

Subject to approval at the March 4, 2013, Common Council Meeting.

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
January 31, 2013

The Common Council of the City of West Lafayette, Indiana, met in Council Chambers at City Hall on January 31, 2013, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Dietrich, Hunt, Keen, Thomas, and VanBogaert.

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

Mayor Dennis opened the meeting by making an explanatory comment about the Pre-Council meeting, saying that it serves as an administrative process to review the agenda and to make sure the Council members are prepared for Council. He explained that this agenda will be a little different from the normal process, as it includes the Police Officer of the Year Award, and then the City Summit. The Summit will involve the distribution of the State of the City Address, with just a few very short comments by him. Then we will get into the real business, which will be the Volunteer Recognition Awards. He stated that because that is usually attended by so many friends and family of the award recipients, we will have a brief intermission while the Council Chambers are cleared, giving people the opportunity to leave if they choose. After that we will continue to the legislative part of the meeting.

REPORT OF APC REPRESENTATIVE

Councilor Keen stated that another reading of the New Chauncey Land Use Plan will be heard at the February 13, 2013, Area Plan Commission meeting because it did not gain enough votes one way or the other at the last meeting.

PUBLIC RELATIONS

Council Appointment: Go Greener Commission

Mayor Dennis stated that Mary Kate Dufair-McKenna will be nominated to join the Go Greener Commission, and everyone has a copy of her resume.

UNFINISHED BUSINESS:

Ordinance No. 34-12 (Amended) 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 it will be on its second and final reading.

Clerk-Treasurer Rhodes stated the City Attorney Burns filed an amended ordinance.

Councilor Hunt requested that the Public Works Director Buck or Assistant City Engineer Susong talk about the changes that were made in this version, as far as credits and roads.

Public Works Director Buck stated that the first minor change is on Page 2 of 6, Section 116.902, Paragraph (e). There are not 31 days in April, so it was changed to April 30.

Clerk-Treasurer Rhodes stated the credit should be given to Joe Krause, former Council member, for finding that error.

Public Works Director Buck stated that on Page 3, Section 116.903, Paragraph (e) on Residential Properties, another section was added. So, enumerated subsection (1) concerns contiguous residential properties being a single Equivalent Residential Unit (ERU). Subsection (2) reads that there shall be a 50% reduction in the monthly service charges for those who verify that they are (A) head of household; and (B) are either over the age of 65 or permanently and totally disabled as determined by the Social Security Administration; and (C) have a total household income which is at or below 150% of the poverty level as determined by the United States Health and Human Services Guidelines.

Councilor VanBogaert requested confirmation that those items are “and” and not “or.”

Public Works Director Buck stated that is correct. He moved to Section 116.908 on Page 5. He stated that the entire section, called Exemptions, was added, and he read the text: The following areas shall not be considered impervious surface area for the purpose of calculating the stormwater service charge. Paragraph (a) Roadways including Federal, State, County, City and those serving only Residential Property; Railway beds, ties and rails; and, (c) Open water. Another new section is Section 116.909, Stormwater Service Charge Credit Program, which states: The City Engineer shall develop for approval by the Board a Stormwater Service Charge Credit Program to be implemented following the effective billing date of the Stormwater Service Charge. The credit program shall include alternatives which provide direct benefit to the City's stormwater regulatory non-structural compliance effort and conveyance and/or water quality treatment facilities. Public Works Director Buck stated that in response to some of the additions, the last sentence from the definition of impervious area was deleted, where public roads were previously defined as not impervious. We are exempting all types of roadways, including those that serve residential development.

Councilor Burch asked if something defined as a limited common driveway would fall under the exemption of those serving only residential properties.

Public Works Director Buck responded that it would if it is in a residential area.

Councilor Dietrich asked if it would be considered a roadway, and Public Works Director Buck responded affirmatively. Councilor Dietrich asked for confirmation that a driveway serving two dwellings would be considered a roadway with this definition.

Public Works Director Buck responded that in a residential area, the measurements of the residential developments included various parts of what are the driveways the serve the units. It could be a long driveway or a short driveway, but in a residential development with public streets, those driveways were not measured. They were considered part of the residential single ERU, so that is the same way it would be in a development with private streets. The driveways are either measured or not measured, but they are part of the single ERU that is

getting billed to the property owner of that one- or two-family dwelling. Again, that is one- and two-family dwelling only. That is our definition of residential.

Councilor Dietrich asked if there would be any sort of credit issued for properties, whether residential or otherwise, who might have, within their own boundaries, their own stormwater collection and abatement system that does not contribute to the treatment facility.

Public Works Director Buck stated that it is very possible, but the details need to be worked out. That would potentially be a water quantity credit, where the amount of water sent to the City's storm system is greatly reduced, or is nothing, based on work done on their property. We would have to develop a credit program that would maintain and verify that on an ongoing process to make sure that the overall system is still seeing that benefit. That check and balance is something that will need developed with the credit program, so they can apply for the credit and apply specific information that we can verify, and continue to do that check and balance as time moves forward so they may receive a partial credit on their stormwater fee.

Councilor Dietrich asked if that is what would be done if someone did not have impervious pavement or concrete as well.

Public Works Director Buck responded that that could be potentially both water quality and quantity. So, if they go above and beyond the water quality requirements and provide additional methods to keep their stormwater clean, and filter out cigarette butts, leaves, and other contaminants, we would potentially give them a credit for exceeding the minimum requirements.

Councilor VanBogaert asked if that would be determined through some administrative officer process, are we granting authority for that to happen in the future instead of needing to be additionally codified by the Council at a later point.

Public Works Director Buck stated that is what is being proposed, because it would continually change from year to year. As new technologies and methods are developed, we will respond to that on a regular basis. It will be on a very specific and case-by-case basis from development to development. It is hard to know what mix of potential credits someone may best qualify for or would best fit that particular project, existing or future.

Councilor VanBogaert asked for confirmation that this fee is being assessed to the owners of property, and in the case of a rental unit it would go to the owner and not the rental occupant.

Public Works Director Buck responded that is correct. He explained that depending on how the property owner wants to work with tenants and our billing office, there may be ways to streamline how they want to handle that billing, but the property owners will be the ones who receive that billing initially.

Councilor Hunt requested confirmation that the Board referred to in Section 116.090 is the Board of Works, and Public Works Director Buck responded affirmatively.

There was no further discussion.

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.

There was no discussion.

NEW BUSINESS

Resolution No. 01-13 Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

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

Clerk-Treasurer Rhodes stated that the two incidents are unusual. One was a Street Department garage door, partly demolished. Also, damage to a traffic signal at Sagamore and Yeager, part of the Yeager Phase I project. The appropriation is to put the money back into accounts from which repair and replacement costs were incurred.

There was no further discussion.

COMMUNICATIONS

► Councilor Burch stated that she would like to make sure that the people from Blackbird Farms, Westport, and Camelback, and other such communities are clear and comfortable with what is written in this Ordinance No. 34-12.

Mayor Dennis stated that if there are any questions or if clarification is needed, it would be best for them to address it at the Council meeting.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 4:45 p.m.