

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MARCH 4, 2019

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at the Temporary City Hall – Former Happy Hollow Elementary School on March 4, 2019, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was recited.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Jonathan Jones, Gerry Keen, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Absent: None

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, Director of Development Erik Carlson, Facilities Director Tim Clark, City Engineer Ed Garrison, City Controller Peter Gray, Police Chief Troy Harris, Fire Chief Tim Heath, WWTU Director David Henderson, Parks Superintendent Kathy Lozano, and Building Commissioner Chad Spitznagle.

MINUTES

Councilor Keen moved for acceptance of the minutes of the January 31, 2019, Pre-Council Meeting, and the February 4, 2019, Common Council Meeting. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

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

Councilor Thomas stated that the Parks and Recreation Board will be celebrating their 80th Anniversary this year. He commended the Parks Board for all of their hard work, as well as the great leadership role that Parks Superintendent has taken on since coming joining the City.

REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz stated that the March agenda has not been posted. The Ordinance Committee will be meeting on Wednesday, March 6, 2019, at 4:30 p.m. to discuss and consider two issues. The first one is for the changes to the UZO regarding coring and the flood plain zone, and the other one is to discuss not allowing wind farms in the county.

PUBLIC RELATIONS: None

FINANCIAL REPORT

City Controller Gray stated that the City has used 20% of the budget with encumbrances, while we are 16.6% of the way through the year. The annual reports have been filed on Gateway, which include the annual financial report, debt management affirmation, and other post-employment benefit reports.

Councilor Sanders stated we have had more snow this year compared to the most previous years. He asked how the snow removal is budgeted because we do not seem to be over budget with the difference in snow this year, to which Controller Gray responded that we have the rest of this winter and the beginning of next winter for the end of this calendar year. Traditionally we tend to

see what we have been doing in previous years, and then add more salt to that amount for the next year. It is an educated estimated guess in the long run.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the next Joint Board meeting will be on April 16, 2019, at noon in the Council Chambers at City Hall.

Councilor Bunder asked who currently holds the Chair position for the Joint Board, to which Councilor DeBoer responded Erik Carlson.

UNFINISHED BUSINESS:

Ordinance No. 01-19 (Amended) An Ordinance Regulating Personal Electric Or Motor Powered Vehicles And Other Non-Motorized Transportation Devices (Sponsored by Mayor John R. Dennis)

Councilor Keen read Ordinance No. 01-19 by title only.

Councilor Keen moved for passage of Ordinance No. 01-19 (Amended) on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Corporation Counsel Burns stated that there are a series of amendments, which has been attached to the agenda as the proposed second amendment for this ordinance. He suggested a motion to amend as indicated by the underlining in the document. He noted that any questions or other amendments the Councilors may have can still be made.

Councilor Keen motioned to amend Ordinance No. 01-19 to accept all changes made to the proposed second amendment, and that the vote be by voice vote. The motion was seconded by Councilor Dietrich. The motion was adopted.

Corporation Counselor Burns reminded the Council that if there are other amendments they can be made, otherwise the ordinance is ready for second reading. As indicated at Pre-Council, the changes that have been made are not substantive and were common sense changes.

Councilor Dietrich stated that he had a question in regards to the definitions. It appears that we are using the term Small Vehicle and Electric or Motor Powered Vehicle (EMPV) interchangeably throughout the document.

Corporation Counsel Burns instructed Councilor Dietrich to think of a small vehicle as a bigger set. The important thing to reminder is that in reference to small vehicles throughout this process is that it will only work if it is an enterprise. If you own a small vehicle, such as a bicycle, this ordinance does not change anything. This ordinance will only affect those that are a part of an enterprise.

Councilor Sanders discussed the amendments in which he was grateful to have clarified within the document.

Development Director Carlson expressed his appreciation to Corporation Counsel Eric Burns, Assistant City Attorney Elliot McKinnis, Economic Development Administrative Assistant Julia Zuchkov, and the City Council for their work on this ordinance.

Councilor DeBoer stated that in the section that was just amended it says, "This ordinance shall not be read to modify the use of bicycles currently in effect, nor change the rules of the road applicable to bicycles." He asked if we typically end language that we are inserting into City Code refer to "this ordinance," or should it be "nothing in this chapter" instead, to which Corporation Counsel Burns stated that the Codification Service cleans up those sort of things. It will speak to the Council as an ordinance for their consideration of it.

Councilor Bunder asked if we had heard from any scooter companies, to which Director Carlson responded frequently. There is at least one company currently here. That company is appreciative of the City's framework for the scooters in our City. We are looking forward to getting this option of transportation back to the residents.

Councilor Dietrich asked if we require prior notice from an enterprise of the distribution of the scooters and if so is it articulated, to which Corporation Counsel Burns responded that it is based upon issuance of license. Once the license is issued there is no other requirement for them to notify us.

Councilor DeBoer added that part of the license process involves a minimum and maximum number of scooters. The language has been changed slightly during the amendment process, which would allow us to have an idea of how many scooters there would be distributed throughout our City.

Director Carlson interjected that through the application process they will be in touch with the Administrative Officer, and we will have an understanding of when we will expect delivery of these devices if an application is approved.

Zachary Baiel (124 Connolly Street) expressed his appreciation for the amendments that have been made to the language for clarification. He brought up that there has not been any further details made in regards to Section 39.02 (g) "The Enterprise shall conduct quarterly events each year, focused on user safety." There was discussion last time about utilizing the data that was gathered in the complainant format and the data that is released back to the City to help inform it. He explained that his concern last time was how a tabling event at Purdue would constitute as meeting one of these requirements. This does not allow us the opportunity to be able to focus on what the Enterprise should actually improve on for the residents and the City. He noted his curiosity on if that would be open to the Enterprise as written or if the Administrator Officer will direct them more.

Corporation Counsel Burns responded that the Administrative Officer will have a lot on hand to be able to implement this "new world" of transportation for the City. In collecting that data, the Administrative Officer would presumably bring that information for some type of public event. While it may be anticipated that the first meeting may be more of a meet and greet, they could become more pointed after that initial event.

Mr. Baiel emphasized how important it is for the City and Administrative Officer to be involved in this process.

Thomas Kesler (479 Maple Street) stated that he views the scooters like motorcycles, and hopes we will approach them like motorcycles. He would like to see them licensed, parked like a

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motorcycle, and helmets used. He discussed how he was turned off by the whole idea when he saw what was happening to his neighborhood when they were being dumped off last year.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 01-19 (Second Amended) passed on second and final reading.

Ordinance No. 03-19 An Ordinance Recodifying, Adopting And Enacting A New Code For The City Of West Lafayette (Sponsored by Mayor John R. Dennis)

Councilor Keen read Ordinance No. 03-19 by title only.

Councilor Keen moved for passage of Ordinance No. 03-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Corporation Counsel Burns noted that he would be reserving any substantive in-depth comments to Assistant City Attorney McKinnis, who is in attendance this evening, since Mr. McKinnis shepherded this process through to the end.

Councilor DeBoer expressed his appreciation to Corporation Counsel Burns and Assistant City Attorney McKinnis for their work during the process of the recodification. This has been a long time coming. He stated that when he first began working on the City Council it was difficult to tell what the rules and regulations were for the City of West Lafayette. This is now a fresh start for the City for anyone to be able read our code. They will be able to know what the laws are, act upon them, and know who to talk to if something needs to be changed. For the first time in years there is a document that we can amend, structure, and effectively govern through.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye

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Councilperson	Vote
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 03-19 passed on second and final reading.

Ordinance No. 04-19 An Ordinance To Establish The Cumulative Capital Development Fund And Readopt West Lafayette City Code Provisions Concerning The Fund (Submitted by City Controller)

Councilor Keen read Ordinance No. 04-19 by title only.

Councilor Keen moved for passage of Ordinance No. 04-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Controller Gray stated that each year we need to re-establish the CCD Fund. We are keeping it, again, at \$0.05 per \$100.00 of assessment, which it has been for a number of years. It provides us with needed capital for the City.

Councilor Keen moved to open a public hearing on Ordinance No. 04-19. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

Councilor Bunder announced they were in a public hearing.

Zachary Baiel (124 Connolly Street) said, "Just reading this, one, we are going to keep it at that same rate, correct? Based on the way this is – even though it was supposed to sunset, go down, and be reduced we will keep it at that rate, the \$0.05 per \$100.00. Two, and maybe this is a question more for the Controller, is this – are these funds and the expenditures from these funds; are they easily trackable?"

City Controller Gray said, "Yes, just like everything else."

Mr. Baiel said, "And so one would be able to find out – because I know in here, it said something along the lines that the Controller is directed to submit proof of publication – not withstanding sub-section (d) of this section funds accumulated by this fund may be spent for the purposes other than the purposes stated in sub-section (d). I assume those are trackable as well?"

City Controller Gray said, "Just like everything else."

Mr. Baiel said, "Okay, great! Thank you very much!"

Councilor Bunder asked, "Are there other citizens comments on Ordinance No. 04-19?"

Councilor Keen moved to close a public hearing on Ordinance No. 04-19. The motion was seconded by Councilor DeBoer, and the motion passed by voice vote.

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There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 04-19 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 05-19 Before The Common Council Of The City Of West Lafayette An Ordinance Vacating An Alley Located On The Morton Center Property (Sponsored by Mayor John R. Dennis)

Councilor Keen read Ordinance No. 05-19 by title only.

Councilor Keen moved for passage of Ordinance No. 05-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Councilor DeBoer asked if they could do two readings, or if they were not allowed, to which Councilor Bunder responded that they were informed at the Pre-Council meeting that they were not able to have two readings because of the required Public Hearing at the next Council meeting.

City Engineer Garrison stated that as part of the process for the Morton Center to become the new City Hall we are wanting to clean up the property lines. This was most recently done with the West Lafayette High School. When the Morton Center was originally built there was not a lot of concern with building over property lines. There are ten parcels and an alley that are shown on the block where Morton Center is located. We are looking at making that one parcel, and in order to do that we need to vacate the alley that is plotted there. The alley will be given to the City, and then we will be able to turn that into one large property.

Councilor Bunder asked where the alley is that runs through Morton, to which Mr. Garrison responded that it runs east to west between North Street and Columbia Street. The alley runs through the gymnasium and main entrance.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye

Councilperson	Vote
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 05-19 passed on first reading.

REPORT BY THE MAYOR

Mayor Dennis announced that Mason Kurshner is a guest in the audience this evening. He is a Boy Scout who is working on his badge for citizenship in the community. He then stated that City Clerk Sana Booker is being honored with the Woman of Distinction Award tomorrow evening. He acknowledged that this award was well deserved by Clerk Booker.

COMMUNICATIONS

► Councilor Thomas stated that there is an issue that has been bothering him for quite some time. He noted that there is an August group of gentleman sitting at the front table, who are continuing to do great work for the City. However, there is something wrong with the picture when there is not a female sitting on the table to help represent the City as a Councilperson. He is unsure of who is at fault for this predicament. He noted that he has met many brilliant women over the years that have been in high positions. We have amazing women in this community who are continuing to strive with excellence and doing amazing work. Until society values women for what they do and what they can bring, we will continue to see this picture as it is in front us. This needs to change, and we as individuals need to help that change. Councilor Thomas stated that it is an absolute disgrace in his opinion.

CITIZEN COMMENTS

► Bill Arthur (306 N Sharon Chapel Road) stated that he is a member of the West Lafayette Go Greener Commission. The Go Greener Commission, in conjunction with the Purdue Student Sustainability Council, is holding an event tomorrow evening from 5:30 p.m. – 7:00 p.m. called Food Waste Composting at Fuel on Northwestern Avenue. There will be discussion about composting in general. Wastewater Director Henderson will be guest speaking about the digester. Megan Garrity, a Junior at Purdue who is studying Environmental Engineering, will introduce a program in which we will collect food waste from participants in the City. The Street and Sanitation Department will help by delivering that food waste to the digester.

Councilor Sanders asked beyond the event tomorrow, how are they communicating with the community to make them aware, to which Mr. Arthur responded that the citizens who attend the event will be offered the opportunity to participate in a program that allows them to collect their food waste, and food waste containers will be provided to them as well. Then they will eventually be able to get their food waste to the totes that will be placed at various spots throughout the City. The Street and Sanitation Department will then deliver the waste to the digester. He noted that they have 50 sets of containers to distribute at the event.

► Jan Myers (1909 Indian Trail Drive) stated that she does not recall any public meetings or planning during the construction phase of the new intermediate school for the traffic around that

area. She explained that in the afternoon it becomes a four-lane parking lot on Indian Trail and on Lindberg Road just east Salisbury Street. It is unclear what type of plan or solution they may have had previously. Emergency vehicles and first responders would not be able to get through the area at this time of day with the current situation though. She suggested that the curbs within the school zones be painted to signify it is a no parking zone. The Health and Wellness Center is currently underway for planning and the site is specified. She requested that the City look into the research that is coming out of National Institutes of Health (NIH) from various European health organizations. They are continuously pointing out that the best health benefit is the cognitive skill of a walk in the park. Treadmills and running on streets provide a lower benefit when compared to a walk in a park. If we are going to put this much money into a Health and Wellness Center we need to look at where the health and wellness comes from, which will enable us to invest more support in our parks rather than asphalt and buildings.

► Zachary Baiel (124 Connolly Street) stated that if the Go Greener information has not been posted yet, it will be posted on the New Chauncey website and the Nextdoor app. He stated that after the last Council meeting he had emailed all of the Councilors the Harvard Research Study, along with some other documentation. He noted his curiosity on if they had time to review the information, and questioned if any new draft plans had been made for the new City Hall.

Councilor Dietrich responded that they had the time to review the aforementioned information, but was unsure if any plans had been altered.

Mr. Baiel reminded the body that March 10-16 is National Sunshine Week, which is a celebration of government transparency, accessibility, and accountability. You may learn more at www.sunshineweek.org or www.Indianacog.org. There will be a West Lafayette public book sale March 29 – April 3. All of the proceeds will go to help support the West Lafayette public library. Mr. Baiel explained that he was not familiar with all of the camera systems. He asked if cameras are present around the new intermediate school and traffic ways that we would be able to see some of the traffic flow patterns, to which City Engineer Garrison responded that there is a camera set-up at the intersection of Salisbury Street and Lindberg Road for traffic detection. The camera does not have the capabilities to reach out to Indian Trail and other areas. Now that this situation has been brought to their attention, Police Chief Harris and Mr. Garrison will be sending people from their Departments to monitor and then determine what the best course of action should be. As part of the public portion, this was all discussed several times through the Traffic Commission.

► Jennifer Teising (912 Princess Drive) stated that Councilor Sanders asked her to introduce herself. She is the Wabash Township Trustee. Wabash Township encompasses all of West Lafayette and out to 500 W, out to the county line, and back down. The Trustee's Office has several responsibilities, but the largest is fire protection for the unincorporated parts of Wabash Township. They also administer township assistance to the entire township, which was a program previously known as Poor Relief. The program is to help people in need that are in emergency situations or financial assistance. Ms. Teising stated their website is www.Wabashtrustee.com. The website will allow you to be able to find out more information about the Township Assistance Program, as well as the links to the Fire Department. There are other small tasks that they handle, such as maintaining the four cemeteries outside the City. She is also a fence viewer and will resolve property disputes outside the City. She expressed the joy she has enduring the process of running for office, and being able to give back to her community.

Councilor Bunder asked if a fence viewer would involve the irradiation of noxious weeds, to which Ms. Teising responded yes.

► Thomas Kesler (479 Maple Street) expressed his gratitude to the Street Department for hauling away the pile of rubble that he collected last year. Trash continues to be a problem in the City. He stated that he heard second hand that the Neighborhood Resource Team (NRT) was out issuing citations to the residents who had not removed snow from their sidewalks. Three days after one of the snowfalls he went on a walk, but the majority of the walk had to be on the street because the sidewalks had not been cleared. There are properties where leaves are not raked, and portions of the public sidewalk where there are walls, which allows the leaves to collect on the sidewalk at the base of those walls. He recently got a letter from Duke Energy to install a smart meter on his home. He decided to join the easy read program. He questioned what the radius is on the smart meter, and how many of the antennas are bathing him. He would like to see if he could get some independent input on what the effect is on humans with radiation.

Councilor Sanders asked Mr. Kesler to share his findings with the Councilors, to which Mr. Kesler agreed.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:15 p.m.