

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JULY 2, 2007

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on July 2, 2007, at the hour of 7:30 p.m.

Mayor Mills called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Griffin, Hunt, Keen, O'Callaghan, Satterly, Truitt

Absent: Plomin.

Also present were City Attorney Bauman, Clerk-Treasurer Rhodes, Director of Development Andrew, City Engineer Buck, Public Works Director Downey, Police Chief Marvin, and Parks Superintendent Payne.

MINUTES: Councilor Griffin moved for acceptance of the minutes of the May 31, 2007, Pre-Council Meeting, and the June 4, 2007, Common Council Meeting. Councilor Satterly seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

STREET AND SANITATION: Councilor Satterly presented this report.

Thank you, Madam Mayor. On the public works June highlights from the Motor Vehicle Highway, Salisbury Street Safety Project Phase I from, roughly, Meridian to Riley was officially dedicated. Tapawingo South was officially dedicated. The Cattail Trail is now reopened. On sanitation and recycling, please help us improve service and comply with stormwater regulations. Do not put grass clippings or leaves in the curb line. Put them in a rigid container, so they are easier to move and will not clog the sewer lines. As to the revised trash and recycling schedule, to take into consideration that City services will not be provided on Independence Day, Wednesday's trash and recycling is moved to Thursday, Thursday's trash and recycling is moved to Friday, Friday's brush routes are cancelled. That completes the report.

Mayor Mills said all right. Mr. [City Engineer] Buck has a very short—it's really just a video—presentation that we want to insert here.

City Engineer Buck said I just wanted to put together real quick just "before" and "after" kind of picture, slide show to show you, because it's real easy to forget, once you finish a project, what it used to look like. So I brought back the old files, the photographs that I took before the project, when I came and asked you guys for the appropriation to do this project in the first place in 2005. Here's a comparison between what it used to look like before and what it looks like afterwards. And this is at the north end of the project, next to Riley and I'm walking down the west curb line and I'll walk back up the east one. And here's the "after." We got the utility poles out of the way, in the back behind the sidewalk, and we're able to even get some small grass strip, grass lawn areas behind the curb, to provide more safety to the pedestrian on the sidewalk. Down a little farther, just an example of some of the many sections of curbs that were broken out and what we were able to replace it with. One of the many crosswalks that had a ramp that really wasn't a compliant ramp, and what we've replaced it with. That's looking

at the Grant Street intersection, you can also see on up there, there was this famous utility pole with the word "Bike Lane" in front of it, and what we replaced it with. And then looking back at the intersection, there was a hedge that blocked everybody's vision, if you were a pedestrian, if there was anybody coming at you in the turn lane or not, and what it looks like now. And this is standing on the south side of the intersection looking north and what it looks like today. This is one of the many driveways that we replaced as a part of the project that had been deteriorated and what it looks like today. We replaced the school zone flashers on the north side of Happy Hollow [School]. We had several complaints it was hard to see this one, coming off of Forest Hill [Drive]. It was right above your head, you weren't sure if it was on or not, and we replaced them with one on each side of the road, and you can kind of barely see it. The one that's on the left side of the road is over there in that grass strip on the other side of the street, so it's a lot more visibility to the school zone flashers. Almost to the school, walking south, there was a really tight spot with this utility pole and the fence, and this is what it looks like now. And then coming up the other side, we put a wider sidewalk in front of the school and got the utility poles back out of the way. That's an eight-foot sidewalk now that's out there. On up, there was the famous retaining wall that had served its purpose and had its usable live come to an end, and we put a new retaining wall in and a six-foot adjacent sidewalk here. There was a lot of steep driveways and things on this side, and we couldn't get the grass strip to fit in right here without having to buy a bunch of right-of-way or take a driveway all the way up to somebody's garage. Then the old retaining wall at the water tower, we were able to work with the water company, and by letting us go farther onto their property with the right of entry, we were able to just eliminate this retaining wall altogether and just put a sloping hill there, so that there's no maintenance needed, other than mowing. So that fence can just sit right there on the grass in the yard. Then looking back up—this is up past the cemetery, just up by Grant Street, what is used to look like and what it looks like now. Next up is Phase II. We met with the homeowners on this phase, starting at Riley Lane, we'd like to take it up to Rainbow [Drive] and begin construction, hopefully, on that in 2008. We're about halfway done with the design, and we're at the point now where we're starting to work with each homeowner to acquire right-of-way where needed, and just to work out the details of exactly what the design will be in front of their home. Thank you.

Mayor Mills said thank you, Dave [City Engineer Buck].

Councilor O'Callaghan said yea.

Mayor Mills said thank you. Dave [City Engineer Buck] had the pictures put together last week, after we did the ribbon-cutting, and he went out and took pictures from the same exact spot. I've enjoyed it every day, because I drive that way back and forth to work so many times, but to go back and look at the old and see what the improvements are now, I thought was worth all of us seeing. So thanks, Dave [City Engineer Buck] for putting that together.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.

Thank you, Madam Mayor. Total flow for the month of May was 211.77 million gallons. Combined sewer overflow was 1.209 million gallons. There was one overflow event at the Wet Weather Facility for two hours, 0.25 million gallons; Dehart Street overflow, three events, two hours, 0.001 million gallons; Quincy Street, two events, 1.08 hour, 0.958 million gallons. That's the total 1.209 million gallons of combined sewer overflow. The percent treated in the plant was 99.43%. As far as projects for the wastewater utility, the Barberry Lift Station is under construction. The Salisbury Street Sewer Enhancement is under construction. That's a

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separation of the sanitary sewer and the storm sewer, so we have a separated system instead of a combined system there on the lower part of North Salisbury. That completes my report.

Councilor O'Callaghan said I wondered if this might be an appropriate time, since we're talking about wastewater, to talk about the EPA award.

Mayor Mills said Mr. [Public Works Director] Downey, did we bring that plaque?

Public Works Director Downey said no, I did not.

Mayor Mills said oh.

Councilor O'Callaghan said it is just so exciting, since it's the only one—one of only 30 in the country, and the first time ever an Indiana city has received this.

Mayor Mills said thank you. We intended to show it tonight, and we forgot. Last week, Kari Evans [Policy Director] from the Governor's Office was here to present the Wastewater Treatment Utility with a PISCES Award. It is the first award that's ever been given in Indiana. This is only the second year of the awards, but we're the first Indiana community to win it. There were only 30 awards given across the United States, and it's for innovation in environmental design, and we won it for the digester upgrade, the digester renovation that we are beginning. We are going to employ a fats, oils, and grease segment of that upgrade, so that we can use the fats, oils, and grease that are collected to be a food source for the bacteria that digest all the solids. The methane that's normally produced during that process will be captured to not only reheat the digester, but to actually serve as the power source for the plant itself. We're proud of that. It's kind of cutting-edge technology. They use it a bit on the west coast now, but we're the first community in the midwest to try it. Over the course of 20 years, we should realize about \$9 million worth of energy savings. So that's why we got the award. Next month, we'll actually have the plaque here to show you. We'll remember to do that. Thank you, Councilor O'Callaghan, for reminding us of that.

Councilor Truitt said that deserves a round of applause.

PUBLIC SAFETY: Councilor Keen presented this report.

Thank you, Madam Mayor. For the month of June, it was a busy month for the West Lafayette Police Department. However, the calls for activity and service were down by about 15% from the month previous. I can't imagine why. It should be noted that, during the month, the department did continue to participate in the grant-funded traffic safety enforcement programs, along with the other area agencies, and they worked a red-light enforcement program. They also participated in a large variety of training programs. It would be on the website, if you want to go look at that, but there's several of them there. One I did want to talk about is they actually hosted the training for the instructors to teach the Rape Aggression Defense [RAD] class. Now that the instructors have received their training, they have actually scheduled their first RAD class, as it's called, and that will be held on Tuesdays during the month of September, and applications to attend the training will be available on the website beginning this Friday, July 6. They also hosted the Basic Spanish for law enforcement class for the U.S. Attorney's Office, Northern District of Indiana here at the West Lafayette Police Department. And that completes that report, or that part of it, I guess I should say. The West Lafayette Fire Department the same period of time was busy. I'm going to back up here a bit. We want to talk about new trucks. The new fire truck, the manufacturer has advised us that the first fire truck will be

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completed and ready for inspection on July 30, and the second truck will be ready on July 31. We anticipate completing the final inspection and driving them both from Wisconsin to West Lafayette on August 1, as scheduled. The temporary fire station, the work has started, to upgrade the Parks building, and it will be used as a temporary fire station. The contractor is, again, on track to have that completed by August 17. Also, there was an apartment fire at Franklin Park on June 12, and, again, this is one of those things from a timing manner, it emphasizes the importance of response time planning when determining the permanent location of Station No. 3. The Fire Department was dispatched at 4:00 a.m. and they were there at 4:02 a.m. Upon arrival, the fire was found to be spreading from one apartment balcony to the attic in the roof of the other parts of the building. Again, it just goes to show that a one or two minute longer response time would have meant an even larger fire upon arrival, and a much larger loss of property. That completes my report.

Mayor Mills said thank you, Gerry [Councilor Keen]. I'll just add a note about the Rape Aggression Defense Class. Our officers went through the training, had very good feedback from that. They're very excited to be able to teach this class now, so I encourage anyone who wants to learn some great self-defense to consider signing up for that class in September. They are very excited to be offering it. I think it will be very good for us to offer as a community.

Councilor O'Callaghan said Mayor?

Mayor Mills said yes.

Councilor O'Callaghan said excuse me. There's also—the Police Department received an award this month, with the 2007 Law Enforcement Partnership Award. I thought it might be appropriate to bring that up as well. That was for their involvement with the internet predatory sting operation, and also hosting meetings and trainings for the U.S. Attorney's Office. The award was given by the U.S. Attorney's Office, so we want to congratulate Chief Marvin on that award, as well.

Mayor Mills said thank you, Councilor O'Callaghan. We're very lucky, with our new police facility, that we have the space now to be able to host some of the trainings and meetings, and we try to take advantage of that. We often get a good deal on the classes for our officers by hosting it for the surrounding jurisdictions, so it's a good thing for us all around. We have the space and we're using it, and then we get a discount because we're willing to host those things. So I thank the Chief for always being willing to set those up and work with everyone outside, to make sure we have the trainings here. Thank you, Patti [Councilor O'Callaghan].

PURDUE RELATIONS: No report.

PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you, Madam Mayor. First of all, there are several meetings we need to talk about that are actually kind of fun meetings. Riverfest is scheduled for this coming Saturday, July 7, from 9:00 to 5:00 in Tapawingo Park. Last year we had—and we won—the dragon boat races, and they have alternatives for those races this year. The dedication of Lincoln Park is a week from tomorrow, July 12—a week from tomorrow? A week from Thursday, July 12—at 5:00 p.m. in Lincoln Park. It's a charming little pocket park down on Lincoln Street. Dancing in the Streets will be 4:00 p.m. to midnight on July 21 in Tapawingo Park and downtown Lafayette, and that's fun. And also, thanks go to 10 members of Lafayette Boy Scout Troop 307 for working more than 20 hours to remove trash from Michaud-Sinninger Woods in Cumberland Park on June 22.

We thank the Boy Scouts. The next Park Board meeting is July 16 at 4:30 in City Hall. That ends my report. Thank you.

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

Thank you, Mayor. The Redevelopment Commission met on June 18. They passed appropriations from the KCB TIF Fund for engineering work for Yeager Road improvements. That's an exciting thing to be thinking ahead and working with the County on improving Yeager Road to the new northern City limits, and then the County taking it the other way. And also from the Levee/Village TIF Fund. They also transferred some funds from Equipment to Building Fund, to cover the bids for the temporary fire station, so that that can be completed by August 17. Had to pay a premium to get it done by August 17, but it's important to have it done by then. And they signed a two-year lease with the Park Board, so indeed that temporary station is temporary. It will be two years or less. The Redevelopment Commission also heard a report on the TIF District allocations, and they decided to pass through an additional \$2.6 million of AV to the City's general AV. Now, this is in addition to the \$18 million that they passed through last year, and so that's a total of \$20.6 million. It's a testament to how well the TIF Districts are doing, to be able to attract the development and increase the assessed valuation, and so now can pass that \$20.6 million through to the City's general AV. I also want to note that the Engineering Department received an award this month—It was an exciting month for West Lafayette, and thank you for the media to talk about them, because they were all in the paper—2007 Indiana Qualifications-based Selection Award for the procedures coordinated by City Engineer Dave Buck in relation to the first phase of the Purdue Transportation Plan. It's also interesting to note that West Lafayette received this award in 2006 as well, for the engineering for that digester project that we just received the EPA award. And also Lafayette-West Lafayette area was named second in the State and number 60 nationwide in *Country Home* magazine's list of "Best Green Places to Live." So just lots of great things going on in West Lafayette. Thank you to all the department heads and City staff for making that happen.

PERSONNEL: Councilor O'Callaghan presented this report.

Thank you, Mayor. I guess with personnel, I'll just note that Human Resources Director Diane Foster did draft a smoke-free workplace policy that's now in the policy manual. It will also be on the smokefreeWL.org [www.smokefreeWL.org] website for other businesses to use as a model if they would like to.

BUDGET AND FINANCE: Councilor Truitt presented this report.

Thank you, Madam Mayor. There's been a flurry of activity taking place behind the scenes related to the income tax discussion that we will be having tonight. Some of us attended—the Clerk-Treasurer, the Mayor, and myself—attended a presentation, videoconference presentation, on June 18 by Dr. DeBoer [Purdue University Professor of Agricultural Economics] who does a great job of taking a very complicated subject and trying to break it down to somewhat edible bites. I think all of us took a lot away from that presentation. Pre-Council on last Thursday, the 28th, we heard two presentations from [Tippecanoe County Auditor] Jennifer Weston as well as Clerk-Treasurer Rhodes on the same topic. To just kind of close it all up, tonight we'll be hearing two resolutions on the same topic, and, hopefully, some individuals in the audience would be kind enough to share their feelings and their thoughts on that same topic. Today, our budget draft calendar was routed around, and I'm pleased to announce that, starting on July 9, we will start our budget presentations, and we'll have our first reading on August 6, at the Council meeting at 7:30. In normal procedure, each Councilor has

their cash transaction sheet at their place, as well as our huge packet of financial reports in our box. That concludes my report.

Mayor Mills said thank you. I will just add to Mr. [Councilor] Truitt's comments that, for any of you who are interested in learning a little bit more about the income tax versus property tax discussion that's going on across our State this year, Dr. DeBoer's website at Purdue University in the Ag Econ Department, if you just do a search and get on his website, you'll find it. He's got a whole page of information about income tax and property tax. He's actually got a live streaming video that you can watch, which is the presentation Judy [Clerk-Treasurer Rhodes] and Randy [Councilor Truitt] and I saw last week. So, very easy to understand. I think he breaks it down very well. So if you're interested—and at some point we're all going to be having this discussion as a community about whether we choose to stay with property tax to fund any new growth in the levy or go to income tax—it's an excellent way to educate yourself. He does a very good job of kind of giving the salient points of the arguments on both sides. It's easy to find if you go on the website.

Councilor Truitt said and another source on the County's website, there was a June 11 report by a company called Financial Solutions Group. It, again, is a very well-written, well put together piece of documentation for some nice bedtime reading.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report.

Madam Mayor, we will consider tonight things that have several ordinance changes, minor ordinance changes that have been discussed in the last several months at APC. But I don't think that we'll go into further detail now.

REPORTS OF SPECIAL COMMITTEES: None.

PUBLIC RELATIONS:

Employee Service Anniversaries

Mayor Mills said we have just two employee service anniversaries in the month of July. Marcus Slifer who is in the Police Department, five years. Marcus is our D.A.R.E. Officer. And Brian Harshbarger who works for the Fire Department, also five years. We thank them both. They are great—they seem like recent additions, although five years is not very long—great additions to our City staff.

West Lafayette Community Beautification Award

Councilor Keen said this month's award, the West Lafayette Community Beautification Award goes to Asako and Yuichi Iikubo. They are not here tonight, because they're out of town, but I believe Lynn Layden is here to accept the award. This is a house on Barlow Street. Visitors to Lommel Park are delighted to glimpse into a beautiful backyard bordering the playground that has a broad variety of shrubs, trees, and plantings of colorful daylilies and other perennials. A weeping cherry is the highlight of the spring planting. Pedestrians on Barlow pass by 2825 and see gardens with a different feel. A strong flavor of Japanese gardens with carefully chosen trees, perennials, and smooth rocks complement the twig fences. Mrs. Iikubo says that she enjoys comments of passers-by who stop and ask questions about the landscape design, and this is just a couple of photos that we have, if you can see these. It's a beautiful garden that she has. And this is Lommel Park here in the background, and this is their patio area, obviously. So if, Lynn, if you would like to—

Ms. Lynn Layden [2826 Ashland Street] said I know they're sorry they couldn't be here tonight, but they are very, very impressed and pleased with this award.

Mayor Mills said thank you so much.

Councilor Keen said thank you for being here to accept it for them.

Mayor Mills said if you're in Lommel Park, if you go to the playground area and towards the south end of the playground, there's a little alligator on a spring. If you go close to that alligator and you look south, that's the yard. You won't miss it. It's just a beautiful, beautiful yard. Thank you, Gerry [Councilor Keen].

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said June 30 marks the close of a fiscal period for the City. This is the basis for beginning our 18-month budget. The ledger reports have all been distributed. The only highlight I wanted to point out on the cash transactions report, you'll note again that the Police remain extremely flat, in terms of personnel expenditure. It is probably the significant contributor to our financial position in the General Fund at this point. Notice, however, the high increase, over 10%, in the Clerk-Treasurer's budget which is largely benefits costs. We received a very large advance draw, thanks to County officials, and it paid back all temporary loans, except for those associated with the Police Pension Fund. Tonight, of course, we'll be having an in-depth discussion on the CEDIT Homestead Credit for the Inventory Deduct, so I will make it pretty brief tonight. As the Mayor and Councilor Truitt have indicated, time to check the calendars for budget meetings. Thank you.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Ordinance No. 14-07 An Ordinance For An Additional Appropriation To Pay A Judgment Rendered Against A West Lafayette Police Officer For Actions In The Pursuit Of His Duties As A Police Officer (Submitted by the Police Chief)

Councilor Griffin read Ordinance No. 14-07 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.

Mayor Mills said all right. This is an ordinance, as Councilor Griffin said, to pay for a punitive damage action against one of our officers, during the course of an enforcement action, and we discussed this a bit on Thursday. Are there any other points to be discussed or any questions for the Council that weren't covered?

Councilor Truitt said I guess I'd like to just bring up one problem that I see with the ordinance itself, and it's in the second WHEREAS. I was just wondering if someone—I don't know if Mr. [City Attorney] Bauman or if the Chief—I see that it's submitted by the Police Chief, but I was wondering if someone could just help me get my arms around the statement of "second-guessing the legal system." I just think having something like that in the ordinance doesn't make me feel too comfortable. I think the merits of what we're talking about beyond that make some sense, but I just think that we could have chosen our words a little differently.

City Attorney Bauman said well, I think that those words were chosen to describe exactly what transpired.

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Councilor Truitt said and we want to put something in an ordinance and have us vote where we're stating in there, "second-guessing the legal system?" And if that's the case, then that's the case. I just feel that I would rather either not have it in there, because I don't know what it's bringing, I don't know the merit that it's bringing to the table. And to me, I read through it, and there's just a couple underlines that I had, and that was the first one, and it just kind of bothers me. I don't know if—

Councilor Griffin said well, do you have an alternative solution?

Councilor Truitt said yes, I would like to just see that whole WHEREAS struck.

Councilor Keen said is that a motion?

Councilor Truitt said yes, I'd like to make that a motion.

Councilor Keen said I'll second it.

Councilor O'Callaghan said what it says to me it's not a second-guessing the legal system. What it says is that it's second-guessed by the legal system, so that they made their determination in good faith and based on extensive training, but the legal system still awarded a judgment, so it's not us second-guessing the legal system—

Councilor Truitt said no, I understand that, but the WHEREAS, though, that is overriding to me is the fact that it's the second WHEREAS. And me personally, I just don't feel comfortable having it, because I don't know what it brings.

Councilor Keen said and I would agree with him, in that I don't know that it brings—I don't know that it's necessary for the effectiveness of the ordinance, whereas if it's not in there, I think it would make it a much cleaner ordinance.

Councilor Hunt said Madam Mayor, may I make a comment?

Mayor Mills said Councilor Hunt.

Councilor Hunt said I was on the Indiana State Board of Nursing for four years, and one of our roles—these were appointed by the Governor—they're all nurses, except one consumer, professional nurses. And one of our objectives was to discipline and decide discipline for professional nurses. It was a jury—essentially a jury—of the nurses' peers, and I mean I'm not an expert on the legal system, but I am kind of an expert on judgment of peers based on the nurses, and I must admit that a jury of one's peers for nurses or other professionals might make a different decision than the legal system, although this is somewhat of a legal system. So I see your point, but if you look at it as thinking about when you make a professional decision, and we all do those in the heat of the moment and the exposure to crisis situations, you do the best you can. And sometimes you do get in trouble, but most of the time, your peers look at it a little differently than the public, a jury pool. So I'm torn by that. I understand your concern of second-guessing the legal system. That is certainly almost sacred in this country, although there are some exceptions. It's a good system, but sometimes there are mistakes made.

Councilor Truitt said now remember, though— Go ahead. I'm sorry.

Councilor O'Callaghan said I think that just striking it's not sufficient, because it goes along with the first WHEREAS, "WHEREAS the officers are required to make decisions in the field in the course of their employment as to whether to detain various suspects." And then this talks about "such determinations made in good faith and based on extensive training," and that's what we feel that this was, made in good faith and on extensive training. We could say "are sometimes not validated by the legal system," because that's the problem, is that we believe that he did what was—he made this decision in good faith and based on training, but the legal system still awarded a judgment. So if we had this—just instead of saying "second-guess" just said "are sometimes not validated by the legal system," would that be sufficient for you?

Councilor Truitt said yes.

Councilor Griffin said Madam Mayor.

Mayor Mills said if I can just add something. I mean, the purpose of this is to explain the reason for the appropriation, so, I mean, it's the background verbiage, but I think Councilor O'Callaghan's point is good. Other words are just as appropriate. Councilor Griffin.

Councilor Griffin said there is something charged about "second-guessing." I think that it carries—I mean, we may, as we sit here behind this dais, feel that, "Yes, that's what happened." And the point that I think that Mr. [Councilor] Truitt is trying to make is to say that sometime down the road, were this looked at not in the same light, they may say, "Well, why did they use that term?" And I would—I see the point, because I think that there is something emotionally charged about just that term, but I'd feel pretty comfortable with Ms. [Councilor] O'Callaghan's different phrase there.

Mayor Mills said okay, we have a motion on the floor and a second to strike that second—

Councilor Truitt said I'd like to withdraw my motion.

Mayor Mills said all right.

Councilor Keen said I'll withdraw my second.

Mayor Mills said all right.

Councilor O'Callaghan said then move that we change the second WHEREAS to say, "WHEREAS such determinations, even when made in good faith and based upon extensive training, are sometimes not validated by the legal system."

Councilor Truitt said I'll second that.

Mayor Mills said all right. So we have a motion and a second to change the second WHEREAS to say, "WHEREAS such determinations, even when made in good faith and based upon extensive training, are sometimes not validated by the legal system." Is there further discussion?

The amendment to change Ordinance No. 14-07 passed unanimously by voice vote.

Mayor Mills said all right, we have an amended ordinance. Further discussion now?

Councilor Griffin said I call the question.

Mayor Mills said all right. We have an amended ordinance.

Councilor Keen said I did have one more question, if I may.

Mayor Mills said Councilor Keen.

Councilor Keen said the one concern I have with this is I am completely all for backing our officers and this sort of thing, any time that we need to do that. My question is is what type of precedent are we setting here, in accepting to pay for this judgment against this officer, in that this judgment against the officer was rendered against him personally and not as a City? And thinking ahead down the road here, if we have another officer down the road fire at a person—anybody that works for the City—that gets some type of a judgment entered against them, what is that saying if we pass this now. What is that going to say then? What type of precedent are we setting here?

Mayor Mills said I think it's important in instances when City employees are fulfilling their jobs correctly and through the training that they've had legally, for them to all know that you as a Council, we as a City, back them in the execution of their job. And I think if you don't support them in this situation, that sends a message that you do not want to send, that you will not back people that are, in good faith, performing the duties they've been hired to perform. Why would we have officers go out to make drunk and disorderly arrests, knowing that they could find themselves in exactly this situation, if we are not going to—if they follow procedures and they, you know, do the job they're trained to do correctly—why would they go out if they know we're not going to support them in the performance of that job?

Councilor Keen said well, I understand that, and, again, my point is just simply the fact that this is a judgment against this officer that was beyond the scope of his job. And that's why I'm saying it was against him personally. And having been in law enforcement before, that usually doesn't happen, unless there was some other type of circumstances involved in the case, of which I'm not aware of. And so I'm just wondering what type of precedent we're making here, and I think that your point is well made. I think that your point is very well made. But I just think that this is kind of a touchy ground that we need to be careful where we're going with it.

Councilor Satterly said Gerry [Councilor Keen], the one WHEREAS says, "WHEREAS the Police Chief has determined that the actions of the officer were made in good faith, based upon the information available to him at the time of performing his duties."

Councilor Keen said right, but—

Councilor Satterly said so—

Councilor Keen said but the ruling that I'm talking about is not what the officer or the Police Chief determine, it's what the court has determined. And, again, you go back to being not validated by the legal system and all these kind of things. So, I'm just saying that there's a ground here, an area of—that we just need to tread lightly on.

Mayor Mills said well, I don't think we want to get into too many details of the case—

Councilor Keen said I understand that—

Mayor Mills said but I think it's important to know that once the jury ruled in favor of the student, then the student turned around and filed the lawsuit. So, you know, again, it's an officer doing his job, doing what he's sent out to an address to do on a night, and following the rules and that's the result of our democratic legal system. But I don't see how we can not support an officer that we send out to uphold the laws and ordinances of our City, if he's done the job correctly, which the Chief said he has. Councilor O'Callaghan.

Councilor O'Callaghan said exactly. That is really the crux of the matter, that it is that determination that it was performing his duty, this is not an issue of an out-of-control officer, but an officer doing his job as best he could. And I think there's a great precedent to set in supporting officers for doing their job in the manner that they believe is in the best interests of the City.

Mayor Mills said Councilor Truitt.

Councilor Truitt said I agree. I think it's important for us to support the officer. I didn't hear Councilor Keen wavering from that. I do have just a couple questions in regard to the amount. I just want to make sure I understand this. Have we paid the insurance? Have we paid the insurance company anything in regard to this claim? I mean, has there been a prepayment of any sort?

Mayor Mills said it's covered under our policy.

Councilor Truitt said okay, so just—

City Attorney Bauman said not other than the premium.

Councilor Truitt said okay, so just the \$20,000 that the City was responsible for has been paid. Is that correct?

City Attorney Bauman said by the insurance company.

Councilor Truitt said correct.

City Attorney Bauman said yes.

Councilor Truitt said okay. The reason why it's more than \$20,000 is because it's been grossed up, so it will be counted as income for the officer. Is that correct?

City Attorney Bauman said it's because the Clerk-Treasurer insisted that it had to be treated as income for the officer.

Clerk-Treasurer Rhodes said payments made on behalf of individuals are considered a compensation, and the individual who received that benefit from an employer would then be subject to the taxation on the value.

Councilor Truitt said so he'll be W-2'd for—?

Clerk-Treasurer Rhodes said that is correct.

Councilor Truitt said okay. And the City will pay its—?

Clerk-Treasurer Rhodes said the method used here was the method recommended by the IRS. It was grossed up, in order to cover his tax liability.

Councilor Truitt said and just one question, Judy [Clerk-Treasurer Rhodes], I guess. Is the mechanism of the additional appropriation the best mechanism to use for the payment of this dollar amount? Versus a balance of—we talked about at Pre-Council—that we had a balance in the Police Full-time Salary bucket. You made a statement during the cash transaction that we're in good shape there, and I just want to make sure that this is the most appropriate vehicle.

Clerk-Treasurer Rhodes said the ordinance as the Mayor has recommended this additional appropriation, there is indeed a substantial excess in the Police Full Time Salary. You have already seen the Police Chief requesting, gaining your approval to transfer \$24,000 from that line item. There will be hundreds of thousands of dollars in excess in his 100 account this year, it appears. However, as I've advised the Mayor, I have my eye on that. That is probably going to be the source of transfers to pay health insurance premiums in my budget and other sources, as we move further into the year. Really, it's six of one, half a dozen of the other—

Councilor Truitt said right.

Clerk-Treasurer Rhodes said whether this is an additional or a transfer at this point.

Councilor Truitt said thank you.

Councilor Keen said could I ask the Chief. We had a conversation after Pre-Council, and you had some good explanation on why you were doing it that way. Would you be willing to share at least part of that? You don't have to get in the details of it.

Police Chief Marvin said as we're getting into the year, we're starting to identify some needs, where we're going to be talking to the Council about the possibility of transferring some funds. One of them has to do with a grant that the Sheriff's Department recently found out about that has to do with some technology for our system-wide computer system, if you will. It would be an opportunity for us to participate, but if they get the grant, it would require a 25% match by the agencies participating, but it would allow us to get some good equipment that would save us money, especially down the road on equipment we would have to replace anyway. And we have some other equipment issues that we're going to discuss at budget time that we really need to address immediately, if possible. So those are items that we would need money for, as well as the current gas situation. We don't know what's going to happen with the gas situation between now and the end of the year, as well as other needs in the City for possible transfers.

Councilor Keen said so whether do the appropriation for this or for that is really—like the Clerk-Treasurer—

Police Chief Marvin said the other need, if the grant is awarded—I'm not sure when that would

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come through—it may be late in the year and at that point, it may be quicker to do a transfer than it would an additional appropriation.

Councilor Keen said okay. Thank you.

Mayor Mills said other questions or discussion?

There was no further discussion.

Mayor Mills said all right, will you call the roll, please.

Ordinance No. 14-07 (Amended) passed on first reading, 6-0.

Ordinance No. 15-07 An Ordinance To Establish Fees Under The West Lafayette Stormwater Code (Prepared by the City Attorney)

Councilor Griffin read Ordinance No. 15-07 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.

Mayor Mills said all right, you had a handout and a bit of a presentation from Mr. [City Engineer] Buck last month, on the establishment of the stormwater codes for the City. This is for a new construction or commercial, residential, and industrial. And, again, Dave [City Engineer Buck] gave you a great handout, talked about how our ordinance is very comparable to what Lafayette and the County are doing currently. Are there questions or comments? Dave [City Engineer Buck] is here, of course, if you have questions or him. Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I guess I'd also just like to make sure that anybody listening in knows that the Engineer's Department kept track of the number of hours to do the ones that they have done. They don't do as many as the City of Lafayette or the County, so had the luxury of some time to really figure out what would be the appropriate level, and did a great job of figuring out what was the reasonable amount to charge to cover their costs. And so we appreciate their thorough job doing that.

Mayor Mills said thank you. Councilor Truitt.

Councilor Truitt said yes, I'd like to echo to Mr. [City Engineer] Buck that one of the things that we've talked about almost to exhaustion is the fact that, when we're considering new fees and trying to think through methodically what we should charge, that it's very hard to make decisions without good background information, so I, too, want to thank Mr. [City Engineer] Buck for the detail on that report. It was very helpful.

Mayor Mills said anything else?

There was no further discussion.

Mayor Mills said all right, will you call the roll, please.

Ordinance No. 15-07 passed on first reading, 6-0.

Ordinance No. 16-07 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #54) (Submitted by Area Plan Commission)

Councilor Griffin read Ordinance No. 16-07 by title. He said that's kind of boiler plate lingo for something that's coming from the APC. There are six minor changes in the Unified Zoning Ordinance. If you've taken the opportunity to read briefly the text amendment at the back there that comes from [APC] staff, it talks about each one of these. Such things as whether, in fact, what has to be done as far as putting a cell tower in an agricultural area and so forth. I'll be glad to answer any questions. I won't go into any greater detail. In fact, I was speaking to Mr. [City Engineer] Buck about this beforehand. By and large, these are changes that do not significantly impact us here in West Lafayette, but because we are one of the three government areas that is impacted by APC decisions, we do have to pass upon it. Do you have any questions? I move that it be passed on first and only reading, and that the vote be by roll call.

Councilor Satterly said do you want a second on that?

Mayor Mills said did you second, Mr. [Councilor] Satterly?

Councilor Satterly said I second.

Mayor Mills said any questions for Councilor Griffin?

Councilor O'Callaghan said just to note that the APC did vote 12 yes and 0 no on this.

There was no further discussion.

Mayor Mills said all right, will you call the roll, please.

Ordinance No. 16-07 passed on first and only reading, 6-0.

Resolution No. 16-07 A Resolution To Approve The West Lafayette Library Capital Funds Project **PUBLIC HEARING** (Prepared by the City Attorney)

Councilor Griffin read Resolution No. 16-07 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.

Mayor Mills said tonight we will hear and have a public hearing for the Library's request to have a Capital Funds Project, and we had a great presentation and discussion last month at the Council meeting. Mr. Schenkel [West Lafayette Librarian Nick Schenkel] and Ms. Dunn [West Lafayette Public Library Board President Nancy Dunn] were here to give us the background of their request and talk about the garage and the plan to maintain the garage over the next however-many years that it stands there. Would you like to say anything to start the conversation tonight, Nick [Mr. Schenkel] or Nancy [Ms. Dunn]?

Mr Nick Schenkel [West Lafayette Librarian] said I'll say a few words, and thank you for asking me. I want to thank you for your time and your consideration of this. I also want to note the Library Board members, the Library staff, and the Friends of the Library who are here this evening. I appreciate their being here. Briefly, and I won't take a lot of your time, the West Lafayette Public Library is moving forward in our service to the community. As you know, our

new building has been open since the fall of 2004. It's sometimes hard to believe that it was that long ago. We are here this evening to request a Capital Projects Fund in the amount of \$0.013 per \$100 of assessed valuation for 2008. The Capital Projects Fund is written with three points in mind: The Library parking garage, the Library's computer system, and a small emergency fund. I'd like to make five quick points for you. First of all, the parking garage, the Library parking garage is a three-story structure, about 144 spaces. It is built to serve the Library and Morton Center, thanks to a reciprocal agreement that we made with the Parks Board. We do know that not only is it heavily used by Library patrons and Morton Center patrons, it's also very heavily used by other folks who come down to the Village to use various sundry Village businesses. We're quite aware of that, we're happy to host them for a short period of time, and we are very happy that we can provide that opportunity for folks. The computers in the Library—this is new, of course, for public libraries having such a wide range of computers available. It's growing in popularity, especially our wireless system. That is just growing by leaps and bounds. It seems to be growing somewhere between 33% and 50% per month, based on last year, which is just incredible. And this is largely folks bringing their own computers in and using the wireless system. They can plug into our system if they wish, but most people seem to be able to do it with their own wireless capability. And, as I said, a small emergency fund for those things that may come up. Because they would be an emergency, we have no idea what they might be, but we know that they could indeed happen, even with a building that's reasonably new as the Library is. Both the garage and the computers are heavily used, and by 2008, the garage will be a little over four years old, and some of the computers will be quite a bit older than four years. We did change out a lot of the older computers when we moved into our new building, because of cost savings elsewhere, but some of the computers are getting older. Overall, we expect the Library tax rate, which is composed of three—the operating fund, the bond payment fund, and, if it's approved, the Library Capital Projects Fund, overall, we would expect that to go down \$0.04 or \$0.05 next year. That's because of bond payment changes, and so, while we're asking for \$0.013, we also expect that the bond payment would actually drop by \$0.04 or \$0.05. Again, this depends on the assessed valuation that we get from the State folks, and I guess we'll be getting that in a few months. Let me conclude here by saying that the Library has been assertive in our fundraising efforts. We've had a very good year in 2006, and we certainly thank the community for that. We've increased and expanded our volunteer program and we're very happy to have the number of folks who volunteer with us on a weekly and even a monthly basis. And we've been continually increasing our cooperative work with other local libraries, with local schools, with arts organizations, and with others to better serve our community and make our funds go as far as possible. We're quite aware that these are public funds and that we want to make them go as far as they can. In sum, we do ask for your approval of this request for a Capital Projects Fund for the year 2008, and I know that I and my Library Board members and the Library staff would be happy to answer any questions that you may have.

Mayor Mills said thank you very much.

Mr. Schenkel said you're welcome. Thank you.

Mayor Mills said all right. Are there comments or questions? Councilor Truitt.

Councilor Truitt said Nick [Mr. Schenkel], can I ask you a few questions? Thank you, by the way, for sending the information—

Mr. Schenkel said oh, you're welcome.

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Councilor Truitt said in regard to the detail behind the parking garage, in particular. I appreciate that.

Mr. Schenkel said glad to.

Councilor Truitt said in your report on page 5, it shows that the balance in the operating fund at the end of 2007 will be zero.

Mr. Schenkel said correct.

Councilor Truitt said is that correct?

Mr. Schenkel said correct.

Councilor Truitt said so, as far as the expenses, I'll just take the garage, since that's the spreadsheet that I have here in front of me. We're looking at \$272,000 and some change for the next five years, as far as expenses are concerned—right?—for upkeep?

Mr. Schenkel said yes.

Councilor Truitt said if this was not an avenue, what kind of discussions have you had internally, in regard to that?

Mr. Schenkel said in terms of what we would do?

Councilor Truitt said yes.

Mr. Schenkel said the report that you have shows the parking garage already expanded out several years beyond what our original recommendation that we received was. I think the first thing we'd want to do is go back and look at expanding it out even more. As we were told, the longer we hold off on repairs and general maintenance, the more it's going to cost in the long run. And so, if we don't spend the money pretty much as scheduled, we're just going to end up paying more in the future. As you know, the budget took a \$100,000 hit this year in County Option Income Tax shortfall. We did know about that late last year, thank goodness, so we could make some preparations for it. But \$100,000 shortfall in a budget that's roughly—last year it was just under \$900,000—that was a significant impact, and we simply can't make that up with bake sales or other such opportunities. If this were not available to us, we would have to go back and look at spreading out the garage expenses even further into the future. We'd have to look at making some additional adjustments in our operating fund, which would be very difficult at this point.

Councilor Truitt said so the alternative is low technology—right?—and deferred—

Councilor O'Callaghan said less new books.

Councilor Truitt said and deferred maintenance on the garage. Is that right?

Mr. Schenkel said yes.

Councilor Truitt said one of the things that's, I think, important for everyone to realize, and Nick [Mr. Schenkel] brought this up is that Morton Center, therefore the City of West Lafayette, does partake in that parking down there in a very tight area. So I think it's important for all of us to think about how to share the burden appropriately. And also that not the entire City of West Lafayette is in the taxing district that we're referring to.

Mr. Schenkel said that's correct.

Councilor Truitt said that's also important. Thank you, Nick [Mr. Schenkel].

Mr. Schenkel said you're welcome.

Councilor Truitt said I appreciate it. I just want to make sure I got that in.

Mr. Schenkel said sure. Thank you.

Mayor Mills said Councilor Hunt.

Councilor Hunt said a couple of questions, Nick [Mr. Schenkel]. Thank you for being here. I know you sell some of the parking lot spaces and that—

Mr. Schenkel said yes, we do.

Councilor Hunt said was approved by some body.

Mr. Schenkel said the Area Plan Commission.

Councilor Hunt said okay, thank you. And another thing is you talked about an aggressive fundraising. Could you give us some specifics, if possible.

Mr. Schenkel said sure. The Library has been very fortunate to have a Friends of the Library group since, I think, 1959. And they have been a fantastic resource for us. We also now have a Library Foundation. In 2006, the Friends of the Library and the Library Foundation together in various and sundry ways, raised something over \$71,000 for their activities. Now that is divided between investment by the Library Foundation for the long-term use of the Library, long-term benefit of the Library, and the Friends of the Library who, basically, pass their money on to us in a regular fashion. I should point out, as well, that because of that \$100,000 shortfall this year, the Library Board has been moving and basically and has now moved all of our books, media, and other related expenses out of the operating budget, and we're depending entirely on fundraised money for those purchases now. So that \$71,000, part of it is invested for the long-term, but part of it that is not invested is making up the amount that we're able to spend on books and other such Library materials. So it's an important—it has a very defined use already. It's a significant amount of money. We are extremely pleased the community is that generous, but it certainly is also feeding the book and the music and the DVD needs of this community, which, I can assure you, are impressive.

Councilor Hunt said thank you.

Mr. Schenkel said you're welcome.

Mayor Mills said other questions? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. Last month, Jeff Schwab [West Lafayette Library Board Treasurer] related to us the actual amount that it might cost for an actual homeowner, and that would be \$13.00 a year for the average homeowner. And, as Councilor Truitt indicated, the taxing district is not the whole City. In fact, anyplace north of Cumberland would not see this tax increase.

Mr. Schenkel said that's correct.

Councilor O'Callaghan said thank you.

Mayor Mills said other questions? If not, thank you, Nick [Mr. Schenkel].

Mr. Schenkel said you're welcome.

Mayor Mills said we'll go ahead and open the public hearing at this time. So if anyone who is here tonight would like to comment on the Library's request for a Capital Projects Fund, this is your opportunity. Come to the microphone and give us your name and address, please. Any comments?

There was no further discussion.

Mayor Mills said all right, if not, we'll close the public hearing. Ready to take a vote, Council?

Resolution No. 16-07 passed on first and only reading, 6-0.

Mayor Mills said thank you all very much for being here and doing such a good job at educating us about the request. I appreciate it.

Resolution No. 17-07 A Resolution Appropriating The Necessary Funds Resulting From The 2007 Community Development Application Of The City Of West Lafayette Under Title I Of The Housing And Community Development Act Of 1974, As Amended (Submitted by the Department of Development)

Councilor Griffin read Resolution No. 17-07 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.

Mayor Mills said thank you. This is our yearly appropriation of the Community Development Block Grant funds that we have, fortunately, taken advantage of for more than 30 years now here in West Lafayette. This year, the total is \$448,678. By law, 15% of the money that we receive as a City can be used for public services, and a certain amount for the administration. This year, we have \$80,000 for the general program administration, \$126,377 for street and public improvements—and those must be done in the target area of the City, public services is \$67,301, and housing rehabilitation is \$175,000. Are there any questions or any comments from the Council? Mr. [Director of Development] Andrew is here, if you have any. Any questions or comments?

Councilor Hunt said I have a couple.

Mayor Mills said Councilor Hunt.

Councilor Hunt said there are two public hearings that ask for input for how these dollars are appropriated—or I guess I should say allotted. At one, the social service, public service, social service agencies come and present, and then they have an advisory committee, and then I believe all the Council are asked to prioritize these also. I don't know how many respond, but some of us, certainly, many of us have. So there's a process that goes through this, and, in addition, someone told me the story of a woman that purchased a house based on the housing rehabilitation, a single parent with some small children that add children to our school system. It was a very heartwarming story about how some of these housing rehab funds are used for rehabbing houses for the target areas that Housing and Urban Development encourages. So I feel very strongly about supporting this resolution.

Mayor Mills said all right. Thank you. Other comments or questions?

There was no further discussion.

Mayor Mills said all right, will you call the roll, please.

Resolution No. 17-07 passed on first and only reading, 6-0.

Mayor Mills said thank you. I will just encourage all of you to be vocal with your federal legislators, to encourage them to keep supporting the Community Development Block Grant program, because it seems like every year it comes under fire when the federal budget is put together. Again, we get about half a million dollars every year. We've taken very good advantage of that half a million dollars for 30 years, and we sure would hate for it to go away.

Resolution No. 18-07 A Resolution To Cast The Votes Of The City Of West Lafayette On The Tippecanoe County Income Tax Council On The Proposed Amendment To Ordinance No. 2006-01-TCITC, To Adjust The Allocation Method For Distribution Of The CEDIT Homestead Credit For Inventory Deduct **PUBLIC HEARING** (Submitted by the Mayor and the Clerk-Treasurer)

Councilor Griffin read Resolution No. 18-07 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.

Mayor Mills said before we start tonight, I want to take a minute just to thank all of you who have come. County Council members and Jennifer Weston, our County Auditor. I think it's very important that we have this discussion, and we appreciate—and Terry [Schmitt], I'm sorry, the Assistant Controller in Lafayette—I think it's important that we have it, and we know you're all busy, so we appreciate you taking the time to come and have the discussion with us. I think our community is so great because we have a long history of working together in just this type of situation. We have a habit of addressing these issues and really thinking about them, and doing what we think is going to be best for the entire County, and so I think this is another example of us all trying to work together to do what's right for the County as a whole, always looking at the big picture. Last year, the Legislature gave us a very small—and I say very small—measure of local fiscal control, when they allowed us to increase the CEDIT to cover the loss of inventory. And with that loss of inventory, of course, the tax burden shifted from big business onto homeowners and also on to small businesses. We supported the allocation of the CEDIT in a way that made whole the property tax changes, particularly in those districts that

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were going to be the hardest hit by the loss of inventory. We had a nice discussion when it happened as a County. The people in West Lafayette, the Council, felt that it was important that the homeowners in Lafayette, particularly in those districts that really were going to be hit hard by the loss of inventory not bear the brunt, because they could have seen their property tax bills go up 60%, 70%, 80%. And so we agreed to allocate this in a fair way across the board, and we are not here to discuss that tonight. We still think that was the right decision. We are happy to be working together as a County, particularly when it comes to economic development. But I think what we want to discuss tonight is the fact that this year, we collected \$500,000 extra, over and above what we needed to make those property taxpayers whole from the loss of inventory. And that distribution went a little bit unequally to some of those people who lost the greatest amount of inventory in their district. We would like to have a discussion about changing the distribution of just that excess that's collected. We are not talking again about the entire amount. We don't want to make any change that hurts any taxpayer currently. We don't want to have a negative impact on them, but we do want the excess that's collected to be distributed fairly, so that all taxpayers kind of get the benefit from that excess distribution. Again, I think if we collect excess, we want to make sure it's distributed fairly, and that's the first part of the discussion. The second part of the discussion is the fact that we did collect excess this year, and we are interested in having the discussion about lowering that 0.1% extra CEDIT that we collect to, perhaps, 0.08%, so that at the end of the year we don't collect an extra \$500,000 from our taxpayers. So I'll just start by saying a little bit of background. The Clerk-Treasurer is going to give us her presentation that she gave at Pre-Council, and then we will have a public hearing and hear from all of you who want to comment on this before we're done.

Clerk-Treasurer Rhodes said I gave a presentation, along with [Tippecanoe County] Auditor Jennifer Weston at our Pre-Council meeting. I've changed my presentation a little bit, based on the discussion that came up, because of a couple of issues I wanted to address and Auditor Weston will also be addressing you tonight. We know that we have lots of people here tonight that weren't with us on Thursday afternoon, and many more listening at home, not only in West Lafayette but across the County. We thought this was a good time, as we are the only body of the three that will probably consider this that has televised meetings, so that all the public could listen to the discussion. We also have some Council members on board who weren't able to be with us, so perhaps it will benefit several groups of people. We're talking tonight, as the Mayor explained, about the Homestead Credit funded by the County Economic Development Income Tax for the Inventory Deduct. And the situation can be summarized as beginning in the taxation assessment for 2006 pay 2007, when business inventories were removed from property taxation. Inventories still are assessed, but 100% of their value is subtracted then, so there is no tax due. By removing inventory value in this year—there was over \$332 million of inventory in Tippecanoe County—property tax rates increased for everyone else, because the burden of paying for the levies is shared over less property value. The Legislature gave county officials and city officials—to the County Income Tax Council—a mechanism to help homeowners. A local Homestead Credit can be adopted that subtracts a percentage off a tax bill for a homeowner, which is used to offset any property tax increase they may have experienced from removing the inventory value. But, of course, if they were going to pay less property taxes, local governments would collect less. So, to make up the lost revenue for local governments, an increase in the County Economic Development Income Tax can be adopted. This is summarized very well in Larry DeBoer's [Dr. Larry DeBoer, Professor of Agriculture Economics, Purdue University] paper on local option inventory deduction on the Ag Econ local government site as the Mayor referred to previously. The site is http://www.agecon.purdue.edu/crd/localgov/Second%20Level%20pages/Local_Inven_Deduct.pdf.] That is the background. What happened in Tippecanoe County? The County Economic

Development Income Tax was increased from 1.0% to 1.1%, effective July 1, 2006. A new Homestead Credit was created for pay 2007. The third thing that happened was a method for distributing the Homestead Credit was chosen. There were two choices, and the County chose the allocated method, which was based on the premise that homeowners who had property tax bills increase from the removal of inventory value get a credit to offset the increase—in other words, neutralize the impact. The other method was just to distribute the collected money uniformly, regardless of whether they were facing higher tax bills from inventory value removal. What's the mechanism of doing all this? The Tippecanoe County Income Tax Council adopted Ordinance No. 2006-01 in March 2006, and three members of the Income Tax Council voted in favor of that ordinance. The members of the Income Tax Council are comprised of the County, the cities, and incorporated towns in Tippecanoe County, and they vote based on their population. Tonight, in fact, West Lafayette is considering casting its 19.1659 votes. This is based on the 2000 Census. However, that was the theory, and the reality in 2007 was we had a number of surprises. First of all, we learned that all of the income tax raised by this new increase in the income tax had to be distributed, whether it was needed or not. We also learned that the Auditor of the State did provide a worksheet for the allocation method, but it didn't work in all counties, particularly in counties where there might be taxing jurisdictions with large amounts of inventory value relative to residential homestead value. These could be taxing districts with very similar levies, however, they could end up with very distorted CEDIT Homestead rates. We also learned that the Auditor of the State would consider allocation methods based on county auditor recommendations that could better achieve the result to offset the increase in property tax. In fact, County Auditor Jennifer Weston did, in fact, make that recommendation to the Auditor of the State. Nonetheless, in 2007, since virtually all of the amount collected had to be distributed, both Homestead Credits needed to offset property tax increases were distributed, and then Homestead Credits were added to disburse all the surplus. It all had to be distributed in the same method, so that resulted in a segment of homeowners receiving unintended and unexpected tax breaks. They weren't neutralized; they received a tax break on top of that that was totally unexpected. We also learned the statute contained a provision for some local fiscal control. This is how it works. The County Auditor may make a determination that changes are needed to achieve an equitable distribution of Homestead Credit, for example, in a situation when excess has been raised. The County Auditor did, in fact, make that determination in a letter to the Income Tax Council on June 20. Now the Council must approve the changes recommended by the County Auditor, in order for them to be effective for the distribution next year. We also learned that the Legislature was going to give locals more time to consider changing income tax rates this year, and the deadline was deferred until August 1, with the income tax changes being effective October 1. So we had time to act, although we didn't realize we did. We have time yet to make it right this year. I had some handouts here that were on the table, and I hope many of you picked them up. I want to talk about the County Income Tax Council and who we all are. And if you'd turn to page 6 of your handout, I wanted to talk a little bit about the ways we're the same and the ways we're different. This handout page shows you the levies that all of the members of the Income Tax Council are imposing in Tippecanoe County for pay 2007. The members, of course, are given above. You'll notice that we are responsible for 40.9% of the levies imposed in the County. We don't even have control over the majority, but our actions will affect tax bills resulting from the actions of all jurisdictions, because a Homestead Credit is a percentage reduction in your gross tax bill, minus the PTRC. You'll notice that the largest levy, of course, in the County is related to County government functions. They control 48% of the income tax county levies. Now we're going to turn up to the overhead, but you might find it easier to look at your handout on page 7. The handout on page 7 was compiled from some work done by [Tippecanoe County] Treasurer Bob Plantenga, in which he sorted through the 2007 Abstract, which is the billing for property

taxes, to find out how many homesteads we have in our County, what the weighted average value of those is, where they're located by jurisdiction. As you can see, homesteads are pretty evenly divided between Lafayette and the unincorporated part of the County. West Lafayette has a little bit less than 11%, and the towns have 5%. The next slide [page 9] shows that we have very different dependencies on Homestead AV for our tax base. The unincorporated parts of the County are 58.5% of their taxable AV as Homestead. West Lafayette is nearly 41%. Many of the towns are also very dependent on Homestead. But Lafayette is quite unique. Only 26% of its taxable value is Homestead. That means it's primarily reliant on industrial/commercial assessed valuation, unlike other members of the Income Tax Council. And there's another difference between the jurisdictions, page 10 of your handout. Another big difference is not only the location of commercial/industrial in the County, but it also the location of tax-exempt property and also other AV that doesn't figure in to the calculation of the tax rate. In this case, I've shown tax-exempt amounts in each of the jurisdictions, as well as TIF AV, because that's often a subject of discussion. I think you'll see, first of all, West Lafayette is quite unique in that it has twice the tax-exempt AV of Lafayette, twice what is the average for the County, and, because of our need to rely on TIF to build, we hope, the industry and commercial sector. If you look at West Lafayette, add the tax-exempt AV and the TIF AV, you'll see that for every \$100 in AV value in West Lafayette, 37% is not being figured into our tax rate. So West Lafayette homeowners face unique challenges, because we're the host for so much tax-exempt property. And so Homestead Credits are very important to the impact on our taxpayers. The next page of your handout is just for your information, also prepared by Bob [Tippecanoe County Treasurer Plantenga], just to let you know that there are lots of ways your taxes are reduced. It's not an overhead. The reason why I put it in there, I wanted to just tell you the new County Economic Development Income Tax Homestead Credit that was adopted is bigger than the Homestead Credit you'd already had in this County from County Option Income Tax. So it's not a small change. It's been a big change, in terms of Homestead Credits distributed in the County. Now I want to talk about what happened, now that we get a little bit of sense about the differences among the members of the County Income Tax Council. What happened when we distributed the Homestead? Well, the Auditor has a handout, which she'll be discussing a little bit later, and calculations were done to determine how much Homestead Credit was needed to totally neutralize the impact of removing inventory, and that was thought to be about \$2.2 million. We had, in fact, collected, as you can see here, \$2,742,020. It appeared that we had 19.5% too much. Remember, we're required to distribute that. That's where these unexpected tax breaks come in. The Abstract was run, and those numbers vary a little bit, because when it comes to billing, the Auditor can tell you, there are many adjustments. If you look here, it shows you the share of the Homestead Credit that was awarded. It looks like we're going to give out \$2,587,671 in Homestead Credits to homeowners. Most of it's going to Lafayette homeowners, about \$1.6 million; next to unincorporated County homeowners, \$645,342; West Lafayette is here at \$263,511; the rest is distributed in the towns. Well, we had collected \$2.7 million, we have to hold aside 2%, about \$55,000. That left us \$2,687,180 to distribute. Our Abstract said we needed less than that, when it came down to the calculation, so we had extra left over. On top of distributing what we estimated as 19.5% too much, we had nearly \$100,000 more. I realize this is complicated because we're moving between Certified Assessed Valuations and Abstract, but bear with me. If you take the amount that was distributed, and let's just reduce it for, we think, a very conservative number of the excess, we believe the excess could be more. We've seen, in fact, almost \$100,000 more than we expected in addition leftover, but we're just going to reduce these numbers by 19.5%. We just took all the numbers that were distributed and reduced them by what we believe we distributed in excess. We end up with actually needing \$2,165,000 or so, to make all the homeowners totally neutralized from any impact of removing the inventory. So we come back

over here. We collected \$2.7 million, we have to hold about \$55,000 out in reserve. That gives us the same \$2,687,180 to distribute, but the real need we had was \$2,165,415. That's all we would have needed, if we could just distribute the amount properly to make everybody neutral. You can see our real excess was over \$500,000. That's one of the reasons why we wanted to initiate the discussion about reducing the tax rate, as well, of course, changing the method. On page 12, I want you to flip back in your handouts, if you would, is the table that was prepared by Bob Plantenga [Tippecanoe County Treasurer]. You saw part of it compiled previously, but I wanted to just point out one column which Randy [Councilor Truitt] and the Mayor and I thought was very interesting, resulting from Dr. DeBoer's presentation on June 18. If you look at this page, you will see by each taxing district the number of residential parcels. That would be the number of people who filed homesteads. The average of value, the amount of Homestead Credit that was distributed, and then the amount per parcel, on the average. The far column is really thought-provoking. It's called a break-even point. It's the taxable income needed to provide the Homestead Credit on the property. In other words, let's look at the top taxing district, 02. It received on average \$193.25 of Homestead Credit per parcel, and a homeowner who had a taxable income of about \$193,250 would have broken even. If they made less than that, they received a greater benefit in property tax than they paid in income tax. If they're higher than that, they would pay more. Begin to look down through those taxing districts and you'll see across great stretches of the County, these numbers are pretty low, indicating that homeowners with relatively low income are actually paying considerably more income tax than they're receiving in benefits. If you look again in those taxing districts 56 and 58, those are two in Lafayette, it's very noticeable they're ones in which individuals in the same city, the difference only is school district, however both tax rates are very similar, different by less than 2%. Look at a homeowner in one district who earns \$54,846 is at the breakeven point, but a homeowner in another district wouldn't be. They will still be protected all the way up to incomes of \$124,543. Part of the reason why you see such a discrepancy is because we're distributing excess in these districts. If we only distributed what was necessary, we wouldn't see such a great distortion.

Mr. Terry Schmitt [Deputy Controller, City of Lafayette] said do you have those figures? What would it be if you did it the other way?

Clerk-Treasurer Rhodes said I think they can be generated, because the Auditor has already done a test run of the proposed methodology, and that methodology shows the amount that would be needed to neutralize and the amount of excess that would be distributed uniformly. So she actually has an analysis.

Mr. Schmitt said and that number would change this drastically, you said?

Clerk-Treasurer Rhodes said yes. Quite a bit.

Mr. Schmitt said can I get that?

Clerk-Treasurer Rhodes said well, Bob [County Treasurer Plantenga] did run the breakeven analysis on that, but it's imbedded in some of the data. It could be run. I want to just finish up here. The proposal to reduce the tax rate down to 0.08% would mean that we would, of course, collect less, \$2,193,616, assuming no income tax collections went up last year in the County. We had a reserve set aside this year. Some portion of that may not be used, and that would be added back in for distribution next year. We just don't know what portion will be used for corrections that occur throughout the year. We know that we have another \$99,508 definitely

left over that's in the reserve, and next year we have to establish a new reserve. And that could potentially all be used or not. But in any case, we know that we'd have \$2,246,000, roughly, to distribute, plus some portion of the leftover reserve. If we had the same need for Homestead Credit in pay 2008, as we did this year, we'd still have excess left over—at least \$80,000 and possibly more. We learned this year that it takes about one dollar of Homestead Credit to neutralize the effect of removing \$150 of inventory value, so we can make estimates of how much—what kind of change we'd expect an inventory to cause so many dollars of need for new Homestead Credit. But you have to understand that, as the economic strength of the area continues to increase, the proportion of inventory value to other AV may be a shrinking proportion. And therefore the need for Homestead Credit may even decline in the coming years. In fact, the real concern Dr. DeBoer expressed and the Auditor of the State is that assessments of inventory will probably decline because they will not be priorities for auditors, because they're going to be removed from the tax calculation anyhow. And we may see actually falling amounts of inventory in the County. For 2004 pay 2005, inventory was about \$100 million more than it was two years later. So that wasn't a one-year drop, but over two years, if anything, there's been a reported decline in inventory. The risk to homeowners appears very small, and we know this year they received a benefit. The risk to people who pay income tax is 100%, if we don't lower the rate. Very likely to be. And that's the end of my presentation. Tom Murtaugh [Tippecanoe County Council Vice President] wants to ask a question. Okay.

Mr. Tom Murtaugh [Tippecanoe County Council Vice President] said 2007 excess reserve, \$99,508, wasn't that distributed?

Clerk-Treasurer Rhodes said no, it was not.

Mr. Murtaugh said okay, that's not how—that wasn't distributed in that—

Clerk-Treasurer Rhodes said when the estimate was done on the Certified AV, it was thought about \$100,000 more would be distributed, although about \$430,000 of that was thought to be excess. It turned out, when the Abstract was run, we needed about \$100,000 less, based on those Homestead Credit rates. So we ended up with more than we thought not distributed. And that's going to be part of the reserve for next year. He's asked a very technical question, and it's taken me a while to, I think, get it through my head, and I hope the Auditor will say I've got it right this time. It's a bit confusing, but we have been talking about two series of numbers, one that was based on what was calculated when the decision was made to determine Homestead Credits, but once that's determined, it's applied against the Abstract. And based on the Abstract changes, less money was actually distributed or else we would have had even a greater discrepancy in those districts, because we would have distributed more excess, actually. Jennifer [Tippecanoe County Auditor Weston].

Mr. Schmitt said I've got one quick question for you. You said something about that the distribution. I kind of got the impression that maybe the distribution of the excess—everybody got a share of that, correct?

Clerk-Treasurer Rhodes said no. Everybody did not get a share of that.

Mr. Schmitt said so it was only distributed to people with inventory or—was it distributed to everybody?

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Clerk-Treasurer Rhodes said his question was what happened to the excess? Did everybody get a share of it? The excess was distributed along with the credit that was needed to neutralize homeowners. So if you needed a dollar of Homestead Credit to eliminate your tax increase from inventory, we gave you \$1.19 or \$1.20.

Mr. Schmitt said I understand that. My question is is everybody got a little bit more, it wasn't just the people who had the inventory? That people in West Lafayette got a share of that also?

Clerk-Treasurer Rhodes said if you had only a \$0.01 increase in your tax bill—

Mr. Schmitt said you still got some—?

Clerk-Treasurer Rhodes said you still got—what?—\$0.01 and \$0.19?

Mr. Schmitt said okay. You still got some. You didn't—everybody got a share of the excess.

Clerk-Treasurer Rhodes said they got a share, but—

Mr. Schmitt said that's all I wanted to know, all I wanted to ask. I wanted to make sure everybody did get some of the excess. Every homeowner in Tippecanoe County got some of the excess, correct?

Councilor O'Callaghan said proportionally.

Clerk-Treasurer Rhodes said yes, but the—

Mr. Schmitt said I got the answer to the question I wanted. Thank you.

Clerk-Treasurer Rhodes said this isn't a courtroom, so I'm going to answer you.

Mr. Schmitt said go ahead. I just wanted to make sure you answered my question.

Clerk-Treasurer Rhodes said and I'm an elected official, so I'm definitely going to answer.

Mr. Schmitt said I just wanted to make sure you answered my question and didn't keep—

Clerk-Treasurer Rhodes said everybody got a share. But because the thing that drove the Homestead Credit was inventory value—

Mr. Schmitt said I understand that.

Clerk-Treasurer Rhodes said basically, it dumped it all into the properties that needed money for neutralization, and, needless to say, it basically acted as a multiplier in those areas. So, yes, you can say someone who didn't need any Homestead Credit didn't get any credit. Someone who needed some got even more. But the difference between someone who got \$1.00 of credit and someone who got \$200.00 of credit was a lot of money, and the fact is, it was \$500,000 worth. Well, I would say it was about \$430,000 worth. Jennifer [Tippecanoe County Auditor Weston], would you like to go on?

Tippecanoe County Auditor Weston said for the benefit of the public and those at home, I'm also going to review the same presentation that was given on Thursday. Part of my presentation, though, included some basic how taxes are figured, and so I'm not really going to go over that first part. It was a part of a handout that had two slides per sheet, and if anybody would want that, Judy [Clerk-Treasurer Rhodes] has said they'll make that available, because we did run out after Thursday's meeting. So I'm actually starting on page 4 of that handout. What we're talking about is the credits on the tax bill, and I just wanted to briefly discuss that there are now several types. We have Property Tax Replacement Credit, which is a credit that's given to all property owners across the board. The State provides money in order to lower property taxes. The Homestead Credit, which you've heard over and over, is a credit for residential owner-occupied properties, lowers the taxes for those who have a Homestead exemption or deduction, and that is filed in the Auditor's Office, and we usually do a press release about the time that the deadline's coming up, so that those who maybe missed it can come in and get that done. The source of the revenue for that is the State and also our local County Option Income Tax, and we also now have the local CEDIT tax, which has been the topic of discussion tonight. I'm going to reiterate a couple of things here with what the Homestead Credit is and the inventory deduct. Total assessed values, as Judy [Clerk-Treasurer Rhodes] mentioned, are reduced by the amount of reported inventory, so it's not just that we say we don't care about inventory anymore. It is still assessed, and then it is taken off at 100%. Initial theories were that, for economic development purposes, that would bring more inventory into our County, create more jobs, create more income, and so forth. When you take this off of the assessed values, because our levies—and our levies are what we are allowed to collect in property taxes—those remain the same, the rates for property owners go up, because they are spread over a different base. Homeowner rates tend to increase. What was the theory here? That we would neutralize the impact and we would offset that increase with the additional credit, that any levy shortfalls would be offset by the imposing income tax, and so, in theory, those two would be the same—that the amount of dollars lost from not charging for inventory would equal the amount of income taxes collected. So for 2006, the estimate was that our Certified Inventory Values for '04 pay '05 were \$483 million, that the dollar amount of the taxes shifted from those who own inventories to those who do not would equal \$1,805,000. And to generate that \$1,805,000, we needed 0.08% additional income tax. For 2007, what actually happened a 0.10% additional tax generated \$2.7 million—income levels have been rising—the State method of calculating the allocated method produced rates as high as—I think I misspoke on Thursday—this is either 0.61 or 61%. Terry had asked about that. But up to 61% in credits would have been applied in some districts on the tax bill. I think we could all say that inventory in our County probably was not going to have that sort of an impact. Also, Certified Inventory levels dropped from \$483 million to \$332 million. That was the two-year period Judy [Clerk-Treasurer Rhodes] was talking about, where we saw a decline. So we took a look at the method of how these credits were being calculated, and went back to the original concept of we're neutralizing the impact. I think, as part of the handouts, you probably saw this really scary looking sheet with all the tiny little number, which is actually all of the tax rates for the County by jurisdiction and also by taxing district. We looked at these and said, if we add back inventory, what would be the difference in the tax rates? And we actually recalculated tax rates and came up with a dollar value of what was actually lost in levy dollars. And so from there we came up with \$2.8 million, and we allocated those credits accordingly, based on the inventory in each district. So \$2.2 was roughly the estimate, and, again, I'm talking about based on everything we knew at a certain point in time, prior to tax billing. The Homestead Credit rates than ranged from 0.01% to 1.1%, ten basis points difference instead of 50 or 60, so with some exceptions, the Homestead Credit is higher in those districts with the higher inventory values, compared to low residential. I want to take you now to a handout that is one

page, shows the different taxing districts, and starts off with "CEDIT Dollars Needed," "CEDIT Homestead Credit Rate," has about five or six columns. Terry [Mr. Schmitt], this might answer your question a bit. This is if we were to look at calculating the rates this year, based on some sort of a hybrid method, using allocated and uniform methods. The second column, "CEDIT Homestead Credit Rate," is the rate if we were to have allocated the \$2.2 million that we thought we needed. We're not talking about any excess here. And then I add on what would be the uniform rate, and that is how we would allocate the difference, the \$500,000 difference based on the same rate across all taxing districts, to come up with a new proposed rate. And then next to that, I show what we actually used. So you could look at the difference between the two, and if I look at the first one, Fairfield, the rate proposed would be 0.09%, the rate used 0.10%, and so the tax impact there, the proposed rate is lower, meaning that that property owner with the average AV of \$175,000 with a Homestead [Credit] would have paid \$16.54 more, and then likewise down the column, you can see who would have paid less, who would have paid more. So that's what this sheet is showing. And so basically using those methods, we're saying, "How can we make what started out as a strange situation this year, making it okay? How can we make it even better?" We can do this hybrid method of using allocated and uniform rates, and we can also look at reducing the income tax rate, if it is generating more than what is needed. I made that determination, sent it on to the Income Tax Council, and here we are.

Mayor Mills said thank you, Jennifer [County Auditor Weston]. Very helpful. All right, questions from the Council? Any comments from the Council, and we'll have the public hearing and let other people comment. Anybody want to add anything before we have the public hearing? You've heard it all before.

Councilor O'Callaghan said it might be good to hear—

Mayor Mills said okay, we'll go ahead and open the public hearing. If you would like to come to the microphone and comment, give us your feedback, we'd love to hear it.

Mr. Phil Rawles [3220 Dubois] said if I look at this correctly, it appears that we have two resolutions [Nos.] 18[-07] and 19[-07] that are two different methods of doing this. Correct?

Clerk-Treasurer Rhodes said no.

Mr. Rawles said okay.

Clerk-Treasurer Rhodes said Resolution No. 18-07 is the proposal to change the method of allocation to conform to the County Auditor's recommendation on the method that would provide a more equitable distribution. Resolution No. 19-07 is a proposal to reduce the CEDIT tax rate.

Mr. Rawles said to 0.08% rather than—

Mayor Mills said from 0.10%.

Mr. Rawles said from 0.10%. Okay, I understand. All right. In that case, in reading the verbiage here in Resolution No. 18-07, this seems to make a lot of sense to me. Earlier, when we were discussing this, I certainly was not in favor of this process. I understand that's done, and we're not going to go back there. However, clearly, my concern at that point in time has come to fruition. I was concerned that we were going to be subsidizing people who live in areas

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with a lot of inventory. In this case, they're a couple of taxing districts in Lafayette with money from income tax, from the rest of the County. Clearly, that's what's happened. Now, to add insult to injury, we not only subsidize them, but we gave them extra. Clearly no tax policy that does this makes any sense. Okay? So we have to find something to do, and I appreciate the efforts done by County government to come up with a more equitable mechanism of doing that. However, I also strongly support what you have put forth here, if I read this correctly, to break this down and to try to capture some of that within the taxing districts. That seems to make even more sense than what we had previously. So while I'm not in favor of what has happened, I am certainly in favor of lessening the impact going forward. In fact, I think it would be a completely disingenuous for us not to do that, to realize that this mistake has happened and that we have these issues. To ignore them and continue to subsidize these areas, simply because they happen to live somewhere that used to have a lot of inventory tax is irresponsible public policy. Thank you.

Mayor Mills said thank you. Other comments?

Mr. Terry Schmitt [Deputy Controller, City of Lafayette] said you knew I had to, right? I'm here to talk a little bit about the situation. Speaking as an area that, as Mayor Mills was mentioned, we are heavily hit by the inventory tax, and increased property taxes, as you can see by this handout they were giving you here, that some of our people got hit by \$0.17 and what have you in the tax rate. The good news is that this credit helped us out and gave everybody back what they would have lost and would have had to pay some exorbitant taxes. I think the thing that we're discussing here is not necessarily getting rid of the—it's a how to share the excess that you have. Everybody was made whole, so eliminating the property taxes doesn't hurt everybody in certain areas, as you can see by the handout that you guys gave. But the thing that the City of Lafayette says, if you look at the handout that you have here, the one that shows everybody's taxes and what the effect would be. It seems that it's equitable for everybody, except when you get to the Fairfield and some of the other towns that are going to have to pay more money than they have in the past, because of the change in our law going from property taxes to income tax. I understand that's a big change for everybody. It's causing all kinds of conversations and discussions, and I'm sure it will, because you're really changing a method you've been using forever. It's a huge change, and it's going to affect people that make income and don't own houses, just like it's been affecting people that own houses and people who made income didn't get anything on it. It's just kind of a discussion, I guess, on how to distribute the tax. As you can tell by this, I'm here talking about the City of Lafayette, who, if we distribute it differently, we're going to lose \$22, while everybody else seems to make money. So that's our opinion, and you can do with it what you want. Thank you.

Mayor Mills said thank you, Terry [Mr. Schmitt].

Mr. David Bridges [1612 North River Road] said it's extremely difficult for somebody like me to understand what's going on, but one thing I'm a little puzzled about, and that's this: we're talking about inventory values. Now the last time any meaningful inventory value was determined, my understanding was—what?—2005? Which was when the inventory tax was applied?

Clerk-Treasurer Rhodes said are you relating to Dr. DeBoer's comments?

Mr. Bridges said yes, I am specifically.

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Clerk-Treasurer Rhodes said well, his lament was the belief that, with the year that triggered the 100% inventory deduct, that was assessments in 2006 pay 2007, he believed that was a watershed. And from there on, the values probably would not be as reliable, because they didn't have an impact on the tax bill. They went on, then 100% off. So he would view that, for analytical purposes, he would rely on inventory values 2005 pay 2006.

Mr. Bridges said okay. And so this remark here, the 2007 actual, which shows Certified Inventory Value dropping, what do you make of that? I mean, I thought the whole purpose of getting rid of the inventory tax was to attract businesses into the area, therefore your inventory should be shooting up.

Clerk-Treasurer Rhodes said I don't have the interim inventory value—

Mr. Bridges said this is what—

Clerk-Treasurer Rhodes said the number presented were that '04 pay '05, and then the '06 pay '07. I can only speculate on why that number is dropping. Whether it's a combination of reporting or strategic business realignment, I couldn't say. We'd probably have to look through the taxing districts to see where the big changes were and what large, perhaps, taxpayers they were associated with.

Mr. Bridges said okay, so are you using these estimated inventory values now for any calculations or not? This is what's puzzling me.

Clerk-Treasurer Rhodes said Jennifer [County Auditor Weston] can say. The inventory assessment is certified. Would you like to address that, Jennifer?

County Auditor Weston said every year, we have a point at which we come to, where we say, "These are the Certified Values," and it includes all of the assessments. So inventory is still a value that is certified to the Auditor from the Assessor, the Auditor to the State. And that is what we are to use each year in coming up with the calculation, is the most recent data, the Certified Values, of assessment across the County, in addition to the Inventory Assessments. So those all change annually. And that is how we're to come up with the calculation of how to allocate the credits.

Mr. Bridges said I see. So what you're doing is you're assuming that you are still collecting money on these Certified Values of inventory.

County Auditor Weston said yes.

Mr. Bridges said so it's all a matter of really—these values, as Dr. DeBoer mentioned, really aren't all that meaningful after 2005.

Clerk-Treasurer Rhodes said well, Dr. DeBoer's comments were strictly speculative. There has been no study that demonstrates that there would be a fall-off in inventory reporting. He made the comments, I think in the light of someone who mines data, and therefore his comments were interesting—those and the Auditor of the State—but I've not seen anyone actually come forth with any proof that the inventory values that were certified 2006 pay 2007 are any less valid than the ones in the prior year.

Mr. Bridges said okay. One last comment, if you'll give me permission.

Clerk-Treasurer Rhodes said could you come to the microphone.

Mr. Bridges said so the whole purpose of shifting from inventory tax to income or property tax, however you're going to do that, was, in fact, to encourage businesses to move into this area. Now that would mean, of course, that there was going to be an increase in inventory. But, we wouldn't be collecting any inventory tax on that. We're stuck back in 2005, because anything after 2005—and I have to go with Dr. DeBoer on this—anything after 2005, if there's a reduction, I'm puzzled, but I wouldn't be surprised if there was an increase, because we're encouraging companies to stay here in Indiana. That was the whole purpose of it.

County Auditor Weston said I think he alluded to the fact that it was unfortunate that the data may not be reported in a way that proves the theory. And certainly—

Clerk-Treasurer Rhodes said Ms. [County Auditor] Weston, if you'd come to the microphone—

Mr. Bridges said all right.

Clerk-Treasurer Rhodes said but the purpose of the Homestead Credit was to, in fact, reduce the impact on homeowners from removal of inventory, and that's true in pay 2007, as true as it's going to be in pay 2008. We're not protecting them for something that happened in the past. We're protecting them every year from the removal of inventory value, from the calculation of the tax rate. That's the premise.

Mayor Mills said other comments? Other comments in the public hearing, before we close the public hearing.

Councilor Satterly said could I ask a question of Jennifer [County Auditor Weston]?

Mayor Mills said yes.

Councilor Satterly said how is the inventory value determined each year?

Clerk-Treasurer Rhodes said could you come to the microphone.

County Auditor Weston said I believe that's a County Assessor question. However, I think it's self-reported.

Mayor Mills said yes, you file.

Mr. Schmitt said it's still on the property tax return.

Mayor Mills said yes, you file it.

Mr. Schmitt said it's just on the property tax return, and then it's reported.

Councilor Satterly said but it's self-reported by the industry or the business?

Mayor Mills said the business.

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Mr. Schmitt said it always has been.

Councilor Satterly said it always has been?

Mr. Schmitt said it always has been.

Councilor Satterly said and so why should we think that it will drop because we're no longer taxing the inventory?

Mayor Mills said there's less purpose for them to report it now, legally, because they're not going to be taxed.

Councilor O'Callaghan said but they would be less careful.

Councilor Satterly said do they still have to report it, legally?

Clerk-Treasurer Rhodes said I think this is speculation.

Mayor Mills said yes.

Councilor O'Callaghan said it is speculation.

Mayor Mills said we'll see. Go ahead. Please.

Mr. John Blignaut [325 Jefferson Drive] said I'd just like to comment that, as the Mayor had said, we all live together in the County. I think we all benefit from living in the County and helping each other out, and I think that's important. However, let's keep in mind for the West Lafayette residents that, as the Clerk-Treasurer pointed out, that we have a large exempted assessed value, we have quite a large TIF-exempted value, therefore higher burden on property owners in West Lafayette. You know, I think everybody in the County should keep that in mind as, in addition to, you know, if you are—and this is my primary concern here—if you're a retiree in West Lafayette, I think that we have to keep in mind what is fair to them as well. They're supporting exempted assessed values—the properties, the TIF Districts—are also helping support the offset of the inventory reduction, and then on top of that, now we also have an income tax that, at 0.1%. So I think, you know, we have to be fair to all, and let's keep that in mind as well. And that, if we can help even out that redistribution, I think those are the folks that it would help the most, if we're able to move forward on these two ordinances. Thank you very much.

Mayor Mills said thank you. Other comments?

Mr. Phil Rawles [3220 Dubois] said I have a question. If I understand this correctly, every year we're going to get new inventory values, and we're going to go through this process to negate those. If the public policy is successful and we do attract more business, let's say we get a Wal-Mart distribution hub in the County or something like that, okay, so we have large quantities of inventory that pop up, now then, we're all going to be paying more income tax, so that the people who live in those areas where that new area built up don't have to pay, because you've increased the assessed value. But we're now paying for that differently. Is there any sunset to this thing? Is this going to go on forever?

Mayor Mills said it's a permanent change to the inventory assessment for inventory taxes, and that was the legislation.

Mr. Rawles said okay.

Clerk-Treasurer Rhodes said the County Income Tax Council can, of course, terminate this income tax, if it feels it's no longer serving the best interests of the County. One can imagine that occurring with enormous economic development ancillary to those inventory value increases. For example, Lafayette's assessed valuation went up about 3% this year, even though it lost—I think it's over \$3.3 billion—although it lost the bulk of the inventory when it was removed from the rolls for taxation. Probably a great deal of that inventory, in fact, of the \$332 million was in Lafayette. It still grew. It shows the power of that economic engine, and one would expect, as business activity increases, it may be that inventory value has less impact on the tax rate overall, because assessments are overall rising. That would make it less of a burden and also maybe it is viewed as a transition tool, as we move into a different approach to, perhaps property taxes and income taxes, as well as economic development in the County.

Mr. Rawles said okay. Thank you. I just wanted to make sure that I understood that correctly, that if this were to go on forever, there are scenarios under which this could have some very serious unintended consequences. I realize that that is not what's on the table here today, but we've kind of had a big picture discussion, so—

Clerk-Treasurer Rhodes said that's the great part that they actually gave local fiscal control. We don't have to go to the Legislature and lobby and hope maybe two or three years from now, they might consider passing a bill. We've got the data on hand, we can evaluate it, we have people able to do so, and we've got the time to act. So this is one case in which we do have local control. We have a responsibility, but we have the ability to act.

Mr. Rawles said thank you. And then my last comment with all due respect to Terry [Mr. Schmitt], this is West Lafayette, and we need to do what's right for our citizens here and your constituency, so I ask you to do that. Thank you.

Mayor Mills said thank you. Any other comments? Mr. [Jeff] Kemper [Tippecanoe County Council President].

Mr. Jeff Kemper [Tippecanoe County Council President; 102 Windy Hill Drive, Lafayette] said good evening. Unfortunately, I was not available last week, was not provided with any of the materials—

Clerk-Treasurer Rhodes said we mailed them to you.

Mr. Kemper said I'm not prepared to make remarks, but I'm appreciative that several of my colleagues are here, and I would encourage any of them who would like to make a comment, please to come forward. I know at least two of them were at your Pre-Council meeting, and I think spoke then. So any of them that is a little more prepared, ask them to come forward.

Mayor Mills said thank you, Jeff [Mr. Kemper]. Anyone else?

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Ms. Kathy Vernon [member, Tippecanoe County Council; 4349 Wea Ridge Road, Lafayette] said I just want to appreciate the forum that we have here this evening, not only to discuss specifically as it impacts West Lafayette, but to let all the citizens of Tippecanoe County hear the message, because of it being broadcast via cable. So great, open dialogue. This is a great example of fiscal control. We were given an opportunity last year, to look at how we can neutralize things, how can we collect money. We weren't sure. We were in uncharted territory. And we made the best assumption that we could. And now we have a year's worth of data and we've seen what actually we voted on last year. Now it is our opportunity to analyze the data and make corrections, and take advantage of having local fiscal control. And doing what is the best thing for the citizens of Tippecanoe County. Thank you.

Mayor Mills said thank you. Anyone else? All right, we'll close the public hearing. Any further discussion from the Council? Any questions?

Councilor Satterly said so we were discussing both resolutions at the same time and are—?

Mayor Mills said no, we're just discussing [Resolution No.] 18-07 right now. We had the general discussion, but [Resolution No.]18-07 is the one that's on the floor. Any other discussion? Ready to go forward?

Councilor Keen said Madam Mayor, I just want to make one comment. I think, from the discussions, it's relatively clear that we have collected more funds than are necessary to take care of the obligations that have been created with this whole situation. It's also clear that the distribution of some of the credits have not been equitable, more so for the West Lafayette taxpayers than others. I think that we, as a Council, need to act accordingly, and I will certainly support these resolutions.

Mayor Mills said any other comments?

Councilor Truitt said yes, Madam Mayor. If I could say a few things. Again, with all respect to Mr. Schmitt [Deputy Controller, City of Lafayette] as well, I think it's very important for all of us. As we all know, I voted against this first go around along with Councilor Keen. It's important to be a team player, it's important to collaborate, it's important to realize that we are part of a County, and we are part of a community. However, we do things all the time on our own. We just did something on our own starting July 1. So, in my opinion, what we need to think about right now is that—the bigger concern for me, and Kathy [Ms. Vernon] just touched on it from a fiscal responsibility perspective—is come 2009, from a local perspective, we're going to have a large amount of control. We're going to have the opportunity to do things exactly like this in, perhaps, greater magnitude. I think it's a disservice to the citizens of West Lafayette, as Mr. Rawles pointed out—and I appreciate him coming back again to this meeting—I think it's a disservice to not address this in this manner at this point. I would personally rather study this topic a little bit more myself from a standpoint of its overall impact, because I think it's important for us to begin to move away from the reliance on property taxes. However, we need to be careful and prudent in regard to what mechanism we choose. We have this in front of us right now, we have excess, it was totally unfair to the citizens of West Lafayette. I applaud the Clerk-Treasurer for pushing this forward, and Ms. [County Auditor] Weston to come here, but I think that what we need to do, as representatives of West Lafayette, is to do what's in the best interests of our citizens, because that is why we're elected, that is why we're sitting up here, and I am in support of changing the process as it is right now, and continue to discuss further changes potentially down the road, if it does not meet its intended purpose.

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Mayor Mills said okay. Thank you. Other comments? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I'll just talk about Resolution No. 18-07 right now, since that's the one that's on the table. I do want to reiterate my support for the allocated method the first time around. This was a new thing. Removing the inventory tax. That was something to benefit the whole community, the whole State, frankly, to encourage businesses to come. And some communities actually went sooner than we did, because the Legislature allowed us the opportunity to remove the inventory tax even sooner. But we waited until the last possible time. And it was appropriate, I believe, to do it allocated at that point—I appreciated Mr. Rawles coming last time—because of the fact that we all benefit from the inventory, even though we don't have it here in West Lafayette. We go to the car dealerships in Lafayette and those kinds of things, so I reiterate my strong support for the allocated method for the inventory deduct. But for the excess, I think it's very clear that we need to do the excess—distribute that uniformly. And I was happy to hear Tom Murtaugh [Tippecanoe County Council Vice President] say that that seemed to be the feeling of the County Council as well. And, frankly, it does take two bodies, so if the County and West Lafayette would go for distributing the excess in a uniform manner, then that is what would happen. And I would hope our colleagues in Lafayette would understand that we're supportive of them to make them whole for the inventory deduct, but for the excess, we think that that should be distributed uniformly.

Councilor Truitt said Madam Mayor. Could I just say—?

Mayor Mills said Councilor Truitt.

Councilor Truitt said not to put words in Mr. Murtaugh's [Tippecanoe County Council Vice President's] mouth, but I believe that he said that he could not speak for the rest of the County Council.

Councilor O'Callaghan said oh, exactly. But they're not in their hats—

Councilor Truitt said just to make sure, because he was very clear, and I wrote that down. So that was his feeling, not that of the County Council.

Councilor O'Callaghan said right.

Mayor Mills said any other comments?

Councilor O'Callaghan said well, I guess I would also say that—oh, I should get my notes, but—that certainly the County Auditor, but also the County Treasurer indicated support of the allocated method, the uniform method for the excess.

There was no further discussion.

Mayor Mills said all right, will you call the roll, please. This is [Resolution No.] 18-07.

Resolution No. 18-07 passed on first and only reading, 6-0.

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Resolution No. 19-07 A Resolution To Cast The Votes Of The City Of West Lafayette On The Tippecanoe County Income Tax Council On The Proposed Amendment To Decrease The Economic Development Income Tax Imposed For Homestead Credit To Mitigate The Inventory Deduct **PUBLIC HEARING** (Submitted by the Mayor and the Clerk-Treasurer)

Councilor Griffin read Resolution No. 19-07 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.

Mayor Mills said all right, we'll go ahead and open the public hearing. This, again, is to reduce the CEDIT collection from 0.10% to 0.08% for next year. If anyone would like to make any additional comments, please come to the microphone.

Mr. David Bridges [1612 North River Road] said question, Madam Mayor.

Mayor Mills said please come to the microphone.

Mr. Bridges said should that reduction be in the resolution? Because there's no mention of numbers there at all. So should you put in 0.10% to 0.08%?

Clerk-Treasurer Rhodes said it is there.

Councilor Satterly said it's, "now therefore be it ordained..."

Councilor Truitt said back page.

Councilor Satterly said it's the back page.

Clerk-Treasurer Rhodes said the resolution is to cast the votes of West Lafayette for an ordinance—

Mr. Bridges said oh, okay.

Clerk-Treasurer Rhodes said and the ordinance contains the percentage.

Mayor Mills said any other comments anyone would like to make?

Councilor Hunt said I'd like to make just one, and that is—

Mayor Mills said wait just a minute, until we close the public hearing.

Councilor Hunt said oops, sorry.

Mr. Phil Rawles [3220 Dubois] said the previous discussion was good. I agree with what you've done, in terms of getting rid of the excess and doing it equally, but what's even better is not collecting the excess. Let us keep it, let us do with it, and drive that economic engine. So if we can reduce this rate, still have enough to cover our bases, I think that would be the best solution that you could offer. Thank you.

Mayor Mills said thank you. Anyone else? All right, we'll close the public hearing. All right, Councilor Hunt, comments? Questions?

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Councilor Hunt said I mostly want to thank so many people for commenting. It's a long evening, and I appreciate you all being here very much. Thank you very much.

Mayor Mills said any other comments? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I think it's really important to realize that what this would do would just be to change the shift. It's not changing the actual amount, because when the excess is collected, it's going back to the taxpayers as well. So it is just a shift from, perhaps from some property tax to some income tax, if you're collecting more income tax. And that does seem to be the way that many people are thinking, that we want to go. The Legislature did give communities the opportunity to do that in a bigger way this year, if we wanted to. In our community, we decided we didn't have the time to figure for that bigger shift. This could be considered just a small shift at this point. But I think it's also really important to get across to everyone the idea of this tax shift, because when people are getting their tax bills now that are 25%, 27% higher, oftentimes, the thought then is that the municipality is getting 25%, 27% more. And that's not true. The amount of levy that we can collect is set, and this year the increase is—

Mayor Mills said maybe 4%.

Councilor O'Callaghan said maybe 4%. So of that 27% increase in your tax bill, only 4% increase could be attributed to the municipality. And so it was really hard for me to understand, I mean, it said we can't raise it more than 4%, then how are our tax bills going up so much? Well, the fact of the matter is that the amount of money that we collect is the same, and it's not the other jurisdictions, either, because the libraries are capped and the schools are capped, even though the City—of our regular \$1 tax bill—the City in general only has \$0.25 of that bill. It's only 25% of the tax dollar. It's the other taxing jurisdictions—the schools, and West Lafayette is quite, quite high; the library; the other—the County—other taxing jurisdictions. But still, those jurisdictions also don't get a 25% increase, so how is my bill going up 25%? And what the deal is is that the amount of money we're getting is the same, but where we're getting it from is different. And part of that is what happened, not in this past Legislature, but the one before, where there was more of a shift from businesses onto the homeowners, with the freezing of the property tax replacement credits, with some of the actions that were done with the schools and things like that, so I just feel like this is an opportune time to make sure that everyone here and everybody out there realizes that when your tax bill's going up 25%, it's not coming here. I just felt like it was an opportune time to discuss tax shifts.

Mayor Mills said it's a great comment, because, again, it's not going anymore to any of us. We are all capped by statute. We are paying a bigger share, because business is paying a smaller share. Thank you. That was very good.

Councilor Truitt said well, and I think the other thing to just keep in mind—I'm going to keep going back to this 2009 situation here. I mean, we have the end-of-the-year rebate of \$300 million that's coming back to the taxpayers, thanks to the State. We have \$250 million coming back in 2008, all based on this new word, "racinos," I guess "race track casinos," I guess, from that standpoint. So we're continuing this bailout that is being done on our behalf right now. From a local perspective, if the State says, "We are done with the bailout," okay, in 2009—which they could do. They could say, "No more. Here, local, property tax relief is your responsibility." I sure want to make sure, if we're sitting in this chair, all of us up here, that

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we've done everything that we can to be prudent and fiscally responsible. And I think that, for those residents that are here and for those that are watching on TV, I think that that's what they demand, because we haven't focused on that 2009 situation very much, but someone up here is going to have to deal with it, and we'd better start right now by getting our house in order. So I think that this would be a prudent thing.

Mayor Mills said and right now the racinos will go away in 2009—

Councilor Truitt said right.

Mayor Mills said and then everyone's property tax bill is really going to go up.

Councilor Truitt said that's right, because if Mr. DeBoer, as he talked about there, he says, "Our homeowners' taxes jumped \$250 million," so therefore, tax bills increased 10% to 20%. Or you could look at your tax bill right now, and say in three years, your property tax bill will double. And that doesn't, for me, doesn't sound very good. At all.

Mayor Mills said thank you. Any further comments before we vote on this? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. So I think there was no question for the uniform distribution of the excess. That was the appropriate thing to do. For this, there are still some questions. Our County Treasurer thought that maybe it might be too early to take the step of 0.08%, and he pointed out that the reserve that was on Judy's [Clerk-Treasurer Rhodes'] handout was not really a reserve, it's money that's there for corrections, and so it's not like the 125% for the SRF loans, that kind of excess. It is for corrections and appeals and those kinds of things, so he expressed some concerns, and certainly Larry DeBoer expressed some concerns about reducing that percentage so soon, without having a little bit more data. Again, if inventory goes up, then there will be—it would take more money to make those homeowners close to their whole, so I think it's not clear to make it 0.08%, but I do think that it is appropriate for this discussion to continue. And in order for it to continue, I think that we need to vote for it, so that then the other taxing jurisdictions could get together and discuss it, because we're not the only one. We're only one-third, not even one-third. But, so even though the jury's out on it, I will vote for it, in order to continue the discussion.

Mayor Mills said anything else? Any other comments?

There was no further discussion.

Mayor Mills said will you call the roll, please.

Resolution No. 19-07 passed on first and only reading, 6-0.

Mayor Mills said we have two more items of business, but for those of you who were generous enough with your evening to come and take part in this discussion, please don't feel like you have to stay. We know it's 10 o'clock, and if you want to go ahead and—

Councilor Truitt said but we are almost done, though.

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Mayor Mills said well, I know, but if you want to go ahead and leave, you can. Just do it quietly, so we can continue on.

Resolution No. 20-07 A Resolution Requesting The Transfer Of Funds (Street, Sanitation) (Prepared by the Clerk-Treasurer)

Councilor Griffin read Resolution No. 20-07 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.

Councilor Griffin said I move to amend by substitution. The amended version was presented to us tonight, which has an additional transfer of \$71 that can be described during discussion. The motion to amend Resolution No. 20-07 by substitution was seconded by Councilor Satterly, and the motion passed by voice vote.

Mayor Mills said all right, these are transfers. The first in the General Fund, in the Sanitation Department from Electricity to Legal Notices, \$500, and the Police Merit Commission from Legal Services to Written Exams, \$71. And in the MVH Fund, the Street Department, from Licenses, Permits, and Fees to Instruction, \$300. We had a little bit of discussion about this earlier, and the department heads are here, if you have any questions. Any questions? Any discussion?

There was no further discussion.

Mayor Mills said all right, will you call the roll, please.

Resolution No. 20-07 (Amended) passed on first and only reading, 6-0.

Resolution No. 21-07 A Resolution To Amend The Comprehensive Plan For Tippecanoe County To Include The Amended Transportation Plan for 2030 (Submitted by Area Plan Commission)

Councilor Griffin read Resolution No. 21-07 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.

Mayor Mills said all right, Mr. Thomas is here from the Area Plan Commission. I offered him the option to go very first, and he chose to listen to the income tax discussion, so he's a brave and hearty person to last to the end. He is here to talk to us briefly about the Transportation Plan.

Mr. John Thomas [Assistant Director of Transportation, Area Plan Commission] said what you have before you is very similar to the one you passed a year ago. The only changes have been made are to bring it in compliance with the new federal transportation rules, called SAFETEA-LU [Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users].

City Attorney Bauman said the newest acronym.

Mr. Thomas said yes.

Councilor O'Callaghan said L-O-O?

City Attorney Bauman said no, LU.

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Mr. Thomas said LU. The priorities for the projects in it have not changed. We have worked with all of the city engineers, the county engineers, to put the amendments together. One of the biggest additions is in the calculation of the project costs. In the previous plan, they were all based on a constant 2005 base year. They are now inflation-adjusted to the year of expected construction. There is a new section that starts to address some of the environmental issues that these projects may address, but from a policy standpoint, the priorities are the same as what you passed a year ago. I'll answer any questions you have.

Mayor Mills said you all have had the plan for a while, and if you've had a chance to look at it—

Councilor Satterly said I read the whole thing.

Mayor Mills said you did good, Gil [Councilor Satterly]. Do you have questions for John?

Councilor O'Callaghan said what do you think inflation's going to be in 2030?

Mr. Thomas said we used an inflation adjustment methodology that was patterned after that used by the Indiana Department of Transportation.

Councilor O'Callaghan said thank you.

Mayor Mills said it's kind of scary.

Mr. Thomas said it's a guess.

Mayor Mills said any other questions? Thank you very much for sticking it out and being here to give us that explanation. I appreciate it.

There was no further discussion.

Mayor Mills said all right. Will you call the roll, please.

Resolution No. 21-07 passed on first and only reading, 6-0.

COMMUNICATIONS:

► Councilor Truitt said I just got, hot off the press, the Little League schedule, because I think it's important for those that have not been out to the ballpark to please go out. We'll be having tournament games starting the 5th, which is this Thursday. We'll have four teams from around the area coming in. This is preliminary. This is getting the community warmed up for the "Big Kahuna," which is going to take place at the end of July, starting on July 23. Again, it's the State tournament. We have the top eight teams in the entire State of Indiana. It's going to be in the new West Lafayette Little League complex, participating on both of our fields, which the City was great in supporting. I just encourage the community to come out and spend some time up at the ballpark. There's Arni's pizza and salad, BW3 wings, and we have a lot of activity up there, plus there's going to be some great youth baseball, with the winner continuing on in the Little League World Series on ESPN. So please come out and support the kids. Hopefully, West Lafayette's 12-year-old team—knock on wood—will be participating in that. Hope to see you at the ballpark.

► Councilor O'Callaghan said I won't take much time, but I did want to make just a couple of comments about the smoke-free West Lafayette ordinance. One is a communication I got from Dr. Judy Monroe, the State Health Commissioner for the State of Indiana, and she said, "Congratulations. This is terrific news!" We had given her a t-shirt, a smoke-free West Lafayette t-shirt when the school of nursing had a conference earlier, and she said, "Thank you very much for the shirt. I plan to take it to Taiwan, where I will be giving a keynote address at a public health meeting. They want me to discuss what we are doing in Indiana, so if you don't mind, I'll take your success story halfway around the globe." So that was kind of neat. And then two recent studies came out. This was Thursday, June 28, a study from IU that talked about how a non-smoking spouse and a smoke-free workplace play key roles in the long-term success for young adults who quit smoking. This is according to this IU research. This is a longitudinal study, 27 year study, and they talked about to study ways to help 18- to 25-year-olds successfully quit. And they say, "The findings underscore the benefits of smoke-free workplaces for that very population of Purdue students." And then one other study that just came out as well from Oregon, and that talks about "even brief exposure to second-hand smoke in bars and restaurants that can result in measurable levels of a toxin in workers' bodies that is known to cause lung cancer. This was non-smoking workers in Oregon who worked a single shift in a bar or restaurant that allowed smoking were more likely to have a detectable level of NNK, a carcinogen linked with lung cancer in their bodies than those who worked in non-smoking establishments." So, just pretty neat to have those verifications of the work that we've done over the past year.

CITIZEN COMMENTS:

► Mayor Mills said are there any citizen comments tonight? Mr. Haynes?

Mr. Sam Haynes [703 Avondale] said no, thank you for asking.

Mayor Mills said we'll be disappointed if you don't have something to say tonight.

Mr. Haynes said well, I'll think of something for the next time.

Mayor Mills said okay.

► Councilor Griffin said I'd like to make a comment as a citizen, rather than as a Council member. I visited with my wife's family in Copenhagen, Denmark, last week, where her ancestors come from. In Copenhagen, you pay approximately \$8 a gallon—

Councilor O'Callaghan said \$8 a gallon?

Mayor Mills said yes.

Councilor Griffin said thank you. \$8 a gallon for a gallon of gas. And so my comments—and in downtown Copenhagen on Friday night, in a very organized fashion, you can find thousands of bicycles parked, from people who have come in to downtown to enjoy the restaurants, Tivoli—which is an amusement park—and a variety of things that happen in downtown Copenhagen. These comments tie together Mr. [City Engineer] Buck's presentation at the beginning and the presentation about the transportation plan for 2030. This evening, I rode my bike from the southern part of the second district up here to City Hall, and with my light on, I will ride it home in a little bit here. But I really want to express my appreciation as a citizen for the foresight that our city has had in making our streets safer for bicycling. We have to continue to support

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alternative methods of travel, because we have to pollute our air less, but it's an economic reality that more and more of us need to be able to feel safe in traveling by methods other than by car. And I had heard someone several months ago, while things were still in the process of being finished on Salisbury, and a citizen who lives in my district, I might add, was complaining, "You know, you have to drive slower with the way they're doing it." And I said, "Yes, that's the idea." And as I was riding my bike up Salisbury in a five-foot wide bike lane, the cars were traveling past me at 25 miles an hour, give or take. That's versus a year ago, when the cars would travel by me at 35 to 40 miles an hour. It's safer. It's safer for pedestrians. It makes people not only be safer but feel safer to walk on the sidewalks and bicycle. Thanks. I'll get off my soapbox.

Mayor Mills said thank you, Carl [Councilor Griffin].

Councilor O'Callaghan said that's really interesting, Carl [Councilor Griffin]. I was thinking that Bob and Nancy Schauer who walked to the Council meeting from down there were the only ones who got better gas mileage than I did in my hybrid coming up here, but I guess you did, too.

Mayor Mills said I saw them way up Salisbury, and I wondered if they were coming to the meeting—

Councilor O'Callaghan said they did.

Mayor Mills said because they come very often, and they walk up and down Salisbury almost every day, I think. So thank you. That was a great comment. Anything else?

There was no further discussion.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. Motion was seconded by Councilor Hunt and passed by voice vote, the time being 10:09 p.m.

Respectfully submitted,

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