

Subject to approval at the February 4, 2012, Common Council Meeting

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JANUARY 7, 2012

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on January 7, 2012, 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, Hunt, Keen, Thomas, and VanBogaert.

Absent: Dietrich

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

MINUTES

Councilor Keen moved for acceptance of the minutes of the November 29, 2012, Pre-Council Meeting, the December 3, 2012, Common Council Meeting, and the December 13, 2012, Special 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 VanBogaert reported on events at Purdue University, including that Lionel Beaulieu was chosen as the next director of the Purdue Center for Regional Development beginning in April. The Purdue University Police Department has identified allegedly involved in recently reported voyeurism incidents in Hawkins Residence Hall, which is in the City of West Lafayette. The matter has been turned over to Tippecanoe County prosecutor's office.

PARKS AND RECREATION

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

ECONOMIC DEVELOPMENT

Councilor Thomas 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 stated that there are two items on the agenda tonight, USO Amendment Nos. 6 and 7.

SPECIAL REPORTS: None

FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that the 2012 fall settlement was received at the end of December from the County Auditor and Treasurer. All the 2013 budgets are fully funded. There are no tax rates yet. Pending completion of the assessed valuation determinations, we expect that may happen yet in the next several months. We have closed the 2012 fiscal year.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked for details about the matters listed in the report at 409 Maple and 336 Oak.

City Attorney Burns responded that one had a situation where there was too much "stuff" in the house. He stated that he would have to look at the other matter and get the information to Mr. Bunder, but it was a dilapidated structure. They were ordinance violations.

Councilor Bunder stated that he gets more emails now since the shooting incident on Grant Street.

UNFINISHED BUSINESS

Ordinance No. 34-12 An Ordinance Establishing User Fees To Be Collected By The City Of West Lafayette From Owners Of Property Located Within The City. (Sponsored By Mayor John Dennis)
PUBLIC HEARING

Mayor Dennis read Ordinance No. 34-12 by title and stated that this is for the stormwater fee. He stated that he believes the final vote on this ordinance has been postponed until February.

City Attorney Burns stated that we actually need to do that, it was not actually postponed yet. He stated that it would be easiest if the ordinance were brought it to the table, then have a public hearing, then entertain a motion to continue to the next meeting.

Councilor Hunt said that we will listen to people's comments but not vote on it, then have a public hearing again next month.

Councilor Keen moved to hear information on Ordinance No. 34-12 and open a public hearing to that effect. The motion was seconded by Councilor Hunt. The motion was approved by voice vote.

Mayor Dennis opened the public hearing.

Allen Jacobson (128 Seneca Lane) stated, "I am the new chair of the West Lafayette Go Greener Commission, replacing Diane Damico. We thank Diane for her service. The West Lafayette Go Greener Commission has reviewed Ordinance No. 34-12 and recommends adoption of the ordinance. The Commission makes the following observations: Ordinance No. 34-12 provides a rational framework to address costs associated with the NPDES [National Pollutant Discharge Elimination System] permit regulations. When you get right down to it, the ordinance is a local funding solution for unfunded State and federal mandates related to stormwater. The ordinance places West Lafayette's stormwater collection and conveyance systems on an equal footing with other wet pipe utilities. In particular, the sanitary sewer system and the water system. The ordinance will allow for continued operation and maintenance of existing stormwater infrastructure. And will allow financing and implementation of stormwater capital improvements throughout the community. The proposed standard monthly rate of \$8 per ERU is reasonable and does not impose excessive financial burdens on most West Lafayette residents. I did a little bit of research this morning, and as of the middle of 2012 there are 63 stormwater utilities in the state of Indiana. The rates per ERU ranges from \$1 to \$12. The average rate in Indiana is \$5 when you aggregate those 63 communities. Our rate of \$8 is a little higher than the average and that's probably due primarily to the proportion of residential to larger commercial industrial and institutional properties, which tend to pay higher fees. Most importantly, this ordinance will decrease the amount of pollution carried to waterways within and downstream of our community. The West Lafayette Go Greener Commission makes one recommendation to the Council and to the future governing body for the utility. We recommend that once the utility is established, the implementation of an incentive or credit system should be examined. I realize this is a little premature now, but there are other communities within the state of Indiana that allow reduced fees for property owner improvements that are proven to decrease stormwater runoff quantities and/or improve the water quality of the runoff. Again, this is probably premature, but the Commission came to a consensus that we recommend that once the utility is up and running that some thought be given to the implementation of a credit or incentive program. Thank you."

Jim Bodemiller (3620 Greenfield Lane) stated, "I am president of the homeowner's association in Westport and am representing the board and residents this evening. We appreciate the opportunity to comment on the City's stormwater fee proposals. The residents of West Lafayette are proud to be citizens of West Lafayette and want the community to be a leader in the quality of life for its citizens and a responsible neighbor to all surrounding communities. We also thank the Council for postponing the final vote on the ordinance to give everyone more time to consider its impact and to work toward a mutually agreeable decision. I attended the meetings the City held for the stormwater advisory panel and commend them for doing an effective job of explaining the need to implement the stormwater fee in West Lafayette. We are strongly supportive of the communities projects which will lead to the elimination of the contaminated stormwater discharges into the Wabash, and recognize the cost of such projects have to be borne by all of the taxpayers of the community. We view the proposed assessment in each residential lot as the basis for acquiring the needed funds for the project as a fair and practical approach and support its implementation. However, assessing the same fees to areas covered by the streets and sidewalks in developments which have private streets which is not fair because residential streets, rather privately or publicly maintained, are different in kind from parking lots and other non-residential activities and should not be treated the same way. One of our members has suggested that in the ordinance, under the definition of impervious area, in the last sentence, the following wording could be considered: Public roads maintained by the City and roads within residential planned developments are considered to be a part of the stormwater conveyance system and do not constitute impervious areas as defined by the

article. We already pay for the maintenance of our own street and storm sewers, saving the City the cost of serving our neighborhood. Further, our systems handle all the stormwater from our development and a portion of Arbor Chase, using only a portion of a pipe under Soldier's Home Road belonging to the City, to direct water to the river, never entering the City's stormwater system. In conclusion, we look forward to working with the Mayor, the Council, and City officials, and other neighborhoods to find a fair solution to this issue. Thank you."

Robert Verplank (4608 Ironstone Lane) stated, "Thank you, Jim that was well said. He lives in a planned community called Westport, where the streets are privately maintained. I live in an area called Stonebridge, which has private streets, privately maintained. Now, I would reiterate the same arguments with possibly one exception. None of our water goes through any City utilities, none of our stormwater goes through any City utilities, it all goes right out to the river. Thank you."

Thomas Kesler (479 Maple Street) stated, "I repeat my assertion of some time ago, my ability to pay any additional tax plummeted last July 1. However, I do support the \$8 fee for wastewater treatment. I had hoped to find the time to measure my impervious surface before coming here to see if I might garner any special reductions that I heard earlier, and I hope there will be some consideration for that. I do have a long tape measure that I got at a yard sale and I will use it. The reason why I'm going to dig a little deeper into the pocket to support this is because I am aware, very aware, of the dead zone at the mouth of the Mississippi River, and I know that I am part of the contribution to that dead zone. When I first saw that in the news, it frightened me. So, I think the entire Mississippi River and basin should be doing what we're doing here. We're just a small part of that basin, but we're all involved with flushing things into the river. And I think that should be the focus. What we give off into the Wabash eventually goes into the larger streams. I think we can show ourselves to be a leader, although I would suspect there other communities who are ahead of us, but we can participate in the clean-up of the entire system in our own small way. Thank you."

Mayor Dennis asked, "Further public comment? Comment on the part of the Council?"

Councilor Burch stated, "Mr. Mayor, I just want to— I'm not criticizing, I just want to clarify how we came to how we came to the \$8 per month fee. I'm not sure all of our constituents understand how that fee came to be, and maybe Mr. Buck can help me out here."

May Dennis stated, "He sure can."

Public Works Director Buck stated, "And I do still owe you an exhibit, and will give that to all the Council, we're working on it. But, basically, and Mike Massonne [DLZ Indiana, LLC] can answer this question better than I can, and we gave him the night off because we were not anticipating answering a bunch of questions, and he's a Notre Dame fan or something and wanted to watch some kind of game later. But, they did a proforma, and they did work with Jim Treat [O.W. Krohn & Associates], a financial consultant that the City works with on a lot of different projects, to look at the annual costs, the annual minor capital project costs, and then the overall 20-year major capital project costs, and looked at those in categories, and looked at those over a period of different lengths of time. Whether it's 5, 10, 15, 20, or 25 years, I don't know which set they looked at. But, basically, in looking at that, they developed a matrix that shows clearly that a reasonable length of time for capital projects of this magnitude is 20 years. They did not inflate those costs in that proforma. They did inflate, annually, the ongoing costs for operations and maintenance, as well as the minor capital projects, I believe. That's where the \$8 came to. As one of the speaker's mentioned earlier, that is a little above maybe the State mean or the State

average at \$5, but it's custom for our community. We have a different set of ratepayers, and we have a different calculation of potential ERUs, or a total number of ERUs, for the costs of the projects that we've identified. We have some unique topography and really geography that we have to deal with in West Lafayette. From things north of 52 that are very silty and clay soil-based, that the water actually doesn't run straight to the river. It mostly runs north toward, well, the Tippecanoe River eventually, through the Cole Ditch and Burnetts Creek, and other methods, or tributaries. But then south of 52 you get into the highly erodible glacial till. That is what makes up Happy Hollow Park, that very easily washes into the Wabash River. And you can walk out into the Wabash right at the mouth of the Happy Hollow Creek on the sandbar, that used to be material that was all in Happy Hollow last year or 100 years earlier. So, we have a bit of a challenge that's unique to our community because of our list and types of capital projects that we have to tackle. So, that is how we came to the \$8."

Councilor Burch stated, "Right, and to add to that, if I've done my calculations correctly, the City will be bringing in approximately \$1.2 million per year. Then if we divide that number by the 13,900 ERUs, I believe it is, that comes out to \$88 per year, and \$7.34 per month. Then we rounded it up to \$8."

Public Works Director Buck stated, "And again I'd have to get to the detail of the proforma to get down to the cents-level, the dollars and cents. It's \$7 and change, yes. And I want to say it's closer to \$1.3, but yes."

Councilor Burch stated, "Okay. Also, too, we're not starting until 2014. And this is a pay-as-you-go program."

Public Works Director Buck stated, "Right, the proposal that we've put together does not include any anticipated bonding. We did on the schedule. The proforma that they did did not anticipate bonding for those things. It would be a pay-as-you-go. Design a project, acquire any necessary land or easements to be able to do the work, and then to actually fund the construction over a period of years. So, we wouldn't have a blitz of construction for all these projects right at the onset of this, and bond for all of it. We would do them over time."

Councilor Burch stated, "I also want to say thank you for all the hard work that you've done, these are good projects. So, thank you, I appreciate your time."

Mayor Dennis asked, "Does anybody else have questions for Mr. Buck while he's here?"

Councilor Burch stated, "Can I just say one thing to be ornery, to maintain my reputation here. And again, this is not a criticism, but U.S. District Judge Liam O'Grady in Alexandria, Virginia, ruled late last Thursdays that the EPA exceeded its authority by attempting to regulate stormwater runoff into a Fairfax County creek as a pollutant. And, Judge O'Grady says that the stormwater runoff is not a pollutant, so the EPA is not authorized to regulate it. I mention that because, as you know, I'm not a fan of unfunded mandates."

Mayor Dennis stated, "I don't think anybody here is a fan of unfunded mandates. Questions for Dave?"

Councilor Keen asked, "Mr. Buck, could you speak briefly to a couple of the people that spoke here about the planned development and the additional runoff for the parking lots and that sort of thing? Did I catch that right, what we were talking about? And how you came about to that conclusion?"

Several members of the Council interjected “private streets.”

Councilor Keen continued, “The private streets, I’m sorry.”

Public Works Director Buck stated, “Again, we’re open to discussing that issue farther with them. Basically, we followed a very simple checklist of the way the proposal and the definitions in the proposed ordinance go, and it’s private property, it has hard surface, and we took the County’s records, and that’s what we measured. If it’s not got a single-family, or a duplex unit on it, it was not considered by definition a residential parcel, it was considered then a non-residential parcel. It got measured, and that is what we would propose to bill that parcel at. Everything beyond that is up for discussion certainly, with you all and the citizens. So, we need to keep it legal and we need to keep it consistent. We are very much open to the idea and the concept of looking at credits. Many communities, as we mentioned, are looking at them. That might be an opportunity, it may not. But, our marching orders, if you will, are to keep it legal and to keep it consistent, and as uniform as possible so that it’s fair across the board. Those are the criteria that we followed. It’s not residential, and it’s privately owned. If we want to get more detail than that, it begins to get much more complicated quickly, and that’s our only concern. It’s not that we do or don’t want to include this or that in measuring, it’s just that we want to make sure that the lines of what’s defined stay clean and consistent for us getting started and certainly moving forward in the future.”

Councilor Keen stated, “Well, I just want to make sure that the lines of communication were open, and that there was some discussion that could take place on this.”

Public Works Director Buck stated, “Yea, and we’ve had meetings with the identified top ratepayers, and really anybody that’s contacted us, we’ve sat down with on a one-on-one type meeting. We’re happy to do that. And moving forward to try to wrap our head around what do we call a private street. Is the driveway into MED Institute a private street? Is the driveway inside Pay Less’s driveway a private street? We want to be real clear with that. And I think some of the language that was proposed is a great starting point. I didn’t get it all jotted down, but we would need to pass that through the legal test, and make sure that that is defensible, so that we wouldn’t be open to any liabilities going forward or anything like that.”

Mayor Dennis stated, “And that’s an important point to make too, Gerry, is that as we move along with this, there are things that are going to come up, that we need to be fairly adaptable to. And oftentimes, utilities are established, and it’s after the fact, like the case that he just cited, that things start clicking in.”

Councilor VanBogaert asked, “Could I have some assurance, and I don’t know if this is for you or if it’s a broader budget question, if this is really the best way to fund this type of compliance, or this type of infrastructure development. I know that we are bound, in a lot of ways, by— Our authority is bound by the State, but fees are very aggressive. And I think that we’ve seen, because we’re coming back, we’re going to ask for additional money in trash, you know the fee structure has gone up. I guess, I’m looking for some assurance behind why this is the best way to fund this type of work, and why we seem to be moving from— We fund law enforcement, for instance, out of a general fund, or out of our collections, and I guess on a broader level, why do we do law enforcement out of that, we don’t have a law enforcement fee? Or we don’t fee everything? I think that in a lot of ways those kind of fees are problematic, and I’m looking for some justification for why this is being done this way, outside of just we’re required because we don’t have any other options.”

Mayor Dennis stated, "Well, there's a simple test for that. You look at a community and it's comprised of several contributing entities. And then there are several entities that are exempt, and yet they still get that service. If we were to say, we're going to attach this to property taxes, well, some folks don't pay property taxes, so what do you do? You know, when your obligation is to cover all, then when it comes down to providing a unique service where everybody contributes, then you have to look at ways to try and fund that. And again, we did not create the concept of a stormwater utility, it's a concept that's been tested throughout the State, and I think about 63 different communities are using that. But it gets down to the basic issue of, how does local government legally generate revenue. And the test would be, we can't arbitrarily set taxes anymore, that power has been, for the most part, eliminated. Yet, the revenue streams haven't changed. Actually, our revenue streams have decreased. So, local government is now required to do something a little— They have to look within themselves to try and generate that revenue, and a fee structure is one of the last places that we have latitude. And especially when it comes from an unfunded mandate. "You shall comply." And they said you've got this window of time in which to comply, and we have to be fairly responsive to that."

Councilor VanBogaert asked, "You don't believe there's another, I mean even if they were, even if we settle a different philosophical question on there—are there any other feasible ways that this type of infrastructure spending could be funded?"

Mayor Dennis stated, "The only thing, again, it would be difficult, because remember you've got instead of one target, being the whole community, you've got separate targets, because some folks don't pay. You know what I mean?"

Councilor VanBogaert stated, "That's an exemption by the State, but I'm saying—there's no other way that we can afford to do this?"

Mayor Dennis stated, "You mean just out of our cash on hand? No. Not within the compliance requirements."

Councilor VanBogaert stated, "That's an important consideration."

Mayor Dennis stated, "Sure. Other discussion?"

There was no comment.

Mayor Dennis stated, "Thank you very much, Dave. Okay we've had our public hearing, I'll entertain a motion to go ahead and close public hearing."

Councilor Keen moved to close public hearing. The motion was seconded by Councilor Burch. The motion was approved by voice vote.

City Attorney Burns stated that a motion is needed to postpone to a time certain, which would be the February 4, 2013, regular meeting.

Councilor Keen moved to postpone the final reading of Ordinance No. 34-12 to the regularly scheduled February Common Council meeting. 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	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 34-12 will be postponed for the final vote on February 4, 2013.

NEW BUSINESS

Ordinance No. 01-13 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (The J.C. Hart Company, Cumberland Proper PD) (OR to PDRS) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 01-13 by title only.

Councilor Keen moved for passage of Ordinance No. 01-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that Cumberland Proper is a request to rezone to PDRS, a large currently vacant piece of ground, approximately 19 acres, for the construction of a project that would have 266 units and 497 bedrooms. This matter has been pending at some considerable length before the Area Plan Commission. It went through the entire process of the sketch plans and meetings with all of the interested parties. These things get a critical analysis through the sketch plan proceedings. Those proceedings include critiques of the plans from the City staff and the Area Plan Commission staff. A list of over 60 items of critique items and suggestions was received, and that was only one of the lists received for the purpose of fine-tuning this particular project. The staff report from the Area Plan Commission had a 14 - 0 affirmative vote. The staff report is the product of the meetings and discussions, the drafting of compromises, the give-and-take of suggestions. It led to discussion with the County Highway Department on how they are going to proceed with Cumberland. We looked at road connections. All of these were finally culled into this plan. He asked that Todd May from the JC Hart Company speak a bit about his company since they are new to the community.

Todd May (JC Hart Company) thanked the members of the Area Plan Commission staff and many City officials for their valuable input. He believes this project is a well thought-out, upscale community that we can all be proud of. Mr. May stated that JC Hart is a developer of upscale, luxury apartment communities; that is the sole focus. Since 1976 they have developed over 8,000 apartment units. Currently they own and manage 3,800 units and more than 800 units are currently under construction in the central Indiana area. He stated that they feel as though they are local, even though they are new to the City of West Lafayette. He stated that he believes that it is important to note that for this proposed community, they are the developer,

they will be the builder, and they will be the property manager, and they will have significant ownership interest. So, the group here today will be here throughout the process and throughout the operation of the community. They are not a merchant builder looking to build it and flip it to an unknown entity. He stated that the Company's design philosophy is best illustrated by the proposed property. They start every community with a blank piece of paper. When first introduced to this site, they were very excited that this site was so close to the Purdue Research Park and the other businesses in the surrounding area. Since they are not a student developer, this was really fitting to their market, which is the young professional that does have a good job, but not quite ready for the commitment of home ownership. He stated that when visiting all the local apartment communities, they realized that all the communities catered 100% to students, which asked if help was needed in finding a roommate, which is not what the young professional wants. Mr. May stated that they felt there was a niche not being met, and it would be a perfect opportunity for the JC Hart Company and what they design. The company started designing product and buildings that would cater that market, but also wanted to cater to the fastest growing segment of their market, which is the empty nester looking to down size their home. He stated that the Company started developing different products, different building styles, all with different facades, materials, and styles. These included paired patio homes for single families, town homes, and traditional flats, allowing them to accommodate the young professional and the empty nester. He requested that their land-planner and architect, Gary Weaver, walk the Council through the site plan and the seven different building types.

Gary Weaver (Weaver Sherman Design) stated that the goal of this project is not to be student-oriented, and that starts with the site plan. He stated that typically in a student project, when you drive into large parking lots and building repeat each other one after another. With the site plan on this project, it is like driving into a neighborhood, with a front and back on all of the buildings. You drive in directly through a boulevard street, into the clubhouse, and then there are a series of buildings placed upon streets and the parking is placed in the back. It breaks the large parking lots down into smaller pieces. The street parking is for guest parking. The parking in the rear is for garages and additional overflow parking. All buildings have garages, but not all units do. To the north of the site plan, adjacent to the existing single-family neighborhoods, the buildings are scaled down, representative of the surrounding neighborhood. There are a series of doubles, with a typical front to enter off of a garage or the street, with a private rear yard, which would abut the adjacent single-family. What that does is it makes it feel like a traditional single-family neighborhood. Mr. Weaver stated that to the right on the site plan, there is a series of townhomes, keeping the building scale relatively small. It is a series of three- and four-unit buildings, done in two different styles to create variety on the street. Some will have two-car garages while some will have a single-car garage. There are three buildings that group around the center, positioned in a traditional way to create outdoor space. To the south there is a utility easement that essentially separates the north from the south, anticipated to be left as an open green space. To the south, the building scale is increased, with three different building types. One example is a ten-unit building, small enough to have one stair, smaller circulation spaces, and each unit fits on the corner of the building, so there are windows on two sides of the unit, with windows all the way around the building. These buildings have five garages, so 50% of the units will have a garage. To the south of the clubhouse, there are L-shaped buildings, so there is a front on both streets as you come in. These buildings have garages for a little less than 50% of the units. He stated that there are two larger buildings, one on the left-hand side of the site plan, anchoring the main road. It is a 20-unit building with a common corridor, with 14 garages. The last two small buildings were set up from discussion with the Area Plan Commission. They have additional bicycle storage as well as garages. Mr. Weaver stated that in looking at the number of variety of buildings, the different character of the

architecture, most of the architecture is a reflection of traditional styles. When the project is completed, it will not feel like student housing. It will appeal to the young professional and empty nesters. Mr. Weaver stated that there are two areas indicated on the plan as dry ponds. Those are a traditional way to handle stormwater. Instead of building a pond, the large open, relatively flat space can be used for recreation when it is dry. A lower area can have wetland plants to create a sense of open lawn instead of a pond area. Mr. Weaver explained that the clubhouse will typically have a large meeting room, sales area, maintenance area, a half-court basketball, and a large exercise room. Typically the JC Hart Company has a maintenance person living on site.

Councilor Burch asked about the green color shown on page A104 of the handout.

Mr. Weaver responded that what they are looking to do is to create a Tudor look, so the green color is an idea. They would use traditional colors like that.

Councilor Thomas asked Mr. May why target the 30-something professional and empty nesters, and why this scale of a complex is right for this market?

Mr. May responded that he is sure that there will be students living there, it can't be prevented, but it will offer the opportunity to have a upscale, luxury place that will be more apt for the targeted individual. He stated that they feel confident of this because they did something on a similar scale, slightly smaller, in Bloomington. Everyone thought it would be 100% student even though it was designed not to be. It turns out to be about 35% students, and 65% young professionals, people that work for the university, school teachers, firefighters, people that run businesses, it runs the gambit. Roughly 60% of the 35% of students are graduates who want a quiet lifestyle. He stated that they do not rent by the bedroom, they rent by the unit. The garages that are tucked into the buildings provide more of a single-family lifestyle. All of the different amenity packages, the way it is marketed, the way the business model is run, it is not geared toward students. If a student is the type looking for "party central," they have found the wrong place. He stated that they have done this before, and it has been 100% occupied since the beginning. It has been very successful, and they feel there is definitely a market in the City of West Lafayette. The size of the City will allow for good occupancy and strong absorption.

Councilor Burch asked if the units are for sale or only for rent.

Mr. May stated that right now they are all designed to be for rent. However, there was discussion, and it has been designed and filed in a way, eventually it could be set up for sale for the paired patio homes. The way they will be platted, if it turns out there is a better market to have them for sale, then the work will have already been done.

Councilor VanBogaert asked if there is an estimate of rent costs.

Mr. May responded that rent is just over \$1 per square foot. The average square footage is just over 900 square feet, so rent would be \$900-\$950 average, which would be a two-bedroom. A one-bedroom is approximately 700 square feet. The paired patio homes are approximately 1,400 square feet, but approximately \$1,350 rent. These are base rents, not including garages and so forth.

Councilor Hunt asked for assurance that there would be covered recycling bins set up on the property, and Mr. May responded that they would absolutely have that.

Councilor Keen stated that a letter was received from Cook Medical, and asked Mr. Buck to briefly address that.

Public Works Director Buck stated that he had not had a chance to speak with the folks from Cook Medical, but he did notice they were here this evening speaking with the petitioner before the meeting. His understanding is that these are concerns they wanted to put out there that they would like to be able to do in the future. While they may take some engineering, he does not know of any reason that they would not have the right to do them. The drainage changes would require meeting procedural things in engineering design, but fences are allowed on private property. They also had concerns about the trail, and the extension of the trail. From a master planning level, that is the only planning that the City has done with the Area Plan Commission, is to show that Point A and Point B should be connected someday. He stated that exactly how that happens will come into focus in the future, but a piece of it would come into focus with this proposed project. The remainder of that segment is completely conceptual and would need to be worked out at some point in the future. He stated that the letter also pointed out some concerns they are already having with some people crossing their property.

Councilor Keen stated that there are no plans at this time to extend that trail north through the undeveloped area, north of this proposed development.

Public Works Director Buck confirmed that, saying there are no concrete plans, just conceptual. There is no requirement that there be a connection, though the Area Plan Commission's master trails plan has identified that it would be desirable.

Neal Fearnot (Vice President, Cook Group, and Chairman, MED Institute, Inc.) stated that the plan for a taking a trail and dead-ending it into a fence does not seem reasonable. He suggests that more effort is put into re-evaluating that issue. He stated that the plan shows a trail that dead-ends into the MED Institute property, which would not be a useful trail. He suggested that it be looked at, find out what caused that trail to be put there and find a different route. He stated that they have significant safety problems. It is possible to walk along the MED Institute property, and step onto the roof and walk up five stories, then peer out over the pond or lake that is there. He stated that they do have cameras, so people doing this will be caught, but it is a safety concern. He stated that there have been people in the water, people that try to ski down the ditch, and skateboarders. He stated that the Company is trying to address these safety concerns, and would appreciate help in not creating more of an opportunity for those activities. He stated that they want to fence-in and improve the security in the area, which goes right across the ditch. He believes that creating a trail right into the middle of the fence is not a wise idea. He requested help in minimizing the safety concerns that may be created by putting 500 bedrooms right next to these attractive nuisances. In response to a question from Councilor Keen, Mr. Fearnot said he is not opposed to the project, only the aspect of where the trails are located and the safety concerns it creates. He said that they have proposed solutions, which he believes will help, but realizes those need approval as well. Mr. Fearnot would like some type of minor modification to get rid of the trail that dead-ends into the MED Institute property. He stated that he was instrumental in creating a trail by one of their other companies, by donating all of the land across a couple of their companies. He supports the trail system, but it needs to be done reasonably.

Councilor VanBogaert asked if the administrative officer in this planned development has the ability to make that kind of modification without Council?

Mayor Dennis asked for confirmation from Public Works Director Buck that it would be a minor

modification within his authority.

Public Works Director Buck answered affirmatively, and stated that the items excluded from the minor modification list are clearly stated in the ordinance. A trail modification is not listed, so by default it could be allowed as a minor modification. He stated that putting the trail along the western border was looked at, but there are utility easement issues. So, there are some issues that need solved.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 01-13 passed on first and final reading.

Ordinance No. 02-13 To Amend Certain Portions Of The Unified Subdivision Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (USO Amendment No. 6) (Regarding Revisions and Additions to Primary Approval Effective Periods and Extensions) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 02-13 by title only.

Councilor Keen moved for passage of Ordinance No. 02-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen stated that this is an amendment to the Unified Subdivision Ordinance. It increases the current primary approval time period from five years to ten years for all major, nonresidential minor, and rural estate subdivisions. He stated that just in the past year there have been approximately a dozen requests at Area Plan Commission for primary approval extensions. This would eliminate a lot of work, and there is no reason not to. It was just the way it was set up at the beginning. He stated that this is retroactive back to January 1, 2003. In response to a question from Councilor Bunder, Councilor Keen stated that it is retroactive because it goes back ten years

Mayor Dennis stated it gives them a few more years to finish their development.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, January 7, 2013, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 02-13 passed on first reading.

Ordinance No. 03-13 To Amend Certain Portions Of The Unified Subdivision Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (USO Amendment No. 7) (Replace the Final Plat Mylar Requirement with a Digital File Requirement) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 03-13 by title only.

Councilor Keen moved for passage of Ordinance No. 03-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen stated that this is another amendment. It modernizes the subdivision ordinance by updating the plan and plat filing requirements. The current requirement is for mylar or blueprint type submission of all plans. The update would require all submissions be by a universal digital format, commonly known as a PDF file.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 03-13 passed on first reading.

Ordinance No. 04-13 An Ordinance To Approve Blanket Bond Coverage For 2013 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 04-13 by title only.

COMMON COUNCIL MEETING MINUTES, January 7, 2013, CONTINUED

Councilor Keen moved for passage of Ordinance No. 04-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that Council approval is required for use of blanket bond coverage for officials. We have been doing this for six years, and she recommends that it continue. She stated that we are exceeding the State minimum coverage amounts. Clerk-Treasurer Rhodes asked for two readings tonight.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 04-13 passed on first reading.

Councilor Keen moved to suspend the rules to consider Ordinance No. 04-13 for second and final reading. The motion was seconded by Councilor Burch.

The motion to consider Ordinance No. 04-13 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 04-13 by title only.

Councilor Keen moved for passage on second and final reading, and asked 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	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 04-13 passed on second and final reading.

Ordinance No. 05-13 An Ordinance To Name Depositories For The City Of West Lafayette
(Submitted by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 05-13 by title only.

Councilor Keen moved for passage of Ordinance No. 05-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this is an action required by the Council every two years to approve the policy for naming depositories for the City of West Lafayette. She asked that the current policy be continued to name all the depositories eligible to be used as State depositories to be used for deposit accounts and certificates of deposit. In response to an inquiry from Councilor Keen, Clerk-Treasurer Rhodes stated that a second reading tonight is not necessary.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 05-13 passed on first reading.

Ordinance No. 06-13 An Ordinance Providing For Temporary Loans And To Extend The Time For Repayment Of Temporary Loans Outstanding From 2012 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 06-13 by title only.

Councilor Keen moved for passage of Ordinance No. 06-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this ordinance requests two actions. One is to allow the temporary loan from December 31, 2012, to be carried over. The loan was to the Vision Insurance Payment Fund and the Dental Insurance Payment Fund. The loan will be paid back no later than January 31, 2013. The second part of the ordinance is for the annual approval for the loans specified. These loans are to be repaid by December 31, 2013. She requested two readings tonight.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 06-13 passed on first reading.

Councilor Keen moved to suspend the rules to consider this ordinance again at this time for final reading. The motion was seconded by Councilor Burch.

The motion to consider Ordinance No. 06-13 on second reading passed by unanimous voice vote.

Mayor Dennis read Ordinance No. 06-13 by title only.

Councilor Keen moved for passage on final reading, and asked 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	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

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

Mayor Dennis announced that Ordinance No. 06-13 passed on second and final reading.

COMMUNICATIONS

► Councilor Hunt stated that earlier Mr. Jacobson mentioned that Diane Damico was leaving the chair position of the Go Greener Commission. She wanted to acknowledge all the appreciation all of us have for Ms. Damico’s work, for advising us, helping develop the ordinance and the Commission, and to wish her well.

Mayor Dennis stated that Ms. Damico did a great job, and that she was the driving force behind the creation of the Go Greener Commission.

CITIZEN COMMENTS

► Mr. Kesler stated that in New Chauncey, there are a few yards that have rubble piles in the back yards, which have been there for years. He received permission to remove one of the smaller ones left behind when a sidewalk on Robinson was rehabilitated. So, when the weather is warmer he will remove that pile and recycle it. He stated that another thing he wants to bring up is an article in the local newspaper about the Community of Choice. He stated that they seem to be progressing. He brings it up because on the editorial page, to read a couple of titles, *Tossing a Prayer at our Schools*, and *I Say Let the Children Pray at School*, he wonders if there are a couple of elements that are working at counter purposes here. While reading the editorial page, he wondered if there was any interest in the City Councils and the County Commissioners to join with that Community of Choice, and consider if there are counter-productive purposes happening here, and maybe a quiet conversation explaining to some of the citizens who are appearing in the editorial page, to express what we are trying to do with the Community of Choice activities.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:53 p.m.