

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
SEPTEMBER 4, 2012

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on September 4, 2012, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

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

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Police Chief Dombkowski, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, Information Technology Manager Newman, and Director of Development Poole.

#### MINUTES

Councilor Keen moved for acceptance of the minutes of the August 2, 2012, Pre-Council Meeting, and the August 6, 2012, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

#### 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.

At the request of Councilor Hunt, Fire Chief Heath spoke about the pinning ceremony that took place earlier on August 6. He stated that the Fire Department pinned the most recent ten promotions, which included three sergeants, two attendants, and five captains. Additionally, Deputy Chief Schutter, promoted last March, was pinned at this ceremony.

Mayor Dennis and Fire Chief Heath noted that the Fire Department promotions complete the chain of command and gets it in compliance, finalizing the restructuring of the department that had been in progress for the past several months.

#### PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University, including a ceremony mourning the loss of astronaut Neil Armstrong, the first man to set foot on the moon. Armstrong, a 1955 graduate of Purdue's Aeronautical Engineering Department, died on August 25. Councilor VanBogaert noted that Purdue is still producing those engineers, including Riley Avron, a current sophomore in that program, who developed an iPhone application that is helping to drive the robot Curiosity on Mars right now.

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.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that at last month's APC meeting, case Z2501 (Scheumann Properties), which is the development of land between Kalberer Road and 500 N, east of Salisbury, had an inconclusive vote with 7 in favor, 5 against. It is required to have 8 votes one way or the other. Therefore, the case will be heard again this month.

PUBLIC RELATIONS

West Lafayette Community Beautification Award

Councilor Hunt presented the West Lafayette Community Beautification Award to Mike Long, a graduate horticulture student, who has a small garden on a balcony in Blackbird Farms Apartments.

Mr. Long thanked the Council and the Beatification Committee for the award, and said how pleased that his small garden was recognized amongst the prior large entities that have won this award, showing that West Lafayette recognizes different aspects of beauty.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the State Board of Accounts reports for August have been filed. The budget will proceed with public hearing tonight, and the final reading will be at the October meeting. On a parallel track, County government is working on trying to get the certified assessed valuation for pay 2013. It is expected to be done late September to mid-October. Also, the County Council will conduct a non-binding review of the City's budget on September 20 at 6:30 p.m. There will be a work session with two County Council members later this week on the budget. So while the Council may not meet again, several other parties may be working on the budget this month.

LEGAL REPORT

This report will be on file in the Clerk-Treasurer's Office.

Councilor Bunder asked that the legal report be attached to the agenda.

City Attorney Burns responded that it would be done.

SPECIAL REPORT

Historic Preservation Ordinance

Mayor Dennis explained that the purpose of this presentation is to give an update on the historic preservation ordinance, at the request of Councilor Hunt.

Director of Development Poole explained that approximately one year ago, the Council approved an ordinance establishing a Historic Preservation Commission, which is also a working group. The group is trying to create an ordinance from scratch. He explained that in order for this ordinance to move forward, there are three pieces that need to be put together. The first is the ordinance itself, the second is a map of the local districts, and the third is a resource guide. For the first piece, the ordinance is in draft form, and the group believes the language of the document is approximately 95% complete, but it is not ready to be released.

The second piece, the district map, tells where the rules of the ordinance will be in place. The group decided that they will come forward to the Council once both the map and the ordinance are in place, and seek approval at that time. The map shows two national historic districts; one district is for Hills and Dales, the other is for New Chauncey neighborhood. Those districts are being used as the group's basis for historic districts. The group has split into two teams to determine if the boundaries of those districts need to expand or contract, by going around those boundaries and deciding if there are areas that need included in the local district or not. The group as a whole will then create a local historic district based on the commonalities the teams discover. After that, they will assign contributing or non-contributing status to each property within the district; much of which has already been established based on the national boundaries. Then there will be meetings with the neighborhood organizations to get their feedback and possibly incorporate that into the map. The third piece, the resource guide, includes things such as roof, shingle, and window styles, which will help guide the Commission to make a decision when looking at a case for a new addition, or for a façade repair within an established local district. The group is seeking permission to use parts of the guide book already made for Lafayette. The Commission is looking for the ordinance and map to be complete this year, and the resource guide will be later.

Councilor Dietrich asked for an explanation of the difference between contributing or non-contributing properties.

Director of Development Poole responded that an example is a difference between structure styles of the home. A Queen Ann style home would be contributing, while a ranch style would be non-contributing. In response to another inquiry from Councilor Dietrich, Director of Development Poole said that there would not be much of an impact on the homeowner. If a house is contributing, then it would be looked at closer when improvements are made to the home.

In response to an inquiry from Councilor Burch, Director of Development Poole said that the map will be part of the ordinance itself; there are not two separate ordinances. The map delineates the area within which the ordinance will be used.

Councilor Bunder thanked Director of Development Poole and the Historic Preservation Commission, including Mary Cook, for the time they have spent on this project.

### UNFINISHED BUSINESS

Ordinance No. 20-12 An Ordinance Requesting An Additional Appropriation For The General Fund And Economic Development Income Tax Fund (Prepared by the Clerk-Treasurer) Public Hearing

Mayor Dennis read Ordinance No. 20-12 by title only.

Councilor Keen moved for passage of Ordinance No. 20-12 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch moved to open the public hearing. The motion was seconded by Councilor Keen.

Taking the consent of the Council the Mayor opened the public hearing.

There were no comments

Councilor Keen moved to close the public hearing. Councilor Burch seconded the motion.

Taking the consent of the Council the Mayor closed the public hearing.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 20-12 passed on second and final reading.

Ordinance No. 21-12 An Ordinance Setting The 2013 City Budget And Setting The 2013 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) Public Hearing Only

Mayor Dennis read Ordinance No. 21-12 by title only.

Councilor Keen moved for Ordinance No. 21-12 to be considered for public hearing. The motion was seconded by Councilor Burch.

Jan Meyers (1909 Indian Trail) presented an idea from Dover, England, on how to add revenue, showing a newspaper with the headline *Pooper Troopers*. She stated that these troopers are hired to go after litter, dog feces, graffiti, and other things. Concerning the budget ordinance, Ms. Meyers questioned if the handouts on the table is all that is publicly available.

Clerk-Treasurer Rhodes responded that no, it is not, there is other detail publicly available. It is on file in the Clerk-Treasurer's office and is available to anyone who asks.

Ms. Meyers stated that the City's webpage is inaccessible to for people who are disabled. She wondered if the website would be something looked at by the Americans with Disabilities Act (ADA) consultant. When looking at the budget, she felt certain funds were going down a sizeable amount and wondered where the budget allowed for ADA compliance

Mayor Dennis stated that the ADA work is done as the road construction is done, and the money included for the project includes ADA compliance; there is no line-item on the budget for it. The projects themselves are indicative of compliance.

Ms. Meyers said that considering the City's current status on ADA compliance, she was surprised that one budget item went down by nearly 22%, and another item going down over 12%, and again wondered how the City can have the funds for compliance.

Clerk-Treasurer Rhodes responded that there are two line-items going up by a substantial amount. For example, Cumulative Capital Development and Economic Development are going up primarily because they contain several major road projects with major ADA components. The projects include Salisbury Phase III, beginning work on Happy Hollow Road reconstruction, and Yeager Road Phase II. This is one of the reasons the budget is 9.2% higher this year.

Ms. Meyers wanted everyone to be aware of the seriousness of the not having public (ADA) access to the web page because there are some issues with the newspaper and the bulletin board. She stated that she has never seen a publicly announced meeting of the Historic Preservation Commission.

There were no further comments.

Councilor Keen moved to close the public hearing. Councilor Burch seconded the motion. The motion to close the public hearing was approved on voice vote.

There was no further discussion.

**NEW BUSINESS**

Ordinance No. 22-12 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2013 (Submitted by Mayor John Dennis)

Mayor Dennis read Ordinance No. 22-12 by title only.

Councilor Keen moved for Ordinance No. 22-12 to be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis explained that this is part of the salary ordinance of the budget, and it reflects a 2% pay increase.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 22-12 passed first reading.

Ordinance No. 23-12 An Ordinance To Fix The 2013 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Mayor Dennis read Ordinance No. 23-12 by title only.

Councilor Keen moved for Ordinance No. 23-12 to be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes reported the Board of Public Works and Safety approved this schedule at its last meeting.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 23-12 passed first reading.

Ordinance 24-12 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2013 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 24-12 by title only.

Councilor Keen moved for Ordinance No. 24-12 to be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor VanBogaert asked if these salaries are the same as fiscal year 2012.

Clerk-Treasurer Rhodes responded that it reflects the 2% raise for the full-time officials, the Mayor, the Clerk-Treasurer, and the part-time Judge. The Council salary is the same.

Councilor Hunt commented that she has been on the Council for 9 years and there has not been a raise in those years. She stated that the salary for the Council members is \$4,800.00 per year, while the Lafayette Council members receive over \$15,000.00 and get raises. She feels that a raise for the Council members should be considered for next year.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 24-12 passed first reading.

Ordinance 25-12 An Ordinance Requesting An Additional Appropriation For The General Fund  
(Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 25-12 by title only.

Councilor Keen moved for Ordinance No. 25-12 to be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes reported that this additional appropriation is necessitated by a new pension reporting system that the State anticipates implementing for the fourth quarter of this year. This project has been in the works for well over a year and it appears that the State will succeed this time. It affects the 1977 Police and Fire pensions. Under the current system, the City remits pension payments for any quarter in arrears. The new system will have pension contributions made on a payroll schedule basis similar to what already exists for civilians. As we do cash-based budgeting, we budget for four quarters of 1977 pension payments per year. That would be the payment that is related to the fourth quarter of the prior year, and the first three quarters of the current year. This year, there will be five quarterly payments made. The State plans to go live for the fourth quarter, but they are still testing the system and ironing out difficulties. If the system goes live, the City will need to make the fifth quarter pension contribution. It is a one-time payment of \$323,445.00 with \$123,600.00 being for the Police Department pensions, and \$199,845 being for Fire Department pensions. It was not put in the budget this year because it was not anticipated that the State would be implementing the new system this year. If the new system is not implemented, the additional appropriation will not be needed and this authority will lapse at year-end. This amount is fully funded in the 2013 budget.

Councilor VanBogaert asked if the cash-basis budgeting is something that is required for how the books are done, or if it something that we elect to do. He stated that it does not seem to be the ideal format for accounting in government.

Clerk-Treasurer Rhodes responded that the State prescribes keeping cash-basis records, even if reporting is done on an accrual Generally Accepted Accounting Practice (GAAP) basis. Cash-basis reporting has reduced audit time and the costs of supporting the function. In part, cash basis records appear to be easier for the public to understand. GAAP reporting has been used in the past, but it requires a certain level of knowledge of accounting to be able to interpret those reports. This pension situation requires an additional appropriation. It is possible that a new

accounting system would allow us to keep accrual records, but our current accounting system does not allow for it. There are plans to upgrade the system. We could do conversions to accrual every month, and do to some extent do so for the Utility currently, but we do not do that for the City side because of the labor involved. When we have a new system, it can be set up to automatically do accruals. That is the cost-effective way to tackle this problem. There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 25-12 passed first reading.

Ordinance 26-12 An Ordinance concerning the construction of additions and improvements to the sewage works of the City of West Lafayette, the issuance of revenue bonds in one or more series to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 26-12 by title and mentioned that it is basically a bond ordinance.

Councilor Keen moved for Ordinance No. 26-12 to be considered on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

WWTU Director Henderson explained that the WWTU Department is looking at State Revolving Fund (SRF) Loan Program financing for the lift station being placed in the Purdue Research Park. It has been part of our capital improvement plan for the last few years, and is driven by development, waiting on Purdue Research Foundation (PRF), an economic engine for the City, to have a tenant in the new section of the Research Park. With the siting of the ARPL facility for the testing of Caterpillar engines, we are happy to provide a lift station as a foundation of infrastructure there. In the long-term it will be more of a regional lift station. It will be able to accept flows from some existing lift stations and take them off the combination sewer system, putting those flows into the western interceptor. The SRF looks very good at this point, with historically low rates.

Mayor Dennis stated that the bond rate with all of the green credits is approximately 1.5%.

WWTU Director Henderson stated that, to give perspective, prior SRF loans have ranged between 2.9% and 3.64%.

Councilor VanBogaert pointed out that this amount is below inflation.

At the request of Councilor Hunt, WWTU Director Henderson spoke about the two vehicles being purchased that are on the checklist of the Green Product Reserve, which gives a 50 basis point reduction for the rate. Without these components the rate would be 2.03% for this community. Some of the smaller items on this checklist included requiring use of local materials, permeable materials, LED and energy efficient lighting, and variable frequency drives for the pumps.

Councilor Keen asked why there was some financial detail not filled in on the ordinance exhibits.

Jim Treat (O.W. Krohn & Associates) responded that Exhibit B is the final payment schedule and it cannot be filled in until the final sizing of the loan is and then get the actual interest rate. Everything else that needs to be completed for the ordinance to be adopted and to go forward is there. It is a form of the product, not a final document, until the bonds are actually closed.

Councilor Keen asked if there is any maximum loan amount that the City can get, cumulative with all the bonds, as far as the amount that is borrowed.

Mr. Treat responded that it is limited to what the City can afford to make payments on. Cash flow has to show that net revenues covers debt service plus a margin of 25%. There are no other limitations. It is based on ability to pay.

Councilor VanBogaert stated that, theoretically, if the City's debt service is too high, then the Department of Local Government Finance (DLGF) would not approve the budget.,

Mr. Treat stated that there will be no rate increase or adjustment required for the rate payers of the wastewater utility to do the additional financing.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS..

Mayor Dennis announced that Ordinance No. 26-12 passed first reading.

**CITIZEN COMMENTS**

► Jan Meyers (1909 Indian Trail) thanked the Mayor for doing a “roundfeet” walk around the City with her, and for Ron Wilkins’ coverage of it in the *Journal and Courier*. She said that she

heard comments about it from people outside of the State, and that she talked about it in a presentation to Graduate Civil Engineering students at a transportation seminar. Ms. Meyers asked what the status was of public meetings concerning the ADA consultant.

Mayor Dennis responded that the first presentation of the update to the City's ADA Transition Plan will be on September 12 at 6:30 p.m.

► Chris Kulesza (190 Burke Court, Apt. 111), President of the Purdue Graduate Student Government (PGSG), thanked Police Chief Dombkowski for coming to the student convocation, which had over 900 attendees. He announced that the fall picnic will be on September 26 at 5:30 p.m. at Engineering Mall. He also thanked the Fire Department who took care of a friend who was mildly injured near Shreve Hall on 3<sup>rd</sup> Street.

#### 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.