

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
JUNE 3, 2013

The Common Council of the City of West Lafayette, Indiana, met in the Council Chambers at City Hall on June 3, 2013, 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, Dietrich, Hunt, Keen, and VanBogaert.

Absent: Burch, Thomas

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

MINUTES

Councilor Keen moved for acceptance of the minutes of the May 2, 2013, Pre-Council Meeting, the May 6, 2013, Common Council Meeting, and the May 20, 2013, Special Council Meeting. Councilor Hunt 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.

PARKS AND RECREATION

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

ECONOMIC DEVELOPMENT

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

PERSONNEL

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

BUDGET AND FINANCE

Councilor Dietrich stated that the Councilors have a calendar of budget highlights, and he will schedule meetings with everyone via email.

REPORT OF APC REPRESENTATIVE

There was no report.

SPECIAL REPORTS:

2013 Tax Abatement Compliance Review – Development

Director of Development Poole reported that all active tax abatements have submitted the CF-1 forms for the year, and all eight are in compliance with their proposed investments. The investments include jobs, salaries, and real estate.

Councilor Dietrich asked if SRJ Development, LLC is considered to be in compliance when the report summary states that they are to have 50 jobs but they currently have 21.

Director of Development Poole explained that they started at zero jobs, and the CF-1 Actual figure states that they have 50 jobs. The estimate shows that they want to add 59 jobs. They are a ten-year abatement starting in 2006, so they still have a number of years to go before they reach it. They are almost in compliance with their salaries and real estate investment. He stated that because this is ongoing over a number of years, he does not view it as being done at this point.

Councilor Hunt stated that she is impressed that we are meeting the abatement requirements as other cities seem to be having problems, and she congratulated all of them.

Director of Development Poole stated that the Council made wise choices when they granted these.

PUBLIC RELATIONS

Beautification Award

Councilor Hunt presented the Beautification Award for Nancy Cross in Blackbird Farms on the corner of Sandpiper Court and Kestral Boulevard. The garden, which features large boulders found during the lot excavation, was developed by a Purdue Landscape Architecture class.

Recognition of Board of Works Service – Beth Stull

Mayor Dennis stated that a lot of the things we do in local government goes unnoticed. There is no doubt in anyone's mind about how hard our department heads and Councilors work, but one of the things the City does is spend a lot of time with such things as contracts, paying bills, and the machinery of what makes West Lafayette such a great City. He explained that the process is not done independently by him or Clerk-Treasurer Rhodes. There is a public board that does that process. The assumption is that it is one of those things where they look at something, agree with it, and sign off, but that is not true. Mayor Dennis stated that our Board of Works has the responsibility, and in some cases the burden, of making sure that all things we do are public, accurate, and in the best interest of the citizens and our finances. The people who represent the City on the Board of Works come from all walks of life, such as business people, human resources, and bankers. They have busy lives, but every Tuesday at 8:30 a.m. they show up and assist us in running this City. It is a thankless job, but it requires a great deal of time, understanding of the economics and finances of the City, understanding of the utility, and understanding of engineering. When there are issues of controversy, these ladies and gentleman take time of their busy day to listen to challenging questions and assertions on the part of the public. He noted that the Board does not make any money for this. They do this out of their love for this community. Mayor Dennis stated that we are losing one of our Board of Works members, Ms. Beth Stull. Mayor Dennis thanked Ms. Stull for the sacrifices she made for us and presented her with a certificate.

Ms. Stull thanked Mayor Dennis and stated that she appreciates his trust in her serving on the Board of Works. She stated that she did not realize how much they did until he spoke about it. She stated that she has moved outside of the City, and as one of the newest residents of the Wake Robin subdivision, she supports annexation.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that the Council has received the May end of month financial reports. As Councilor Dietrich noted, there is a draft 2014 budget calendar. This is a look-see of what the budget calendar would like, as far as filing and enactments, if we were to adhere to our regularly scheduled meetings. The scheduling of work sessions lies ahead and could affect the calendar. There are two new items on the budget having to do with reports from the Redevelopment Commission. As a new requirement this year, the Council will act mostly as a receiving body and transmitting body.

LEGAL REPORT

City Attorney Burns stated that this report is on file and linked to agenda.

Councilor Bunder asked about the conversations about signs. He stated that he has constituents with score cards about signs up, signs down, and size of signs changing. He asked if there is anything to share regarding that.

City Attorney Burns stated that he has had conversations with the Area Plan Commission (APC) attorney, Mayor Dennis, Public Works Director Buck, and citizens. It is an ongoing conversation. There is no legal resolution at this point.

Councilor VanBogaert asked if the banana on the house will be allowed to remain.

City Attorney Burns responded that that is a good question, which he does not have an answer to at this time.

Councilor VanBogaert posed the same question to Mayor Dennis.

Mayor Dennis stated that houses can be canvases but they cannot be billboards.

Councilor Dietrich asked if the comment about a legal resolution not existing means that we are still researching it or if the City does not have wherewithal to enforce something, or what it means exactly.

City Attorney Burns responded that both of those are true. It is an interesting question, as the Mayor just stated succulently and poetically. It is a tight, close question under the law as to what we have in speaking of that art sign.

Councilor Dietrich asked if the Council writing an ordinance would help or not.

City Attorney Burns responded that it is an APC matter as the signage ordinance is countywide.

Councilor Dietrich asked if it was only countywide in the sense that we allow it to be.

Councilor VanBogaert stated that we have to throw a boomerang on that kind of thing. It is a County ordinance, so we would have to resolve and then they would have to come up with something that can come back to us.

Councilor Dietrich asked if it was not the kind of law that we can be more restrictive, not less restrictive, than a County ordinance.

City Attorney Burns stated that the way it has operated is that there are certain areas that the APC does legislate in and we adopt that legislation. In some cases we have the right to enforce it and in some cases we do not. To keep the course with the APC, we would be looking at modifying, or tightening up, a County wide APC ordinance. We do not have billboards in West Lafayette, but that is an APC ordinance. There are certain things that affect only West Lafayette, or certain areas of West Lafayette. The possibilities are very broad, and that is part of the reason why it is something that is being looked at, at this time.

UNFINISHED BUSINESS:

Ordinance No. 12-13 (Amended) An Ordinance Establishing A Safe Passing Distance Between Motor Vehicles And Bicycles (Sponsored by Councilor VanBogaert)

Mayor Dennis read Ordinance No. 12-13 by title only.

Councilor Keen moved for passage of Ordinance No. 12-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

Councilor VanBogaert stated that he went before the Traffic Commission on May 21. There was an extensive discussion with similar issues as the last Council meeting regarding enforceability and feedback from public comment. One issue that came out of the meeting is with how rapidly different states and towns are signing on, Councilor Burch requested that the third whereas clause be omitted from the ordinance. He stated that he has no problem omitting that clause. Councilor VanBogaert made a motion to remove the third whereas clause from Ordinance No. 12-13, and Councilor Hunt seconded the motion.

The motion passed by voice vote.

Councilor VanBogaert stated that beyond that there is general positive support and he looks forward to it being adopted.

Mayor Dennis displayed a yard stick and noted it is three feet. He stated that over the weekend he rode his bike on Salisbury Street. Noting that he is not a little guy and he has a large bicycle, he stated that he went around a rough patch but remained in the bike lane, and as he was doing that a vehicle drove by close enough that if he had put his elbow out he could have hit the vehicle. He stated that he was dressed brightly and was in plain sight during the daytime. After the vehicle went around him, the driver spoke to him with profanity. So, three feet is not that far, is not too much to ask for, and it is of value. He stated that there is not an exact science to enforceability, but it tells the people of the City that we care about bicyclists and that bicyclists are not to be ignored. Mayor Dennis invited public comment.

Aaron Madrid (Co-Founder Bicycle Lafayette) stated that he appreciates the support, the discussion, and the willingness of the City of West Lafayette to make efforts like this to support bicyclists. It is encouraging. Bicycle Lafayette is focused on improving the communities of West Lafayette and Lafayette for bicyclists of all types. This is a great teaching tool for the City

and the group as we move towards trying to promote awareness and the fact that bicyclists have the right to share the road with drivers. He thanked everyone and especially Councilor VanBogaert for sponsoring this.

Councilor Hunt thanked Mr. Madrid. She asked if he had any ideas how the Council can help Bicycle Lafayette with their plans of doing education.

Mr. Madrid stated that potentially there are a lot of great things the City could do with the group, such as sponsoring educational days at the parks and encouraging kids to come out.

Mayor Dennis asked about the Farmer's Market.

Mr. Madrid stated that the Wabash River Cycle Club actually has some members attending the Farmer's Market, and Bicycle Lafayette is planning to help with that. They are working on finishing promotional pamphlets which will have the ordinance and best practices.

Councilor Hunt stated that she could help with getting a booth.

Mr. Madrid stated that they are also talking to the Purdue Cycling Club about different things the Purdue Police Department can do on campus. They would love to do something for Boiler Gold Rush to get information to the students, especially those are not already residents here.

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 5 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 12-13 passed on second and final reading.

Ordinance No. 14-13 (Amended) An Ordinance Requesting An Additional Appropriation For The Economic Development Income Tax Fund, The General Fund, And The Clerk's Record Perpetuation Fund (Sponsored By Mayor John Dennis) PUBLIC HEARING

Mayor Dennis read Ordinance No. 14-13 by title only.

Councilor Keen moved for passage of Ordinance No. 14-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

IT Director Newman explained that this appropriation is to cover the cost of a new web based application that will handle our financials, treasury management project and grant account, bid

management, permits, code enforcement, human resource management such as payroll applicant tracking, and many other features that we will use throughout the City.

Councilor Keen motioned to enter into a public hearing. The motion was seconded by Councilor VanBogaert.

The motion passed by voice vote and Mayor Dennis opened the public hearing.

There were no comments.

Councilor Keen motioned to close the public hearing. The motion was seconded by Councilor Hunt.

The motion passed by voice vote and Mayor Dennis closed the public hearing.

Councilor Hunt stated that IT Director Newman has provided her with a lot of details about how this application will be user friendly, which is encouraging. She asked him to summarize that for the Council.

IT Director Newman explained that one of the main features is that it will be open standards, so it can be used on practically any PC, laptop, mobile device, or tablets to access the records instead of using paper or seeing the items after the fact when they are published online. The Council members, along with what is published to the citizens, will have a portal into data making it more open and user friendly. It will be better than browsing out to the State's website.

Councilor Hunt stated that sometimes applicants have to change something on their record, and she asked if they would need to come to City Hall to do so.

IT Newman stated that currently applicants have to print an application, although IT has just changed that method in the interim, and come in to drop it off. If they need to make changes they need to come in to change it to resubmit it. All of that will be able to be done online, although they will still be welcome to come in and use an on-premise solution.

Mayor Dennis extended his heartfelt gratitude to Clerk-Treasurer Rhodes who has done a great amount of work on this project. It is something that they have had conversations about for several years and the existing software is being held together by bubblegum and duct tape, and the duct tape is getting very old and the bubblegum is getting very stiff. This is something that Clerk-Treasurer Rhode has been passionate about, and Mayor Dennis stated that he is delighted that we are going to bring this to fruition. We will purchase it and get it kicked off, and then IT Director Newman will be very busy.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch			✓	
Dietrich	✓			
Hunt	✓			

COMMON COUNCIL MEETING MINUTES, June 3, 2013, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Keen	✓			
Thomas			✓	
VanBogaert	✓			

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 14-13 passed on second and final reading.

Ordinance No. 15-13 An Ordinance To Establish The Cumulative Capital Development Fund And Readopt West Lafayette City Code Provisions Concerning The Fund (Submitted by the Clerk-Treasurer) PUBLIC HEARING

Mayor Dennis read Ordinance No. 15-13 by title only.

Councilor Keen moved for passage of Ordinance No. 15-13 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Clerk-Treasurer Rhodes explained that this Cumulative Capital Development Fund requires annual reestablishment in order to maintain the same tax rate due to practices of the Department of Local Government Finance (DLGF) to adjust the rate based on our certified assessed valuation. At the annual Indiana Association of Cities and Towns (IACT) budget workshops last week there was a special session explaining the timeline and importance for doing this annual reestablishment. After the adoption of this ordinance, there will be another notice published in the newspaper and there will be a period for remonstrance, and the auditor will provide hopefully a certificate of no remonstrance at the end of that period. Then the documentation will be submitted to the DLGF for approval no later than August 1. Due to the numerous steps, it is important that we start the process early enough that we can count on this being in place while we make the 2014 budget plans. There will be a public hearing tonight. Clerk-Treasurer Rhodes stated that she appreciates the support of the Council in doing the reestablishment as it is the mechanism provided to keep the tax rate the same.

Councilor Keen motioned to enter into a public hearing. The motion was seconded by Councilor Dietrich.

The motion passed by voice vote and Mayor Dennis opened the public hearing.

There were no comments.

Councilor Keen motioned to close the public hearing. The motion was seconded by Councilor VanBogaert.

The motion passed by voice vote and Mayor Dennis closed the public hearing.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, June 3, 2013, CONTINUED

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

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 15-13 passed on second and final reading.

NEW BUSINESS

Ordinance No. 17-13 An Ordinance Concerning The Current Refunding By The City Of West Lafayette, Indiana, Of Its Sewage Works Revenue Bonds Of 1994, Its Sewage Works Revenue Bonds Of 1998 And Its Sewage Works Revenue Bonds Of 2001; Authorizing The Issuance Of Sewage Works Refunding Revenue Bonds For Such Purpose; Providing For The Collection, Segregation And Distribution Of The Revenues Of The Sewage Works And The Safeguarding Of The Interests Of The Owners Of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor John Dennis and Clerk-Treasurer Judith Rhodes)

Mayor Dennis read Ordinance No. 17-13 by title only.

Councilor Keen moved for passage of Ordinance No. 17-13 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Mayor Dennis stated that this is a refinancing that saves us approximately a half-million dollars.

City Attorney Burns stated that bond counsel and the financial advisor is here.

Clerk-Treasurer Rhodes stated that she would like the financial advisor to speak, as there is some updated information that should be disclosed.

Jim Treat (O.W. Krohn & Associates) introduced Greg Hahn and Dennis Otten of Bose McKinney & Evans LLP, who will be serving as bond counsel for this transaction. Mr. Treat stated that he had the underwriters run some new numbers. The numbers were run a bit more conservatively as rates have gone up a bit in the last few weeks. Right now, we are looking at no less than \$400,000 in savings. It is still a substantial number, though less than it was a month ago. It will be another month before we do this. It is a process that has to be started to take advantage of the best market at the time. He stated that he and the bond counsel are asking for initial approval, and then after the second reading and approval in July, they will be ready to price the deal immediately and make sure the savings meet the goals of a good transaction. The deal will probably be closed by mid-July. By that time, it will be approximately \$11.2 million in bonds and we will be refinancing the three oldest. These bonds are at 2.9% and 3% and we are hoping to get approximately half that rate, close to the 1.5% we got last fall with the State Revolving Fund (SRF) Loan Program bond. That is what will generate these savings. We will not be stretching out the term; they will be paid off in the same time frame.

Mayor Dennis stated that there must be a mad dash in the State to get that rate.

Mr. Treat agreed and stated that this is the first time he has seen an ability to refinance SRF loans. It is generally not done and has not been an available tool to the City. It is very unexpected, so we want to take advantage of it. He stated that there are a lot of options for how we can do this sale, and right now it looks like the best option is to have the underwriter do a private placement, which means the local banks here would have an opportunity to bid on this. Besides SRF they are generally the biggest supporter for deals, so that fares well for this bond issue. He explained that the savings are net of all of the costs, so that is savings to the City, not less cost on top of that.

Mr. Otten stated that he does not think that anyone thought we would ever be refunding SRF bonds, but here we are. It is a great time to take advantage of the market. As far as the bond ordinance is concerned, this does not obligate the bonds to be issued, it just sets the stage for when the time is decided to go forward to issue those, and then the Mayor and the Clerk-Treasurer can go ahead and execute the documents to get that done. With the adoption of this ordinance, we will just be waiting to strike when the time is right. It also approves the forms of financing agreements of what accompanied the refunding as well.

Councilor Bunder asked why this is unique and not been done before.

Mr. Otten responded that the SRF program has historically always had the lowest interest rates for water and sewer bonds. At the time these were done in the late 1990s when the market rate was approximately 5%, 2.9% was low. People would have thought you were crazy if you had said you would get to be in the 1% range for a ten year deal.

Councilor Bunder stated that interest rates are so low it makes sense to refinance even a 2.9% bond.

Mr. Otten stated that is correct and he has asked himself what the banks are thinking, but there is a market out there for it.

Clerk-Treasurer Rhodes stated that the 2004 bond was issued at 3.64% and the 2006 at 3.53%, so if the opportunity should present itself to refinance these, we will remember this.

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 5 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 17-13 passed on first reading.

Resolution No. 10-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 10-13 by title only.

Councilor Keen moved for passage of Resolution No. 10-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Clerk-Treasurer Rhodes stated that this was for a police squad car.

Deputy Police Chief Leroux stated that this was a not-at-fault crash. This is to get the appropriation back in, but the repairs have already been made.

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 5 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 10-13 passed on first and final reading.

Resolution No. 11-13 A Resolution Requesting The Transfer Of Funds (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 11-13 by title only.

Councilor Keen moved for passage of Resolution No. 11-13 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor VanBogaert.

Parks Superintendent Payne stated that there were funds left over from the appropriated amount on the purchase order for the Sagamore Parkway median maintenance. Moving this to the Contract Services account will allow it to be used for landscape work.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, June 3, 2013, CONTINUED

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

Clerk-Treasurer Rhodes stated that the vote was 5 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 11-13 passed on first and final reading.

COMMUNICATIONS

► Councilor Dietrich stated that he would like to give condolences, and thoughts and prayers to Councilor Thomas and his family for their losses. He also asked to recognize two Boy Scouts who are present. He asked them to introduce themselves.

Cole and Logan Hockema from Troop #391 introduced themselves.

► Councilor Bunder told Parks Superintendent Payne that the Village Fitness Trail signs are mostly gone, and he has been asked if those will be replaced.

Parks Superintendent Payne responded that the trails manager position had been vacant and just recently filled. The signs are on the list, along with other things. They get replaced periodically, but it has been too cool and too wet. He stated that the trail is not that hard to follow with the signs at the park, the community center, and the high school.

Councilor Bunder told Director of Development Poole that several of his neighbors are looking forward to the reconvening of the Historic Preservation Commission. He said he received an interesting request, asking how much gingerbread can be put on a house and still be appropriate to the era. He hopes the Historic Preservation Commission will be able to answer that.

ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:29 p.m.