

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
DECEMBER 3, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on December 3, 2015, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

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, Police Chief Dombkowski, Parks Superintendent Fawley, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

COMMITTEE STANDING REPORTS

Mayor Dennis requested that the Council have a consent agenda through the Special Reports, and there were no objections. He stated that we might want to consider procedures that will hopefully make the meetings more efficient. He noted that he will no longer be presiding over the Council, and stated that it will be up to the Council's discretion. He stated that we have evolved to where we have a lot of City business to take care of at almost every meeting, and he would like the Council to consider a consent agenda for the reports. He suggested that when it comes to citizen comments, that it be structured in a way that it has been done at other public meetings in the area. He stated that the citizen would sign up and be held to approximately two minutes of speaking time. He stated that if we provide guidance and structure as to how the meetings will run, then it will be easier to run the meetings.

Councilor Burch asked about citizen comments on the legislation.

Mayor Dennis stated that we have gotten away from that. He stated that every ordinance is a reading and a vote; it is not a public hearing. He stated that we are not required to turn an ordinance reading into a public hearing. He stated that if someone wants to speak to their Councilors, there are processes for that.

Councilor Hunt stated that she thinks that is something for the new Council to decide, and that it intimidates her when she goes to a meeting where she has to sign in.

Mayor Dennis stated that he is offering it as a suggestion. He stated that the intent is not to deprive anybody; it is to try to make it more efficient.

SPECIAL REPORTS:

Redevelopment Commission 2016 Spending Plan

City Attorney Burns confirmed for Councilor Bunder that the Council just receives the RDC Spending Plan, and it does not require approval.

PUBLIC RELATIONS:

Council Elections and Appointments

Councilor Bunder reviewed the names put forward for the various appointments.

Councilor Dietrich asked why we would elect a Council President at the meeting out of courtesy for the new members to have members.

City Attorney Burns stated that we want to have a person in place, but if the Council chooses to have the elections again in January then it would be done.

Councilor Bunder noted that someone has to open the meeting in January.

Councilor Dietrich asked if it could not be an interim President, and stated that he would elect Mayor Dennis for that position.

City Attorney Burns stated that is what is effectively being done, because it can be revisited, but Mayor Dennis is ineligible to serve at the stroke of midnight on December 31. He stated that in a less formal body the City Attorney or the Clerk would call a meeting to order for the sole purpose of electing a President, but it seemed that with the new formality that we should have something more set.

UNFINISHED 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 (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 Hunt stated that on Monday she would like a definition of "sinking fund."

City Attorney Burns stated that he would like the Council to consider a non-substantial typo amendment, involving Page 3, Section 30.09.18. He stated that the Clerk-Treasurer's office has gotten some phone calls because of the word "City" as opposed to "service area." He stated that it has to do with reduced charges for certain residents. He stated that the word "City" is too limiting because it applies to anybody who is a ratepayer. He noted that the term "service area" is a statutorily-defined term that means anybody who is paying rates.

Councilor Thomas motioned to amend Ordinance No. 39-15 (Amended) with the suggested change. Councilor Burch seconded the motion, and the motion passed by voice vote.

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.

There was no discussion.

NEW BUSINESS

Ordinance No. 46-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Blackbird Farms Apartments Phase II, LLC) (R1 to R3W) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 46-15 by title only.

Tom McCully (Stuart & Branigin), representing the petitioner, stated that he would like to show that this was approved by the APC at its meeting last month.

Councilor Hunt stated that she has a question to be answered Monday. She stated that she would like to know more about the traffic because this involves the accesses on McCormick, which is a narrow street. She stated that she would like to know what kind of traffic study was done and the rationale for that.

There was no further discussion.

Mayor Dennis stated that we are going to change the agenda.

City Attorney Burns requested that Item e., which has to do with changing the TIF area [Resolution No. 25-15], be moved up to be the second item, Item b, under New Business. He explained that this pertains to the other items pertaining to State Street, so it is just more logical.

Mayor Dennis took the consent of the Council to revise the order of the agenda. He stated that he will just read off the agenda as it is printed now, and then it will be in a different order at Council.

Ordinance No. 47-15 An Ordinance Of The City Of West Lafayette, Indiana, Authorizing The Issuance Of The City Of West Lafayette, Indiana, Taxable Economic Development Revenue Bonds, Series 2016 (State Street Redevelopment Project), And Crediting The Proceeds Thereof To West Lafayette Community Development Corporation, And Authorizing And Approving Other Actions In Respect Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 47-15 by title only.

City Attorney Burns requested an amendment by substitution. He explained that it would change a couple of terms, such as striking out "loan agreement" and calling it a "promissory note." He stated that they are not substantive changes, but they are necessary changes. He noted that the amended version is available to the Council.

Councilor Burch asked what a “trust indenture” is.

City Attorney Burns responded that it is the working, operative document that makes sure that when bonds are issued that the bondholders know they are going to get paid because there is a trustee there ready to pay them.

Councilor Burch motioned to amend Ordinance No. 47-15 by substitution. Councilor Thomas seconded the motion, and the motion passed by voice vote.

City Attorney Burns requested another amendment by insertion. He stated that the insertion will be four documents. The documents have been available, but he stated that he wants to clean it up. The documents are the Trust Indenture, the Financing Agreement, the Deposit Agreement, and the report of the Economic Development Commission (EDC). He stated that the documents are contained in the EDC resolution. He confirmed for Councilor Dietrich that all four documents can be taken care of with one vote.

Councilor Thomas motioned to amend Ordinance No. 47-15 (Amended) by insertion. Councilor Burch seconded the motion, and the motion passed by voice vote.

There was no further discussion.

Ordinance No. 48-15 An Ordinance Of The City Of West Lafayette, Indiana, Approving A Note Of The West Lafayette Redevelopment Commission And A Sublease Between The West Lafayette Community Development Corporation And The City Of West Lafayette Redevelopment Commission, And Addressing Matters Related Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 48-15 by title only.

There was no discussion.

Resolution No. 24-15 Resolution Approving Amendment To State Street Project Development Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 24-15 by title only.

There was no discussion.

Resolution No. 25- A Resolution Of The Common Council Of The City Of West Lafayette, Indiana Approving Certain Matters In Connection With The Amendment Of Plans For A Certain Economic Development Areas Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 25-15 by title only.

There was no discussion.

Resolution No. 26-15 Resolution Of The Common Council Of The City Of West Lafayette, Indiana Authorizing The City Attorney To Exercise The City’s Power Of Eminent Domain Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 26-15 by title only.

Councilor Burch stated that we have attached Exhibit A, which lists the properties and the physical address. She asked for more information.

City Attorney Burns stated that we did this once before with a single piece of property. He stated that the State law changed so that the RDC must get the Council's permission to condemn because it is power of the City. He stated that what we found with the last one is that the property owner was not particularly serious in negotiating until it was clear to them that the City was serious. He stated that the City is serious when it has the power to exercise eminent domain. He stated that this listing is the most possible properties that would be involved in the State Street project. He stated that it is possible, and even likely, and that not all of them would even be involved. He stated that there is shaping of this project, and most of the shaping would come in the form of shrinking the property that is touched and taken. He stated that there has been a good effort by Public Works Director Buck and others to try and keep off of people's property as much as possible. This would be the largest area. He stated that the thinking is that if the power is in existence, and we need to take it, then people will know that the City is serious and will want to get it resolved. He stated that most properties get resolved by agreement, but it makes it a lot harder when they are not even sure that the City is that interested because the Council has not approved it.

Councilor Dietrich asked if it is correct that these people are not necessarily adversarial at this point.

City Attorney Burns responded not at all.

Councilor Burch asked if the owners of these properties have been contacted by the City.

City Attorney Burns responded that they have.

Councilor Burch asked if they are all in agreement and if there is no objection.

City Attorney Burns responded that he would not say that they are all in agreement, but it has been surprisingly positive. He stated that there may be some that we have to file condemnation action on, but he believes the vast majority will be by agreement.

Councilor Hunt asked what the largest or smallest amount is, or if we know that. She noted that there are many businesses, and the Council would be approving it before knowing the impact on their business.

City Attorney Burns stated that one unintended consequence of the change in the law is that there is that additional step that is always taken, which is thinks is a good step, to make sure that the Council say yes, and that they believe the project should go forward and that these properties, if necessary, can have condemnation. He stated that it would be difficult to do them piecemeal because they would be doing them all the time. He stated that what is being taken is often subject to negotiation. He confirmed for Councilor Hunt that there is a lot of negotiation. He stated that he knows that Director Buck and company have been working hard because we do not want to be harming businesses as we are helping businesses.

Councilor Hunt stated that we have hit some of these earlier when State Street became one-way, and they have voiced that.

There was no further discussion.

Resolution No. 27-15 A Resolution Of The City Of West Lafayette, Indiana Approving And Authorizing The Execution Of Lease Agreements Relating To The Levee/Village Redevelopment Area (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 27-15 by title only.

Councilor Burch asked what that means.

City Attorney Burns stated that this is the financing method that is being used for the lease rental bonds. He stated that he does not know how many lease rental bonds we have right now in effect, but it is an extremely common way of financing projects as opposed to a general obligation bond. It is the way that the RDC and the various other development commissions in the City interact so that there is a payment made on a lease to an intermediate corporation. He stated that the short answer is that it is a financing method that we are using on this project because it is an advantage to the City to use the lease rental, because it does not then take away from our 2% debt limitation that would otherwise be in effect.

Councilor Burch asked if the money would come from the Levee/Village TIF to pay for the State Street Project.

City Attorney Burns responded that is correct, and it passes through in the form of a lease payment.

Councilor Burch asked what we are leasing, or renting, and if it is to whoever develops the project.

City Attorney Burns responded that it is the actual road. It is a lease within the City between the RDC and the Community Development Corporation, which is a new not-for-profit corporation. He stated that what ends up getting conveyed to the developer is just a license. He stated that a lease is a sold thing, while a license is a temporary right to use something. He stated that the ultimate contractor does not have a lease on the road; they just have a license to go out there and do their job, which includes major repairs as outlined in the BOT.

There was no further discussion.

Resolution No. 28-15 A Resolution Approving An Agreement Between The City Of West Lafayette Redevelopment Commission And The Indiana Economic Development Commission To Establish A Certified Technology Park (Prepared by the Department of Development)

Mayor Dennis read Resolution No. 28-15 by title only.

Councilor Hunt asked if this is tradition that when you establish a research park it goes through the Indiana Economic Development Commission, and Mayor Dennis responded yes.

There was no further discussion.

Resolution No. 29-15 A Resolution Providing Clarification To Ordinance No. 34-15, the Fire Protection Ordinance (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 29-15 by title only.

There was no further discussion.

Resolution No. 30-15 A Resolution Requesting The Transfer Of Funds (Police) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 30-15 by title only.

Councilor Hunt asked what the motor equipment is, and what the other equipment it is going to is.

Police Chief Dombkowski responded that the Department is requesting this transfer to buy a new parking vehicle. He stated that as we go to the new parking platform with an installed camera system, there is a cost involved of several thousand dollars. He stated that we want to do that on a new vehicle and not have to do that again in a couple of years. He stated that the \$1,500 for equipment is for an emergency light package for the vehicle.

Councilor Dietrich asked if this is a real car-type vehicle or one of the little scooter-kind of vehicles.

Chief Dombkowski responded that it will be actual cars. He noted that through the Board of Works there was a surplus trade of numerous older vehicles for one of these new vehicles. The one selected was a Jeep Renegade, and we would have two of the same.

There was no discussion.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 5:16 p.m.