

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
FEBRUARY 4, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on February 4, 2008, at the hour of 7:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

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

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

MINUTES: Councilor Keen moved for acceptance of the minutes of the January 3, 2008, Pre-Council Meeting; the January 7, 2008, Common Council Meeting; and the January 23, 2008, Special Joint Meeting with the Trustees of the West Lafayette Community School Corporation. Councilor Truitt seconded the motion, and the motion passed *viva voce*.

STATE OF THE CITY ADDRESS:

Mayor Dennis said good evening. It is my privilege and great honor to be here as your Mayor to report on the state of the City of West Lafayette. As with all great cities, our success stems from the strength, character, and commitment of our people. Our people work hard, care for their neighbors, inspire our youth, and take pride in being from West Lafayette. It is important to celebrate our successes, and equally important to face our challenges with creativity and optimism. Public safety must always receive our most thorough and rigorous attention. During 2007, the number of overall criminal arrests rose 1.5% from 2006, with alcohol arrests increasing by 12%. With these statistics, there is some good news. Operating while intoxicated arrests went down by 9%. We must work hard on educating, through the D.A.R.E. program in our local schools and coordination of efforts with Purdue Police and other local law enforcement. Alcohol problems lead to neighborhood problems, and protecting and enhancing our neighborhoods must remain a top priority. I am very impressed with the composition and commitment of the Police Merit Commission, which will have a very active role in building and keeping high professionalism and morale. Chief Jason Dombkowski has already impressed me with his energy, professionalism, and focus on creating a department which will make all citizens proud. We are a city of beautiful neighborhoods which add immeasurably to our quality of life. Rental inspections in 2007 saw 84% of units being certified for occupancy. More than 400 public nuisance violations were dealt with. Eight lawsuits were filed for rental violations. Code program administrator [Assistant Director of Development] Buz Grady continues to be diligent and well-organized in keeping violations abated. Code enforcement is critical to keeping neighborhoods thriving. Our goal is to increase compliance with neighborhood codes by education, notification, and litigation only when necessary. Community Development Block Grant Funds totaling over \$623,000 were invested in 2007. A wide range of projects was funded—Salisbury curb and sidewalks, Indian Trail sidewalk accessibility, Lincoln Street Park, assistance to low-income individuals, and 13 New Chauncey Housing projects. To further enhance the beauty and environmental appeal of our City, greenspace activities have continued to grow and strengthen. From tree planting and maintenance to community planning and the farmers' market, quality of life improvements abound. The Redevelopment Commission was

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very active and effective in 2007. Many thanks to Steve Belter and Earle Nay who both had served the Commission since its inception in 1989. The Commission approved 23 resolutions in 2007. TIF funds were invested in a number of areas, including riverfront projects, Tapawingo Drive, Wabash Landing Parking Garage, Village infrastructure improvements, fire station and fire equipment, Yeager Road engineering, and Nighthawk Drive. Three major development projects were advanced during 2007. The hotel project on Tapawingo Drive, the Champion's Centre on Northwestern Avenue, and the Swiss Group redevelopment of the K-Mart site on Sagamore Parkway. We as a City are fortunate to have so much intense interest in locating to West Lafayette. Purdue and the Purdue Research Park are critically important partners in the further success of West Lafayette. The Redevelopment Commission agreed to commit \$4.5 million in Certified Technology Park funds for the construction of a business incubator facility. This investment, and future such investments, are extraordinarily important and must be encouraged whenever possible. While TIF funding in and serving TIF Districts is very important, taxpayers can also be proud of the fact that both the Levee/Village and KCB TIF passed through \$20.6 million in assessed value, which will help lower real estate property taxes in the City and local school corporation. West Lafayette would not be the city it is without a healthy West Lafayette school system. As we all know, the City, through its Common Council, has been asked by the schools to help study whether a reorganization between us could be a benefit. What may come of such a study is unknown. What is clear is that our City government must leave no stone unturned in helping to improve and enhance our schools. I am optimistic about the common future we share. There recent snowfall reminded us how valuable our Street Department is. Dave Downey and his crew need to be commended for the excellent job they do. But year round, in rain, snow, and heat, the Sanitation Department is also to be remembered. Our City does a good job of recycling, compared to most, but still almost half of the recyclable materials in our City are put in the trash. We will continue to increase citizen recycling efforts; it's good for us all. Our wastewater facility is one of the largest businesses in the City. It is undergoing constant improvement to make it more efficient financially and environmentally. Major projects underway include the digester renovation at the Treatment Plant, construction of the Western Interceptor, replacement of the Barberry Lift Station which is now operational, and replacement of the Green Meadows Lift Station. Fire Chief Phil Drew has overseen a year of expansion for the West Lafayette Fire Department. Daily staffing levels increased by three additional firefighters. Two new fire trucks were added, and the temporary fire station was opened. Fire Station #1 saw the completion of a second floor renovation. All of this happened in 2007, as fire calls increased by 15% over the prior year. Parks and Recreation activities in 2007 were effectively planned and administered under the leadership of Superintendent Joe Payne and the oversight of our Parks Board. From softball and the Global Fest to ice skating and trail improvements, we would not be the same without the Parks Department. Thousands of volunteer hours make the difference. The City Engineer and his department rarely grab a headline, but they are vitally important to everything we do to serve our citizens. Dave Buck is the very effective and innovative head of Engineering Department. Without the nuts and bolts of the engineering, the machine would grind to a halt very quickly. We are fortunate to have such capable and professional engineers and their staff keeping us moving. The financial state of the City of West Lafayette depends on the foresight and skills of this City's management team. I will rely heavily on the great expertise of Clerk-Treasurer Judy Rhodes who has a detailed grasp of City finances. Department heads will be intimately involved with the budgeting, and I am already impressed with the ability of the Common Council to deal with tough issues. Our future depends, not on just events and our reaction, but our initiative in doing those things that will assure a sound financial basis for our taxpayers and the government that serves them. Our 2008 budget can be funded, but our Budget Order will not be issued until likely midyear. I intend to use the next several months auditing the departments to evaluate reshaping the budget as necessary to ensure frugality while maintaining necessary services.

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The Budget Committee and I agree that the budget process will be restructured, be more informative, and more accountable. We will lay out the costs of annexation based on actual costs and documented future costs, and make realistic plans to incorporate these costs into the City budget. We must prepare for the historic shift in funding more of local government by income taxes than property taxes. We must ensure that the quality of the core services we deliver to our community is maintained and the Strategic Plans of the City can be carried forward. While we must look forward in order to make progress as a City, it is necessary to remember those who came before. I thank Jan Mills for her hard work and dedication and service to the City of West Lafayette. Also, those Councilors who served in 2007, including those of you here tonight, deserve a sincere thank you for the dedication you've shown for the past four years. Thank you. We have a proud City with a very bright and promising future. City government should be a reflection of its citizens. With people as good as we have in West Lafayette, City government has high expectations to meet. Thank you to the members of the Common Council for your good work thus far. The citizens can rest assured that all of us in City government will do our very best to make West Lafayette an even better place to live, work, and raise a family. I look forward to the opportunities and the challenges ahead. Thank you.

COMMITTEE STANDING REPORTS:

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY: Councilor Bunder presented this report.

I have no report. And this is not just intended to speed the meeting along. I have no report. If one of you has the Wastewater Utility monthlies in your packet, see that somebody important gets them, because I have absolutely no Wastewater report. Thank you.

Mayor Dennis said so we can't even say that it's on file for sure.

Councilor Bunder said no, I don't know where it is.

Mayor Dennis said we'll get back to that, if somebody can assist with that.

PUBLIC SAFETY AND ORDINANCE: Councilor Keen presented this report.

Thank you, Mr. Mayor. I just have one quick announcement with the Police Department. Just last week, the Department added a second canine unit to the ranks of the West Lafayette Police Department. Our new officer's name is Rico, and this canine was funded graciously by the Tippecanoe County Prosecutor Pat Harrington's office. So thank you to them. That will be all. No report.

PURDUE RELATIONS: Councilor Roales presented this report.

As I reported last month, Purdue started the session, and so they've been very busy over the past month since we last met. Both the men's and women's basketball teams have been playing very, very strong. The women participated in "Think Pink," which raised awareness of breast cancer. The men have been playing very, very well and may be even tied for first in the Big Ten now. Academically, Purdue Student Government is working hard on a new recreational sports center which will provide some few facilities to the students in our community, as well as the staff and probably a large percentage of the residents of West Lafayette, to improve their quality of life. That's a noble mission on their part. Earl Butz, the Purdue alumnus and former Secretary of Agriculture, just passed away, and so that's a loss to this community, but an inspiration to the Purdue community and what can be accomplished through agriculture. Thank you.

PARKS AND RECREATION: Councilor Hunt presented this report.

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Thank you, Mr. Mayor. The Parks Department report will be on file with the Clerk-Treasurer. It's my understanding that the reports are going to be placed on the website as soon as we can do that, so we can access them. I have a couple of things to say about the Parks Department, however. The "Dare to Bare" is this Friday, the 8th of February, from 7:00 to 8:30 at Riverside Skating Rink. For those of you who don't know, it's for very brave souls that skate in their swimsuits. It's a photo op among other things, and refreshments will be provided. There's a charge for admission, but it's lots of fun and there are lots of really brave people out there. An art exhibit by the art students of Betty Goodrich will be on display during viewing hours at Morton Community Center in Rooms 106 and 108, from the 22nd of February to the 6th of March. The next Park Board meeting will be the 25th of February at 4:30 in City Hall. Thank you.

ECONOMIC DEVELOPMENT: Councilor Thomas presented this report.

Thank you, Mayor. Just a couple of issues regarding the Purdue Research Foundation. It was recently announced that Griffin Analytical Technologies' parent company ICx Technologies is now trading on NASDAQ under the symbol ICXT. The public offering was held on November 8. Griffin provides premium class, on-site chemical detection products focused the security and environmental monitoring markets. Secondly, Endocyte announced last month that the company secured a venture debt facility of \$15 million through Oxford Finance Corporation and GE Healthcare Financial Services acting as agent. The financing will be used to satisfy working capital needs in the continued development and clinical study of Endocyte's targeted drugs. The company's pipeline includes therapies targeting ovarian, non-small cell lung and kidney cancers, as well as a targeted diagnostic imaging agent. And lastly, it was announced recently that we have received notification of our Community Development Block Grant funds. We will receive a little over \$250,000 for projects in 2008-2009. There will be two meetings held in the next several months, the first one on February 8, Tuesday, and the second on Tuesday, March 18. We will be looking for community input as well as input from the Council and other areas on how we look at projects for the coming year. Thank you.

PERSONNEL: Councilor Burch noted that there was no report this month.

BUDGET AND FINANCE: Councilor Truitt presented this report.

Thank you, Mayor. The Budget and Finance Committee did have a meeting on the 24th, and it was an exciting meeting. We had all seven Councilors participating in the meeting, which was a dynamic exchange of information and ideas. I thought it was a refreshing meeting for all parties involved, and we talked about a variety of different items, some the Mayor mentioned in his State of the City. We are going to have a new budget process. We are starting the budget process immediately, and the main reason is because it's a complicated process and there's a lot of information, there's a lot of detail. The department heads are going to be taking a more active role in their explanation of what's happening within their budgets, so hopefully the Budget and Finance chair can add some input and hopefully be able to advise accordingly and put the best budget that we can together. We will be meeting on a monthly basis, and the next meeting will be some time in February, yet to be determined. We look forward to hopefully having others join us. That concludes my report.

REPORT OF APC REPRESENTATIVE:

Councilor Keen said thank you, Mr. Mayor. The APC did meet last month. However, there was nothing that was directly impacting the City of West Lafayette, so I won't bore you with all the details.

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REPORTS OF SPECIAL COMMITTEES: None.

PUBLIC RELATIONS: None.

FINANCIAL REPORT:

Clerk-Treasurer Rhodes said the Council has received its State Board of Accounts prescribed reports, and tonight your summary cash transaction report. I just wanted to draw your attention to the lower part of that report, which gives you a summary of personnel expenses. I've provided some notes that allow you to compare this period in 2007 compared to the present. That may be helpful, and as you watch these numbers progress throughout the first quarter. Thank you.

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)

Councilor Keen read Ordinance No. 5-08 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said any discussion?

There was no discussion.

Ordinance No. 5-08 passed on first reading, 7-0.

Councilor Keen said Mr. Mayor, I'd move that we suspend the rules and consider Ordinance No. 5-08 on second reading tonight. The motion was seconded by Councilor Truitt.

Mayor Dennis said it's been moved and seconded.

The motion to consider Ordinance No. 5-08 on second reading passed by unanimous voice vote.

Councilor Keen said read Ordinance No. 5-08 by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said it's been moved and seconded. Any discussion?

There was no discussion.

Ordinance No. 5-08 passed on second and final reading, 7-0.

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

Councilor Keen read Ordinance No. 6-08 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

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Mayor Dennis said City Engineer Buck is up to give us an overview on this particular agenda item.

City Engineer Buck said yes, sir. I have no jokes, unfortunately, as was previously requested. This fund was established last year in an effort to organize the payment of invoices that the City incurs as we move forward with the Purdue Perimeter Parkway. As you are familiar with, that's a plan that is going to establish a ring road around campus, using much of the existing infrastructure and streets that are in place today. We're currently working on Phase 1A, the consulting engineering for that. This fund was set up so that we could receive reimbursements from the Federal Highway through INDOT as we incur bills and turn in reimbursement claims, to be able to pay those invoices in full. This is an 80-20 split, 80% being funded through the federal grant that the project received. And so we're asking for the spending authority established at \$500,000 for the entire year. We believe that's more than ample to cover all of the cycling of the claims through the year. If things do proceed quickly, we would get into land acquisition. That might happen by the end of the year, and hopefully this would still be enough to cover that right-of-way acquisition consulting effort. It would not probably be enough to begin actually purchasing land. We'd have to come back at that point and revisit this issue and ask for more spending authority. Judy [Clerk-Treasurer Rhodes], if you have anything you can clarify, I probably cobbled that up.

Mayor Dennis said one of the things Judy [Clerk-Treasurer Rhodes] definitely doesn't have is a voice.

Councilor Truitt said will this fund, Dave [City Engineer Buck] be the fund that we will use through the entire project, to fund all activity?

City Engineer Buck said yes, I would say that it will be continued as long as the project is going on.

Councilor Truitt said okay, so when the project is done, funds left in there would go—? How would that be treated?

City Engineer Buck said that's probably going to take 20 years.

Councilor Truitt said okay, so we're not going to worry about that.

Mayor Dennis said not tonight.

Councilor Roales said Clerk-Treasurer, this authorization expires at the end of the year, doesn't it? It will have to be reauthorized in the next budget process? Is that right?

Clerk-Treasurer Rhodes said the appropriation lapses at the end of the year, as all appropriations do. It is possible to encumber the appropriation and carry it over in to the new year. It simply didn't occur at the end of 2007.

Councilor Roales said okay, thank you.

Mayor Dennis said any further discussion?

There was no further discussion.

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Ordinance No. 6-08 passed on first reading, 7-0.

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)

Councilor Keen said Mr. Mayor, if I could, I wanted to make one short announcement about Ordinance No. 7-08. It was an ordinance to consider parking and towing, and we did table that at our Pre-Council meeting, for you out there who didn't know that. And that will be going with a work session on February 13, at 6:30. So if you're interested in the towing, be at that meeting and you can hear more about that.

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)

Councilor Keen read Resolution No. 2-08 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Councilor Thomas said Mayor, if I may make a comment. I feel it is probably prudent for me, as an employee of the Chao Center, our parent company being the Purdue Research Foundation, for me to step out of this discussion until the vote is complete.

Mayor Dennis said okay. Thank you.

[Councilor Thomas left the Council Chambers.]

City Attorney Burns said I'd like to also note for the record that Councilor Thomas has filed a disclosure form as per statute on this matter. I'd like to give that to the Clerk.

Mayor Dennis said do we need a motion?

City Attorney Burns said I think we have a motion and a second.

Mayor Dennis said okay, any further discussion?

Councilor Burch said second.

City Attorney Burns said thank you. Now we have a second.

Mayor Dennis said any further discussion?

Councilor Keen said I just wanted to thank whoever for the financial information that we were given at our table tonight, because I was interested in seeing what the amounts were that were being abated over the 10-year period. So thank you for that.

Clerk-Treasurer Rhodes said Councilor Keen, that information was provided by Jody Hamilton.

Mayor Dennis said and I believe Jody's—

Clerk-Treasurer Rhodes said in the [Lafayette-West Lafayette] Development Corporation.

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Mayor Dennis said thank you, Jody.

Clerk-Treasurer Rhodes said both Ms. Hamilton and Joe Seaman are here tonight to answer your questions.

Mayor Dennis said any questions?

Councilor Hunt said may we ask they explain it a little more, please?

Mayor Dennis said sure.

Councilor Hunt said I mean, I know they did at a Pre-Council, but I think it would help this audience and this Council.

Ms. Hamilton said I'm here on behalf of the Purdue Research Foundation, along with Joe Seaman [Lafayette-West Lafayette] Development Corporation] and also Greg Napier [Purdue Research Foundation], which he has some cool photos that he can show you, too, of the project. Did you want more description on the actual project, or the illustration that I provided?

Councilor Hunt said I think there are a lot of people here that weren't at Pre-Council, so I think it would be nice to get both.

Ms. Hamilton said okay. The reason why we're standing in front of you today is to request a designation of an ERA for the Purdue Research Foundation on their new project for the Purdue Technology Center-II building. This will be 105,000 square feet that will offer flexible office space, lab space, and also wet lab space for new businesses. The estimated number of jobs created for this project is approximately 275 jobs. Most of you know, and you've already heard tonight, all the exciting things that are happening at the Research Park. This just adds to that. As you can see, the picture of the building and the location of where that building will be, the hopes are obviously to house several new start-ups in that building. Now the illustration that I provided you just briefly goes into detail of the cost savings to the Research Foundation due to this tax abatement, along with what they would have paid if they don't receive the abatement. And, in turn, another thing I want to add is the reason why we offer tax abatements as incentives is it helps with the lease rate on the building, mainly so the tax savings will be carried on forward to the actual tenants of that building. So it makes our community a little more competitive than other communities as well. I'd be happy to answer any more questions, along with Joe and Greg.

Councilor Truitt said Jody [Ms. Hamilton], will this piece of property be used to attract new businesses coming in, or will it be used as a growth opportunity for current existing Research Park tenants?

Ms. Hamilton said Greg [Mr. Napier], feel free to answer that as well. My impression is that it would be a little bit of both.

Councilor Truitt said okay.

Ms. Hamilton said would you agree?

Mr. Napier said that's correct.

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Councilor Truitt said and then the logic behind—you know, one of the questions that I have asked is why a tax abatement for someone like Purdue Research Park, when they're uniquely positioned, unlike a lot of other businesses. That's kind of a hard one to answer, and I thought maybe you or Joe [Mr. Seaman] or someone could touch a little bit on why we run down that path.

Ms. Hamilton said well, a little bit of what I explained before. Because it helps when we're attracting companies into the area. For example, in other counties, a lot of buildings are square footage or under \$3 a square foot, which is very hard—actually, you can't really find that in our community. And that's why other communities find it a little easier to attract companies. With this tax abatement, it gives us an opportunity—although we still can't offer it that low a rate—you know, it gives us a chance to play within that market.

Councilor Truitt said and then, have we ever, Mr. [City Attorney] Burns, I think I asked this question earlier—I don't know you know the answer—but the dynamic of it being in a TIF District and receiving an abatement. I'm not sure if we have an answer, but I find that an interesting—I don't know what the ramifications of—it might now be as big of an issue as what it potentially, in my mind, is—what I'm kind of thinking—but I don't know if there's any way of kind of wrapping our arms around the impact of that or if you have a response to—?

City Attorney Burns said well, since it's in a TIF District, of course, the increment is not going to be picked up by the General Fund anyway. So that's certainly one side of that coin.

Councilor Truitt said right. So technically, from an individual taxpayer out there, since it's really an abatement within the TIF District itself, so it's an investment within—

City Attorney Burns said right.

Councilor Truitt said is that—? Okay. That helps.

Mayor Dennis said because the TIF covers—

Councilor Truitt said the TIF is then reinvesting back in itself is really what— Okay. That's—

Ms. Hamilton said right.

Councilor Truitt said that was my logic. Okay.

Ms. Hamilton said any more questions?

Mayor Dennis said any more questions?

Ms. Hamilton said thank you.

Mayor Dennis said thank you, Jody [Ms. Hamilton]. Any further discussion?

Councilor Bunder said the Council President wondered if that was all the photos we got to see.

Councilor Hunt said no more cool photos? I like photos.

Mayor Dennis said especially cool ones.

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There was no further discussion.

Resolution No. 2-08 passed on first and only reading, 6-0. Councilors Bunder, Burch, Hunt, Keen, Roales, and Truitt voted. Councilor Thomas was not present in Council Chambers during discussion of the resolution and vote.

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.

[Councilor Thomas returned to the Council Chambers.]

Councilor Keen said while Councilor Thomas is approaching, I think we need to amend Resolution No. 3-08. Therefore I would move to amend—

City Attorney Burns said go ahead and get it on.

Mayor Dennis said get it on and get a motion—

City Attorney Burns said motion, second, and then—

Mayor Dennis said motion and second, and then we'll—

Councilor Keen said I was going to go ahead and amend by substitution and then put it on the table.

City Attorney Burns said oh, you want to substitute?

Councilor Keen said yes.

City Attorney Burns said well, you can certainly do that.

Councilor Keen said I would move to amend by substitution Resolution No. 3-08.

Councilor Truitt said second.

Mayor Dennis said it's been moved and seconded. Any discussion?

Councilor Hunt said I'd like to address it, if I may. Is this the amendment?

Councilor Keen said yes.

City Attorney Burns said it's the entire thing, because he substituted. So this will replace. And I think everybody's got a copy of it, correct? It's marked "Amended."

Councilor Hunt said thank you very much, Clerk-Treasurer Rhodes, for sending this this afternoon, so we could look at it. As I said in Pre-Council, I was concerned about the Police Merit Commission's salaries being put through as a transfer of funds. I'm very pleased that we're amending this. I'm excited about the new budget process. I think it's a very good idea to have the transparency and have all of us meet regularly. We don't need any more meetings,

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but that's okay; this is worth meeting for. And so I'm very pleased with this amendment. I'm very aware that the Police Merit Commission works very long hours, as do many of our commissions. I've read their Rules and Regulations, and I didn't see anything in there about a salary, just that they needed to submit a budget. There might be something in the State statute; I'm not as familiar with those. So anyway, I just wanted to say I'm very pleased with this amendment, that it's a group effort, and I think if we give one of the commissions salaries, I think we need to look at all of them. And so, I repeat, I'm very pleased with this amendment.

Mayor Dennis said thank you, Councilor Hunt. I agree. What we're going to try and do is, when we're doing things that have such a significant impact on our budget, we're going to try to keep that within the budgetary calendar year, so that better enables us to actually have a higher degree of predictability with both our revenue streams coming in and going out. It is valid. It is worthy. It is going to be changed. Having said that, we need to vote.

Councilor Bunder said point of order. Are we voting—?

Councilor Keen said we're voting on the substitution.

Mayor Dennis said just on the substitution.

City Attorney Burns said the whole thing in one vote, because it's a substitution.

Councilor Truitt said can I just add one more thing? I think it's important—I know multiple Councilors had conversation with Mr. Leverenz [Police Merit Commission President] from a President role, as far as the Commission is concerned. We explained the position of the Council, and I think we're relatively all on the same page, in regard to the importance and gratefulness to those individuals that serve on all the commissions throughout the City and this is not pointed or directed towards the Police Merit Commission. It's more procedure oriented, and I just wanted to echo the thanks to Larry [Mr. Leverenz] and the group that serve, not only on that commission, but every commission within the City.

Mayor Dennis said thank you, Councilor Truitt. Any further discussion?

Councilor Bunder said will we have an opportunity to speak to the substituted motion, or is this the end—?

Councilor Keen said yes, we will.

Councilor Bunder said then I will sit here quietly.

Mayor Dennis said so now, roll call.

Clerk-Treasurer Rhodes said roll call on the motion to amend by substitution.

An unidentified Councilor said do you want to vote on it twice?

Councilor Keen said we have to vote to amend by substitution, and then after that, then we'll read it and put it on the table.

Mayor Dennis said this is just on the amendment.

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The motion to amend Resolution No. 3-08 by substitution passed, 7-0.

Councilor Keen read Resolution No. 3-08 (AMENDED) by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said it's been motioned and seconded. Any discussion?

Councilor Bunder said why, yes. I appreciate the financial reasons given for the removal of the salary for the Police Merit Commission. I would like to, for the record, raise one philosophical or theoretical question for us to consider, and that is the relationship between the Police Merit Commission and the Police Department. My reason for raising this point is the discussion we had at Pre-Council regarding badges for the Police Merit Commission. I believe that the Police Merit Commission ought to be more than an adjunct to the Police Department. And that would be my worry. Frankly I don't know why they would want badges, to tell you the truth. I don't know what advantage there is to that. I believe that, in a body that is going to be responsible for hiring and dismissals and promotions within the Police Department, that they should be distinct from and uninfluenced by either this Council or the Police Department itself. And so I raise that issue.

Mayor Dennis said further discussion?

There was no further discussion.

Resolution No. 3-08 passed on first and only reading, 7-0.

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)

Councilor Keen read Resolution No. 4-08 by title and moved that it be passed on its first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Truitt.

Mayor Dennis said it's been motioned and seconded. We'll open up for discussion.

Councilor Roales said we don't have a public hearing scheduled, but I would entertain a public hearing, if fellow Councilors would be so interested as well.

Mayor Dennis said okay.

City Attorney Burns said so your suggestion is that public input at this time?

Councilor Roales said I would appreciate public input.

Mayor Dennis said okay.

Councilor Roales said I know it's not scheduled, it's not on the agenda.

City Attorney Burns said no, and it certainly wouldn't need to be. But traditionally you would have Council discussion to begin, if you'd like, and then you could certainly end with it also, with the public part in between.

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Councilor Burch said I have some concerns. And I'd like to start out by saying how important the West Lafayette School District is to our City. In fact, West Lafayette Schools are one of the top reasons people move into our community. The West Lafayette School System is awesome, and has an important impact on our property values. However, declining enrollment is threatening the future of our school system. We are losing owner-occupied homes, which means kids are not being brought into our School District. The West Lafayette School Board and members of the Council are to be commended on their initiative and their wish to take some form of immediate action. That being said, I'm not sure this resolution may be the way to go. The boundary issue has created an open rift with the TSC School Board. Worse, it opens up the prospect of future legal action that could add to the taxpayers' burden. That is as far from the purpose of the Government Modernization Act that you can get, the goal of which is to promote cooperation between political subdivisions. As a matter of priority, I would like to see good relations restored between the West Lafayette School District and the Tippecanoe School Corporation. As a first step, I propose that members from each School Board sit down and work out cooperative agreements as described in IC 36-1.5-5 et seq, basically that "two or more political subdivisions may enter into such cooperative agreements by the same procedures used for initiation and approval of reorganization." I believe this approach would be attractive to both West Lafayette Schools and Tippecanoe Schools, because it could achieve mutual savings and cost benefits. Thank you.

Mayor Dennis said thank you. Further discussion?

Councilor Roales said City Attorney Burns?

City Attorney Burns said yes.

Councilor Roales said I know there was a couple different documents that came through with interpretations of the Indiana Code 36-1.5. This resolution is not likely to cause legal action against the City, is that correct? I mean, that it's further steps down the line that are likely to cause...

City Attorney Burns said the resolution itself is purely in line with the State statute. It is, to my way of thinking and what I understand, it is not controversial to study the issue. The TSC has expressed fairly clearly, and I assume they will express again this evening, their belief about certain items that could occur in the future, those being issues having to do with boundaries, assessed valuation. What I think it's important to understand about the resolution is that the resolution itself that is before you this evening is without a doubt in my mind as a legal matter, without a problem, and any further matters are bridges that have not been built yet, have not been crossed yet, and it's no way to tell what the study would come up with. And so from that standpoint, I have no question about the legality of the resolution before you this evening.

Councilor Roales said okay. There have just been a number of memos and quite a bit of documents there, and I just wanted to make that clear.

City Attorney Burns said I understand very well.

Councilor Roales said thank you.

Mayor Dennis said not to belabor a point, the whole purpose is to get some ideas, to study, is to bring our resources together and, as Dr. Killion so eloquently said, ideas create ideas. And

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that's the purpose of this is just to initiate a study, combining the two governmental resources to see what we can come up with. And there really isn't anything legally binding about initiating a study.

Councilor Hunt said Mr. Mayor.

Mayor Dennis said sure.

Councilor Hunt said Mr. [City Attorney] Burns, you talked about the process in Pre-Council, and that reassured me. Would you discuss that a little more, please.

City Attorney Burns said about the process itself?

Councilor Hunt said this is about a process.

City Attorney Burns said right. It is a long process, quite frankly, longer than most processes that this Council engages in. When you look at the steps that are necessary, there needs to be a formation of a committee, then the committee has to convene, and they have to do the studying. They have to take input from whomever they believe it's relevant to take it from. And it would only be after that study comes back—and, as I understand it, the savings of some sort would be shown—that any further action would be taken by anyone. And so the process is a long and very open process, and this is very much a preliminary step in that process.

Councilor Hunt said thank you.

Mayor Dennis said further discussion?

Councilor Roales said as Mayor Dennis highlighted, I appreciated the creation of ideas and new initiatives. As someone that comes up with new ideas in City government all the time, I appreciate the leadership of some of the School Board members, at least proposing some new ideas and being willing to step out there and discuss them. So I thank you for some of your leadership. I think this is a good step forward for the City. But I'd like to hear some public comments.

Mayor Dennis said that's next on the...

Councilor Roales said thank you.

Councilor Bunder said if you can stand one more Councilor comment.

Mayor Dennis said sure.

Councilor Bunder said let me support Councilor Burch at this moment. There is nothing wrong with studying further cooperation between the West Lafayette Community School Corporation and the City of West Lafayette. None of us is opposed to that, I would think. But let me make clear two political realities that we face. One is, if you are in District 1 or District 2, significant portions of the population simply are unaffected by this discussion. It is somewhere around 5,000 or 7,000 of our roughly 30,000 people who wonder why we are spending time with this. You must know that. I think that is worth some air this evening. The other point is the suspicion, I suppose, that this is more than talking about the utilization of janitors or the creation of websites, that this is the beginning of a process that many would say cynically is designed to

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find a way to annex students in our recently annexed district, primarily District 4. That is the charge that we will hear, and you must know that we are in a position where we must respond to that as well. Thank you, Mr. Mayor.

Mayor Dennis said thank you. Public comment?

Mr. Mike Wilson [625 Matthews Street, Prophets Ridge Subdivision] said I understand this is all preliminary, but I believe that merging with the City government is something that the West Lafayette School Corporation wouldn't want to do unless there's something big in it for them. The City already does their trash and snow removal and whatever else. That's not what they want; they want dollars. The only way their going to get big dollars is to expand their boundaries. Anyway, they want expanded boundaries. They don't want to come right out and say that yet. They just want to say they want to study and share janitors and whatever that is. And that's all fine and good. But I don't think that they really care what the effect of this is going to have on anybody else. Once they take our kids, make our kids change schools, it doesn't matter to them. They really patted themselves on the back at the meeting that we had with the City Council and the West Lafayette School Corporation. They went on and on about how good and how unique they were. Can you imagine taking any of them and telling them they have to take their kids out of the West Lafayette Schools? Can you imagine the reactions they would have? That's the way we feel about TSC Schools. When we moved to Prophets Ridge, it was purposely so our five kids could stay in the TSC Schools. And I don't see how they could come off saying that it would be better for anybody for us to change schools, except for they want our money. If they can't afford the unique education, maybe they need to make larger class sizes or don't have a football team if you can't afford it. Whatever you can afford is what you should do. You know, if you've got to just come in line, have a regular education like the rest of schools in the State, well that's what you have to do. Nobody says you have to have this unique special education that you claim to have. If you want that, pay for it yourselves. Don't look to your neighbors to pay for it. The President of the West Lafayette School Board made a comment. She said, "The West Lafayette School Corporation doesn't choose our students. Their students choose West Lafayette School Corporation." That's quite a statement to make when they're starting the process to make my kids forced into their schools. Thank you.

Mayor Dennis said thank you, Mr. Wilson.

Mr. Randy Bond [TSC Board Member] said I'm representing the Board of School Trustees of Tippecanoe School Corporation. As a neighboring school corporation, we understand the budgetary difficulties and pressures West Lafayette Community School Corporation is facing. It is for this reason and because we have a shared mission in public education that, over the years, we have entered into agreements with the West Lafayette Schools that have benefited both corporations. These agreements have included Greater Lafayette Area Special Services, the vocational education cooperative, the regional educational service center, school bus maintenance that in the past Tippecanoe Schools have provided for West Lafayette, and the pass-through of transfer tuition, whereby TSC takes the unparalleled step of transferring to West Lafayette Schools, State funds that we receive for TSC students who choose to attend West Lafayette Schools. These agreements have been win-win for both school corporations, and have been in keeping with our desire to be a cooperative neighbor. As you engage in this joint study for ways your potential consolidation with the schools can save money, please keep TSC in mind as a willing partner and additional mutually beneficial ways to serve the needs of public education and the community at large. However, as we have already publicly stated, we are not interested in any outcome that seeks to help West Lafayette Schools at the expense of TSC by unilaterally taking current and future students and land that is within the TSC

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boundaries. We don't think it's right, and we don't think it's legal, even under the Government Modernization Act, which plainly states that no harm may be done to non-participating entities. Removing students and assessed valuation negatively changes the makeup of our schools now and in the future. Allowing the chipping away of portions of TSC at the discretion of neighboring school corporations will adversely affect TSC by increasing costs on our remaining patrons and reducing our ability to efficiently plan for our future needs. We are resolved to do what we can to protect the patrons and taxpayers of TSC from such outcomes. As some of our patrons are also constituents of this Council, we encourage you to consider the ramifications to TSC, should your new combined entity decide to move in that direction. Thank you.

Mayor Dennis said thank you, Mr. Bond.

Mr. Mark DeYoung [Stuart & Branigin] said thank you for the opportunity to speak. We represent the Tippecanoe School Corporation. I have some materials for the Council. There are plenty of copies; I think there's enough there for everybody in the front of the room. On behalf of the Tippecanoe School Corporation, I submit these materials to you in writing for the public record, as you begin your consideration of this impact study. The materials I've just handed out have been provided to the Council and the Mayor and your City Attorney previously by email, except only the cover sheet which addresses you specifically and then attaches the rest of the materials. There are two things that I would like to comment on further very briefly. First, the materials that you have indicate that we understand it is the intention of the West Lafayette School Corporation to include a discussion of boundary changes as a part of the plan which may be developed under the Government Modernization Act. It was when we were informed of that that we started paying attention to this, and that's very important to my client for everyone to understand. So given this public forum, I want to make that very clear. We aren't around policing the City or policing the West Lafayette School Corporation, until we were informed by the Superintendent and the attorney for the West Lafayette School Corporation that their attorney believes this process could and may well result in a change of school boundaries. That's my point number one. Point number two, the question about process. We are certainly, as we said in writing here, in favor of public discussion of good new ideas. We would like to participate in those discussions, to the extent they may affect us, and the process of your resolution tonight, to the extent it is merely the appointment of a study committee to prepare an impact study is laudable. I have said it in private, I'm happy to have a chance to say it in public. I was asked by my Board members just now to comment on that. It is a separate thing to appoint a reorganization committee under the Act. As I read the resolution before you and the resolution that was adopted by the School Board on its last special meeting, January 30, there's no reference to a reorganization plan committee. This study committee is distinct from that, and that is my reading of those ordinances, but truly it is a question to be confirmed by you, and it was informally confirmed to me by counsel for the School Board at their meeting that this step is just a study committee and not a reorganization committee. That difference is significant in the law, it is significant about how far along you are in the process, and it is significant about the level of interest at the TSC. I would urge you to be clear in your own minds and in your written documents and in your understanding with your lawyer what you're doing tonight. And I think it's just appointing a committee to study and come back to you with ideas which would then result in the possibility of appointment of another step. If that's correct, I'd like just to hear that from you this evening. If there are any others in the audience who would like materials at the School Board meeting, these were gobbled up. I'll just leave them here. These are for the public. Thank you very much.

Mayor Dennis said thank you, Mr. DeYoung.

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Councilor Truitt said Mark [Mr. DeYoung], can I just ask one question?

Mr. DeYoung said yes.

Councilor Truitt said are you saying that if the resolution read that it was a formation of a community committee to study the reorganization and report on its findings, then that would be a positive? Or that's a negative?

Mr. DeYoung said well, the question is is this an appointment of a reorganization committee under the Government Modernization Act or not? I think the answer is not, based on what Bob Reiling [WLCSC attorney] told me in the School Board meeting.

City Attorney Burns said and I agree with that conclusion. It is not. It is a study committee. So it is not a reorganization committee.

Mr. DeYoung said and the resolution before you is good. It is to study, and I just wanted to clarify that, make sure that the lawyers in the room all agree that that's what you were doing, so that there's no misunderstanding among us.

Councilor Truitt said and I think that point is—I'll just re-clarify again, just for the third or fourth time tonight, Council Attorney [Burns].

City Attorney Burns said sure.

Councilor Truitt said my understanding of what we're getting ready to do is what Mr. DeYoung said was a positive step, and that is the formation of a community committee to study such a reorganization and report on its findings. And that is what we're talking about this evening. Correct?

City Attorney Burns said I agree, yes.

Councilor Truitt said okay, all right.

Mr. DeYoung said and that is not the same as a reorganization committee under the Government Modernization Act. Is that correct?

City Attorney Burns said that's my understanding also.

Mr. DeYoung said very good. I appreciate your time.

Councilor Hunt said may I make a comment, please? Mr. DeYoung, thank you very much for sending us the information you did last week.

Mr. DeYoung said you're welcome.

Councilor Hunt said I appreciate that. It was helpful. Thank you.

Mr. DeYoung said you're welcome. Thanks for your attention.

Mr. Rocky Killion [Superintendent, West Lafayette Community School District] said every new idea has to take a bold step. As we tried to reiterate December 5 and January 9, the West

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Lafayette Community School Corporation is under budgetary constraints not of our doing, but based upon the funding formula by the State. We can submit any kind of budget that we want, and it's been advertised in the paper that we submitted 11% increase in our budget, as you know. The budget is determined by the State. The State will determine our budget by the Certified Assessed Valuation, by ADM, by preschool numbers, and a variety of other calculations. Those are beyond our control. We have closed buildings. We have RIFd staff. We have done just about everything that we can think to do financially to help our school district to become and stay viable for generations to come. We are also exploring other ideas as we presented December 5 and January 9, including the idea of altering the calendar, including the idea of seeking some kind of endowment, so that we can live off the interest. We're looking at a variety of ideas. This is just one of many ideas. To speak specifically to Councilor Burch's statements, the superintendents and the attorneys did meet December 19 to discuss these issues. We did present this information to the Superintendent and to Attorney DeYoung. And I did specifically ask for sharing of current resources or future resources, and I [was] told that would not happen. I was also told that they would be very interested in our school district forming, joining with TSC, and that is always an idea that we have to look at as well. This is an impact study. This is just something that allows us to look at whether or not, if we join forces, if we do a reorganization, are there ways to save taxpayers money? If this doesn't save taxpayers money, this doesn't work. Second, if we get all the way to the end of this and it gets on a ballot, the voters vote. It's not a Council decision, it's not a Superintendent's decision, it's not a Mayor's decision, it's not a School Board's decision. It is the voters within the City of West Lafayette, as I read the Government Modernization Act. So I would encourage you to be open-minded. As I keep telling my staff, minds are like parachutes; they don't work unless they're open. This is just an idea to look at. If it works and it helps, then that's great. If it doesn't help both the City and the School District, then we move on to other ideas. I truly believe one idea leads to another, and we've had those conversations where we're looking at are there ways that we can continue to share opportunities to work with TSC.

Mayor Dennis said thank you, Dr. Killion.

Mr. Terry Phillips [3711 Brixford Lane] said I'm passing out some of what I'm going to say. I don't have time to say it all. Two years ago, I moved to a section of West Lafayette that was in the TSC. I did that on purpose. There are parents in the area that is not in the West Lafayette Community School Corporation who want their children to go to TSC. That's why they moved there. One has already spoken. There are some, and someone has indicated to me, that it might be a good idea if you want your children to go to TSC to move out of West Lafayette at this point. I was uncomfortable when I heard that. So we're entering a study. I agree with what you said Mrs. [Councilor] Burch, for the most part. I read in the paper that this is just a study, just a discussion and anything talking about boundaries is premature, so what I'm saying is premature. However, it was said that we're adding classrooms to a school in the West Lafayette Community School Corporation, either to make room for students that live in the area that I live of West Lafayette or to bus them in from Illinois. I don't understand what that means. But if he's planning, I should be planning. At least that's how I feel. I heard the Superintendent say that we have to have a savings of 10% or more. As I understand it, the budget of the West Lafayette School Corporation plus the budget of the City is over \$20 million from the taxpayer. That means we're going to save over \$2 million from a school system that is in financial crisis, and a city that will do well to survive the financial pressures facing it in the next several years. I don't know how you apply this 10%. My school taxes are already 10% less than most of yours. That's probably what makes me in the minority. The West Lafayette Council has three major problems on its plate in the next couple years. One, they have to financially bring in the newly annexed area into the City. Second is to react financially to the problems caused by the

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Assessor complications in this County. Third is to react to the major redistribution of funding away from property taxes to other funds that the State is now considering. All of those are going to be fairly hard to meet, in my judgment. I have some seven different things there that I have hopes will either come from this study that I feel I'm not talking you out of. I won't go through all of those. I do hope West Lafayette Community School Corporation will find a way to work with somebody that will help them and will help students. I'd like to see more students have an opportunity to attend those schools from Tippecanoe County. As you know, the policy in Tippecanoe County is that most students can go to any school in the County they want to. As I understand it, even Jeff. Is that correct?

[someone in the audience said yes. Even West Lafayette High School and all the West Lafayette schools.]

Mr. Phillips said right, but it does cost to go to West Lafayette.

[same person in the office said right.]

Mr. Phillips said High School. And I understand the difference. As a matter of fact, on the back of your sheet is some of the differences in what it costs or what we pay for students to go to school. That came from the consolidation study from, I think it was, 2005. One of the things I want to highlight is that I hope that whatever reorganization comes up will not lead to the destruction of both units of government that we're trying to save here, which I think could happen, if the boundaries of the West Lafayette Community School Corporation are expanded and the present conditions continue to apply, because there is not an opportunity for West Lafayette to expand much further, as was discussed in the annexation discussions. This is why the timing of the annexation to me was so important. Thank you.

Mayor Dennis said thank you, Mr. Phillips. Further public comment? Further Council discussion?

City Attorney Burns said there's one.

Mayor Dennis said sorry, sir. You've got to be quick. I move.

Mr. Nick Schenkel [West Lafayette Public Library Director] said I appreciate that. Many of us can learn from that, I think. I want to thank you for the opportunity to speak with you this evening. I'm going to be very brief as well. I will say, and I wrote my comments down, so that I can give them to you briefly and succinctly here. The first thing I thought when I heard about the possibility of increased cooperation between the City and the School Corporation was, "This is truly thinking out of the box. We need to look into this. If there's money to be saved and services to be improved, the Library wants to be a part of it." After thoughtful discussion with my Library Board, I'm pleased to be here to ask that the Library be considered as a part of this effort to better serve our community. And I've certainly heard everything that's been said here this evening. Since the West Lafayette Public Library is one of the taxing districts in the City and is likely to be affected by what results from the impact study, I think it makes sense that the Library be a part of the discussions early in the process, if, indeed, you decide to go ahead with this process. We at the Library are open and eager to learn of ways to reduce costs and improve services through expanded cooperation with the City and the West Lafayette Community Schools. Let me conclude that the Board of the West Lafayette Public Library is not trying to co-opt or disrupt efforts to examine the organization of the City and the West Lafayette Community Schools, nor are we trying to encroach on anyone's territory or boundaries. We,

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too, are engaged in thinking out of the box, looking at ways that we can reduce Library costs and expand Library services by working with our colleagues at the County Library and with other school districts as well as with the City of West Lafayette and the West Lafayette Community Schools. We are asking to be a part of your efforts, aimed at both saving tax dollars and improving services for our community. At a minimum, the West Lafayette Public Library would like to be considered as part of the study and see where that study may lead in the future if, indeed, as I said, you decide to go ahead with the study. Thank you.

Mayor Dennis said thank you, Mr. Schenkel. Further public comment? Further discussion from the Council?

Councilor Hunt said Mr. Mayor, may I ask Mr. Schenkel a question, please?

Mayor Dennis said sure.

Councilor Hunt said Mr. Schenkel, what do you see being part? You want to be included in this motion or do you want to be in the study group or—? How would best, from your point of view?

Mr. Schenkel said I think very often libraries are considered to be wonderful entities out there serving the community, but we're not necessarily included in discussions like this. We're not asking to be part of the reorganization, because as I understand it, you're not even going there. So that's not on the table; we're not asking that. We're asking that we be included in the study. We think we can bring some cost savings possibilities at least to the table, and we would like to be included in the discussion. Does that answer your question?

Councilor Hunt said that answers my question. Thank you very much.

Mr. Schenkel said sure.

Mayor Dennis said and, again, tonight we're just voting on the study. Further discussion from the Council?

Councilor Burch said I'm glad we had this public discussion. Thank you.

Councilor Hunt said may I—? I'm sorry, I have lots to say always. It always pleases me to hear public comment. There's emotion, there's concern, there's integrity, and I know it's not easy. So thank you very much for your comments. I think I can speak for the Council when I say we listen to what you say. So thank you very much.

There was no further discussion.

Resolution No. 4-08 passed on first and only reading, 7-0.

COMMUNICATIONS:

Mayor Dennis said I want people to pay very close attention to this, because we are creating change already in Month Two. We are moving the time of the Council meetings from 7:30 to 6:30. That is, no longer will we have them at 7:30; we are now going to have them at 6:30. So, Mrs. Sautter [President, WLCSC Board], what does that mean?

Ms. Sautter said 6:30.

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Mayor Dennis said thank you very much. Effective in March, we will now be holding our Council meetings at 6:30. Caucus is still going to stay the same, 4:30 on Thursday.

CITIZEN COMMENTS:

Mr. Bill Arnold [2312 Sycamore Lane] said I would just like to ask whoever's in charge of the Council's website, could you please put the current members and current president up there? As we do more effective communication, we could—

Mayor Dennis said I appreciate your comments, sir. We have a lot of work to do in upgrading, updating. My middle initial isn't H, it's R. We're working on it.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Burch and passed by voice vote, the time being 8:44 p.m.

Respectfully submitted,

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