

Subject to approval at the May 6, 2013, Common Council Meeting

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
APRIL 1, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on April 1, 2013, 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, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, Information Technology Director Newman, and Director of Development Poole.

#### MINUTES

Councilor Keen moved for acceptance of the minutes of the February 28, 2013, Pre-Council Meeting, and the March 4, 2013, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

#### COMMITTEE STANDING REPORTS

##### STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

There was no report.

##### PUBLIC SAFETY AND ORDINANCE

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

##### PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University. He also stated that thoughts are with Adam Fant, who was hospitalized after hitting a bus while bicycling.

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

##### BUDGET AND FINANCE

Councilor Dietrich reported that the Councilors can expect to have our initial briefing and catch-up from Clerk-Treasurer Rhodes by the end of the month.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that the New Chauncey Neighborhood Land Use Plan is again on the Area Plan Commission agenda for the April 17, 2013, meeting.

SPECIAL REPORTS: None

PUBLIC RELATIONS

West Lafayette Community Beautification

Councilor Dietrich presented the West Lafayette Community Beautification to Cecilia Weber and Jan Allebach, a husband and wife team who have worked on their Woodland Avenue home garden for 30 years. In accepting the award, Mr. Allebach acknowledged Larry Hicks for the initial garden design and his work over the years.

FINANCIAL REPORT

Clerk-Treasurer Rhodes explained that the Auditor and Treasurer have discussed the impact of the State finding local income tax and remitting it to local jurisdictions, which occurred last year. Local income tax funds homestead credits. The result is that this year there will be a large homestead credit, approximately one-third larger than usual, for homeowners in Tippecanoe County. However, next year, with normal income distribution, the homestead credits will fall and the tax bills will go up again.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked if we will end up paying for the defense of Brandon Winters, and do we know how much.

City Attorney Burns responded that we are paying through our insurance company, but we will pay the deductible of \$5,000. He stated that the federal magistrate has appointed counsel for Mr. Winters, in a somewhat unusual move. The lawsuit is still in a preliminary stage.

UNFINISHED BUSINESS: None

NEW BUSINESS

Ordinance No. 07-13 An Ordinance Repealing And Replacing Chapter 67 (Refuse, Garbage And Weeds) Of The West Lafayette City Code (Sponsored by Councilor Ann Hunt and Mayor John Dennis)

Mayor Dennis read Ordinance No. 07-13 by title, and stated that it is known as the trash ordinance.

Councilor Keen moved for passage of Ordinance No. 07-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this ordinance is overdue for review. The last time that this ordinance was legislatively approached was approximately 20 years, and it was specifically for the rate. Many things have changed since then. He stated that a major focal point, outside of the rate increase, is to make it operationally sound and enforceable. The second issue is the fee. He stated that when looking at most things that are funded through a revenue stream, it is rare when one such particular operation can last for 21 years without a rate increase. There are many things in this ordinance that are contemporary with current practices, including recycling and stormwater. He stated that no one in an

elected office wants to raise rates, but we have reached the threshold where we want to provide quality sanitation service and do so efficiently, effectively, and cost-effective way. Mayor Dennis stated that \$9.00 per month does not cover that now. He stated that some years back, there was a well-drafted ordinance in regards to pay-as-you-throw, and one of the issues brought forward then was the public was willing to pay more instead of using that option. Mayor Dennis stated that this ordinance is an evolution of what took place 21 years ago, and a side-bar of what took place approximately 4 years ago, and we are now ready to move forward.

Councilor Hunt stated that many people worked on this and it is an entire chapter, so there was a lot of detail. She reviewed several of the changes. Section 67.05 is new in its wording, and has to do with the placement and the times in which trash, recyclables, and yard waste can be placed at the curb, and it has to do with stormwater. She stated that she tried to be generous with the time, knowing that many people work 12-hour shifts. It can be put out as early as 7:00 p.m. the evening before, and needs to be back in the house, and away from the gutter, and away from where stormwater will wash details away, by 11:00 p.m. If that is an issue with some 12-hour shifts, it can be discussed. Section 65.08, paragraph c. regarding stormwater credits will be removed. She stated that Section 67.09, paragraph a. is a new regulation which should keep the gutters clean, and will facilitate later when we have an automated trash truck that can be driven by one Street worker. The waste container must have two handles, include a bale, have an attached lid, be watertight, and has a capacity of no more than ninety-six gallons. The weight limit is to prevent back injuries of the Street employees. She stated that Section 67.10, paragraph a. stated that waste and recyclables shall be carefully drained and securely wrapped. Councilor Dietrich noticed that that wording should not be there, so it will be removed and the word rinsed will be there. So, if there is a recyclable jar with condiments in it, then it needs to be cleaned and rinsed, again due to stormwater. She stated that the effective date needs to be decided by the Council, but the rate change was proposed in the budgets for the stormwater and the Street Department. Councilor Hunt stated that will have an amendment to Section 67.20, as provided and discussed at Pre-Council, regarding options for owners of housing units of four units or less and not-for-profit institutions may have either buying a dumpster or several waste containers.

There was discussion about when the amendment should take place. City Attorney Burns stated that procedurally we can make whatever amendments we like tonight. He stated that, as noted at Pre-Council, he has a list of scriveners errors that he suggests holding until the very end. He stated that the effective date of this will be after its second reading and upon publication, unless other action is taken.

Councilor Hunt stated that she would like to read the wording of the amendment that City Attorney Burns provided for Section 67.20. She stated that the positions of paragraphs c. and d. will be juxtapositioned. This will become paragraph c. and the current paragraph c. will become paragraph d. Councilor Hunt read as follows: "If standard waste containers are not practical for use, as determined by the City, the owner of any multiple housing dwelling not exceeding four units or a not-for-profit institution, may be allowed to purchase and use 96 gallon carts for waste at a monthly fee of \$16.00 per cart." Councilor Hunt motioned to make that amendment. Councilor Dietrich seconded the motion.

Councilor Burch asked if we are replacing the current sentence seen in the ordinance.

City Attorney Burns clarified that the language just read would become a new paragraph c. in Section 67.20. The current paragraph c. would change to paragraph d.

There was no further discussion on the amendment.

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 6 AYES and 1 NAYS.

Mayor Dennis announced that the amendment is accepted. He requested further discussion on Ordinance No. 07-13 as amended.

Councilor Bunder stated that he is opposed to Ordinance No. 07-13. The operative paragraph in the ordinance is 67.20, the 70% increase in the City trash fee. He stated that, to be clear, this is a tax increase. In the State of Indiana, republican public policy has made it impossible to raise the old fashioned way, which is to raise property or income taxes. Cities are left with few options for raising revenue and raising fees is one of the ways that cities can do that. He stated that fee increases are generally seen as essentially a regressive tax, which negatively impacts lower- and middle-class families. He stated that \$84 a year is not much if you make \$100,000 a year, but if you make \$50,000 or \$25,000 a year, it is something else. He stated that the diocese has not raised his salary in two years, and Purdue staff will not have a raise for the next two years. Yet, what we have here is essentially a tax increase. He stated that his constituents live on small lots. They know that it is not a good idea to book the Care-A-Van to get to a doctor appointment, because if done at the end of the month, Jenk's Rest may have run out of money. Councilor Bunder stated that there is a myth in the West Side that everybody has money, and nobody cares that the rates go up. That is not true. Councilor Bunder stated that this must be somewhat embarrassing for the Republican Council members, as this is the third "tax" increase of the season. We have increased the cumulative capital tax, we passed the stormwater ordinance which includes a stormwater fee or tax, and now we are considering this trash tax. He stated that it is perfectly reasonable for Democrats to seek new revenue, but it is somewhat embarrassing for the Republicans to do so. He stated that, should this pass, it will be a great lead for his campaign literature, to say that Bunder voted against the 70% increase in your trash tax. Councilor Bunder continued by saying that this must be embarrassing for a City administration that, only a short while ago, asserted that there was no reason to raise trash fees at all. He stated that we were told that trash collection and sewage processing were the same enterprise—trash cans, toilet bowls, the same for purposes of the budget. The losses from taking care of the trash cans can be made up from the wastewater surpluses—that is what will cover those costs. But now it is after the election, those surpluses are gone, and John Polis was right. This is not about gasoline; it is about general City revenue and its management. Councilor Bunder stated that his fourth issue is that this ordinance is an embarrassment because it has surprisingly little to do with environmental issues. No one from the environmental commission was involved in the ordinance's creation, and that is not surprising as the operative paragraph is Section 67.20. He stated that one of his strongest memories from the last discussion of the trash ordinance in 2009 was Councilor Hoggatt with a stack of research, asking if the Mayor had read any of it, and the Mayor said no. Councilor Bunder stated that West Lafayette does okay with trash and recycling, and those numbers are tracked for the Go Greener Commission by Gene Hanus. He continued that in 2012 the percentage of

recycling, without the move-out dumpsters, was 26%. With yard waste included, it is 42%, and that is the figure Mayor Dennis used in his State of the City address to give us a gold star. Councilor Bunder stated that this is an interesting statistical choice. The percentage without the move-out dumpsters was 25%, and 40% with yard waste included. With the new recycling totes, it is in the low 30% range. He stated that given the resources available here, and environmental science at Purdue University, we should do better. Nowhere in this revision is apartment recycling addressed. He thanked the JC Hart Company for showing us how this might be done. And nowhere do we address the unwitting subsidy to the rental corporations that my constituents bear each spring when we collect both refuse and construction materials, for free, from these corporations. Councilor Bunder restated that he is opposed to Ordinance No. 07-13.

Councilor Dietrich asked Councilor Bunder if there is a smaller fee amount that would make him in favor of this ordinance.

Councilor Bunder stated that if there was a number that somehow indicated a commitment to the larger environmental, then yes.

Councilor Dietrich stated that in the four years he has been on the Council, only one Councilor continually brings up party politics, and since this ordinance was drafted by the President of the Council, supported by the Mayor, then it came as a bipartisan effort. He stated that it amuses him that every time an issue comes up, it becomes party related, and another stroke for Councilor Bunder's campaign. Councilor Dietrich stated that we have much more important things to do in the City than party politics. He stated that he supports part of this ordinance, and as a whole it is a step in the right direction, and parts of it need to be change, but overall it is a good ordinance.

Councilor VanBogaert stated that he wanted to discuss Section 67.24. He stated that after considering it following the Pre-Council discussion, he is okay with keeping the head of household provision there, but he hopes to remove the age restriction. It would keep the tax condition that is there now, but remove subsection (2), item (i), and change it say "is head of the household; and permanently and totally disabled as determined by the Social Security Administration; or has a total household income..." So that we have people who are below 150% of poverty, who are heads of household, which is a very specific tax determination, but a 63 year old would fall in that category as well. Councilor Bunder moved to amend Section 67.24 to remove the line "is either over the age of 65 years or" and then to replace the word "and" at the end of that subsection with "or."

Councilor Hunt stated that she chose 150% of poverty because Lafayette Urban Ministry uses it, and thought a standard would be better. If people meet these requirements, they would pay \$8.00, which is less than the current fee. She stated the Clerk-Treasurer Rhodes had reported that there are seven or eight people who receive a reduction now.

Clerk-Treasurer Rhodes asked Councilor VanBogaert if he still intended to make the amendment to Section 67.24 regarding the words "resident owners."

Councilor VanBogaert stated that there was some confusion as to whether it was already similar to the definition in Section 67.20, or if this was, by intention, a more restricted classification of individuals.

Clerk-Treasurer Rhodes requested that we examine the whole section rather than come back to it.

COMMON COUNCIL MEETING MINUTES, April 1, 2013, CONTINUED

Councilor VanBogaert stated that he would like amend the amendment to clarify that Section 67.24 would apply to the entirety of individuals subject to the service charge under Section 67.20. The full phrasing includes resident owners, dwelling occupants, tenants.

City Attorney Burns asked if Councilor VanBogaert's concern is that it is too restrictive and only a person who is an owner could request the reduced fee, and Councilor VanBogaert responded affirmatively. City Attorney Burns stated that it would make it sufficiently broad to remove to the word "owner" in Section 67.24, paragraph b.

Clerk-Treasurer Rhodes stated that the word "resident" needs to become plural.

City Attorney Burns stated that the motion has been amended.

Councilor Dietrich seconded the motion.

Councilor Hunt asked suggested that Jim Treat come forward to speak about the financial aspect. Councilor Dietrich agreed that it would be good to know the financial effect of having the reduced fee.

Councilor VanBogaert stated that the lack of age restriction matches the current code.

Jim Treat (O.W. Krohn & Associates) stated that this is the first he is hearing of this, and will need to look at it by the next meeting. The general assumption was that there would not be a dramatic change in the number of people eligible or applying for the discount from the current situation. If that is the case, then the budget is fine because there has not been a significant discount factored into the revenue stream that we need to support this service. If City Attorney Burns or Clerk-Treasurer Rhodes feels that it may change, if it will make the pool larger, then the data needs studied before final action is taken.

Mayor Dennis stated that he suspects we will make a decision tonight, then have conversation and may look at re-amending the ordinance at the second reading.

There was no further discussion on the amendment.

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 6 AYES and 1 NAYS.

Mayor Dennis announced that the amendment passed.

Councilor Hunt stated that Councilor VanBogaert wanted a recycle bin in the neighborhood south of State Street. Mayor Dennis has agreed to that, and the Redevelopment Commission has provided

money to buy it. It is painted and looks relatively attractive. It is large, has multiple bins, and opens from both the sidewalk and street sides. The plan is to place it near the corner of Harrison and Grant Streets.

Councilor VanBogaert stated that he appreciates the efforts on that, as it is the issue he has been contacted the most about. The students have the 90s kid guilt, where they have recyclables piles in the apartments because they cannot bring themselves to throw it away. This large centralized location will help students or renters in general in that part of town. If this location is successful, it is something we can build on. He stated that he appreciates this positive step.

Councilor Dietrich stated that he had an issue with wording in Section 67.24 that states, "in addition, the premises must receive minimal water service during the absence period." He asked why that was relevant to the ordinance.

Councilor Hunt explained that the trash fee is billed through the water bill. It is a check, if someone is out of town.

Clerk-Treasurer Rhodes further explained that it is how we determine if the house is unoccupied. For snowbirds now, with wastewater service, we depend on the water company reads. As long as it is minimal, we presume that they have not yet resumed occupancy. There may be times that we are not notified, but it will be clear from the water company read that the house is occupied, and we turn on the trash fee.

Councilor Dietrich stated that Section 67.05 has his biggest concern in this ordinance. He stated that Councilor Hunt spoke of her rationale on the timing, and he is in agreement with the waste and the recyclables. However, for the yard waste, people tend to do yard cleanup on the weekends. It is the time the majority of the people have to do that work. To be expected to do that, and then be expected to keep it somewhere, and bring it back out again two or three days later does not make sense. Councilor Dietrich stated that, to him, yard waste is not the same as seeing an overflowing trash can or recycle bin. It is merely someone improving their property for our own benefit. He stated that he has no problem with people bringing the yard waste out on the weekend, even if pickup is much later in the week. It is unrealistic to expect people to do that twice, and to carve out the time to bring it back out to the street.

Councilor Hunt stated that she has observed that the Street Department tries to make an extra round if they can in Monday to pick up yard waste. She stated that she would like to give examples. We have received a letter from a resident who has had trouble for over a year with someone putting yard waste in the gutter and leaving it there for a good while. Councilor Hunt stated that in her own neighborhood, there is a person who has a team come in over the weekend to work on yard waste, which is then put in the gutter. In particular, this was done the Saturday before the big snow. This caused a lot of twigs to sit there. Then on the Friday when the yard waste was scheduled, it was a City holiday, so the yard waste sat there for two weeks.

Councilor Dietrich stated that he is okay with that.

Councilor Hunt stated that with the brush and small twigs sitting there through rain and snow, it can prevent the street sweeper from cleaning an area. She is also concerned about what drains into the stormwater system.

COMMON COUNCIL MEETING MINUTES, April 1, 2013, CONTINUED

Councilor Dietrich stated that he feels this is setting our citizens up to fail, and it is not realistic to expect people to do the same work two different times. He stated that either we will write it in but not enforce it, or we do not put it in there because it is a bad process.

Councilor Hunt stated that she drags her yard waste out, sometimes with her saw, so it can be done by older individuals.

Mayor Dennis stated that we do get complaints about yard waste that sits out for a long time.

Councilor Dietrich stated that if it sits out for a long time, there is a reason or a problem. It should never be more than two weeks, as we do not have back-to-back holidays. He stated that the email received with a picture in the Hills and Dales area does not bother him at all, it is yard waste which is what we all have.

Councilor Dietrich motioned to remove yard waste from Section 67.05, paragraph a. The motion was seconded by Councilor VanBogaert.

There was no further discussion on the amendment.

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 3 AYES and 4 NAYS.

Mayor Dennis announced that the amendment failed. He asked for further discussion on Ordinance No. 07-13, as twice amended.

Councilor Burch stated that she had a comment on the timing issue in Section 67.05, paragraph a. She asked if someone sets trash out the night before going out of town and cannot return the container to the house. She feels that fining people in that situation is not using common sense. She stated that neighbors will not always help out in that situation, so the Council may want to take that into consideration, should there be any further amendments. Councilor Burch also stated that she would like to know how this extra money will be allocated, and if there will be another increase, or what the City will do to hold down any additional increases in the trash fee.

Mayor Dennis stated that the money is a revenue stream to support our Sanitation Department, and that is exclusively what it goes for. It will cover wages, equipment, and operations. As far as increasing the actual rate, that is up to the Council.

Clerk-Treasurer Rhodes requested that Mr. Treat discuss the trash fee revenue, for operations and maintenance, and capital. Those schedules were provided at Pre-Council, but not specifically reviewed.

Mr. Treat stated that what we are looking at is incorporating into the rate structure what is already incorporated into the operating and capital budget for sanitation within the Wastewater Utility Wastewater Treatment Utility (WWTU), which was reviewed in February with the 2013 budget. In the 2013 budget, the current operating budget, which is supplies, tipping fees, wages, and benefits at a level required, in terms of staffing, to provide the high-level service you have, is approximately \$835,000. The annual provision for capital expenditures is \$200,000, which primarily covers lease purchase payments on trucks and equipment. Mr. Treat stated that we need approximately \$1,000,000 in annual revenue if this is to be a service the City provides, and that fees intended to support it actually support it. Today, we have approximately \$640,000 in annual revenues for Sanitation verses this revenue requirement. Approximately \$110,000 of that is through recycle sales and grant money, so the fee component, the current \$9 fee, that we get annually is approximately \$530,000. He stated that right now we are more than \$400,000 per year short in revenues to support this. The City did this for a number of years as a tax-supported service, as Councilor Bunder mentioned. However, after 2008, with the implementation of circuit breaker and that dramatic loss in tax revenues that the City has, it could not be sustained on the corporate side any longer. So, in 2009 the service was moved over to Sanitation due to its additional reserves and due to it being a service fee-based enterprise entity. The WWTU continued for another five years to take that function over, and again did not increase the fees. However, the subsidy gap has grown larger. He stated that we have a number of substantial mandates for both sanitary and wastewater projects. Therefore, the WWTU Improvement Fund in the last year went from approximately \$10.5 million to \$6.4 million. It takes a lot of time to build up a fund like that, but does not take long to spend it down. Sanitary and stormwater projects are continuing. The stormwater fee will be a major injection to help that, but the fee will not start until January 2014. Even with that fee, these things need to be in balance. Mr. Treat stated that 70% sounds like a lot, but when looking at dollars, it is only \$7.00. When looking at such a low base fee, the percentages are going to be large, but it should not be this long before it increases. We do look at this every year, and we are going to have to take a stronger look at it and perhaps a stronger stand in addressing if those fees need to be adjusted. While we hope this would not need to be changed again in the near term, if making the commitment to look at it annually and not have this situation again, then you need to be open to the fact of the possibility of it increasing again.

Clerk-Treasurer Rhodes stated that there have been three big things that happened in the last five years. First, the annexed Arbor Chase, Stone Bridge, and Prophets Ridge areas to the north have grown, as we knew it would when the annexations occurred. A tax increase was requested to support that, and was denied by this Council in 2008. She stated that when circuit breaker came in, we had to look for another way to support that growing service area. Second, there has been a change in the type of equipment required to run sanitation, including more expensive trash trucks that can lift bins up to protect our workers. She stated that people who worked for the City for many years have suffered back injuries and lost their livelihood. Clerk-Treasurer Rhodes continued that the third thing was the big push for recycling, which was not there five years ago. The type of equipment needed to efficiently pick up the increased recycling is very expensive. She stated that this has not been a bait-and-switch. This has been an evolution of the service, response to growth of the City, and our desire to keep the high-quality services that we provide.

City Attorney Burns stated that there were two other places where amendments were under consideration by various Council members. The first is at Section 67.10 regarding the preparation of the waste and recyclables.

Councilor Hunt stated that it was the end of the first line of Section 67.10, paragraph a. The words "securely wrapped" needs to be replaces with rinsed or cleaned, or a similar phrase.

COMMON COUNCIL MEETING MINUTES, April 1, 2013, CONTINUED

City Attorney Burns stated that the other was in Section 67.08 it was suggested to delete paragraph c. It is the sentence that talks about the stormwater fees. It would be appropriate to consider having amendment made to take care of both of those sections.

Councilor Dietrich moved to make the amendments as stated by City Attorney Burns. Councilor Hunt seconded the motion.

City Attorney Burns suggested they be voted on separately. He requested the first amendment to be voted on be for the changes to Section 67.08, to delete paragraph c.

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 the amendment passed unanimously.

There was further discussion on Section 67.10 and the wording of the amendment to Section 67.10, paragraph a. City Attorney Burns stated the amendment to replace the first sentence in paragraph a. with: "Recyclables shall be carefully drained and rinsed before depositing into approved containers"

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 the amendment passes unanimously.

Councilor Dietrich stated that he had a comment on Section 67.07, paragraph c. He stated the Street Commissioner Downey informed him that the City does make money off of the bins, plus the County helps to subsidize us for the recycle station on South River Road.

Street Commissioner Downey confirmed that information.

Councilor Dietrich stated that the ordinance states that it is unlawful for anyone outside of the City to drop off in those bins, but we should not care when we make money from it.

Councilor VanBogaert stated that perhaps the end should mention “unless as specified by the Street Commissioner.”

Mayor Dennis stated that he knows that a lot of people who drop off there are from all over the places and there is a finite amount of space there.

Councilor Dietrich asked that if it is not costing, and in fact we are making money, then why do we care.

Mayor Dennis stated that we are making money until we need extra employees on the weekend to dump them.

Councilor Hunt stated that they are very full on Mondays. She agreed that the County should be allowed to use them since they subsidize them.

In response to an inquiry from Councilor Burch, Mayor Dennis and Clerk-Treasurer Rhodes responded that the stipend is \$41,500.

Councilor VanBogaert moved to amend the last Section 67.07, paragraph c. to include “unless as directed by the Street Commissioner.” Councilor Dietrich seconded the motion. Councilor Dietrich added that the wording of “outside the corporate limits” should be changed to “outside Tippecanoe County” since the County is paying for a part of that operation. Councilor VanBogaert requested that that wording be reflected in his motion.

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 the amendment is accepted unanimously.

There was no further comment on the part of the Council. Mayor Dennis invited public comment.

Jan Myers (1909 Indian Trail Drive) stated that she has a question due to her “roundfeet.” She stated that many times she will be on sidewalks where trash receptacles are, either pre- or post-pickup. That is also true if they are in the gutter or bicycle paths. It may seem like nothing at all to have grass or branches there, but when it causes her to be out in the middle of the street in order to go around it, it is a safety issue. She has a crew who helps with her yard work, and she has designated spot in the front yard. She asked if there would be a fine for people who leave yard waste. She asked if she

should contact Rick Walker for code enforcement, and if she should advise him in advance of the streets she is about to go down, or does she stop at each trash bin and call him to have them moved. She stated that she has many times had to operate as a bulldozer, even when they are full, but she does not promise how well they stay upright. She encouraged the Council to think about these issues when writing the ordinance, because it is important to those who use the sidewalk a lot, and the number of place that do not have sidewalks.

Councilor Hunt stated that Rick Walker and his supervisor, Captain Sparger looked at this very carefully during discussion groups and they gave it their blessing. She stated that she sees the difficulty in answering Ms. Myers' question.

Thomas Kesler (479 Maple Street) stated that the Page 4 mentions the timing of curbside replacement, and he believes he saw the time earlier in the document as well.

Councilor Hunt stated that it is in Section 67.05, paragraph a.

Mr. Kesler stated that Section 67.05 has a more elaborate description and the later mention, in Section 67.10, paragraph a. seems to be a duplicate. He recommended removing the duplicate. He also said that the vote to amend in Section 67.10, paragraph a. was to say "drained and rinsed," and suggested that it should say "rinsed and drained" because that is usually the order of operation.

Councilors indicated consent to consider the "rinsed and drained" wording.

Mr. Kesler stated that in his household, they have more recyclables than garbage, and they do put recyclables through the dishwasher to make sure they are not attracting animals. Mr. Kesler requested clarification on what is meant by a tight-fitting lid in Section 67.09, paragraph a., and if the recycling toter should be used as a model for what is to be used as a waste container. He stated that while walking around, he sees a number of recycling containers without closed lids, and he tries to close them for his neighbors. Mr. Kesler asked what the 150% poverty guideline is.

Councilor Hunt responded that there are guidelines based on the number of family members in the household. For a family of two, 150% of poverty would be annual income of \$22,695, and 180% would be \$27,234.

Mr. Kesler stated that his ability to pay any new fee or tax plummeted last July, and he is wondering if the \$7.00 increase the minimum that is needed to meet the costs of collection.

Councilor Hunt stated that Mr. Treat recommended the fee be \$16.50, and she asked if \$16.00 would be possible.

Mr. Treat stated that based on our current budget and service area, this is what is required to equate the fee to the services provided. As to the issue of the subsidy, the City has been there for 20 years, and we want to get away from that and start clean and see how long it can be maintained, get a better handle on it, and see when we need to adjust fees. He restated that the fee is required based upon the current services provided.

Clerk-Treasurer Rhodes stated that there is still some subsidy, as we have not captured all of the labor. We had to take steps because so much of the labor designated for other functions was being deployed to sanitation. Those functions were no longer being performed, and they were regulatory type functions. The labor was not all shifted because of the expectation that with new equipment, we may see more efficiency and may be able to back off some. She stated that having looked at the

numbers over 20 years ago, this is not loaded. The big issues involved having to add more people due to growth of the City, and new types of equipment being used.

Mr. Kesler stated that he wants to restate something he said when the pay-as-you-throw fee was discussed. He is still unhappy about subsidizing the cost of disposing of the huge amounts of furniture in the Spring, when rentals turn over. He stated that, regarding the comments about politics, this is an elected body, and as a citizen he expects to see some politics in the discussion. If this body were appointed or hired, he would expect something different.

Jim Leslie identified himself as a manager at 414 Vine Street and the owner of 422 Vine Street. He stated he wants to speak about tenants in a four-unit building paying for trash service that they are not receiving. They are not currently receiving it and never have. He stated that tenants pay all utilities at the building he helps to manage, owned by his daughter, and at the apartment building he owns. Mr. Leslie stated that he is here on behalf of the tenants, current and future, who have to pay this. He stated that he spoke with City officials in the past, including Street Commissioner Downey. Mr. Leslie stated that he pays for a dumpster from Waste Management behind these two buildings, and that is where the trash goes from the tenants. They have never had trash cans outside of 414 Vine Street for the City to pick up. He stated that his tenants do not put furniture items to be picked up, as it is part of their lease and he charges a fee to the tenants for maintenance to pickup furniture and put in the dumpster. He stated that they have been paying this fee all these years and now that the fee is going up, this situation needs to be looked at. It is unfair to charge these tenants, even though there is an ordinance, to pay this fee without receiving service. Mr. Leslie that Street Commissioner Downey sent a letter rejecting it, saying that the City probably picks items up that Mr. Leslie is unaware about. Mr. Leslie stated that if any City employee says they have provided service there, then they are not telling the truth. There is a maintenance person there every day, and they do now allow that.

Councilor Keen stated, for clarification, that Mr. Leslie has an apartment building of four units, and is being billed by the City for trash pickup, but the service is unused, and a private service is picking up instead.

Mr. Leslie confirmed this and stated they are paying \$200 per month to Waste Management for that service. Tenants from both buildings use the dumpster, which is picked up twice per week.

Councilor Keen asked for confirmation that Mr. Leslie's point is not that he is not receiving the service, but that he is not using the service.

Mr. Leslie stated that that is true, and that Street Commissioner Downey pointed out to him that the fact that since the service is being received, they have to pay for it.

Councilor VanBogaert asked if there was a reason to choose the private service instead of the public service.

Mr. Leslie stated that the dumpster services the 12-unit building adjacent to the 4-unit building, and the dumpster is required for the 12-unit building. It is easy for the tenants of the 4-unit building to access the dumpster.

Clerk-Treasurer Rhodes asked if the service offers recycling.

Mr. Leslie responded that it does. He stated that if the City says that the tenants need to pay regardless, then they will start taking the recycling out.

Councilor Hunt asked if Mr. Leslie understood the amendments made about having the option to have a dumpster or a large container for each tenants.

Mr. Leslie stated that he understood that, but it would not be big enough for the 12-unit building as well since it requires a commercial dumpster.

Councilor VanBogaert stated that we have not explored the option of allowing people to opt out of trash service. He has been contacted by an engineering student who had managed to eliminate all waste through a number of different methods, including composting. That student was also told that they were not able to opt out of trash fee. Under our current scheme, trash billing is mandatory. He asked if we have had rationale for why that has been the case in terms of policy.

Mayor Dennis stated that he can only offer his opinion because this was conceived long before he was Mayor. He is aware of situations where residents choose not to use the provided City service and they do not throw things away, which gets to be a hygiene issue.

Mr. Leslie stated that he did not realize it has been in effect for 20 years. This means the City has been collecting \$9.00 per month times four units for those 20 years without service being provided. He restated that he is here on behalf of those tenants, current and future. He stated that they should not have to pay that since they are not receiving it.

Councilor Hunt asked what kind of rates Mr. Leslie has for recycling.

Mr. Leslie stated that the City just started providing the containers for recycling, so they just started doing that.

Mayor Dennis asked for clarifications that Mr. Leslie's tenants use the recycling containers, but not the trash containers, and Mr. Leslie confirmed that.

Councilor Keen stated that Section 67.05, paragraph c. needs a provision about when the City employee places the container back after it has been dumped. He asked whether that should be regulated, or is that something directed to the Street Commissioner. He sees trash containers after collection, and even his own containers may be laying in the yard or across the sidewalk. He believes there should be some responsibility on that part as well.

Mayor Dennis stated that it would be more of an operational issue.

Councilor Dietrich stated that the containers blow easily.

Councilor Keen said that he takes that into consideration, but it happens on days when there has not been any wind.

There was no further discussion.

Mayor Dennis asked for roll call vote on Ordinance 07-13, as amended.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, April 1, 2013, CONTINUED

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

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 2 NAYS.

Mayor Dennis announced that Ordinance No. 07-13 passed on first reading.

Resolution No. 04-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 04-13 by title only.

Councilor Keen moved for passage of Resolution No. 04-13 on its first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this is to appropriate recovery for damage to police vehicles.

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 Resolution No. 04-13 passed on first and final reading.

COMMUNICATIONS

There was no discussion.

CITIZEN COMMENTS

► Jan Myers (1909 Indian Trail Drive) asked how it is that the City has the potential to move City Hall to the Morton Center without relaying that information to all of the organizations and people who use it. She stated that she has heard a lot of comments on this.

Mayor Dennis responded that it is a possibility, not a probability. He has also had phone calls and emails about the issue.

► Thomas Kesler (479 Maple Street) stated that he participated in Boiler Blast several days ago. He met with nine students from a civil engineering honor fraternity, who helped to clean up one block of Columbia Street, between Littleton Street and River Road. It included a pocket garden at River Road and Columbia Street that was full of trash. Besides the trash, broken tree limbs and concrete rubble were piled there. It is along the north curb of Columbia Street, ready for the Street Department. Mr. Kesler stated that his current project is a pile of concrete rubble that was left under the barrier that marks the west end of Pearl Street. He stated that next year he may try to deal with the empty lot that near Littleton and State Streets, which continuously acts as a filter for wind-blown trash. He has cleaned it up as part of Boiler Blast in the past, but it is an ongoing problem.

Chris Kulesza (190 Burke Court, Apt. 111), Vice-President for External Affairs for the Purdue Graduate Student Government (PGSG), stated that the PGSG had their elections and the new President is Blake Hilton. Mr. Kulesza is now the Vice-President for External Affairs. Anna Josephson is the Vice-President for Internal Affairs. Mr. Kulesza stated that this week is Graduate Student Appreciation Week. He provided flyers of events and invited Council members to attend, and also provided buttons that allows for discounts at 16 different businesses. He extended a particular invitation to the Spring Picnic on April 5 at Purdue Mall, where approximately 500 graduate students will be in attendance.

Mayor Dennis asked if our graduate student, Police Chief Dombkowski, will be involved.

Mr. Kulesza stated that he hopes so. He also provided an update, stating that the PGSG passed legislation supporting a graduate student being put on the Board of Trustees.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:21 p.m.