

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
SEPTEMBER 9, 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 September 9, 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, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Absent: Gerry Keen

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, Facilities Director Tim Clark, 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 August 1, 2019, Pre-Council Meeting, and the August 5, 2019, Common Council Meeting. Councilor Dietrich 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

Councilor Leverenz stated that the Ordinance Committee was introduced last week to the downtown plan for West Lafayette. The plan is anticipated to be heard again in November, after comments from citizens have been incorporated and other changes have been made. Then it is expected to come before the City Council in either January or February.

PUBLIC RELATIONS:

Go Greener Garden Award: Keith and Vicky Woeste – Go Greener Commission

Maureen Berry, on behalf of the Go Greener Commission, presented the Go Greener Garden Award for the summer of 2019 to Keith and Vicky Woeste. Ms. Berry discussed key points from the press release, which is attached to the agenda.

Ms. Woeste stated that she pulled her inspiration from having a backyard that she was unable to do anything with and had to mow.

Mr. Woeste expressed his appreciation to Ms. Berry for her kind words. He then acknowledged Shawn Sullivan for designing the space in their backyard. It is wonderful to live in a community

that tolerates the diversity of yards and ones that look different compared to a traditional style lawn.

After President Bunder confirmed that there were no objections, he stated that Resolution No. 08-19 would be heard under Public Relations.

UNFINISHED BUSINESS:

Resolution No. 08-19 A Resolution Congratulating Ms. Abigail Mills on Winning the Soap Box Derby's Master's Division Championship (Submitted by Councilor Peter Bunder)

Councilor DeBoer read Resolution No. 08-19 by title only.

Councilor DeBoer moved for passage of Resolution No. 08-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Councilor Bunder read the resolution aloud to his fellow councilmen.

Abigail Mills expressed her gratitude she has felt in being recognized by her hometown for this accomplishment.

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	Absent
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Resolution No. 08-19 passed on first and only reading.

FINANCIAL REPORT

City Controller Gray stated that we are 67% of the way through the year. The budget expenditures and encumbrances are at 66% for the year.

LEGAL REPORT

This report is on file.

Councilor Dietrich asked for an explanation of the Log Cabin Rule, to which Corporation Counsel Burns responded that there is a State statute that allows a person who owns a piece of property in a rural area to do improvements without building permits. The City Engineer was presented with a request by a person who lived within the City limits to use the rule, but it does not apply within the City limits.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 9, 2019, CONTINUED

Councilor Thomas asked for further details on a complaint regarding Priester, to which Corporation Counsel Burns responded that it is a Human Relations Commission (HRC) complaint. The complaint is in the process of being at the level of where there is a probable cause finding being obtained. He noted that the decision of whether or not it will go to the Commissioner will be determined after the investigator determines if there is probable cause found or not.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that the next meeting is scheduled for Tuesday, October 15, 2019, at noon in the Council Chambers.

UNFINISHED BUSINESS (Continued):

Ordinance No. 21-19 An Ordinance Providing For Temporary Loans (Motor Vehicle Highway to General Fund) (Submitted by Controller)

Councilor DeBoer read Ordinance No. 21-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 21-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Controller Gray stated that this is a temporary loan to cover the cash flow for the end of the year from the Motor Vehicle Highway (MVH) Fund to the General Fund, in the amount of \$2 million.

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	Absent
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 21-19 passed on second and final reading.

Ordinance No. 22-19 An Ordinance Setting The 2020 City Budget And Setting The 2020 Tax Levy On Property And Tax Rate (Submitted by Controller)

Councilor DeBoer read Ordinance No. 22-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 22-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Controller Gray stated that this is the budget that is being set forth for the year 2020. There have been no changes since the budget was submitted for the first reading last month. He noted a

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 9, 2019, CONTINUED

request for the funds to be raised, as shown on the ordinance, in the amount of \$11,977,676.00 with a total tax rate of \$1.2074. The tax rate uses an assessed value of \$992,000,000.00. This is the same type of process that we have used in the past.

Zachary Baiel (124 Connolly Street) stated he has not had any further communication regarding the differences in the three-year summary budget numbers, and the Indiana Gateway numbers. The public mainly uses the three-year summary document to understand what is going on with the budget. The increases and decreases that are compared in 2019 and 2020 are left to question. He requested that the fiscal body look into providing clarity on the discrepancy.

There was no further discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 22-19 passed on second and final reading.

Ordinance No. 23-19 An Ordinance Amending The Solid Waste Ordinance To Provide For Roll-Off Dumpster Rental (Submitted by Mayor John Dennis)

Councilor DeBoer read Ordinance No. 23-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 23-19 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

There was no discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 23-19 passed on second and final reading.

Discussion on Ordinance No. 23-19 is continued below, after Ordinance No. 24-19.

NEW BUSINESS:

Ordinance No. 24-19 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Z-2771 Morris Rentals, LLC – Susan Morris Johnson) (443 Vine Street PD) (R2U to PDRS) (Submitted by Area Plan Commission)

Councilor DeBoer read Ordinance No. 24-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 24-19 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Marianne Mitten Owen (Stuart & Branigin, LLP) on behalf of Morris Rentals, explained that this is a rezone for the property located at 443 Vine Street from R2U to PDRS. The rezone will allow the property to be changed from an existing duplex to a fourplex. In order to avoid changes for street-view, the majority of the changes are being done internally and on the outside in the rear of the building. The rezone is scheduled to go in front of the Historical Preservation Commission (HPC) tomorrow for a final approval.

Councilor Bunder, on behalf of the HPC and the City, expressed gratitude toward Ms. Owen and Morris Rentals for preserving a street that has a lot of lovely homes.

Director of Development Erik Carlson stated that this project initially began as a request to raze three homes in the historic district and replace them with a three-story apartment building. After meeting with City staff, Morris Rentals and their team first came into HPC for a listening session to see what interest there may be for development in this area. Tonight we see that final product. Director Carlson expressed appreciation to everyone who has been involved in the process from start to finish. He further explained that we have now set the foundation on how development can work within the historic district. There are benefits to a property and the surrounding properties, while still preserving the historic nature of the neighborhood and adding to the properties themselves.

Councilor Dietrich asked if our City ordinance could include the Area Plan Commission recommendations from the staff report to be binding, to which Corporation Counsel Burns responded that they are from a legal standpoint. Councilor Dietrich questioned if there would be anything binding the recommendations without them listed within the language of our ordinance. Corporation Counsel Burns responded that due to the Council's approval being based on the recommendations from APC, all recommendations would be binding.

Ms. Owen added that they would not be able to put this to final plat and be finalized unless they meet the standards determined by APC.

A brief discussion took place about Ordinance No. 23-19, and that conversation will be continued after the completion of Ordinance No. 24-19.

There was no further discussion.

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Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 24-19 passed on first and only reading.

Ordinance No. 23-19 (Continued)

Corporation Counsel Burns explained that the Clerk's Office caught that a motion was not made to accept the proposed amended version of Ordinance No. 23-19, which was provided to the Council.

Councilor DeBoer moved to amend Ordinance No. 23-19 by insertion, and that the vote be by voice vote. The motion was seconded by Councilor Dietrich. The motion was adopted.

Ordinance No. 25-19 Amending The West Lafayette City Code Concerning Building Permit Conflicts Of Interest (Sponsored by Mayor John Dennis)

Councilor Keen read Ordinance No. 25-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 25-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Building Commissioner Chad Spitznagle explained that the ordinance is in response to an Indiana Code that requires municipalities to have a procedure that will avoid a conflict of interest. He discussed a scenario where if the building official was required to apply for a building permit or an improvement location permit, then they would not be allowed to approve their own permit. The City has designated the County and the City of Lafayette as our back-up entities.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Absent
Leverenz	Aye
Sanders	Aye

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Councilperson	Vote
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 25-19 passed on first reading.

Ordinance No. 26-19 An Ordinance To Set The 2020 Salary Schedule For The Elected Officials Of The City Of West Lafayette, Indiana (Submitted by the Controller)

Councilor DeBoer read Ordinance No. 26-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 26-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

City Controller Gray explained that this ordinance along with Ordinance Nos. 27-19 and 28-19 are the salary ordinances for the budget year 2020. The three salary ordinances reflect what is in the budget ordinance. The main change from last year is the 2% cost-of-living increases. He noted that they have adjusted a few of the salary ranges, in order to ensure that they are consistent with other positions throughout the City. There are four positions listed for the Wellness Center, but there is not anything in the budget for the Wellness Center yet. As we get closer to the budget, the anticipated revenue from the Wellness Center, and projected expenses, then the additional appropriation process will be completed. Mr. Gray stated that there will be additional positions added later for the Wellness Center. However, these current positions will need to come on board before the Wellness Center is open.

There was no further discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 26-19 passed on first and only reading.

Ordinance No. 27-19 An Ordinance To Set The 2020 Salary Schedule For Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana. (Presented by the Controller)

Councilor DeBoer read Ordinance No. 27-19 by title only.

COMMON COUNCIL MEETING MINUTES, SEPTEMBER 9, 2019, CONTINUED

Councilor DeBoer moved for passage of Ordinance No. 27-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

There was no discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 27-19 passed on first reading.

Ordinance No. 28-19 An Ordinance To Set The 2020 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 the Board of Public Works)

Councilor DeBoer read Ordinance No. 28-19 by title only.

Councilor DeBoer moved for passage of Ordinance No. 28-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

City Controller Gray noted that this ordinance has been presented to the Board of Public Works and was approved.

Mr. Baiel stated that there are certain City employee positions who are partially paid from the WWTU revenues, particularly positions that would deal with the WWTU operations. He questioned how the City audited the work and services that are completed in connection to the individual employees.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jones	Aye
Keen	Absent
Leverenz	Aye

Councilperson	Vote
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 28-19 passed on first reading.

Resolution No. 07-19 (Amended) Resolution Approving Bond Issuance By And For West Lafayette Public Library (Sponsored by Mayor John Dennis)

Councilor DeBoer read Resolution No. 07-19 by title only.

Councilor DeBoer moved for passage of Resolution No. 07-19 (Amended) on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Nick Schenkel (West Lafayette Public Library Director) joined by Anastasia Gensic Krutusic (West Lafayette Library Board President), stated that the slide presentation, which was distributed to the Council, was attached to the agenda. He proceeded to discuss the history of the library and various reasons why the renovations were necessary. In the fall of 2018 the Library Board hired an architectural firm to conduct a feasibility study. Referring to the second slide, Mr. Schenkel explained that the information discusses how the project will develop. On the cost slide, he stated that the Library Board is proposing that there will be no increases in property-taxes to pay for the bond. He noted that legal and financial counsel are all in attendance this evening to answer any questions. The project is scheduled to begin this fall, with a completion date in the spring of 2022.

Councilor Thomas expressed his appreciation towards Mr. Schenkel for continuing to keep the City Councilors involved in this project. Libraries play a vital role in the community. He asked how the project would affect the parking garage, to which Mr. Schenkel responded that they anticipate some improvements to be made to the garage. Those improvements would include lighting and signage. They are hoping to install a parking control system this fall, which would give a more robust use of control over the parking by the community. Currently the library has a part-time parking attendant.

Councilor DeBoer stressed the importance of libraries. He brought up discussion about the possibility of the plaza being eliminated, while expressing concerns if this would happen. He questioned if there had been any ideas for additional community outdoor space. Mr. Schenkel responded that nothing is set in stone about the elimination of the plaza, and shares some of the same concerns as Councilor DeBoer. They are also looking forward to working with City administration to develop the eastern side of the building, which may be used more efficiently.

On another note, Mr. Schenkel noted that the library has been hosting Family Fun Day for eight years. There were over 900 people in attendance this year. He expressed his appreciation to the West Lafayette Police and Fire Departments.

Councilor DeBoer asked what new services would be provided after the renovation of the library, to which Mr. Schenkel responded they plan to focus more on children's programs and study space.

Councilor Wang stated that he regularly visits the library, and has been impressed with the operations over the years. He questioned if the library had thought about expanding their services

to other end of town, especially since the new Wellness Center is under construction. Mr. Schenkel responded that they would be willing to work with the City on those future options. He noted that the little free libraries are extremely popular across the community. There are regular outreach programs that go to the Richfield Apartment Community, Westminster Village, and Friendship House.

In response to a question asked by Councilor Bunder, Mr. Schenkel confirmed that taxes will not be raised from a bond being retired. The current bond, which was approved years ago, will retire at the beginning of 2021. In order to avoid raising taxes, we will issue this bond once the old one retires.

Mayor John Dennis stated it could be assumed that everyone is aware that the old Morton Community Center will be the new City Hall. There is no better partnership than having the public library and local government in a close geographic location.

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	Absent
Leverenz	Aye
Sanders	Aye
Thomas	Aye
Wang	Aye

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

President Bunder announced that Resolution No. 07-19 (Amended) passed on first and only reading.

REPORT BY THE MAYOR

There was no report.

COMMUNICATIONS

► Councilor Sanders stated that today the Purdue Senate passed a Resolution, which would call on the University to distribute new IDs to anyone that would need one to locally vote. There has been a change to the interpretation of State law. The Senate, which is dominated by faculty, was concerned that people were being charged to obtain an ID that was required to vote. On another note, Councilor Sanders humorously suggested that future City Council meetings be held in the County Office building.

CITIZEN COMMENTS

► Zachary Baiel (124 Connolly Street) expressed his appreciation for the support in the library bond. He then thanked Clerk Booker and Assistant City Engineer Smith for providing the Bicycle Friendly Community Application, which he spoke about at Pre-Council. There are several events planned throughout the community for Welcoming Week, which is September 13-22. The

Tippecanoe Latino Festival will be September 14th at the Northend Community Center. The Entrepreneurial Panel will be on September 18th at 5:30 pm at Carman Hall. Global Fest will on September 21st. Greater Lafayette Immigrant Allies will be holding an ice cream social to wrap up the week on September 22nd at Columbian Park from 2:00 pm to 4:00 pm at yellow shelter number two. There was a local option income tax for public safety that was discussed at the County Council meeting on September 5th. He noted that there are still questions about some of the data in the plans for the money. The APC Ordinance Committee was recently presented with the information about the downtown plan for West Lafayette. There is no information about the plan on either the City or County websites, and this was commented on at the August 29, 2019, meeting. He stated that this information should be listed on both websites and other social media channels to ensure that we get the greatest amount of public input. There is concern regarding what aesthetics will be used for future developments since it seems that the community is divided on the beauty or ugliness of the Rise, Hub, and other buildings. The lack of public input during the Steering Committee process was another item that was brought up.

► Kathy Parker (3103 Sullivan Street) stated that September is National Suicide Prevention month. Each year an estimated 25,000 people of 36,000 gun deaths are an act of suicide. Approximately 600 of those deaths are children under the age of 18 years old. There is a lot of conversation going on around this community this month about suicide. Any serious talk about suicide prevention must acknowledge the role that guns play in suicide. Guns are only used in 6% of suicide attempts, yet they are effective 85% of the time. Less than 5% of suicide attempts by all other means combined are successful. She stated that 70% of people who survive a suicide never attempt suicide again. Indiana has a red flag law, which enables law enforcement to obtain a court order and temporarily seize guns from homes where there is someone in crisis. More information can be found at <https://onethingtodo.org>. The person in crisis will not have any criminal charges filed against them, and everything takes place in civil court. Indiana was one of the first states to have this law.

► Kate Mast (817 Elmwood Drive) requested help from the City with a problem that is facing their neighborhood. Last year a house was sold to a non-owner occupied Airbnb across the street. It is advertised to sleep ten people. Last Thursday there were eight separate cars sitting in front of the house. West Lafayette currently has 95 Airbnbs in the neighborhood, and the same owner just purchased another house down the street. Ms. Mast explained that they need the City to help regulate and restrict the Airbnbs because they have a detrimental effort on the neighborhood.

Councilor Wang asked if the occupancy took place over a football weekend, to which Ms. Mast replied no.

► Lonnie Kucik (807 Elmwood Drive) stated that they are aware of an occupancy affidavit. There are certain rules for three unrelated people in a single-family home that are to be followed for a rental property. She questioned if the police would be able to enforce certain guidelines with fines on the weekends, and the permit on the weekends when there are violations.

Mayor Dennis added that the City has been made aware of the circumstances involving Airbnbs. Due to the way the law is currently written, there is only so much the City is able to do. However, if guests are parking inappropriately, parties are too loud, or more occupants have been seen staying at a location than allowed then citizens are encouraged to call us. Our current enforcement mechanisms are here for those reasons.

Councilor Bunder stated that this is not an unfamiliar issue. We are amazed at the growth of the industry, and this is something that will continue to be a work in progress.

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Ms. Kucik stated that this is also something that could have a detrimental effect to the West Lafayette School district. If the neighborhoods are taken up by Airbnbs that means there are less houses for families to live in within the school districts.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:36 p.m.