedures, including filing of liens in accordance with Indiana Code. The owners of properties, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such

examination shall be made at the office of the Controller during the hours that such office is open for business.

(C) First billings. The first billing for sewer service shall be rendered 90 days after the date of the official notice to connect to the sewer system for one and two family residential permits which shall be at the time of issuance of a structural building permit. Multi-family and commercial billings shall begin at the time of notification of water connection. A Certificate of Occupancy shall not be issued until such time as the Controller has been notified to initiate the billing process. The fees, rates, charges and surcharges fixed in this chapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice.

(D) City subject to charges. For sewage service rendered to the city, the city shall be subject to the same user charges established in this chapter for other persons or to user charges established in harmony herewith.

(E) Late Fees. All fees, rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the fees, rates or charges shall thereupon attach thereto. The time at which the fees, rates or charges are due is now fixed at 30 days from the end of the previous billing cycle. Late fees may be waived by the Controller's office based on criteria approved by the Board of Public Works & Safety.

(F) Deposits to ensure payment of sewer funds; refunds; forfeitures.

(1) The Controller's office may require the owner, lessee, or user of property served by the sewage works to pay a deposit to ensure payment of sewer fees, based on criteria approved by the Board of Public Works & Safety.

(2) The deposit required shall equal the estimated average payment due from the property served by the utility for a period not to exceed three months, as determined by criteria approved by the Board of Public Works & Safety. Deposits shall be retained in a separate fund.

(3) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served: (a) has been conveyed or transferred to another person; or (b) no longer uses or is connected with any part of the municipal sewage system. A statement under subdivision (a) must include the name and address of the person to whom the property is conveyed or transferred.

(4) If a depositor fails to satisfy costs and fees within sixty (60) days after the termination of the depositor's use or ownership of the property

served, the depositor forfeits the depositor's deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees.

(5) A deposit may be used to satisfy all or part of any judgment awarded the municipality under this chapter.

(6) A deposit made under this section that has remained unclaimed by the depositor for more than seven (7) years after the termination of the services for which the deposit was made becomes the property of the City of Fishers.

Section 2. All other provisions of the City's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 3. This Ordinance shall be of full force and effect on October 1, 2023, and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this 12th day of July, 2023.

ORDINANCE NO. 061923

AN ORDINANCE AMENDING CHAPTER 51, SEWER WORKS, OF THE CITY OF FISHERS CODE OF ORDINANCES

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) owns and operates a municipal sewer utility pursuant to Ind. Code §36-9-23-1 *et. seq.*, that provides sewer service within and outside of the boundaries of the City of Fishers;

WHEREAS, the Board of Public Works & Safety has supervision and control over the construction, acquisition, improvement, operation and maintenance of the sewer utility;

WHEREAS, the City has established just and equitable fees for service rendered by the sewage works and provided the dates on which the fees are due;

WHEREAS, pursuant to Indiana Code §36-9-23-31, if fees for sewer service are not paid within the time fixed by the City, they are delinquent and a penalty of ten percent (10%) of the amount of the fee shall attach to the delinquent fees;

WHEREAS, the City may, by ordinance, require the owners, lessees, or users of property served by the sewage works to pay a deposit to ensure payment of sewer fees in an amount not to exceed the estimated average payment due from the property served by the sewage works for a three (3) month period; and

WHEREAS, the Common Council of the City of Fishers hereby wishes to amend its Code of Ordinances to add provisions for late payments and deposits.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. Chapter 51 of the Fishers Code of Ordinances shall be amended as follows:

§ 51.72 BILLING OF SERVICE CHARGES.

(A) Billing period. User charges for sewer service shall be prepared and billed each month by the city and shall be payable at the City Hall to the city’s Controller’s office no later than the date reflected on the user’s monthly bill.

(B) Liability for payment. The user charges for sewer service shall be billed to the owner of the property. The rates and charges for all owner-occupied properties shall be billed to the owner of the property. The rates and charges may be billed to the tenant of rental properties served by the sewage works. Such billing of rental properties shall in no way relieve the owner of the property from liability in the event payment is not made as herein required, nor does such billing restrict the city from any collection procedures, including filing of liens in accordance with Indiana Code. The owners of properties, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of

determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office of the Controller during the hours that such office is open for business.

(C) First billings. The first billing for sewer service shall be rendered 90 days after the date of the official notice to connect to the sewer system for one and two family residential permits which shall be at the time of issuance of a structural building permit. Multi-family and commercial billings shall begin at the time of notification of water connection. A Certificate of Occupancy shall not be issued until such time as the ~~Clerk~~-Controller has been notified to initiate the billing process. The ~~user~~-fees, rates, charges and surcharges fixed in this chapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice.

(D) City subject to charges. For sewage service rendered to the city, the city shall be subject to the same user charges established in this chapter for other persons or to user charges established in harmony herewith.

(E) Late Fees. All fees, rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the fees, rates or charges shall thereupon attach thereto. The time at which the fees, rates or charges are due is now fixed at 30 days from the end of the previous billing cycle. Late fees may be waived by the Controller's office based on criteria approved by the Board of Public Works & Safety.

(F) Deposits to ensure payment of sewer funds; refunds; forfeitures.

(1) The Controller's office may require the owner, lessee, or user of property served by the sewage works to pay a deposit to ensure payment of sewer fees, based on criteria approved by the Board of Public Works & Safety.

(2) The deposit required shall equal the estimated average payment due from the property served by the utility for a period not to exceed three months, as determined by criteria approved by the Board of Public Works & Safety. Deposits shall be retained in a separate fund.

(3) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served: (a) has been conveyed or transferred to another person; or (b) no longer uses or is connected with any part of the municipal sewage system. A statement under subdivision (a) must include the name and address of the person to whom the property is conveyed or transferred.

(4) If a depositor fails to satisfy costs and fees within sixty (60) days after the termination of the depositor's use or ownership of the property served, the depositor forfeits the depositor's deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees.

(5) A deposit may be used to satisfy all or part of any judgment awarded the municipality under this chapter.

(6) A deposit made under this section that has remained unclaimed by the depositor for more than seven (7) years after the termination of the services for which the deposit was made becomes the property of the City of Fishers.

Section 2. All other provisions of the City's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 3. This Ordinance shall be of full force and effect on October 1, 2023, and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this 10th day of July, 2023.

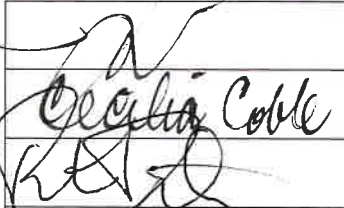

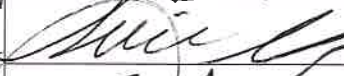
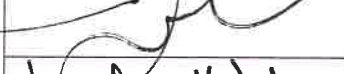

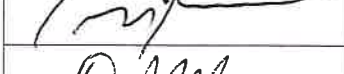



061923

COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the ___ 12th ___ day of ___ July ___ 2023 at _____

ATTEST: 
Lindsey Bennett




Scott A. Fadness, Mayor

MAYOR'S APPROVAL

____ July 12, 2023 ____
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive,
Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this
document, unless required by law." Lindsey Bennett



Council Action Form

MEETING DATE	July 12, 2023			
TITLE	AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES			
SUBMITTED BY	Name & Title: Lindsey Bennett, City Attorney			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input checked="" type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
	Ordinance #: 061923		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	

HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input checked="" type="checkbox"/> Document does not need recorded with the County Recorder's Office
APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head		<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head		<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor		<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor		<input type="checkbox"/> Other:
	<input checked="" type="checkbox"/> Legal Counsel – <i>Name of Reviewer: Lindsey Bennett</i>		
BACKGROUND (Includes description, background, and justification)	Attached is an amendment to the City's sewer ordinance to allow for the assessment of late fees if a sewer bill is not paid by the due date and additionally to give the Board of Public Works & Safety the authority to develop a policy for deposits.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		none
	Source of Funds:		none
	Additional Appropriation #:		
	Narrative:		
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Have 1 st Reading	
	2.	Do not have 1 st Reading	
	3.	Provide alternative direction	
	4.		
PROJECT TIMELINE			
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff has reviewed and recommends approving the ordinance.		
SUPPLEMENTAL INFORMATION (List all attached documents)			