

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
NOVEMBER 3, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on November 3, 2011, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

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, Director of Development Poole, and Assistant City Engineer Susong.

Mayor Dennis reviewed the agenda. Councilor Thomas will present the Beautification Award.

UNFINISHED BUSINESS: None.

NEW BUSINESS

Ordinance No. 26-11 An Ordinance Requesting An Additional Appropriation And Transfer Of Funds For The Police Pension Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 26-11 by title and asked for comments or questions.

Clerk-Treasurer Rhodes said that the projected roster cost was underestimated, so the unappropriated reserve will be tapped. There is more than sufficient money in that account. \$5,979.00 will be needed in 2012, and there will be a transfer for the payroll tax for the Police Pension Fund Secretary in 2012. The second reading of this ordinance will be in December.

There was no further discussion.

Ordinance No. 27-11 An Ordinance Repealing And Replacing Chapter 116 (Storm Drainage And Sediment Control) Of The West Lafayette City Code (Sponsored by Mayor John Dennis)

Mayor Dennis read Ordinance No. 27-11 by title and asked for comments or questions.

Councilor Burch asked if this ordinance is more than a cleanup of words and terminology. City Engineer Buck responded that this is the end of a long project that the Tippecanoe County Partnership for Water Quality, which is comprised of representatives from the City of Lafayette, the City of West Lafayette, Tippecanoe County, Purdue University, Ivy Tech, the Town of Dayton, and the Town of Battle Ground. That group has been working to modernize the technical standards and appendices, so that developers and others can take advantage of developing technologies and techniques to keep our stormwater clean and mitigate the quantity and quality of runoff. Mr. Buck introduced Mr. David Eichelberger, Director of Engineering Management for Christopher B. Burke Engineering, LTD. Mr. Eichelberger has a long working history with the Tippecanoe County Partnership for Water Quality and is very knowledgeable

about the requirements for compliance with the NPDES Phase II, Clean Water Act, permit requirements.

Mr. Eichelberger provided background into the process of redrafting the document. He said that there are minor changes in the actual ordinance. Articles I and II have no changes from the 2005 document. Article III has minor clarifications. Articles IV, V, and VI have minor changes, with introduction of new methodologies for additional flexibilities. For example, the 2005 ordinance showed that the City was responsible for some maintenance and inspection; now that will show as inspection only. Mr. Eichelberger said he would answer questions from the Council. He noted that Tippecanoe County had the first reading on their ordinance yesterday. Many other communities in the State are preparing to adopt the revisions.

Councilor VanBogaert asked about 116.206 in the proposed, "A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding," while the earlier version limited this to the first offense only. He asked why. Mr. Eichelberger said that he could not respond to this, as he does not find any changes in his copy. City Engineer Buck said that the Partnership's ordinance was tweaked in 2005, but they did not have the reference to first offense. Mr. Eichelberger said that each entity that considered the ordinance had the opportunity to customize the document for its purposes. Councilor VanBogaert suggested that the changes from the Partnership ordinance in 2005 should be tracked, so that the City's changes would not necessarily be lost. City Engineer Buck said that one of these changes was that what the original document referred to as "ordinance" was changed to "code." While the changing of one word is not significant, what Councilor VanBogaert found is significant.

Councilor VanBogaert asked about 116.106 in the proposed document, where it reports, "Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the West Lafayette City Engineer to qualified persons or entities acting in the beneficial interest of or in the employ of the City of West Lafayette." Current code only allows the City Engineer to exercise in writing such conferred authorities. He would like to have the proposed text clarified, as the proposed language suggests that certain legal authorities granted to the City Engineer could be privatized. Councilor Dietrich had a similar issue, asking if this gave the City Engineer the authority to hire someone from outside, or if that referred to current City employees. City Engineer Buck said that this was a change made by the City in 2005, not the Partnership, and that is not a change the Partnership is asking to have made now. Councilor VanBogaert stated that if Chapter 116 is repealed and replaced with the proposed document, the new document becomes the law. He stated that, in a way, the City is permitting that delegation. City Engineer Buck said that they need the 2005 version needs to be compared to the proposed ordinance, so that only the intended changes are made. Mayor Dennis suggested that, if that type of overall change needs to occur, the ordinance should be tabled until it is ready to be resubmitted to the Council with only the intended changes. Mr. Buck concurred.

Councilor Dietrich asked, in regard to 116.103.g), how many illicit discharges there have been in the last year or two, and who investigates them. City Engineer Buck responded that the Engineering Office investigates them. There are not very many. Councilor Dietrich asked if these were investigated as criminal cases. Mayor Dennis answered that there would be a preliminary investigation before determination could be made. City Engineer Buck agreed to provide statistics for the last two years, with some information about each incident.

Councilor Dietrich asked about 116.203 s), discharges from firefighting activities are exempt. He suggested that this should probably be more specific, as there may be hazardous materials involved that should not be exempted. Councilor VanBogaert added that several items enumerated in 116.203 are new items added. City Engineer Buck said that there would be changes to that part of the ordinance.

Councilor Bunder asked how this ordinance relates to the Stormwater Utility, or does it not relate at all. City Engineer Buck said that there is no relation. Councilor VanBogaert said that the operations of the Wastewater Utility are managed by a different part of the City Code. Wastewater Utility Director Henderson said that this is an existing section of the City Code that is being modified. Councilor Bunder said he was pleased to learn that this ordinance would be tabled, as he would like to know what Go Greener Commissioners Heather Gall and Lindsey Payne think of the ordinance.

Councilor Hunt asked about 116.203.l) water from crawl spaces being exempt. She said that she is concerned about this exemption. She asked what the advantage is for the groups which form the Tippecanoe County Partnership for Water Quality to work together. City Engineer Buck answered that there are new technologies available that were not recognized in 2005. For example, low-impact design is included in the ordinance, which will make it more green-friendly, not only for the developers, but for the entire community. Assistant City Engineer Susong added that the Tippecanoe County Partnership for Water Quality gets everyone together to work together to address issues uniformly. Very few communities have the spirit of cooperation that is found in Tippecanoe County. Mr. Susong said he was impressed with this, and that it keeps the playing field level for developers. Mr. Eichelberger added that another benefit to the Tippecanoe County Partnership for Water Quality is that it reduces the cost to each of the participating units, as the costs are shared.

Councilor Thomas asked what departments from Purdue University have been involved in the Tippecanoe County Partnership for Water Quality. City Engineer Buck answered that it has been primarily the University Architect and Physical Facilities Planning, people such as Jim Knapp and Don Staley who bring in people as necessary.

City Engineer Buck suggested a "Stormwater 101" session, to clarify the seven minimum control measures that the NPDES Stormwater permit requires the Tippecanoe County Partnership for Water Quality group to do, collectively or individually.

Councilor Bunder asked who regulates Purdue's stormwater. City Engineer Buck said that it depended on what the issue is. Councilor Bunder said the Grant Street Parking Garage. Mr. Buck answered that Purdue does.

Councilor Dietrich asked if the City would be in a time crunch if the Council does not pass the ordinance before the January 1, 2012, date mentioned in the cover memo. City Engineer Buck said that January 1 was the goal of the Partnership team, but as long as the City is working to move it through, it is okay. The goal is to have the same rules apply to all of the parts of the County. Mayor Dennis said a month or two is not a big deal, but six months would be.

There was no further discussion.

The motion to postpone consideration of Ordinance No. 27-11 at the December 1, 2011, Pre-Council meeting was made by Councilor VanBogaert. Councilor Burch seconded the motion.

The motion passed unanimously by voice vote.

Resolution No. 14-11 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 14-11 by title and asked for comments or questions.

Clerk-Treasurer Rhodes said that this is a housekeeping resolution, bringing together all the insurance recoveries received throughout the year that had not been appropriated yet. Most are from vehicle damage. There is an impact on the budget order, as the revenues and appropriations will be adjusted.

There was no further discussion.

#### COMMUNICATIONS

None.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 4:p.m.