CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
January 4, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on January 4, 2011, 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, Hoggatt, Hunt, Keen, and Thomas.

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

MINUTES
Councilor Keen moved for acceptance of the minutes of the December 2, 2010, Pre-Council Meeting, and the December 6, 2010, 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. He congratulated Firefighter Bret Yundt who is now the world record holder for the 50 and older division in the Firefighter Combat Challenge.

PURDUE RELATIONS
Councilor Hoggatt reported that the students are coming back.

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 provided updated information on the City's ADA efforts.

Councilor Hoggatt asked whether the City would look at those issues that have been raised regarding ADA issues over the last several months. City Engineer Buck responded that, as comments or grievances are received, the committee would, as a part of the grievance procedure, meet and receive input from the appropriate department, then issue response to the person who raised the issue, presumably resolving the issue to their satisfaction.

BUDGET AND FINANCE
There was no report.

REPORT OF APC REPRESENTATIVE
Councilor Keen stated that his comments would be related to Ordinances No. 01-11 and 02-11.

Councilor Bunder asked Councilor Keen about the January 5 meeting at 4:30 p.m. about the Housing Element of the Comprehensive Plan Update work session, specifically what the plan is. Councilor Keen reported that it is the compilation of a lot of work from many people, and is a lengthy document. City Engineer Buck added that the Comprehensive Plan is an APC-prepared document, looking at different factors in the community. While most of it has to do with transportation, land use is another part. The housing component is specific to the report in question, an update to that part of the overall comprehensive plan itself.

Councilor Bunder restated that it is nothing new; it is something old that is being revisited. City Engineer Buck confirmed that statement.

SPECIAL REPORTS
Mayoral Appointments to the Redevelopment Commission
Mayor Dennis announced that Mr. Peter Gray would be replacing Mr. Gary Lehman on the Redevelopment Commission. Mr. Lehman has moved out of the City and can no longer serve on the Commission. Mr. Steve Curtis and Ms. Linda Sorensen are continuing as Mayoral appointments to the Redevelopment Commission. The Council appointments are Mr. Larry Oates, a continuing member, and Ms. Joanna Grama, who will replace Ms. Diane Damico.

Report of the Go Greener Commission – Ms. Diane Damico
Ms. Diane Damico distributed a copy of the 2010 annual report from the Go Greener Commission, as required in the bylaws, and presented Commission highlights of the year. The report will be on file in the Clerk-Treasurer's Office.

PUBLIC RELATIONS
West Lafayette Community Beautification Award
Councilor Hunt presented the West Lafayette Beautification Award to Linda and Larry Leverenz of 1210 Western Drive.

FINANCIAL REPORT
Clerk-Treasurer Rhodes reported that her office is closing the fiscal year, after which the 2011 budget will be loaded. Things are going well. The compilation of financial statements will be started next week, and then the Budget and Finance Committee can begin meeting.

LEGAL REPORT
City Attorney Burns reported that the legal report is on file.

UNFINISHED BUSINESS: None.

NEW BUSINESS
Ordinance No. 01-11 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO #71, correct bufferyard table; extend the urbanized, sewered area of the City of Lafayette) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 01-11 by title.

Councilor Keen moved that Ordinance No. 01-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen stated that this is a two-part ordinance, most of which does not apply to West Lafayette, since there are no I2 zones in the City. The other part of the ordinance deals with expanding the urbanized, sewered area in the Home Hospital vicinity to be entirely MRU. These changes are primarily housekeeping.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 01-11 passed unanimously on first and only reading.

Ordinance No. 02-11 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Rezone PDRS to PDRS, Timberstone Development, LLC [Lauren Lakes Planned Development]) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 02-11 by title.

Councilor Keen moved that Ordinance No. 02-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Dan Teder [Reiling Teder & Schrier, representing the petitioner] distributed a handout that showed a drawing of the development to the Council. He began by wishing Mayor Dennis a happy birthday. Mr. Teder explained that the request is to rezone 160.59 acres on the south side of Country Road 500 North. The APC staff report was favorable, and there was unanimous APC vote for the approval of the rezoning request. His clients have entered a purchase agreement with the owners of the property, Benjamin Crossing, LLC, subject to the rezoning request. An article in the Friday, December 31, 2010, *Journal and Courier* contained two erroneous statements, which he clarified for those present. Mr. Teder summarized the development of 517 lots, and noted that there have been numerous meetings with the Area Plan Commission, the City of West Lafayette, and with the homeowners association. Because of those meetings, the master plan for Lauren Lakes has been revised with changes to the recreational area, to the landscaping, to the common area, to the traffic control, to the

architectural standards, to the floor plans, and to the elevations of future homes. The covenants regarding fencing, pools, sheds, pitches of roofs, and notices to West Lafayette. Now 81 lots have 10,000 square feet or more of area, up from 70. Now 219 lots have 7,500 square feet or more of lot area, up from 183. Now 217 lots have 6,000 square feet or more of lot area, up from 264. The amenity package includes lakes with stocked fish, active and passive parks and recreational areas, walking and bike trails, buffer strips with landscaping berms and fencing along 500 North, a playground, a basketball and tennis court, a multi-purpose field, and shelter with utilities. There are approximately 32 acres for recreation, parks, and ponds, a major portion for a development for green space. There are 130 adjoining lots to the east, which are zoned R1 and are not part of the planned development. The petitioner owns about 40 of these. The petitioner also owns are 18 R1 lots that have been approved, but have not been developed. The remaining property attached is owned by the Ratcliffs and is a single-family home that is not part of the planned development. The homeowners are concerned that the existing dues, which are $130 per year, might be raised. Mr. Teder said that his clients do not believe the fees will have to be raised, and might be lowered. Mr. Teder read the paragraph which was presented to homeowners and which over 80% signed. He requested approval of the Council.

Councilor Burch asked for confirmation that homeowner dues are $130 per year. Mr. Teder said that he had been told that.

Mr. Mike Rohler [449 Smoky Hill Road] stated that he was a representative of the homeowners and was present to endorse the project. The majority of the homeowners he has been in contact with are excited to see the project move forward in a positive manner, and see what Timberstone Development can do for the homeowners and for the community. They are in agreement with the amenity package and the details provided. Mr. Rohler clarified that the homeowners pay dues of $300 per year.

Councilor Hunt congratulated all the people that negotiated, as it was a lot of work, time, and effort. It is nice to see compromise, she said.

Mr. Blaine Drayer [4842 Little Pine Drive] said that he was a resident of Lauren Lakes and had spoken in opposition to the earlier plans. He stated that he now is one of the cheerleaders of Timberstone and the representatives who have worked well with he homeowners. The developers listened and have been responsive. He suggested that it would be likely that more than 80% of the homeowners are in support of the rezone, but that contacts were difficult to make.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	**NAY**	**ABSENT**	**ABSTAIN**
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 02-11 passed unanimously on first and only reading.

Ordinance No. 03-11 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to General Fund, Parks & Recreation Fund, Medical Insurance Payment Fund, Vision Insurance Payment Fund, and Dental Insurance Payment Fund) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 03-11 by title.

Councilor Keen moved that Ordinance No. 03-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes reported that this ordinance is a housekeeping matter. The Clerk-Treasurer's Office likely will need to make temporary loans to the insurance payment funds in January. The hope is that temporary loans for the General Fund and Parks & Recreation Fund will not be needed for a longer period. She stated that all the 2010 temporary loans were paid off in their entirety by December 31, 2010; there were no carryovers.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 03-11 passed unanimously on first reading.

Councilor Keen moved to suspend the rules to consider Ordinance No. 03-11 at this time for second and final reading. The motion was seconded by Councilor Burch.

The motion to consider Ordinance No. 03-11 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 03-11 by title.

Councilor Keen moved that Ordinance No. 03-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 03-11 passed unanimously on second and final reading.

Ordinance No. 04-11 An Ordinance To Approve Blanket Bond Coverage for 2011 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 04-11 by title.

Councilor Keen moved that Ordinance No. 04-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that Councilor Dietrich had a question about the cost of the policy, and the cost for this portion of the liability policy, the commercial crime policy, is $1,039 annually. In 2010, it was $1,126.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 04-11 passed on first reading.

Clerk-Treasurer Rhodes asked for a second reading at this meeting, in order to meet a legal requirement that the bond be filed shortly after the beginning of the year for the elected officials

Councilor Keen moved to suspend the rules to consider Ordinance No. 04-11 at this time for second and final reading. The motion was seconded by Councilor Burch.

The motion to consider Ordinance No. 04-11 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 04-11 by title.

Councilor Keen moved that Ordinance No. 04-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	**NAY**	**ABSENT**	**ABSTAIN**
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 04-11 passed unanimously on second and final reading.

Ordinance No. 05-11 An Ordinance To Name Depositories For The City Of West Lafayette (Submitted by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 05-11 by title.

Councilor Keen moved that Ordinance No. 05-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this ordinance is a requirement that the depositories for City funds, which are under the custody of the Clerk-Treasurer, are approved by the Council biannually. We have continued the proposal that we be able to use any depository that is approved by the State.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hoggatt	✔			
Hunt	✔			
Keen	✔			
Thomas	✔			

Clerk-Treasurer Rhodes stated that the vote was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 05-11 passed unanimously on first reading.

COMMUNICATIONS

►Councilor Bunder reported that, over the last several months, the Council has heard from several young adults who read scripted confessions regarding their role in the matter of the City of West Lafayette *v* Weida. He said he believed it was important to have a balanced understanding of the events 2007, and so he read an excerpt from Judge Busch's decision, which explained what "diligent monitoring" is. [The pages of Judge Busch's opinion he read were from page 25, item 14, through page 35, item 50.] Councilor Bunder said he believed it was important, although it has taken a considerable amount of time, that the Council understand the background to the young people's confessions, and, in the opinion of Judge Busch and eventually the Appellate Court of the State of Indiana, that this represents a fairly accurate presentation of events. He thanked the Mayor for his indulgence.

CITIZEN COMMENTS

► Ms. Jan Myers (1909 Indian Trail Drive) said that, as part of her New Year's resolution, she is going to concentrate more on the financial background she brings. She asked the Engineering Department to begin to think more green about the curb plantings. When a street is rehabbed or built, she suggested using native perennials rather than grass. These are cheaper to place; there is beauty along the curbs; there is a decrease in sounds from mowers, so less noise pollution; fertilizers are not needed, so those will not get into storm sewers; and water use is less. Additionally, perennials of a height greater than grass are an aid for those who have vision challenges.

Ms. Myers questioned the snow removal enforcement. The recent publicity has stressed that the enforcement is for residents. Before the recent snow melt, Ms. Myers said she had planned to go from Payless to Walgreens. At the south end of the drycleaner's lot, on the north edge of Walgreens, there was a snow bank in the sidewalk, so she went out in the street. At the sidewalk at the intersection of US52 and Salisbury, the sidewalks by the businesses had been cleared, but none of the corners had been cleared to the signal boxes or to cross the street. She asked, when the newspaper articles talk about residents clearing the sidewalks, does anyone notice that crossing the streets might be important, too. She further reported that she has been unable to use the intersection at Salisbury and Lindberg, because the crosswalk with the right-turn lane is not cleared.

While she reported that she has not reread the ordinance, Ms. Myers said that the newspaper reports that the sidewalks are to be free of ice and snow, but she does not know the width of

clearing. A number of locations she passes are using one sweep of the snow blower or the snow shovel, which is about 14 inches wide. Families walking with young children cannot hold hands, and those with leashed pets would have problems. Her wheelchair requires 26 inches minimum width clearance. She is curious as to the width, as it does not appear to be the actual sidewalk, just a path. She thanked Street Superintendent Downey and the Street Department staff for their good work.

Ms. Myers wished everyone a Happy New Year.

►Ms. Diane Damico (128 Blackhawk) noted that there was a recent article about the increase in recycling. Her personal feedback is that the 4% increase in recycling is great, but there were no statistics to show, as previously, how the recycling was split between curbside and other venues. She said that it was improper to use that statistic to say that the pickup changes caused the boost in recycling. What she read was that Lafayette had an increase in recycling as well, and they did not change the type of pickup. The City of Lafayette Youth Council conducted a recycling program. She said it was not clear whether the curbside recycling in West Lafayette had increased or whether the total increased. The article reported that the West Lafayette total has increased, but there is recycling at all the events, and in the Clean Community Challenge the City departments are competing against what they are recycling *v* what they trash. She wants to create a discussion that, although she loves having her recycling picked up every week, we don't pat ourselves on the back and think, "Wow, that was the answer." She does not know yet how much trash has decreased. She asked if trash decreased by 4%. She encouraged the Council to discuss this matter, and determine what really is changing. At the time the Pay As You Throw ordinance came up and was vetoed by the Mayor, Ms. Damico reported that it was said that pay as you throw was not the correct system at that time. She wonders if the tiered trash system totally off the table as a bad idea, given the fiscal problems. There is a lot of conservation at Purdue, including low-flow shower heads, decreasing the amount of water going through the sewers, and have saved $12,000 per month. Conservation is great, but the impact on the Wastewater Treatment budget is unclear. This is the budget that pays for trash pickup. While conservation is good and changes are made, they might affect other portions of the City.

Councilor Dietrich responded that he shared Ms. Damico's interest, but that he did not want to discuss the tiered trash now. Ms. Damico concurred. Councilor Dietrich said there was considerable discussion and information from other areas that have tried conservation of water and wastewater, and the increase of semi-solids down garbage disposals and toilets. There certainly could have an impact the other way as well, where the sewage system increased and caused problems on the other side. He said it is a give-and-take, and that we should celebrate the increase and move on.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:55 p.m.