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**Legal Report
For January 2015**

During January, 2015, the following areas of note were addressed by the City Attorney's office:

Council

Worked on redistricting codification issue; reviewed several memos re class II city; reviewed relevant state statutes and relevant ordinances. Research and review current West Lafayette City Code, passed ordinances, Indiana statutes, and other city codes, regarding the method of describing city districts in the city code; draft memo based on my research and review. Conference about codifying redistricting ordinance and other issues related to updating City Code to reflect second-class-city status. Reviewed class II file, conference with paralegal re filing with circuit court clerk; conference to discuss codification of ordinance and code revisions for class II city. Prepare Legal Report. Correspond through email with the clerk's office, answering questions about codifying redistricting ordinance. Conference with PD re tort suit filed, review video, police report, telephone call to Mayor re same. Review and respond to re codification inquiry from C.T. staff, strategy conference re same, review state code, and materials re replatting vs. vacation procedure, email re same to D. Teder Esq. Email exchange with C.T. staff on codification. Revision to MOU regarding public records/Purdue archives; Email to C.T. Draft letter to MBAH regarding Oluwatimi litigation; review file; Email to J. Willis et al at MBAH. Telephone call from Trident (Carrie) re Oluwatimi claim, review and transmit documents. Send and receive several emails concerning Oluwatimi lawsuit vs WLPD. Research Indiana case law about interpreting insurance policies; draft memo related to the water damage to City Hall. Identify portions of city code that need updated with the change in city class status. Review McHenry tort claim notice, investigate location online, email to WPLDPC re same, and transmit to MBAH. Review entire code for portions affected by city's change to second class status; draft memo identifying all of the affected portions with recommendations on changes. Transmit McHenry tort claim. Conference with associate to review second class city code changes and develop questions for city officials. Draft revisions to city code chapters 21 and 22 to reflect changes to second class city; review other city codes as to how related provisions are drafted; conference to discuss updates to entire code to reflect the change to second class city. Review tort claim sent to City Attorney office in McHenry, telephone calls and emails with WLPD DC re body camera policy and pending suit re same, conference with

media after review of file. Discuss the approach of changing clerk-treasurer references in the city code. Review and respond to clerk and DPC re Sparkletone FOIA request. Participate in ADA quarterly meeting. Identify and analyze provisions for fines and fees in city code chapters 10-27. Additional work on Chapter 10 code revisions. Conference with WLPDDC re FOIA request re Sparkletone, attend BOW. Identify and analyze provisions for fines and fees in city code chapters 30-67. Research Indiana statutes on deferral agreements for ordinance violation cases; draft a deferral agreement in the Yan Yu case. Attend to Jurich subpoena with J. Olds Esq. Identify and analyze provisions for fines and fees in city code chapters 80-82. Discussion re firefighter investigation and contested unemployment hearing. Attend Precouncil, conference with Councilors, Dept. heads, Mayor re pending projects, Hart, State Street. Review code, email to Betina re HRC appointment process.

Board of Works

Attend BOW, conference with CE re Farmhouse, conference call with I. Stewart Esq. re Smith order, conference with PC and staff, conference with Mayor re appointments. Review insurance company response to water damage claim dated 12/2/14; review insurance policy; review Tecton's City Hall inspection executive summary; review insurance company water damage appraisal.

Wastewater Utility

Emails with E. Cooper regarding Parcel 1 documents for Cumberland Sewer Extension project. Review, annotate and transmit comments on Bowen GSC Agreement. Conference with Attorney regarding Sales Disclosure on Parcel 1 Grant of Easement; Emails to/from CT staff and G. Hansen at RWS. Direct paralegal for recording Cumberland/Walmart easement. Review and analysis of GSC terms, multiple email follow ups. Conference with Ce, WWTU Superintendent and staff re sewer line damage claim against AccuLevel, review plat and GIS information re same. Phone conference with Rhonda Wade re WWTU collection accounts; review three account files; task paralegal with drafting demand letters for same. Review and sign collection letters on Kitchel, Beguirstainromillo, and Watkins.

Development

Conference with Mayor and J. Bumbleburg, Esq. re Wabash Landings development. Review and approve Coulson agreement for B. Shaw. Correspond with S. Schultz, Esq. re Joint Board and State Street. Conference with city group on state street financing and timeline, general TIF revenues. Review edit and transmit changes to Staff re CDBG agreement. Final review and comment on City consultant's contract. Emails with J. Treat and working group re state Street project, TIF encumbrance issue, review IC 5-23; draft Resolution authorizing its use; review working group notes and Joint board notes to insure completion. Conference with Mayor,

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conference with CE re State Street Plan, TIF funding options, Resolution re BOT statute, review draft of same and transmit. Review numerous INDOT agreements for 5 year plan projects, attend BOW, conference with C.T. re code project nomenclature changes due to 2nd class city status change, confer with associate re same. Revise BOT Resolution, transmit to S. Schultz Esq. and city working group, review agenda and notes from last meeting. Telephone call from J. Treat re State Street Project financing, emails with working group, review notes on financing options discussed with Treat and R. Starkey Esq. Prepare for and attend State Street Working group meeting, prepare talking points and questions for R. Starkey Esq. Review BOT issues in Marion County. Review and implement S. Schultz Esq. comments in BOT resolution, finalize resolution and approve same for filing. Phone conference with Jay Seeger regarding need for additional Class 2 representative; discussion with City attorney regarding process. Attend financial working group meeting at PRF, conference with team following group meeting. Telephone call from M. Morgan Esq. re State street MOU and financial details, review IC23-5 re limitation on term with council approval. Conference with PU counsel re Joint Board Meeting, conference with Mayor, DD, CE re development issues, zoning for US231, State Street Master plan. Attend Joint Board Meeting. Conference with A. Allen Esq., M. Morgan Esq., joint board members, Mayor. Meet with S. Schultz Esq., M. Cline re project funding for State Street, contact PR firm. Review MOU, attend State Street Working group, meeting with City group and Mayor re State Street, review numerous emails with attachments on. Conference re Legacy TIF districts. Attend to engagement letter re State Street, telephone call with Mayor re same. Attend to numerous emails re state Street MOU, review same.

Code Enforcement

Legal research on enforcement of ordinances; definition of penalty; requirement to get an injunction; scope of licensing power and analysis of current rental housing code. Phone conference with attorney J. Sorenson re Denhart ordinance case. Attend to Denhart and Yu hearings. Review and respond to several emails re Ryan enforcement action and potential appeal. Yan Yu ordinance case; work on diversion agreement; brief conference to discuss.

Respectfully Submitted,



Eric H. Burns