

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
September 10, 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.

The Pledge of Allegiance was repeated.

Mayor Mills said I would ask tonight that we just have a moment of silence. Tomorrow is September 11, and typically we've had our City Council meeting last week and we don't usually have a meeting the night before September 11, but I think if we just take a moment of silence, please, to remember all the people, all the civil servants, who gave their lives on that day.

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

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

MINUTES: Councilor Griffin moved for acceptance of the minutes of the August 2, 2007, Pre-Council Meeting; the August 6, 2007, Common Council Meeting; and the August 20, 2007, Special Council Meeting. Councilor Satterly seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

STREET AND SANITATION: Councilor Satterly presented this report.

Thank you, Madam Mayor. There are several things. The Salisbury Street Sewer Construction Project from Columbia Street to State Street has been completed and Salisbury is open. Street Commissioner Downey would like to make an announcement concerning Cumberland Avenue. Dave [Public Works Director Downey].

Public Works Director Downey said thank you. I'm kind of caught in a bind here, between Duke Energy and the project on Cumberland Avenue, replacing the Barberry Lift Station. I will be asking the Board of Works tomorrow to close two blocks of Cumberland eastbound, from Salisbury down to Wilshire. We need to close that so that we can set a 40,000-pound lift station underneath those power lines. And it's kind of dangerous. Duke Energy doesn't want us to shut down the power due to the weather and so forth, the heat. And what we would do is shut those two blocks down eastbound and we're going to ask people to, if they want to go eastbound on Cumberland to turn south on Salisbury down to Essex, take Essex for two blocks, and then come back up Wilshire to Cumberland. I'll have better maps for the media tomorrow at the Board of Works, but this is just kind of a front announcement. I will have a sign posted at Salisbury and Cumberland, telling people that this will happen on Tuesday the 18th, a week from tomorrow, from 7:00 a.m. to 3:00 p.m. And hopefully without any complications we'll get that project done and get that unit slid underneath the power lines, and then they can continue work on that lift station, and we'll be done with that project.

City Attorney Bauman said you're going to maintain traffic, though, for people with homes on there, aren't you?

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Public Works Director Downey said yes, people with homes on there, we'll get them in and out of their homes without a problem. I'll be more than happy to pass this around for people to see in the audience tonight.

Councilor Satterly said how many days will you be closed then?

Public Works Director Downey said one day.

Councilor Satterly said just the one day.

Public Works Director Downey said just one day, 7:00 in the morning to—we'll probably be done, hopefully, by one o'clock, but I'm going to say three o'clock. I don't want to rush people, because those are big power lines.

Councilor Satterly said that's a week from tomorrow?

Public Works Director Downey said a week from tomorrow, the 18th. Thank you.

Mayor Mills said thank you.

Councilor Satterly said a couple other things on the Street and Sanitation report. Mr. [Public Works Director] Downey mentioned to me that trash expense at the landfill went up \$3,800 for the month of August. And on the Recycling Center, Commissioner Downey is looking for a couple set of steps to place next to the roll-off containers at the drop-off center. If anybody is replacing steps at their home, the steps need to be approximately 28 inches high and have a platform rail around them for safety. So if anybody is throwing something like that away—

Mayor Mills said or wants to construct.

Councilor Satterly said Street Commissioner Downey would be very happy to have them. That completes the report.

Mayor Mills said thank you.

WASTEWATER TREATMENT UTILITY: Councilor Satterly presented this report.

Thank you, Madam Mayor. For the month of July, as far as wastewater treatment is concerned, total flow was 201.233 million gallons. Percent treated at the plant was 99.74%. There were some overflows. We had a lot of rain during the month of July. At Dehart Street, there were 16 hours of overflow; there were six events. At Quincy Street there was 0.33 hours. The total combined sewer overflows were .533 million gallons. And bid opening tomorrow at Board of Works for Phase II of the Western Interceptor Sewer Project. That concludes that report.

Mayor Mills said okay, thank you.

PUBLIC SAFETY: Councilor Keen presented this report.

Thank you, Madam Mayor. For the month of August, the West Lafayette Police Department handled almost 1,600 calls, which is actually up about 25% from the month of July, if you can imagine that. During that time also, the police officers participated in a number of training sessions, just all kinds of things. Those will be in the report; I'm not going to read them all today. But I would like to note that the first RAD, the Rape Aggression Defense, class has started, and there will be another one starting soon. The dates for that will be advertised when

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that is available. During the same time in August, the temporary fire station has opened at midnight on August 16, so we were on time, and it is now called Station 3T. It is open, ready, and operational, and it's already serviced many calls out of there. Also at midnight on August 16, one of our new trucks, Engine No. 3, went into service. A few days later, Engine No. 1 went into service. There were a couple of fires that I'm not going to go into tonight, due to time constraints, but I think that the Fire Department and the Police Department have done an excellent job. That completes my report.

Mayor Mills said thank you.

PURDUE RELATIONS: Councilor McMullin presented this report.

Thank you Madam Mayor. As many of you know, classes are in full swing. The first month of the semester has started off well. I would like to mention the Purdue football team and the volleyball team for the women. The Boilermakers topped the Clemson Tigers 3-2 Saturday, to take the Big Orange Bash title for women's volleyball. And the football team topped Eastern Illinois, 52-6, and is off to a 2-0 start. That's good news. Also, I would like to encourage all students to walk with a friend and stick together when celebrating home football weekends or any other occasion. I'll keep it brief so we can move on to business. Thank you, Madam Mayor.

Mayor Mills said thank you.

Councilor O'Callaghan said Mayor?

Mayor Mills said yes.

Councilor O'Callaghan said may I just add one thing along with that—Ann [Councilor Hunt] knew what I would have to say, that the Purdue women's soccer team beat the number one Portland team on Sunday. It's the first time since 2002, when baseball beat a number one team. So congratulations to the Lady Boilers.

Mayor Mills said thank you.

PARKS AND RECREATION: Councilor Hunt presented this report.

Thank you, Madam Mayor. On Friday the 1st of September a naturalization ceremony was held at Morton Community Center, and 96 new citizens were sworn in. That's always a fun event. And then the next day was the 13th annual Global Fest, and it was very well attended. And special thanks to the volunteer committee who works all year on this event. I've been asked to read their names, because they really have worked hard. Tanny Dawson-Snyder, Linda Eales, Patsy Hoyer, Mindy Jester, Karen Springer, and Dot Wankat, and also quite a lot of staff also worked. Thanks also to the sponsors who made Global Fest possible: Gannett Foundation, PEFCU, Arnett Health Plans, Caterpillar, Chase Bank, Duke Energy, Eli Lilly & Company, Henriott Group, Indiana-American Water, Keramida Environmental, Lafayette Savings Bank, Lafayette Life Insurance, WBAA, and Wal-Mart Foundation. And then on Sunday the 16th which is coming up, the 2007, I think it's the second annual, Art on the Wabash festival will be held. And during the festival, there will be a sculpture dedication at 1:00 at the Wabash Heritage Trail Trailside Park, which is also called Wabash Pond. Registration for fall classes at Morton and programs are underway. And the next Park Board meeting is September 17 at 4:30 p.m. at City Hall. That concludes my report, Madam Mayor.

Mayor Mills said thank you. I will just add my thanks to the Parks Department, the Street and Sanitation Department who all work very hard to put together Global Fest, and all of the

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committee members and sponsors. We could not hold this event without all these people's hard work. We don't charge. You know, it's a free event. It celebrates the excellent diversity in our community as the result of being a great university community, and this was the 13th year. We need volunteers and sponsors for the 14th year. We certainly want to keep celebrating this, because we feel that this is really who we are as a community. We enjoy this wonderful diversity, and it's something special for us to celebrate each year. So thanks again to all of those people who helped. It really wouldn't be possible without them.

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

Thank you, Mayor. The Redevelopment Commission met on August 20 and adopted a resolution to amend the agreement with the Indiana Economic Development Commission, to enlarge the boundaries of the Certified Technology Park area. And we'll discuss that later in the agenda. In terms of other development news, the Greater Lafayette area was ranked number two in the nation in the number of jobs available to overall population, according to a survey conducted by CareerBuilder.com. Specifically mentioned in the *J & C* editorial about this good news were Endocyte and QuadraSpec, two of our Research Park companies that are adding workers. I'd also note the story about the Wabash Commons project as being on schedule as part of the Sagamore West improvement effort, and new businesses opening like Euro Café up here and Java Roaster—soon, not quite yet today—and Insomnia Cookies by the campus. So lots of good things going on.

Mayor Mills said good. Thank you.

PERSONNEL: Councilor O'Callaghan presented this report.

Thank you, Mayor. The salary ordinance passed first reading unanimously last month, and that reflects a 3% salary increase. It's very important to keep our good workers, and we think that's a fair salary increase and comparable to others in the area.

Mayor Mills said good. Thank you.

BUDGET AND FINANCE: Councilor Truitt presented this report

Thank you, Madam Mayor. August financial statement is provided for each Councilor at their seat, and I will reserve the rest of the comments to the lengthy budget discussion that we will have later in the meeting. That concludes my report.

Mayor Mills said all right. Thank you.

REPORT OF APC REPRESENTATIVE: Councilor Griffin presented this report.

Madam Mayor, we're going to consider a Neighborhood Business to Planned Development Neighborhood Retail that's going to come to us from the APC, and we'll consider that under new business tonight—an exciting change in the Burger King.

Mayor Mills said okay. Thank you.

REPORTS OF SPECIAL COMMITTEES:

Councilor O'Callaghan said the West Lafayette Youth Council had their first meeting yesterday, and they're already busy planning projects. I thought the president was going to be here, but perhaps she'll come in later. But they're working on a voter registration drive to be September 24, and quite a few projects already. So it's a great group of young people, from freshmen to seniors.

Mayor Mills said thank you.

PUBLIC RELATIONS:

Employee Service Anniversaries

Mayor Mills said we have three employee service anniversaries. We have three in the month of September. Daniel Phillips for the Police Department, five years; Mr. Grady who is here with us tonight from the Department of Development, 30 years; and Mark Hassett of the Wastewater Treatment Utility, five years. We extend our congratulations and our thanks to all of them, particularly Mr. Grady who has been here a long time. Buz [Mr. Grady], we appreciate all of your hard work.

West Lafayette Community Beautification Award

Councilor McMullin said Julia Lachmund and her daughters, Chloe and Grace moved to 345 Meridian in June 2006. Julia, who grew up on a farm, realized the potential of her compact corner lot and in the fall focused on planting bulbs above the short brick wall that borders the street. Other front yard accents include a shiny copper ball, a burgundy mailbox, blue decorative ironwork and flowering hydrangea. The backyard contains a patio, vegetable plants, containers, and an arched gate. Chloe's favorite garden segment is the front walk where she watches the butterflies. Julia and Grace enlarged a corner that faces Grant Street. This corner also serves as a stand where the Chloe and Grace sell cookies for summer camp, so stop by and grab a cookie, if you see them out there, please. This Lachmund family enjoys meeting and sharing their garden with pedestrians who pass by their corner. Chloe is here today to accept the award. So, Chloe, please come forward.

Councilor Griffin said beautiful house.

Mayor Mills said Chloe, would you like to say anything?

Ms. Chloe Lachmund said no. Thank you.

Mayor Mills said you have a chance. I can vouch for the cookies, because I had cookies on the weekend from your little stand, and they were very good. Thank you.

Nominations to West Lafayette Human Relations Commission

Mayor Mills said we also have, tonight, some changes on the Human Relations Commission for the City. We've been very fortunate to have great community volunteers who serve in that capacity for many years for us, and Susan Prohofsky is one of the people who has served for a long time, is finally cycling off. She has asked to be relieved, and so we have asked for new appointments. I gave the Council the information about the people that I asked to go on the Commission. I have asked Charlie Shook to replace Susan [Prohofsky]. Charlie has graciously agreed. You all have his brief bio; that was put in your mailbox or emailed to you. We appreciate all of Susan's very long efforts on behalf of the City. I think we certainly have had a wonderful Human Relations Commission, very progressive and aggressive Human Relations Commission, and so we're pleased to replace Susan with another good appointment. We had a discussion last month, and we will complete it tonight. We have increased the number of appointments on the Human Relations Commission, at their request. They've been seven in number for many years, and feel that they would like to add a bit more diversity and a couple more members, so we've increased that to nine—or we will after tonight's reading, if it passes. And so we have also asked, for the first time, a student representative to go on the Human Relations Commission, and fortunately David Rosenthal has agreed to do that. David has been very active in our community, is a freshman at Purdue. He was very active on the Youth Council, and so he's going to be a wonderful addition to the Human Relations Commission. So

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you have both of their CVs in your packet, and I would ask for your approval of those new members of the Human Relations Commission.

Councilor O'Callaghan said so move.

Mayor Mills said is there a second?

Councilor Hunt said second.

The motion for Charlie Shook and David Rosenthal to serve on the West Lafayette Human Relations Commission passed unanimously by voice vote.

Mayor Mills said thank you very much, and, again, thank you to Susan [Prohofsky] for her many years of work, and our new appointees.

Council Nomination to West Lafayette Public Library Board of Trustees

Mayor Mills said we have someone going off the West Lafayette Public Library Board, Jill Hutchcroft who has been on there, I'm going to say, four years. Mr. Schenkel, is that correct?

Councilor O'Callaghan said maybe more.

Mr. Nick Schenkel [West Lafayette Librarian] said almost.

Mayor Mills said almost four, and, Ann [Councilor Hunt], would you like to—

Councilor Hunt said yes, I'd like to nominate Marybeth Miller for the open position on the West Lafayette Public Library Board. Marybeth—I've given all of you her vita, both by email and, I think, in person also—is a mother that has a child that goes to Cumberland School, and her addition will bring a parent with a school-age child to the Library Board, which seems like a good idea. She has a B.A. in Chemistry from The College of Wooster. She has worked at Eli Lilly. She volunteers at Cumberland School, and she's taught at the Montessori School, and she's secretary of the Northwestern Heights Neighborhood Association. So it's my pleasure to nominate Marybeth Miller to this position.

Councilor Truitt said I will second that.

Mayor Mills said all right. Is there discussion? Any other nominations?

Councilor O'Callaghan said we're happy she's willing to serve.

Councilor Hunt said yes, she is. In fact, she's here, and she has agreed to be willing to serve.

Mayor Mills said thank you very much.

The motion for Marybeth Miller to serve as the West Lafayette representative on the West Lafayette Public Library Board of Trustees passed unanimously by voice vote.

Mayor Mills said thank you very much for your willingness. We're looking forward to having you on the Library Board. Thank you, Ann [Councilor Hunt].

FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said you've received your ledger reports and tonight your cash transaction reports. Please note that comparable period last year only contained 17 pay periods, and there are 18 this year. Next year, we should be squared up again, easier to compare. I'll be brief, because we're going to have a lengthy discussion about the budget and other financial matters this evening. Thank you.

Mayor Mills said all right, thank you.

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)

Councilor Griffin read Ordinance No. 17-07 by title and moved that it be passed on second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said thank you. As we just discussed, we are increasing the number of people from seven to nine on our Human Relations Commission. Is there any discussion among the Council tonight?

Councilor O'Callaghan said I'm just really happy to have a student. That's something we've talked about with the Youth Council, so I'm really glad. Thank you.

Mayor Mills said any other discussion?

There was no further discussion.

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

Ordinance No. 17-07 passed on second and final reading, 7-0.

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

Councilor Griffin read Ordinance No. 18-07 by title and moved that it be passed on second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right. As Councilor Griffin said, we will have a public hearing on this. This is an additional appropriation, \$200,000 in Parks Nonreverting Capital Fund for improvements to the pool, sidewalks, deck expansion, additional retaining wall, a new fence and gates, and other pool improvements. Is there any discussion among the Council members?

Councilor Satterly said this is money that's come from the pool admissions, right?

Mayor Mills said yes, good. That's a great comment, Councilor Satterly. This is money that we collect through pool admission fees. It goes into the fund to be used for pool improvements. Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I guess I'd also note that the Parks Department has worked very closely with the school corporation on this project, since the pool is on school corporation land. And they've worked very well together to get this project done.

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Mayor Mills said good, thank you. Anything else from the Council?

Councilor Hunt said the overriding focus is safety, and it was discussed at Park Board, also. So safety's good.

Mayor Mills said okay. Anything else? If not, we'll open the public hearing at this time. This is a public hearing for the \$200,000 additional appropriation out of the Parks Nonreverting Operating Fund. If you would like to make a comment, please come to the microphone and give us your name and address. No comments? All right, we'll close the public hearing. Are you ready for the vote?

There was no further discussion.

Ordinance No. 18-07 passed on second and final reading, 7-0.

Ordinance No. 19-07 (Amended) 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 second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right. We amended this ordinance on Thursday night at the Pre-Council meeting, to change a little bit of language. Mr. [City Attorney] Bauman, you can help me remember exactly what that was.

City Attorney Bauman said the language was in 63.40 (c) and it was the language "entirely within private property," and also you added exception 4 under that same subsection.

Mayor Mills said right. Thank you. All right, is there any discussion?

Councilor McMullin said Madam Mayor, if I may, I submitted a letter I got today, and I'd like to read it all for the record. It'll be on file in the Clerk-Treasurer's Office. It says,

"To: The West Lafayette City Council
Concerning: The Ordinance to Regulate Consumer Fireworks

I believe fireworks should be allowed on Purdue Homecoming weekend. Homecoming has been an important event in the previous years, and it is growing to be an event students remember throughout their lives. College students would love to shoot off fireworks after our Boilermakers win. Purdue has tons of alumni that come back every year. Since most of their organizations already have cook-outs and parties, they would love to shoot off fireworks to celebrate the spirit of homecoming on that special weekend. Please do not take rights away from those student and alumni who wish to celebrate responsibly.

Sincerely,

Carly Salczynski
Director of Homecoming
Purdue Student Union Board"

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I can't see myself voting for something that doesn't represent my constituents, and using this letter and other comments that I've heard, I wish that the City would take this opportunity to recognize Purdue and set up a cooperative relationship on this matter. I don't think that limiting the usage of fireworks due to the irresponsibility of a few, which we can never control, justifies not including Purdue Homecoming Weekend in this ordinance. Thank you.

Mayor Mills said I have just one letter I'll read. I forgot this last month. This says,

"I was delighted to hear on NPR this afternoon that West Lafayette is considering an ordinance similar to Lafayette's regarding fireworks. I strongly urge the passage of such regulations. From the standpoint of both safety and noise, such regulations would be a substantial improvement. I have lived all over the country and have never seen fireworks set off to the extent that they are here for weeks before and after July 4 and New Year's. Please, let me know if there is a petition you would like me to sign. I expect several of my colleagues and neighbors will be enthusiastic supporters of this plan.

Jill Sutor
Professor of Sociology
Purdue University"

Councilor Griffin said so last month we considered this ordinance and the ordinance passed on first reading unopposed. Thursday night, there were a couple of amendments proposed, a couple of them passed. There was one that passed that I voted against. And I'm still not in favor of that amendment. And that was an amendment to extend further the hours that consumer fireworks could legally be used in West Lafayette. Councilor Satterly and I both voted against extending further the hours that consumer fireworks could be used legally. I think that the vote that went in favor of that was a vote that was based on emotions. I don't know that, but I have a sense of that. And I think that when we think about fireworks, we want to think about freedom and fun, and we want to think about carefree times, and we want to think of those things in the same thoughts that we think about many of the other fine freedoms and fine opportunities that we have in America. But I think if we put emotions aside, and we look at facts and we look at safety and health data, we cannot extend that time, and I think we should not. I think we're allowing ourselves to be blind to those facts if we, as elected officials, extend the time that fireworks are legal in West Lafayette for one minute longer than the State government has mandated that we must. Let me give you some of those facts: On the front page of the Center for Disease Control *Injury Center*, it answers the question, "What is the safest way to prevent fireworks injuries?" The safest way is to leave fireworks displays to trained professionals. Who's most likely to be injured? About 60% of all fireworks-related injuries occur from the middle of June to the middle of July. 45% of the persons injured are 14 years of age and younger. Males are injured by fireworks more than twice as often. Children aged 10 to 14 have the highest injury rate. Not only the people who are setting off fireworks, but also bystanders get hurt. The things that cause it are not just sparklers, which, of course, are very hot and they're going to continue to be legal. They're not really impacted by this. But bottle rockets and firecrackers are. According to the United States Eye Injury Registry, approximately 12,000 Americans are treated in emergency departments annually for firework-related injuries. And approximately 2,000 of those injuries involve the eye. Almost half of these injuries are simply to bystanders. These are not minor injuries. These are life-changing injuries. These are permanent blindness, oftentimes. One ophthalmologist encourages us, "Nearly every year, my colleagues and I see tragic injuries resulting in loss of vision and sometimes even complete loss

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of an eye as a result of recreational use of fireworks.” So, their recommendations? Attend only professional fireworks displays. Don’t ever let you children play with fireworks of any kind. All fireworks are dangerous— firecrackers, bottle rockets, sparklers, even roman candles. But what goes beyond the injuries? Well, on any July 4 that you look at for the past several years, the statistics show that more fires in the United States are caused by fireworks than all of the other causes of fires on July 4 combined. It is estimated to cost \$21 million in property damage, fireworks do. So I hear the pleas from my fellow Councilor and from Purdue. I think that we have a tough decision to make here. I think our State legislature should have allowed us a free hand at the local level to ban fireworks altogether. But they did not allow that. They said that we can only limit them so much. I think that we need to send a message to our constituents that the safe way to enjoy fireworks and the fun way to enjoy fireworks is at professional fireworks displays only. And I think that we should reconsider the vote that took place—the one vote that took place on Thursday night that extended the hours that consumer fireworks could be used legally and that we should do it to the full extent that the State legislature allows us. I will vote against this, if it is as amended.

Mayor Mills said thank you, Councilor Griffin. Other comments?

Councilor McMullin said I have another comment, Madam Mayor.

Mayor Mills said Councilor McMullin.

Councilor McMullin said I don’t doubt your expertise on the matter, Dr. [Councilor] Griffin, but, you know, there are statistics for everything. And I’m sure there’s a startling number of statistics showing, you know, the enjoyment out of celebrating traditions like we have at Purdue and use some words, you know, talking about traditions and freedom and America, all great key words. But the bottom line is that personal responsibility has to take a role sometime. And I don’t think we should sit here and legislate based on the plight of the minority. I mean, there’s many ways you can get injured, and that shouldn’t affect the right of the majority to celebrate responsibly. I believe that the majority of my constituents are rational persons and they should be allowed that choice.

Mayor Mills said other comments from the Council?

Councilor Hunt said I have one.

Mayor Mills said Councilor Hunt.

Councilor Hunt said I met with the president of PSUB on Friday evening. She was going to be here, but her grandmother died today. Her sense was that the PSUB, which is Purdue Student Union Board, the general membership of that doesn’t really have any particular interest in supporting fireworks on Homecoming. I did go to a fraternity this evening, where they had a large meeting, and I must admit they were a little more in favor of it than PSUB, but I’ve also been told that the President’s Roundtable, which is a large group of presidents of Purdue organizations, didn’t seem to have any particular support of fireworks at Homecoming. And I do stress that the formal licensed fireworks display that PSUB puts on every year with Homecoming is licensed, and it doesn’t fall under this ordinance at all.

Mayor Mills said Councilor McMullin.

Councilor McMullin said I’d just like to say, you know, we can sit up here and quote our statistics and we both have sources that are conflicting. But it’s a matter of principle that we’re talking

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about here and limiting individual liberties, in my estimation. I just have to again reiterate that most of my constituents aren't on Purdue's property, they're in District 1. So whether or not the PSUB fireworks are, you know, allowed doesn't really affect them so much, unless they decide to venture on campus. They should be allowed the right to exercise their ability to celebrate responsibly. And we shouldn't be telling them what they can and cannot do. I mean, because where do you draw the line here? People die in traffic accidents. Do we tell them they can't drive, too? Obviously not. It's a matter of principle, and I think that's what we're addressing.

Mayor Mills said Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. Just two quick points. One, that the letter says, "Please don't take away the rights from these students and alumni," and actually, the way that the City Code is now, no fireworks are allowed. And so we're not taking away rights from them. They don't have that right now, and we're keeping it that way. And the other thing I would just ask Councilor Griffin to reconsider voting against the whole ordinance, because of the addition of number 4. I think part of the reason that we added on January 1, it's just number 4 is just between the hours of 5:00 p.m. and two hours after sunset on January 1. For me, frankly, it was some spirit of cooperation with our new colleague on the Council, and it's really only about two hours. It gets dark very early on January 1, so between 5:00 p.m. and two hours after sunset is not a great amount of time, so I'd encourage him to vote for the ordinance. It's still a very strong ordinance, it's very similar to Lafayette's, except for those two hours.

Mayor Mills said all right, thank you. Any other comment from the Council?

Councilor McMullin said I just want to quickly add—and I'll keep it brief, so I don't take up everyone's time here—I fully understand the need for, you know, good neighbor practices, so to say, it's not enjoyable to have fireworks, you know, going off at all hours of the night. And the amendment I proposed had time constraints on it, and it was one weekend. So I fully understand the need for abiding by our laws and, you know, not keeping everyone up at the wee hours of the night. Personally, you know, I don't shoot off fireworks a whole lot, but this is a matter of principle for myself and my constituents, so that's why I'm going to vote against it.

Mayor Mills said okay, thank you. I'd like to give time for the public to comment, if you'd like to. So if you'll come to the microphone, give us your name and address, we'll take a few comments before we take a vote.

Mr. David Bridges [1612 North River Road] said I'd like to make a comment here. Ross [Councilor McMullin], I sympathize with your feelings about freedoms. On the other hand, in England there's what's called Guy Fawkes Night. I was working in a department of ophthalmology in London and it was incredible, the number of eye injuries that Morfields [Morfields Eye Hospital] in London used to get. Now, having said that, you've really only got one way to go, and I guess I'm agreeing with Councilor Griffin here. You either allow them or you don't. You know, if you're talking about a safety issue, well, okay, let's go the whole way. If they're bad for you, if they cause all these eye injuries, and I agree that they do, let's get rid of them altogether. But I don't think that's an option at the moment. And, of course, we saw the same thinking with the smoking ordinance, too, which again involved personal freedoms. So I just have to say that the statistics on eye injuries that were quoted are absolutely correct, but this is not what's being discussed tonight.

Ms. Maribeth Cousin [501 Dodge Street] said I would like to say that I am in favor of limiting the fireworks. This summer was the worst summer I've ever had in relation to fireworks going off almost continuously for before the Fourth of July and up through almost the end of July. I just

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had surgery in July, and I would just get to sleep and all of a sudden I'd be woken up with these loud bangs, and I wouldn't be able to get back to sleep. It really affected my recovery. And so I feel that we really do need to look at that, because it was very, very disturbing to me that people were that inconsiderate. And even some of the people I had mentioned it to that were the neighbors doing it, just to not have any respect for anyone else. So I think that we have to have some kind of control on it. Thank you.

Mayor Mills said thank you.

Ms. Laurel Jizba [479 Maple Street] said I'd like to also say that, as a neighbor in the New Chauncey Neighborhood, I prefer laws that support the Good Neighbor ordinance. And what we have had to put up with is fireworks on our house, which is an older house. I don't know if they were still lit or not, but we could have had a fire from that. And these come, not during any kind of celebrations for Homecoming or Fourth of July, they come whenever—during the summer and even later. And we hear them a lot around 4:00 p.m., and that does affect our health. And so I would have you remember that these fireworks that are being shot off in the name of freedom are in a community where there are a lot of intergenerational families. It's very crowded. And because it looks like it's out in the country, because we have so many trees, it may be easy to forget that all those neighbors are sitting there or lying there in those houses trying to sleep or trying to study, trying to do work, but it's absolutely true. And I don't know any other way to enforce community ethics of good neighbor policies, as far as fireworks than to have an enforceable law.

Mayor Mills said thank you. Anyone else? All right, any other comments from the Council? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I guess I would also just point out that this is actually stronger than the Lafayette ordinance, in terms of the last comment, because it does include the language about "entirely within private property with the consent of the owner or lessee of that property." And that includes whether it's set off on their property and lands on your property.

Mayor Mills said good. Thank you. Anything else? Councilor McMullin.

Councilor McMullin said I'd just like to say, you know, again, I fully understand the need for sleep. I'm a busy person, too, and I don't enjoy getting woken up by fireworks. You know, I'm not against a ban on fireworks when it's correctly legislated. You know, there are some enforcement issues with this, and, you know, people that aren't respectful of their neighbors probably aren't going to really listen to this ordinance anyway. What I'm talking about here is giving the ability of responsible individuals the right to celebrate responsibly, not allowing fireworks at all times of the night. So, I just want to be on the record for that.

Mayor Mills said okay. Any other comments?

There was no further discussion.

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

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The roll call vote:

AYE	NAY
Hunt	Griffin
Keen	McMullin
O'Callaghan	
Satterly	
Truitt	

Ordinance No. 19-07 (Amended) passed on second and final reading, 5-2.

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**

Councilor Griffin read Ordinance No. 20-07 by title and moved that it be passed on second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said Mr. Coutts [C & S Engineering] is here tonight. Do you want to say anything Mr. Coutts? We've voted on this once, but—

Mr. Paul Coutts [C & S Engineering] said I think I'll just be very brief. When Chauncey Square was originally approved a few years ago, they included everything but a little piece of the Funk property on the southeastern corner, which is about 10%. Since then, Mr. Fleischhauer has acquired that property and we're trying to move forward with putting that piece of property into the whole project. The alley vacation is just one step in that direction. Thank you.

Mayor Mills said okay. Any questions for Mr. Coutts from the Council? All right, at this time, we'll open the public hearing. If you have a comment to make about the vacation of the alley, Chauncey Avenue to Salisbury Street, please come to the microphone, give us your name and address. No comments? All right, we'll close the public hearing. Any further discussion from the Council?

Councilor O'Callaghan said sounds like a good project.

There was no further discussion.

Mayor Mills said will you call the roll, please.

Ordinance No. 20-07 passed on second and final reading, 7-0.

Order of Business: One Item of New Business

Mayor Mills said we're going to go briefly out of order of the agenda. We're going to skip to one item of new business before we go to the budget discussion. We have another zoning issue tonight, and that is for the Burger King rezone, and that is Ordinance No. 27-07 in New Business. Mr. Dauss is here from Burger King from Anderson, and so we'll take that next, please, Councilor Griffin.

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)

Councilor Griffin read Ordinance No. 27-07 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.

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Mayor Mills said Mr. Dauss [Dauss Architects], would you like to give us some background, please.

Mr. Mike Dauss [Dauss Architects] said thank you. I will be brief and go right to the last chapter. This Burger King is store number 473 in the Burger King history. We recently opened a store in Marion that is store 18,848. So that can tell you how old the existing store is. In the process of doing an ADA survey for the existing store, we found that the existing facility would be very difficult to bring up to current ADA standards. Burger King Corporation elected, however, to keep the site and replace it with their new prototype, which is going on across the country right now. When we went to do that, however, we realized that this store was constructed before dinosaurs probably left West Lafayette, and zoning ordinances had not been written yet. The store actually sits on four separate properties. The building itself crosses property lines. And so it also exists in a zoning area now that does not allow a drive-through, which would make it difficult to do. That is why we are here this evening, asking for your consideration from a Neighborhood Business to PDNR, also to allow the drive-through service. If I could just briefly address that there are several things that going through the PDNR process we have agreed to improvements on the site. One is to include a sidewalk in the front, also replacing the landscape—all in the INDOT right-of-way, given that they'll grant us that permission. They'll be all new landscape on the site, and a big improvement, we hope, that engineering-wise is lowering the site about 18 inches, to take some of that hump out of it. That's it basically in a nutshell. If there are any questions, I'd be happy to answer them.

Mayor Mills said any questions for Mr. Dauss? Looks like a great project.

Mr. Dauss said thank you.

Mayor Mills said thank you. We're excited about seeing it remodeled. Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I just would like to reiterate for Mr. Dauss the praises that were sung in Pre-Council, about the work that you did with City staff, in terms of getting the things that we wanted. And the things that I'm really excited about as part of the Sagamore Parkway Task Force are the things that were in line with what the Task Force recommended—low profile, monument-style signage, the sidewalks, the improved appearance, and the beautification and plantings. So we're very excited about this project. Thank you very much.

Mayor Mills said any other comments or questions?

Councilor O'Callaghan said one other thing that we're excited about is the seven spaces more than are required, parking spaces. Parking's always important. So thank you.

Councilor Hunt said Madam Mayor, the APC vote was 13-0, also, which is always encouraging.

Mayor Mills said anything else?

There was no further discussion.

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

Ordinance No. 27-07 passed on first and only reading, 7-0.

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

Councilor Griffin read Ordinance No. 22-07 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 this is our final reading tonight of the 2008 City Budget. I'm going to be very brief, since we've talked about this twice, but I want to make a few comments. The total budget is \$19,773,535. \$11,550,130 of that is in the General Fund. If you look across the board at the departments and the changes in the departments, you will see that most of the departments—Engineering, Police, Fire—all went up less than 3% in their budgets. Engineering was 2.4%, Police was 2.6%, Fire was 1.6%. The Sanitation budget went up considerably more than that, 11.6%, but we are adding a new Sanitation worker next year, and we are buying one-third of a trash truck. We will start a lease/purchase agreement for a new Sanitation truck. The Legal budget was down 0.7%, Development was down 14.4%. My budget was up 15%, and that was \$30,000 extra dollars that I put in there next year for management training for all of our City department heads and managers in each department. We've never done that in West Lafayette, set aside money to do regular personnel management training, and it's time. The City is growing, we're growing, and I think it would be a very good use of funds, so I put money in there for next year for that. The Clerk-Treasurer's budget was up 15.8%, and we've talked about that. That budget carries the insurance for all our employees, and I'll stop there and talk for just a moment about the insurance. I did not give the Council any changes in the budget. After further discussion, I'm certainly not going to reduce the budget yet. We'll have ample opportunity during the appeal process with the DLGF and when the final budget is filed. So we will wait to see what those final insurance numbers will be. I can tell you that we've arrived at the plans that we will present. We're very pleased with them. We think we've made good choices for our employees, and we've brought our costs down considerably from the 20% insurance increase that we anticipated when we started the budget process. We are offering two plans to employees at this point. We haven't had open enrollment. That will happen in the next month or two. Our insurance contract goes from January to January, but we've already decided on those plans. And depending on what percentage of employees choose either plan, we will save somewhere between \$72,000 and \$90,000, based on that 20% increase that we anticipated. So I want to thank [Human Resources Director] Diane Foster and the Clerk-Treasurer who both worked on looking at the plans, making sure we give great health care coverage to our employees, but also bringing our costs down so we don't have to face a 20% increase in health insurance costs. It looks to me like the average will be somewhere less than 15%, hopefully between 12% and 13% of an increase for next year, and seeing as how the national average for next year is 15%, I think we did a pretty good job in bringing those costs down. So we're very pleased about that, and, again, [Human Resources Director] Diane Foster and the Clerk-Treasurer worked very hard to arrive at those great numbers for us. The controlled levy, the tax portion of budget is increased by 2.7% for next year. I will just remind you that almost \$1.5 million of the budget is set aside for capital improvements of roads, sidewalks, handicap ramps, curbs. And of the \$11.5 million in the General Fund, almost \$9.5 million of that is personnel costs. So 81% of our General Fund goes for personnel costs. We are not personnel heavy, but that just shows you that the biggest cost to us as a City is the salaries for our employees that provide the service that we give to the citizens. I will stop there. I know there are things people want to say, and I'll open the floor up to the Council for comments or questions. No comments from the Council?

Councilor Keen said I did have—

Mayor Mills said Councilor Keen.

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Councilor Keen said thank you, Madam Mayor. I wanted to talk a little bit about this health care consortium. I received a copy of this from the Clerk-Treasurer's Office just today, as a matter of fact. I'm somewhat concerned about the duration component of the consortium, which designates that the contract can't be terminated unless by a unanimous vote of the entire governing board. Can you explain to me what the governing board is, who that is made up of?

Mayor Mills said the governing board of the consortium consists of both Mayors of the cities and representatives from the cities. For the City of Lafayette, it is their Controller—I think that's right—and their HR Manager, and for us, it's our HR Director. So we have to all agree that we will dissolve the consortium for that to happen.

Councilor Keen said so we're locked into this, and we basically are giving up our own local control of our healthcare control to an entity outside of West Lafayette, in part anyway. And what really concerns me is that there has to be a unanimous vote of the governing board in order for us to be able to dissolve this consortium. And when you look at healthcare costs, I mean, this is a huge portion of our budget, and to give up that kind of control to a consortium really concerns me.

Mayor Mills said well, let me start by addressing a few of those comments. We have agreed to a trial of this consortium for three years. We knew going in that the first year—well, let me say we didn't want to make a determination after the first year. We are now a large pool of employees with no claim history, and we have to build a claim history as a pool of employees. So that's what we're doing this first year. Rates are determined for cities and towns based—or any group of insured people—based on claim history. That certainly has an influence on your rates. The fact that we now have a large pool will help us in the long term. We expect our claim history to be good. We now have a wellness plan that we didn't have previously, with our previous carrier. And we know that we have to work hard to adopt healthy lifestyles for our employees and be proactive in pushing forward the wellness. But we knew the first year we probably wouldn't see a huge decrease in rates. We knew that going in. That was never a secret. We are not looking for short-term return here. We are looking for long-term control of our healthcare costs. And we hope and assume that we will have that long-term control of healthcare costs. I hope by next year we'll see a marked decrease in our rates.

Councilor Keen said but didn't we also know going into this that the claims history for Lafayette was considerably higher than our own? And that concerns me, as well, because, again, part of this contract states that, "Unless the Consortium is terminated, or a City withdraws in accordance with Article VI, neither City shall ask any insurance company, insurance consultant or any other individual or entity for its individual claims history." And that kind of concerns me, because I think it's our claims history that really plays a huge role in our rates, and if we can't ask about those claims histories, then we, again, are losing control over what we are doing with our own medical history for our own employees.

Mayor Mills said well, we know our individual claim histories. I mean, we're not so—

Councilor Keen said but now we're lumped in with Lafayette, who has a much higher claims history than what we had.

Mayor Mills said well, I don't know if that's true, but I can tell you that this year, the largest claims have been made by West Lafayette employees, not Lafayette city employees. So this year, our claim history—we've had the largest claims that have been put forward against the insurance. So, again, we are in this together. We are looking at the long-term benefit for the cities, to keep our costs from escalating so drastically every year. And, again, a 13% increase

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when the national average is 15% this year, we're making progress already with only half a year of claim history.

Councilor Keen said how do we know that our claim history is better than theirs, since we're not allowed to ask, according to this contract?

Mayor Mills said well, I'm just telling you what individual claims that I know have been filed this year for the City.

Councilor Keen said but do we know what Lafayette's are? I mean, how can you make a claim that ours are better when we don't even know what the other side of the coin is?

Mayor Mills said I think you have to remember that we are no longer looking at it as individual cities. We are one pool of employees with claim histories.

Councilor Keen said well, that's my whole point. I mean, I question the—what's the word I'm looking for?—I just question getting involved in this consortium to begin with, when it gives up our own individual management of our own healthcare process.

Mayor Mills said let me say something to that. I know that there was opposition to this idea originally from some of the Council. But we've worked with good people who have done this for school corporations across the State, Councilor Keen, and the insurance consortiums that school corporations enter into together, they have great results in keeping their insurance costs low and keeping the escalation really level. And that's our goal, to work as a pool to keep the costs from escalating every year. I mean, we said that going in. And, again, you can't look at the first year. You have to look at next year and the third year, because we're in it for the long term gain for the City, the long term stabilization of healthcare costs.

Councilor Keen said but given this initial term, what is the venue for getting out of this contract, should it turn out not to be as rosy as you've just said that it will be?

Mayor Mills said at the end of three years, we will all sit down and discuss it, and I—

Councilor Keen said does that have to be a unanimous vote also?

Mayor Mills said it does, but I'll remind you that we're not talking about strangers, we're talking about the City of Lafayette, who is interested in lowering their health care costs, and I'm sure at the end of three years, if we sit down and everyone agrees that this hasn't been a good thing for the cities, we'll dissolve the consortium. Neither of us expect that to happen.

Councilor Griffin said Madam Mayor.

Councilor Truitt said I have something—

Mayor Mills said Councilor Truitt.

Councilor Truitt said Councilor Griffin was first.

Mayor Mills said Councilor Griffin.

Councilor Griffin said thank you. This, I think, is about economies of scale and buying power. And insurance companies do not like to insure small groups, because the very built-in risk is too

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great. And so what insurance companies go into that saying is, "Look, you're too small a group, we're going to make you pay more."

Councilor Keen said I understand how that works, Dr. [Councilor] Griffin. My concern here is that we have given up control of our own healthcare management. And I think—

Councilor Griffin said we don't have control of it. It's going up.

Councilor Keen said the management of it.

Mayor Mills said we haven't given up control of the management. We've picked our plans, we picked the healthcare—

Councilor Keen said in my opinion, I think we have.

Mayor Mills said we haven't. We picked the healthcare plans we wanted for our employees. We do not have the same exact plan as the City of Lafayette. We've chosen the same plans, but the amount our employees contribute to the cost and the amount the City contributes to the cost is different right now. Now the ultimate goal is that we will all contribute the same, the plans will be entirely the same, but it's going to take us several years to get to that point. So, again, we are managing our own healthcare, and I think we're managing it much smarter than we were as a very small group of employees.

Councilor Truitt said and if I could just add one thing. You mentioned 81% of our budget is related to personnel costs, which is a big number. This 2007 State of the Municipalities Report right here talks about how important it is for municipalities to be able to control the employee healthcare costs and benefits. So we all know it's an issue. Anybody that has health insurance knows that it does not go down. If anybody's goes down, please let others know who the provider is, but it just doesn't happen. And I think the consortium as a concept is a palatable one. I think it has some merit. I like the three-year term to look and investigate whether it's working. I do not believe, though, that insurance companies like loss ratios of 1.17 or whatever it is that—where we are as a combined entity. And I would just encourage us to make sure that, if we put in a wellness program, Lafayette's doing the same wellness program.

Mayor Mills said absolutely are. We have the same carrier.

Councilor Truitt said yes, and I just want to make sure of that from that standpoint, because as Dr. [Councilor] Griffin can attest, I mean, if one group is doing one thing and the other group's not doing it, that defeats the whole purpose when you're in a pooled environment.

Mayor Mills said again, we are a pool now of employees with the same healthcare. So we will be doing the same wellness program for both cities. Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I didn't expect to address this issue at all tonight, but I think rather than giving up control of our healthcare, we've been proactive to make it, to have more control over it and to make it even better in the long run, so I applaud your efforts in that regard.

Mayor Mills said well, thank you. I think there's so much push for municipalities, school corporations, everyone to pool together and do what they can together, save dollars, be the most efficient they can, and I think this is a good first step for us as a City, to really, again, manage the healthcare costs. So I think next year we'll come back and we'll be having a much

better report and we'll see just how well we're managing to control the escalation of our costs.

Councilor Truitt said and if I could—I know the Clerk-Treasurer is getting ready to talk, but if I could just add one other thing for the record is that the City Council itself was not involved in the decision to move toward the consortium. As we talked about before, that's bothersome, I think, I would hope to everyone up here, to not have the input we did when it's 81% of our budget from a personnel standpoint, and the expenses associated with that, from a fiscal stewardship point of view. It's very disturbing to me, and I hope that it works out for us as a City.

Mayor Mills said Clerk-Treasurer Rhodes.

Clerk-Treasurer Rhodes said I have written kind of a history of how we got where we are now. The Human Resources Director has seen a draft of that, and a couple numbers I've shared with the Mayor. I've got that available for you, and I think it's quite helpful to really understand what happened. One of the biggest changes that occurred in the City with the consortium was the change in the structure of our insurance plans, going from simply a single and dependent coverage to single and three tiers of dependent coverage. That, in the previous arrangement we had, the dependent coverage premiums were somewhat higher for employees who just covered children or spouses, and somewhat lower for employees who covered families. They were all in one pool and the subsidized each other. When we went to the new structure, to align ourselves with Lafayette, we achieved the three tiers of dependent coverage, and it turned out the increase in the family coverage was very large, over 26%. The reason why you've seen the impact grow in the budget is that 87% of the people in the City who have family coverage are in the General Fund, largely my budget. So it's amplified that. And it will take some time for us to, as plans evolve, manage that cost some. So that probably was the biggest single step, and we didn't do that until we were in the larger group. Of course, employees who have just children or spouses to cover have benefited, in that those costs were lower for them and the City. The cost for the City was larger to break the families out. However, that's been the standard for larger groups, and that's a step we took. After the meeting, those of you who would like some reading material, or some other time, I'd be glad to give you a copy of this.

Mayor Mills said I will add that we've structured our plans for next year to encourage people not necessarily to shift all the family costs onto the City, if they are covered in another area. I think we've done a great job of still providing great healthcare coverage, but asking the employee to pick up a larger percentage of the cost, still without drastically impacting their take-home pay. So I'm pleased. I think Diane [Human Resources Director Foster] worked very hard to get us to this point. Other comments about the insurance? Other comments about anything else? Councilor Truitt.

Councilor Truitt said yes. Can we have a brief review, maybe Mr. [Public Works Director] Downey or someone can talk about the trash fee increase from a revenue standpoint, and just kind of talk about that a little bit. If I'm not mistaken, I think that is a revenue item in the budget. If I'm mistaken, please correct me.

Mayor Mills said we have discussed looking at the trash fees for next—this fall, yet this fall—and it is a revenue item. The Clerk-Treasurer talked about that last month. But really Mr. [Public Works Director] Downey doesn't have anything to discuss yet, because we haven't put the committee together to look at the fee structure. That's one of the things I mentioned last month, that we would ask a committee to evaluate all of the fees for service.

Councilor Truitt said so as far as the number that is in the budget, was derived how?

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Mayor Mills said the Clerk-Treasurer put the numbers together, so you can ask her.

Clerk-Treasurer Rhodes said okay. The revenue for trash fees was increased to \$630,000. This year, my revised revenue estimate will be \$485,000.

Councilor Truitt said say that one more time, please.

Mayor Mills said \$480,635—

Councilor Truitt said no, what are the two buckets? I mean, how did you—? You said the \$630 was—

Clerk-Treasurer Rhodes said the \$630,000 is the revenue estimate that's on your miscellaneous revenue for the General Fund for 2008.

Councilor Truitt said yes.

Clerk-Treasurer Rhodes said and, actually tonight, in a few minutes when I speak, we've gone through a process revising revenue, and the revenue that I'll estimate for trash fees this year is \$485,000 for 2007.

Councilor Satterly said the trash fee for this year is \$9 per household?

Clerk-Treasurer Rhodes said \$9 per household per month, that is correct.

Councilor Satterly said so then what did you use for the estimate for 2008?

Clerk-Treasurer Rhodes said \$12.

Councilor Satterly said I think that's what you're looking for.

Councilor Truitt said yes, that's where I was going. All right.

Clerk-Treasurer Rhodes said and a review of other charges related to other services for which there are fees in the sanitation ordinance. Mr. Joseph Krause is sitting in the audience, and Mr. Krause and I had the honor, when we were on the Council in 1993, of writing the current sanitation fee ordinance.

Mr. Joe Krause said it seems like yesterday.

Mayor Mills said but it wasn't.

Councilor Truitt said okay, so—

Mayor Mills said okay, other questions?

Councilor Truitt said just so I understand, so this increase, Judy [Clerk-Treasurer Rhodes] is you picked the \$3 increase and plugged it in.

Clerk-Treasurer Rhodes said there was a discussion between the Mayor, Public Works Director Downey, and myself, and an estimate, in terms of expenses and costs, with the idea of moving toward a system in which the Sanitation Department would be a standalone department, not in

the General Fund, and with its own fund and own set of self-balancing accounts.

Councilor Truitt said that thought process right there is, number one, not to—I hate to go through this again, but—everyone knows how I feel about just picking arbitrary numbers like that. However, like the \$9 to \$12, David [Public Works Director Downey] and I, we've talked about the fact, and I'm actually in favor of looking at user fees across the City in order to understand the current level and do they support the service delivery mechanism that is currently in place right now? I think what we will find out is that there are some areas that are appropriate, and some areas that, I don't think they're too high. But I think that in order to be able to choose our fees—because I have to pay them, just like everybody else does—I think that \$9 to pick up, they do a fantastic job. We talk about it all the time. I think everybody would agree, \$9 is a heck of a deal. What my concern is is to make sure that there's science behind why we choose the fee that we choose. So with this committee that is being formed, that's inspecting our fees across the City, I think that's a step in the right direction. But I just want to caution ourselves—and we're going to talk about this a little bit more from a budget standpoint—but we're being forced, because of a variety of different issues, to move the support of our City away from our reliance on property tax funds and look for other sources of revenue, in order to support the services that we deliver today. So when you write your property tax check today, it doesn't pay for everything that's necessary in our City, and everybody knows that. They can look at their Wastewater Treatment Utility bill, and I think everybody will attest, again, that that thing has gone up an incredible amount. Now we also have projects that have been going on throughout the City—unfortunately, unfunded mandates from that standpoint in some areas, but we're also transferring people all throughout the budget, and I just want to make sure, from a taxpayer perspective—again, me included in that—that everybody understands that we're using all of these other little funds throughout our City in order to support it is that we're delivering today. It's just important to me, I feel, based on my conversations with individuals, to just make sure that we're doing that in a fiscally responsible way. So if we're going to increase from \$9 to \$12, [City Engineer] David Buck did a great job of an analysis of a recent fund increase, and I greatly appreciated that, as I know many others did, and I just encourage us to, when we're looking at our funds, to make sure that we have that same information to back that up.

Mayor Mills said I will just add that that was a revenue estimate, and it was not an arbitrary number that we picked out of the air. We did discuss what the cost of service was. And, again, we will have a committee that will sit down and look at it very scientifically. But it was not a number plucked out of the air. Other comments?

Clerk-Treasurer Rhodes said perhaps I should have started a little bit earlier on this. I wanted to point out to the Council that you have received a new page for your budget book, which normally goes in Section, I believe, VII. It is the one that gives you the Form 4B, it gives you the operating balance. You'll see at the top heading there, "Revenue," it says, "Revised Revenue, September 10, 2007." The revenue estimates are typically revised no later than before our October budget hearing with the Department of Local Government Finance. This year I'm doing it a bit early, because we're going to be filing an excessive levy appeal, and that must be filed by September 19. The result of having revised the revenue based on performance in July, August, and forecast through the end of the year is that we have increased the operating balance in the General Fund and a very little in the Parks Fund, decreased that in the Pension Funds. I have the detail for you, the new budget forms, also available for you if you'd like them now or after the meeting. This sheet, however, shows you the impact of what the budget revisions did. Does anybody have any questions on that?

Councilor Truitt said can we reduce our annexation appeal levy because of the increase in

revenue?

Clerk-Treasurer Rhodes said is that a question for you [Mayor Mills] or me?

Mayor Mills said I would be interested in hearing your comment, too.

Clerk-Treasurer Rhodes said the increase in the operating balance gives us more optimism that, if our income tax revenues hold up and as we move through the budget process in the next couple of weeks, we would have more of an opportunity to make that adjustment. As we've said all along, this process of getting an excessive levy appeal is a multi-step process that offers several opportunities to reduce, based on what your best numbers are. So our numbers are going to get better, and our opportunities to cut are not going to be diminished. We don't lose anything by not reducing it now. That you should understand. The decision on whether it's going to be reduced or not, however, is a different process than what we're having here tonight. We're here at a Council meeting. The process by which it is reduced may very much be one that the Mayor would undertake and advise you of. Whether we would convene a special meeting and she would seek your advise, that would be for the Mayor to address. That would be one difference. I want to, however, go on to the second item I wanted to talk to you about, because it's related to the excessive levy appeal. I just wanted to caution you about getting a bit ahead of ourselves in terms or reliance of some forecasts. I want to just review some of the information we received on August 20 from the City's financial advisors, H.J. Umbaugh, on the comparison of tax rates with or without annexation. Does everyone have a sheet? The graph that's labeled A is the data that you were presented with August 20, which was supposed to be an update of our tax rates comparing annexation and no annexation. And that was the Mayor's understanding, that was the information that we were being provided. The individual who did the work was kind enough to send me the source data, because I was having difficulty reproducing the calculations. And then it was evident that this was not perhaps the update we thought it was. Two things, the starting AV for Pay 2008 is, at \$46 million in the annexation area, that was the number that we forecast would be there almost two years ago, based on 334 houses already being built in that area. That clearly hasn't happened. We have about a third that number. And it also uses the same growth rate of about \$20 million, \$22 million a year of 167 houses a year. What that does is it forces a break point, which is the point after which the annexation results in a lower tax rate than if there was no annexation. It forces that break point in just a few years, and it also creates a very level and stable tax rate with the annexation, but a climbing rate with no annexation. And we've seen a plot like this since we began the discussion of the fiscal plan back at the end of '05, beginning of '06. And we saw that update. The use of the estimated growth of 167 houses a year, that's a matter of a forecast, and how valid that may be is certainly up for discussion. That really isn't the biggest problem. The biggest problem is the starting point. We're starting as if what we hope to have happen, happened, and it didn't happen. And when you extrapolate from a point that's not more realistic and extrapolate out to the year 2021, boy, things really get exaggerated and distorted. If you look at plot B, you can see the impact of using the estimate of assessed value in the annexation area that we used for the budget. We used about \$20 million. The Mayor provided information on an estimate of the number of houses built, and I've gone back through the list of the property records in the annexation area, and I've confirmed that the original estimate of the AV in the annexation area of about \$6.2 million in 2005 Pay 2006 was about right. I can confirm that. But my estimate of what the value is this year is considerably lower. It is about \$7.7 million. And when we bring in all the houses that we know weren't quite completed by the assessment date, we're probably closer to \$15 million. The estimate we used of \$20 million for Pay '08 might have been a bit high. But we're way, way away from \$46 million, as you'd expect, because we just haven't seen the buildout. If you look on plot C, you see, assuming a \$20 million start for annexation area assessed valuation in Pay 2008 and a buildout of 50 homes a year, you see the break even

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point is out in 2020, although the tax rate closes significantly after about six years or so. Likewise, if you look at plot D, you see a growth of modeling 100 homes a year, and you see the break point occurs about 2014. So when we're estimating what the impact is of the excessive levy that we're asking for, we have to be cautious and understand what is the part that we're estimating, what's the part that we reasonably know. And I think, at least short-term, I don't think it's probably credible that we're going to have a breakeven point in two years. That certainly is one of the pieces of information we'll consider as we go through this process. It's important, when we're talking about what we're doing to the annexation levy in setting expectations with the taxpayers, that we at least know the range of things that are likely to happen. I've only shown you a couple of scenarios. You could, in fact, develop others. But we ought to start from an anchor point that's more realistic. And when you do so, unless we have very rapid growth out there and we have the annexation area growing quickly, we won't see a dramatic impact on the tax rate for a while. That's what I think these numbers tell us. But as time passes and development continues out there, of course, we need to revisit the assumptions and look at what our expectations are for the next couple of years.

Councilor Keen said so, clearly, what you're saying is we haven't met our 334 home starts as of March 1. Do we have any kind of an update, with regard to our 2007 current housing starts, as to where we are? And any kind of projections for the future, as far as where we're going with this?

Mayor Mills said well, we certainly can't determine what the housing market is going to do—

Councilor Keen said but do we know where we're at currently?

Mayor Mills said I can't answer that, how many houses are in that built-out area now. I can tell you that, of course, the initial annexation fiscal plan was a projection of 2,500 homes over the buildout period of 15 years. And it was a projection. It certainly depends on the market. They did not build as many houses in the Lauren Lakes area as they anticipated they would this year. Considerably less, actually.

Councilor Keen said well, do we know—

Mayor Mills said again, it was a projection.

Councilor Keen said do we know, again, where we're at currently on that?

Mayor Mills said I don't.

Clerk-Treasurer Rhodes said when we did the budget, I think the estimate then was we had about 121 new homes between the Prophets Ridge and Lauren Lakes subdivisions. I used those numbers to do a check on AV for Pay 2008.

Councilor Keen said right.

Councilor Truitt said are we—Bob [City Attorney Bauman], maybe this is you, or Mayor— do we need to recast this, in order to go to DLGF with good conscience on this deal? I mean, I'm sitting here, and if I understand this correctly, and if we overstated—I hate to use that word—if have \$45 million on here and it's really \$20 million, it doesn't create the right story, which drives our annexation appeal levy in some way, shape, or form—

City Attorney Bauman said the annexation appeal levy is driven by the costs of serving the area.

None of the numbers there necessarily have a direct relationship to the costs of serving the area. Those numbers have a relationship to the payback. Now, the numbers—the 2,500 over 15 years—was a projection that was used in the annexation fiscal plan. Those numbers came from the developers and consulting with the planners at Area Plan Commission. Now, as you well know, having worked with the housing market, you know that's a market that— The assumption that was made for the purposes of the plan was straight line, but those lines aren't usually straight, but since we don't know exactly what the shape of it will be, that was the simplifying assumption that was made.

Mayor Mills said but let me add something, because I think you're under a little bit of a misinformation here. The DLGF, when we file the annexation appeal, will not basically look at our current budget. Instead, they look at the justification for the costs of the annexation, the provision of services, and they look at that at full buildout. So they're not going to look at this budget *per se* this year. They're going to look at full buildout, what we project our cost of service will be, and then they'll say, "Does that cost of service justify a \$600,000 annexation appeal?" It's the full buildout costs that they will look at, that full provision of services.

City Attorney Bauman said but, also realistically, you either open a third fire station or you don't.

Councilor Truitt said yes.

Mayor Mills said they also look at cash balances, but you'd need a very large cash balance as a City to be denied on cash balance, you know, which we don't have.

Councilor Truitt said and I guess I go back to this—from an accurate fiscal plan perspective—is we discussed openly the payback period. We talked about investing in the future, which I think we were all in favor of. I mean, it's the natural progression for us as a City, but I guess if this information—I feel that this number, this \$45 million number, if that's not an accurate number, I'm just trying to understand what are we going to do—?

City Attorney Bauman said well, that number was also a projection—

Councilor Truitt said I know, it's 167 times— I understand.

City Attorney Bauman said from the zero point, based on when the annexation would be done and when that would come on to the tax assessment rolls. And a lot of those projections— there's another major developer out there—but a lot of them were based on the development that you were handling the marketing for at the time.

Councilor Truitt said well, you've got to have value in the City in which your serving, in order to build houses, right? Right? So I'm not blaming anyone in regard to projection, okay, and don't try to patronize me, Bob [City Attorney Bauman] in regard to tying me to something like that in regard to the marketing. It's a totally inappropriate comment for you to make in regard to that. But let me go back to my statement. I'm not involved with that company any more, so just drop the representations along those lines. Okay, now, number two, I have said that I think, from a fiscal standpoint, that it would be appropriate, I would think, for our consultant to recast the numbers, based on what we know today. This projection was done in 2005—

Councilor Keen said exactly.

Councilor Truitt said things have changed, right? Now we know we're building—I don't know what it is, building permits are down, I don't know, 42%, 48%, whatever the number is. So I

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think the taxpayers would like to know what is the payback period. If the payback period is 10 years, then it's 10 years, we can't do much about it, we're kind of in it right now. And I think we owe that to everyone, so everyone understands—

Mayor Mills said it's very easy to rerun those numbers, to get a more accurate chart, based on where we are starting at today. But, again, it will be a projection. If the housing market recovers next year and they buildout like crazy, then that'll be wrong again. So, again, it's a projection of the buildout estimation over the course of 15 years, which is what you do for the annexation fiscal plan. It can't be accurate—

Councilor Truitt said no, I know.

Mayor Mills said based on a projection.

Councilor Truitt said I do proformas all the time, and you build in assumptions—

Mayor Mills said exactly.

Councilor Truitt said and, of course, on business plans, they always look a little bit better than what it actually ends up being, but I think if we would do something like that, I would feel a lot more comfortable. I don't know if other individuals would.

Mayor Mills said easy to do.

Councilor Truitt said I would appreciate that, thank you.

Councilor McMullin said just for my information purposes because I am in the information gathering phase and decision making phase at the same time, I really do not understand what we're talking about here. It seems to me that we made some projections and the numbers are wrong. They're not what we thought they were, and no one is to blame for that. So what's the problem with reassessing this? And should we move forward with our plans before we reassess our fiscal plan, which seems to have been flawed.

Mayor Mills said the fiscal plan, I will say, is not flawed. You know, again, a fiscal plan is based on the projections of growth that you expect in the area. We looked at the number of approved lots that were on the books for developers and projected that over the undeveloped area out there for the next 15 years. You know, the annexation has been approved, so that's done, that's finished. Now we're talking about the appeal to increase the levy by \$600,000. That's part of this discussion tonight.

Councilor McMullin said sure.

Mayor Mills said but it's not based on a flawed fiscal plan. It's based on a projection.

Councilor McMullin said and our projections seem to have been inaccurate is my point.

Councilor Griffin said they may still be low, we know. It's a fiscal plan.

Mayor Mills said exactly. The short term we may be off, but we don't know what will be in 15 years. I mean, that's the point.

Councilor Keen said but can we start from a more realistic starting point?

Councilor Griffin said what's the end point going to be?

Councilor Keen said this fiscal plan is dated November of '05.

Mayor Mills said and, again, we can start from a more realistic starting point. That's not the question.

Clerk-Treasurer Rhodes said when we are trying to disclose to taxpayers what the impact of the annexation is, yes. Our assumptions need to be reviewed as we go. Yes, we didn't achieve the forecast, so clearly we need to revise the assumptions. But I want, when we have these presentations giving the impact, we want to have the best numbers we have, that we know now, not recycled numbers that were so wrong that they basically distorted the entire analysis. You cannot extrapolate out like they—with any kind of confidence to the year 2021. I absolutely agree. In looking for the pot of gold out in 2021, you know, does anyone believe that we're very accurate at forecasting that? But I think we want analysis that's going to be as accurate as we can be in the short term, and then we'll look at the upside/downside of various forecasts of growth going out. What I'm really concerned about is that, you know, we as a Council and the citizens with us in this process have the best information as we're going forward. And that's going to have to be carried out here from now on, as we move year by year into this process.

Mayor Mills said other comments? Councilor O'Callaghan.

Councilor O'Callaghan said Mayor, thank you. Even with a \$20 million starting for the annexation area Pay 2008, this B, it still shows a stabilization of the tax rate with annexation, as opposed to without annexation. It still shows the economies that we want to have.

Clerk-Treasurer Rhodes said are you talking about graph B?

Councilor Truitt said it's 167 homes a year.

Councilor O'Callaghan said B. It's with 167 homes per year.

Councilor Keen said but we're not doing that.

Clerk-Treasurer Rhodes said yes, and you could look at graphs C and D and say—that gives you a range, certainly. Absolutely. There are two problems here. One is starting from the most accurate starting point, not creating a lever, and the other is looking at the range of likely buildout scenarios. This is just year one of this. Every year our successors will be going through this process, evaluating. "We made this kind of decision, how's it turned out?" They ought to be doing that anyhow, for something as large as this, and we want to make sure we set the standard that we get the kind of analysis that's going to help us really understand the upside/downside of what we're going to decide to do next.

Mayor Mills said other comments?

Councilor Truitt said I, first of all, apologize to Mr. [City Attorney] Bauman for my reaction. So I'd like the record to note that. But I think it's important for us to keep in mind the transparency of City government and our desire for it to be open and truthful and accurate. I think everyone out there wants that and demands that and would expect that. And if it's easy to run the numbers, I would very much appreciate that.

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Mayor Mills said and Mr. [Councilor] Truitt, you know, you asked for this a month ago, a new graph, and I was happy to provide that. And you're not satisfied. I'm happy to have them re-do it with a different starting point. But I am as much concerned about open and transparent government as you.

Councilor Truitt said correct. And I'm not making that towards you, but I want you to understand, though, this graph, though, I mean, it's not accurate.

Mayor Mills said well, I asked them to change the tax rate, because they had the projected tax rate for 2007, and our tax rate for 2007 was lower. So if there is an issue with the accuracy, it's probably my fault for not saying, "Please go back and look at the tax rate and the assessed valuation." I only requested the tax rate change.

Councilor Truitt said I appreciate that.

Councilor Satterly said Madam Mayor, all this discussion has nothing to do with the excess appeal.

Mayor Mills said well—

Clerk-Treasurer Rhodes said yes, and I'm glad you mentioned the excess appeal, because we tonight will, along with the budget ordinance, you will need to sign a document for the Department of Local Government Finance, which is the petition to appeal for an increase to the maximum levy. The City Attorney may address that, either now or somewhat later, but it should occur probably as part of the budget discussion.

Councilor Keen said do we have any documentation associated with that levy appeal?

Mayor Mills said it's just a form that needs to be signed. It can be submitted with the budget page, with the budget ordinance, or with the levy ordinance, or both. It's simply a form that says, "We as a City are asking for a \$600,000 annexation appeal."

Clerk-Treasurer Rhodes said the DLGF requires this petition, and it requires information on the years in which we expect to see the budget impact for annexation, and it requests some historical information. H.J. Umbaugh & Associates is compiling that, and they have not done so yet. So we don't have that to present this evening.

Councilor Keen said so we have to sign a document tonight without seeing this information.

Mayor Mills said it's just the documentation that justifies our asking for \$600,000, the costs incurred for providing the service. And the majority of it is based on the fiscal plan that you saw a year and a half ago.

Councilor Keen said and that's what we've been talking about all night here that's based on information that is completely inaccurate at this point in time.

Councilor Satterly said no.

Mayor Mills said the fiscal plan is not inaccurate. That's what I'm saying.

Councilor Satterly said the projected tax rates—

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City Attorney Bauman said it's the additional firefighters, police officers, and sanitation worker to provide the services to that area that we've talked about for going on two years now.

Mayor Mills said it's based on the additional personnel and the capital expenses that we will incur over the next 15 years in providing services to that area. It's very typical for your financial firm, Umbaugh, to provide the documentation. Then we don't have to pull all those numbers together. We provide them with our budget information and they do the paperwork, because they file on behalf of cities and towns all the time.

Councilor Truitt said and, like if we talk about solid waste disposal, it says we charge \$9 a month—that's what it was that period of time—and it says, "This revenue generated is sufficient to cover any additional costs to the City" [from the Annexation Fiscal Plan, November 9, 2005]. But now we're raising it to \$12.

Mayor Mills said well, but we haven't raised it. We still are at \$9. Our appeal will be filed, you know, in the next month. So that really hasn't changed yet. And we don't know that it will change. That's a decision that this Council will make at some point.

City Attorney Bauman said but I think, as the Clerk-Treasurer observed earlier, then adjustments can be made to that as we go along—

Mayor Mills said absolutely.

City Attorney Bauman said as long as the process gets started.

Mayor Mills said and, again, we have the option to reduce the appeal before we go to the State Board, before we go to the Department of Local Government Finance, after, before we sign the final budget order. So there are still opportunities.

Councilor Truitt said and we must sign this—someone must sign—who signs that document? Everybody has to?

Mayor Mills said all the Council members.

Councilor Truitt said if we're in favor of it?

Mayor Mills said yes.

Councilor Truitt said and what's the timing necessary on that document?

Mayor Mills said it needs to be signed tonight, as part of the budget ordinance.

Clerk-Treasurer Rhodes said yes, and you sign AYE or NAY, just like you do on the budget ordinance. In the past, in the '90s when the City did some annexation, there actually was a packet that came to the Council at this time. We don't have one. However, as soon as I obtain it, I will make it available to all of you. That's the best I can do at this point, because I'm not driving the annexation appeal paperwork.

Mayor Mills said other questions about this?

Councilor McMullin said so, all right, you have to bear with me. Maybe I'm simple-minded here. What I'm hearing is that, you know, there's some disagreement about whether the numbers are

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right or wrong, but they haven't met what we projected, and we're going to go ahead with this plan, based on numbers that are unclear at the moment. I don't feel comfortable making a decision to go forth with a plan based on what could prove to be inaccurate information. However you want to see that, that's fine. But I just don't feel comfortable. It doesn't make sense, rationally or logically.

Mayor Mills said okay, let me try to answer that, or address that. The filing of the annexation levy appeal is our request to raise our tax rate. Alright? We're doing that because we feel that's necessary to be able to provide the services to that area, right? It really doesn't have anything to do with the graph that you're seeing. We sat down and calculated what we think we need with the additional personnel to support those additional personnel.

Councilor McMullin said so I guess what I'm saying here is we're getting additional personnel to support an area that hasn't met growth expectations. Is that—?

Mayor Mills said well, but we have the area, Ross [Councilor McMullin], I mean, we have the entire area already. We must provide services to that area. And there are people out there. There may not be as many people this year as we anticipated, but there are people out there that need City services, and when we annexed them, we agreed to do that, provide them with City services.

Councilor McMullin said and so now those citizens are getting those services from—? The temporary fire station?

Mayor Mills said they are getting it from the Fire Department, from the Police Department, from the Sanitation and Street Department.

Councilor McMullin said okay, so they are receiving services is what I'm saying.

Mayor Mills said yes, they are.

Councilor McMullin said and what we're really getting at here is should we move forward with the plans to build a new fire station if, you know, we don't know that we need that at this point? That's the meat of the issue here, and if they're getting services at the moment and we have inaccurate information, it does not make sense to move forward.

Mayor Mills said they are getting services, but as far as the Fire Department is concerned, they are not going to get the quality of service without that new station that we are providing to the rest of the City. And that's one of the stipulations of annexation, that you provide everyone in your city the same quality of service. You know, part of the complaint has been that we didn't anticipate that annexation and build a fire station ahead of time. We are growing out there. We know we're going to grow out there. If you talk to the realtors in the community, they say that West Lafayette right now is the place to build. So we know we will have the growth. We need the station, we need the extra personnel, the new personnel, to provide the services to those people who are now citizens of our City.

Councilor McMullin said okay. Essentially, I think we're going to have to agree to disagree here. I just would feel more comfortable if we had some time to reassess the situation.

Mayor Mills said other comments?

Councilor Keen said who specifically have you talked to about West Lafayette being the place to

build? We discussed earlier about housing start projections and all that, and there wasn't any real projections there, but now you're saying that if you talk to the realtors and those people, that everybody's telling you that this is the place. And I don't disagree with that. But I'm just trying to pinpoint here where we're getting out information from.

Mayor Mills said and I won't be able to remember who told me that, but one of the builders in the last two weeks said to me that West Lafayette is the area now to build. And let me remind you—

Councilor O'Callaghan said I certainly have heard that.

Mayor Mills said that the Research Park has grown from 104 to 144 companies in the last four years. I was part of a presentation to Columbia, Missouri, on Thursday, Friday, whatever day, and PRF projects that when the third phase of the Research Park is built out, there will be 7,000 employees in the Research Park. 7,000. Now that's not going to happen overnight, absolutely not, but if you go out and you look at some of the new areas—Lauren Lakes, Prophets Ridge, Amberleigh Village—many of those people are employees in the Research Park. That growth has been phenomenal. We're going to have houses built in our community, because the Research Park is a huge employer and is growing in leaps and bounds. Other comments from other Council members? Other questions about particulars in the budget?

Councilor Hunt said I'd like to just comment a little bit about we might not be built out as much—I'd like to make a couple of comments. Bear with me where I wrap them together. First of all, the typical thing one talks about in investing is don't look what the stock market does one year. You have to look at it over 10, 12 years. There are going to be dips up and down, but generally speaking it goes up. I think you could look at that with other investments also. Secondly, even though you only have whatever houses are out there now, we still have to provide service to them. It's not as if we say, "Well, you don't have five neighbors so, you know, we're not going to send a fire trucks, we're not going to send our trash, and we're not going to send police." And we've annexed this property for what—three weeks now? So, I mean, we can't exactly say, you know, we have a full idea of what the budget cost is going to be. But we still have to provide them services. And so the projections, I'm sorry that there's almost an historic slowdown in real estate sales, but that's fact. And, gee whiz, we couldn't predict that, our crystal ball wasn't good enough. So I think it is important to think about. We have to provide services, whether there are all these people out there or not. And our third of a trash truck, maybe should be able to do that.

Councilor McMullin said from what I heard, they are getting services—

Councilor Hunt said for three weeks.

Councilor McMullin said did I misunderstand that the new houses are not getting services. They are, right?

Mayor Mills said they are.

Councilor McMullin said okay. Because that comment was operating under the presumption that they're not receiving services and maybe I'm not in favor of citizens receiving services, and that's not accurate at all. What I'm saying is that we need to reassess. I mean, it makes sense that if a plan is not, you know, working, for whatever reason, like we wanted it to, take a step back and reevaluate.

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Mayor Mills said Councilor Griffin.

Councilor Griffin said we've had this budget for a while. I think we've had the opportunities to look it over. We've had the opportunities to discuss the pros and cons. I'm not sure that further discussion is going to help us.

Mayor Mills said all right. Councilor O'Callaghan.

Councilor O'Callaghan said well, I guess I would like to say to Councilor Keen that I have heard that there is a buzz about West Lafayette, that people are excited about living here, about coming here, about moving here. All the things I talked about in the development report, about businesses coming, the Research Park, but from one end of the City to the other, that people are excited about living here. And this budget is about public safety to protect our citizens, like the great new fire truck with the foam that was able to get the house on Sheridan's fire stopped very quickly. It's about public improvement, the great streets and roads projects that we have. The wonderful wastewater project that we have with the digester, and the cutting-edge technology. So there is a buzz about West Lafayette. We want to continue that and we want to invest in the future, and this budget does that.

Councilor Keen said and I wouldn't be on this Council if I wasn't excited about living in West Lafayette either.

Councilor Satterly said Councilor Griffin, are you calling the question?

Mayor Mills said I'd like to give an opportunity for public comment before we call for the vote. If you'd like to comment on the budget, please come to the microphone, give us your name and address. Don't wait too long. We'll move on. Any comments?

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 second and final 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 second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right. We, again. Always advertise high, so that we have the ability to collect our full levy at the end of our budget process. This is the ordinance that sets the tax rate. If you look at the sheet, if you pick one up, you'll see that the funds to be raised are \$9,200,715, and the total tax rate is 0.922. And, again, that is advertised high. Are there questions or

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

comments? Any questions or comments from the public?

Clerk-Treasurer Rhodes said I just wanted to make sure in the record, it reflects that the Council is aware that included in this levy is the \$600,000 excessive levy appeal.

Councilor O'Callaghan said and I guess it might also be helpful to let people know that that's a little more than \$0.04 per \$100,000 of assessed valuation.

Mayor Mills said per \$100.

Councilor O'Callaghan said per \$100 of assessed valuation.

Mayor Mills said thank you.

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 second and final 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 second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right, this is the ordinance for the salaries for the employees of the City, which includes a 3% raise this year. Is there discussion or questions? Is there any comments or questions from the public?

There was no further discussion.

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

The roll call vote:

AYE	
Griffin	McMullin*
Hunt	
Keen	
O'Callaghan	
Satterly	
Truitt	

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Ordinance No. 24-07 passed on second and final reading, 7-0.

**[During discussion of Resolution No. 24-07, Councilor McMullin discovered he had inadvertently voted against Ordinance No. 24-07; with unanimous consent of the Council, he was permitted to change his vote in favor of Ordinance No. 24-07, thus making the final vote 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 second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right, thank you. This is the same salary ordinance now for the Wastewater Utility. I will point out that we have moved several people into the Utility this year, out of the General Fund, in order to protect the property tax dollars. Again, a 3% salary increase for employees. Any questions or comments from the Council? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. I guess I would just note that we did talk about the salaries being 81% of the budget. I was glad to see that we did get a 6-1 [7-0, see note on recorded vote of Ordinance No. 24-07] vote on 81% of the budget anyway.

Mayor Mills said thank you. Any other comments? Any comments from the public?

There was no further discussion.

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

Ordinance No. 25-07 passed on second and final 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 second reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said this is the ordinance to set the salaries for myself, the Clerk-Treasurer, the City Judge, and the Councilors. The City Councilors are not getting a pay increase. They are staying at \$4,800 a year. The three of us—the Mayor, the Clerk-Treasurer, and the City Judge—have the same 3% salary increase as the rest of the City employees. Questions or comments from the Council? Questions or comments from the public?

There was no further discussion.

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

Ordinance No. 26-07 passed on second and final reading, 7-0.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

NEW BUSINESS:

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

Councilor Griffin read Ordinance No. 28-07 by title and moved that it be passed on first reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said all right, this is an ordinance that the City Engineer and the Public Works Director put together for stormwater fees for businesses. Dave [City Engineer Buck], do you want to make any comments? Are there any questions for Dave [City Engineer Buck]? You've had a good background presentation from him a couple months ago now. Any questions, though for him? He, again, did a very thorough study looking at the building that was going on and the time required by Engineering staff to inspect all of these for stormwater, so very thorough.

Councilor O'Callaghan said Mayor.

Mayor Mills said yes, Councilor O'Callaghan.

Councilor O'Callaghan said thank you. I guess the only question I would have is, since we did do this thoroughly twice before, and it was just essentially a typo in a table originally presented, I wondered if Mr. [City Engineer] Buck wants two readings tonight?

Mayor Mills said yes.

City Engineer Buck said yes.

Councilor O'Callaghan said would you rather not have it come back again?

City Engineer Buck said it could be a standing item.

Mayor Mills said that's right. It was a change in Section B on the final part of the chart that said "Projects Disturbing Less Than 5,000 square feet," and there was a typo that said \$60 was for residential and it should have been commercial. So that's the change.

There was no further discussion.

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

Ordinance No. 28-07 passed on first reading, 7-0.

Councilor Griffin said Madam Mayor, I move we suspend the rules to consider this ordinance on second and final reading at this time. Motion was seconded by Councilor Satterly.

The motion to suspend the rules and consider Ordinance No. 28-07 on second and final reading passed unanimously by voice vote.

Councilor Griffin said Madam Mayor, I move for passage of this ordinance on final reading, and the vote be by roll call. Motion was seconded by Councilor Satterly.

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

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Ordinance No. 28-07 passed on second and final reading, 7-0.

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)

Councilor Griffin read Ordinance No. 29-07 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, thank you. This is an ordinance that asks to move money from the Wastewater Treatment Utility to the General Fund in the amount of \$1,800,000, and from the Wastewater Treatment Utility to the Parks and Recreation Fund in the amount of \$400,000. This is an intercity loan from the Utility until we receive our tax draw. We will pay the utility back when we get our property tax monies. Are there questions? Comments?

There was no further discussion.

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

Ordinance No. 29-07 passed on first reading, 7-0.

Councilor Griffin said Madam Mayor, I move we suspend the rules to consider Ordinance No. 29-07 on second and final reading at this time. Motion was seconded by Councilor Satterly.

The motion to suspend the rules and consider Ordinance No. 29-07 on second and final reading passed unanimously by voice vote.

Councilor Griffin said Madam Mayor, I move for passage of this ordinance on final reading, and the vote be by roll call. Motion was seconded by Councilor Satterly.

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

Ordinance No. 29-07 passed on second and final reading, 7-0.

Mayor Mills said thank you. That will allow us to pay the bills on time, doing both readings today.

Ordinance No. 30-07 (Amended) An Ordinance Requesting An Additional Appropriation (General Fund, Police Station Nonreverting Fund) (Prepared by the Clerk-Treasurer)

Councilor Griffin read Ordinance No. 30-07 (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 this is a request for money from the General Fund in the Clerk-Treasurer's account Personnel Insurance, \$21,700, and Dependent Insurance, \$86,400; Police Station Nonreverting Fund, \$90,000, and the grand total of the additional appropriation is \$198,100. This will pay for increased health insurance costs for this year, and continuation of rehabilitation work in the City Hall basement and fiber optic connection for our E-911 service. Are there questions or comments?

Councilor Hunt said I have a question.

Mayor Mills said Councilor Hunt.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Councilor Hunt said I wonder if Mr. [City Engineer] Buck would let us know about the redundancy of the Emergency 911 calls that this covers, please.

City Engineer Buck said yes, part of this work is going to complete a loop from the back of the Police Station and City Hall over here between the two buildings over to Salisbury Street and U.S. 52, where there's a fiber optic line that connects down to the jail, the Tippecanoe County Jail. That's where the E-911 area is served from. This will provide a loop, so that if one side of that system is broken by a contractor or work that's going on or for whatever reason becomes inoperable, then they can be fed the other direction, so the redundancy will provide for, hopefully, uninterrupted service for the E-911 and for fiber optic utilities that are fed off that line.

Councilor Hunt said thank you.

Mayor Mills said any other questions?

There was no further discussion.

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

Ordinance No. 30-07 (Amended) passed on first reading, 7-0.

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)

Councilor Griffin read Resolution No. 24-07 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, this is a resolution that asks for the transfer of funds, first in the General Fund from the Clerk-Treasurer in Contracts, \$1,100 to Furniture & Fixtures; in City Court, from Office Supplies, \$150 to Licenses, Permits & Fees; in City Hall from Gas, \$2,500 to Postage; in the Sanitation Department from Salaries – Part Time, \$4,300, Travel, \$2,000, and Insurance, \$12,000 to Salaries – Overtime, \$4,300, Personnel Insurance, \$3,000, and Gasoline, \$11,000. So a total transfer in the General Fund of \$22,050. In Local Road and Street, from Signs & Signals, \$3,000 to Street, Alley & Sewer Materials. And in the Economic Development Income Tax Fund, from Consulting, \$61,000, to Legal Services. Okay, you have a description of each of these on the appropriate pages, and there are department heads here if you have questions. Questions and comments? Any questions and comments about any of these transfers?

Reconsideration of Vote on Ordinance No. 24-07

Councilor McMullin said I think I may have made a mistake earlier. I do want to correct the record here. Chalk it up to a rookie mistake. The vote was 6-1 earlier on an ordinance [on Ordinance No. 24-07], and I believe this was the one I was talking about. So you'll have to forgive me. I must have misheard the number.

Clerk-Treasurer Rhodes said you pulled the resolution instead of the ordinance?

Councilor McMullin said yes.

Councilor Hunt said that happens.

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Councilor McMullin said I was wondering what was going on there. I apologize. I got a lot of weird looks.

Councilor O'Callaghan said wasn't it Ordinance No. 24-07 last month you had voted in favor of that?

Councilor McMullin said right. I just, you know it's getting late, and I— I'll admit my mistake.

Clerk-Treasurer Rhodes said are you requesting that the Council allow you to change your vote?

Councilor McMullin said yes, changing my vote, please, if that's okay with everyone.

Councilor Griffin said so move.

Councilor Truitt said second.

The vote to permit Councilor McMullin to change his vote to AYE on Ordinance No. 24-07 passed unanimously by voice vote.

Councilor O'Callaghan said it may not have been exactly Robert's Rules, but we can live with it, can't we, Judy [Clerk-Treasurer Rhodes].

Councilor Truitt said want to correct you statement? Now, you have seven people.

Councilor O'Callaghan said yes, I'll correct my statement. We had 7-0 on 81% of the budget.

Resolution No. 24-07 discussion:

Mayor Mills said someone requested, I think it was Councilor Truitt, requested the breakdown of the legal charges for code enforcement, and I put a handout on all your places today, so that you can see which cases, how many hours were billed, and what the cost was. So you have the total breakdown there of where the money has gone for code enforcement. Any other questions or comments? Councilor O'Callaghan.

Councilor O'Callaghan said thank you, Mayor. We had quite a discussion about this at the Pre-Council meeting, and I think it just is appropriate to recap that some. The discussion certainly was on this last item of transfer, the Department of Development, from Consulting to Legal Services, and that's the memo that you referred to is to this piece. And the thing that I just want to go on record on this record is to say how important that I personally believe it is to enforce the code that we have on the books, and that's what these legal services are for. When we have over-occupancy and building code violations, we have a deterioration of the housing stock, we have increase in trash and noise and traffic, number of cars parked. And we have an unleveling of the playing field for families to purchase homes. Because if a landlord can come in and put five people in and get rent from five people, they can purchase a home at a higher price than a single family can. And it is an economic development issue, because it goes right to the heart of people wanting to move to our City in our vital neighborhoods. At a Labor Day picnic, I met a family who was just coming here for Purdue, and the husband wanted to live close to campus, but the wife was leery, because she was afraid of beer bottles and noise and all sorts of things. But they fell in love with a house on North Chauncey Street, and that does have a lot of owner-occupied homes on North Chauncey Street. There four homes were sold to families on North Chauncey. So I'm not sure about the housing slump here in West Lafayette.

But four homes did go to owner-occupied homes, and it makes all the difference. And so I think it is really important to enforce the code that we have, and it's not just the New Chauncey Neighborhood. There are people here from all neighborhoods that really believe strongly that it is important to enforce the code that we have on the books.

Mayor Mills said thank you for those comments. I will add that, you know, we have one of the, I think oldest code programs of any university community, certainly in the Big Ten. We have other communities who come to visit us and sit down with our staff, to talk about the program, because it's recognized as working very well. There are typical years where we spend very little money in legal fees to enforce the code. But, when we do have instances where money is required to make sure we uphold the laws that we have instituted—those years do occur. This is one of those years. We've spent more money than we'd like, but, again, it's a quality of life issue, it's a life and safety issue, and we can't have ordinances on our books that are not enforced. So it truly is a very important program, and we're lucky that, you know, 30 years ago—whatever it's been now—there were many neighborhoods that came to the City and requested a program for code enforcement, because the quality of housing was such that they feared for renters in our town. So we're very lucky that we have such a great program. Councilor Griffin.

Councilor Griffin said this is very, very important down in my district, but it's, in a way, I think that each one of the Councilors, even as we move north of the Bypass, I think that all of the Councilors know that we do have—the livelihood of our community, in part, is the high, the turnover that we have, the transient neighbors that we have. But, at the same time, some people do not wish to follow the laws that are set forth for our safety and our health and for quality of life. I think that this is a whole City issue, it's not just a New Chauncey issue. Oftentimes the question comes up amongst those on this side of the dais, you know, the question of, "Well, how are we going to enforce this, and if we aren't going to enforce this? And if we aren't going to enforce the laws that we have, then we shouldn't have the laws." And I think that this is a year that unfortunately we've had to spend more in enforcing it. Hopefully, we will not have this same kind of year next year, but this is money that we need to follow through on, because these cases need to be taken all the way to case closure, so that case law that we don't want to have set is obviated.

Mayor Mills said Councilor McMullin.

Councilor McMullin said I just have one or two issues for clarification for the record. Number one, I was wondering what is our exact procedure for enforcing code violations, because before I vote on this, I want to be clear on what I'm voting on. And two, there was some discussion of separating out a portion of that resolution, and I was wondering what the situation was on that. Do we have one?

Mayor Mills said Mr. [City Attorney] Bauman provided me today with a little bit of background on the division of a question from Robert's Rules of Order. I think he can probably relate that to you better than I can, so I'm going to let him do that. I'm not the attorney.

City Attorney Bauman said the division of a question depends on whether it is a motion which can be divided and they indicate the test for that in here, which is that—

Clerk-Treasurer Rhodes said "several parts, each of which are capable of standing as a complete proposition, if the others are removed."

City Attorney Bauman said and the division must not require the secretary, in this case, the

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Clerk-Treasurer, to do more than “mechanically separate the resolution into the required parts, renumber phrases or clauses, preface each part with the formal words, ‘that’ ‘resolved that,’ or ‘ordered that,’ drop conjunctions where necessary and replace pronouns with the nouns for which they stand, as required.” So that is the test is for whether the matter is subject to division.

Clerk-Treasurer Rhodes said may I make one comment?

Mayor Mills said certainly.

Clerk-Treasurer Rhodes said having examined that provision, I would recommend that, if one wanted to have a separate vote on this section, that the amendment be to strike or amend this section and conduct the vote therein, if possible.

Councilor Griffin said to strike or amend the section?

Clerk-Treasurer Rhodes said to strike or amend the section, if one wants a particular vote up and down on this part of the resolution, as an alternative.

Councilor Griffin said what motion is needed to separate out the vote on Economic Development Income Tax Fund?

Councilor Satterly said they’re assuming that’s the part that they want to separate.

Councilor Griffin said I’m asking, what is the wording of the motion that is needed? I think that there is consensus. I think that there’s significant interest amongst the Councilors to separate this out. Or there was on Thursday night. Does there remain significant interest to separate this out, Councilors?

Councilor Keen said I believe there does.

Councilor Griffin said okay.

Clerk-Treasurer Rhodes said well, the wording might be, “I move to divide the resolution into two parts as follows.” Would you concur, Mr. [City Attorney] Bauman? Or, “I move to divide the resolution so as to consider separately the question of [blank] and [blank].”

Councilor Griffin said so I move to separate the Economic Development Income Tax Fund, such that we can consider Resolution No. 24-07, first without that section and then a second consideration that is only that section.

Councilor Keen said second.

The motion to separate the Economic Development Income Tax transfer from the remaining transfer in the resolution passed unanimously by voice vote.

Mayor Mills said all right, we will consider them separately. Is there discussion on everything but the Economic Development Income Tax transfer? Does anybody have any further questions or comments on everything but that?

There was no further discussion.

Mayor Mills said are you ready for the question on that first part?

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Councilor Truitt said yes.

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

The portion of Resolution No. 24-07 excluding the transfer of Economic Development Income Tax Fund passed on first and only reading, 7-0.

Mayor Mills said now we will address the remainder of the transfer in EDIT of \$61,000 from Consulting to Legal. I will ask for comments.

Councilor McMullin said could we just address my first question about the procedure?

Mayor Mills said absolutely, sorry. Mr. [Assistant Director of Development] Grady, can you come and give us a brief overview of the code enforcement program.

Assistant Director of Development Grady said thank you, Madam. I suppose you're wanting to know specifically about legal action and how legal action's initiated?

Councilor McMullin said yes.

Assistant Director of Development Grady said legal action can be taken at many times, because not every case, not every property is the same. The ordinance does require certain documentation to be filed at certain times, and certain responses to be made. If a person chooses not to respond in a timely fashion or in that way, then that can proceed to legal action, if there's no other means of recourse. Obviously, the inspection yields, if there are code violations and if there is noncompliance with those code violations, it can result in legal action being pursued to enforce the code. Two other means that have come about obviously has always been an over-occupancy case. Since the mid-'80s, the policy has been, if a case has been found or property has been found over-occupied, then it goes to legal action. And that's the enforcement procedure or policy that we have chosen to pursue, because previous type of issuing violation notices or trying to get it into compliance yielded not a very effective means of enforcing the code in those situations. So since the mid-'80s, in a case where it involves over-occupancy, we do pursue legal action immediately. Another instance which has come about basically after the ordinance in 2001 was that, you know, it is more restrictive, as far as what is and is not a rental. There have been a number of cases—actually the last year into this year, just resolved this year—on people saying it was not in use as a rental, and we had deemed and determined it to be otherwise. So in those cases, legal action is also pursued, because it's in direct conflict with the ordinance itself.

Councilor McMullin said okay. Thank you.

Councilor Griffin said so the public says to the City, "You know, I think there's something wrong at that house." Either the grass is too tall or whatever, there's some sort of concern over the code. So there's first—what?—a face-to-face with the involved parties and a City representative?

Assistant Director of Development Grady said well, it depends on, you know, what type of violation. If you're talking about nuisance violations, usually that's a different procedure in itself. Rental housing, as a requirement to being inspected and certified, goes through either an initial type of contact where they need to apply for their rental certificate or a renewal of that certificate after one, two, or four years, depending on the usage and if it was previously certified as a

rental. So that's a different type of situation than pursuing legal action on any property in town that fails to mow their yard or something like that. That's a drastic-type thing when you think about it, but it has happened in the past. But it's usually other property conditions there that has caused legal action to be pursued.

Councilor Griffin said but in general, there are multiple attempts, certainly at least a couple of attempts to seek friendly remedy of these things before legal action is even considered?

Assistant Director of Development Grady said well, in the situation of over-occupancy, some people would say that that's a rather harsh type action to take, when you pursue legal action after you determine the property's being over-occupied. However, in that situation we usually depend on an investigation and at least we request an update of that affidavit, as required by the ordinance, as a first indicator that there might be a questioning of who's living here and what's going on at that property.

Councilor Griffin said and that investigation allows interface with the landlord, with the occupants, and so forth? Attempts at that?

Assistant Director of Development Grady said if you are asking if we ask the landlord what the situation is, as far as that, we only request an updated affidavit. If it comes back and if we deem the property to be over-occupied, then we pursue legal action.

Councilor Griffin said okay.

Councilor McMullin said so, okay, maybe before it again slips my mind here. The overcrowding is different from the rest of it, because there was some confusion at the last Council meeting. I want this clarified. They don't receive a knock on the door, so to say, before legal action is—

Assistant Director of Development Grady said we don't knock on the door *per se*. We use the occupancy affidavit as a notice that something is—we're questioning at that property.

Councilor McMullin said okay. Thank you.

Councilor Hunt said but, excuse me, is that the first contact with this owner, the request for occupancy affidavit, or are there others, the inspectors talk?

Assistant Director of Development Grady said well, do you mean do we go to the door and say, "Are you over-occupied?" to the landlord?

Councilor Hunt said no, but go in, looking and checking and talking—

Assistant Director of Development Grady said we investigate the property and determine if it's over-occupied or not. If we can't have proof enough to feel confident to pursue legal action, then we will continue to investigate it, to try to build a case. If we determine that it's over-occupied at any time, and based on how that affidavit comes back and what information comes back with that affidavit or how that response is on that affidavit determines how we proceed with legal action or not.

Councilor Hunt said okay.

Mayor Mills said and, Buz [Assistant Director of Development Grady], can you the example. I think from talking last week, if you ask for the affidavit and it comes back—how do I say this?—if

it comes back that it looks like it's over-occupied, and the landlord has done their due diligence with the occupancy affidavit, then you're not interesting in pursuing legal against him. Then you're interested in addressing it with the tenants.

Assistant Director of Development Grady said that's correct.

Mayor Mills said so it depends on each situation.

Assistant Director of Development Grady said in those situations, it's the same.

Councilor O'Callaghan said that it is a defense of the violation that the landlord did their due diligence.

Assistant Director of Development Grady said right.

Councilor O'Callaghan said thank you.

Councilor Truitt said and, Buz [Assistant Director of Development Grady] on these cases in question here that are driving these fees, have we—in your opinion—done everything that we can as a City to resolve the matter, rather than through the legal?

Assistant Director of Development Grady said personally, I don't like this part. It's very hard. It's very hard knowing— But I do approach every case that has a potential to end up in court. Simplest cases. That's why I ride my inspectors a lot, to document and do everything by the book and follow procedures. From that, you know, if it comes back where it is that we feel it's over-occupied, we do look at it and go through all the information before we ever refer it over to the Legal Department for it to pursue that action.

Councilor Truitt said but when you get that information, you do make contact with the landlord, though and have a dynamic conversation with the individual in regard to the issue before you the legal route, right?

Assistant Director of Development Grady said no, not when it's over-occupancy. Because, I'll tell you quite truthfully, back in the '70s clear through the '80s, the way we enforced it by issuing violation notices, it was not effective. And I'm saying that because it's just— Occupancy itself is very hard to prove to begin with. It's not very hard to cover up and to let it just continue. And I'm saying that because, personally, we've gone to inspections early, set there and watch people move beds around, you know, remove items to cover the occupancy up, then go back into it and say, "Yes, it's not over-occupied," but we know good and well as soon as we walk off the property, it's going to go right back to the occupancy situation. And I know people will say, "That's a very harsh thing to do, to initiate legal action. But we've determined that that was the only way to ensure occupancy, and that's why those cases aren't very—I mean, for any given time, the number of occupancy cases we have out there, there's probably another 10% that is over-occupied that we don't prove. And that's hard, but we continue to work on those cases, you know, year 'round.

Councilor Truitt said have we been consistent in regard to the cases at question in regard to past dealings? Do you feel—?

Assistant Director of Development Grady said I feel very consistent in what I do. And I do sit there, when they come in, and, like I said, no matter who it is, if it comes back and if it falls within the parameters of how that occupancy affidavit comes back and what we've collected,

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

and in the majority of the cases, we've proven the over-occupancy. We know it is. And it is obvious to us as inspectors who don't have any control over that property. But we have, you know, investigated and determined that it's over-occupied, and that's when we pursue it.

Mayor Mills said let me just add one comment. You know, it's a different process than a nuisance violation, where we approach the tenant or the owner and say, you know, "You have a problem, you need to take care of it." This is a violation of City Code that's already occurring. I mean, someone is knowingly breaking the law and over-occupying the property. So it's not a small matter like a nuisance violation, where they're not, you know, mowing their grass and you get them to comply and take care of the issue.

Councilor Truitt said I think the important thing for me on this one, Buz [Assistant Director of Development Grady] is that it's important that you're consistent in regard to what you do, and you've said that you are. I wish that it was more consultative in regard to the conversations with the landlord.

Assistant Director of Development Grady said I understand.

Councilor Truitt said that's my personal—because I think we would save a lot of money and a lot of Bob's [City Attorney Bauman's] time in regard to these types of situations, if we employed something like that, but I understand there's other things behind that thought process. But the bigger item for me, and I don't know if this is the time to talk about it, is where the money is coming from for me, out of EDIT, and the opportunity cost of using that \$61,000 and what we're going to lose in economic development. And I'm all in favor of code enforcement. I mean, we have the highest number of single-family conversions that we've ever had. So, I mean, it's a growing problem. It's everywhere. So I'm all in favor, and part of my profession is enforcing these types of things, so I'm all in favor and in full support. I just want to make sure that how we're doing it is appropriate, and where we're pulling the money from, if it's a temporary situation here that we're going to pull from EDIT in order to do this, even though it can be used for any municipal expense, I would feel more comfortable if it was more of a temporary use of those funds and we don't change our whole policy in this respect—

Mayor Mills said I can address that very simply.

Councilor Truitt said great.

Mayor Mills said no intention to change the policy, but we have money in EDIT Consulting that has not been expended—

Councilor Truitt said okay.

Mayor Mills said rather than appropriating additional money from the General Fund to pay the legal bill, we are using it out of EDIT this time. Simple. It's just that simple. Rather than appropriating other property tax money, we're going to use EDIT Consulting money that won't be expended for—

Councilor Truitt said for this one time.

Mayor Mills said for this. And we are short in it this year, because of the big cases.

Councilor Truitt said right.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Mayor Mills said the Development Department could have come instead and asked for an additional appropriation out of the property tax funds. But, again, we're trying to protect those property tax funds. We have consulting money that won't be expended by the end of the year, so we're taking it out of there. I think of it as a smarter use of our dollars.

Councilor Truitt said but it can be classified as—this is a one-time situation here, in regard to these funds? Knowing that other things are going to come up, we'll have the same dynamic conversation.

Mayor Mills said we're not going to change our policy.

Councilor Truitt said fantastic. Thank you.

Mayor Mills said Councilor O'Callaghan.

Councilor O'Callaghan said thank you. And I guess I just want to reiterate while Buz [Assistant Director of Development Grady] is there that the Department of Development refers cases for legal action. It's not the Legal Department deciding which cases to prosecute or anything like that.

Assistant Director of Development Grady said no. They don't know anything until we've done preliminary investigation. We may discuss things along the way, what we're finding and how best to proceed, what information they need. I mean, we do consult with Legal all the time on that kind of stuff, because that's the end result. But if we start questioning this type of activity, it comes from our department. We initiate the action.

Mayor Mills said I'm going to make one additional comment. I think if you look at the going rate in our County for attorney's fees, you'll find that \$120 an hour for legal bill for code enforcement is extremely low. So we get very good service for very low cost on this very important program that the City has. And I doubt that any other attorney in the City would charge us that small amount of money. Councilor McMullin.

Councilor McMullin said this is a tough issue for me, because maybe it's my basketball official coming out, but I believe in preventative management in situations. So, I mean, for example, going back to what Dr. [Councilor] Griffin was talking about earlier with the fireworks, we talk about, you know, horrendous eye injuries. I wonder how many injuries we could save, so to say, if we gave that knock on the door before—and how much money would we save if we gave that knock on the door before taking legal action? That's my conundrum.

Mayor Mills said Councilor Griffin.

Councilor Griffin said but, my understanding is that, if the landlord, when he or she is requested to complete an affidavit—that's how it works; am I correct?

Councilor Hunt said no, submit.

Assistant Director of Development Grady said yes.

Councilor Griffin said submit, okay, and the landlord says, "Hoh! Wait a minute. This is over-occupied. I didn't know that. And you can, by golly, bet it's going to get fixed." Does the landlord get taken to court?

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Assistant Director of Development Grady said no. Not in that situation, no.

Councilor Griffin said the landlord does not?

Assistant Director of Development Grady said not if they respond and do their due diligence.

Councilor Griffin said so if the landlord responds appropriately, says, "This was a matter that was not of my knowledge and I'm fixing it," the landlord does not get affected here?

Assistant Director of Development Grady said one thing to keep in mind, when we do occupancy, when we work with landlords, the occupancy limitations are reiterated over and over and over again. They're disclaimed, you know, from any information we provide to them, you know, brochures we provide to them. Every letter that goes out almost has occupancy limitations stated in there. And when we discuss it, when people come into town and buy property, we tell them, we tell them up front what that legal occupancy is and what the expectations are and what the consequences are for not complying with that. So we do reiterate that and disclaim that, an enormous amount in the course of doing business. It's on the website. There's quite a bit in there about information on occupancy.

Councilor Hunt said may I? I have a question, too. It's my understanding that the occupancy affidavit is already complete and you just ask for it. I mean, they should have that. Is that correct?

City Attorney Bauman said no.

Councilor Hunt said no, okay.

Assistant Director of Development Grady said not necessarily. They should update it.

Councilor Hunt said I mean, I thought it was updated. Okay.

Mayor Mills said thank you, Buz [Assistant Director of Development Grady]. I'd like to give an opportunity to people, citizens to comment, questions on this please.

Councilor Keen said Madam Mayor, could I make one comment before we do?

Mayor Mills said Councilor Keen.

Councilor Keen said I've been sitting here listening to this whole conversation, and let me just start off by saying I absolutely agree that we need to enforce codes, we need to enforce over-occupancy, we need to do all these things that have been said here. And I don't disagree with that at all. This whole thing came about at Pre-Council because I had requested that these two things be separated, because of my desire to have our legal services provided to the City reevaluated, mostly from a cost perspective and what it costs us to have these services provided. It has nothing to do with the code enforcement or anything like that. It all boils down to the legal services provided to the City and what it costs us. And that's what my vote will reflect tonight.

Mayor Mills said okay. Comments from the public?

Mr. Edward Bowden [810 North Grant] said I also agree with everyone who stated interest in enforcing the ordinance. Let me just give a little bit of background to people who don't know

me. Ever since I came to Purdue, and after I bought my home in West Lafayette, I've taken efforts to be a valuable part of this community. I've kept my rental certificate current, honored the housing ordinance, complied with all inspections. I have taken good care of my home and yard, inasmuch as my financial capability will allow. I have recycled probably more than anyone in the City, and what little trash I do have goes out only on the days it's scheduled to be picked up. I never have been accused of noise disturbances, wild parties, trash issues, unsafe conditions, or any of these problems that people associate with ordinance enforcement. If any neighbor has a problem with me, I encourage him or her to approach me about it, just call me or knock on my door. I would be happy to address it. I take the same approach with local government. I always have been cooperative with Mr. [Assistant Director of Development] Grady and the Department of Development, and have fulfilled all the requirements made of me, both before he surprisingly sued me and after, and up to the current minute. Since I spoke at the August 20 public hearing, I got in touch with several other victims. I asked them all the same questions. Only one person said she did get a letter. They all said, other than her, they did not get a letter, they did not get a phone call, or any kind of notification. That they were served with a lawsuit from the Sheriff, and that's how they were notified of allegations against them. While Mr. [City Attorney] Bauman's law firm is squandering the City's resources, attacking me and other compliant people, needed attention and funds are being distracted from legitimate housing concerns in West Lafayette. Attorneys—I'm generalizing, but they—thrive on fighting, because that's what gets them money. And the taxpayers are the ultimate losers. The more residents Mr. [City Attorney] Bauman sues, the more money he gets. He's very wealthy already. Suing cooperative people isn't solving problems. In fact, it's counterproductive. It doesn't quiet loud parties, it doesn't keep drunken football game goers from going down the alley and throwing trash in my yard. It doesn't keep neighborhoods safe. It doesn't protect the beauty of our neighborhoods. Suing people who have been cooperative with you and would like to be cooperative, if given a chance and approached, actually creates stress, anger, and resentment, and overall, does damage to our community. If you care about keeping our neighborhoods good and valued places to live and not hurting people, causing physical and emotional stress, and keeping people from doing what they're meant to do—being productive members of society, and instead having to address being sued by the very community which they have hoped would protect them, then you're just doing damage. I encourage people to work together, encourage communication between Mr. [Assistant Director of Development] Grady's staff and renters and landlords, resolve things without suing, cut the budget for legal spending, keep this a good, harmonious place to live. I'll be glad to answer any questions.

Mayor Mills said thank you. Other comments, please?

Mr. Jack Gandour [108 Pawnee Drive] said I've come here tonight to express my support for the transfer of funds to Legal Services. I think it's very important. There are two overriding issues that I see, with respect to this request, and that is the preservation of neighborhoods and safety. And I do not live in North Chauncey, I live up near the old K-Mart. But I believe that the codes are already on the books, and that we should enforce the codes that we have. My daily commute traverses—I go Indian Trail, Lindberg, Northwestern, or I go Indian Trail, Salisbury, Grant. And I'm not about—I don't think this is the venue to site specific street addresses, I'll refrain from doing that. But I do believe, and I'm no expert in this area, that over-occupancy leads to deterioration of the housing stock in our City, and that over-occupancy leads to increased cars, traffic, trash, and noise, based on my personal experience. And that over-occupancy also leads to less owner-occupied homes. And those are the people that we want to form the bulwark of this City for the long term. And then, when it comes to safety, I think in the interests of students and renters, it's very important that we ensure that the building codes are being enforced to provide safe housing for the Purdue community. Thank you for your attention.

Mayor Mills said thank you.

Mr. Ted Wachs [505 Evergreen] said I do live in New Chauncey. My wife and I live there, and so we sort of know whereof we speak. I'm sorry that the first speaker felt victimized. We also feel victimized, in the sense that we watch our property values go down, because of deteriorating houses, because of trash, and it only takes one or two bad houses in a block, no matter how much we try, our value's going down basically. So, in a sense, we feel victimized as well. The cost of legal fees, I honestly feel the cost to the City is not so much the legal fees, it's the impression that people get when neighborhoods adjacent to what is arguably our largest employer, Purdue University, look trashy, look deteriorating. It does not send a good message. The legal fees may be temporary, but the impression that West Lafayette doesn't really care enough to keep up its neighborhoods is not a good message and one we want to send out, basically. And so I would hope that the City Council would basically support this ordinance, because I don't think that telling people who don't want to comply, "I want to talk to you" is going to make them comply. We talk to our neighbors, and the ones who are complying will; the other ones, well, they'll throw a beer can over, who cares, basically. I think after a certain point, you need to get people's attention. And sometimes it has to be legal action, basically. So we're very much in support of this ordinance. Thank you.

Mayor Mills said thank you.

Mr. David Bridges [1612 North River Road] said let's see, Mr. [City Attorney] Bauman, it's about a year, isn't it, since I stood up here and analyzed the bloated expenses that's bleeding the City white. And now we're faced with a situation where, I appreciate the Mayor not wanting to take your fees out of property taxes, but she has no compunction about taking them out of income taxes. That's EDIT.

Mayor Mills said absolutely.

Mr. Bridges said isn't it?

Mayor Mills said it certainly is.

Mr. Bridges said so what's the difference? You're taking his legal fees out of our taxes. That's point number one. He may be cheap by the hour, but let's look at the number of hours he charges the City, not cheap at all. These two cases—I know nothing about this gentleman's—but I did look in the paper the other day, and a name popped out of the print at me, and that name was Weida. Now the City's had it's little battles with the Weidas before, who have been owning property here for 30 years, something like that. Any reason why you picked on them, as opposed to perhaps others? I don't know. But one wonders. Think about it, and what it looks like.

Councilor O'Callaghan said again, Mr. [City Attorney] Bauman does not pick any cases.

Mr. Greg Small [1870 North 400 East, Lafayette] said I am a realtor that promotes and sells houses in West Lafayette and I have for the past 30 years. I bring people to your community, and I support every one of your ordinances as far as occupancy, and congratulate Allen [Assistant Director of Development Grady] on his 30 years, and I've been here for every one of them. I'm here because Mr. Bowden asked me to come, and I will share an experience with you which I think that Allen [Assistant Director of Development Grady] did do his job. But I'm not happy about it. I had some real smart tenants at 2004 Indian Trail who consulted their attorney, who told them that something could take place. And it constituted over-occupancy, basically. I

was never notified of it. My tenants didn't tell me. I check on my tenants regularly. And this all happened in like four days, maybe five days from the beginning to the end. And Mr. [Assistant Director of Development] Grady did his job, he interviewed the tenants and they said basically they were wrong, and that was it, as I understand it. I've got all my notes here. I don't want to bore you with them, but what happened was then the Sheriff drives up in my driveway. Because I've been here since I was born. I was born in St. E. Hospital, raised here. I've been here longer than a lot of you people have been here. Not a West Lafayette resident, but I've got Red Devils in my bloodstream. So I got my subpoena, the Sheriff delivered it to me. I called my tenants, "What's going on?" "Oh, we've been talking with, you know, the housing authority, and we've got it under control. You and the owner will not be involved in this, because it's all our fault; you're not at fault." I said, "Well, how come I got subpoenaed? The Sheriff delivered a subpoena to me." I've got the contacts, so I contact Allen [Assistant Director of Development Grady] and he tells me, "Yes, it didn't sound like you're involved in this, but we've got to do this anyway." And, again, he's following his procedures; he's right. He didn't treat me any different, but I didn't like it. And that's the reason I'm up here tonight, because I think he could have saved a couple bucks. I believe I'm in compliance. He tells me to jump, I'll jump, and I think he'll confirm that. But he never asked me to jump this time. My phone's been in the phone book for the past 35 years. I apologize for my phone ringing out here; it's forwarded right there. You know, you can get me any time. But I didn't get that kind of service, and I felt belittled. I didn't feel like I was one of these absentee owners that comes in here and trashes our community. I'm here, I'm proud of my name, and I support the community and every one of the ordinances here. I'd at least like a phone call. Let me straighten up my house. And I believe on that accord, I could have saved the City a couple bucks. That's it.

Mayor Mills said thank you. Anyone else?

Mr. Dean Knudsen [1805 Sheridan Road] said I live in the neighborhood called Northwestern Heights for nearly 40 years. In fact, I live right across the street from the house that was burned recently. I have nothing to do with that; we were out of town. It was a rental, but the rental people were better caretakers of the property than the owner. My concern about over-occupancy and tenants is more about the quality of the neighborhood that is affected by this. We have now approximately 30 houses that are rentals in our area, many of them occupied by students, some occupied by others. I would say the majority of students are very good tenants. They keep the property well, they mow the lawn, we have some who come back during the summer and make sure that everything is taken care of, even though the house is vacant. What we do miss by those kinds of situations, however, is a lack of involvement in the quality of the neighborhood. Neighbors, in our neighborhood at least, being a neighbor means that you take care of those around you, and I would simply like to point out something that happened. The Neighborhood Association, following the fire, decided to assist the people who had been burned out. In a period of four days, that neighborhood raised \$2,500, which was contributed to them. I don't know if a student contributed a penny; they may have, I don't know. But it's that characteristic about the neighborhoods that having temporary renters who legitimately do not have the kind of investment in the neighborhood that those of us who have lived there for 40 years do have, and were I a student, I, too, would not have that investment in the community. But it's that kind of characteristic of a neighborhood that makes me want to support the continued enforcement of this ordinance. Thank you.

Mayor Mills said thank you.

Ms. Persis Newman [1100 Hillcrest Road] said I support the transfer of money to the legal fund. Having worked in compliance issues, not only housing but environmental in this community for 30 years, I find that the only way, the final way, to bring about compliance in some cases is

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

through legal means. There are many laws on the books that sound good, but unless you or the organization or the City or some group is prepared to take things to court, they don't get solved. So I am in favor of this transfer of funds. Thank you.

Mayor Mills said thank you. Anyone else?

Mr. Bowden said all those people who spoke in favor of the transfer of funds, I sympathize with your values. And I agree with them. But I don't agree with the tactic of suing people as an effective way, when they haven't first been given an opportunity to resolve the allegations before they're sued. This just isn't effective. Believe me, I have the experience personally. It has affected my life for almost a year now, and I've talked with other people who are personally affected. You don't want taxpayer money, wherever it comes from, to cause people to be in situations where their parents have to pray for them or light a candle at church, or have suffering health conditions, hoping that they're going to pull through. This is not the way to do it. Mr. Cunningham [Nuisance and Housing Inspector Department of Development] is effective, I think. He drives around the neighborhood. It's low-cost. He's friendly. He approaches you. He knocks on your door. He's asked me to pick up the trash that was alongside the alley of my house. That's not trash that I put there. People going down the alley put it there, but I pick it up. You know, that kind of thing is effective. Now, let me talk about the Weida case—

Mayor Mills said Mr. Bowden, will you just kind of wrap up, since you've already spoken.

Mr. Bowden said yes, okay. These are big issues. The Weida case, they were not informed. It's like they were just sued without notice, and there's so much force against them, you know, not just Bauman's office, but you brought in Ice Miller from Indianapolis, you know, a huge law firm, charging \$300-something an hour, and, you know, you've got a deposition going on for a few hours, and there's a few thousand dollars gone right there. That doesn't help our neighborhoods. And this is what you want to transfer funds to pay for?

Mayor Mills said thank you, Mr. Bowden.

Mr. Joe Krause [2202 Trace 22, Camelback] said I used to live in the New Chauncey Neighborhood, and I still belong to the organization because I believe it deserves all the support it can get. I also agree with all the other neighborhood organizations which have formed over the years to protect this community. I want to remind the Council members that 30 years ago there was a Councilor by the name of Katie Hunter, a Republican, Jim Garland, Republican. They went door-to-door, they found out what was going on by going door-to-door in the City of West Lafayette, and they saw the poor conditions, unsafe conditions for students. That was the beginning of the housing inspection law. These people, these Councilors—both at large, by the way—represented their constituencies. This is the same thing that you have here. You have responsibilities. I think you know what your responsibilities are. What are your responsibilities to the entire constituency of West Lafayette? Is it, in fact, the safety of students? Sometimes, even if they put themselves in positions of danger. Is it the possibility of unscrupulous landowners? Is it the possibility of neighborhoods? Many of you now know that the problem is spreading throughout the entire City, with regard to over-occupancy. When we sold our house at 221 Connolly Street, we made a very deliberate effort to make sure it remained among single-occupancy owners, an owner who would live there and take care of it. We thought we owed that to our neighbors. I think you owe that to your constituents, as well, every one of you, no matter where you live, that we take care of our community, that we support. We're not talking about [City Attorney] Bauman, he's our attorney. It's not Bauman, it's the City Attorney. It's not them against us, it's us trying to protect this community. Those of us who live here know very well what's at stake here. I just ask you to vote that way.

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Mayor Mills said thank you, Mr. Krause. All right, anyone else to comment before we vote? Any comment from the Council? Councilor O'Callaghan.

Mr. Bridges said I have one more comment I'd like to make, if I may.

Mayor Mills said quickly, please.

Mr. Bridges said I agree with everything that's been said about preservation of neighborhoods. We had a little bit of a surprise the other day. The Catherwood area, as you know, is being developed. There are, at the moment, four houses there. We happened to discover that one of those new houses is a kiddie condo. And that's a new one. We're not talking about a dilapidated neighborhood, and we've got 60% of our houses in West Lafayette, as I understand it, rental properties. And even new ones like that, and I don't know what it went for—\$280,000 maybe, something like that. It's a kiddie condo. So we've got problems, but I just question the way we are dealing with them, the expensive way that we're dealing with them. And that's really the issue at stake here.

Mayor Mills said thank you. Councilor O'Callaghan.

Councilor O'Callaghan said thanks, Mayor. I was just going to say that when I went door-to-door with the Meet and Greet, I met a student who complained about his previous house on Dodge and said, "How can the City enforce the code?" So it's not just over-occupancy. I mean, it was health and safety that he was concerned about, and it's important that we have safe, warm, appropriate housing for people.

Mayor Mills said good.

Councilor Truitt said I call the question.

Councilor Griffin said I agree.

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	
Satterly	
Truitt	

The portion of Resolution No. 24-07 as divided, including the transfer of Economic Development Income Tax Fund passed on first and only reading, 5-2.

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)

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Councilor Griffin read Resolution No. 25-07 by title and moved that it be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Satterly.

Mayor Mills said thank you. This is a resolution to enlarge our Certified Tech Park, which was the number one, the first certified tech park in Indiana. There is a map on the back. You heard, from the discussion last week, that this will take in the MED Institute area into the Park, and it is a matter of—what's the word I'm searching for?—

Clerk-Treasurer Rhodes said status, recognition.

Mayor Mills said status, recognition—thank you very much—for MED Institute to be able to say they are part of the Certified Tech Park, because it does bestow status across our State for the great development that's occurring there. Thank you, Judy [Clerk-Treasurer Rhodes]. Any questions or comments?

Councilor Griffin said so MED Institute was in the Park and now has grown and has moved—

Mayor Mills said across the street, yes.

Councilor Griffin said across the street—

City Attorney Bauman said and they want to remain—

Mayor Mills said in the Park.

City Attorney Bauman said in the Certified Tech Park.

Councilor Griffin said and were certainly instrumental in its becoming a Certified Technology Park.

City Attorney Bauman said yes. And a terrific success story there. Their move is allowing them to essentially double their employees.

Mayor Mills said Councilor O'Callaghan.

Councilor O'Callaghan said and the other thing it does is allow the annexed area, the Purdue Research Park Phase III to be included in the Certified Technology Park, as well.

Mayor Mills said right. Any questions? Any other comments?

There was no further discussion.

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

Resolution No. 25-07 passed on first and only reading, 7-0.

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

Councilor Griffin read Resolution No. 26-07 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.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Mayor Mills said this is a resolution to allow the Police Department to increase the amount of cash change that they handle from \$100.00 to \$200.00, in order to make change in the course of accepting payments for licenses, permits, and fees. We have moved our neighborhood parking permit process from Engineering to the Police Department, so they need a little bit extra cash on hand to accept those fees for the neighborhood parking permit. Any questions? Any comments?

There was no further discussion.

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

Resolution No. 26-07 passed on first and only reading, 7-0.

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

Councilor Griffin read Resolution No. 27-07 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 this is a resolution to reduce the budget, Police Department Salaries – Full Time, \$62,100, and 1977 Pensions, \$46,000, for a total of \$108,100. Questions? Comments?

There was no further discussion.

Mayor Mills said will you call the roll, please.

Resolution No. 27-07 passed on first and only reading, 7-0.

CITIZEN COMMENTS:

► Mr. Don Nead [Westminster Village] said I've been in on several discussions lately about the number of special grants that have been secured to support projects in the City of West Lafayette. And I would be interested in somebody compiling a list of those grants and making them available to us in the public media some way.

Mayor Mills said okay, we can certainly do that.

Mr. Nead said okay. Thank you.

Mayor Mills said we are successful.

Councilor Truitt said Madam Mayor, you had a relatively large one you put together in the last budget cycle, I think. That might be a good starting point.

Mayor Mills said yes. We have done a good job at that.

► Mr. Sam Haynes [703 Avondale] said have you located or how are you doing on finding a place for the new fire station?

Mayor Mills said Mr. [City Engineer] Buck and [Fire] Chief Drew are putting together the final report, which we will—we are sitting down, actually I think, tomorrow to talk about it, and we will present that as a public document that will be available, and we will present it to the Council. So we are ready to move forward with a final location.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 10, 2007, CONTINUED

Mr. Haynes said there was something brought up a while ago that interested me. It said Wastewater had \$1 million in surplus?

Mayor Mills said Mr. [Public Works Director] Downey can address that better than I can, Mr. Haynes.

Mr. Haynes said do you have a surplus in Wastewater?

Councilor O'Callaghan said well, it's not a surplus, it's a balance.

Public Works Director Downey said it's not a surplus.

Mr. Haynes said are you transferring some?

Public Works Director Downey said the City borrows from the Wastewater all the time. Interest-free, by the way.

Mr. Haynes said good.

Public Works Director Downey said but this is all money that's earmarked, either for repairs or for construction projects that are not finished yet, like Barberry Heights is not finished yet, Green Meadows is not finished yet, and, of course, other things.

Mayor Mills said Western Interceptor.

Mr. Haynes said so you transferred it to the City.

Public Works Director Downey said to the City to use for a brief period of time, interest free, and then they'll give it back to us.

Mr. Haynes said well, I'm wondering how, because you're going to be needing a lot of money here to do the things you've got in mind.

Public Works Director Downey said I'm assured that Ms. [Clerk-Treasurer] Rhodes will get it back to me in time.

Mr. Haynes said oh, Mrs. [Clerk-Treasurer] Rhodes is going to—personally?

Mayor Mills said when we get our property tax draw, then the money will be transferred back to—

Mr. Haynes said that's all I've got. 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 10:45 p.m.

Respectfully submitted,

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