

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MAY 2, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on May 2, 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, Hunt, Keen, Thomas, and VanBogaert.

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

MINUTES

Councilor Keen moved for acceptance of the minutes of the March 31, 2011, Pre-Council Meeting, and the April 4, 2011, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

Mayor Dennis commented on the positive article in Sunday's *Journal & Courier* about Councilor Thomas and his family.

Mayor Dennis announced that the City of West Lafayette was recognized as the ninth fastest growing city in the nation. The report was based on housing units, which includes apartments.

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

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

PURDUE RELATIONS

Councilor VanBogaert presented this 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

No report.

BUDGET AND FINANCE

Councilor Dietrich announced that Wednesday, May 4, at 4:30 p.m. the Budget and Finance Committee will meet in the Lower Level Conference Room.

REPORT OF APC REPRESENTATIVE

No report.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor VanBogaert announced that this month's Beautification Award has been awarded to Mary and Bruno Moser of 120 Blackhawk Lane, who were not able to attend the meeting.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that the Council has received the State Board of Accounts-prescribed reports for April. As Councilor Dietrich noted, the budget process is about to begin. The State is implementing the Indiana Gateway for Government Units across the State. This will allow the City to submit the budget information online directly through a portal the State will maintain. This project has been developed by the Department of Local Government Finance and the State Board of Accounts, in cooperation with the Indiana Business Research Center at the Kelly School of Business. The information collected in the gateway will be put into a database, which will allow easy generation of reports and make it very accessible for taxpayers. The model for this project is Open Books through the Controller's Office in New York State. Clerk-Treasurer Rhodes commented that this is a fantastic project, which will enable citizens to access West Lafayette's budget information easily, as well as to compare our data to other communities across the State. Training for local elected officials and administrators will be in June. The budget calendar looks to be the same as last year, with a deadline of November 1 for budget adoption.

LEGAL REPORT

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

UNFINISHED BUSINESS

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

Mayor Dennis read Ordinance No. 09-11 (Third Amended) by title.

Councilor Keen moved that Ordinance No. 09-11 (Third Amended) be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Bunder said that the third amended version is a result of a month-long conversation with the citizens of West Lafayette, with officials from the State Historic Landmarks Association, and with the City administration. There are three parts to the creation of an historic landmarks commission and the implementation of an historic landmarks ordinance. The first is the creation of the commission itself, which is what Ordinance No. 09-11 (Third Amended) is. Councilor Bunder stated that, ordinarily, the creation of the commission goes along with the regulations for that commission. The third part is the establishment of the historic districts. Instead of keeping parts one and two together, parts two and three will be together. Councilor Bunder expressed hope that this approach would help to reduce anxiety about creation of the commission. That is the intent of this simpler third amended version of the ordinance. At the second reading in June,

he stated, the hope is to present a resolution naming the people who would be serving on the historic preservation commission.

Councilor Dietrich asked why the number of members would be nine. City Attorney Burns answered that there is a model ordinance from the State, and nine was the number of members in that model. Councilor Bunder added that it is hard to get a quorum, and a larger membership may enable that.

Councilor Hunt asked if there would be public input.

Mayor Dennis called for any citizen to speak to this ordinance.

Speaking in favor of the legislation were Carl Griffin, Tom Kesler, Dale Whittaker, and Dick Grace.

Councilor Hunt asked Councilor Bunder whether there is data to support evidence that historic preservation ordinances is an economic development enhancement to neighborhoods, as was mentioned at last week's public input meeting. Councilor Bunder restated the question, asking if there were studies that show that this is a useful economic development tool. He reported that the answer is yes. He said he would send the information from Tommy Kleckner of the Western Region of Historic Landmarks to the Councilors. Councilor Bunder said that there is so much information that a bibliography, which Mr. Kleckner has attached to his email, is useful. From the National Landmarks site, Councilor Bunder said he took a couple of state reports on the importance of historic preservation for economic development in communities. By the next meeting, we will have the information.

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 5 AYE and 2 NAY.

Mayor Dennis announced that Ordinance No. 09-11 (Third Amended) passed on first reading.

NEW BUSINESS

Ordinance No. 10-11 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (University Terrace, LLC, PDMX to PDMX) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 10-11 by title.

Councilor Keen moved that Ordinance No. 10-11 be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Kelly Good (KJG Architecture), representing the petitioner, distributed renderings and photographs to the Council. The site is located on State Street and South Salisbury Street, the site of the Jiffy Lube. In 2003, this was zoned PD with two components, a 4000 square-foot retail center and a 24-unit apartment complex. The 4000 square-foot retail center was never built. This Planned Development is to complete the 2003 plan, and bookend the existing 24-unit apartment complex. The building will be three-stories with lower level parking and 25 apartment units. The site slopes from north to south. The lower level parking structure contains 28 parking spaces, accessed directly from State Street, as a right-in and right-out entrance/exit. No left turns will be allowed from State Street, either in or out of the project. The first level parking structure will be accessed from Salisbury Street, a left-in and left-out entrance/exit. Since Salisbury Street is one-way south, this determined the entrance and exit. There is also a dedicated loading zone on Salisbury Street. The landscaping has green space at the northwest corner, as well as on the west, south, and east sides. There is 14% green space on the site. There is a 1300 square foot terrace above the first floor parking, and has two outdoor planting areas and will have outdoor seats and tables, a great amenity for students close to campus. There will be 53 bedrooms in the three-story structure. There are 54 parking spaces, three of which are on the planned development directly to the south of this project. The building layout is that the lower level will have efficiency apartments and 28 parking spaces; the first floor will have apartments, a leasing office, and 23 parking spaces; and the second and third floors will have apartments. There is an option on the main level to convert the apartments and leasing office to retail space in the future. Another option is to convert the leasing office into a one-bedroom apartment. These options were created after discussions with Area Plan Commission and the West Lafayette City Engineer's Office. The building is primarily masonry with limestone accents.

Councilor Burch asked Mr. Good to clarify what would be on the first level. Mr. Good said that the plan is for the first level to have two two-bedroom units, one three-bedroom, and a leasing office, with the option of converting it to 3268 square feet of retail, or converting the leasing office to a one-bedroom unit. Even if the leasing office were converted, there is one extra parking space available for the planned number of bedrooms.

Councilor Thomas asked Mr. Good to speak about the entrance and exit from State Street, and controlling those driving west on State Street wishing to turn left into the parking entrance. Mr. Good answered that, currently, people drive through the Jiffy Lube to get to the 24-unit planned development, the building on the corner, and the Jiffy Lube itself. With this building, only people parking in the building will go there. In addition, there is a double-yellow line. Mr. Good stated that how to control it is a good question.

Councilor Dietrich asked what the distance is from the corner of the entrance to the parking on State Street to the corner of Salisbury. Mr. Good answered that he did not know. Councilor Dietrich said he is concerned about the distance to the intersection, guessing that it is similar to what exists now with Jiffy Lube, and the distance is problematic, being close to the stoplights, the intersection, and everything going on. He would prefer to see a longer distance. Captain Leroux stated that, after last Thursday's Pre-Council meeting, they have started an analysis of accidents at Salisbury and State Street at the Jiffy Lube entrance. No data raised concerns of the Police Department.

Councilor Hunt said that when the America in Bloom judges were here, the judges stood at

Triple XXX and looked across, commenting that the City could “do better than that,” thinking that the area where the green space is planned should be a green space. Councilor Hunt stated that she is appreciative of the extra effort. She said she is also concerned about the right-in, right-out entrance/exit, that people do not always obey the signs.

Councilor Bunder stated that this is a fine project. His thought is that, driving south on Salisbury Street is supposed to turn right on State Street, but his guess is about one in three vehicles jogs slightly to the left, heading across the street.

Councilor Keen said that the rendering shows the large utility pole is removed. He asked Mr. Good what the probability was that the utility pole would be moved, and what the contingency is if the pole cannot be moved. Mr. Roger Fine [John E. Fisher & Associates, site surveyors and engineers for the project] answered that the pole has two or three utilities on it, and it will be expensive to move. There are no guarantees. Councilor Keen asked what the contingency is, if the pole is not moved. Mr. Fine said there are five or six businesses that depend on the services on the pole. There is no contingency at this time, but a compromise would be desired.

Mr. Fine and Councilor Dietrich discussed the distance from the parking entrance on State Street to the intersection at Salisbury. Mr. Fine determined that the distance is 80 feet to 100 feet.

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 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 10-11 passed on first reading

Resolution No. 02-11 A Declaratory Resolution Approving The Designation Of An Economic Revitalization Area For Personal Property Tax Abatement For Dow AgroSciences, LLC (Prepared by the Office of the City Attorney)

Mayor Dennis read Resolution No. 02-11 by title.

Councilor Keen moved that Resolution No. 02-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Ms. Roberta Ressler, representing Dow AgroSciences, introduced Ms. Elisha Modisett Kemp, State Government and Public Affairs Manager at Dow AgroSciences, and Ms. Jamie Snead, a tax specialist with The Dow Chemical Company of Midland, Michigan. Ms. Ressler made a brief presentation that outlined the plan for Dow AgroSciences in the Research Park.

Councilor Burch thanked Ms. Ressler for considering West Lafayette and the Purdue Research Park.

Councilor Dietrich asked if this were a 10-year abatement, and whether that is standard length. He said that there should be a five-year review period. Mayor Dennis said that, once tax abatement is granted, there is an annual review. Director of Development Poole confirmed that there is an annual review, where the current employment and investment levels are as a company anticipated.

Councilor VanBogaert asked how many similar abatements are in place. Director of Development Poole answered that there are currently 14 in total, ranging from real estate to personal property.

Councilor Keen asked for a review of the taxes that will be paid over the life of the abatement, versus the amount abated. Ms. Jamie Snead answered that there will be \$600,000 in revenues to all taxing jurisdictions in Tippecanoe County, based on the contributory value of the real property improvements, the build-out of the lab space, and the unabated personal property as the abatement phases out over the 10-year period. Councilor Keen said if Dow AgroSciences were not moving here, there would be no tax revenue. Ms. Snead concurred.

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 AYE and 0 NAY.

Mayor Dennis announced that Resolution No. 02-11 passed on first and only reading.

Resolution No. 03-11 A Resolution To Approve The West Lafayette Public Library Capital Funds Project (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read Resolution No. 03-11 by title.

Councilor Keen moved that Resolution No. 03-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Nick Schenkel, Director of the West Lafayette Public Library, thanked those who participated in the recent West Lafayette Memories activity, particularly the Clerk-Treasurer's Office, Morton Community Center, and the Fire Station. He acknowledged the Library Board members and Friends of the Library who were in attendance.

Mr. Schenkel reported that the West Lafayette Public Library is busy and continues to grow. He stated that he is requesting approval of the 2012 Capital Projects Fund. The current tax rate of \$0.0133 will not increase. The Library Capital Projects Fund is used to provide two services to the community. First, the Library's parking garage is well used by the Library, by Morton Community Center, and by the larger community. Mr. Schenkel said that the Library appreciates the City's continued commitment to helping the Library keep the garage in good repair. Secondly, computer services are funded through the Capital Projects Fund. The computer services are heavily used by the community. The wireless internet alone saw over 900 individual devices accessed in April. The more than 30 PCs are used hundreds of times each month by members of the community. The Capital Projects Fund is also used to support the Library's membership in Evergreen Indiana, a consortium of nearly 100 public libraries across Indiana, offering member libraries central computing services for circulation and cataloging, saving the Library thousands of dollars in computer costs each year. Library patrons have access to over 5 million books, in addition to the Library collections, because of Evergreen Indiana, and that number is growing. West Lafayette Library is averaging about 850 books lent to Evergreen Indiana member libraries. Mr. Schenkel summarized that the Library Capital Projects Fund gives the community access to parking for the Library and Morton Community Center, and provides a robust and ever-expanding computing service, including access to millions of books from libraries around the State of Indiana. He thanked the Council for their time and asked for their approval.

Councilor VanBogaert asked about the assessed valuation of the Library, reported to be \$736,531,370. Mr. Schenkel clarified that that is the total property assessment in the Library's district.

Councilor Burch asked about the time for the grant from the Bill and Melinda Gates Foundation. Mr. Schenkel answered that it was for 2010 and for 2011. Councilor Burch asked if the Library would be seeking further grants from that foundation. Mr. Schenkel said that the Library would pursue other sources for computing and other sources, as the Gates Foundation grant was for two years only.

Councilor Hunt asked if ebooks are new this year. Mr. Schenkel said that the program offering ebooks began in July 2010, and people discovered them in late December. That program is part of a consortium with 14 other public libraries across Indiana that offers a growing selection.

There was no further discussion.

Councilor Burch motioned to open the public hearing on Resolution No. 03-11. Councilor Keen seconded the motion. The motion passed by unanimous voice vote.

Mayor Dennis opened the public hearing.

There were no comments from the public or from the Council.

Councilor Burch motioned to close the public hearing on Resolution No. 03-11. Councilor Keen seconded the motion. The motion passed by unanimous voice vote.

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 AYE and 0 NAY.

Mayor Dennis announced that Resolution No. 03-11 passed on first and only reading.

CITIZEN COMMENTS

► Ms. Jan Myers (1909 Indian Trail) said that, as she looked back over Council minutes, the minutes are becoming more abbreviated, yet the meeting is recorded. She asked what the required length or inclusion on minutes of Council meetings. City Attorney Burns answered that the law is that there needs to be a rendition that is sufficient for the Council to determine what motions have been taken, what actions have been taken, and, if there’s a public hearing, to record that. The minutes now are in excess of the legal requirement, and it’s a question of the pleasure of the Council as to how much detail the Council wants, in working with the Clerk-Treasurer. The fact that there are recordings adds to the completeness of the records, so that people can identify a particular issue and listen to the tapes if they want to. Obviously, that is part of the public record also. Ms. Myers said that her reason for asking is that, when she looked at the minutes of April 4, a number of the committee standing reports were, “which will be on file in the Clerk’s Office.” She asked if that meant that, if a citizen wants to see that report, they must come to the Clerk’s Office, and since it’s in future tense, “will be on file,” when does that happen. She said that as the minutes are more abbreviated, she has more questions. Clerk-Treasurer Rhodes said that the reports are normally filed with her office either before the Council meeting or at the Council meeting, and that they are made accessible through the agenda. They are available in the Clerk’s Office, and Clerk-Treasurer Rhodes said they are willing to disseminate them. West Lafayette does not have a consent agenda, but the acceptance of reports operates as a consent agenda. The reports are provided by the members, and it is noted that they have been filed with the Clerk-Treasurer. By the end of a meeting, all of the reports that have been presented are available. Ms. Myers asked if she were correct to read the “will be on file” as “is on file.” When is “will” completed. Clerk-Treasurer Rhodes responded that the language is taken as the intent of the chair that the reports will be on file. Clerk-Treasurer Rhodes said she would examine the conditional tense that would be appropriate. The intent is that the Clerk-Treasurer is directed to retain all the reports as public documents. Ms. Myers observed that, since transcriptions are no longer done, her comments are becoming summarized. In the April 4 meeting, Ms. Myers said she was supposedly talking about the myths of roundabouts. When she was at the podium, she was summarizing research studies that have been done by the Federal Highway Administration and other countries that have had roundabouts for many decades. She was surprised, and since she is not a Council member, how does she ensure that her comments are accurate. She said she was surprised to read that she was talking about myths; she didn’t know she was in a literature class.

Ms. Myers said her other point is that, from time to time, to support what she says on some of the findings on other topics, she has provided website addresses, with the anticipation that they

would be available to the public for other people interested. She has not seen those in the minutes at all.

► Mr. Thomas Kesler (479 Maple Street) said that speech recognition is an ongoing research project in the computing world. He said that there might come a day when, on the desktop, we could have speech recognition software that could transcribe the string of different individuals and maybe get all the words down in the minutes. That's something to consider for the future. Clerk-Treasurer Rhodes said that the Council controls the minutes through their approval process, and that she responds to direction from them.

► Councilor Keen said that he could get online and see the public safety reports. He could have read them earlier from the City's website. Most of the reports are already online before the meeting.

► Councilor Hunt said, over the years, Clerk-Treasurer Rhodes has asked the Council frequently how specific the Council wants the minutes. She said that while the Council has never voted on this, input has been solicited. The Council in the past has been willing to cut down some of the longer verbiage. Clerk-Treasurer Rhodes said she looks for feedback from the Council. Before the minutes are approved, they are in draft form, and the Council has, in the past, asked for less summarization, and her office is responsive to these comments and from the public. She thanked Ms. Myers for her comments.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:30 p.m.