

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
MARCH 6, 2017

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on March 6, 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, Aseem Jha, 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, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Fire Chief Tim Heath, Building Commissioner Chad Spitznagle, and WWTU Collections Systems/GIS Supervisor Victor VanAllen.

MINUTES

Councilor Keen moved for acceptance of the minutes of the February 2, 2017, Pre-Council Meeting, and the February 6, 2017, 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 we have not received an APC agenda, but there was a notice of a public hearing at the March 15, 2017, meeting for the replat of lots within University Park 2nd Addition at the corner of Stadium Avenue and Russell Street. Building Commissioner Spitznagle explained that the Lambda Iota fraternity is combining lots to add on to and renovate the existing fraternity house. He and Councilor Dietrich discussed that Phi Gamma Delta, in that same area, is also renovating.

FINANCIAL REPORT

City Controller Gray reported that the budget versus actual shows that we are trending through February along with the budget. He reported that the state filings have been filed properly and on time with the State Board of Accounts (SBOA) and Department of Local Government Finance (DLGF). He added that we have 29 modules active in our Munis Enterprise Resource Planning (ERP) system, which are scattered throughout the departments. The major modules are for general ledger, payroll, human resources, and utility billing. The utility billing brings in just under \$13 million in revenue, which is actually more than we get in property taxes from the County. Another thing that Munis has allowed us to do is to decommission our previous accounting system, and to have a permitting system for Engineering and Rental Housing Inspection.

LEGAL REPORT

This report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer reported that the next Joint Board meeting is scheduled for April 18, 2017.

PUBLIC RELATIONS:

Volunteer Recognition Award

Mayor John Dennis presented a volunteer award to Sue Eiler, who was not able to be present to receive this award at the February meeting. Mayor Dennis stated that it is his honor to recognize Ms. Eiler for all that she has done for our City. Her passion is education, and she has been instrumental in working with groups around the State to preserve and relocate the one-room Morris Schoolhouse. Along with preserving the schoolhouse, this has allowed West Lafayette to create an environment that will continue the educational structure in that structure, as well as adding to our Parks and Recreation system. Ms. Eiler stated that the schoolhouse movers arrived this morning. They are hard at work, and the plan is for the schoolhouse to be moved 900 feet across the field on Thursday afternoon. She added that working with the West Lafayette Parks staff has been wonderful. She expressed appreciation to all.

UNFINISHED BUSINESS:

Ordinance No. 03-17 An Ordinance Concerning The Current Refunding By The City Of West Lafayette, Indiana, Of Its Sewage Works Revenue Bonds Of 2006, Series B; Authorizing The Issuance Of Sewage Works Refunding Revenue Bonds For Such Purpose; Providing For The Collection, Segregation And Distribution Of The Revenues Of The Sewage Works And The Safeguarding Of The Interests Of The Owners Of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor John Dennis)

Councilor Keen read Ordinance No. 03-17 by title only.

Councilor Keen moved for passage of Ordinance No. 03-17 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is refinancing of the Sewage Works Revenue Bonds of 2006, Series B. He noted that financial advisor Jim Treat (O.W. Krohn & Associates) answered questions at the first reading last month.

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	Aye
Keen	Aye
Leverenz	Aye
Sanders	Aye

Councilperson	Vote
Thomas	Aye
Wang	Aye

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

President Bunder announced that Ordinance No. 03-17 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 04-17 An Ordinance To Vacate A Public Way In The City Of West Lafayette, Indiana (Jerry M. Weida and Patti A. Weida) (Submitted by Ball Eggleston PC) PUBLIC HEARING

Councilor Keen read Ordinance No. 04-17 by title only.

Councilor Keen moved for passage of Ordinance No. 04-17 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Jason Ramsland (Ball Eggleston PC), representing the petitioner, stated that this is to vacate an alley owned jointly by the Weida's. This is part of a planned development project that has been ongoing and came before this Council in July 2016 [Ordinance No. 19-16]. He demonstrated on an illustration where the current alley is and where the new alleyway will go. He confirmed for President Bunder that there is no money involved; it is just a trade of one alley for another.

Councilor Keen moved to open a public hearing on Ordinance No. 04-17. The motion was seconded by Councilor DeBoer, and the motion was passed by voice vote.

Jan Myers (1909 Indian Trail Drive) said, "My only question is why do we need any of the alley if we are willing to vacate part of it for the swap that is going on? I know I have been out of town and out of the country, so I may have missed something earlier."

President Bunder said, "Jason, do you want to try, or do we kick this to staff?"

Mr. Ramsland said, "I am sure that the staff's input may be more welcome than my own. This is a pretty common part of conducting these sort of developments, where an alleyway will be required, or at the very least suggested by the planning commission staff."

City Engineer Garrison said, "The main point of it is just to make sure we have a through-access for delivery vehicles, trash vehicles, things like that—where we do not have vehicles trying to back up in the alley into a roadway."

There were no further comments.

Councilor DeBoer moved to close the public hearing on Ordinance No. 04.17. The motion was seconded by Councilor Keen, and the motion was passed by voice vote.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye

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

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

President Bunder announced that Ordinance No. 04-17 passed on first reading.

Mr. Ramsland stated that if it the pleasure of the Council he would appreciate if the rules could be suspended for a second reading tonight.

Councilor Keen moved to suspend the rules and hear Ordinance No. 04-17 on second and final reading. The motion was seconded by Councilor Jha, and the motion passed by voice vote.

Councilor Keen read Ordinance No. 04-17 by title only.

Councilor Keen moved for passage of Ordinance No. 04-17 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

There was no discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Ordinance No. 04-17 passed on second and final reading.

Ordinance No. 05-17 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (CASL Holdings, LLC—Dan Hrankowsky) (Rise at Chauncey) (CBW to PDMX) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 05-17 by title only.

Councilor Keen moved for passage of Ordinance No. 05-17 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that the petitioner's representatives and architect are all here to answer questions, along with Ryan O'Gara (Assistant Director, Area Plan Commission). CA Ventures is a large developer of student housing and other commercial ventures throughout the United States, including The Fuse and Chauncey Square locally. The property for this project is 100 S. Chauncey Street, the current location of the Lutheran Church which is moving to the *Exponent* building on Northwestern Avenue [Ordinance No. 02-17]. He noted that there had been a lot of questions about items from the church, and explained that a lot of the fixtures and stained glass will be used in the new location, and some items may be used for a local art project. He stated that his opinion is that this is a win-win for the City. The non-profits—the church and the *Exponent*—are going to be in one building, which will make substantial tax revenue available for the church site. He stated that the APC has developed and approved the land use plan, the Council has also approved that, and this project meets all of the requirements of that plan. The plan combined with the State Street project and this project will continue to move the students from New Chauncey to this location, and that is also a win-win for West Lafayette. The State Street project has two-way traffic, bicycle lanes, and landscaping, which allows for a traffic calming event. It allows more pedestrian traffic and less vehicular, which is positive for West Lafayette. The Rise building will have three wings with 13 stories on the west wing, 15 stories on the east wing, and 16 stories on the south wing. There will be 21,000 square feet of retail space and 300 units with 675 beds. There will be three levels of underground parking with 217 spaces, and also spaces for bicycles and motorcycles. All of the units are going to be furnished, and there will be a bathroom with each bedroom. The parking ratio is approximately 65% per unit, and approximately 30% per bed, which is a similar ratio approved for The Hub. He stated that to the west of this project is Chauncey Hill, which he believes will be redeveloped in the future. Then we have The Hub, the ten-story building going up now, and the parking garage. Further to the west we have Purdue's graduate student buildings—one is 10 stories high, the other is approximately 12 stories high. To the east of the site there is a gas station, which is under contract and may have a project starting there in the near future. He stated that the project fits both the present use, and it will fit the future surrounding of the facility as well. Mr. Teder noted that the Council heard from RDC President Larry Oates, who had positive comments about the TIF area. Through this development process to PDMX (Planned Development Mixed Use), there have been numerous meetings with the APC, and they have met with the West Lafayette Engineer's Office, the Greenspace Coordinator, the Joint Board, and the Police and Fire Departments. Meeting discussions included landscaping, stormwater, design of the building, parking, and traffic flow. All of those items were incorporated into the plan, and as a result he believes this is will be a successful project. He stated that his opinion, with the development of the State Street project and the land use plan that was developed, is that the Village can be one of the best there can be in the Big 10. Even with that, we can maintain the integrity of the Village, which includes Von's, the Miller Building, the Purdue building, Harry's Chocolate Shop, and Triple XXX.

Councilor Leverenz stated that he had received concerns regarding fire safety issues, and he asked Fire Chief Heath to address those issues. Chief Heath stated that the Fire Department has looked at this building from the beginning phases of discussion. The Department's perspective is that we are no different than Chicago, Indianapolis, or anywhere else with large buildings. Although we do not have any yet, the Department does train for those types of buildings. We train frequently with standpipes, and practice on the parking garages. His opinion is that building code allows taller builders to actually be safer for us, because there are fire pumps, sprinkler systems, and the construction of the building is better. Steel or concrete is used instead of wood

for buildings over 5 stories. The fire pumps help move water up to the floor as needed. We call it “strategy and tactics” in the fire service, and that is how we pre-plan. We will pre-plan this building and make sure we can fight fire in it the safest way we can. In response to a question from Councilor Wang, Chief Heath explained that the aerial ladders do not stretch up that high, which is why the strategy changes to an interior attack with standpipes. In response to questions from Councilor Dietrich, Chief Heath explained that the firefighters access to the building would depend on the floor, but they would use the stairwells, and there will be multiple ways to access the building. Elevators can be used on medical runs. Councilor Dietrich asked if the building wings are like silos, or if there is access from one to the others, and Deputy Fire Chief Tony Schutter responded that they are accessible.

Councilor Dietrich stated that the only concern he has about this project is that we learned from a meeting with APC that The Fuse is now owned by a company in Singapore, twice-removed from the people who we dealt with and built it. He asked if the expectation is the same for this project. Dan Hrankowsky (Vice President of Design and Development, CA Ventures) responded no; our company is built to hold properties. Approximately 40% of staff is on the cooperate or regional management side. There have been a couple of economic events in the past five years, and they had two portfolio sales. One of which occurred in 2012, and Chauncey Square was a part of that. The Fuse was actually pre-sold as part of a similar transaction. He stated that they have not had a portfolio sale since then. They currently operate and manage over 10,000 beds nationally, and are built to accommodate much more.

Councilor Dietrich asked what the management team is expected to look like for The Rise. Nick Hill (Vice President of New Development Operations, CA Ventures) responded that on a project of this size, they would typically have a property manager, an assistant property manager, and a leasing manager as full-time employees. There would also be 10 to 15 student employees, typically living in the building. Those are all supported by corporate staff. Councilor Dietrich asked for confirmation that there is no symbiotic relationship with University residencies for this project. Mr. Hill responded that is correct. He added that their goal with a new campus is to be good neighbors and create relationships with its resources, but it is separate.

Councilor DeBoer stated that he thinks there are three very strong cases for this property. Number one, over the past 10 years, from deciding to annex Purdue, to annexing Purdue, to getting the Daniels administration, the City administration, and the Council on board, this is the inevitable result of all of that work. In order to pay for State Street and what our ambitions for what we want downtown West Lafayette to look like, this is it. This is exactly what we have been looking for. There would be no other way to finance a \$120 million project without doing something at this scale. The second case is that he is still dealing with a 1% vacancy rate in his district. Rents are going up and, unless we increase the supply, the rents will not stop going up. He stated that as long as his constituents are facing a problem with their pocketbook, and unable to afford things, that is a serious problem. It is the one thing he can do on this Council to help them—to make sure their rent is a little bit lower, or at least stagnates. The final case is that the opposition he has heard from this project is not from the neighborhood, and not from his district. These are people who are living outside of it, who want to control that property. But, the actual people who live there are in support of this. They would like to stop paying rents that high, and he is happy to support this project. This is the kind of development that we need, and again, going back to 10 years ago, should have been expected when we began down this path. He believes that New Chauncey area could see a revitalization through projects like these that helps multiple districts, and we could restore some of the single-family homes. It seems like a win-win across the board.

Councilor Wang asked how overflow parking will be enforced in Chauncey Hill parking lots. Mr. Hrankowsky responded that if they have the appropriate contact at the City level to make them aware of potential issues, then they can control that with signage, and it could be considered a violation within the property.

Councilor Thomas expressed agreement with Councilor DeBoer's comments. He stated that this should not be a shock to anyone. It is a major change for West Lafayette, and change is difficult for people to grasp. He remembers when the 720 building on Northwestern Avenue was being discussed, and he received comments about the height, the tunnel vision it would cause on Northwestern, and concerns about noise from students and traffic. He stated that he does not think that any of that has come to fruition as he has not heard one comment from neighbors about that building. It is change that people seem to fear at times, but this is positive change. He does not believe that the quaintness of West Lafayette will be destroyed.

Councilor Sanders stated that he has heard from many members of the community, and almost all are uniformly opposed to The Rise project. He read a couple of letters of opposition from two residents who could not be present—Beth Goodman (2208 Jasper Street) and Debbie Tutak (no address provided). Ms. Goodman's letter spoke about her feeling that this is the wrong direction for new construction because high-rise buildings are out of sync and character with the aesthetic profile of the campus corridor, and feels they are an architectural nightmare. Ms. Tutak's letter spoke about her feeling that this building is not what the Village needs to look like, and she expressed concern about the need for housing where Purdue is getting ready to build apartments where the old married-students court is located. She expressed concern about the whole State Street project, saying that there is no transparency to plan and very little visual idea for the final outcome. Councilor Sanders added that he spoke with an economist [no name given] about The Rise project, and the economist favored increased population density, but questioned the need for a 16-story building. The economist told Councilor Sanders that developers always say they need a certain height for a successful project, but almost always find a way to complete a building that is not quite so tall, and he cited some local examples [these examples were not provided]. Councilor Sanders stated that he believes that the members of the City government who worked on the project have the best interest of West Lafayette in mind, and appreciates their talents and diligence. If it were a matter of principle or conviction, he would be willing to oppose the will of his constituents, and as an at-large Councilman he represents the entire City. If he thought that there was some overriding consideration that his constituents had not taken into account, he would be willing to oppose their will. In this case, he does not find a reason to not vote the way they have asked him to vote.

Councilor Sanders asked about the parking space for the retail space on the bottom floor, for the people who want to come to that store. Councilor DeBoer added that he has been curious about the flexibility of those parking spots if needs change in the location. Mr. Hrankowsky responded that the APC approved a gross count of 217 parking spaces, which includes all needs—residential, guest, and retail. They are not signed and sealed with the retailer yet, but the group they are working with is only requesting 20 parking spaces as they like this pedestrian-oriented location. He confirmed that the parking would be flexible as it is a gross number. Councilor Leverenz stated that he is concerned because The Fuse has only 30 parking spots for retail, and the community would need parking in order to partake of the retail space. Mr. Hrankowsky stated that he would like to say that this is an exact science, but the way they have been approved will allow that flexibility.

President Bunder stated that in terms of citizen response to this, he stopped counting at 48 against and 2 for, and the 2 comments that were for the project were both from Councilor DeBoer. So, there is a certain amount of opposition to the project, particularly because as late as 2012, the

premiere project for the Village was going to be a five-story building with a CVS. This height and density takes people by surprised. He stated that he would quibble a bit with Mr. Teder over saying that we have a land use plan for this; we have a suggested pattern of density. That is fine, but in terms of parks, greenspace, or churches, he has some questions. Regarding preservation, he stated that if in 2014 if (former Director of Development) Chandler Poole had managed to create a Chauncey Village Historic District, the church would have been included. He is interested in hearing what we will do to preserve the buildings at the top of the hill—the Kingston buildings.

Director of Development Carlson stated that he is also concerned about the buildings that we have elsewhere in the Village. When we go directly across the street to the west of Chauncey Hill mall, we need those buildings that are original to our community, and they are what makes our community unique. Whether the businesses operating in them choose to sell will not be ours to say. As we have a Historic Preservation Commission, which he is City staff to and President Bunder is a member, there are discussions about these buildings in particular, and we do not want them going anywhere. Work is under way, in the very early stages, of figuring out how to have individual districts that would surround property lines instead of another historic preservation district. We will need to work with the property owners to make sure they are interested in having their buildings preserved in order to do so. However, when the five-story building at the corner of Northwestern Avenue and State Street was under consideration, the developers asked about the building next door, which is currently home to Brother's Bar & Grill. While the use of the building may not necessarily be unique to West Lafayette, the building is. Fortunately, the APC said that it was a non-starter in developments. He stated that anything that goes through the planned development process will not even make it to the Council for whether or not a building of that stature should be torn down. If does not get approval from City and County staff, then it does not come up for a vote at the APC, much less City Council. Our aim is that, if we can, we will make these buildings an historic preservation building. If we cannot, we will work to keep those buildings from every facing the wrecking ball.

President Bunder asked about the relationship between greenspace and our new dense urban core. He asked what we do to preserve the greenspace we have, what we will replace the greenspace lost with, and will we create a recreational impact fee or a green fee to help replace grass lost by these buildings. Director Carlson stated that greenspace is a major topic of conversation in his department, as Bev Shaw (Quality of Life) and Bryce Patz (Neighborhood Vitality) are near-militant about greenspace in the community. We do have plans for redoing our ordinance for what it will look like to incorporate greenspace and green elements to these new buildings. One thing that we do see in the renderings and the plans for The Rise are green elements, such as green roofs that allow for plantings and absorption of stormwater. There will be consideration to have requirements for that in our ordinance, with the one caveat that he wants to ensure that it is not required on every building. He wants to ensure that there is some sort of opportunity—because when you look at a building like this, versus the one the Council just considered a vacation of an alleyway—there is a difference between what a national developer can do and what a local developer can do. He does not want to get to the point where we are only dealing with people from out of town, because the Department of Development not only wants to build the community, but wants to build local wealth in the community too. We will be looking at multiple ways to build up our green space. He noted that we actually got dinged on this particular parcel in the “Good to Great” plan that was done a few years ago, due to the setback from the street and the turf lawn between the sidewalk and the building. While it is aesthetically pleasing, that is not what makes an urban corridor. With the \$120 million State Street project, we are reinventing the street. To be pedestrian and bicycle friendly, the buildings need to be at or near the sidewalk to create some sort of vitality and aspect of people being there and being a part of it. The building there now is beautiful, but you do not see activity there on that lawn. He thinks

that the new renderings that show what the hardscape and greenscape will look like on this particular building are something that you can expect to see along State Street. We want to activate these spaces. When we talk about having an urban core, it is about having an active and vital part of our town. In order to do that, buildings need to come up closer to the sidewalk, and that is something we are seeing very early on with this redevelopment in West Lafayette, with this building in particular.

President Bunder asked if it is correct that the APC will ask the County attorney about the usefulness of using a recreation impact fee on a high-density property. Director Carlson stated that there has been discussion about impact fees. We want to look at not only recreational impact fees, but other impact fees as well. When you look at what a recreational impact fee is under State law, it is only for new parks. If we are looking at a high-density building, we would be able to get a good amount of money out of that. But, when talking about high density, it goes down by a big factor on what can be charged for each unit that comes in as opposed to a new single-family residence. Those fees will be under consideration. He stated that one of the beauties of an impact fee is that if you live in West Lafayette, you do not pay that fee unless you choose to build a new home.

President Bunder asked RDC President Larry Oates to speak about how TIF money helps subsidize these projects, as he did at Pre-Council. Mr. Oates stated that this goes back to what Councilor DeBoer said; when we started the State Street project almost 10 years ago, the whole concept was that we would incentivize developers to come to town, and to be able to create a new downtown for West Lafayette, and to create an urban core. This core would be densely populated so that we could, as one of our purposes, provide the City with the number of residences that they need, that are not necessarily student residences, in the neighborhoods. The more residences that we can put along this urban core, then part of our belief is that we will free up single-family dwellings within the neighborhoods themselves. People have concerns that the rent will be too high, but the bottom line is that today's Purdue student is willing to pay for certain amenities. This is why the First Street Towers at Purdue were sold out before the building was done, because those are the amenities that students want. The single-family dwellers in the neighborhoods around the campus will be in a good situation, because the student housing in those neighborhoods do not have the amenities available in the core. The urban core allows people to easily walk to the campus itself, go downstairs to a retail environment, avoid shoveling sidewalks or mow grass, have high-speed internet connections all of the time, and new construction with low maintenance needs. It is going to change the housing stock within the community. It will put pressure on the single-family rentals, and at some point those will go back to single-family dwellings. That is going to benefit the community, the school corporation, and West Lafayette as a whole. Mr. Oates stated that the basic premise of what we are trying to do is to put some of this densification into an area that does not have a neighborhood sitting right behind it, and that does not have the problem of having the building overshadowing houses. All of the buildings we have talked about so far are on the south side of State Street, in a neighborhood where it is all student living to begin with. By densifying that into those areas, the RDC believes that it will benefit the community in the long run, and just New Chauncey. He explained that we are able to fund this because when we started the \$120 million project, we broke it into two pieces. Purdue is funding part of it from the Purdue TIF district, and the other half is being funded by the Levee/Village TIF district. The RDC looked at the funding conservatively, as it does all of the time, because we needed to be able to pay for this if no developer came to town. If we agreed to go forward, wanted to make sure we could do it, and we can. We based it on the basis of 1% increase in assessed values within the Levee/Village TIF district, and we would be able to make our availability payments as we went along. However, what it meant was that we would be taking the vast majority of the money out of that district to be

able to fund it. Our whole purpose was to be able to incentivize developers to come. The first incentive we gave to the developers is a brand new road project that provided all of the amenities that students want, which includes bike trails, pedestrian ways, new roadways, and access to all of the facilities along that area. By doing that we can pay for our project. The money that we believe will come from the assessed value of The Hub is somewhere in the vicinity of \$900,000 per year in tax revenue. We believe that if The Rise is built that we will receive about \$1.1 million in tax revenues from this building. As mentioned at Pre-Council, there is a third building in the works, also on the south side of State Street, that we believe will bring an additional \$900,000 in tax revenues. Our first availability payment due in 2018 is \$4.5 million, which the RDC has been saving to make that payment out of Levee/Village TIF funds. From that point on, our payments are around \$2.5 million. If you do the math based on the tax revenues just provided, then we will make those payments on the basis of these three buildings. Our entire share of the State Street project will be paid for on the basis of tax revenue from these three buildings. Mr. Oates stated that this is phenomenal. When talking about impact fees, greenspace, and where we will get money for parks—we have \$2.5 million per year once these buildings go on, that we can use out of Levee/Village TIF to buy greenspace, to build parks, and to take care of the things we have. That is all because State Street has been put in, and the developers are coming to town, and we are putting things together. He stated that he is not a fan of rampant development in and of itself. So, rather than having suburbia sprawl, we have densified it and put it all into one area. Also, by providing incentives to these developers, such as the \$700,000 back in tax revenue that The Hub will receive, it allows the City officials to be at the table to have input during the design phase. He explained that many developers do not understand how those incentives work in the State of Indiana, especially in TIF districts. We do not have the ability, as they do in some states, to just write a check to hand the developer money. Rather, we have to somehow tag it to real estate and real estate development. So, the incentives that we will provide to these buildings is for improvement of public spaces within those buildings—places that the public can actually go and use. That is where we put all of this project together, and we come out on the other side of it with a wonderful development that will redefine what we have been doing in West Lafayette. It is different. It is change. He stated that in the past he has been one that has stood up here before saying that we need to slow down and stop until we have gotten enough information. Well, we have gotten enough information. We have put it all out there. Some people indicate that they do not know what is going on, but if you come to the RDC meetings we are talking about this stuff all of the time. He stated that, additionally, we have gotten smart on our incentives. Within the Levee/Village TIF district, the incentives for these new buildings go under a new plan that has been developed by the RDC and the Development Department. That new plan of attack is that we will provide the incentives to the developer—such as the \$700,000 to The Hub. If the developer wants to use the money, they will have to, number one, front the money. We will only pay them back 50% of whatever the tax increment is in any year toward their incentive fee. The second thing is that we are requiring them to sign an agreement that they will not contest the assessed value, once it is set, within the time period of paying it back. So, now we know for sure that the money is going to come. By pushing in that 50% number, we are causing the other 50% of that tax increment to go into the Levee/Village TIF district so that we can continue doing development within that area. We can continue to build trails and help the Parks Department with new greenspace and making programs available. Mr. Oates stated that it is amazing for a city of our size to have the amount of excitement that is going on today with the development we have and the amenities that we are providing our citizenry. It is exactly the type of projects that we promised to provide when we set up the State Street project. Change is going to come, it is always tough, and he understands. But it is a hard thing that we need to sit and look, and make sure we have it taken care of.

President Bunder asked for an explanation of why people on his block should not be worried that they will never see a street light or a new sidewalk because all of the money will be plowed back in to subsidizing new development. Mr. Oates responded that in our spending plan for this year, there is \$50,000 in the Levee/Village that is going toward an engineering study for lighting all over the neighborhoods of West Lafayette. Again, we could take \$100,000 and throw it at a project. However, that is not the way we operate the RDC. We actually want to study the project and make sure that we understand what is going on, and then deploy the resources necessary to be able to do the project right—to do it once, do it on time, and do it under budget. So, during 2017 the Engineering Department will be conducting a study of all lighting needs within the City. Once that study is done, in 2018 we have forecasted installing lighting within the neighborhoods. This is all directed toward neighborhood lighting. As far as sidewalks and street resurfacing, he does not know the exact percentage, but most of it that will be done within TIF districts are paid for by the TIF district. The City pays for areas outside of TIF districts with the Motor Vehicle Highway (MVH) Fund. He stated that if you have new sidewalks and ramps in your neighborhoods, and you are in one of the TIF districts, chances are the TIF paid for it. It has been one of our things to make sure we are taking care of the neighborhoods.

President Bunder thanked Mr. Oates for taking the time to speak. For many people, this information is brand new, or has never been presented in a way that connects historic preservation to greenspace to the funding in the TIFs. Mr. Oates added that the TIF districts are also looking at the potential for historic preservation. We are very concerned, and we want to make sure that happens. There will be projects coming down the road where historic preservation is going to be a part of it, and we think that is part of the fiber and character of this community.

Councilor Wang asked what the increased development is going to do to property values. He asked if it is going to be a huge jolt for residential and private owners. Mr. Oates responded that this is where a lot of people do not understand exactly how the tax system works. If property value all go up, the government only gets “x” number of dollars, and that is capped by the State. If the City of West Lafayette decides tomorrow that they want to double their budget, the State government will tell us no. The increase is limited to 5% per year, at most. So, if all property values go up, including the value that these buildings are going to come to us, that brings the property value up, and then we back in what the governments need. The governments include the schools, the City, the township, the County, the State Fair Board, and the bus service. They back in that number, and then they come out with the tax rate. They are typically diametrically opposed to each other. So, if assessed value goes way up, the tax rate goes way down. The real number is not what the assessed value is, because if all of the assessed value goes up by 10%, you should see your tax rate go down by 10%. Councilor Wang expressed that he understands, but wants others to understand too. Mr. Oates stated that it is a tough thing to understand, and Indiana is weird when it comes to property taxes. How the property tax plays into it is one of the toughest things for people to understand.

Councilor Jha thanked Mr. Oates for the work he has done, and he expressed optimism that this project will hopefully start the redevelopment of the rest of the City and be a harbinger of better things to come.

Mayor John Dennis expressed agreement with Mr. Oates. He stated that there is not much more to say, as we have touched on the time, development, and planning that went into this. But, because of what is coming down the road for the City, we are now engaging in conversations unlike any other time in his time in government service. We are looking at things now, and asking what we are going to do with the money, and what we can do to improve our community. We have roads, we have investments, and we are getting a lot of attention. But, what will we do as this money starts coming in? He stated that he does not know of any other Mayor in the State of

Indiana that is in this enviable position, and it is because of investments like this. This is a great time for our community. This is somewhat of our renaissance period. With developments like this, with the interest that it is generating, with the transition that we are making with our community as a whole—both sides of the river—this is a great time to be in Greater Lafayette. He hopes the Council would support this project.

President Bunder invited public comment, noting that comments should be no longer than three minutes.

Antoinette Sheridan (825 N. Salisbury Street) noted that she lives in the New Chauncey neighborhood, and stated that she is proof that there are people who are concerned about this new development. She stated that it is her understanding that The Rise is a done deal in terms of design and scale, and she thinks that is unfortunate. She is not against development, but she requests that the Council and the APC take the time to consider the long-range vision of how we want our new downtown to look in terms of character, ambient light, greenspace, and parking. She stated that, based on the pictures she has seen, the current renderings of The Rise look to her like three pieces of charcoal on a slab of concrete. She stated that there are cities in the country, such as Savannah, that puts in a picture in your head when it is mentioned. This is our one opportunity to come up with a concept of what we want our new downtown in the Village to look like. We have some great current buildings with a lot of character, and she suggested that we use those buildings as a base for the vision of what we want State Street to look like in terms of development and the apparently-needed housing. She stated that it is her understanding that these are predominantly for student housing, which means they will likely be somewhat vacant in the summer months. She asked if any thought has been given to traffic control during Purdue move-in days.

Susie Callahan (856 Barlow Street) expressed agreement with Ms. Sheridan. She stated that she lives in a neighborhood that was basically residential 14 years ago when she moved in. Over the last 6 years, they have had several properties nearby sell as rentals. She does not have a problem with rental properties if well-kept. She is a retired property manager, and is aware of the different student properties in West Lafayette. She knows that we needed a really great downtown area in West Lafayette, but she does not see a high rise in this area for the reasons mentioned by Ms. Sheridan and others. She stated that she loves architecture and seeing new properties come up, but cannot see, as a resident of West Lafayette, a high rise that is as high as they are wanting to build.

Chris Kulesza (1320 Palmer Drive, Apt. 313), External Vice-President of Purdue Graduate Student Government (PGSG), stated that he wanted to echo some of the things Councilor DeBoer mentioned about affordability. Whenever PGSG asks graduate students about how they decide where they want to live, the number one thing they mention is affordability. They do not talk about the amenities, per se. We need to find new ways to make housing more affordable. He stated that he has two things to say that is universal to all projects within West Lafayette. One is to keep in mind noise for people living inside the property. Many of the new student housing projects have caused a lot of complaints about noise—that you can hear things in all directions. The second concern is furnishings that are being put within the apartments. The furniture is breaking very easily and not installed very well, and at the end of the lease people are being charged for that. He stated that, as President of the Historic Preservation Commission (HPC), he wants to say that the HPC is very cognizant of wanting to preserve a lot of the properties within the Village. We had a successful walkthrough last week to look at properties that we may be able to include in a historic preservation district. He commended the City staff for all of the work they are doing with this.

Felice Bray (322 Hollowood Drive) stated that she grew up in New York City, but has lived in West Lafayette for 69 years. Since 1948 she has basically felt comfortable with the outward spread of residential development into adjacent farmland as needed to accommodate the growth of Purdue University and the new commercial and manufacturing entities. However, she is very opposed to the planned construction of this 16-story building proposed for the intersection of State and Chauncey. Instead of a welcoming approach to the Village, we will be faced with an overwhelming structure, totally out of proportion to the surrounding area that will disfigure, rather than enhance, the approach to a compatibly structured Village setting and Purdue University. It will likely present a host of related problems and challenges. She stated that she is concerned about traffic congestion. No one has pointed out if this is going to be for all students or families too, but if occupied by families, there is a lack of space for more children in our already crowded schools. There is a safe and crucial access for firemen, which evidentially they seem to be able to do, but she questions it in an emergency. Also, the financial responsibility of a new a major water and sewage service and maintenance. If more affordable housing for students is needed, it should be made available by Purdue on the campus and adjacent property. For example, the replacement of the student housing along State Street. It seems that the West Lafayette planners, with the support of the unanimous vote by the APC, have become enticed and overwhelmed by the interest of real estate developers at the expense of nearby comfortable residential neighborhoods, and aesthetic consideration of all of West Lafayette residents.

Thomas Kesler (479 Maple Street) stated that he would like to rebut a comment he heard earlier about rent. He believes that the planners at Purdue can count the number of heads that are going to go into these new buildings. When they plan the incoming freshmen class, they can plan the size of that class, and part of the input will be the additional beds that they know will be available to accommodate the increased size of the class. He stated that he was informed that he missed in the news that Purdue has already increased its enrollment in recent times. He does not believe these buildings are going to affect the rent. He does not believe that the houses in New Chauncey will revert back to single-family homes. He cannot imagine that the owners of those rentals will want to relinquish that income. He stated that he wonders where the current residents of married student housing are going to go once that option is no longer available, and he thinks they will turn toward West Lafayette to find accommodations.

Patrick Hagmire (282 Littleton Street, and owner of The Pint, 111 South River Road), apologized for a comment he made at the APC meeting about The Rise building being ugly. He stated that he does not like the way tall buildings look; however, he loves these kinds of developments. It provides an opportunity for people like him, who are young, single, and like to not deal with things like mowing lawns and shoveling snow, to live in. He appreciates the fact that the City is moving forward on these kinds of projects. However, he still has concern for greenspace. He wants there to be some requirement for green walls or green roofs to alleviate some of the issues. He appreciates the people from the City who are working on these projects for explaining to him exactly how the drainage systems will work, and the fact that these issues are taking care of. He also appreciates that the issues that have been brought up with the APC or the Councilmen are coming up in this kind of a format, because the more it is talked about, the more it is on record, and the more it is visible and transparent for everybody, the better job we can all do in promoting the City. We do more growth, more culture, and more opportunities for people. For that reason, he feels it is a great idea to move forward, but there are those who are still concerned about preserving greenspace.

Ms. Myers stated that she is concerned about how the words greenspace and parks as if they are synonymous. She hopes that everyone understands that those are not synonyms, and we need to be think about that a bit more. She expressed concerns about having high-rise buildings on an east-west corridor and possibly creating a wind tunnel, which is not friendly to bicyclists and

pedestrians. She recalled discussing the development at Northwestern Avenue and State Street, the five-story building, years ago, and she sees nothing done. There has been no progress report, other than hear someone say that there will be a CVS store there. She urged everyone to read the management statements of CVS or the *Wall Street Journal* coverage of that. There is already one CVS added in The Fuse that does not provide prescription service, and there is also a vacant CVS store on Salisbury Street, and it is an announced plan of CVS to have vacant buildings. She stated that she saw nothing mentioned about how many ADA accessible parking spots would be available for residents or retail. In talking to students who live in The Fuse, they find the parking to be uncomfortable because they are parked two and three deep with different rates. She noted she would make a point about historic preservation if she had more time to speak.

John von Erdmannsdorff (owner of Von's Bookshop, 315 W. State Street) stated that with 50 years in the Village, it is always interesting to hear people talk about the new change that will make things better. In May of 1991, State Street and other parts were going to be one-way, because that was what was needed and what was better. Citizens and businesses fought that at the time, and finally it is going to have two-way streets again. Decisions are made by various political bodies, and he has never seen anybody change their minds after hearing public testimony, but it seems worth it to bring up a few things discussed today that seemed fallacious. With talk about adequate parking, and this one is 675 beds and 217 parking spaces with 21,000 square feet of retail. He cannot be convinced that with 675 people there will only be 200 with cars, and then there will be visitors. Then, with 21,000 square feet of retail, even if they only ask for 20 spaces, he wonders where there will be space for 50 employees. It was just brought up that parking at The Fuse is not really accessible, because much of it is stacked, and the same is planned for The Hub. The people who are going to suffer from parking issues are those in the surrounding areas where people go to seek affordable parking. He stated that he keeps hearing that this will bring rent down while all of these things have much higher rents than those torn down. He has heard the developers say that they will deal with parking, but he watched a couple of police vehicles pull into his lot to eat at Lotsa Pizza, so even the Police cannot find appropriate legal parking. He heard people say that there are no complaints about what is going on, but it is too late to make complaints and people know that. Areas where this has happened have parking garages that are operated by the City, and we do not have that here. He stated that 50 years in three minutes, he cannot do it all, but it needs to be said that this is not optimum.

Perry Barbee (3700 Redbud Avenue, Lafayette) expressed that this is great and what the community needs, although the parking may need tweaking.

Councilor Dietrich stated that, in response to Mr. Kesler's comments, the spaces that are being displaced in the married student housing area are already vacant. They have been out for some time, so no current residents will be displaced. Also, as far as precisely gauging the incoming class and resident hall's needs, they have 50-some spaces that they did not plan on in The Cottages right now, so it is not an exact science. It is a dynamic situation.

President Bunder stated that this is hard for him because most of his constituents do not want this. But, he made a deal with his colleagues on this Council. That deal is that if they help him protect New Chauncey by approving the land use plan and historic preservation districts, then he will not pay any attention at all to what is built south of State Street. He stated that you could build, as he said at the time of the Grant Street Apartments, Trump Towers on that side of State Street and he will not care. He will stay with that, but when Mr. Muinzer comes to Stadium Avenue to build a project, he is going to look for the Councilor's support with that development. He hopes that he can count on that as we move forward with projects, not only along State Street, but further into the City.

There was no further discussion.

Clerk Booker called the roll call vote:

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

Clerk Booker stated that the vote was 8 AYES and 1 NAY.

President Bunder announced that Ordinance No. 05-17 passed on first and only reading.

Ordinance No. 06-17 An Ordinance To Establish The Cumulative Capital Development Fund And Readopt West Lafayette City Code Provisions Concerning The Fund (Submitted by the Controller)

Councilor Keen read Ordinance No. 06-17 by title only.

Councilor Keen moved for passage of Ordinance No. 06-17 on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that the Cumulative Capital Development Fund was established in 1984, and annually we need to approve the reestablishment of this fund. We are keeping the rate the same as the last few years of five cents per every hundred dollars.

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	Nay
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 7 AYES and 1 NAY.

President Bunder announced that Ordinance No. 06-17 passed on first reading.

Resolution No. 01-17 A Resolution Declaring West Lafayette A Machaseh For Immigrants (Sponsored by Councilors Sanders, Bunder, DeBoer, Leverenz, and Thomas)

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

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

Counsel Burns stated that there is a resolution as filed and an proposed amendment, and he will explain the connection between the two. He has reviewed the resolution as filed, and it was his legal opinion that there needed to be some adjustments. He explained that there is a movement about the federal government having an opinion on sanctuary cities. It is somewhat of a moving target to determine exactly what a sanctuary city is or might be. However, there are certain things that clearly denote a sanctuary city. His concern was to avoid having any of those provisions in the resolution before this Council, because in the State of Indiana it is unlawful for there to be a sanctuary city. In 2011 our State legislature passed a law that, in essence, outlawed sanctuary cities. In the intervening years, there have been many places around the country that have become, have claimed, or have been accused of being sanctuary cities. But, you will find none of them in Indiana, mainly because the State legislature made it unlawful to become a sanctuary city. He provided a quick lesson on Indiana power of cities: Cities cannot pass anything that is not allowed by State statute. Cities exist legally because of State statutes. It is very clear, without any controversy at all, that it is necessary for every city in the State of Indiana to follow State law. When there is a State law that says, "Thou shalt not," then those cities may not. If a city did go ahead and pass something despite the prohibition, it would have no legal impact. It would be a nullity. It would be nugatory. It would not have any legal impact whatsoever, because the law is structured in the State of Indiana to require that anything that is done by a city be in compliance with State law. This civics lesson was important because other states are different. Counsel Burns stated that the amendment is also linked on the agenda, and it is the result of his legal analysis and some edits that he made. He worked with it to make the changes that he believed were necessary to make it in compliance with State law. He views his job in this as to make sure that whatever is presented to this Council, that might pass this Council, has to be legal. He does not want to have to put toothpaste back in the tube afterwards. His role in the amendment was merely to seek legal compliance. Policy issues are up to the Council, and he will not weigh in on those. He knows that the Police Chief wants to weigh in on some policy issues, and the Chief was consulted in putting together this amendment to ensure there would not be a problem with the enforcement of criminal laws. Counsel Burns stated that the amendment is in compliance with State and federal law, and it does not create a sanctuary city. It could not create a sanctuary city, even if this Council passed it with a unanimous passage. If it attempted to create a sanctuary city, the law cuts it off at the pass and says it is a nullity—it cannot. The amendment does not change the law in the City of West Lafayette. In fact, it was surprising to him, in going through all of the various things that the Police Department does and does not do in regard to immigration, and going through the policies that have been passed and are being implemented on a daily basis on the streets all over our City by the Police, that those really do create an environment that is inconsistent with parts of this amended resolution. There is another important distinction to draw: The U.S. Supreme Court, not just Indiana Supreme Court, has declared that, in general, being a deportable immigrant—someone who is here that could be deported—is not a criminal act. A person may be both, but the Supreme Court declaration is that the mere status as being a person who is deportable is not a criminal act. That will become important when you consider that the job of the Police Department is to enforce the criminal laws. That is in this amendment. There are some whereases in this amendment that are significant because they relate to everyone now, and for posterity, that our law enforcement officials are already doing many of the things that are outlined in this resolution as amended. Counsel Burns stated that he had the occasion today to

communicate with some people in the legal community at the State level, and it is a very hotly contested issue at this time. He noted that he is not an immigration lawyer, but the way it operates is that if the federal government decided to withhold federal funds to a sanctuary city, the first thing they would do for Indiana is to call the Governor or Attorney General and ask if there are any problems in the State. If the answer is no, then here comes the federal funds. However, if the answer is that we have one, or any other number, in Indiana that is a sanctuary city, or attempted to be a sanctuary city despite the law, then it would be possible for that to trigger a situation where the State of Indiana would get zero federal dollars because there were sanctuary cities. There is a legal analysis, and then there is a political reality. He stated that what he wants the Council to understand is that from a legal standpoint, the amended resolution before them is proper from a legal standpoint. In the current environment, he thinks that we have to exercise caution. What we might have assumed could have occurred in the past may have changed in the last several months. It is an uncertain time. He stated that when the Councilors look at the amended resolution, based on what is going on in Indianapolis and Washington D.C., the only area that could be viewed as being toward to the edge would be Paragraph 5. He thinks that it is clear that the rest of the amended resolution is of aspirational statements—that this is what the Council believes, this is how we want people to be treated in our community—and those are the kinds of things that are not out on the edge. He asked the Council to understand that, in his legal opinion based on the law, that this amendment is fully lawful. It does not, at all, create a sanctuary city status. On that basis, he asked that the Council consider the amended Resolution No. 01-17.

Councilor DeBoer motioned to amend Resolution No. 01-17 by substitution. Councilor Sanders seconded the motion, and the motion passed by voice vote. President Bunder noted that the discussion is now on Resolution No. 01-17 (Amended).

Councilor Sanders stated that he wants to applaud all of the very patient people who have sat through very important work that we do here, and he welcomes the fact that they are here tonight. He stated that the fact that people have stayed so long gives him the duty to read the entire resolution, and he read the text of Resolution No. 01-17 (Amended).

Councilor Jha stated that he has a number of objections to the possible risks that could come out of this. Primarily when we look at it, we have amended it such that it is legal, or at least it can be interpreted as being legal. However, there is still a lot of ambiguity as to what the federal government and the State government would consider this to be. Also, quite frankly, this has no effect on the policies that we carry out in the City. It would have no effect on how we would carry out our duties, or how the Police Department would carry out its duties. However, what it does bring are two risks. It brings the risk of any individual from the State of Indiana filing a lawsuit against the City, which wastes City time and resources. Further, it also carries the risk that the federal government might consider us to be a sanctuary city, and might consider us to be in violation of their laws, and would use that as an excuse to strip us of federal funding. Because of these two-fold risks, and very marginal to almost no benefit, he encouraged everyone to think more critically about the possible risks and consequences for the City and for our funding.

Councilor DeBoer stated that he frankly does not care at all what the federal government says about this. This is absolutely necessary to do; this is the moral and right thing to do. He supports this, and thinks that that them trying to threaten our funding from this goes against exactly what Justice Roberts wrote in the ACA decision, when he said that tying funds to states or localities, based on whether you implement the federal government's policies, removes a congressman or senator that is serving from the electoral repercussions of such a move and puts it on us. We are the ones who are going to take the blame when people end up getting deported or funding gets cut off, when it is not a decision that we made. It is a decision made in Indianapolis and

Washington D.C., and he would like to see this in court, so he will support whatever is in front of him tonight.

Councilor Leverenz asked Counsel Burns for confirmation that we have not crossed the line with any State or federal laws with this amendment, and Counsel Burns responded that is correct. Councilor Leverenz asked, if a more defining law comes forward from either the State or the federal government, would the Council have the opportunity to repeal this without immediately jeopardizing our status. Counsel Burns stated that the second half is difficult to answer. The first is that absolutely, the Council can change this at any time by a majority vote. He stated that he cannot say, and it is not a legal judgment as much as it is reading political tea leaves, that that would be complete relief for us. He thinks that there has been at least a template in Miami-Dade and some other places where it appears that withdrawing support for a sanctuary city apparently did restore the funding. Councilor Leverenz stated that he has trouble walking in fear that a law may be coming down the line that forces us to do something that we do not want to do when there is nothing on the books that says we cannot. Counsel Burns stated that what keeps lawyers awake at night is not so much of what might happen in the future, as far as a new law—because that, we would deal with—as what is the current reality of what could happen now. Indiana is in some ways insulated, because it has a statute that says that if a city tries to become sanctuary, it will not work because there is no lawful authority to do so. It is an open question, and it is not a legal judgment as much as it is trying to read political tea leaves.

Councilor Wang stated that given the nature and tender that we hear from Washington D.C. about sanctuary laws, and what our leadership is telling us they would do to the funds, he asked how much in federal tax dollars the city gets. Mayor John Dennis responded that the City gets about \$1.1 to \$1.5 million per year, and a lot of that comes for the support of our Police and Fire Departments. We also get, as a separate group, a lot of federal funding for our road projects. He does not have that exact number, but City Engineer Garrison explained to him that there is a pool of money, in the millions, that we draw from. He stated that he has a word of caution: There was a question asked about how would we know if we are a “bad city,” or how would we know if we are in trouble with the government, and the dark answer is that we do not know until we are. Generally speaking, usually what happens is that requests are denied. When grant funding is requested for a specific purpose, it would be denied. Others is a little more overt, such as being removed from the line for funding for emergency services, which he believes is done through a formal notification.

Councilor Wang stated that this is a difficult statute; it evokes a lot of emotion. He explained that his parents came here in 1940 as war refugees. His father fought for the Nationalist Chinese in World War II, and he got sent to the U.S and became a U.S. citizen. He stated that he has been on the bench for eight years as a judge, and he has immigrants, foreign-speaking, U.S. citizens, that look to him for justice in criminal and civil cases. It is not the City Police who does the arresting when it comes to immigration issues; it is federal government agents. Yet, they use our jails, because we are obligated to provide a holding area for them until they make a decision to process them. He stated that he has always made it a point to follow their progress, and make sure they have an attorney. If there are language barriers, even in civil cases, he gets interpreters, no matter the language, because their right to an attorney is extremely important. He also recognizes that as a City Council member, and when he took an oath as a judge, he was sworn to uphold and protect the constitution of the U.S., and that means all citizens. With that in mind, this is difficult for him to consider.

Councilor Dietrich asked, related to the questions on federal funding, if this would have any impact on the County government. His understanding is that a large portion of the withholding of funds is through the reimbursement for detaining those people. He asked if we are potentially passing

something that would impact another entity in government. Counsel Burns stated that he does not believe it will have any impact, and quite frankly, the pointy end of the spear is the County government, because it maintains the jail. When they get to the jail is when somebody is going to be detained. Our Police do not detain people for much of any time for anything; they turn them over to the jail. The jail is run by the County only. We do not have a jail in the City. He stated that he does not believe that our actions will impact the County. They are related, but he thinks they are completely separate issue.

Councilor Keen stated that he agrees that this is a difficult resolution to consider. He agrees with the spirit of what this resolution is trying to do. He agrees with the City being a safe place to come to, but he has serious concerns about the ramifications of proposing something like this, as Councilor Jha stated earlier. He does not want to put the entire the City, and possibly even the entire State of Indiana, at risk for something that we are doing here. He does not think that is good government.

Councilor Thomas stated that he thinks he heard Counsel Burns say is that he is comfortable from a legal standpoint that we are okay with what we have in front of us, and Counsel Burns confirmed that is correct. Councilor Thomas stated that he thinks it is important for us to understand that we have citizens, students, professors, and residents walking around the streets of West Lafayette unearthy worried about what the next step is going to be in their futures. He thinks it is important for us as a City to state emphatically that we as a City support our citizens, we support our residents, we support those who live here, work here, pay taxes here, and we are behind them in what their pursuits are as citizens of West Lafayette. He spoke about the last Council meeting, saying that we had some very impassioned speeches by some young ladies who were standing in this Council room, that made an impact on all of us here. Again, it is important for us to show support for those individuals. It is very perilous times right now, and we have some folks who are scared to death of what is happening next. This shows our support for them, and we need to pass this resolution.

Councilor Dietrich stated that he has put legislation in front of this Council supporting the City's diversity. A bit like Councilor Keen, he embraces the philosophy of what we are trying to accomplish here. He stated that he cannot help, however, looking at what the University's Faculty Senate passed, and it basically a reaffirmation of the policies and the practices that they already have in place. It would have been much simpler, much cleaner, and less antagonistic had we taken that same approach. We have some excellent examples within this City of protecting, embracing, and granting all of the City's services and everything else to all people. He is taken aback at the difference in approaches between the two bodies. We quoted and touted that one of the good things is that the University's Faculty Senate approved it, but it is only an affirmation of what they have been doing. He thinks that would have been a much cleaner approach for ourselves. Again, he supports the whole concept of what we are trying to accomplish, but thinks that we have taken an antagonistic approach. Councilor Sanders stated that, for clarification, the resolution passed by the Faculty Senate was before November. Things have changed, subtly, since then. That is part of why it is important for the City Council to make a stronger statement than the University Senate did.

Police Chief Dombkowski stated that he has numerous comments, and he also welcomes questions. The first thing that comes to mind from comments on the Council is the notion of safety. He asked: Safety from what? Safety versus what? Reassurance? He stated that we live in one of the safest towns in the whole country. We live in one of the safest college towns in the whole country—you can look at any list for safe communities, and we are on it. We are a welcoming community. We spend a tremendous amount of time with our Police officers to make sure that they get it. They are highly trained, and they are trained in this area of international

students, and all of the complexities that go along with that, at least as much as any other Police Department in this State. These are daily interactions that we have, and daily complications. Again, reassurance from what? Obligation and duty is that the Police Department has to assist our federal partners, our federal authorities, in areas of immigration. The word “assist,” what does that mean? The law spells out several things where we are obligated to assist them in providing information. Assisting federal authorities not only in criminal areas, but specifically in State statute. It is important to mention that we have specific statutes that were put on the books in 2011 for a couple of reasons. Part of the packet he provided to the Council tonight outlines some of his own history in dealing with this at the State House. The law requires us to communicate, send or receive information, from the U.S. Department of Homeland Security, specifically, Immigration and Customs Enforcement (ICE). So, reassurance from what? We have an obligation to assist federal immigration authorities, if requested, period, and we will follow that law—we will do that. It may not be popular, it is not mean-spirited, but it is the law, and we will follow the law. Chief Dombkowski stated that he appreciates Counsel Burns’ work on this, as he has spent a lot of time researching and trying to serve several masters here, and to come up with a legal document that passes the muster. However, if we go back to 2008, when this was a hot topic, he was invited by Representative Sheila Klinker to give testimony at the Indiana House summer session that was studying this immigration issue. He explained that Representative Klinker wanted him to weigh in on what a police department does in a community like ours that has a tremendous amount of international student presence, and to say that we were opposed to the bill that was on the floor at that time. That bill was to demand that we accept responsibility for immigration matters and enforce immigration law. If you follow that out a few years, he believes that the 2011 law was a compromise from imposing that upon local law enforcement in our State. He stated that, again, we are splitting hairs here on exactly what the intention of this resolution is. It is not about safety, but is it about reassurance, and reassurance from what? He thinks that, in part, it is a solution in search of a problem. We do not have inherently a problem with our law enforcement officers asking people their immigration status, but we are often called to question, “Where are you from, and how long are you going to be here?” when making a case for prosecution—whether you are a victim, witness, or possibly a suspect. In a college town, things wrap up in May, and the Department has to know where someone will be and if they can legally return from any part of the globe. Once a student graduates, their visa changes. Unless they have a job here, they may not be able to come back. These are issues we deal with often. He stated that there are 57 countries that the U.S. State Department requires the Department to notify the consulate or embassy of these countries if they so much as detain one of their citizens. These are things they need to now. These are things that have been vetted out in law, for the most part, in this resolution. He stated that he wanted to give a sense of the Department’s operations, the international world that we live in West Lafayette, how well-versed we are in that, and how respectful we are as a Police Department in that area. One of the reasons that people live in West Lafayette is that we have always been known for a very welcoming community, and a very diverse community. He is not sure exactly what this resolution does for us, except maybe call into question some of the future of how wonderful this place is and the monies that we receive to add to how wonderful it is.

Councilor Jha asked if Chief Dombkowski would be compelled to assist if ICE asked the Department to detain an illegal alien who had committed no other crime. Chief Dombkowski responded that that is a big “maybe.” It depends on several factors. One, if the request comes through warrant, or if it comes through the national database system used to inquire about the status of drivers licenses. That system may come back with a note to hold for immigration, and they may have to look into that further on a case-by-case basis. We may not have legal authority on a civil matter, but we may have an obligation by State law to fully cooperate with our federal immigration authorities. It is not always a federal issue, but our State law from 2011 complicates

that—it holds our feet to the fire as law enforcement officers in Indiana. We take an oath to uphold the Constitution of the State of Indiana, as well as the Constitution of the United States. That goes with all of the laws. That is where we draw our powers from as law enforcement officers in Indiana—those State statutes and State Constitution. Councilor Jha asked if passage of this resolution would change Police protocol within the City. Chief Dombkowski responded that it would not, and Counsel Burns did a great job of weaving the Department's policy into this by paying attention to that policy and to these State and federal statutes to draft our policies to make sure they in compliance. So, it would not change the Department's operations the way that it is written now, but he also questions the reason that are we entering this arena of possibly placing us at risk. Councilor Jha asked if any of the portion of the Police Department funding comes from the federal sources. Chief Dombkowski responded that it does. We have equipment grants, and we sometimes apply for personnel grants. We receive funding for special enforcement that works its way down from the federal system, such as Operation Pullover for DUI enforcement, seatbelt enforcement, and targeted areas for traffic crashes.

Councilor Wang stated that he wants to point out that when people get held, it is usually on a deportation order that is issued by the federal government, by ICE. It is not a criminal order. It is a policy that ICE is enforcing. That is why our police departments do not go out looking for deportees. However, because it is statute, as Counsel Burns pointed out, we are obligated to assist them in any peacekeeping chore that they are doing, but they are the ones who are supposed to do the arrests. Chief Dombkowski thanked Councilor Wang for that great distinction. He added that the WLPD is not going to be out asking people what their immigration status is, before or after any proposed resolution. However, and here is the big caveat, we have to follow the law. We have to assist our federal immigration authorities as required by State law, and we will do so.

Councilor Leverenz stated that he thinks that the Chief made a very important distinction, and it kind of follows up with Councilor Dietrich's point. He thinks that the community really is looking for that reassurance. Having served on the Police Merit Commission (PMC) he knows what that policy manual looks like, and it is thick. Chief Dombkowski stated that it is 915 pages. Councilor Leverenz stated that the community does not always have that knowledge, so one of the things that he likes about the amended resolution is the fact that it does bring some of those policies to light. It puts them out there in the public, so that the public can know where the City Police is coming from and allay some of those fears. No one has convinced him yet that we are out of bounds with this kind of resolution—that we still are giving our citizens reassurance that we are going to uphold their rights, and that we are going to uphold the ordinances that we have passed in this City, and just giving them a little bit of ease here without us being illegal.

Councilor Jha stated that, to counterpoint, we do not know what the established boundaries are. At present we have an understanding, based on what they have been in the past, but given the trajectory of the federal government, and how it is going to head in the next 15-20 years, we have no idea what it is going to look like at this point. At least on the behavior the past few months, we really have no way of knowing how strongly or how loosely they are going to come down on this. Councilor Leverenz stated that he does not think this Council should be held hostage by what we think may happen.

Councilor Sanders stated that he has a couple of questions. Number one, if you look at Section 5, which is the one of critical interest in some of this discussion, it does not actually contradict the handout that Chief Dombkowski provided. Sending information, or requesting, or receiving such information from ICE is not forbidden by anything in this resolution. It does not actually refer to those things that are relevant here. Councilor Sanders stated that the other thing is that this is not his resolution, or the resolution of the other authors, or even the City Council's resolution.

This is a reflection of the values of the people of West Lafayette. So, when you ask the question about who this is reassuring, it is the entire community declaring its values on these issues, which is extremely important. There are some people who are fearful and have concern, but it is the entire community of West Lafayette that is making the statement that they are welcome and that they are to be included. This is a very important message that he believes the community of West Lafayette wants to give. It is not just us as the Council trying to reassure some scared people. He asked that when we are talking about the issue of contacting the consulates, if that is our Police force that does that, or is it the force responsible for the County jails.

Chief Dombkowski stated that, on the consulate issue, if we detain somebody for questioning, which we do routinely, and they are from one of the countries on the list, we are to immediately notify their consulate who may want to send a representative. He thanked Councilor Sanders for making that distinctive point on who this is for and from, because the point of his comments was to explain what the reassurance may or may not be. It is not his purview to influence the Council on anything but to give the specifics on how we run our Department, the laws we operate under, our obligations under that law, and to not leave ambiguity or confusion on what a document like this may do. He stated that when getting into some of the points after the whereases, there is room for interpretation of what exactly it means. He stated that he wants to reiterate that the West Lafayette Police Department (WLPD) stance on this is that they will follow the law. That may be unpopular at times, but they are used to being unpopular. We took an oath, and at the end of the day we will follow that oath, and we are going to enforce the laws of the State of Indiana to the best of our ability.

Councilor Sanders stated that some of the concern has not been completely allayed. It was said that we would not be directly participating in arresting people. He asked about if the law changes, which some people may contemplate. It has also been said that there is a plan to have a registry of crimes committed by immigrants, and he does not think we should cooperate with that. That is singling out people because of their immigration status, and that is completely abhorrent and repugnant to the values of the people of West Lafayette. He stated that maybe we should make it more specific about not creating litmus tests or registries. That is the sort of thing that needs to be reaffirmed at exactly this time. That is why reaffirmation of these principles, at this time, are important. He understands that right now the WLPD is not participating, but if the law changed maybe they would be called on to do so. He thinks it is worth making a statement at this time that we regard that as the wrong thing to do. Whatever the duties wind up being, at this point we do not think that is the appropriate thing to do. Chief Dombkowski stated that that is always a very easy question for him to ask—what would we do? We will always follow the law. We do not have to like the law. We do not have to do very much in interpreting the law often. When it is clear cut, we will follow the law.

Councilor Dietrich asked if Councilor Sanders is suggesting, in the scenario he gave to the Chief about if that registry does in fact become law, that by this document that the Chief should not be able to do that if it becomes law, because we said so now, or is Councilor Sanders just suggesting that we just do not think it is a good idea. It is much easier for a professor to say that we are not going to do this than it is for a Police Chief to say we are not going to follow the law. Councilor DeBoer stated that he thinks it is unconstitutional and we should fight it in court if something like that were to occur. Councilor Dietrich expressed agreement with Councilor DeBoer, but up until that point it would still be a law on the books. Councilor DeBoer stated that we could fund legal counsel to do that. Chief Dombkowski spoke about how fortunate we are to have a lot of people with experience in the law on our Council.

Councilor Wang stated that he would like to clear the air about what is required when an immigrant or someone on a visa gets convicted. He knows that, as a judge, there are several countries that

we have to notify of people in custody. As a courtesy, we always tell the consular office, no matter where it is, that they have a citizen. If ICE does not pick them up but puts a hold on them, he always checks to see how long they have been sitting in our jail, usually on a daily basis. He does not want them sitting there for an extended period of time, because he knows they have jobs, a home, and a family. A lot of times these violations are quite serious, but some of them are minor, such as a traffic. But nonetheless, they do deserve answers. Now, when someone gets convicted of a felony it is a requirement to report that to ICE, and what ICE decides to do is within their bailiwick. He does not like having people put on a list either, but nonetheless, as the Chief pointed out, we have to follow the law.

Mayor John Dennis said, "I never in my life, as a public servant, thought I would have to be talking about we are going to fight the federal government. How we are going to deal with our federal government. How we are going to respond to the fact that our federal government is creating change that creates fear amongst the folks who live within the boundaries of this country. The fact of the matter is we live in changing times. No doubt in anybody's mind that things are different now than they were just a few months ago, and they are going to continue to be different. One thing, at least I control to some degree, is the City of West Lafayette. That includes the Police Department. We will not be kicking in doors asking for citizen's status. We will not be directing enforcement patrols to specifically target special groups within our community. We will not treat our citizens, and our visitors, and our student residents like second-class human beings. It is not going to happen. However, we have a metaphoric gun held to our head. We are the recipient of funds—whether they be federal, or they be trickled-down though the State. That creates a challenge. Government has a tax base, but government also has special needs, and unfortunately one of those needs is public safety. We need to be cautious about how we proceed. What are we fighting here? Are we fighting the reality of something horrible happening to our student residents? To our citizens? To our visitors? To our immigrants? By the way, of which my wife is one. Or are we trying to deal with the fear of what might happen? It is difficult to say. It is difficult to know. Right now one thing we know for sure, is that we do not know much of what the future holds, not just for this City, but for this country. So, we need to be cautious. We need to be careful. We need to be thoughtful, and we need to understand that in this community, as Councilor Sanders said, we have high standards for behavior, and we have high standards for conduct. We have great respect for all visitors to our community, and that is not going to change, but we need to be careful. So, having said that, we need to look at this legislation. We need to look at this resolution, and we need to proceed with caution. We do need to proceed with caution." He asked Counsel Burns about the particular paragraph of concern.

Counsel Burns responded that if there is anything that could be called into question, it would be Paragraph 5 about the specific actions. Part of the problem is that the interplay between the federal law, the State law, and opinions of the Inspector General of the Department of Justice (DOJ) are all over the board. The language in ours is that no employee of the City will request information about, or investigate, immigration status. Those terms, or their close synonyms, are sprinkled throughout those three different sources that he has talked about. He stated that while he put this together with the intent of making it legal, and he believes he has done that, if there is any place where there could be a question, it would be in Paragraph 5. Mayor John Dennis questioned if we could make an immediate change to the resolution, if passed, if we were made aware of the fact that the particular paragraph, or whatever within that resolution, could present a challenge to us as a City, whether it be financial or something else. He asked if we could do something to rectify that. Counsel Burns responded that this Council has, by a majority vote at any time, in a public meeting, the ability to pull out any of this. The original draft had a severability provision in it that says that if any of this changes it does not change the whole document. That is an option that the Council would have at any time. Mayor John Dennis asked if there is any

way we would know, outside of an empty bank account, that we have fallen out of grace. Counsel Burns responded that he cannot answer that. It is not something that anyone has had any experience with, and it is certainly not a legal judgment. He thinks that even those who make their living at making political estimates of behavior would be hard-pressed to make a well-educated guess. Mayor John Dennis asked Counsel Burns about the possibility of removing Paragraph 5. Counsel Burns responded that his opinion is that it is enforceable as it sits, and if someone was looking to attack it, it would be at Paragraph 5. Mayor John Dennis asked if it is correct that Counsel Burns sleeps better tonight if Paragraph 5 is removed, and Counsel Burns responded yes, if that is the goal. Mayor John Dennis stated that the next point is to make decisions on if we file this and vote on this as-is, or do we amend it. Obviously we are going to have a great deal of public comment on this, but he thinks that there is possibly courses of action that this body can take. He reiterated that he stands soundly by our citizenry, our quality of life, and the fact that we are welcoming community, and he wants to keep it that way.

Councilor Jha asked if we have the authority, from Paragraph 4, to say that, "The West Lafayette City Council and Mayor oppose any plan..." He asked if we can make the Mayor advocate a position. Councilor DeBoer responded that when he signs it he— Councilor Jha thanked Councilor DeBoer.

Councilor Wang asked if an employee of the City would get an inquiry from the federal government, and it is ultimately an immigration matter but are not told that, if they are obligated to not answer their questions at all. Counsel Burns responded that we have an obligation under State statute to assist. He thinks that the rules surrounding the Police concept of assisting are clear—they have Standard Operating Procedures, and they are trained on it. He does not think that the rest of the City officials are going to run into that very much, and it would be vetted through the Mayor's Office before there was any kind of response. He stated that he is less concerned about the Police, because they work with it all of the time. Councilor Wang stated that he would agree with Counsel Burns' analysis that if there is any weak spot to the resolution that is would be Paragraph 5.

Councilor Dietrich asked if it is easy fix. He stated that the more he reads it, the more comprehensive it is. He asked if there is an easy insertion or deletion of a word to make it more palatable. Counsel Burns responded that he does not think that it is a problem with individual words, but more the impact of the overall statement. The law requires that when things are interpreted by juries or judges, generally judges, they have to look at the body as a whole. They look at the whole document; they cannot pick out any particular word. Part of the changes that he made to the original draft involved making sure that any action that was contemplated, such as in Paragraph 5, would only be done if it were in compliance with State or federal law. That is called a "savings clause." If there is a problem, we would say to the judge that we said that it would be in compliance with the law, and that is a good thing. It is a very positive thing. However, there is a body of law also, that at least the DOJ has looked at, and said that you cannot have it both ways. You cannot say that you are going to do want to want, and, "oh, by the way, as long as it is in compliance with the law." Counsel Burns stated that he stands by his clear opinion that this does not create a sanctuary status, the entire body of it, and it is lawful. The only real point of attack would be in Paragraph 5. He does not know that there is a surgical removal that would do any good, because the impact of Paragraph 5 is taken as a whole. He is not sure that the last sentence in Paragraph 5, about the City Attorney investigation, is particularly important. However, he is not concerned about that because there are privileges that are given in a court of law or administrative hearing that you can get away with references to a lot of different things because they are privileged in a courtroom setting. He is not concerned if that went away, but it is really the first sentence about what City employees have the power to do in terms of requesting information and investigating, as those are very broad terms. Again, there are three different

bodies of law—two statutes and the opinion of the Inspector General of the DOJ—that all have words very much like these. There are about six or eight words that are circulating around that sound a lot like “investigating” and “assisting.”

Councilor Keen, citing the concern of the Mayor and others on this panel, motioned to remove Paragraph 5 from Resolution No. 01-17 (Amended). Councilor Jha seconded the motion.

There was no discussion on the amendment.

Clerk Booker called the roll call vote:

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

Clerk Booker stated that the vote was 1 AYE and 8 NAYS.

President Bunder stated that the conversation returns to Resolution No. 01-17 (Amended). He stated that he will entertain comments from our citizens. He requested that comments be as concise as possible and kept to three minutes.

Jim Lehnert (409 Ripley Court), stated that he is the president of a technical services company at the Kurz Purdue Technology Center at 1281 Win Hentschel Boulevard. He asked if the Council would be willing to take out item number four in the last whereas clause. He does not think it would cause any harm of the spirit of protecting undocumented immigrants in any way, but it addresses more of what one of the Councilmen called the antagonism issue. He feels that item four creates unnecessary conflict with the federal government, with no benefit to the undocumented immigrant. As far as the last whereas clause, it has more to do with the technical details of how his company gets funded. He has had federal funding, ultimately in support of the Air Force, the Defense Advanced Research Projects Agency (DARPA), and the Navy. He explained that they have to sign Federal Acquisition Regulation (FAR) clauses to get federal money, and DFARs for defense regulations. Even so far as transporting materials by vessel in the open sea, they are all designed to see how conscientious companies are at obeying federal law and respecting it. His concern about the last whereas clause is that most people who are doing federal contracting would read that as saying that, basically, we as a community do not respect the federal government. His technical company that is here in West Lafayette works hard to be the last three who people might get funding. Very talented competitors from Boston, San Antonio, and San Diego, were among the last three. Then in the subtle decision process they may say, “oh, West Lafayette does not respect the federal government, done.” He stated that if there was some benefit from that paragraph or the whereas clause, he could be okay. He thanked the members for their service on the Council. At the request of Councilor Bunder, Mr. Lehnert read the paragraph he was referring to for clarification. The beginning of the paragraph states, “Whereas, while recognizing the fact that undocumented immigrants who are in the United States have committed a violation of immigration law...”

Susan Brouillette (Director of Lafayette Urban Ministry Clinic (LUM), 420 N. 4th Street, Lafayette), stated that LUM serves the greater Lafayette community, helping immigrants who are low income with their family-based petitions, citizenship applications, and humanitarian applications. The LUM Immigration Clinic is recognized by the U.S. DOJ. As an organization committed to keeping the welcoming countenance of this community, she urges the Council to vote in favor of this resolution. The resolution seems to be about the sense of the City. She does not see why it would keep the WLPD from doing what it already does to protect its citizens or to cooperate with federal law enforcement. This resolution, as opposed to what we have seen at other levels of government, is designed not to malign or disparage, but to show that immigrants in this community that they are valued and welcomed. In addition to improving the quality of life, this resolution also has an economic component. For instance, it was mentioned in earlier conversation about the high-rise building that there would be a lot of students willing to pay premium rental costs, and they have a lot of really nice cars. Many of those students are our international students, and we welcome them with regards to their money, but it is also our moral obligation to welcome them and to extend to them the fact that we appreciate them being here as people. She has heard comments from local law enforcement officers that it is important to have a respectful and welcoming attitude in this community, and this does undermine but bolsters the safety of all of our residents. This is with respect to the fact that they contribute when they do not feel scared, and they cooperate with law enforcement as confidential informants or witnesses. At the same time, it says that we will not do more than what is requested by federal immigration officials. By passing this resolution, the Council will be sending a proactive message that is an important signal to these immigrants and international students in this community that we value and want them here. The messages also have impact and reverberate with other cities around the State as well as the residents.

Kirsten Serrano (resident of West Point) stated that she has comments from West Lafayette residents who are too afraid to be here tonight. She stated that she is not an immigrant herself, but 23 years ago she met and fell in love with a man from Mexico, and they have been happily married for 22 years and have a daughter. For almost their entire marriage, greater Lafayette has been their home. Now there is an administration that says that immigrants like her husband are criminals, bad hombres, and rapists. For that reason, after the election, she formed an activist group called Greater Lafayette Immigrant Allies. The group focuses on fellowship, advocacy, and education. The group is concerned for all immigrants in our area, but she wants to take the opportunity tonight to share some quotes from some of the most vulnerable immigrants in this community. On Saturday night, she had the opportunity to speak to over 300 Latino immigrants who had gathered at the YWCA for information on the immigration situation. She asked them to please share, on postcards, the messages that they would like to send to their local government. Ms. Serrano read six quotes, which can be heard on the audio file for this meeting, available on the City's website. She urged the Council to pass this resolution, because if you do not do something, then you do absolutely nothing to make these people feel better.

Mr. Barbee spoke about how sad it is that everyone is divided about everything, and he spoke about the impact of the U.S. Presidential election on this issue. He believes that we will lose money if this resolution is passed, and he is scared of that. He stated that he understands everybody's fear, but we should love each other instead of hating each other. He stated that he thinks the Council should table this resolution to do more homework. He spoke about how the country needs to get undivided. He loves this country, and loves this community, but does not think that this is what we need.

Judy Rhodes (3008 Sparta Street) stated that, as an elected official for 23 years, she thinks she knows about the values of this community. Her husband is an immigrant, and she is a Jew. She was a Jew when she served her entire term. She expressed surprise at seeing legislation filed

using a term from her sacred tradition—*Machaseh*. She asked since when do we use religious terms from various groups to inform our citizens about what the legislation is about. She provided information on the history of the term, and stated that it really means refuge. She asked why the plain, simple, English term was not used. She expressed concern that this has given this resolution an air of sanctity, just by putting that term there. She stated that it is not speaking plainly to the citizens that the Council represents—the Americans, the immigrants, and the visitors—who all expect our laws to plainly express the legal language of country. She expressed concern that this sets a precedent, and stated she is concerned that the Council would take a term and slap it on a piece of legislation. She stated that, frankly, the legislation, as originally written, was just a piece of political act by the Council to reach in and attempt to assume control of some of the Police powers of this community, by steering, directing, and modifying their actions. She stated that our community Police force is very professional; they take oaths of office, just like the Council members do, and they are bound by very strict ethics. She does not feel that the Council has the role of managing the operations and conduct of our professional Police force. That is an executive function, and she thinks this resolution, as originally written, is a good example of why there ought to be that separation. She is glad to see the amendments made, but she objects to the use of religious language and terminology.

Ron Ellis (representing the Church of Jesus Christ of Latter-day Saints), noted that he is a member of LUM. He expressed support of the resolution. It seems to be the universal voice of this community that we stand behind immigrants, we care about them, and we welcome them. We also know from Counsel Burns' opinion that this resolution does not oppose any legal risk for us. There is the possibility and worry that this may impact federal funding, and he believes that sometimes our voice is more important than money. The Church stand with LUM in support of this resolution, and it is an important statement to be made to our community.

Enosh Kasem (149 Arnold Drive) stated that as a human being who has been a recipient of immense blessings, one of the greatest blessings he has received in his life is the privilege of being born and raised in West Lafayette. He spoke about his father coming from Afghanistan to get a graduate degree from Purdue in 1967, and his parents settled here in 1979. He stated that diversity is word that gets thrown around a lot, and not to cheapen the word, that word as weight behind it. We like talking about how diverse West Lafayette is and how we celebrate that diversity, but that diversity right now needs to be protected. He stated that we have a great City Attorney who has read this resolution, and we can all trust his judgment on this. The message that it sends to West Lafayette is priceless and very timely. The time to pass this resolution is right now. He stated that there was an executive order today that, again, targets the Muslim ban. It is not a political statement; it is a statement of community.

Mr. Hagmire expressed thanks to Chief Dombkowski for making it very clear that the Police Department is required to follow the law, and to the Council for discussing the issue so vehemently, because it is important to recognize that some of us are bound by specific contracts that we sign. Just as the Council members are bound in a political contract, and we are all bound in a social contract. He wants to make it to be clear that the Council has not only a legal and political obligation, but a social obligation to all of us. We are all members of this community, and the community does not exist without that social contract. It is beyond every level of government and structure that we have. We agree, tacitly, to be next to each other and be in this situation.

Umesh Patel (1135 Kingswood Road South) stated that he is a trustee of the Bharatiya Temple and Cultural Center. He stated that the Mayor shared a statistic with him that was amazing to him, and that is that there are 127 different ethnic communities in West Lafayette. However, in the past few months when he has talked to people in the community, he is seeing fear and uncertainty. They have had parents of Purdue students call to ask about what is going on this

country, and if they should bring their children home. He stated that he tells them no and not to worry, because they are in West Lafayette, and this is not the rest of the country. This is a kind, accepting community. He stated that we have a great community, but in this challenging time we need an affirmation from the leadership that this community is accepting to all. That is what this resolution does. It is not going to change what is going to happen at the federal level, but it tells everyone in this community that we are a loving community and we accept everybody.

Pia Mikeal (1723 Charles Street, Lafayette) stated that, in view of the fact that this is legal, it should not pose a threat. People are making what-if games out of it, and that is why the last clause exists that says that if anything goes against a future ruling, it can be struck out. She stated that the paranoia and fear of what-if is not what government should be founded upon. It should be founded upon solid, trusted logic like our legal counsel gave. We should look at the impact now. She stated that some people are afraid to leave their houses, and that is hurting the soul of our community. It is hurting financially, because they may not be working. She knows three people who decided not to come to this country to study, to give the college money, because of the fear of what is happening in this country. She stated that the Police Chief has spoken about how we are already welcoming, but it needs to be codified so people know that this is a good place to come, so that they will want to work here, want to go to school here, and so we can continue the tradition as one of the best international universities there is. She spoke about how we should not give into what-ifs and remote possibilities. If we do not support the residents of the thriving international community, then we have lost a piece of what makes this City so great. She spoke about how President Trump wants to make a Muslim registry, and this resolution says that our citizens should not do that either.

Dara Marquez (no address given) stated that she has a report from the Census Bureau that says that about 71,000 of Indiana's estimated 106,000 undocumented immigrants are working while about 21,000 are in school. She stated that she is among those 21,000 as an undocumented student. She explained that she grew up in Elkhart, attended undergraduate school in South Bend, and is now here for graduate school. The census said that a quarter of that undocumented population lives in four Indianapolis townships, while the other third are concentrated in Elkhart, Hammond, East Chicago, Fort Wayne, South Bend, Columbus, Lafayette, and West Lafayette. She stated that these statistics relate to her because of the locations where she has lived. She is glad to hear many positive reflections for this resolution. She is glad to have listened to our Mayor in an interview with WBAA where he commented about "poking the bear" because of his history and the postings of GOP leaders in Indiana. She is proud to know that our Mayor, and now our City Council, is also willing to speak against the narratives that oppress our community. She hopes that the Council has a positive vote as it will serve as a firm rejection of the hateful rhetoric of our current Presidential administration in this area, and uncertainty and divisiveness. West Lafayette cannot afford to sit on the sidelines.

Adi Ben-Yehoshua (Summit Drive) noted that she sent an email to President Bunder with her full immigration story, and he said that he shared that with his colleagues. She spoke about how her family moved here when she was about five years old, and she has lived in Indiana since she was in third grade. She has graduated from Purdue, is a homeowner here, works in Lafayette, and pays her taxes. A few years back, her family's green card application was denied multiple times, one time because they did not like the font, and one time because they felt that the lawyers did not put the index together properly. Her parents estimate that they have spent over \$100,000 attempting to become permanent residents. She stated that after the last green card application was denied, their visa reapplication was also denied. Her parents returned to Israel, but found a loophole where she and her brother were technically eligible for the Deferred Action for Childhood Arrivals (DACA) program and able to stay so she was able to graduate from Purdue. She stated that a lot of time when people talk about undocumented immigrants, they say to just follow the

law and do it the right way. She did it the right way, but is still here, stuck, and afraid. She stated that she is 145 days out from her DACA expiring and has filled out a reapplication. Her morning ritual is to check President Trump's Twitter account to see if he has cancelled her immigration status, then to call the hotline for immigration and stay on hold for 20-30 minutes to check in her application, then she calls all her federal representatives to see if one of them will try to push her case forward, and then she goes to work. That is daily. She stated that she is afraid of having to leave. If DACA is cancelled, she will stay, but it would be nice to stay in a place like West Lafayette rather than have to move to somewhere like a sanctuary city. She expressed appreciation for this resolution, and to Mayor Dennis for his talk about not treating immigrants like second-class citizens. However, when you talk of funding and revenue being placed above her as a human being, you are treating her as a second-class citizen.

Rocio Leon (Purdue graduate student) noted that she was part of the group of students who asked the Council to support our most vulnerable community members. She thanked Councilor Sanders and those who have committed support for their courage in pushing forward the message that our immigrant community members matter, and that the stories and experiences are being heard at a time when our national government is unjustly targeting them and criminalizing them. After the last Council meeting, there were concerns brought up about what we may lose by supporting our undocumented immigrants and non-citizens. She stated that a recent report by the Institute on Taxation and Economic Policy revealed that undocumented immigrants contribute over \$92 million to the State of Indiana through state and local taxes, annually. The New American Economy reported that over \$240 million were generated by immigrant businesses in 2014 in the State. In 2016, Purdue enrolled over 9,000 international students, and over 900 international faculty members. These numbers reveal that immigrants are an essential part of our community and our economy. She cannot begin to quantify the innovation, the ideas, and the global impacts emanating from West Lafayette that are changing the world, because of the fact that this Indiana city represents people from all walks of life. Nor can she quantify the sense of hope, security, and support that such a resolution will provide for our City. In proposing and passing this resolution, we are sending the message that our community leaders and members are creative, resourceful, and united against injustice. We are sending the message that we recognize that laws are not morally just, and that while laws change, our actions will always be remembered. She thanked the Council members who have committed to support the resolution, and those who are here tonight to stand up for our community values. For those who are on the fence or in opposition, she hopes that they reconsider, if not for the impact that immigrants have on West Lafayette, then as a sign that they recognize our humanity.

Margaret Hass (instructor at Ivy Tech Community College and the International Center in West Lafayette) stated that a lot of her students live in West Lafayette, and she is here to support the resolution as an educator and as an engaged citizen. As an educator, she works with students of all different immigration statuses—completely undocumented, DACA, student visas, spouse visas, green card holders, etc. She can say that the people from all of these categories are feeling anxiety. It is not just the people who are undocumented who are the most vulnerable in our community, but the people at all of those different levels. A lot of students have expressed to her those anxieties, especially those students who come from particular countries that are being lumped together with other countries, or could potentially be added to an executive order. As an engaged citizen and as a citizen of greater Lafayette she supports this resolution. She stated that this resolution is less about enacting a particular policy and more about sending a message to the greater community about what kind of community we want to live in. She wants to be in a community that respects her family, her friends, and her students, and their desires for life. We heard from the Police Chief about the distinction between safety and status, but for a lot of people, their immigration status is their safety; it is their entire lives.

Frank Rosenthal (2856 Ashland Street) stated that he has lived in this community for 27 years, and believes it is a safe community. He is proud of it as a welcoming community. His four sons grew up here, and he feels their ethics in life were partly shaped by the diversity and welcoming nature of West Lafayette. He stated that he wants to say a few words about reassurance. Reassurance is good. We need reassurance at this time. We have high government officials talk about a registry. We have had high government officials saying it was good to intern the Japanese. So, reassurance is good. He wants to react to the idea that it is soft and does not do anything. It does a lot. It reassures us that, in this difficult time, we are going to stand tall as a community. We do not know what is going to happen; maybe it will not be so bad, maybe it is. Hate crimes have increased at an unprecedented level. There is uncertainty, and reassurance in the face of uncertainty is a good and positive force. He thinks that most of the people in the community agree with most of what is in this resolution, but it tells everyone that they are not alone—that we as a community feel this way, and it is okay to speak out about this.

Jazmin Berlanga (no address given) stated that she came to West Lafayette a little over a year ago after growing up in Arkansas. One of the things that made the transition here easy was the fact that, culturally speaking, Indiana is so much like Arkansas with the friendliness and the hard-working people who will talk to you in line at the grocery store. She felt welcomed by her co-workers, neighbors, and people she encountered every day. However, as someone who was brought here as a child without legal status, at the age of four years old, and someone who is currently here on DACA, she has to say that when President Trump was elected, her life completely changed. She felt fear like she had not felt before since she got her work permit as a DACA recipient. She had conversations with friends back in Arkansas who said that illegal immigrants, undocumented immigrants, should be kicked out of the country, and it was extremely difficult to hear this from friends she grew up with. Whenever she hears someone questioning why we need the resolution, the only thing she can understand about that is that we do not live in the same world. These people who were natural-born citizens of the U.S. do not know what it is like to see a police officer coming down the road behind you and get scared and feel panic. It is not abstract fear; it is real fear of what can actually happen to you. This is not fear based off of what-ifs; this is fear that is based off what is actually happening to immigrants and DACA recipients right now. She stated that her community in Arkansas, though a college town, is very conservative. A town just a bit north of there did enact 287(g), which is a program that brings in local police officers to act as federal immigration officers. This created huge distress in the community. The point of this resolution is the point of any relationship—if you do not demonstrate that you are committed to the relationship, then that relationship is going to fall apart. She stated that when you educate someone all the way from Head Start to 12th grade in the public school system, as she and many like her, and then deport them, you throw away that investment.

Aparna Puri (3513 Chancellor Way) stated that she came here 32 years ago from India, and she has loved every moment spent in this beautiful city, which has been nothing short of embracing. Something changed, and she fears that the use of local law enforcement resources to enforce federal immigration laws will compromise equal opportunity to safety for all. She believes that we all have the same equal right to feel safe and embrace our dignity; that is constitutional. She feels that it additionally puts a financial burden on city governments, so we need to consider that when we think of losing federal money. She thinks we can wait to build our roads and infrastructure, but we need to rebuild our humanity. She thanked the Police Department for keeping us safe to now, and hopes we can count on them to understand where this resolution is coming from, which will go a long way to allay fears within this community.

Hector (no last name or address given) stated that he is also undocumented. He read an excerpt from the Declaration of Independence, which is the core that founded this nation. He read, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their

Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Hector stated that he is a former UBC scholarship recipient, a former Latino Student Union president at Ivy Tech, a former Rotary Club student leadership award recipient, and he has been a community organizer ever since he was in high school. He is here to speak on behalf of those who are too scared. It is not an issue of legal or illegal immigration. This is an issue of fear of what your appearance looks like, fear of what your religious belief is, and this is an issue that is very heartfelt in his situation as an undocumented student. He is happy that West Lafayette has taken the initiative to bring it up at a Council meeting. He hopes that our surrounding cities can learn from it. In his short years of community organizing, he has been pushed back into the shadows. As a community organizer, he was on the front page of the *Journal & Courier* and had interviews with WLFJ, but due to the comments of the community members about being an undocumented illegal alien— He stated that no human is illegal. He does not have documentation to be here, but he is not illegal; it is not illegal for him to live. He continued that because of the comments of the community, he has taken a step back, and he is not so out there with his organizing. He helps others organize so that they can be his voice. He thanked the community members for speaking here. He was not originally going to speak because of fear, but did not let fear keep him down this time. He believes in this resolution, believes in West Lafayette, and believes that you can be the example for our surrounding communities.

Haroon Mohammed (lives in Blackbird Farms) shared a story of being in Harrison High School when the tragedy of September 11, 2001, happened. He remembers seeing the news, seeing the idea that Muslims were behind the attack, and his friends asked him if he was with us or with them. That was the first time in his life, as a U.S. citizen, that he felt like he did not belong. He has dedicated the last 14 years of his life to ensuring that the Muslim youth in his community never feel like that. They are trying their best to be upstanding citizens of this community and to contribute positively. This resolution powerfully states that every single member of this community belongs, irrespective of their race, ethnicity, gender, sexual orientation, religion, or what have you. They belong. It matters. Words are powerful. He has never read the 915-page document that the WLPD has, but people will read something short and sweet like this and know that our elected officials do care about us. Our elected officials understand our fears and concerns, and they are with us. Regarding the issue of finances, he respects that and understands that it is a tough decision. However, as a citizen and someone who pays taxes, he will be the first one in line to donate his wealth to support our local government if that is a concern. He added that he just graduated from Purdue with his PhD, so he is pretty poor, but he will put in whatever he has to support the City, because he has lived here for 30 years and chose to stay because it is a beautiful, vibrant city. Mr. Mohammed also shared a story from shortly after the elections, when he told a friend that he would not leave to go back to Canada where he was born, because the U.S. is his home and country, and he came here to be a citizen of this nation and to stand up for those who do not have a voice to speak on their own.

Akram Al-Makki (3501 Chancellor Way) stated that he is a physician and the director of Medical Education at I.U. Health Arnett. He stated that he will talk about trust in police. He thanked the Police Chief and all of the policeman, because we do trust them. At the same time, he has to share that he comes from a country where they do not trust police. He noted that he is a fortunate U.S. citizen, but before that he was born and raised in Syria. There, the police shoot people who speak against the government. Here, our police are here to keep us safe. He stated that one of the things that you will lose if you do not vote for this resolution is public trust in police. This is very important.

Jay (no last name or address given) stated that he came here from South Korea in 2004 and has lived here since as an F1 student, which is an international student visa. Throughout his life, he assumed that if you are here legally then you have nothing else to worry about. However, after

coming to Purdue, his perspective changed as he has interacted with local illegal immigrants. His perspective is that being here legally does not really solve anything. He stated that a lot of people do not understand why some people are freaking out from the comments on news outlets. One of the comparisons he uses on why illegal immigrants, or even the legal immigrants, freak out is because the amount of investment they have to this country. Either you love this country, you love running a business here, or you love being a student here. He compares the situation to the 2008 stock market; all of the sudden, something happens, and you start to lose money that you have invested. The amount that you had decreased suddenly, and all of these rumors are going around the news outlets. That is kind of what is going on with people who are here legally and illegally. You hear all these rumors that get bigger and bigger. That is why people are freaking out—not because they are actually afraid, but because of the uncertainty of their future.

President Bunder thanked everyone for persevering though this. He stated that we cannot do much. The Corporation Counsel made that clear, but we can do this. We can provide a place where people can tell us exactly how they feel about their situation and their life in West Lafayette. We are happy to spend the time with you, and glad you feel free enough to share your stories with us. For him, this has been a humbling experience.

Councilor Sanders stated that he has four quick points. First, in modern Hebrew, *Machaseh* is a place of refuge for women fleeing domestic abuse. He had the privilege of speaking at the vigil last night that was in memory of the Indian man who was killed in Kansas, and there was also an incident in Seattle. He can assure that the community is worried. They are not worried about here, West Lafayette, but they are worried about the climate, and they want to be reassured that the climate does not pervade West Lafayette. He thanked Mayor Dennis, Counsel Burns, and Chief Dombkowski for their contributions to the resolution. He feels that Counsel Burns and Chief Dombkowski are practically co-authors of the resolution. He believes that he speaks on behalf of all of the members of Council when he says that they appreciate the Chief's participation, and look forward to working with him as Police Chief in West Lafayette. The final thing is that there is a question as to if we are going to stand out if we pass this resolution. Are we going to be a target? He thinks that we will stand out, and that is a positive thing for us to be doing as a community. It is good to stand out sometimes.

There was no further discussion.

Clerk Booker called the roll call vote:

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

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

President Bunder announced that Resolution No. 01-17 (Amended) passed on first and only reading.

Mayor John Dennis acknowledged that Representative Sheila Klinker is present.

Resolution No. 02-17 A Resolution Opposing The Development Of A Stone Quarry Near Americus, Indiana (Sponsored by Mayor Dennis)

Councilor Keen read Resolution No. 02-17 by title only.

Councilor Keen moved for passage of Resolution No. 02-17 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Mayor John Dennis stated that this resolution was based on a request made at the last Council meeting to get this show of support in a more formal format. President Bunder and Counsel Burns confirmed with Kay Miller, Co-President of the Americus Area Community Coalition, that they would like the Council to go ahead and pass this resolution. Ms. Miller will pick up a copy of the executed resolution to take to the Board of Zoning Appeals (BZA) meeting.

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	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. 02-17 passed on first and only reading.

Resolution No. 03-17 Resolution No. 03-17 A Resolution in Support of Graduate Student Appreciation Week (Sponsored by Councilor Bunder)

Councilor Keen read Resolution No. 03-17 by title only.

Councilor Keen moved for passage of Resolution No. 03-17 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Mr. Kulesza thanked the Council for everything they have done for graduate students over the past few years. During the first full week of April, the PGSG commemorates Graduate Student Appreciation Week, which is a national event. They host various events, and businesses around the community provide discounts to graduate students.

President Bunder stated that it is has been exciting for us, as the City as annexed Purdue, to be able to include more graduate students in our City committees and commissions. He stated that Mr. Kulesza's work on the HPC is noted, and Lindsey Payne, who started as a graduate student,

runs the Go Greener Commission. He thanked the graduate students for their participation in City government.

There was no further discussion.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	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. 03-17 passed on first and only reading.

REPORT BY THE MAYOR

There was no report.

COMMUNICATIONS

► Councilor Wang stated that he would like to recognize Lieutenant Matthew Coddington who retired after 32 years of service to the City, and that is much appreciated. He worked with Mr. Coddington as a prosecutor and then as a judge. He also expressed appreciation for the interaction we all had tonight in getting this difficult resolution passed. There are differences, but the fact that we can do this in a calm, peaceful manner, and hopefully with a smile is very encouraging.

CITIZEN COMMENTS

► Mr. Kulesza noted that this would be his last meeting representing PGSG.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting, the time being 10:32 p.m.