

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
September 06, 2007

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on September 10, 2007, at the hour of 7:30 p.m.

Mayor Mills called the meeting to order and presided.

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

Also present were City Attorney Bauman, Clerk-Treasurer Rhodes, Director of Development Andrew, and City Engineer Buck.

Mayor Mills said we'll have a couple items under the Public Relations this month, in addition to our normal. We will have the nominations for the West Lafayette Library Board and we will also have the Human Relations Commission replacements. Just to remind you of those. I put in your mailbox the people that I've invited to participate in the Human Relations Commission. We have two people going off, and those are the two new people coming on. And that's an additional person, if we're going to bump up the number actually to nine, we'll have, we hope, people ready to go once that passes this month.

Councilor O'Callaghan said I remember getting it by email, but I didn't see the hard copy.

Councilor Hunt said yes, we got it by email. One was in the snail mail.

Councilor O'Callaghan said oh, it was mailed. That's what it was, it was mailed.

Mayor Mills said if you need it again, certainly we can get you an additional copy. There are two very good additions to the Human Relations Commission.

Councilor O'Callaghan said one is a student—

Mayor Mills said one is a student which I think we've needed, so it will be a nice change.

UNFINISHED 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)

Mayor Mills said that's appropriate, since that's what we were just talking about. It's our ordinance to add members to the Human Relations Commission. Are there any questions about that?

There was no further discussion.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

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

Mayor Mills said we will have a public hearing on this this month. Again, you heard from Joe [Parks Superintendent Payne] last month, or I guess it was maybe Pennie [Assistant Parks Superintendent Ainsworth] who came, to talk about the need for improvements to the pool. And so they're using the money that is set aside from entrance revenues for that purpose. Any questions on that one?

There was no further discussion.

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

Mayor Mills said this is the ordinance regulating the use of consumer fireworks. We went ahead and voted last month, but Councilor McMullin asked us to revisit that. Do you have any comments or any discussion about that?

Councilor McMullin said yes. I fully understand the need for safety and neighbors wanting to be safe, and pets undisturbed, but I thought it was good to put some hours around that. I didn't make copies. I can run them. Essentially I just thought it would be a great way to show our appreciation to the Purdue students to amend the ordinance to include Friday and Saturday between 5:00 p.m. and two hours after sunset, and also—

Councilor O'Callaghan said on Homecoming Weekend, right?

Councilor McMullin said yes, because the parade on Friday and then the game's on Saturday. I believe the start time's about noon, usually. And there's a lot of alumni that come in, a lot of fraternities in my district, and those folks that like to shoot fireworks. So I thought it would be a good way to show appreciation there, and also to include between 5:00 p.m. and two hours after sunset on January 1, so that way, when we're sleeping in on New Year's Eve, we're not waking up to bangs outside of our windows.

Councilor O'Callaghan said I guess didn't understand the one.

Councilor Hunt said what hours are those?

Councilor McMullin said on January 1, I'd initially said during the Council meeting, you know, all day on New Year's Day, and then I rethought it and said, "Well, would I or anyone else want to wake up to a firecracker outside my bedroom window at 8:00 a.m. on January 1?" Not a good way to start off the New Year, in my opinion, so I decided it would be better to consider the hours of 5:00 p.m. and two hours after sunset for anyone celebrating New Year's Day bowl games, whatever festivities they have planned.

Councilor O'Callaghan said so that would make it shorter than what it is actually, because right—

Councilor Satterly said it's not allowed at all.

Councilor O'Callaghan said right—oh, it's not?

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Councilor McMullin said it's allowed until 1:00 a.m.

Councilor Hunt said 1:00 a.m.

Councilor McMullin said so actually—

Mayor Mills said through the New Year's Day itself—

Councilor McMullin said right.

Councilor Griffin said it would be a hiatus between 1:00 a.m. and 5:00 p.m.—

Councilor Hunt said is that what this is?

Councilor McMullin said yes.

Councilor Griffin said then it would resume at 5:00 p.m. and go until two hours after dusk or sunset.

Councilor McMullin said I apologize for not—

Councilor Hunt said it's not long, because it's winter then. I don't know what time it's dark—

Mayor Mills said it's probably about 5:30.

Councilor O'Callaghan said I think it might be.

Mayor Mills said any additional comments? Gil [Councilor Satterly].

Councilor Satterly said I have a proposal for an additional amendment. On part (c), it says, "Consumer fireworks may only be used or discharged within the City of West Lafayette, Indiana," and I would add, "entirely within private property with the consent of the owner or lessee of that property."

Councilor Hunt said that'll come back to contradict each other.

Councilor Satterly said yes.

Councilor O'Callaghan said this is "entirely within—"

Councilor Satterly said in other words, a person can't set the fireworks off on their own—

Councilor O'Callaghan said I understand what it is, I just—

Councilor Satterly said property and have it land on my property.

Councilor O'Callaghan said yes—

Mayor Mills said Patti [Councilor O'Callaghan]—

Councilor O'Callaghan said I understand the concept, I just didn't know the words.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Griffin said read it again, Gil [Councilor Satterly].

Councilor Satterly said it says, "Consumer fireworks may only be used or discharged within the City of West Lafayette, Indiana" and add "entirely within private property with the consent of the owner or lessee of that property," and then goes on "on the following dates and times..."

Councilor Griffin said well, that's certainly been a concern that the people in my district have had. You know, the—not roman candles, but some of the sky—

Mayor Mills said bottle rockets.

Councilor Satterly said your rockets.

Councilor Griffin said end up in other people's yards.

Councilor Hunt said the Purdue Student Union Board has a licensed fireworks on Homecoming, as we well know.

Councilor Griffin said when is that typically done?

Councilor Hunt said I don't know.

Councilor Griffin said is there a time?

Councilor Truitt said what, Homecoming?

Mayor Mills said the Homecoming parade—

Councilor Griffin said yes.

Councilor Truitt said it's Friday night.

Mayor Mills said which is Friday night.

Councilor Hunt said of course, that's licensed, so that doesn't involve this—

Councilor Satterly said and that's in the County rather than in the City, I believe.

Mayor Mills said well, it's not affected anyway, because it's licensed. They do it. They're responsible for it.

Councilor Hunt said I got a couple of conferences lined up with some students and some officers, so between now and Monday. It's been kind of hard to organize it. I'm still concerned about that. I'm concerned about there is a little bit of partying. There may be alcohol. And alcohol and fireworks isn't, as a nurse, worries me for safety's sake. I'm still thinking about that.

Councilor McMullin said I'd think there would be that problem on New Year's Eve as well.

Councilor Hunt said and the volume of people that live—

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Satterly said but we can't change—

Councilor O'Callaghan said we can't change that. The Legislature—

Councilor Satterly said that's a State-mandated date.

Councilor McMullin said okay, just my question.

Councilor Hunt said and there's not a lot of people. I mean, there's some people here on January 1.

Councilor McMullin said sure.

Councilor Griffin said well, do we wish to make these now, or wait until Monday night?

Councilor Satterly said I think we want to make that amendment now.

Mayor Mills said if that's your preference.

Councilor Satterly said so moved.

Councilor Griffin said second.

Councilor O'Callaghan said just for—

Councilor Satterly said just for the one that I read.

Councilor O'Callaghan said “entirely within the—”

Councilor Satterly said “entirely within private property with the consent of the owner or lessee of that property.”

Mayor Mills said okay, we have an amendment and a second put forward by Councilor Satterly to specify the area of use.

Councilor Griffin said I guess my question would be is one of the legal scope. Does what we want it to accomplish, as it is worded, accomplish what we want?

City Attorney Bauman said well, I—

Mayor Mills said that's tricky.

City Attorney Bauman said I don't mindread, but I think so.

Councilor Griffin said so based upon what it says, if my airborne fireworks lands on someone else's property, it's not in accordance with the ordinance?

City Attorney Bauman said correct.

Councilor O'Callaghan said and it says, “within private property with the consent of the owner or lessee.” So that means that if somebody's renting a place, they can give permission?

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Satterly said correct.

Mayor Mills said okay. All in favor of the proposed amendment, please signify by saying, "Aye."

The motion passed *viva voce*, with no dissenting votes.

Mayor Mills said all right, we have an amended version.

Councilor McMullin said I'd like to propose my amendment and vote on it.

Councilor O'Callaghan said why don't you make them separately, Ross [Councilor McMullin], because they're two different issues.

Councilor McMullin said in terms of New Year's Day and Purdue?

Councilor O'Callaghan said right. I might suggest the simpler one being the amending [63.40, (c)] number 3, which says, "Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1, and then again from 5:00 p.m. and two hours after sunset on January 1."

Councilor McMullin said okay.

Councilor O'Callaghan said and that's just the kind of language, and that sounds like what you wanted, right.

Councilor McMullin said yes.

Councilor O'Callaghan said if so you move that, I'll second it.

Councilor McMullin said all right.

Mayor Mills said okay, you made that motion—

Councilor McMullin said yes.

Mayor Mills said and Patti [Councilor O'Callaghan], you seconded that?

Councilor O'Callaghan said I seconded that, right.

Councilor Truitt said and we're only talking the January date?

Mayor Mills said we're only talking the January date.

Councilor O'Callaghan said the January date, from 5:00 p.m. until two hours after sunset.

Councilor McMullin said I'm going to propose them as two separate amendments, so we can—

Mayor Mills said so we have this proposed amendment for changing the hours on January 1. All in favor of the amendment?

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Griffin said I'd like to indicate why I'm not going to support that, Ross [Councilor McMullin]. I do understand, at least I believe I do understand where the students are coming from. To me, I look at it from two standpoints. What we have here is what's being mandated that we must have. To go beyond it, my constituents have made clear that they do not want it spread beyond. But more important, to me as a physician, and I'm going to present statistics. I was tempted to present some pictures, but I think that I may spare the public and perhaps you all some pictures of injuries that come from fireworks. But the statistics indicate that the injuries come from consumer fireworks, and so I won't support extending it beyond these hours, and that's why.

Councilor McMullin said okay.

Mayor Mills said any other comments before we vote?

Councilor Satterly said I'm with Carl [Councilor Griffin].

Mayor Mills said okay. All in favor of the amendment for the hours on January 1, signify by saying "AYE."

The voice vote was not unanimous.

City Attorney Bauman said you'll need to do a roll call, to make the record.

Mayor Mills said all right. Will you call the roll, please, Judy [Clerk-Treasurer Rhodes].

The roll call vote:

AYE	NAY
Hunt	Griffin
Keen	Satterly
McMullin	
O'Callaghan	
Truitt	

The motion to amend the amended ordinance to extend hours on January 1 passed, 5-2.

Mayor Mills said okay, thank you.

Councilor McMullin said okay, now I would like to move on the amendment to extend hours to include Purdue Homecoming Weekend on Friday and Saturday, 5:00 p.m. to two hours after sunset.

Mayor Mills said do we have a second?

Councilor Keen said I'll second it.

Mayor Mills said okay, we have a motion and a second to extend the hours on Homecoming Weekend from 5:00 until two hours after sunset. Is there further discussion?

Councilor O'Callaghan said and so that would make it a number four under (c), I would imagine.

City Attorney Bauman said a point of clarity, that's Friday and Saturday?

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor McMullin said right.

City Attorney Bauman said okay.

Councilor Truitt said I communicated with Ross [Councilor McMullin] that I'm not in favor of adding that date. I just think it's a moving date, it's a—I was mostly concerned with Purdue being able to have their festivities and then after we talk about the fact that it's licensed and it's on their property and so on, I was kind of relieved from that, so I think just adding that at that point is not going to do any good, from my perspective.

Councilor McMullin said sure.

Mayor Mills said other comments?

Councilor Hunt said I'm still gathering data, but, again, the alcohol, partying, and—I just worry about that, so I'm not going to be in favor of it either.

Councilor O'Callaghan said and what we've heard so far is that there aren't a whole lot of students that are asking for this, at this point in time.

Councilor McMullin said I think that depends on who you talk to.

Councilor O'Callaghan said that might be.

Councilor McMullin said if you talk to, you know, PSUB you'll get various responses. You know, I've been in contact with the Homecoming Director, and she supports it. You talk to other people in PSUB, they may say students don't care. To be quite frank with you, you know, it's hard to get a public opinion poll of students. But, you know, I personally know that people, my neighbors, like to shoot off fireworks, because they're still going off right now. And I'm not necessarily in favor of that, but I think it's still a great way to show students, you know, "Hey, we recognize you, we appreciate you. Let's set up a working relationship where we can improve upon that." It would be an opportunity—

Councilor Truitt said well, I mean, but we have fireworks going all over the—not just students. I mean, they're up in University Farms. I mean, it's all over the place. So—

Councilor McMullin said I understand that, you know. There's obviously more than students in my district as well. The reason the students want it is because it is Homecoming and that's the reason for these students.

Councilor Truitt said the enforcement of this—I mean, how are we going to enforce this thing?

Mayor Mills said well, we're doing it now. We have calls and we send patrol officers out when there's fireworks.

Councilor Truitt said and if you catch them in the act, that's the only time you can do anything?

Councilor Satterly said that's the only time you can.

Councilor O'Callaghan said I guess—

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Truitt said like a dog.

Councilor O'Callaghan said West Lafayette Fire Department and West Lafayette Police Department—

Councilor Hunt said I talked to the Purdue Police Chief, and he said he didn't think, in his experience, there were that many fireworks, other than the official—

Councilor Truitt said on Homecoming, you mean?

Councilor Hunt said yes.

Mayor Mills said okay, ready to vote on the second amendment? Any further discussion?

There was no further discussion.

Mayor Mills said all right, will you call the roll again, please, Judy [Clerk-Treasurer Rhodes].

The roll call vote:

AYE	NAY
Keen	Griffin
McMullin	Hunt
	O'Callaghan
	Satterly
	Truitt

The motion to amend the amended ordinance to permit use of consumer fireworks on the Friday and Saturday evenings of Purdue Homecoming failed, 2-5.

Ordinance No. 20-07 An Ordinance To Vacate A Portion Of An Alley: Chauncey Avenue To Salisbury Street (Chauncey Square, LLC) (Submitted by Paul Coutts) **PUBLIC HEARING**

Mayor Mills said we'll have the public hearing. This is for the Chauncey Square project. Are there any questions on this? Any discussion?

Councilor Hunt said I believe David Downey [Public Works Director] said this was no problem, as far as utilities going through alleys, etc., if I remember correctly.

City Attorney Bauman said there were utilities in the alley, but they were moved in connection with the previous vacation of the bigger part of the alley.

Councilor Hunt said right.

Councilor Griffin said this was be, and [Ordinance No.]18-07 will be public hearings and then vote?

Mayor Mills said yes.

Mayor Mills said okay, no other comments on that one?

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

There was no further discussion.

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

Mayor Mills said is there any further discussion you'd like to have on that one?

Councilor Truitt said anything new?

Councilor O'Callaghan said you were going to present more numbers, I thought. Weren't you? With the insurance numbers?

Mayor Mills said we have to—we're still pulling insurance numbers together. I talked to Diane [Human Resources Director Foster] today, so we might be able to have those for you. Probably I will have those for you by Monday. Well, I hope that's right. We've been working on them constantly to get them all final together. Give us a couple days. I think we are where we want to be with our package to the employees. I'll see if we can get final numbers to you.

Councilor Truitt said what's the date for that final vote?

Clerk-Treasurer Rhodes said September 10.

Councilor Truitt said September—Monday, that's it? That's the last one? I thought we had one later in September.

Clerk-Treasurer Rhodes said no.

Councilor O'Callaghan said we sometimes have in the past had a separate meeting—

Councilor Truitt said is that why we had the meeting on the 20th?

Clerk-Treasurer Rhodes said yes.

Councilor Truitt said all right.

Mayor Mills said we have to have it before we file our appeal, so we had to do it. So that's why we did the meeting on the 20th, so we could meet the timeframe.

Councilor Truitt said okay.

Mayor Mills said any other discussion?

There was no further discussion.

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)

Mayor Mills said any questions? Any comments?

There was no discussion.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

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)

and

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)

and

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)

Mayor Mills said any questions or comments about any of those three salary ordinances?

There was no discussion.

NEW BUSINESS:

Ordinance No. 27-07 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [Burger King, NB to PDNR] (Submitted by Area Plan Commission)

Mayor Mills said this is a change from Neighborhood Business to a PD for the Burger King up here on Sagamore Parkway. Is anybody here from Burger King? Do you want to say anything about it, Dave [City Engineer Buck]?

City Engineer Buck said sure. They plan on a complete teardown, strip the site bare, and then completely rebuild a new Burger King, similar in architecture to the ones that you see in Lafayette that are newer. This is one of their oldest stores in the corporation. It's like Store 348 or something like that—

Councilor Satterly said 473.

City Engineer Buck said and they're like into five digits now.

Councilor Satterly said 473, for the record.

City Engineer Buck said okay. It's going to keep the number, which I think is kind of cool. But they meet all the greenspace and parking requirements and shrub screening and street trees, and they're putting in sidewalks. They're going to do a lot of grade change to lower that, so it's not so steep coming off the highway. They're going to collect all their stormwater, which now the existing site basically just pushes it off on all the neighbors. So it's going to improve things for the apartments behind, the travel agency next door, and not dump as much into the 52 highway. So it's going to be a really good project, I think, and it's definitely going to—and I just noticed they didn't give you the elevations, which they do have. I'll see if I can't get you colored copies or at least send an email around to show you, because all the awnings and lights and signs and all that is part of the PD. They're going to have a monument sign at grade level out here at the highway, and not have the freestanding tall sign like they have now.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Mayor Mills said good work.

Councilor Truitt said what's their main motivation to move to the PD route?

City Engineer Buck said the number of variances that would have been required to do what they wanted. They do meet setback off of 52, but some of the other setbacks and—

Councilor O'Callaghan said the drive-through they couldn't do without it—

Mayor Mills said they couldn't have the drive-through. The biggest one is the drive-through. It's zoned NB, and that's not allowed to have a drive-through in West Lafayette. So that's the biggest thing. They would have had to rezone to GB, if they would have just done a rezone. They couldn't have got a variance for that, so that's the biggest reason why they've asked for the planned development.

City Attorney Bauman said I think the other thing is their architect, I think, was very flexible in adjusting to concerns that were raised by West Lafayette staff.

Mayor Mills said the fact that we got a monument sign speaks to that loudly, I think. That's great.

Councilor Griffin said the current Burger King there is not handicapped accessible. This is really going to be a plus for folks, and it is very nicely laid out, what they showed to us.

Mayor Mills said okay.

Councilor O'Callaghan said I'm really excited about the suggestions from the Sagamore Parkway Task Force that are being implemented, because we worked hard on that. And it's really nice to see them pay attention to that and use some of those things like the sidewalks and the appearance, the monument sign, and that kind of thing, so I'm excited about that.

City Engineer Buck said yes, they were first-class to work with, one of the best we've had experience to work with.

Mayor Mills said that's great.

Councilor Hunt said were there any complaints by the residents nearby at the hearings for APC?

Councilor Griffin said no.

Councilor Hunt said okay.

Councilor O'Callaghan said 13-0, right?

Councilor Hunt said I know the vote was 13-0. And scrape and rebuild means take it down?

City Engineer Buck said yes.

Councilor Hunt said okay.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

City Engineer Buck said lighting levels were also included in their PD plans, so that there's not a lot of light that's thrown out to the back. There's a fence back there that's going to be replaced, to help screen, so there's not as much light going back. Enough to light the site, to take the trash out and make it workable for the drive-through, but yet not so much that it also spills out onto the back property, the apartments to the south there. And they've got a lighting diagram that shows how the individual light fixtures spread the light on the ground, so they're down-directing lights, very nicely done.

Councilor Truitt said is the timing for the project—?

City Engineer Buck said this fall.

Councilor Truitt said and how long will it take them to—?

City Engineer Buck said I don't know.

Councilor Truitt said they move pretty quick, so I'm just curious.

City Engineer Buck said I mean, they'll be closed, obviously, so you'll have to go somewhere else for the Whopper. I specifically don't know exact time frames, though.

Mayor Mills said I just want to comment that ending up with a project like this is due in large part to Dave [City Engineer Buck] and his office, working with the architect and developer and, you know, through this PD process, making sure that we get a product that we can be proud of in West Lafayette. It takes a lot of effort on their part to end up with something that looks this good. So thanks, Dave [City Engineer Buck]. Patti [Councilor O'Callaghan].

Councilor O'Callaghan said and I noticed with the stormwater not going into Speaker's next door, they'll probably be excited about that, but I couldn't quite tell from the diagram, will they still have some access from the east through them?

City Engineer Buck said yes. Speaker's will—

Councilor Griffin said through the street?

Councilor O'Callaghan said no, I mean Burger King will from—

City Engineer Buck said they will—

Councilor Griffin said there's a drive here that goes directly out to—

City Engineer Buck said there is a cross-access easement between those two properties that will—

Councilor O'Callaghan said right, and that will remain. That's the question. Thank you.

Mayor Mills said okay, any other questions?

There was no further discussion.

Ordinance No. 28-07 An Ordinance To Establish Fees Under The West Lafayette Stormwater Code (Submitted by the City Attorney)

Mayor Mills said Dave [City Engineer Buck].

City Engineer Buck said this is back at you again because there's a typo in the table. Under Section B, we had two "residential" categories on the very last line, very bottom right-hand corner, and the second one should have been "\$60 commercial" not "\$60 residential." That's the only reason.

Mayor Mills said good, thanks.

There was no further discussion.

Ordinance No. 29-07 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Prepared by the Clerk-Treasurer)

Mayor Mills said this is a loan from the Wastewater Treatment Utility to the General Fund, \$1.8 million, and from the Wastewater Treatment Utility to Parks and Recreation, \$400,000. Again, for cash flow purposes until we get our tax draw this fall.

Councilor Truitt said when will those be—?

Clerk-Treasurer Rhodes said the main settlement is usually about the last week in December.

Councilor Truitt said what's our burn in the Wastewater monthly? I mean, I'm just looking here, and we're sitting in September and we have \$2.2 million to loan for a period of time, and we had substantial funds in there. I'm just kind of curious what our current fund balance is in there to allow us to take \$2.2 [million] out.

Mayor Mills said we're lucky we have it, because if we already were underway on all those projects, we wouldn't have that money sitting there to borrow from. We haven't started the next phase of the interceptor, so we have it all there.

Councilor Truitt said so these funds that are there have been sitting in there for use—

Councilor Satterly said on the Western Interceptor-Phase II and the Digester Project.

City Attorney Bauman said well, a lot of that will be funded from the SRF. There are reserves there which are committed, they're required by the SRF covenants in the bond indentures. They require you to have replacement funds, but also in the utility, you need to carry a certain amount of money in case you have a large sewer collapse, which can and has happened.

Councilor Truitt said right, but I guess—

City Attorney Bauman said we also have accumulated some money because of some of the local improvement projects have fallen behind schedule because Dave [Public Works Director Downey] has been so busy.

Councilor Truitt said right.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor Griffin said well, and because the State's—I believe that we've been slowed down on the Western Interceptor—

Councilor O'Callaghan said because of 231.

Councilor Griffin said because of DOT.

Councilor Truitt said well, I guess, you know, we're required to have 125% bond coverage ratio—

City Attorney Bauman said well, that's not a reserve issue, that's a—

Councilor Truitt said okay, well and I guess where I'm going with it is that I know that we have the money and at this point we're lucky we have the money. But I'm just trying to think from the whole fundamental standpoint, if we didn't have the money for whatever reason, I just don't want to hide behind a match, behind something.

Clerk-Treasurer Rhodes said we have approximately \$6.5 million in the Improvement Fund, between what we call the Improvement Fund and a local equipment replacement which is just a sub-account of the Improvement Fund, in terms of the Wastewater financials. That is the source of the temporary loans we make.

Councilor Truitt said okay.

Councilor Satterly said Judy [Clerk-Treasurer Rhodes], you mentioned that you expect to get the tax monies end of December.

Clerk-Treasurer Rhodes said yes.

Councilor Satterly said what happens if they're late in making those payments and it goes after January 1?

Clerk-Treasurer Rhodes said we have the ability to carry loans forward for approximately six months.

Councilor Satterly said even though it says the City promises to pay these funds back—

Clerk-Treasurer Rhodes said we don't have any reason to expect that settlement would fail at the end of the year, because, after all, tax rates are set, the billing has occurred. It's a collection process. Unless the Legislature should create a moratorium on property taxes—

Councilor Satterly said which they've done—

Clerk-Treasurer Rhodes said I would not think it would be likely.

Councilor Satterly said for some counties, haven't they?

Clerk-Treasurer Rhodes said I feel confident we'll receive the settlement. The situation next year, however, is not quite so clear. We are nowhere close to receiving our certified assessed valuation to set budgets for next year. Nor will we have our income tax numbers before we vote on the budget on Monday. They will probably not be available until the very end of this month or

October.

Mayor Mills said okay.

There was no further discussion.

Ordinance No. 30-07 An Ordinance Requesting An Additional Appropriation (General Fund – Clerk-Treasurer) (Prepared by the Clerk-Treasurer)

Mayor Mills said this is in the General Fund, the Clerk-Treasurer account Personnel Insurance, \$21,700, and Dependent Insurance, \$86,400, for a total of \$108,100. Are there questions on that?

Clerk-Treasurer Rhodes said I'd just like to comment that this additional appropriation is related to Resolution No. 27-07, in which we are going to request a reduction in the Police Department budget. The reason for this two-part approach is a change in the stance of the Department of Local Government Finance. The transfer of appropriations between departments in the General Fund is no longer permitted, and, in fact, performing such a transaction may result in an audit comment. The Indiana League of Municipal Clerks and Treasurers will pursue a legislative solution for the coming session. Part of what has happened is the Department of Local Government Finance has had a very large turnover and there is reluctance to carry on policies that were never cast in stone, even though there was agreement between that agency and the State Board of Accounts. As a result, we are going to do the additional appropriation in my budget and we're going to do a budget reduction in the Police Department budget. That has the same effect of not increasing the overall appropriation allowed in the General Fund in 2007. As for the insurance amount here, you may recollect we made estimates before we did the final vote on the budget last year and, in fact, raised that budget by amounts very similar to this, I think you may recall, to pay for what we forecast as increased insurance costs. That increase was not allowed, although we had sufficient levy and tax rate advertised, because our budget advertisement, which occurs after the first reading, of course, was lower. In effect, this interpretation locks the Council into a budget after first reading. It can never get larger. Therefore, we're coming back now, at the end of the year, in order to increase the budget along the lines of what we told you it would be about this time last year. You also see later one of the resolutions, Resolution No. 24-07, contains a transfer in the Sanitation Department to address the same situation of the increased insurance costs we forecast last fall.

Mayor Mills said questions?

Clerk-Treasurer Rhodes said I would, however, like to ask you to hear from City Engineer Buck regarding a request to amend this ordinance, to add an appropriation for the Police Station Nonreverting Fund in the amount of \$90,000.

City Engineer Buck said basically, my understanding of what nonreverting means was corrected this afternoon. It doesn't mean that it's necessarily available to be encumbered. And so, even though this is a nonreverting fund, the funds are there, it's still in the original ordinance that the Council is required to appropriate monies before they're encumbered. This is money that we've been using to renovate the basement, upgrade the basement from the Police station to what we're using it now. We still have a lot of things planned down there, mostly the mechanical room. We are moving forward with some fiber optic work that's going to connect and give a redundant service to the Police Station, City Hall, and the Fire Station [#2] for fiber optic connection, mainly for the E-911 service, so that if one side of the loop goes down, the Police

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and Fire still can be served from the other side of the loop. That's the work you see going on out here, taking the fiber back up to 52 on Salisbury Street. So we're underway on some of this stuff, and really had the intention that this was there, available to be encumbered, but now I understand that just because it's nonreverting doesn't mean it's not-encumberable or whatever.

Clerk-Treasurer Rhodes said non-appropriated, unappropriated.

City Engineer Buck said it's not appropriated. I would request that someone make a motion to amend the ordinance before you, to allow that additional appropriation.

Councilor O'Callaghan said I'll so move.

Mayor Mills said is there a second?

Councilor Truitt said second.

Mayor Mills said okay, we have a motion to amend the additional appropriation to include \$90,000 from the Police Station Nonreverting Fund for fiber optic service.

City Engineer Buck said and to renovate—

Councilor O'Callaghan said well, to renovate the basement.

Mayor Mills said and other things, okay. And other basement renovations.

Councilor Truitt said mechanical.

City Engineer Buck said there's mechanical room work that's planned in there, too, and we're currently in, I'll say, design on that.

Councilor O'Callaghan said and what about it in writing on Monday?

City Engineer Buck said yes.

Councilor O'Callaghan said thanks.

Mayor Mills said further questions for Dave [City Engineer Buck]?

There was no further discussion.

The vote to amend Ordinance No. 30-07 was approved unanimously by voice vote.

Mayor Mills said thank you, Dave [City Engineer Buck], Judy [Clerk-Treasurer Rhodes].

Councilor Hunt said should we—it'd get little more complicated, but should we put that resolution right after this one, or can you put resolutions before ordinances?

Councilor O'Callaghan said we have done that before. If you were going to change it, I would change it to before this—

Councilor Hunt said whatever you want.

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Councilor O'Callaghan said to reduce it, then appropriate it. So if you were going to change the order, I would put it in front of the ordinance.

Councilor Hunt said whatever.

Mayor Mills said so maybe as-is. We're not going to have the money unless we reduce it.

There was no additional discussion.

Resolution No. 24-07 A Resolution Requesting The Transfer Of Funds (Clerk-Treasurer, City Court, City Hall, Sanitation, Local Road and Street Fund, Economic Development Income Tax Fund) (Prepared by the Clerk-Treasurer)

Mayor Mills said that is requesting the transfer of funds, first in the Clerk-Treasurer's office from Contracts to Furniture & Fixtures, \$1,100; City Court, from Office Supplies to Licenses, Permits & Fees, \$150; in City Hall, from Gas to Postage, \$2,500; in Sanitation Department, Salaries-Part Time, \$4,300, Travel, \$2,000, and Insurance, \$12,000 to Salaries-Overtime and Personnel Insurance and Gasoline. The total in the General Fund, and then in LRS, from Signs & Signals, \$3,000 to Street, Alley & Sewer Materials; and in EDIT from Consulting, \$61,000 to Legal Services. We have a little bit of verbiage under each one of those, it tells you what the money will be used for. Are there any questions or discussion?

Councilor O'Callaghan said so this is for Clerk-Treasurer, is that \$1,100 just for shelving, or—? It says "for organization of storage," so I'm not quite sure. Is that for the actual shelves or—?

Clerk-Treasurer Rhodes said shelving.

Councilor O'Callaghan said it's all for shelving.

Clerk-Treasurer Rhodes said four rooms full of shelving.

Mayor Mills said other questions on any of these?

Councilor Keen said I'm not finding the justification for the Economic Development transfer.

Mayor Mills said last page.

Councilor O'Callaghan said this is for one that Gail [Clerk-Treasurer Administrative Assistant Thayer-Copeland] told us was at our places for additional pages. She told us at the beginning of the meeting and changed that resolution for us to the complete one.

Clerk-Treasurer Rhodes said I want to make a comment on this, or a query first. The explanation doesn't say what type of legal expenses. Typically, the Economic Development Income Tax legal budget, as described to the Council, is used for support of economic development activities. Is this going to be used for economic development activities?

Director of Development Andrew said I sent you clarification on the 30th, saying the use of code legal.

Councilor Hunt said I'm sorry, I didn't hear that last phrase.

Director of Development Andrew said the legal code.

Councilor Satterly said Code Legal.

Councilor O'Callaghan said there's a memo attached.

Clerk-Treasurer Rhodes said since when we do the budget, we classified expenditures and paid for them out of particular funds and departments, in order to have consistency in the chart of accounts and to be able to trace expenditures in years to come. My experience in the past has been that the accounting records in my office are used to compile total costs for legal expenses for code enforcement. That kind of query comes up almost every time we do a revision of the rental housing code ordinances. If the desire now is to use EDIT to pay those expenses, then I would request or I shall earmark these funds in that budget, or else I am concerned that in years to come, you will not have available a way to add up the amount that's been spent on that function. Right now, it's very simple, because when the budgets are presented, we tell you all the legal expenses for code enforcement are going to be in the Department of Development, and you can see in this budget go-round, in fact, they're very much increased. So the City has indicated it intends to pay for legal services for code enforcement out of that fund. This request, of course, is not consistent with that. So it's important, if this request goes forward, that the identity of these expenditures be tracked, because that is useful for those in the future who are trying to evaluate the costs for the code enforcement program.

Councilor Griffin said Judy [Clerk-Treasurer Rhodes], I may be missing something. Why is this not consistent? Explain the difference—old practice, new practice—why the new practice is not consistent or where it is not consistent. I think I missed one thing that you said that was critical.

Clerk-Treasurer Rhodes said when the budget is adopted by the Council—

Councilor Griffin said right.

Clerk-Treasurer Rhodes said it's made explicit that the code enforcement legal expenses are going to be in the Legal Services line item in the Department of Development, and the expenses for economic development activities will come out of EDIT. The proposal here is to basically change that rule for this period of time, but not, I guess, forever, because the budget presented to you in '08 does keep that consistent classification. As the accounting officer, I will tell you, if you decide to do that, it's important that we maintain some identity in the accounting records. I am confident in the years to come there will be questions to add up legal expenses. There are questions that range from revenue to expenses to efforts over time, and we won't be able to pull out of the accounting records of the City if you do this in this fund and don't create an earmark. I would like, with your consent, because I would like you to understand it is important that those expenses are identified, if we are going to use EDIT like this for these four months of this year and then go back to using it the way we've always used it next year.

Councilor Satterly said well, then, we need—what?—another step beyond this, to, say, transfer the EDIT 20-311 to Department of Development Legal. Could we do that?

Mayor Mills said we can use EDIT for any municipal—

Clerk-Treasurer Rhodes said correct. That is correct. I'm not saying you can't. I'm saying that we set the chart of accounts, we have consistency, and so I think it would be important to

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create—if the \$61,000 is, in fact, all intended for code enforcement, that, as code enforcement expenses come out of EDIT, we create an earmark, just like we have in the CCD Funds and the CCI Funds that you may see in your accounting reports that will show you that the Department of Development, so you'll be able to identify that in years to come.

Mayor Mills said if I could just interject something here. I'm not opposed to keeping track of this for these four months. We need this extra money. As you know, we're in ongoing—

Councilor O'Callaghan said litigation.

Mayor Mills said litigation with several property owners. But the intent last year to earmark money in CCD and CCI was to be an easy way for each department to track what money was in there for them. It was not intended to make it impossible for that money to be used for another purpose, and by earmarking everything now, we've just added another layer of bookkeeping that makes it more difficult for the department heads to use the money that was—and I'll give you an example that I never intended, and perhaps we never communicated, but when I put money in CCD or CCI that is labeled City Hall, it is not intended to be used for this building. It was intended to be used for any purpose of any department where we needed money, where we found a shortfall—whether we had a computer that went down in Engineering or we had, you know, something like that. That money was to be used within the departments here in City Hall. And now it's being earmarked for the building, and that was never the intent—or for the function of, you know—My use of City Hall was to give a general use of that fund. You took it as the City Hall account, and that was not—

Clerk-Treasurer Rhodes said it was really an undesignated account.

Mayor Mills said it was.

Clerk-Treasurer Rhodes said and I think that—

Mayor Mills said for emergencies.

Clerk-Treasurer Rhodes said right, and that's one of the needs in an accounting system, is you have to use the accounts and numbers consistently, or else you end up with a very confusing situation. So if funds aren't designated, they ought to be undesignated, and if funds are meant for a particular function, they should eventually get that identity. I'd suggest that, as the funds are spent and drawn down out of this account, that we make a bookkeeping entry that simply pulls them into a special sub-account—

Director of Development Andrew said 309? 301?

Clerk-Treasurer Rhodes said no, it would be a departmental memo account on Legal Services, and that way you'll always, the Council, and people in my office in the years to come in the future can easily pull those expenses out of there.

Councilor Truitt said I agree.

Clerk-Treasurer Rhodes said it does not lock the money up. It simply tags the money as it's spent.

Mayor Mills said Patti [Councilor O'Callaghan].

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Councilor O'Callaghan said I have no problem with earmarking it, because that doesn't seem like it will lock anybody in, because it's this specific money that we are allocating now, and so it'll just be earmarked as it's spent, not earmarked before it's spent, it sounds like.

Councilor Truitt said but earmarked isn't even the right word, because—

Councilor O'Callaghan said but that's the word that the Clerk-Treasurer used.

Councilor Truitt said right, but I mean this is really an ability to follow the chart of accounts—

Councilor O'Callaghan said more like a tag.

Councilor Truitt said exactly.

Clerk-Treasurer Rhodes said we also need to have that discussion at the end of every year, when all the legal budgets are expended and there's money left in EDIT. In the past, we've turned away requests to use EDIT for every other purpose, because when the budgets were adopted, that was not the intent described to the Council. If your intent is to use EDIT in a different way now carried forward, we would not turn away those requests, but an expense for Wastewater, and expense for the Police Department could be paid out of EDIT. Do you want to go that far?

Mayor Mills said the budget is established, but when we have a shortfall in Development for Legal, then we have to rely on other funds. And since EDIT can be used for any municipal need, it seems the logical place. That doesn't mean at the end of the year we're going to open up EDIT for spending for every department who seems to think they need something else. Those issues are determined during the budget process.

Clerk-Treasurer Rhodes said that's what I believe. That's why our policy has always been that we didn't use EDIT Legal for anything but economic development. I was just wanting to make sure—the Mayor is absolutely right, legally you may do that. But the get-go is disclosure here. And, as long as the Council feels it is aware of the situation and approves of the situation, that can be carried forward.

Councilor O'Callaghan said and I didn't get to finish my comment.

Mayor Mills said sorry.

Councilor O'Callaghan said I don't want jumping in whether it would be earmarked or tagged. I just used the language that the Clerk-Treasurer used. But my comment is that indeed it is a new situation that EDIT is opened up to other municipal needs. But I believe it is still within the realm of economic development to do this, because it is so important to maintain the housing stock in our neighborhoods. And the only way to do that is to strictly enforce the codes that we have put on, and this is needed to do that. I think it fits very well into economic development. That's why people will move to a neighborhood, when the houses look good and they're not over-occupied, and they don't have five cars in the garage and they don't have five times the amount of trash and noise. And so I contend that it is very much within the purview of economic development, and this is a very appropriate place for it to be.

Mayor Mills said I think that's a great comment.

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Councilor Griffin said it is, and it's obvious. Thank you for stating it. Do we need to do anything here?

Clerk-Treasurer Rhodes said no.

Director of Development Andrew said no.

Councilor Keen said I was wondering if we shouldn't consider separating this particular item from this, and considering them separately.

Councilor O'Callaghan said I'll respond. We never do that.

Councilor Keen said just because we've done it doesn't mean we shouldn't do it.

Clerk-Treasurer Rhodes said you can vote on an item in parts.

Councilor Hunt said what is the opinion on separating them?

Councilor Keen said well there seems to be a difference of opinion here as to what is going on here, so I think we should maybe have the opportunity to vote independently on this particular resolution.

Councilor Satterly said so we can vote separately on this issue and you can vote for some and against others?

Councilor Truitt said kind of like we did on the fireworks.

Councilor Keen said yes.

Councilor O'Callaghan said we did different amendments on the fireworks. And we can do certainly different amendments, but certainly you get what you want done in any kind of motion.

Councilor Keen said I move that we divide Resolution No. 24-07 and separate out the economic development transfer into its own separate resolution to be voted on separately.

Councilor Griffin said so, well—I guess you can—you would feel differently, you don't see the legal fees as being an economic development issue?

Councilor Keen said I think there's a lot of other underlying questions about the legal fees.

Councilor Griffin said fine.

Councilor Keen said and that's my point.

Councilor Griffin said okay.

Mayor Mills said all right. We have a motion to separate the transfer. Was there already a second?

Councilor O'Callaghan said no, it has not been seconded.

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Councilor Truitt said second.

Mayor Mills said all right. We have a motion and a second to separate the Development Department's request for transfer from EDIT- Consulting to EDIT-Legal Services. Is there further discussion?

Councilor O'Callaghan said and is this then for Monday night as well, or just for now? I don't understand the process of this, because in general it's an amendment for the same thing. I don't know if that makes this two separate resolutions, then. Just the process doesn't seem to make sense. Would this be a separate resolution?

Mayor Mills said you'd have to file another resolution.

Councilor Keen said my intent is to make this two separate resolutions to vote on.

Councilor O'Callaghan said that's not what—

City Attorney Bauman said well, a new resolution under the Council's rules, under the Code—

Councilor O'Callaghan said you can't do it.

City Attorney Bauman said would have to be filed—

Clerk-Treasurer Rhodes said well, I believe under parliamentary procedure, you can separate out a question. And, in fact, the content of this has been filed, so one has to ask what is the practical—?

Councilor O'Callaghan said that's all I'm asking—

Councilor Keen said well, my point is—

Councilor O'Callaghan said just how to do it? Is it a separate resolution? That's all I wanted to know is the process of it. It's not an amendment.

Clerk-Treasurer Rhodes said the City Attorney is expressing his opinion.

City Attorney Bauman said well, I was just reflecting on how Councilor Keen proposed it. I mean, that's what he proposed.

Councilor O'Callaghan said I certainly don't mind voting on them separately, because I for one would like to go on record as supporting the Department of Development and code enforcement. I would love to vote on them separately. I just don't know the procedure for how to do it. What are you proposing? That we vote on Resolution No. 24-07—?

Councilor Keen said I am proposing that we vote on the Economic Development transfer separately.

Councilor O'Callaghan said and, again, would be have Resolution No. 24-07 and 24-07A?

Councilor Keen said I like the idea of doing it that way, because it makes common sense to me.

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Councilor McMullin said I don't know how it works either. I'm pretty new here, so if anyone has any ideas on how to separate these out, I'd like to go on record as well.

City Attorney Bauman said I mean, this is the resolution that's been filed. If somehow you create another one, then that resolution would have to be filed by the—

Councilor O'Callaghan said by Agenda Day.

City Attorney Bauman said the filing deadline.

Councilor Satterly said but could you somehow vote on each part separately as a resolution?

Clerk-Treasurer Rhodes said yes, you can.

City Attorney Bauman said we have never—

Clerk-Treasurer Rhodes said there is a procedure, however, the technical part of the procedure I want to be very careful, but I believe it is possible to consider an item in parts. However, how to do it, I'm not sure.

Councilor Griffin said so if we think there's a procedure to do this, could we investigate this and be prepared to do this, prepared to know how to do it—

Councilor O'Callaghan said on Monday night.

Councilor Griffin said prepared to know how to do it by—

Councilor O'Callaghan said that's not true, because we're not voting today.

Councilor Griffin said that's right. Monday night we're voting—and if there's not agreement on how to do it, I don't know whose opinion take precedence. I have a feeling about that, but hopefully we can find a consensus. That's my suggestion is that we find consensus on how—

Councilor Satterly said or the other alternative for those that don't like that part is—

Councilor O'Callaghan said to vote against the resolution.

Councilor Satterly said to vote against the whole resolution.

Councilor Keen said but there are pressing things in the resolution—there are important things in the resolution that I—

Councilor Satterly said that's a problem that you face.

Councilor Griffin said that's politics.

Councilor O'Callaghan said that's what happens.

Councilor Griffin said that's how bills get passed, a lot of people don't like all of it.

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Mayor Mills said all right. We will investigate before Monday and see what can be done on this.

Councilor O'Callaghan said so do we need to dispose of the motion, though, that's on the table.

Mayor Mills said yes, because I don't think the motion—

Councilor Keen said I will withdraw my motion.

Mayor Mills said all right. We will figure it out by Monday.

There was no further discussion.

Resolution No. 25-07 A Resolution Approving An Amendment To The Agreement Between The City Of West Lafayette And The Indiana Economic Development Commission (Successor To The Indiana Department of Commerce) To Enlarge The Certified Technology Park (Prepared by the City Attorney)

Councilor Satterly said this is for Part III?

Councilor O'Callaghan said no, it's not really Part III.

City Attorney Bauman said well, it's—

Councilor O'Callaghan said it's not all—

City Attorney Bauman said it's Part III and the—

Councilor Satterly said the newly annexed area.

City Attorney Bauman said well, Part III is newly annexed, but it also includes added the new MED Institute building, formerly the Great Lakes headquarters.

Councilor Satterly said oh.

Councilor Hunt said is there a financial impact on this, or is it sort of paper stuff?

City Attorney Bauman said well, there may be some financial impact, in that the increment on income and sales taxes from the MED Institute employees is currently in that district. As they are physically relocated to that other location, whether it's in or out of the district would impact the derivative.

Clerk-Treasurer Rhodes said the fiscal impact is a Certified Technology Park captures all payroll and sales tax revenues, and they come back to the Redevelopment Commission.

Councilor Hunt said so they're not—

Councilor Truitt said not back to—?

Director of Development Andrew said Joe Hornett [Purdue Research Foundation] also expressed the fact that the Cook Institute wanted to be part of the Certified Technology Park.

City Attorney Bauman said yes. Very strongly.

Director of Development Andrew said very.

Councilor O'Callaghan said and we were the first Certified Technology Park, and certainly MED Institute was part of that. And it certainly is within the whole philosophy of establishing the technology park. I think one of the easiest way to understand this is on page 1 of Exhibit B, where it talks about that this amendment is the "result of (1) the move of a significant company in the existing Certified Technology Park to an adjoining area and (2) the annexation of additional area into the City for development as a part of the Purdue Research Park...." So those two reasons, I think, it's pretty clear.

City Attorney Bauman said you'll recall that, from the previous visit by the MED Institute personnel, that they are in the process of essentially doubling their staff here. And their staff consists of, almost completely, of, you know, scientists and very highly skilled, well-paid people, so, I mean, it's exactly what we've been trying to do with PRF with the Research Park.

Mayor Mills said other questions?

Continued Discussion of Resolution No. 24-07

Councilor Truitt said can I go back to this legal thing really quick? Can we get an update in regard to where we stand on these issues? We get a lot of questions, a lot of comments in regard to what's going on. We were provided all of the data in regard to the Harry's situation, which was very helpful, from your office. We were able to keep up and read it. And in regard to these cases, there's no information that's been provided, which could be because—

Councilor O'Callaghan said oh, you're not on the Certified Technology Park?

Councilor Truitt said no, I—

Councilor Satterly said he's jumping back.

Councilor Truitt said I don't know how excited I am about getting a potful of information, but maybe just a—

City Attorney Bauman said well, it's not real short, but I'd be happy to email it to you tomorrow.

Councilor Truitt said that would be—I would like to just—I mean, I would rather not have to read it all, but I would rather just know a little but, just so I can at least talk halfway educated in regard to what's going on, if I'm asked the question. Especially, you know, when we're talking about transferring and we've got a lot of money in there, and you talk about the importance of code enforcement, which is important and everything. It'd just be helpful, I think, to have that information. So if you could do that, that'd be great.

Mayor Mills said back to the Certified Tech Park—

Councilor Griffin said could you send that all to us?

City Attorney Bauman said yes.

Continued Discussion on Resolution No. 25-07

Mayor Mills said other discussion about the Certified Tech Park? The very last page of your handout is a good map, so you can see exactly what that expansion includes, so you don't overlook that part of the exhibits. Other questions?

Councilor Truitt said on the Cert Tech Park, when you said [Joe] Hornett [of PRF] said that Neal [Fearnot, president, MED Institute] or whoever wanted to be over there, what did mean—

Director of Development Andrew said City Engineer Buck said Bloomington wanted to be—

Councilor Truitt said okay, Bloomington. What did they—

Director of Development Andrew said the big Cook.

Councilor Truitt said okay, the big Cook, the man—

City Attorney Bauman said as in Mr. Cook, yes.

Councilor Truitt said what do they lose as a company if they're not over there?

Director of Development Andrew said prestige.

Councilor O'Callaghan said and a certain amount—

Councilor Truitt said okay, and that's the only thing they have—

Director of Development Andrew said first Certified Tech Park in the State—

Councilor Truitt said right, and they would have a facility in it, but another facility not in it?

Director of Development Andrew said correct.

Mayor Mills said it's not just the first, it's the highest rated—

Director of Development Andrew said the premier—

Councilor Truitt said right, but that's the only thing—

City Attorney Bauman said they don't get any money out of it—

Councilor Truitt said right.

Director of Development Andrew said it looks good. They feel it looks very good as a moniker.

Councilor Truitt said that's fair enough. I don't disagree with that.

Mayor Mills said other questions?

There was no further discussion.

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Resolution No. 26-07 A Resolution To Increase The Cash Change Fund For The West Lafayette Police Department (Prepared by the Clerk-Treasurer)

Councilor Satterly said from \$100 to \$200.

Mayor Mills said from \$100 to \$200, right.

Councilor Satterly said big change.

Councilor O'Callaghan said I don't know—

Mayor Mills said they're not going to be handling a large sum of money at any time. Any questions about that?

There was no further discussion.

Resolution No. 27-07 A Resolution To Reduce The 2007 Budget (Prepared by the Clerk-Treasurer)

Mayor Mills said of course, we've spoken about that. That's the resolution to reduce the Police budget to provide the money for the Clerk's budget for the insurance. Any questions?

There was no further discussion.

COMMUNICATIONS:

► Councilor O'Callaghan said let me comment that we are having a press conference tomorrow about "Dine Downtown." Three downtown restaurants—we're still working trying to get one from the west side, we still have to see if more restaurants will—if you enjoy lunch or dinner any day next week in either La Scala, Spurlock's, or Bea One, 10% will go to the Hunger Hike. Also a cut-a-thon down at The Hair Man down on the Levee on Sunday, September 9 from noon to 4. And Monday, September 17 for Texas Roadhouse, 10% will go to the Hunger Hike. I've got brochures if anybody wants to walk, and posters if anybody wants to post them, and Ann [Councilor Hunt] can model the really neat t-shirt that you get if you give more than \$50.

Mayor Mills said it's a busy day, that day. It's also Art on the Wabash.

Councilor O'Callaghan said and we changed the route for the Hunger Hike, so we go past Art on the Wabash. We've been working very closely with them.

Mayor Mills said right, and that will be the dedication of the new sculpture in the Trailhead Park at Wabash Pond. So it's a very busy day.

► Councilor Hunt said can I make a comment?

Mayor Mills said yes.

Councilor Hunt said there was a fire in my district on Sheridan. And it was the first time they used the foam. I talked to a couple people at Two-and-a-half [the temporary fire station] and some other firemen that came to our neighborhood picnic on Monday, and also Chief Drew, and they were extremely impressed with the time saved fighting this fire and—people are giggling—

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor O'Callaghan said oh, I was—

Mayor Mills said at Two-and-a-half, really, Ann.

Councilor Hunt said oh, I'm sorry. Well, that's what they call it. And evidently the estimate was that it would be 45 minutes to an hour to knock down that fire with water, and it took something like 10 to 15 minutes. The family's had really a tough time before them since then, so it was really, really great. And the new fire truck was at Global Fest, and the Deputy Chief Eldridge showed me some things. But he said firemen don't always want to accept new things—none of the rest of us are like that—but the firemen all seemed really, really positive about the foam. And it was the first time they'd used it.

Mayor Mills said the [Fire] Chief also said to me that the fire was confined really to that first main room, the living area—

Councilor Hunt said that's right.

Mayor Mills said next to the garage, and without the foam, he thinks it would have been a much different situation, it would have spread through the entire house. So he also said it made a huge difference.

Councilor Hunt said 1806 Sheridan is the place.

Councilor O'Callaghan said the first time Ann [Councilor Hunt] told me this story, I heard her say, "It's the first time they used the phone," so for the minutes, it's F-O-A-M.

Councilor Hunt said and it's just soap and it's not toxic.

► Councilor Truitt said can I have one quick?

Mayor Mills said yes.

Councilor Truitt said new business, Insomnia Cookies down at the Garrett's Hair building, across the street from McDonald's—

Councilor O'Callaghan said Insomnia Cookies?

Councilor Truitt said Insomnia Cookies. Their hours are 4:30 p.m. until 2:30 a.m. And I think they have 9:00 a.m. for certain days, but—

Mayor Mills said for haircuts?

Councilor O'Callaghan said no, cookies.

Councilor Truitt said no, for cookies.

Councilor O'Callaghan said I always thought a donut shop, an all-night donut shop—

Councilor Truitt said it's really good, the kids love it, it's a neat thing. It's an entrepreneurial thing, so stop by there. It's a chain. It's right across from McDonald's on Stadium.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 6, 2007, CONTINUED

Councilor O'Callaghan said it's Insomnia—

Councilor Truitt said it's Insomnia Cookies. So that's kind of a neat thing. And then, of course—

Councilor Satterly said next to Follett's?

Councilor Truitt said no, down. The little brick building, a little tiny brick building, Garrett's Hair.

Councilor Hunt said oh, that place is going in there.

Councilor Truitt said Garrett's is just on the right side there, and then this Insomnia—

Councilor Satterly said it's been for rent forever.

Councilor Truitt said yes, and it's kind of a neat little thing. And then I think most people know Java Roaster is scheduled for this week, so it should be the 10th.

Councilor Hunt said and there's a coffee shop—

Councilor Griffin said and that's the two?

Councilor Truitt said yes.

Councilor Hunt said and there's a coffee shop, Euro Café, between the fitness centers—

Councilor O'Callaghan said yes.

Councilor Hunt said down here—

Councilor Truitt said oh, yes, that's right, back by Pizza King. Yes, I just saw their sign today.

Councilor Hunt said really nice décor, and they have good pastries and lunch and a social spot.

Mayor Mills said you guys get out a lot.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. By general consent, the meeting was adjourned, the time being 5:45 p.m.

Respectfully submitted,

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