CITY OF WEST LAFAYETTE
COMMON COUNCIL SPECIAL MEETING
MINUTES
NOVEMBER 7, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on November 7, 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, Parks Assistant Superintendent Ainsworth, Public Works Director Buck, Police Chief Dombkowski, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, IT Director Newman, and Director of Development Poole.

Mayor Dennis noted that because this is a special Council meeting and we just had the regular meeting a few days ago, we will dispense with all of the reports.

PUBLIC RELATIONS:
Council Appointment: Traffic Commission
Councilor VanBogaert explained that this is to appoint Anne Brown to the Traffic Commission for the first district. Ms. Brown is a graduate student who lives in South Chauncey Avenue.

Councilor Burch moved to nominate Ms. Brown for the position on the Traffic Commission. Councilor Hunt seconded the motion.

The motion passed by voice vote.

Mayor Dennis asked Councilor VanBogaert to extend congratulations from the Council, and that her sacrifice will not go unnoticed.

UNFINISHED BUSINESS:
Ordinance No. 13-13 (Amended) An Ordinance Annexing Certain Lands Into The City Of West Lafayette, Indiana (Sponsored by Mayor John Dennis)

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

City Attorney Burns reminded the Council that they have received a Second Amended version of the ordinance. He asked that this proposal be brought onto the floor by amendment. This version has three exhibits. The first exhibit is the actual annexation area which has already been amended with the reduced area. Exhibit B is the final fiscal plan, which has been a changing document. Exhibit C is the Common Council district additions for the new voters that

are coming on as a result of the annexation. He asked that both the fiscal plan and the district additions be added by amendment.

Councilor Keen moved to amend by insertion of Exhibit B. Councilor Burch seconded the motion.

There was no discussion.

The motion passed by voice vote.

City Attorney Burns confirmed that Exhibit B has been added. He asked that Exhibit C with the district additions be inserted by amendment. This includes the map as well as the list of census areas that comprise the additions that are being proposed for the four Council districts that are contiguous.

Councilor Keen moved to amend by insertion of Exhibit C. Councilor Burch seconded the motion.

There was no discussion.

The motion passed by voice vote.

City Attorney Burns thanked the Council and stated that we are now ready to address Ordinance No. 13-13 as just amended.

Councilor Keen moved to for passage of Ordinance No. 13-13 (Second Amended). Councilor Burch seconded the motion.

Mayor Dennis stated that this is a journey that began approximately 4.5 years ago with a causal conversion. In discussions, which involved Director of Development Poole and Public Works Director Buck, with developers who were interested in bringing businesses into our community, the conclusion was drawn that we do not have any room for these businesses. The reason that we do not have any room, is that in order for us to bring these developments in, it would have an adverse impact on the quality of life of our citizenry. That is not what we wanted to do. Mayor Dennis stated that he looked to his two experts and asked what we need to do, and they responded that we need to grow. He thought that was a good idea, and they started to look at areas to grow. At that time, US 231 was a confirmed project though it had not yet been started. They realized that the US 231 corridor was an area where we needed to take the City of West Lafayette. That is how it started. From that point on, we have taken that concept of annexation and brought it to where we are today. Mayor Dennis stated that it was not an easy process, as all of the Councilors are aware. He explained that there are certain statutory requirements with annexation, and we took that to another level. We not only had public meetings, but we had public work sessions, we had sessions with the Council, we took our program on the road by meeting with civic groups and students groups. Mayor Dennis noted that he took it to anywhere where anybody wanted to listen to him, and he did that as recently Monday of this week. He stated that we also did something rather unique in annexation plans. Those familiar with annexation realize that it is a statutorily supported concept. Our original plan was significantly different from the one that we are proposing this evening for the second and final reading. It was much bigger. When we started meeting with the neighborhoods that were going to be impacted by that first proposal, it was made abundantly clear that they were not ready to be within the City of West Lafayette. Mayor Dennis stated that we listened, and we changed the

plan. The plan that is before the Council this evening reflects the level of flexibility that we showed on our first several gatherings with the public that was going to be impacted. He stated that we are well aware of the fact that there are still people who feel the annexation proposal is an imposition upon them. Should this legislation pass this evening and be successful, it is our intent as local government to try and make sure that those who still feel that way to recognize that the quality of services that we brag about in this City will be extended to them. Mayor Dennis stated that it is something that we have spent a lot of time on. We have been working cooperatively with the Council. There have been a lot of questions, and it has been quite a journey. He is grateful to all of those who have been involved. He is grateful to his Department heads for working so hard in ensuring that the information is accurate and distributed. He is grateful to his Council, who through different contacts and at different times have encouraged this process. He is grateful to his City Attorney, Mr. Burns, who has at time had to pull him up and remind him that none of this comes easy. He is grateful to our Clerk-Treasurer, Judy Rhodes, who takes some of these complicated formulaic approaches and puts them into an understandable format. It has truly been a team effort. Mayor Dennis stated that he would be remiss if he did not thank one of our new and big partners, and that is Purdue University and the administration there. There is a lot to learn when you bring a university into your City limits. We learned a lot, and he believes Purdue has learned a lot as well. One thing that we understood from the beginning is that we have a level of cooperation unlike any city and university that we have been exposed to. The understanding of what is right for this community, and what is right for Purdue, supersedes any potential conflict. He believes that the willingness to cooperate is what made us get to this point, with the support of Purdue and the administration, and the support of the people who are responsible for the nuts and bolts of this proposal. Mayor Dennis stated that almost all of the Council has been here through this process, and he appreciates their patience with him and his administration. Mayor Dennis addressed the audience saying that he hopes that those who are uncomfortable with this proposal understands that we will make it our job to prove that it was not just a good idea, but something that they will be proud of us for doing. He thanked the staff for their hard work over the past 4.5 years.

Councilor Burch asked if Purdue would be exempt from City ordinances.

City Attorney Burns responded yes, as State law allows for State institutions such as Purdue University to be exempt from local ordinances.

Councilor Bunder asked for an explanation on the Joint Board.

City Attorney Burns responded that the Joint Board will be something that we get into more discussion on when we talk about the resolution. In general, the Joint Board is a very new idea. He is unaware of it being done in a formal way anyplace else. As Mayor Dennis expressed, this is new territory to bring a State institution into a City. When Purdue University started, it grew up next to a collection of tiny villages; the City did not exist. Other university towns have grown in a different way. He stated that in his view, the Joint Board is nothing more than an effort to memorialize and create a platform that is going to go forward in time to do nothing more than what been done over the last hundred years. That is for Purdue University and the City to discuss issues. That has happened and there has been great cooperation, but the difference here is that this is an actual formalized and regularized process. There will be a Joint Board that will meet regularly and it will have a public forum. Conversations between the Mayor or the Council with Purdue administration are generally over the telephone behind the scenes. One major advantage to this for everyone in the community is that there will be a regular public forum, which will discuss any issues that members of the Joint Board believe are important for further cooperation. He stated that there is a Town and Gown, but that is not really nuts and

bolts of the roads and Police protection and other things that go into City services. The Joint Board takes on a new and dramatically different approach to governance that he believes will work very well.

Councilor Bunder asked if there are any practical changes, such as does Mayor Dennis get a numbered parking spot at Purdue.

City Attorney Burns responded that he is not aware of any real difference between what we are proposing to do and what is already going on. It is just more formalized cooperation with a more public process.

Councilor Dietrich stated one piece that jumps out at him when looking at the map. There is one section that we are avoiding in the northern part, which he believes is the Willowbrook area. He asked to review the reason that we cannot absorb that area while doing this, which makes more sense. Secondly, as he understands it, there is a statute that prevents that, and he asked if there is any way that we can get around that in the future or modify to pick that up.

City Attorney Burns stated that there is a specific State statute that was passed to prevent a city from taking a stem, such as an area along a highway, and going out into the County and picking up an area. When you think of it that way, a road going out into the County, and then picking up that area to pick up an industry was considered an abusive tactic by cities because the point of growing is that when you are close enough to the city to be contiguous to the city, then that is when you should be eligible to be annexed. The rule says that you cannot ever have a stem that is narrower than 150 feet. He explained that we cannot combine an annexation with a place like Willowbrook with that stem that narrow. It can be done in a separate annexation, but then it stands on its own and the ownership of Willowbrook will comprise of 100% of that area. He stated that the decision was made based on his advice after he could not find a way to work through the very short and specific statute that prevents it. He saw no reason to potentially jeopardize this annexation, which is so important to the US 231 development and Purdue University cooperation, with that relatively small area. He emphasized that we can do it in the future as a separate annexation.

Councilor Burch stated that she would like to list some of the pros and cons of the annexation. One upside is the dollars that will come into the City from the commercial development. Another positive is the opportunity to go from a Class 3 to a Class 2 City, allowing us more funding opportunities for economic development from State and Federal Governments. There will be the creation of two new TIF districts The City will have control over development. However, it should be noted that Purdue will be exempt from all zoning requirements. Councilor Burch stated that it is not fair to let the numerous homeowners off the hook and ignore the wishes of the smaller group. She is concerned about maintaining the quality of services we have without increasing fees. The City increased trash fees in July, and beginning in January our residents will have an $8 per month stormwater fee, minimum. She stated that under the proposed interlocal cooperation agreement, Purdue will be exempt from stormwater fees until a joint-funded sewer modeling study is completed, hopefully within two years. She stated that she is not totally comfortable with annexing Purdue University. She believes it is a very unusual annexation proposal. From discussions she has had with other Big Ten University legal departments, she believes we are the only city annexing a state university. Councilor Burch stated that after careful consideration, her opinion is that the cons outweigh the pros, and that will be the basis for her vote of no on this ordinance.

Councilor Thomas asked Councilor VanBogaert what type of input he has received from a student standpoint.

Councilor VanBogaert responded that it has been very positive. He noted that there is a document provided to the Council from the Purdue Graduate Student Government with their thoughts. He stated that he would like to hear thoughts from City Attorney Burns on the points raised by Councilor Burch. Councilor VanBogaert stated that, beyond that, it is a matter of students, especially those in the residence hall system who are subject to City government when they step off of campus. They would like to have a voice in that process. He stated that we are not taking advantage of the revenue from other governments to help pay for things such as the infrastructure and law enforcement costs used by those students. In a lot of ways we are incurring costs that are not subsidized in that fashion. He stated that it is an opportunity to engage students, retain them, and get them more involved. He feels that this annexation reduces some of the confusion that has been a limiting factor in that.

Mayor Dennis added that we have letters of support from both the undergrad and the graduate students.

City Attorney Burns stated that the point that Councilor Burch made about the novelty of the annexation is absolutely correct. It is a novel annexation because we are in a novel situation with a state university which is essentially in the City but not annexed into the City. It is novel, and he does not view that as a bad thing.

Councilor VanBogaert asked if it is novel in that the annexation is rare or the presence of the University. He noted that IU is in Bloomington proper.

City Attorney Burns responded that it is novel from both standpoints. It is novel to have a state university that is not in the City, and it is novel to do an annexation because it was not necessary in other places.

Councilor VanBogaert stated that Ball State is in Muncie and there are certainly a couple of state universities within the limits of Indianapolis, so it is the annexation process that is novel, not the existence of a state university within a city.

City Attorney Burns confirmed this, and stated that as far as the exemption from local regulation, that is a black-letter State law. Purdue University is in the County now but is exempt from County regulation. It is in the introductory paragraph of the Area Plan Commission regulations that we have. It is State law. They are exempt now and they will be exempt after from local regulation. He stated that as far as the stormwater, it has been an ongoing long-standing conversation. The opportunity that we have here is that the conversation will come to a Joint Board, so it will be less casual. Decisions need to be made by both Purdue University and the City. The stormwater issue needs to be dealt with, and Purdue very much needs to and wants to treat stormwater, and they do in fact. The decision is whether or not it makes sense for either entities or both entities to have them in our stormwater system or to have their own. They may have to pay for their own, on their own, or they may come into ours.

Councilor Hunt stated that the north stadium parking lot is an example of Purdue's effort to deal with their stormwater. They have rain gardens, trees, swales, and they have a large collection of water underneath the football practice field. She stated that she has been impressed with their efforts.

Councilor Dietrich asked why it is not a good idea from a City planning standpoint to have an oasis in part of our City. He asked why we should not give into the people of Sugar Hill, and why it is important to the City.

Sallie Fahey (Executive Director, Area Plan Commission) reminded everyone that though their office name includes Tippecanoe County, they are also the planning staff for Lafayette and West Lafayette. She stated that tonight she is speaking as the City's Chief Planner. She stated that over the years she has seen instances in the City of Lafayette where there were doughnut holes. She explained that over time, when new people buy into those areas, they are utterly confused as to why they are not in the City. Then everybody has to go back to correct those doughnut holes and take them in. She does not believe that from a planning perspective that it makes sense to create doughnut holes; the City should be contiguous. It is an urbanizing area and should be within municipal boundaries. She explained that having a doughnut hole would be the annexation equivalent of spot-zoning, which does not work very well because it gives different permissions and regulations to different properties. She stated that you want that to be seamless so that everybody is subject to both the same regulations and benefits from the same services. From a planning point of view, she stated that it does not make sense to her to leave little pockets that would not be annexed into the City; they should all be part of the municipality. Executive Director Fahey emphasized the discussion about Purdue and the zoning ordinance. Purdue has never been subject to the zoning ordinance. This annexation will not make them subject to it, but they are an urban institution and should be within the municipality rather than the unincorporated County. She stated that Purdue is, oddly enough, zoned as agricultural, and it should probably have some kind of urban zoning. In terms of cooperation, Purdue has cooperated with the APC office in their capacity as a metropolitan planning organization for transportation planning. The Purdue ring road was a project, for example, was a project and concept amended into our long-range transportation plan. She has spoken with Purdue President Daniels about the Policy Committee, which right now is the Area Plan Commission, being reorganized. The Federal Highway Administration prefers that the Administrative Committee, which is comprised of the mayors and presidents of the Councils, be the policy Committee. She explained that because we have had this cooperative arrangement with Purdue for transportation planning, she asked President Daniels if he would be willing to appoint someone to the Policy Committee so they would have an official seat at the table, and he was very receptive to that. Executive Director Fahey noted that the Purdue Research Foundation (PRF) is not a State agency and are not exempt from the zoning ordinance. Annexation of the PRF land does not change that, and they have always willingly complied with both the zoning and the subdivision ordinance. There is an ongoing cooperation with PRF in their current need to follow those ordinances. She restated that this annexation makes no change for Purdue regarding planning and zoning, other than the seat at the transportation planning table.

Jim Schenke (2300 Robin Hood Lane), with the Wake Robin Homeowners Association, expressed his thanks to each Council member who will be voting for this amended annexation. He stated that it is scaled back and is sensible by not including the western subdivisions, such as Wake Robin, who do not care to be part of the City. He thanked the Councilors for sitting down with vocal opponents like himself and speaking at length about many topics. He believes that the Councilors learned from those discussions that the groups had intelligent people who made well-reasoned decisions about where they lived in weighing the cost of real estate, taxes, infrastructure, services, the school system, emergency services, road access, density, and noise. He said that for those people, the City came up wanting in the equation, particularly in regards to taxes and ordinances. Mr. Schenke stated that when this plan was introduced, Mayor Dennis referred to it more than once as the plan "for now and that objections were based largely on misunderstandings about what annexation meant for the neighborhoods. He stated

that, unfortunately, that seems to indicate that at some point Mayor Dennis is still looking at annexing the neighborhoods, but ultimately the City cannot deliver the value they look for in the equation. Mr. Schenke stated that it seems there are attempts by the administration to win over people who live near him, and he does not know why that is happening if this is indeed the plan. He noted that they would have a firehouse that is further away and not as equipped to protect the peculiar needs out there, and the taxes would go up, often by hundreds of dollars per house per year. He said that there were some people on the fence about annexation, but when they learned the West Lafayette citizenship and taxes did not earn them access to West Lafayette schools they quickly got off the fence. It is a plumb that the City has, but not one that can be offered. Mr. Schenke stated that he learned a few things by meeting with the Councilors, including that he does not think that democrats want suburban republicans voting in their municipal elections, or that republicans want disgruntled suburban republicans voting in their primaries. He does not think that any West Lafayette resident is particularly enthused about a finite government largess pot being divvied up with new suburbanites when they still have their own needs and desires within the City. He learned that when residential neighborhoods are acquired through annexation, they are considered a financial wash because the obligation the City has to them supposedly offset any tax income gains. He noted that there is underutilized land to the north, a new swath here to develop, and a new census to get new State and Federal dollars. There is room to the north with US 231 in the future. He stated that there is nothing to gain by annexing his neighborhood and he asked that it not ever be considered. He stated that they are not ready, as the Mayor said, and he does not imagine that they will be ready within his working lifetime. He believes the City and the suburbs can be good neighbors, and he looks forward to it, but as they say, good fences make good neighbors. He suggested that US 231 is an excellent fence. It will be easier to be cordial neighbors if they do not have to worry about a more powerful neighbor looking over the fence, sizing them up, and perhaps making calculations on how to extract tax dollars in the future. He noted that there seemed to be surprise that there was so much objection in the neighborhood, and he does not know why that would be the case, but now the feelings are known. He wishes there had been more dialog before the vote on the first reading because that put a ticking time bomb on the table, creating a lot of pressure. He thanked the Council for voting against an overreaching annexation. He hopes that we never have to do this tense annexation dance again as it does not benefit anyone.

Steve Schreckengast (3315 Shrewsbury Drive) stated this annexation will impact 30 acres that his family business owns right at the intersection of US 231 and Cumberland Avenue, and he welcomes it. His business is primarily to build single family homes, and they are just now bringing online the last section of Wake Robin. He stated that his only regret with this annexation is that that last section could not be a part of it. He has met with the Board of Directors of the Wake Robin Homeowners Association, and the characterization that they overwhelmingly did not want to be annexed is not true. He hopes that he can return in the near future and have the 84 lots of the last section of Wake Robin brought into the City. He stated that in the last year they completed 70 homes in the village of Arbor Chase, and as a homebuilder that deals with new people coming into the community, he can say that it is a plus to be within the City of West Lafayette and have the City services. He may be back to ask that his section, maybe with Willowbrook, be included in annexation as it will help sales and it is a plus for him as a developer.

Zachary Baiel (124 Connolly Street) thanked the Council for this process and exercise in democracy. His prior concern regarding the student voting bloc has been addressed and discussed, and there was an article in the *Journal and Courier.* He stated that it seemed that we cannot rely solely on the apathetic and disinterested student voting bloc population in the

future. They may be that way now, but they can always mobilize and become active in City politics. He wants to encourage the community to begin to educate the students to express what interests we have in the community and what they should see as well; what vision we have for the area, and get their input and what role they can play in leaving a prosperous and desirable legacy during their time here. We need to make sure the decisions we make now are towards the future. He wants to encourage the City to have a US 231 master plan, as he agrees with Ms. Fahey that spot-zoning is not advantageous to us, so we should consider that before we start developing that land aggressively. Mr. Baiel stated that he has had a lot of conversations with citizens in the area who want to keep some of US 231 exactly how it is. It is a nice area to drive through and with the trails coming in it will be a beautiful place to enjoy, so we may not want to see development everywhere along the road. He stated that he is still curious what opportunities can be seized by moving to a Class 2 city. He noted that there was an article in the *Journal and Courier* that noted that the tone and tenor of this Council will change, and the Mayor will, sadly, no longer preside over the Council. The Clerk-Treasurer splits, and one is elected and one is appointed. Also, redistricting will happen again and there will be an addition of more Councilors to this existing body. He stated that it is something to consider in making that transition. Mr. Baiel stated that he looks forward to the development of the Joint Board with Purdue.

Anella McFee (708 McCormick Road) stated that she is a “last gasp” for Sugar Hill. She stated that she would commend the politically astute Mayor and Council for planning a larger development and then pulling back. She plead that they pull back for Sugar Hill, and stated that it would make sense if they were a residential oasis in the middle of other residences, but they have been an oasis in the middle of Purdue for 60 years. They are overwhelmingly opposed to be annexed. They are not in danger of disorderly development in Sugar Hill, and the idea of clearing up the map to get rid of an oasis or a doughnut hole seems almost laughable to the neighborhood. She asked why it needs to look better. She stated that the benefits to Sugar Hill are negligible to the point that all but one family is adamantly opposed to this. She plead that the consent of the governed be listened to in this. She stated that Purdue is all around the neighborhood and they have lived there as a jewel, many since it was developed as an oasis in the middle of Purdue with the advantages that it offered to veterans returning from WWII and those who came in on the coattails there.

Bill Baittinger (701 Sugar Hill Drive) stated that he read the newspaper and the Councilors comments about annexation, and he decided that he will not speak about Sugar Hill because it is a done deal. He stated that it was decided quite a few years ago and he expects that it has to do with revenue for the City of West Lafayette. He stated that your job is to make the budget balance and ensure there is enough revenue to run it. He stated that he will now speak as a future citizen of West Lafayette. He said that he suspects that Councilor Bunder did not read the document with the interlocal agreement, based on an earlier comment. Mr. Baittinger stated that he read the document carefully, and he does not understand what the document says in paragraph 6. He read, “The intention of the parties is to insure the Annexation will have a fiscally neutral impact on the parties unless otherwise expressly agreed in writing.” He stated that the term “fiscally neutral” bothered him because the document does not look fiscally neutral to him. In the backend of it, you are setting up two TIF districts and a TIP district. Those, he believes, will be funded by the City of West Lafayette, because if Purdue is fiscally neutral they will not contribute to any development. He asked if that is correct.

City Attorney Burns responded that Purdue University is State-owned property will have no tax to be paid, so there can be no tax increment from it. PRF, if it is for non-public use, would then

have tax increment that can be used for infrastructure because they do pay taxes. He confirmed for Mr. Baittinger that this agreement covers both PRF and Purdue University.

Mr. Baittinger stated that it looked to him that West Lafayette would pay for the development, through whatever mechanism chosen.

City Attorney Burns responded that there is development from TIF, it comes from tax revenue, and tax revenue comes from tax payers who own the property.

Mr. Baittinger asked, "Who live where?"

City Attorney Burns responded anyplace where the TIF district is set up.

Mr. Baittinger asked if this means that none of the taxes from West Lafayette will be used.

City Attorney Burns responded no, not for the TIF district. He stated that the purpose of paragraph 6 is in case anyone in the future had a doubt about what the desire was. They can go back to this and say they will not agree with that because it would not be fiscally neutral. The statement is an important statement because it means exactly that, and it allows parties in the future to use it as a touchstone when any decisions are made, if there needs to be a rethinking of the decision if it has a fiscal impact on either side.

Mr. Baittinger asked for confirmation that it means that Purdue would not contribute to any development along the US 231 corridor.

City Attorney Burns responded that they probably would for their own, what they wanted to expend, but that would be State funds. We do not get tax revenue from the State or from Purdue University, which is a State institution. We just get it from PRF if they are a non-public use.

Mr. Baittinger asked if this means that this will not impact tax structure in West Lafayette.

City Attorney Burns responded that the Purdue piece will not.

Mr. Baittinger stated that that will make him happier as a future citizen. He thanked the Council for listening to the Sugar Hill residents at the last two presentations. He stated that he will be a citizen of West Lafayette after the vote, and he fully accepts that. He stated that as his life progresses, he notices that on both the national scene and local scene is that groups of people are telling other people what is good for them—how they should live, what they should do, what city they should be a part of. That is the growth of large government. He stated that you are getting bigger and buying into the same sort of policy. That is a philosophical point. He believes that is part of the problem, that when you get big enough you have what is going on in Washington currently. He stated that everybody is telling everybody else what to do, and telling him what kind of health care he needs. Mr. Baittinger closed by saying he appreciates the efforts on Sugar Hill and those who have supported and listened to what the neighborhood said. He stated that he believes that Mayor Dennis failed, as he made a statement that he would not make anybody unhappy.

Mayor Dennis stated that he did not say "unhappy," but said that our intent was to do no harm.

Mr. Baittinger stated that perhaps some think they have been harmed a little bit.

Councilor Bunder asked how we plan for the US 231 corridor and if it requires a Council resolution.

City Attorney Burns responded that when the issue is brought up, the planners have been excited about having a plan because it is an unusual situation to have a corridor that size and magnitude this close to any major suburban area. He does not know that it needs a Council resolution to make it happen, as he knows they are already planning for it, but a resolution would certainly be appropriate.

Councilor Bunder asked Ms. Fahey if this is something we would work out with the APC in the near future, or if it is something we do on our own.

Executive Director Fahey responded that there are two versions of a plan possible. One is that the APC staff can continue to cooperate with the West Lafayette staff and reach a consensus in how development and developers are directed. Or, more formally, a resolution can made with an official plan adopted by the Council which would be an amendment to the comprehensive plan. She stated that either way works. Without going through an amendment to the comprehensive plan, she believes that all work well together and can reach consensus between the two staffs as to what makes the most sense in that corridor.

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.

In making his vote, Councilor Dietrich stated that he disagrees with Mr. Baittinger's comment that a decision was made several years ago. He stated that he bases his vote solely on what the good is for the City of West Lafayette, which is what he was elected to do.

Mayor Dennis announced that Ordinance No. 13-13 (Second Amended) passed on second reading.

NEW BUSINESS

Resolution No. 20-13 A Resolution Approving An Interlocal Cooperation Agreement With Purdue University (Sponsored by Mayor John Dennis)

Mayor Dennis read Resolution No. 20-13 by title and noted that this has been alluded to in the context of Ordinance No. 13-13.

Councilor Keen moved for passage of Resolution No. 20-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

City Attorney Burns stated that the interlocal cooperation agreement was formerly a Memorandum of Understanding (MOU). The Interlocal Cooperation agreement is a State statutorily sanctioned document with certain legal requirements that must be in there. Much like the fiscal plan, this agreement has been a document that has been back and forth between Purdue administration and the City administration. He stated that he filed a close version of it, but after further input from Purdue there have been minor adjustments and amendments. He asked for an amendment by substituting the interlocal agreement in the proposed Resolution No. 20-13 (Amended).

Councilor Keen moved to amend by insertion the updated Interlocal Cooperation agreement. Councilor Burch seconded the motion.

There was no discussion.

The motion passed by voice vote.

Mayor Dennis read the title of Resolution No. 20-13 as amended.

City Attorney Burns asked for a motion to reflect the resolution as amended.

Councilor Keen moved for passage of Resolution No. 20-13 (Amended). The motion was seconded by Councilor Burch.

Councilor Dietrich stated that he is most familiar with MOUs from a public safety standpoint. He asked if it is correct this would supersede any of our previous MOUs, and City Attorney Burns confirmed that it would. Councilor Dietrich asked if it also impacts our mutual aid agreements with Lafayette and the County.

City Attorney Burns responded that there is no change at all. He believes the mutual aid will exist independent of this agreement. Public safety officials will continue to make those types of arrangements between those Departments as needs arise. It will never go back to the Joint Board because with public safety, if they need the help they will get it with mutual aid.

Councilor Burch asked if this agreement will be renewed on a yearly basis.

City Attorney Burns responded that it will not be renewed. It is a perpetual duration, as State statute allows. If there were substantial changes it would need to come back and have amendment made.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✔			
Burch	✔			
Dietrich	✔			
Hunt	✔			

	AYE	NAY	ABSENT	ABSTAIN
Keen	✔			
Thomas	✔			
VanBogaert	✔			

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

Mayor Dennis announced that Resolution No. 20-13 (Amended) passed on first and final reading. He congratulated the Council and stated that they have just made history.

COMMUNICATIONS

► Councilor Bunder stated that, speaking of making history, it was today in 1811 that the Battle of Tippecanoe took place.

► Councilor Hunt added that Veterans Day is on Monday and there are several celebrations taking place. She thanked veterans everywhere.

CITIZEN COMMENTS: None

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:34 p.m.