

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MARCH 7, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on March 7, 2011, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

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

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

MINUTES

Councilor Keen moved for acceptance of the minutes of the February 3, 2011, Pre-Council Meeting, and the February 7, 2011, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

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

Councilor Bunder recognized the Clean Plate, Clean Energy initiative by two West Lafayette High School Students, Arthi Puri and Agustina de la Fuente. The students worked with Wastewater Utility Director Henderson. Mr. Henderson reported that Ms. Puri and Ms. de la Fuente had a two-week project of gathering food scraps from the West Lafayette High School cafeteria. Ms. Puri and Ms. de la Fuente, both freshmen at West Lafayette High School, explained that they started their effort as an environmental project. Having read about converting food waste to energy, they discovered that Purdue had been sending its food waste to the West Lafayette Wastewater Treatment Plant for that purpose. They decided to do a two-week pilot study, during which, each day at lunch, they sorted the food waste. Mr. Henderson picked up the trash bags and took them to the Wastewater Treatment Plant, where the waste was converted to energy. They plan to extend their study with a survey for local restaurants, to learn whether the restaurants would be willing to separate their food waste from other waste, and send the food waste to the Wastewater Treatment Facility. Mayor Dennis expressed pride in Ms. Puri's and Ms. de la Fuente's work, noting that their work and their enthusiasm is amazing. He thanked them for their project. Wastewater Utility Director Henderson added that Ms. Puri and Ms. de la Fuente developed posters to generate awareness and motivation for the school. He showed those to the Council and the public.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office. Mayor Dennis and Police Chief Dombkowski noted that Sergeant Cindy Marion was recognized by the YWCA as a Woman of Distinction at the recent Salute to Women Awards Banquet. They indicated that she is well appreciated and well deserving of this recognition. Mayor Dennis added that West Lafayette resident and City volunteer Lynn Layden was also recognized at the event.

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.

Councilor Bunder asked if the City would appeal the census findings. Director of Development Poole answered that, now that the census tables have been reviewed, the increase of 800 people in 10 years seems low. The City does have the option to challenge the census results. Mr. Poole said that he believes the numbers might be short. Councilor Bunder reported that Bloomington's population increased 16%. Mayor Dennis remarked that the question is worth reviewing, and that Mr. Poole would be doing so.

PERSONNEL

Councilor Burch reported that Police Specialist 1st Class Jeff Ray retired on January 19, after 23 years of service, then was rehired on February 22, filling Curt Cunningham's position as Code Enforcement Officer on the Neighborhood Resource Team. Mr. Cunningham retired in 2010. After nearly 34 years with the City of West Lafayette, Phil Wright retired on February 28 as Maintenance Supervisor at the Wastewater Treatment Utility. Mr. Wright's position has been filled internally. Donna Van Meter, Foreman/Equipment Operator at the Street Department, will retire on March 18 after 28 years. Jordan Glick began work on February 15 as a probationary patrol dispatcher. Mayor Dennis and the Health Promotion Committee encouraged all City of West Lafayette employees to participate in the national Pound for Pound Challenge, beginning on February 23. For every pound individuals pledged to lose through the end of May, the Pound for Pound Challenge will donate \$0.11 to Feeding America, enough to provide one pound of groceries on behalf of local food banks. Feeding America will then distribute the money to local food banks, Food Finders in our area. Thus far, City employees have pledged over 500 pounds in the Challenge. Mayor Dennis added that, in conjunction with the Pound for Pound Challenge, he and City of Lafayette Mayor Roswarski filmed a video at Miracles Fitness today.

BUDGET AND FINANCE

Councilor Dietrich said that there was no report, but that, as soon as some numbers have been received, the budget process would resume.

REPORT OF APC REPRESENTATIVE

No report.

SPECIAL REPORTS

Report on Commerce Trip to Washington, D.C. - Councilor Burch

Councilor Burch reported that she and Mayor Dennis participated in the Commerce annual trip to Washington, D.C. They were briefed on small business, healthcare, and tax policies by the U.S. Chamber of Commerce, and visited the World Bank. They met with Senators Dan Coats and Richard Lugar, Congressmen Mike Pence and Todd Rokita, C-SPAN founder and Purdue alumnus Brian Lamb, and with Ms. Debbie Holt, Governor Daniels' Indiana lobbyist. They had a Purdue briefing on national defense and energy systems innovation. Purdue's mission in Washington, D.C. is to support the advancement of fuel and battery technology with academic, industrial, and military partners.

Update to the Housing Element of the Comprehensive Plan 2010 – APC Assistant Director O’Gara

APC Assistant Director Mr. Ryan O’Gara explained that the update for the Housing Element of the Comprehensive Plan began with his predecessor Margy Deverall. The Housing Element is a chapter in the Comprehensive Plan, specifically designed to set goals and priorities for housing-related issues in the community. The first part is an analysis and tracking of trends, to establish where growth is occurring and how the community wants growth to occur. The second part is recommendation of establishment of policies that will influence decision-making on land use issues at the City Council, town board, and County Commissioner level. The Housing Element has not been updated since adoption of the Comprehensive Plan in 1981. Mr. O’Gara provided the Council a handout that he said focused more on West Lafayette issues. Page 4 of the handout explains the process of updating the document. Using page 5 and the following pages, Mr. O’Gara reviewed statistics on population, household size, housing characteristics, housing unit, vacancy rate, home values, home ownership, and like items. Beginning on page 13, existing housing policies and recommendations for new policies are provided. The City of West Lafayette’s rental housing inspection program inspired the recommendation to develop such a program in all the participating communities. The comment period for the plan ends March 16 with the APC meeting. Presuming that APC passes the document, it will proceed to the participating jurisdictions for their April meetings for adoption, after which it will become part of the comprehensive plan.

Councilor Hunt asked if the APC assessment of the numbers and the percentages would be more accurate than the census, as individuals chose to identify their homes as different communities, although they would be renters in West Lafayette. Mr. O’Gara said the APC does not have the ability to determine the accuracy of the census data. Councilor Hunt asked if there were some overall person who looks at the rental units in the census and determines the number of renters, or is it reported on where someone reports that he or she lives. Mr. O’Gara replied that, in the past, preference surveys were distributed, which captured ancillary information, but that it was not done in 2010. Councilor Hunt said that it is difficult for a community to know that 68% of the housing units in the City of West Lafayette are rentals, up from 43% in 1960.

2010 WWTU Annual Financial Management Report

Wastewater Utility Director Henderson noted that the Council members have bound color copies of the report, and that black and white copies are available for the public. The color report is also available on the website. He introduced Mr. Jim Treat of O.W. Krohn & Associates.

Mr. Jim Treat presented a review of the 2010 WWTU Annual Financial Management Report. The report is in three sections, historical financial statements, which are accrual-based for 2009 and 2010 for the Utility as a whole; historical supplemental financial information, which includes

expenses by line-item, comparison to budget, debt repayment schedules, and tables with billing and customer data; and projected financial information for operating revenues and expenses, capital plan and expenditures and projected impact on cash flows. There are also general comments on observations of the financial status of the Utility.

Mr. Treat then explained each of the tables and graphs to the Council. Highlights included that, at the end of 2010, WWTU had about \$15.7 million in cash and investments on hand, of which \$4.1 million is restricted for debt service reserves and debt service payments. The balance is for operations and for capital improvements and other needs of the Utility. The \$15.7 million is up slightly from 2009. The other most significant asset is the Investment in Plant and Equipment. As of the end of 2010, approximately \$69.5 million was invested in physical plant. On the liability side of the Statement of Net Assets, most significant liabilities are the bond issues that are borrowed from the State Revolving Loan fund. There are currently five bond issues outstanding for about \$35.5 million, both current and long-term at the end of 2010. During 2010, approximately \$1.7 million in principal balance was paid.

Revenues and expenditures for 2010 were mainly flat, with no dramatic changes. FOG [fats, oils, and grease] income showed for the first time. There was a small change in the Purdue sales. On the expense side, there was a noticeable decline of \$277,000, attributed to tightening up operations and lower costs due to completion of the digester project. By using the digester, there is a reduction in sludge hauling costs. The net operating income was at \$3.4 million, versus \$3.2 million in 2009. In the non-operating section, there is an increase in net expense, and that is due to the loss on disposal of assets line item, which for 2010 was \$576,000. While this is not a cash loss, it relates to the digester project, in that the old equipment and components replaced by the digester were written off. This is an accounting adjustment.

Pages 6 and 7 show line item detail by department and in total. Expenses are down by \$277,000, and the Utility is under budget by \$104,000 to \$4,260,000. The land application cost reduction is significant, but Sanitation was also budgeted at \$713,000, of which only \$611,000 was spent in 2010. This was consistent with what was spent in 2009.

The schedule on page 8 shows that the statutory requirements for fund balances for debt retirement, repayment, and related reserves. There are no issues in this area. The next pages show the detail payment schedules for each of the SRF loans, with page 14 showing the summary of all of those loans.

Customer statistics and the Purdue summary are self-explanatory. The rate comparisons with other communities nearby and other comparably-sized cities and towns may be useful to the Council. The Wastewater rates have not changed since 2006.

Projections beginning on page 18 show 2009 and 2010 actual figures, as well as 2011 budget. There is no revenue increase in the 2011 budget. The budgeted expense figures show increases of 2% to 5%, depending on the specific item.

The five-year capital expenditure plan shows the Western Sanitary Sewer Interceptor-Division IV Project at approximately \$2.6 million, as the low bid was significantly lower than the \$3.9 million estimate. The remaining 2004 SRF loan, almost \$2.4 million, will fund most of this, as was the original plan. The other big projects are Division V, the Soldiers Home Lift Station, the North River Road Interceptor, CSO plan update, equipment and capital purchases for sanitation, and the Purdue Research Park regional lift station and new lines. The Plant capacity expansion project is currently under review, with an early cost estimate of \$3 million. In 2011 and 2012, a

portion of those projects would be funded with the SRF loan, as discussed for the Western Interceptor, but the rest would be funded with the Improvement Fund that has been built up for that purpose. Over a five-year period, potentially \$12 million in projects and capital equipment needs are planned. Page 20 illustrates how those projects and expenditures might be funded, if no additional bonds are issued. There is almost \$11 million in the Improvement Fund, which has grown over the last several years. It is higher than it has ever been. The goal is to avoid issuing additional debt. Approximately \$6 million of the fund balance of the Improvement Fund would be spent over the five-year period. With the approximate \$4.5 million for debt service reserve and the recommended two months' operating expenses of \$800,000 held for cash flow, about \$4.7 million would remain in the Improvement Fund, if all the projects were funded without additional debt. There is no guideline in statute for the Improvement Fund, but those funds are used for both planned and unexpected projects and emergencies, as well as for temporary interfund loans to the City. That temporary internal borrowing keeps the City from having to borrow from commercial sources and pay interest. Additionally, the balance should be used for replacement of the current assets, and that depreciation provision rule of thumb is 2% of the plant value; another one is whatever the annual depreciation is. In both those cases, those are about \$1.4 million. That would leave \$3 million to \$4 million as the baseline minimum balance in the Improvement Fund.

Revenues and rates, page 21, show that in 2010 \$9,277,000 in WWTU revenue was generated from all sources. Of that, \$4.2 million covered operating and maintenance expenses; actual debt service payments were \$3.057 million; cash-funded capital expenditures, \$882,000; payments in lieu of taxes, \$505,000. Those totaled about \$8.7 million of the approximately \$9.2 million generated from current rates. The \$500,000 to \$600,000 net continues to build the reserves. Mr. Treat said that these figures show that current rates support the operations, debt payments, and routine capital expenditures. Extraordinary projects that might not be debt-funded would be planned on a project-by-project basis. These are all factors that show that the Wastewater Utility is in very good financial position. There are strong cash balances and healthy reserves, stable net revenues from operations currently, and revenue requirements are being met.

Councilor Keen asked whether the FOG [fats, oils, and grease] program was near capacity. Wastewater Utility Director Henderson answered that there is ample capacity for FOG, that more sources for FOG are being pursued. Councilor Keen said that he understood that, but that it seems perhaps conservative to flatline revenues when the Utility is increasing expenses during the same period, it does not give a true picture. Councilor Keen said, with the FOG system alone, he foresees increased revenues. Wastewater Utility Director Henderson said that that was certainly his hope, but that, using conservative estimates, we ensure that we cover our obligations.

Mayor Dennis asked Mr. Henderson to explain FOG. Wastewater Utility Director Henderson stated that FOG is fats, oils, and grease, and there is a FOG receiving station at the Wastewater Utility. Commercial grease haulers service grease traps at restaurants, super centers, and places where there is food preparation and bring the material to the Utility. The charge is \$0.10 per gallon for the privilege of putting the material in the cogeneration system, and it is used as another feedstock for the digesters, to create biogas, which, in turn, is turned into electricity at the Plant. It is a very potent fuel source. Councilor Keen added that it is a very good program, and he is glad that we have it. Mr. Henderson said that the food waste has been an additional outgrowth of that. Councilor Keen said that he was very impressed with Ms. Puri's and Ms. de la Fuente's work. Mr. Henderson said it is always encouraging to have young people think that something we are doing is worthwhile.

Councilor Keen noted that, on the revenues and expenses page, bond coverage drops to 149% in 2015. He asked if the revenues were more realistic, if that would cause bond coverage to go up. Mr. Treat responded that it would at least stabilize, adding that this is a worst-case scenario. Councilor Keen asked for confirmation that 125% is the minimum bond coverage. Mr. Treat responded that it is the minimum. He mentioned that the first year, the FOG budget was \$150,000, based on engineering estimates, and only got about \$20,000 in revenue. This has been a program slow to start, but there are now some regular customers and at least six months' of billing data, and the budget is based on those numbers.

Wastewater Utility Director Henderson clarified that extending the FOG program with the food waste receiving and creating the food waste receiving station, the Utility is hedging its bets. There are businesses that are looking at high quality yellow grease, the cooking oil, into biodiesel, but looking for cost-effective ways to take the brown grease that the digesters love and turn that into biodiesel. If there is competition for the grease, the food waste receiving is a Plan B.

Councilor Bunder asked if the City needs a stormwater fee. Mr. Treat answered that it depends. At this time, a certain level of stormwater operations are funded through wastewater, mainly storm drains. The budget for that activity has increased and shows under Pollution Prevention. Not having a stormwater rate means that there is no opportunity for big major drainage projects, whether in Happy Hollow or other areas. In terms of what is being done now, the continuing analysis of the urgency of those things that are not being done is the City's purview.

Councilor Keen asked, with the decline in the bond coverage over the next five years, whether there is an impact on the City's bond rating. Clerk-Treasurer Rhodes responded that, even with the slight decline, the City's bond coverage is so much above the minimum that it is of no concern in her view.

Ms. Jan Myers [1909 Indian Trail Drive] asked Mr. Treat to explain, on the comparison sheet, the dates beside the names of the various communities. Mr. Treat replied that those dates are the effective dates of the community's last rate increase. Most have been since 2000, and many in the last two years; one was 1988.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor Burch presented the March Beautification Award to Larry and Judy Hodge of 108 Chippewa.

Appointments to the Go Greener Commission

Councilor Hunt nominated Heather Gall and Diane Damico as continuing members appointed by the Council to the Go Greener Commission. Councilor Hoggatt seconded the nominations. Individual voice votes on each nominee were unanimous.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the February Council reports have been filed. The Fiscal Year 2010 audit began today. The December settlement for 2010 property taxes is still pending, but it is expected yet this month, after which reports will be compiled which will be given to the Council, and the Budget and Finance Committee can begin meeting. Clerk-Treasurer Rhodes stated that she would meet with a faculty member and graduate student from Departments of English and History, and a professional archivist from Purdue to begin a project

to open the treasure of historical records of the City of West Lafayette. This is a long-awaited project and she is very excited to begin.

LEGAL REPORT

City Attorney Burns announced that the legal report is on file and offered to answer any questions. There were no questions.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ordinance No. 08-11 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to Medical Insurance Payment Fund, Vision Insurance Payment Fund, and Dental Insurance Payment Fund) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 08-11 by title.

Councilor Keen moved that Ordinance No. 08-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this ordinance is necessary because of the delay between the payment required by the insurance company and the processing of the post-employment payments made through the City's third-party COBRA provider. Because of a change in the roster, a temporary loan will be needed to cover the gap. The temporary loan will be repaid by December 31, 2011.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|----------|-------------------|-------------------|----------------------|-----------------------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| Dietrich | ✓ | | | |
| Hoggatt | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | ✓ | | | |
| Thomas | ✓ | | | |

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

Mayor Dennis announced that Ordinance No. 08-11 passed on first reading.

Councilor Keen moved to suspend the rules to consider Ordinance No. 08-11 for second and final reading. The motion was seconded by Councilor Burch. The motion to consider Ordinance No. 08-11 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 08-11 by title.

COMMON COUNCIL MEETING MINUTES, MARCH 7, 2011, CONTINUED

Councilor Keen moved for passage of Ordinance No. 08-11 on second and final reading, and asked that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|----------|-------------------|-------------------|----------------------|-----------------------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| Dietrich | ✓ | | | |
| Hoggatt | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | ✓ | | | |
| Thomas | ✓ | | | |

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

Mayor Dennis announced that Ordinance No. 08-11 passed on second and final reading.

Ordinance No. 09-11 Historic Preservation Commission Ordinance (Submitted by Councilor Bunder)

Mayor Dennis read Ordinance No. 09-11 by title.

Councilor Bunder moved to consider Ordinance No. 09-11. The motion was seconded by Councilor Hoggatt.

Councilor Bunder stated that it is his intention to set a baseline for discussions over the next few months by going through material prepared by Historic Landmarks Foundation of Indiana. These materials have been made available to Councilors in their boxes, and are available to the public on the table with other material. He stressed the importance of the ordinance for the City's economic development, for neighborhood stabilization, and for the preservation of distinct neighborhoods.

Councilor Bunder reviewed and read parts of three documents from the Historic Landmarks Foundation. Historic preservation in Indiana is authorized by Indiana Code 36-7-11. He thanked Brian Bugajski of the City of Lafayette Community Development Department and to Tommy Kleckner of the Western Region of Historic Landmarks for their assistance in preparing the ordinance. Over 50 cities in Indiana have historic preservation ordinances. Councilor Bunder thanked Councilor Hoggatt for his research that shows that all other Big Ten university towns have these ordinances. Of Indiana major cities, only Terre Haute does not have historic preservation ordinances. He reported that this is a two-phase process: Creation of a commission, and identification of historic districts. This ordinance creates the commission. Councilor Bunder thanked former Councilor Carl Griffin, Persis Newman, and their "Gang of 22" for bringing the desire for protection of historic resources to the public. He reported that the City of Lafayette has had an historic preservation ordinance for about 18 years. He said he is happy to bring the item for the Council's consideration, and offered to take questions from the Council, and invited Carl Griffin, Persis Newman, and Jim Davidson to speak about their reasons for being interested in this.

Mayor Dennis asked Councilor Bunder whether the ordinance would be tabled. Councilor Bunder answered that it would be wise to set a date for a public hearing, immediately before or immediately after the April City Council meeting. The April Council meeting would be the first reading of the ordinance, and the second would come in May. Mayor Dennis asked Councilor Bunder if he wanted to table the ordinance until April, and then start the public component. Councilor Bunder responded that he wanted to table it, but not yet.

Councilor Hoggatt reported that he spent time reviewing the history of historic preservation and the economic impacts behind historic preservation ordinances. He distributed a list URLs of the cities with Big Ten universities, including the University of Nebraska, and their historic preservation commissions; all except Purdue have these. Councilor Hoggatt said that 70% or 80% of the proposed ordinance is taken from Indiana Code. He said that people sometimes assume that any change means negative impact. He encouraged his fellow Councilors to review the other similar communities whose websites he provided. Upwards of 50 Indiana cities and towns have historic preservation commissions, and he provided URLs of about 20 of those communities. He encouraged Councilors to look at the data, look at the historic context of historical preservation commissions that have been around for a long, long time. He said we are not doing anything new, we are very, very behind on the curve on this topic. Many of the goals of the historic preservation commission actually match a lot of the Housing Element of the Comprehensive Plan. These are either the same or similar goals as historic preservation. One interesting thing, there was discussion about the percent of owners versus the percent of renters. There has been a comprehensive study of many communities even in Indiana that have enacted historical preservation commissions, in which trends were analyzed before the enactment of preservation and since enactment of preservation. In every case, property values increased and, oftentimes, at a higher rate of appreciation than similar communities around. One interesting thing, and the only one he has statistics on currently, is Elkhart, Indiana, where 31% of their city had long-term homeownership of 20+ years. After the historic preservation, 51%. This encourages long-term residents, it encourages families that are going to invest in our community and stay here in the long term, and that is what is needed, particularly in college towns. He encouraged the Council and the Mayor to go through the data, approach this like a scientist. There is a massive amount of data; we do not need to reinvent the wheel, the wheel has been taken from all the other tribes that have already invented it and using it.

Councilor Burch asked Councilor Bunder how many people in his district have asked that their houses be put on the National Register of Historic Places, or how many people have come to him and expressed interest in having their blocks made a historic district. Councilor Bunder said that his emphasis is to see if there is sufficient interest throughout the whole City for this, and thanks to Persis Newman and Carl Griffin, they have been able to identify people from a variety of City neighborhoods who are interested in historic preservation, with the improvement of property values and with the stabilization that comes with that. He does not have numbers of people in his district who have plaques, and he has not kept a running spreadsheet of people who, over the years, who have expressed interest. The breadth of interest is worthy of attention, particularly after watching the *Tour de Lafayette* video.

Councilor Hunt said that there was a meeting on one of the Mondays of a blizzard at the Library that was very well attended on this subject, and several of the people that Councilor Bunder mentioned were present at that meeting. There is a steering committee that backs this, and she reported that work began in October. There are 18 or 20 names on a list, and four of them are from her district, and probably four or five are from Councilor Burch's district. In addition, there are six from District 2. This interest of the steering committee comes from many districts.

Councilor Dietrich asked Councilor Bunder about page 6, 24.183 j, “The Commission shall have the authority to: (1) acquire by purchase, gift, grant, bequest, devise, or lease any real...property...” He asked the source of the money to buy real property,”...to carry out the purpose of the commission....” How the commission would be funded. Councilor Bunder replied that the commission would cost about as much as the Go Greener Commission has cost, which is nothing, basically. He added that most of the material is directly related to the enabling legislation, which had a variety of drafters, some of whom got particular perks for their cities included. One of the debates was how one deals with the ability to move quickly to preserve property that is in danger, how to assist people to make contributions to historic preservation, and how to do that without making the City’s General Fund bigger. Those were concerns of the lawmakers at the time, so that it does not enrich the City. Councilor Dietrich asked where the money would come from to purchase property and easements. Councilor Bunder responded that the money for most of these cities comes from the fines that they collect, but also could come from gifts of property, if there were a non-profit organization that would have a tax benefit. Each city does this in a different way. If a city’s historic commission has no money, then it cannot do this, without a series of fines. There are larger cities that have the wherewithal to do this. Councilor Hoggatt referred Councilor Dietrich to Indiana Code 36-7-11-4.6, which was the source for this item. This would not apply, as there is no money. The authority does not enact that authority. This is forward-thinking—if a person were to donate her/his home, if there were a donation for preservation, etc. Councilor Dietrich said he thought the Council should more clearly define this item, that no tax dollars or City funds would be used. Councilor Hoggatt said that would be an easy amendment.

Mayor Dennis stated that what would be considered, if this goes through the proper public process, has the great potential to be a changed draft. That is why it is important to get the appropriate amount of public input. Council conversations and discussions from the dais are topical during the conversations, but the details are often forgotten. This is important for this community, and it is important that public affected, the public interested, and City department heads be heard. This is a weighty issue, as it changes the way the City does business, so public meetings and public input are critical.

Councilor Hoggatt motioned to change Council powers within the historic preservation commission: First, in 24.182.b on page 4, Composition; Appointment, to add, “Up to one (1) voting member of the Commission may include a member of the Common Council.” Second, in 24.182.f on page 5, Rules, to add, “All rules shall be submitted to the Common Council for approval.” Councilor Hunt supported these motions, as they follow precedents set by the Police Merit Commission and the Go Greener Commission. The motion was seconded by Councilor Hunt.

There was no discussion.

COMMON COUNCIL MEETING MINUTES, MARCH 7, 2011, CONTINUED

Clerk-Treasurer Rhodes called the roll call vote:

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|----------|-------------------|-------------------|----------------------|-----------------------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| Dietrich | ✓ | | | |
| Hoggatt | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | ✓ | | | |
| Thomas | ✓ | | | |

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

Mayor Dennis announced that the amendments to Ordinance No. 09-11 passed unanimously.

Councilor Dietrich asked if either the Police Merit Commission or the Go Greener Commission is permitted to “employ other legal counsel authorized to practice law in Indiana....” [24.183.k, page 6]. Councilor Hoggatt stated that the Police Merit Commission is. City Attorney Burns answered that the only body in the City that can do that without the approval of the City Attorney is the City Council, so that would be subject to the same rule, but otherwise it is part of the historic review state statute.

Councilor Hunt said that she liked the idea of moving slowly and having public input. She expressed hope that citizens would contact their Council representatives regarding this matter. The ordinance is on the City website, so people can look at the details. She said that at least four people from her district are on the steering committee, and she has spoken to two of them.

Councilor Burch asked if the City would have any liability, as the ordinance is currently written. City Attorney Burns answered that there might be limited liability. The State statute sets out an enabling piece of legislation. As long as we fall within that, and as long as the commission itself follows its own rules, then there is a limited set of liability circumstances. Lawsuits are always possible, but when you follow the law, successful ones are pretty rare.

Councilor Hoggatt stated that he wanted to point out what Councilor Bunder identified as a two-stage process. That is important, but Councilor Hoggatt would probably add a third stage to the process. Voting on this ordinance takes two readings, and all that does is establish a commission which will do research. This commission will figure out what historical properties the City has, how many properties are over 50 years old, etc., and then they will work with maps. All of those maps and every property that would be designated as part of an historical district or districts would come to the Common Council again for approval. It will probably be a year, if the other commissions are any guide. First, members of the commission must be appointed by the Mayor and approved by the Council, then the commission must establish its rules and bylaws, and then research would begin. Even if this passes in May, there is no shift in City policy. All this vote would do is establish a commission to do research. At some future point, maps would be provided to the Council. Every citizen and every business would have the opportunity to see those maps and comment on them. Once the map is established, the commission can only prevent demolition. For other actions, regulations, etc., there is a three-year waiting period for that. During that three-year period, the citizens within those historic districts could petition to remove their properties out of that historic district. There would be a one-year research phase, and a three-year period before the majority of the powers of the

COMMON COUNCIL MEETING MINUTES, MARCH 7, 2011, CONTINUED

commission would be in force. This is a four plus year process. This is a similar to other communities.

Councilor Hoggatt moved to table Ordinance No. 09-11 (AMENDED) to the April Council meeting, where there would be a public hearing. Councilor Burch seconded the motion.

Councilor Hunt asked if those present could still comment at this meeting. Mayor Dennis answered that they would be heard.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> | <u>ABSTAIN</u> |
|----------|-------------------|-------------------|----------------------|-----------------------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| Dietrich | ✓ | | | |
| Hoggatt | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | ✓ | | | |
| Thomas | ✓ | | | |

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

Mayor Dennis announced that Ordinance No. 09-11 (AMENDED) would be tabled until the April Council meeting.

Mayor Dennis invited citizens present to speak to this ordinance.

Speaking in favor of the legislation were Persis Newman, Jim Davidson, Philip Keller, Brian Bugajski, Dale Whittaker, Arnold Sweet, and Diane Damico.

Speaking in opposition to the legislation, all or in part, were Richard Shockley and Jan Myers.

Councilor Hoggatt stated that, under the umbrella of Certificate of Appropriateness, it is important to point out that a large majority of Certificates of Appropriateness are approved in these communities. Just because the commission would look at an issue doesn't mean that the default position of the commission is a "no" answer. The default position in all of these communities is normally a "yes" answer. As regards any ADA compliance issue, a commission of people appointed by the Mayor and approved by the Council are going to be reasonable people who are going to approve that in a Certificate of Appropriateness. In our community, we are not going to have nine radicals on an historic preservation commission that are not allowing steps to be remodeled for ADA. A thought to be considered, while there might be things that the commission looks at and says "yes" or "no" to, it's a little bit more of a process than a building permit on some of these things, but it doesn't mean building permits get turned down, and it doesn't mean that Certificate of Appropriateness gets turned down. Don't assume that the default position of the commission will be a "no" answer. Mayor Dennis added that it took 18 years for the Lafayette policy to get where it is.

Councilor Burch expressed concern that individual redress. The ordinance, as it is currently

written, seems to infringe on the rights of the individual, but fails to give the individual any real redress, except via the courts. There is no mention of an independent appeals process. She wondered whether the amendment could be rewritten along the lines of Lafayette's ordinance, which is a little more benign, and particularly it deals with the appeal process. We need a separate appeals commission from the original commission. She also said that she feels it is important specifically to clarify what the historic commission can and cannot do. She feels that the expertise of the members of the historic commission needs to be clearly defined.

Mayor Dennis called for additional discussion, but there was none. He declared the issue closed for this meeting.

City Attorney Burns asked if the public hearing date would be set. Mayor Dennis answered that it would be at the discretion of the Council.

Councilor Hoggatt said he would like the public hearing at the April Council meeting. Councilor Dietrich disagreed, saying that that time does not give the Council ample time to analyze the information received, if the initial vote would be taken at the same meeting. Councilor Dietrich prefers a standalone date, where the Council can go back, redirect questions to individuals as needed, have more feedback, rather than at the Council meeting. He supports the idea of the information coming in, but he would like to have a chance to digest that and do it without having the impending vote right away. Mayor Dennis asked if Councilor Dietrich was talking about a work session. Councilor Dietrich suggested that there be an exchange of information, but also people would have the opportunity to break out afterwards to share information. He believes it should be done separately, so that there is time between that and the vote. Councilor Hoggatt said he would be in support of a meeting before the April Council meeting. Councilor Bunder stated that he would, also. Councilor Bunder suggested that the Mayor and Councilor Hunt negotiate a date. Councilor Bunder said he wanted to bring Tommy Kleckner from the Terre Haute office of the Western Regional Office of Indiana Landmarks, and ask Brian Bugajski of the Lafayette Community Development Department to attend, so that people who are involved in historic preservation issues are heard.

Mayor Dennis agreed that he and Councilor Hunt would pick the date. Councilor Bunder said he wanted to be sure that Mr. Kleckner and Mr. Bugajski would be available. Councilor Dietrich asked that the meeting be very well publicized, so that citizens will come and add input early in the process.

COMMUNICATIONS

► Councilor Hunt thanked people who spoke at the meeting for their ongoing input.

► Councilor Dietrich commented on the Wastewater Utility Financial Management Plan, noting that the most striking column and number to him was on page 7, under "Injuries and Damages," with zero for 2009 and 2010. To be able to do all that they do with no reportable injuries deserves some attention and some applause to the staff and management.

CITIZEN COMMENTS

► Ms. Diane Damico [128 Blackhawk] that the Go Greener Commission will hold a panel discussion on "Urban Planning and Sustainable Growth" on Tuesday, March 22 at 7:00 p.m. in City Hall Council Chambers. Panelists include Purdue's Director of Campus Planning John Collier, West Lafayette City Engineer Buck, and Natural Resources Extension Planning Specialist Robert McCormick. She invited Area Plan Commission representatives who were at this meeting, and others that are interested in urban planning.

► Jan Myers [1909 Indian Trail Drive] expressed concerns about the City budget and lack of ADA compliance efforts. She asked called attention to the fact that the City website is not accessible; that the ADA policy on bulletin boards and literature racks is not followed; that the City is not following its guidelines on clearing City-maintained pedestrian walkways of snow; that the City ADA Committee has not been trained, but should have a subscription to *New Mobility*; that the fourth pedestrian crosswalk at Lindberg and Northwestern is not completed; that pedestrian buttons are not updated to current technology; that the City Hall and Morton Community Center accessibility ramps are in need of repair; that she is unable to get to the Lilly Nature Center in her chair; and asked whether there would be temporary accessibility equipment available to make the Art in Bloom garden tour on June 25 accessible, offering to provide information on such equipment. She asked the Council to stay current with accessibility issues, to provide civil rights to all citizens.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 9:10 p.m.