

Subject to approval at the December 7, 2015, Common Council Meeting.

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
NOVEMBER 5, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on November 5, 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, IT Director Alexander, Public Works Director Buck, Facilities Director Clark, Police Chief Dombkowski, Parks Superintendent Fawley, Human Resources Director Foster, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

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.

There was no discussion.

Resolutions 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 Resolutions No. 19-15 by title only.

There was no discussion.

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.

There was no discussion.

Ordinance No. 39-15 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 by title only.

Councilor Hunt stated that section 30.09.18 is related to people with reduced income, but there is no number filled in for the percentage. The tradition, used previously for the trash ordinance, was to reduce the charge by 50%. She stated that she would like a number filled in there.

City Attorney Burns stated that the intention is 50% as with prior precedent, so that will be inserted. In response to a question from Councilor DeBoer, City Attorney Burns stated that an amendment could be done now if preferred.

Councilor Hunt moved to amend Ordinance No. 39-15, section 30.09.18, to say that the City may receive a fifty percent (50%) reduction in their monthly sewer charges. Councilor Burch seconded the motion, and the motion passed by voice vote.

There was no further discussion.

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.

There was no discussion.

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.

In response to a question from Councilor Hunt, Councilor Keen stated that OR stands for Office/Research.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that this rezone is a change from R2 to OR for 21.37 acres for the proposed Purdue technology center, the aerospace district facility. He stated that the matter was before the APC on October 21, and no citizens appeared to speak for or against it. It passed the APC with 13 affirmative votes. He stated that the APC staff report supported the petitioner's request. He stated that the staff review including judging whether or not OR is an appropriate zone, and they determined that an aerospace technology research facility at this location is not only an appropriate use for the property, but is keeping with the staff's overall land use plan for the US 231 corridor from the Purdue airport area to Sagamore. They also suggested that this area as an R2 has shown no indication of being a good zone. He stated that looking at the map, it can be judged that residential density in this area would be inappropriate. He stated that this rezoning petition is in keeping with the APC staff's plan for US 231, and it has their full support.

Councilor Bunder asked if there is a plan for US 231.

Councilor Keen stated that they really are working on it. In response to a question from Councilor Bunder, Councilor Keen stated that we will see a resolution regarding this at some point, but it will be a while.

Mayor Dennis stated that the resolution may not be that long, but the resolution will initiate the process to get the plan in place.

Councilor Dietrich stated that he is looking at the traffic and transportation issue, and the staff report notes that the site is accessible off of State Street and not US 231. He asked if that is a lock, or if in the future there would be an inlet on US 231 cutting in.

Public Works Director Buck responded that the right-of-way that was purchased along US 231 is limited access, so it would have to be a break created in limited access to create any kind of access from US 231. So, it is pretty much a lock that it has to be accessed on State Street.

Councilor Dietrich asked if that break would have to come to Council for that to happen.

Director Buck responded no, and that it would be a State highway decision. He explained that it is rarely done, and he is virtually certain that it will not happen.

Councilor Burch asked what is being built on the location.

Mayor Dennis responded that this is to get the zoning set up for the creation of the aerospace area that the Council previously approved.

Mr. Bumbleburg stated that a representative from Purdue Research Foundation will be at the Council meeting and they may be far enough along in planning that they can publically disclose more information.

There was no further discussion.

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.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that this rezone received a favorable staff report and a unanimous "yes" vote from the APC. He stated that the plan for this is on the north side of Sagamore Parkway, next to Goodwill and Aldi. The location was a former daycare center. He stated that Pamela Jackson, a veterinarian with a clinic on the east side, wants to open a second location at this site. It cannot be done with NB zone, so it was filed as GB with a commitment. The commitment removes every offensive use that could be in GB and limits it basically to the veterinary clinic. He stated that there will be no boarding except for patients that need to stay overnight.

Councilor Dietrich asked if the non-boarding kennel part can be added to the commitment.

Mr. Teder stated that it is in there.

Clerk-Treasurer Rhodes stated that the exhibit we received from the APC showing excluded primary uses was unusually informal. She stated that we could have a more formal one submitted.

Mr. Teder stated that there was a formal one and he would be happy to send it again. He stated there is a commitment that has been filed. He stated that there is a legal description as "Exhibit A", and then on the bottom of it is a statement that there will be no boarding of animals unless the boarding is for patients of the clinic.

Clerk-Treasurer Rhodes stated that the commitment as provided by APC was on the backside of the cover sheet of the staff report. We got their permission to put a title on it to indicate that it is the commitment.

Mr. Teder asked if he should have the APC send the full commitment or if he should send it directly.

City Attorney Burns responded that Mr. Teder can send it.

Councilor Dietrich stated that there is an asterisk on the boarding statement, and he asked what that is attached to.

Mr. Teder responded that it is attached to number 3 on the list above. There is an asterisk on Agricultural Services.

There was no further discussion.

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, and stated that this means we get more people.

In response to a question from Councilor Hunt, Councilor Keen stated that the Council will appoint and approve one representative, and Mayor Dennis will appoint one elected official from the City which does not require Council approval. Mayor Dennis also has two citizen appointees that do not require Council approval.

There was no further discussion.

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.

Clerk-Treasurer Rhodes stated that this additional appropriation is required to pay the fire hydrant fees to Indiana American Water due this November and December. She explained that the reason for the budget shortfall was the large increase in hydrant fees resulting from an audit of hydrants that became our jurisdiction following the annexation. She stated that given the lateness of the year and the pending payment for November, we have advertised the public hearing for this Council meeting so that we might request the Council to have both readings on Monday and conduct the public hearing.

There was no further discussion.

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.

Clerk-Treasurer Rhodes stated that this is a housekeeping need. The requirement of the Indiana Association of Cities and Towns (IACT) Trust is that we pay as billed, and they can sometimes lag in terms of adjusting bills to reflect our roster. We need a small temporary loan authority for any needs that might arise for the next two months. It is to be paid by the end of the year. She confirmed for Councilor Keen that two readings are needed for this ordinance.

There was no further discussion.

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

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

Clerk-Treasurer Rhodes noted that an amendment was provided for the Council to consider either at this meeting or at the Council meeting, based on requests that have come in. She explained that typically at the end of the year we see transfer requests at the last Council meetings as the budget is reshaped to meet the needs through the end of the year. The amendment requested is a transfer for the General Fund Mayor Department and an additional transfer for the Cumulative Capital Development Fund Parks Department.

Councilor Keen moved to amend Resolution No. 22-15 by substitution. Councilor Burch seconded the motion, and the motion passed by voice vote.

Councilor Hunt stated that when she read this quickly she did not catch that it was for the health savings account for the City contribution, not the employees, so she was corrected. It is the City contribution.

There was no further discussion.

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

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

There was no discussion.

COMMUNICATIONS

► Councilor Hunt noted that personal property tax payment is due on November 10.

► Councilor Bunder stated that the *Journal & Courier* mentioned the relocation of Todd's Creek, and those who have been involved in the State Street project know that it will be moved to help with the construction of the TIF that Purdue has on the west side of the City. This will mean taking the drainage water through Horticultural Park in a new way. He stated that it makes people nervous because they like the park, and it would be helpful if someone from PRF or the City explained the plans.

Director Buck stated that PRF is leading the design and coordination for that, and at some point some of the construction will be considered to be handed off to the State Street developer. He stated that it is about flood mitigation and control. The creek currently floods the area just north of State Street, near the First Methodist Church property, back to the east. He stated that it would be appropriate to ask PRF to provide information. He stated that based on the press release that was done for the facilities in the western area, they are just at the beginning stages of being able to talk about the plans.

Mayor Dennis stated that there is a lot of work being done there now that is probably raising concerns and questions, so it would be a good idea to figure out how we can best get that communicated.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 4:55 p.m.