

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MEETING
MINUTES
JANUARY 31, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on January 31, 2008, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Hunt, Keen, Roales, Thomas, and Truitt.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Public Works Director Downey, Fire Chief Drew, Police Chief Dombkowski, and Parks Superintendent Payne.

Mayor Dennis announced that he would make his State of the City Address before the Committee Standing Reports section of the agenda.

Mayor Dennis requested that someone from the Council needs to sponsor the West Lafayette Youth Council. Nick Carson will take the leadership role in the Youth Council, but someone needs to open and close the building and to serve as a resource to the group.

UNFINISHED BUSINESS None.

NEW BUSINESS

Ordinance No. 5-08 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (WWTU to General Fund and Parks & Recreation) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 5-08 by title and called on Clerk-Treasurer Rhodes.

Clerk-Treasurer Rhodes said this is a request for a temporary loan for cash flow purposes. Last year, we used temporary loans in the amount of \$3,083,380.05 from the Utility, and also another \$200,000 from the Parks Non-Reverting Operating Fund. Most of the loans were made to the General Fund. Approximately 78% of the money went to the General Fund, about 17% to Park Board Funds, and about 5% to Police Pension Funds. The loans were paid back by December 31, 2007.

Councilor Keen said Judy [Clerk-Treasurer Rhodes], are you going to need two readings?

Clerk-Treasurer Rhodes said my request would be for two readings. This amount that I requested will take us through February. We have three payrolls in February. This should be sufficient, with the current balances we already have, to bring us through the month. During the month of February, I'm going to request a review of the Wastewater Treatment Utility cash flow plan for the year, so that we can map out how we're going to manage in the absence of property tax settlements, most likely until the very end of the year. I'm expecting that we'll be short about \$7.44 million, because of the delays in completing the assessment in the County. This would be more than 2.25 times more than we borrowed in 2007 for cash flow purposes, if it were to come out of the Utility. So during the next month, I'll be wanting to work with the Public Works Director, the Mayor, and the Board of Works who manages the Utility, to evaluate how we can

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use the Utility assets without detriment to planned Utility projects to fund the operations of the City, and to what extent, if any, we would need to obtain tax anticipation warrants, short-term debt for City operations. I'm hopeful we wouldn't need to—

Mayor Dennis said is that short-term in the delay—is that an optimistic statement by the end of the year, or is that just the reality? I mean, does it get any better than that?

Clerk-Treasurer Rhodes said no, I've given you the best-case scenario.

Mayor Dennis said best-case is the end of the year.

Clerk-Treasurer Rhodes said this year we didn't receive our final settlement for 2007—I can't recall when Tippecanoe County didn't have a final settlement by December 31—we didn't receive it all until the first week in January. The Auditor has the prerogative not to release the final settlement until 51 days after the tax due date. That actually, legally can take them into January, and that's assuming that our tax due date would be November 10. Maybe it won't be. So, in any case, I think the message is we're going to be much more dependent on temporary loans, because we're not going to have the property tax settlement mid-year, which was not quite half of what we normally expect. We're like every other jurisdiction in the County. I think you've all been reading about it. We need to evaluate how we want to use the assets we have to address this problem. I will point out to the new Council, and the Council always asks, "Are you paying interest to the Utility on these loans?" I wanted to ask that, to give you the chance to make some noise in the back row there, but the answer is, "No."

Councilor Roales said what is the process if we do have to take temporary loans? Does that have to come before the Council? Do we need to have two readings? I mean, how far in advance do we have to prepare, if that situation is in our right?

Clerk-Treasurer Rhodes said it is the opinion of the State Board of Accounts that I need Council approval or ratification of temporary loans. I can assure you that I would not fail to make a payroll because I hadn't received your approval. I would come to you and ask for ratification. That's why I'm coming to you now, to deal with a situation in February, and I'd anticipate coming back, hopefully, with a plan on how I see this playing out. I already know that I'm going ask you for temporary loans to fund the Police Pension Fund beginning in March.

Councilor Truitt said is there any way, Judy [Clerk-Treasurer Rhodes], from a—we talked at the Budget and Finance Committee in regard to the balance that's available for these types of activities, as far as whether you use the word "unencumbered" or "unrestricted"—is there any way to include, on our Cash Transaction Report, information as far as balances that are available in the Utility?

Clerk-Treasurer Rhodes said in the Utility?

Councilor Truitt said yes.

Clerk-Treasurer Rhodes said in other words, you're asking, "Do we have monthly financial reports from the Utility?" The answer is, "Yes."

Councilor Truitt said I'd like to make a recommendation that we include—it doesn't have to—I don't think any of us want another huge packet of stuff. However, if we could get some sort of

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snapshot summary or whatever you feel you can break down to a point that's edible for all of us, that would be, I think, greatly appreciated, at least on my part.

Clerk-Treasurer Rhodes said my understanding is the Board of Works is heading in exactly the same direction. The Utility has not provided monthly financial reports to the Board or the Council.

Mayor Dennis said I'll just put it out there that that's kind of an operational issue. We are looking to the Board of Works to get a little more definition for the ongoing projects. We have some cash flow concerns. It just helps us be better stewards of tax dollars, because you know what's coming out, what's going in, and what percentage of obligation we have there.

Councilor Truitt said and I think it's important also, though, from an elected officials' standpoint, even though we don't have direct responsibility *per se* in regards to the ins and outs of the Utility, we are responsible for rate setting, and to not have any involvement at all in regard to what's happening, I don't think is appropriate.

Councilor Roales said we're talking about—

City Attorney Burns said whatever you do, copy everyone.

Councilor Truitt said don't create something extra, but—

Clerk-Treasurer Rhodes said I think we're looking to create financial management-type reports. We certainly don't need the ledgers regurgitated. Those are available for inspection. But I think the big picture, I think some orientation to what the major fund groups of the Utility are and the extent to which they are restricted or unrestricted would be helpful for everybody.

Councilor Roales said John [Mayor Dennis], you talked a little bit about having each department head speak at a Council meeting. When are those going to start? I guess that would be one that maybe we'd be interested in earlier.

Mayor Dennis said I have them down towards the end—

Councilor Roales said okay.

Mayor Dennis said unfortunately. I think the first one is—March? Chief, aren't you the first one?

Police Chief Dombkowski said I am. It's March.

Mayor Dennis said March, and then we go on from there.

Clerk-Treasurer Rhodes said City Code provides for an annual review of the financial status of the Utility by outside financial advisors to occur—I think it's specified by April. In fact, prior administrations have not necessarily made that deadline, based on circumstances, but almost all in the first half of the year. And so, given that that's a requirement, I'm imagining that will happen again. Once more that requirement in the Code has been pretty much fulfilled by the first half of the year. Occasionally it's been delayed, when there's been other projects occurring or we have had a late start in beginning to compile information. I think it might be helpful for the

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Council to have access to the last one, and so I can provide it to you for those interested that can download it. I also need to know from people whether they prefer to see paper documents, whether they're documents they want printed for them or—

Councilor Keen said is that something they could get put in box.net?

Clerk-Treasurer Rhodes said yes, absolutely.

Councilor Roales said box.net works well, I think.

Councilor Truitt said you can print mine. I've got to be able to read—

Councilor Hunt said yes, I don't like to read online.

Clerk-Treasurer Rhodes said I know there's some Council members that may be hesitant to ask for printing and feel old-fashioned, but I can tell you that when I work with these things, I absolutely write all over them. So just let us know.

[overtalking]

Mayor Dennis said any further comment?

There was no further discussion.

Ordinance No. 6-08 A Ordinance Requesting An Additional Appropriation, Perimeter Parkway Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 6-08 by title and called on Clerk-Treasurer Rhodes.

Clerk-Treasurer Rhodes said I'm going to begin this, but [City Engineer] Dave Buck is the primary resource. This is a fund, the Perimeter Parkway Fund, that was created in 2007 to handle proceeds of INDOT grants for the Purdue Transportation Plan implementation. It is a fund that requires an annual appropriation. Last year the appropriation was a very large number, \$1.2 million. This year, City Engineer Buck and I agree that probably about \$500,000 would be appropriate. He can give you some information about how this functions.

City Engineer Buck said this Perimeter Parkway, we're currently working on Phase 1A, the first piece of a long, very detailed project that will take years to complete. Phase 1A engineering is what we're currently working on. As we incur those expenses, we pay those invoices to the consultant. We turn in a reimbursement claim at the same time, to get 80% of the money back through the federal grant that INDOT is administering. This account basically lets that \$500,000 be utilized in a cyclical fashion—to pay invoices, receive the reimbursement, and then pay that back out. The entire agreement for engineering services is \$642,000 currently. Conservatively, last year we made the \$1 million number that Judy [Clerk-Treasurer Rhodes] referred to, in case we got far enough along and we started acquiring right-of-way and started a subsequent phase of the project. We didn't. The pace of the project currently, we don't anticipate getting into, you know, a buyback position in 2008. We might. If we do, we'll come back and ask for a larger appropriation to be able to handle those kinds of transactions through this account. With right-of-way the City would have to front the money as well as acquire the land, meet all the requirements necessary that are involved with federal aid projects and land acquisition

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procedures that we have to follow. Then we turn in reimbursement, then again for 80% of the money. Construction is the only phase in a federal aid project where INDOT takes a 20% check from us and then runs the construction project. So the first two, engineering and right-of-way, we have to go out and do them and turn in reimbursements to get reimbursed. And so this allows a place for those reimbursements to come in and be used again to pay the next invoices, so it kind of leapfrogs itself, if that makes sense.

Clerk-Treasurer Rhodes said one other source I did not mention—we're not getting into a real technical discussion, but one other source of funds I neglected to mention was that Purdue University is part of this project. They've already contributed \$64,315, and that is part of the remaining fund balance in this fund. We've spent about a third of their contribution to date.

City Engineer Buck said and that \$64,000 is 10% of the \$642,000 that the entire consultant agreement that we currently are involved with. Of the 20% total that's the local portion, Purdue pays half and the City will pay 50% eventually of City funds, and then when we get reimbursements, the grant is going to pay for the larger chunk, the 80% total. When everything's said and done, Purdue will have paid 10%, the City will have paid 10%, and we will have used 80% of grant money to pay for engineering.

Councilor Truitt said what's the cycle of that money coming back? What happens?

Clerk-Treasurer Rhodes said there is no cycle, as he just described.

City Engineer Buck said well that's how I think of it.

Clerk-Treasurer Rhodes said yes, I know, but he's an engineer.

Councilor Truitt said but, I mean, what happens?

Clerk-Treasurer Rhodes said what is happening is an ideal world has been happening in that the obligations have been incurred by our consulting engineering group, those have been directly submitted to INDOT, and we have deferred disbursing funds to the consulting engineers until we receive our 80% match from INDOT. This has relieved the City of a tremendous up-front cash requirement, and we hope it's going to continue.

City Engineer Buck said it will with the engineering. I'm not sure that's allowed with the right-of-way portion.

Clerk-Treasurer Rhodes said right.

Mayor Dennis said say that again, Dave [City Engineer Buck].

City Engineer Buck said when we purchase land with federal assistance, then we have to actually go out and buy it. When are the owner, we then turn in the claim for reimbursement.

Councilor Burch said Mr. [City Engineer] Buck, would you fill us newcomers in on what part of this road—? Can you give us some idea of where Phase 1A is?

City Engineer Buck said the City and the University did a very involved transportation plan and study, traffic analysis. That was in response to a study that Purdue had done some years ago.

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The end result of that was a modification to the long-range planning documents that Area Plan puts together. Phase 1A is the first part of Phase 1—there's Phase 1B, Phase 2, 3, 4, and—actually, there are only four phases. Phase 1A is all of Harrison Street—widening, improving, adding travel lanes, parts of Grant, parts of Chauncey, and all of Williams Street down to River Road. And improving intersections, adding signals, developing that first south leg of the whole perimeter ring road.

Councilor Burch said okay, thank you.

City Engineer Buck said we've finished surveying. They're working on grade review plans. They're 25% complete now with the construction plan.

Councilor Burch said thank you.

Mayor Dennis said any other discussion?

There was no further discussion.

Ordinance No. 7-08 An Ordinance To Amend West Lafayette City Code Chapter 44 Concerning Parking And Towing From Private Property (Submitted by Councilmember Roales)

Mayor Dennis read Ordinance No. 7-08 by title, and said before we get started on this, just a few words. This is the caucus, so this is sort of like the warm-up to the actual Council session. I know there are a lot of folks that feel very passionately about this. If you choose to speak and you want to be recognized, the time to do so is actually at the Council meeting. That's when it counts. But, in all honesty, Councilor Roales, Mr. [City Attorney] Burns and I have discussed this, and we realize that this is truly a work in progress. There is more input that is going to be required before we can make a decision as to how we want to go with this. I commend Councilor Roales on his energy, his enthusiasm, and his leadership on this issue. There are things that we, as a City, can do better. We do need to look at regulating how we tow. But we're going to be very cautious about dictating what private property owners can do with their property. Having said that, we'll go ahead and open up with some discussion. I think I'll lead to Paul [Councilor Roales], if there's any further.

Councilor Roales said I've had discussions with most of the Councilors here today. I mean, I guess I'd be happy to field any questions you have or any concerns you have. Obviously, I'd be happy if you have any questions or concerns or input from any of the people here, after the meeting, I'd be happy to schedule something with you. If you have a large amount of input, I'd be happy to hear that. Obviously, the intent of the ordinance is to create a system of towing in West Lafayette that benefits all people, that's clearly understood by all parties, and that, you know, sets a level of tone that's appropriate for our City and that's beneficial for our City. And, clearly, eliminating towing from our City would be detrimental to commerce, to quality of life here, but also, you know, having no regulation whatsoever would also be detrimental. So we're trying to strike a balance that meets the needs of students, of long-time community members, of companies that operate in the City, of businesses that operate in the City. So that's the intent. And, you know, from the very beginning, the more input we have, the better. This document can lead to even more solutions, this document can provide to our City. I welcome input and any questions you have today, of course.

Mayor Dennis said and we will have work sessions.

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Councilor Roales said yes, absolutely.

Mayor Dennis said and that's what I was saying that really is going to benefit everybody. The more we hear, the more we know, the better we can make it. So at the Council meeting we'll go ahead and try to look at calendars and schedules, and we'll have work sessions so we can hear what you think, so we can get an idea of how you feel, and so we can make this something that is going to be mutually beneficial.

City Attorney Burns said so is this being removed?

Mayor Dennis said I believe we're going to table—?

Councilor Roales said no, we'll move forward right now, and if we want, we can talk about where we want to go on Monday, I guess, further if you'd like.

Mayor Dennis said okay, is there any interest in tabling it?

Councilor Roales said I would like to see it at least discussed at the first meeting.

Councilor Truitt said well, I mean, it's kind of a little contradicting in some way, shape, or form. We just got done saying we're going to have work sessions to talk about it—

Councilor Roales said we have 30 days between. I mean, we have 30 days.

Councilor Truitt said I don't know. I was just looking—

Councilor Roales said clearly, some of the issues in our community today; we cannot wait forever to amend. My concern is that maybe there are some issues we don't want to wait the 30 extra days to correct, and I think, you know, the fact is that has been in the public discussion for quite a while, I think, you know, I think we can do our work in 30 days.

Mayor Dennis said but I think if we move forward, we'll have one reading, and then we'll have work sessions in between reading number one and reading number two. So the possibility is that, during the work sessions, if we see something that we feel requires significant change in the way the ordinance is currently written, then we are sort of where we started out. I guess my suggestion—obviously, it's going to be up to the Council—would be to table, and then go ahead and move forward with the work sessions, and then have a draft that would be more, I guess, refined.

Councilor Roales said I guess my concern is, you know, we're a large constituent in the City, you know, the 15,000 students that are residents here, and we may get into the point where they're leaving campus and they're not a participant in the discussion any more, and so we want to be sensitive to that, as well, which is the issue that I think about, more than the timeline.

Mayor Dennis said okay.

Clerk-Treasurer Rhodes said I'd like to point out, just to give everybody a frame of reference, that this will be an unusually short gap between the Council meeting and Agenda Day, a little bit more than two weeks this month. Agenda Day will be February 21.

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Mayor Dennis said a short month.

Clerk-Treasurer Rhodes said yes, a pretty short month.

Mayor Dennis said so show up Monday, 7:30. We're anxious to hear what you have to say.

Councilor Hunt said Mr. Mayor, can we put "Public Hearing" on the agenda?

Mayor Dennis said I suppose we can—

City Attorney Burns said are we ready for a public hearing on this?

Councilor Truitt said do you mean a work session?

Councilor Hunt said I'd like to hear these people pretty soon, but not now.

Councilor Truitt said I'm in favor of looking at things, maybe not this as much as other things, but if we need to have a work session to put together something that is based on individuals' feedback, it just seems like we're getting ahead of ourselves to have this—

Councilor Roales said I received a lot of feedback from a lot of different constituencies—towing company owners, from students, fellow Councilors, from legal counsel—and I feel that we're not too far off.

Councilor Truitt said okay.

Councilor Roales said I mean, I feel that there are some small changes, some things we may take out entirely, but I don't feel that we're going to be coming back with an entirely new draft. I mean, it's my feeling. Maybe—

Councilor Truitt said well, when I just hear the Mayor say we need to have work sessions to talk about it, I just seems... But if you guys have talked and you guys are on the same page in regard to the procedure, then I'm okay—

Mayor Dennis said I think anytime we're going to get involved in something that's going to have this kind of impact, you know, I think we will make smarter decisions when we have the folks that it's going to directly impact involved. And I think that's kind of what we do.

Councilor Truitt said but I see your logic.

Councilor Roales said yes.

Mayor Dennis said the problem's going to be resolved in May when everybody's gone. I see your point, Paul [Councilor Roales], procedurally, we can carry on.

City Attorney Burns said Councilor Hunt, were you asking about a work session, scheduling one now, while we have people here that are interested?

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Councilor Hunt said yes, I think so, but a couple things. If we would table it now, but have a public hearing or work session, where we advertise and we meet and we listen to people at some venue, we could do that in February. We could vote on it on March 3 one time, we could have more hearings in March, and then April the students are still here. By May, they've got finals and are leaving. But in April they're still here. So what do you think about that?

Mayor Dennis said what do you think, Paul [Councilor Roales]?

Councilor Roales said I mean, I guess, I hate to see things drag out too long. I want to get public input and make this a very good document. We have a lot of important issues in the City to address, so I don't want this to consume the Council for too long, so we can address other important things as well. You know, if everyone's feeling is that we can't get ample input, then I would support that. I guess, I was thinking we could get ample input in time.

Councilor Truitt said here's the awkward thing from my perspective. If, when we're going in to something like this, and if we feel that we need to have a public session and a work session, and we've already drafted a document, to me it's like we're not factoring in that piece of education, so it's almost like we're checking it off the list of, okay, well, we had that open session. And so, regardless of whether we have to start the document over or not, I think having that can't do anything but help the process, I think. And waiting 30 more days, I don't think, is going to be that detrimental. Because we're going to end up with the best document that we possibly can. Wouldn't you agree with that?

Councilor Roales said yes. I mean, I don't know.

Councilor Bunder said I have a question for information. Are the Weidas still towing? Does anybody know what the management of Wabash Landing is here? Is it still going on? Is there a reason to move quickly, because there's still a real problem, or did they stop after the election?

Mayor Dennis said Chief Dombkowski.

Police Chief Dombkowski said I can answer that on a limited knowledge basis. I have not seen information that there is any towing going on down on the Levee.

Mayor Dennis said I haven't received any complaints.

Police Chief Dombkowski said again, it's a private property issue. They wouldn't necessarily call us, so we wouldn't get those complaints. I haven't heard them. I've got a pretty good pulse on what's going on down there, and I don't believe the Weidas are towing out of the Levee.

Councilor Truitt said anybody in the audience that's been participating in that that can answer that without looking at someone?

An unidentified person in the audience said well, I'm the tower, and we haven't towed since the end of last May.

Councilor Bunder said are the Weidas towing?

An unidentified person in the audience said Weidas only doesn't count. Is it a Wabash Landing issue or Levee only?

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[overtalking]

Mayor Dennis said well, the point is we have a lot of interested parties here, and I think they should know what's on the table and what's coming next. So are we going to table it or—?

Councilor Roales said can we take that motion on Monday, do you think?

Mayor Dennis said well, you could.

[overtalking]

City Attorney Burns said I know that the policy and procedure of this body in their Pre-Council meeting is to do certain things. I guess the Mayor's point I would agree with, that we've got people here now. They can come back Monday, but if it's not going to be taken up on Monday, then maybe it's better for their schedules to allow them to know exactly what's going to happen. You do have the authority now to table it and to set a work session, so they have firm dates in mind, so they don't have to come back for a water hole call on Monday.

Councilor Hunt said and I would imagine that—

Councilor Roales said my concern is the level of towing going on right now, we'll have 30 more days of that. That's thousands of dollars out of people's pockets. I mean, I've taken out a lot, I've changed a lot already, we've gone through a lot of revisions already. I mean, I don't want to spend eight months of my life focused on the towing ordinance, because there are other elements of the community as well.

Councilor Burch said but we want this done right, and that might mean taking time that it's done right.

Councilor Keen said and I would agree with Councilor Truitt. I would really want to avoid the public view that this is a done deal before it starts. And that oftentimes is, I think—I mean, that's the vision that I'm seeing right now, in that this is already, you know, you've got this ordinance already drafted and it's already halfway through the process almost. I would really like to eliminate the idea that this is already a done deal. And so I would really like to see us get some real public input. Maybe you've gotten that input. I haven't seen it.

Councilor Roales said I mean I intentionally worked with the press three to four weeks before introducing this to the Council agenda, letting individuals know publicly that I was working on these issues, and if they had concerns to reach out to me. So I don't think I've been in secret writing an ordinance—

Councilor Keen said I'm not saying that. All I'm saying is that I would like to see us—I guess what I'm saying is I don't see the harm in waiting another 30 days, in my opinion. Because I have a lot of issues with this myself that, I mean, you and I have spoken a little bit about this in the past. I haven't had an opportunity to speak with you about this particular draft, but I do have a lot of issues with it that I'd like to discuss with you and get some ideas and even from these people here to get their ideas before we move forward with it. As this is right now, there's no way I would vote for this—as it is right now. I mean, there's just too many things wrong with it. But I think it's a good start, and I think there are a lot of good things in it, and I think it's definitely

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headed in the right direction. But, as it is, I couldn't vote for it right now. And that's why I need more opinions from these people, from Councilors, and—

Mayor Dennis said how about if we—we're in open session, we're in caucus—how about if we have a motion to table?

Councilor Burch said I make a motion that we table Ordinance No. 7-08.

Mayor Dennis said do we have a second?

Councilor Keen said I second.

Mayor Dennis called for a voice vote.

Councilor Roales asked for a roll call vote.

Clerk-Treasurer Rhodes asked if the motion is to table Ordinance No. 7-08, or to postpone to a time indefinite.

City Attorney Burns said to lay it on the table.

The roll call vote:

<u>AYE</u>	<u>NAY</u>
Burch	Bunder
Hunt	Roales
Keen	
Thomas	
Truitt	

The motion to table Ordinance No. 7-08 passed, 5-2.

Councilor Hunt asked to schedule the work session.

The work session to publicly discuss Ordinance No. 7-08 and take public input was set for Wednesday, February 13, at 6:30 p.m. in Council Chambers. The Clerk-Treasurer was asked to prepare and issue the necessary public notices.

There was no further discussion.

Resolution No. 2-08 A Declaratory Resolution Approving The Designation Of An Economic Revitalization Area For Property Tax Abatement For Purdue Research Foundation (PTC-II) (Prepared by the Office of the City Attorney)

Mayor Dennis read Resolution No. 2-08 by title and called on Mr. Brooks.

City Attorney Burns said I will defer to Mr. Brooks, the [Economic Development] Commission attorney.

Mr. Thomas Brooks, Jr. [Mayfield & Brooks, and attorney for the West Lafayette Economic Development Commission and the WL Redevelopment Commission] said PRF came to the

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Economic Development Commission and requested an abatement for the new Technology Center-Part II, and that was approved by the Economic Development Commission for the abatement. I think you should have all of the information that was provided. Since it is in the TIF District, the Redevelopment Commission had to approve the revitalization area, which they did at their last meeting. This is all to fund the Technology Center, and it ends up being about \$1.5 million, I think, for the abatement. You should have the—

Ms. Jody Hamilton [Lafayette-West Lafayette Economic Development Corporation] said it's a \$14.5 million investment. Some of you may have—

[overtalking]

Ms. Hamilton said after you review this, if you have questions, feel free to call me anytime. Ultimately, with \$14.5 million investment, they will be saving around \$1.5 million of the abatement. And it's a 10-year real estate abatement.

Mayor Dennis said and you'll be at the Council meeting?

Ms. Hamilton said yes.

Mr. Brooks said yes. PRF, I think, will be there, too.

Mayor Dennis said any questions?

City Attorney Burns said do you want to leave your contact information, in case people have a question for you before Monday.

Ms. Hamilton said phone number is 807-5927 or email jhamilton@lwldc.org. And I'd be happy to email this illustration to everybody.

Mayor Dennis said if you could do that, I think that would be helpful.

Mr. Joe Seaman [Lafayette-West Lafayette Development Corporation] said Jody [Ms. Hamilton], could you put my phone number, name, and email on that.

Ms. Hamilton said absolutely.

Mr. Brooks said both the Economic Development Commission and the Redevelopment Commission think this is a fantastic project. This helps develop Purdue research, and I think all of you know about the Technology Center and what's been planned out there. It's a good, good thing.

Councilor Thomas said Mayor Dennis, if I could make a comment. Eric [City Attorney Burns] and I have spoken about my situation regarding this abatement. I have signed a disclosure agreement with the Chao Center for Purdue Research Foundation. The Purdue Research Foundation is the parent company of the Chao Center who I am employed with. So I think it's prudent that when this discussion occurs on Monday that I step out of the room and let the discussion continue. When that discussion is finished, I will return to the room.

Mayor Dennis said okay. Any further discussion?

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

There was no further discussion.

Resolution No. 3-08 A Resolution Requesting The Transfer of Funds (Police Merit Commission, Economic Development Income Tax Fund, Fire Pension Fund) (Prepared by the Clerk-Treasurer.

Mayor Dennis read Resolution No. 3-08 by title and called on Clerk-Treasurer Rhodes.

Clerk-Treasurer Rhodes said the transfer for the Police Merit Commission has been made at the request of Larry Leverenz, the President, pursuant to the action of the Commission, I think, at their last meeting. The transfer of salaries is required in order that the Merit Commissioners receive \$500 per annum stipend. The transfer for the Contract Services really reflects obligations that were incurred for past services provided by the Psychology Department for developing a test bank for promotion exams.

Mayor Dennis said Jason [Police Chief Dombkowski], do you have something to add to that?

Police Chief Dombkowski said about the transfer?

Mayor Dennis said yes.

Police Chief Dombkowski said for Police Merit Board—what part?

Clerk-Treasurer Rhodes said the test services.

Police Chief Dombkowski said they generally take the test—I'm not exactly sure how their budget has been set up, but they need to cover the costs of those tests, because they are actually promoting those officers. We act at their direction, but they truly own that process.

Clerk-Treasurer Rhodes said they did not request a budget for Contract Services for 2008, because they were at that time unaware that they had actually incurred this obligation. When they learned that they had incurred it, they encumbered a portion of the 2007 budget, but it was insufficient to cover their obligation. We can expect that they're going to have to come back and ask for another transfer or an additional appropriation to handle contract services needed for 2008.

Councilor Hunt said it's not unusual to have to pay for an expert to make a test. I think that—

[overtalking]

Mr. Brooks [Mayfield & Brooks, also attorney for the WL Police Merit Commission] said what they've done. The Merit Board signed a contract with a professor in the Psychology Department to actually prepare the exam. The Merit Board pays him, and then he pays all of the people that work on the exam. The contract I think was \$2,000.

Councilor Burch said but the Merit Commission monitors the test?

Mr. Brooks said the Merit Commission monitors the exam, yes.

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Councilor Burch said are these physical exams or psychological exams?

Mr. Brooks said this one we're talking about is a written exam—

Police Chief Dombkowski said this one we're talking about is for promotions.

Mr. Brooks said yes, for promotions.

Police Chief Dombkowski said which we contract out—they contract out to a company for hiring, and then this test was designed for promotions for the ranks.

Councilor Burch said thank you.

Councilor Hunt said I've attended a lot of the Police Merit Commission meetings when they're open, and I understand the many, many, many hours that they put in. I truly do. I also was at the meeting where salaries were voted on. The comment was made by the chair that other Commissions in the City are paid. Unfortunately, that's not accurate. The Park Board is paid. I don't know quite why. I asked [former Mayor] Sonya Margerum for the history of that. The Park Board is paid something like, after taxes, they get something like \$69 a quarter.

Clerk-Treasurer Rhodes said they're paid \$75 a quarter, the maximum allowed by statute.

Councilor Hunt said well, after taxes. I was talking to people who actually get the checks. It's my understanding that there's some obscure State law that dictates that they—and, Judy [Clerk-Treasurer Rhodes], you may know more—the Park Board owns the park property. I don't know if that has anything to do with it. My concern about this is—again, I realize they work many hours and they have worked many hours, but other commissions don't get paid, and I think this would be a great time to bring this topic up to the Budget and Finance Committee. We've tried to meet and go through processes and discuss and listen to department heads. I don't think it should be in a transfer of funds. That's how I feel about this. I do understand the hours they put in, but we do not pay all other commissions. And that's that.

Mayor Dennis said thank you very much, Ann [Councilor Hunt].

Councilor Bunder said I would agree with Ann [Councilor Hunt], and I have a prior question. Badges. Somebody tell me about badges. At the Budget and Finance Committee it was mentioned that there had been an expenditure for badges for the members of the Police Merit Commission. If that's true, what's on that badge?

Police Chief Dombkowski said I can answer that.

Councilor Bunder said sure.

Police Chief Dombkowski said that expenditure is out of my budget and it's more of a token of appreciation and a symbol for the job that they do for the City and for our Police Department. It is not any sort of an empowerment or an authority. It's more commemorative. We haven't issued those yet, but the cat's out of the bag. We plan on doing so at a Merit Board meeting coming up.

Councilor Bunder said what does it look like? Does it look like a Policeman's badge?

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Mayor Dennis said I'll show you.

Councilor Bunder said did we buy them the leather containers, too?

Mayor Dennis said except that instead of saying, "Retired" it says, "Commissioner" across the top there.

Councilor Roales said you mentioned that that's a symbol. I mean, it has a symbol, a symbol of authority, and I'm a little uncomfortable with individuals who are not sworn officers carrying a symbol of authority like that in our community, even if it is commemorative, even if the intent for morale is good. I'm a little uncomfortable with that, being in the individuals' hands that are not sworn officers in our department.

Police Chief Dombkowski said okay. I can tell you this is unique only to West Lafayette in timing here, but this is something that's done across the State and across the country. I think you have a little bit of insight on that, Mayor, from Lafayette. And, again, these are trusted members and pillars of our community that have been screened either by the Mayor, the Council, or the Police Department. I truly don't think that's an issue or I wouldn't have requested such. I'll let the Mayor comment any further on that. But I don't have a problem with it.

Mayor Dennis said go ahead and let's discuss it at Council.

Mayor Dennis began to read Resolution No. 4-08 by title.

Clerk-Treasurer Rhodes said Mr. Mayor, did you want to complete the discussion of the rest of the transfer resolution?

Councilor Hunt said yes, there's more.

Clerk-Treasurer Rhodes said there are two more funds. I don't know if you want to curtail the discussion of the entire resolution or—

Mayor Dennis said there's more. Go ahead.

Clerk-Treasurer Rhodes said the transfer of Economic Development Income Tax Fund is to pay for insurance costs that previously were not charged to this fund and they did not anticipate that when they made their budget. It was prior to plan to fairly allocate costs, although costs are being generated.

Councilor Hunt said Judy [Clerk-Treasurer Rhodes], how do we justify using EDIT funds for insurance?

Clerk-Treasurer Rhodes said it has to do with insurance for, I believe it's related to Worker's Comp and/or the package policy that we carry on employees. Remember we moved a number of employees into EDIT.

Councilor Hunt said okay. So those are the employees that— All right, I understand.

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Clerk-Treasurer Rhodes said and there are also assets that belong to that fund. The Fire Pension transfer is a request from the Fire Pension Secretary to purchase a new laptop computer. The physical exams account is not anticipated to be needed, as the Fire force is fully staffed and we're not anticipating retirements this year.

Councilor Roales said we have a Fire Pension Secretary. Is that what you said?

Councilor Hunt said yes. I didn't know.

Clerk-Treasurer Rhodes said Fire Pension Secretary. The Fire—

Councilor Roales said no, I didn't know if you wanted to clarify the personnel. I mean, Is there a lot of labor involved in that? What's a Fire Pension Secretary? Why are they different than what the Clerk does?

Clerk-Treasurer Rhodes said it's a statutory office—

Councilor Roales said okay.

Clerk-Treasurer Rhodes said in Indiana Code, they're elected by the Fire Pension Board and they maintain all the records for the Fire Pension Trust Fund, and they—

Councilor Roales said and every city has one of those?

Clerk-Treasurer Rhodes said yes. And we have a Police Pension Board, too.

Mayor Dennis said the Police have one, too.

Councilor Roales said and so do they usually have an officer, or do they usually—

Clerk-Treasurer Rhodes said they're elected by the respective Pension Boards, and the requirements for being a member of the Board are in the statute. They are actually positions in the salary ordinance.

Councilor Roales said okay, I've never heard of them, I guess.

Councilor Hunt said he's very educational when you talk to him.

Mayor Dennis said there's a lot of stuff that goes on with PERF, the pension program.

Councilor Roales said interesting.

Mayor Dennis said further discussion?

There was no further discussion.

Resolution No. 4-08 A Resolution Of Agreement With The West Lafayette Community School Board To Study Joint Reorganization Under The Government Modernization Act (IC 36-1.5 et seq) (Prepared by the City Attorney)

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Mayor Dennis read Resolution No. 4-08 by title.

Councilor Hunt said may I ask a question of the City Attorney?

Mayor Dennis said yes, you certainly may.

Councilor Hunt said I don't know how many of you have had a chance to read their latest. We got a lot of stuff from—

City Attorney Burns said Mark.

Mayor Dennis said Mr. DeYoung [attorney for Tippecanoe School Corporation].

Councilor Hunt said Mr. DeYoung. I've asked for a couple of different legal opinions from the School Board, and they keep saying, "We can go to the Attorney General," and yet other people say that this is not really legal. Are you comfortable with us proceeding with this in a legal—?

City Attorney Burns said I am very comfortable with the process. Because, recall the process—

Councilor Hunt said right.

City Attorney Burns said is a study—

Councilor Hunt said right.

City Attorney Burns said and I think that's why there may be some information that has gotten a little bit out of true with what the process is. You can't do anything until the study commission has begun to work, and whatever may come in the future is something that very much has to be driven by what the study commission comes up with. So that's why I think—obviously, the TSC attorney has taken a position—it's not really clear what his position is. He would have spoken at the meeting, had it been time for public input. Since it wasn't, I think he saw this as his opportunity. So my belief is the process is almost all uncontested. There may be some issues that TSC has drawn up that they say, "Well, we think it goes this way," and the School Board attorney may think it goes a different way. But, in general, the majority of that statute is without any controversy by TSC or by anybody else. And so I believe it's important to let the process start, progress, and finish before a lot of time and attention is spent on what may well turn out to be a side issue.

Councilor Hunt said well, those of us who are not attorneys—and there are a few—it's just a little unnerving when people tell you that you can't do that. Thank you very much.

Councilor Keen said there will probably be people at the meeting on Monday speaking to it. Last night at the School Board meeting, there were people there speaking to that as well.

City Attorney Burns said yes, if you haven't seen your email—

[overtalking]

Mayor Dennis said what we're actually making a decision on is not about the issue. We're just having a discussion.

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Councilor Truitt said absolutely.

Councilor Burch said Mr. [City Attorney] Burns, what do we mean by “reorganization?” Why aren’t we calling it an impact study? Why are we calling it “joint reorganization?”

City Attorney Burns said because that’s what it is defined as underneath the statute. “Joint reorganization” is what it’s usually called.

Councilor Burch said so it’s per the statute.

City Attorney Burns said right. The whole issue is joint reorganization. The next step in that process—and that step would be authorized by this resolution—would be to have the study commission or the community committee, I think as it’s termed in here. So the whole issue is reorganization, and the next step is the community committee. And that’s all that this resolution does.

Councilor Burch said Mr. DeYoung mentioned that there was correspondence from Mr. Reiling [WL Community School Corporation attorney]. How come we not received that correspondence?

City Attorney Burns said is that in his packet?

Councilor Hunt said there was a letter.

Councilor Burch said was there a letter?

City Attorney Burns said yes, we’ll make sure you get a copy. I think that was in the packet that you should have gotten.

Councilor Hunt said it was one of the attachments. I have it.

Councilor Burch said I’ve got memos.

City Attorney Burns said I think he did nothing more than resend what you’ve already gotten.

Councilor Burch said so that’s his letter that he sent to TSC? Okay. Thank you. Got it. So what this is asking for, then, is to go ahead with the study, to look at different options?

City Attorney Burns said absolutely.

Councilor Burch said all right.

Councilor Keen said and it’s nothing more than that, either. I mean, it’s—

City Attorney Burns said right. Nothing more than authorizing the study.

Councilor Truitt said we don’t know what the outcome will be.

Councilor Thomas said correct.

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Mayor Dennis said further discussion?

There was no further discussion.

COMMUNICATIONS:

► Mayor Dennis said probably the biggest one is that we are looking at moving the time of our Council meetings. Obviously, historically, they meet at 7:30 at night. We're looking at moving that for Council meetings to 6:30 p.m.

► Mayor Dennis said and also, I'm going to thank in advance Mr. [Public Works Director] Downey for the sacrifices that he and his staff will soon be making. What are they talking—13 inches?

Public Works Director Downey said and 35 mile an hour winds. There's snow on the ground right now, so drive carefully.

Councilor Hunt said David [Public Works Director Downey], could you just briefly say that we do pretreat. Some people think you're silly when they see the snow trucks going out before it snows. Would you talk about this real briefly.

Public Works Director Downey said you want me to talk about it now?

Councilor Hunt said please.

Public Works Director Downey said pretreatment is dissolved salt—salt water. Sometimes if I believe the temperature's going to drop below 10 degrees, then I'll mix some calcium with the salt water. And all that does is give me a jump-start on the snow. If I put down dry salt, it tends to roll to the curbs; it doesn't do anything. If I put out salt water and I put it out—and you'll see the stripes out there—and all that is is salt water and it doesn't roll to the sides. And what that does is it gives me a bond between the ice and the snow and the pavement. That bonding makes it easier for the ice and snow to come up. That's what it does. It's a standard practice. The State Highway uses chemicals—beet juice, \$5 or \$6 a gallon. I go the cheap route.

Police Chief Dombkowski said we certainly appreciate what Mr. Downey's out doing that, because it cuts down on our accidents significantly when he treats the roads like that before.

Public Works Director Downey said like today, for example, we weren't expecting this to come until 4:00 or 5:00 o'clock in the evening. That's our worst rush hour. There's no way I could have—I only have five trucks to start with—there's no way I can cover every inch of the streets in that short period of time. We started this morning at 6:30, putting salt water out. So there's stuff out there now that you can track. I have a crew coming in at 6:00, 6:30 tonight. Those three will work until 7 o'clock tomorrow morning. I've got three more people coming in at 4 o'clock in the morning, so that means there will be five or six trucks on the street in the morning. And I like to ruin the plan, Mayor, I might have the City streets open.

Mayor Dennis said it doesn't matter. Thirteen inches isn't a problem, but it's the winds that are actually—

Public Works Director Downey said the wind is what hurts us.

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Councilor Truitt said but City Hall will be open, though.

Mayor Dennis said City Hall will be open.

Public Works Director Downey said I look for it to be.

Mayor Dennis said thank you very much.

► Councilor Bunder said I have a question for Mr. [City Attorney] Burns. How's that Weida appeal coming?

City Attorney Burns said nothing really is happening at the moment. They have given the notice that they're going to appeal, but that's all. Nothing is happening until the Weidas have gotten their work done, which is to get the record prepared and culled, and that's not been done yet. Jim Schrier who is actually the attorney handling it, but I'm obviously copied on it, so that's it.

► Councilor Bunder said another question. What is his rate per hour? What are we paying him, if you know offhand?

City Attorney Burns said Jim Schrier?

Councilor Bunder said yes.

City Attorney Burns said he's at \$175, same rate as I am. His usual rate is higher than that, but we covered that in a phone conversation. "Guess what, Jim?"

Councilor Bunder said thank you.

► Councilor Hunt said I have one more thing. Sorry to prolong this. In the past, we've, the City Council and the Mayor, during growing season, like from April or May to about through November, we've done a West Lafayette Beautification Award. There's a committee that works on it and we give a small certificate and we take pictures and get somebody to present it. I'd like to know it is the wish of the Council to continue?

Mayor Dennis said absolutely.

Councilor Roales said it's been a good program.

[overtalking]

Mayor Dennis said do we need a motion?

Councilor Hunt said we've never had one before.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Keen and passed by voice vote, the time being 5:41 p.m.

Respectfully submitted,

PRE-COUNCIL MEETING MINUTES, JANUARY 31, 2008, CONTINUED

Judith C. Rhodes, Clerk-Treasurer
Secretary of the Common Council