CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
AUGUST 6, 2007

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on August 6, 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, McMullin, O'Callaghan, Satterly, and Truitt.

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

MINUTES: Councilor Griffin moved for acceptance of the minutes of the June 28, 2007, Pre-Council Meeting, and the July 2, 2007, Common Council Meeting. Councilor Satterly seconded the motion, and the motion passed *viva voce*.

Introduction of Council District 1 Representative
Mayor Mills said I want to start tonight, before we move to the committee standing reports, to introduce to you our new Council representative from District 1, Ross McMullin. Ross represents the students—really, mostly students—in District 1, and we want to say welcome, Ross. Thank you for being willing to represent a portion of the City.

Councilor McMullin said thank you, Mayor.

COMMITTEE STANDING REPORTS:
STREET AND SANITATION: Councilor Satterly presented this report.
Thank you, Madam Mayor. On the public works July highlights, Salisbury Street has been resurfaced from Sagamore Parkway to Lagrange. Salisbury Street and sewer construction Columbia to State Street is expected to be done by August 15. Concerning sanitation and recycling, alley overgrowth of weeds, shrubs, and trees hanging into alley easements cause difficulty and danger to sanitation employees and damage the equipment that they use. The department is in the process of trimming back to easement lines as necessary for safe passage. Your help is requested, if possible. That concludes the Street and Sanitation report.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.
Thank you, Madam Mayor. Concerning Wastewater Utility projects, the Barbarry Lift Station is under construction and on schedule. The Western Interceptor-Phase II is out for bid, and that Phase II section goes from the Purdue soccer fields down to Airport Road. Phase I is completed, except for minor adjustments. The Digester Rehab bid has been awarded to Bowen Engineering. Construction is likely to start in September. Concerning the Wastewater Utility Plant, total flow for the month was 207.88 million gallons. There was a combined sewer overflow of 0.821 million gallons, and the overflows were one hour at the Wet Weather Facility, 18.58 hours at Dehart Street, and 1.42 hours at Quincy Street. Percent treated at the plant was 99.61%. That completes the report.

PUBLIC SAFETY: Councilor Keen presented this report.
Thank you, Madam Mayor. For the month of July, the West Lafayette Police Department had calls that were up by 1% from the month previous. During that same time period, they continued to participate in the grant-funded traffic safety enforcement programs along with some Red Light Enforcement programs. They'd also like to remind you that they will be holding their first RAD class, that's Rape Aggression Defense program, to be held on Tuesdays during the month of September. That would be the 4th, 11th, 18th, and 25th, from 6:00 p.m. to 9:00 p.m. each evening in the West Lafayette Police Department training room. Applications to attend the meetings are available at the website. There are still seats available. If you're interested, sign up. During July in the Fire Department there were three new firefighters hired. They began with the Fire Department on July 11. They were Ryan Linder, Keith Burton, and Shane Chapman. They all have previous experience as volunteer firefighters and they are integrating well into our department, so welcome to each of them. We also have two new fire trucks. Engine 1 is at Station No. 1, and Engine 3 is at the upgraded Parks Department building at the temporary facility. There's an open invitation for anyone who wants to see the new trucks to stop by Station No. 1, and then after the upgrade is completed to the Parks Department building in mid-August, then there would be an open invitation to see the other truck up there as well. Last but not least, we have a new backup generator at Station No. 1. This project was paid for in part by a Homeland Security grant of $18,500. Good work there.

Mayor Mills said thank you very much. I'd encourage you to go take a look at those beautiful fire trucks. They look small, if you think about comparing them to the aerial truck which is very large, but beautiful, very beautiful new fire trucks. Stop by and take a look.

PURDUE RELATIONS: Councilor McMullin presented this report.
Thank you, Mayor. The City would like to welcome the new President of Purdue University France Córdova and her husband Christian Foster to West Lafayette. We are honored to have such distinguished and intelligent individuals as our academic leaders. The City looks forward to partnering with President Córdova in continuing the effort of the Council to improve the lives of students, faculty, and staff at Purdue. The Council would also like to congratulate the 1,234 recent graduates of Purdue University on their momentous academic accomplishment. The City is cognizant of the bright futures that lay before these graduates. We are extremely proud of the students for their accomplishments, and honored they chose West Lafayette as their home during their academic careers. Also, growth in enrollment in the recent years has caused a housing crisis that most are aware of. This housing crisis is increased by the incompletion of building projects and the general housing shortage on Chauncey Hill. I personally have been in contact with individuals who are at the center of the current crisis, and I am actively working to assist students to find alternative housing until the situation can be resolved. To this point, the groups involved in this situation have been responsive and attentive. It is my hope that the next few weeks will lead to success in resolving this issue for all involved. And lastly the City Council is excited to welcome back students for the 2007-2008 academic year of Purdue University. We desire to assist students with their everyday needs. The City would like the students to know that the City of West Lafayette is at their service, and would like to thank them for continuing to put their trust in the City Council. Thanks.

PARKS AND RECREATION: Councilor Hunt presented this report.
Thank you, Madam Mayor. The Lincoln Park dedication was on July 12, and it was well attended. One little preschooler told me that she really likes the playground. It was fun to chat with her. It was obvious she had been there before. The annual Riverfest, the Kiddie Carnival, the Dancing in the Streets were all successful and enjoyable in the month of July. The men's and the coed softball tournaments are underway at Cumberland Park, and the recreational

youth soccer begins this month. It's hard to believe with this heat, but the last day to enjoy the municipal pool this year is Sunday. It will close, weather permitting, at 8:00 p.m. on Sunday, August 12. Global Fest will be September 1 at Morton Community Center, and Art on the Wabash—we're looking forward to it—will be at Tapawingo Park on September 16. The pool will be discussed later, as we're doing some renovations, but I've been told that they had an excellent season, and they particularly had a good safety record this year, which is always important. Again, it will close at end of day on the 12th. The next Park Board meeting is August 20 at 4:30 in City Hall. That ends my report.

Mayor Mills said I have to add that we managed to retain the trophy in Riverfest for the canoe race this year. I particularly want to thank Sue Mattern and all of the many employees who came out to row hard or paddle hard—whatever it is—I guess it's rowing, if you're canoeing. But it's great fun and we managed to—I think we had a little bit unfair advantage, because the Lafayette canoe actually ran aground on the first heat. And they weren't steering, the steersman was steering, and so we passed them. And then on the second heat, we actually kind of jumped out in front and managed to hang on. But it's great fun, and we look forward to next year when we battle again.

DEPARTMENT OF DEVELOPMENT: Councilor O'Callaghan presented this report.
Thank you, Mayor. I wasn't able to attend the July 16 Redevelopment Commission, due to their changing the time, but in terms of development, I guess I want to make sure that everyone is aware of the trio of rankings that can generate a stronger economy for our area, and I see the banner is over there. These are three independent rankings that give high marks to the Lafayette Metropolitan Statistical Area [MSA], which includes Tippecanoe, Carroll, and Benton Counties. The rankings include a "5-Star 2007 Quality of Life Quotient" from *Expansion Management* magazine, number 6 in the *Expansion Management* magazine rating of Top Small Metros for recruitment and attraction, and the 25th best city among more than 400 MSAs in U.S. and Canada in Frommer's *Cities Ranked & Rated*. It's pretty exciting, and, really, these kinds of things are what lead to increased economic development. And people outside the area knowing what's going on here, as the Association of Women Business Owners knows that. Right, Carol? And the other thing I thought I would just like to mention a little bit that we don't often go over in the Department of Development report, but I was just struck by the Engineering report this month, with how much these guys work so hard all the time. And I use "guys" meaning men and women. But Building Inspections Completed, 323; that includes inspections to close out expired permits. Plan Reviews Completed, 6 commercial, 8 residential. 31 Building Permits issued, and actually those building permits totaled $1,325,409. So it goes on with meetings and NPDES, the stormwater stuff that they work so hard on. But just wanted to send a few kudos out to the Engineering Department for all their hard work.

Mayor Mills said thank you. Very, very well deserved.

PERSONNEL: Councilor O'Callaghan presented this report.
Thank you, Mayor. I guess I'll just mention that we will be having the first reading on the salary schedule and pleased that we're going to try to get a 3% raise for our personnel.

BUDGET AND FINANCE: Councilor Truitt presented this report.
Thank you, Madam Mayor. I will defer my statements for the budget discussion items which are plenty on the agenda this evening. Thank you.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report.
Madam Mayor, we'll discuss an ordinance that's come forward from APC a little bit later. I have no other report at this time.

PUBLIC RELATIONS:
Recognition of Sameer Mishra, Local Spelling Bee Champion
Mayor Mills said we have two things—well, really three things—tonight for Public Relations. To start with, I wanted to recognize tonight Sameer Mishra, who is here with us tonight. He is our local Spelling Bee Champion, who, for the last three years has gone to the National Spelling Bee and made us all very proud, done very, very well. And so we wanted to just—we're a little bit late, but we wanted—to say congratulations, and give you a certificate to say how proud we are to have you from our community and our City. Just to say it's recognition of outstanding performance in the National Spelling Bee. Thank you very much. Congratulations.

Mr. Mishra said thank you.

Mayor Mills said it's quite an accomplishment to keep going year after year and do so well when you're there. And your sister, who also has that great history of being a Spelling Bee Champion, is here also. So congratulations to both of you.

West Lafayette Community Beautification Award
Councilor Satterly said the West Lafayette Community Beautification Award for this month is awarded to Marji and Michael Gold-Vukson. I would like to read the paragraph that Lynn Layden, who nominated the winners for this month, wrote:

> "People passing by the 900 block of Barlow Street are always watching the front yard of Michael and Marji Gold-Vukson. They may be looking for another clever birdhouse perched on the picket fence, or more old-fashioned flowers coming into bloom. The cottage garden has been developed over several years, beginning with the destruction of a concrete driveway and the use of broken concrete and bricks to create a path system throughout the front and back gardens. Many of the plants were rescued from yard trimmings put out for pickup; others were donated through Free-cycle. The front garden includes a charming mix of old-fashioned hollyhocks, Queen Anne's lace, roses, lavender, and many other flowers that attract butterflies and dragonflies. Michael has created the ornate Victorian birdhouses by embellishing small wooden birdhouses with wood trims and painting the structures bright white. The backyard is developing Colonial vegetable and herb garden, with many raised beds. He uses organic gardening practices to produce an abundant supply of vegetables for his family, as well as a bright and colorful landscape for all of us to enjoy."

So if Marji and Michael would come forward, I have here a couple of pictures. Here's "West Lafayette Community Beautification Award in recognition of your outstanding contributions to the enhancement and beautification of West Lafayette." And it's signed by the Mayor and by Councilor Ann Hunt, a member of the Beautification Committee.

Mr. Gold-Vukson said thank you very much. It just kind of developed, as the citation said. It was a rescue garden, and when people would throw things out—on my walks through neighborhoods and that, you know, you'd see things sitting on the curb and you'd think, "Gee,

there's a little green still in that." So I'd drag it home and she'd say, "Oh, another one." So I guess she's happy, as long as it's not a dog or a cat.

Mayor Mills said that's wonderful. You're going to have a parade of vehicles now—

Mr. Gold-Vukson said I know, yes, and people are going to be abandoning things on my curb, probably. That's okay, I'll find a spot. Thank you.

Employee Service Anniversaries
Mayor Mills said we have just one employee anniversary for September, Keith Barker from the Fire Department celebrates 10 years with the City of West Lafayette, and we send our congratulations and thanks to Keith.

FINANCIAL REPORT:
Clerk-Treasurer Rhodes said Councilors received their State Board of Accounts ledger reports and, on your table tonight, the June—oh, June; it should be July. Changed it; didn't save it. I'm sorry—July cash transaction report. Personal expenditures in the General Fund are running 3.9% over last year. I'm going to defer all of our discussion for the budget later this evening. Thank you.

UNFINISHED BUSINESS:
Ordinance No. 14-07 (Amended) 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 **PUBLIC HEARING** (Submitted by the Police Chief)

Councilor Griffin read Ordinance No. 14-07 (Amended) by title and moved that it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said thank you. We talked about this at Pre-Council. We do need to have the public hearing, but is there discussion from the Council before we open the floor for the public hearing? Are there additional questions that you didn't have answered by the [Police] Chief on Thursday?

Councilor Hunt said I'd like—

Mayor Mills said Councilor Hunt.

Councilor Hunt said I'd like—I think Chief Marvin gave us extremely interesting and relevant information at Pre-Council, but most people didn't hear that, so could we have him give that again, or would you—?

Mayor Mills said certainly.

Councilor Hunt said particularly about—I'll let you do it. You do it very well.

Police Chief Marvin said thank you. As you're considering this, I think there are some points that we need to keep in mind, and if you didn't know, you need to know and have that knowledge. How we got here, to start with, this case started July 21, 2002. It started out with a complaint. Our agency received a noise complaint that there was a party with fireworks going on in the 300 block of Sylvia Street. Two officers were sent. As the officers were arriving, they

could hear loud music going on at the residence in question. They didn't hear any fireworks going on, but there were a large number of people at the party inside and outside. As Officer Ferguson was approaching the front of the residence, a bunch of people ran back into the residence, and as he was walking up towards the front, the plaintiff in this case started walking down the walk and met him as he was arriving towards the front of the location. As we always do, the individual was asked for identification, if he lived there. The plaintiff in this case advised that he was a resident, that he did live there, and he produced his driver's license as identification for the officer. They had a short conversation and they were discussing the noise and the party, and whether or not there was anybody at the party consuming alcohol that was under 21. At some point during the conversation, the plaintiff in this case demanded his driver's license back, and wanted to leave. And the officer advised him that they were not done with the contact yet, that he would get his license back when they were done. At that point, the plaintiff in this case reached out and grabbed the officer by the arm and, with his other hand, tried to rip his license out of the officer's hands. At that point, obviously, the individual was advised that he was under arrest. He tried to get away from the officer. A scuffle ensued, and the individual ended up being taken to the ground and arrested for battery on a police officer, resisting law enforcement, and also I think he was cited for providing alcohol to minors. Subsequent to that arrest, obviously, a report has to be filed, the officer has to complete a case report. That case report was reviewed by the Shift Commander for the evening. And the assisting officer also had to complete a report along with that. Neither the assisting officer nor the supervisor apparently had a problem with the way the case was handled, because the report was signed off on. As is done anytime we have a use of force incident, we have a Use of Force Reporting Form. The Use of Force Reporting Form was completed, sent to the Shift Commander for review, along with the Captain of Patrol, as well as a Defensive Tactics Instructor. They all reviewed the force that was used and the circumstances outlined in the case report. They do this to make sure that we're using appropriate force, that there are no violations of policy, and to see if we need to make any adjustments in our training or in our Use of Force Policy. None of the individuals that reviewed the form had a problem with the use of force in that case or the circumstances or the actions that the officer took in that case. As well, that case report was forwarded to the Prosecutor's Office. Now, obviously, the Prosecutor's Office didn't have a problem with the case, because they did file charges against the plaintiff in this case, and they did pursue the case and prosecute it. However, the jury did acquit the individual in this case. After the acquittal, the plaintiff in this case did file a tort claim and a lawsuit against the officer, being Officer Ferguson, and the City. The City's insurance carrier hired a law firm out of Indianapolis to review the case and decide how they would handle it, whether they would go ahead and defend the case or if there should be some type of settlement. The attorney hired to represent the City did review the case, had conversations with many of us at the Department, and decided that he felt the officer did the right thing in this case, did nothing wrong, and it should be vigorously defended, which he did. After the case went through—basically the plaintiff sued for false arrest, excessive use of force, malicious prosecution, and battery in this case. You should know that the jury found in favor of Officer Ferguson and the City on the excessive use of force and on the battery complaints. Again, the jury found that the officer did not use excessive force, and he did not batter the plaintiff in this case. Okay? However, the jury did find in favor of the plaintiff on the malicious prosecution complaint and on the false arrest complaint. Now, as such, there were some compensatory damages and punitive damages awarded. What we're talking about here is appropriating funds to pay the punitive damages, because the insurance company could not pay the punitive damages awarded to the plaintiff against the officer in this case. Now, the Legislature of our State had the foresight to realize that these type of situations can and, unfortunately, do occur. And they specifically allow for municipalities, when they feel it's in the best interest of the municipality, they can go ahead and pay these type of claims, because they do understand that they arise. And in this case, I think it's the right thing to do.

Officer Ferguson responded to the call for service. He was performing his duties in good faith, acting within the policies and the guidelines that he's given, and I think we need to support him and go ahead and appropriate the funds and pay this on his behalf.

Mayor Mills said thank you, Chief. Any questions for the Chief?

Police Chief Marvin said thank you.

Mayor Mills said thank you. Any comments from the Council? All right, if not, we will open the public hearing at this time. If anyone in the public would like to comment on this ordinance, please come to the microphone and give us your name and your address and your comments. No one? All right, hearing none, we'll close the public hearing. Are you ready for the vote?

City Attorney Bauman said Mayor.

Mayor Mills said yes.

City Attorney Bauman said this is a question that's come up before, and since the Pre-Council meeting, I have received an opinion from the attorneys at Ice Miller. You'll notice it's dated July 5, but I did not receive it 'til last week. And because of confusion about an assumption, the information in here was not confirmed until after the Pre-Council. But it's their opinion, and I think there's some detailed reasoning in here, that this would not be taxable to the officer. You'll recall the amount in the additional appropriation was actually increased based on the assumption that it would be.

Councilor Griffin said so that would mean that a downwards adjustment be made to this, is that correct?

City Attorney Bauman said well—

Mayor Mills said it just won't all be used.

City Attorney Bauman said the person who's got to decide in writing the check is the Clerk-Treasurer. I think she can indicate whether she wishes it adjusted downward now, or to remain the same—

Clerk-Treasurer Rhodes said I'd like to read the opinion—

City Attorney Bauman said exactly. This has come up since the Pre-Council.

Clerk-Treasurer Rhodes said yes, and my discussion with the IRS was, in fact, that it was compensation, so I'd like to study the opinion and make sure that we have concurrence there before we go ahead. So I prefer that you leave the full appropriation in place until we further verify that this is going to hold up.

Mayor Mills said okay. Any other discussion?

Councilor O'Callaghan said Mayor.

Mayor Mills said yes, Council O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I would just like to reiterate that this is being in support of our officers making decisions in good faith and based on extensive training, and that's the reason that we're doing this.

Mayor Mills said Councilor Griffin.

Councilor Griffin said and also comments that we made at Pre-Council, that were there a finding that the officer acted inappropriately in use of force, obviously we would be having a different consideration than if we were having a discussion at all about this. That would be an entirely different issue. In fact, the force that he used was appropriate and it is from that that we're supporting him.

Mayor Mills said Councilor Truitt.

Councilor Truitt said and we're also moving forward under the auspices that he was operating within the scope of his employment, which is the key under the statute. So, considering there were five individual review points, all leading to the fact that he was operating within his scope of employment, the Indiana statute, then, that we're operating under is valid. That is true, right, Chief?

Police Chief Marvin said yes, sir.

Mayor Mills said anything else?

There was no further discussion.

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

Ordinance No. 14-07 (Amended) passed on final reading, 7-0.

<u>Ordinance No. 15-07</u> 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 second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said we had a pretty thorough discussion previously when Mr. [City Engineer] Buck presented to you the whole background for the changes and the process that they had gone through to arrive at these fees. Are there any additional questions for him, or any discussion?

Councilor O'Callaghan said just that we, even though it is second reading, we've actually had this information since May 31, when Mr. [City Engineer] Buck presented that very good discussion.

Mayor Mills said thank you. And to bring you just up to date, Mr. [Councilor] McMullin, I don't know if you've talked to Mr. [City Engineer] Buck, but they looked at the fees of Lafayette and the County, and then evaluated the amount of work involved in their office before they arrived that these numbers.

Councilor McMullin said sure. Thanks.

Mayor Mills said okay, any further questions or discussion?

There was no further discussion.

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

Ordinance No. 15-07 passed on final reading, 7-0.

NEW BUSINESS:
Ordinance No. 17-07 An Ordinance To Amend West Lafayette City Code Chapter 24.00 To Add Members To The West Lafayette Commission On Human Relations (Submitted by the City Attorney)

Councilor Griffin read Ordinance No. 17-07 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 we are fortunate to have a very active human relations commission in West Lafayette, and they are people, of course, who just donate their time and talents to addressing any issues that arise in our community. They have requested that we increase the number of members from seven to nine. They'd like to have a little bit more diversity on the commission, and so they'd like to invite a couple of new members. And they also want to have enough people on the commission so that, if people are on vacation occasionally, they can still conduct business and feel like they have a majority of thought in anything they move forward. So simple change to increase the numbers from seven to nine. Mr. [City Attorney] Bauman, anything to add to that?

City Attorney Bauman said I don't think so.

Councilor Satterly said since they're not paid—

Mayor Mills said they're not paid, it doesn't make any difference.

Councilor Satterly said they could have 15, as far as we're concerned.

Mayor Mills said I doubt if they'd want a huge number, it wouldn't be that workable a group, but nine is a good number, and we're happy to accommodate their request. Councilor O'Callaghan.

Councilor O'Callaghan said and this also removes the staggering of their terms—

Mayor Mills said yes, it does.

Councilor O'Callaghan said it'll just be three— And do we have any possibility?

City Attorney Bauman said let me say, it doesn't necessarily remove the staggering of their terms. The language that was in there was essentially to set them up on a staggered basis at the start—

Councilor O'Callaghan said to get it started.

City Attorney Bauman said and that period is over with.

Councilor O'Callaghan said yes. So it will be like the Class of 2008, the Class of 2011, that kind of thing—

City Attorney Bauman said yes.

Mayor Mills said right.

Councilor O'Callaghan said that we'd typically have. Any possibilities for the two additional members?

Mayor Mills said yes. They are making recommendations, so we'll bring those probably next month.

Councilor O'Callaghan said and it's your appointment that we confirm?

Mayor Mills said yes, but we'll tell you who's going to do it. Okay, anything else? Any questions on that? Any further discussion?

There was no further discussion.

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

Ordinance No. 17-07 passed on first reading, 7-0.

Ordinance No. 18-07 An Ordinance Requesting An Additional Appropriation (Parks Nonreverting Capital - Pool Fund) (Prepared by the Clerk-Treasurer)

Councilor Griffin read Ordinance No. 18-07 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 we have the request for money from the Parks Nonreverting Capital - Pool Fund, which is fees paid for the pool usage go into that fund. We are going to do improvements to the sidewalks, the deck expansion, and an additional retaining wall, new fence and gates, and some other pool improvements. The Assistant Parks Superintendent Pennie Ainsworth is here, if you have questions. Are there any questions, or is there any discussion from the Council?

Councilor Hunt said I have a question.

Mayor Mills said Councilor Hunt.

Councilor Hunt said Pennie [Assistant Parks Superintendent Ainsworth], I heard that—

Mayor Mills said Pennie [Assistant Parks Superintendent Ainsworth], will you come to the microphone, please, so we can get your answer on tape.

Councilor Hunt said thank you for being here. I understand that the sidewalk work is like a separation of sidewalk where the cars pull up and so it's actually a safety feature also. Is that right?

Assistant Parks Superintendent Ainsworth said that's correct. And we're also adding a curb cut, so the parents with children when they have stroller, they don't have to go out in the street area or the drive area. They can go through the curb cut and then we'll separate the pedestrian traffic from the vehicle traffic.

Councilor Hunt said and I heard there are going to be some sun-brellas to protect some people from some high-dose sun?

Assistant Parks Superintendent Ainsworth said to add shade, yes, to the pool.

Councilor Hunt said okay. Anything else you want to tell us?

Assistant Parks Superintendent Ainsworth said no, we have met with the School Corporation, and they have agreed to the project also, since the pool is on their property.

Mayor Mills said any other questions for Pennie [Assistant Parks Superintendent Ainsworth]? Councilor O'Callaghan.

Councilor O'Callaghan said so what have the numbers been like at the pool?

Assistant Parks Superintendent Ainsworth said they've been up. We're over from last year. It's been a good—

Mayor Mills said good hot summer.

Assistant Parks Superintendent Ainsworth said yes. And the selling of our pool passes helps too.

Mayor Mills said anything else? Any other questions? Discussion? Thank you, Pennie [Assistant Parks Superintendent Ainsworth].

There was no further discussion.

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

Ordinance No. 18-07 passed on first reading, 7-0.

<u>Ordinance No. 19-07 (Amended)</u> An Ordinance Regulating The Use Of Consumer Fireworks (Prepared by Councilor Satterly)

Councilor Griffin read Ordinance No. 19-07 (Amended) 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, Councilor Satterly, do you want to give us a little background, please.

Councilor Satterly said sure. Prior to the last State Legislative session, the State law concerning fireworks allowed persons in Indiana to buy fireworks, but then they were required to sign a statement that they were taking the fireworks out of state. The State Legislature changed the rules the last session, which now allows persons in Indiana to buy fireworks and to set them off anytime, most any place in Indiana. One of the provisions in the statute allows local jurisdictions—counties and cities—to put some restrictions on when these fireworks can be

discharged. For example, the City can restrict the use of consumer fireworks to five days before the Fourth of July and five days after the Fourth of July; and then on the Fourth of July between 10:00 a.m. and 12 midnight; and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1. Lafayette, I think it was back in July, did pass an ordinance restricting the use of fireworks in Lafayette to these times. This ordinance is the same as what Lafayette passed. That would then restrict when fireworks can be set off in the City of West Lafayette. I might mention that the City of West Lafayette has had in their ordinance code since 1960 a provision, Section 63.40, Fireworks--Discharge Prohibited Generally. The ordinance was worded, "It shall be unlawful for any person to shoot or set off any firecrackers, bombs, or fireworks of any nature whatsoever within the City." But then when the State Legislature changed their law in July, that negated that ordinance within the City of West Lafayette. So this ordinance replaces that old ordinance.

Mayor Mills said thank you. I know you have had requests from citizens—

Councilor Satterly said yes.

Mayor Mills said in town to—

Councilor Satterly said a number of them.

Mayor Mills said bring this forward. I've had three requests in person, and I apologize. I meant to bring two emails that I could read to you tonight, but I certainly will have them before we vote the second time. But I had two email requests this week from residents of the City saying they supported this change in the ordinance, and appreciated the fact that you were willing to restrict the use of fireworks. So I will bring them to read into the record.

Councilor Satterly said I would have liked to have seen our old ordinance continue, but unfortunately we can't do that.

Mayor Mills said the Legislature had other ideas.

Councilor Satterly said the Legislature, in my opinion, didn't do us any favors.

Mayor Mills said okay. Councilor Griffin.

Councilor Griffin said I think that the Legislature was economically driven. As a physician, I'm very concerned about this. I wish that we were not dealing with this now. I think that all of us in town—no matter what neighborhood we live in, no matter what constituency we have. I think that all of us know that fireworks are set off, especially around the Fourth of July and especially around New Year's, although fireworks may be set off in a lot of places, depending upon who's playing in the Super Bowl and so forth. Gil [Councilor Satterly], this is as tight as we can make these hours, right?

Councilor Satterly said that's my understanding.

Councilor Griffin said we can't make this any tighter than this?

Councilor Satterly said that's my understanding.

Councilor Griffin said well, I have a couple of concerns that have been brought to my attention. One is, and it may need Mr. [City Attorney] Bauman's help on this, but one lies in the fact that there are three circumstances under which you can set off fireworks. Of course, there used to be no circumstances, people did it anyway. One is that you can set them off on your own property. Second is that you can set them off on someone else's property, as long as you have their permission. And the third is that you can set them off in one of these designated areas that's a safe zone. Now, District 2 is mostly zoned Urban, the houses are very close together. It's very hard to contain, especially aerial fireworks, and we certainly already have circumstances where my constituents are experiencing fireworks one or two or three houses away, landing in their yards. What about this issue of permission? Is that something that can—does a renter, is it implied that he or she already has permission to set off fireworks on that property, Mr. [City Attorney] Bauman, or would they have to get that permission in writing? Or could it be verbal?

City Attorney Bauman said well, an occupant, a renter normally has a bundle of rights in connection with their right to occupy the property. I think it probably would depend on the type of property. Obviously, if you rented an apartment out of a whole building, then you may have a different set of rights with regard to the use of the entire property than if you rented a house with a lot. So those are generally matters between the tenant and the landlord. I don't think there's any requirement in the statute that the permission be in writing.

Councilor O'Callaghan said I don't see any permission in here required at all. Is it someplace implied?

Councilor Griffin said it's actually in the Indiana statute.

City Attorney Bauman said the statute.

Councilor O'Callaghan said okay.

Mayor Mills said Councilor Griffin.

Councilor Griffin said so what about the issue of fireworks landing on another person's property, and especially landing there and exploding and that sort of thing? Is there something additional that we need to help discourage that, or do we have other laws which already address that?

City Attorney Bauman said well, I think we have other laws that address that. That would be a trespass. I mean, a person is no more entitled to shoot fireworks onto your property than they would be to bring their trash down and throw it on there. I mean, it's a trespass.

Councilor Griffin said okay. And obviously if someone wanted to pursue that under the law, they could certainly do so.

City Attorney Bauman said yes.

Councilor Griffin said thank you, Mr. [City Attorney] Bauman.

Mayor Mills said yes, Councilor McMullin.

Councilor McMullin said I completely understand the need for safety and, of course, liability like situations we have with this ordinance. I believe that my constituents in District 1, as well as

across the City, are mostly responsible and rational individuals. And I think that we should consider amending the dates on the current ordinance to include Purdue Homecoming Weekend, which I believe is October 26 and 27, as well as extending the January 1 deadline to midnight, so that way we can celebrate responsibly New Year's Day as well.

Councilor O'Callaghan said Mayor.

Mayor Mills said Councilor O'Callaghan.

Councilor O'Callaghan said actually, I do not think that we do have that authority under the Indiana Code. We should have a copy of the Indiana Code here. I believe that this was the most that we can do, and that we can restrict it even more than this, but that was my impression from the statute. So we would really need to check that, if we can add other dates.

City Attorney Bauman said it's my understanding that the proposal is the most that we can restrict, that we would not have to restrict it to that degree.

Mayor Mills said so we could add other days.

Councilor Truitt said so we could add other dates.

City Attorney Bauman said you could, yes.

Councilor Truitt said if we wanted to.

City Attorney Bauman said if you wanted to.

Mayor Mills said other comments?

Councilor Satterly said is that a proposed amendment?

Councilor O'Callaghan said I think we have to check that.

Mayor Mills said proposed amendment?

Councilor McMullin said to allow fireworks to be responsibly and safely set off on October 26 and 27, which I believe is Purdue's Homecoming Weekend, and extend the time deadline on January 1 until midnight, so that way we can—

Councilor Satterly said one difficulty with that, specifying October 26 and 27, is Homecoming changes every year.

Mayor Mills said every year, yes. You'd have to say, "The Homecoming Weekend between certain hours," I think, to be flexible each year with the Homecoming dates.

Councilor McMullin said yes.

Mayor Mills said all right, so would you like to make that motion, Councilor McMullin?

Councilor O'Callaghan said I think we should get the statute [unintelligible].

Councilor Truitt said yes, I'd like to read the thing.

Councilor McMullin said I move to amend the ordinance to include Purdue Homecoming Weekend, as well as to extend the deadline on January 1 until midnight.

Mayor Mills said all right. Is there a second?

Councilor Keen said I'll second that, for discussion.

Mayor Mills said additional comments and questions? Yes, Councilor O'Callaghan.

Councilor O'Callaghan said I just think that we really ought to have the Code here and look at it. Obviously I didn't realize they'd included the requirement on your own property and that's included in the Code, and there just may be other restrictions on it. I know that it was researched, in order to know that this was compliant with Code. Anything else that's added, I think that we should have the Code in front of us.

Councilor Griffin said we do have a second reading, in which we could research—

Councilor O'Callaghan said could do the amendment at that time.

Councilor Griffin said these concerns that are being brought up.

Councilor O'Callaghan said that's what I would suggest, is to defeat the motion now, not because of any philosophical problem with what Councilor McMullin is proposing, but just for us to have the opportunity to review the statute first.

Mayor Mills said okay. Other discussion? Councilor Truitt, did you have a comment?

Councilor Truitt said no, I would concur with Councilor O'Callaghan on that. And also the Code from a definition standpoint, I'd like to look at that in light of the situation a little bit more myself. But I think that would be the prudent thing to do. I am in favor of looking at that extension of the dates, especially on January 1. The Homecoming—I'm more concerned from a Homecoming perspective or my question—Purdue is able to light off fireworks on their property without any impact from this ordinance, is that correct?

Mayor Mills said they're not in the City.

City Attorney Bauman said well, but also this deals with consumer fireworks, not—

Councilor Truitt said and that's why I wanted to find out—

City Attorney Bauman said commercial.

Councilor Truitt said okay.

Councilor O'Callaghan said and I think there may be something in the Code that allows for special exceptions, and I'd like to understand what that is before making any changes. I mean, in the Indiana Code, you may be able to have exceptions.

Mayor Mills said right. Other comments? Councilor Hunt.

Councilor Hunt said would it be best to table it or vote on it?

Councilor O'Callaghan said or to defeat this motion or withdraw this motion until the next—

Councilor Griffin said perhaps Mr. [Councilor] McMullin has—

Councilor McMullin said what we can do is I'll withdraw my motion for an amendment, as long as we take in—which everyone seems to be willing to do—take into consideration and do our research and discuss it next time.

Councilor Truitt said I'd like to see this move forward. I've had the same communications from multiple individuals. I think Councilor Griffin is correct, no matter where you live, you hear the same issues and you deal with the same problems. And if you have kids, you have to deal with them waking up, thinking something else is going on, at a time where it's not expected. So I think I'd like to continue moving forward and continue to do the research and then address it at the second reading.

Mayor Mills said okay. It seems to be consensus. Mr. [Councilor] McMullin has withdrawn his motion to amend. We will investigate additional material and have a copy of the State statute to all of you very soon, so that we can all be more educated before we vote again next month for the second reading.

Councilor Truitt said Mr. [City Attorney] Bauman, will you also include the consumer firework definition?

City Attorney Bauman said yes. I will send everyone that public law, hopefully tomorrow.

Councilor Truitt said great, thanks.

Mayor Mills said okay, great. Further comments?

There was no further discussion.

Mayor Mills said let's go ahead and vote on first reading. Will you call the roll, please.

Ordinance No. 19-07 (Amended) passed on first reading, 7-0.

<u>Ordinance No. 20-07</u> An Ordinance To Vacate A Portion Of An Alley: Chauncey Avenue To Salisbury Street (Chauncey Square, LLC) (Submitted by Paul Couts)

Councilor Griffin read Ordinance No. 20-07 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 Mr. Couts [C & S Engineering], I know you're here to give us the background.

Mr. Couts [C & S Engineering] said thank you very much, Madam Mayor. I'd like to give handouts to some of those who may not have them. In going through my notes this evening, I thought it was quite ironic that it was three years ago that we were here getting the rezone done for the first part and the majority of this project. I passed this out at Pre-Council and we talked a little bit about it there. You're probably familiar with this site, it's under construction right now.

It's bounded by Columbia Street on the north, South Street on the south side, Salisbury Street over on the east, and Chauncey Avenue over on the west side. The parking garage, which is almost completed—they're putting the finishing touches on the floors right now and should be done here just very quickly, and then—it's kind of like three buildings. The parking garage is one at the northeastern corner. Then along Chauncey Avenue, we have what we call Building A, and the first floor of it will have a commercial use on it. At this time, the northern end of it is going to be used by Mr. Fleischhauer for his rental office. And then the remainder of Building A to the south from there, they currently have three restaurants already booked up and ready to go in there. And then above the first floor the rest of it will be rentals. And then you have Building B which is along the South Street side, and that will be strictly all floors will be for residential usage. What we're here for tonight, if you'll see the little handout I gave you, the little yellow area is called the Funk property, which had not been acquired by Mr. Fleischhauer at the time we were working on the rest of the project and came to you in the past. And what I'm here for tonight is to move the process along, as far as finishing out the block. The little red cross-hatched area at the north end of the yellow plot at the southeastern corner is the alley that we're talking about tonight. We'd respectfully ask for the vacation of that alley. That's the last little bit of the alley. When we were here before, we went ahead and vacated everything to the west of that, and so this is like the last little piece of the alley that is still public. I would hope that you would think that this project has a lot of merit to it. It's in an excellent location. We're two blocks from Purdue University. Mr. Fleischhauer's building a very large parking garage, it has 482 spaces in it. We will accommodate and provide parking for not only the commercial use, but also the residential use. Essentially, it's a good area. It'll be economically beneficial to the Village, help stabilize that, have a little more economic growth down there, and there'll be a reduction in traffic. Instead of having students drive in and try to find a place to park, they're already here, and they'll be walking to class. We think it's definitely a very worthwhile project, and would ask respectfully for your supporting vote for this alley vacation. Thank you.

Mayor Mills said questions for Mr. Couts? Councilor O'Callaghan.

Councilor O'Callaghan said thank you. You have a list of abutting owners, and indeed there are no other abutting owners. It's all part of Chauncey Square.

Mr. Couts said yes. The development company for this is called Chauncey Square, LLC. And, yes, they are the owners of all the property there.

Mayor Mills said any other questions for Mr. Couts? Councilor O'Callaghan.

Councilor O'Callaghan said and obviously no safety concerns with this, because our staff has looked at that.

Mayor Mills said thank you very much. All right. Any further discussion?

There was no further discussion.

Mayor Mills said will you call the roll, please.

Ordinance No. 20-07 passed on first reading, 7-0.

Ordinance No. 21-07 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #55) (Submitted by the Area Plan Commission)

Councilor Griffin read Ordinance 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.

Councilor Griffin said would you like me to give some background on this, Mayor?

Mayor Mills said please, Councilor Griffin.

Councilor Griffin said prior to this, in our County anyway, wind systems, particularly large wind systems which will be used to generate commercial amounts of electricity have not been defined. And since they're not defined under the zoning ordinance, it's not possible for such a wind system to be built and zoned legally. So over the past several months, the Ordinance Committee of the APC and APC staff members have done quite a bit of research to come up with the right places in which wind energy systems should be allowed, so they do not disrupt residential areas and so forth. Included in that is quite a bit of language that addresses specifications of the wind system, to minimize impact on the environment and so forth. So there are three kinds of wind systems that are defined. If you've looked over this briefly or in depth, you'll have noted that. Basically what this says is that any of these large wind systems will not be able to be built in any area except by special exception. So it is a way that it can be done, but this requires, then, that there be a public hearing. The public would be able to step forth, come to the public hearing, and express any concerns that it might have over the placement of a wind system. It would be allowable in the different kind of agriculture areas and also in the industrial Class 3 area, would not be allowable in residential areas and so forth. So it was approved unanimously at the June 6 Area Plan Commission, when it got forwarded on to us.

Mayor Mills said thank you, Councilor Griffin.

Councilor Truitt said can I ask Councilor Griffin a question?

Mayor Mills said absolutely.

Councilor Truitt said was there a situation that came up that prompted this? Did somebody want to come in to do something that kind of triggered this committee in March to—?

Councilor Griffin said yes. It's happening already in Benton County, and there are areas of Tippecanoe County where there's enough consistent wind that it would be economically feasible to do this. And so this is anticipatory of that.

Councilor Truitt said okay. Thank you.

City Attorney Bauman said to maybe clarify, this came up originally at the Administrative Officers meetings in connection with the Area Plan staff. And I don't think there was a specific request by any property owner to do this, but it was simply they deal with various emerging topics and this was one of them. And I think Mr. Burns at the Area Plan staff reviewed some of—the meteorologist put together maps showing wind activity, and because a portion of the County appeared on those maps as similar characteristics to Benton and White Counties—

Councilor Truitt said okay.

City Attorney Bauman said it was felt it was time to address this.

Mayor Mills said thank you for the thorough explanation, Councilor Griffin. Any other questions? Any discussion? Kind of encouraging to think we're addressing this and actually looking at these alternative energy sources.

There was no further discussion.

Mayor Mills said will you call the roll, please.

Ordinance No. 21-07 passed on first and only reading, 7-0.

Ordinance No. 22-07 2008 City Budget (Submitted by the Mayor)

Councilor Griffin read Ordinance No. 22-07 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 I will take a moment, before I make a short presentation, to remind the public that we will have a public hearing for the budget on August 20 at 5:30 here in the Council Chambers. We are having a special meeting for that public hearing, because we are filing an annexation levy appeal, and that must be done by September 19. And so we are doing that a little bit early this year, so that we can get that done in a timely way. So just mark your calendars.

Mayor Mills said I'm going to start tonight with short PowerPoint and a little bit of discussion on the budget. I think Mr. [City Engineer] Buck is going to fire up my PowerPoint over there, and then we'll look through this and have time for some thorough discussion.

I apologize for not standing up, but it's much easier to talk from here and be able to see the slides and see all of you, rather than standing there and turning back and forth. I will start by saying and reminding everyone that this budget is still preliminary, because we are still working on our insurance, our health insurance for our employees. We don't have those final numbers yet, although we are getting closer. We have programmed in this budget a 20% insurance increase and a $600,000 levy appeal to fund the personal and capital costs associated with the annexation. Until we get those final insurance numbers, we do not have a final budget number. Okay, the budget for next year 2008 is $19,773,535. That's an increase of 4.7% over 2007. Again, we expect that increase to go down a little bit, once we get the budget numbers and we've managed to cut a little bit more money out of the General Fund cost. Also, the General Fund, or the property tax portion of the budget is $11,550,130, also an increase of 4.7%. The budget includes almost $8.5 million for public safety. Public safety, as you know, has always been a priority. It's more than 61% of the General Fund budget, the property tax portion of the budget, and roughly 43% this year of the total budget. I've listed there the numbers of people that we're talking about, and we are going to replace four police cars this year. We currently have seven vehicles that have more than 100,000 miles. We have five more or six more that will hit over 100,000 miles next year. So we need to program in cars in the next several years, to catch up, and provide our officers with safe cars for the service they provide for us. Also, that budget includes almost $2.5 million worth of pension costs for the City. We, once again, have been lucky and have protected the PERF account. I think the Clerk-Treasurer has more details about that that she'll probably share with you later. But we've managed not to dip into that so far, and it's earning excellent interest. We may, and we'll hear from the Clerk later, consider

using a bit of that this year. We got a few different numbers from the pension board today, but we've done a great job in protecting that PERF fund, so we haven't had to use it. This 2008 budget also includes almost $1.5 million for street and sidewalk improvements, and you can see there, we will use gas tax monies—federal and state gas tax monies—some of our wheel tax funds that we collect in Tippecanoe County, and $250,000 from the Cum Cap Development Fund. So, again, these are monies set aside for roads and sidewalks and curbs and universal access ramps for next year.

Councilor Satterly said so there will be no money from the property tax for the roads and streets?

Mayor Mills said well, CCD is tax money, but the other is all gas tax money. This 2008 budget also includes an additional sanitation employee and part of a trash truck—and I say part of a trash truck because we will begin to purchase a truck, lease/purchase, so we'll pay for part of it this year and part of it next year. An annexation levy appeal is necessary to cover the costs of these additional personnel and the capital expenses associated with the annexation. Here you see we'll be adding, over the course of however many years, three additional firefighters, two additional police officers, and two additional sanitation staff. And I will stop and say here that we will not be adding those personnel until it's feasible for us. So, as that area grows, as the number of houses increases out there, as the income taxes that we get from that area grow, we will add those people as we find we can manage them in the budget. None of those will be added in 2008, and, again, it's not a given that any can be added in 2009. We will see how the revenues look each year before we add additional people. I will remind you that our assessed valuation as a City is increasing because we annexed that 1,200 acres. We're already realizing that increase in assessed valuation. The Clerk-Treasurer told me last week that we've seen an increase already of 5.6%. So that is a great thing for all of us. As that assessed valuation goes up, our property tax rate will go down. This is just the graph that we used during the annexation process. I want to remind you that one of the benefits of the annexation is that the provision of service is spread over more taxpayers and we will see a decrease, a long-term decrease in our property tax rates for the entire City, not just that annexed area. I know it's a very bad year to be talking about an annexation appeal and any kind of tax increase. People across the City are paying more property tax this year due to a handful of changes that were made at the State level. We have the loss of the inventory tax which shifted the burden to property owners, particularly homeowners. We have the trending that we're experiencing this year. The Legislature has also capped the Property Tax Replacement Credit and lowered the Homestead Credit to 20%. So all of those are affecting all of us across the State. We are certainly affected here in West Lafayette, although not to the extent that cities like Indianapolis have been experiencing. The average affect for this annexation appeal is that for a $100,000 home, the gross tax increase will be about $50 a year. With exemptions, Replacement Credit and Homestead Credit, the next tax increase will be about half that, about $25 to $28 per year for a $100,000 home. We have managed to hold the appeal as low as we can, and, again, once we have the insurance numbers, it's possible that we'll be able to take $500,000 in appeal and be comfortable that that will see us in good stead for the years to come. But we need to have our final General Fund numbers. We need to have our final budget numbers before we make that final decision on the appeal. We've managed to keep it as low as possible because we flat-lined or decreased budgets in every area, and because we are moving capital costs and personnel out of the General Fund, out of those property tax funds. We moved one staff person in Parks to the Nonreverting Operating Fund, and that fund, of course, is fees that are generated from the Parks programs. We moved four Development salaries to Economic Development Income Tax. And I'll remind you that we already pay people out of Economic Development Income Tax. The Legislature has given us the ability to use those monies for any

municipal operating need. So we will do that. We still will, of course, set aside money for economic development. We certainly aren't going to rob all of our economic development monies for salary, but until we can work on some of these long-term plans for the City, it's necessary to pay salaries out of EDIT, so we will do that. We've also moved the Assistant Engineer, who was paid 50% out of EDIT and 50% from the Wastewater Utility. We will move his salary 100% to the Utility. His position is going to be doing more and more stormwater work. He does that already, but it's, I think, very justified to pay him out of the Utility, between his work for the Utility and the new stormwater work. And our GIS administrator, who is currently in Development, his salary will now be 100% out of the Wastewater Utility. This budget is really not about this annexation. The annexation is only a part of where we find ourselves as a City this year, and it's only one of the issues that really is impacting our budget this year and will impact our budget in the years to come. I think you know that I've been a very active participant in the work at the Statehouse, work with other mayors across the State, a very bipartisan effort of mayors to have the Legislature take a hard look and make substantive property tax changes and provide local government with the tools necessary to fund municipal finance—make it individual, so that each community has the ability to use what resources work for that particular community. To this point, the Legislature has mostly ignored our efforts. We had small changes this year, but very small changes that actually don't help local government do their job any better. Until there is true reform, I think, for local government funding, we need to change our way of thinking. We need to have kind of a sea change, a philosophical change about how we fund and operate local government. West Lafayette is not the same City it was 10 years ago or even five years ago. We need to start thinking about local government in a new way. We've grown in area and population. We've added infrastructure. We've added the staff to maintain that infrastructure. We're still working with the same old property tax system and it actually just isn't keeping pace any more with our changing and growing City. So we need to evolve in the way we do business in the City of West Lafayette. I think this 2008 budget begins that serious change in the way we'll do business. I've already mentioned moving some personnel salaries out of the General Fund into other funds. Those may be temporary, those may be permanent. We have to realize that the property tax funds may no longer support what they supported in the past, even with the growth of the City. We need to be willing to be creative, be willing to be more frugal, be willing to be more efficient, and manage to run the City in a better way. In addition to the removal of the salaries from the General Fund, we're going to start implementing series of measures designed to reduce our costs, assist in building the operating revenues back to a healthier operating budget, and actually position us so that, long-term, we have a very sustainable City, as far as revenues are concerned. Some of those measures include:

●Reducing the City's share of health care coverage for our employees;

●Establishing a committee to actually reevaluate all of our user fees—the trash fee, code enforcement, those services that we provide that people pay a fee for. We need to ensure that the fees cover the cost of service, and we're not dipping in to the General Fund, into the property tax fund, to make up the difference, that the fees actually cover the cost of service;

●We are going to be reducing the number of take-home vehicles and down-sizing the size of our City fleet by end of year. And then we're going to ensure that any vehicle that we buy to replace an old vehicle is the most energy efficient vehicle that we can purchase, so that, in the future, we're using less gallons of gas. And, since they're probably not going to go back down to anything that we'd really like to see, we have to start purchasing vehicles that use less gasoline, so we pay less our of dollars for that;

●Wherever possible, we are going to start maintaining the capital projects that we've built using our tax increment dollars with tax increment funds. We have done some wonderful projects for the City, and utilized our TIF dollars so very well. But too often the maintenance of those capital projects, the operating maintenance dollars, come out of the General Fund, and we can't sustain all these great projects that we're doing out of an ever-dwindling General Fund.

So we need to move the operating and maintenance costs for those projects into the TIF. Our TIF Districts have done very well, because we've reinvested in those areas' new businesses growing. We got preliminary numbers today that the Levee/Village TIF has grown very, very well this year. So we need to utilize some of those increased dollars to maintain the facilities that we've built.

● We are going to use kind of the Six Sigma philosophy of involving our employees in the suggestions of how we do the work better. Every department has people that have worked for many years doing what they're doing, and I don't think we often enough say to them, "What would you change? How would you do this better? How could we save dollars? How could we save time?" There are other communities that have implemented a suggestion program from their employees, and give some small rewards to the employees to the person who comes up with the best idea of the month. I think that is something that we need to be doing. It encourages the employees to look for savings, to look for efficiencies, and then it rewards those people that work the hardest. We'll be starting that yet this year.

●Again, we need to increase our efforts to find funding sources outside of property tax dollars. We've done a wonderful job of grant-finding. We've done amazing numbers of dollars in the last four years through grant funds, but we need to step that up. We need to do more of that. We need to look at State and federal dollars. We need to lobby harder at the federal level for federal dollars to come into our community. And we need to look at not-for-profits and private funding sources for the City.

So all of those things we will be doing this year and in the next years. Again, local government funding just needs to evolve. We need to be more creative, we need to look at new ways. The funding sources in the State are changing, and we can't rely on property tax like we did in the past, so we're going to step it up and be more creative. Okay, again, we continue to receive great accolades for our community. Councilor O'Callaghan mentioned them earlier. I know that all of us, all of you on the Council, are committed to continuing to provide the great services that encourage people to move to West Lafayette, that encourage new business to move to West Lafayette, and we want to keep the quality of life such that people don't hesitate when they look at our community to move here. But, again, we need to look at doing that in new and different ways. It's a tough year to be asking for an increase in the tax rate, for all of us as taxpayers, we've seen our bills go up, for me as Mayor in an election year. I think the easy solution would be to hold the tax rate steady and just worry about next year, but that's not the right thing to do. That's not the right thing to do for the City. It's not the right thing to do for the long-term health of the community. And I'm not willing to sit back and actually just kind of take it easy and not take the criticism. I'm going to step up and say this is the right thing to do. This is going to protect the City in the years to come. I think all of you as Council members have been through this process at least four times, some of you many more than four times. You know the importance of a budget and setting the operation of the City for the next year. But this year I believe it's even more important than normal. It is a year of change in philosophy, and this budget's not a Democrat budget, it's not a Republican budget. It's a budget for the City. It's the beginning of a new way to operate West Lafayette that will move us, not just into 2008, but I really believe into the next decade. I hope that the Council can get behind this change of philosophy and get behind this budget and help us move the City forward. So I will stop there. Thank you, Mr. [City Engineer] Buck, for manning the PowerPoint. We will have comments and questions. Council, any comments or questions?

Councilor Satterly said do you have the ordinance on the table?

Mayor Mills said no, we probably don't have the ordinance on the table. Councilor Griffin, will you do that for us? Did you already put it on the table?

Clerk-Treasurer Rhodes said yes, it is on the table.

Mayor Mills said no comments from the Council? Come on.

Councilor O'Callaghan said did we want to include this information, this pension information in our discussion? Would this be an appropriate time?

Mayor Mills said do you want to talk about the pensions, Judy [Clerk-Treasurer Rhodes]?

Clerk-Treasurer Rhodes said sure. We did not review the pensions at Pre-Council, and it turns out to be fortuitous because we received additional information today. I have provided for you a spreadsheet that shows your actual estimated 2007 and 2008 for the Police and Fire Pensions. These are the old pension plans that are part of our maximum controlled levy. As you'll notice, there was an unusual step-up in our State pension relief this year, due to estimates of participants in DROP. Whether we actually realized that level of participation or not, it's still impacts the actuarial estimate and, correspondingly, the entitlement to pension relief in the City. So this year, we saw a very large increase in pension relief. Next year, we will see a reduction. It will be probably possible for us to have a better estimate of what our numbers will be in the next several weeks. I had originally forecast that we would not need to actually touch the equity accounts that we have as investments at the State with the Public Employees Retirement Fund investments. But it may appear that we will need to draw a small amount of the Police Pension PERF account, less than 15%. I believe as we go through the budgeting over the next couple of weeks, we will have better numbers and be able to more accurately forecast the maximum we would need to draw down on that fund. One of the problems with doing the forecasting is a well-known fact that, although we may have all of our DROP participants in the Fire Fund, the pension relief is actually provided to both the police and fire in a *pro rata* way, even though the DROP retirements are only in one fund. This causes our funds to get skewed here, and that is really the only reason why we need to go into the Police Pension at all. Nevertheless, this is still much more favorable than what we anticipated at budget time last year. This Council has done something that I believe only one, possibly two, other municipalities in the State has done. You held on to these equity investments that have grown and have really addressed the long-term obligations for the pension benefits for our police and firefighters. You are to be commended. It was difficult to do, but you can see now the tremendous benefit, as we enter this period in which we have many demands on the City resources, to have those accounts in back of you. Not just for next year, but the next several years to come.

Mayor Mills said do you have questions for Judy [Clerk-Treasurer Rhodes] about the pensions? Thank you. Questions? Comments? Councilor Truitt.

Councilor Truitt said yes, this question is for Judy [Clerk-Treasurer Rhodes]. Can you give a little bit more background in regard to the comment about the assessed valuation growth of 5.6%, and some background information on that statement?

Clerk-Treasurer Rhodes said that's derived from some estimates that were made based on the buildout so far of the annexation area, which Mayor Mills has estimated at 121 homes. Plus we also have information from our fiscal plan about the assessed valuation in that area, as of 2005 Pay 2006, I believe, as part of your fiscal plan. We have estimated approximately close to $20 million in assessed valuation from the annexation area.

Councilor Truitt said so that 5.6% increase is only related to the residential assessed valuation,

non-TIF?

Clerk-Treasurer Rhodes said that is correct.

Mayor Mills said that's correct.

Clerk-Treasurer Rhodes said I want to caution you in terms of making estimates about the assessed valuation. The Mayor is well aware of this. Following the extension of the deadline for filing appeals with the Wabash Assessor, a large number of appeals were filed. The number of appeals was about equal to those filed for Fairfield, that's Lafayette. So it was a very large number. We're uncertain what the impact will be, as those appeals are resolved, in terms of the growth of our assessed valuation. In the memorandum I gave you, I gave you some idea of the estimates we had made, in terms of growth of the areas in the City outside the annexation area. I believe they ran from about 1% and a little bit lower, if I could refer you to my memo. By law, of course, we're supposed to have the certified assessed valuation on August 1. This almost never happens, and so this year is not unusual. We will, however, most likely have those numbers certainly before the final vote on the budget, hopefully yet toward the end of this month.

Mayor Mills said thank you. And my point in using it was just to tell you that we're having, you know, growth—

Councilor Truitt said growth in that area.

Mayor Mills said in the area that's impacting our assessed valuation, not so much a hard and fast percentage, but how much growth is occurring. Councilor O'Callaghan.

Councilor O'Callaghan said also along the lines with annexation, I understand that the annexation will also allow us an increase in the maximum levy, but we're not including that in the budget now, so that we have some more cushion that way as well, because we're not including that—

Mayor Mills said you mean an automatic—

Councilor O'Callaghan said an automatic increase, right.

Mayor Mills said yes.

Clerk-Treasurer Rhodes said Councilor O'Callaghan is referring to the automatic increase in the maximum levy, based on the assessed valuation in the geographical area of the City that includes the annexation divided by the assessed valuation of the City in the geographical area excluding the annexation. That produces a factor which is then used as a multiplier on our maximum levy. One, however, should probably think of that automatic increase and the excessive levy appeal as really being part of one decision, in that based on what we will see as the automatic factor, it may affect how much is necessary to ask for the excessive levy appeal. Nevertheless, if you ask for $600,000, whether it's from the factor or from the appeal, same impact on the tax rate, but not necessarily additive. You're not obligated to both accept the automatic increase and the original request for the appeal.

Mayor Mills said and they will additive, so you need to keep that in mind.

Councilor O'Callaghan said it will be additive at that time. But the point Judy [Clerk-Treasurer Rhodes] was just making, I believe, is that we can request that the appeal be reduced after we get the preliminary budget order.

Clerk-Treasurer Rhodes said right.

Councilor O'Callaghan said so that when really know what it is, we can reduce it at that time.

Mayor Mills said right. There are several points where we can still—and will, you know, probably—reduce that appeal. At the hearing itself, that when we go before the Department of Local Government Finance, we could choose at that point not to take everything that we filed for. We can, when we get the 1782 Notice, again, choose not to take what we've been allowed. So there are several places where we can make a change. I want to add one comment that I didn't add during my presentation. I want to remind you still that, even with this calculated tax increase—and, again, I think that's higher than it will end up being—our goal is to have it less than that. But even with that, of those Third-Class cities of more than 15,000 population, the ones that we've listed before on that graph, even with the increase in tax rate this year, we will still be the lowest city of those Third-Class in tax rate and in appropriation per person. So even with this increase, and that is looking only at the 2006 tax rate for those other cities, not what they've done in 2007, so we will still be the lowest, even with an increase.

Councilor Truitt said you know— are you done, Patti [Councilor O'Callaghan], I'm sorry.

Councilor O'Callaghan said for right now, sure.

Councilor Truitt said when you make that statement, just so that I understand, is that a true apples-to-apples comparison when you state that tax rate?

Mayor Mills said some of them may not have a trash fee.

Councilor Truitt said right. The other thing that's confusing to me, which is kind of related but not, but maybe you could just address. Judy [Clerk-Treasurer Rhodes] sent out the annexation fiscal plan—

Mayor Mills said yes.

Councilor Truitt said and I'm trying to—

Mayor Mills said which you had.

Councilor Truitt said which I had, right, but she just sent it out again, which was nice because I didn't have to dig through stacks of budget stuff. How do you tie what was in this report to what you're presenting in this budget, when a lot of the numbers don't match up, just from a fiscal standpoint?

Mayor Mills said well, what they gave us, in 2006, was a projection based on how they thought the area would grow, what they thought our tax rate would be in 2007. Our tax rate ended up being lower last year than what they projected, because we didn't increase it as much as they had projected. So the numbers aren't exact. But they looked at the capital needs and the personnel needs, which haven't changed, and they give us the scenario of an annexation levy appeal for $490,000 or twice that, $900,000. Again, if we find after we have insurance numbers,

that we can go down to the $490,000 appeal, that's what we'll do. So even though the numbers are not exact, I think you can look at that and compare that to the tax rate that we started with, how our assessed valuation has changed, and the fiscal plan is worthwhile document for us to compare with, to where we are now. More questions about it?

Councilor Truitt said I might have some more. I just have to spend some time here.

Mayor Mills said I mean, we can certainly rerun the final numbers, based on our tax rate this year and update that graph, if it makes you more comfortable.

Councilor Truitt said well, I don't want to go through unnecessary steps or unnecessary expense. However, this fiscal plan is pretty important. I mean, it was important when it was written—

Mayor Mills said absolutely important.

Councilor Truitt said but it's very important right now, under the—

Mayor Mills said it's part of the appeal process.

Councilor Truitt said that's exactly right, so when I look at that, and I try to make sense of this to this, which is what the budget itself is built around, it's just a little confusing for me. But I could be looking too deep into it, I guess.

Mayor Mills said in part of that appeal, they talk about the increase in assessed valuation of 18%—

Councilor Truitt said yes.

Mayor Mills said but that's based on, you know, a period of reassessment. They say, "Based on historical values, the City of West Lafayette would experience 18% in AV after the reassessment. If you look at your graph, it actually shows that reassessment period.

Councilor Truitt said are the hiring sequences, in your opinion, accurately—? I mean, that's something that's a huge impact.

Mayor Mills said it is a huge impact, and we have gone probably ahead sooner than is in the fiscal plan to hire the three firefighters—

Councilor Truitt said right.

Mayor Mills said because we determined that we really needed those extra people for the protection City-wide. So we are a bit ahead of the plan, certainly.

Councilor Truitt said one more. Just—

Mayor Mills said sure.

Councilor Truitt said this is more clarifying for me, right now. This is the chart that was up. These numbers are not accurate.

Mayor Mills said well, that's what I said, because they are based on a projected property tax rate for 2007—

Councilor Truitt said right.

Mayor Mills said and our property tax rate did not end up being that high.

Councilor Truitt said right, and obviously when you look at that delta between those two, just if you look at the logic behind that. I mean, that would mean that we would need an assessed valuation of $3,600,000,000, in order to get that $0.013 delta between no annexation and annexation. So you see where I'm—

Mayor Mills said right.

Councilor Truitt said just getting confused/concerned there. So I'll get there eventually, so bear with me.

Mayor Mills said other questions? Other comments?

Councilor Hunt said I have a comment.

Mayor Mills said Councilor Hunt.

Councilor Hunt said in regard to the user fees, I'm glad you're looking at those. The Strategic Plan, the breakout session that I was in, everybody that was in that group seemed to think that it was important to do, to increase user fees, whether it was shelter reservations or anything between it. Councilor Truitt, I think you were in there, too, so we both heard those discussions from involved citizens. So—

Mayor Mills said we've been slowly increasing the Parks user fees and the other fees, but it's time to take a more giant step, I think.

Councilor Hunt said and in the Park Board meetings that I go to and Councilor Satterly goes to, every time there's an increase, whether it's a shelter fee or a pool passes or whatever, they bring it to us. We don't get to vote, we just listen. But they very carefully go over it and give rationale and see what they've charged before and projections, and so it's a very careful process in that area.

Mayor Mills said and, of course, we want to make sure that we don't price some of our citizens out of the ability to use the Parks and Recreation facilities—

Councilor Hunt said right.

Mayor Mills said and we do always have grants available, scholarships available, so that any family can participate and take advantage of the recreation.

Councilor Hunt said and another thing, even though I know very little about mechanics or engines, the talk about the 100,000 miles on our police cars, and I spoke to Mr. [Public Works Director] Downey some time several weeks ago about this, and he reminded me that the police cars idle a long time, and that mileage—and excuse me if everybody else knows this, but I didn't think about it—the mileage on police cars might even be more wear and tear on the engines,

because they're not always moving when the engines are running. Again, I apologize if that was common knowledge, but I didn't know it.

Mayor Mills said questions? Councilor Keen.

Councilor Keen said I had one thing I wanted to kind of throw out. In order for this budget to perform as presented, I believe, that with the annexation area—for the assessed valuation in that area—it needs to grow substantially. And I think in the fiscal plan, it demonstrated 167 homes a year or something of that nature, and we're not even anywhere close to that number of home being developed up there. I was wondering how is that going to affect our budget and what plans do we have if we don't meet those kinds of projections? How are we going to address this budget, in terms of that?

Mayor Mills said those are exactly the points I was trying to make earlier, that we can't rely just on the property tax dollars for a budget any longer. We have to be creative, we have to find efficiencies, we have to find new revenue sources. It may be five years before we can afford to hire additional people. We have to be willing to look at funding our budget in other ways, because property tax no longer keeps up with the cost of providing services. What we have in the budget, we will be fine next year. We will cover our costs. But it's going forward, it's the long term that we need to plan for. And we're going to downsize the fleet. We're going to ask the employees to find ways to save time and money. We're going to ask our employees to pick up a bigger portion of their health insurance costs. We're going to be creative. I think local governments across the State have to do that now, to survive. That's why we've lobbied so hard for the last five years, to get the Legislature to allow us to have new tools that each community can use, because we can't rely on the property tax any longer. And we're not going to.

Councilor Keen said in light of that, one of the things that you've proposed here is reducing the number of take-home vehicles. We've been talking about that for several years. The other thing that we've been talking about for several years is moving employee costs out of the General Fund and into other funds.

Mayor Mills said and we've been doing it for several years.

Councilor Keen said and we have been doing that, and that's my point. What are we going to do to address the continuation and the even greater number of employee salaries being drawn out of these other funds? To me, that's just treating the symptom and not the problem. And I'm trying to get a handle on where does this all end and what are we going to do to correct this in future years, and starting with this budget, if we're going to change our philosophy.

Mayor Mills said well, and again, I am suggesting that we have to find new sources of revenue. We have to make the cuts that are necessary to do that. The property tax no longer keeps up with the cost of service. We have to just think about that provision of service in a different way. If that means raising user fees so those services pay for themselves, that's what we're going to do. You know, at this point, we haven't had to lay off any people—knock on wood—but that's a possibility. But part of the reason to ask employees to pick up a bigger portion of their health care is then we don't have to lay off anybody this year. Everybody sacrifices a little bit more, so that no one is without a job. We'll do what we have to, to make it work. Again, it's got to be a serious change of philosophy. We cannot expect to rely on the property tax to fund the budget like we have in years past. It's different entirely across the State. You know, that's part of the reason the Legislature has made it possible for communities to use income tax, because they

know that the property tax is not sufficient, and they want people to have the option of using that income tax. That's a discussion we will have in our community, I'm sure before the next budget season rolls around. But I don't think anyone wanted to have that discussion quickly, because it's an important decision to make. Once you make the decision, you want to do what's right for the majority of your taxpayers, your citizens, not just a few.

Councilor Keen said one of the other concerns I have is from what I've seen in this budget it's not addressing our cash reserves *per se*, and if you look at the graphs of earlier this year, we tried to pass an ordinance to establish a minimum reserve on our cash balances. I don't see where this budget addresses any of that. Can you talk briefly about that issue and what we are planning to do about that, if anything.

Mayor Mills said well, I believe it does address that issue—

Councilor O'Callaghan said it does.

Mayor Mills said of the cash reserves. That is part of the reason to ask for the appeal, and it is the reason that we will move people into non-General Fund funds to pay for their salaries, because we will build the operating costs back up. We will do what is necessary to find ourselves in the good situation again that we experienced in the end of the late '90s. You know, the City annexed in '92 the Blackbird Farms area, and for two or three years following that annexation has a close to zero cash balance. And you know that by the end of the '90s, they experienced very healthy reserves. So it is a philosophy, it is a management to say we're not going to spend down what's left in our budgets this year, we're going to make sure that we have reversions in every area, we're going to end up the year with more than $300,000 in cash. It'll be closer to $1 million. So we are addressing that issue of cash reserves. And again, that's the reason for what I consider the sea change in the way we're looking at funding. Because we cannot rely any longer on the property tax to maintain those balances. Other questions? Councilor O'Callaghan.

Councilor O'Callaghan said well, thank you, Mayor. I apologize. I think I was talking to my siblings too much over the weekend. I don't know how long my voice will last. I am really happy to see that we're going to try and get it down even lower, lower than it is. And I like all the plans that you talked about for doing that. Some of them are ones that we have talked about, and putting them into place is a real exciting thing to do. You certainly have worked to cut the budget before, and I have every reason to believe you'll do that again.

Mayor Mills said it, again, is going to take the support of the Council for this to work. You have to look at using some of these other funds that we've kept aside for projects in a different way. You know, we will use more Economic Development Income Tax dollars for salaries this year, and hopefully we won't have to do that for very many years, but you all have to be willing to make those decisions, too, to support that use, so that we can protect the General Fund and build our reserves and build our operating balances. It's going to take everyone working together and supporting this to make that happen. You are the, you know, legislative body. You make the final decision, so you have got to help, if we are going to do this well, you've got to be involved in this process.

Councilor Keen said my only regret on that is we're only given one option every year, as far as the budget is concerned. I know I've voiced my opinion on this before. I'd like to see more options as far as what would a budget look like if we had an increase of 5%? What would it look like if we stayed the same? What would it look like if we cut it by 5%? We're only given one

option every year, and it's usually late in the year when we get that budget. I think we need to—if what you're saying is true, we're going to revamp the way we do business—I think we need to start doing business by revamping our budgeting process and starting earlier to begin with is just one big thing.

Mayor Mills said well, we begin at the beginning of every year doing a budgeting process. I know I've said that before.

Councilor Keen said but the Council is not included in that process until a month ago.

Mayor Mills said because the department heads have to pull together what they're going to need to operate.

Councilor Keen said I understand that.

Mayor Mills said this is the first you've ever said about seeing more than one option for budgeting, Gerry [Councilor Keen].

Councilor Keen said this is not the first I've said about this.

Mayor Mills said I've never heard you say that you'd like to see multiple budgets prepared, so you can make a choice on which one you want. You have many opportunities during the process and during the presentation by the department heads to suggest those kinds of things. Other comments? Other questions?

Councilor McMullin said one thing I was unclear about was, from a general standpoint. What we're saying, it seems to me, is that we need more personnel, but we're not going to pay for them until we have the money. So what steps are we taking to ensure that our quality of service to our citizens and, for instance, my constituents, remains at the same high level that it's at? For instance, are we going to have less police patrols around my neighborhood because of this, or—?

Mayor Mills said no, we have more than adequate personnel now, but as we grow, particularly in that northern area and more people live in that area, more houses are built in that area, we will need to add personnel to provide the same quality of service that the rest of the City is enjoying now. So the quality of service isn't going to suffer now. It's going to be great service, but as that area builds out, we will need to add people to keep that quality up. Every department has the ability to work people a few hours of overtime when they need to, to keep the service great, and we will do that. We will use some overtime hours in the interim, until it's built out enough that we feel another person is justified. But the service will not suffer. We have great people and we have adequate people now to provide great service. Very good question.

Councilor McMullin said thank you.

Mayor Mills said other questions? Comments? We would take public comment at this time, if people want to comment. Again, we'll have a public hearing on the 20th, but happy to hear people's comments now, since there are people here. Mr. Haynes. If you'll give us your name and address.

Councilor O'Callaghan said you told us you'd have something this month, Sam [Mr. Haynes].

You did. You told us that.

Mr. Sam Haynes [703 Avondale] said thank you, Madam Mayor and Council. I appreciate the chance to talk with you. I'm worried about being anxious to annex properties actually I think before we're really ready to, and how long will it be before we have a breakeven point between the cost of service in that area and the taxes we get in?

Mayor Mills said I'm not sure I can answer that question, but I'll start by saying the philosophy of annexation is not to wait until an area is grown out. You want to annex before the growth happens. And, again, part of that is to have some input into that growth, but also, as that growth occurs—and, again, it's kind of that provision of services, the overhead doesn't increase very much, but the number of people paying for that service increases, so if the area grows as projected, within two years, perhaps three years, the property tax rate will actually be lower than it would have been without that annexation, because the number of taxpayers, the amount of assessed valuation will have grown. And as that assessed valuation goes up, all of our property tax rates will go down.

Mr. Haynes said I understand that theory. It's—

Mayor Mills said it does depend on a reasonable growth.

Mr. Haynes said yes, it does. And we've got off to a very bad start, apparently. We just lost $500,000 recently—

Mayor Mills said for—?

Mr. Haynes said for the temporary fire department.

Mayor Mills said can I make—address that?

Mr. Haynes said sure.

Mayor Mills said we haven't, in my opinion, lost $500,000. We would have had to put up a temporary station, even if we had the piece of ground on Soldiers Home immediately.

Mr. Haynes said really?

Mayor Mills said because the length of time it would have taken us to build a station, we would have had to put something on a piece of ground to house our firefighters. Even if it were the temporary metal building or something. This is our advantage, because we have a currently-used Park facility that's been used for many years, that will be used for decades to come, that houses offices and storage space that our work crews for the Parks Department work out of. And instead of putting up a temporary building that, in a year will be just taken down and dismantled, we are investing the same kind of dollars—or fewer dollars—in a facility that we will see long-term benefits for. When the firefighters move out of the space that they're going to actually use for living, that room will become a public meeting room. There will be two restrooms in there. The Parks Department will continue to use the facility, but now it can be used for a public meeting space, for the Little League or any neighborhood association, for the Boy Scouts, and those restrooms will be available for any of the Parks users, for the soccer teams that play out there. So rather than thinking of it as money that's gone for a facility that's going to be torn down when the permanent station is built, it's money that's invested in an

already-used facility that will continue to be well used, I hope, for decades.

Mr. Haynes said well, the way they're rehabbing this building, it surely will last for a long time. It's double-walled—you know, the existing wall, plus we put up steel studs and made a new wall around that office building you're talking about. There's been a lot of money put into that. It's steel siding on the inside. You must have a real usage of that in the future. I see you must have that in mind, because you are putting a lot of money into that thing. But I don't understand why we couldn't have—why in the world did we get so far behind where we didn't have time to build a fire station, if we were going to annex something? We don't have time to build a fire station?

Mayor Mills said you know, until the area is determined where you're going to annex, how do you choose a site? You know, you have to decide on the annexation area—

Mr. Haynes said I understand that.

Mayor Mills said you have to make sure that happens.

Mr. Haynes said I understand that.

Mayor Mills said as soon as we annexed, as soon as that was approved, we began to look for the site. Again, we've gone through that process of saying, "Where will we be able to provide the very best service for the City?"

Mr. Haynes said I understand that.

Mayor Mills said if we owned the land, Mr. Haynes, if owned property out there already, the process would be simpler, but we don't. So we are having to identify a place that works for us, that provides the best service.

Mr. Haynes said I'd suggest that when you do find a place that suits you, that you make your decision and stick with it. You're not going to make everybody happy anyhow, so when you make a decision, stick with it, put it there, and take your lumps. Some people will like it and some people won't. And I think that's where we broke down. But getting off that subject—

Mayor Mills said okay.

Mr. Haynes said I don't think—three years, I'll probably live that long, so that'll be fine. But in addition to what you're saying and in addition to our property taxes—mine went up $200, and I'll handle that—but we're going to have increase in the service fees and things, and it seems to me like all we do around here is improve and expand and have things nice to walk, ride your bike, and those things. If we can't afford those things, let's slow down a little on that. I'll stop right now.

Mayor Mills said I think that's a great point, and, again, part of this looking at new funding is saying, "Can we afford to do the project this year or do we have to wait, do we have to use those monies for other things?" I will say, though, that the investments that we have made are the reason we continue to grow new companies in the Research Park. And all of those companies bring new revenue to us through taxes and bring new revenue to us through the income tax that those companies pay. So it does increase our quality of life.

Mr. Haynes said well, that's a theory, and I agree somewhat.

Mayor Mills said okay.

Mr. Haynes said thank you very much.

Mayor Mills said thank you for your comments.

Councilor Hunt said Mayor Mills, how many new jobs do we have in the Research Park?

Mayor Mills said we have had 700 new jobs since 2003. The number of companies has gone from 104 to 140, and it may be 142 or something by now, because the growth has been incredible out there. So those are, you know, income taxes and property taxes that those people are paying that we realize benefit from. And, again, that's the reason that we are—I see our sign is falling—the reason our community is continuing to be recognized, because businesses look at us and say, "This is the place we want to locate our company, this is the place with the kind of quality of life that we want our employees to enjoy." To keep doing that, we're going to have to be more creative and think about funding in a new way. Other comments, please, from the public?

Mr. John Dennis [3633 Chesterfield Way] said you've asked for the appeal, and you're also raising taxes. What happens if you don't get the appeal? What plan do you have in place? How are you going to approach it? Is there going to be some sort of cutback in services or are there going to be layoffs? Is there something that you've thought through to figure out which direction you're going to go after that event occurs?

Mayor Mills said good question. We would certainly have to cut back in service or cut back in personnel. But our fiscal plan that was prepared for the annexation is very thorough. The financial consultants that we worked with are not concerned that we don't have the adequate data prepared to receive an appeal. Now, if we ask for $2 million in the appeal or $1.5 million, then we would probably be disappointed, but we are not going to do that.

Mr. Dennis said the DLGF's a pretty tough not to crack.

Mayor Mills said yes.

Mr. Dennis said I've experienced that before.

Mayor Mills said exactly. And that's why the annexation fiscal plan is such an important document to prepare at the beginning. So that you go into the appeal process with the data that's necessary to realize the appeal.

Mr. Dennis said but if the appeal doesn't occur, is the budget sustainable, even with the—?

Mayor Mills said the budget would be sustainable with changes, yes.

Mr. Dennis said and that would be laying people off, cutting back on services, and raising fees?

Mayor Mills said or delaying projects.

Mr. Dennis said or delaying projects.

Mayor Mills said delaying projects.

Mr. Dennis said okay.

Mayor Mills said we have the ability to sustain that budget, even without the appeal, but it would be more difficult.

Mr. Dennis said well, that explains all the grim faces on the part of the Council. It's not very optimistic. Thank you.

Mayor Mills said it's a tough time for local government across the State of Indiana.

Councilor Hunt said Mayor Mills.

Mayor Mills said other comments. Yes.

Councilor Hunt said the DLGF isn't easy, but don't you have to have a lot of public input, and wouldn't some of our hearings for the fire station look good when we talk to the DLGF about having public input?

Mayor Mills said I'm not certain what part the public input plays. I think the fiscal plan is a very important document that you take. They want to make sure that you've looked at the means that are going to be necessary in the years to come that will be sustainable through the annexation. And, again, I feel confident that that won't be a problem, because the annexation fiscal plan is very thorough. Other comments? Any other comments from the public?

Mr. John Blignaut [325 Jefferson Drive] said I have two questions, one more specific and then a general question. The first is being on the comparison that was made of other cities in the State, comparable size, etc.

Mayor Mills said right.

Mr. Blignaut said I recall from a Council meeting that was done by a graduate student. Is that correct?

Mayor Mills said no, that's incorrect. Those numbers are from the Department of Local Government Finance.

Mr. Blignaut said okay. Is that report—

Mayor Mills said available?

Mr. Blignaut said available for the public to review?

Mayor Mills said absolutely.

Mr. Blignaut said would you have that report, Ma'am?

Mayor Mills said I do, but I'd send you the file email.

Mr. Blignaut said okay.

Mayor Mills said it's a Department of—

Mr. Blignaut said can I get a copy of that?

Mayor Mills said yes, absolutely. It's a Department of Local Government Finance or—

Mr. Blignaut said wonderful. I'll send you an email, asking for it if I could.

Mayor Mills said I'm sorry?

Mr. Blignaut said I'll send you can email asking for it.

Mayor Mills said that would be great.

Mr. Blignaut said make it easier for you.

Mayor Mills said happy to share that.

Mr. Blignaut said I'd like to see that myself.

Mayor Mills said what's the second thing?

Mr. Blignaut said the second thing, I think on the budget, just general comment, that, you know, I urge the Council and the City administration to look at it and cut it. Okay. You're asking for increase at a time when property taxes for everyone is becoming an increasing burden, and over the years it's just grown, grown, grown. I think we're at a point where the City budget is at a point where it's not sustainable, it's not as efficient as it could be. I'm concerned about the property owners, the constituents, the citizens of the City. I think we can do better. I really do. And I think instead of keep growing this and asking for more and more tax dollars, that we actually look at contingencies, how to cut it. And I agree with Councilman Keen, who's looking at what else can we look at, option-wise, to reduce this budget. I think that's a good point, particularly looking at contingencies when things don't go as well as we had hoped they would. The economy's been good, growth has been good. What happens if it goes down? What about other situations unforeseen that may need more dollars out of the Rainy Day Fund? You know, I'm not real comfortable with that. I don't see that. And I think the citizens of the City are going to be at a point here soon where we're going to need more delivered from the City at the same or lower budget. Thank you very much.

Mayor Mills said I will just make a couple comments. Something that many people may not realize, of every property tax dollar that you pay, only one-quarter of that comes to the City to provide services. So $0.25 of your property tax dollar we see. About $0.50 goes to the schools here in our City, and the other is divided among the Library and the CityBus, the County, a couple of State things. But I think we provide excellent services for the citizens for $0.25 out of every $1. We are already extremely lean in the number of employees. Again, if you were to compare us with other cities that provide comparable services, we are in the very low end of the scale. So we do an excellent job. People work very hard, and the budget process from year to year is a very flexible process. It has to be. In lean years, we do less projects. That's been true over the history of the City. We save money. If we can't do a new project we don't do it. The Salisbury project, the safety improvements from Meridian up were planned for three years

before we began, because we couldn't afford to do them right away. We considered just replacing the sidewalks in places that they were bad, but we needed to move those utility poles, so that access—real access—on the sidewalks was possible. And so we postponed the project for two years and saved money until we were to the point where we could fund that project. That's what we do every year, from year to year. Some things move forward, some things don't move forward. A department gets a new piece of equipment that they need or they wait. Last year, Mr. [Public Works Director] Downey probably was his second or third request for a trash truck. That just doesn't happen until we know we can afford to buy a trash truck. Every year, the chief of police has asked for four, five, six new vehicles. We can't afford it. We buy two, we buy three. It's just, again, like you would do your family budget. We buy things when we know we can afford to buy them. We don't buy them in lean times. Every city operates exactly the same way. You have to look at the long term. You can't just look at that year, and you have to use the money appropriately. And, again, if it means delaying projects for three years or five years, then you do that. You don't hire new people. Somebody quits, you don't fill that position. That's what we've been doing for many years in the City, and that's how we've managed to continue to grow the City and provide good service. If you look at the number of new property tax dollars that we have gotten in this City in the last half-dozen years, there's virtually no change or a decrease in the number of new dollars that we get. But yet we manage, because we find new efficiencies, we delay projects, we delay purchases, we don't fill vacant positions, we do what Mr. [Public Works Director] Downey has done in the Street Department and cut the number of employees in half by cross-training everybody. That's the way the City has survived and done well. I think we should be proud of that. We've worked very hard to tighten the belt and be as frugal as we can. And it's tough to ask for a property tax increase—you know, mine went up 30% this year. It's just as tough on me to pay that increase, but I know that my dollars are being used well and that we're stretching them absolutely as far as we can. And we're going to continue to do that, and we're going to find new dollars—through grants, through federal funds, or whatever—to replace some of those property tax dollars, so we don't impact everybody's property tax bills. I think we do a great job at it right now. Other comments from the public? Other comments from the Council? Councilor Satterly.

Councilor Satterly said you might mention what the total allowable increase is in the levy from the property tax.

Mayor Mills said okay.

Councilor Satterly said from one year to the next.

Mayor Mills said okay. The State sets the levy growth that any city, any municipality can ask for each year, and in the last half a dozen years or more, that levy growth has been based on the five-year rolling average of non-farm income. So it changes from year to year. I think when I first went on the Council, the levy increase was 5%. This year, it's 3.7%. So that means we will see about $290,000 of new money over last year. That doesn't include, of course, the road funds and things like that, but those road and street funds have stayed very flat, maybe 2% increase over the years. If you look at the costs for us of fuel, of concrete, of ice salt, of everything, you know that those costs have continued to climb at more than 2% a year. So, again, I think we do a great job or taking that little amount of new money every year and stretching it as far as possible, to continue to provide the services that we provide.

Councilor Satterly said and what percent of the General Fund is salaries?

Mayor Mills said I'm not sure I can do that right off the top of my head, Gil [Councilor Satterly].

Councilor Satterly said just the General Fund.

Mayor Mills said about—I know about 80% of the General Fund salary money goes for public safety. Do you remember off the top of your head? Is it 65%?

Clerk-Treasurer Rhodes said well, this year's budget, that percentage is higher than it's ever been. Virtually all the capital has been moved out.

Councilor Satterly said yes, but you're just talking about public safety. Salaries supported by the General Fund. Not just public safety, but salaries—

Clerk-Treasurer Rhodes said we'll run the numbers, but I can tell you—

Councilor Satterly said isn't it about 80% or 85%?

Clerk-Treasurer Rhodes said it's higher than that. It's higher than it's ever been this year, because almost every other cost has been removed.

Councilor Satterly said so if you're talking about reducing spending, right away you get into personnel is my point.

Mayor Mills said yes. No, you're right.

Councilor Satterly said and the amount of dollars that we can increase the General Fund from the property tax, less than $300,000 a year. And if you figure any percent increase for the employees, that doesn't even cover it.

Mayor Mills said no.

Councilor Satterly said not to speak of increase in insurance.

Mayor Mills said so that's the reason to use other revenues.

Councilor Satterly said so, you talk about cutting and right away you're cutting personnel. And when you cut personnel, you cut service.

Mayor Mills said you cut service.

An unidentified audience member said not necessarily.

Councilor Satterly said yes you do, because they're working pretty hard. I'll disagree with you.

Mayor Mills said other comments? Are you ready to have the first vote and move on to the rest of the agenda? Mr. Haynes, you're back.

Mr. Haynes said well, I'd like to make another comment.

Mayor Mills said okay.

Mr. Haynes said I'm afraid you're going to close this out before I get another chance to—

Mayor Mills said and you'll have other opportunities, but you speak as long as you want.

Mr. Haynes said well, how much did it cost to have Schneider Associates prepare these three options we have for Cumberland Avenue?

Mayor Mills said I can't even answer that off the top of my head. Mr. [City Engineer] Buck maybe can. But, Mr. Haynes, we don't have the number of staff—we certainly have the able staff—we don't have the number of staff to devote to one project like that. So we have to hire consultants—

Mr. Haynes said well, I had a reason to ask that.

Mayor Mills said okay.

Mr. Haynes said how much did it cost for Schneider Associates to make those three proposals we had for Cumberland Avenue?

City Engineer Buck said I recollect it was $128,000.

Mr. Haynes said $128,000?

City Engineer Buck said I don't think it was higher than that.

Mr. Haynes said was that just a—I don't know how to put it—was that just a political foray, to make people feel like they were involved? Because it seems like now we're meeting at houses, different houses, discussing how each one would like to have it configured. And, by the way, who authorized that expenditure?

Mayor Mills said I did. The Council did. The Board of Works did.

Mr. Haynes said was that voted on?

Mayor Mills said the Board of Works.

Councilor Satterly said the Board of Works.

Mayor Mills said Mr. Haynes, the road needs to be rebuilt. We took cores before we started this project, to look at the road bed. And Mr. [City Engineer] Buck can give you much more engineering detail than I can—

Mr. Haynes said well, I've been around enough engineering to know that if you want a test made, they can design that test to do what you want to do. I'm saying that the majority of Cumberland Avenue don't need to be completely torn up, only needs to be blacktopped. There are some places that need to be broken up and find out why—and mostly at water places, curb drains—

City Engineer Buck said catchbasins.

Mr. Haynes said catchbasins. We have some of those, mostly—but when you go from Salisbury to Soldiers Home Road, that road's not in bad shape. In fact, I even wonder why you

even tore up Salisbury and took out five inches and replaced it. I didn't have any complaint with Salisbury. I never heard any complaints. It was pretty smooth road, but you went ahead. I think a lot of people were really surprised when that occurred.

Mayor Mills said Mr. [Public Works Director] Downey or Mr. [City Engineer] Buck, would you like to say something about the structure of the roads that we're looking at, the basis for our—

City Engineer Buck said Salisbury Street, a portion of it was on our original bid to completely rebuild the entire thickness of the pavement. At the time, we thought it was—

Mr. Haynes said take it all the way out.

City Engineer Buck said take it all the way out to the base material, take all of the asphalt out. And there's no concrete in this section that you were talking about, from 52 all the way up to north of Cumberland. And we bid it to take out a section, and we were only going to do just past Kent, not quite to the entrance to Westminster and have to do it three years in a row, one-third at a time, because that's all the money for in the budget—

Mr. Haynes said this is Salisbury?

City Engineer Buck said this is Salisbury, yes. We took some additional pavement cores and found out that we have between six and eight inches consistently throughout that section, and we only milled off three inches and were able to do that whole stretch in this year's budget. And next year, we'd like to try to do Yeager Road, because it's in the same and similar condition. There was a lot of transverse cracking on Salisbury Street, and that's joints that go all the way across the road. And this winter, they took on a lot of moisture. And there was, every 20 feet, a significant bump that you drove across every day on your daily commute, if you use Salisbury, every time you drove it. And they did go away a little bit—

Mr. Haynes said I still don't understand why you tore it up.

City Engineer Buck said well, it needed it.

Mr. Haynes said says you.

Mayor Mills said we think we have a very qualified City Engineer, Mr. Haynes. He—

Mr. Haynes said well, I like—

Mayor Mills said he's trying to save us long-term money.

Mr. Haynes said well, I like this man, but I just think that to have an agenda, and I was very surprised that he spent that. But now tell me about Cumberland Avenue.

City Engineer Buck said Cumberland is unique. It could be very simple to just go out and put asphalt over the top of it. And it would last three, five, maybe eight years. And there'd be sections we'd have to be going back out and doing again. Cumberland, in my mind, goes beyond just want needs to be done to the pavement, but how does the road need to be configured to most appropriately handle traffic that we see, for the next 10, 15, 20, or even more years into the future. There's a lot of growth that's going to occur to the north. Cumberland's not going to dead-end in a cul-de-sac over by Wal-Mart. It's going to go all the way over to

Klondike Road eventually, and US 231. And so that residential end that you mentioned wasn't in too bad a shape, maybe that's all we need to do is just overlay that section or maybe we just rebuild it as-is. The rest of it, maybe there's something different that's more appropriate. The only thing that road's sitting on is the clay subgrade. There's no stone underneath that concrete, there's no drain tile to take and wick the groundwater moisture away. It's been that way for 40 years. And it's surprising that it's lasted as long as it has.

Mr. Haynes said that's one of my arguments. It's been there for 40 years. It's still not that bad.

City Engineer Buck said well, that's where we disagree.

Mr. Haynes said and when you're done, it's going to be one lane. There's going to be parking on one side and one lane only is going to be used for traffic. Correct? I think you know.

City Engineer Buck said no. We have another public meeting to show what the design concept that's recommended by the community, and that's upcoming here yet in probably August or September. We're going to take public comment at that point. It changes throughout the length of the road.

Mr. Haynes said are you going to allow the public to help you design that—?

City Engineer Buck said we're certainly going to take the comments, yes.

Mr. Haynes said like where you cut through, make u-turns or cut through—

City Engineer Buck said oh, yes.

Mr. Haynes said but it's really going to be configured about like it is right now, right? You're not going to have an access road up one side, so people don't have traffic? I don't know how you're going to do that, but that's one of the proposals.

City Engineer Buck said that's one of the concepts that was discussed previously, yes. The end of—

Mr. Haynes said you paid for that design.

City Engineer Buck said well, conceptually.

Mr. Haynes said yes, conceptually. $190,000, you said.

City Engineer Buck said $128,000 is their contract, and they haven't spent all of that on this effort yet.

Mr. Haynes said yet.

City Engineer Buck said some of that is engineering costs that they're going to be doing, some of that's the three-dimensional rendering that they're going to be making. Not all that effort has been used up.

Mr. Haynes said tell me again why you had them render these three designs. Was that just to make people feel like they had an input?

City Engineer Buck said we had more than three to start off with.

Mr. Haynes said you had more than three, huh?

City Engineer Buck said certainly.

Mr. Haynes said I didn't see them.

Mayor Mills said and, Mr. Haynes, remember that there was a citizens' committee that put those designs together, not Schneider. They were on the suggestions of the committee, the people that live in this community that were part of that group.

City Engineer Buck said I mean, we could do it a different way and just say, "Here's what we're going to do" and not take the input.

Mr. Haynes said are we run by the committees or are we run by elected officials?

Mayor Mills said we are run by elected officials, but because this is an investment in perhaps a 40-year road, we thought we should ask the people of the community who are going to use the road how best it serves those neighborhoods and the Research Park, and that's the only reason for public comment. Because it affects everyone who lives in our City.

Mr. Haynes said a lot of these decisions come up over tea, you know. "How would you like to do this?" or "How would you like to do that?" and some of that gets carried pretty far. I've had people say they're afraid to walk out to their mailbox. Well, it's just parking on that side of the road, you know. There's not traffic. So you get all kinds of comments over tea.

Mayor Mills said thank you. Any other comments on the budget?

Mr. Haynes said you shut me off, right?

Mayor Mills said no, I'm not. Just bringing it back to the budget.

Mr. Haynes said thank you.

Mayor Mills said anything else from the Council?

There was no further discussion.

Mayor Mills said will you call the roll, please.

The roll call vote:

AYE	**NAY**
Griffin	Keen
Hunt	McMullin
O'Callaghan	Truitt
Satterly	

Ordinance No. 22-07 passed on first reading, 4-3.

Ordinance No. 23-07 An Ordinance Setting The Tax Levy On Property And Tax Rate For The 2008 City Budget (Prepared by the Clerk-Treasurer)

Councilor Griffin read Ordinance No. 23-07 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 this is setting the levy, and I will remind you that we advertise high, so that we will be able to realize all the revenue that's generated. Are there questions or comments? Council members? No one? Any comment from the public on the tax levy?

There was no further discussion.

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

The roll call vote:

AYE	**NAY**
Griffin	Keen
Hunt	McMullin
O'Callaghan	Truitt
Satterly	

Ordinance No. 23-07 passed on first reading, 4-3.

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

Councilor Griffin read Ordinance No. 24-07 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, again, we are budgeting a 3% salary increase for all of our employees this year. We have new forms this year that show the minimums and maximums for all of these positions, as has been done in the past, but a little bit different format this year. Are there questions from the Council? No questions? No comments? Anything from the public?

There was no further discussion.

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

Ordinance No. 24-07 passed on first reading, 7-0.

Ordinance No. 25-07 2008 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Councilor Griffin read Ordinance No. 25-07 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 again, a 3% salary increase for all of the employees of the Wastewater Utility. And I would point out again, we moved some people to this fund that were—one person who was not paid out of the Wastewater Utility before and half of the Assistant City Engineer's

salary. Questions? Comments?

Councilor Hunt said I have a comment.

Mayor Mills said Councilor Hunt.

Councilor Hunt said one notice on the Councilors, we haven't had a raise in, I think, at least eight years. So I commend all of us.

Clerk-Treasurer Rhodes said you're on the wrong ordinance.

Councilor Hunt said oh, I'm sorry. I thought it was [Ordinance No.] 26-07.

Mayor Mills said no, we're on [Ordinance No.] 25-07.

Councilor Hunt said sorry. Well, I'll get that next time.

Mayor Mills said any other comments?

There was no further discussion.

Mayor Mills said will you call the roll, please.

Ordinance No. 25-07 passed on first reading, 7-0.

Ordinance No. 26-07 An Ordinance To Set The Biweekly Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2008 (Prepared by the Clerk-Treasurer)

Councilor Griffin read Ordinance No. 26-07 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 to set the salaries for elected officials—for myself, the Clerk-Treasurer, and the City Judge. There is, as with the other employees of the City, a 3% increase, and, as Councilor Hunt pointed out, there is no increase for the City Council who hasn't taken an increase in some years, and makes far less than the City Council in Lafayette. Councilor Hunt, do you want to comment now?

Councilor Hunt said far less, like less than half that Lafayette makes. But I wouldn't want to figure out what our hourly wage is, but I'm sorry I jumped ahead. I can't imagine why I wanted to jump ahead.

Mayor Mills said that's why they call it public service, right?

Councilor Hunt said that's right.

Mayor Mills said you're doing it because you love it. Okay, any questions about this? Any comments?

There was no further discussion.

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

Ordinance No. 26-07 passed on first reading, 7-0.

Resolution No. 22-07 A Resolution Requesting The Transfer Of Funds (Engineering, Police, CDBG) (Prepared by the Clerk-Treasurer)

Councilor Griffin read Resolution No. 22-07 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 have a resolution to transfer funds. In the General Fund, from the Engineering Department in Uniforms, $500, to Office Supplies; and from the Police Department, from Full-Time Salaries, $58,200, to New Uniforms, $10,000, Range Equipment, $7,000, Office Equipment, $16,000, and Other Equipment, $25,200. And in the Community Development Block Grant Fund, $2,500 from Code Enforcement and $3,000 from Public Services-Legal Aid to Street and Public Improvements. Are there questions? We had a little discussion about this at Pre-Council, and both Mr. [Director of Development] Andrew and the [Police] Chief are here to answer any additional questions.

Councilor Keen said Madam Mayor.

Mayor Mills said yes, Councilor Keen.

Councilor Keen said I wonder if the Police Chief could address the reasoning behind him having $58,000 in his Full-Time Salary account to be able to transfer. I know he's talked about it before, but I just wanted to make it clear to the people who are watching at home.

Police Chief Marvin said we've been in the process of trying to fill several vacancies in the department. The Merit Commission's been working very hard to do that, to address that, but we've had some difficulties, we've had some people leave the department. We had one that, after the sheriff's election in another county was appointed chief deputy, so we've been trying to fill these positions, but because of open positions on the department, we have the money available in full-time salaries.

Councilor Keen said thank you.

Police Chief Marvin said thank you.

Mayor Mills said other questions about the transfers? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. Can you remind me how there's money in CDBG for Legal Aid? Is their request not being funded as it was originally?

Mayor Mills said Mr. [Director of Development] Andrew.

Director of Development Andrew said I'm not sure.

Councilor Hunt said I think they didn't request anything, if I remember right from that hearing.

Mayor Mills said so there hasn't been money, Mr. [Director of Development Andrew], for legal?

Director of Development Andrew said not to my knowledge.

City Attorney Bauman said it's Legal Aid.

Director of Development Andrew said oh, Legal Aid, I'm sorry.

Mayor Mills said it's the agency.

Director of Development Andrew said yes, it's Legal Aid, the agency. Yes. The Committee didn't feel that they wanted the money, I guess.

City Attorney Bauman said I know in the past, they've had some—

Director of Development Andrew said it's been questionable, so—

City Attorney Bauman said well, they've had some difficulties because of the way they operate and their confidentiality with being able to document—

Director of Development Andrew said service to West Lafayette.

City Attorney Bauman said service to the qualified area in population.

Mayor Mills said and meet the requirements. Right.

Director of Development Andrew said I heard "legal," and I thought—

Mayor Mills said sorry, I wasn't paying attention.

Director of Development Andrew said thank you. Any more questions?

Mayor Mills said did that answer your question, Councilor O'Callaghan?

Councilor O'Callaghan said no, I just can't remember from the thing that whether they had not requested it or not. So I'll just go back and look at that, those minutes from that original request.

Mayor Mills said okay. I do know in the last couple years, they have had a hard time meeting the requirements of the documentation like Bob [City Attorney Bauman] said, of serving West Lafayette residents, and so they haven't used the money. So the money has been left.

City Attorney Bauman said again, those are CDBG requirements that we have to follow.

Mayor Mills said other questions?

There was no further discussion.

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

Resolution No. 22-07 passed on first and only reading, 7-0.

Resolution No. 23-07 A Resolution To Reduce The 2007 Budget (Submitted by the Mayor)

Councilor Griffin read Resolution No. 23-07 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 as part of the budget process every year, we reduce the current year's budget. I'll remind you that our budgeting system is really an 18-month budget, and we reduce the budget for this year, in order to fund the budget for next year. And this is the first of such reductions. We will no doubt do more before the end of the year. Questions or comments?

Councilor O'Callaghan said it's always good to reduce the budget.

Mayor Mills said always good to reduce the budget. As we get further along through the year, we know where we have money that we can take out.

Councilor Keen said I have one question.

Mayor Mills said Gerry [Councilor Keen].

Councilor Keen said it seems somewhat odd to me that we're reducing the Fire Department salary full time by $41,000, when we just hired three firefighters. Can someone explain that to me?

Mayor Mills said it's money that we won't need for those three firefighters.

Clerk-Treasurer Rhodes said may I answer?

Mayor Mills said please.

Clerk-Treasurer Rhodes said it has to do with budgeting for termination pay for firefighters. Our estimate of the number of firefighters leaving has been revised, and, according to the entitlement, it is 18 days times 24 hours a day times the hourly rate. That's normally over $9,000 per firefighter

Councilor Keen said okay.

Clerk-Treasurer Rhodes said $10,00 for that alone. So as our estimates have changed, we've been able to reduce that.

City Attorney Bauman said nobody wants to leave.

Clerk-Treasurer Rhodes said also, we hired our three new firefighters later than we budgeted this year.

Councilor Keen said thank you.

Mayor Mills said other questions?

There was no further discussion.

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

Resolution No. 23-07 passed on first and only reading, 7-0.

COMMUNICATIONS:
►Councilor O'Callaghan said I just picked up our July 30 issue of the *Nation's Cities Weekly*, and I think it's kind of neat to have a mayor of Indiana on the front cover. Mayor Charlie Henderson from Greenwood, Indiana, who's very active in Indiana Association of Cities and Towns and obviously the National League of Cities as well, and he's the chair of the Small Cities Council. So I just think that's kind of neat.

Mayor Mills said that's great. I didn't even notice that.

►I would just remind people that the Colt World Series is going. It's been a hot time to watch baseball, but they've had good turnouts. They're winding down towards the end. We're fortunate to have those in our community. I encourage everybody to go out.

►Mayor Mills said we talked about this at the last Council meeting, but this is the U.S. Environmental Protection award that we won for the digester renovations, using the State Revolving Fund loan. This is the PISCES Award, the only award in Indiana, and one of only 29, I think, in the country. So that will go hang in the Board of Works room, at least for a while, until they take it back to the Wastewater Plant.

►Mayor Mills said this is the 1997 award for Combined Sewer Overflow Control Program Excellence. We won a national second-place award, so 1997, and then here we are in 2007 still doing a great job of protecting our environment. Thank you, Mr. [Public Works Director] Downey for remembering to bring those up to show this time. We were going to show them last month.

CITIZEN COMMENTS:
►Patsy Hoyer [3008 Wilshire Avenue] said I was just going to say, I am in charge of getting all the volunteers for Global Fest [Saturday, September 1]. I've been in all large groups, asking everyone to give me their name and number and be willing to volunteer. If there's anyone in this group who would like to, we have a few spots. I'm feverishly telephoning these last two weeks. Please let me know; you can speak to me right now, or my husband's name is Scott and I have a telephone number, you can call the Mayor's Office or the Parks Department. Thank you.

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

Respectfully submitted,

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