

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
JANUARY 29, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on January 29, 2015, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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

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

COMMITTEE STANDING REPORTS

Mayor Dennis asked the Council to consider declaring that the reports are on file due to the extra activity on this agenda.

Councilor Dietrich stated that he does have a few questions for City Attorney Burns, though not necessarily about his report.

Mayor Dennis stated that we are in open session now.

Councilor Dietrich stated that his question is about the perpetual "For Rent" signs. He asked what the Council needs to do to get a better handle on the signs.

City Attorney Burns stated that the signs at issue recently were the ones that had a cedar-look to them and had an appearance of permanency. He stated that the Neighborhood Resource Team (NRT) had measured and inspected the signs and found them to be in compliance with our current code, as long as there is a rental open at that location. He stated that he believes the ordinance needs tightening in the area of the eligible time that the signs can remain.

Public Works Director Buck stated that he is not aware of where the ordinance talks about the specific time limit for signs that are incidental in nature. He stated that we may be trying to make this rental sign fit into something that it is closest to in the ordinance, rather than a very specific thing that the Council is interested in discussing—the size, duration, location on property. Some issues may be more specific to West Lafayette.

Councilor Dietrich asked if it would be cleaner to pursue a separate ordinance rather try to retrofit what we have.

Director Buck responded that it possibly would be, depending on how it would be regulated.

City Attorney Burns asked Director Buck if it was correct that it would go through the APC process after it is initiated by us.

Director Buck responded that we could go that route if it is something that is county-wide, or it does not have to be.

Councilor Bunder stated that if it goes to APC, that is a long time. The implications go through every other municipality in the County. He stated that it seems that it would be quicker and more enforceable if it were in the City's ordinance under the advertising section.

Director Buck stated that it is similar to our local noise ordinance that it is not in the Unified Zoning Ordinance, and we enforce that all of the time.

City Attorney Burns suggested that interested Council members form a small group to review the objections and what needs tightening in order to move forward.

Councilor Dietrich stated that he would take the lead on doing that, and Councilor Bunder stated that he would like to be involved.

Councilor Dietrich stated that there has been concern expressed about the size of signs for the upcoming election, and he asked if that can be treated in a similar manner.

City Attorney Burns stated that his plan to address that proposal is to have a letter specifying measurement restrictions on all signs, no matter the content, sent out to the local parties and independent candidates.

Director Buck stated that he is almost certain that APC Executive Director Fahey has a form letter that goes out to parties that have filed about that ordinance.

Councilor Hunt reported that the Dare to Bare event is February 6 at the ice rink.

Mayor Dennis confirmed for Councilor Thomas that he will say that all reports are on file.

Councilor Bunder noted that there is a sign application for Family Express going to the Board of Zoning Appeals.

Councilor Hunt stated that she and Councilor Keen were at the APC meeting and there were a lot of neighbors who were not pleased about it and especially not pleased that it did not go to Council. She stated that the APC was very open in saying that they were looking at the checkpoints and if they fill in the right boxes, then it cannot be refused. She stated that there was a lot of concern about not wanting that particular thing.

Mayor Dennis stated that Director of Development Poole did some research on it, and there are limits to what we can and cannot do when the zoning fits.

NEW BUSINESS:

Ordinance No. 06-15 An Ordinance Providing For Temporary Loans (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 06-15 by title only.

Clerk-Treasurer Rhodes stated that she will need two readings on this item. She explained that this is the authority that is typically requested at the beginning of the year.

There was no further discussion.

Ordinance No. 07-15 An Ordinance Requesting An Additional Appropriation For The Motor Vehicle Highway Fund (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 07-15 by title only.

Director Buck stated that this is for the Cumberland Avenue Phase 3 project completion for the 2015 budget year and to include lighting and landscaping in the project scope.

There was no further discussion.

Resolution No. 01-15 A Resolution Requesting The Transfer Of Funds (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 01-15 by title only.

Clerk-Treasurer Rhodes stated that this is a request from the Parks Department to transfer funds between accounts in the Cumulative Capital Development Fund.

There was no further discussion.

Resolution No. 02-15 A Resolution Approving Use Of Indiana Code § 5-23 Including Build, Operate, And Transfer Provisions (Sponsored by Mayor John R. Dennis)

Mayor Dennis read Resolution No. 02-15 by title only.

Councilor Hunt stated that she is worried about Council giving up any control over the annexed area. She stated that she knows this is based on Indiana Code, but she would like an explanation.

City Attorney Burns stated that this is another tool in the toolbox for a municipality, especially when they will be doing a joint venture as we are with Purdue University, to be able to get a project done. He stated that it does not change the level of control, and because of the way it is structured it has more public input. He stated that an example is that on a typical contract build, such as Cumberland or Salisbury, it is a bidding process and once the process is done the contractor just does the work. He stated that in this case there is bidding on the front end, with a request for qualifications. It is saying to the world that if you have a great way to do a big project, like State Street, you come to us. The selection process is done on the front end and they compete against each other for quality of idea and cost.

Councilor Hunt asked if that usually goes through Board of Works.

City Attorney Burns confirmed that it does. He stated that in this case it will have a public hearing, which does not exist in the other types of procurements. He stated that because of the complexity and the size of the State Street project, it is clear to himself and Purdue counsel that we want to get the maximum amount of flexibility in being able to have as many options as we could. He stated that when you take the City of West Lafayette and Purdue University and put them together, they do not marry up as naturally as Tippecanoe County and any of the cities, because it is an unusual combination. He stated that this gains a lot of ground for the project because it creates a whole new set of circumstances with a large and complicated project. City Attorney Burns stated that because of the size and type of project, we may well have nationally renowned contractors interested in this project that would not otherwise be interested. He

stated that it does not give up control, and in his view it gains control. The Council will be involved at future guideposts, and this is just an opening of the door.

Councilor Hunt stated that that is what she is worried about.

City Attorney Burns stated that it is an opening of the door and the rest of the room will be filled with Council actions.

Clerk-Treasurer Rhodes asked for specific examples of actions by the Council.

City Attorney Burns stated that one example is that if any part of the project will extend over a period of five years, which it almost has to due to the size of it, then it has to come back for Council approval on that specific thing.

Councilor Hunt asked if that is after a period of five years.

City Attorney Burns responded that that the approval is at the beginning. He stated that the Council would also approve a project agreement, giving more control instead of less since this is not seen in a standard procurement method. He explained that the project agreement is between the City and Purdue about how it is all going to go—who is paying for what, who is paying when, and other details. City Attorney Burns confirmed for Councilor Hunt that the example he is using is the State Street Master Plan, stating that it is the only reason.

Councilor Hunt asked if there is anything else involved.

City Attorney Burns stated that there is not anything else involved and the State Street project is the only reason this is being brought to the Council.

Councilor Dietrich asked if once it is approved it opens the door to be used for any project, including the State Street project, so once it is established it is on board for anything that comes by.

City Attorney Burns responded affirmatively.

Councilor Dietrich stated that he appreciates the opportunity for Council to have some say in the end of it, and he would be interested in Council having some input while looking at all of the available proposals. He stated that it sounds like it will be chosen by Purdue and the Joint Board, and then brought to Council, as opposed to Council having input in the selection.

City Attorney Burns stated that it is correct that the selection, at least under the current proposal, would be made by the City and Purdue University jointly. He stated that the Council does not have any selection involvement in any contracted projects at all. He stated that this would have the Council fully involved in the relationship between Purdue and the City, so there is involvement that would not be there in a normal procurement, and Council also has control over the length of it. He stated that the Council will see this project more than any other project.

Councilor Bunder asked if there is some example in the State that shows that this is working now or has worked before.

City Attorney Burns responded that the City of Indianapolis is using this procurement for the Justice Center, which is a bigger project than this one.

Councilor Bunder asked who the City of Indianapolis is partnered with.

City Attorney Burns responded that they do not have a partner for that particular project. They are using the procurement method on their own. He stated that the intention of using it is that instead of using the low bid, which does not always mean best bid, and instead of allowing money to be the only issue, which means that quality is not always involved as heavily as it could be. He explained that when a project is bid in the standard way, you say to the world "this is what you're going to do, this is how you're going to do it, and this is when you're going to do it," as opposed to "you guys are smart, why don't you tell us the best way to accomplish what we want at the cheapest price?" He stated that from that standpoint it is a great method to make sure the City is getting the best thinking in the region, or the nation, applied to a very complicated project.

Councilor Hunt stated that she would like the Council to be part of the process before, and stated that she does not even know who is on the Joint Board.

Councilor Burch asked for the names of the people on the Joint Board.

Director of Development Poole responded that they are himself, Facilities Director Clark, and Public Works Director Buck, from West Lafayette. The Purdue side is Ken Sandel, Abby Daniels, and Julie Griffith.

Councilor Hunt stated that she feels that Council is giving up some—. She stated that Council seems to be out of the loop so far.

Councilor Burch asked Director Buck when INDOT resurfaced the intersection of North River Road, US 231, State Street. She noted that they resurfaced the road and then had to come back to put in handicapped-compliance ramps.

Director Buck stated that most of the work happened throughout the summer and into the fall of 2013.

There was no further discussion.

#### ADJOURNMENT

There being no further business at this time, Mayor Dennis took the consent of the Council and adjourned the meeting, the time being 4:55 p.m.