

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
OCTOBER 30, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Lower Level Conference Room at City Hall on October 30, 2008, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Hunt, Keen, Roales, Thomas, and Truitt. Councilor Thomas arrived at 4:42 p.m.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

REVIEW OF AGENDA

Committee Standing Reports

Councilor Hunt said Fire Chief Drew, you usually remind us that you're supposed to change your batteries when you change your clocks

Fire Chief Drew said yes, change your clock, change your battery.

Councilor Hunt said can we make sure that gets announced. Gerry [Councilor Keen], I don't know—I think that's really important. Please. It's important. Thank you very much.

Councilor Keen said [to Fire Chief Drew] I'm assuming that was already in your report?

Fire Chief Drew said yes.

Council Representatives to the West Lafayette Traffic Commission

Councilor Hunt said can we present our résumés?

Mayor Dennis said sure.

Councilor Hunt said I don't know if you want to start with [District] One. Paul [Councilor Roales], do you want to start with yours?

Councilor Roales said sure. I don't have a copy of her résumé, but I can send that to you. It's Maria Riggs. She's currently the Chief Justice for the Purdue Student Government Supreme Court, so she presides over the traffic appeals that happen on campus. She also served at INDOT over the summer as an internship, so well-credentialed, both on the traffic side and on the traffic and ticketing side.

Mayor Dennis said we had talked about her a little bit earlier.

Councilor Roales said yes. I had sent her to the Mayor a couple months ago, but I was in the middle of the redesign of the Traffic Commission. I'll send that résumé out, if you guys would like to see it. I'd be happy to.

Councilor Hunt said Peter [Councilor Bunder], do you have—?

Councilor Bunder said Dr. Boudewijn Van Gelder has been serving as the representative on the Traffic Commission for District Two, and I'd be happy to have him continue to do that. Professor of Land Surveying and Geomatics Engineering at the School of Civil Engineering and has been serving on the Traffic Commission since the days of Sonya Margerum.

Councilor Hunt said as far as District Three, Bernadette Farris has been on the Traffic Commission since '05. I'd ask that she'd be appointed, and she was appointed by Mayor Mills. I have a little blurb on her, if you'd like to see it. Anyway, she lives on Crestview Place, which is near the high school and also near where Crestview comes in off of Northwestern, and so she's very aware of both the parking problems around the high school, the traffic on Northwestern, and she has five children who either have graduated or are attending West Lafayette schools. So she's aware of the schools and the buses and all that. She's a 22-year resident of West Lafayette. She's been on the Traffic Commission, as I said, since '05. She has a B.S. in Chemical Engineering from Rice, and she's lived in West Lafayette 22 years. That will be my nominee for [District] Three.

Councilor Burch said for District Four, Karen O'Farrell.

Councilor Keen said does she currently serve on it?

Councilor Burch said no, but she's been attending regularly for over two years.

Councilor Keen said I know she goes to all the meetings. I always thought she was on the Commission.

Councilor Burch said no, but she's very much interested in serving on the Traffic Commission.

Councilor Keen said and for District Five, Chris Pekny has requested to retain her seat on that as well. I do not have a résumé. I have requested one, and have not received one yet. If I get one, I will have one for you. If not, then I won't.

Councilor Hunt said may I continue? I'm not sure what process you want to do. Do you want to vote on that slate? Do you want to—?

Mayor Dennis said well, there's no contention—

Councilor Hunt said no—

Mayor Dennis said so you might as well just go ahead and use it—

Councilor Hunt said that's a good method.

Mayor Dennis said just motion and second that slate.

Councilor Hunt said okay. Would you like—?

City Attorney Burns said you could present—I guess the procedure would be, if you want to vote on a slate here, then you present the slate at the meeting.

Councilor Keen said yes, somebody come with a slate and have that ready to go, even without résumés.

Councilor Hunt said yes. Just the list.

Councilor Keen said yes.

Councilor Hunt said okay. I think that's a good idea.

Councilor Truitt said but we could establish the slate now.

City Attorney Burns said absolutely. If you're ready to do so. It's up to you.

Councilor Hunt said I think so. So, to summarize, it would be Ms. Riggs, Professor Van Gelder, Bernadette Farris, Karen O'Farrell, and Chris Pekny will be our official slate that we'll present.

Councilor Truitt said so is that a motion?

Councilor Hunt said I'm making that motion.

Councilor Keen said second.

Mayor Dennis said any discussion?

The voice vote was unanimously AYE. The slate was approved.

West Lafayette Beautification Award

Mayor Dennis said he would present the November Beautification Award.

UNFINISHED BUSINESS:

Ordinance No. 28-08 An Ordinance To An Ordinance Setting The 2009 City Budget And Setting The 2009 Tax Levy On Property And Tax Rate **PUBLIC HEARING** (Prepared by the Clerk-Treasurer)

Councilor Roales said would it be possible, just before we read the ordinance, to do New Business before Unfinished Business this month? Simply because it seems like we rush through the New Business, especially after a long discussion that I would expect on [Ordinance No.] 28-08.

Mayor Dennis said okay.

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Councilor Roales said and so, historically, when we have two hours of discussion on something, then we are all anxious to get out of there, and I think we would just do the other resolutions more justice if we did them first.

Mayor Dennis said Counsel [City Attorney Burns]? Can we change the order any way we want?

Councilor Keen said I don't object to that, but I think it would be kind of unfair to people who came just for that to have to sit through the whole thing if they didn't want to. That's my only thinking.

City Attorney Burns said you might see who shows up. Sometimes you don't have many, sometimes you do.

Mayor Dennis said so, as a point of order—

Councilor Burch said can we play it by ear?

City Attorney Burns said could you take it up then?

Councilor Roales said yes, we can take it up then.

Mayor Dennis said we could probably go with it then. Okay. Public hearing, Ordinance No. 28-08. An amendment was filed October 23, and will be considered at the October 30 Pre-Council meeting. Do we need to have a motion and a second that we hear the amended [Ordinance No.] 28-08 on November 3? I believe we do.

Councilor Burch said so move.

Clerk-Treasurer Rhodes said Mayor, the question is, we've had a first reading and now there's an amendment submitted. Does it need to be considered here?

City Attorney Burns said you don't have to vote on it here. You just vote on it at the next meeting, like any other amendment.

Councilor Keen said but we can consider it tonight, if we wanted.

City Attorney Burns said you could, if you wanted.

Clerk-Treasurer Rhodes said we can amend by substitution.

Councilor Hunt said I thought we usually did it in Pre-Council.

Councilor Roales said I think it's been the consensus before to vote on it now, so the public has one, so they know what everybody's talking about.

City Attorney Burns said you can certainly do that, amend by substitution.

Councilor Keen said she [Councilor Burch] motioned, and I'll second.

Mayor Dennis said discussion?

Councilor Roales said I think this is good. It's obvious we're reducing the budget, so really that's a good measure.

The roll call vote on the amendment by substitution for Ordinance No. 28-08 was 6-0. The motion passed.

Mayor Dennis said any other discussion needed for Ordinance No. 28-08 (Amended)?

Clerk-Treasurer Rhodes said I'd just like to note to the Council, as I mentioned in Budget and Finance Committee meeting, we're required to file with the County Council, as published and the one that is most recently under consideration. So I will file both versions of the budget. If anybody would like to inspect the form DLGF has provided—it's very confusing—and I'm not sure exactly to what extent this review will contribute to our budget process. We'll have to wait and see.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 32-08 An Ordinance Requesting An Additional Appropriation (City Hall)
(Prepared by the Clerk-Treasurer)

The Mayor read the ordinance by title and asked for questions or clarification.

There was no further discussion.

Ordinance No. 33-08 An Ordinance Establishing The Fuel Internal Service Fund (Prepared by the Clerk-Treasurer)

The Mayor read the ordinance by title and asked for questions or clarification.

Councilor Hunt said Judy [Clerk-Treasurer Rhodes], we talked a long time this afternoon. I just wondered if you wanted to—or maybe nobody else wants information on this? Could you just talk a little bit about the purpose?

Clerk-Treasurer Rhodes said West Lafayette, like other governmental entities, finds it efficient to centralize certain activities and provide those to other departments and funds within the City, as if you were providing those to customers. The accounting for those activities is best accomplished through internal service fund accounting. I would say this is a similar situation but a different order of magnitude to what occurred several years ago, when the Police overtime expenditures which were related to project grant reimbursements and removed from the General Fund Police Department budget and placed in a separate budget. The reason was that the numbers were growing larger and larger and distorting the level of funding which was relying upon local revenues. In this case, we have a situation in which, over time, the accounting for fuel purchasing in the MVH Fund is distorting the budget, so that it's no longer a true measure of funding. And, with fuel prices increasing rapidly—doubling, in fact, within the last two years, it appears—it is making it impossible to compare one budget year to another. And that's one of the main principles of accounting, is you have consistency in how you report, so you can make

those comparisons. Certainly we've had a lot of discussion this year about whether the level of spending is higher or lower. It gets increasingly difficult when you have an expenditure that is large and is growing rapidly, to incorporate it in the budget. It's just creating a large artifact. The budget as amended has stripped out the duplicate budgeting in MVH. I want you to understand this is part of the entire plan. The internal service fund for fuel purchasing will operate exactly as it always has under the direction of the Street Commissioner, who makes fuel purchases that are delivered to various City facilities. That department will continue to bill other departments for the amount of fuel, based on their usage, and turn around and then make the disbursement to the vendor. But in this case, we'll make it much more consistent, in terms of the level of spending that you're authorizing in the budget for this supply account.

Mayor Dennis said questions? Thank you, Judy [Clerk-Treasurer Rhodes].

Councilor Hunt said thank you.

There was no further discussion.

Resolution No. 18-08 A Resolution Providing For A Transfer From The Rainy Day Fund To The Police Pension Fund And The Fire Pension Fund (Prepared by the Clerk-Treasurer)

The Mayor read the resolution by title.

Clerk-Treasurer Rhodes said I'm asking for this action, following several months of correspondence with the Department of Local Government Finance. At this point, their position is that the operating balances remaining in the old pension plans—albeit that they may be funds of unused tax levies—would not be released for any other use. In order to make the accounting for these cleaner, I would ask that we return them from the Rainy Day Fund back to the operating balances in the Pension Fund. They will not affect the degree to which our levy is going to be cut next year, nor will it affect the magnitude of pension relief that we're going to receive from the State. However, it is possible that this issue will be revisited in the coming year. I think there will be some clean-up legislation having to do with various provisions of House Bill 1001.

Mayor Dennis said thank you. Questions?

There was no further discussion.

Resolution No. 19-08 A Resolution To Reduce The 2008 Budget (City Services) (Prepared by the Clerk-Treasurer)

Mayor Dennis read the resolution by title.

Clerk-Treasurer Rhodes said this is the companion to the additional appropriation. We have traditionally in our City always used two pieces of legislation, one the additional appropriation which takes two readings and a public hearing, and one, the budget reduction. They could be combined, but as the resolution for reduction only takes one vote, I thought I'd continue with the practice of the City. In the memorandum I provided you at the beginning of the budget process on September 29, I enumerated the cuts to budget which I would like to pursue and we are

likely to need in the course of preparing the budget. And I've since updated you. You will see this is just part of the cut that we're recommending for the City Services Department.

Mayor Dennis said questions? Thank you, Judy [Clerk-Treasurer Rhodes].

There was no further discussion.

Resolution No. 20-08 A Resolution Requesting The Transfer Of Funds (Sanitation) (Prepared by the Clerk-Treasurer)

Mayor Dennis read the resolution by title.

Clerk-Treasurer Rhodes said Street Commissioner Dave Downey requested this transfer in the Sanitation Department from Dependent Insurance to Tires for the sanitation packer.

Mayor Dennis said any questions of Mr. Downey, or do you want to save it for Monday night?

There was no further discussion.

COMMUNICATIONS:

► Mayor Dennis showed a sign which asked for people who want to speak to sign in. Consensus is that it will be used, both to identify speakers and to limit discussion to a reasonable time. If people don't sign up, they may still speak.

► Fire Chief Drew said there was a training trailer at Station No. 3 today. The trailer is owned by the State and is making rounds throughout the County and other areas in the State. Its purpose is to assist with refined nozzle techniques, as well as limited sight situations where smoke obscures vision.

CITIZEN COMMENTS:

Ms. Mary Cook [owner, Harry's Chocolate Shop] said I know in Lafayette, they put a limit on how long you can speak and they turned it into a resolution—

Mayor Dennis said it's at the bottom of their agenda.

Ms. Cook said right. And actually Ron Campbell [Lafayette City Councilor] asked for it to be engraved in platinum and put on the front door. But I do think that people come to observe and when you observe, then out of that you either have questions or responses. So that's my only question in a public forum.

Councilor Roales said you can leave the sign-up open.

Mayor Dennis said yes, we'll probably—believe me, I'm not going to—

Ms. Cook said I know you're not that way, that's why I don't know whether it's the two minutes or the signing up.

Councilor Roales said I would take it, I guess, that it makes people aware—

Mayor Dennis said that's right. It's sort of an open—

Councilor Roales said it's less about the actual rule than just be aware that we don't—

Ms. Cook said is it more about the time limit?

Mayor Dennis said at some point in time, it gets to be unreasonable, because you can have somebody up there filibustering about—

Ms. Cook said remember, I sat on the other side, and it was during the street change on the west side, so I remember that, too.

Mayor Dennis said it sort of gives me a way to remind somebody. It's like, in that way, maybe they can get to their point. But I'm not going to—

Ms. Cook said are you going to call the names? Are you going to get them to sign in, and you'll find out later if they talked a lot?

Mayor Dennis said if we have a sheet, we'll go ahead and go through the names, but we'll go ahead and announce the fact that, when we have citizens' comments, then we'll say, "Mary Cook, what do you have?" And when that's over, then anybody else that didn't sign up. The intent isn't to impede free speech, the intent is not to put people on a "beat the clock" kind of thing. It's to make sure that we can progress. Generally speaking, when we see how Council meetings go, 99.9% of the time citizens' comments are minimal. But this is just—because it's the night before election night—there might be an excellent opportunity for folks to—

Ms. Cook said is this a one-time shot, or is this something you wanted—?

Mayor Dennis said I don't know. We'll see how it goes. As a rule, it doesn't usually get too wacky. Because we had some pretty contentious meetings at the first part of the year, and I tried to instruct people to have fresh thoughts and limit themselves, and you saw how that went. And about 10:30 when we're talking about the Champion's Center—

Ms. Cook said I missed the first part of the year. I was in Alaska.

Mayor Dennis said but we'll make sure we do it right. Other citizen comments?

There was no further discussion.

► Councilor Bunder said just a housekeeping question. Are their minutes of the Budget and Finance Committee? Will we see those? How will the people who weren't there find out what we talked about?

Clerk-Treasurer Rhodes said I kept a memorandum, which I'm required to do, which really just gives the date, time, the attendees, and makes a statement about the general substance, which will be a discussion of the budget, and when it ended. We tape record these meetings, so that people who would like to listen to it can. As far as scheduling, trying to make more detailed minutes, that might prove difficult to do it in time for use. I defer to the Council in terms of your priority.

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Councilor Bunder said I'm just thinking of Gerald [Councilor Thomas] and Vicki [Councilor Burch]. I mean it was a fairly useful, productive meeting.

Councilor Thomas said it's on tape?

Clerk-Treasurer Rhodes said yes. And in the past, I remember Councilor Truitt missed a Budget and Finance Committee meeting and came in. We have an extra transcriber, so it is easy to loan.

Councilor Thomas said over lunch, would that be appropriate?

Clerk-Treasurer Rhodes said it would be a long lunch. We're waiting to upgrade the AV.

ADJOURNMENT:

There being no further business at this time, Councilor Truitt moved for adjournment. The meeting was adjourned by consensus, the time being 4:59 p.m.

Respectfully submitted,

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