

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
APRIL 5, 2007

The Common Council of the City of West Lafayette, Indiana, met in the Board of Works Room at City Hall on April 5, 2007, at the hour of 4:30 p.m.

Mayor Mills called the meeting to order and presided.

Present: Griffin, Hunt, Plomin, Satterly, and Truitt.  
Councilors Keen and O'Callaghan arrived at 4:35 p.m.

Also present were City Attorney Bauman, Clerk-Treasurer Rhodes, Director of Development Andrew, City Engineer Buck, Public Works Director Downey, and Fire Chief Drew.  
Police Chief Marvin arrived at 4:50 p.m.

UNFINISHED BUSINESS

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)

Mayor Mills said any questions on this? Quite simple. We talked about it last month.

There was no further discussion.

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)

Mayor Mills said this is the ordinance to annex the old State Police post, Grace Baptist Church area. We'll have the public hearing on Monday night. Any questions on that?

Councilor Griffin said and then the vote?

Mayor Mills said and then the vote. And the vote? No. Just the public hearing.

City Attorney Bauman said correct. Under the statute—

Councilor Satterly said Dave [City Engineer Buck], are we going to take the old antenna down?

City Attorney Bauman said no, we have to wait.

City Engineer Buck said it's not on there, it's on the Hoadley—

City Attorney Bauman said Dorothea Hoadley.

City Engineer Buck said it's on the other property. It's a little small island there. It completely contains just that.

Councilor Satterly said does the State Police still use that antenna?

City Engineer Buck said no.

Councilor Satterly said is somebody using it?

Mr. Milakis said oh, yes.

Councilor Griffin said several somebodies, I think.

City Attorney Bauman said yes.

Mayor Mills said okay, other questions about that one?

Councilor Hunt said why won't there be a vote? I'm sorry.

Councilor Griffin said because it's an annexation.

Councilor Hunt said oh.

City Attorney Bauman said the statute says you have to wait after there's a public hearing.

Councilor Hunt said I understand. Okay.

There was no further discussion.

#### NEW BUSINESS

Ordinance No. 11-07 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Boardwalk Apartments) (R3W to PDRS) (Submitted by Area Plan Commission)

Mayor Mills said this is a rezone from R3W to PDRS, Boardwalk Apartments.

Mr. Paul Coutts [C & S Engineering, Inc.] said I'm here, Mayor Mills. And so are the clients. We sit on opposite sides of the room. I'm not sure why.

Mayor Mills said Mr. Coutts, do you want to give us the background, please.

City Attorney Bauman said they have a knowing smile. I don't know.

Mayor Mills said they look brown, like they've been somewhere fun.

Mr. Greg Milakis [co-developer of MC Woods St., LLC] said yes, I have.

Mr. Coutts said [passing out a set of drawings] this is just a smaller version of the plans themselves. And I think that what I wanted to try to explain to you is that, if you go to the sheet number 2 there and look at it, on the left-hand side is an existing conditions drawing that shows you that what we have there are an older converted house in front, a little brick building that was added, and the garage in back that was converted, too. So you have three older structures that take up a lot of the area there. If you look at it, there's not a lot of greenspace. Currently, there's allowable occupancy of 48 people there in the total of those three structures, and they only have 28 parking spaces. Maybe I should even back up. This is at 112 West Wood Street, on the north side of Wood Street between Chauncey Avenue and Salisbury Street. I apologize, I'm already way ahead of you, only because I've looked on this for just a little bit. That's what we're looking at. And what we want to do is to put up a three-story structure, and that's shown

on the site plan on the right-hand side of that same page. What it's going to have is, essentially, on the first floor, it'll have a number of spaces – 25 of them – they will be actually under the building itself and inside and enclosed, and then you've got another eight spaces just surface parking out to the north side, off of the alley. And so we're going to have 16 two-bedroom apartments on the second and third floor, and there'll be one little one-bedroom apartment on the first floor, right at the front of the building. So we'll have a total of 17 apartments, 33 bedrooms meaning 33 occupants, which will be restricted by the covenants and by the planned development process, and 33 parking spaces. So we have one parking space per bedroom. The greenspace goes way up, we have a 35% greenspace situation. So I think it's a good win-win situation. We've come in with a new modern building that will be sprinkled, we get some greenspace, and we get the parking up to where it ought to be. I think that's really it, as far as a quick overview of it. It's obviously in the right spot, within a couple blocks from campus, and we already have student housing there. I'd be happy to answer any questions that you might have.

Councilor Griffin said Paul [Mr. Coutts], I know this isn't critical to this Council, but the vote from APC was—?

Mr. Coutts said I can't remember what—

[overtalking]

Mr. Coutts said 12 or 13 was it?

Councilor Griffin said 13-0.

Mayor Mills said any questions for Mr. Coutts? Mr. Milakis and Mr. Caron [John Caron, co-developer of MC Woods St., LLC] are here.

Councilor Satterly said will you have it open by August?

Mr. Coutts said I don't think this is an "open by August" one, is it?

Mr. Milakis said '08.

Mr. Coutts said '08, yes.

Mr. Milakis said we won't start until school lets out in December of '07, we hope to start the project.

[Councilors Keen and O'Callaghan arrived, having been delayed by the City Hall front door malfunction]

[overtalking]

Mr. Coutts said and the church parking lot is catty-cornered to the—

Councilor Griffin said northwest, is that correct?

Mr. Coutts said yes, across the alley, northwest across the alley.

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Councilor Plomin said will this include sidewalk repairs and upgrade?

Mr. Coutts said yes, we have it. If you look on it, there's an existing driveway in the front that comes in there, so we'll be taking that out, putting new curb in there and also repairing the sidewalk in front.

Councilor Plomin said on the whole length of the property?

Mr. Coutts said yes.

Councilor Hunt said I really like the numbers, going from 48 with 28 parking spaces to 33 with 33. That's really good.

Councilor O'Callaghan said it's an improvement.

Councilor Hunt said it'll be really great, yes it is. You said "sprinkle," did you mean inside or outside of the landscape?

Mr. Coutts said maybe both. It's fire suppression, so it's inside.

Councilor Hunt said I wasn't sure.

City Attorney Bauman said that is a substantial advantage in some of these newer buildings, both in the construction and, in this case, the sprinkling will make it vastly improved safety for the tenants.

Mayor Mills said I'm giving Councilor O'Callaghan and Keen a chance to have a look, before I say we're going to move on.

Councilor O'Callaghan said anytime we can decrease occupants and increase parking, it's an advantage.

Councilor Satterly said this section, adjacent here, that's belongs to the adjacent property owner?

Mr. Coutts said yes, that's their property over there, and that's what they have right now, is access along that parking lot.

Councilor Hunt said and may I ask Mr. [Public Works Director] Downey a question?

Mayor Mills said certainly.

Councilor Hunt said Mr. [Public Works Director] Downey, the fact that they'll use the alley to get into parking—I think that I read that, didn't I, Mr. Coutts?

Mr. Coutts said yes, you did.

Councilor Hunt said I don't know, we probably don't pick up trash there, but will that be any problem with that alley—the fact that they'll be using it as entry to the parking lot?

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Public Works Director Downey said I was thinking. What's your question?

Councilor Hunt said they're using this alley to get into the parking lot. That won't interfere with any—it's a two-way alley, I believe, Mr. Coutts? I think it's still there.

Mr. Coutts said you might try two-way, it isn't a traffic alley through there.

Public Works Director Downey said it's not dedicated one way or the other.

City Engineer Buck said it's a lot one-way.

Councilor Hunt said okay.

Public Works Director Downey said there's apartments on down from this that use the alley for—

Mr. Milakis said trash pickup is off the alley, and the tenants are right there. It sits at an angle, so they can get in their vehicles.

Public Works Director Downey said all of those down through there are commercial. We don't have City services there.

Councilor Hunt said that's what I thought. I knew there was pickup—

Councilor O'Callaghan said the other place, unit, is on the alley.

Councilor Hunt said thank you very much.

Councilor Griffin said separating the alley from the parking area, there are two. There's a fenced lawn either side of Andrews. Will those peninsulas be curbed?

Mr. Milakis said yes, I believe they will be.

Councilor Griffin said you know what I'm talking about?

Mr. Milakis said yes.

Councilor Griffin said all right, good. Trying to keep the parking from getting larger—

Mr. Milakis said creeping.

Councilor Griffin said destroying homes.

Mayor Mills said any other questions?

There was no further discussion.

Ordinance No. 12-07 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Submitted by the Clerk-Treasurer)

Mayor Mills said Judy [Clerk-Treasurer Rhodes], do you want to say anything about this?

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Clerk-Treasurer Rhodes said we've reached the point in the year where we've already had to make a temporary loan for the police pension. Once again, it's from Wastewater. We will need the loan probably up to the point of end of June, early July, when we receive our tax settlement, hopefully, and the State's pension relief.

Mayor Mills said any questions?

There was no further discussion.

Resolution No. 6-07 A Resolution Authorizing The Filing Of An Application With The U.S. Department Of Housing And Urban Development, For Community Development Block Grant Funds, As Provided In Title I Of The Community Development Act Of 1974, As Amended (Submitted by the Department of Development)

Mayor Mills said Josh [Director of Development Andrew] any comments on this?

Director of Development Andrew said I don't think so. We have good participation with the citizens group, and Buz [Assistant Director of Development Grady] has the spreadsheet outlining how the monies are to be disbursed.

Mayor Mills said did everyone get a spreadsheet?

Councilor Hunt said yes.

Councilor Plomin said did you bring printed copies of that?

Director of Development Andrew said no.

Clerk-Treasurer Rhodes said no copies of the spreadsheet were provided for us to distribute to the Council.

Director of Development Andrew said oh, they weren't? We can Xerox that. That's no problem.

Councilor Plomin said I have it in my email, but other people might be interested.

Councilor Hunt said is this the same one we got from Buz [Assistant Director of Development Grady]?

Councilor O'Callaghan said yes. We already got it in the mail.

Director of Development Andrew said yes.

Mayor Mills said we'll have a few copies for Monday night.

Councilor Plomin said okay.

There was no further discussion.

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Resolution No. 7-07 A Resolution Approving The Designation Of An Economic Revitalization Area For Property Tax Abatement For Medical Engineering and Development Institute, Inc. (Prepared by the City Attorney)

Mayor Mills said MED Institute, as we know it. If you see the name written out, it throws you off. So, Jody, do you want to make any comments?

Ms. Jody Wise [Director of Business and Administration, Economic Development Corporation] said the only comments –I know you guys have probably seen the application and everything, but one comment I would like to make is, with this application, they will be creating up to 130 new positions. They will be moving into the Great Lakes building, so they will be using up space that has been vacant for a while. So that's definitely a plus. They will be doing some improvements, \$3.4 million in personal property improvements, and also \$6.5 million in IT. They will also be doing real estate improvements of \$6 million that they are not requesting abatement for. So this is only for personal property.

Director of Development Andrew said I might add this is about \$70,000 a job. You do the math. We like to see that.

City Attorney Bauman said it's a terrific project all the way around.

Director of Development Andrew said good use of a building.

Mayor Mills said wonderful to have MED Institute stay in our community and re-use the great building, grow into that building. Questions?

Councilor O'Callaghan said I was also glad to see the talk about the energy efficiency that will be increased in the building. That's important, as much as we can do that. We appreciate that as well.

Mayor Mills said any other questions? Thank you very much for being here.

There was no further discussion.

Resolution No. 8-07 A Resolution To Confirm A Revised 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)

Mayor Mills said we spoke about this a minute ago. Mr. [City Attorney] Bauman, comments?

City Attorney Bauman said there's a substantive change in that—small, but—and that is that the assessed value numbers have been updated. We have new numbers since it was previously prepared. We've have a hearing on this again Monday, and the vote at the following meeting.

Clerk-Treasurer Rhodes said I'm a bit confused. Why did we vote on the fiscal plan last month with no public hearing?

City Attorney Bauman said after the discussion that we had on the northern annexation, I thought it was important to get the fiscal plan out on the front end, so people had an opportunity to look at that before we moved into the rest of the process.

Clerk-Treasurer Rhodes said well, why—?

City Attorney Bauman said would you, strictly speaking, legally be required to do that? No, but after some of the discussion in that process, I thought it was important to get that information out front, so that people had that when they were making the first vote on the annexation as well.

Clerk-Treasurer Rhodes said why was the fiscal plan published as part of the public hearing notice, when it's not legally required, is it? And it was not done the last time we had an annexation in 2004, 100% property owner voluntary annexation, the property on McCormick. Why did we publish the fiscal plan this time?

City Attorney Bauman said I'll be happy to review that. I was not aware that we didn't publish it before, but I'll certainly review that for you.

Clerk-Treasurer Rhodes said why is the vote on the fiscal plan not occurring at the April Council meeting, after the public hearing? Why are we deferring it for a month?

City Attorney Bauman said because my reading of the statute is that we have to do that.

Clerk-Treasurer Rhodes said you know, perhaps it was just the annexation statutes are very complicated, and maybe we just started using one procedure. Maybe we were actually on track for another. The reason why I'm asking now is I've asked these questions, been waiting for an answer now since Agenda Day and the day after Agenda Day. And the fiscal plan was revised, because when we were asked to publish it, we pointed out the items that were missing, and were out of date. I just want to make sure when we get through this process that we have crossed all the t's, dotted the i's, we've a valid annexation and don't have to go back like we've just done. That's my main concern. I wanted to create a checklist for my office, so that we could, for these kinds of annexations, have a verification process, and I've had difficulty being able to do that. That's why my questions relate to what is the process that we are being required to follow here, to be sure that when we're doing our part of it, we're doing them in a timely and appropriate manner.

Councilor O'Callaghan said we certainly had a very clear timeline for the other annexations, so we could pull that out and see how that relates to this process—

City Attorney Bauman said it is different—

[overtalking]

Councilor O'Callaghan said because it's a voluntary and the other one wasn't.

Mayor Mills said any other questions? Comments?

There was no further discussion.

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Resolution No. 9-07 A Resolution Requesting The Transfer Of Funds (Police) (Prepared by the Clerk-Treasurer)

Mayor Mills said this is a transfer of funds in the Police Department from Contracts, \$7,500, to Instruction.

City Attorney Bauman said I think I just saw—

Public Works Director Downey said he's out there in the hall, Dan [Police Chief Marvin] is.

Mayor Mills said Dan is.

Clerk-Treasurer Rhodes said really, this transfer is at my request. It's related to paying for training for Police officers, and there was some misunderstanding about using the Capital Improvement Fund for those kinds of expenses. Instead, they're going to have to come out of another fund, and this transfer accomplishes that, so we can charge the appropriate accounts. Do you wish to add anything, Dan [Police Chief Marvin]?

Police Chief Marvin said that was very well done, I think.

Mayor Mills said all right. Any questions? Good timing, Chief.

There was no further discussion.

Resolution No. 10-07 A Resolution Requesting The Transfer Of Appropriations (Clerk-Treasurer, Development) (Prepared by the Clerk-Treasurer)

Mayor Mills said this is a resolution requesting the transfer of appropriations?

Clerk-Treasurer Rhodes said yes, this is a transfer also at my request, which I'd be glad to address. It has to do with legal billings related to code enforcement activity. There is a shortfall in the Department of Development's Legal Services account, from which these expenses are paid. And, as we have appropriations available to use in my budget in Insurance, because of the favorable quote on our package insurance policy, I would ask that we transfer from my budget into Development, in order to properly pay and account for the billings due to date. However, this is not going to be sufficient to handle further expenses. This will about zero out the account.

Mayor Mills said you'll be seeing an additional appropriation next month, for Code Enforcement Legal Fees.

Councilor Truitt said the prior year expense not previously submitted for payment, it was incurred in what timeframe? I mean, are you talking like December and they're just turned in? Is that—?

Clerk-Treasurer Rhodes said they were services provided the fourth quarter, October, November, December, as well as services again provided at the very beginning of this year.

Councilor Truitt said and the reason why it was not submitted is—?

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Mayor Mills said we have some ongoing code enforcement cases that started before the end of last year and are continuing.

Clerk-Treasurer Rhodes said it's one big—

Councilor Truitt said honker?

Director of Development Andrew said big case.

Clerk-Treasurer Rhodes said it's one matter, and—

Councilor Truitt said oh, yes. I mean, is that a normal practice for us from that standpoint, of holding—?

Director of Development Andrew said it's not normal— Go ahead.

Councilor Truitt said I was just going to say, from a budgeting standpoint and from an expense realization standpoint, it's hard to keep stuff from being on the books, but if—

Director of Development Andrew said it's hard to estimate when you get into these sorts of battles, how much you're going to end up spending. So I went through my legal—

Councilor Truitt said pretty quick.

Director of Development Andrew said yes, in about three months.

City Attorney Bauman said well, as I understand from Allen Grady [Assistant Director of Development], it's been an unprecedented level of over-occupancy, and so the number of cases that he's referred to my office has been higher than I can ever recall.

Councilor Truitt said okay. But I'm just saying, do we have a whole bunch of other bills that fall in the category of not—?

Mayor Mills said no—

City Attorney Bauman said well, partly, for example, December will always roll over.

Councilor Truitt said right. Agreed. And that's why I wanted—I mean, if we had August bills, though, for some reason were being—that wouldn't be very smart on your end, to hold them like that. Correct? Unless you can hold out \$32,000, which I don't think you would want to do that. At least I hope not.

Clerk-Treasurer Rhodes said there's no legal requirement for the bills to be filed in probably less than seven years. However, it is a liability that has to appear in our financial statements, and that's why it needs to be timely recorded.

Councilor Truitt said because that is encumbered?

PRE-COUNCIL MINUTES, APRIL 5, 2007, CONTINUED

Clerk-Treasurer Rhodes said yes, it appears as a liability on our financial statements, and when it's not reported to the finance office, it may not be added to the compilation of our financial statements in a timely manner.

Mayor Mills said this is an unusual amount to get rolled over.

Councilor Truitt said right.

Mayor Mills said all right. Anything else tonight?

There was no further discussion.

Good Neighbor Ordinance

Councilor Truitt said I have a question. In the paper –not that we have to believe in the paper – but it said that the Good Neighbor Ordinance is going to be held off until September. Is that an accurate—?

Mayor Mills said well, unless you want to hold a special meeting in April and put it forward in the special meeting in April and then in May. I assured several student groups on campus that we would not pass the ordinance after they were gone for the summer. And since early in May they will be gone, our window of time is short. So I do not want it to go forward until they're back in town.

Councilor Truitt said I just wanted to pass good information along when I'm asked.

There was no further discussion.

ADJOURNMENT

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Keen and passed by voice vote, the time being 4:55 p.m.

Respectfully submitted,

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