

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
NOVEMBER 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 November 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, Gerald Thomas, and Norris Wang.

Absent: None

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 Keen moved for acceptance of the minutes of the October 3, 2019, Pre-Council Meeting, and the October 7, 2019, Common Council Meeting. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

REPORT BY THE MAYOR

Mayor John Dennis announced that we recently lost someone near and dear to our hearts, former West Lafayette Mayor Sonya Margerum. It is not possible to adequately acknowledge and celebrate the numerous contributions she has made for the City over the years. However, the new City Hall will be dedicated and named after Mayor Margerum. More details will follow during the dedication process. In order to have the dedication on record, it may be offered as a resolution if necessary. He explained that the Council would just need to make a motion.

Councilor Sanders motioned that the new City Hall be named after former West Lafayette Mayor Sonya Margerum, and that the vote be by voice vote. The motion was seconded by Councilor Thomas. The motion passed.

Mayor Dennis noted that he spoke with Mayor Margerum, prior to her passing, about the City's intentions. She was extremely honored by the gesture. Mayor Dennis stated that he has also received approval from Mayor Margerum's son on behalf of the family.

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 met earlier this evening to discuss the West Lafayette Downtown Plan. After considerable discussion, time ran out and the discussion will continue at the December 4, 2019, meeting at 4:30 pm in the County Building.

PUBLIC RELATIONS:

Go Greener Garden Award: Laura Esman and Reuben Goforth – Go Greener Commission

Councilor Bunder stated that Laura Esman and Reuben Goforth were unable to be in attendance this evening. A detailed press release has been attached to the agenda.

FINANCIAL REPORT

City Controller Gray stated that the City is 83% of the way through the year, and has completed 78% of the overall budget. All individual budgets are in line.

LEGAL REPORT

Assistant City Attorney Patrick Jones, on behalf of Corporation Counsel Eric Burns, stated that the report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer explained that the Board handled paying bills, as well as setting all future meeting dates for 2020 at the October 15, 2019, meeting. The next Joint Board meeting is scheduled to be held on January 20, 2020.

UNFINISHED BUSINESS:

Ordinance No. 29-19 An Ordinance Requesting An Additional Appropriation To The 2019 Budget (General Fund, Major Budget Classification: Personal) (Submitted by City Controller) **[PUBLIC HEARING]**

Ordinance No. 31-19 An Ordinance Vacating A Portion Of The Right-Of-Way Of Old McCormick Road Within The City Of West Lafayette (Submitted by Franciscan Alliance, Inc.) (Sponsored by Mayor John Dennis) **[PUBLIC HEARING]**

Councilor Bunder stated that Ordinance Nos. 29-19 and 31-19 need to be tabled to a time certain of December 9, 2019. He explained that due to this Council meeting being rescheduled, there was not enough notice for the public hearings.

Councilor Keen motioned to table Ordinance Nos. 29-19 and 31-19 to a time certain of December 9, 2019. Councilor DeBoer seconded the motion and the motion passed by voice vote.

There was no further discussion.

NEW BUSINESS:

Ordinance No. 32-19 An Ordinance For The Removal Of Vehicles ,Trailers, And/Or Other Equipment Parked On The Street During The Clearing Of Snow On Emergency Snow Routes (Sponsored by Mayor John Dennis)

Councilor Keen read Ordinance No. 32-19 by title only.

Councilor Keen moved for passage of Ordinance No. 32-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Street Commissioner Ben Anderson stated that the ordinance includes a list of streets, which were all shown in a map that was distributed to the Council. The majority of the streets do not currently have parking on them.

Street Commissioner Ben Anderson, referring to the maps that had previously been distributed to the Councilors, illustrated the proposed emergency snow routes. He listed all of the roads which would be included in the emergency snow route. All of the schools, including Purdue, as well as

public safety entities, have requested emergency snow routes that do not have parking on the streets. The streets that have been included currently have a no vehicle parking included on them. Currently, the City does not have legislation for emergency snow routes.

Councilor Wang asked if emergency route signs would be installed, to which Mr. Anderson responded yes. Most of the areas currently have some type of informational sign. The appropriate and adequate parking signage will be installed in all parking areas.

Councilor Keen stated that Cumberland Avenue has a service road attached to it. He questioned if the service road would continue to allow parking, to which Mr. Anderson confirmed that it would remain untouched.

Councilor DeBoer questioned why there has not been any type of legislation like this previously, and what was the impetus for us to make it a reality now, to which Mr. Anderson responded that he was unsure of those reasons. As some of the street changes have progressed and narrowed in various spots, it has become more apparent that this idea was necessary.

Councilor Sanders stated that this ordinance was originally presented to the Traffic Commission, and noted his full support of the concept. He questioned why the amount of two inches of snow was decided upon, rather than a larger amount. Mr. Anderson explained that any time there is more than a couple of inches of snow, the Department will leave a windrow of snow as they plow. As the snow falls, there is no predication with the weather that may will follow it. As an example, there is a section on Cumberland Avenue where they have been unable to plow many times and have had to jump on the curb to get around vehicles.

Councilor Sanders stated that the amount of snowfall obviously varies over the years. He further discussed details about a previous conversation that explained that issues that arise with the frequencies and differences in snowfall amounts for emergency evacuation routes. He asked for clarification on why two inches is substantial. Mr. Anderson responded that the street list was originally larger, but has been minimized. He further explained that this is only the first step of the process for non-existing routes, which will allow the City to have something in place that will handle large snow storms.

Councilor Sanders emphasized his enthusiasm of the concept, and understanding for the necessity of it. He expressed his main concern of how often citizens will need to be concerned about this over the course of the winter. If those concerns are less often, they would be less inconvenienced.

Councilor Sanders asked for clarification on how the public would be notified for a snow event, and if this would be deemed by what the media predicted. He recommended that the ordinance include a public notification component. This may not have been done in the past, but we have the means to do so now.

Mr. Anderson stated that the weather is extremely unpredictable. As an example, there have been times with no snowfall predicted and in the middle of the night we have gotten a few inches. While other times six inches of snow are predicted and we receive one. To have a situation that the Mayor or a representative must declare an emergency at a non-anticipated time, is one of the reasons why the list was scaled down drastically. Currently, the toughest street to clear will be Russell Street. However, the street was requested by Purdue's Public Safety Team. Signage will play a major role for this portion of the street.

Councilor Dietrich expressed the necessity of clarification on when two inches of snowfall should be considered, to which Mr. Anderson responded that once there is two inches of snow during an

event, the areas should be cleared. The Department will then be able to continue to plow the streets safely. Once the snow event has been completed and the roads are cleared, parking may proceed accordingly.

Councilor Dietrich asked if citizens will have an option of where their vehicles should be relocated, to which Mr. Anderson responded yes. The Purdue Safety Team has indicated that parking garage requirements will be lax during these times. Public notifications will be sent out during these times.

Councilor Dietrich stated that University Street seems to be more of a logical road to use for an emergency snow route rather than Russell Street, to which Mr. Anderson agreed. He explained that the request for Russell Street may have to deal with potential plans for 3rd Street.

Councilor DeBoer gave examples for signage, and questioned how the signs will be made. Mr. Anderson explained that the Department recently purchased a traffic jet printer that is able to design language that we feel is appropriate.

Councilor Leverenz stated that the ordinance reads, "The vehicles shall be removed by the owner until the road has been cleared." He questioned if a time limit has been set for the removal of a vehicle. Mr. Anderson stated that there is no current language within the legislation. Due to the low number of residences that would be affected, something would be drafted and given to each individual homeowner on the specified roads.

Councilor Wang asked if the pre-treatment of roads would be affected, to which Mr. Anderson responded no. All brine applicators are in the air and not on the ground.

Councilor Sanders stated that, to build on the comments from Councilor Leverenz, the wording "until the road has been cleared" might lead to a partial defeat of the stated purposes of this ordinance. It can be cleared, then snow can come back. The Street Department wants the ability to be moving it when it is two or three inches and not have the cars come back once it is cleared, in order to retain the ability to clear it again if it continues to snow. He added that he believes there needs to be some notification mechanism. At the bare minimum, there has to be a webpage where people can see if a snow emergency has been declared. That is not a complete solution. There could be opt-in notifications. Although he is not sure that needs to go into the ordinance, he does believe that we need a mention of a notification.

Councilor DeBoer stated that he would second an amendment if Councilor Sanders offers one.

Councilor Sanders motioned to add wording under Chapter 38 (a), "A declaration of the snow emergency will be published electronically by the City of West Lafayette." He specified the location within the paragraph. Councilor DeBoer seconded the motion.

Councilor Leverenz suggested that it be limited to electronically only, in order to include announcements on TV or radio. Councilor Sanders stated that he does not want the provision we add to limit the ability of the City to use other means of communication. He wants an indication that we took the issue of notification seriously. Councilor Leverenz noted that if there is a school closure, that word gets out pretty easily.

Councilor Dietrich stated that he thought the concept of this ordinance was to get away from having to declare a snow emergency, so that the streets could get cleared off. We already have a mechanism in place for snow emergencies. The concept of this was to be a standing policy. With the motion that is on the floor now, if you go back to declaring it, then we are getting into something on the books already about declaring a snow emergencies. He does not have a

problem with putting it on the website or anything else, but to change the concept of the ordinance to make the declaration necessary defeats the whole purpose.

President Bunder asked for the amendment to be read in its totality.

Attorney Patrick Jones stated that section (a) would read, "Whenever there is an accumulation of two inches or more of snow and/or ice, a snow emergency will be declared. All vehicles, trailers, and/or equipment parked on all emergency snow routes in the area bounded, as described in this subsection, shall be removed by the owner until the road has been cleared. A declaration of the snow emergency will be published electronically. The emergency snow routes are as follows:"

President Bunder called for a voice vote. The results of the voice vote were unclear, so he then called for a roll call vote.

Clerk Booker called the roll call vote on the amendment:

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

Clerk Booker stated that the vote was 5 AYES and 4 NAYS.

President Bunder stated that we are back to the ordinance and asked for further comment.

Councilor Dietrich suggested that our Corporation Counsel go back into the books to compare what we just did to what the standing snow emergency is in order to make sure it is not inconsistent. Attorney Jones stated that we can do that.

Councilor DeBoer stated that we are automatically triggering this event and we need to be sure of the language we are using, so yes, we should go back and look at this. However, this is just an automatic trigger. When this is going to occur, these are the circumstances that are happening. The Mayor does not need to go on TV to declare an emergency, though he could if he wants to.

Councilor Sanders stated that the fact that it is being declared obviates some of the problems with the question about the wording, "has been cleared," because the emergency will continue as long as it is electronically posted. The post needs to be removed when there is no longer an emergency. He thinks that this gets away from the problem of people parking again when there is actually an emergency.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye

COMMON COUNCIL MEETING MINUTES, NOVEMBER 6, 2019, CONTINUED

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

Clerk Booker stated that the vote was 6 AYES and 3 NAYS.

President Bunder announced that Ordinance No. 32-19 (Amended) passed on first reading.

Resolution No. 13-19 A Resolution Approving The City Of West Lafayette's Application To The Regional Assistance Program And The Community Drinking Water And Wastewater Project (Regional Biosolids Center Feasibility Study) (Sponsored by Mayor John Dennis)

Councilor Keen read Resolution No. 13-19 by title only.

Councilor Keen moved for passage of Resolution No. 13-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Director Dave Henderson explained that that this resolution will allow approval of a grant from the Indiana Finance Authority for a regional biosolids study. The City will be using Wessler Engineering, who approached us about this opportunity. After further discussions with the City of Lafayette, it was determined to be an excellent opportunity for a feasibility study with both cities.

Councilor DeBoer questioned what the feasibility study would be trying to accomplish. Mr. Henderson explained that the biosolids for treatment at the West Lafayette Wastewater plant are currently held in a 3.5 million gallon lagoon. The City of Lafayette has storage tanks that serve the same purpose. These biosolids are then applied to farmland as a fertilizer. This is a product of a growing population for expanding cities. As the cities continue to grow, there will be more of this material to store and deal with in years to come. Eventually both cities will come to the point where we are at our storage capabilities. This is an opportunity to look into the possibility of solving the problem together.

Councilor Thomas stated that this sounds like a no brainer, and recommended that we move forward.

Councilor Sanders noted that he is not objecting to anything of substance. In regards to the Regionalization Assistance Program Finance Agreement, Article 3 (F) has an absurd throwback provision about drug-free workplaces, as if this has any relevance to this agreement. He explained that he does not plan to oppose the resolution because of this inclusion. However, he felt it necessary to state his opposition. If there is any way to avoid ourselves from pleading ourselves to these troglodyte provisions, it would be supported.

Director Henderson responded that the language is part of SRF regulation. This is something that has been dealt with in the past. He recalled the large wastewater treatment expansion and upgrade in the '90s, which was one of former Mayor Margerum legacy items for the utility. This is something that is determined at the State level.

Councilor Sander acknowledged his understanding, while expressing the irrelevancy and offensiveness of it.

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	Aye
Wang	Aye

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

President Bunder announced that Resolution No. 13-19 passed on first and only reading.

Resolution No. 14-19 A Resolution Requesting The Transfer Of Funds (Police) (Prepared by City Controller)

Councilor Keen read Resolution No. 14-19 by title only.

Councilor Keen moved for passage of Resolution No. 14-19 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray explained that this is to move funds within the Police Department between major categories, and also some to the Police Merit Commission for their expenses.

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	Aye
Wang	Aye

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

President Bunder announced that Resolution No. 14-19 passed on first and only reading.

REPORT BY THE MAYOR

Mayor John Dennis stated that as the seasons change, not only are the leaves falling but the scooters are also being removed for the season. Director Carlson will provide further details.

Development Director Carlson stated that Friday, November 8, 2019, will be the last day for the scooters in town until early March 2020. We have been working with Spin, who is one of the two vendors that is licensed to operate in the city. Spin has discussed the anticipation of bringing their updated models when they return to the community in the spring. In the period from when the scooters were launched in the City on June 23 to October 5, which is the most recent report, there have been 67,731 total rides. Only 3% of the rides have crossed the river to Lafayette. We plan to look into this data prior to the relaunch in the spring, as we determine capacity and parking. The scooters in Lafayette were averaging 1.63 rides per day. Scooter rides that originated in West Lafayette, and not on Purdue campus, were averaging 7.39 rides per day, while ones that were on Purdue campus averaged 8.64 rides per day. The data has shown that the system has been extremely utilized.

Councilor DeBoer asked about the amount of revenue from the scooters, to which Director Carlson responded that we are currently in the process of determining those amounts. However, the amount for the dollar per day has been an estimated \$25,000.00. He noted that since we are aware of the 3% of the scooters that traveled between the two cities, any further determination about fees would need to go in front of the Board of Works.

Councilor DeBoer discussed potential estimated annual revenue based on the numbers.

Councilor Leverenz questioned if there is an update on the “free range beer coolers” that run around town.

Director Carlson responded that there was a suspension of the rules to allow the Starship delivery robots to operate on sidewalks, which was approved through the Board of Works as a Pilot Program. Thus far, there have not been any complaints. He discussed various items on social media in other areas across the country for them though. It is expected that as the winter season approaches, the robots will need to be temporarily removed. As we look into 2020, if this is something that would become permanent it would no longer be a suspension of the rules from the Board of Works. An ordinance would need to be presented to the Council for approval.

Councilor Leverenz added that he has been made aware of some incidents with bicycles. The robots have had difficulty recognizing a bicycle.

Director Carlson stated that those incidents are something that we would like to be made aware of, so contact can be made with Starship. We can ask for the footage from those incidents, and be able to view what is happening in those cases. He encouraged citizens to notify us of the time and location of those incidents when they happen.

► Councilor Bunder asked how the building will be utilized on Friday for the Mayor Sonya Margerum remembrance on Friday, November 29, 2019, from 2:00 p.m. to 6:00 p.m., to which Mayor John Dennis responded that there will be some presentations and a lot of personal memorabilia laid out around the building. A projector will be set-up in the Council Chambers, similar to a viewing.

COMMUNICATIONS

► Councilor Bunder brought his fellow Councilors’ attention to the nepotism packet, which was distributed prior to the meeting. He explained that this is an annual certified statement of compliance that needs to be signed.

► Councilor Dietrich recognized the retirement of Police Officer Bill Dearing after 20 years of service. Secondly, he noted that he has scheduled a minor foot surgery that will not allow him to attend the December Council meeting. This will be his last meeting on the Council, but he has

enjoyed the opportunity to serve the Council for the last ten years. He extended the best of luck to all of the incoming Council members.

► Councilor Sanders expressed his appreciation to Councilor Keen and Councilor Dietrich for the service on the Council. He stated that it has been a privilege to serve with both of them. Next, he commended the Council on passing Resolution No. 14-18 last year, which was a resolution welcoming citizens relocating from Puerto Rico. The opening line of the resolution reads, "Whereas, Citizens of the Commonwealth of Puerto Rico are also citizens of the United States of America." It was thought at that time that it was an important message to convey to people in West Lafayette. The recent incident with a student from Puerto Rico that took place at CVS has reinforced that message. He noted that he is not placing any blame, but rather acknowledging that this is an important message that the Council tried to provide to the City of West Lafayette.

CITIZEN COMMENTS

► Zachary Baiel (124 Connolly Street) discussed concern that there was not any time for public discussion after legislation this evening. He brought up the money that the City has received for the scooters, and acknowledged that he was unaware if there would be a report produced with that data. He stated that it would be beneficial to see the cost for the City, not only in-direct costs, but the cost for City staff in hours to maintain any issues. The Starship devices have been an issue with strollers and bicycles when sharing sidewalks. There are not supposed to be any wheeled devices on sidewalks, besides wheelchairs and strollers, so it is unsure how these devices are operational on the sidewalks with pedestrians. He encouraged others to attend the next Area Plan Commission Ordinance meeting, where the downtown plan proposal will be discussed. Since the passing of Resolution No. 12-19, there has been a lot of conversation within the community about the lack of accountability tools that the public has directly to them in the resolution. For instance the information that is gathered for the report will not be available until November 2021. He brought up the necessity of an amendment or a new resolution that specifically calls on the creation of a website that will serve as an accountability portal for the public to find the latest information, timelines, progress, metrics, data sets, current initiatives, meetings, conversations, etc. This would be worth a celebration if West Lafayette could lead the way in becoming an example for accountability when it comes to these particular types of items.

► Peter Dunn (3390 Putnam Street), brought up the issue of road construction. Warning signs for road work are posted accordingly, but when the work has been completed the signs are not being removed in a timely manner. As a result, people have grown to ignore road work warning signs because 90% of the time the work has been completed. There have been a couple incidents recently in West Lafayette that deserve attention going forward. On Monday, the signs going across the river have been removed. However, the signs for the work into Happy Hollow Park are still there. These signs are for work that has been completed weeks prior. It is essential that we do a better job of the removal of the signs, which will eliminate potential accidents because people ignore road work signs.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:25 p.m.