

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
DECEMBER 5, 2011

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on December 5, 2011, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

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.

OATHS OF OFFICE FOR ELECTED OFFICIALS AND COMMON COUNCIL

Judge Michael Morrissey thanked all the Councilors, saying that they do a wonderful job. He has worked a long time with Clerk-Treasurer Rhodes. As a lifelong resident of West Lafayette, he said he is proud of the work that everyone in the City does, including the department heads.

Judge Morrissey administered the oaths of office to Mayor Dennis, Judge Stein Sabol, and Clerk-Treasurer Rhodes.

Judge Morrissey thanked Mayor Dennis for the honor of administering the oaths, and congratulated him on his great four years.

Mayor Dennis administered the oaths of office to the Council as a group. He thanked the Councilors for their service and congratulated them on their re-elections.

MINUTES

Councilor Keen moved for acceptance of the minutes of the November 3, 2011, Pre-Council Meeting, and the November 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 Dietrich said that he and the other Councilors had received an email from a resident of Windsor Drive, asking about the streetlights in the area of construction along Windsor and Carlisle. Councilor Dietrich asked if there was a formal process to request streetlights. City Engineer Buck answered that citizens generally ask the Engineering Department. On a case-by-case basis, the Traffic Commission may review the request. The Engineering Department goes to the surrounding neighbors who would be impacted by the view of a streetlight. There is no formal process. Councilor Dietrich asked for confirmation that requests should go to the Engineer's Office. City Engineer Buck said yes. Councilor Burch asked City Engineer Buck if it would help if people in a neighborhood signed a petition to request a streetlight. Mr. Buck answered that would be helpful for a permanent streetlight. There are a small number of streetlights on the block from Carlisle to Northwestern on Windsor Drive. The contractor will be asked to provide temporary lighting. It is not likely that Duke Energy would be able to set a streetlight in the time that remains on the project, the disruption will be there. Residents have been asked to leave porch lights on. General contractor lighting used for night

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work is a large generator with a tower of lights on it. That would be too bright. For permanent improvement in street lighting, the Engineer's Office looks at resident input and at the budget. Councilor Dietrich asked if the Department uses meters that measure foot-candles. City Engineer Buck answered that the City has not adopted a standard, such as Purdue uses. Mayor Dennis said that, generally speaking, the petition would be the first step to a permanent streetlight.

PUBLIC SAFETY AND ORDINANCE

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

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

No report.

BUDGET AND FINANCE

No report.

REPORT OF APC REPRESENTATIVE

Councilor Keen announced that Faith Communities would be discussing their plans for the old Campus Inn/Champions Centre site at the APC meeting on December 21 at 7:00 p.m.

SPECIAL ACTIONS

Election of Council Appointments to the Redevelopment Commission

Councilor Hunt said that the Council makes two appointments to the Redevelopment Commission, each for one year. She renominated Larry Oates and Joanna Grama as the Council appointees. Councilor Burch seconded the motion.

Clerk-Treasurer Rhodes called the roll call vote on the nomination of Larry Oates to serve another term on the Redevelopment Commission:

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

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

Mayor Dennis announced that Larry Oates was re-elected unanimously to serve another term on the Redevelopment Commission.

Clerk-Treasurer Rhodes called the roll call vote on the nomination of Joanna Grama to serve another term on the Redevelopment Commission:

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

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

Mayor Dennis announced that Joanna Grama was re-elected unanimously to serve another term on the Redevelopment Commission.

Mayor Dennis said that these are good representatives who serve the City well in their capacity on the Redevelopment Commission.

Nomination for Replacements on the Traffic Commission from District 3 and District 2

Councilor Hunt said that the Traffic Commission has a representative from each Council district, in addition to other members. The District 3 representative has resigned from the Commission due to family obligations. Because that term ends December 31, 2013, Councilor Hunt nominated Andrew Hirsch to complete that term. Councilor VanBogaert seconded the motion.

Clerk-Treasurer Rhodes called the roll call vote on the nomination of Andrew Hirsch to serve an unexpired term on the Traffic Commission, representing District 3:

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

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

Mayor Dennis announced that Andrew Hirsch was elected unanimously to serve an unexpired term on the Traffic Commission from District 3.

Councilor Bunder renominated Boudewijn van Gelder to represent District 2 on the Traffic Commission. Councilor Burch seconded the motion.

Clerk-Treasurer Rhodes called the roll call vote on the nomination of Boudewijn van Gelder to serve another term on the Traffic Commission, representing District 2:

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

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

Mayor Dennis announced that Boudewijn van Gelder was reelected unanimously to serve another term on the Traffic Commission from District 2.

Election of Council President

Councilor Keen nominated Councilor Hunt to continue as Council President. Councilor VanBogaert seconded the motion.

Clerk-Treasurer Rhodes called the roll call vote on the nomination of Councilor Hunt to serve as Council President for 2012:

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

Clerk-Treasurer Rhodes stated that the vote was 6 AYE and 1 ABSTAIN.

Mayor Dennis announced that Councilor Hunt was re-elected to serve as Council President for 2012.

Councilor Hunt said that she appreciates the Councilors' trust in her.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that about a month ago, most people paid property taxes. The County is having some updates done on its accounting program, so there have been no advance draws; none of the taxes collected as of November 10 have been released. The City will have greater reliance on temporary loans through the three payrolls in December. However, the City is supported by the Wastewater Treatment Utility Improvement Fund, which balance has remained stable at over \$10 million again this year.

There is a very interesting change occurring in the City's financial reporting for the coming year. A new fund balance reporting requirement for the year-end financial statements is being implemented. With intent of improving the usefulness of the fund balance information, new classifications have been created, which are supposed to provide better indication of the relative constraints placed on how

resources can be used in a fund. Fund balances will now be reported as non-spendable, restricted, committed, assigned, or unassigned. These will overlay the appropriation and encumbrance controls. The State Board of Accounts has set up some implementation guidelines, which will be discussed with the Council. There will be the opportunity to review the new reporting formats and possibly to create some new financial policies related to the new classifications.

The November State Board of Accounts reports have been filed with the Council.

Councilor Keen asked Clerk-Treasurer Rhodes if there was any possibility of getting even a partial distribution of tax revenue before the end of the year. Clerk-Treasurer Rhodes answered that she was advised that at least one of the parties was optimistic about having a settlement at the end of the year. However, that was not the party who does the settlement. Clerk-Treasurer Rhodes said that there has been one small advance draw in the fall, but there have been no advances of any substance at all this year. All governmental units have had to rely on borrowing money or temporary loans to make payroll. It is a situation that most businesses could not survive.

LEGAL REPORT

City Attorney Burns stated that the legal report would be on file tomorrow morning. He said he left his office with the wrong file today.

UNFINISHED BUSINESS

Ordinance No. 26-11 An Ordinance Requesting An Additional Appropriation And Transfer Of Funds For The Police Pension Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read Ordinance No. 26-11 by title.

Councilor Keen moved that Ordinance No. 26-11 be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that passage of the ordinance would allow the City to pay pension benefits through the end of the year, as well as do a small transfer necessitated by having a pension secretary who is subject to Medicare payroll tax.

Mayor Dennis asked for a motion to hold the public hearing. Councilor Burch moved to open the public hearing. Councilor Keen seconded the motion. There was no discussion. Mayor Dennis announced the public hearing was open.

There were no comments or questions from the Council or the public during the public hearing.

Mayor Dennis asked for a motion to close the public hearing. Councilor Burch moved to close the public hearing. Councilor Hunt seconded the motion. There was no discussion. Mayor Dennis announced the public hearing was closed.

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. 26-11 passed unanimously on final reading.

Ordinance No. 27-11 (First Amended) An Ordinance Repealing And Replacing Chapter 116 (Storm Drainage And Sediment Control) Of The West Lafayette City Code (Sponsored by Mayor John Dennis)

Mayor Dennis read Ordinance No. 27-11 (First Amended) by title.

Councilor Keen moved that Ordinance No. 27-11 (First Amended) be passed on second reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen moved that Ordinance No. 27-11 (First Amended) be amended by substitution with Ordinance No. 27-11 (Second Amended) as was distributed earlier. Councilor Burch seconded the motion.

Councilor VanBogaert called for a point of order, noting that this was the first reading of Ordinance No. 27-11 (First Amended). Councilor Keen acknowledged the misstatement.

Councilor Hunt said that she had another amendment. In Pre-Council, there were two abbreviations, NOI and NOT (page 41) that she felt should be clarified, as well as inclusion of Tippecanoe River in the Recreational Waters listing (page 51). These are in the Second Amended version. Councilor Hunt moved to add her changes.

City Attorney Burns asked if Councilor Hunt's changes were in the Second Amended version as distributed. Clerk-Treasurer Rhodes said that they are.

Mayor Dennis stated that the Second Amended has Councilor Hunt's changes in it. Councilor Hunt said that the changes had not been voted on at Pre-Council, so they should be added, even though they are in the Second Amended version. City Attorney Burns said that would be fine, to take the amendment first to add Councilor Hunt's changes.

Mayor Dennis asked for a second to the motion to add Councilor Hunt's changes. Councilor VanBogaert seconded the motion to add Councilor Hunt's changes. Councilor Hunt said "Creek" was added to "South Fork of the Wildcat" under Outstanding Waters. She asked City Engineer Buck to discuss the value of adding the Tippecanoe River to the list of Recreational Waters.

City Engineer Buck said that the Second Amended version has the changes, definitions of NOI and

NOT, and the inclusion of the Tippecanoe River added to the list of Recreational Waters. Burnett Creek is on the list already, and that creek flows into the Tippecanoe River, so it makes sense that the list match with the Impaired Waters listing, which has both items on it already. It does provide continuity in discussing matters with developers and people seeking permits, in terms of erosion control and water quality that those waters would all be affected the same. It does not matter if they are recreational or impaired. It is sort of a belt and suspenders situation.

Councilor Dietrich asked for clarification of the three items that were at each Councilor's place at the beginning of the meeting: The Second Amended ordinance to be considered contains both Councilor Hunt's changes to the First Amended ordinance and the First Amended ordinance. Clerk-Treasurer Rhodes answered that he was correct. Mayor Dennis said the Council would have a voice vote to make sure that the changes are included. Councilor Hunt said that in the Second Amended, page 44 contains the definitions, and page 51 contains the other changes she asked for. Clerk-Treasurer Rhodes said that at each Councilor's place were: (1) the First Amended, which the Council enacted at Pre-Council; (2) the changes Councilor Hunt and City Engineer Buck noted; and (3) the Second Amended, which incorporates the changes. Councilor Hunt said she appreciated the Clerk-Treasurer putting them together.

The voice vote to include Councilor Hunt's changes in the Second Amended version was unanimously passed.

Councilor Hunt said that a lot of work went into the ordinance, and she appreciated it.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote on the first reading of Ordinance No. 27-11 (Second Amended):

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

Clerk-Treasurer Rhodes stated that the vote on Ordinance No. 27-11 (Second Amended) was 7 AYE and 0 NAY.

Mayor Dennis announced that Ordinance No. 27-11 (Second Amended) passed unanimously on first reading.

NEW BUSINESS

Ordinance No. 28-11 An Ordinance Amending The Perimeter Parkway Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 28-11 by title.

Councilor Keen moved that Ordinance No. 28-11 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 designed to provide more efficiency in handling restricted contributions and grant reimbursements, which are the sole revenue sources to the Perimeter Parkway Fund. Neither source requires appropriation. Appropriation is required for the City match for this project. That appropriation occurs in the Economic Development Income Tax Fund and in the Levee/Village Surplus Fund. She said that City Engineer Buck might wish to review the approval process that resulted in the Perimeter Parkway Project being on the TIP plan.

City Engineer Buck said that the projects that are involved in the Perimeter Parkway have gone before several bodies, Tech Highway and the APC Administrative Committee among them. The project was adopted into the five-year TIP, the Transportation Improvement Plan, in the larger Transportation Plan itself. All the projects in the TIP are approved and adopted by all the member jurisdictions of the Area Plan Commission, the City of West Lafayette being one of them. No changes have been made to that plan. Any substantial changes made to those projects would go back through the approval process, and the Council would see those. The adopted version of the projects is still valid, and, when federal money is available, the projects are begun.

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. 28-11 passed unanimously on first reading.

Resolution No. 15-11 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 15-11 by title.

Councilor Keen moved that Resolution No. 15-11 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this ordinance is the process needed to appropriate recovery received under the City's insurance policies for damage to City property. The first item is for the Police Department and was for damage to a vehicle. The second item is due to damage to City Hall campus during an electrical storm this past summer. We have vendors waiting to be paid. We just received the recovery from the insurance company.

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. 15-11 passed unanimously on first and only reading.

COMMUNICATIONS

► Councilor Burch said that Pearl Harbor Remembrance Day is Wednesday, December 7. It has been 70 years since the Japanese attack on Pearl Harbor. The Tippecanoe County Veterans Council will hold a Pearl Harbor Day memorial observance at 12:15 p.m. on Wednesday at Riehle Plaza. After the speakers' remarks, the program will move to the Myers Pedestrian Bridge, where a wreath and individual flowers will be tossed into the Wabash River in remembrance of the attack. Please attend if your schedule allows.

CITIZEN COMMENTS

► Ms. Jan Myers (1909 Indian Trail) said that hers is a show and tell, showing that trees can be turned into pieces of artwork. She showed a bowl from a diseased maple with a black walnut foot.

► Mr. Thomas Kesler (479 Maple Street) congratulated everyone on the recent election, especially those who received 100% of the vote. He said he is worried that the uncovered trashcans in the alleys will continue, and that garbage will continue to spread across the alleys because the animals come through and look for food. He reported that he was in the alley behind his home yesterday in the rain, tossing his neighbors' food scraps back into the trashcan. He said he would like not to have to do that again, but he would continue as long as they are uncovered, so that the block where he lives does not look like a pigsty.

Mayor Dennis said that the City is in the process of resolving that problem.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:15 p.m.