

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JANUARY 3, 2017

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on January 3, 2017, 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, Gerry Keen, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Aseem Jha and David Sanders.

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, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, Deputy Police Chief Harris, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Building Commissioner Chad Spitznagle.

MINUTES

Councilor Keen moved for acceptance of the minutes of the December 1, 2016, Pre-Council Meeting, and the December 5, 2016, 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

There were no comments.

REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz stated that the APC put out the *Student Rental Report & Survey*, which is available on the APC website.

PUBLIC RELATIONS:

FINANCIAL REPORT

City Controller Gray stated that the preliminary report is on the website. It is preliminary due to it being the first business day of the year, and there are still some things trickling in through the mail, as well as reconciling some accounts. He does not expect major changes for the final report. He noted that the spending for the year has been below the budgetary guidelines. He reported that the State Board of Accounts (SBOA) has audited the City for 2014 and 2015, and that report can be accessed on the SBOA link available on the agenda. As in past years, the City has passed, and they state that we are following the SBOA guidelines for all of our financial statements. He noted that, like many municipalities and governmental agencies, the City is on a cash-basis of accounting; we do not follow Generally Accepted Accounting Principles (GAAP) accounting. This means that it does show an adverse opinion versus GAAP, but that is because we are cash-basis instead of accrual. He explained that cash-basis means that we recognize cash when we receive it instead of when we bill out the expenses. Also, when we pay out our bills, we record it when we write the check instead of when we incur the expense.

Councilor Wang asked how often the SBOA examiners audit the City. Controller Gray responded that every year is audited. Starting in 2014 they moved to auditing on a possible three-year basis. They pick and choose who they audit annually, semi-annually, or every three years. They do audit the books for each year, but this year they did 2014 and 2015 at the same time.

LEGAL REPORT

Corporation Counsel Burns stated that this report is on file.

Councilor Dietrich stated that he noticed that several of the condemnation statuses talk about being paid in full to court. He asked if that means we have been taken to court and sued, so to speak, or if it is just a matter of practice. Counsel Burns responded that those indicate that we have reached an agreement. All of the condemnations listed the last several months have gone to court, but there have been no hearings. We were required to file them so that we could get court-appointed appraisers. These appraisers help to give both sides a good reading on how this would go at a trial. Councilor Dietrich asked if the dollar amount overall has been about what we anticipated. Counsel Burns responded that it has been very close. The original estimates were excellent, and we are actually a little under.

Councilor DeBoer asked if this amount of time was budgeted in to acquire the land, or if this is holding anything up. Counsel Burns responded that there have been no slow-downs whatsoever. The system allows the City to take possession of property after the court-appointed appraisers have given a number. If the municipality pays in that number, the court order will give possession to start the project. It could be taken to jury trial after that where the amount can change, but work on the project can start before that.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer reported that the first Joint Board meeting of the year is scheduled for January 17, 2017.

Councilor Dietrich, referencing an email sent to the Council members, asked about the availability of some of the documents for Joint Board. Clerk Booker responded that she had hoped that the Clerk's Office would be the lead on handling those documents, but more often than not, we have not received that information. It has been a challenge to get the information, and then to get it in a timely manner if we do get it. She stated that she has been working with Ken Sandel on this, because we cannot make it available unless they give it to us.

Gypsy Moth Treatment at Purdue

President Bunder explained that a report was given at the Pre-Council meeting about gypsy moth treatment at Purdue. The Indiana Department of Natural Resources will hold a public meeting with more information about this treatment at the West Lafayette Public Library on January 30, 2017, at 6:00 p.m.

State Street Closures 2017

Director of Development Carlson reported that we will be starting construction in earnest this year on the State Street Redevelopment Project. While some minor work has already begun with temporary lane restrictions, we will see construction beginning in April. He provided a packet, noting that it is also available online at <http://statestreetwl.com/>, with maps showing an overview of what is going to be affected, how it is going to be affected, and when it is going to be affected. He has already been going to businesses along the second group of closures, which is mid-May through mid-August, to make sure that the businesses are aware of what is coming and why the closure is going to happen then. He described details of the upcoming closures.

Councilor DeBoer asked what “closed with restrictions” means. Director Carlson stated that it will be one lane each direction; it may be the north side or south side, depending on construction.

Councilor Wang stated that he has concerns about if there will be signage up in mid-May when Purdue gets out, and again when classes resume in August, to let students and parents know what route to take. Director Carlson responded yes, and that is one of the reasons we wanted to get this information out as early as possible. The documents provided show access routes to the north and south sides of town from various roads. The project was designed so that the bulk of the work, which is State Street through the Village, will be when students are not here. Purdue has been working closely with the groups that do summer camps and classes, so that information is made available to them. He explained that we are already holding weekly meetings with Purdue and the construction group. Starting in the spring the City and Purdue Police and Fire Departments will also be at weekly meetings to stay updated on information. Changes will also be pushed on the website and through the Nixle text message alert system. He stated that the main routes through campus should be open in time for move-in at the dorms.

President Bunder asked how we should tell everyone to have a good sense of humor during all of this. Director Carlson stated that he started going around in December with a letter to business owners providing contact information, explaining what is happening, and discussing a public meeting that will be held in advance of the street closures. Councilor Wang asked what kind of reaction there has been from the business owners. Director Carlson responded that it has been very good so far. There has been a decent amount of surprise that we are only doing hard closures of State Street for three months, as there have been rumors that it would be closed during the entire two-year project. In 2018 the construction will move out to the Perimeter Parkway, which is a part of the State Street Project, though titled differently. He asked the Councilors to promote the website to their constituents, and stated that he will be happy to meet with anyone as we build up to what will be a wonderful, new West Lafayette.

UNFINISHED BUSINESS:

Ordinance No. 37-16 An Ordinance To Approve Blanket Bond Coverage For 2017 (Prepared by Clerk Booker)

Councilor Keen read Ordinance No. 37-16 by title only.

Councilor Keen moved for passage of Ordinance No. 37-16 on second reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Clerk Booker explained that this is blanket bond coverage for all City employees that may handle money. This is to be sure that if anyone absconds with money, which nobody working for West Lafayette would ever do, that we are covered for up to \$750,000.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye

Councilperson	Vote
Sanders	Absent
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 37-16 passed on second and final reading.

Ordinance No. 38-16 An Ordinance Providing For Temporary Loans (Presented by the Controller)

Councilor Keen read Ordinance No. 38-16 by title only.

Councilor Keen moved for passage of Ordinance No. 38-16 on second reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray explained that this is for temporary loans between funds to cover our cash-flow issues, if they arise, due to receiving taxes from the County twice per year.

There was no further discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 38-16 passed on second and final reading.

Ordinance No. 39-16 An Ordinance To Name Depositories For The City Of West Lafayette (Presented by the Controller)

Councilor Keen read Ordinance No. 39-16 by title only.

Councilor Keen moved for passage of Ordinance No. 39-16 on second reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray explained that this is to say that the depositories that the City uses to deposit our money are on the list of depositories that the State allows us to use. It also gives him the authority to place funds into those depositories.

There was no further discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 39-16 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 01-17 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Balfour Beatty Campus Solutions/Murphy/Savoia) (Innovation Place Apartments) (A to PDMX) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 01-17 by title only.

Councilor Keen moved for passage of Ordinance No. 01-17 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this is an interesting project with a change from the A zone to the Planned Development Mixed-Use zone, on the south side of State Street near Gates Road and MacArthur Drive. There will be two five-story buildings with 413 units, 841 beds, 15,000 square feet of retail, and 121 off-site parking spaces. He noted that this passed the APC by unanimous vote. The APC Staff Report had an addendum that was added during the meeting. The addendum was generated by the FAA regulation and the airport. He stated that they will be studying the building restrictions for structures on that, and the staff report says that the developers have to furnish compliance when the final detail plans are submitted. He stated that these buildings are designed to create a mixed-use model of housing units. The two buildings will be separated by a plaza and streetscape with architectural elements. The APC staff has indicated that their view is that the modern themes are there, with thought on design to the new surrounding campus buildings in the area. In addition to the FAA addendum, there were five other technical addendums from the APC, and all were standard in planned development and can be accomplished by the development. He stated that he provided President Bunder with a document that he may want to share with the Council. This document is called a narrative, and it goes along with the planned development to provide a lot of technical details. It includes the land uses, building uses, special uses, green space, vehicular and bicycle parking, tree protection plan, monuments and other signage, and access for pedestrians, bicycles, and transit. He noted that this document does not typically get distributed because it is a staff document, but it may provide some answers to questions that are asked by the citizens.

Councilor Dietrich asked if the apartments will be a part of the residence hall system, and if they will have residential assistants (RAs) in there. Dan Savoia (Balfour Beatty Campus Solutions)

responded that it will be a collaboration with the University Residential Life staff. There will be RAs throughout the building. They will use some elements of management functions that they provide across the country and at other universities, and they will integrate those with the University functions on this project.

Councilor Wang asked if it is correct that tenants will sign leases but will be subjected to any disciplinary sanctions by the University. Mr. Savoia stated that they are in the process of working through the details now, and they will collaborate to do the best thing for the University, the students, and the project combined.

Councilor DeBoer asked what that looks like at the other universities that the developer services. Mr. Savoia responded that typically the same elements that apply to the student body that live on campus also apply, for the most part, on the other projects as well. For instance, if there is an issue associated with a disciplinary action that involved removing the student from University property, then the student would be removed from this property as well. Councilor DeBoer asked if a search warrant would still be required to come into the apartment since the student is signing a lease, or if the RA can just enter. Mr. Savoia responded that their legal staff works with the University on those types of provisions. Councilor Dietrich noted that there are only certain circumstances in which the RAs can enter.

Councilor Wang asked if it is the corporation or the University that has the ultimate authority over the students if they step out of line. Mr. Savoia responded that there are tenets that, when the students sign a lease, they have to abide by. There are also tenets that they have to abide by as being students of the University. It is a combination of both of those things that would dictate who is ultimately responsible. He stated that he would prefer that the legal staff comment further on this, but it would be a collaborative effort.

Councilor Wang asked if someone would be kicked out after getting arrested and convicted of a drug charge. Councilor Dietrich responded that the Office of Student Rights and Responsibilities can reach out, regardless of where the student lives. If it happened in this complex, or an apartment complex in West Lafayette, the Dean of Students Office can still adjudicate the violation of University regulations.

Councilor DeBoer asked if it is correct that these units would be rented exclusively to Purdue students, even though it is a private entity, and Mr. Savoia responded yes. Councilor DeBoer stated that he finds that troubling, but will still vote for this. There are two important numbers that we need to look at in the *Student Rental Report*. One is that in all of West Lafayette we are looking at a 1.1% vacancy rate, and we are looking at 0.76 vacancy rate within the C-permit area. This is even lower than last year, despite the construction that has happened over the past 18 months. We are still seeing an influx of individuals coming into this part of campus; we are still seeing more students coming here, and for that reason alone, to try to keep these rents down, he will support this. He finds this quasi-public/private living situation a little troubling, and hopes that in future meetings about this that we can have legal staff on hand to better brief the Council on the rights of the individuals living there.

Councilor Keen stated that the requirement for approval by the FAA is probably something we will see more often for developments within the City, according to Ryan O'Gara (Assistant Director, Area Plan Commission). This is not a high-rise building, but it is now a requirement of the FAA. Mr. Bumbleburg added that Mr. O'Gara said that the circle of influence of the airport will cover a lot of West Lafayette.

Councilor Thomas asked for more information about the offsite parking, and asked if it is within walking distance. Mr. Savoia responded that it is almost directly across from the street. MacArthur Drive will be extended, and the parking will be adjacent to that. He confirmed that a parking pass will be needed to park there, and this is a part of the collaboration discussions with the University.

Councilor DeBoer asked how the Fair Housing Act and discrimination laws work in this instance. The federal government says that you cannot deny someone access to live somewhere based on a variety of protected classes. He asked how they are not subject to that if this is a private entity reaping private profits from a housing situation. Councilor Dietrich responded that the Civil Rights Act does not protect student status. Corporation Counsel stated that they are prohibited from discriminating on protected classifications, so this would be a lawful discrimination. Councilor DeBoer expressed that he understood.

President Bunder stated that he has a list of questions that people have asked him about this project. He asked how much we collect in taxes from this building—some or none? Mr. Savoia stated that he does not know the number, but it is their full fair-share of taxes on the assessed value of the property. President Bunder stated that this was a question that goes back to Wang Hall regarding private development, public University use, and private retail. He asked if it is correct that property taxes will be paid on everything in this building. Counsel Burns responded yes, based on his understanding that it is privately owned and also a private use for housing. If they were going to put in chemistry labs, then it would be a different situation.

President Bunder asked what the recycling program will look like, and if it is separate from the University's, and Mr. Savoia responded that they are still working through the details of that. President Bunder asked if there will be a liquor store in the business space, and Mr. Savoia responded that it is not currently planned. Mr. Bumbleburg added that the code would allow it, but we have restricted that by the time that the business could sell beverages.

President Bunder asked how much the rent will be for these apartments, and what they are aiming at as a target population. Mr. Savoia responded that they are still working through that as well, looking at the monthly cost per unit, and the construction costs are not final yet. They are paying close attention to the University and market rates, and they are targeting an affordability factor that fits well into that equation. President Bunder stated that this is important to emphasize for the people who asked this question, as they are tearing down what were some of the lower-cost rentals on campus. He asked if it is being replaced with affordable, high-end, or low-end. Mr. Savoia responded that it will not be the highest end on the market. They have looked at comparable new properties out there, and it will not be to that level of finish. They understand that having this prominent State Street address requires a certain aesthetic to please everybody, and they want to make sure they put a project forward that will enhance the streetscape and the community. The finishes will not be high-end; they are targeting durability, and a long-term life-cycle product. They want to make sure that it sits well in its prominent position it takes on in State Street and in further development of Innovation Place down the road.

President Bunder asked for details on what the green space will look like. Mr. Bumbleburg responded that approximately 39% of the site will be green space, which will exist primarily in four areas. These areas were planned with the City's green space coordinator. Director Carlson added that they worked closely with the Development Department on this project to ensure that not only green space would be added, but also that there is a tree-protection plan. Trees on the site will be preserved, and this will also carry on throughout the overall Innovation District plan.

In response to a question from Councilor Wang, Mr. Bumbleburg provided a breakdown of units and bedrooms. Mr. Savoia stated that the mix was developed in conjunction with feedback from the Purdue housing staff.

In response to a question from Councilor Dietrich, Mr. Savoia stated that this development is designed to alleviate occupancy issues in the dorms. Councilor Dietrich asked if it will alleviate it by just having another option or through a relationship with Purdue. Mr. Savoia responded that that is one of the details they are working through with the University on exactly how that will be managed. There is a housing operations responsibility matrix that has about 30 line items, and that is part of the details they are continuing to work through with them. He stated that they do this with other campuses, and work to arrive at the best solution for each instance.

President Bunder stated that the lack of detail makes the Council nervous, and Councilor DeBoer agreed. Director Carlson stated that he can say from a perspective of what he is seeing in other colleges and universities that, while new, this is a fairly common mechanism. In some cases, the third party will come in and build on university property where the city does not have any say, such as a project at the University of Kentucky. This is a situation where the developer has worked with West Lafayette, and we have had a lot more say than elsewhere. He explained that this type of project has become fairly common, and it allows universities to have more flexibility without having to deal with the constraints of a state legislature and needing bonding authority to grow. This is an opportunity that universities have been able to capitalize on to bring themselves into the 21st century, when their state legislatures may not have been as mobile in doing that for them.

The Council and Counsel Burns discussed the possibility of tabling this item. In response to a question from Councilor Bunder, Mr. Savoia stated that tabling this item would create a hardship for their schedule. He stated that they have made several accommodations for the University, and he does not have a lot of firm answers because they are trying to accommodate what the University would like. They are in conversations to enable the University to have whatever level of influence is appropriate. He stated that he is not trying to be evasive, but he does not want to misstep and provide misinformation. Councilor Wang stated that what he is seeing is that they are trying to work with the University, but he would like to see them be more open with the Council.

Director Carlson stated that from his experience with this development, and others elsewhere, is that if it allowed to happen in a University-owned dormitory, then it is the same for these units. He believes it will be operated similar to other locations where an incoming freshman would look at a list of dorms, and Innovation Place Apartments would be listed. They would not necessarily know that it is a private development; it is a University offering. It is near-enough University property, but the City gets the benefit of the taxes.

Councilor Wang stated that he issued a lot of search warrants when he was a judge for dormitories and apartments, but this is a different kind of collaboration. He wants to understand who has authority, and who has the right to do things, while protecting individual's rights. Councilor Dietrich stated that Fort Wayne has a similar set-up to this, with privately-owned residence halls on campus, and it seems to work well with all of the university's rules applied to them. He stated that he is comfortable with this being an option through the residence hall system, but he expressed concern about a private entity leasing while students are just thrust in there.

Director Carlson stated that it will be through Residential Life only, and it is not something available to the general public. Councilor Dietrich stated that he knows that at Fort Wayne they apply the same rules to the privately-owned units as the residence halls. He does not see this one as being any different, especially if it is staffed with RAs.

Jeff Kanable, representing Purdue Research Foundation (PRF), stated that since they have been in discussions with Balfour Beatty on negotiations of the ground lease, he has been privy to some information that Mr. Savoia, on the construction and development side, has not been privy to. Mr. Kanable stated that in discussions with individuals at Balfour and with Residential Life at Purdue, the program, as it stands today, is that Purdue will be programming these beds. Purdue will be providing certain services to this developer in exchange for a fee that Balfour will pay to the University. Those services, as it stands today, will be marketing of the beds to students, assignment of students to beds, collection of rent from the students, and programming so all of the Residential Life programming, staffing, and activities are all responsibilities of Purdue University Residential Life.

Councilor DeBoer stated that he is curious about who will be signing the lease. He asked if it will be the student or the parents, and who will be responsible for damages. Mr. Savoia responded that it is a typical lease scenario where the student will sign the lease and is held responsible.

President Bunder asked if it is correct that PRF's role in this has been recruit Balfour Beatty, and if there is any connection beyond this moment. Mr. Kanable responded that PRF will own the land and will be the ground lessor. He confirmed that Balfour Beatty will pay for a ground lease to PRF.

Thomas Kesler (479 Maple Street) stated that for him, a safe campus includes at least three prohibitions: no guns, no smokes, and no booze. So, he hopes a liquor store does not open in the retail section of this building. Since we are collecting taxes it would be good to have some of these questions answered. He would like to verify that the first police jurisdiction goes with the campus police on this privately owned building, and Councilor Dietrich confirmed that that is the case.

Laurel Kesler (479 Maple Street) stated that her issue is not that it does not sound like a good project that has been done at other campuses, but she is wondering about the students who are being referred to as being young. It is her understanding that the people living in the current houses on the property are graduate students who have kids in school and have very low income. She is wondering if there are arrangements for them because it sounds like the amount of income that group has would not be able to afford the new units, but maybe a freshman would.

Councilor Wang stated that that is a legitimate concern, and asked if they would be displaced. Councilor Dietrich stated that he does not have exact numbers, but he knows that there are several single graduate students currently living in Purdue Village. The percentage of those that are merely married-student housing has decreased significantly over the years, but he does not know how many people may be displaced.

There was no further discussion.

Clerk Booker called the roll call vote:

<u>Councilperson</u>	<u>Vote</u>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Aye
Leverenz	Aye

Councilperson	Vote
Sanders	Absent
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 01-17 passed on first and only reading.

REPORT BY THE MAYOR

Mayor John Dennis welcomed Ben Anderson back to the City as the new Street Commissioner. He noted that he will give the State of the City address at the February meeting.

COMMUNICATIONS

► Councilor DeBoer suggested that everyone read the *Student Renal Report*, as he thinks it is illuminating on what exactly is going on in the area, and the fact that we have lower and lower vacancy rates despite our best efforts to continue building around here. As new projects come our way, it will be a good document to continue referring to as to why those are necessary.

► Councilor Wang complimented the Street Department for the road conditions during the ice storm.

CITIZEN COMMENTS

► Mr. Kesler expressed appreciation to those involved in removing cardboard boxes from a fire pit from a neighbor's property, and to the Parks Department for handling some trash on the recently re-opened Happy Hollow Park trail. He also expressed appreciation for extra leaf collections on Maple Street and for some of the alleys getting paved. He spoke about taking care of a container of used motor oil that a neighbor left for months, and he noted that some tires that he recently saw in backyards could be taken to a local business to be recycled for a fee. He spoke about collecting concrete chunks. He stated that he and his wife are glad to see Ben Anderson return to the City, as they recall him providing clear information of what to expect during some work on Maple Street.

► Patrick Hagmire (resident of 282 Littleton Street, and owner of The Pint at 111 South River Road) stated that he forgot to thank Mayor Dennis last month regarding how the CSO project was handled.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:43 p.m.