

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
NOVEMBER 9, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on November 9, 2015, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Dietrich, Hunt, and Thomas.

Absent: Keen

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, IT Director Alexander, Public Works Director Buck, Facilities Director Clark, Parks Superintendent Fawley, Human Resources Director Foster, Police Captain Harris, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

MINUTES

Councilor Burch moved for acceptance of the minutes of the October 1, 2015, Pre-Council Meeting, and the October 5, 2015, Common Council Meeting. Councilor Thomas seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

Mayor Dennis stated that due to the weighty agenda this evening we will have a consent agenda on all of the reports. As Councilor Keen is not present we will suspend the report from the APC representative.

SPECIAL REPORTS: None

PUBLIC RELATIONS: None

FINANCIAL REPORT

There was no report.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

UNFINISHED BUSINESS:

Ordinance No. 37-15 An Ordinance Requesting An Additional Appropriation For The Cumulative Capital Development Fund (CCD-IT) (Prepared by the Clerk-Treasurer) PUBLIC HEARING

Mayor Dennis read Ordinance No. 37-15 by title only.

Councilor Burch moved to open a public hearing on Ordinance No. 37-15. The motion was seconded by Councilor Thomas, and the motion was passed by voice vote.

There were no comments.

Councilor Hunt moved to close the public hearing on Ordinance No. 37-15. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

Mayor Dennis read Ordinance No. 37-15 by title only.

Councilor Burch moved for passage of Ordinance No. 37-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk-Treasurer Rhodes noted that to fund the additional appropriation, the Mayor will be directing a transfer from Economic Development Income Tax Fund to the Cumulative Capital Development Fund. She stated that it is up to the Council to appropriate those funds.

In response to a question from Councilor Burch, Mayor Dennis stated that the funds will be used for software licenses.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 37-15 passed on second and final reading.

Resolution No. 19-15 A Resolution Of The City Of West Lafayette, Indiana Authorizing The Use Of Surplus Bond Proceeds For A Sewage Works Project (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 19-15 by title only.

Councilor Burch moved for passage of Ordinance No. 19-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Dennis Otten (Bose McKinney & Evans LLP) explained that he has worked as bond counsel for recent sewage works financings for the City. He stated that this resolution authorizes the use of surplus bond proceeds from the last bond issue to be applied to a new project. He stated that this is straight forward under Indiana law. He explained that if there are surplus bond proceeds, statute dictates the procedures to be done to use those for a similar project. Council does need to adopt a resolution to authorize the use of those proceeds, and the fiscal officer needs to certify that there is a surplus that can be used.

Mayor Dennis asked how much the surplus is.

Clerk-Treasurer Rhodes responded that at the time this resolution was prepared, it was \$1,860,738.02. Due to interest earnings it is slightly larger now.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 19-15 passed on first and only reading.

NEW BUSINESS:

Ordinance No. 38-15 An Ordinance Concerning The Construction Of Additions And Improvements To The Sewage Works Of The City Of West Lafayette, Indiana, The Issuance Of Revenue Bonds To Provide The Cost Thereof, The Collection, Segregation And Distribution Of The Revenues Of Said Sewage Works, The Safeguarding Of The Interests Of The Owners Of Said Revenue Bonds, Other Matters Connected Therewith, Including The Issuance Of Notes In Anticipation Of Bonds, And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 38-15 by title only.

Councilor Burch moved for passage of Ordinance No. 38-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Mr. Otten stated that this is a new bond ordinance similar to what has been before the Council for previous projects. The dollar amount on this one is not to exceed \$24 million. The project amount is not to exceed \$25,100,000, with the implication that the City will use roughly \$1 million of funds on-hand to fund the cost. That is probably where some of the surplus bonds just approved in Resolution 19-15 will be used. He stated that these bonds are contemplated to be issued on the parity with the City's outstanding debt. They will meet the financial covenant requirement to do that before they will be sold. It is contemplated that these bonds will be sold on the open market. There is a flow of funds that directs how the funds will be used and applied. There will be a bond and interest account, and there will be a reserve account like there are for the other bond issues. He stated that from a project standpoint, this is to provide funding for the combined sewer overflow project. He stated that timing-wise, consideration for adoption will be at the December Council meeting, and then there will be a legal notice that has to be done anytime a sewer bond ordinance is adopted. Then we will look to sell the bonds, if the City is ready to do so, after the period runs on the legal notice.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, November 9, 2015, CONTINUED

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 38-15 passed on first reading.

Ordinance No. 39-15 (Amended) An Ordinance Of The City Of West Lafayette, Indiana Amending The West Lafayette City Code Relating To The Rates And Charges Of The Sewage Works Of The City (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 39-15 (Amended) by title only.

Councilor Burch moved for passage of Ordinance No. 39-15 (Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

WWTU Director Henderson stated that this ordinance relates to our Combined Sewer Overflow (CSO) relief interceptor project. This project is part of our long-term control plan for compliance for our overflows as agreed to with Indiana Department of Environmental Management (IDEM). He stated that this long-term control plan work on reducing CSOs puts us in good company with over 100 cities and towns throughout the State that are dealing with the same issues.

Mayor Dennis asked Director Henderson to explain what a CSO is.

Director Henderson explained that in the older parts of our City, as with many other cities in the State, the original sewers carry both the sanitary waste away from homes and businesses, and also carry stormwater. This was seen as an efficient way to convey these things away from homes and businesses and put it right to the river.

Mayor stated that we call it “sanitary,” but it is anything but sanitary.

Director Henderson stated that it is sewage, which includes anything that goes down the drain in a home or business. He stated that after these old-style sewers, eventually interceptor sewers were run and wastewater treatment plants were built, but we remain with these CSO outfall points. During heavy rains, when the system becomes overwhelmed, rather than backup into a home it releases into the river. He stated that this was the way it was designed many years ago. After the establishment of the Clean Water Act of 1972, the creation of more combined sewers was prohibited. From that point forward separate storm and sanitary sewers were created. However, the problem remained for these combination sewers during heavy rain events or snowmelt, there is overflow into the river. He stated that West Lafayette has always been on the forefront of dealing with this once EPA and IDEM established that this needed to be corrected. Over the last 23 years we have spent a considerable amount of money expanding the plant, installing larger sewers to convey flows to the plant, and adding the first wet weather treatment facility in the State. We have greatly reduced the number of CSO events. He stated that we have a long-term control plan update, Volume II, and we have done projects that have further reduced the amount and the number of times during the year that there is overflow into the Wabash. He stated that this is the

next step. This is a part of our long-term control plan that was approved by IDEM. However, it originally would have been scheduled for late 2018 and most of 2019. Because of the timing of the State Street project, that timeline would cause us to tear up brand new streets, which is something we do not want to do. He stated that to get in front of State Street, we need to put this project in the ground. It is along River Road, from Quincy Street to the wastewater plant. It is a 60 inch sewer, which is rather large for what we typically see in our City. He stated that this will greatly reduce CSOs, but approximately 80-90% depending on the event. He stated that during an average year the two overflow points currently on Quincy Street should not overflow.

Mayor Dennis stated that the timing is not at our discretion; we are mandated.

Director Henderson confirmed that we are mandated. The original schedule would be for 2018-19, but it is very disruptive. It will be a large trench to install this large pipe. He stated that in trying to use some common sense and establish some synergy with these two projects, we would like to get the large CSO relief interceptor installed ahead of the State Street project.

Mayor Dennis stated that a fantasy scenario is that we would have 100% control of any CSO, but to their credit, IDEM and EPA have established standards for that control for us to be in compliance.

Director Henderson stated that at the end of our long-term control plan, of which this is a huge part, we are to be at a point where what is called the 10-year, 1-hour design storm—when 2.1 inches of rain an hour—would not create an overflow.

Councilor Dietrich asked what the expected date is for 100% completion of the plan.

Director Henderson responded that final completion would be in the year 2027.

Councilor Dietrich stated that there had been discussion about a 60-inch or a 96-inch. He asked Director Henderson to talk about the decision and about why we should not just go for the biggest one now.

Director Henderson stated that looking at our bonding capacity, with these rates, the 60-inch can be done. The 96-inch is not completely out of the picture. We are looking at ways to control costs and looking at value engineering. We have not closed the door on it completely.

Councilor DeBoer asked, regarding the discussion about doing this now to avoid tearing up new roads, if any roads would have to be torn up to get this in ahead of the State Street project. If so, he asked which roads would be affected.

Director Henderson responded North River Road from Quincy Street down to the plant. We would actually start close to the plant and head north. There would be at least a lane of disruption on River Road. He stated that we will have a great deal of maintenance of traffic measures in place as we move along. He stated that it will be disruptive.

Councilor Dietrich asked if it is correct that the idea of the 60-inch pipe is not to bring it to the plant faster, and if it is also a storage issue.

Director Henderson stated that there is a storage component, and a 96-inch pipe would allow for more storage, but this is to intercept what would have flowed into the Wabash at Quincy Street and bring it to the plant for treatment. A small event would allow for immediate full treatment at

the plant, or a larger would event would have some of it go to the wet weather facility for the partial treatment that we are permitted for.

Councilor Dietrich asked if the current plant can accommodate whatever the 60-inch pipe brings to it.

Director Henderson responded that during a storm we always maximize the flow to the plant. There are limits to that, and the wet weather treatment facility is there to take the addition flow, depending on the rain event and intensity. He stated that we can run short bursts through the plant, and we have seen upwards of 30 million gallons per day of flowrate pushing through there. The wet weather treatment facility maxes out at approximately an additional 113 million gallons per day. He stated that the bigger pipe would probably allow avoiding some of the expansion to the wet weather treatment facility, which is an additional project in 2021-2022 on the long-term control plan schedule. He stated that we are looking for ways to do this in a smart way, and to get the most value. He stated that having the 96-inch pipe storage would be his preference because of it allowing for fewer additions to the wet weather facility.

Councilor Dietrich stated that he has a question regarding 30.09.3.3, Section 4, which talks about the sunset provision of the stormwater service. He stated that he is apprehensive about doing away with that. He stated that we did promise several people who were concerned about the stormwater at the time that we would add that clause in there, and now we are taking it away. He asked to talk about that.

Jim Treat (O.W. Krohn & Associates), financial advisor for the City, stated that what we have done is, rather than repealing the sunset clause, which would be his preference, we have amended it to extend it to match with the final maturity of this new bond. He stated that to use the synergy of all the wastewater revenues going through the utility—wastewater, stormwater, trash—we have to use stormwater revenue for stormwater operations and projects. However, we can use stormwater revenues for bond payments, if necessary. We can definitely use them to count towards bond coverage, which helps effect how much you have to increase the rates to afford a particular project like this. He stated that in order to take advantage of that, we have to match up the term of those revenues with the term of the chart of the financing we are doing. It becomes problematic to have a sunset clause on there when every time there is a new project you count on the stormwater revenues. It is an issue that causes problems in the financing. He stated that we would prefer to move away from it, but the fix for now would be to move that date out to match the term. He stated that it would, if no action is taken, go away at the end of that.

Councilor Dietrich asked if Mr. Treat is saying that if we do not extend the sunset clause we would not qualify for the bond, or if the bond would cost us more money.

Mr. Treat stated that he is saying that the sewer rates would have to be raised even more than what is proposed in this rate ordinance in order to be able to do the \$23 million bond.

Councilor Burch asked what will be 100% completed in 2027.

Director Henderson stated that it is the entire updated long-term control plan, which the Council approved in 2011. He stated that this pipe, the next smaller extension of it, and then any additional capacity for the wet weather treatment facility. He stated that the size of the pipe impacts how much the wet weather treatment facility would need to be increased.

Councilor Burch asked how long it is going to be good for, or if we are going to be replacing and repairing the western interceptor.

Director Henderson replied that typically sewer pipes are considered to have a 50-year lifespan. He explained that with a lot of them we have adding lining as they come to the end of life, and that extends the life for another 30 or 40 years. He stated that it is a long life.

Councilor Burch stated that a *Journal and Courier* article today states that we will increase fees from a minimum of \$28.05 to a minimum of \$40.47 per month, and then we are going to add the surcharges on top of that.

Director Henderson stated that those steps include the surcharge and the percentages, and those are average billings rather than minimums.

Mr. Treat stated that we are mostly going to cover this project by implementing the surcharges, which is a bit of a different approach. He explained that it is implementing a fixed-rate charge, spread evenly amongst all of the users, rather than attaching something else to the volume charge that would go up and down. He stated that it is a debt charge. In order to make the debt payment, and to have coverage for the debt payment, we need approximately \$2 million more per year. He stated that this is the biggest project and biggest debt the City's Utility has ever taken on. He stated that we are looking at \$9.82 per month for that charge, which we would phase in over two steps. That would be the same for all equivalent residential customers.

Councilor Burch asked for how long. She asked if it would be forever or until this project is done. She asked if we would stay at \$9.82.

Mr. Treat stated that it needs to be in place at least as long as these bonds are outstanding, until they are paid off.

Councilor Burch asked if there is not money now to pay for this project.

Mr. Treat replied no, there is not.

Councilor Burch asked why not. She stated that she knows that some of the money has been borrowed within the City to pay bills and departments, and that money will be returned at the end of this year. She stated that she feels that if we did not loot the piggy bank we might have had some money in there. She stated that she is hard-pressed to support another rate increase on our long-suffering citizens. She stated that yes, we are reducing charges for certain residents, but over the years we have stormwater fees added, and we just approved a fire hydrant fee. She stated that she is all for clean water and fresh air, and she did support the hydrant fee, but thinks that this is coming at the wrong time on our citizens. She stated that she feels they have been hit with increase upon increase. We are trying to make this a welcoming community, not only for our senior citizens so that they can live a comfortable life here, but we also want young professionals here. She asked how they are going to pay all of this when they are just starting out. She stated that she is not comfortable with this.

Mr. Treat stated that he appreciates Councilor Burch's concerns. He stated that it has been ten years since there has been a sewer rate increase, which is a pretty good record for holding costs down for the Utility. He stated that is to Director Henderson's and the City's credit.

Councilor Burch stated that we were originally looking at this project for 2018-2019, and yes it makes sense to do it now before ripping up State Street, but she stated that her gut is telling her that the State Street project is costing the community more than we are going to get out of it. She stated that she sees that as a step in that direction to support the State Street project. She asked

why the State Street project cannot be started at US 231 and State Street instead of starting at this end of the road.

Director Henderson stated that this is a State and federally mandated reduction in combined sewer overflows. He stated that this project, whether it is done next year or in 2018-2019, has to be done. It will not be any cheaper in 2019.

Councilor Burch stated that Director Henderson has been a very good steward of our Wastewater Treatment monies and facility. She stated that she is still having difficulty supporting this increase at this time.

Councilor Dietrich asked if he understood that under this ordinance the billing would be unified, and that it would be \$9.82 across the board, and that it will not be based on gallons of water as we do it now.

Mr. Treat responded that is right.

Councilor Dietrich asked if he understands correctly that the water company was ready to start charging us to provide us with that information.

Clerk-Treasurer Rhodes stated that it is interesting that the last ordinance was about the project, and there were no comments. Now that we are talking about the rates we are talking about the project and the rates together. She asked Mr. Treat to give a succinct summary of our wastewater rates, because there are several different components. There is a flow-basis, there is a minimum charge, and there is the CSO surcharge. She asked Mr. Treat to pull them together so that the public really understands that we have different components.

Mr. Treat stated that the rate structure that has been in place for some time for sanitary sewer services is not going to be changed. He explained that there is a flowrate per thousand gallons, and that flowrate is currently \$5.61 per thousand gallons. In addition to the flowrate, there is a minimum monthly charge, which is based on 3,000 gallons of water usage a month. If someone uses less than 3,000 gallons, they still pay a rate equivalent of 3,000 gallons. That is not changing. It is different based on other meter sizes, but that is the structure that Clerk-Treasurer Rhodes is referring to. That is staying intact. We are adjusting those rates across the board for small amounts. This is for operating costs that need to make sure to address in terms of salaries, chemicals, and things like that. We are proposing doing that as sensitively as we can with a 3% increase on January 1, 2016, for those flowrates, and then on January 1, 2017, and January 1, 2018. It stretches it out to make it as rate sensitive as possible. Mr. Treat stated that the CSO charge we are talking about is a completely new charge, which will not change the flowrates or minimums. It will add the \$9.82, in two steps, by the middle of 2016. He stated that the other important thing about that besides being a fixed cost, is that it will be a more steady stream of revenue for the Utility. Once the bond issue is done and debt-service payments are being made, we do not need the risk of having revenues go up and down with flows of water. Mr. Treat stated that the average customer, which is based on 5,000 gallons, is paying about \$28.00 a month. So, there will be \$9.82 added to that, and another couple of dollars over three years for those inflationary increases. He stated that over three years it will be up to \$40.00 for an average customer. He stated that when speaking of minimums, which is customers at 3,000 gallons or less, they are currently paying around \$17.00 per month, and that would go up to \$28.00. He stated that most of the increase is the \$9.82 charge. Mr. Treat stated that on Page 16 of the Rate Report, there is a comparison charge with communities of similar size and near-by. He noted that West Lafayette is near the bottom-end of that right now at \$28.00 with only a few below that. He stated that even with the increase over three years, West Lafayette would be solidly in the middle

of the pack. He stated American Suburban Utilities, due to mandates, is looking to increase its \$47.50 per month flat-rate charge to over \$90.00 per month. He stated that another one of significance is the City of Indianapolis. He stated that in 2004 when they started to work on their long-term control plan citizens were paying just under \$10.00 per month for sewer, and as of this year with the implementation of work so far, they are up to \$40.00 per month for a customer using 5,000 gallons. They just filed for another two-step rate increase that would add another \$18.00 per month. He stated that the projects for Indianapolis are bigger, but they have an enormous rate-base of customers to spread it over. He stated that it is a big problem. It is a big unfunded cost for communities, and we feel that we are addressing it the best we can.

Clerk-Treasurer Rhodes stated that, in response to Councilor Dietrich, Indiana American Water is going to be charging for the premise usage data, which we use to bill the flow portion of the rate. She stated that it has, for a long time, billed other municipalities but not West Lafayette.

Councilor Dietrich commented that it is as it should be.

Clerk-Treasurer Rhodes stated that it will not affect how the rate structure works. We are not billing on a flat rate; it will still be based on the rate that has the flow portion. She stated that now that we have now dealt with both the project and the rate, she wants to circle back to the project. She stated that, in all fairness to taxpayers, they want to see the big picture. We are embarking on the biggest sewer project in history. She stated that this project, because of timing issues and the State Street initiative, for a taxpayer looking at this, we are digging in the same area. Whether you call part of the work the State Street project, or part of it in the CSO project, citizens are wondering what is being done and what the magnitude of the project is. She asked Mr. Treat to provide that summary view. She stated that we are taking a portion of the City, where we are going to be working underground and above ground, and it has elements of both the CSO and the State Street project. She stated that for the public it is a question of "what are you doing over there." She asked how much the project is going to be when the two components are added together. She stated that the Utility is not paying for the roadwork portion of it; that will come from the RDC, but she asked how much that aggregate scope is looking now.

Mr. Treat responded that the Utility is paying for the portion of the road work that would be paid for with any sewer or stormwater work normally. He stated that it may be more a question for Public Works Director Buck because it goes to the concept of how much they wanted the projects to overlap in terms of the construction. He stated that his understanding is that this setup is the minimum overlap between the two projects. It would disturb and overlap and cause the least amount of coordination requirements by doing this section of River Road to handle our CSO projects. We are paying for all of the sewer-related work with sewer revenues. He stated they are still working on the numbers for the State Street project, and he does not have final numbers for that.

Clerk-Treasurer Rhodes stated that the giving of information is a public action. She stated that she has not asked for precise numbers, but she has asked, on behalf of the public, what is the scope of the project we are going to be doing in that area. She stated that she is not asking for precise numbers. She asked if we are going to have another \$5.5 million of roadwork combined with the work in this area, or if it is \$20.5 million. She stated that she is just asking for a generic size of project in that area.

Mayor Dennis stated that there are two questions. He asked what we are doing. We are moving dirt, and what are we putting there?

Director Buck stated that when the State Street project started utility-coordination efforts with the various utilities along everything we are doing, it started the engine of realizing that the footprint of the CSO project needs to be underneath a good part of the State Street project. In doing so, we want to tear things up one time and put them back one time, as much as possible. That is where synergies can be created and savings can be generated to not cost more than it should simply by coordinating efforts. That is what is going on here. The CSO project is being procured through guaranteed savings contracting, and within that are some of the elements that are part of the Perimeter Parkway elements of the overall State Street procurement, which are being reconstructed as the pipe trench is being put together. So, for example, the intersection of Williams, Tapawingo, and River Road, as a part of the transportation network with the State Street project and the Perimeter Parkway, is envisioned to become a roundabout. He stated that it is part of the transportation plan. Rather than simply patch the pavement back where the pipe trench is going to go, the RDC will be putting in between \$4.5 million and \$5.5 million magnitude to build the roundabout at Williams Street, reconstruct some of the hill so that the grades move together for a natural transition between what this guaranteed savings procurement can do and what the eventual successful developer through the State Street P3-BOT project would do. He stated that going up the River Road corridor, we will do things to either stay off the footprint of the eventual P3 developer, by doing directional drilling, or share that risk and know that the backfill in the area that we would patch will have some reconstruction by the State Street developer. This is specifically at the intersection of State Street and River Road. He stated that north of that there is very little change envisioned as part of the transportation network; it is minor interchange modifications with the northern ramp system where the signal is for the Fowler and Wiggins overpass. That improvement is part of the transportation plan, but it would be funded through the RDC and not the CSO revenues or rate increase monies.

Clerk-Treasurer Rhodes stated that we are going to have a big project. Part of it is being paid by ratepayers for the Utility. But, in that same area, we are making infrastructure investments. When people look and ask what is being done or how big it is, it sounds like it will be around \$30 million or so, and that is the big picture.

Councilor Hunt stated that it is a little bit encouraging to know that Indianapolis is already at \$40.00 and they are raising their rate as well. She stated that she does not want to imitate Indianapolis, but it is reassuring to know that we are not out of the ballpark of other cities.

Councilor Burch stated that she does not care what Indianapolis is doing, this is West Lafayette and we want to make our community as best as it can be, and ask how we are treating our citizens.

Councilor Bunder it is very clever to understand the work that will be done for State Street and to accelerate the sewer project to get in ahead of and with it, and he complements Directors Henderson and Buck on getting that together.

Mayor Dennis stated that it is good teamwork.

Councilor Hunt stated that we have learned something because we tried to do this with US 231 for the Western Interceptor, and they got behind.

Director Buck stated that we kind of did in a big picture way.

Mr. Treat stated that in response to Councilor Burch's comments, we did include the relief provision in our ordinance, which will help some.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | | ✓ | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 1 NAYS.

Mayor Dennis announced that Ordinance No. 39-15 (Amended) passed on first reading.

Ordinance No. 40-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (City of West Lafayette) (R3 to R3W) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 40-15 by title only.

Councilor Burch moved for passage of Ordinance No. 40-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Director Buck stated that this is to correct some things that were basically a part of annexing areas that were R3 in the County. West Lafayette has a slightly a different R3 version for the City with an R3W zoning classification. This would be incorporating those into the City.

Councilor Thomas asked if he understands correctly that R3W is a little more restrictive and specific.

Director Buck stated that it is more specific. There are some University-approximate areas that have some different unit sizes and differences, and also parking and height.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 40-15 passed on first and only reading.

Ordinance No. 41-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Purdue Research Foundation) (R2 to OR) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 41-15 by title only.

Councilor Burch moved for passage of Ordinance No. 41-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that there are representatives from Purdue Research Foundation (PRF) and Schneider Corporation here with him. He stated that this is a request to change 21.37 acres from R2 to OR for the proposed Purdue technology center, the Aerospace District Facility. He stated that no citizens spoke for or against this matter at the APC meeting on October 21. He stated that the matter was recommended by the APC staff, and it passed the Commission with 13 “yes” to 0 “no” votes. He stated that the APC staff dealt briefly with the concept of the OR zone, and indicated that this site had been zoned as R2 for a number of years and nothing had happened. He reviewed items in the APC Staff Report. He stated that this is in keeping with the staff’s plan for US 231 and it has their full support.

Councilor Burch asked if we are talking about the Rolls Royce business moving into the aerospace research facility, and Mr. Bumbleburg responded yes.

Councilor Bunder stated that the staff’s plan for US 231 is of interest to the Council, and he looks forward to the Council passing a resolution asking for the APC to divulge what that plan is. He asked how this project demands or calls for the relocation of Todd’s Creek, or Todd’s Ditch. He asked if we will see some public presentation in regard to that change of landscape in Horticulture Park. The relocation will apparently run from McCormick Road, under State Street, to US 231. It is a fairly significant project, and he knows that a lot of people would like to see what that will look like.

Greg Napier, Director of the Purdue Research Park and Physical Facilities for the Purdue Research Foundation, stated that this particular project is a technology center. This is what we use as the flagship building for each of our research parks. This one is the fifth park and is geared around aerospace. He stated that our University, our City, and our greater community has a great history in aerospace. This began with having *Jupiter* with the first airmail leaving from here, to the first and most recent person on the moon, to having our own airline—Purdue Airlines which is now Southwest Airlines today. There is much history here. He stated that the building itself has very little to no impact on Todd’s Creek; it happens to sit adjacent to it. He stated that Todd’s Creek has many things to do with State Street and things upstream from this site. He stated that the storage and drainage that needs to happen with this site will happen on-site, and the will discharge into those areas, but most of the things involving the Todd’s Creek project are things that are upstream of this location on the other side of US 231.

Mayor Dennis stated that Todd’s Creek seems to be somewhat of a mystery to the community. He asked for an overview of what it is and what we are doing to it.

Mr. Napier stated that Todd’s Creek is currently a creek that runs from areas as far north as Cherry Lane, through Stadium Avenue, working its way toward what the community typically calls Horticulture Park. He stated that in the past we have seen the conveyance of Todd’s Creek adjacent to State Street in the form of a roadside ditch. The volume that it can convey is undersized and not capable of handling the volumes of water that comes through it. He stated

that we do not believe that the ditch is in its natural location; we believe that somewhere in the past it was moved and placed there. We have looked back over the history, back to the 1930s, and it has always been this ditch. He stated that somebody many years ago placed this ditch there and relocated the stream that was there before. We know it is not the natural setting. We know that it currently floods the area because it does not convey the stormwater the runs down. He stated that the idea is to relocate it into what we believe is a more natural setting, creating an amenity for our community, which is to place it further to the north back within Horticulture Park and areas of land that the PRF owns which are outside of Horticulture Park. He stated that this new stream, and the mitigation that goes with that stream, would happen in the area of McCormick and 3rd Street. It would continue through a westerly pattern, ending up near the Methodist Church on State Street, near US 231.

Councilor Bunder asked, if there were a group called Friends of Horticulture Park, who would they talk to? He also asked what is Horticulture Park if it is not Horticulture Park, and what the official title is.

Mr. Napier stated that it is has a title that includes the term *arboretum*.

Jeremy Slater, with Purdue Research Foundation, stated that the official title is Horticulture Park, but it is owned, operated, and managed by the Purdue Arboretum.

Councilor Bunder asked to go back to the question of who a person or group would talk to about it. He stated that it is a great opportunity to mentor kids in both very practical civic discussions and engineering.

Mr. Napier stated that we have engaged the community over those pieces of property. He stated that most of the people involved in this area are from the University, and they serve under Jay Akridge with the Agricultural division. He stated that they have had many walks, many discussions, and many meetings with a large committee formed with the University. He stated that if someone wanted more dialog, he would suggest involving the Agriculture Department at the University.

Councilor Bunder asked if, when we begin to reconstruct the west end of the State Street project, will there be PowerPoints and public meetings. He asked if there will be an opportunity for people to see what changes to Horticulture Park will look like, such as an open meeting at First United Methodist.

Mr. Napier stated that there are two different things being described. One is the Horticulture Park as a whole, and the other that we are describing here is the conveyance of stormwater via Todd's Creek. He stated that they are two different things and two different questions. He stated that the first part is the engineering aspect of what needs to happen with Todd's Creek to convey water and to mitigate the plant material found in those areas, to put it back better than we found it. He stated that the other opportunities there is that we are doing further studies with that group that will be a longer stretch of time, looking at that particular park, and how it can be enhanced, to put together a vision of what it looks like in the future. Today we are talking about the rezoning for the flagship building for the aerospace research park, and the impact that has on Todd's Creek is minimal. It is just the discharge point downstream. He stated that it is like any other development, and we are taking those measures as outlined in the ordinance to do quality and quantity amendments to what we discharge there.

Councilor Bunder stated that he understands that there is a limited impact and he appreciates the time taken this evening. He stated that there are very few opportunities for us in a public forum

to address issues that may be of concern to people before the final plans are in place. He stated that this gives him a chance to say that there are people who are interested in the relocation of Todd's Creek. They are interested in the changes to Horticulture Park, and to be able to say that out loud is a good thing.

Mr. Napier stated that the charge of doing the master planning and things in Horticulture Park will be a University project with the Foundation. Those things are evolving and there is more to come as far as public involvement.

Councilor Bunder stated that he would hope that the new partner and friend, the City of West Lafayette, would also have a seat at that table so we would be able to convey to our constituents what is going on in a place that they have come to love over the years.

Mr. Napier stated absolutely; this needs to be a community amenity.

Clerk-Treasurer Rhodes stated that as a brief aside that relates to prior Council action, in the spring, PRF was before the Council to ask for conduit bond financing for drainage improvements in this area. She asked if references to the Todd's Creek relocation refers to that project.

Mr. Napier responded that is correct.

Councilor Hunt stated that she is a master gardener, and several years there was a presentation where someone from Purdue spoke about plans to make this a Purdue Arboretum formally with some improvements because it has not be cared for. She asked what the tax income, whether TIF or something else, is from this.

Mayor Dennis stated that it is yet to be seen, and it is part of the new western TIF. He confirmed for Councilor Hunt that it will be TIF income.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 41-15 passed on first and only reading.

Ordinance No. 42-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Jackson-Polen Animal Hospital d/b/a/ Creekside Animal Hospital) (NB to GB) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 42-15 by title only.

Councilor Burch moved for passage of Ordinance No. 42-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that Pamela Jackson is the petitioner’s representative. He stated that this is to rezone the property from NB to GB. He stated that there was a favorable APC staff recommendation and a unanimous “yes” vote from the APC, both for the zoning and the commitment filed with this matter. He stated this is a 0.89 acre tract of ground on the north side of Sagamore Parkway. He stated that there is approximately 200 feet between this property and residential property to the north, and there is a very tall wooden fence between, and it will meet the ordinance for a buffer yard. He stated that this is presently a daycare center, but the owner is retiring. The owner is a veterinarian with a location in Lafayette, and this would be a second location. He stated that there is a commitment that excludes all offensive uses that would be available in GB for this particular area. There will be no boarding of animals at this location except for patients of the clinic. The commitment has SIC code 742, which allows us to have veterinary services at this location. However, unfortunately under the Unified Zoning Ordinance it allows for boarding. So, there is a footnote to our commitment saying that the boarding will only be for patients of the clinic. He stated that the client has informed him that she has three to five patients per day and it is very infrequent that there is a patient that spends the night. He stated that she has also indicated that she has spoken to a lot of the neighbors to the north and they are supportive.

Councilor Burch stated that this is a much needed business on the west side and that the petitioner will do a wonderful job.

Councilor Hunt asked for confirmation that there will be surgical patients there, and Mr. Teder stated yes, the building will be gutted and designed for that.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 42-15 passed on first and only reading.

Ordinance No. 43-15 An Ordinance Amending Chapter 31, Section 31.016 Of The Tippecanoe County Code; Chapter 2.04, Section 2.04.010 Of The Lafayette City Code; Chapter 24, Section 24.22 Of The West Lafayette City Code; Chapter 32, Section 32.035 Of The Town Of Dayton Code; And Ordinance No. 329 Of The Town Of Battleground; And Ordinance No. 95-4 Of The Town Of Clarks Hill. Providing For Representation On The Area Plan Commission Of Tippecanoe County (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 43-15 by title only.

Councilor Burch moved for passage of Ordinance No. 43-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Mayor Dennis stated that this gives us more members on the APC.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 43-15 passed on first reading.

Ordinance No. 44-15 An Ordinance Requesting An Additional Appropriation For The Economic Development Income Tax Fund (EDIT-Facilities) (Prepared by the Clerk-Treasurer) PUBLIC HEARING

Mayor Dennis read Ordinance No. 44-15 by title only.

Councilor Burch moved for passage of Ordinance No. 44-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Councilor Burch moved to open a public hearing on Ordinance No. 44-15. The motion was seconded by Councilor Thomas, and the motion was passed by voice vote.

There were no comments.

Councilor Burch moved to close the public hearing on Ordinance No. 44-15. The motion was seconded by Councilor Thomas, and the motion was passed by voice vote.

Mayor Dennis read Ordinance No. 44-15 by title only.

Clerk-Treasurer Rhodes asked for a motion to suspend the rules to allow for a second reading this evening.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|--------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |

COMMON COUNCIL MEETING MINUTES, November 9, 2015, CONTINUED

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 44-15 passed on first reading.

Councilor Burch moved to suspend the rules and hear Ordinance No. 44-15 on second and final reading. The motion was seconded by Councilor Thomas, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 44-15 by title only.

Councilor Burch moved for passage of Ordinance No. 44-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 44-15 passed on second and final reading.

Ordinance No. 45-15 An Ordinance Providing For Temporary Loans (Payroll Fund) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 45-15 by title only.

Councilor Burch moved for passage of Ordinance No. 45-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Clerk-Treasurer Rhodes confirmed for Councilor DeBoer that we need a second reading for this ordinance as well.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, November 9, 2015, CONTINUED

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 45-15 passed on first reading.

Councilor Burch moved to suspend the rules and hear Ordinance No. 45-15 on second and final reading. The motion was seconded by Councilor Thomas, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 45-15 by title only.

Councilor Burch moved for passage of Ordinance No. 45-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 45-15 passed on second and final reading.

Resolution No. 22-15 (Amended) A Resolution Requesting The Transfer Of Funds (Facilities, Mayor, Police, CCD-Parks) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 22-15 (Amended) by title only.

Councilor Burch moved for passage of Resolution No. 22-15 (Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Councilor Burch asked about the other equipment that is needed for the Police Department.

Police Captain Harris stated that this is to move money from accounts with excess funds for a grant that will be heard next, which is a matching-funds grant.

Councilor Hunt stated that she thinks it is important to note that the money moved from the Health Savings Account is from the City's contribution and not the employee's contribution.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 22-15 (Amended) passed on first and only reading.

Resolution No. 23-15 A Resolution To Appropriate The Bureau Of Justice Body-Worn Camera Pilot Implementation Program Grant (Police) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 23-15 by title only.

Councilor Burch moved for passage of Resolution No. 23-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Thomas.

Councilor DeBoer stated that a good point was brought up to him by Zachary Baiel earlier tonight about how long these camera recordings are being kept and stored, and whether a policy will be created regarding that storage and dissemination.

Captain Harris stated that the recordings are currently kept for 180 days, which is the length of time for a tort claim in Indiana. After 180 days it falls off of our server. He stated that there is currently legislation to determine when it is that videos need to be released, so we are waiting on a direction for which way we are supposed to go. He confirmed for Councilor Dietrich that it is the same amount of time used for the car videos.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

| | AYE | NAY | ABSENT | ABSTAIN |
|----------|-----|-----|--------|---------|
| Bunder | ✓ | | | |
| Burch | ✓ | | | |
| DeBoer | ✓ | | | |
| Dietrich | ✓ | | | |
| Hunt | ✓ | | | |
| Keen | | | ✓ | |
| Thomas | ✓ | | | |

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 23-15 passed on first and only reading.

CITIZEN COMMENTS

► Jan Myers (1909 Indian Trail Drive) stated that today the concrete is finally being replaced that was torn up on Indian Trail for the water line. She is pleased that the sidewalks are more than 4 feet wide. She spoke a public art mural in Minnesota that allowed citizens to create it with a paint-by-number format. Ms. Myers stated that as she has seen West Lafayette incorporate, as happens in many areas in the State, the corporation areas do not line up with schools and library. Sewer districts are also very different. She stated that the Council members should be attending the public meetings for the American Suburban Utility for its rate increase. She stated that it is an unmetered situation which does affect many acres of our newly incorporated land. She stated that if we want to talk about what is going to happen on US 231 or westward, we need to understand what ASU is doing, and that they are the largest privately owned wastewater company in the State. She stated that she is concerned about the ASU's new plant as she knows that the plant that was built before was not built as designed, and it sits on one of the largest water recharge areas in the County.

Councilor Burch stated that the West Lafayette Public Art Team has lightly discussed involving the public in our public art, and getting them involved in doing the projects. She stated that the team is still working out the details, so there will be ongoing discussion.

Councilor Hunt asked if private companies, like ASU, have to follow the same regulations as the City.

Director Henderson stated that they are issued permits, and they are inspected, but there is a difference in leverage that IDEM has with the municipality compared to a privately held utility. Regulations are enforced more with the municipalities.

► Zachary Baiel (124 Connolly Street) congratulated those who ran a successful campaign, and he thanked Councilors Hunt and Burch, and Clerk-Treasurer Rhodes for their years of service. He stated that he attended the last Joint Board meeting on October 13 and spoke about the lack of transparency conducted by the Board, in particular the rarely discussed committees and sub-committees structure. He stated that after examining the City's website, it appears that the information is still not available to the public. He asked if there is a chance of getting a citizen appointed to the Board for greater public insight. Mr. Baiel asked, regarding the wastewater rate ordinance, why there is a difference between West Lafayette residents and Purdue's usage. He asked questions about the calculation of equivalent residential units. He stated that it is unclear if Purdue is paying the CSO surcharge, and asked what their contribution is to that. He stated that there is not consideration for those who decrease strain on the CSO system by using rain barrels, water gardens, and pervious driveways.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:06 p.m.