

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
JULY 5, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on July 5, 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, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Azeem Jha, Gerry Keen, and David Sanders.

Also present: Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Interim Director of Development Dale Dixon, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, Fire Chief Tim Heath, and WWTU Director David Henderson.

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

There were no comments.

REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz reported that there are three rezoning activities related to West Lafayette this month at the APC meeting on July 20, 2016. One is the Wabash Landing Apartments from PDMX to PDRS. The second is Sagamore Park Center, which is for the expansion of the Payless store. The third is a rezoning from I3 to GB on the northwest corner of Yeager and Kalberer Roads in the Purdue Research Park subdivision.

Sagamore Commons

Councilor Leverenz provided an update to the Sagamore Commons plan at the property described as being north of Applebee's. He stated that this has been in and out of APC for a while. It has at this point been withdrawn. The recommendation from the APC staff is that the petitioners not reapply until they have firm proposals regarding traffic and access. The clients have also voluntarily agreed to written commitments to not allow certain "objectionable businesses." He stated that Councilor Dietrich had a list of those businesses, and Joe Bumbleburg said tonight that they have added to that list. He stated that the APC may see that in again in September or October.

MINUTES

Councilor Wang moved for acceptance of the minutes of the June 2, 2016, Pre-Council Meeting, and the June 6, 2016, Common Council Meeting. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

PUBLIC RELATIONS:

Beautification Award

Councilor Dietrich presented the Beautification Award to Reid and Mary Anne Schmidt of 2233 Carberry Drive. He stated that Reid has had an interest in flowers and plants since he discovered

his first American beauty in high school—his wife, Mary Anne. Councilor Dietrich described the plants on the property. He spoke of how the Schmidts enjoy exchanging flowers with friends, and he has been a recipient of that exchange.

Mr. Schmidt stated that the flowers and such are all for his wife. He stated that it is a lot of work, but the sharing is a lot of fun, and they enjoy relaxing in the yard. He expressed appreciation for the award.

#### Inaugural Go Greener Garden Award

Parr Durr (Go Greener Commission) stated that in the spirit of synergy, along with the Beautification Award, the Go Greener Commission thought it would also be beneficial to also recognize properties which have more of an environmental standard. These would be those that go out of the way to produce food, incorporate native landscaping, promote ecosystem services, are mindful of water conservation through the use of rain barrels, steer away from broad-spectrum pesticides, and use proper fertilization. He stated that in that spirit, the Commission has nominated Ian and Talin Lindsay of 1100 Hillcrest Road for this inaugural award.

Councilor Bunder noted that instead of a certificate, the award winner receives a yard sign. Mr. Durr explained that they will keep the yard sign until the next award is given.

Nicole Nelson (Go Greener Commission) stated that she would like to recognize Susan Doster, who did the artwork on the yard sign. She stated that the Commission thought it was important to incorporate the work of a local artist, and Ms. Doster has done a lovely rendition of three seasons using native plants and species from Indiana. She provided handouts of a write-up of Ms. Doster's thought process behind the artwork.

Ms. Lindsay stated that her family is honored to have gotten this award. She explained that they believe it is important to not have just a beautiful garden, but also have one that functions and can be sustainable. She stated that she is proud to be in a City that pays attention to these things and rewards this kind of work.

#### Council Appointment: West Lafayette Public Library Board of Trustees – Christine Campbell

Councilor Bunder stated that Christine Campbell was appointed to the Library Board of Trustees in February 2015, and he asked for a motion to reappoint her.

Councilor DeBoer motioned to appoint Christine Campbell to the West Lafayette Public Library Board of Trustees. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

#### FINANCIAL REPORT

Clerk Booker stated that this report is on the website, and Controller Gray will answer any questions when he returns from vacation.

Councilor Dietrich reported that we are still in the process of trying to have budget meetings. A schedule has not been set yet, but that will be done when Controller Gray returns.

#### LEGAL REPORT

Corporation Counsel Burns stated that this report is on file.

Councilor DeBoer asked if a conclusion was reached on the issue of leasing cell phone towers. Counsel Burns responded that there have been various offers made by various vendors, and those are still being considered. There was a preliminary offer for a complete buy-out, and that

COMMON COUNCIL MEETING MINUTES, July 5, 2016, CONTINUED

was not approved. He stated that there may be ongoing other discussions about increasing the amount, but at this point there is no change and no sale of the site.

**SPECIAL REPORTS:**

**Joint Board Report**

Councilor DeBoer stated that there was no meeting last month. The groundbreaking of State Street did occur. The next meeting will be July 19, 2016.

Councilor Bunder asked for someone to speak about the changes to the Airport Road project.

Public Works Director Buck stated that there are no changes so far, other than the original timing. He explained that the developer, Plenary Roads State Street, had put together a schedule that would have started later this fall. However, after the announcement of the master developer for the Purdue Innovation District, there was a request to the Joint Board to delay the Airport Road schedule so that the area can be better planned. This will include what the footprint of Airport Road should be, where intersections should be, and possibly where buildings and doors should be for the planning of crosswalks. He stated that with our best knowledge right now the plan did not include an intersecting street between US 231 and State Street. The vision for the development area would include future intersections and streets coming into Airport Road. There are also issues regarding utilities to plan. He stated that nothing has changed; we have simply been asked to hit pause.

**UNFINISHED BUSINESS:**

**Ordinance No. 18-16** An Ordinance Providing For Temporary Loans (SAFER Grant Fund) (Submitted by City Controller)

President Bunder read Ordinance No. 18-16 by title only, and he moved for its passage on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Fire Chief Heath stated that this is for funds while waiting on the federal government to send the grant money.

There was no further discussion.

Clerk Booker called the roll call vote:

<b><u>Councilperson</u></b>	<b><u>Vote</u></b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Absent
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 6 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 18-16 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 19-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (Jerry & Patti Weida) (302 Vine Street PD) (CBW & R3W to PDMX) (Submitted by Area Plan Commission)

President Bunder read Ordinance No. 19-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this rezone is for a project that covers 0.84 acres. He explained that it will produce a five-story mix-used building with 73 residential apartments and 74 parking spaces. He stated that it will have 12,000 square feet of ground-floor rental space. He stated that the APC staff report sets forth both the history and the land use patterns of this whole neighborhood, including the traffic and utilities. He stated that the most important thing in the staff report is that they talk about the importance of this project as an element of the expansion of downtown West Lafayette. It says that the project is coming at the right time and right place. He stated that the contingencies that are specified in the staff report are the usual kind of requirements and contingencies, are appropriate, and that agreement to those were acknowledged at the APC meeting. He stated that the staff has said that this is a good project, which is in scale, has the proper design, and has the proper uses.

Councilor DeBoer stated that this is another piece of development within the near-campus area that looks like everything else that we want here, though it has a bit more parking than he would like. He stated that he thinks that it fits culturally into the area, and he looks forward to future projects that look like this.

Councilor Dietrich stated that he has a question about vacating the alley. He stated that as he understands it, we are vacating the existing alley, but the City is taking control of a new proposed alley of virtually equal distance. He stated that according to Director Buck it is a zero-sum game on that end of it, and it will be a nice new alley and brought up to the same standards. He stated that his comment to the Council is the same as he expressed with the Fuse project on Northwestern; he thinks that the City needs to get out in front of these now and have some sort of process or practice on being compensated for alleys that we are giving up. He stated that though it is not the case in this instance, the City has repeatedly given them up. He thinks it would be better to get this out in front before there is another project looking to take City property. There needs to be fair compensation back to the City. He stated that he would look to the group to put together some sort of criteria. He stated that Counsel Burns has said that Lafayette has a similar ordinance that researches and considers development, including whether it has been improved, the size, and all of the functions. He stated that maybe we should start by looking at Lafayette's ordinance and see if it fits with us. He stated that though this project is about one-to-one, some projects are not that generous. Counsel Burns stated that he will send Lafayette's ordinance to all of the Council members so they can look at it.

Councilor Bunder stated that one question that was raised at the APC meeting was regarding the turn from the new light on Vine Street into the parking spaces. He asked for confirmation that there will be a new light. Councilor Leverenz stated that he was the one that raised the question. He stated that they were told that there was a new light going in a Wiggins and Vine Streets. He stated that within a very short distance is the entrance and exit to the parking, and he is concerned about the visibility there. He stated that they were assured that compromises have been made with the building and some of the equipment and landscaping to accommodate that.

Director Buck responded that the potential for a light there is farther out in the future. There is a plan within the State Street project to install a new light in front of the fire station at North, Northwestern, and Vine. Northwestern will be slightly realigned to not be the main street, and Vine will become more the main north/south street. He stated that certainly in talking with the designers on this project, we are keeping in mind the potential for having a light at Fowler and Vine, and at Wiggins and Vine, when traffic counts warrant that. Director Buck stated that since it would be passenger vehicles, he does not have concerns about the turning at a light in that location.

Councilor DeBoer asked if there are any tenants that the petitioners are looking at right now for that space in the bottom. He asked what management agency they plan to use to lease those spaces.

Patti Weida (380 Lindberg Road) petitioner, confirmed for Mr. Bumbleburg that they are their own management agent. She stated that they have had inquiries from a local dentist, restaurants, and the current liquor store is interested in staying. She stated that they are open to tenants.

Zachary Baiel (124 Connolly Street) stated that he encourages getting locally-grown businesses, as opposed to chains that can be found anywhere else. He asked if any studies have been done regarding noise, shade, or light pollution for this building, and if the traffic studies are available. He stated that if you walk on the east side of the Fuse building, it has a noisy HVAC system. He stated that it should be kept in mind as buildings are developed that there are neighbors on different sides, and it is not a pleasurable experience to be in those areas. He asked if it is the purview of the City in these cases with the APC to not do any types of those studies. He asked if any trees are being removed for this building.

Director Buck stated that he assumes some trees will have to be removed. He stated that depending on the project, on a case-to-case basis, we do traffic studies and light studies. He stated that at times shade studies are done, such as for Wang Hall and Fuse. He explained that based on similar projects of size and magnitude, we felt that we had a good idea of the impacts of this project. It is similar to the one diagonally across the street, built less than one year ago. He stated that we did not spend a lot of time on those issues in the various meetings and discussions.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Absent
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 6 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 19-16 passed on first and only reading.

Ordinance No. 20-16 An Ordinance Vacating Drainage, Sewer, And Landscape Easement In The City Of West Lafayette, Indiana (Stephen & Connie Ratcliff) (Lauren Lakes Subdivision) (Submitted by Reiling Teder & Schrier, LLC)

President Bunder read Ordinance No. 20-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Ryan Munden (Reiling Teder & Schrier, LLC), representing the petitioner, stated that the purpose of this petition is to vacate a sewer, drainage and landscaping easement on a very small portion of Outlot 3 at Lauren Lakes subdivision. There is also an overlapping 15-foot utility, drainage, and sewer easement that is not going to be affected by this vacation, on the same portion of Outlot 3. He stated that the petitioners own property adjacent to the subdivision, and they are in the process of combining a portion of their property with this very small portion of Outlot 3 for the purpose of creating a new buildable lot within the subdivision. He stated that this vacation of the landscaping, sewer, and drainage easement is a condition for completing the new lot. In addition, the remainder of the easement of Outlot 3 will not be affected by the vacation.

Councilor Dietrich asked why there was an easement placed here, and asked what the City is losing from this perspective. He asked that if there was a need before, why is there not still a need for this easement. Mr. Munden responded that the original easement had to do with the subdivision at Lauren Lakes. He explained that anything that is lost is covered by the overlapping drainage, utility, and sewer easement that will not be affected. He stated that the drainage ponds to the south are not affected by this. He stated that the small finger of Outlot 3 could not be built on, so he assumes that is why it was made a part of the outlot. By combining the adjoining property outside of the subdivision, it can be made a buildable lot. He stated that had the property been available to the developer at the time that the subdivision was originally created, he would assume that the easement would not have been put on that small finger. He confirmed for Councilor Dietrich that there are no utilities on the easement at this time, and the drainage will not be impacted. He stated that there will still be a drainage, utility, and sewer easement on that new lot. This is just to vacate the overlapping sewer, drainage, and landscaping easement. He confirmed for Councilor Dietrich that all of the utilities are underground in this subdivision.

There was no further discussion.

Clerk Booker called the roll call vote:

<b>Councilperson</b>	<b>Vote</b>
Bunder	Aye
DeBoer	Aye
Dietrich	Aye
Jha	Absent
Keen	Absent
Leverenz	Aye
Sanders	Absent
Thomas	Aye
Wang	Aye

Clerk Booker stated that the vote was 6 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 20-16 passed on first reading.

### COMMUNICATIONS

► Councilor Dietrich stated that a news report recognized West Lafayette as one of the 20 safest cities. He stated that there were a lot of congratulations and shared responsibilities that presented themselves as to the reason why this happened, but he would like to recognize both Mayor Dennis and Police Chief Dombkowski. He explained that several years ago when they took over, they made a conscious change in attitude and approach to enforcement in a college town. Councilor Dietrich stated that this has impacted us tremendously; it has added to not only our safety, but our City's notoriety and well-being.

### CITIZEN COMMENTS

► Mr. Baiel stated that as a citizen he finds it disheartening that both Councilors Jha and Keen have been absent from the past two Council meetings and others previously. He stated that he would politely ask them that if they cannot fulfil their responsibility of their elected office, perhaps they should reconsider said office. Mr. Baiel stated that he finds it insightful that when Purdue asks the City to hit pause on a particular project, as on Airport Road, the City jumps and in fact hits stop on that. He stated that, with due respect to Director Buck, he is concerned because he does not know how studies from buildings can be applied to other buildings elsewhere in the City. Although these are the same size and stories, they are of different shape and construction, and each impact will be unique given its location. He stated that he is afraid it may lead to some sloppy development that we may regret due to the impact of noise, shade, and light. Mr. Baiel expressed his appreciation for the efforts on the City website, which is easier to navigate and find information. He stated that the saga of the Tyler citizen transparency portal continues, and it does not appear to be a priority. He stated that he has spoken to other municipalities around the country that have implemented the system, and he is trying to gather cost information and information on implementation. He has also asked the Councilors to help move this effort in proactive transparency forward to increase accountability and greater citizen engagement. He stated that something like this would allow us to greatly democratize the construction of the City's budget moving forward for 2017.

► Nick Schenkel (Director, West Lafayette Public Library; 1300 Palmer Drive) expressed his appreciation for the reappointment of Christine Campbell to the Library Board. He invited the Council and the public to a State Street Walking Tour on July 10, 2016. He stated that State Street is undergoing a tremendous change over the next few years, and the West Lafayette History and Research Advisory Council thought this would be a great time to celebrate State Street's history and meaning to this community over the many years.

### ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 7:13 p.m.