

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
APRIL 5, 2021

The Common Council of the City of West Lafayette, Indiana, met electronically on April 5, 2021, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was recited.

Present: James Blanco, Jeff Brown, Peter Bunder, Nick DeBoer, Shannon Kang, Larry Leverenz, Kathy Parker, David Sanders, Gerald Thomas.

Absent: None

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, Director of Development Erin Easter, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Parks Superintendent Kathy Lozano. Other unnamed department heads who did not speak were available on the conference line.

NOTES

► This meeting was conducted electronically, without the physical attendance of any person, due to the public health emergency (COVID-19 pandemic) and per IC 5-14-1.5-3.6 and State of Indiana Executive Order 20-09, Paragraph 4.

MINUTES

Councilor DeBoer moved for acceptance of the minutes of the March 1, 2021, Common Council Meeting. Councilor Thomas seconded the motion, and the motion passed by unanimous voice vote.

REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

There were no comments.

REPORT OF THE APC REPRESENTATIVES

There was no report. However, Councilor Sanders stated that he has been getting inquiries about what Airbnbs may potentially be doing to the housing stock in West Lafayette. Someone asked him about proposed regulations from APC that other jurisdictions in the area adopted while West Lafayette did not. He asked if that is true and where we stand with that.

Councilor Leverenz explained that APC worked on regulations. However, the State legislature decided that localities cannot regulate Airbnbs. Our regulations for Airbnbs fall under our rental ordinances. There are procedures to allow complaints to be filed based on the rental regulations. He believes we have as strong a control over any kind of rental as anyone in the County.

Counsel Burns confirmed this and added that when the State legislature preempted local regulations, there were other communities that looked at what they could be allowed to do. We also looked at our own rental ordinances and decided that we have as good as control as anybody else. That is why we did not make a change; we already had them in place.

PUBLIC RELATIONS:

Presentation: Rapid Damage Assessment/Windshield Survey – Deputy Fire Chief Jeff Need

Fire Chief Heath stated that Deputy Chief Need wrote this Rapid Damage Assessment/Windshield Survey for a graduate-level course with the National Fire Academy for his Executive Fire Officer Program. Deputy Chief Need also had to defend this paper to a panel of his peers. What he has done here is nothing short of remarkable as the first sworn member of the West Lafayette Fire Department to get the Executive Fire Officer distinction. Chief Heath stated that we are extremely proud of Deputy Chief Need. He wanted this assessment to be presented to the Council, especially as we just observed National Severe Weather Awareness Month, to provide a bigger picture of what the Department does or could do in our community.

Deputy Chief Jeff Need briefly reviewed his Windshield Study Survey research with an accompanying slideshow. Pictures provided insight into what firefighters do regularly, including responding to structure fires, EMS calls, and public education for kids. He explained that his research focused on how they handle non-routine calls, including natural disasters, man-made accidents, or intentional terrorism. When these happen, the firefighters must quickly assess the damage, perform triage, and determine if help from the surrounding communities may be needed. This needs to happen in an organized fashion. The Federal Emergency Management Agency (FEMA) has guidelines for some situations, and the City departments need to be trained on that to be prepared.

Chief Heath invited the Council members to meet with them if they want to learn more about how the Department approaches such events or to understand what they do in our community every day.

FINANCIAL REPORT

Controller Gray reported that we are 25% through the year. With encumbrances, the budget is at 23% and actual expenses are only 20%. The departments are doing well to stay under budget.

LEGAL REPORT

This report is on file.

Councilor DeBoer stated that he saw an article about a sewer and a lawsuit in which we were named. He asked about the status of that matter. Counsel Burns explained that we were an afterthought in that lawsuit. The structure that caused someone to trip belongs to Indiana American Water, which is a private water utility not connected to the City. Insurance counsel will handle that for us, and Counsel Burns does not anticipate any particular cost to the City. It should become apparent during the investigation that we were not liable.

SPECIAL REPORTS:

2020 WWTU Annual Financial Report – Jim Treat

Jim Treat (Krohn & Associates) highlighted some items in the Wastewater Utility Annual Report. He stated that considering the extraordinary challenges of the last year, the Utility is in relatively good shape overall. He began with the Statements of Net Position, explaining that the major assets of the Utility are cash and investments, which were at a little over \$14 million at the end of 2020, and the investment in capital plant, which was at approximately \$93.7 million. We did not have big changes in capital assets, but we showed increases in both the Wastewater Operating Fund and the Stormwater Fund. Therefore, cash and receivables under current assets are up by approximately \$1.2 million. Under liabilities, the debt of the Utility is in the form of seven bond issues. With no new bonds or refundings in the last year, the Utility paid down approximately \$43.4 million of bonds with scheduled interest payments. Under Statements of Revenues and Expenditures, he noted that 2020 had a net income of \$2.4 million, which is the highest it has

been in about five or six years, even with the pandemic. He explained that there was a decline in operating revenues of approximately \$150,000. A big contributor to the decrease was with Purdue University since fewer students were in classes. However, there were increases in residential and rental properties. The Combined Sewer Overflow (CSO) charges also increased due to growth. There was a decrease in operating expenses, and Mr. Treat credited Director Dave Henderson and his crew in the restraint they showed in expenditures. He noted that under the Cash Flows statement, there was an increase of almost \$1 million, most of which is on the balance sheet as the build-up in stormwater and wastewater operating funds. Mr. Treat moved to the Comparison of Account Balances with Required Reserves report. He noted that this is something they always monitor. For 2020, the end balance exceeded the minimum legal and recommended reserve requirements by almost \$6 million, which is again mostly in operating funds. Mr. Treat moved to the Combined Debt Service Schedule, and he explained how the next CSO project can be financed around the current debt service to mitigate potential impact on the ratepayers. Moving to a chart showing the billing history with Purdue, Mr. Treat stated that this is where the biggest negative is. The revenue was basically flat even in 2017, 2018, and 2019 at about \$2.9 million despite our rate increases. This was due to Purdue cutting back and saving on their flows. Then 2020 had a drastic drop to approximately \$2.3 million in revenues, which is due to all-time low flows at Purdue. The hope is that with recovery [from the COVID-19 pandemic] moving forward, that Purdue will find a way to get their students back safely on campus. It is something that will be monitored. Mr. Treat moved to the final page in the report with the Comparison of Budgeted and Actual Revenues, Revenue Requirements, and Bond Coverage. The key things on Revenue Requirements are the operating expenses, debt service, and capital improvements. Besides reducing operating expenses, the Utility managed to hold off on capital projects. There was over \$1 million budgeted for capital improvements and around half of that was spent. That helped; however, it is not something that can be sustained as the plant needs to be maintained. It was a good interim measure. The key we need to know is how soon we can return to previous revenues and watch it closely to see if the City is in a position to issue bonds for another CSO project. He noted that a preliminary rate analysis was done with some tricky assumptions made, but there is a chance that a project could be done with fairly nominal increases of 2%-3% phased in over a few years. He stated that the City should also research if we qualify for the new federal infrastructure funds from the American Rescue Plan.

Director Henderson stated that he has had discussions with the engineering firm that is designing the next CSO project about what funds might be available and they are investigating that.

Councilor Sanders, referring to Page 2, asked about the amounts related to the 2013 and 2014 bonds. Mr. Treat explained that the report reflects the listed year's portion of the bonds, due in 12 months. It looks like it is going up instead of down, but it makes more sense to look at the long-term portion and current portion combined. The detailed payment schedule for the 2014 bonds show why it goes up, which related to how the bonds were done to keep the debt service level. Mr. Treat confirmed for Councilor Sanders that the 2013 bond is almost finished and the 2014 has an increasing load from 2020 to 2029.

Councilor Thomas expressed appreciation to Director Henderson for managing a tough year very well. He hopes that Purdue coming back will give us a brighter picture. He also thanked Mr. Treat for keeping track of the numbers.

Councilor Sanders, referring to the decline in revenue from 2016, asked if Purdue is using water more efficiently in the new buildings or the laboratories. Director Henderson explained that in response to the CSO surcharge, which is based on meter size, Purdue strategically looked at each building and downsized some meters. It reduces the amount of forced water that goes into the buildings. Mr. Treat added that Purdue also had some meters that were no longer needed

and were removed, and the new facilities also have water-reducing features. It is a combination of things. Mr. Treat noted that some of that should be offset by the growth in developments, such as Discovery Park and Aspire.

President Bunder stated that he wants to remind everyone of a paragraph in Resolution No. 14-20, which reads:

AND BE IT FURTHER RESOLVED that the City commits to adding a resiliency (environmental security) officer to supervise compliance with same and adds a Climate Impact Fee to the Wastewater Utility bill to pay for said officer and other projects deemed necessary to support said resolution.

He stated that he hopes that as this year goes on that we can have that conversation about climate change. We have declared a climate emergency, and he would like to see the Council seriously consider a revenue stream that will allow us to hire a resiliency officer and begin to find a way to fund projects beyond CSO projects. It will make us more of an actor in response to climate change.

Joint Board Report

Councilor DeBoer stated that the next Joint Board meeting is April 20, 2021.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 04-21 An Ordinance To Amend Ordinance 29-20, To Fix The 2021 Salary Schedule For Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana (Presented by Controller) [No. of Readings 1 of 1]

Councilor DeBoer read Ordinance No. 04-21 by title only.

Councilor DeBoer moved for passage of Ordinance No. 04-21 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray explained that when the budget was done last year, we had no idea how the year would end due to the pandemic. We did not know the impact on the City and the budget. Therefore, a decision was made not to give the staff a salary increase. However, we ended the year better than expected, so Mayor Dennis has graciously requested that we provide a 2% increase for the staff. This ordinance is to adjust those salaries. He noted that, per State law, the salaries for elected officials cannot be changed after it is set with the budget.

Councilor DeBoer asked for information about the proposed amendment document on the agenda. After some discussion about the correct language, Controller Gray explained that the Social Service & Crisis Response Specialist position for the Police Department should have been listed as 37.5 hours and classified as Non-Exempt for FLSA, and that needed to be adjusted from the original Ordinance No. 04-21 presented.

Councilor DeBoer moved to amend Ordinance No. 04-21 with the changes described by Controller Gray, and the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk Booker called the roll call vote:

COMMON COUNCIL MEETING MINUTES, APRIL 5, 2021, CONTINUED

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

Ordinance No. 04-21 is amended.

Councilor Sanders stated that the management of the City has made this possible. He thinks that both the management and the employees should be thanked for what they do. It is amazing what happens when government is actually competent.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 04-21 (Amended) passed on first and only reading.

Ordinance No. 05-21 An Ordinance To Amend Ordinance 30-20, To Fix The 2021 Salary Schedule For The Wastewater Treatment Utility 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 Board of Works) [No. of Readings 1 of 1]

Councilor DeBoer read Ordinance No. 05-21 by title only.

Councilor DeBoer moved for passage of Ordinance No. 05-21 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray stated that this is the same good news as the Ordinance No. 04-21 for the WWTU, and he noted that this has been approved by the Board of Works.

COMMON COUNCIL MEETING MINUTES, APRIL 5, 2021, CONTINUED

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 05-21 passed on first and only reading.

Ordinance No. 06-21 An Ordinance Requesting An Additional Appropriation to the 2021 Budget (Various Personal Funds) (Prepared by Controller) [No. of Readings 1 of 2]

Councilor DeBoer read Ordinance No. 06-21 by title only.

Councilor DeBoer moved for passage of Ordinance No. 06-21 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Controller Gray stated that this ordinance is to increase our appropriation to fund the budget for the salary increases that were just approved. The funds are in multiple departments. There will be a public hearing at the second reading. In response to a question from Councilor Sanders, Controller Gray explained that we ended the year with a higher cash balance than we expected, so this appropriation is covered by our cash reserve.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 06-21 passed on first reading.

COMMON COUNCIL MEETING MINUTES, APRIL 5, 2021, CONTINUED

Resolution No. 05-21 A Resolution Authorizing The Filing Of An Application With The U.S. Department Of Housing And Urban Development, For Community Development Block Grant Funds, As Provided In Title I Of The Community Development Act Of 1974, As Amended (Submitted by Department of Development) [No. of Readings 1 of 1]

Councilor DeBoer read Resolution No. 05-21 by title only.

Councilor DeBoer moved for passage of Resolution No. 05-21 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Director Easter explained that this is an annual approval for the Department of Development to file the CDBG application for funding.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 05-21 passed on first and only reading.

Resolution No. 06-21 A Resolution Amending The City Of West Lafayette Go Greener Commission Bylaws (Sponsored by Councilor Bunder) [No. of Readings 1 of 1]

Councilor DeBoer read Resolution No. 06-21 by title only.

Councilor DeBoer moved for passage of Resolution No. 06-21 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

President Bunder stated that the Go Greener Commission is adding a youth representative. As it represents a bylaw change, it requires approval of the Council. In response to a question from Councilor Parker, President Bunder stated that the representative will be chosen by the Commission.

Councilor Kang added that there is a year requirement, which she believes is for juniors and seniors in high school. She confirmed for Councilor Parker that there is an application process. She expects that the Commission will receive several applications due to how active our high school students are in terms of climate activism.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Blanco	Aye
Brown	Aye
Bunder	Aye
DeBoer	Aye
Kang	Aye
Leverenz	Aye
Parker	Aye
Sanders	Aye
Thomas	Aye

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 06-21 passed on first and only reading.

COMMUNICATIONS

► Mayor John Dennis stated that on April 10, 2021, there will be a Stop Asian Hate Rally, and he would like to see everyone there.

Later in the meeting, Councilor Kang provided the mission statement of the Rally. She read, "In the past year there has been a steep surge in racist violence and hate crimes against Asian Americans and Pacific Islanders, especially the elderly and women. [inaudible] Asians are not a virus, and racial hatred against Asians is the real virus in our society. Councilor Kang also made a statement about what is sitting on her own heart, saying that recent weeks is not the first time that she has felt like she stands out in a crowd or like she could be terrorized or threatened by hateful actions. However, she does feel very supported by this community. She stated that the co-organizer of the Rally, Shan Chen, wants to bring West Lafayette to our feet to stand with our Asian community members and Asian Americans around the country. Councilor Kang stated that she feels lucky to call West Lafayette home. She noted that she has more supporters walking with her around campus than there are people who stand against her. Councilor Kang's first home is Atlanta, where a recent shooting took place with Asian victims. She stated that she believes that a lot of that was charged by Asian women being sexualized and fetishized. It is often lost in the narrative that Asians are actually the model minority. She would like to challenge everyone that if they see something happen to please call it out. She would like to know that her colleagues and people who do care about all Asian Americans will be able to stand up to those who feel it is okay to be harmful towards people just because of our skin color.

Councilor Parker stated that Shan Chen let her know that a lot of people in the Asian community are actually very nervous about a rally and about speaking out. They and Ms. Chen's family in China are afraid that the government will do something to them. Councilor Parker assured Ms. Chen that her city is on her side and we are one of the partners she has found to host this rally.

Councilor Kang thanked Mayor Dennis for being a part of it, and noted that the Purdue Student Government is now a partner as well, along with the YWCA and the Greater Lafayette Immigrant Allies.

► In response to a question from President Bunder, Mayor Dennis stated that his intention is to keep the mask ordinance for at least another month. He is getting conflicting reports on the numbers of cases and he does not have a proportion rate for vaccinations. He stated that doing

the right thing right now is to maintain the mask mandate. He noted that he still has the hate messages in his inbox, so he asked that people refrain on that because he gets it.

Councilor DeBoer stated that it could be worth considering, as we stare down the end of his pandemic, is thinking through what numbers we want to look for before we reconsider the masks, and perhaps Councilors Sanders and Brown can help with that. He would like to have hard numbers in place to communicate with the public.

Councilor Sanders stated that a mistake that has been made around the world regarding benchmarks is to look at a particular number rather than that those numbers are sustained over a period of time.

► Councilor DeBoer stated that he wants us to consider in-person meetings and what we are willing to have in terms of public participation with social distancing guidelines and masks. He thinks it is important to come to a time to meet in person to have the interaction with the public.

Counsel Burns stated that we have an open field to do what we believe is right at this time, including a hybrid meeting, within CDC guidelines. Those options will not always be available, but it is flexible for the time being.

President Bunder stated that he was thinking we might try to have a Pre-Council meeting on April 29th at City Hall. Mayor Dennis stated that there are some logistical things to work out, but it would be nice to have Pre-Council there as a dry run.

Councilor Sanders stated that in terms of in-person meetings, he knows that the State legislature was considering a law to allow for the continuance of remote meetings, but not on certain important votes. There is a rush for the legislature to pass everything at the last second, and he asked if Council Burns knows the status of that particular legislation.

Counsel Burns responded that he does not know the status. It is a hot potato issue. His opinion is that a hybrid model would work well for all purposes, but not everyone agrees.

► Councilor Sanders stated that as the Margerum City Hall renovation was being completed, he had requested that the City look into electric vehicles and charging devices. He asked if there is one or a plan to get one. Director Easter responded that the footprint of the parking lot for City Hall was challenging. However, later this year we will be redeveloping Chauncey Avenue in front of the building and will be installing electric vehicle stations in front of City Hall and in front of the library.

► Councilor Sanders stated that he has had numerous community members asked about the future of ceramics at City facilities. It was available here for decades and is an important part of some people's lives. Parks Superintendent Lozano responded that we do not have appropriate space at this time for ceramics and pottery classes in either of the two buildings. They have been advised that they need to seek an alternate site.

► Councilor Kang stated that Mayor Dennis, in partnership with the Go Greener Commission, is joining mayors across the country to ask residents to make a long-term commitment to manage water resources more wisely by taking part in the annual Wyland National Mayor's Challenge for Water Conservation. To participate, residents can enter online at mywaterpledge.com. There are multiple categories to enter into a raffle for the chance to win some eco-friendly prizes, including home improvement gift cards, home irrigation equipment, and paid utilities.

CITIZEN COMMENTS

► Emails that were received to the Clerk email address prior to or after the meeting are made a part of these minutes.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:49 p.m.

From: [Hayley Steidinger](#)
To: [WL Clerk](#)
Subject: Comment on 04/05/21 council meeting
Date: Monday, April 5, 2021 8:55:46 PM

External

Hello,

I attended this evening's city council meeting and wanted to voice my opinion on in-person versus virtual meetings. 2020 was the first time I ever "attended" a city council meeting and likely would not have if I had to go to city hall on a weeknight. Thanks to meetings going virtual my household has been able to sit in on city and county council and commissioner meetings and it has been enlightening to be more involved in our local government. I am glad to hear that the councilors want to go back to meeting in person, however I would urge that they keep a virtual option open for the public.

Thank you,
Hayley Steidinger
2319 Temple Ct E, West Lafayette, IN 47906