

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MAY 5, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on May 5, 2008, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Hunt, Roales, Thomas, and Truitt. Councilor Keen arrived at 7:15 p.m.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Human Resources Director Foster, Assistant Director of Development Grady, WWTU Director Henderson, and Parks Superintendent Payne.

MINUTES: Councilor Hunt moved for acceptance of the minutes of the April 3, 2008, Pre-Council Meeting, and the April 7, 2008, Common Council Meeting. Councilor Truitt seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

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

For my report, let me introduce David Henderson, who will then introduce David Henderson to us all.

Wastewater Utility Director Henderson said thank you, Councilman Bunder. I'm certainly happy to be back in my adopted hometown of West Lafayette. We've been working diligently these first few weeks on getting the odor issue under control. I think we have some positive feedback on that so far. We're going to continue to be working on that. A little about me. My wife used to work in the Clerk-Treasurer's office. Full disclosure here. We have two wonderful children, and I'm very happy to be coming back to the community. I'm looking forward to getting to know all of you. You have an open invitation to come down to the Wastewater Treatment Utility, get a tour, see what we're doing. We've got some exciting construction projects going on. I'd love to share them with you.

Mayor Dennis said what was your prior experience before coming to this job?

Wastewater Utility Director Henderson said I worked about five years for the City of Warsaw as Utility manager. Two plants there, very interesting experience for me, and hopefully I've been able to bring back some good ideas from my time away.

Mayor Dennis said thank you very much.

Wastewater Utility Director Henderson said thank you.

Mayor Dennis said it's true. You did sort of start sprinting, that's for sure.

Wastewater Utility Director Henderson said that's true.

Councilor Bunder said I'm done.

PUBLIC SAFETY AND ORDINANCE:

In the absence of Councilor Keen, there was no report.

PURDUE RELATIONS: Councilor Roales presented this report.

Six thousand Purdue students will graduate this coming weekend, completing the school year from Purdue. Obviously we've just gotten past the Grand Prix season. Chief Dombkowski has a memo that he's distributed to us that says that that was fairly routine and the numbers were in line with previous years, for the most part. I thank our PSG Vice President for attending and being an active presence even during the summer months. Again, it's the summer, so there's not a lot more going on at this time. Thank you.

PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you very much, Mr. Mayor. The Arbor Day events were well done in West Lafayette. The West Lafayette Tree Fund worked with some Brownie Troops to plant a tree at Cumberland School on April 22, and PEFCU worked with a Klondike School class to plant two trees and some seedlings at the Celery Bog. The Great Annual Garlic Mustard Pull was held in the Michaud-Sinninger Woods on April 19, and the garlic mustard is blooming prolifically now, so if you see it, pull it up and kill it. You can put it in your trash, put it in the sun and let it dry out, but it is extremely aggressive, and the Indiana Native Plant and Wildflower Society's RIP, remove invasive plants, Squad has weekly workdays continuing through May, and they did this all last year also. It seems to be that there's a good response to this and the invasive plant is not quite as obvious this year, and the wildflowers are having a chance to be replaced. The Sagamore West Farmers' Market opens Wednesday at 3 o'clock. It's very exciting, and it's just wonderful to have our own farmers' market, and it's really very, very pleasant. I think I just want to mention briefly the Mayor threw out the first pitch tonight at the opening of the Little League field. That was really fun; the Police were there, the Firemen were there to mark the area for the helicopter to land. The helicopter blew up some dust when it landed and we were all a little dusty, and Randy [Councilor Truitt] did a very nice job of organizing it. It's always fun. Thank you. The next Park Board meeting will be May 19 at 4:30 in Lilly Nature Center. That concludes my report.

Mayor Dennis said I'd also like to commend Brian Tunis. He was involved in the tree plantings, and he provides so much information to the kids that are up there, putting the trees in the ground. It was really funny, just to show how things are progressing—I still can't tell an oak from a maple—but a lot of the kids participating in the activity knew so much more about trees than I did when I was in first grade. I'm not saying anything about me or the kids nowadays, but Brian [Mr. Tunis] did an excellent job and he really did provide great service that day.

ECONOMIC DEVELOPMENT: Councilor Thomas presented this report.

The Wabash River Enhancement Corporation has entered into an agreement with the firm of Wallace Roberts & Todd, a design firm, to create the master plan to begin to look at the Wabash River enhancement. This will be one of the first phases that will, hopefully, eventually

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turn into a great economic development front for the Wabash River, for Lafayette and West Lafayette. So more to come in the future. That ends my report. Thank you.

Mayor Dennis said that's true. I have seen some of those reports and the projections of what they're planning on doing down there is extremely exciting. There's going to be some neat stuff in that area.

PERSONNEL: Councilor Burch presented this report.

Since Councilor Bunder pre-empted me on one item, I'll just jump right in to the next item. The City of West Lafayette is starting their health promotion program. This is designed to help provide a healthful work environment and to support the adoption of healthy habits by employees who want to improve their own health and fitness level. The program will be called City's Health Promotion Program. For the coming year, we have a few activities that are offered, such as a confidential wellness survey, a series of classes that may include but are not limited to smoking cessation, weight loss, nutrition, and stress management. There may be some changes in policies, work facilities, food access, etc. to make it easier to adopt these healthy behaviors. So I'm asking everyone to please join the Mayor in supporting this new program, as good health is an extremely valuable asset to us all. That ends my report, Mr. Mayor. Thank you.

BUDGET AND FINANCE: Councilor Truitt presented this report.

Thank you, Mr. Mayor. The Budget and Finance Committee will be taking a big breath as we begin moving down the budget and finance portion of preparing the 2009 budget. We did have a number of area meetings surrounding the property tax and the related impact of that to local municipalities, and we might be having a small presentation, maybe, or a discussion later, or at least questions, so I will reserve the rest of those comments until that time.

REPORT OF APC REPRESENTATIVE:

No report.

SPECIAL REPORTS:

Departmental Presentations: Engineering Department Overview

City Engineer Buck presented an overview of the West Lafayette Engineering Department.

Councilor Burch said one comment, and I just want to say that Mr. [City Engineer] Buck is an excellent teacher. We've had some discussions, and he's just excellent in explaining things. Thank you very much.

Councilor Hunt said I have a question. I drove by the Champion's Centre tonight, and it looks like they've got some construction materials, not just the demolition stuff, and it looks like they've got this giant hopper that they're putting big chunks of—maybe they're putting big chunks of concrete to recycle that? Is that—?

City Engineer Buck said I wouldn't be surprised. I have not seen that, but they did do that at the Wabash Commons development, the old K-Mart property. They recycled a lot of that material. As it came up in big chunks, they broke it down in smaller chunks, to either reapply or to make it easier to handle and haul away, so that it could be then refined again, recycled again.

Councilor Hunt said some of the neighbors were hoping that that would be the case.

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City Engineer Buck said it's at least making it easier to handle, but I would imagine it will go somewhere to be recycled somehow, if it does leave the site.

Councilor Hunt said okay. Thank you.

Mayor Dennis said thank you very much, Dave [City Engineer Buck].

PUBLIC RELATIONS:

West Lafayette Community Beautification Award

Councilor Hunt said [Councilor] Vicki Burch is going to present it.

Mayor Dennis said are you ready for that?

Councilor Burch said yes, I am ready. Mr. Vinod Sagi is the winner of the May 2008 West Lafayette Beautification Award. He was selected for this award in honor of his outstanding work to plant street trees in Amberleigh Village. Mr. Sagi organized and educated his neighbors by going door-to-door with educational materials about the appropriate types of trees to plant, and he got a number of neighbors signed up to receive those trees. Seventy percent of his neighbors chose to participate in the project, and about 150 street trees have been planted in Amberleigh Village. This project was paid for by the City of West Lafayette, but Mr. Sagi did the lion's share of work, and saved the City many staff hours, and has made a real difference to his neighborhood. Mr. Sagi is educating his Amberleigh Village neighbors on when to water and remove the tree stakes. In the past he has been a leader in reforesting woods and residential areas in India. He will continue to participate in reforesting the new housing development in Prophet's Ridge. The enthusiasm, knowledge, hard work, and perseverance demonstrated by Vinod Sagi are much appreciated. Mr. Sagi, please step forward to accept your award. Congratulations.

Mr. Vinod Sagi said I didn't know that I was going to get an award for doing this work to begin with—

Councilor Burch said you did a lot of hard work. It's written right here.

Mr. Sagi said it just started because I was very fortunate. I had some questions on tree planting, so I thought, "Let me visit the City and get some guidance." That's when I met Bev [Shaw, Redevelopment and Neighborhood Planner] and asked her what trees I needed to plant and how to go about it. And then she educated me about the Tree Fund, and I said, "Yes, I would love to install trees at my own home, I would like to plant the entire neighborhood. Is it possible?" And Bev [Ms. Shaw] said, "Yes, we don't have the resources." I said, "Here I am." I work out of the City, but I volunteered to take the responsibility, coordinate with the homeowners' association. Bill Warner, our president, encouraged me. And with all the support from Bev [Ms. Shaw] and Bill [Mr. Warner], I thought I would get a lot of support from all the homeowners, but their response was very poor. That's when I had to go door-to-door, asking people, "Why don't you participate? This is a beautiful program." And people said, "Is this a hoax? How can I get a free tree?" They didn't believe me when I sent emails; they said, "This is some spam." I said, "No, it's not a spam," then I had to go and talk to them and tell them that if they had a tree, how nice the neighborhood would be five years from now, ten years from now. Every home needs to have a tree, not only my home. That's how we went on, and then Bill [Mr. Warner] guided me, and we went through. It was a little painful, but at the end, I'm really very, very happy the way it has come out and the trees were planted in the fall. We are ready for the spring planting, and every time I drive the drive way, it gives me a lot a

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satisfaction. I like it. But a lot of the credit goes to Bev [Ms. Shaw] and Bill Warner, too. This award belongs to everybody, not to me. Thank you.

FINANCIAL REPORT:

Clerk-Treasurer Rhodes said you have received your State Board of Accounts accounting reports, the Wastewater Utility financial statements, and the cash transactions report for April. I'll just make a very brief comment. I wanted to point out again that there has been extraordinary control of expenditures in the General Fund. As you can see, personnel expenses are running 8.3% higher than last year, primarily because of an increased roster. Nonetheless, the overall expenditures compared to this time last year are, in fact, lower than this increase in personnel expenditures. In other words, there's been a real control of expenditures in the other major categories, and my appreciation once more to the department heads for seeing this through in their daily operations. That's good news, but if you'll notice, if you look at the totals for City budgeted funds, our growth rate in expenditures still, in terms of our revenues coming in, still far outweighs the flow of revenues. We are still awaiting the resolution of the assessed valuation determination for the County, so that we may receive tax draws. That's all the comments I wish to make tonight. Any questions?

Councilor Keen arrived at 7:15 p.m.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Ordinance No. 15-08 An Ordinance Providing For The Payment Of Litigation Expenses Including Attorney Fees For Violations Of The City Code (Prepared by the City Attorney)

Councilor Keen read Ordinance No. 15-08 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 discussion?

City Attorney Burns said shall I?

Mayor Dennis said you shall.

City Attorney Burns said this ordinance is a request by me to the Council to do what I believe is an improvement to the City Code, particularly in the area of ordinance enforcement. Currently, if the City needs to go to court and file a lawsuit, if the City prevails in that lawsuit, wins the lawsuit, they can get fines pursuant to the ordinance, but they cannot get the City attorney fees paid. It is common in my experience for cities to have such a provision, so that, if they go to court, they're required to go to court, if they prevail in court, then not only are they able to obtain the fines that the ordinance may provide, but they're also able to get reimbursement to the City for the fees that it took to collect, to go out and enforce that ordinance and to collect on that ordinance. I think it is a good change, to allow the City to request attorney fees if they win in a lawsuit. It is, after all, the function of the court to try and give complete relief wherever possible. And so when an ordinance has been violated, if the lawsuit must be filed, part of that complete relief in my view is to make sure that the City taxpayers do not bear the burden of that bad behavior, but rather the person who has been enforced against would bear that burden. I think that it encourages compliance with the Code. I think it helps improve behavior, which is, after all, what the purpose of Code enforcement is, is to try and get people to understand and follow through on the fact that the Code is there for protection of all. And I also think that it's fair,

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because it is going to be determined by the court in the same proceeding that the enforcement is taken in. This ordinance would make a change so that any violation of City Code that has to be enforced in court would have the possibility of having those City attorney fees paid. Again, it's up to the court to determine that, but in order for us to even ask for attorney fees, it's necessary for this ordinance amendment to be made. I'll be happy to answer any questions.

Councilor Keen said this is not a mandatory collection of fees, it would only be upon the request, or would that be a standard request?

City Attorney Burns said well, it would be a standard request, certainly, if we're compelled to go to court to enforce, which is a last resort, at least I would view it in the standard case that we'd be asking for attorney fees for enforcement.

Mayor Dennis said any other questions?

There was no further discussion.

Ordinance No. 15-08 passed on first reading, 7-0.

Ordinance No. 16-08 An Ordinance To Amend Ordinance No. 24-07, Fixing The Biweekly Salaries Of Appointed Officers, Employees And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana For The Year 2008 (Submitted by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 16-08 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 called on Clerk-Treasurer Rhodes to discuss this ordinance.

Clerk-Treasurer Rhodes said I would like to ask Human Resources Director Diane Foster to do a short presentation to the Council.

Human Resources Director Foster said just to reiterate what I've already provided you in your Council packets, a few years ago, when the Utility Director resigned his position, the Street Commissioner Mr. Downey was asked to assume additional responsibilities as Public Works Director, and managing the Wastewater Utility as well as the Street, Sanitation, Recycling Department. With the construction projects alone at the Wastewater Utility—you're all aware of what's going on in the City—in addition to the other projects in the City, it's more than any one individual should really have to endure, and Mr. Downey's done a great job over the last several years, but this is an attempt to separate those positions out and revert back to Utility Director and Street Commissioner positions. As you know, Mr. Henderson was appointed Utility Director in mid-April, so there are two salary ordinances that need to be amended. The Wastewater Utility has its own ordinance, as well as the salary ordinance for the other City employees. On page 6 of the first ordinance, what we are amending is changing the title—the position title Public Works Director to Street Commissioner—and the minimum and maximum biweekly and annualized salaries have been adjusted accordingly to the Public Works Director's current salary, just a different differential. The 80% is what this particular salary ordinance is going to cover in the salary. I don't know if I should jump to the next salary ordinance or wait for a vote on this one, perhaps, but—

Mayor Dennis said they're both basically—

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Human Resources Director Foster said they're tied together. The next ordinance for the Wastewater Utility—

City Attorney Burns said go ahead.

Human Resources Director Foster said okay—amendment is basically doing the same thing, in revising the position title from Public Works Director to Street Commissioner. The salary that's reflected in that ordinance is 20% of the current salary. Mr. Downey currently oversees and manages a handful of employees that deal with the collection systems and the Wastewater Utility, so we thought that was an appropriate—

Councilor Keen said I just want to make it clear that this is not an increase; this is only a redistribution of what he was already making from the different funds.

Human Resources Director Foster said that's correct.

Mayor Dennis said it actually serves two purposes. It establishes those two positions by ordinance and then funding sources.

Councilor Keen said okay.

Human Resources Director Foster said questions?

Mayor Dennis said questions? Thank you very much, Diane [Human Resources Director Foster].

There was no further discussion.

Ordinance No. 16-08 passed on first reading, 7-0.

Ordinance No. 17-08 An Ordinance To Amend Ordinance No. 25-07, The 2008 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Submitted by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 17-08 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? Again, that's basically in furtherance of what Diane [Human Resources Director Foster] had briefed us on earlier.

There was no further discussion.

Ordinance No. 17-08 passed on first reading, 7-0.

Councilor Hunt said Mr. Mayor, may I make a comment, please.

Mayor Dennis said yes, Ma'am.

Councilor Hunt said I wanted to echo what [Human Resources Director] Diane Foster said about Mr. Downey. He's done an excellent job of running two departments with lots of changes and

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lots of requirements. He's kept the Council up-to-date on best management practices, and we know all those terms pretty well. I'm sure Mr. Henderson will continue educating us. Indeed, many times when you ask the citizens what one of the best things in the City, they will frequently say sanitation. They don't know much about Wastewater necessarily, but when it doesn't work, they're very aware of it.

Mayor Dennis said well, actually, when the odor comes.

Councilor Hunt said yes. And so I also want to commend Mr. Downey for the good job he's done. Thank you very much, David [Street Commissioner Downey].

Mayor Dennis said here, here. Thank you, David [Street Commissioner Downey].

Ordinance No. 18-08 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 18-08 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 called on Clerk-Treasurer Rhodes to discuss this ordinance.

Clerk-Treasurer Rhodes said this is another request for cash flow purposes. I would ask for two readings tonight.

There was no further discussion.

Ordinance No. 18-08 passed on first reading, 7-0.

Councilor Keen said Mr. Mayor, I move that we suspend the rules and hear Ordinance No. 18-08 on second reading. The motion was seconded by Councilor Hunt.

Mayor Dennis said we'll go ahead take a voice vote on that.

The motion to consider Ordinance No. 18-08 on second reading passed by unanimous voice vote.

Councilor Keen said read Ordinance No. 18-08 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 any discussion?

There was no further discussion.

Ordinance No. 18-08 passed on second and final reading, 7-0.

Resolution No. 10-08 A Resolution To Approve The West Lafayette Public Library Capital Funds Project (Prepared by the Clerk-Treasurer) PUBLIC HEARING

Councilor Keen read Resolution No. 10-08 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.

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Mayor Dennis said discussion? I believe we have some folks from the Library in attendance today.

Mr. Nick Schenkel [West Lafayette Public Librarian] said I'm very glad to be here with you. This evening I'm joined by some members of the Library Board and members of the Friends of the Library, and I want to thank them all for being here. We're basically asking you to approve the 2009-2011 Library Capital Projects Fund, which is basically a renewal of the current Library Capital Projects Fund from 2008 through 2010. The State requires, in order for this to be approved, that it be approved by the City Council, and that the Library Board presents you with a rolling three-year plan from the beginning of the plan out three years, and so that's what we have done. There are two basic parts of the plan as we present it to you. Number one is the Library in Cyberspace, if you will. Library patrons of all ages use the Library's 40-plus public computers for searching the internet, checking emails, strengthening computer skills, writing résumés. Our records show that over 31,000 people used our public access computers in 2007, and somewhere around 400 or 500 different people used our wireless access in addition to that every month; it's really impressive, and the wireless use is just going up like this, up with a rocket, I suppose not surprisingly. Our community's library is online and is available 24/7, and, indeed, when I look at some of the statistics, there are people up at 2 o'clock in the morning renewing books online. So good for them. You can come in at any time and use the Library's online access. We're now beginning to add downloadable ebooks, and we just started today with a TumbleBook program for young people which can be accessed from home or from the Library or from wherever. Read-Along Books, it's really a nifty service, and I hope to get that out to you more soon. And secondly, of course, is the Library's place. The Library opened in May of 1923, so this is our 85th year of having a Public Library in West Lafayette, Indiana. And, of course, our current building opened in the fall of 2004. Since that time, we've had lots and lots of people, something like 20,000 people have signed up for new Library cards and, incredibly to me, they've checked out over 900,000 items—books, films, music—since the fall of 2004. We are really very well used, in terms of our collection. And in terms of the Library's place and in terms of meeting space, in 2007, we saw almost 6,000 children and parents come to the Library to use our Library, both for programming and for checking out materials, and over 4,000 adults and teens attended other programs sponsored by the Library. Thank Goodness, not all on the same day. We do have a large parking garage, but it wouldn't handle quite that many people. And so the second part of this request is to help us keep the Public Library parking garage in good repair. This garage, as you well know, is used by the Library and, thanks to an interlocal agreement, it's available to patrons of Morton Community Center. It's used quite a bit by those folks, and, of course, we know it's also used by folks coming down to the Village to do various and sundry things, such as eat lunch and go shopping and that sort of thing. This is a fund that is separate from our annual operating fund, and this fund requires your approval. Tonight we are asking for your support to continue to grow and strengthen our City's access to fast online service, which is very popular, computer services, and, of course, to support the parking garage which is also being used more and more as the years go by. We're very happy that that is indeed the case. Thank you.

Mayor Dennis said thank you.

Councilor Keen said Mr. Schenkel, could I ask you a question?

Mr. Schenkel said sure.

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Councilor Keen said could I ask you to just briefly talk about how this is not a new fund, but it's a continuing, ongoing thing.

Mr. Schenkel said correct. This is a continuing fund. We are requesting 1.3 cents as a tax rate, and it's the same rate this coming year that it would be this year. Correct.

Councilor Keen said and this is something that you do pretty much every year then?

Mr. Schenkel said yes, it is.

Councilor Burch said Mr. Schenkel, in here it talks not only about the upkeep of the garage, but the purchase, lease, repair, and maintenance of computer hardware and computer software. Do people, including children, have unlimited access to everything on the internet?

Mr. Schenkel said good question. In the adult area, we have many of the computers are unfiltered in the adult area. In the children's area, they are filtered, and we can provide unfiltered access if a parent requests.

Councilor Burch said okay, thank you very much.

Mr. Schenkel said sure. Any other questions?

Mayor Dennis said other questions?

Mr. Schenkel said thank you.

Mayor Dennis said I believe we will have a public hearing scheduled for this.

Clerk-Treasurer Rhodes said a public hearing notice has been advertised for this to be held at this Council meeting.

Mayor Dennis said so we need a motion for a public hearing.

Councilor Keen said Mr. Mayor, I move that we open the floor for a public hearing on Resolution No. 10-08.

Councilor Truitt said second.

Mayor Dennis said voice vote, all in favor.

The motion to hold a public hearing passed unanimously by voice vote.

Mayor Dennis said okay, we are now open for a public hearing. Any comment? Hearing none, the public hearing is officially closed.

Councilor Hunt said may I ask another question?

Mayor Dennis said yes.

Councilor Hunt said Mr. Schenkel, if I remember in your write-up, you had a public hearing on this also?

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Mr. Schenkel said yes, the Library Board has had a public hearing and approved this themselves. It goes to you next. If you approve it, it will then go to the State for their final approval.

Councilor Hunt said thank you.

Mr. Schenkel said sure.

There was no further discussion.

Resolution No. 10-08 passed on first and only reading, 7-0.

Resolution No. 11-08 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana, Approving An Order Of The Tippecanoe County Area Plan Commission Approving A Resolution Of The City Of West Lafayette, Indiana, Redevelopment Commission Designating and Declaring A Certain Area As An Economic Development Area To Expand The Kalberer/Cumberland/Blackbird Area And Amend The Economic Development Plan For The Kalberer/Cumberland/ Blackbird Area (Prepared by Baker & Daniels, LLP)

Councilor Keen read Resolution No. 11-08 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 discussion. I believe we have some folks. Mr. Pitman.

Mr. Thomas Pitman [Baker & Daniels, LLP] said thank you, Mayor. This is a resolution that is part of the process for expanding a current economic development area that already exists and was created by the City of West Lafayette Redevelopment Commission. The existing area, as the title says, is the Kalberer/Cumberland/Blackbird Economic Development Area. The Redevelopment Commission is proposing to expand that area. Part of the process to do so involves approval by the Tippecanoe County Area Plan Commission. That approval has been granted, and also required is your approval. If you approve this resolution, then the action will next move to a public hearing and consideration of a resolution confirming the expansion by the Redevelopment Commission. That would currently be scheduled for May 20, if you determine to proceed.

Mayor Dennis said any questions of Mr. Pitman?

Councilor Keen said I just have one comment, that it did pass APC with a vote of 12 in favor.

Mr. Pitman said thank you.

Councilor Bunder said two questions regarding this, and both of them suggested by your presentation earlier regarding the House Enrolled Act that changes how TIFs work. First, the TIFs are now limited to 30 years. That's correct?

Mr. Pitman said yes, and come July 1, there will be a limitation to 25 years.

Councilor Bunder said one of the questions that emerges is how will the TIF—or who will pay if not the TIF?—the bonds that are going to be issued during the length of the TIF? If you have a

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25-year bond and you're 10 years into the 30-year TIF, who will be responsible for making payments on those?

Mr. Pitman said even though the statute has a presumption of the term limit of either 30 years or 25 years, the statute also expressly says that, if you have debt outstanding, then the TIF District cannot expire until that debt is repaid. So debt holders are protected.

Councilor Bunder said so a TIF could continue in perpetuity, as long as it kept issuing bonds I guess?

Mr. Pitman said well, there are limits on the term of bond issues as well in the statute. So I think that the statute permits a reading that you could issue 25-year term bonds—

Councilor Bunder said on the last day of the—

Mr. Pitman said but that's something—there won't be, come July 1, the Redevelopment Commission won't have the power to issue any debt without City Council approval. So all of that will reviewed by you.

Councilor Bunder said and if the TIF goes out of business, who manages that process? Or can the TIF not go out of business until the debt's retired? And what prevents the TIF from continuing to stay in business by issuing new bonds for new projects?

Mr. Pitman said I would say that—well, certainly the oversight of the Redevelopment Commission itself and the oversight of the City Council would act as a check and balance.

Councilor Bunder said I might want the TIF to go on forever, in which case that would—

Mr Pitman said you can't have it go on quite forever—

Councilor Bunder said oh, too bad. Well, I plan on retiring soon anyway.

Mr. Pitman said okay.

Councilor Bunder said my second question regards, again, changes to the law, where TIF funds can be used only for projects that are contiguous to the TIF District?

Mr. Pitman said actually, yes. The actual terminology is "physically connected."

Councilor Bunder said okay. Could we or could we not then use TIF funds to finance projects connected with US231? Would we be able to do that or not? And you can postpone the answer to answer that another time, but that's a question—

Mr. Pitman said I think the answer is a likely yes.

Councilor Bunder said a likely yes. Thank you very much.

Mr. Pitman said thank you.

Mayor Dennis said any other questions? Thank you very much. Again, my comment is fairly generic. This is good stuff. It's the continuation of a lot of positive investment in our community,

and I think this is really going to—it really just shows well for West Lafayette, when we have that kind of development and that kind of interest in this area.

There was no further discussion.

Resolution No. 11-08 passed on first and only reading, 7-0.

COMMUNICATIONS:

► Mayor Dennis called on Councilor Keen to provide his APC report.

Councilor Keen said the only thing that was really on the APC was this Kalberer/Cumberland/Blackbird TIF that was pertinent for us, anyway, at this point in time.

► Mayor Dennis said I've got a few communications:

- City Hall now has wireless internet. And what that means is now those of you that bring your laptops to these amazing Council meetings to do research while we're in progress—because I'm sure that's what you're doing, you wouldn't be checking on the scores of the Cubs game or anything; you're not going to have access to that—the one thing is that right now it's a protected site, so if you were to log on, your User ID would be “guest” and then the Password would be “wlcityguest.” And the access point would be “wlcityap.” It reaches throughout the building, and I think also you can probably get it in the parking lot as well. So we are dragging ourselves kicking and screaming into the 21st Century.

Clerk-Treasurer Rhodes said well, I want to compliment Councilor Roales for being the first elected official, Councilmember, to log on and use the internet for reference during our Council meeting. And I also want to say that he was one of the prime instigators, when he came to City Hall, wondering where the wireless was. It's here.

- And also, most importantly, tomorrow is Election Day. So make sure you get out and you cast your vote.

- I'd also like to acknowledge [WL Community School Corporation] Superintendent Killion. Thank you very much for attending.

► Clerk-Treasurer Rhodes said I would like to acknowledge and thank the Mayor and Parks Superintendent Joe Payne and the Parks Department for making facilities available to our citizens for voting in the basement of City Hall as well as at Morton. I know Morton will also be very active tomorrow. Many citizens have utilized that, been very appreciative of that openness in City government. Thank you very much for making that possible.

► Councilor Roales said Mr. Mayor, on watching some of the proceedings on the other side of the river with the smoking ban, I noticed some procedural changes in how they handle their Council meetings. For instance, you know, they have to file amendments before the meeting by a set deadline. I didn't know if some of my fellow Councilors would be interested in discussing, maybe updating the way we handle business in the City of West Lafayette. I know our Clerk-Treasurer has made comments on ways that she thought we could improve the flow and process. I think there may be some procedural things we could look at to improve business in the City.

Mayor Dennis said make it a little more smooth.

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Councilor Roales said yes. So, I mean, if you want to think about that, we can discuss that afterwards. I'd be open to—

Councilor Truitt said I think it's a good idea.

Mayor Dennis said so do I.

Clerk-Treasurer Rhodes said I particularly think when we are in a situation where we don't have our budget order, we're approaching mid-year, we're going to be entering the new budget process, I think we need to take advantage of every tool we have to streamline our processes and use our resources wisely and our time well.

Mayor Dennis said absolutely. Thanks, Paul [Councilor Roales].

CITIZEN COMMENTS: None

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:47 p.m.

Respectfully submitted,

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