

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
DECEMBER 7, 2009

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on December 7, 2009, 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, Hunt, Keen, and Thomas.

Absent: Dietrich and Hoggatt.

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

MINUTES: Councilor Keen moved for acceptance of the minutes of the October 29, 2009, Special Council Meeting; the October 29, 2009, Pre-Council Meeting; and the November 2, 2009, 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, which will be on file in the Clerk-Treasurer's Office.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

No report.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch reported that the open enrollment for 2010 benefits has concluded.

BUDGET AND FINANCE

Councilor Hunt reported that she has resigned as Chair of the committee, although she will continue to serve. Councilor Dietrich will chair the 2010 Budget and Finance Committee.

REPORT OF APC REPRESENTATIVE

Councilor Keen reserved his comments until discussion of Ordinance No. 34-09.

SPECIAL REPORTS:

Traffic Commission Report

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

Report from Pay As You Throw Workgroup

Councilor Hunt updated the Council and public on the state of the Pay As You Throw activities. On behalf of the group, she requested feedback on how much of the Sanitation budget the Council feels should be supported by fees. Fees have not been raised since 1993, and are still at \$9.00 per month. Councilor Keen asked how the feedback was to be provided. Councilor Hunt responded that feedback could be emailed to her, provided in writing, or given to any of the Pay As You Throw workgroup. The group will meet again on December 16 at 7:00 p.m. in the Lower Level Conference Room. In response to a question from Councilor Keen, Councilor Hunt said that the meetings of the Pay As You Throw group are open to the public for observation, and that the plan is to have a public hearing before the proposal is final.

PUBLIC RELATIONS

Beautification Award

Councilor Burch presented the Beautification Award to Doug Mann and his Master Gardener assistants for a demonstration garden, to showcase and test new ornamental plants suitable for this climate. The location is near the Farmers Market. Master Gardener Bill Dilling made the metallic sculptures. Mr. Mann thanked Parks Superintendent Payne and Diane Gilbert.

Appointments to Redevelopment Commission

Councilor Hunt reported that the Council has two appointees to the Redevelopment Commission, which are one-year terms. She nominated the current commissioners, Larry Oates and Diane Damico. Councilor Thomas seconded. Councilor Burch requested that each commissioner be voted separately.

Councilor Hunt nominated Larry Oates; Councilor Thomas seconded. The roll call vote on the nomination of Larry Oates to the Redevelopment Commission:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Bunder		Dietrich
Burch		Hoggatt
Hunt		
Keen		
Thomas		

The nomination of Larry Oates was approved.

Councilor Hunt nominated Diane Damico; Councilor Thomas seconded. The roll call vote on the nomination of Diane Damico to the Redevelopment Commission:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Bunder	Burch	Dietrich
Hunt	Keen	Hoggatt
Thomas		

City Attorney Burns advised that a majority of the Council needs to vote affirmatively to approve the nomination; that would be four votes. The nomination of Diane Damico was not approved.

Mayor Dennis announced that his three appointments, Steve Curtis, Gary Lehman, and Linda Sorensen, would continue on the Redevelopment Commission.

Appointment to West Lafayette Parks Foundation – Council

Councilor Hunt nominated Vinod Sagi; Councilor Burch seconded. The vote was unanimous to appoint Vinod Sagi to the West Lafayette Parks Foundation.

Election of 2010 Council President

Councilor Keen nominated Councilor Hunt to continue as Council President for 2010; Councilor Burch seconded. The vote was unanimous.

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the 2010 certified assessed valuation was submitted last week by the County Auditor. The data will be confirmed and then released to local jurisdictions. The preliminary view of the data was printed in the weekend *Journal and Courier*, and several of the City's districts appear to have stable or increased valuation. The 2010 budget is based on the forecast that the assessed valuation would be stable or even increase, leading to a lower tax rate in 2010. The current tax rate is 0.8165 per \$100 assessed valuation. The 2010 rate may be lower.

The City received about 25% of its tax levy in mid-November; unless another 50% is received in December, the City will not be able to repay temporary loans to the Wastewater Utility for paying bills and making payroll. An extension from the Council will be on the January agenda, if that is the case. Year-to-date revenues have remained stable, although the delayed tax collections have created cash flow problems. Building permits, housing inspections, parking enforcement, and online purchase of crash reports, now that Police Chief Dombkowski brought the City into participation in the State program, are strong and give optimism for the new year.

The Mayor is directing budgetary controls, so that the City can maintain its operating cash to continue to provide City services in the new year.

The staff in the Clerk-Treasurer's Office have done a tremendous job while the office is very short-staffed. Their efforts are good example of the strong work ethic and the pride the employees have in working for the community.

LEGAL REPORT

City Attorney Burns reported that he filed the legal report for November. There were no questions.

UNFINISHED BUSINESS:

Ordinance No. 30-09 An Ordinance To Vacate Drainage And Utilities Easement (Submitted by Stuart and Branigin, LLP; Sponsored by Councilor Burch) **PUBLIC HEARING**

Councilor Keen read Ordinance No. 30-09 by title and moved that a public hearing be held, then that Ordinance No. 30-09 be passed on second and final reading, with the vote by roll call. The motion was seconded by Councilor Burch.

Attorney Marianne Owen [Stuart & Branigin] was present to answer questions with regard to the request by the Purdue Research Foundation to vacate an undeveloped utility and drainage easement.

There were no questions.

Mayor Dennis opened the public hearing. There were no comments or questions. The Mayor closed the public hearing.

There was no further discussion.

Ordinance No. 30-09 passed on final reading, 5-0.

Ordinance No. 32-09 An Ordinance Requesting An Additional Appropriation – Clerk's Record Perpetuation Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Councilor Keen read Ordinance No. 32-09 by title and moved that that a public hearing be held, then that Ordinance No. 32-09 be passed on second and final reading, with the vote by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that the Clerk's Record Perpetuation Fund receives revenue from City Court costs. The request is for an appropriation of \$6,000 to be used for defraying the expense of modifying the software to allow uploads of etickets. The system is already in place and is proving to be extremely efficient. She thanked Officer Don Hartman who has led the project. This is another example of automating a formerly manual process to increase productivity.

Mayor Dennis opened the public hearing. There were no comments or questions. The Mayor closed the public hearing.

There was no further discussion.

Ordinance No. 32-09 passed on final reading, 5-0.

#### NEW BUSINESS

Ordinance No. 34-09 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect [UZO #63] (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 34-09 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.

Councilor Keen explained that this ordinance is to allow for people within the County to raise their homes out of the flood plain. They must do this before January 1, 2013. Mayor Dennis added that this ordinance is being considered by the City of Lafayette and Tippecanoe County as well.

Mayor Dennis asked if there were any houses in the flood plain in West Lafayette. Ms. Sallie Dell Fahey [Area Plan Commission] answered that there are no homes in West Lafayette in the flood plain. The only major property that is in the flood plain is the apartment complex along North River Road.

There was no further discussion.

Ordinance No. 34-09 passed on first reading, 5-0.

Resolution No. 14-09 Resolution Amending Resolution No. 5-09 By Substituting The Map Describing The Neighborhood (Sponsored by Councilman Bunder)

Councilor Keen read Resolution No. 14-09 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.

Councilor Bunder clarified that the map looks better when it is enlarged.

Councilor Keen stated that the map defines the area that has been somewhat vague in its boundaries.

There was no further discussion.

Resolution No. 14-09 passed on first and only reading, 5-0.

Resolution No. 15-09 A Resolution Requesting The Transfer Of Funds [General Fund and Cumulative Firefighting Building and Equipment Fund] (Prepared by the Clerk-Treasurer)

Councilor Keen read Resolution No. 15-09 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.

Councilor Thomas asked for clarification on the Contract Services transfer. Clerk-Treasurer Rhodes responded that this is for the Clerk-Treasurer's Office in the General Fund, to pay the temporary employment agency that has supplied an employee to fill in for an employee on FMLA leave.

There was no further discussion.

Resolution No. 15-09 passed on first and only reading, 5-0.

Resolution No. 16-09 A Resolution Supporting The Application For Tippecanoe Cultural District Designation (Submitted by Department of Development; Sponsored by Mayor Dennis)

Councilor Keen read Resolution No. 16-09 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.

Councilor Hunt reported that there was an article with misinformation in *The Exponent*.

Mayor Dennis stated that the designation does not automatically allow the City to get State funding, it is just an opportunity for funding from other sources, as well as a point of pride for the community.

Councilor Keen moved that Resolution No. 16-09 be amended by substitution, as a new map was submitted which clarifies the boundaries. Councilor Burch seconded. The motion to amend Resolution No. 16-09 by substitution passed unanimously by voice vote.

There was no further discussion.

Resolution No. 16-09 (AMENDED) passed on first and only reading, 5-0.

### COMMUNICATIONS

► Mayor Dennis recognized West Lafayette High School juniors in attendance. They are students in Mrs. Harding's U.S. history class. Councilor Hunt noted that Ms. Harding was in charge of the Veteran's Day program. Councilor Hunt reminded those present that it was Pearl Harbor Day.

### CITIZEN COMMENTS

► Ms. Diane Damico (128 Blackhawk), who serves on the Pay As You Throw workgroup, asked if there would be a deadline by which the Council would respond to the question of fees covering Sanitation Department costs. Councilor Hunt answered that the Pay As You Throw workgroup meets on December 16, so that is the deadline, but by Monday, December 13, would be preferred.

► Ms. Karen O'Farrell (2237 Indian Trail) mentioned, as an aside, that there is a book of interviews with World War II veterans called Heroes Next Door. She commented that she has followed the Go Greener Commission activities since their August Council presentation, and has been attending the Pay As You Throw workgroup meetings for several weeks. A corresponding component to these activities and discussions must be recycling education. Behavior modification through education will increase participation in the recycling program. Some people will choose to accept fee increases to sustain service, rather than changing their practices. Education must be factored into the process. Ms. O'Farrell said that, since she has attended the meetings and listened to Street Commissioner Downey speak at her neighborhood association meeting, she learned additional ways to be a better recycler. These include that there is no need to remove labels from cans, that ice cream cartons and frozen food containers are not recyclable because of waxed coatings, etc. She encouraged the Council to consider a community-wide recycling education program, irrespective of any ordinance.

Mayor Dennis mentioned that the spring brochure from the Sanitation Department and the website would have more of an educational component regarding recycling. She thanked Ms. O'Farrell for her comments.

### ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting, the time being 7:15 p.m.