

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
DECEMBER 1, 2014

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on December 1, 2014, 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 Keen.

Absent: Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, 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.

MINUTES

Councilor Keen moved for acceptance of the minutes of the October 30, 2014, Pre-Council Meeting, and the November 3, 2014, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor DeBoer reported on events at Purdue University.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office. She asked new Parks Superintendent, Janet Fawley, to tell the Council about herself.

Superintendent Fawley stated that she is happy to be here. She has been working with the staff for the past couple of weeks and getting to know the people throughout the different organizations. She stated that she is looking forward to doing whatever it takes to make the West Lafayette parks even better.

ECONOMIC DEVELOPMENT

Councilor Dietrich presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

BUDGET AND FINANCE

There was no report.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that the update to the student rental report is available on the County's website.

SPECIAL REPORTS:

Redevelopment Commission Spending Plan

Larry Oates, Redevelopment Commission President, stated that State legislature now requires the RDC to bring the following year's budget to the City Council for review. He stated that prior to the recent changes, we were one of the few Redevelopment Commissions in the State that actually operated under a budgetary situation, and that has been going on for approximately eight years. He asked financial consultant, Jim Treat, to speak on where we think the revenue projections are going to be for 2015, as that is the starting point as far as how much money there is to spend within the budget itself.

Jim Treat (O.W. Krohn & Associates) stated that he will review the historical summary that provides a baseline record of what is going on in each TIF area. He reviewed highlights of a handout provided to the Council. For the Levee/Village TIF area, the tax increment revenues for the last full reported year was just under \$3.5 million. A total of just under \$3.7 million is expected for 2014, and for 2015 the estimate is \$4.1 million. He stated that there has been real growth in the area in terms of new projects, which is taken into consideration in coming up with the numbers for the following year. He stated that in the KCB area, the growth has been slower, with the last full year at \$2.7 million in revenue, and a slight decrease expected for 2014. There is some growth in the area, so the revenue for 2015 is projected to be approximately \$2.8 million. He stated that in the Sagamore TIF district, the total revenue for 2013 was \$333,000, and approximately \$388,000 is expected for 2014. The estimate for 2015 is \$400,000. Mr. Treat noted that the last sheet of the handout has the debt summary of the outstanding amounts for the bonds that are paid for by the KCB and Levee/Village TIF districts. He noted that all of the debt will be paid off in the KCB area in the next three to four years, as planned by the Commissioners. Mr. Treat stated that there were two new TIF areas; the 231 North and 231 Purdue areas. A spending plan has been included for the 231 North area because we are expecting approximately \$13.5 million in new value in that area next year, most of which is from the new Meijer. He stated that we have used a conservative estimate of \$225,000 for this year, explaining that it is his experience that after a big business gets hit with its first assessment they often appeal that amount. He stated that the good news is there should be at least \$200,000 in the new area and it has just started.

RDC President Oates stated that he would look at the proposed 2015 spending plan, and he explained that the RDC meets with all of the department heads and other City officials to put together a wish list. There is then conversation with give and take to come down to where these numbers go. Starting with the Levee/Village, there is a beginning fund balance for 2015 of \$1.8 million. The tax increment and interest bring the total estimate revenues to \$4.2 million. He reviewed the list of budgeted projects, which have a total spending in that TIF district of \$5.04 million leaving an end of the year balance at just over \$1 million.

Councilor Bunder stated that he noticed that the ANVIL project is a lease undertaken by the RDC. Referencing the new State laws on TIF district expiration, he asked if that lease protects that district from expiration.

RDC President Oates stated that it would protect us for two years, but we still have some time to consider the possibilities on that issue and to look at the definition of encumbered. He moved onto the KCB district, stating that the beginning balance for 2015 is \$1.9 million. The tax increments and interest bring the total estimate revenue to \$2.8 million. He noted that there are fewer projects budgeted in this district because a lot of money will be spent on Cumberland Avenue. He explained that big chunk expenditures are done so that we do not incur new debt, but we are still able to do these projects and pay off the current debt that is in these TIF districts. He stated that we are in good shape financially. The ending balance for KCB will be \$646,041.

Councilor Burch asked why there are trustee fees.

RDC President Oates responded that under our bond, we have to have a trustee that operates the payments and holds the money in escrow. He stated that the debt payments include payments for the fire station. In the 2017-2018 cycle we will pay off the two bonds in KCB, and we will then take the revenues that we would have paid to the bonds and pay off the fire station the next year, so there will be no debt in KCB at the end of 2018. He moved on to the Sagamore TIF district, noting it is the smallest in area and in funding. The beginning balance is approximately \$463,000. The tax increment is expected to be \$400,000 with \$2,000 in interest to give a total revenue of \$402,000. One of the projects he noted is that we have budgeted \$425,000 toward a City Hall contingency fund. This is the only TIF district that touches the City Hall building on Navajo Street. He stated that there will need to be a lot of discussion about what happens to City Hall one way or the other, but we thought it was prudent to put at least a little bit of money away in a budgetary situation so that if decisions are made we can do something with it. With a TIF district with only \$400,000 revenue on an annual basis, we will not be building a new City Hall with the money from the district anytime soon, but this gives a way to have a fund to start thinking about what needs to be done there. This was also the district that paid for the report on the remediation of the building. The total spending for the Sagamore district will be approximately \$750,000 leaving a balance of \$115,686. RDC President Oates stated that there is no beginning balance for the first year of the 231 North district, and we believe the tax increment will be approximately \$225,000. Our plan is to use approximately \$200,000 to buy an additional snow plow, leaving a balance of \$25,000. The final district is 231 Purdue which has no building or increment, so there are no expenditures.

PUBLIC RELATIONS:

a. Council Appointments: Redevelopment Commission

Councilor Hunt stated that every year by State law we have to reappoint members of the RDC. She nominated Bob Schauer and Larry Oates to continue on the Commission. Councilor Burch seconded the motion, and the motion passed by voice vote.

b. Mayoral Appointments: Redevelopment Commission

Mayor Dennis gave his mayoral appointments for the RDC, noting that it is for information only. He stated that he would continue with Johari Miller, Steve Cutis, Janet Elmore, and Peter Gray.

FINANCIAL REPORT

There was no report.

LEGAL REPORT

City Attorney Burns provided a draft report to the Council and stated that the final one will be available tomorrow. He clarified for Councilor Burch that HAB is for the Housing Appeals Board.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 33-14 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (Grant Street Station, LLC)(Grant Street Station Retail PD)(PDRS to PDMX)(Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 33-14 by title only.

Councilor Keen moved for passage of Ordinance No. 33-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that this project received a favorable staff report and a unanimous yes vote from the APC. He stated that this project involves a building that was built in 2012 at the corner of Grant and Harrison Streets. It has two levels of parking. Since the project started there was talk about doing commercial at this site. He presented three options which were approved by the APC staff and are supported by Public Works Director Buck and Director of Development Poole. He provided an overview of the current situation with the building. The first option for the rezone is to continue to be all apartments, raising the number of units from 117 to 140. The second and third options are mixed use with 3500 square feet of retail or 7500 square feet of retail. He noted that the greenspace stays approximately the same and the bed ratio is 0.8. He stated that both the APC and this Council has set a standard for parking of approximately .075 per bed and 1 per unit, and these options exceed that. Mr. Teder stated that the petitioner did a parking study in the fall of 2014 for this site. There were 231 residents and they determined that the parking was at 62%, so there is substantial parking available. He estimates that there are between 60 and 100 parking spaces that are not being used. He noted that they are finding that a lot of people want to rent two bedrooms for one person.

Councilor DeBoer commented that he remembers as an undergraduate that he found it odd that the south campus had no retail, and he thinks that this is very encouraging. He stated that he would encourage any developers coming forward to plan this ahead of time for more retail in the area. He stated that while he appreciates Mr. Teder's comments about campus, he stated that in the south campus they try to move towards a walkable livable area, so there does not need to be that focus on parking in that part of the City.

Councilor Hunt stated that she would like to know more about the parking evaluation, such as if it was looked at several times a day.

Ryan Brown (Hageman Group) responded that the parking was studied two to three times per week and the time was varied between morning, midday, evening, and late night. He stated that there were probably 40 data points.

Councilor Dietrich asked if making the move to PDMX would allow for any of the three options, and Mr. Teder confirmed this. Councilor Dietrich asked if it was correct that there is a possibility that it will end up just residential and no retail.

Mr. Teder responded that it is a possibility, and it has been a concern all along on if we can attract retail to that space. That is the reason they were not ready for it in 2012. They want to get the retail, but if it does not occur they want to move the fitness center and make some more apartments.

Councilor Dietrich asked if there has been any interest from any specific retail entity.

Mr. Teder stated that they are looking at some sort of retail or commercial eating establishment. There may be two or three smaller commercial retail-type establishments.

Zachary Baiel (124 Connolly Street) stated his preference for mixed use as opposed to solid residential development. He stated that through the City, ANVIL, and other local businesses, we can encourage different entities to move into that bottom floor. He hopes the focus will be on local, non-chain, non-franchise developments.

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. 33-14 passed on first and only reading.

Ordinance No. 34-14 An Ordinance Providing For Temporary Loans And To Extend The Time For Repayment Of Temporary Loans Outstanding From 2014 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 34-14 by title only.

Councilor Keen moved for passage of Ordinance No. 34-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that the request for temporary loans is in two parts. The first part is for loans which we will not be able to pay off by the end of the year, but will pay off by the end of February 2015. These are loans from the WWTU to the Self-Insurance Payment Fund in the amount of \$10,000 and from the Utility to the SAFER Grant Fund in the amount of \$100,000. The loans are necessary due to delays in receiving transmittal of post-employment benefit payments from our third-party COBRA administrator, and extreme delays in receiving grant reimbursements from the federal government for the firefighter SAFER grant. The second part is a request for temporary loans through the end of the year for the General Fund in the amount of \$1.5 million, and for the Parks & Recreation Fund in the amount of \$200,000. She stated that those loans will be paid in full by the end of the year when we get the next property tax settlement, which will likely be the last week in December. Clerk-Treasurer Rhodes requested two readings at this meeting.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, December 1, 2014, 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. 34-14 passed on first reading.

Councilor Keen moved to suspend the rules and consider Ordinance No. 34-14 on second reading. The motion was seconded by Councilor Burch.

In response to a question from Councilor Dietrich, Clerk-Treasurer Rhodes stated that there is a scrivener's error in Section 3. It should read that the Clerk-Treasurer is authorized as of January 1, 2014, instead of 2015. She requested an amendment to correct that error.

Councilor Keen moved to amend Section 3 to read 2014 as opposed to 2015. Councilor Burch seconded the motion, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 34-14 (Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 34-14 (Amended) on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

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. 34-14 (Amended) passed on second and final reading.

COMMUNICATIONS

► Councilor Bunder stated that in his capacity as representing people from District 2, he has a couple of emails he would like to share. He noted that he makes no judgment as to either one of these, but he passes them along. The first email from Erin Britton at 725 North Chauncey Avenue was regarding code enforcement involving trash strewn in her driveway and vehicles

parked in a neighbor's yard. Ms. Britton wrote that the person did not get a ticket because he works for the City. The second email is from Jill Suitor at 101 East Stadium Avenue regarding the Confederate flag visible in a window. She wrote that it was moved from one window to another and is now in a window directly across from her house, and she is offended that it is now part of her visual landscape. She asked that the *Journal & Courier* editor be contacted again to see if it would provoke some action. It can now be seen all the way down Stadium rather than Salisbury Street and it is backlit at night.

Mayor Dennis asked Police Chief Dombkowski to discuss the house with Councilor Bunder after the meeting.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) stated that as he continues to collect concrete it has gotten harder to find in recent months. He stated that he hopes that as West Lafayette becomes a Class 2 City that uncovered trash cans are not a part of the image. He stated that regarding the Confederate flag, he wanted to share a story. He stated that a few years ago, he had a conversation with an employee at Purdue University and she mentioned that when she visited her boyfriend she saw a Confederate flag in a window and she expressed concern. Mr. Kesler stated that he told the woman a bit of what he knew about Indiana and its culture. He stated that she left Purdue and Indiana several weeks ago. He cannot say if seeing that flag a few years ago ultimately resulted in her departure, but he can share the strong concern, almost fear, that she expressed when talking about the flag. Mr. Kesler stated that he believes the flag does have an effect on the City's public image.

► Mr. Baiel stated that Mr. Kesler was recently celebrated at Mr. Baiel's TEDx talk for being an inspiration around New Chauncey for picking up trash and concrete, showing that you can care about the neighborhood in which you live. He asked if West Lafayette was thinking about changing the time allowed for snow removal as Lafayette did recently. He expressed his appreciation for the leaf pickup efforts over the holiday. Mr. Baiel expressed his appreciation for the continued investment in art in the area and for the full City Hall remediation report. He spoke about wanting to fix the issues of "link rot" when linking to documents on the City website.

Mayor Dennis confirmed for Mr. Baiel that Facebook is the best way to find any updates regarding the State Street Master Plan for now.

► Mary Cook (1835 Windmill Drive, Lafayette) stated that she served on the rewrite committee for the trash ordinance and she likes to remind the entire City that the idea of having totes with attached lids was shot down; it was a step that the majority did not want to take. She stated that she still thinks that West Lafayette does a great job with trash removal, City streets, and everything else with community service, based on the high density, location, and expansion.

Councilor Hunt stated that she appreciates Ms. Cook's work on the rewrite committee.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:40 p.m.