

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
DECEMBER 1, 2008

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on December 1, 2008, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Dietrich, Keen, Roales, and Thomas.

Absent: Hunt.

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.

MINUTES: Councilor Keen moved for acceptance of the minutes of the October 30, 2008, Pre-Council Meeting, and the November 3, 2008, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed *viva voce*.

COMMITTEE STANDING REPORTS:

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY: Councilor Bunder presented this report.

Thank you, Mr. Mayor. Let me begin with good news. The Street Department is ready for snow. It says that right here on my report. The salt bin was full, and apparently we're ready to go, just in the nick of time. From Wastewater, Mr. [Wastewater Utility Director] Henderson would like to point out that the wet weather treatment facility flow has been removed from the list of overflows, and, since I have no idea what that means, I thought I would just ask. It's not an overflow, but it is a—flow comes over something.

Wastewater Utility Director Henderson said it is now a permitted discharge. It is listed in our NPDES permit as Outfall 007, and it actually has reporting requirements and one limit at this point, which is chlorine. It will have more limits as we go on.

Councilor Bunder said I'm just happy to know that it's a permitted discharge instead of an overflow.

Wastewater Utility Director Henderson it is a permitted discharge. It is no longer a combined sewer overflow. Thank you.

Councilor Bunder said I learn more and more every time I make one of these reports.

Mayor Dennis said we also educate and inform.

Councilor Bunder said it is a wonderful thing. I have one question for [City Engineer] Dave Buck, I guess, in streets, and this comes from my now-diligent reading of the Board of Works minutes and the Board of Works agendas. One of the items on the Board of Works agenda for tomorrow is warranty deeds for the Salisbury Street Safety Improvements, all of which cost \$10, which is probably good news for us that it only costs\$, but what was the appraised value of the properties? What would it have cost us if it wasn't just \$10?

City Engineer Buck said those properties didn't just cost \$10; they did cost the appraised value.

Councilor Bunder said okay.

City Engineer Buck said and that information is in the claim run.

Councilor Bunder said which would be—?

City Engineer Buck said to those same individuals named on the warranty deeds.

Councilor Bunder said okay. Want to give me a hint?

City Engineer Buck said I honestly don't remember off the top of my head. I know there were four that we have completed now, that the owners have accepted those offers. The school is one of them—West Lafayette Community School Corporation, Rausch, Goldstein, and there's a fourth that I can't remember.

Councilor Bunder said so the docket claims—if these are parcels 1, 2, 3 and 4, would the docket claims 1, 2, 3, and 4 also be the cost of the properties?

City Engineer Buck said no, they'd be to the named individuals on the claim run in the warranty deed. So Rausch would be one of the payees on the claim run that you would need to look for.

City Attorney Burns said round numbers, \$3,000 to \$4,000 per parcel.

City Engineer Buck said yes. The school was zero, it was donated, and then the others were between \$3,000 and, I'd say—well, the highest one on the entire project was under \$10,000.

Councilor Bunder said okay, that's helpful.

Councilor Roales said what was the appraised value on the parcel 01A and 01B, the West Lafayette Community School Associations?

Clerk-Treasurer Rhodes said I would suggest that those kinds of detailed technical—

Councilor Roales said thank you, Judy [Clerk-Treasurer Rhodes]—

Clerk-Treasurer Rhodes said questions, if you could relay them to us before the meeting, we could then pull the claims and other documents and so we could be prepared to answer the questions.

Councilor Roales said thank you for your input.

Clerk-Treasurer Rhodes said I've reviewed those claims, and I couldn't even—having reviewed several hundred bills this week—could not even give you the dollar number.

Councilor Roales said when we have a question for you, we'll address you. The Director would like to comment on that?

City Engineer Buck said it's just under \$80,000, if I remember, off the top of my head. I want to say that it was \$78,000.

Councilor Roales said and is that information then made available to the Board of Works?

City Engineer Buck said the appraisal, I do not believe, has been given to them, but the claim run and the warranty deed information has.

Councilor Roales said so you're asking them to vote on this without the complete information? The appraisals are not available?

City Engineer Buck said they haven't had their meeting yet, so—

Mayor Dennis said the meeting's tomorrow morning at 11 o'clock.

Councilor Roales said and so you would expect—I mean, even if this was made available to them right now, they'd have less than 24 hours to review the appraisal before voting on it?

City Engineer Buck said the appraisal is what the appraisal is. And it's been accepted by the buyer as is, and so unless they would like to review and redo the entire appraisal, it's in the landowner's best interest that the appraisal is benefiting them—I mean, it's conservative to their benefit. We're paying them the highest and best value for that land.

Mayor Dennis said Dave [City Engineer Buck], it's a vote. If they're not satisfied with the information they have, they can always vote on it the next week.

Councilor Bunder said so the ballpark number was \$80,000?

City Engineer Buck said the school appraisal, I believe, was \$78,000 for Parcels 01A and 01B. And that was a donation.

Councilor Roales said so why is there a delay in accumulating this information? You'd think the documentation would be done well ahead of time, before this would be—

City Engineer Buck said and most of it has, Paul [Councilor Roales]. It's somewhat—we're trying to buy these parcels for the appraised value, and if everybody learns what the

appraised value is all at once, then they're all going to want more than that, and so we're trying to do this in an equitable and fair manner, and both the property owners' best interest and the City's.

Mayor Dennis said if we could, please, could we stick to the subject, which is the reports for standing committees, Street, Sanitation, and Wastewater, Councilor Bunder.

Councilor Bunder said this concludes my report.

PUBLIC SAFETY AND ORDINANCE: Councilor Keen presented this report.

Thank you, Mr. Mayor. For the month of November, the West Lafayette Fire Department went through some training. The Indiana Department of Homeland Security recently purchased a mobile, live fire training unit, for their use throughout the State. Earlier this month, it was at Station No. 3, and it was used by all three of the fire shifts, and it provided a rare opportunity for simulated fire training that included conditions of both increased heat and obstructed visibility. Also, in the Police Department, in November, the West Lafayette Police Department officers received cultural diversity training from James J. Foster, Diversity and Community Coordinator for University Residences at Purdue University. The Department is grateful to Mr. Foster for donating his services and those of his staff for this training. Mr. Foster is a valued advisor to Chief Dombkowski and to the Police Department on diversity and community issues. Also, on November 25, three Happy Hollow fifth grade classes graduated from the D.A.R.E. program. This was the first graduation with our newest D.A.R.E. Officer, Janet Shepherd. Teachers, parents, and students acknowledged and praised Officer Shepherd's enthusiasm and dedication to the program and the children. That's always good news. That completes my report.

PURDUE RELATIONS: Councilor Roales presented this report.

Thank you, Mr. Mayor. The semester's gone by very quickly, and a couple important dates to remember over the next month. The last day for classes will be December 13, Finals Week will run from the 15<sup>th</sup> through the 20<sup>th</sup>, and campus will clear out for approximately a month on December 21. The traffic will resume on campus January 12, so just a reminder on some of those dates. I'd also like to remind students and the press that, about a year ago when I was first elected to office, I took a tour of the Police Department, and the Chief was kind enough to introduce me to some individuals, and I became aware at that time that there are some crimes that occur in student apartments over the year, when campus is very empty. So I'd remind students and the public to be very aware that, if you know a building's empty, if you see something suspicious, please make that call, because we do have those incidents in the past. I'd also like to let the Council and the community know about a diversity meeting that Purdue's hosting on Wednesday, December 3, at the Purdue Black Cultural Center at 7:00 p.m. This is a meeting designed to bring the Purdue Police Department, the community, student organizations, and various minority groups together. And so I'd like to let everyone know about that opportunity. Myself and some of the department heads, Councilor Hunt, had an opportunity to meet with the Purdue Student Government leadership recently at a luncheon, and we were able to discuss a number of ideas that the Student Government had and concerns that they had, and so if some other Councilors would like an update on those individual issues, I'd be happy to provide that to you. In continuation of those talks, the West Lafayette-Purdue Community Partnership Committee will meet on December 9 at 6:00 p.m. at Schleman B-38. I invite any of my fellow Councilors or any of the

community members that are interested to attend that meeting. That concludes the Purdue Report. You know, I guess I would just make a note that, you know, it is the end of the year, we do have some new membership on the Council. Welcome, Councilor [Dietrich]. And so, if we would like to reorganize the standing committees, I mean, I think this would be—over the next month, if you guys have advice or input, you know, we reorganized them a little bit a year ago, but, you know, if anyone would like to make some changes, you know, I think I'd be interested in having some of those discussions. I'd also be interested in maybe replacing Pre-Council with, you know, working through the committees each Thursday before a—each month on Thursday before the Council meeting, so replacing the official Pre-Council with a rotating list of committee meetings, so to make sure that each committee met at least once or twice a year. And so, if my fellow Councilors had comments on those, feedbacks on those two ideas, I'd welcome those discussions after the meeting. Thank you, Mr. Mayor.

PARKS AND RECREATION: Councilor Thomas presented this report.

Thank you, Mr. Mayor. Business was brisk at the Thanksgiving Sagamore West Farmers' Market last Wednesday. Products available for sale included nuts, apples, fall vegetables, frozen meat, pastries, fresh eggs, and dairy products. Vendors provided many honey treats to children and adults alike. Riverside Skating Center opened for the season on Friday, November 28, and had 229 skaters for the first two-hour session. The ice held up well, and many families and return customers enjoyed the openings. The rink will be open through the first week of March 2009. Information and open hours are available on the City website under Parks Department or by telephoning 743-RINK. There is a Skating with Santa event that is going to be held on December 13. I don't know if there's a specific time that's been named yet for that event. Joe [Parks Superintendent Payne], do you know?

Parks Superintendent Payne said I'm not sure we have an exact time yet.

Councilor Thomas said okay, thank you. Thanks to all the contributors to the West Lafayette Tree Fund. Donations in 2008 have exceeded \$15,000. Over 130 trees have been planted in West Lafayette parks and along West Lafayette roads this fall. Purdue Forestry students, Parks staff, and contractors all worked to plant these trees. The next Park Board meeting will be held on December 15 at 4:30 p.m. at the Morton Community Center. That concludes my report.

ECONOMIC DEVELOPMENT: Councilor Thomas presented this report.

Thank you, Mr. Mayor. Concerning the Community Development Block Grant program, Atlas Building Services, Inc. completed the masonry work at Fire Station No. 1, with only the downspout work remaining. The project should be completed by the end of the year. The New Chauncey Housing, Inc. purchased a property on [1222] Salisbury Street near Happy Hollow School, with minor rehabilitation starting soon. The property was in use as a rental. It is anticipated that the property will be for sale to eligible homeowners by spring. This is the first acquisition rehab project outside the New Chauncey Neighborhood. Due to the restrictions on home funding, the purchase and rehab costs will be funded by the Community Development Block Grant program. The Development Office held various meetings and did much work in November. Some of the information that was presented, there was a group that met with the buyers on the CTS site, reviewed their business plan and list of prospective tenants for the building. So hopefully there is

something moving in that area. That building has been vacant for quite a bit of time, and we look forward to having a tenant move into that facility. Mr. [Director of Development] Poole met with representatives of Atlas Architecture and gave them a tour of the site available for development. In the rest of West Lafayette, demolition is complete on the Burnham's site. A meeting was held with Smitty's owners to discuss marketing the site to available interested individuals in Indianapolis and Chicago. Aldi's is still on target to close on the site and build a new store in 2009. We also discussed the Farmers' Market earlier. That concludes my report.

PERSONNEL: Councilor Burch presented this report.

Good evening, Mr. Mayor. I would like to welcome Steve Dietrich to the Council. That concludes my report this month. Thank you.

BUDGET AND FINANCE: Councilor Bunder presented this report

Budget and Finance congratulates Councilor Truitt on his advancement through the ranks of government. It leaves us without a chair, however, and so shortens my report, Mr. Mayor.

REPORT OF APC REPRESENTATIVE: Councilor Keen presented this report.

No report this month.

SPECIAL REPORTS: None.

PUBLIC RELATIONS:

West Lafayette Community Beautification Award

Councilor Bunder said thank you, Mr. Mayor. Usually we give the Beautification Award to people who have added something to the community, have added something to the community. For the first time, we will be giving the award to someone who has taken something away from the community, who has taken something away from the community. The December, 2008 Beautification Winner is Mike Koning, Graffiti Remover Extraordinaire. Mike, a retired Eli Lilly employee, began his career as a graffiti remover for the City of Lafayette in 2007. It was there that he worked with John Dennis, and when it became apparent that West Lafayette needed help with this problem, Mayor Dennis knew whom to call. This dedicated volunteer has managed to remove 170 tags in the Village area alone. Everybody know what a tag is? Gang signs. With some repeat work to clean up new tags, he has praised the cooperative working relationship between the two mayors that allow him to work on both sides of the river. He also has developed a relationship with his counterparts at Purdue University and has learned much from them. This is a very low-budget operation, with much of his paint coming from the Wildcat Solid Waste District. Mike feels strongly that graffiti needs to be removed as quickly as it is applied, and so works with property owners to get it off buildings, dumpsters and fences right away, instead of waiting for the 14-day period that property owners are given under ordinance. He works year-round to beautify West Lafayette, even removing paint one winter day when the temperature was 16 degrees. Again, most beautification winners are recognized for what they have added. This award is given to a person who has taken some stuff away. Michael Koning. Thank you very much. I think our Director of Development has a gift as well.

Director of Development Poole said we have something we thought was kind of neat to say thank you for everything you do. Our job is to market the City. It's very difficult when people come into town and see this graffiti all over the place. You've taken care of that, and helped us. We want to say thank you for making a difference.

Mr. Michael Koning said I really appreciate this award, but the thing I'm looking at right here is that it's got one name on it. I remember one time when I was in high school, I walked down the hallway, I walked past the office of the athletic director, and one thing I always remember, the sign on his door, and it said, "There is no 'I' in the word 'team.'" You know, everything I've done and I've seen people do, there's always somebody else. First of all, I appreciate both mayors. Mayor Roswarski, when I went to him and said, "Can I go over and help them?", he was all enthused, him and the [Police] Chief, and said, "Go over there. Help them out." Because these two cities—I've never seen a relationship these two cities have, working together, and he said, "Yes, go over and help them out, but make sure you come back." So I came over, and I'm working for some great people over here, John Dennis, thank you. And, of course, Jason Dombkowski, I appreciate that. But, you know, there's always somebody else you always need, somebody to keep you within the law over here. I can go out and clean the graffiti off, but it always takes somebody, and I call him my legal advisor, my co-chairman, none other than Sergeant Dave VanVector. Stand up. He gives me a lot of inspiration. Right now, the graffiti is down to what I call maintenance jobs, in both cities, and that's just where maybe you'll go out and hit two or three places in a week. So we've cleaned up both cities pretty good. Now we're going to stay on top of it and we're going to make both cities clean. Thank you very much.

Police Chief Dombkowski said a couple points I wanted to make real quick while I have the floor, if I may. Mike has actually cleaned up probably close to 200 pieces of graffiti now, and this is just since August 1, when we implemented this program. It works pretty well. A lot of communication between him and [Sgt.] Dave VanVector on a weekly basis, sometimes a daily basis. And it's almost a challenge now for them to find a piece of graffiti and see how fast we can get it removed from the City. It really has become—not an eradication program—but a maintaining a nice environment. So I wanted to point out how quickly that program, and how much we do not tolerate that any longer. It was really the norm and accepted in our community in a certain area of our City, and that is no longer the case. Thank you, Mike.

#### STATEMENT BY THE MAYOR ON THE 2009 CITY BUDGET

Mayor Dennis said the '09 budget is just a framework of how we're going to run this City in the future. We're going to continue to streamline government. I've been in many homes and businesses since our last gathering as a Council, and I made sure that everybody was well aware of the fact that I will safeguard the City services. I will protect our great quality of life in this community. It's without a doubt that we're going to have some challenges in the years to come, but this is a great place, filled with great people, and I know that we will persevere and will succeed. Having said that, I'll go ahead and defer to Judy [Clerk-Treasurer Rhodes] for her financial report.

#### FINANCIAL REPORT: Clerk-Treasurer Rhodes

Clerk-Treasurer Rhodes said you've all received your State Board of Accounts City budgetary reports and the Wastewater Treatment Utility balance sheet and income statements. I'll just make a few comments, as we approach the end of the year. As you

know, the Mayor and the department heads are evaluating all the budgetary expenditures within the context of our long-term plans, making adjustments as necessary for unexpected events and opportunities that occur. We carefully monitor our year-end cash flows, as we have several major flows coming this year. We have only received 42% of our property tax draw for the year, so the month of December is crucial, with over \$3.5 million in loans outstanding to our Wastewater Treatment Utility. The 2009 budget is going to be reexamined in light, of course, of our ending point this year, and we will be reporting on our status, hopefully beginning of '09 when we meet again. Thank you very much.

**UNFINISHED BUSINESS:**

**Ordinance No. 31-08** An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2009 (Prepared by the Clerk-Treasurer)

Mayor Dennis said after the Council's failure to pass the annexation appeal, I cannot sanction a salary increase for public officials. At my request to the Clerk-Treasurer, this ordinance has been withdrawn. So we'll move on to the next agenda item.

Councilor Roales said do we need a motion to do that? I'm sorry, Mr. Mayor, do we need a motion to do that officially?

Mayor Dennis said not if it's withdrawn. We're okay, because we're not taking a vote on it. It's just off the table.

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

Councilor Keen read Ordinance No. 32-08 by title and moved that the public hearing be open at this time. The motion was seconded by Councilor Burch.

There was no discussion.

The roll call vote on the public hearing:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

The motion to open the public hearing passed, 6-0.

Mayor Dennis said we are now in public hearing. Hearing no comments, comment from the Council? Hearing none, the public hearing is closed.

Councilor Keen said read Ordinance No. 32-08 by title and moved it be passed on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

Ordinance No. 32-08 passed on final reading, 6-0.

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

Councilor Keen read Ordinance No. 33-08 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 Burch.

Mayor Dennis said discussion?

There was no discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

Ordinance No. 33-08 passed on final reading, 6-0.

**NEW BUSINESS:**

Ordinance No. 34-08 An Ordinance Providing For Temporary Loans From A Fund Having Sufficient Balance To A Depleted Fund (Insurance Payment Fund) (Prepared by the Clerk-Treasurer)

Councilor Keen read Ordinance No. 34-08 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 Burch.

Mayor Dennis said discussion?

Clerk-Treasurer Rhodes said this is to allow us to make payments for COBRA participants of the payments to the insurance company which are due before we receive the remittance from our third party provider. The temporary loan is needed for us to take care of our obligations through the year end. I would also like to request two readings tonight, as we've had an addition to the COBRA roles, we need to make a loan this month.

Mayor Dennis said do we need to have a motion to suspend the rules?

Clerk-Treasurer Rhodes said we'll do that after we have the vote.

Councilor Keen said we will but we have to vote first.

Mayor Dennis said further discussion?

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

Ordinance No. 34-08 passed on first reading, 6-0.

Councilor Keen said Mr. Mayor, I move that we suspend the rules and consider Ordinance No. 34-08 on second and final reading. The motion was seconded by Councilor Burch.

Mayor Dennis said motion and second to suspend the rules. Discussion?

The motion to consider Ordinance No. 34-08 on second reading passed by unanimous voice vote.

Councilor Keen read Ordinance No. 34-08 by title and moved that the ordinance be passed on its second reading, and the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis said discussion?

There was no further discussion.

COMMON COUNCIL MEETING MINUTES, DECEMBER 1, 2008, CONTINUED

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

Ordinance No. 34-08 passed on second and final reading, 6-0.

Resolution No. 23-08 A Resolution Requesting The Transfer Of Funds (Motor Vehicle Highway, Cumulative Capital Development Fund) (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 23-08 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 Burch.

Mayor Dennis said discussion?

Councilor Roales said can someone provide some details of the transfer in the CCD fund to Contract Services, what that's for.

Clerk-Treasurer Rhodes said is that for the request under Parks, or the Police Department, which one?

Councilor Roales said it's under the heading CCD and then Parks.

Clerk-Treasurer Rhodes said Parks.

Parks Superintendent Payne said that's a transfer for the annual service contract for Vermont Systems, which is our computer registration program.

Councilor Roales said I remember that now from Pre-Council. Thank you.

Mayor Dennis said further discussion?

There was no further discussion.

The roll call vote:

<b>AYE</b>	<b>NAY</b>
Bunder	
Burch	
Dietrich	
Keen	
Roales	
Thomas	

Resolution No. 23-08 passed on first and only reading, 6-0.

COMMUNICATIONS:

► Councilor Bunder said something courtesy of our friends in Lafayette, the Neighborhood Action Committee and the City of Lafayette are pleased to announce an open house at 111 to 113 South Ninth Street. We are invited to come and learn more about NAC projects and what NAC funding can do for historic buildings. December 2, 2008, 6 o'clock to 8:00 p.m., 111 South Ninth Street, the south side of the Art Museum. Thank you.

CITIZEN COMMENTS:

► Felicia Roberts [323 Lawn Avenue] said I'm a homeowner and resident in the New Chauncey Neighborhood, and I'm just here tonight on behalf of the New Chauncey Neighborhood newly-formed political action committee, to welcome our new Councilor at Large Mr. Dietrich. We look forward to meeting him and all the rest of the Councilors. Thank you very much.

ADJOURNMENT:

There being no further business at this time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:03 p.m.