

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
SEPTEMBER 3, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on September 3, 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 Associate Murtaugh, Clerk-Treasurer Rhodes, Public Works Director Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Heath, WWTU Director Henderson, IT Director Newman, Parks Superintendent Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the August 1, 2013, Pre-Council Meeting, and the August 5, 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

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

PUBLIC SAFETY AND ORDINANCE

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

PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University.

PARKS AND RECREATION

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

Councilor Bunder stated that several constituents have expressed curiosity about the large pile of dirt that can be seen from the trails in the Celery Bog.

Public Works Director Buck explained that it is likely from a highway project being done by the County.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office. One item he noted is that the Department of Development is working with the City of Bloomington and the Indiana Association of Cities and Towns to challenge House Bill 1313, and he asked Director of Development Poole to discuss that issue.

Director Poole stated that House Bill 1313 was brought forward by two representatives at the State House and it deals with rental inspection programs. West Lafayette has approximately 40 years of rental inspection programs, and Bloomington has over 50 years. He explained that we are working with Bloomington to try to ensure the rental programs do not get cut or damaged by House Bill 1313. So far, it has been negotiated that new programs established will fall under the set of rules. He stated that we would like to see all programs not have to operate under these set of rules, and the rules make it nearly impossible for a new program to get up and running. In response to an inquiry from Mayor Dennis about the limitations, Director Poole stated that it would limit fees, the ability of the inspectors and what can be inspected within the program, and how it is funded. New programs would have to be based purely out of inspection fees. He stated that it would be cost prohibitive for a community to start a new program. We are fortunate to have the duration we have had, and to have the staff we have to manage the program.

Mayor Dennis stated that this legislation is predicated on some arguably abusive practices in other cities. It is actually a very small number of people who have been doing that, but unfortunately at times a big wrench is used to turn down a small nut.

Councilor VanBogaert asked if that limits the ability to expand or modify our existing code.

Director Poole responded that it is at summer study right now, and on September 25 we will find out if the bill will move forward or not. He explained that there is a proposed two year moratorium on any type of changes within programs, which means that we could not increase fees, change enforcement, or anything else with the program. He stated that we are also trying to get that aspect removed.

#### PERSONNEL

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

#### BUDGET AND FINANCE

Councilor Dietrich noted that there are several related items on the agenda, but there is no additional report.

#### REPORT OF APC REPRESENTATIVE

Councilor Keen noted that there are items on the agenda.

#### SPECIAL REPORTS: Light and Lock Program

Mayor Dennis stated that he would like to acknowledge a new Police Department program called Light and Lock. He explained that it is a cooperative effort between the Police Department and University Farms regarding crime watch. He asked Police Chief Dombkowski to speak more about the program.

Chief Dombkowski stated that in response to recent break-ins and burglaries occurring in University Farms and Arbor Chase, the Department has begun working with the neighborhood associations for an awareness program. He stated that most of the burglaries occurred during the evening hours when people are at home, which has been a great concern. In working with the neighborhood associations, the Department has provided information on tips and things to look out for in securing the neighborhoods and homes. He stated that just last week, during the wee hours of the morning, the Department found over 30 garage doors left open, up, and

inviting. Through the initiatives and literature being provided, we hope to quell that and make some arrests.

Mayor Dennis expressed his appreciation. He stated that some things cannot be prevented, but as with anything else, when we are in a position to empower people with knowledge and to provide guidance on making property more secure, then we all win. He gave credit to the neighborhood associations for being willing to take our direction and helping to initiate this to take care of these problems. He stated that it was a good partnership.

Councilor Burch asked if the brochures being provided could be given to the Council members or the public.

Chief Dombkowski stated that they could be made available. He explained that the neighborhood associations made them up, and we helped place information on those brochures, but they could be duplicated for any neighborhood or any part of the City.

### PUBLIC RELATIONS

#### Beautification Award

Councilor Burch presented the Beautification Award to Bill and Shari Gass. She described some of the features and explained that they designed and created their own landscaping while utilizing the help of a Purdue landscaping class.

### FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that there are several items on the agenda. There will be a County Council meeting on September 30, 2013, which will include a non-binding review of our budget.

### LEGAL REPORT

City Attorney Associate Murtaugh stated that this report is on file.

Councilor Bunder asked if there is any report on the signage issue.

Chief Dombkowski reported that there has been quite a bit of progress. He stated that Neighborhood Resource Supervisor Walker has conducted several meetings with City staff and with individual landowners. Some of the owners are in the midst of taking down some signs. He acknowledged the help of Zachary Baiel, a resident of the New Chauncey neighborhood. He stated that there were 13 to 14 landowners originally in violation. Of those, only one or two need additional guidance, and they will be met with individually.

Councilor Dietrich asked if further action will be taken regarding the ambiguity in the ordinance.

Chief Dombkowski responded that there is a Unified Zoning Ordinance that we are all under, and to change that would not be just the work of this body. We are hoping to continue to work on those guidelines and hope to not have to ask someone to define some of those areas. When it comes to signage it is actually clear on the size it should be, and the ambiguity becomes whether it is a temporary, or incidental, sign or not. It may be something for the Council to look at, but for now we will work within the guidelines of the Area Plan Commission's ordinance, and hope for full compliance by this time next month.

Councilor Bunder asked for the identity of the two non-compliant companies.

Chief Dombkowski responded that we have been unable to come to an agreement with Evergreen Rentals, which has two signs in the neighborhood, and we expect that a private meeting in the Mayor' Office will take place later this month. We have been unable to reach Steve Hislope, who owns two properties, but expect he will be willing to talk with us once we get a hold of him.

Councilor Bunder asked for details on the yellow Livesay signs.

Chief Dombkowski responded that progress was made with Livesay on Friday, and they have agreed to take the signs down by the end of the month.

Councilor Bunder thanked Chief Dombkowski, Mayor Dennis, and Neighborhood Resource Supervisor Walker.

UNFINISHED BUSINESS:

Ordinance No. 19-13 Historic Preservation Commission: Boundaries, Powers, Duties, Guidelines And Procedures (Submitted by Councilor Bunder)

Mayor Dennis read Ordinance No. 19-13 by title only.

Councilor Keen moved for passage of Ordinance No. 19-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that we vetted this out at the last Council meeting. He asked if there was anything else to address.

Councilor Bunder stated that Jan Myers brought up the issue of the Americans with Disabilities Act (ADA), and he stated that he takes that seriously and as the ordinance phases in, he would be happy to work with City Attorney Burns on whether additional language is needed. He stated that he wants to go forward with this tonight, but wanted to call attention to that issue.

Mayor Dennis stated that the federal standards to supersede anything we would do locally, so if anything needed to be done it could be done without our ordinance or Board's approval.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

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

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 2 NAYS.

Mayor Dennis announced that Ordinance No. 19-13 passed on second and final reading.

Ordinance No. 20-13 An Ordinance Setting The 2014 City Budget And Setting The 2014 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) PUBLIC HEARING ONLY

Mayor Dennis read Ordinance No. 20-13 by title only.

Councilor Keen moved to open a public hearing on Ordinance No. 20-13. The motion was seconded by Councilor Burch.

The motion passed by voice vote, and Mayor Dennis noted that this is the opportunity for any member of the audience to speak about our spending plan.

There were no comments.

Councilor Keen moved to close the public hearing on Ordinance No. 20-13. The motion was seconded by Councilor Burch.

The motion passed by voice vote, and Mayor Dennis noted that the public hearing requirement has been met.

NEW BUSINESS

Ordinance No. 21-13 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (MHG Hotels, LLC) (Hampton Inn and Suites PD) (GB to PDNR) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 21-13 by title only.

Councilor Keen moved for passage of Ordinance No. 21-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dan Teder (Reiling Teder & Schrier, LLC), representative of the petitioner, noted a typo mistake on the agenda. The ordinance is correct. He pointed out that the agenda shows the rezone is from R3W to NB when it should be GB to PDNR, and he wanted to clear up any confusion. He stated that the petitioner, Sanjay Patel, is the president of MHG Hotels, LLC, and is present, along with Kyle Betz with Fisher & Associates to answer questions. Mr. Teder described the land of the rezone request as a two acre tract at State Street and Tapawingo Drive, on the gateway to the City. He noted that it had a favorable staff report from the APC with a unanimous recommendation. The building is to be a Hampton Inn and Suites with four stories and 105 rooms. The cost to build is approximately \$12 million, so there will be a lot of tax dollars coming this way. The hotel hopes to employ approximately 25 full-time employees and 15 part-time employees. Amenities will include meeting rooms, pool, fitness center, and laundry. He stated that the important features of this property include a slope, and we will be trying to make the building into the slope and have it as close to the street as possible, as the City requested. He stated that this project will culminate into being able to do a plaza. MHG Hotels is to provide the basics for the plaza, which is to level it out and plant grass. At that point, the City will come in with plans to make it into a grand plaza for the City, which can be further explained by Director of Development Poole or Public Works Director Buck. Mr. Teder stated that this project began in October 2012, and there have been a lot of meetings and negotiations with the APC and the City since then. Mr. Teder expressed his thanks to Directors Poole and Buck, stating that they did exceptional work in making this project what it is. Mr. Teder provided background information about Sanjay Patel and his success in the hotel

business, and stated that he expects that people will be happy with how the hotel operates because Mr. Patel is a integral part of what will be seen in the future of the hotel. Mr. Teder requested approval of Ordinance No. 21-13.

Mayor Dennis stated that doing developments in a city with a small geographic footprint, as West Lafayette has, can be difficult, but when we look at a gateway to our community, we will be engaged and involved. To some interpretations, we will be demanding, because our intent is to make this one of the greatest cities, not just in the State of Indiana, but anywhere. So, when we ask a developer and his staff to make the extra effort to make this something that we can all be proud of, which can be welcoming and iconic for our community, then we are going to firmly stand ground. He stated that Directors Buck and Poole did an amazing job. Mayor Dennis expressed his thanks to Mr. Patel for being receptive to the City's suggestions, even though it did, in some cases, increase the costs of the development. He also thanked Mr. Teder for his efforts and being instrumental in these negotiations, stating that Mr. Teder did not allow requests by the City to fall by the wayside, and he used his experience in knowing the flavor of the community to present it well. Mayor Dennis stated that he feels this project will do wonders for what we have planned for the future of that corridor, and he intends for this to be the beginning of good things to come.

Councilor Dietrich asked for details of the anticipated start-up and ongoing costs for taking over the plaza.

Director Poole explained that the plaza is yet to be designed, and we are working with MKSK on the master plan with Purdue University and Purdue Research Foundation (PRF). We are asking Mr. Sanjay's group to give us a blank slate so we can make plans. He stated that ongoing maintenance, after it is designed, will be factored into our overall look and feel. We anticipate that MHG Hotels will put down grass and some trees to stabilize it and make it look nice until we have a plan that is aesthetically pleasing and fundable.

Councilor Dietrich stated that he is a little uncomfortable committing the City into going into something that it not more defined and without more parameters. A blank slate is a blank checkbook.

Director Poole stated that if we do not do anything, we will still have sidewalks and things of that nature in that area, along with the grass to stabilize it. It will look very nice, but if we want to go further with the State Street Master Plan, then we will know what the community desires to have on that site. Director Poole confirmed for Councilor Hunt that Greenspace Administrator Shaw has been heavily involved in this plan.

Mr. Teder explained that the plaza belongs to the City. It is not part of the MHG Hotels project, though the project will include a lot of greenspace. For the plaza area, MHG Hotels is willing to make it so that the City has a blank slate, but it is not on MHG Hotels property. He stated that it is not the duty or responsibility of MHG Hotels, but they are going to do more than what has been seen in other places.

Councilor Dietrich stated that, in his opinion, it may not be a responsibility, but the fact that it is tied into the ordinance that we are approving makes it in MHG Hotels' ballpark.

Mr. Teder stated that the City asked MHG Hotels to go beyond their site to put in retaining walls, possibly some electric, and get the site ready for the City, so that is all that is being approved. He does not know that it is a blank checkbook as City planners have to answer to the Council.

Mayor Dennis stated that MHG Hotels is going to make it developable.

Mr. Teder stated that is correct, they are going to make the City's property developable for the City.

Mayor Dennis stated that in other words, they are giving the City a more marketable product than just greenspace.

Councilor Keen stated that part of the issue with this is that under this area, there are a number of utilities that would be very expensive to relocate, and this is a good solution to a bad problem.

Mr. Teder stated that the City has some vision here, and knowing Director Poole, he does not let go of a nickel very easily, so he does not see that as being an issue.

Councilor VanBogaert requested an explanation of why PDNR was chosen and for the limitations of the existing GB zone.

Mr. Teder explained that under General Business, the hotel could have been built, but it would be more limited in height. It would also require variances, which the City indirectly indicated that they would be against any variances. The alternative was to go to the PDNR. He explained that under GB the hotel would have been much less than this, and since the City wanted to have more control we went to a planned development.

Councilor VanBogaert stated that he knows we have looked at changes to the State Street Master Plan, and there is a roadmap for how it will be implemented which will impact the pedestrian and alternative transportation accessibility to this building. He asked if this development changes the thinking at all in how that will be executed. He noted that there are no marked pedestrian crossings between Tapawingo Drive and River Road, which is dangerous now, and limits the opportunity the business has in this space. He asked if it is thought that if we are not pursuing an expedited implementation of the State Street Master Plan and expanded pedestrian options, then we are encouraging people to increase vehicular traffic near campus.

Director Poole stated that the State Street Master Plan contract will go in front of the Redevelopment Commission for approval this month. At that point, we will start the process of figuring out what we will do with the State Street corridor. It will take a while. He knows that Director Buck has looked at all options for pedestrian access to make sure it is safe, and that it enhances the pedestrian connectivity between the different projects we are working on. All of that will be taken into consideration while we do the plan. The plan really deals with the look, taste, touch, and feel of the State Street corridor. The actual pedestrian and vehicle movements will be dealt with through the Engineer's Office to make sure that what we are trying to create fits and allows traffic to move properly and safely.

Councilor VanBogaert asked what plans there are in the next 12-18 months for improving pedestrian access in that space and all the way up the hill.

Director Buck responded that for State Street specifically, that is part of what is involved with Director Poole and the State Street Master Plan. He stated that we are more focused on Northwestern Avenue, then River Road, and then State Street. So, in the window of time mentioned, it will be maintained as-is as far as what is in the public right-of-way. He noted that State Street is State Road 26 right now, and we have had very little say in what we would like it

to look like. He stated that one of his goals in the State Street Master Plan is to help understand how we can make it more pedestrian friendly for a more downtown environment. In response to an inquiry from Councilor VanBogaert, Director Buck stated there is no specific date for the transfer of the road, but it is getting close. The agreement states that it will be 45 days after the acceptance of the new US 231 corridor, and the State is in charge of when that acceptance date happens.

Councilor VanBogaert asked for a description of changes that were made to make the styling of the hotel suitable for the area, what the thinking was in terms of determining the appropriate density, and whether a multi-tenant approach was considered for this space.

Director Poole stated that he met with Mr. Patel approximately five years ago to discuss this site, and we held firm on what the City wanted to see, in that the building must have some curb appeal. During negotiations, pictures were shown of other hotels done with a more urban feel, by pulling the building closer to the corner to enhance the connectivity, and they agreed to that. He stated that the site is a victim of topography with the big dip down, and MHG Hotels was creative in using that topography to their advantage, while allowing us to have a pedestrian plaza area. He stated that the look of the building has changed considerably compared to when we first met, and we came up with a nice compromise.

Mr. Teder stated that we should remember that this site is basically a former junkyard. There have been four or five people look at the site for development, and everybody has passed. No one wanted to take on the responsibility needed to make this work. This site is an engineering challenge, which has been worked on and resolved, but it is an expensive proposition. As a result, he stated that he feels this particular project for this site works very well with it. If something is not done along this order, it will come back to GB, and a lot of things can go in GB but not the ability to have a gateway building.

Councilor Hunt stated that many years ago, someone looked at this site and requested abatements due to the junk that was under there. She asked what has been evaluated for that.

Mr. Teder responded that they are not asking for any tax abatements.

Zachary Baiel (124 Connolly Street) stated that he is concerned about the developments happening in and around the West Lafayette area. He stated that his remarks are a stream of consciousness on the APC staff report and the other information. He stated that he does not mind development in that particular area; however, he respectfully disagrees with this being the best choice since this is located at the most heavily traveled gateway intersection into the central business area of the City. There is talk of a monument sign, and he could not find anything in the UZO that defines particular signage for the building, so he wondered about the parameters for that. He thanked Councilor Dietrich for bringing up the pedestrian plaza issue, and read from the staff report that the plaza is a focal point for the project and a welcoming gateway opportunity space for the City. He stated that the plaza looks pretty, but as a person who lives in the area, he does not want to always be greeted by a hotel; he wants to be greeted by friends and family or someplace to do business, so this particular development does not take full advantage of this opportunity at that site. Mr. Baiel stated that the junk that was dumped on the site was news to him, so he was unaware of those complications, but he feels that if Mr. Patel can get around it, others can as well. He stated that because the City shall be the responsible for the cost, design, construction, maintenance of itself, and all of the elements and features that fill that plaza, he is confused about the grass and trees mentioned that will be picked up by MHG Hotels. That is the most expensive part. We will be given a canvas, but the

paints are what costs when doing an art project, and it will be a reoccurring cost over time. He stated that he applauds the APC staff's consideration in pushing toward this; however, the community would garner more pleasure and benefit from a development that we, as an entire County, not just our visitors, would actually use. He stated that most of the neighbors and residents he has spoken with have spare rooms to hold people for the night, so this will serve mainly the outside people visiting Purdue for a variety of reasons. He stated that he does not know if we can maximize both variables of creating both a welcoming gateway into the City and an attractive focal point, since they are apparently inversely related. If the APC truly wants a welcoming gateway, he asked why we should fit into the confines of a particular development. He suggested designing the welcoming gateway and see if we need to develop it further. He asked if this is another building that long-term residents will walk by, or actually stop in. Through the Community of Choice, we are trying to develop pedestrian and bicycle friendly spaces, so he appreciates that being brought up in regards to this development. He asked how we can incentivize this for long-term residents versus short-term student-residents since hotel amenities are not usually used by people who are not staying there. He asked if anyone has actually hung out in a hotel's greenspace when not staying there, and he then noted that one person in the room answered yes. Mr. Baiel asked that, knowing the State Street Mater Plan is on the way, why rush into this planned development, and how do we know it will fit in there unless there are already things coming through the backchannels regarding the Plan. He stated that piecemeal rezones will not accomplish our County's goal of trying to make State Street i desirable to current, and most importantly, future Tippecanoe County residents. He asked if there has been any desire-line study of pedestrian/bicycle traffic in the area. He stated that he wants to remind the Council that if we go forward with this petition, we are settling on a hotel instead of a mixed-use building, which is across the street from another hotel, and near a strip-mall that has been considered for an extended-stay hotel. He noted several of the other hotels in the area.

Councilor Dietrich stated that 50-some years ago this site used to be a trampoline park, so we are making some progress.

Councilor Burch stated that she thinks that this hotel will be a pleasing entrance into our City, and a welcome addition. They have obviously studied the area and determined that the hotel is needed. She stated that maybe because this is the first time to have this plaza in front of the hotel, we will find out how much our community will use that area. Because we are going more towards a pedestrian/bicycle community, she feels that it will be well-received and used.

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. 21-13 passed on first and only reading.

Ordinance No. 22-13 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Stanley E. Kruse) (R3W to NB) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 22-13 by title only.

Councilor Keen moved for passage of Ordinance No. 22-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Stanley Kruse, owner of the property, explained that he is working on fixing up this property, which probably not been touched in about 30 years. He explained that his wife is a dietician, and the intent is to use the house for his wife's business, Jennifer Kruse Consulting, to do consulting work for corporate and individual clients. He requested approval of the rezone.

Councilor Hunt asked if there would be any residential use.

Mr. Kruse responded that there is a residential area upstairs, and they have not decided if they want to use it for that or not. It is not in their current plans. He confirmed for Councilor Hunt that if they chose to make it a rental, they would go through the process.

Councilor Hunt stated that with the obesity epidemic, she likes that we have someone for nutritional counseling.

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. 22-13 passed on first and only reading.

Ordinance No. 23-13 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 2014 (Submitted by Mayor John Dennis)

Mayor Dennis read Ordinance No. 23-13 by title, and stated that this is basically the 2% raise for our staff.

COMMON COUNCIL MEETING MINUTES, September 3, 2013, CONTINUED

Councilor Keen moved for passage of Ordinance No. 23-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that when going through the budget process, we submitted a 2% pay increase for our staff. It was presented to the budget committee and they acknowledge the fact that this is well-earned and well-deserved.

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 0NAYS.

Mayor Dennis announced that Ordinance No. 23-13 passed on first reading.

Ordinance No. 24-13 An Ordinance To Fix The 2014 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. 24-13 by title only.

Councilor Keen moved for passage of Ordinance No. 24-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this is the Utility's salary ordinance, which is reflected in the ordinance that we just passed.

Councilor Burch asked for clarification under item (E), where it lists the Mayor, Clerk-Treasurer, and etcetera. She asked what percentage that is of those salaries.

Clerk-Treasurer Rhodes stated that Ordinance No. 25-13 for elected officials specifies the portion from the General Fund and the portion from WWTU.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			

COMMON COUNCIL MEETING MINUTES, September 3, 2013, CONTINUED

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

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

Mayor Dennis announced that Ordinance No. 24-13 passed on first reading.

Ordinance No. 25-13 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2014 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 25-13 by title only.

Councilor Keen moved for passage of Ordinance No. 25-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch

Councilor Hunt stated that the Council has not received a raise in 13 years, and that includes when other City employees get a percent raise. She stated that for the last 13 years, the Councilors have received \$4,800 per year, with the APC representative getting a small amount more due to attending additional meetings. She provided some statistics for salaries in other Indiana cities. The salaries range from \$536 to \$19,081 per year. The mean salary for the eight cities with a population between 20,000 and 35,000, including West Lafayette, is \$8,197.50. The 2013 salary for Lafayette Councilors is \$12,246, and for the County Councilors it is \$12,545. She proposed a moderate \$500 per year raise for the Councilors, and then to include the Council in the percent raises in the future.

Councilor Burch stated that she does not feel comfortable voting a raise for herself, although Councilor Hunt has done great research and provided good information. She finds the timing to be curious and wondered why now instead of next year.

Councilor Dietrich stated that it was discussed in one of the meetings, and City Attorney Burns stated that it was not possible, the way we are structured, to do this forward. For us to approve a raise for next year's Council or the next round of Council, we discussed it may be best to do when they are voted in, but that is not an option.

Mayor Dennis confirmed that this is true.

Councilor Hunt stated that she has always felt bad that when the rest of the City gets a percent raise, including all of the other elected officials, and it seemed unfair. She stated that last year during budget hearings, she did make some advance warnings that we should consider the raise this year. She stated that she has never voted on her own salary before, but believes it is reasonable that the Council receive a fair and just salary.

Mayor Dennis stated that he will leave the debate of the salary and let it run its course, but he knows the kind of work the Councilors do, and the time they put into the product that comes before the public at the monthly meetings. He knows the hours committed to their jobs, not least of which is the part of obtaining and retaining their jobs. He stated that being picked by a

population is not a piece of cake, and he can appreciate the fact that they put a lot of time and effort into their task. He noted that a lot of the information the Councilors receive can be challenging and complicated, and he admires that each Councilor, when in doubt, researches to learn the information. They meet with constituents, travel to conferences and seminars, and do things that make West Lafayette an awesome place to live and do business. He stated that when looking at the amount of money to be increased, in these times it seems somewhat audacious to ask for any increase, but the fact is that the Councilors earn it.

Councilor Bunder stated that, to speak in favor of Councilor Hunt's proposal, earlier in the year after considerable debate, we passed an increase in the trash fee. One of the arguments was that the fee had not been changed in 20 years. If that argument was forceful then, he suspects that it should be forceful here in the salary debate. It is one way of saying the work the Council does is substantial and indicates that they have some value here.

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. 25-13 passed on first reading.

Resolution No. 17-13 (Amended) A Resolution Requesting The Transfer Of Funds (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 17-13 by title only.

Councilor Keen moved for passage of Resolution No. 15-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that there are two transfers. One is for the Cumulative Capital Development Fund at the request of the Parks Department. The second is for the Motor Vehicle Highway Fund (MVH), at the request of the Street Department.

Councilor Dietrich asked how we have \$14,000 in salaries to transfer.

Clerk-Treasurer Rhodes responded that as part of the plan for how to allocate labor appropriately for Sanitation, we determined through valuation of daily tasks, that the administrative assistant/receptionist in the Street Department spends approximately half of her time dealing with refuse and recycling pick-up issues. When we examined the costs to support the trash fee increase, we included half this salary. We had already budgeted in the City budget

for this year and did not take any steps until the trash fee had been enacted and collected to do the labor allocation. As a result, there will be unexpended funds in this line item for MVH this year.

Councilor Burch asked for an example of other equipment.

Clerk-Treasurer Rhodes stated that Street Commissioner Downey can explain what he is purchasing.

Commissioner Downey explained that it is a plow to put on an existing truck. It is called a wing plow and will provide more width going down the street.

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 Resolution No. 17-13 passed on first and final reading.

**COMMUNICATIONS**

► Councilor VanBogaert requested an update on the property at State Street and Northwestern Avenue in the Village that was looked at last July and is still boarded up. He asked what we need to do if that does not get resolved.

Director Poole responded that it is the State Street Corner project, where Subway was. He stated that the project was a 50/50 partnership, and one of the partners had some financial issues. That has been resolved, as of last week, and the project should be able to move forward. In response to an inquiry from Councilor Dietrich, Director Poole stated that they have not yet provided a timetable to start construction. He stated that it will be a delicate project, because it is at a major intersection, to deal with fire, police, and bus access, and things of that nature. He stated that Director Buck will be involved in figuring out the most appropriate time to start construction on the project.

Councilor Bunder stated that he had been sent a photo of the Muinzer project with a CVS logo on it. He stated that we once thought CVS was going in at the State Street Corner project, and he asked if there will be several CVS stores in West Lafayette, or if that is unknown.

Director Pool responded that when the project was approved, CVS was a two-story tenant within the property, with a restaurant/bar in the basement. As far as he understands, nothing

has changed. He confirmed for Mayor Dennis that both projects have a CVS logo on their signs, and stated that they believe both are sufficient due to being different markets.

Councilor Dietrich stated that he has heard rumors that some of the area we thought was going to be commercial in the Wang building may not be, and he asked if there was any truth to that.

Director Pool responded that in the Wang building, which is the 516 Northwestern building being built by Purdue and PRF, the upper floors were designed for third-party companies to be able to come in and lease space. However, from what he understands, those floors are used to move people around while remodeling is done in various campus locations.

Councilor Hunt asked if that means we lose revenue. Mayor Dennis asked if they can lease it.

Director Poole stated that that is a legal question.

Councilor Dietrich asked if there is any recourse for us if changes result in less taxable income for the City.

Mayor Dennis responded that there is not.

Councilor Dietrich commented that we should not use taxable income as much of a factor when making decisions.

Mayor Dennis stated that it is the old adage, everything is nothing until it is something. That is one of the things, when we have conversations with developers about their plans, it is our obligation to do so with our fact meter. If you ask the questions and get a comfortable response, then you go with what you believe. There are certain requirements that they have to make based on zoning, and some occupancy.

Councilor Dietrich stated that his concern is that there is taxable square footage that disappears. We are left holding the bag when it was one of their rallying cries when the building was presented to us, but we may or may not get it.

Mayor Dennis stated that there are even greater nightmare scenarios than that, such a developer that does a multi-million dollar development and then gives it to a church.

Councilor Bunder stated that one of the "sexy parts" of the Wang building was the ability of the University to find not just commercial tenants on the ground floor, but also research tenants using high-quality, brand-new research spaces designed to take research and move it forward. He stated that it is a disappointment if it becomes office fill for the University.

Director Poole stated that the upper floors are not research facilities. They were designed as office space.

Councilor Bunder asked if there were not supposed to be inserts that could be used as laboratories.

Director Poole stated that there may have been some, but it was not all lab space, and they did not have commitments from third-party companies to take over the space when they started the building. The upper floors right now, because they are not leased, are excess space. He confirmed for Mayor Dennis that they are still trying to achieve the original goal.

Councilor Bunder stated that he had doubts due to the complexity of building anything on the upper floors that has industrial strength infrastructure required.

Director Poole stated that the building is designed to swap in and swap out tenants as needed, so it will have the ability in some areas to have the inserts of the labs, but other spaces were designed purely for office space.

Councilor Hunt stated that it is disappointing because there were a lot of negotiations, though the administration at both Purdue and PRF has changed since then, in good faith. Since they moved, took a lot of space, and took private homes, we thought that we would at least get some tax income. She asked Director Poole to express her dismay.

Mayor Dennis stated that for clarification, it is not over, so it is not forever no-tax.

Councilor Hunt stated that they did tell us that unless it was approved, they could not start leasing, so there was a certain amount up in the air.

Director Poole stated that it will just take time for the building to become 100% occupied.

► Councilor VanBogaert stated that he was asked to get clarification on if the West Lafayette Police Department uses sobriety checkpoints, and if that is an area of the law that has been in flux at all, or if we exercise our law enforcement beyond what other communities do.

Chief Dombkowski responded that the sobriety checkpoints that we utilize are a cooperative effort among our department, Lafayette Police, and usually the University Police. At times, we are assisted by the Sheriff's Office and the State Police. He explained that the checkpoints are funded by Operation Pullover (OPO) through a grant from the Indiana Criminal Justice Institute. He stated that the State requested that we ramp up those efforts this school year and use their dollars for those efforts. He explained that the number of DUI arrests in Tippecanoe County has been consistent, while the number within West Lafayette has started to fall off. When studying the reason for that, they realized that they are spending less OPO dollars. There are other factors, including manpower constraints. The checkpoints are not about arresting drunk drivers, because they are very labor intensive, with a lot of manpower for very little "bang." But the intent is to send a message to the community that we are out there. If we put those dollars into roving patrols we almost always arrest more drunk drivers.

Councilor VanBogaert stated that the point he wanted to get at, while he does not want to see drunk drivers at all, is that there is some disagreement over whether there is probable cause for that type of search.

Chief Dombkowski stated that, luckily for us, that has been vetted out in the courts, and in Indiana that is not in flux. It is a measure that has been handled in case law and ruled upon at the Federal level as well as State level. He stated that we would not operate in that function if it was illegal. We used to do these checkpoints on a smaller level for seatbelt enforcement, and those have been ruled by the Indiana courts as not permissible. He explained that there were stringent rules set out about a decade ago on sobriety checkpoints in the State, and there is a checklist used to meet criteria. He stated that we will continue to do those checkpoints, with another one this semester, and to continue in the spring as funds allow.

Councilor VanBogaert stated that some individuals are under the belief that they are not required to comply with the checkpoint.

Chief Dombkowski stated that would be a mistake on their part, and he believes they would want to seek legal counsel afterward when they are incarcerated. He stated that there was a good article from *The Exponent*, with well thought-out commentary about how the real message is that the police are out there, and this is a zero-tolerance area for that. He stated that we have the safest community in the Big 10 Conference, and we constantly drive home that we want to maintain that status as having the lowest crime rate and the safest community. We are constantly compared to Bloomington and some similar communities in Michigan.

Councilor VanBogaert stated that he thinks that is secondary to civil liberties and he appreciates Chief Dombkowski's sensitivity to that.

► Councilor Hunt asked about what is done to try to give people alternatives to alcohol, saying that she is aware of the Bar Coalition, medical amnesty, the rapid increase in non-alcohol celebrations for Grand Prix, and the talks the Police Department give at Boiler Gold Rush.

Chief Dombkowski stated that we do have an education piece, and we partner with the Purdue Police and the Student Wellness Office. Those partnerships that we have built have actually gained us national recognition and reputation. We spoke to the International Town and Gown Association this summer about our cooperative effort and presented our Bar Coalition and awareness efforts. He stated that numerous other universities across the country have contacted us for our template. We have a Bar Coalition next week which will present an award for a bar that has gone above and beyond in taking the safety measures we have asked them to take.

Councilor Hunt stated that there was a large statistical study done with a lot of detail about where the alcohol arrests and ambulance runs were.

Chief Dombkowski stated that it is about building partnerships. We can do all the statistics we want, but when we have people at the table who are stakeholders at these meetings, that is really where the rubber meets the road. The Bar Coalition and other measures are not rocket science; they are relationships and partnerships.

► Councilor Bunder stated that now that the Historic Preservation Commission is on the books, he reminded all that the membership of that body has been in place for several years now. Two-thirds of them have rotated off in terms of the initial calendar, so it is time for us to look for people who are willing either to stay on or to join the Commission.

#### CITIZEN COMMENTS

► Chris Kulesza (190 Burke Court, Apt. 312), Vice-President for External Affairs for the Purdue Graduate Student Government (PGSG), provided the annual report of what the group's committees were doing last year. They handed out over \$100,000 in travel and research grants, so they are doing well to serve the graduate community. He thanked Councilors Hunt and VanBogaert for attending the Graduate Student Convocation, Councilors Burch and Keen for their messages, and Mayor Dennis for being part of the main event.

Ann Brown, PGSG Social Chair, invited everyone to come to the Fall Picnic on September 19.

Thomas Kesler (479 Maple Street) stated that regarding the rental billboards, he wanted to thank all involved in the City and his neighbors, particularly Zachary Baiel, for their efforts in moving the issue along. He stated that it has been a big worry for him regarding the image of the neighborhood, so he is glad to see success. He thanked the Street Department for coming to take the concrete he had collected in his back yard. He expressed his appreciation for the speed sign on Salisbury Street near the elementary school, and stated it is a good reminder to be aware of our speed as we go by there. Mr. Kesler stated that on the issue of wages, he can appreciate the need for increases when wages have been flat for several years, and inflation is inevitable. He stated that one thing he is disappointed about is the sod on his block where curb work was done, as there are large stretches of brown now, including patches that he has tried to keep watered. He stated that he attended the Amtrak presentation, and left more informed, and he supports the continuation of the Hoosier State Line and keeping the link to the national rail network.

► Jan Myers (1909 Indian Trail Drive) stated that she was the one person in the earlier Hampton Inn discussion who said she uses hotel plazas. She stated that she travels extensively with her husband, and Hampton Inn is their hotel of choice because they consistently have accessible rooms. She appreciates that there may be other bedrooms in private homes and such, but the homes may not be accessible, so they have friends come sit in the hotel lobby or plaza area. She stated that 98% of homes in the U.S. are not accessible. So, the hotel plaza does become a very common place, and she does use it even if she is not staying there. Ms. Myers thanked Councilor Bunder for his comment regarding ADA and the Historic Preservation Commission, which she has been involved with in the past. She follows carefully what the Department of Justice has been doing lately, and some of these Historic Preservation ordinances in other cities are not meeting federal law first, and the cities are getting themselves in big suits. She stated that she thinks that we want a City that is inclusive of everyone. The people that stop her most often regarding the work that she gets done are the people pushing baby strollers. She stated that she appreciates Councilor VanBogaert's comment about crosswalks, and stated that the ADA does not have a designation as to what the paint should be at a crosswalk, and this must cause an interesting question for the Police looking at what is jaywalking, when the intersections do not have to be lined in any particular way to meet ADA as some people cannot see some of the paint types. Ms. Myers noted that the Indian Creek Trail street sign was dangling. Street Commissioner Downey responded that the Street Department has the sign and is taking care of it. Ms. Myers commented that the map for the Historic Preservation Commission does not pass ADA requirements, and it should be in black and white and the street names should be more visible.

► Ann Brown (337 South Chauncey, Apt. 3) stated that regarding crosswalks and being pedestrian friendly, there are not enough Yield to Pedestrian signs on State Street. There are crosswalks going across, but no one stops, especially during rush hour.

► Mr. Baiel stated that he apologizes for his myopic assumptions regarding those who use the plaza space at hotels, and that is why these public forums are so great. He thanked the Neighborhood Resource Team and the Police Department for the sign efforts. He spoke about the successful Meet and Greet event in his neighborhood on August 27. He stated that he was going to ask about the status of the Morton Community Center feasibility study, but he already received the information from Director Poole. He reported that Bicycle Lafayette has been successful with their spoke card initiative and Boiler Bridge Bash was a huge success. An updated brochure has been made and is being given out. He stated his appreciation of the attention to "plywood city" on Northwestern Avenue and State Street. He also appreciates the

speed signs, and noted there is one on Grant Street as well. He thanked Mayor Dennis for attending the Amtrak meeting.

Mayor Dennis noted that there will be another meeting at the State regarding the railroad on September 11.

Mr. Baiel stated that regarding development, we should not always be enamored by the potential tax revenue, and there are other concerns that come with that. We need to make sure that these places are modular, and it sounds like there are places in Wang Hall to obtain that.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:14 p.m.