

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
APRIL 4, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on April 4, 2016, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Azeem Jha, Gerry Keen, Larry Leverenz, David Sanders, and Norris Wang.

Absent: Gerald Thomas,

Also present were Mayor John Dennis, City Attorney Zach Williams, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Facilities Director Tim Clark, Parks Superintendent Jan Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Deputy Police Chief Troy Harris, Fire Chief Tim Heath, WWTU Director David Henderson, Street Commissioner Doug Payne, and Director of Development Chandler Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the March 3, 2016, Pre-Council Meeting, and the March 7, 2016, Common Council Meeting. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

There were no comments.

REPORT OF THE APC REPRESENTATIVES

Councilor Keen reported that Blackbird Farms will have a development heard at the April 20, 2016, APC Meeting. Also, Sagamore Commons, the development behind Applebee's, will be heard again at that meeting.

Councilor Dietrich asked if the scope of the Sagamore Commons development has changed since the Council saw it last.

Councilor Keen responded that he does not know; this will be the first hearing on it since it has returned.

SPECIAL REPORTS:

Public Arts Team Report – Eric Lucas

Eric Lucas reported that the Public Arts Team has some exciting events coming up over the next couple of months. He stated that he is here tonight to promote Pop Art performances that are going to be surprise, impromptu performances throughout—

A pop art performance of a scene from *Romeo & Juliet* was given by Drake Mead and Meredith Roberts from the Civic Theatre.

Mr. Lucas reported that on April 15, 2016, at 2:30 p.m. there will be a dedication for the *Heron* sculpture at the Celery Bog. The artist, Jeff Laramore, will attend. Mr. Lucas reported that on May 13, 2016, there will be a gallery opening for the Pop! Goes Purdue project, which celebrates figures who attended Purdue at one point and who have become pop culture icons around the country or world. The exhibit will run for approximately one month at the Fountain Gallery in Lafayette.

Joint Board Report

Councilor DeBoer stated that Corporation Counsel Burns sent him a succinct overview, which he will read. He stated that at the Joint Board meeting there was a new memorandum of understanding that the Board reviewed. He stated that based on what Counsel Burns said at the Pre-Council meeting, the Council does not actually have to approve that because it has only minor changes. Councilor DeBoer stated that changes to the memorandum includes that within the same affordability cap for both West Lafayette and Purdue, this document outlines potential savings available to pay for the enhanced State Street project. The enhanced project is the original proposal, plus Airport Road, McCormick Road, and cycle track enhancements. Purdue will advance an additional \$1.25 million up-front to help pay for the construction of the enhanced project. This is repayable from taxation projects, which Purdue creates, in the Levee/Village TIF area. This repayment will only begin after the Levee/Village TIF area increases the annual TIF revenue to \$5 million, and it is currently at approximately \$4.5 million. Councilor DeBoer stated that in order for the City to get more out of the State Street project, Purdue is advancing additional money that they will pay for through construction in TIF 1. The prior agreement was that they could only draw from the Purdue TIF.

President Bunder asked if it is correct that the \$1.25 million is a deferred recovery, and Councilor DeBoer responded yes. President Bunder asked if it is correct that the payback of the additional funds is from TIF 1, and Councilor DeBoer responded yes. President Bunder asked Councilor DeBoer, who represents the district most impacted by this, what the downside to this would be.

Councilor DeBoer responded that it just means that we cannot extract the resources from TIF 1 that we might have otherwise, at least in the short- to medium-term. He stated that the way the TIF money is moved around means that his district does not necessarily reap all of the benefits from that, whereas he thinks that if Purdue is allowed to build additional developments within the TIF 1 area, then his district will actually see improvements beyond what we would have already had in the district with the TIF 1 as it were.

President Bunder asked who gets the money. He stated that in the old setup, the money from the Purdue developments would end up in the Larry Oates' [Redevelopment Commission, President] budget. He asked if these dollars go to Dan Hasler's [Purdue Research Foundation, President], budget, or Bill Sullivan's [Purdue University, Treasurer] budget. He asked if the funds go to the Joint Board. He asked if it does not go to the City since it is going to Purdue to pay back the \$1.25 million.

Mayor Dennis responded that it eventually comes to the City through that TIF.

President Bunder asked what Purdue gets out of it.

Mayor Dennis responded that it was designed so that when they built that particular building, there was a threshold that they had to meet prior to anything going to Purdue. The City gets it until that threshold is met, so in essence the money comes to us.

President Bunder asked if we pay Purdue back after it hits \$5 million, and Mayor Dennis responded no. President Bunder explained for the audience that the City uses TIF money for just about everything, such as buying dump trucks. He stated that if we do not have that money, it is probably cool because Purdue will do nice things, and the rising tide floats all boats. He asked who manages the money and when do they get it.

Director of Development Poole stated that what happens is: We have established a baseline stating that until the Levee/Village TIF actually brings in \$5 million per year, there is no money going back to Purdue to payback this \$1.25. He stated that we are going to have at least a threshold, and it is only on projects that Purdue is involved in to create taxable property within the Levee/Village area. He explained that the City would not pay Purdue back if they were to build an academic building that would not pay taxes. He stated that it is the same type of thing that we have in the Purdue TIF; they have to build taxable in order to be repaid for this. He stated that the \$1.25 million also helps the City to buy-down future expenses, so we are trying to save money by moving things forward and accelerating payments upfront.

President Bunder asked who gets the \$1.25 million when the TIF hits \$5 million.

Director Poole responded that it is paid over time. The increment goes back to the RDC and we pay Purdue back over time, up to a maximum of \$1.25 million. Purdue does not get it back all at once. He stated that if the only increment available to them is \$50,000 in year eight, then they get \$50,000. The City will be reimbursing Purdue out of the TIF for the monies that they fronted.

President Bunder asked if the reference to Purdue means the University, the Research Foundation, or the Joint Board.

Director Poole responded that the Joint Board does not have any funds attached to it; it is Purdue itself doing the development to spur this opportunity.

Councilor Dietrich stated that he would not see an advantage or reason why we would now tap into that TIF instead of keeping it all in new TIF that was originally agreed upon.

Director Poole stated that currently the Levee/Village TIF is the only one that actually has increment. Purdue already owns a tremendous amount of land in that TIF district, so it becomes more advantageous for them to develop in the Levee/Village, and more advantageous for the City as well. He stated that the area where they own most of the land is the "island" area near 3rd and Russell Streets. He stated that there is opportunity for Purdue to develop in there, and there is a higher demand in that area. He stated that it will probably be one of the first things to actually come out of the ground.

Councilor DeBoer stated that this will develop the City up to the \$5 million threshold quicker, which should give us an extra \$500,000 to spend sooner than otherwise would occur.

Director Poole agreed. He stated that until it hits the actual \$5 million threshold, making sure that the City has money to be able to pay our share of the State Street project and continue to do projects within the Levee/Village TIF district for the rest of the community, Purdue does not get paid back. He stated that development is going to continue for us, and having Purdue spur that development in the island area is a win for all of us.

Councilor Dietrich asked if there is a percentage amortized then, or if Purdue will get the full \$1.25 when we get to the \$5 million point.

Director Poole responded that there will not be amortization; it is whatever is available over the \$5 million.

Councilor Dietrich asked if Purdue gets the first \$1.25 million over the \$5 million.

Director Poole stated that there will never be a point where there is \$1.25 over the \$5 million at once. He stated that the City will remain with at least \$5 million threshold, so there is not money leaving the area for our own development. We will always have money to do projects in the Levee/Village TIF district.

Councilor Dietrich stated that he understands that, but he does not understand the increment issue. He asked if it is correct that when we hit the \$5 million and we have \$50,000 above that, then Purdue gets that \$50,000, and Director Poole confirmed that is correct. Councilor Dietrich asked if Purdue will continue to get everything above \$5 million until they are paid back, and Director Poole responded yes.

Director Poole stated that Purdue will receive the increment above \$5 million until the \$1.25 million is paid back. He stated that one thing discussed with the RDC is how fast we can get this money off the books—if that is small chunks over 25 years, or to give as much as possible to get the requirement off our books. In response to a question from President Bunder, Director Poole stated that he is not certain which part of the project the \$1.25 million will be used for, but he knows that it helps the City buy-down future expenses and increase the amount of the project we get.

Councilor Keen stated that the other thing we cannot forget is that it is in Purdue's best interest to build as quickly as they can, and to build non-tax-exempt properties, because we are getting tax revenues back as well. He stated that it really is a win-win for the City and Purdue.

President Bunder stated that he agrees, but for those who sat through the Wang Hall conversation, at the end of the day the City did not get the same level of taxable income that we had presumed that we would get.

Director Poole stated that the benefit of this project is that Purdue does not get paid back if there is not tax revenue coming in.

Councilor DeBoer stated that we have aligned the incentives up, compared to Wang Hall.

Councilor Jha asked if the City is assuming an additional \$1.25 million expenditure.

Councilor DeBoer stated that it is money that we would not have.

Councilor Bunder stated that his only information is from attending the Joint Board meetings, and his impression was that one of the advantages to us in doing this is that he is reluctant to give up such projects are buying new dump trucks; he is reluctant to give up in the short-term something that could benefit his constituents. He stated that his impression is that the City as a whole gains because there are additional funds that we are not paying back to Purdue for other expenses that they have incurred. Instead, they are deferring that payment from us, and that makes available another pool of money, along with contingency funds that Plenary Group had, and a variety of other economies that make us able to complete the Perimeter Parkway. President Bunder asked that the Joint Board report be a standing Special Report for a while.

PUBLIC RELATIONS: None

FINANCIAL REPORT

City Controller Gray provided a brief overview of the financial report document.

LEGAL REPORT

City Attorney Williams stated that Corporation Counsel Burns has this report on file.

Councilor Dietrich stated that last month there was discussion about sending candidates a letter [regarding campaign signs], and Counsel Burns was going to check on that. He asked if the letter went out, and Councilor Keen responded that he received one. Councilor Dietrich asked if we gave the candidates a time certain to rectify the problem.

Director Buck responded that he does not believe there was a timeline in the letter; it was more a notification of the requirements. He offered to forward a copy to the Council, and to check on the timeline.

UNFINISHED BUSINESS:

Ordinance No. 09-16 An Ordinance Providing For Temporary Loans (Submitted by City Controller)

Councilor Keen read Ordinance No. 09-16 by title only.

Councilor Keen moved for passage of Ordinance No. 09-16 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:

<u>Councilperson</u>	<u>Vote</u>
Bunder	AYE
DeBoer	AYE
Dietrich	AYE
Jha	AYE
Keen	AYE
Leverenz	AYE
Sanders	AYE
Thomas	ABSENT
Wang	AYE

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

President Bunder announced that Ordinance No. 09-16 passed on second and final reading.

Ordinance No. 10-16 (Amended) An Ordinance Requesting An Additional Appropriation And Reduction To The 2016 Budget (Submitted by City Controller) PUBLIC HEARING

Councilor Keen read Ordinance No. 10-16 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 10-16 (Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Councilor Keen moved to open a public hearing on Ordinance No. 10-16 (Amended). The motion was seconded by Councilor DeBoer, and the motion passed by voice vote.

There were no comments.

Councilor Keen moved to close the public hearing on Ordinance No. 10-16 (Amended). The motion was seconded by Councilor DeBoer, and the motion passed by voice vote.

Controller Gray stated that, as a housekeeping issue, on the public notice that was published, there is an overstated number. He noted that he has talked to Counsel about this, and there are no issues other than to inform the Council. He stated that the total appropriations are correct, and the total from each fund is correct, but one of the detail lines within the notice has an overstated number.

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	ABSENT
Wang	AYE

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

President Bunder announced that Ordinance No. 10-16 (Amended) passed on second and final reading.

NEW BUSINESS: None

REPORT BY THE MAYOR

There was no report.

COMMUNICATIONS

► Councilor DeBoer expressed appreciation to the people working on the CSO project. He stated that he initially had reservations about that intersection being closed, but he thinks that blocking off that road has helped.

Mary Cook (Harry's Chocolate Shop, 329 West State Street, owner) stated that even with power outages, the intersections have been covered by police officers. She stated that on a daily basis, crossing town several times a day, she thinks that it has been worked out beautifully, and people are paying attention. She stated that she commends the City's efforts and the community's efforts. She stated that it probably has to do with notifications and discussions. Everyone is doing a great job, and she hopes that it continues for four years.

► At the request of President Bunder, Parks Superintendent Fawley spoke about the Parks survey results schedule. She stated that that survey is complete now, and our analysts from Purdue are working on a final report for the actual survey. She stated that this is just one step in the decision-making process. This is to inform people what the survey actually said. She reported that there will be two public meetings. One on the evening of April 18, 2016, at the Lilly Nature Center. The second is on the morning of April 19, 2016, at the West Lafayette Public Library.

► Councilor Sanders stated that he has a question for the Police and Fire Departments. He asked if there is any information on whether local heroin supplies are being contaminated with fentanyl. He asked if we make any sort of analysis of that.

Deputy Chief Harris responded that we have not found any locally. He stated that nationwide there have been certain types of outbreaks or epidemics where it has been laced with such things as fentanyl. He stated that we have not seen that locally; typically once we do it is an overdose and the subject would die from that. He stated that we do not see a lot of fentanyl around here, but we have seen an uptick nationwide. He believes that this is due to how powerful of a drug it can be. He stated that it is most common to be a time-lapse patch, and it so popular because it lasts for such a long time. He stated that he is not aware of the Police Department seeing any heroin that has been laced with fentanyl.

Councilor Sanders stated that he was interested in a report in the *New York Times* showing that it comes out of the Appalachia, and it is in southeastern Indiana. He stated that it did not look from the map that it was a big problem here, but he was curious.

Deputy Chief Harris stated that it is sometimes difficult for them to tell. When there is an overdose we often do not have anything to test, and it is difficult to determine if it is a pure form of heroin. There is a lot of unknowns with overdoses.

► Councilor Sanders stated that he has a question relative to the announcement at Purdue of the determination of the structure of the Zika virus. He stated that he is very privileged to be a member of the Structural Biology group where that was determined. He stated that it brings him to the concept that mosquito season is about to begin, and he wants to point out that mosquito control is a very local phenomenon. It is something we can control as a City and in our own neighborhoods. He stated that something that was brought to his attention has to do with standing water in the street. Mosquitos need standing water to be able to breed. Most of the local species breed in standing water that is created by human sources, so it is something that is very much under our control. He stated that he is wondering if the Street and Sanitation Department would consider the idea of spending a little more time to recap garbage cans in alleys. He knows that it takes more time to do that, but the problem is that if they are not recapped, then the cans and the covers will potentially accumulate water. He stated that it turns out that some species can breed in as little as four days, from eggs to mosquito. He stated that mosquitos do not come from all over; they have a limited radius from where they are born to where they will get their blood meals. If we can do whatever we can locally and develop consciousness of the City employees and the citizens to try to prevent the existence of standing water then we will benefit from that.

Street Commissioner Payne stated that we tend to close a lot of the lids when the employees know that they are left out. He stated that on the north end there is not going to be as many people leaving cans out as they go back into the house. For the campus area, the employees will especially close the City's totes. He explained that for cans purchased from elsewhere that have different closures, and with 350 stops, the employees will not have time to close all of them and get the routes completed. He stated that he will work on that and see if we can find an answer.

Mayor Dennis stated that he spoke with Neighborhood Resource Team Supervisor Walker, and they will be more alerted to that as well. If they see exposed areas they will at least make notification, and if they see something critical the Health Department will be notified.

► Councilor Dietrich stated that to update on the budget, he spoke with Controller Gray, and the timetable will be similar to the past as far as the Council meeting with department heads starting in early June.

CITIZEN COMMENTS

► Zachary Baiel (124 Connolly Street) thanked the Councilors for the questions regarding campaign signs and mosquitoes, and he noted that enforcing City Code 67.09 regarding tight-fitting lids will help the mosquito issue. He stated that he is still concerned about the proactive transparency regarding the Joint Board, as the agendas still do not have the supplemental information. He stated that there are still things that can be done with the website to increase accountability to citizens and taxpayers. He asked if there is an update on the new website that has been worked on for many months. He stated that after speaking to Controller Gray, the release of the public taxpayer enhanced access financial portal is still ambiguous. He stated that this portal is necessary for an open and accountable government, and though he understands that the Munis program is a huge undertaking he hopes that it is a goal for 2016. He stated that Boiler Blast and Springification is April 9, 2016, and over 130 families have signed up. He stated that #WLSidewalks on social media is a new campaign to document the sidewalk conditions in our community.

► Chris Kulesza (1320 Palmer Drive), stated that he is back as Vice-President of Purdue Graduate Student Government (PGSG) following the most recent PGSG elections. He stated that PGSG is still looking at graduate student stipends and salaries. At the last PGSG meeting, they passed a resolution commending the Dean of Liberal Arts for changes made in the College of Liberal Arts, and to encourage the University to do similar reviews across all colleges to see if there is a way to be able to increase the stipends. He stated that this translates into the City because rental rates are still increasing. In particular, some of the rental properties are advertising a certain rental rate, but then adding other monthly fees. These extra monthly fees acts similarly to a rent. He stated that there is no document that regulates graduate student employment across the entire University, so they will be looking to formulate a rights and responsibilities document for graduate students.

► Thomas Kesler stated that he was pleased to see a road sign put up at the entrance of a restaurant that is in the middle of the pipe project. He stated that today on the news he saw a segment about a Waze app, and he asked if we are now encouraging drivers to text while driving to alert others about road conditions. He stated that we should be cautious about that. Mr. Kesler stated that several weeks ago he saw on WTTW *Chicago Tonight* an interview of someone from the City of Chicago regarding recycling. He stated that a detailed list was provided of items they want to see in recycling and items that they do not want to see. He wondered when someone from West Lafayette was last interviewed on TV18 about such recycling items. He stated that he has seen such issues as food being put in with recycling. He spoke about closing toter lids while walking, and stated that when it rains he usually dumps water out of cans and leaves them upside-down in order to lessen the issue with mosquitoes.

ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment, and President Bunder adjourned the meeting the time being 7:21 p.m.