

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES

JUNE 5, 2006

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on June 5, 2006, at the hour of 7:30 p.m.

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

The Pledge of Allegiance was repeated.

Present: Griffin, Hunt, Keen, O'Callaghan, Plomin, Satterly, and Truitt.

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

MINUTES: Councilor Griffin moved for approval of the minutes of the April 27, 2006, Pre-Council Meeting, and the minutes of the May 1, 2006, Common Council Meeting. Councilor Satterly seconded the motion, and the vote was AYE.

COMMITTEE STANDING REPORTS:

STREET AND SANITATION: Councilor Satterly presented this report.

On the Motor Vehicle Highway activities, street sweeping, 172 hours; still patching potholes, 147.5 hours; have started on street painting, 59 hours. May monthly highlights, again I will mention all loose yard waste, in other words grass, clippings, leaves, small twigs, must be placed in rigid containers, tree limbs may lie on the curb line. The City does not pick up contracted work by tree services. Mosquito season is upon us, with all the recent rains. In order to prevent mosquitoes, be sure to empty any pots you have with standing water in them, fill all ruts in your yard, and clean your eaves and downspouts on your home. Watch for stopped or slowed traffic on State Street in front of Wabash Landing, and on [US] 231 near Williams Street, since there's construction going on in those locations. That concludes my report.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.

In April 2006, we had a total of 293.75 million gallons of fluid go through the sewage treatment plant. Percent treated was 98.28%. There was some overflow due to rain. There was 3.56 inches of rain during the month. There was 4.5 hours of overflow at the Wet Weather Facility, in two events. Dehart Street had 6 hours during three events. Quincy Street, 1.25 hours, two events. The wastewater utility continues to clean sewers: Sanitary sewers, close to 8,000 lineal feet, storm sewers about 5,000 lineal feet. They also continue televising sewers, 11,000 feet of sanitary, and 8,000 feet of storm sewers. That completes the report.

PUBLIC SAFETY: Councilor Keen presented this report.

For the month of May, the West Lafayette Police Department handled just under 1,300 calls, which is down roughly 10% from the month previous. During that same period, the Fire Department has been working on getting some grants. We do have a new backup generator installed at Station #2 that is up and going, which is a good thing. And we have two grants that have been applied for that would provide funding for the backup generator at Station #1. If either one of those grants are successful, then they would be sufficient to cover the cost of the generator and the installation of that generator, so that's always a good thing. Also, the SAFER,

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which is the Staffing for Adequate Fire and Emergency Response, is another federal grant that the Chief has applied for, and this would help to pay a portion of the salary and other costs to hire additional firefighters. We are working on that grant, and we'll keep you updated on that. Probably the thing that we need to talk about the most, or at least announce the most, is that there's been a lot of misinformation about the annexation and the Fire Department. Chief Drew has been trying to correct the misinformation about the timing of when the Fire Department will begin providing protection to the annexation area. Many people have the understanding that this will begin in August of this year, if the annexation becomes final by that time. But by State law, the Fire Department will provide protection one year later, in August of '07. This additional time is necessary for the building of the station and getting a new truck and everything else prepared and ready to go. That completes my report.

PURDUE RELATIONS: Councilor Plomin presented this report.

Purdue University's classes are finishing up for Maymester, and summer semester's to begin next week. It's a little bit of a break, if you've noticed the lack of traffic around campus, that would be why. I'd also like to note that the wastewater rate for Purdue University is going up next month, at the beginning of July, as is the rate for everybody else in West Lafayette. So please make a note of that. Thank you.

PARKS AND RECREATION: Councilor Hunt presented this report.

There's lots going on in the Parks. The swimming pool just opened. Group rentals are available. The pool will close on August 13. The Farmers' Market is also started, and it's now open every Wednesday at Cumberland Park, from 3:00 to 6:30 p.m. June is National Trails Month, so we should all celebrate. And the Celery Bog Footpath Wildlife Viewing Deck is completed, and it's really very pleasant. Landscaping has been installed along the Wabash Heritage Trail, north of the Harrison Bridge. Over a dozen volunteers helped clean up on a "De-Trash the Wabash" on May 20. Invasive plants are a definite problem in the community and the State, and there are still two remaining "Remove Invasive Plant" workdays, June 6—that's tomorrow, and June 7, Thursday, 3:00 to 5:00 p.m. in Michaud-Sinninger Nature Preserve in Cumberland Park. The next Park Board meeting will be June 19 at 4:30 p.m. in City Hall. That concludes the Parks report.

DEPARTMENT OF DEVELOPMENT: Councilor O'Callaghan presented this report.

The Redevelopment Commission met on May 15. They approved funds for the project to place streetlights and banner poles along Sagamore Parkway. That's part of the Sagamore Parkway Task Force recommendations. The City worked with INDOT for over a year to get permission to do that, and so we're excited that that's ready to get started and, hopefully, have the first lights ready to light by September 2, which would be Purdue's first home game. The project will definitely improve safety and promote local businesses. The Commission also sent a message to INDOT about updating the pedestrian crosswalks on Sagamore Parkway, and that was also part of the Sagamore Parkway Task Force recommendations, but having a little less luck with that. And so hopefully we'll continue to work on that, to try and improve pedestrian safety crossing Sagamore Parkway. Work is also going on down at State Street, as Councilor Satterly mentioned, turn lanes into the future Tapawingo South, and there is continued work on the Tapawingo South as well. Work on Salisbury Street, we well know, here on Salisbury Street is going on. The utility work has progressed, so that some of the construction was supposed to start on the corner of Meridian and Salisbury today didn't quite get that. The Duke trucks were

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still out there today, but up by Grant Street by the entrance to Happy Hollow Park, that started today. So that whole project, from Salisbury Street from Meridian to Riley is expected to be completed by October. Thank you.

PERSONNEL: Councilor O'Callaghan presented this report.

We do have Ordinance No. 15-06 later in the agenda, and that makes some changes to the Wastewater Treatment Utility salary ordinance. Those are changes that are just due, because of the revisions to the personnel manual that we approved last month.

BUDGET AND FINANCE: Councilor Truitt presented this report

The budget presentation schedule has been set for this year's budget cycle. There'll be two budget presentations, on June 21 and another one on June 29. I'm sure all of us are looking forward to beginning that process. I'm sure the Budget and Finance Committee will be also spending time together outside of those presentations. The Clerk-Treasurer put in front of everyone the May 2005 *versus* May 2006 comparison for the cash transactions, so I'd like to see if anyone has questions in regard to that document, and, if so, I'm sure the Clerk-Treasurer can answer those. I will start by just asking one question, Judy [Clerk-Treasurer Rhodes], if I could. From a personnel expense standpoint, we're still a little bit higher than we were last year. I was curious if there's anything going on in that regard.

Clerk-Treasurer Rhodes said as I mentioned last month, we're running about 7% higher in personnel expenses in the General Fund than we were this time last year. It reflects additional headcount in Fire. I've also provided for you one additional fund on this summary sheet, that of EDIT, because that fund was used to shift expenses out of Development in the past. I wanted you to see all the funds that are bearing personnel expenses.

Councilor Truitt said one other question: On the MVH line, the comparison column, I assume that's a formula error problem there, as far as the comparison between '05 and '06, it just carried forward to '06, is that correct? That \$332,211 is also in the comparison column, instead of a net number, or is there something else in there?

Clerk-Treasurer Rhodes said oh, yes. Just a cell got entered twice.

Councilor Truitt said okay. That's not a problem. Just wanted to make sure.

Clerk-Treasurer Rhodes said we'll redo the formula there. It just got entered twice.

Councilor Truitt said okay, that's fine. I think that's all. Thank you.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report.

The Council will be acting tonight on a resolution that comes forth from the Area Plan Commission. I think it's an important one. I just want to give a little background, that we'll be acting on the 2030 Transportation Plan for Tippecanoe County. Almost 30 years ago, we adopted the first Transportation Plan, in 1978, and our last one was updated in 2001, projected to 2025. It's worthwhile for citizens to be aware of the plans that are in this, because if you're going to be developing land, if you're going to be moving, you can actually look at where it's projected that, down the road, perhaps the quiet County road that you're planning on settling in

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on, five to ten years from now isn't planned on being quiet any more. Or maybe there's projected to be a State highway there in 10 to 15 years. So this is helpful information. It's also good, really, just to see how our community is growing and how we are trying to adapt to those changes, so that we can move people from where they live to where they recreate and where they shop and where they work.

REPORTS OF SPECIAL COMMITTEES: None.

PUBLIC RELATIONS:

Proclamation to Honor Bruno Itin

Council President Hunt said Mayor Mills has asked me to read a proclamation to honor Bruno Itin. I think the Council got a version of this earlier in the afternoon. Is it your wish for me to read it?

Council responded affirmatively.

Council President Hunt said this is a proclamation to honor Bruno Itin, his life, and his contributions to the community of West Lafayette:

PROCLAMATION

WHEREAS, on May 27, 2006, Bruno Itin, Sr. died; and

WHEREAS, it is proper to reflect upon the life of Bruno Itin, Sr. and his many contributions to the community;

WHEREAS, Bruno was born in Switzerland in 1924 and trained as a chef and baker; and

WHEREAS, Bruno emigrated to the United States, moved to West Lafayette in 1955 and opened Bruno's Pizza Restaurant; and

WHEREAS, generations of West Lafayette residents and visitors have been the recipients of his kindness, generosity, hospitality and cuisine provided by Bruno in over five decades since he first opened his restaurant; and

WHEREAS, Bruno was active in his church and was a great Purdue University sports fan; and

WHEREAS, He was a beloved leader in the West Lafayette community; and

WHEREAS, Bruno graciously supported numerous community events and causes; and

WHEREAS, Bruno always treated his employees and his customers as family; and

WHEREAS, Bruno's family has continued to carry on the grand traditions of Bruno's restaurant;

THEREFORE, BE IT PROCLAIMED BY THE MAYOR AND COUNCIL OF THE CITY OF WEST LAFAYETTE THAT WE HONOR THE LIFE AND CONTRIBUTIONS OF BRUNO ITIN, SR. TO THE WEST LAFAYETTE COMMUNITY.

PROCLAMATION APPROVED ON June 5, 2006  
[Signature spaces for Mayor and Council]

Councilor Keen said may I make a comment?

Council President Hunt said yes you may, Gerry [Councilor Keen].

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Councilor Keen said I greatly appreciate the Council taking the opportunity to do this, and I know that the family deeply appreciates it as well. I would like to make one point, though. It is not Bruno Itin, Sr., it is just Bruno Itin. He is not Senior.

Council President Hunt said okay.

Councilor Keen said so if you would make that change, I know the family will appreciate it.

Council President Hunt said I will make that change. Thank you. Actually, he was Bruno to everyone, wasn't he?

Councilor Keen said it's just Bruno Itin.

Council President Hunt said thank you. I'll take the Senior out.

Councilor Keen said okay. Thank you.

Council President Hunt said could we have a—?

Councilor O'Callaghan said can we take that by consent?

Council President Hunt said I think so. Do you want to vote on the consent, or just take it by consent?

Councilor Griffin said take it by consent.

Council President Hunt said okay, take it by consent. And I did call his family this evening, this afternoon after I returned from Minneapolis. My grandson graduated from high school. And they were going to tape it and were very appreciative. So after we get all these signatures, we'll deliver this to them. Thank you very much.

### Employee Service Anniversaries

Council President Hunt said and now we go on to the employee anniversaries for June 2006. We have five: Richard Anderson of the Fire Department has worked 25 years for the City of West Lafayette; Nancee Hetrick from the Police Department, 25 years also; David Gilbert for the Fire Department, 15 years; Betty May in Development for 15 years; and Curtis Cunningham for 30 years with the City, 25 of those were with the Police, and 5 with Development. I congratulate all of them for their many years of contributions to our City and our community.

### West Lafayette Community Beautification Award

Councilor Plomin said this month's Community Beautification Award goes to the husband and wife gardening team of Lisa Pantea and Dan Lybrook, for their beautiful gardening at their North Salisbury home. It's no wonder that it has a distinct English style, because Lisa and Dan regularly travel to England for inspiration. They have geraniums, primrose, iris, coral-bells, ginkgo, and the list goes on and on, many other beautiful varieties of plants in their garden. They were featured on the front page of the *Journal and Courier* in a recent edition, and we

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appreciate their contribution to the community. So I have here the award. Lisa, if you'd like to come up and say a few words, you'd be more than welcome.

Ms. Lisa Pantea said thank you very much for the award. I appreciate it, and I also want to recognize my husband. He can't be here. He is doing the Purdue Study Abroad Program in London now, so he's off traveling and teaching. It has inspired us to work even harder in the garden and get things ready, but I do need to warn you that we just got a construction permit to do some house renovation, so the timing was really good that the sign is in the yard for this month and not next month, because it may look a little different. But we'll continue to work hard. Thank you very much.

Councilor Plomin said thank you.

Councilor O'Callaghan said I might mention that sign. I think it is really neat to have that sign with those colors, recognizing the great gardens of West Lafayette.

Ms. Pantea said there was a bird yesterday, a baby bird that was sitting on top of the sign the whole time I was mowing the lawn. I thought it was fake and put there, but it was a real bird.

Councilor Hunt said I think the sign was Bev Shaw from Development's idea. And I think they funded it. So thank you very much. Congratulations, Lisa.

### Council Appointment to West Lafayette Police Merit Commission

Council President Hunt said during Pre-Council, we added something to the agenda, as far as we need to elect a new nominee from the Council to the West Lafayette Police Merit Commission. After Agenda Day, we all received a resignation letter from Sandra Dye, who was a member of the West Lafayette Police Merit Commission. She's our Council appointee, and she needed to resign due to military obligations. She's going to be in Guam for 120 days and Puerto Rico and some other sites, and so she's not able to make meetings, so she submitted her resignation. That resignation letter is on file with the Police Merit documents, and it is now time to discuss an appointee to fill Sandra Dye's vacancy on the Police Merit Commission. We've planned, if possible, to do the swearing in right after the vote. We wanted to get the new nominee sworn in duly well before the Merit Commission meets at 1 o'clock, or actually 12:45 on Wednesday, so the Clerk-Treasurer is going to swear in that person, if possible, after the selection. So, the rules are that the nominees, the selection needs to be nominated by a Council member, and so I guess nominations are in order.

Councilor O'Callaghan said I would like to nominate Virginia Nead, a long-time resident of West Lafayette, to replace Sandy Dye on the Commission.

Council President Hunt said okay, so we have one nominee is Virginia Nead. Any additional nominees?

Councilor O'Callaghan said I think we might need a second.

Council President Hunt said no—

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Councilor Griffin said I'll second.

Councilor O'Callaghan said you don't? Okay.

Clerk-Treasurer Rhodes said you don't need a second for nominations.

Council President Hunt said I've been advised we don't need seconds, so we'll proceed without seconds. Any other nominations?

Councilor Keen said I do have one nomination, albeit probably a moot point, as this whole thing has the appearances of having been a done deal before it even started. But I'm going to go ahead and make my nomination of Mr. Bob Troyer. I think most of us know Mr. Troyer. He's vice principal at West Lafayette High School.

Council President Hunt said I believe you submitted his résumé at Pre-Council?

Councilor Keen said yes.

Council President Hunt said thank you. Okay, so we have two nominations, Virginia Nead—

Councilor Griffin said we also received actually a couple of other ones that were in our mailbox at the end of last week and this week. I would nominate Jefferson M. Hopkins, and we all have Mr. Hopkins' résumé. He is a new citizen with quite a bit of experience that looks germane to the issues.

Council President Hunt said and we have that résumé also, right?

Councilor Griffin said yes. Are there other nominees? Hearing none, then we'll proceed and it seems appropriate that instead of an individual vote for each one, that we each vote by name. Is that okay with everyone? It seems like a logical procedure.

Councilor O'Callaghan said may we have some discussion?

Council President Hunt said sure.

Councilor O'Callaghan said because I didn't want to include in my nomination too long of a thing, but I would like to say a little about Ms. Nead. She is a former teacher and a pastor, and served as the director of pastoral services at Home Hospital. Actually, she began the chaplaincy at Home Hospital and has served two downtown churches. As a retired minister, she has extensive experience in ethical issues and would do an outstanding job, and is willing to serve on the Commission. So I would encourage the support of this nomination.

Council President Hunt said thank you. Councilor Keen, would you like to make some more comments?

Councilor Keen said yes, I would. Thank you. Mr. Troyer is a 1964 graduate of West Lafayette High School, a 1968 graduate of Purdue University, with a 1972 graduate in the Master's

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program at Purdue in Education. He moved to West Lafayette in 1956 and, with the exception of two years, he's spent the last 50 years in West Lafayette. I'm going to read a little bit of what he says here. He says, "I would be very willing to serve on the Police Merit Commission. I feel that community service is an integral part of any community. We have many talented and well-educated people in our community, and I think the Police serve a varied and integral part of our unique community with Purdue University as a focal point. In my work as a school administrator in the past 16 years, I have almost daily contact with the process of taking student handbook for the Junior High and interpreting it, and, upon occasion, enforcing various rules and guidelines contained within the handbook. I think this is an invaluable experience in the role of a Merit Board member. In my capacity as a primary administrator for the Junior High, it is imperative to keep the best interests of students, parents, and faculty in mind, by handling issues that involve potential violations." I have known Mr. Troyer for many years, as probably most of you have as well. I know he's a very honorable person, has impeccable integrity, deals with confidentiality on a daily basis, and I think that Mr. Troyer would be the best candidate, from what I've seen so far.

Council President Hunt said thank you. Councilor Griffin.

Councilor Griffin said yes. Mr. Hopkins and I spoke Friday night and, as you are aware but the public may not be, we are aware from his résumé, he has volunteer experience as a law enforcement officer, accredited as a law enforcement instructor in the State of Florida previously, and has experience also in critical instant stress debriefing, among other things.

Council President Hunt said thank you. Do I hear a motion to close nominations?

Councilor Satterly said so move.

Councilor Griffin said second.

Council President Hunt said will you call the roll?

Councilor Plomin said do we need a plurality or a majority?

Council President Hunt said it's my understanding, we need a majority of the Councilors here, which is—

City Attorney Bauman said no, a majority of the total number of Council members.

Council President Hunt said oh, okay.

Councilor Plomin said four votes.

Council President Hunt said four votes.

City Attorney Bauman said correct.

Councilor Plomin said what happens if nobody receives four votes?

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City Attorney Bauman said then there's not official action. I believe I sent you the citation as the presiding officer on that.

Councilor Satterly said do we drop the one who gets the lowest votes and then vote again?

City Attorney Bauman said well, that's up to you.

Councilor O'Callaghan said it might be moot.

Councilor Satterly said since we have three candidates. We could have nobody get four votes.

Council President Hunt said which one is it? The majority vote. Okay.

City Attorney Bauman said yes.

Council President Hunt said this is the Indiana Code?

City Attorney Bauman said yes. Indiana Code Section 36-4-6-11, "A requirement that an ordinance, resolution, or other action of the legislative body be passed by a majority vote, means at least a majority vote of all the elected members."

Councilor Satterly said it doesn't say what we do if we don't get a majority?

City Attorney Bauman said well, you have not made an appointment to the Merit Commission if you don't have a majority.

Councilor Satterly said then what's the next step if we don't?

Council President Hunt said do we vote again?

Councilor Griffin said I don't think we can vote tonight. We cannot vote tonight on the same issue, can we?

City Attorney Bauman said except by reconsideration.

Councilor Satterly said then we'd have to go through the nomination process again.

Council President Hunt said in a different meeting. Right.

Councilor Satterly said we could do it at the same meeting.

Councilor Truitt said if it's reconsidered.

Council President Hunt said if it's reconsidered. So we have a motion on the floor to close nominations.

Councilor Griffin said second.

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Council President Hunt said will you call the roll, please.

Clerk-Treasurer Rhodes said on the motion to close nominations?

Council President Hunt said yes.

Councilor O'Callaghan said that could just be by voice vote.

Council President Hunt said by—okay.

The voice vote to close nominations was AYE unanimously.

Council President Hunt said it looks like we've closed nominations. Thank you.

Councilor O'Callaghan said may I make one more comment, please?

Council President Hunt said yes.

Councilor O'Callaghan said I just think that the kinds of things that we're looking at with the Police Merit Commission appointment would be a certainly unquestioned ethics, a strong person that can make their own decisions, and somebody that would be not unduly influenced by the Police officers, other members of the Commission, or anyone else. And I do think that Ginny's [Ms. Nead's] reputation in the community and her experience as a minister leads me to believe that she would be the very best person for this position. I am grateful that other citizens have stepped up and expressed interest in this, and I hope that if they're not appointed to the Police Merit Commission, that they would be willing to serve the City in other capacities as those opportunities arise.

Council President Hunt said are there any other comments? Councilor Keen, would you like to make any more comments?

Councilor Keen said no, thank you.

Council President Hunt said Councilor Griffin?

Councilor Griffin said nope.

Councilor Plomin said I would like to comment, please.

Council President Hunt said I'm sorry, Matt [Councilor Plomin].

Councilor Plomin said I think it's very impressive that Mr. Troyer has taken such a longstanding interest in our community, his community. He's lived here for 40 years, 42 years—

Councilor Keen said over 50, actually.

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Councilor Plomin said and has been an active member in our schools and in our community overall. I think when we look at this nomination and this position, we need to find somebody who, I agree, will be not unduly influenced and has also shown a deep commitment to our community, and I think that Bob Troyer has shown that commitment and, through his work at the West Lafayette Junior-Senior High School, he's proven that. And I think he will continue as a great appointee to the Merit Commission.

Council President Hunt said thank you. Councilor Griffin?

Councilor Griffin said no.

Council President Hunt said okay. I take it we're ready for the vote, so let's review. Our names will be called and we will vote my name of the nominee that we support. Is that clear?

Councilor O'Callaghan said yes.

Council President Hunt said call the roll, please.

<b><u>Nead</u></b>	<b><u>Troyer</u></b>
Griffin	Keen
Hunt	Plomin
O'Callaghan	Truitt
Satterly	

Clerk-Treasurer Rhodes said Ms. Nead received four votes.

Council President Hunt said so Ms. Nead is the Council's appointee. Can we stop now and do the swearing in?

Clerk-Treasurer Rhodes said yes, but you were given the oaths, not me.

Council President Hunt said oh, it's in my mailbox. I don't have it. I'm sorry. May I go get it? I thought you had it. I'm sorry. Could somebody else go get it?

Councilor Plomin said is it true that Ms. Nead's name was on the oath of office before the Pre-Council meeting?

Council President Hunt said I didn't see it. Did you see it? I can't answer, except I did not see it.

Councilor Plomin said I didn't see it, but it was seen by many others who told me it was, and I just wanted to verify that.

Councilor Griffin said I want to say, as one who lost his first City Council race several years ago, that it's admirable that all four of these, and I know there were some other people who expressed some interest, but it was admirable that we had four people who submitted their résumés for appointment, but I want to reiterate I don't know whether Patti [Councilor

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O'Callaghan] shares that same experience. I don't recall her political experience as well as I recall mine, but I also want to thank you all for saying that you're willing to do this, putting your name on the line and really encourage you. There are many, many ways that your interest in community service can be served here in our City, and I would encourage you to be persistent. Thank you.

Council President Hunt said any other comments?

Councilor Keen said I would like to expound on my earlier comment, since Mr. [Councilor] Plomin attempted to bring it up. It was brought to our attention at Pre-Council that Ms. Nead's completed oath of office form had been laying on a desk in City Hall as of last Thursday. I find that very disturbing. That doesn't mean that Ms. Nead is not a qualified candidate. She could be an excellent candidate, and I applaud her for applying for this job. I just find it very disturbing that this kind of information comes out prior to a vote on an issue. Like I said at the beginning, I think this was all just an exercise in futility. It was a done deal before it was started, and I feel very strongly about that, and I apologize to the citizens for that.

Council President Hunt said any other comments?

Councilor Griffin said yes, I'd like to make comment to that. I made my decision tonight. That's all I would respond, Mr. [Councilor] Keen.

Councilor Keen said I can appreciate that.

Councilor O'Callaghan said I guess I'm also just very surprised, because I didn't receive anything ahead of time. I don't know if anybody else did. I don't know where anybody would have seen any document.

Councilor Keen said I believe the information was found on the Mayor's secretary's desk by the Clerk-Treasurer and others.

Clerk-Treasurer Rhodes said yes. I stated at Pre-Council that the oath had already been prepared with Ms. Nead's name on it, before Pre-Council, and I asked the Democrats if they had caucused in making a decision on this nomination, presuming that's why the oath had already been prepared.

Councilor Griffin said and what response did you have?

Clerk-Treasurer Rhodes said the response was, "We couldn't have, because Mr. [Councilor] Satterly was out of town."

Councilor Satterly said that's right.

Councilor O'Callaghan said that we did not.

Councilor Griffin said I don't recall that response. I recall the response being that, "No, we have not."

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Councilor O'Callaghan said we did not.

Councilor Griffin said in fact, we couldn't have, because he's been out of town.

Clerk-Treasurer Rhodes said right. That's the gist of what I just said.

Councilor O'Callaghan said I guess I didn't think to ask, because I was just so surprised by that information, where the information came from. So now I hear that it was on the Mayor's assistant's desk? Is that where the information was?

Clerk-Treasurer Rhodes said the oaths were prepared, and they were on the desk of the Mayor's assistant, whom I asked, "Are those the oaths for the Police Merit Commission?" I received the answer. I asked whose name was on them. I received the answer.

Councilor O'Callaghan said just very surprised.

Council President Hunt said okay, could we do the swearing in. And I might say that we prepared a blank oath of office before, and the Clerk-Treasurer has now put in Virginia Nead's name, and we'll now have the swearing in. So, Ms. Nead, will you come forward, please.

Clerk-Treasurer Rhodes administered the oath of office to Ms. Nead.

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said as Budget Chair Truitt mentioned, we're beginning the budget process. We base the budget process on the June 30 midyear close. At that point, we're able to estimate all the revenues and work the budget forms. The highlight recently has been the City has received its second distribution of Certified Technology Park increment from the Purdue Research Park. We've received almost \$676,000. Together with the amount we received last year, that's over \$1.1 million that's been received from the Certified Technology Park. That represents increment captured from income tax on payroll paid in the Certified Technology Park—sales tax as well. These monies are under the control of the Redevelopment Commission for projects that benefit the Research Park.

The second item I wanted to bring up was the Wastewater Treatment Utility rate review. Last month, we had financial advisors for the utility here, doing a presentation on the financial status of the utility, presented us with a potential debt structure to finance the digester renovation project at the plant, and also let us see the numbers on the proposed rate increase of 10% July 1. As you know from my communication with them, I've requested a correction of their revenue. There's an error that led to a nearly \$1 million underestimate in revenues for the utility over the next four years. Today, we have a claim filed to pay them \$12,230 for work to date, but I haven't seen the report corrected. I would urge the members of the Wastewater Treatment Committee and the Council at large to join me in requesting that the presentation they prepared for us last month is revised, so that we do have documents that we can provide the public that more accurately reflect the financial condition of the utility. By statute, I'm head of the Department of Finance, but I'm going to need your support, if we're going to see this report revised in a timely fashion, so we can get the best information to the public.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Council President Hunt said any comments? Thank you very much. Any comments on the report?

Councilor Keen said can we make any kind of a motion on that?

Councilor Truitt said from a support standpoint, you mean?

Councilor Keen said yes, well I'm just saying I don't think we should pay the bill until we get the report. I think it's pretty simple.

Councilor Griffin said we've gotten the report and they've given us revisions subsequently. I'm a little unclear—

Clerk-Treasurer Rhodes said a little unclear what they need to fix?

Councilor Griffin said no, I'm not unclear on that. I'm a little unclear on what the concern is, since we know what the changes are that they made subsequent to the first report. Isn't that correct?

Clerk-Treasurer Rhodes said well, my concern is that the utility's financial advisor no longer comes to the Council in a work session. Before they do a public presentation. They simply come here, so that all the community knows is what they heard that night. They saw these kinds of graphs, and there are many, and those are incorrect. If the process is not going to be one of work session, but it's simply going to be public presentation, public information and presentation in one go, then I think it's pretty important for the public that the presentation is corrected and made available. At least if we had them correct the written material, we could make it available through a link on the City's website. All they did was correct one page, one schedule, even though as you saw in my email, many schedules needed to be corrected, and surely looking through your presentations, many of the graphs have to be corrected. The Council may, at some level, have made a decision what they wish to do. But that's separate from the issue that, if we know there's something materially wrong with the information we gave to the public, we ought to have it corrected. That's all I'm simply asking.

Councilor O'Callaghan said I'm sure that they have the corrected information. They sent it to us and I've put their new page 15 in my old page 15, and I'm sure it would not be difficult for them to do that. I'm sure they had to generate new ones in order to produce this new page 15, and I'm sure it's something that they'd be very willing to do.

Councilor Griffin said so what is the timeframe?

Clerk-Treasurer Rhodes said well, I made the request. I haven't heard from them, but the utility—

Councilor Griffin said what is the timeframe you're looking for?

Clerk-Treasurer Rhodes said would like to pay them—

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

City Attorney Bauman said have you asked Mr. [Public Works Director] Downey who is wastewater superintendent for this?

Clerk-Treasurer Rhodes said I asked—

City Attorney Bauman said yes or no.

Clerk-Treasurer Rhodes said yes. I have through email which he was copied to, and the Mayor was copied to, and so he's fully informed of all the correspondence that went on, because all of that was copied on an email to him.

Council President Hunt said may I ask that we make a friendly request to Umbaugh, who we've dealt with for how many years?

City Attorney Bauman said I'm sorry?

Council President Hunt said make a friendly request to Umbaugh for corrections to these pages.

City Attorney Bauman said I'm sure Mr. [Public Works Director] Downey, if he was requested to do that, would be happy to pass that along.

Councilor O'Callaghan said and I, for one, do not want another whole set of copies, but to have it put on the website and be available in the Clerk-Treasurer's Office. That would be great, but I don't need all these reproduced again, thank you.

Councilor Keen said I don't think that was what we were asking for.

Councilor O'Callaghan said right.

Councilor Keen said we're just asking for the corrected information.

Councilor O'Callaghan said right, and I'm sure that would be very easy for them to do, and I'm sure they would be willing to do it.

Councilor Plomin said I would definitely like a set of copies in electronic format at least, because the changes that they missed—they missed \$1 million—that has ramifications, not just in the pages they corrected, but in many other pages throughout the report. And it would be interesting to see, after those get inputted, what it does with our rate schedule. I understand our debt service is going to be—a reserve to cover the debt is a lot more than we actually need, so we may not need this 10% hike that's going to go into effect next month for all the ratepayers. We may be able to repeal that, maybe in July or issue a repeal sometime in the future.

Councilor Truitt said I personally agree. I think that Umbaugh should revise the documentation. I think Umbaugh—

Councilor O'Callaghan said they will, I'm sure.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Councilor Truitt said well, I'm sure they probably will. I agree with you, but to make decisions like this—we're talking millions of dollars—doing it on misinformation is a little frustrating. Now people make mistakes, and I think that— One question I do have, as far as this underestimate is concerned is how did that come about? Did they find it?

Clerk-Treasurer Rhodes said no. I actually was aware of it last month, on May 1, when they presented to the Council. But I didn't ask them about it, because I assumed the Council was going to have a work session with them, and I thought that would be a better venue, because they were doing a PowerPoint presentation, very simplified, for the public largely. I made my point about the funds needing to be corrected, but this was more of a problem that affected many things in the report, and I thought surely it would affect the Council's discussion, in terms of the structure of the debt, as well as the rate increase. I believe City Hall was closed the next day, so on Wednesday morning, I came in and I emailed them. What was apparent, from looking at their schedules and comparing it to the audited financial statements in the utility and in their general ledgers that the financial manager produces, is that a refund of nearly \$184,000 no longer appeared as an expense. The slot where refunds are reported in their annual report was simply blank. There wasn't even a zero there. Therefore, I wondered how they had handled it. Their cash flow statements also looked strange, not showing that outflow. You saw the email in which I asked them, "How have you handled the refund?" And what they had done is netted it against current operating revenues, and then used that adjusted base to forecast revenues four years in the future. That, of course, had a material effect on the revenue projections. My request is really nothing other than Generally Accepted Accounting Standards would require. I don't believe it's a request that needs necessarily to go through a series of individuals. It's a request of one finance person to another. I'm just puzzled why we've come to this Council meeting and we don't have the corrections yet. And more puzzled when I saw the claim filed today to pay them. I would like to see the corrections done in a timely manner. We're paying them to do the job right, so I'd like them to do it for us.

Council President Hunt said I think we could direct Wastewater Director Downey to ask for timely electronic...and then we wouldn't waste the paper and we could—

Councilor O'Callaghan said exactly.

Council President Hunt said does that meet your pleasure?

Clerk-Treasurer Rhodes said yes.

Council President Hunt said then we'll do that. Mr. [Public Works Director] Downey, so instructed, please. Thank you very much. Thank you, Clerk-Treasurer.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

UNFINISHED BUSINESS:

Ordinance No. 14-06 An Ordinance To Amend West Lafayette City Code Chapter 60.00 Concerning The Requirement Of An Information Sheet To Be Posted With Fire Alarm Control Panels (Prepared by the City Attorney) Councilor Griffin read Ordinance No. 14-06 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 Satterly.

Council President Hunt said we have the ordinance presented and seconded for second reading. Chief Drew, would you like to make any comments? I know you did it last month. Would you like to again, please?

Fire Chief Drew said I can give you an example from just this past month on how this ordinance will be helpful. There was a business, their alarm system took a lightning strike. As a result, we had about a week's worth of false alarms, until we figured out what the cause was, and the cause was lightning. But in the meantime, the detectors would keep going off, and most detectors will have a certain indicator, showing which specific detector is causing the problem. But in this particular case, their system had a variation, and with this ordinance, we would know that going in, because it would be posted right on the control panel, and that would be very helpful.

Council President Hunt said any questions of Chief Drew? Thank you very much? Any other comments or questions? Are you ready for the vote?

There was no further discussion.

Ordinance No.14-06 passed on final reading, 7-0.

NEW BUSINESS:

Ordinance No. 15-06 An Ordinance To Amend Ordinance No. 18-05, The 2006 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 (Presented by the Board of Public Works and Safety) Councilor Griffin read Ordinance No. 15-06 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 Satterly.

Council President Hunt said any questions or comments? This is the Wastewater Utility Salary Schedule. Mr. [Public Works Director] Downey, would you discuss it or—?

Councilor O'Callaghan said these are just the changes from the personnel manual.

Council President Hunt said okay. Any questions of anyone? Any questions? Are you ready for the vote?

There was no further discussion.

Ordinance No. 15-06 passed on first reading, 7-0.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Councilor Griffin said I believe there's a need to suspend the rules. I move to suspend the rules to consider Ordinance No. 15-06 on final reading at this time. The motion was seconded by Councilor Satterly.

Council President Hunt said and this needs to be a—

Councilor Griffin said we need to vote on this.

Council President Hunt said unanimous vote. Any comments or questions?

Councilor O'Callaghan said we can do a voice vote on this.

The voice vote to suspend the rules to consider Ordinance No. 15-06 on second reading was AYE unanimously.

Councilor Griffin said I place Ordinance No. 15-06 on the table for second reading at this time, move for passage, and the vote be by roll call. The motion was seconded by Councilor Satterly.

Council President Hunt said will you call the roll again, please?

There was no further discussion.

Ordinance No. 15-06 passed on final reading, 7-0.

Ordinance No. 16-06 An Additional Appropriation (Police Merit Commission, Legal, Cumulative Firefighting Building and Equipment Fund) (Prepared by the Clerk-Treasurer) Councilor Griffin read Ordinance No. 16-06 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 Satterly.

Council President Hunt said anyone have questions or comments? You have details on this in your ordinance. Do you want me to move where we're moving the additional appropriation? We all have it. Are you ready for the vote?

Councilor Keen said I had a question.

Council President Hunt said yes.

Councilor Keen said under the General Fund, additional Legal Expenses paid in 2006 for 2005 services. What services were rendered in 2005 that we paid in 2006, and why? Was there a delay in getting those, or is there reason for that?

City Attorney Bauman said because the budget ran out in 2005. That work mostly involved hearings of the Police Merit Commission.

Councilor Keen said is it assumed that the additional \$59,000 would cover for the rest of the year in '06?

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Council President Hunt said it does say that, it's expected.

City Attorney Bauman said that's the assumption. I would hope that there would be money left over.

Council President Hunt said it does say, "expected expenses for the remainder of 2006."

Councilor Keen said yes, I know. I just wanted to hear him say it.

City Attorney Bauman said in addition to the billings from 2005 they carried over, there was also quite a bit of work on the personnel manual. At the time the budget was prepared for 2006, nobody told me they were going to do that kind of comprehensive revision on the personnel manual. My office, Ellen Klausen, provided a lot of support to do that project.

Clerk-Treasurer Rhodes said in fact, we owe the City Attorney over \$3,800 for general City legal work, not related to the Police Merit Commission that we haven't been able to pay, because the expenditure is greater than the appropriation.

Councilor Plomin said did you say \$3,800?

Clerk-Treasurer Rhodes said yes.

Councilor Plomin said this is a \$59,000 appropriation.

Clerk-Treasurer Rhodes said yes.

Councilor Plomin said okay. So this will cover that and then some?

Clerk-Treasurer Rhodes said well, I hope.

Councilor Plomin said what caused the delay in us getting the bills for these '05 services? We're halfway through '06 already.

City Attorney Bauman said I think I just explained that to you. There wasn't money left in 2005 to pay it.

Councilor Plomin said okay, but it's June of 2006 now. Usually, I get a bill for my cell phone four days after the month is up.

City Attorney Bauman said the City has had the bills now. The point is the 2006 budget, a significant part of it, was used to pay the billings that carried over from 2005.

Councilor Plomin said oh, so we're not talking about a billing delay.

City Attorney Bauman said no.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Councilor Plomin said we're talking about the '05 bills carried over in '06, and we used the money, and so there's no more money in the account, so we need to have more now.

City Attorney Bauman said yes.

Councilor Plomin said that'll carry us through the end of '06?

City Attorney Bauman said I'm hopeful that it would, and I would be quite pleased if there would be money left. Again, we do what different departments ask us to do, and we're not in control of that.

Councilor Plomin said the way this is worded gives the impression that we just now received bills for '05 services, and I wanted to make sure that that wasn't the case.

City Attorney Bauman said no, not the case.

Councilor Plomin said thank you.

Council President Hunt said any other comments or questions? Will you call the roll?

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Griffin	Keen
Hunt	Truitt
O'Callaghan	
Plomin	
Satterly	

Ordinance No. 16-06 passed on first reading, 5-2.

Resolution No. 13-06 A Resolution To Amend The Comprehensive Plan For Tippecanoe County To Include The Transportation Plan For 2030 (Submitted by the Area Plan Commission) Councilor Griffin read Ordinance No. 13-06 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 Satterly.

Council President Hunt said any comments or questions?

Councilor O'Callaghan said I guess I might just mention that John Thomas from the Area Plan Commission was at our Pre-Council meeting and did a nice job explaining the things in the Transportation Plan for 2030, as Councilor Griffin did as well in the beginning of the meeting with the APC report.

Council President Hunt said there was a meeting here one afternoon several weeks ago that I went to of some engineers, where they discussed it, and then it was discussed at—I don't know the exact name of the committee where we meet and—

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

Councilor O'Callaghan said it's the Citizens' Participation Committee.

Council President Hunt said and then there was another one where Mayor Mills and I represent the Council—

Councilor Griffin said there's a technical committee also.

Council President Hunt said and so that was approved there, too. It is quite comprehensive. Are you ready for the vote?

Councilor Plomin said I would like to make a comment.

Council President Hunt said yes.

Councilor Plomin said one thing I particularly like about this Transportation Plan is, if you look on pages 6 and 7, it includes not just roads and State highway streets and local streets, it includes CityBus and other modes of transportation like bicycle and pedestrian transportation, too, and I think that's a very important part, especially on the west side of town, for the community's transportation needs.

Councilor Griffin said and the Plan specifically states that all future improvements need to include sidewalks, bicycle lanes, or a combination of the two, where appropriate, to accommodate for not only recreational cycling, but—

Councilor O'Callaghan said transportation.

Councilor Griffin said but purposive, which of course includes recreational cycling.

Council President Hunt said any other comments or questions? Are you ready for the vote?

There was no further discussion.

Ordinance No. 13-06 passed on first reading, 7-0.

Resolution No. 14-06 A Resolution Requesting The Transfer Of Funds (Mayor, Clerk-Treasurer, Police, Cumulative Firefighting Building and Equipment Fund, Cumulative Capital Improvement) (Prepared by the Clerk-Treasurer) Councilor Griffin read Resolution No. 14-06 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 Satterly.

Council President Hunt said any questions or comments?

There was no discussion.

Resolution No. 14-06 passed on first and only reading, 7-0.

COMMUNICATIONS: None.

COMMON COUNCIL MEETING MINUTES, JUNE 5, 2006, CONTINUED

CITIZEN COMMENTS:

Councilor Plomin said I'm very pleased that at 8:30, it is still light outside.

Councilor Truitt said second.

ADJOURNMENT:

There being no further business at this time, Councilor Griffin moved for adjournment. Motion was seconded by Councilor Truitt and passed by voice vote, the time being 8:33 p.m.

Respectfully submitted,

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