

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
OCTOBER 8, 2009  
[postponed from October 5, 2009]

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on October 8, 2009, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Dietrich, Hunt, Keen, Roales, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES: Councilor Keen moved for acceptance of the minutes of the September 10, 2009, Pre-Council Meeting, and the September 14, 2009, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor Roales presented this report. At his invitation, Richard Severe, president of Purdue Graduate Student Government, addressed the Council, providing information about his organization.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch did not present a report.

BUDGET AND FINANCE

Councilor Hunt did not present a report.

REPORT OF APC REPRESENTATIVE

Councilor Keen noted that his remarks would be made during discussion of Ordinance No. 29-09.

PUBLIC RELATIONS:

West Lafayette Community Beautification Award

Councilor Dietrich presented the September 2009 Beautification Award to Jeff and Laura Shiver who live in the Saint Joseph Addition.

FINANCIAL REPORT:

Clerk-Treasurer Rhodes noted that the State Board of Accounts reports for September have been distributed to the Council.

LEGAL REPORT:

City Attorney Burns did not present a report.

UNFINISHED BUSINESS

Ordinance No. 24-09 An Ordinance Setting The 2010 City Budget And Setting The 2010 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) **PUBLIC HEARING ONLY**

Mayor Dennis presented an overview of the 2010 City Budget.

Councilor Keen moved that a public hearing on Ordinance No. 24-09 be held. The motion was seconded by Councilor Burch. The motion passed unanimously by voice vote.

The following persons spoke regarding Ordinance No. 24-09:

John Basham [Basham Rentals] asked for clarification on the tax levy for the West Lafayette School Corporation. Mayor Dennis explained that that referendum deals specifically with the West Lafayette School Corporation, not the Civil City.

John Burgett [510 Main Street, Lafayette] questioned why there was nothing budgeted for 2009 or 2010 for Sanitation. Mayor Dennis clarified that the Sanitation budget is under the Wastewater Utility. Clerk-Treasurer Rhodes added that the Utility budget is under the Board of Works and is not adopted by the Council.

There were no comments from the Council.

Mayor Dennis closed the public hearing.

There was no further discussion.

Ordinance No. 25-09 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2010 (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 25-09 by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that the salaries were the same as 2009.

There was no further discussion.

Ordinance No. 25-09 passed on final reading, 7-0.

Ordinance No. 26-09 An Ordinance To Fix The 2010 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Councilor Keen read Ordinance No. 26-09 by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that the salaries were the same as 2009.

There was no further discussion.

Ordinance No. 26-09 passed on final reading, 7-0.

Ordinance No. 27-09 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2010 (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 27-09 by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that the salaries were the same as 2009.

There was no further discussion.

Ordinance No. 27-09 passed on final reading, 7-0.

NEW BUSINESS

Ordinance No. 28-09 An Ordinance Amending The General Provisions And Service Charges For Refuse And Garbage Collection In The City Of West Lafayette (Submitted by Councilor Bunder)

Councilor Keen read Ordinance No. 28-09 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Roales.

Mayor Dennis asked those who wish to address the Council on Ordinance No. 28-09 limit their comments to two minutes, and that the comments are unique.

Councilor Bunder introduced Ordinance No. 28-09 and provided background on the discussions regarding increasing trash fees. The goal was to find an economically and environmentally sustainable program. He noted that the last time trash fees were raised in West Lafayette was 1993. The Go Greener Commission, with input from the Boiler Green Initiative, was charged to review of trash fees. The Engineering Projects in Community Service [EPICS] at Purdue did a study to determine if a metered trash program, a Pay As You Throw effort, might be the better way. IDEM's [Indiana Department of Environmental Management's] principle regarding trash is that individuals pay for what they use. The result of the study was the recommendation of a multi-tiered trash scheme like those in Bloomington, Indiana, and East Lansing, Michigan. The program would include a flat rate, a base rate, and additional can or bag charge, and the "free" collection of brush and recycling. The EPICS study reported that 7,000 communities in the U.S. and 158 in Indiana have Pay As You Throw programs. Pay As You Throw was endorsed in principle by the Go Greener Commission and the Commission created several committees to review various aspects

of the Pay As You Throw program. The ordinance is a proposal for metered trash, a Pay As You Throw program.

Mayor Dennis stated that this topic has generated more discussion than any other thus far in his administration. He added the idea has merit, but Ordinance No. 28-09 is not the best ordinance for the program. He suggested that the community work towards the best way to increase trash fees. The Mayor encouraged citizens to contact him or their Councilors to provide input on this topic.

The following Councilors raised questions or discussed aspects of the program:

Councilor Dietrich asked for clarification of Section 67.05, where the accumulation of garbage and rubbish is discussed, if the intent is to eliminate composting. This section has not been changed in the revision of the chapter. Councilor Bunder responded that there are distinctions between the words “trash,” “garbage,” “rubbish,” “compost,” and “refuse.” The section in question does not deal with compost. Councilor Dietrich mentioned that there are several types of compost—open air, barrel, etc.—and those should be clarified in the revision.

Councilor Dietrich questioned whether Article II-Services-Charges is meant to include single-family dwellings in (b)(4), suggesting that perhaps it was an oversight in the cut-and-paste process. The ordinance shows a single-family dwelling base unit being a 32-gallon container, whereas each unit of up to four units under 67.20 (b)(3) may have a 64-gallon container. He added that it is unclear whether there is one 64-gallon container per unit or one for all four units. Councilor Bunder answered that, elsewhere in the ordinance, there is a requirement that properties with three or more renters are required to have a 64-gallon toter. Councilor Dietrich questioned why there is a difference between how a rental house is treated compared to a family, when a family is capped at a 32-gallon container.

Councilor Keen asked for clarification of 67.20 (c), where the containers are 32-64-96, based on different types of structures and buildings. He questioned what the difference would be whether you had three licensed occupants of one apartment unit or three children in a household, as far as the size of the container, and why there is a discrepancy. Councilor Bunder reported that this is an attempt to try to put lids on trash. The best containers are the 96-gallon toters, and East Lansing requires that those be used in single-family homes that are rental units. Councilor Dietrich observed that, if those are the sturdiest, those should be the baseline. Councilor Bunder responded that he would be happy to address that as the ordinance moves forward. The concern was to be able to raise enough revenue to bring the City’s fees in line with its costs. The Go Greener Commission thought that this would be a more apt way of doing that.

Councilor Dietrich stated that if the City needs to raise the fees to cover the costs, it should be self-sufficient. Raise the fees, if that is what the goal is, make it \$12 a month or whatever, to cover the cost of doing business, and then deal with the recycling. Studies have shown that increasing rates will not take garbage out of the landfill, people are going to smash it harder to put more in each trash container. This ordinance will not keep things out of the landfill with this ordinance. Trash rates and recycling do not have to be accomplished in the same document. Councilor Bunder said it is the position of the Environmental Protection Agency and the Indiana Department of Environmental Management that these three things go together. Research would indicate that amount of material recycled does increase, and the amount of trash that is sent to the transfer station does decrease. The concerns in May 2008 to only increasing the trash rate were that the City would have the opportunity to create a more environmentally sustainable community, to change for the better how it was that we collected trash, and to allow those people who were not heavy users of the system to get a benefit from their recycling efforts.

Councilor Keen raised concern about 67.20 (a)(3), where it appears that there is inequity in that private residences with larger bins will require two tags to be picked up. Under this ordinance, those citizens will have doubled rates for a year, whereas an apartment is permitted a 96-gallon toter. This penalizes the homeowners. In a community that has 70% or more rentals, that should be reversed. Councilor Bunder reported that the concern of the Go Greener Commission was revenue, to create a base weight, a base size, with the interest centering on 32- or 46- or 64-gallon containers as a base. The Go Greener goal is to generate about \$148,000 in revenue against a projected cost to the City in 2010 of over \$900,000 for Sanitation. Councilor Bunder said this is a legitimate point to debate.

Councilor Keen discussed the issue of composting. Section 65.07, where accumulation of garbage and rubbish—excluding compost—is prohibited, seems to contradict 67.01, where one of the definitions of garbage is “rejected food waste.”

Councilor Hunt stated the Council that gardeners consider composting critical. Meat, fish, or fowl are not in compost. She views components of the Pay As You Throw ordinance as reduce, reuse, and recycle. She agreed that the ordinance does need to be cleaned up.

Councilor Burch expressed concerned about the start-up costs of the program, asking that a professional cost-benefit analysis be done. She also stated that the Go Greener Commission’s mission should be to educate about reducing, reusing, and recycling, not setting policy.

Councilor Keen remarked that installation of concrete pads, as required by owners of multiple housing units, would be expensive; there is no time specified by which these are to be installed. The fine structure as specified in 67.21 is not clear. Councilor Keen asked the Council to get the ordinance right before it is passed. Councilor Bunder said that Bloomington and East Lansing have been through this, and could serve as resource for these issues. The point would be to create a process where the citizens understand the movement toward a metered trash system.

Councilor Roales stated that the ordinance would go through refinement, the issues will be resolved. The citizens will get a fair way to pay for their trash and a fair way to enforce it when they do not.

Councilor Burch reported that one of her constituents asked if they could opt out for a private trash pickup. Mayor Dennis answered that nobody is obligated to use City pickup, but the fee will be due. Councilor Burch said that some of her constituents feel that the trash issue is not City-wide, but is limited to one area of the City, and that the entire City should not be punished for what goes on in one district. Councilor Dietrich responded that he and the Council have received emails from all parts of the City, expressing concern about illegal dumping.

Councilor Dietrich said that he has read that some communities have noted marked increased volume in garbage disposals, because of Pay As You Throw. He asked if our system could handle an increased volume.

Councilor Hunt reminded the Council that one way to make a better ordinance is to get input and perfect the document. She stated there are great merits in the ordinance, but that refining process needs to occur. She deferred to Wastewater Utility Director Henderson to respond to the garbage disposal issue.

Wastewater Utility Director Henderson answered that the things that go down garbage disposals that typically cause problems are things with a lot of grease in them. The grease can clog up the laterals, or, if hot water is used, can flush the grease on down the pipe where it congeals in the sewer.

Councilor Dietrich asked what the current cost per can pickup is. Some studies show that \$0.20 per bag is the administrative cost in other communities. He requested financial information on these ideas. Mayor Dennis stated that a business plan would be needed.

Councilor Hunt reported that Marsh and Pay Less groceries were willing to distribute the tags free of cost, so the administrative costs would be reduced.

Councilor Keen raised question of 67.23, noting that there are two 67.23s, whether brush tree trimmings, and construction materials would cost the property owner, whether pickups were to be scheduled, and definitions of items such as "lawn furnishings." Councilor Bunder said this was in the existing ordinance, not changed. Councilor Keen asked that, if the ordinance is going to be changed, this be considered for change as well.

Councilor Thomas mentioned that this ordinance does need some work, but that it provides a start. Councilor Thomas reported that the system is broken, and that the Council needs to understand how to fix the system. He requested that the Council hear from the citizens.

Councilor Keen disagreed with Councilor Thomas that the system is broken. The trash collection system is one of the best in the area, if not in the State. Our Street and Sanitation Department does a fine job. He conceded that a rate increase to cover costs is needed. Councilor Thomas clarified his comment, noting that the Street and Sanitation Department does a fantastic job of collecting trash for a number of years. His "the system is broken" comment referred to the cost of the system, that the costs are not being covered.

Councilor Bunder observed that, if cost is the issue, then the focus should be on cost, and not all the rest.

Councilor Roales asked those who will speak to the ordinance to indicate whether, in theory, they agree with Pay As You Throw.

The following citizens raised questions or discussed aspects of the program:

Mr. John Basham [Basham Rentals] addressed the issue of fees, suggesting an increased flat fee, rather than Pay As You Go.

Mr. Glenn Blackwell [468 Littleton] spoke in favor of the reduce, recycle, and reuse concept, but he still has concerns about the ordinance. One area of concern is that many landfills currently do not accept electronic waste any more, and perhaps that item should be addressed. 67.23 indicates that there are two pickups per week. Councilor Dietrich clarified that that is an unchanged part of the ordinance, that there used to be two pickups per week. Mayor Dennis said this needs to be clarified. Mr. Blackwell asked that the Council address the size of the containers for a family in a single-family home and those for renters in a single-family home.

Mr. Bob Schauer [242 Connolly] indicated he has been impressed by the excellent service of the Street and Sanitation Department. He was not necessarily opposed to the Pay As You Throw concept, he was concerned about the Sanitation workers being required to leave untagged trash.

The risk of animals getting into the trash bags and strewing it about the neighborhood due to bags left is a concern. Trash should be required to be in rigid containers and picked up regularly. He asked why tags would be needed, if each property is required to have a container.

Mr. Ray DeCarlo [2225 Sacramento Drive] spoke in favor of a hybrid proposal with an increase in the base fee to cover costs. He is willing to pay more for trash service. He suggested that something be done for people who have a lot of trash, but those are special cases. Trash is an essential City service. It used to be covered by taxes. We do need a business plan. An issue for him is how the City encourages recycling and composting with this plan. Reducing the volume of trash does not reduce the amount of trash, due to trash compactors and similar equipment. Increase the base fee, cover most of the trash that people throw out, and then for the extra stuff, find a way for those people to pay more.

Mr. Andy Milam [134 Magnolia Court] addressed costs, which he believes is the real issue. He proposed looking at ways to be more efficient, one way is to look at a semi-automated or fully automated trash collection system. Automated trash collection systems utilize rugged totes that are currently offered by the West Lafayette Street and Sanitation Department. There are different sized totes available. The mechanical arm already on the City's trucks do the heavy lifting, reducing job-related injuries. Mr. Milam said that municipalities that use automated systems report that they are more efficient, serving more households in less time, with fewer workers, and fewer Worker's Comp claims and fewer lost work days. The totes are cleaner, they have lids, which helps reduce the possibilities of animals getting into the garbage, easier for citizens to use, and they provide better storage between pickups. Mr. Milam indicated that most cities report that the toter investment pays for itself within one year. He requested the Council to research the possibility of implementing an automated or semi-automated toter system. He thanked the Sanitation employees, saying they do a great job.

Ms. Jan Knotte [205 Rosebank] said that she thinks she's in favor of Pay As You Throw. She reported that she's been involved in different systems in different states, and believes that people have to be educated. \$3 per extra tag is too much. She stated that people may throw things into the river, rather than pay extra money. Ms. Knotte asked if the tags or stickers are snowproof or rainproof. Councilor Bunder answered that the tags would come on sheets. Ms. Knotte commented that there are things that can be done to make the process easier. Enforcement will be astronomical.

Mr. Arnold Sweet [304 Hollowood Drive] asked if everyone has to purchase a sticker. Councilor Bunder answered that the current proposal provides a set number of stickers per month, as part of the base rate. Mr. Sweet said that his household has very little trash. He raised questions about the stickers, whether they were dated, whether they have addresses on them. Mr. Sweet supports just raising the fee and forgetting about everything else.

Mr. Bill Warner [3320 Cinnabar Street, and president of the Amberleigh Village Homeowners Association] reported that he is generally in favor of the Pay As You Throw, in particular the proposed framework is an equitable way to collect fees for trash. Having the combination of the base fee and charges for extra trash ensures that people who only throw a little trash are still paying their fair share of the fixed costs built into the system. He asked where the rates came from, he wanted to see the basis for those charges. Mr. Warner asked if anyone had considered the City getting out of the trash collection business.

Mr. Maurice Lord [1660 Happy Hollow Road] reported that he had spoken with 30 or 40 people, none of whom wants the Pay As You Throw program. Everyone wants to raise the fee, whatever

is needed. Mr. Lord reported that he has trash dumped in front of his house on the hill. He picks up the trash, but will not pick up bags.

Ms. Mary Nauman [2808 Ashland Street] supports Pay As You Throw. She stated that, although it may be imperfect now, she asked the Council to invest the time to perfect the ordinance. While she would like the rate raised and keep things simple, she observed that, when it comes to trash, things aren't simple. Eventually, the transfer station will close and landfill space is limited. The ordinance is a positive idea that 7,000 other cities have embraced. Her limited research did not show any communities that rescinded the program. People adapt, and it becomes a new normal.

Ms. Mary Cook [West Lafayette business owner] stated that she owns businesses in both West Lafayette and in Lafayette. She found it nonsensical that, if the purpose of the ordinance is to get people to recycle, recycling pickups will not increase. She finds recycling and trash pickup in Lafayette could be a model for West Lafayette. Automated trash pickup would be good. Ms. Cook asked what the actual current cost for trash pickup per property. Clerk-Treasurer Rhodes responded that the cost is in excess of \$9 per month and is likely closer to \$15 per month. She suggested that Street Commissioner Downey could better address this. Clerk-Treasurer Rhodes said most of the cost of the trash pickup is driving by each house. The transfer station tip fee is in the low \$30 per ton, about \$0.015 per pound. The real cost increment is not necessarily in the volume that is picked up, but is having the capacity to drive by each house two or three times a week. She said that a business plan is needed, evaluated by a financial analyst, the way any utility would be considered. Street Commissioner Downey would need to provide numbers for 2010, not those from 2007. The numbers will help the Council determine what kind of pricing is necessary to cover the cost of this service, if that is what is intended. If they don't intend to cover the service, it ought to be clear how much is going to not be covered. We don't have a business plan. Ms. Cook pointed out that the actual cost is about \$15 per stop in Lafayette. Promoting recycling and compromising on a rate increase would serve the town well.

Mr. Thomas Kesler [479 Maple Street] supports Pay As You Throw, either in its current form or in a more sharply written form. One reason he supports a metered system is that he does not want to subsidize mounds of trash in the alleys when the rental contracts roll over. Another reason is that he would like to see a system that would say something about a container that should be at each property, so that it is very clear what one would expect to see at that property, and what each resident is expected to use at that property.

Ms. Pat Carr [6 Hitching Post Road] said that she feels the Pay As You Throw is a mistake. The issue is a revenue stream issue, not necessarily different from a utility. She encouraged the Council to develop the business plan that is not yet evolved, and approach it in a businesslike and orderly manner, getting away from the tag situation. Don't make the Street Department be trash policemen.

Mr. John Burgett [510 Main Street, Lafayette] stated that, if New Chauncey Neighborhood thinks the situation is bad now, if the tag system is enacted, there will be trash on the streets. He foresees thefts of containers, the tags, counterfeiting, black market, trash down the toilets. He said he was Old School, where the City used to provide police, fire, sewer, and trash in the taxes. He suggested that a hybrid system might work. The move-out period might be a time for a sticker system. He is against the ordinance.

Mr. John Howard [owner and manager of rental property in West Lafayette] said he was not in favor of the ordinance. Perhaps credits for recycling should be considered. He stated that he felt Clerk-Treasurer Rhodes was on focus, where there is not a volume issue but a processing issue.

Clerk-Treasurer Rhodes stated that she simplified the situation, but the point is that the kind of operation we have is what dictates the cost, not just moving prices around. When the ratio of trash to recycling changes, there is a different cost structure, which is difficult to address on the fly. He is concerned about owner liability when tenants are not compliant.

Mr. Josh Burgett [West Lafayette landlord] asked whether tree limbs and leaves are part of the ordinance. Councilor Roales responded that most of the tree limb language is current policy, just reiterated. Mr. Burgett asked if stickers would be required on brush. Councilor Roales answered that the ordinance does not say that. Mr. Burgett said he had read the EPICS report and the 2007 numbers. In 2007, the shortfall was \$130,000, and he asked what the 2008 shortfall was. Mayor Dennis responded that in 2008, those costs were moved to the utility. Clerk-Treasurer Rhodes added that when capital costs are considered, the shortfall was considerably more than \$130,000. She said the \$200,000 range with increased recycling would probably be closer. Street Commissioner Downey nodded in agreement. Mr. Burgett said it would be \$4.00 to \$4.50 additional to cover the shortfall, if there are about 4,650 stops as reported in the EPICS study. Clerk-Treasurer Rhodes stated that the financials for Sanitation run through the Wastewater Utility now, where it is segregated as a cost center. Mr. Burgett addressed the issue of property taxes, in regard to Councilor Burch's earlier statement that one district in the City is the primary problem. A rental house valued at \$100,000 already pays \$524 more to the City in property taxes, than a house similarly assessed that is homeowner-occupied. He said he was against the ordinance.

Ms. Heather Moskowitz [1430 North Salisbury Street] reported that it was not clear to her whether the ordinance was to cover a shortfall or to encourage recycling and reduce trash. The City needs the money to pick up the trash, and that should be the issue. The fees should be increased, and the Go Greener Commission should do a more extensive job of educating people to reduce recycling, reduce trash. We need to do a better job of education. She is against the ordinance. It should be treated as a business decision and stick to the issue of pickup of trash.

Councilor Burch clarified that the matter that most of the issue of trash was in District 2, it was one of her constituents' opinions. Other items are that she has asked Mayor Dennis to reconsider recycling every week and that, if money is the concern, another alternative would be to consider leasing trash pickup, as the Governor has leased the Indiana Toll Road. She reiterated that there does need to be a cost-benefit analysis done.

Councilor Hunt thanked those who spoke for their input. She expressed certainty that Street Commissioner Downey would share any information requested. His department does provide a wonderful service. She affirmed that there are many good points in the ordinance, that the Council needs to show a commitment to the concept and work out the flaws, including definitions. The Go Greener Commission is trying very hard to educate people. This process has educated many people. We do need a business plan. There is value in the fact that ordinances need two readings.

Councilor Dietrich applauded Councilor Bunder for his courage in putting words on paper. He stated that it was inevitable that the City turn the corner on recycling. This ordinance is not the right way, although the spirit behind it is to be applauded. But we should go back to a blank page, as opposed to cut and paste from other municipalities.

Councilor Keen questioned whether the communities other than the 7,000 which have adopted Pay As You Throw have found a better system, and that's why Pay As You Throw has not been adopted in those.

Councilor Roales thanked the public for their comments. It's great to hear a diversity of opinions, a diversity of backgrounds, and diversity of insight that is brought to the Council. He hopes that all that can be brought into a better document. Pay As You Throw is a great concept, and something the Council needs to continue to work on. He supports Pay As You Throw as a concept, but believes that there are some changes to be made to the ordinance to make a more efficient, and more equitable system, and one that has less administrative costs. He will participate in that process, but does support Pay As You Throw as a concept.

Mr. John Burgett stated that, if the City is really interested in recycling, recycling should be carried to the apartment buildings. Councilor Bunder responded that Bloomington tried to do that, but gave up because of contamination of the recycling bins. Ms. Mary Cook said that East Lansing does recycle in apartment complexes. Councilor Roales answered that he had a discussion with the Mayor, and the community does have an interest in this topic. The exact implementation is something that needs to be carefully considered.

Councilor Bunder asked if the West Lafayette Community School Corporation recycles. Mayor Dennis answered that they have programs through the City. Street Commissioner Downey confirmed that statement.

Clerk-Treasurer Rhodes reported a rough total that five individuals spoke in favor of or didn't have a big problem with the ordinance, and 10 were against it, but this is not certain. Councilor Hunt noted that there were 17 comments.

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	Burch
Hunt	Dietrich
Roales	Keen
Thomas	

Ordinance No. 28-09 passed on first reading, 4-3.

Councilor Hunt suggested that she and the Mayor and possibly others act together to find a group to represent each district, including Street Commissioner Downey, to work out details on this. Mayor Dennis agreed, but noted that time is needed to do so. It is of value to staff it, to get the community involved. Groups are needed, research must be done, there must be structure to the work being done. There needs to be accountability. The Council needs to decide to whom these groups will report in what timeline.

Councilor Roales offered a motion that the ordinance be tabled to a time certain, the January Council meeting. Councilor Dietrich asked if February would be considered, given the holidays. Councilor Roales asked for the motion to be discussed. Councilor Bunder seconded the motion.

The motion to table Ordinance No. 28-09 to a time certain, January was discussed. Mayor Dennis suggested moving the second reading to March. Councilor Thomas stated that March was a fair timeframe to get input and gather comments to make the best ordinance. Councilor Roales asked to amend his motion to be March as the time certain, to make this as a friendly motion, needing no second. Mayor Dennis asked that, within the motion, to whom the committees will report. He suggested Council President Hunt. Councilor Hunt agreed to serve in that role. Mayor Dennis

clarified that there was a motion on the table to table until March 2010, with the staffing process will be handled as an operational issue, not a legislative issue, and the staff reports will be given through the Council President. The motion was seconded by Councilor Bunder.

There was no further discussion.

The motion to staff the issue and report to Councilor Hunt and to table Ordinance No. 28-09 to a time certain, March 2010 passed, 7-0.

Mayor Dennis explained to the Council and the public that this is a community ordinance. It must be staffed, which means that citizens should contact Council members to provide input. All members of the community need to be included, to work together. He thanked all those who provided input on this issue, noting that it has been valuable.

Ordinance No. 29-09 An Ordinance Vacating A Certain Utility And Drainage Easement In The City Of West Lafayette, Indiana (Submitted by City Engineer Buck; Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 29-09 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis called on City Engineer Buck to explain this ordinance.

City Engineer Buck explained that this vacation is tied to the Cumberland Avenue Reconstruction Phase I Project. The two lots on the south side of Cumberland between US52 and Kent will be replatted, moving the lot line about 30 feet to the west, as a result of vacating the utility and drainage easement between the two lots. The building lot will be bigger and the pond lot will be smaller. As a part of the project, the pond lot will become an outlot, with ownership transferred to the City for stormwater management for Cumberland Avenue and Phase I of the Research Park development. There are no utilities located in that area. Mr. Buck thanked Mr. Jim Pence of The Schneider Corporation for being present, in the event that there were technical questions.

Councilor Keen noted that this item passed unanimously at the October 7 Area Plan Commission Executive Committee meeting.

There was no further discussion.

Ordinance No. 29-09 passed on first reading, 7-0.

COMMUNICATIONS

► Councilor Keen reminded the Council of the 2008 Vehicle Crash Report from APC is now available from the APC. He reported that most crashes in Tippecanoe County occurred in December, followed by February, between the hours of 3:00 and 4:00 p.m., on Fridays or Tuesdays.

CITIZEN COMMENTS

► Mr. John Basham reported that he and Jeff Kemper, both Tippecanoe County Council members, have a meeting tomorrow with the Tippecanoe County Solid Waste Committee on prices of various recycled items.

Mr. Basham said that he agreed with earlier speakers who reported that students do cross-contaminate trash, making it impractical for the apartment owners to recycle, as relates to the rental housing ordinance,

Mr. Basham asked how he could enforce the provision in the rental housing ordinance for not accepting checks from anyone other than the lease-signer. Councilor Dietrich answered that that practice was not precluded, but the appellate court judge suggested that that was one of the indicators that an owner might review to determine if there were a case of overoccupancy. City Attorney Burns responded that the ordinance does preclude it. Mr. Basham stated that he does accept such checks from other than lease-signers and that he does not post stickers in his apartments in R3W zones. He stated that the City and landlords need to get together, that the landlords should have been included in discussions of the ordinance.

► Ms. Diane Damico [Chair, Go Greener Commission] stated that she was pleased that Ordinance No. 28-09 passed and that work would begin on it. She reminded those present that there were three components, the economic, the environmental, and the equity. She stated that she hoped the work groups would consider all three of those issues.

Ms. Damico reported that a grant for \$1,500 for Boiler Green efforts and \$100 for the Go Greener activities were received. These funds will be used for a “reduce plastic” event.

#### ADJOURNMENT

There being no further business at the time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 9:00 p.m.