

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
MARCH 1, 2007

The Common Council of the City of West Lafayette, Indiana, met in the Board of Works Room at City Hall on March 1, 2007, at the hour of 4:30 p.m.

Council President Hunt called the meeting to order and presided in Mayor Mills' absence.

Present: Hunt, Keen, O'Callaghan, and Truitt.

Absent: Griffin, Plomin, and Satterly.

Also present were City Attorney Bauman, Clerk-Treasurer Rhodes, Director of Development Andrew, City Engineer Buck, Public Works Director Downey, and Fire Chief Drew.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Order of Business

Council President Hunt said may I ask the Council if we can consider the two, Ordinance No. 8-07 and Resolution No. 5-07, that had to do with the Grace Baptist Church and Dorothy Hoadley's land, can we consider those back-to-back?

Consensus from the Council was affirmative.

Councilor O'Callaghan said and first.

Ordinance No. 8-07 An Ordinance To Annex Certain Lands To The City Of West Lafayette (Grace Baptist Church and Dorothea A. Hoadley) (Prepared by the City Attorney)

and

Resolution No. 5-07 A Resolution To Adopt The Written Fiscal Plan For The Annexation Of Certain Lands Into The City Of West Lafayette (Grace Baptist Church and Dorothea A. Hoadley) (Prepared by the City Attorney)

City Attorney Bauman said do you want me to outline a little bit what that's about?

Council President Hunt said do you want to do it first? That's okay.

Councilor O'Callaghan said may as well

City Attorney Bauman said Mr. Schroeder [Gary Schroeder, developer of Fairway Knolls] is nodding yes.

Mr. Schroeder said it would be okay with me. Paul [Paul Coutts, C & S Engineering] isn't here, but we'll proceed.

Council President Hunt said we'll hear Ordinance No. 8-07.

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City Attorney Bauman said well, that will save time, too.

Council President Hunt said which is the ordinance to annex certain lands to the City of West Lafayette.

City Attorney Bauman said the property involved, and this map is wrong, is this little piece right here, and it is currently an island that is not in the City. Mr. Schroeder and Mr. Milakis [Greg Milakis, developer of Fairway Knolls] want to build—is it two apartment buildings there?

Mr. Schroeder said correct, two apartment buildings.

City Attorney Bauman said as a part of the Fairway Knolls, the extension of Fairway Knolls. You'll recall—

City Engineer Buck said the State Police post.

City Attorney Bauman said yes, the former State Police post, that's correct.

Councilor Keen said but it's not there.

Councilor Truitt said but it's not.

City Attorney Bauman said you'll recall that you approved a planned development for an additional building in the part that was already in the City before, and this two more buildings to go with that, and more parking. In order to receive sewer service, they've got to be in the City, and they have filed a petition for that annexation, and then the ordinance—well, the current owners have, so that they can build their project, and they were the owners at the time of the petition, anyway.

Mr. Schroeder said correct. That's correct, we are now the owners.

City Attorney Bauman said okay. And so that's the ordinance on the annexation, and then the resolution is the fiscal plan which sets out the information on that. Unlike annexing 1,173 acres to the north, annexing a small island, frankly, has insignificant fiscal impact with regard to serving all the areas around it with all the services.

Councilor Keen said is this annexation going to be part of an existing PD, or is this going to be on the current building, or how is that going to work?

City Attorney Bauman said it is, I think—

Councilor Keen said or is it going to be developed under its own PD?

City Attorney Bauman said it's going to be developed under its own PD. It's really, because of the procedure, it doesn't save you any time or paperwork to add something to a PD. So it's already, as part of its own PD, and it's similar terms to the previous one. And he's agreed to meet all the requests from the City. I think Mr. Schroeder and Mr. [City Engineer] Buck can speak to that.

Councilor Keen said well it was just a question. I assume that's going to be coming the next month then or something?

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City Attorney Bauman said well, no, that's already gone to the County, because it's been in the County, but in that whole process, he has complied with everything that was requested from the City.

Councilor Keen said so we won't be seeing that then?

City Attorney Bauman said well, I think that's probably a fair question. I think if you could bring that information and show it to the Council.

Mr. Schroeder okay, because what had happened when we had our first meeting was this was in the County—

Councilor O'Callaghan said you might say your name for the record.

Mr. Schroeder said Gary Schroeder with Fairway Knolls. And when we brought this project forward, we have a construction schedule to try to be done by August, which we will be, knowing it was in the County and finding out the City would like to have it annexed, which we don't object to. We went ahead and filed the PD and, during that meeting, the County said, "Since this is going to be in the City, we really don't want anything to do with it." They've kind of turned over the reins to West Lafayette, and that's who we've been working with. And so all our plans have been submitted to Dave [City Engineer Buck] for their review, and he's signed off on those landscaping plan, drainage plans, utility plans—those have all been signed by him.

City Attorney Bauman said the general standards for design and those items are the same as we requested for the previous PD that did come to the City.

Mr. Schroeder said so it's a little different. We got our demo permit from the County, but we're going to get our building permit from West Lafayette, and we'll be, hopefully, in the City by the time we start building and be getting our inspections from you.

Councilor Truitt said so that piece of property of an existing PD?

City Attorney Bauman said no, no, no. The PD you previously approved—

Councilor Truitt said right. Stopped at the edge of that—

City Attorney Bauman said exactly.

Councilor Truitt said okay.

City Attorney Bauman said and this will be a similar design and meet similar standards, but it's on this piece right up here, instead of the piece out front here.

Councilor Truitt said okay, so what zoning—I mean, I know the zoning is the same, but is it falling underneath? It seems—

City Attorney Bauman said it's a separate PD, but following the same design standards.

Councilor Truitt said okay, and it's a separate PD that is not coming to us?

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City Attorney Bauman said it was already approved by the County.

Councilor Truitt said by the County.

Council President Hunt said I think we should have had a part.

Councilor Truitt said I think it's a matter of—

Council President Hunt said yes.

Councilor Truitt said it makes some sense, though, to have it come back through, just from a standpoint of, I mean, here we go. We go through a process, we annex the land, we have “control” of the land, and then to have something else built that some other jurisdiction— I mean, I can understand if it was already being built.

City Engineer Buck said the County kind of allowed us to take the reins.

Councilor Truitt said okay.

City Engineer Buck said the County approved the rezone, and now, because he wants sewer service, he needs to be annexed.

Councilor Truitt said right.

City Engineer Buck said so, I mean, technically, it was the County's authority to do the rezone at that time—

Councilor Truitt said anyhow.

City Engineer Buck said anyhow. Now, I'd be happy to share with you the project details. We followed basically the standards of the previous planned development, right next to it, Phase I of Fairway Knolls, which was in the City from the get-go, and so there was no question or—

Councilor Truitt said and that—

City Engineer Buck said changing of rezone authority.

Councilor O'Callaghan said that would be helpful for us to have.

City Engineer Buck said sure.

Councilor Truitt said yes. I mean, I don't see any issues *per se* in regard to adding it, because of the fact that it's already gone through the process. It just seems a little weird to have a brand-new piece of construction—

City Attorney Bauman said it is a little weird.

Councilor Truitt said yes, just—

City Engineer Buck said it's really weird that it was an island of unannexed area to begin with.

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Councilor Truitt said anyhow, yes.

Director of Development Andrew said Randy [Councilor Truitt], we did the same thing with Blackbird. We worked with the County on it, even though it was in the County, it was coming into the City.

Councilor Truitt said okay.

Director of Development Andrew said we've done it before.

Councilor Truitt said we've done it before.

Council President Hunt said I see. I still—I don't know, do we want to vote? I mean, do you want to vote on it, or you just want to be told about it? I mean, usually, we discuss resolutions and ordinances, so what's your pleasure?

Councilor O'Callaghan said to get the information.

[overtalking]

Councilor Truitt said I mean, knowing that they've gone through it and they've done their due diligence, I think, is the important thing, because, technically, we have, like Josh [Director of Development Andrew] said, I mean, we have done it before, so it's not like they're doing anything like secretive *per se*. I mean, it's all— But I think having the information would be fruitful.

Council President Hunt said Mr. Schroeder, if I may say, I had one constituent come and complain about the other PD that we approved about cutting down so many trees. She was extremely upset about that. She came to me quite late, so I'm—I mean, like 20 minutes before Council meeting, so— But if you'd just keep that in mind, that's there's some people, at least one, out there that are concerned about cutting down the trees.

Mr. Schroeder said we worked with Bev [Bev Shaw, Redevelopment and Neighborhood Planner] on that—

Council President Hunt said I know that.

Mr. Schroeder said and we saved every tree we could—

Council President Hunt said okay.

Mr. Schroeder said and we saved quite a few of them. Plus we planted quite a few to replace those we cut down—

Council President Hunt said okay.

Mr. Schroeder said even on the old section of our project.

Council President Hunt said maybe you can tell us how many you cut down and how many you replaced. That would help me.

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Mr. Schroeder said on the last project or this one?

Council President Hunt said the last one, and this one, too, actually, because I'm sure she'll have some interest.

Councilor Truitt said are you cutting down that tower?

Mr. Schroeder said no, and actually the tower's not owned by us. That's a Mrs. Hoadley part that will remain her property.

Councilor Truitt said does that wrap around—? I mean, what—? How's that—?

City Attorney Bauman said yes.

Councilor Truitt said does it really?

Council President Hunt said so there'll be an island in this island?

City Attorney Bauman said no, you'll be in the City, but it won't be part of his project.

Council President Hunt said oh, sorry.

Councilor Truitt said okay.

Mr. Schroeder said the difference on this project, most of the trees are volunteer trees that have grown over the last 10 or 15 years, and they're not big trees. They're mulberry trees and just stuff that really interferes with the utility lines along the alley. So we're really not losing much.

Council President Hunt said okay.

Mr. Schroeder said and then if we have a pretty extensive landscaping plan—

Council President Hunt said and that will be included in the information you give us?

City Engineer Buck said yes, it's all in the staff report that we will get to you.

Council President Hunt said good, okay. And is there anything more on the resolution [Resolution No. 5-07] that you all want to ask about?

Councilor O'Callaghan said well, I guess I still have another—

Council President Hunt said I'm sorry.

Councilor O'Callaghan said question about the PD. Dave [City Engineer Buck], we've worked with the current Area Plan hearing on this expansion, and also with Chief Marvin a little bit about some concerns of some of the people on Palmer Drive about some of the parking and a trailer that was there for a while, and so we just want to really make sure that all those issues are going to be addressed in the expansion.

City Engineer Buck said yes. The issue that I've gotten complaints on is parking on Palmer that's just really more convenient to park on the street and then go into the lot and walk farther

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from that parking spot to the apartment door. I've been out there several times and I've asked for when is this occurring, and it's usually football game weekends. With the big snow we just had, I had another reiteration of it, and that the snow had forced people to park out from the curb, and that's happened a lot all over, and so sight distance-wise, we haven't been able to justify going out there and painting a bunch of yellow curbs. We'd like to keep parking where we can, as a general rule, and if we do need to take it off for safety purposes, we certainly will, if warranted. But we haven't been able to see the same concerns, I guess, or at the same level.

Councilor O'Callaghan said thank you.

Mr. Schroeder said I would say that, when we did our last phase, we did add some parking to our old complex, to try to give them closer parking, and we added more than the minimum required spaces, and we're doing that on this project. We understand parking, and we want more spaces.

City Engineer Buck said hopefully, this Phase II then will add more community or central parking for—

Councilor O'Callaghan said for visitors.

City Engineer Buck said for both as well as visitors, so there'll be a more obvious parking lot feel to it than what's out there now, because the one older building does just kind of sit right more like facing the street, and it appears you almost should park on the street. Visitors are, I think, typically parking there.

Councilor Truitt said municipal services to this little island would begin in parallel with the overall annexation. It's not a separate start date?

Councilor O'Callaghan said they could probably begin immediately, right?

City Attorney Bauman said yes, I don't know of any reason why we wouldn't begin immediately. It would be simpler than, you know, worrying about a separate dispatch for that tiny island.

Councilor Truitt said no, I agree. It just says right here that it will begin one year after the effective date.

City Attorney Bauman said it would have to legally, but I don't know why we wouldn't—

Councilor Truitt said wouldn't—

City Attorney Bauman said begin immediately.

Councilor Truitt said yes, good. Okay.

Council President Hunt said anything else on the ordinance? Anything else on the resolution? Thank you very much, Mr. Schroeder.

Mr. Schroeder said thank you.

Councilor O'Callaghan said excuse me, Ann [Council President Hunt], do you think that we'll do these together on Monday night?

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Council President Hunt said well, it seems logical.

City Attorney Bauman said yes, and then having the benefit of the fiscal plan adopted, then we'll be ready to be setting the hearing on both for the second reading. The schedules are different than the last one, because this is 100% voluntary.

Council President Hunt said I wonder, as far as the agenda Monday night goes, I won't be chairing that, but I imagine that there will be some people left over from the discussion at the Redevelopment Commission, so I don't know if you want to reorder the agenda and take [Ordinance No.] 9-07 which has to do with the lease at that time. Again, I don't want to play too much with the agenda, but that's up to you. It's certainly up to you. Or we can decide that Monday night.

Councilor O'Callaghan said yes.

Council President Hunt said so I don't know.

Councilor O'Callaghan said it's not very much. 8's [Ordinance No. 8-07 is] not going to take very much time.

Council President Hunt said yes, but there's another one, this blanket bonding.

Councilor O'Callaghan said yes.

There was no further discussion.

Ordinance No. 7-07 An Ordinance To Adopt The Provisions Of Ind. Code Section 5-4-1-18(b) For Blanket Bonding (Prepared by the City Attorney)

Council President Hunt said I think you're [City Attorney Bauman] going to talk to us?

City Attorney Bauman said well, I drafted this before, because I was requested to, on the basis that it would be cheaper than the individual bonds, and then Judy [Clerk-Treasurer Rhodes] came back and reported that it wouldn't be, and I don't know what's changed that it came back on the agenda.

Clerk-Treasurer Rhodes said I could tell you what happened.

City Attorney Bauman said okay.

Clerk-Treasurer Rhodes said when we met with our insurance agents at the end of December, at that point it was considerably more expensive than individual bonds. They went back and renegotiated. Of course to file this for the January Council meeting, we, the Mayor and I, discussed that we didn't wish to spend more than we currently paid for bonds for the benefit of having blanket bonds at this level for all employees. It turned out that, subsequent to our conversation, the Mayor received a private communication from the insurance company, saying they had renegotiated and had reduced the price. Unfortunately, probably in the press of other business, it slipped between the cracks and she didn't advise me of that. So it was not until this past month when, in discussion with the insurance company, an email advised me that, in fact, there had been this earlier communication. They were kind enough to copy me, and then it was

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quite clear that we wanted to implement this, because it would be very cost effective. So I think it was just a little snag in communication. You know, at the beginning of the year, it is very busy, and I can certainly understand why the information got held up. But fortunately we were able to implement it and we'll still see considerable savings.

Councilor Truitt said which is defined as what? What's the definition of "considerable savings?"

Clerk-Treasurer Rhodes said several thousand dollars

Councilor Truitt said okay. And the total call out, in percentage terms? I mean, is that a big savings? You know, relatively speaking.

Clerk-Treasurer Rhodes said it's significant, compared to the incremental costs for the blanket bond compared to the cost of the individual bonds, there is considerable, I would say, material savings. And so we're appreciative of the insurance company having gone back and renegotiated, and will have the benefit of that then, so we'll be able to take advantage of cancelling several of the bonds, once this is in place.

City Attorney Bauman said and the City can only do that if, under statute, you expressly authorize that. So that's why this resolution.

Councilor Truitt said from a standpoint of the blanket which would operate just like an umbrella policy, so what's the risk to the City of going with a blanket versus individual?

City Attorney Bauman said there isn't any.

Clerk-Treasurer Rhodes said there isn't any. In fact, previously we had, although for example, I was bonded at this level, no other officer in the City or employee was. Their bonds were considerably less. So we'll have greater protection at significantly less cost. And the force of it, in terms of protecting the City, is the same.

Councilor Truitt said individuals that fall underneath that bonding would be yourself, just an example—

Clerk-Treasurer Rhodes said would be the City officials who are currently bonded, myself, the City Court Judge, the Redevelopment Commission, the Police and Fire Pension Secretaries. It also covers a higher level of protection for all employees, many of whom in our City handle funds at remote locations. So this is very much appreciated, and an example of how we can take advantage of saving a couple of thousand here, a couple of thousand there, and pretty soon you've got real money. Over the years, it will really add up, so we're very pleased about this.

Council President Hunt said any other questions or comments?

There was no further discussion.

Ordinance No. 9-07 An Ordinance Regarding Approval Of A Lease Between The West Lafayette Redevelopment Authority And The West Lafayette Redevelopment Commission [Fire Station Project] (Prepared by the City Attorney)

Council President Hunt said Mr. [City Attorney] Bauman is going to talk to us about this.

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City Attorney Bauman said you'll recall at the time of the annexation of the 1,173 acres to the north, the Council adopted a fiscal plan which called for the construction of a third fire station and for that to be financed from TIF. As also a part of both the fiscal plan and the regular budget, we've been adding fire personnel, so that we'll be able to staff that station. This is the approval of the financing for that station. It's the same type of financing we used before for the Research Park infrastructure and trails project, which is a lease financing.

Councilor O'Callaghan said and this does have property tax backup and that's going to lower—

City Attorney Bauman said yes, it does, and we've always done that on these, because that gets us quite a bit better rate.

Council President Hunt said and we talked earlier, just a few minutes ago, this is not site-specific, but it's based on the vote of the Redevelopment Commission that will be site-specific.

City Attorney Bauman said yes, because under State law, the tool for the Redevelopment Commission to acquire any real estate, they have to make an amendment to the plan after a public hearing, specifying which real estate will be acquired.

Councilor Keen said so this will be site-specific for us?

City Attorney Bauman said well, the decision by the Redevelopment Commission has to be, yes.

Council President Hunt said and that's the second paragraph, I think, isn't it?

Councilor O'Callaghan said and the Redevelopment Commission will not be site-specific until after the public hearing, because they chose to take any information about the site out of the one that they approved last month.

City Attorney Bauman said but in order to proceed at some point, the Redevelopment Commission not only has to approve the lease, but they've got to approve an amendment to the plan, specifying which land will be acquired for the fire station.

Councilor Keen said so is that their objective on Monday, is to do that, or do you know?

City Attorney Bauman said that's on their agenda, yes. The amendment that's on the agenda is to acquire the entire six-acre parcel on that corner.

Council President Hunt said that's Option 4 or 5.

Councilor Truitt said okay, so when we go into the Council meeting on Monday, the site will have been—

Councilor Keen said determined.

Councilor Truitt said determined?

City Attorney Bauman said if it's approved by the Redevelopment Commission.

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Councilor Truitt said and then if it's not approved by the Redevelopment Commission, then this is not necessary.

City Attorney Bauman said well it's going to be necessary at some point.

Councilor Truitt said oh, no, no. I know at some point— I just wanted, and that was a good question, because I just wanted to make sure that it's not a proverbial blank check from that standpoint, with no site being determined, because that seemed a little odd, and I felt that that wasn't—

City Attorney Bauman said you should have information on that by the time you meet.

Councilor Truitt said okay.

Councilor Keen said the \$4.13 million, does that include any apparatus, or the—

City Attorney Bauman said no. Well, no, it's not just building. It does include some equipment and furnishings to the building.

Councilor Keen said to the building.

City Attorney Bauman said it does not include the truck.

Councilor Keen said okay.

Council President Hunt said some part of the building, but not the building?

City Attorney Bauman said no, it includes the building.

Council President Hunt said oh, okay.

City Attorney Bauman said but in addition to the land, the building, it also includes, you know, appliances and that kind of stuff that goes in there and some loose equipment.

Councilor Keen said but none of the firefighters.

Council President Hunt said no.

City Attorney Bauman said but not the firefighters, no.

Councilor Truitt said now [City Engineer] Dave Buck might be able to answer this, but the difference between the \$4.13 million and what was in your plan of \$3.5 million, what discrepancy from a funding standpoint?

City Engineer Buck said there's other costs for the bond—

City Attorney Bauman said that's probably in the meeting after, and probably what I should do—

Clerk-Treasurer Rhodes said don't they have copies of these ["Proposed \$4,130,000 Economic Development Lease Rental Bonds of 2007," dated February 16, 2007, H.J. Umbaugh & Associates]?

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Councilor O'Callaghan said no, we don't.

City Attorney Bauman said I don't know if they have copies of those.

Clerk-Treasurer Rhodes said we can certainly run some off. The questions you're answering are really in here.

Council President Hunt said there were limited copies at the meeting.

Councilor O'Callaghan said I asked for one, but they needed them for the Redevelopment Authority.

City Attorney Bauman said well, yes, let's get copies of that. Generally what it is is where the bond you've got to have a debt service reserve because of the lease, and under a lease, you can't pay until the building is finished and being used.

Councilor Truitt said okay.

City Attorney Bauman said so you have capitalized interest to cover that period, and bond lawyers, being what they are, are always conservative in projecting that period. They're basically projecting six months past when I think they even expect to have it done. And then the other part is the standard bond issuance expenses: bond counsel, financial advisor, the underwriting discount.

Councilor Truitt said is that all in that report?

City Attorney Bauman said yes, it is.

Councilor O'Callaghan said and actually, the discussion at the Redevelopment Commission was whether indeed this was enough. They wanted to build it and make sure that enough was built in to cover any contingencies, and so that was more of the discussion about whether this was enough or not.

Council President Hunt said okay.

City Attorney Bauman said this is the maximum that's been requested, and it can be reduced as we get closer, in terms of design or get bids, then we'll be able to know what it will cost.

Councilor Truitt said and the process to reduce would mean that you just don't—

City Attorney Bauman said you don't issue bonds for the full amounts. This is setting a maximum.

Councilor Truitt said okay. Got you.

Council President Hunt said any other questions about [Ordinance No.] 9-07?

Councilor Truitt said I've got one other question for Monday night, just so I can answer questions appropriately. So if individuals have concerns on location, the 6 o'clock meeting is when—

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Councilor O'Callaghan said that's the time to come.

Councilor Truitt said that's the time to come. Okay.

Council President Hunt said and there'll be displays in the room, of course. Is that still—?

City Engineer Buck said we're going to have the room open at 5, with some of the boards we're preparing and be there for questions and have copies of the site evaluation study and—

Council President Hunt said which is on the web.

City Engineer Buck said which is on the web, sure.

Council President Hunt said right on the front page of the City site. Anything else?

Councilor O'Callaghan said one thing that we talked about at the Redevelopment Commission would be whether, in addition to the great info that you have in here, if you could get some idea of the response time. This is just distance, which is important—

City Engineer Buck said well, and that's true. The ISO and the NFPA both equate that time that they recommend to a distance, so that you can be conservative, number one, but also apples-to-apples when you look at each site. Then they allow for the fire chief or local expert to—which is him [Fire Chief Drew]—to consider arterials, roads, bottlenecks, things that he knows of the lay of the land that are either going to hinder or improve upon that analysis. So that is very apples-to-apples on purpose. And then Phil [Fire Chief Drew] has done, both just with his knowledge, but also has done some tests or whatever you want to call it—

Fire Chief Drew said time studies.

City Engineer Buck said time studies.

Fire Chief Drew said if they're specific, do you want me to just talk about response times in general, or is there some specific—

Councilor O'Callaghan said for the various locations. A major consideration is what's being covered within the ISO distance time, but there was certainly a discussion that some places might be quicker, even though it's more than 1.5 miles. That would be much more helpful than these circles which really don't mean anything.

City Engineer Buck said the circles we've taken off, because they're confusing. It's as the crow flies. It's not like the truck can fly, so—

Councilor O'Callaghan said that's good. I'm glad about that, and then so if there was some indication, particularly we were talking about where to get to the residential parts that have winding streets back in the subdivision would be different than to get to the commercial parts of the Research Park. And so some ideas of those response times would be really helpful.

Fire Chief Drew said yes. From this location, we're closer to the residential areas which typically have the winding streets and we're traveling at slower speeds, as opposed to the

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Research Park where we can have a nice straight road to go down, Kalberer Road, where we can go down.

Councilor Truitt said so you are going to have, then, something though from a response time standpoint though, for Monday night?

Fire Chief Drew said I can give you information right now, yes. I have—

Councilor Truitt said can you also do that for the other stations?

Fire Chief Drew said for the other locations?

Councilor Truitt said no, for the actual existing stations right now.

Fire Chief Drew said to answer—?

Councilor Truitt said yes, or just in general. When you look at the Navajo Station and you look at its area—because I think it's also important for people to understand, to help justify—

Councilor O'Callaghan said the distance, not the time.

Councilor Truitt said yes.

City Engineer Buck said I want to caution that the reason why they go from a time to a distance is because the time itself is a range. Two o'clock in the morning on a Sunday is totally different than Spring Break Friday afternoon when everybody's leaving, and/or bad weather and that sort of thing. So that's why they conservatively say 1½ is probably conservatively shy, as far as you can get on distance. Hopefully, you can do better than that, typically. And that's where his analysis comes in with his experience, but also with his time trials or time studies.

City Attorney Bauman said but there's no guarantee that the time, under any given set of circumstances, wet road or dry road, time of day, will be exactly the same as other circumstances to the same destination.

Fire Chief Drew said the recent snow is a very good example of that.

Councilor Truitt said right. Does something exist right now to show this travel distance, though, from the existing stations right now and what it covers?

City Engineer Buck said we haven't mapped that, but we can, based on what Phil [Fire Chief Drew] has on—I don't know if it's in table form or just note form or whatever.

Councilor Truitt said if you could do that, that would answer some questions that I'm getting, because I don't have that answer, so that would be helpful.

City Engineer Buck said I'm a little hesitant to go too much down that, to be honest with you, because it's mapping a subjective, not apples-to-apples comparison at that point, and so it's going to be a conservative—you know, when that was done, at that particular time, he was able to do this.

Councilor Truitt said right.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Engineer Buck said and it needs to very important that that's—

Councilor Truitt said whatever methodology we use for the new, just apply it to the existing and then we're fine, regardless of a few changes of the strategy on the new options, then I don't have a problem.

City Engineer Buck said well, I guess, today on Salisbury Street up there and flying down it's one thing. Now, as development happens up there in 20 years, driving down Salisbury Street, you'll have a different traffic count, and that's going to involve a change—

Councilor Truitt said well, yes.

City Engineer Buck said so that's one of the things that the generalized 1½ mile distance for an engine company or 2½ miles is the goal for a ladder company is used, to help take that to a level playing field.

Councilor O'Callaghan said so I can understand the hesitancy for putting that on a map, because then it looks like you're going to get there at that time. But some of the almost-anecdotal, because it's on trial runs and stuff like that, some of that information may be, if it's a table form or something, just so that we can have that information would be helpful.

City Engineer Buck said sure.

Councilor Truitt said it would be nice, too, because this might seem a little odd, but I've had multiple people say they're timing it themselves in their cars, which just makes absolutely—I mean, you want to talk about not apples-to-apples.

City Engineer Buck said right.

Councilor Truitt said but right now, they said, "Well, we went down to Station No. 1 and it took us this long," and I'm like, "But you're in a Suburban, you're not in a fire truck." But I don't have anything to come back on, in regard to the response time.

City Engineer Buck said that's his call, really. I mean, in all respects, he's the one that decides what the best response for his crews are, so, I mean—

Councilor Truitt said and I would rather state his statement rather than something that I would try to, you know, document and come up with, because it wouldn't be totally—

City Attorney Bauman said Randy [Councilor Truitt], in a few years, you could have your kids do it.

Councilor Truitt said that's right. I have too much to do, I don't have time to do that myself. If you could give us that—

City Engineer Buck said okay.

Council President Hunt said anything else on [Ordinance No.] 9-07? Thank you for copying these, Gail [Thayer-Copeland, Clerk-Treasurer's Administrative Assistant]. I really appreciate it.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

Clerk-Treasurer Rhodes said just one more note. I've given some additional information which is the hearing information sheet that is going to be filed with DLGF. It does contain a listing of the equipment. Would anybody be interested in this document? [Affirmatives from those present.] Okay, we'll be sure to get you copies before you leave here.

Council President Hunt said thank you.

City Attorney Bauman said Gerry [Councilor Keen], that will give you an idea of what was in there.

City Engineer Buck said I think there's like a defibrillator on there and—

Clerk-Treasurer Rhodes said and a pop machine.

City Attorney Bauman said there's a bunch of stuff.

City Engineer Buck said yes, I don't know—

Councilor O'Callaghan said GLHS tried to give away a defibrillator—

City Attorney Bauman said it's not only fire equipment, but it's equipment they need to live there for support.

Council President Hunt said are they giving them away?

Councilor O'Callaghan said yes. GLHS is trying to give away defibrillators.

Councilor Truitt said AADs, yes.

Council President Hunt said those are— No, the AADs are automatic.

Councilor Truitt said that's what they were giving away, though.

Fire Chief Drew said we've talked to them in the past about getting one, but we didn't have any luck.

Councilor O'Callaghan said that's what they told me, they're trying to find people to take them.

Fire Chief Drew said yes, okay. I'll look into it again. I was told that, and then I contacted them and they said they would prefer not to give it to—they preferred to give it to the outlying areas.

Councilor O'Callaghan said I guess along with this is the PD for the whole thing, and so where are we with that?

City Engineer Buck said we filed a draft plan yesterday. It was the deadline for making the eventual April Area Plan meeting, and then that would make, if we can meet that timeline, in May, City Council meeting. And so we'd like to begin the discussion of that element of this as to, is that something that we can find an appropriate mix that the community and the neighborhood residents will accept and will allow, to be able to lower our land costs and put more money either in the station or not spend it at all. It's really the question, I think, that a comparison of those—

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Attorney Bauman said now, let me clarify one thing. The lease that's been proposed includes a budget that would allow the purchase of the entire tract, rather than leaving the corner for commercial development.

Council President Hunt said isn't that what the bond says, or the Redevelopment?

Councilor O'Callaghan said yes, exactly.

Council President Hunt said in other words, conservative, and it gives enough to buy the whole thing.

City Attorney Bauman said well, not just conservative, but specifically included enough for the—

Council President Hunt said right.

City Attorney Bauman said and the site the Redevelopment Commission is being asked to approve as a plan amendment is the entire corner, not 2½ acres.

Council President Hunt said and how many acres is that? 6 or 3 or—?

City Attorney Bauman said 6-some-odd, I think.

[overtalking]

Councilor Truitt said I thought it was 8 minus 2. So 6 for the other, is that right?

City Engineer Buck said well, north is up, Kalberer Road, Soldiers Home, Westmoreland Drive, there's proposed either way for three residential lots to be included on this west end, because that's exactly what's over here and that's exactly what's on both sides from here north, all the way up, throughout.

City Attorney Bauman said and what's included is that entire site, both cost-wise and as an amendment to the plan to be acquired.

City Engineer Buck said A or B.

Council President Hunt said and if we adopt this, we could move our station over here?

City Engineer Buck said that's possible, yes. If we're to buy the whole 6½ acres, we would really probably put the station more on the corner. The corner's more commercial in that scenario.

Council President Hunt said are there houses back there?

City Engineer Buck said this is a detention pond. It's in place now. It's been constructed, it's a large pond that handles a lot of the drainage off of this section of the subdivision, and there's a tree line and a trail around it. I don't know if either one of those are in yet.

Public Works Director Downey said the trees are.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Engineer Buck said the trees are in.

City Attorney Bauman said Westport's to the north, but it's on up here.

City Engineer Buck said it's over here, I guess.

City Attorney Bauman said not adjacent.

Councilor O'Callaghan said and so what does the draft plan of the PD look like?

City Engineer Buck said this. This is what the draft plan was filed as.

Councilor O'Callaghan said and nothing else? None of the restrictions or anything else that would be in a PD?

City Engineer Buck said right. That's all part of what we start to negotiate now, and take comments on, and then work through with meetings to negotiate is a fueling station or is a gas station allowed or not? Strike it off. Is a bakery okay, or is a dentist's office okay? We were going to propose, to start with, the list of uses allowed in neighborhood business, in NB, and restrict it back from there.

Councilor O'Callaghan said from there.

City Engineer Buck said and talked about architectural standards and lighting and hours of operation.

Councilor Truitt said who's going to be striking those from the list?

City Engineer Buck said the City will, with the developer and APC staff, and the typical list of contacted—

Councilor Truitt said will you have neighborhood people in there?

City Engineer Buck said yes.

City Attorney Bauman said and the final decision, then, is the Council.

Councilor Truitt said yes, eventually.

City Engineer Buck said that's what—

Council President Hunt said it's legal, though, it's the legal definition of what businesses—

City Engineer Buck said that's what he's talking about.

Councilor Truitt said that's what they're starting with.

City Attorney Bauman said no, in a planned development—

Councilor Truitt said you can pretty much do whatever—

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Attorney Bauman said exactly.

Councilor Truitt said whatever you want to do in a PD.

City Engineer Buck said we hope to get some comments from Monday, and, as we move forward, if we need to have more additional meetings—we met with University Farms, if we need to meet with their homeowners group again or Westport or Arbor Chase—in the next six to eight weeks or whatever we have, we want to work through that, so that those use codes and those uses are eliminated and that other things are customized to make this not seen as a detriment, but actually a benefit to that area, and an asset. That's the whole reason why we're proposing it, is we think that customization can allow us to actually make this an asset rather than straight NB which would forever allow things to turn over and one business go out in five years, anything could go in there. That's not the case with the planned development.

Councilor Truitt said Westport will communicate via letter. I talked to Jim [Buescher, President of Westport Homeowners Association] today, and he's still in Florida, but he said he'll send you a letter, because he won't be back.

City Engineer Buck said we put on the website future meetings that we hope to make, and we'll be glad to—

Councilor Truitt said you're going to—they said that they would come on Monday night, but it won't be Jim, which is who speaks—

Council President Hunt said Jim?

Councilor Truitt said Buescher.

Councilor Keen said on this drawing that's been submitted, the fire station portion of that versus the commercial lot is—? Break that down in acreage for me.

City Engineer Buck said this is 2½—

Councilor Keen said okay.

City Engineer Buck said and this is 4—3.91, excuse me.

Councilor Keen said so just under 4.

City Engineer Buck said right. So the size of the commercial development that's going to support is going to be fairly small, medium to begin with. I mean, it's not going to be large. I mean, I've been asked, "Is it even financially viable for a commercial development to go in there?" That's not my expertise, but—

Councilor Keen said it is.

City Engineer Buck said it is. That's a good corner.

Councilor O'Callaghan said I sure miss my Salisbury Grill and dry cleaner across the street from me.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Engineer Buck said this little line here is shown as representing an easement, an access easement, that we would be able to have a driveway off of Soldiers Home, coming back to the fire station in this scenario. So we would have rights that come across here.

Councilor Truitt said and that would also be used for the whole—?

City Engineer Buck said then there'll probably be a drive somewhere in this vicinity for the commercial, too. And since it is only 4 acres, we're a little more palatable to the amount of traffic that this thing can generate, and not as concerned as if it was the entire 8 acres. It's, you know, half that.

Councilor Truitt said from a history point—

Councilor O'Callaghan said 8 includes this, too?

Councilor Truitt said yes, I think that's where that whole—

City Engineer Buck said yes. These three are an acre by themselves—

Councilor Truitt said okay, that's where the 8—

City Engineer Buck said that's where the 8—the church, lot 354 as it sits now, is this entire—

Councilor Truitt said chunk.

City Engineer Buck said chunk, yes.

Councilor Truitt said has the church situation been all taken care of between John [Scheumann], Derrin [Sorenson], and the church? Is that true?

City Attorney Bauman said I don't know.

Councilor Truitt said is that transaction—?

City Engineer Buck said I don't know that they've signed the actual agreements, but they are working on that.

Councilor O'Callaghan said they're willing to do it.

Councilor Truitt said history lesson. The last time this came about, approximately when was that, the last time neighborhood business was discussed?

Councilor Keen said five years ago.

Councilor O'Callaghan said it was with Arbor Chase, when Arbor Chase came.

Councilor Truitt said is that right?

Councilor Keen said that was, like, three years ago.

Council President Hunt said no, I've been on the Council three and we didn't get it.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

Director of Development Andrew said no, it was before that.

Council President Hunt said do you want to tell us how you're talk at U Farms went?

City Engineer Buck said there's a lot of concern about the business component of this, and that's understandable. I think that the understanding, from what I got, was that a planned development is pretty confusing for most folks, and the customization limiting the business is not a certainty for them. They feel that after a business may go out, then a new business unrestricted may come in, so there's certainly some education that we'd like to continue with the neighborhoods, to reassure them that we have the opportunity to make this something good and a benefit and not a detriment, so that the impacts to the neighborhood are positive rather than negative. There was quite a bit of comment about the businesses, though.

Director of Development Andrew said Dave [City Engineer Buck], you might point out that Westmoreland goes through north.

City Engineer Buck said this is the annexed area in tan here, and Westport, University Farms, Arbor Chase, Salisbury Street, and Soldiers Home is this little thin line over here. Prophet's Ridge, Stonebridge, Lauren Lakes—those are all things that are up and coming. The Transportation Plan for 2025 shows this black dotted line here and this one going east-west all the way over to Yeager as future collector streets, that have been identified as part of our future road network in that area. Westmoreland is already under construction. Lauren Lakes has already planned on this being connected, so as this area in between develops, those two would connect together and there would be a collector street that then would go all the way from 500 down to Kalberer Road. And so that's also part of the mix and the other site drawings that show the 1½ miles. That was considered in a part of that analysis.

Council President Hunt said any other questions?

There was no further discussion.

Ordinance No. 10-07 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer)

Council President Hunt said Judy [Clerk-Treasurer Rhodes], did you say you would speak to this one, please?

Clerk-Treasurer Rhodes said yes. Last month, we asked for temporary loan authority on the Parks and Recreation Fund. This month, it's time to ask for temporary loans to support the General Fund, as well as the Insurance Payment Fund. The General Fund is needed because expenses will exceed our revenues as we experience every year prior to our settlement in June property tax. As our fund balances were lower this year than in the prior year, we're going to begin the temporary loan process sooner rather than later. Last year, we asked for \$1.2 million in authority in temporary loans from the Wastewater. We used approximately \$570,000 for the General Fund. This year, I've asked for a bit more, because we're almost a payroll ahead of where I think we're going to be needing it sooner. Once more, the loans are paid back as swiftly as the revenue comes in, and this basically supports the payroll and bill paying responsibilities of the City. The second temporary loan request is for the Insurance Payment Fund. We've been making these temporary loans ourselves, but actually, the clearing funds are separate from the Insurance Payment Fund. It's pretty invisible to the Council. They're housekeeping

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

funds that are used to retain funds before they're disbursed for health insurance payments. I'm referring to the Insurance Payment Fund. Because of the agreement the City entered into for provision of COBRA payment services with a third party, a delay has been introduced into the remittance of funds to the City. When they were handled previously, we would receive them in time to make the disbursement. Now, they're coming two to three weeks after the disbursement is due from the City. The amount reflected here, \$4,040, is the amount we estimate we'd need with our current roster of COBRA payments, based on the expected receipt dates for the rest of the year. What happens is that we need to make a temporary loan until the COBRA service provider actually remits the funds to us. We're then able to pay back the temporary loan until approximately two weeks later, when it occurs again. We apparently are not able to do anything about the scheduled remittance of the payments. The individuals who use this service make the payments to the third-party provider, and the provider does not remit them until, as far as I can determine, the legal deadline, which is after the time we actually pay the bills here in the City. Therefore, I think it's going to be a permanent situation as long as we remain with this provider. This will take care of these for the rest of the year.

Councilor Keen said are you going to be wanting two readings on this Monday night?

Clerk-Treasurer Rhodes said yes. I'll be asking. I am not certain I could actually make payroll for the City without this temporary loan being in effect in March.

Council President Hunt said so you want both readings?

Clerk-Treasurer Rhodes said yes.

Council President Hunt said okay.

Councilor O'Callaghan said Judy [Clerk-Treasurer Rhodes], what's payroll clearing funds?

Clerk-Treasurer Rhodes said they are the funds that appear toward the end of your statement of funds reports. They run from about, you'll see, funds 800 to probably 855. They represent the agency funds that are used to hold deductions that are made through payroll withholdings or City contributions. These reflect payroll taxes, retirement, deductions, child support deductions—the whole range of funds that move during payroll, temporarily held by the City until they're remitted. They appear as a series of really memo accounts in our ledgers. They're considered one account. The Insurance Payment Fund is actually separate from that; it has a very similar function, however, and when we move this money, it would be preferable to do it through temporary loan, authorized by the Council.

Councilor O'Callaghan said and I wasn't able to get here last night for the Budget and Finance Committee meeting. I didn't get done with taxes until after 9 o'clock, but I did want to thank you for the report on the investments that I had asked for.

Clerk-Treasurer Rhodes said and there are two reports I wanted to make sure to give you before you left that were given out yesterday.

Councilor O'Callaghan said thank you.

Council President Hunt said any other comments on [Ordinance No.] 10-07?

There was no further discussion.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

Resolution No. 4-07 A Resolution Confirming The Designation Of An Economic Revitalization Area For Property Tax Abatement For SRJ Development, LLC (Prepared by the City Attorney)

City Attorney Bauman said we need to have a public hearing, and this will be the confirming resolution on the project by Shook family in the Research Park for the tax abatement.

Council President Hunt said I notice nobody's here from that group that we've heard from before. Is the estimate of 59 employees on page 17 by June 29, 2011, they'll have 59 employees, will they have any before that or is that—?

Director of Development Andrew said yes.

Council President Hunt said any estimated?

Director of Development Andrew said the first development they did had the racquetball club in it. They originally forecast 40 employees. They're at 48 now, at the end of two years, so I would anticipate it going about the same.

Council President Hunt said so it's a conservative estimate they're giving us now?

Director of Development Andrew said yes.

Council President Hunt said do you have any idea what that is?

Director of Development Andrew said no. At 6,000—

Councilor O'Callaghan said since you brought that up, the racquetball club did not get any tax abatement.

Director of Development Andrew said right.

City Attorney Bauman said again, under the same statute, they're not allowed to.

Councilor O'Callaghan said just to make sure, in case anybody wondered.

Director of Development Andrew said Patti [Councilor O'Callaghan], it's 6,000 square feet out of 26,000 will come out of the restaurant.

Council President Hunt said will they be here Monday night?

Director of Development Andrew said if you'd like them to be here.

Council President Hunt said I don't know; what's the consensus?

Councilor O'Callaghan said it's always nice to thank them for bringing good jobs to the community, so—

Council President Hunt said I'd love an estimate of what might be an early bunch of employees, before 2011.

PRE-COUNCIL MINUTES, MARCH 1, 2007, CONTINUED

City Attorney Bauman said I don't know whether they can tell, but I will say that, in general, the space out there in the whole Research Park is fairly full.

Director of Development Andrew said there's no vacancies.

City Attorney Bauman said their previous building, I think they said, was 90% leased.

Director of Development Andrew said which? Shook?

City Attorney Bauman said yes.

Director of Development Andrew said the International Technology Center, the Purdue Tech Center is full. I'm not aware of any of the other buildings having—

Director of Development Andrew said no vacancies.

City Attorney Bauman said and I think PRF has plans for the last major amount of space in the Ross Enterprise Center, so I don't know that there's—

Councilor Truitt said anything.

City Attorney Bauman said yes, they're not really competing with a lot of vacant space out there, to my knowledge.

Council President Hunt said any other questions about Resolution No. 4-07?

There was no further discussion.

Council President Hunt said any other comments? Questions?

ADJOURNMENT:

There being no further business at this time, Councilor O'Callaghan moved for adjournment. Motion was seconded by Councilor Truitt and passed by voice vote, the time being 5:28 p.m.

Respectfully submitted,

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