

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
MARCH 3, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on March 3, 2016, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Azeem Jha and Gerry Keen.

Also present were Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, Public Works Director David Buck, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Parks Superintendent Jan Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, Street Commissioner Doug Payne, and Director of Development Chandler Poole.

LEGAL REPORT

Councilor Dietrich asked that a letter be sent to the candidates, as with the last election, regarding our preference on signs and our interest in enforcing our ordinance. He noted that the signs seem to be growing already.

Corporation Counsel Burns responded that letters will be sent.

REPORT OF APC REPRESENTATIVE

Councilor Leverenz stated that there will be a hearing on March 16, 2016, for a proposal on the land just east of Applebee's. He noted that the lot has come up before.

PUBLIC RELATIONS:

President Bunder stated that there has been a request to add a report from Tim Brouk of the West Lafayette Arts Team, and he would like to place that under Public Relations if there are no objections.

SPECIAL REPORTS: Joint Board Report

Councilor DeBoer, who is now a member of the Joint Board, stated that he will have a report at Council reviewing the prior Joint Board meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS

Ordinance No. 07-16 An Ordinance To Amend Ordinance No. 05-16, To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2016. (Sponsored by Mayor Dennis)

President Bunder read Ordinance No. 07-16 by title only.

There was no discussion.

Ordinance No. 08-16 An Ordinance To Amend Ordinance No. 06-16, To Fix The 2016 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

President Bunder read Ordinance No. 08-16 by title only.

There was no discussion.

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

President Bunder read Ordinance No. 09-16 by title only.

There was no discussion.

Ordinance No. 10-16 An Ordinance Requesting An Additional Appropriation and Reduction To the 2016 Budget (Submitted by City Controller)

President Bunder read Ordinance No. 10-16 by title only.

Councilor DeBoer asked what we are doing with the Mayor and Council salaries.

Controller Gray responded that regarding the Mayor's Department, this is for salaries in 2015 when Controller Gray was brought in as an Accounting III position to train with Clerk-Treasurer Rhodes. It was actually paid in 2016, so it is a carry-over. Regarding the Council salaries, Controller Gray explained that this is for the APC representative. One representative was budgeted and there are now two.

There was no further discussion.

Resolution No. 03-16 A Resolution Mandating The Inclusion Of A Citizen Of West Lafayette On The West Lafayette/Purdue University Joint Board And Providing A Method Of Appointment (Sponsored by Councilors Sanders and Leverenz)

President Bunder read Resolution No. 03-16 by title only.

Councilor Sanders stated that he would like to withdraw this resolution as the goals of the resolution have been achieved, and Councilor Leverenz stated his agreement. Councilor Sanders asked if this should be done at the Council meeting.

Counsel Burns responded that historically this body has often done things of a minor nature at Pre-Council that prepare them for the Council meeting. He stated that if this is going to be withdrawn it may be something the Council wants to consider tonight.

Councilor Bunder, referring to the comments from Councilors Sanders and Leverenz, stated that we have a motion and a second to remove Resolution No. 03-16 from the Council agenda.

The motion passed by voice vote.

There was no further discussion.

Resolution No. 04-16 A Resolution In Support Of Redistricting Reform (League Of Women Voters) (Sponsored by Councilor Bunder)

President Bunder read Resolution No. 04-16 by title only. He noted that Sherry McLaughlin is here from the League of Women Voters.

There was no discussion.

Resolution No. 05-16 A Resolution To Amend The Comprehensive Plan For Tippecanoe County To Include An Update Of The Multi-Hazard Mitigation Plan (Submitted by Area Plan Commission)

President Bunder read Resolution No. 05-16 by title only.

Councilor Leverenz stated that this is an update to the Multi-Hazard Mitigation Plan covering a multitude of hazards and disasters that might strike.

There was no further discussion.

Resolution No. 06-16 A Resolution To Promote Transparency And Clarify The West Lafayette City Code (Submitted by Councilor DeBoer)

President Bunder read Resolution No. 06-16 by title only.

Councilor DeBoer stated that this has been a problem he has had since he arrived on the Council. He stated that the City Code is not very comprehensible. It refers to private documents that cannot be accessed on the Internet that are under copyright. It goes line item by line item in some sections amending documents that you cannot see. He stated that now that we are a Class 2 City he thinks it is time that we have a Class 2 code that is something we can actually read. The resolution is asking the Corporation Counsel and the City Clerk to put together a plan in the next two months to address this problem, whether that means hiring outside help from another law firm or a company that specializes in this. He stated that he would like something that gets our code up to date within the confines that we have. He stated that he understands there might be some issues with some things that need to be grandfathered in, especially regarding rental housing. He stated that some parts of the code may need to be gotten rid of completely, such as molesting bid nests, which may not be the most appropriate terminology. He stated that he thinks it is time to take a comprehensive look at this code and get this done.

Counsel Burns stated that Clerk Booker is very new to this. He stated that he has spoken to Clerk Booker and IT Director Alexander about this, and he thinks there are many places where the code can be improved. He stated that the resolution is well-taken and we will have no problem producing the report requested. He stated that it has been a long time since the code has had a thorough look.

Councilor DeBoer stated that he is open to amending this before Monday if anyone would like to include something additional and to make sure it reflects everyone's views.

Councilor Wang asked if it can be done in two months.

Counsel Burns stated that the report certainly can. He stated that we have a service called MuniCode, which is used by a lot of different municipalities. They have various levels of service that they will provide. Historically we have taken a lower level of service. It may be that upgrading with them would be one step forward. He stated that he agrees with the notion that there are

some outdated provisions, and there are some difficult provisions. The difficulty is amplified when moving away from a hardcopy book to going online. He stated that we can do the report and then follow through with the report. He stated that he will be working with the Clerk and IT to make sure there is a good plan.

Councilor DeBoer stated that if for some reason there is not sufficient time then something can be proposed to allow for more time if needed.

There was no further discussion.

Resolution No. 07-16 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana, Approving Certain Matters In Connection With The Transfer Of Certain Property To The Joint Board (Sponsored by Mayor Dennis)

President Bunder read Resolution No. 07-16 by title only.

Counsel Burns stated that there are several documents linked on the agenda, but it became clear that the exhibits could be more succinctly stated. He noted that the Council has a hardcopy of a comprehensive resolution that replaces all of the documents currently on the agenda. He asked the Council to consider amending the resolution tonight in the interest of getting it queued up for Monday. He explained that the resolution is primarily put together to transfer the roads that are the subject of the State Street project. He stated that on the amended version there are three different attachments which represent various types of property. He stated that Exhibit A includes roads and a few small pieces of other real estate. The pieces of real estate that are not road are across from Wabash Landings new the City's welcome sign. The sign itself is owned by the RDC and it has already been transferred. He stated that Exhibit A shows a graphic depiction of roads along with a chart showing mileage. That is followed by nine pages of legal description for the real estate. The items in Exhibit A are to be transferred to the Joint Board. He explained that the reason it is necessary to transfer to the Joint Board is two-fold: The first reason is that the Joint Board is going to license the contractor. That contractor, for the next 22 years, will be in charge of the road and doing all of the major maintenance after the construction period. It is necessary for the Joint Board to have the property so they can license it over to the contractor. The second reason for the transfer, and the reason for Exhibits B and C, is as part of the financing. He stated that this was set up as a lease and the RDC has already made a transfer of its property; the City owns all of the roads. He stated that this allows for the control so it can be turned over and operated. It also allows for security for the actual contract payments that are being made. He stated that it gets complicated, but he would be happy to go through this with anyone wanting more information. He stated that Exhibit A is the property that is leased during the project. Upon completion of construction, Exhibit B shows the property that then comes back to the City. Exhibit C shows the property that is going to stay for the entire term of 22 years of operation. Counsel Burns stated that the other thing that the amended resolution does is to address an additional \$5 million that is coming forward into this lease. He explained that Purdue has advanced some payments of approximately \$5 million. This does not increase the amount of the payments, but it is moved up to the front so that it is more like a down payment rather than payment over 22 years. He stated that the \$5 million is reflected in this amendment by showing that the maximum amount of the lease is \$24,600,000. He emphasized that it is not more money; it is coming forward in a lump sum and being paid like a down payment on a house, but it increases the lease amount. He noted that on Monday night the bond counsel will be here to help respond to questions.

Councilor Dietrich asked Counsel Burns to describe again each of the exhibits.

Counsel Burns stated that Exhibit A is the property that is going to be leased during the construction phase, so for approximately three years. Upon completion of construction, Exhibit B is the property that comes back to the City because it is no longer needed for financial security. Exhibit C specifies the property that will be there for the entire term. He confirmed for Councilor Dietrich that Exhibit C is the Build Operate Transfer (BOT) portion. Counsel Burns stated that there were different ways this could have been done that may have been simpler, but we already had maps and charts prepared so it was put together like this.

Councilor Dietrich stated that he is concerned with Exhibit B. He asked why Northwestern all the way to US 52 is shown. He asked for confirmation that we are not going to do anything to reconfigure Northwestern in this project.

Public Works Director Buck stated that is correct. He stated that Exhibit B are streets that do not have any work as part of the State Street project scope. He stated that he does not know if it is correct to think of them as collateral for the bond insurance. The construction area is Exhibit C, and the additional roads are Exhibit B. He stated that the roads do not have programmed work and are a guarantee to back-up what is a construction area, so that in a lane-mile basis or a centerline-mile basis, the amount of length involved in the project in Exhibits A and C is balanced by roads that will not have any risk associated with them during the construction period. In response to a question from Councilor Dietrich he stated that the stretch of River Road does not overlap with the CSO project as the footprint of that project was purposely avoided.

Councilor Leverenz motioned to amend Resolution No. 07-16 with the consolidated exhibits. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

There was no further discussion.

#### CITIZEN COMMENTS

► Councilor Dietrich stated that he had a question about the verbiage now on the agenda regarding citizen comments. He stated that he knows that Zach Baiel had requested opportunities for the public to speak, and asked if that is what the first portion of the verbiage allows for in allowing public input before the Council votes on legislation.

President Bunder responded yes. He stated that this is the material that is on the end of the Lafayette City Council agendas with an additional note that if additional time is needed then citizens should sending questions, comments, and concerns to the Clerk.

Councilor Dietrich asked if we would vote on this verbiage, and Councilor DeBoer expressed that he would also like to vote. Councilor Dietrich motioned for the approval of the verbiage at the end of the agenda. Councilor Thomas seconded the motion. The motion passed with 6 in favor and 1 opposed.

#### ADJOURNMENT

There being no further business at this time, Councilor Thomas moved for adjournment. President Bunder adjourned the meeting, the time being 5:00 p.m.