

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
JUNE 29, 2017

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on June 29, 2017, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Steve Dietrich, Aseem Jha, and Gerry Keen.

Absent: Nick DeBoer, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Street Commissioner Ben Anderson, Director of Development Erik Carlson, Facilities Director Tim Clark, Human Resources Director Diane Foster, City Engineer Ed Garrison, City Controller Peter Gray, Deputy Police Chief Troy Harris, Fire Chief Tim Heath, WWTU Director David Henderson, and Building Commissioner Chad Spitznagle.

*Note:* Due to lack of a quorum, no official business was transacted, and only informal discussion took place.

UNFINISHED BUSINESS:

Ordinance No. 14-17 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Sagamore Commons, LLC) (OR to GB) (Submitted by Area Plan Commission) [Postponed from the June 1, 2017 Pre-Council Meeting]

President Bunder stated that unless there has been some change in traffic, this ordinance has an uncertain future at the Council meeting.

Building Commissioner Spitznagle stated that this ordinance was continued from last month. We have been working with the petitioner, and we received a rough draft [of a dedication certificate], which our Corporation Counsel has reviewed. The plan is to have the final draft ready for Monday night. He noted that City Engineer Garrison can discuss the traffic patterns.

President Bunder asked if the traffic patterns have changed or not. Councilor Dietrich stated that it is different from the first time we voted on it, regarding the street behind Applebee's. City Engineer Garrison confirmed that there will not be a street tying into the backside of Applebee's parking lot.

President Bunder stated that Councilor Leverenz had a question regarding the five businesses plotted on the property with one access. City Engineer Garrison stated that the one access is on Sagamore Parkway as a controlled signalized intersection. President Bunder, indicating that he is still speaking on behalf of concerns made by Councilor Leverenz, stated that there would be three lights from Win Hentschel to Cumberland, and that the available access behind Applebee's makes for an unsafe intersection with Walmart Drive. City Engineer Garrison confirmed that there will not be an access on the backside of Applebee's. There has been a possible future access identified that would be between the White Horse church and the Four Points by Sheraton hotel, as was agreed to by his predecessor, as a possible acceptable tie-in point. We do not currently

have right-of-way there; it would have to be negotiated and put in as a possible future Cumberland Phase 4 project. That project has been identified, but it is not in the current five-year plan. He confirmed that this access would not be available prior to more businesses going in on the property. President Bunder stated, again on behalf of Councilor Leverenz, that the issue is one entrance for five businesses, one of which would be a busy Culver's. He would agree to support this if the street behind the hotel were extended. City Engineer Garrison stated that we have agreed to that in principle, with the understanding that it would be a part of a future Cumberland project that is not currently in design at this point. He confirmed that the State has already agreed that the developer can put the light in on Sagamore Parkway, and it will be interconnected to the other two signals to be timed together. He does not know if a date for installation of the light has been set.

Jim Pence (The Schneider Corporation) stated that the developer has been through the INDOT process, and the permit for the new light on Sagamore has been approved. They are in the process of upgrading plans based on the removal of the Applebee's drive, and will resubmit the new entrance alignment to the City. The project would not start until spring of next year, so the light would probably be one of the first few things to be installed in the spring.

Councilor Dietrich stated that it seems to him that we are at the exact spot we were last time. President Bunder stated that that was Councilor Leverenz's argument as well. Councilor Dietrich stated that we did not like the third light situation, and we were looking for an alternative. They did not have a study for us at the time. The avenue of escape was the street behind Applebee's. If that is not going in, then we are right back where we were before.

City Engineer Garrison stated that he believes that the entrance off of Cumberland was to be a secondary access point. The plan was still to have the primary access off Sagamore Parkway. That had gone through the Tech Highway, which includes the APC. It has been approved through that. One of the contingencies was that it would be connected through interconnected signal timing.

President Bunder asked what happens if this is defeated, and if the project would have to go back to the APC. City Engineer Garrison responded that the developer would have to figure that out at that point if that happens. He stated that one of the problems the developer is having right now is that there is no secondary route to get there currently. The City thinks that this would be a good development, to the point that we would start looking to get right-of-way to build a secondary access point. We are not at the point where we can do that yet.

President Bunder stated that this was zoned with the understanding that commercial development would be supportable. Now we are close to the end of the approval process, and we are still finding out that there is no way to get traffic in and out of those five plots, except through a light on Sagamore Parkway. He asked if that is correct. City Engineer Garrison responded that that is the only way, right now, that we can get a location to these five plots. President Bunder stated that support from the Council is not here this afternoon.

President Bunder stated that at one point this area was zoned to be one large commercial building instead of a subdivided retail lot. City Engineer Garrison stated that that is correct, and there are two other lots that have been identified for improvements once there is a secondary access point. Director of Development Carlson stated that it is his understanding that the entire area, as depicted on plans he displayed to the Council, would be rezoned from OR to GB. The reason this was continued last month was because we were not as comfortable with the plan as we would want to be before this conversation now. We have since met with the developer and attorney. This would allow for a rezone of this entire area from OR, which is the Research Park zoning, to

General Business, which is where McDonald's or anything like that can be located. Therefore, it would also bring lots six and seven into play. The hope would be that, if they were to develop those two lots, that that is when a road would go in, which would likely have to be paid by RDC funds. We will see if and when we have those funds if we can do that, so there are still lingering questions. He noted that the departmental directors involved now were put into this position after this project originally failed to pass the Council's vote. We did not have meetings with the developers or their team before it went to the APC, so that is where we are today.

Councilor Keen stated that he was at the APC meeting when they voted on this. There was some discussion about changing from OR to GB. The GB zone allows a number of different uses that the OR does not allow. He was surprised that the attorney did not table it at that time to bring forth a commitment before this. Now he sees this draft dedication certificate, and he does not know what kind of weight this document carries as opposed to a commitment. There was a lot of concern about the different uses that would be allowed within this zoning if it goes forward the way it is, without the commitment. He asked Corporation Counsel Burns to provide more information. Counsel Burns stated that he does not have a problem with the notion that the dedication certificate, which will go straight onto the plat, is equivalent to the newer form of a commitment, which often comes after something is platted. He believes both are equally enforceable. Councilor Keen asked, if that is the case, why does everybody not do a dedication certificate instead of the commitment process. Counsel Burns responded that it is often because they are not replatting, but they are in this case. Commissioner Spitznagle agreed, and stated that commitments are the ideal process. Councilor Keen stated that he does not have any objections to this project, and he wishes we could move forward with it. He does not have problems with the traffic flow, and the people who have put a lot of time and money into this would not push forward if they did not think it was going to work.

Director Carlson stated that they will have a conversation in advance of Monday night's Council meeting, and he thinks these are questions best answered by the developer and his team.

There was no further discussion.

**NEW BUSINESS:**

**Ordinance No. 16-17** An Ordinance Establishing The West Lafayette Public Arts Team (PAT) Fund (Sponsored by Mayor John Dennis)

**Ordinance No. 17-17** An Ordinance Establishing The West Lafayette Community Historic Project Support (CHiPS) Fund (Sponsored by Mayor John Dennis)

President Bunder stated that these two ordinances involve creating funds.

Director Carlson stated that we have had a Public Arts Team (PAT) for quite a while, and things like the Tree Fund. We have recently begun the Community Historic Project Support (CHiPS) organization. As a result of that, we have a desire to be able to collect donations, via online, check, and cash. A CHiPS project would include the caretaker's house at the Grandview Cemetery that was recently purchased through the RDC. There was a hope that we would have a foundation established in the next year or so that can work on projects such as these. In the meantime, in working with Counsel Burns and Controller Gray, we have discussed actual funds within the City-proper to allow donations to be made. Those donations would be tax-exempt. This will allow us to get rolling a bit faster than the amount of time it takes for a non-profit to be established. That is what these two ordinances are in regards to.

Councilor Keen asked if there will be a line item on the budget for these funding sources. Director Carlson responded that he does not anticipate that at this time. This would be funding coming in through philanthropic grounds. There may be EDIT funds or grants from the RDC once the foundation is running.

President Bunder asked why the foundation is not created first. Director Carlson responded that it takes about a year to incorporate a foundation. This is a stopgap measure because we would not be able to take tax-exempt money for projects like the caretaker's house until the foundation is running, which could be a 12-month period.

President Bunder stated that the Go Greener Commission has a problem where it cannot take grant money because it is a City organization, and they have discussed having a foundation. He stated that, for example, they used to get money from Tipmont, but now they cannot because Tipmont will not give to a governmental entity. He asked if a fund would allow the City to hold it until a Go Greener foundation is created. Director Carlson stated that it is quite possible that the foundation currently be worked on could be a fund for the Go Greener Commission. It would have that ability to serve as the organization that would collect funds and then put them out to individual accounts. President Bunder asked, if that is the case, why we need two funds. Director Carlson responded that it is because of the year before we get the foundation going. These funds create the ability for money to be earmarked and spent on nothing else, and for it to be tax-exempt. The Historic Preservation Commission is another one of the future benefactors of this yet-to-be-established foundation.

Controller Gray clarified that these funds are still within the City of West Lafayette. So, in the example of a donation from Tipmont, if they will not give to a governmental unit, then they would still not be able to give it to this fund. They can give it to the foundation. This fund is set up for other people to be able to donate that do have those restrictions. He confirmed for President Bunder that we are tax-deductible. Director Carlson added that this will be a stopgap for the deposit area for the time being. The foundation, once established, can go out for grants and do other things to raise money to improve things in West Lafayette through development, redevelopment, and preservation.

President Bunder stated that he thinks this is a great idea that will help all of the groups within the City that are trying to do something that will include raising money in specific areas. It is new to him, and he is not sure how it works with a 501(c)(3). Director Carlson discussed the various things that will need to be done to get the organization established, including creating a board of directors and bylaws. President Bunder stated that the Parks Foundation would be an example of a foundation that an organization related to the City would create. He asked if it is correct that there is no Parks Foundation fund because there is already a foundation, and Director Carlson responded that that is correct. There is a Parks Foundation Board that is separate from the Parks Board and separate from the Parks staff. Director Carlson confirmed that these funds are being created in anticipation of a new foundation. He noted that there are people who are eager to shore-up the caretaker's house.

Mayor John Dennis asked if government can give to the foundation, and Director Carlson responded yes.

There was no further discussion.

Ordinance No. 18-17 An Ordinance Requesting An Additional Appropriation To The 2017 Budget (CCD-Police) (Prepared by City Controller)

Controller Gray explained that at the end of 2016 we made a deposit for equipment. However, the company was not able to provide that equipment, so the money was refunded to the City. Since that money was in last year's budget, we now need to appropriate that \$15,000 into the 2017 budget. As a cash flow, this is a net gain or loss of zero. This appropriation is to show that we are going to expense this money that we have received.

There was no further discussion.

Resolution No. 11-17 A Resolution Requesting the Transfer of Funds (CCD-IT) (Prepared by City Controller)

Controller Gray stated that this is to move budget items from maintenance fees in IT to hardware fees, because we do not need to provide as much software licensing this year as expected.

There was no further discussion.

Resolution No. 10-17 A Resolution Of The City Council Of The City Of West Lafayette In Support Of The Paris Agreement (Sponsored by Mayor John Dennis)

President Bunder read Resolution No. 10-17 by title only.

Mayor John Dennis stated that this resolution is in conjunction with the Go Greener Commission. We decided, at a meeting last month, that there are some details that we can work out about what we do here as a City, and possibly as a community. This is the starting flag for that. It is not a funded thing; it is not going to cost us any money. We will start off by gathering data and making an assessment of how we are performing currently. Then, we will look at ways to do what we do well even better. President Bunder noted that in his small world this made Mayor Dennis very popular.

There was no further discussion.

ADJOURNMENT

The informal meeting ended at 5:00 p.m.