

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
March 5, 2012

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on March 5, 2012, 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, Thomas, and VanBogaert.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Police Chief Dombkowski, Deputy Chief Leroux, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, Information Technology Manager Newman, Housing Program Coordinator Dale Dixon, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the February 2, 2012, Pre-Council Meeting, and the February 6, 2012, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

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. Councilor Bunder noted that Cumberland Ave Phase 2 is underway and construction detours will commence on or around April 1, 2012. Also, on Yeager Road, utility companies are finishing their work and road construction should commence on or around April 1, 2012. Councilor Bunder reported that plans are being discussed to deal with traffic problems that will be created during the construction work on Wang Hall.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office. Councilor Keen reported that during the month of February the West Lafayette Fire Department responded to 146 total calls, including 5 fires, 107 medical calls, 4 hazardous condition calls, 10 good intent calls, 7 false alarm, and one special interest call.

Three West Lafayette Firefighters are being sent to the National Fire Academy in Maryland from June 22nd to June 24th. The Indiana Department of Homeland Security will be paying for all the related expenses. The Fire Department plans to send other officers to the Academy in the future.

The West Lafayette Fire Department will also be participating in several training sessions this spring, including one which concerns proper shut down and potential rescue procedures from Hybrid Bus accidents.

The West Lafayette Police Department received over 1950 calls for service. The West Lafayette Police Merit Commission promoted two officers. Lieutenant Sparger, a 22 year veteran, was promoted to the rank of Captain. This was the first promotion of a captain on the merit system and the first promotion of a new captain since 1998. Firefighter John Watson was promoted to the rank of Lieutenant.

The West Lafayette Police Department continues to be proactive in many community programs. In the over the counter drug drop off program, they took in over 340 pounds from 150 different citizens in February. Additionally they participated in presenting safety issues and fingerprinting elementary students at the Cumberland School Carnival, and supported Special Olympics by participating in the Polar Plunge on the coldest day of the month.

PURDUE RELATIONS

Councilor VanBogaert presented this report. Purdue University is on Spring Break from March 10th through March 18th. The Indiana Life-line law, a medical amnesty proposal originally crafted by Purdue University students with Purdue Student Government, unanimously passed the Indiana State Senate as Senate Bill 274 and unanimously passed the General Assembly. It is awaiting the signature of the Governor.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office. She reported that the Riverside Skating Center closed last week, and had a total of 14,470 people who enjoyed the ice skating at the facility this season. She also noted that there will soon be a webcam installed at the Celery Bog and Lilly Nature Center.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office. He reported that after the February CDBG Advisory Committee meeting, the five Committee members and seven Council members were given rating sheets to help determine the manner in which the 2012 CDBG grants should be spent. After the rating sheets are evaluated, the award amounts and recipients will be announced at the next CDBG public meeting, which will be held on March 8, 2012.

PERSONNEL

Councilor Burch presented this report. She reported there was one new hire in the Police Department. Jennifer Thompson was hired as a probationary patrol dispatcher on February 10, 2012.

BUDGET AND FINANCE

Councilor Dietrich conveyed that since he had been recovering he did not believe there was anything to report, but he deferred to his fellow Council members. Councilor Bunder confirmed that there was no report and expressed his delight to see Councilor Dietrich return to Common Council.

REPORT OF APC REPRESENTATIVE

Councilor Keen said there was no report.

SPECIAL REPORTS

Discussion of Redistricting – Pre-Council

Councilor VanBogaert relayed that there was brief discussion at the Pre-Council Meeting concerning the need to redistrict before December 31, 2012 due to the state deadline. It was decided to hold a Public Forum concerning redistricting on March 27, 2012 at 5:30 p.m. in Council Chambers. The Council would like to have constituent input on what they would like to see happen with the new district maps. He reported that on his Council website, firstdistrict.in, there is a link halfway down the page that has more information about the redistricting process, links to the state statute and the rules that the Council has to abide by, and a copy of the census map from Tippecanoe County Area Plan which has block by block census data.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor VanBogaert expressed that our City desires to acknowledge all kinds of beautification within the City. For the month of March, the Community Beautification Award goes to Greyhouse Coffee & Supply Co. at the corner of State Street and Northwestern Avenue in the Village. He reported that Greyhouse Coffee & Supply Co. holds music events throughout the year and hosts the Starry Night Music Festival with various vendors and musical acts. Councilor VanBogaert presented the award to Kevin Kerkhof, a representative from Greyhouse Coffee & Supply Co., who said it was a pleasure serving the City.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the City has received the preliminary budget order for 2012. The tax rate will be lowered by one cent and it is welcome news that the City's assessed valuation is growing. The City is waiting for the various jurisdictions within the County to sign off before these are officially released. These records will be accessible to the public. Information is being posted on Gateway, a public access site at the Department of Local Government Finance, which is quite user friendly. The Gateway site includes budgets, financial reports, assessed valuation and tax rates. Clerk-Treasurer Rhodes welcomed everyone to go to the website and view the information available there. She also reported that the City has received notice Tippecanoe County has completed the reconciliation of income tax from 2010 to 2011 and in emptying the accounts, the county is passing through \$132,437.00 to the City. This is quite unexpected, but welcome news because the property tax distributions were short by greater than this amount. This will help as the City begins to look forward to funding operations for 2012.

LEGAL REPORT

City Attorney Burns stated that the legal report has been filed, and Councilors have received copies. He offered to answer any questions.

NEW BUSINESS

Ordinance No. 05-12 An Ordinance To Amend Ordinance No. 03-12, 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 2012

Mayor Dennis read Ordinance No. 05-12 by title.

Fire Chief Heath addressed the Council to answer any questions. Councilor Burch asked for clarification of which positions are being created and which positions are being eliminated. Chief Heath explained that the position which is being eliminated is Assistant Chief Inspector/Investigator. That was a single position within the department which was eliminated to make room for a Deputy Chief Inspector/Investigator. This will give the Fire Department consistency of command at all structure fires. The Deputy Chief Inspector/Investigator will oversee day to day operations of the three department shifts, training of all personnel, and will supervise and oversee the Inspector/Investigator, a position the Fire Department currently has filled with an officer from the West Lafayette Police Department, Captain Mike Francis.

Mayor Dennis added that one of the things the City needs to consider and abide by now is the new incident command requirements for Emergency Services. At every major or significant event there must be an incident commander. By having a Deputy Chief on staff, there will always be an incident commander on at every fire scene. This saves the assistant chiefs for each shift from having to play two roles, having to be a line supervisor as well as being the incident commander. Without having to take on that additional responsibility, the assistant chiefs can concentrate on directing their staff that are on the scene, and the incident commander can take care of coordination with other agencies.

Clerk-Treasurer Rhodes clarified that the current Assistant Chief Inspector/Investigator has been reassigned to regular Firefighter First Class duties, however his salary will not be affected by the reassignment, according to statute.

Councilor Bunder asked Chief Heath to please clarify the command structure. Chief Heath clarified that the command structure included the Fire Chief, Deputy Chief/Inspector and Investigator (unfilled), three Assistant Chiefs, one for each shift (A, B, and C), three Captains, one for each shift, and six Lieutenants. The rest of the firefighters are in standard capacity, with the exception of three Sergeants who receive an annual compensation for filling in for the Lieutenants or Captains when they are off duty.

Clerk-Treasurer asked the Council to consider two votes tonight. Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	√			
Burch	√			
Dietrich	√			
Hunt	√			
Keen	√			
Thomas	√			
VanBogaert	√			

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

Mayor Dennis announced that Ordinance No. 05-12 passed on first reading.

COMMON COUNCIL MEETING MINUTES, March 5, 2012, CONTINUED

Councilor Keen moved to suspend the rules to consider this ordinance again at this time for final reading. The motion was seconded by Councilor Dietrich.

The motion to suspend the rules passed by unanimous voice vote.

Mayor Dennis read Ordinance 05-12 by title.

Councilor Keen moved for passage of Ordinance No. 05-12 on final reading, and asked that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	√			
Burch	√			
Dietrich	√			
Hunt	√			
Keen	√			
Thomas	√			
VanBogaert	√			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 05-12 passed on second and final reading.

Ordinance No. 06-12 An Ordinance Requesting An Additional Appropriation For The Cumulative Firefighting Building and Equipment Fund

Mayor Dennis read Ordinance No. 06-12 by title.

Councilor Keen moved that Ordinance No. 06-12 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Fire Chief Heath explained that in 1992 the department had new radios and over time the radios were replaced. Following that, there was a rebanding of radios through the Department of Homeland Security. The radios that were purchased back in 1992 have been sold for \$18,000. The department needs to purchase batteries for the newer radios and fire hose and would like to use the \$18,000 for that purpose.

Councilor VanBogaert inquired as to which entity purchased the radios from 1992. Chief Heath responded that Buck Creek purchased them, and the radios sold had actually been upgraded by Sprint in a rebanding at no cost, after 1992.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, March 5, 2012, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	√			
Burch	√			
Dietrich	√			
Hunt	√			
Keen	√			
Thomas	√			
VanBogaert	√			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 06-12 passed on first reading.

Ordinance No. 07-12 An Ordinance To Ratify and Adopt Amendments to Chapter 44 Section 11 Of The “West Lafayette City Code” Concerning Parking

Mayor Dennis read Ordinance No. 07-12 by title.

Councilor Keen moved that Ordinance No. 07-12 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis explained that there is inequity in parking violation fees between the City of West Lafayette and Purdue University. A violation on Purdue University property generates a fee of \$35.00 and a violation on City of West Lafayette property generates a fee of \$15.00. The intent of the legislation is to level the playing field. Research was done in connection with the construction project for Wang Hall. That research showed that there has been a significant increase in the number of parking tickets issued in the areas of the City closest to the Purdue University campus. The logical rationale for that increase is the cheaper fee for a parking violation in the City of West Lafayette. The City realizes that there is definitely a concern about the parking issues within West Lafayette, and the city feels responsible for addressing and rectifying those issues.

Councilor Hunt added that the intent of the bill was not to raise fees above Purdue University’s but just to make the violation fees equitable. Councilor Hunt expressed her appreciation for the extra work the West Lafayette Police Department did in assisting the Council with the research on parking violations over the last four years. Councilor Burch asked Councilor Bunder for his input on whether this ordinance will address some of the concerns of the parking issues in his neighborhood.

Councilor Bunder said that the issues in his districts will be positively impacted by the new parking fee ordinance. He added that there will be many issues which need to be addressed with regard to the Muinzer Project (Landmark), not the least of which is to address parking issues around neighborhoods near campus.

Mayor Dennis declared that one of the greatest things about the dialogue that was created in looking at the Muinzer Project (Landmark) is the recognition that the City needs to have the right attitude about parking problems and come up with solutions that benefit the student population, Purdue University and our residential neighborhoods.

Councilor Bunder inquired as to whether it has been determined how often Purdue University intends to raise their parking fees. Deputy Chief Leroux answered that he had spoken with Captain Chin from the Purdue University Police Department. Captain Chin confirmed that there had been no discussion to raise university parking fees in 2012, and although he did not have an exact date of the last increase, he indicated the parking fee increase of September 2011 was the first increase in ten years.

Mayor Dennis asked when the City's last parking fee increase was. Chief Deputy Leroux responded that he believed it was in 2005.

Councilor VanBogaert inquired as to whether the West Lafayette Police Department writes any moving violations on City Code. Chief Deputy Leroux answered that the West Lafayette Police Department writes most moving violations on State statutes, and not under City ordinances. Councilor VanBogaert further inquired if there was a clause that allowed the City to have Court jurisdiction for moving violations. Chief Deputy Leroux responded that there was, but added that those fine structures are not changing. He stated that the only moving violations the Police Department normally writes are the City Negligent Driving violations, for which there are no anticipated increases.

Clerk-Treasurer Rhodes explained that the fines structures are set by City Code and there is a range of fines, with court costs on top of that. Recently there was a cap put on fines for speeding by the State Legislature.

Mayor Dennis asked if the City does cite someone under the City Ordinance, do they receive points on their license from that violation. Chief Deputy Leroux stated he did not believe there were points given under City Ordinance.

Councilor Bunder said it was obvious that the City was going to have to find a solution to near campus parking, especially with further development plans in that area of the City. Councilor Keen noted that on Wednesday, March 7, he will be attending the APC Ordinance Committee meeting and they will be discussing the topic of which items get passed by staff. Normally, if an item does not meet appropriate guidelines or statutes, it does not go past staff to the APC. In the Muinzer project, there was an exception made and it was forwarded to the APC with a negative recommendation. Councilor VanBogaert stated he did not feel that it was appropriate for the planning commission staff to kill a project. Councilor Keen responded that there are a lot of pros and cons on that issue which is why it is being discussed at the upcoming meeting. He further clarified that the intent of the staff is to make sure a project complies with various ordinances and regulations, and if it doesn't meet those criteria it doesn't get passed forward. The staff's intent is not to declare whether a project is appropriate, it is to make sure it fits within the minimum and appropriate guidelines which are in effect at the time. If those are not met, the project does not pass through.

Councilor VanBogaert stated that the constituents input worked appropriately with regard to the Muinzer project. He added that the problem is the Council does not have exclusive control over making amendments to the Unified Zoning Ordinance. The way the ordinance stands, it is necessary to go through the planned development process in order to create development in the campus area, and in his opinion, there is not realistic zoning rules in that area. Councilor VanBogaert observed that the conversation that developed because of neighborhood and parking concerns over the Muinzer project, was a reflection of general concern for making sure there are concrete guidelines in the future for all future

development. Councilor Keen suggested Councilor Van Bogaert come and be a part of the meeting conversation.

Mayor Dennis added that it is important for all officials to be responsive to the concerns of their constituents. Councilor Hunt noted that it is certainly the intent of the Council to look at a comprehensive plan for parking issues near campus. She added that the data collected in relationship to the Muinzer (Landmark) and Wang development projects and the parking issues that came to light, showed there were just over 9,700 parking violations in a four year period. The data for the following six months showed an increase in parking violations of 37%.

Councilor Thomas asked for clarification of when the Purdue University parking fee increase actually took effect. Chief Deputy Leroux confirmed it was in September 2011.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	√			
Burch	√			
Dietrich	√			
Hunt	√			
Keen	√			
Thomas	√			
VanBogaert	√			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 07-12 passed on first reading.

Resolution No. 04-12 A Resolution to Amend the 2010 CDBG Appropriation

Mayor Dennis read Resolution No. 04-12 by title.

Councilor Keen moved that Resolution No. 04-12 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Director of Development Poole explained this is a resolution for the CDBG program. There is approximately \$3,587 which was funded in the 2010-2011 funding cycle earmarked for social service groups. The group for which this money was allocated ceased to exist. Prior to directing the money for use with another group, the City consulted its CDBG representative and he directed them to put the money in another fund, the street and public improvement fund. That fund does not have a cap, whereas the social service group fund does have a cap of 15% of the City's total allotment of CDBG funds each year. The City asked if the money could be put into the social service group fund for 2011/2012, and were told they could not because the 15% cap on social service group fund had already been maxed out for that year. In October, Director Poole

came before the Council and asked to take the money and put it into the street and public improvement fund. The Council asked Director Poole to go back to the CDBG Advisory Committee and ask approval to move the money. He did so, and the CDBG Advisory Committee made a recommendation to move the money into the street and public improvement fund. Director Poole requested that the Council approve moving the money as well. He further noted that the money would be used for ADA compliance projects at several facilities, including the Lilly Nature Center, Morton Community Center and the swimming pool.

Mayor Dennis asked if there was anything else that can be done with the money. Director Poole responded that unfortunately because of the cap rule, there was not. Councilor Bunder said that while he was delighted the money would go to help with ADA compliance needs, it is disappointing the money cannot be used for social services. Councilor VanBogaert inquired as to why the money which was set aside for a particular social service as part of the 15% cap for 2010 couldn't have been redirected to another social service for that year. Director Poole responded that they tried to facilitate that but they ran out of time before the year ended, and the rules do not allow a former year's disbursement in addition to the 15% cap for a current year.

Councilor Bunder asked for the name of the accounting system used at CDBG. Director Poole responded it was IDIS. Councilor Bunder asked if that work is done in house. Director Poole answered it was done in house and they provide their IDIS reports and accounting every year as part of the Consolidated Action Plan.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	√			
Burch	√			
Dietrich	√			
Hunt	√			
Keen	√			
Thomas	√			
VanBogaert	√			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 7 NAYS.

Mayor Dennis announced that Resolution No. 04-12 passed on first and only reading.

COMMUNICATIONS

► Councilor Burch reported that Basham Rentals was the winner of the “Best Place To Live” according to the Purdue Exponent.

► Councilor Dietrich publicly thanked everyone for all their cards and thoughts and prayers and support during the last five difficult weeks. Mayor Dennis said Councilor Dietrich looked fantastic.

► Councilor Hunt asked if during the Mayor's trip to Washington, D.C. there was any discussion regarding CDBG funding. Mayor Dennis reported there was not. He added that one of the points brought forward, was that during election years, there is not generally a lot of legislation that occurs. Representatives that were available were very willing to meet and discuss issues that affect local governments. Mayor Dennis also noted that progress had been made with our Metropolitan Planning Organization (MPO). The City will not lose that and will not have to compete with big cities like Indianapolis for funding. The representatives understand the need for continued support of the riverfront projects. Congressman Rokita was very quick to say that approaching that project as another park might not be in the City's best interest for funding. Mayor Dennis had a great conversation with him about how to best way to generate revenue for that project. He said there is a realization that we need to take on that project from an environmental standpoint, and certainly with what is happening nationally.

Senator Lugar is very supportive of what is being done locally in our community. Our community is still an anomaly, for most of Indiana, with regard to the fact that we are still generating jobs and investments in our community. One of the challenges is making sure we have enough qualified people in the area to fill the jobs that are being brought to the community. He approached Senator Lugar on the area of work training funding. Senator Lugar is a proponent of funding work training as the best way for our community to continue moving forward.

Mayor Dennis shared it was really eye opening to be in Washington, D.C. and observe the nature of some of the interactions among offices. It made him appreciate the way in which our community has a "one team, one fight" mentality. He said Senator Lugar shared that there were a lot of lessons that could be learned in Washington, D.C. from the way that business gets done in West Lafayette. This is a good cause for us to keep our heads held high.

CITIZEN COMMENTS

► Karen O'Farrell (2207 Indian Trail) asked if the redistricting information the Council is looking at could be updated at the City's website, rather than only on Councilor VanBogaert's personal website. Councilor VanBogaert said he would be glad to take care of that.

► Carl Griffin (421 Robinson Street) thanked the Council members and elected officials for the service they provide and the fine job they do. He said he was strongly encouraging the Council for a positive response in consideration of adopting the Purdue Research Foundation's offer of a challenge grant to hire an independent professional planning firm to study and make recommendations for future land uses, particularly in the New Chauncey Neighborhood. The strong public concerns raised over Mr. Muinzer's project have occurred in part because there is not a master plan for the development of this area. The citizens, both residents and those who are effected in connection with the University would be more inclined to compromise if there was a long term plan in effect. A long term plan should recognize that future community development will occur and when it does it will provide a stronger tax base. However, the plan should include height, density, architectural and parking guidelines, and thereby protect neighboring property values, while addressing other concerns and needs. The city as a whole would benefit from this type of plan, not just one neighborhood. Mr. Griffin said he thinks the City needs to

implement the plan as quickly as is practical to do so. Mayor Dennis said he could not agree with Mr. Griffin more.

Jay McCann (902 Vine Street) said he would like to echo what Mr. Griffin expressed, in speaking after the deliberations of the Mark Muinzer project and some others that are before the Council. In the last couple of years he has been one of the neighborhood representatives on the APC Steering Committee for the New Chauncey Neighborhood Plan. He is not sure how stalled the project is, or what the mechanism is for getting a plan. In principal, he feels that it would be good to have a plan and not treat development in piecemeal fashion. He said a plan would improve communication, coordination and noted that neighbors are talking about their future visions for the area.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:29 p.m.