

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
FEBRUARY 4, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on February 4, 2013, 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, WWTU Director Henderson, Parks Superintendent Payne, Information Technology Director Newman, and Director of Development Poole, and Deputy Fire Chief Schutter.

Mayor Dennis stated that tonight is a special night for the City of West Lafayette as we have several things that are considered to be "good news." We have some awards to give out, we have some recognitions to give, and the State of the City Address.

POLICE OFFICER OF THE YEAR AWARD

Mayor Dennis stated that tonight we have the opportunity to recognize and honor our West Lafayette Police Officer of the Year.

Police Chief Dombkowski stated that this is an award given every year by the Police Merit Commission in conjunction with the Police Department and the command staff. He continued, saying that solicitations for the award are a big deal for our agency. The award started in 2008 and it has become a nice symbol for the work that all of our officers do, but we can only have one officer of the year. He stated that our commanders nominate officers, it goes through a committee. Police Chief Dombkowski then presented this year's Officer of the Year Award to Detective Troy Greene. Police Chief Dombkowski read highlights of the citation written by Detective Greene's commander, Lieutenant Troy Harris. Police Chief Dombkowski presented Detective Greene with a plaque, certificate, and an Officer of the Year pin.

Detective Greene stated that he appreciates being nominated. He thanked the Mayor, the Chief, and the administration for giving the Department everything they need to be successful. He also thanked all of the officers, fellow detectives, and all the people who do work that does not get recognized. He stated that every item the Chief mentioned involved other people as well.

CITY SUMMIT

State of the City Address – Mayor Dennis

Mayor Dennis highlighted aspects of the State of the City Address. He referred the Council and citizens to written comments available on the City's website at www.westlafayette.in.gov which are attached hereto.

Volunteer Recognition Awards – Mayor Dennis

Mayor Dennis stated that West Lafayette is an incredible place to work, live, and play. We have just over 200 employees, and if you think about all of the things that we do and provide, that would mean some pretty busy employees. We could not do what we do, and we could not have the services that we have, and not have the success that we have, without a very strong backbone of volunteers. He stated that our volunteers are people who are passionate, people who bring expertise, people who have time to commit, and people who have a love for this City like none other. They truly care, truly want to make a difference, and truly want to have an impact on the future of this City, and make sure things are done right. We not only take advantage of their expertise, but we take advantage of it again and again, because we need their help. Mayor Dennis stated that he does not know of any form of government that can survive without a very strong volunteer component. He continued by saying that tonight it is his honor to honor and reward those who have given so much of their free time to the betterment of the City of West Lafayette.

A summary of each volunteer's achievements follows:

Jenny Jundos (Recycling Enthusiast): Ms. Jundo's contributions to Cumberland School's EcoEfforts and lunchroom recycling programs have made positive differences to the school in reducing waste and increasing recyclables and environmental awareness. "Zero waste" events (where materials are recycled or composted) are now encouraged when planning school events and a Go Green Club was started by third-grade students in response to their desire to make a difference in their surroundings.

Paul Butler (Hands-On Nature Lover): Mr. Butler is a very active Parks and Recreation volunteer and lends his hands and talents in multiple areas. He spearheads the certification of the Celery Bog Nature Area as a occasional groundskeeper and bookkeeper for the Nature Center. As a certified Indiana Master Naturalist, Mr. Butler is an invaluable asset to the Nature Center and those who enjoy the facilities.

John MacDonald (Dedicated Outdoorsman): Mr. MacDonald's selfless contribution as an Emergency Tree Squad volunteer for the Tree Fund is greatly appreciated by the City. With a professional background in medical entomology, Mr. MacDonald's retirement has included helping the prevention of West Nile virus, development of a Purdue website about insects, ticks, and associated diseases, and presentations on the natural history of insects for Wednesdays in the Wild.

Kumares Sinha (Transportation Solutions): As a world renowned expert in transportation engineering and infrastructure systems management, Mr. Sinha has ably chaired the West Lafayette Traffic Commission for over 10 years. The Commission advises and coordinates traffic activities, receives traffic complaints, and give recommendations on ways and means to improve vehicular and pedestrian traffic. He is also a Sagamore of the Wabash award recipient and a member of the National Academy of Engineering.

Don Wood (Emergency Tree Squad): Seasons of service mark Mr. Wood's life, whether as a medical administration specialist in the Air Force, an activity therapist at Wabash Valley Hospital, or a book sale volunteer at the Tippecanoe County Public Library. He is being recognized for his invaluable service on the E-Tree Squad for voluntary on-call service to prune trees, among other vital Tree Fund duties.

Eddie Yeoman (Farmers Market Mainstay): The success of Sagamore West Farmers Market Wednesdays is due in big part to the contributions of Mr. Yeoman. From early morning set up,

to checking in at noon, to closing in the evening, he is the familiar face market-goers have come to know and count on. He is also a charter member and 20-year volunteer firefighter for Wabash Township.

INTERMISSION

Mayor Dennis announced that we will take a brief intermission, so friends and family of those who received awards may leave if they choose.

The meeting recessed at 7:30 p.m. and resumed at 7:39 p.m.

MINUTES

Councilor Keen moved for acceptance of the minutes of the January 3, 2013, Pre-Council Meeting, and the January 7, 2013, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

There was no report.

2013 WWTU Budget Presentation – Jim Treat

WWTU Director Henderson stated that the budget is approximately a 6.7% increase over last year, and Jim Treat is here to discuss the financials that went into the budget.

Jim Treat (O.W. Krohn & Associates) stated that the 2013 WWTU Budget has been presented and approved by the Board of Works and Public Safety, and stated that Councilor Hunt requested he give the Council an overview of what was approved and what it means. He stated that instead of focusing on the operating budget for 2013, he would focus on the projections for the next five years, as that is where it is most useful for the Council to focus their thoughts. Mr. Treat stated that approximately 90% of the 6.7% increase is in wages and benefits, including the 2% wage increase approved by the Council for all City employees. The benefits represent the actual benefits provided to the employees and the premiums this year, with any increases are being covered by the Utility and not passed to the employee. He stated that that makes up the bulk of the budget. There are some pluses and minuses on various line items. He moved to the last three schedules on the budget. The top part of Schedule II is Projected Operating Revenues, and the bottom is Operating Expenses. The expenses are based on the 2013 budget, and the \$290,000 increase from 2012 can be seen. The projected years 2014 to 2017 have inflationary type increases based on the type of line item. An exception is with Pollution Prevention System Maintenance. Based on the studies for the stormwater system, it has been recommended that the annual maintenance program be stepped up for all the stormwater systems. Based on that recommended level of activity, we have added \$150,000 per year to that budget. Also, to show how that can be covered, the revenues include two adjustments. The biggest one is the stormwater fee, which the Council currently has under consideration, at a level of \$8 per ERU beginning in 2014. Mr. Treat stated that he realizes that has not been approved, but thought it best to see what kind of projects and operating expenses could be covered with that revenue, without draining the resources of the WWTU. That potentially amounts to approximately \$1.3 million per year. He stated that we are also looking at some changes in sanitation, making sure that we are discontinuing subsidizing that operation like sewer has in the past, so there are some increased expenses in that area, as well as on the capital page. The fees for trash have not changed since 1992, so that is something that needs looked at in order to have it pay its way and keep the level of service that Street Commissioner Downey provides with recycling and trash pick-up.

Councilor VanBogaert stated that he sees the note that fats, oil, and grease (FOG) waste has not been as high as anticipated. Consequently, the anticipated revenue and budget estimate is off 40% year over year. He asked if this was an overestimation of market demand for this, or if there are things that can be done to promote this, or a pricing adjustment, that would ensure that we get the most from our asset.

WWTU Director Henderson explained that the state of the business model right now is that a lot of the larger processors do processing of the better quality grease at their facilities, and have a market for that. At this point what is coming to our facility is the brownest, most contaminated grease that they just cannot process economically, so they bring it to us. The deliveries have been fewer. They are finding a more profitable way to use that grease. The good news, although there is no tipping fee for it, is that the food waste has been exploding. Some months have brought 40 to 50 tons from Purdue's dining courts.

Councilor VanBogaert asked if there is a full relationship with Purdue as far as getting what they have, or if more can be done in that area.

WWTU Director Henderson responded that there are some things they have been exploring. He stated that we have a unique relationship with Purdue. It is groundbreaking and not happening anywhere else in the country.

Councilor VanBogaert stated that a decent chunk of our operating expense is for the wages, insurance, and benefits of City employees. He knows that the justification for this in the past has been the people are shared across the Utility and the City. He asked for details of how that is figured, as far as what portion the Utility covers for certain employees and administrators, and what portion the City picks up.

Mr. Treat responded that there is a percentage derived based on the level of activity. There is a portion of the Mayor's salary, the Clerk-Treasurer's salary, and a number of staff.

Clerk-Treasurer Rhodes explained that the percentages were estimated when the change in grouping of environmental functions in the Utility occurred in 2009. They are reviewed every year, looking at how much time is being devoted in different positions in support of the Utility. It is adjusted when looking at labor allocation in a number of departments while working on the budget. She stated that we are not shifting costs into the Utility.

Councilor VanBogaert asked if it was fair to say that the payment percentage used from the Utility is roughly proportional to the amount of work service that those employees provide to the Utility.

Clerk-Treasurer Rhodes responded yes or the value to the Utility. It is an enterprise fund, it is an economic development tool of the City, and we make those by looking at the function of each position and try to allocate the percent charged to the Utility versus the general City function position by position.

Mr. Treat moved to Schedule III, which is the Capital Expenditure Plan. He stated that he would review some of the current larger projects that are scheduled to wrap up this year. The largest one is the Purdue Research Park Regional Lift Station Project, which is approximately a \$4.4 million project, including some of the equipment that will be acquired in connection with that project. Most of that project is funded with State Revolving Fund (SRF) Loan Program proceeds. He stated that the SRF is the bond that the Council approved last year, and emphasized that it was a 1.5% interest rate on a 20-year bond deal, which was fantastic for the City and the Utility. The loan is really helping out in terms of funding this capital budget while

we have a lot of big projects. Other projects include the Soldiers Home Lift Station at approximately \$780,000. Future lift stations, the Sheraton Lift Station and the Fairway Knoll Lift Station, have been on the plan for a while. On the collection system projects, there is an extensive tree replacement program at \$250,000. Starting with some long-term control plan projects, a big one is the Wet Weather Facility Improvement project. A large project expected to begin before the end of this year is the Cumberland Avenue Sewer Extension project. With the road extension out to U.S. Route 231, and all the development and growth we expect to occur there, we need sanitary sewer service in the area to serve those new businesses. That project is roughly estimated at \$3 million. Mr. Treat stated that there is approximately \$330,000 needed to finish the Capacity Expansion project, which was a new aeration tank that was mostly completed last year. Another item is the Stormwater and Drainage projects, which was added as a separate category this year due to an increase in those projects, and the volume and costs of those projects, coming forward. The Yeager Road Phase II and Cumberland Avenue Phase II projects had, between what was spent last year and wrapping up this year, had approximately \$750,000 for stormwater-type facilities that go with those road improvements. Beyond those projects, there is Cumberland Avenue Phase III, Salisbury Street Phase III, and Perimeter Parkway, which all also have stormwater components that need to be funded. Looking at those projects, what was spent last year, and what is estimated to be spent in the next couple of years, and it is approximately \$2 million worth of projects. He stated that it is a very sizable portion of that the WWTU had to subsidize until now, which is one of the reasons the Improvement Fund is going down. It is not continuing to build because we are taking on more stormwater projects. He stated that moving on with those projects is the reason it is so important to get some kind of stormwater fee adopted. Mr. Treat stated that in Equipment, the Sanitation program needs approximately \$200,000 per year in capital expenditures to replace recycling trucks and other related equipment. In addition to its fully-loaded budget for the services provided, it needs over \$1 million per year in trash fees to be a self-sustaining service. Mr. Treat stated that the last page of the budget is the Cash Flow, starting with the Operating Revenues and Expenditures. He reminded that this shows over \$1 million in new revenues coming in to make this work, and without the adoption of new fees there is no way to do all of these projects. Operating expenses would need to be cut back, along with the capital costs for sanitation and stormwater. Some of the reserves are already in the plans to get some of these projects done. They cannot be supported by the Improvement Funds alone. If the new fees are something we choose not to do as a City right now, the projects will need to be revaluated and need to be deferred or downsized.

Councilor VanBogaert asked what governmental units receive the Payment in Lieu of Taxes (PILOT) listed on Schedule IV, and if the City a recipient of those funds from the Utility.

Mr. Treat responded that that is what the City receives for the General Fund. The \$528,000 is in the City's budget.

Councilor VanBogaert asked about the prudence of abating that to make the Utility's budget look better, instead of seeking the same amount in fees.

Mr. Treat responded that, to look at it from the City's side, it is difficult to replace that amount of revenue if it were abated or cut back. It is heavily relied upon as a critical component. The Utility side has the ability to increase fees on a routine basis, though it has proven that it does not have the desire to do so, and it tries to manage as long as possible without doing so. On the City-side, it is the opposite situation, with circuit breaker credits which affects West Lafayette in a disproportionate way compared to other communities. It continues to take away from revenues, creating pressure on the City-side. Mr. Treat stated that from his point of view, it is more critical to maintain this kind of revenue stream over the City-side. He stated that it is

something they work with cities and towns all over the State. PILOT from utilities that do not otherwise pay property taxes is very common.

Councilor VanBogaert stated that he knows that a lot of PILOTs are part of a planned development or created in a contractual agreement between entities. He asked for elaboration on how the figure is developed.

Mr. Treat responded that it is based on the value of the assets and utilities. It is as if the utilities were assessed, such as the pipes in the ground, and the corporate City rate applied to it. He stated that this figure used to be tweaked every year, but has been kept steady for several years.

Clerk-Treasurer Rhodes stated that the computation is based on tax rate and net asset values, net of depreciation. In order to protect the ability of the City to fund the range of capital projects seen here, it was capped approximately five years ago, and we tried to manage without allowing that figure to fluctuate. It would fluctuate if it were a piece of property that was being assessed with raising tax rates. The City has tried to not go to it for first dollar to protect the ability of the City to fund the major Utility projects.

Mr. Treat stated that right under the PILOT line, is the annual debt for the Utility that also needs to be funded out of the net fee revenues. He stated that the new 2012 bonds are in there, but even at the low interest rate we were able to do a wrap-structure, minimizing the combined total debt service. The increase in annual payments is very small compared to the past, helping to prevent a big drain in resources in the near future.

Councilor VanBogaert asked what inflationary metric is being used in the projected years on Schedule II.

Mr. Treat responded that it ranges between 2% and 5%. He gave examples of 2% for wages and 5% for insurance and items that tend to be more volatile. Some items were left flat, based on management goals. Mr. Treat continued reviewing the budget, saying that the ending cash balance could go down significantly in the next couple of years if all these projects take place. The Improvement Fund has already decreased from over \$10 million to \$6.5 million in one year. The funds are being used for their intended purpose, but pointed out that it is easier to spend those funds than to build them. This plan shows that if the new revenues are in place the fund would build slightly. The Improvement Funds are used as interfund loans to the City, so funds can be done without interest. He stated that stormwater projects have been funded, and will continue to be funded, if we get the revenue sources we need. The long-term control plan approved this year, over a 15-year time frame, has some significant capital projects. Anything that can be done in the next few years to build up those funds, before those bigger projects come up, will help mitigate the impact in the future.

Councilor Keen asked if the FOG system is at or near capacity, and what percentage it is at.

WWTU Director Henderson replied that there has been a decline in deliveries and we could easily take double the deliveries in grease. He stated that other sources have been pursued, such as talking to Liquid Environmental Solutions about a clean grease waste stream, where they pre-process, concentrate, get some of the water out, and remove contaminates. In response to an inquiry from Councilor Keen about advertising, WWTU Director Henderson stated that we are well known. He has given several talks at State and national venues and EPA webinars. He is doing what he can do get the word out, including with the food waste producers and grease haulers. He does have people contacting him about different waste streams. He stated that there is one expense that we have not gotten a firm grasp on, which is

that the Indiana Department of Environmental Management (IDEM) has accelerated the timetable for phosphorus limits to communities in this part of the State. He stated that we were lucky to receive limits in our proposed modification that gives us the extra capacity that the aeration tank affords us. He stated that we have an agreement with Wastewater Solutions, Inc. to look at phosphorus limits and how they can be achieved most cost-effectively, but there is the possibility of a regulatory-driven capital project that would need to be completed within three years.

Councilor Burch asked about the project bond coverage on Schedule IV, if the percentages are good or bad.

Mr. Treat responded that they are very strong. The minimum is usually the benchmark. For the SRF program, you need to show at least 125%, or 25% margin. If we can get these new revenues, we will increase from the 140-150% range to the 170% range.

PUBLIC SAFETY AND ORDINANCE

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

PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University. He stated that the House Government and Regulatory Reform Committee at the State House is holding a hearing tomorrow regarding a bill that limits the City's authority to conduct a rental licensing program. He stated he was unsure how that affects our City, which does have a rental licensing program, but he believes that this would eliminate that program.

Mayor Dennis asked Director of Development Poole to speak, as he had just met with one of the author's of the bill. He stated that this is important to the City of West Lafayette.

Director of Development Poole stated that he and Housing Program Coordinator Dixon met with Representative Mahan, along with the Cities of Bloomington and LaPorte to talk about the rental certification programs. House Bill 1313 seeks to abolish those programs. He stated that he will be testifying tomorrow at the hearing on behalf of saving the programs.

Councilor Bunder asked Councilor VanBogaert about Bill 1311 concerning voting.

Councilor VanBogaert responded that this also impact us, as it prohibits students, or anybody, from registering to vote if they have moved into a precinct for educational purposes. He stated that this is if they are billed out-of-state tuition. He stated that the mechanism to determine if someone should be considered out-of-state is not as simple as it would seem. He gave the example of his own experience as a graduate student, where he was going to be billed as out-of-state just because he had been as an undergraduate. This was despite having a business registered here and holding a public office position. He was required to present 17 documents, including a note from Clerk-Treasurer Rhodes, to be qualified as an in-state student. He feels that that should not be a mechanism for determining our most fundamental rights, and students who move here and live here should have a voice in the process.

Mayor Dennis stated that this was brought to the Governor's attention as well.

PARKS AND RECREATION

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

ECONOMIC DEVELOPMENT

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

PERSONNEL

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

BUDGET AND FINANCE

There was no report.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported on upcoming items scheduled for the Area Plan Commission.

SPECIAL REPORTS: None

PUBLIC RELATIONS

Council Appointment: Go Greener Commission

Councilor Hunt reviewed Mary Kate Dufair-McKenna's resume, and motioned to appoint her to the Go Greener Commission. Councilor Bunder seconded the motion.

Councilor Burch mentioned that the Go Greener Commission has not published their minutes to the City's website since October 2011, and it would be nice to know what they are doing since the Council is appointing people to serve on that Commission.

Councilor Hunt stated that it would be taken care of

The motion passed by unanimous voice vote.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that an item was submitted by Councilor Thomas. He has requested to file a Uniform Conflict of Interest Disclosure Statement with the Council. This is a required action before it is submitted to the State Board of Accounts and the Clerk of the Circuit Court. She asked for a motion to accept the filing.

City Attorney Burns stated that it is a routine matter of public record to get it filed from the body from which he comes.

Councilor Keen motioned to accept the filing. The motion was seconded by Councilor Burch.

Councilor Hunt asked if it was related to a particular issue.

City Attorney Burns responded that where Councilor Thomas is employed may have health insurance or other financial dealings. There is no pecuniary interest, but in an abundance of caution, Councilor Thomas has decided to file it.

Clerk-Treasurer Rhodes stated that there is no action on any contract or purchase at this time that would necessitate the filing. He is filing it in advance to be completely transparent.

The motion passed by unanimous voice vote.

Clerk-Treasurer Rhodes reported that we should be getting a budget order from the Department of Local Government Finance (DLGF) as we have these certified net assessed valuation. We are over \$1 billion again, up 2.6%, which is very good news for us. We will not know our financial position for the year until we get the circuit breaker report in March or April. She also reported that the IT Department is preparing a Request for Proposal for the enterprise resource

planning system. The scope will cover financial, utility, permits, and HR functions, enabling us to manage more effectively as we grow.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked, for the record, what the 409 Maple matter is.

City Attorney Burns replied that it is the Ayres enforcement issue.

UNFINISHED BUSINESS

Ordinance No. 34-12 (Amended) An Ordinance Establishing User Fees To Be Collected By The City Of West Lafayette From Owners Of Property Located Within The City. (Sponsored By Mayor John Dennis) PUBLIC HEARING

Mayor Dennis read Ordinance No. 34-12 by title only.

Councilor Keen moved for passage of Ordinance No. 34-12 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this is our stormwater utility fee. The Council is familiar with it. He asked the Council for discussion and questions.

Public Works Director Buck stated that people from DLZ Indiana, LLC, WWTU Director Henderson, and Assistant City Engineer Susong are available to answer questions if he is unable.

Councilor Dietrich noted that in the rate consideration summary, it uses 13,927 Equivalent Residential Units (ERU) for calculations. He asked if there is a breakdown between residential and commercial ERUs.

Mike Massonne (DLZ Indiana, LLC) stated that he needs to look for that in his notes.

Councilor Dietrich stated that he had been under the impression that the \$8 fee was average for the places that had been researched and requested clarification.

Public Works Director Buck responded that while the \$8 is not on the exact mean, it is in the ballpark. It is not the highest, and it is not the lowest. The exact average is probably closer to \$5, but a lot of those communities do not have the same measurements as West Lafayette, in terms of projects to be accomplished and the cost of overhead and maintenance. Other communities also use a lower square footage for their ERU.

Councilor Dietrich stated that it is very publicly known that Lafayette's fee is \$5, and asked for clarification of the difference.

Public Works Director Buck stated that Lafayette has a different user class. The split on residential versus non-residential is very different from ours. They have a lot of large industry, which may already be covered by an individual stormwater permit with the IDEM. West Lafayette is more residential.

Mr. Massonne stated that the number of ERUs will change, but this was a snapshot. He confirmed for Councilor Dietrich that it was nearly 2 to 1 commercial over residential.

Councilor VanBogaert asked if commercial units includes rental residential.

Mr. Massonne responded that it does if there are more than two dwelling units in a single structure, then it is considered non-residential.

Councilor Dietrich stated that he sees in the amended ordinance, several streets and areas of the City that are serving only residential, and asked if the calculations are available that gives the impact of that reduction of area will have on the need for the \$8 going up or down.

Public Works Director Buck stated that yes, and the GIS consultant is working on that. He stated that somewhere between 220 and 275 ERUs is what we are looking at, which equates to \$21,000 to \$26,000 annually. That revenue will not be seen by the amended ordinance. He confirmed for Councilor Dietrich that the \$8 figure was an estimate, and now it is closer to \$8, but is still \$7 and change.

Councilor Burch asked for clarification that within certain residential areas, whether we call it a limited common driveway, or a shared common driveway, that it is exempt.

Public Works Director Buck responded that yes, that is the reason for using the term roadways.

Councilor Keen asked where the service charge credit program is now, as the ordinance states that it will be developed.

Public Works Director Buck stated that it is a new element, which some communities have already looked at. He says that it is a concept that everybody believes would be a good one, but the details of applying it are difficult. There has to be a benefit provided to the City, as the permit holder. The ideas we have right now are just that, ideas. We want to take the time over the next year to develop the details, including how the customer would qualify for and apply for a credit. Ideas of the categories are stormwater quantity, water quality, recycling materials to prevent it from going into the system, and education credits for the school corporation. He stated that Greenwood, Indiana, is the most recent one to have a credit program and will be looked at as a model. He stated that there has to be a check and balance to make sure that the credit is providing a benefit to the utility, and is also maintained over time.

Councilor Keen asked if thought had been given to the idea of entities being exempt from the program due to not contributing to the stormwater system.

Public Works Director Buck stated those entities would still benefit from the fact that the City is holding the permit, so it would not be fair or legal to entirely exempt an entity. We are interested in the credit program to provide as much relief as we can, but if you are in the West Lafayette MS4, we have a permit on your behalf, are keeping us legal on your behalf, and you are able to use the facilities here as needed. Whether it is to connect a pipe and dump your development into the pipe, or you do not have anything and you enjoy the fact that we have streets that are free of ice and problems and a well-maintained system.

Councilor Hunt stated that the trash ordinance is being revised, and there are many issues in there that will dovetail with the stormwater fee if it passes. One idea was to give credits at the large apartments, where the City does not pick up their trash or recycling.

Public Works Director Buck stated that is exactly one of the ideas, when speaking of recycling credits, it was for larger non-residential developments that do not have recycling on-site. They could potentially have a credit by providing a place and means for those recycling pieces are guaranteed to be out of our stormwater stream and into a solid waste collection route.

Councilor Burch asked if a new construction project with pervious lots is something that could be taken as credit.

Public Works Director Buck responded that yes, potentially. If it takes you above and beyond the minimum requirements, it could be a credit for water quality.

Councilor Dietrich asked if some credits will be available for residential, or only non-residential.

Public Works Director Buck stated that most that have been identified are for non-residential. Rain barrels have been discussed and are a great thing to promote, but it would be difficult to have each rain barrel checked and make sure they are being emptied between every storm event. In response to an inquiry from Councilor Dietrich, Public Works Director Buck stated that a pervious patio for a residential home would be too small to allow for a credit.

Mr. Massonne stated that the City would want to define pervious versus impervious for measurement for calculation of ERUs, so it is a little more complex. Water quality is key, and a water quality function needs to be coupled with the pervious nature. He stated that credits generally fit better with non-residential developments or re-developments that have stauncher standards and specifications.

Councilor Hunt asked to look at Section 116.903, where the monthly service charge is reduced. This was added, and dovetails with what is planned for the trash ordinance. She said that a lot of people have asked what is meant by a household income at or below 150% of the poverty level. She explained that the United States Health and Human Services Guidelines have a definition of poverty. She stated that Lafayette Urban Ministry uses 150% as their definition of poverty. She wanted to make that clear. She asked if Public Works Director Buck had any comments about that.

Public Works Director Buck stated to match what is common and to have metrics that are easily defined by others, so that is easy to check and not be ambiguous. He confirmed for Councilor Dietrich that there would be an application process for that reduction, and stated that it would be for residential.

Councilor VanBogaert asked Mr. Treat if the WWTU budget presented earlier also assumes an increase in the trash fee along with the stormwater fee.

Mr. Treat responded affirmatively, but stated that they do not necessarily have to be linked together. The projections do assume adjustments to both, and the budget projection allows us to see what that would do to provide service on, or capital expenditure projects for that, which we have not been able. The trash fee does not have as big of an impact as the brand new stormwater fee. In response to an inquiry from Councilor VanBogaert, Mr. Treat state that the \$8 fee was assumed for stormwater, and made an assumption on the trash fee of approximately \$16.

Councilor Dietrich asked what is being calculated in as being the necessary capital projects for the next 20 years.

Public Works Director Buck responded that those are budgetary-level estimates for planning purposes. From that, each one of the projects will have some main phases to it: the preliminary engineering phase, acquire land or easements if needed, and construction and inspection. More detailed reports will be done, along with cost estimates and timelines. He stated that Happy Hollow Park will be very long and drawn out, likely with smaller projects going on

simultaneously. Other projects will be more like a road project, which will be designed, built, and finished.

Councilor Dietrich asked for confirmation that Public Works Director Buck is projecting what the needs will be for the next 20 years.

Public Works Director Buck responded that with the seven major capital projects, yes.

Councilor Dietrich asked what impact it would have on the operation if a 25-year projection was done instead of 20 years.

Public Works Director Buck responded that for the seven identified projects, it would stretch them out over a longer period of time and make it more difficult to accomplish.

Councilor Dietrich asked for more information about the seven projects besides Happy Hollow Park.

Public Works Director Buck responded that the Barberry Heights Neighborhood is a large project, as it is a flat area that does not drain well, and it ties to the Boes Ditch, which also very flat. So there are plans for capacity improvements in that neighborhood.

Assistant City Engineer Susong went through the remaining list of projects and noted some reasons that work needs to be done in those areas. The projects are: Blackbird Pond Stormwater Improvements, Celery Bog Nature Center Drainage Improvements, Downtown/Waterfront Drainage Improvements, Plaza Parks/Cumberland Park Drainage Improvements, and University Farms Drainage Improvements.

In response to an inquiry from Councilor Dietrich, Public Works Director Buck stated that each one of these projects is listed on the City's website, and includes estimated dollar figures and other details.

Councilor Dietrich stated that he had been asked why there is no sunset clause of 20 years in the ordinance, since that is the projection of these projects.

Public Works Director Buck stated that having such a clause is certainly within the Council's purview, but it was not included primarily because the permit requirements do not have a sunset clause. We cannot say that there will be no permit requirements in 20 years. Also, these estimates are budgetary level, and are just an estimate of what it will ultimately cost. An annual review is built-in so that it can be viewed proactively.

Councilor Dietrich stated that he wanted to return to his earlier question and asked why not look at a 25, or even 30 year cost factor.

Public Works Director Buck responded stated that part of the problem is that some of these major capital projects are not brand new and have been this way for many years. To take more time to get them done will just mean more expense and more difficulty to complete. He stated that 20 years is already stretching it out pretty far, and 25 would just start to become impractical. Ideally, the projects would be in the 5 to 10 year range.

Councilor Hunt stated that a few years ago there were study groups done for this, and at that time the fee was not set as high. Since that time, the cost of the capital projects has risen. She believes the \$8 fee makes sense.

Mayor Dennis opened the discussion up to public comment.

Kevin Boes (need address) stated, "I would like to thank the Mayor and the City Council for giving me the opportunity to speak tonight. Me and my family are business owners here in West Lafayette. I understand that the federal government and the EPA is mandating that cities and municipalities across the country do more to clean up their stormwater, and that something needs to be done. I think everybody here agrees that we all want clean water for ourselves, and to pass on to our kids and grandkids. I trust the current Council and the Mayor, and Mr. Buck, you all are good stewards of our tax money. Like we've talked about, the capital projects, at least the ones that have been identified are going to be done in 20 years. It's hard to say who's going to be sitting in your chairs in 20 years. Some of you may decide, hey, I've put my time in, I want to spend more time with my children and grandchildren. Some of you may move on from the City of West Lafayette, and be serving in other municipalities across the country. Those of you that aren't here, your replacements may not be as diligent with the tax dollars and utility fees as you all are. I respectfully ask that you do put in a sunset clause at 20 years. That way, the citizens and businesses here in West Lafayette do have some more protection, since the capital projects will be done in 20 years. The vast majority of that revenue is not going to be needed as far as we can project at this point. If, in the future, at year 21, or year 20, we're saying ok, we do need some money for ongoing maintenance, or maybe we need some money for a few additional projects, at that point we look at a new ordinance. It really puts it out in front of the community to get the citizens input, to say what is best for West Lafayette as we move forward into the future. I don't believe that every 20 years is an undue burden, asking the City to review this in a more thorough fashion. As well, it gets it more transparent, and gets it back in front of the citizenry. So, if you would, keep in mind with the sunset clause, it is another tool that promotes the tradition of good government and transparency that we've had in West Lafayette. So, I ask you for your support, please, and thank you for your time."

Thomas Kesler (479 Maple Street) stated, "First, a question. At the last Common Council meeting, two residents of Westport and Stonebridge requested an exemption for a privately owned road, and I would just like to ask if that is still under consideration."

Mayor Dennis responded that it is in the amended ordinance.

Mr. Kesler stated, "Okay. In re-reading the minutes, I came across—one said it all goes right to the river. That was the rationale for that exemption. I've heard tonight concern about some of the things that can go right to the river right from City streets. So, I wonder if a closer look at those two examples, and then the other examples that conform to their requests, might—the City might look at that a little more tightly, about what can go to the river from those privately owned roads. I'm wondering what's going directly to the river from current West Lafayette streets. Things that come to mind are tire particles, gasoline, motor oil, roofing tile—what goes to the river, and what should the City consider for cleanup? And, finally, another topic that came up during the discussion of the stormwater fee was unfunded mandates. So, I would just a plug in for unfunded mandates. Sometimes we have to be told what is the right thing to do, and I think in this case we are being told what is the right thing to do. So, I'm willing to bite the bullet on this and help support cleaning up the water. Thank you."

Jim Bodemiller (3620 Greenfield Lane) stated, "I would just like to make a comment about— We are appreciative of the recent review process the City officials, especially Mayor Dennis, and Dave Buck and his staff, and the City Council members have been involved in to resolve our concerns with the proposal to assess our streets for additional revenue beyond each resident's base fee for the stormwater fee. If it is passed, we feel it is real democracy in action. Citizens voiced our concern. The City officials and Council members listened, and took the time to give the issue proper review, to find a satisfactory, what we hope will be, a satisfactory outcome for

all concerned. The decision will benefit, if passed, many West Lafayette citizens by not having to pay a substantial increase over the base fee for stormwater fees. The residents of Westport and other planned developments and similar communities are pleased with the action taken. For that, we thank you for addressing our concerns. Thank you everyone.”

Mayor Dennis thanked Mr. Bodemiller and asked for further comments.

Ross Sloat (153 Villefranche Court) stated, “Ross Sloat, representing two entities—the homeowner’s association of Tower of Ivory, similar to Westport, and also Assistant Superintendent for West Lafayette schools. We too applaud the Council for looking at this exemption in Section 116 that would exempt the roads serving only residential properties. If you do pass this we would appreciate if you include that amendment. Also, we were glad to hear—I talked with Dave Buck and his group about the possible credits for the school districts. So, we too are hit with circuit breaker concerns, so anything we can do with educational issues or whatever to get credits on our fee would really be appreciated. So, we appreciate your amendment in the other Section 116. So, we appreciate that response.”

Mayor Dennis stated that he also spoke to the Governor about the possibility of allowing school corporations to pay for this specific utility out of a different fund.

Mr. Sloat stated, “That would help. That would help too. Thank you.”

Mayor Dennis thanked Mr. Sloat and asked for further public comment.

John Basham (1450 W., 500 S., Lafayette) stated, “I’m John Basham, Basham Rentals here at Purdue University. I’m also on Tippecanoe County Council, so we have this same issue that’s going to be facing us, except our ERUs are going to be 3,800 per square foot. I was supposed to put some notes down, but I can’t read my own writing, so that’s why I didn’t do that, so I’ll just say my spiel or whatever I’m going to say, and go sit down and wish I would’ve written notes. I was with Eli Lilly, Evonik. I’ve had courses, classes at IUPUI, environmental, and that’s what I did for 19 and one-half years, and the other years I was in purchasing at Lilly. So, I understand the concept. I believe in clean water. In that same vein though, I have a little problem with the credits. I mean, we’ve discussed them, you say, ‘Hey, pass this thing, then we’ll talk about the credits later.’ I understand that I have 113 ERUs. I understand, when I spoke at the Lafayette Council, the NPDES, the acronym as we call it, the National Pollutant Discharge Elimination System, Phase II Stormwater Quality. I wasn’t trying to set the Council people up, the nine people, but I asked if everybody knew what they were voting on, and I asked Julie Novak [former Lafayette City Council member], and the Mayor [Roswarski] jumped up real quick and to her defense, and said, ‘Well, let me explain.’ I said, ‘Mayor, you don’t have to explain to me, I know, that’s what I did for a living at Eli Lilly.’ So, but, that Council person did not understand what they were voting on. But, it seems to me, that all of you people here, you’ve all done your homework, and you pretty well understand what it’s about. The big issue I have, I can’t walk up behind the podium here, I wish you could see this. You see these? I have 16 properties of where I’ve spent anywhere from \$50,000 to \$125,000 per property. These lines used to be parcels. It’s all one piece of property now. This is all one property. It’s about 40,000 square foot of God’s dirt. Even in Lafayette, they didn’t include the grass as impervious surface. But the grass is included as impervious surface. They had taken the whole boundary, divided by 3,200, here I got 9 ERUs. I dispute, I’ve only got 1 ERU here. Because what’s happened, this little dot right here, that is a drain, and one of your Council members witnessed it. It’s a 4-foot drain, it goes deeper than this ceiling right here. It has 155-foot of pipe, 2-foot pipe, it will hold the whole City of West Lafayette. Seriously, you ought to see it. That’s just one entity here. And my roof drains—and I’m not playing the rain barrel situation here—my roof drains, my gutters, everything goes in to this system. So, I heard in Jacksonville, Florida, they gave a 50%

credit. Again, I got 40-some properties I guess, I don't know if I have more than that, maybe I don't. But, 16 of these properties, I've spent probably \$1 million or more bucks to contain my own stormwater. And I do that. And I'm pretty proud of that. I just feel that I don't want a credit, I want 100% of whatever this impervious surface of where I have implemented these systems. It's only fair. And respect to Dave Buck, I mean I come to these people for permits, so I've got to be nice. But, in the beginning, when I met with the City, Dave mentioned this, and he mentioned again tonight, and maybe he can help me understand. He says if you wouldn't have done that, now you benefit. Where's the benefit? It's a double-dip. Where's the benefit? I'm being nice. Where is my benefit, because I've already spent \$125,000 on this parking lot right here. Where's my benefit?"

Public Works Director Buck stated, "If this was on clay, instead of gravel, instead of a very awesome sub-grade to have for accepting direct-release stormwater runoff, this development would have had to have about half of it dedicated as a pond for the surface, because the clay would not have allowed water to percolate. So, the density, the amount of units, the entire project was able to be what it is, by cause of the direct release. There's not a detention pond holding back the difference between pre-developed and post-developed runoff. If we were to do this on the north side of 52, like something up at Westminster, they have detention facilities that fill up in a rain to hold back the difference in water runoff. But from before the project versus after the project, there is no detention here. You're providing us a benefit because you're not dumping that water, eventually or ever, into our pipe. This is a CSO area. That's a double benefit for us, so there's some added benefit because we're not treating that stormwater. So, the benefit to you is that you didn't have to build a huge pond or a tank underground to hold that water because you had soil that could just take it. And that saved you a bunch of money. So, that's a win, and that allows development like this to happen. So, we're glad you did it, and we're glad you built it the way you did. But, that's the win-win that I was talking about."

Mr. Basham stated, "That's a win-win too because this is, I think that's about a \$5 million piece of property, and that's a lot of property taxes that go back to the community. So, well, with that said I'm going to go home and eat some cereal."

Mayor Dennis thanked Mr. Basham and asked for further comment.

Robert Verplank (4608 Ironstone Lane) stated, "The residents of Stonebridge say thanks to the officials of West Lafayette, their engineering staff—Dave Buck, Michael Susong—and their staff for listening to us and making changes in the way streets are designed for storm drainage and figured. They listened and reacted with fairness. I also note that they took time to exempt senior citizens and the handicapped from a portion of the tax. Thanks again for acting and listening."

Jim Cochran (2120 Cobblestone Court, Lafayette) stated, "I own some property here on campus. Like John [Basham], I have three properties on which we put absorption trenches in to collect water and dissipate it to the ground. And at that time that we did it, obviously it was somewhat mandated to us to do it. But, it was something that I felt good about doing because I wasn't creating extra water to be on to the street gutters and so forth like many other projects. So, at this point, I feel a little uneasy about the fact that I might be charged a fee for something that I was doing for the good of the City, for the good of the environment, and for the watersheds and so forth. If something is not being included into that drainage system, I see that maybe I should be charged for that, a percentage of that land is not included in. But, the water that is being shedded, and the square footage that's being taken care of, I don't believe that's really fair to people like myself, who, first of all, did due diligence, and the fact that we paid the bill at that time. Thank you."

Mayor Dennis thanked Mr. Cochran and asked for further comment.

Councilor Dietrich commented that it seems to make a little sense to me, that if they're doing that, and did it on the front end—What say you?

Public Works Director Buck responded that it, again, comes back to the soil located there, it could have easily been clay. Either one, it does not make a difference in what we have to be able to provide for our stormwater utility and pipes. We still have a pipe in the road that they could have connected to had another means not been available to them, and they would have had to build an underground tank. So, we still have and maintain that system, just like we do the sanitary, for the customers to be able to connect to as needed. With sanitary, that is all the time. With stormwater, because of our geology, we have an aquifer that has a gravel sub-grade to it that can be tapped right into. So, in some areas of the City, that is the basis for us to look at the credit for quantity.

Councilor Dietrich requested confirmation that the credit is to be determined later.

Public Works Director Buck responded that is correct, for a portion of the fee. But, again, they are in our MS4, and we are responsible for the system. So, there needs to be at least some contribution to the "team."

Councilor Dietrich asked if there was any thought given to a third tier. There are non-residential properties that have done nothing, and it is all running in, just like my house is. Then we have these areas where people have taken some efforts on the front-end. Could there not be a third tier that is a different percentage?

Public Works Director Buck responded that it is possible, and maybe that is something that can be looked at in the future, but it has not been looked at to date. He stated that he is not sure whether the credit is an acceptable way to do that, or a third tier for rate. He stated that he is not sure how you would quantify the base rates amount that you would contribute to if you had zero connection to the system.

Councilor Dietrich asked if it would be possible to tell what percentage of their runoff is.

Public Works Director Buck responded that if the plans are recent, there may be a drainage report. Assuming that there is not one, engineering calculations would need made based on measurement and a survey of the site. The GIS measurements provide rough numbers, but every parcel is going to have some basis to it where sometimes 100% may go into the site itself, some areas will go off-site. It will vary from property to property and project to project. It would be labor-intensive in the end.

Councilor Dietrich asked about the annual review for this. Will those types of things be in front of the Council or will it be an administrative decision by Public Works Director Buck?

Mayor Dennis responded that there are certain things he can do as the administrative officer, but there are other certain issues that will need done by the legislative body. That is the purpose of the annual review. This is a relatively new system, it is a new utility. There will be issues that we are not aware of right now that will cause changes to this utility.

Councilor Hunt asked if it is correct that the stormwater drains at University Farms failed, and Public Works Director Buck answered affirmatively. Councilor Hunt asked if that is a possibility on those that Mr. Basham and Mr. Cochran have done, if it is a possibility that they get plugged-up.

Public Works Director Buck responded that it is a small possibility if not maintained. Leaves can cause temporary failure. Over a long period of time it would be caused by sediment and nature.

Councilor Hunt asked if the City sweeps the streets in Westport, and Street Commissioner Downey responded that we do.

Public Works Director Buck stated that it is one of the Best Management Practices that we are required to do by permit. As we move forward, we will need to be looking to do that for what we are calling roadways.

Councilor VanBogaert asked how the credit system would be made known to people that could take advantage of it since it will not exist in code.

Public Works Director Buck responded that the ordinance does say that we shall develop it. He stated that we will definitely have it on our website and part of our development package for larger non-residential projects. As more communities look at this, it will become more common. The Board of Works will review and improve and changes and updates are made. It will be more of a living and working document, similar to our Guidelines and Construction Details.

Councilor VanBogaert stated that he would like to hear what other Councilors think about the sunset clause, and that he does not feel it is a bad idea.

Councilor Burch stated that it would be a good idea to have the sunset clause, in addition to the annual report.

Mayor Dennis asked for further public comment.

There was no further comment.

Mayor Dennis stated that we need to go to public hearing.

Councilor Keen moved to open a public hearing on Ordinance No. 34-12. The motion was seconded by Councilor Burch. The motion was approved by voice vote.

Mayor Dennis opened the public hearing and asked for further public comment.

Clerk-Treasurer Rhodes stated, "I just want to say, for the public that thought when you asked for public comment, that since we advertised the public hearing, they were speaking for a public record. I think the terminology is kind of slicing it a little 'the hair on the donkey.' Perhaps we could be generous in acknowledging all of the public comments as being part of our public hearing."

Mayor Dennis stated, "Just did."

City Attorney Burns stated, "This is the second public hearing we've had. One is required. So, all of this has been recorded. All of this is part of the public record."

There was no further comment.

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

Mayor Dennis read the title of Ordinance No. 34-12 and asked for further discussion.

Councilor Burch moved to add a sunset clause to Ordinance No. 34-12. Councilor VanBogaert seconded the motion.

City Attorney Burns advised that it would be under Section 116.901, it would be an additional parenthetical (c), which covers the charge. He suggested that it would be suspending a service charge as opposed to suspending the entire ordinance, because this organization will still exist and trying to complete projects even if the fees are suspended. In response to an inquiry from Councilor Dietrich, City Attorney Burns stated that it could be under Section 116.902 (f) instead, it does not matter which.

Councilor Hunt asked if the intent is for the fee to stop in 20 years.

Mayor Dennis stated that is the case unless there is other legislative action before then.

City Attorney Burns suggested language for the sunset clause to read as follows: "116.901 (c) The Stormwater Service Charge shall, unless extended by Common Council action, expire and cease to be collected twenty (20) years from the first collection of the stormwater service charge under this ordinance."

The title of Section 116.901 was changed to read as follows: Stormwater Service Charge and Sunset Provision

Councilor Hunt stated that the federal government will not say that this is no long necessary, and wondered if having this sunset clause would be a problem in that regard.

Public Works Director Buck stated that he believes it is aggressive, because there will be control measures still in place, likely more stringent than now. There is no sunset on the regulations. A part of the fee is for those regulations, and he stated that he does not believe it should be sunsetted.

Mr. Massonne stated that if the entire fee is sunsetted, then there will be regulatory requirements without a dedicated funding source. Funds are levied if compliance is not met. He stated that this body should recognize the fact that those regulatory compliance requirements will not go away. Perhaps if a study is done in a later year to determine the minimum necessary funding is to carry the City through those requirements, it would be a measure that would protect the City and the utilities from regulatory enforcement fines. If the City decides that there are no longer needs with regard to minor or major capital, the City body could decide to discontinue that. Protecting yourself from those fines would be critical.

Councilor VanBogaert stated that he believes that is jumping too far ahead, because if it is that apparent at that point then the Council would adopt the funding to meet that particular point. The fines are also coming with compliance on certain environmental conditions, not necessarily on the funding for investment in the infrastructure that is creating that kind of compliance.

Public Works Director Buck asked Councilor VanBogaert how he would feel about sunseting the sanitary user fee.

Councilor VanBogaert stated that the bigger issue is that we are boxed into this particular type of revenue collection because of the conditions of the State government right now, and the way that it has particularly limited municipalities in raising revenue. He stated that it is regressive

and a bad way to pay for things. He hopes that in 20 years when this is revisited that there will be additional tools at the Council's disposal to possibly be modified to be funded more responsibly. He stated that if it is as obvious as suggested, then the Council will have no problem with meeting the obligations at that point.

In response to Clerk-Treasurer Rhode's request, City Attorney Burns re-read the language of the proposed sunset clause.

Councilor Bunder stated that his opinion is that this fee will still be in place in 50 years from now, and in fact the rate will be raised at some point. He understands the political attraction, but does not feel it is realistic to sunset it.

Councilor Burch asked what would happen if the U.S. Supreme Court upholds the judge in Alexandria, Virginia and it is found that the EPA exceeded its authority in attempting to regulate stormwater runoff as a pollutant.

Councilor Bunder stated that he believes that people of good conscience, in support of clean water, would find some other way of raising the money to do that regardless of the Court's decision.

City Attorney Burns stated that the case being referred to, which is the Virginia Department of Transportation versus the EPA, is a great case because the EPA overreached and got its hand slapped. However, it does not apply to our case in any fashion. There is no legal significance. He explained the case, saying it was the second attempt by the EPA to try to measure the entire volume of water coming out of a creek and call it all pollution. The judge took a look at the regulations and told them that it could not be done.

There was no further discussion.

Mayor Dennis asked for the roll call for the proposed sunset amendment.

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 4 AYES and 3 NAYS.

Mayor Dennis announced that Ordinance No. 34-12 is amended to include the sunset clause.

Mayor Dennis re-read the title of Ordinance No. 34-12 and asked for the roll call for the second and final reading.

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 6 AYES and 1 NAYS.

Mayor Dennis announced that Ordinance No. 34-12 passed on second and final reading.

Ordinance No. 05-13 An Ordinance To Name Depositories For The City Of West Lafayette
(Submitted by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 05-13 by title only.

Councilor Keen moved for passage of Ordinance No. 05-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no 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. 05-13 passed on second and final reading.

NEW BUSINESS

Resolution No. 01-13 Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 01-13 by title only.

Councilor Keen moved for passage of Resolution No. 01-13 on first and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, February 4, 2013, CONTINUED

	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 Resolution No. 01-13 passed on first and final reading.

COMMUNICATIONS

► Councilor Hunt stated that Wayne Merriman was honored by the Indiana Association of Chiefs of Police for his community service.

Mayor Dennis stated that Mr. Merriman does a great job for the Police Department.

Councilor Hunt stated that Mr. Merriman has also been involved with the Go Greener Commission.

► Councilor Burch stated that February is Heart Month, and that it is time for women to take note, eat right, and exercise as more women die of heart disease than all forms of cancer combined.

Councilor Hunt stated that February is also Black History Month.

CITIZEN COMMENTS

► Mr. Kesler stated that he wanted to thank the Street Department and the yard waste team who recently helped him with a leaf pile a neighbor had left on the street well after leaf collection had ended. He borrowed and filled several containers from neighbors, and the crew emptied them. He then refilled the containers and the crew returned to empty them again. Mr. Kesler stated that he hoped the graffiti was found on North Street that he had reported via email. He also stated that he sees value in both the Hoosier State, the Amtrak train that has been running for years, and value in the rental certification program.

► Mr. Basham stated that, speaking of leaves, it has always been a sore spot with him on the south end of campus. He realizes that it can be difficult to come down with the cars, but he spends \$1,800 per year using his own Trac Vac to collect his own leaves. He proposed that the City use flex hours and allow the Street Department to collect the leaves the day after Thanksgiving. Mr. Basham asked what sort of credit the schools may get on the stormwater fee.

Mayor Dennis responded that there is an educational component being considered.

Public Works Director Buck stated that the metrics still need to be figured, but it may be that the school could qualify for the credit by reaching out as part of the lesson plan, to get the message out for clean water and the best practices of handling pollutants.

Mr. Basham stated that they are on the Board together with the Tippecanoe Solid Waste [Management District], so they try to get the message out that way. He asked if this meant the school receiving credits for their ERUs.

Public Works Director Buck responded that it is not for their ERUs. They may be able to take measures to do that, the same as any other retro-fit or other best management quality or quantity type of credit, but it would cost them some construction funds.

Mr. Basham asked when there would be a discussion on the credits for ERUs.

Public Works Director Buck stated that we can start right now.

There were no further comments.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 9:49 p.m.



State of the City of West Lafayette 2012 February 4, 2013

Welcome to the City of West Lafayette's 2012 State of the City address. This is my fifth report to you on the condition of our community. I've never been more encouraged by where we are and excited by where we are headed. The reason for my optimism, especially in light of our nation's continuing economic woes, revolves around these three words: save, build and grow. It's what we have been doing and it's what we will continue to do.

Our City's foundation consists of ordinances and administrative fiscal policies that support its structure. The infrastructure includes the roads, sidewalks, sewer lines, wastewater utility and public works projects. The City also has security, a highly skilled public safety component. Last but not least, we have personal offerings, like our parks and recreational programs that add to the quality of life in our community.

As we take a look at our City departments, there are proud accomplishments and exciting plans to share as we work together to continue saving, building and managing our growth for future generations. With a nod to our dedicated Police Department and Police Chief Jason Dombkowski, I am very pleased to share there were no homicides in West Lafayette in 2012. The most current five-year FBI Uniform Crime Reporting statistics show West Lafayette has the lowest combined rate of violent crime and property crime compared to any Big Ten university city and compared to any of the university cities or towns in Indiana. An impressive ranking! Here's more good news: our fine men and women in blue responded to 24,197 calls for service last year, a two percent decrease from 2011. Criminal arrests increased two percent, up 1,597 from 1,572 in 2011. Juvenile arrests decreased five percent, down to 53 from 56 in 2011 and alcohol arrests decreased 17 percent. Traffic enforcement has been a priority with a focus on school zone safety. Officers issued 1,234 traffic citations last year, an increase of five percent from 2011. Traffic crashes increased three percent while alcohol related crashes decreased and thankfully, no fatal crashes occurred.

The Police Department's new vehicle lockout assistance service proved to be a useful and appreciated program with officers unlocking 814 vehicles for our citizens. This type of service is evidence of how our police force has grown in the type of quality of life enhancement service offered. Our Neighborhood Resource Team continued to grow in addressing quality of life issues in our neighborhoods, with the Team responding to 2,398 calls last year, focusing on code enforcement, parking violations and animal control issues, along with issuing 19,189 parking tickets.

Moving on to our firefighting team, West Lafayette is fortunate to have a very skilled, proactive Fire Department led by Fire Chief Tim Heath. In 2012, our firefighters responded to 1,785 calls, including 60 reported fires, but no arsons. Always looking for ways to grow while saving taxpayers' money, Chief Heath led the charge in pursuing and receiving more than \$25,000 in equipment grants. With federal funds, a Polaris Ranger was purchased and used on several occasions by the Fire Department to perform rescues and fire suppression on the 22.5 miles of trails throughout the City. Other grant dollars provided for 75 smoke detectors to be distributed in the community.

Our community grew a bit larger late last year with a ribbon cutting at Fire Station #3 at 1100 Kalberer Road. This state-of-the-art building was constructed not only for today, but for future generations. It is a great example of responsible growth for the betterment of our entire community. Station #3 will house two trucks and five firefighters per shift.

Speaking of responsible growth, the Fire Department saw four individuals retire from service last year with five new firefighters coming on board, putting the Department at full staff. The Department's command structure was reconfigured last year. This change defined and refined the roles our command staff plays on all fire ground control activities.

I am extremely proud of Chief Dombkowski and Chief Heath's vision, leadership and caring commitment in providing these essential services for our citizens. They, along with our two teams of dedicated public safety professionals, have contributed immeasurably to our building, saving and growing for the future.

Our community streets have seen a wide variety of activity this past year. From more than 271 tons of asphalt used to repair potholes to two street sweepers collecting more than 718 tons of debris in 1,474 staff hours to more than 698 tons of leaves being collected, it's been a busy year for Street Commissioner David Downey and his team.

Growth and quality of life enhancements go hand-in-hand with West Lafayette's green initiatives. To that end, I'm pleased to share that 946 tons of yard waste and 2,631 tons of recycled items were collected last year with the percentage of items saved from the landfill increasing to 42 percent of the total collected. Responsible growth continued in the recycling arena with the City's purchase and distribution of 5,000 recycling carts to residents whose commitment to helping build our green initiatives resulted in our recycling rate going up 26 percent.

A drop-off site south of State Street is planned for residents in multiple unit housing complexes. Future recycling of electronic equipment is planned as part of the City's overall recycling mix, due to these items being prohibited from the landfill. The Pollution Prevention Department, under the umbrella of the Street Department, now has a new street sweeper to aid their efforts.

We have multiple examples of fiscally responsible, strategic growth in the many projects City Engineer Dave Buck and his talented team worked on last year. Cumberland Avenue reconstruction (phase 2) stretches from Salisbury Street to Yeager Road and contains two roundabouts at Yeager Road and Manchester Street. This project was both on time and under budget, at \$3.6 million, well under the \$4.4 million budgeted. Yeager Road reconstruction (phase

1) involved widening this road to five lanes from US 52 south to Northwestern Avenue. A new trail, sidewalks and street lights will improve the entire length of this project. Completed two months ahead of schedule, this work was done well under budget at \$2.4 million.

Our Engineering Department team oversaw more than \$1.1 million in street resurfacing and ADA-compliant sidewalks and ramps, as well as street repairs. Work was completed on South Chauncey Avenue, Dehart Street, Connolly Street, Rose Lane, South Street, Salisbury Street, Ravinia Road, Soldiers Home Road, and Hartman Court. Strong evidence of West Lafayette's growth, particularly when our nation and state are barely out of a recession, is found in the dollar amount of \$64,788,000, the highest construction dollar value ever recorded in the City of West Lafayette. Building permits totaled 423, plan reviews totaled 450, and building inspections totaled 986.

West Lafayette's growth is closely tied to the completion of US 231. Special appreciation goes to Indiana's former governor and Purdue University's new president, Mitch Daniels. Thanks to his leadership and commitment to this major road project, US 231 now provides our City with tremendous opportunities. In the coming years, we expect to see explosive change surrounding this new road that is the major new entrance, the front door, to West Lafayette.

Growth is inevitable, whether it's done with a positive approach using vision, planning and structure or a negative approach of unmanageable chaos. Expanding city boundaries through strategic, thoughtful, controlled growth measures is paramount. We are taking a laser-like approach regarding the expansion of our city boundaries to help minimize problems and maximize benefit. All the opportunities annexation affords West Lafayette lie at the front door of our community. The continued cooperation of the City and Purdue University's public safety departments are very much part and parcel of successful future annexation opportunities.

Our innovative, proactive Wastewater Utility team and all they have accomplished under Director Dave Henderson's leadership contribute to the infrastructure. Dave's ongoing goal was to manage our continued unprecedented growth with responsible spending. The hard work and progressive talent of our Wastewater crew means that 2.36 billion gallons of wastewater was treated at our Plant in 2012. The Western Interceptor was put into service, reducing combined sewer overflows, providing capacity for growth in the City and eliminating three lift stations.

With Aeration Tank #5 added, capacity at the Wastewater Plant increased 17 percent last year. Our digester project that harnesses wastewater, grease, waste and food scraps to produce electricity was recognized with a Governor's Award for Environmental Excellence in Renewable Energy. Nineteen percent of the Plant's power now is generated onsite. The City will be building a new regional lift station at the Purdue Research Park this spring. Because of Dave Henderson and his team's "green" vision and innovative approaches, we are prepared to grow and continue serving residents, businesses and the community at large.

Our community is proud to offer amenities to make it interesting and valuable. To that end, the City's Parks Department under the wise and steady leadership of Parks Superintendent Joe Payne has experienced plenty of progress. Honoring a long time Parks advocate, the Paula R. Woods Park was dedicated last July. West Lafayette's part of the Wabash Heritage Trail network was completed with a new trail constructed along North River Road and through Happy Hollow Park to Rose Street.

Part of building and growing is spearheading new initiatives. A first for any trail in Indiana, West Lafayette soon will boast the installation of new trailhead and interpretive signs with 19 miles of paved trails and more than five miles of footpaths for community enjoyment. Joe and his team didn't stop there. Parks Department staff oversaw the installation of the Celery Bog webcam in the Nature Center, registered 3,950 residents for Morton Community Center programs and classes and prepared and maintained Riverside Skating Center for 14,470 people to enjoy.

Thanks to the West Lafayette Community School Corporation generously allowing the use of their facilities, 2,100 youngsters participated in all kinds of recreational programs last year. Thirty-four local artists and hundreds of guests enjoyed Art on the Wabash in Tapawingo Park. Thanks to the caring commitment of our Tree Fund Committee who contributed 930 hours toward growing our City through trees, 516 new street trees were planted and West Lafayette was again recognized as a Tree City USA.

With great appreciation for the invaluable contributions and visionary thinking of City Engineer Buck, Street Commissioner Downey, Wastewater Utility Director Henderson and Parks Superintendent Payne, we are saving money while building and growing West Lafayette. Our Development Department is one of our remaining departments that I am pleased to recognize for all of Development Director Chandler Poole and his team's innovative work.

Purdue Research Park certainly continues to grow and expand its international and national footprint, welcoming companies from Israel and Italy last year. Our Redevelopment Commission worked with Purdue Research Foundation to create an incentive package that attracted a new clean fuel engine testing facility for Caterpillar. Automotive Robotics Proving Labs will break ground this year.

The expansion of the Levee/Village Tax Increment Finance District includes the New Chauncey neighborhood and the Northwestern Avenue corridor. City Council-approved Wang Hall is a partnership between Purdue and Purdue Research Foundation as a new development in the Northwestern Corridor. The 720 Building is a Council-approved mixed use project that will have a grocery store near campus. Community input was a critical factor in moving both projects forward.

Sagamore Commons now is fully developed with a multi-million dollar IU Health Building, Mike's Carwash, Farmers and Merchants Bank and Miracles Fitness. Faith West is being developed by Faith Ministries as a mixed use facility that will have housing and a community center located on the first floor. As a finished project, Chauncey Square is a gem in the efforts to redevelop and stabilize the near campus areas of West Lafayette.

Chandler and his team were key players in the inaugural Purdue Boilermaker Half Marathon, a partnership between the City, Purdue and Lafayette with more than 2,500 people participating from 30 states and three countries.

Saving, building and growing extend into our public art initiatives. Two art installations happened last year with a *Point of Departure* located outside of Greyhouse Coffee with Greyhouse paying for the sculpture and the City handling the installation. Today, it is at the center of activity in the Village. *Delight of Accomplishment* is a mural gracing the walls of the

Chauncey Village Walkway, the former Gumball Alley as the final part of revitalizing the former stinky alley into a clean and colorful pedestrian walkway in the Village.

Thanks to the hard work of those leading the Sagamore West Farmers' Market, the event marked its eighth year in 2012 with vendors and the community making this event a true gathering place. Hats off to Chandler and his proactive, talented team for positioning West Lafayette as an appealing location to live, work and play.

Due to the growing demands of technology, we created an IT Department, headed by hard working IT Director Anthony Newman. The business of your local government is being enabled by technology instead of technology driving our business changes.

With a centralized plan, wireless access points are being deployed to all City owned buildings and parks, including free wireless access at the Village. Security assessments are being performed as well. We recently launched a pilot program, co-locating West Lafayette's server at Purdue, as a savings step and is yet another great example of the strong partnership between the City and the University.

Finally, I am very pleased to share with you that our fiscal condition is very strong. We save. We build and we grow. We are successful with this approach because of Clerk-Treasurer Judy Rhodes' financial expertise and wise counsel on all money matters. Her deep and broad knowledge of municipal finances is why we have maintained our General Fund reserve in a strong and healthy condition, with increases happening even during the thick of the recession. A true achievement indeed!

Generational upgrades have been implemented as well. The fact that West Lafayette enjoys and benefits from a AA bond rating is nothing shy of incredible and a testament to how highly regarded our City is for its responsible fiscal management.

In concluding my comments, I want to spend a few minutes talking about the key role our partners play in our success. Our partnership with Purdue University and the Purdue Research Foundation is instrumental in our ability to continue growing responsibly. We appreciate our partners and thank them for their continued commitment to our collective success.

Finally, a heartfelt thank you to our City Councilors who labor mightily to make everything work well in our City. Thanks also to the Board of Public Works and Safety, the Redevelopment Commission and the Parks Board for their leadership and vision and to our many volunteer committees who serve as the lifeblood of the City's many initiatives.

To all West Lafayette residents, our constituents, I salute and thank you for your caring commitment to our community and for the ideas, concerns, questions, opportunities and challenges you provide me and my team week in and week out. Working together, we will continue saving, building and growing to help ensure the future success of the community we love.