

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MAY 6, 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 May 6, 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, and Norris Wang.

Absent: Gerald Thomas

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Human Resources Director Diane Foster, 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 DeBoer moved for acceptance of the minutes of the March 28, 2019, Pre-Council Meeting, and the April 1, 2019, Common Council Meeting. Councilor Keen seconded the motion, and the motion passed by 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.

PUBLIC RELATIONS:

Mayoral Appointment: Historic Preservation Commission (HPC) – Mike Dunkle

Councilor Dietrich motioned for approval of the Mayoral Appointment of Mike Dunkle for the Historic Preservation Commission (HPC), and that the vote be by voice vote. The motion was seconded by Councilor DeBoer. The motion passed.

FINANCIAL REPORT

City Controller Gray reported that we are 1/3 of the way through the year. Our overall expenses with encumbrances is at 37%, but the expenses are at 31%. The general fund is slightly higher, but will even out over the rest of the year.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

2018 WWTU Annual Financial Report

Jim Treat (O.W. Krohn & Associates) stated that he is here to present the annual financial statements of the position of the Wastewater Utility. Due to working on bond issues for the City's Redevelopment Commission (RDC), Mr. Treat noted that he is later than normal with the presentation this year. He was asked to make a couple of brief comments about those bonds before starting on the Financial Report. He stated that we sold the bonds for the Recreation Center [Wellness and Aquatics Center] in March, and then sold the bonds for the new City Hall last week. The timing for the bond market was excellent for both bonds. The interest rates were near 3.3%. For a 20-year TIF bond, that is really strong for the City and reflects well on the City's credit standing. As the team looked at additional projects that the City would like to do, we were able to get additional bond proceeds because of the market. This was done while staying within all the parameters that the Council and RDC approved last year in terms of the total bond amount and payment amounts.

Mr. Treat began with the WWTU Financial Report on Page 1, the Statements of Net Position, which is the balance sheet for the Utility. It shows where the Utility stood at the end of 2017 and 2018. Major assets would be cash and investments, and those were about \$12.5 million at the end of 2018. The other big asset is the investment in the Capital Plant, which was \$97.2 million. Changes from last year on the asset side included cash and receivables, which increased by about \$0.5 million overall from 2017 to 2018; the restricted asset funds were down approximately \$5 million, which relates to the final expenditures of most of the remaining proceeds from the 2016 CSO Interceptor Project bonds. It was an expected expenditure since bond proceeds are not held when the project is finished. The \$3 million increase under the capital assets infrastructure reflects the tail end of that project. He stated that big items in liabilities are the outstanding bonds. The Utility had \$54 million outstanding in bonds in 2017, and at the end of 2018 it was down to \$49 million. There were about \$3.5 million worth of schedule payments, with normal maturities that were paid. Also, one thing that we did ahead of time was the bond anticipation note (BAN) that was taken out in 2016 for the Auburn Meadows Lift Station. The BAN was a five-year note going until 2021, but because the projects under the CSO bond came out under budget, we were able to use those remaining proceeds to pay the BAN off without paying additional interest or rolling into another bond. This was an additional \$1.5 million payment of debt service and reduction in bonds outstanding.

Mr. Treat moved to Net Position, which is the income statement in governmental language, on Page 3 of the report. On the revenue side, the operating revenues are close in both 2017 and 2018 at approximately \$13 million. The last scheduled sewer rate increase took effect in January 2018, so the billings reflect a 3-4% increase, as expected, in the non-Purdue billings. That is \$5 million of the \$8 million in revenues for Wastewater. However, the Purdue revenues were flat with almost no change. He explained that Purdue has been finding different ways to save and cut back on their flows. In 2017, Purdue had about 626 gallons treated at the Plant, but it was down to 550 million gallons in 2018, offsetting the rate increase. Another change in the revenues was the trash fee revenues with a \$150,000 increase that reflects the new service area that started mid-2018, so there will be another increase this year from the full year of serving that area. Mr. Treat stated we had some unusual items in the operating expenses. There was an increase in 2018 of approximately \$600,000 to \$1.5 million, which includes around \$300,000 over-budget that he noted would be explained later on in the report. In the non-operating revenues, the biggest change was under miscellaneous non-operating revenue, which came from insurance reimbursement for a trash truck that was in an accident. The bottom-line income is consistent at approximately \$2 million in both years.

Mr. Treat moved to Page 6 with the Detail of Operation and Maintenance Expenses. There were a couple of unusual one-time big expenses in 2018. The first one is under Treatment Plan, which has a variation under the sludge removal line, and is over the budgeted amount. He explained that sludge removal is hard to predict because there are a lot of ebbs and flows, literally, dependent on the wet weather. He looked back seven years, and the average of those costs is \$240,000 per year. The lowest year was only \$112,000, and the highest was almost \$500,000. There is wide variation, and 2018 happened to be a higher year at \$365,000. It should reverse itself and get closer to the average, so that is what we budgeted going forward.

Councilor Sanders asked for more information on what causes the variation. WWTU Director Henderson explained that we have not done any land application this spring because of the rains. The farmers wanted to get into the fields by May 10th, but they are still waiting for things to dry more, and we have more rain coming in the next few days. He explained that when we land-apply biosolids it is the equivalent of adding around one inch of rain. Therefore, when it is already wet, the farmers do not want that done. Thankfully, there is enough capacity in the lagoon to make it through this season and wait until the winter wheat comes off, perhaps in July. We do have some land next to the Plant that we apply to as well. When we can, we will apply and then plant crops. The expenses of planting are taken care of by Merrell Brothers, and then we split the proceeds from the sale of the crop. If we apply on that this year, we will not be able to plant as it will just not be productive this year. He explained for Councilor Sanders that the revenue from the crop is just a small amount, but the changes in the land application are determined by the weather and it varies quite a bit.

Mr. Treat stated that the next budget variance he wanted to highlight is that Sanitation was over, mainly in the supplies. This was due to spending almost \$100,000 to buy new recycling totes for the new neighborhood we added to serve, so that is a one-time expense. The rest of the variance was in Administration and General due to \$65,000 spent on a treatment plant optimization study and \$89,000 in legal fees related to the American Suburban Utilities (ASU) matters that the Council will be looking at later [Resolution No. 04-19]. Added together, that is approximately \$475,000 in one-time expenses, so when he did the 2019 budget he only added approximately \$100,000 to the budget. Mr. Treat noted that the report includes payment schedules for the outstanding bonds for those who want to review them, and Page 16 has the Combined Debt Service table to see all of those schedules in one place. The total debt service over the next eight years is \$4.9 million, which we plan for and budget from cash flows. After that, if we do not issue more bonds, they drop by \$2 million after those eight years. The report includes charts of various data. The chart labeled C-5 shows the rate comparison for the rates in the other communities in the area and other similar-size communities and utilities in the State. After the most recent rate increase, West Lafayette's average monthly bill based on 5,000 gallons for a homeowner is \$40.47, which is the lower middle of the other rates. One thing that changed since last year is that Lafayette increased their rates effective January 2019, so they are now about \$2.00 higher per month, excluding the stormwater fee. Mr. Treat stated that the last page of the report brings everything together, showing the total revenues budgeted, actual 2018 and budgeted 2019. It compares those to revenue requirements, which are operating expenses, debt service payments, capital improvements that are not bond- or debt-funded, and the payment in lieu of taxes made to the City. The revenues are very close between the budget in actual and total, even though they vary little different in category. We are hoping to see some increases this year from the new facilities in the Levee/Village area, which will help increase revenues without rate increases. In the 2018 actuals, there is \$13.4 million in revenue sources while the revenue requirements are just under \$13 million. We were able to cover all of those requirements with the revenues that were in place. The last portion of Page 20 shows the bond coverage. The minimum desirable bond coverage would be 125% every year, and we had 141% in 2018, and expect it to increase

to 151% in 2019. Mr. Treat stated that we will continue to monitor the Utility's revenues and expense trends, and hope with the growth occurring now and with Discovery Park will continue to add to the revenue base and offset cost increases.

Councilor Dietrich asked if the new high-rise buildings, such as The Hub, will be classified as residential rental or commercial. Mr. Treat responded that they will be mostly multi-family for the apartments, but there is some retail on the bottom floor of some of them.

Councilor Sanders asked, regarding Page 8 of the report, what the significance is of the Operating Fund balance and minimum reserve guidelines. Mr. Treat responded that two months is a benchmark of that. If the operating funds are split between wastewater and stormwater, we look at those together because they are part of the same utility. We like to have close to \$1 million in wastewater, but we have a lot of money in stormwater, so there are decent operating funds because of it.

Councilor Sanders asked for further details about an extraordinary charge in February for government use of water that is listed on page 18, to which Mr. Treat responded that he would do further research and email his findings to Councilor Sanders.

Joint Board Report

Councilor DeBoer deferred the Joint Board report to the Joint Board Chair, Erik Carlson, due to his absence from the last meeting. Mr. Carlson stated that at the last quarterly Joint Board meeting they reviewed numerous final change orders that have been presented with the State Street Redevelopment Project. Members of the Joint Management Team informed the Board that the final closeout of that project will take place prior to the next meeting. He noted that the next Joint Board meeting has been rescheduled from July 16, 2019, to July 23, 2019.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 10-19 An Ordinance Requesting An Additional Appropriation For The Community Crossings Grant Fund (Submitted by City Controller) [PUBLIC HEARING]

Councilor Keen read Ordinance No. 10-19 by title only.

Councilor Keen moved for passage of Ordinance No. 10-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Controller Gray stated that last year we did not receive any Community Crossings funding, but we had in previous years. However, this year we will be receiving funding for two separate projects, and will be requesting approval for the appropriations to spend the \$425,315.00.

Councilor Keen moved to open a public hearing on Ordinance No. 10-19. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

Councilor Bunder said, "We are at the public hearing for Ordinance 10-19 Community Crossings Grant Fund."

Zachary Baiel (124 Connolly Street) said, "It was just mentioned in the abstract that there is some projects this is going to. What are the projects?"

Councilor Bunder said, "Ed gave us a list at Pre-Council, and I bet he can do that again tonight."

Mr. Baiel said, "Well, I would say I did not see it on the other notice – or the other items on the agenda. Otherwise, I would have seen it there – so."

City Engineer Garrison said, "Yes, there are two projects that have gone through both the Board of Works and RDC. One is for Bar Barry Heights, it will be completing the remaining roadways that are in the community. We did roughly half of them last year and this will be wrapping up the rest of them. The other one is in the Chauncey district. It will be work on Meridian Street, Vine Street, the south end of Chauncey, Harrison, and Marsteller."

Councilor Bunder said, "Thank you, Ed. We are still in a public hearing if anyone else would like to comment or ask a question about the ordinance. I would like to entertain a motion to close the public hearing."

Councilor Keen moved to close a public hearing on Ordinance No. 10-19. The motion was seconded by Councilor DeBoer, and the motion passed by voice vote.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 10-19 passed on first reading.

Ordinance No. 11-19 An Ordinance Of The City Of West Lafayette Authorizing Appropriation Concerning The U.S. 231 Annexation Area Newman Road Underpass Project (Submitted by City Controller)

Councilor Keen read Ordinance No. 11-19 by title only.

Councilor Keen moved for passage of Ordinance No. 11-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

City Controller Gray explained that this is a project for the Newman Road Underpass, where they will be redoing the railroad bridge that is located west of US-231 and State Street. This is a joint project with Purdue Research Foundation (PRF) and Indiana Department of Transportation (INDOT). INDOT will be funding \$10 million of the project, and PRF will cover \$2.5 million of match funding. This ordinance is seeking approval of an appropriation to be able to use the \$10 million from INDOT.

Councilor Dietrich asked why the project was changed from overpass to an underpass, to which Controller Gray responded that the road itself is an underpass. The railroad is the overpass.

Councilor Dietrich asked if the overpass was being taken out, to which Controller Gray responded that we are shifting it. We will be increasing the width underneath, and straightening the road out.

Councilor Dietrich, in reference to the title about the annexation area, asked if it will be annexed as part of the road, to which Controller Gray responded that it is already part of the annexation and part of the City.

Zachary Baiel (124 Connolly Street) stated that it makes a declaration in this ordinance where it says, "further the interests of the parties by removing a substantial impediment to the future growth in economic development of the Purdue airspace district and adjacent areas for the City." He noted that he would assume there were studies that were completed that determined that information. He asked if any of that information was available on the City's website or what would be the best course of action to obtain those studies on that impediment to future growth, to which Corporation Counsel Burns responded that there may be something with PRF. City Engineer Garrison added that the City has a traffic study that we would be able gather.

Councilor Dietrich stated that we have some anecdotal information of projects that were turned down for the area because of that impediment.

[Conversation from Director Carlson in the audience was inaudible.]

Mr. Baiel agreed that everyone is excited to receive money from INDOT, and asked if there are stipulations and requirements for the money, to which Corporation Counsel Burns responded that the money just has to be spent on this exact project. Otherwise, the money will be returned.

Mr. Baiel asked if the same conditions apply for PRF, to which Corporation Counsel Burns confirmed. The City is not involved in that flow of money from PRF, and it will go directly to Joint Board without stipulations.

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	Absent
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 11-19 passed on first reading.

Ordinance No. 12-19 An Ordinance Regulating Pedal Carriages (Submitted by the Department of Development)

Councilor Keen read Ordinance No. 12-19 by title only.

Councilor Keen moved for passage of Ordinance No. 12-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Julia Zuchkov, Economic Development Administrative Aide (Department of Development), stated that the City was approached by a pedal carriage company a year ago, but we did not have any type of legislation at the time that would allow it. Ms. Zuchkov explained that a pedal carriage is a type bicycle carriage that seats up to 16 passengers. Passengers are allowed to bring their own alcohol, and the operator will serve the alcohol to the passengers in non-glass containers.

Councilor Bunder stated that at Pre-Council the only people who had ridden on a pedal carriage before were the Mayor and the media. Councilor Jones and Councilor Dietrich noted that they have also been on one before.

Ms. Zuchkov confirmed for Councilor Wang that the passengers will bring their own alcohol, but the operators will serve it. The passengers are allowed to bring their own snacks, but the company will not sell food.

In response to a question asked by Councilor Wang, Ms. Zuchkov stated that the number of passengers the carriage is able to accommodate depends on the vendor. Some models are able to seat up to 16 passengers.

Councilor Wang asked if these companies will be instructed on how to deal with people who have been inebriated or have had "too good of a time," to which Ms. Zuchkov confirmed. The ordinance will require that operator of the pedal carriage have a server's license, so they will have some experience in that area. The hours of operation will help too. The pedal carriage has to be reserved ahead of time, so it is also not the kind of thing you can just get on at a whim.

Councilor Bunder asked for confirmation that the pedal carriages would not be on State Street, to which Ms. Zuchkov responded that we will be able to restrict the route, as well as the pick-up and drop-off locations.

Councilor Keen asked for confirmation that there will be no alcohol sales on the device, to which Ms. Zuchkov confirmed.

Councilor Sanders, following-up from Councilor Wang's previous question, stated that he did not see any reference to food in the language. Ms. Zuchkov agreed that there is no mention of food in the language, and we did not restrict it. She noted that this is how other companies that we have looked into have operated, but we can change it if necessary.

Councilor Sanders asked if there are health issues involved with serving food or if it creates competition with our local restaurants. It could be that the current operator does not provide food, but we are making an ordinance that potentially apply to other companies.

Ms. Zuchkov stressed that we could add to the ordinance that people are able to bring their own food, but there will not be the sale of any food on the pedal carriage.

Councilor DeBoer asked if we already have legislation within our City Code that dictates time, place, and safety standards for selling food in the City that would be applicable, to which Corporation Counsel Burns responded not that he is aware. He stated that the whole idea of mobile vending is something that the Health Department is not eager to endorse because of some of the challenges. If the company were serving something other than chips in a bag, there would be Health Department issues that force them to be involved.

[Conversation from the audience was inaudible.]

Councilor Bunder stated that he would be happy to leave the regulations to the Administrative Officer.

Councilor Wang asked if there would be a handbook or policy for the operators because he was concerned about the food aspect.

Ms. Zuchkov asked if the Councilors would prefer a handbook, or if they would like the Administrator Officer to dictate that information. Councilor Sanders informed Ms. Zuchkov that he would like the information to be included in the ordinance, which would allow everyone to be aware of the rules.

Corporation Counselor Burns asked that any suggestions be sent to Ms. Zuchkov for review. The minimum would be that the Health Department regulations shall be followed, and would not need to be included in the language. If there are further thoughts of specifications he encouraged the Councilors to pass that information on to Ms. Zuchkov.

Director of Development Carlson informed the Council that he is not aware of how the classification works under State law, and what would be the definition of a bar. All bars must be required to sell food, and some do it by selling chips. We may not be able prohibit the sale of food types and still keep them in accordance with State law.

Corporation Counsel Burns agreed that Director Carlson brought an excellent point to the discussion, which needed to be researched further.

[Conversation from the audience was inaudible.]

Councilor Dietrich stated that in Section 8 it discusses equipment, but there is no language about inspection from the City. He suggested that some type of language be inserted, which would reference that an annual inspection be made to the carriages. Ms. Zuchkov agreed that the language would be inserted into the ordinance.

Councilor DeBoer stated that City Code has a chapter on peddlers, transient merchants, and itinerant merchant, which classifies all of these things as either being illegal or requiring licenses to conduct business. Whether or not this falls under one of those categories will be left to the attorneys, but we do have prohibitions on the books for something similar.

Corporation Counsel Burns responded that he will look further into it the chapter to make sure it is covered, and if it applies. He noted that this topic had been vetted through the Department heads.

Laurel Kesler (479 Maple Street), explained that if this is similar to a vehicle with open windows, she foresees people throwing trash out of the windows and being noisy. She expressed her concern that when residents call to report these issues, there will not be a solution since there is

nothing in the ordinance addressing it. If passengers are throwing trash out of a moving vehicle it would be hard to pin down where it came from later on.

Zachary Baiel (124 Connolly Street) added that he has also seen cyclists litter throughout the City. Since we are addressing more areas of transportation in Section 38-361, under Definitions, there was similar confusion in the language of Ordinance No. 01-19 regarding Small Vehicles and Electric or Motor Powered Vehicles (EMPV). He asked for verification that the language would not impact the current way that private citizens operate pedal-powered machines with three or more wheels on our paths or roadways, to which Counsel Burns confirmed that is correct and explained that it is only for a business operating as such. Mr. Baiel also expressed concern about the requirement that the pedal carriage pull over to allow traffic to pass it if they are traveling near or at the speed limit. He wondered where they will be able to pull over, especially in the north.

Councilor Dietrich reported that in Section 38-363 it states that the registrant shall provide the number of pedal carriages to be operated. He stated that similar to what was decided with Ordinance No. 01-19 in regards to EMPVs, this information should be dictated by the City, rather than the company determining that number.

Corporation Counsel Burns asked if there was language included about the issuance of licenses based on the information that would be provided to the Administrative Officer, to which Ms. Zuchkov responded that she was not sure. Director Carlson added that after further research, this situation is different than what was discussed with EMPVs. Due to the higher operating cost for this type of business, other cities have potentially only had two to three pedal carriages that operate within a city's limits.

Councilor Dietrich noted his understanding that this may not be a current issue in other cities. However, he has concerns that a vendor could have numerous pedal carriages in their fleet, and then decide to bring them all to West Lafayette. He further discussed how we would not be able to accommodate this issue, nor would we have the language with a controllable number at that point.

Corporation Counsel Burns stated that Clerk Booker pointed out that Section Seven talks about denial as a possibility, yet it does not give that as a perimeter upon which something could be denied. We will put something in the language that will be along the same lines of the Ordinance No. 01-19, which would state that we will be making those decisions.

Councilor Sanders recommended that an inspection fee be included in the ordinance. Based on the number of changes for the ordinance, he recommended that the ordinance be tabled.

Councilor Sanders motioned to table Ordinance No. 12-19 to a time certain of June 3, 2019. Councilor Keen seconded the motion.

Councilor Dietrich discussed why he felt the ordinance did not need to be tabled.

Councilor DeBoer added that he would like to have a conversation on the items that were brought up today, instead of just being included into the draft next month.

Councilor Jones asked if there was an urgency to get the legislation passed quickly, to which Director Carlson responded that even with the legislation being tabled it would be completed for the beginning of the fall semester. However, philosophically those questions are not for the staff to answer, but rather the Council body to determine.

COMMON COUNCIL MEETING MINUTES, MAY 6, 2019, CONTINUED

Councilor DeBoer added that one benefit of passing it on first reading is that any changes to the language will need to be noted and discussed at the next reading.

Councilor Sanders confirmed for Councilor Keen that the request to table the item is to a time certain of June 3, 2019.

In response to questions asked by Councilor Leverenz, Corporation Counsel Burns confirmed the request is to table the first reading. Then the first reading would be in June and the second reading would be in July.

Clerk Booker called the roll call vote to table Ordinance No. 12-19:

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

Clerk Booker stated that the vote was 2 AYES and 6 NAYS.

The motion to table Ordinance No. 12-19 failed.

There was no further discussion.

Clerk Booker called the roll call vote on Ordinance No. 12-19:

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

Clerk Booker stated that the vote was 7 AYES, 0 NAYS, and 1 ABSTENTION.

President Bunder announced that Ordinance No. 12-19 passed on first reading.

Ordinance No. 13-19 An Ordinance Protecting Bicycle Riders (Submitted by the Engineering Department)

This ordinance was tabled at the May 2, 2019, Pre-Council meeting to a time certain of June 3, 2019.

Resolution No. 04-19 A Resolution Approving Sewer Service Area Agreement Between The City Of West Lafayette And American Suburban Utilities (Sponsored by Wastewater Treatment Utility)

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

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

Corporation Counsel Burns stated that he has a professional legal conflict of interest on this matter. He noted that he has not been involved up to this date, and will not be involved in any discussion about the topic this evening. Due to these circumstances, Director Henderson then informed the Council that this is the reason why the Wastewater Department was forced to seek outside counsel last year at an extra expense.

Director Henderson explained that this is an agreement between American Suburban Utilities (ASU) and the City establishing changes to service areas. As we have grown to the west and butting up to their service area we are looking at some exchanges. One specific area includes the aerospace district west of the University. PRF is focusing on this area, and the City wants to be able to participate. The agreement serves to place boundaries and each utility is able to plan for the future. There is a payment of \$1.00 per Equivalent Dwelling Unit to ASU for anything that is developed in the next five years in the hashed area. The agreement is for 25 years, and will provide the certainty for the respective sewer service areas. He stated that there is one developer in attendance this evening that has an area that was initially partly in the City's area, and also in ASU's area. This agreement now allows us to serve the entirety of the Three Meadows development that is currently being worked on. It is an immediate benefit to the City.

Councilor Bunder asked if the impetus for this is that a developer who is interested in having us service their project; we are then able to enter into a negotiation with the person who is the service person by right, or by legislation, or by franchise, to which Director Henderson confirmed. He further explained that part of the discussion was that we had an active development that was straddling the territory line between the two entities. There have been others in the past as well, so it was time to have that discussion.

Councilor Dietrich asked if this was outside our city limits, to which Director Henderson responded that only portions of the hashed area.

Councilor Dietrich asked who determines whose area the farmland becomes when it changes to developed areas in five years, to which Director Henderson responded the ASU has granted a Certificate of Territorial Authority (CTA) that defines their service area from the Indiana Utility Regulatory Commission. The State has recognized their territory between the cities.

Councilor Dietrich expressed his opinion on how he feels that the City should be able to develop their areas and move on.

Director Henderson, using Menards as an example, is an ASU customer and is at the north end of the City. The agreement will give us that planning tool to be able to make infrastructure expenditures and planning for service moving forward.

Councilor Dietrich asked how much of the financial responsibility the City would have when trying to adapt from ASU's current standards to the City's standards, to which Director Henderson responded that we are not acquiring any assets from each other.

[Conversation from the audience was inaudible.]

Councilor Leverenz asked if it would be possible for someone to petition for the City to service their area, to which Director Henderson responded no. There has not been any discussion about acquiring assets in either direction. This is strictly establishing service areas. The developer is responsible for the developing, putting the sewer in, and tying it into the system.

Councilor Bunder acknowledged the benefit of having additional wastewater flow to bill.

Councilor Keen asked if it is possible to use this development as a blueprint for future undeveloped areas. He brought up that years ago the City of West Lafayette had an opportunity to secure part of that area for water and sewer services, but we turned it down. Councilor Keen acknowledged that he would not like to see that same problematic issue happen twice.

Director Henderson stated that there is no opportunity for anyone to purchase assets at this point.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye
Thomas	Absent
Wang	Aye

Clerk Booker stated that the vote was 8 AYES and 0 NAYS.

President Bunder announced that Resolution No. 04-19 passed on first and only reading.

REPORT BY THE MAYOR

Mayor Dennis stated that his Assistant, Betina Cochran, will be retiring May 17, 2019, and moving to Michigan.

COMMUNICATIONS

► Councilor Bunder recognized Purdue's 150th Birthday.

CITIZEN COMMENTS

► Zachary Baiel (124 Connolly Street) confirmed his best of luck to Ms. Cochran on her new journey. He expressed appreciation to Councilor Sanders and others of the legislative body for taking the time and consideration to make sure an ordinance is in the best interest for the City while reflecting the public's will. There is a reason to table something even though it has two readings. Modifications are then able to be included in the first reading and we are not just approving things based on momentum. He noted his appreciation on the legislation updates regarding businesses and procedures around student centered transportation. He stated that it would be a fascinating municipal experiment to see the Council take action regarding the improvement opportunities for full-time residents, rather than just students. On another note, May

is National Bike Month, which began in 1956. He further discussed a few of the various activities that would take place throughout the community to help celebrate Bike Month. He reminded everyone that Bike to Work Day will be on Friday, May 17, 2019. Lastly, he brought up the shock that some citizens had with the increased property assessment values, particularly to land value. He stated that his land value increased over 50%. He has spoken to the Tippecanoe County Assessor's Office, and they are currently in the process of researching it. He stated that he would be holding an informal public workshop at the West Lafayette Public Library later this month to discuss the increase, which currently does not seem to have any justification. The informal meeting will be a citizen-driven meeting.

► Thomas Kesler (479 Maple Street) expressed his appreciation to the City for removing two street signs that he found in the bushes. Recently David Pogue, was a key-note speaker at the Purdue Student Pub Wash. Mr. Kesler stated that he was able to ask if the radiation from the new Duke Energy smart meters will cause cancer, to which Mr. Poe responded no because the radiation is not ionizing. This type of radiation is comparable to the wavelengths that are used for smartphones. Mr. Kesler encouraged rental inspections to continue throughout the City, noted how he has witnessed their true value. He stated that the concrete collection is continuing one chunk at a time. The City continues to have a trash problem. Given the trash Mr. Kesler continues to see in the alley behind his house, it does not appear that we are making progress.

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.