

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
January 4, 2010

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on January 4, 2010, 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, and Thomas.

Absent: Keen.

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

MINUTES: Councilor Burch moved for acceptance of the minutes of the December 3, 2009, Pre-Council Meeting, and the December 7, 2009, Common Council Meeting. Councilor Dietrich 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

No report.

PURDUE RELATIONS

No report.

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 congratulated Assistant City Engineer Mike Thompson and Engineering Assistant Beth Cook for passing the Professional Engineer exam. She also thanked Human Resources Director Foster for being a pleasure to work with.

BUDGET AND FINANCE

No report.

REPORT OF APC REPRESENTATIVE

No report.

SPECIAL REPORTS

None.

PUBLIC RELATIONS:

Police Officer of the Quarter Award

Police Chief Dombkowski and Police Merit Commission President Leverenz presented the Officer of the Quarter Award to Officer Troy Greene.

Appointment to Redevelopment Commission – Council

Councilor Hunt nominated Diane Damico to be the Council's continuing representative to the Redevelopment Commission. Second was by Councilor Bunder.

The roll call vote:

AYE	NAY
Bunder	Burch
Dietrich	
Hoggatt	
Hunt	
Thomas	

The nomination was approved, 5-1.

Appointment to Police Merit Commission – Council

Mayor Dennis stated that this item would be postponed until the February Council meeting.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the City has received about 79% of the 2009 property tax settlement from the County. A preliminary review of FY2009 revenue is that there is positive variance in revenue in several areas of City operations, and also that there was a positive variance in expenditures in that spending is below budgeted levels. Department heads working under Mayor Dennis' direction have kept spending in the General Fund lower than 2008 levels. A full report will be made to the Budget and Finance Committee when the books are closed. The exit conference for the 2008 audit was held at the end of December, and there were no findings reported. The next step is for the State Board of Accounts to issue its report. There are no State Board of Accounts month end reports for December yet, but they will be prepared as we close the ledgers in the next day or two.

LEGAL REPORT

City Attorney Burns stated that his report was distributed to the Council. There were no questions on it.

UNFINISHED BUSINESS

None.

NEW BUSINESS:

Ordinance No. 01-10 An Ordinance To Extend The Time For Repayment Of Temporary Loans Outstanding From 2009 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 01-10 by title. Councilor Burch moved that Ordinance No. 01-10 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Hunt.

Clerk-Treasurer Rhodes explained that in 2009, the Council approved temporary loans from the Wastewater Utility, for the purpose of cash management. The loans outstanding to the General Fund in Parks cannot be repaid, because of the delay in receiving the full settlement of property taxes from the County. There are obligations to be met in January, and cash on hand is needed to meet those. State statute provides that the Council may extend the term for repayment of temporary loans for up to six months in the new year. She stated that three months is requested, as she anticipates that the settlement from the County will be completed in February, allowing repayment of the temporary loans before the March deadline. The language required is specified by the statute, that the Council must make the determination that an emergency exists, and that the extension should be granted for a specific amount for a specific time. She stated that the Board of Works approved this extension this morning in its Board of Works Resolution No. BW01-10.

There was no further discussion.

Ordinance No. 01-10 passed on first reading, 6-0

Clerk-Treasurer Rhodes said requested a second reading on Ordinance No. 01-10 at this meeting.

Councilor Dietrich moved to suspend the rules to consider Ordinance No. 01-10 on second reading. Second was made by Councilor Burch. The request to suspend the rules was passed unanimously by voice vote.

Mayor Dennis read Ordinance No. 01-10 by title. Councilor Hunt moved that Ordinance No. 01-10 be passed on second reading. Councilor Burch seconded.

Ordinance No. 01-10 passed on second and final reading, 6-0.

Ordinance No. 02-10 (Amended) An Ordinance Requesting An Additional Appropriation For Fire Pension Fund And Transfer For Police Pension Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 02-10 (Amended) by title. Councilor Burch moved that Ordinance No. 02-10 (Amended) be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Clerk-Treasurer Rhodes explained that she was requesting that the Council ratify the expenditure pursuant to appropriation of expenses for the Fire Pension Fund and the Police Pension Fund in December 2009. When the budget was made for the Fire Pension Fund, there was an anticipation of that there might be a reduction in the roster, such that there would be no need to budget a higher amount; that did not occur in the timeframe that had occurred in the past. The City had pension obligations of \$2,261 due at the end of December with insufficient budget to meet those obligations. The Fire Pension Secretary and Clerk-Treasurer Rhodes did authorize the meeting of those obligations, and now ask the Council to ratify those actions. Had

there been more time, an additional appropriation in November would have been made. In the Police Pension Fund, there is a shortage of \$0.36 in the pension secretary line item. A transfer will be sufficient to provide appropriation for those expenditures. As the Council may act under IC 36-1-4-16 to ratify the actions of officers at any time, she requested the Council to approve this transfer. There will be one reading tonight, followed in February by a public hearing and final vote.

There was no further discussion.

Ordinance No. 02-10 (Amended) passed on first reading, 6-0.

Ordinance No. 03-10 An Ordinance To Approve Blanket Bond Coverage For 2010 (Prepared by the Clerk-Treasurer)

Councilor Burch read Ordinance No. 03-10 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk-Treasurer Rhodes explained that there is a requirement that certain public officials are bonded annually or that there is a crime insurance policy for the amount specified in statute for these public officials, for them to continue in their offices. In 2007, following advice from the City's insurance agents at that time, for cost-effectiveness and ease of administration, the City discontinued individual public official bonds and utilized the statutory flexibility to use blanket bond coverage to meet these obligations. The bond needs to be renewed for 2010. Following the approval of the Council, it will be approved by the Mayor and the President of the Council before being recorded, as required. During Pre-Council, there were several technical questions asked by Councilor Dietrich and others about how a policy such as this functions. Mr. John Willis, Executive Vice President of MBAH Insurance, has been invited to answer those questions.

Councilor Dietrich stated that he had a chance to look at the document more closely and many of his questions were answered. Councilor Dietrich asked whether the effective date and the expiration date were correct.

Mr. John Willis [MBAH Insurance] responded that this was an old certificate of insurance, that a new one would be issued to replace it. Clerk-Treasurer Rhodes added that the copy provided is the 2009 policy, but that the same terms will be covered in the renewal.

Councilor Dietrich asked questions about robbery, crime coverage, and theft. Mr. Willis answered that those things fall under the property policy, and would be picked up in that policy. Clerk-Treasurer Rhodes addressed the issue of theft and embezzlement, noting that the real security for these monetary misdeeds is not in the policy, but in the rigor of the internal controls. There are no reported deficiencies in internal control from the audit for 2008, but the encouragement is to continue to strengthen those.

Councilor Dietrich questioned whether the civil legal fees are paid by the City, or whether the State covered those. Mr. Willis responded that the policy would pay to the limits of \$300,000. Clerk-Treasurer Rhodes added that the State Board of Accounts has advised that such a case would either be civil or criminal action, depending on the amount and the intent of the situation. The civil cases are forwarded through the Attorney General's Office for action, whereas criminal complaints are now directed more toward the County Prosecutors.

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Councilor Dietrich asked why \$300,000 was chosen as the coverage. Clerk-Treasurer Rhodes answered that that is the maximum bond required of municipal finance officials in the State of Indiana, and the City is at that cap. The City could obtain insurance for higher amounts. Mr. Willis noted that that would depend on how the City felt about its internal controls; his information is that the State Board of Accounts review confirms that there are solid controls in place. Most other cities maintain the same amount of coverage as does West Lafayette.

There was no further discussion.

Ordinance No. 03-10 passed on first reading, 6-0.

Councilor Burch moved to suspend the rules to consider Ordinance No. 03-10 on second and final reading. The motion was seconded by Councilor Hunt. The motion to consider Ordinance No. 03-10 on second reading passed by unanimous voice vote.

Councilor Burch moved for passage of Ordinance No. 03-10 on final reading, and the vote be by roll call. The motion was seconded by Councilor Hunt.

There was no further discussion.

Ordinance No. 03-10 passed on second and final reading, 6-0.

COMMUNICATIONS:

► Councilor Hunt stated that she had participated in the online strategic plan last time. She asked if Director of Development Poole would speak to this topic and how to get online for the next session.

Director of Development Poole explained that the City is going through the strategic plan process, soliciting information from the public with public sessions, but also online sessions, to generate more activity. The next session will be January 8 at 10:00 a.m. The url is www.westlafayetteplan.com. There is no cost to register, and all input is welcome. Click on "Chat Session" and participate in the running dialogue. Once the plan is over, probably in mid-February, the public forum will disappear from the website; no record is kept of participants. After the January 8 session, the next is January 14 at 7:00 p.m.; topics have not yet been determined. On January 21 at 6:00 p.m., there will be a public meeting in City Hall, and on February 18, the City's plan will be unveiled.

► Councilor Dietrich mentioned that, over the holidays, Purdue University had 59 Mac computers stolen.

CITIZEN COMMENTS:

► Ms. Jan Myers [1909 Indian Trail Drive] complimented City Engineer Buck and Street Commissioner Downey for their prompt responses to questions and concerns she had raised. She reported that, as you get older, your fears are reduced and you more easily feel positive, according to recent neurological studies and scans. While she was on a recent cruise, she gathered ideas to share. In the Shetland Islands of Scotland, she picked up some tips she will share with the Go Greener Commission. In Singapore, sidewalks are cleaned with portable power washers. Ms. Myers noticed that the diversity banners are up again, and stated that she hoped that indicated there is more planning for universal accessibility. Universal diversity should be attuned both to young families with strollers and to those in wheelchairs ("round feet"). The hybrid between accessibility and Go Green is making the City accessibility to all

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pedestrians. She said she hears many comments from neighbors that they cannot use Lindberg Road to get to the Celery Bog, because there are no sidewalks there. She asked when those might be installed. It would be another example of being more pedestrian friendly, more green. She encouraged the Council to create an ordinance prohibiting the placing of grass clippings, as these cause stormwater issues, as well as street litter. Additionally, less fertilizer would be necessary, if people would let the clippings stay on the grass.

ADJOURNMENT:

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:10 p.m.