

Subject to approval at the May 6, 2013, Common Council Meeting.

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
PRE-COUNCIL MINUTES  
MARCH 28, 2013

The Common Council of the City of West Lafayette, Indiana, met in Council Chambers at City Hall on March 28, 2013, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Burch, Dietrich [arrived at 4:34 p.m.], Hunt, Keen, Thomas, and VanBogaert.

Absent: Bunder

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, Information Technology Director Newman, and Director of Development Poole, Assistant City Engineer Susong.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that the New Chauncey Land Use Plan was continued to next month.

PUBLIC RELATIONS

Beautification Award

Councilor Hunt reported that Councilor Dietrich will present the award.

Councilor Dietrich arrived at 4:34 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS

Ordinance No. 07-13 An Ordinance Repealing And Replacing Chapter 67 (Refuse, Garbage And Weeds) Of The West Lafayette City Code (Sponsored by Councilor Ann Hunt and Mayor John Dennis)

Mayor Dennis read Ordinance No. 07-13 by title and stated that it is commonly known as the trash fee. He recognized Councilor Hunt who wished to address several issues.

Councilor Hunt stated that a lot of people worked on this ordinance and gave her thanks. She reviewed some of the main changes. The first item is Section 67.05, regarding placement for pickup. There have been concerns about the timing when people place their trash and recyclable out, particularly when left out days ahead of time. She noted that yard waste is sometimes left out for two weeks, depending on how holidays fall, and all of the Councilors received an email from a resident about that issue. Additionally, in Section 67.05, paragraph a. there is a time. She stated that she put 11:00 p.m. as a late time to have it back in because she is aware that some people work 12-hour shifts. Councilor Hunt stated that Section 67.08, paragraph c. regarding stormwater credits will be removed. She confirmed for Mayor Dennis that she will make an amendment to remove that item. Councilor Hunt stated that Section 67.13 stated that grass trimmings will not be picked up, and there is an Indiana Department of

Environmental Management (IDEM) memo regarding that. Councilor Hunt stated that she would like to add something to Section 67.20 at the suggestion of Jim Treat (O.W. Krohn & Associates), which was left out upon submission.

Mayor Dennis stated that he would like amendments to be made at the regular Council meeting.

At the request of Councilor Burch, Councilor Hunt provided copies of the change she would like to make to the Council, which reads as follows: "If standard waste containers are not practical for use, as determined by the City, the owner of any multiple housing dwelling not exceeding four units or a not-for-profit institution, may be allowed to purchase and use 96 gallon carts for waste at a monthly fee of \$16.00 per cart." Councilor Hunt stated that Mr. Treat will defend it financially.

City Attorney Burns stated that the item was actually in some earlier drafts and was somehow dropped out. He stated that the item would become a new paragraph c. for Section 67.20, and the current paragraph c. would become paragraph d.

Councilor Hunt asked that the effective date of the ordinance be considered. Her plan is that it goes into effect after the second vote. She stated that it is in the proposed budget.

Councilor Dietrich stated that he had a question about the change on Section 67.20. He asked for confirmation that residents are currently allowed to buy the 96-gallon carts.

Councilor Hunt stated that this is for trash.

Councilor Dietrich asked if he is correct that they are not buying them for \$16.00 per month, and that they are buying them for \$60-some and then paying the additional fee. He stated that the wording of the proposed amendment does not state it that way. They can purchase the carts, but they are not purchasing them for a waste fee of \$16.00 per month.

Councilor Hunt stated that it says purchase and use.

Councilor VanBogaert stated that it could be worded a little differently so it does not get misconstrued in the future.

Mayor Dennis stated that we get the concept, but we need to make sure it is understood in the future.

Councilor VanBogaert stated that he had a good discussion with Councilor Hunt and later with Clerk-Treasurer Rhodes, making sure that we got Section 67.24 correct, which is regarding reduced fees for certain residents. The way that it stands now is that the 50% exemption eligibility applies only to homeowners, and of that subset, only homeowners who are over the age of 65 or disabled. Councilor VanBogaert stated that he suggested modifying that to include everyone who was under 150% of the poverty line, to also include renters and people under 65. He stated that just before the meeting started, Clerk-Treasurer Rhodes shared with him that it would be a large number of people. He would like to know what that number looks like. He understands that we do not want to be overexposed, but he would like to see a more expansive relief option.

Clerk-Treasurer Rhodes stated that what she reported to Councilor VanBogaert was that, according to the WWTU billing records for trash, we are billing 2,011 units that would be

considered rental properties or units that are part of a building with four units or less. There are two slightly larger buildings, of six units and ten units, grandfathered in. That would be the number of people which could potentially form of a mix of people who may meet income guidelines. This is out of a total of 4,722 accounts billed. She stated that this is just a snapshot in time, and of course changes as people move in and out. She stated that we are nearing between 46% and 47% of the total number of customers billed, who could be a large proportion of students living in rented premises of four units or less. That is a very large amount of a group that would need examined for how many would be likely to meet other tests, such as Councilor VanBogaert might propose. Clerk-Treasurer Rhodes stated that verifying dependency on tax returns would require her to examine tax returns from parents of students to determine that they were not claimed as a dependent. She stated that this is an onerous requirement, in her view, to certify someone as not being a dependent on somebody else's taxes.

Councilor VanBogaert asked if a single filer claiming a standard deduction obviously be someone who is not claimed as a dependent.

Clerk-Treasurer Rhodes asked if Councilor VanBogaert means on the Indiana tax return.

Councilor VanBogaert responded that he is referring to the 1040 form.

Clerk-Treasurer Rhodes stated that she would be examining 1040 forms from residents who wish to qualify for the exemption. Depending on the number of people who submitted, it could be an extensive collection of personal information. In response to an inquiry from Councilor Dietrich, Clerk-Treasurer Rhodes stated that there are currently seven people receiving the discounted rate out of 4,722.

Councilor VanBogaert asked if the percentage of the poverty line could be reduced to make it a narrower class.

Clerk-Treasurer Rhodes stated that this level is slightly lower than the level we are using now under the City formula that we inherited from decades ago.

Councilor Hunt stated that Lafayette Urban Ministry uses this amount.

Clerk-Treasurer Rhodes stated that it could be, that since we consider all income not-taxable or just gross income, it could very well remove people who are surviving simply on social security benefits, or elderly in the community, among which is really the majority of the people who have applied for the reduced trash fee. She stated that she just wanted to provide some information.

City Attorney Burns stated that he has a running list of typos, scrivener's type errors, given to him by various people. He will continue to keep that and at some point, he suggests after it passes the first reading, that those non-substantive cleanups be done.

Councilor Dietrich stated that for clarification for Councilor VanBogaert that the ordinance does not read that it has to be a homeowner, it reads head of household.

Councilor VanBogaert stated that Section 67.24 subsection b. states "resident owners." He stated that if you look back at Section 67.20, which is the component of the ordinance that defines who is subjected to service charges, resident owners are a subset of those who have a service charge applied to them. The full group includes resident property owners, tenants, and dwelling occupants. These are all identified as people who are billable under the ordinance. He

stated that he thinks there is a situation where we are offering this type of relief to homeowners but not offering it to renters. He stated that this is problematic in a relief issue because some of the people who struggle the most are those who do not have a home. He stated that he is sympathetic to the bureaucratic restraint of that process, but he hopes that we can find a way to soften the fact that we have people who are making approximately \$15,000, who are renting, who are not dependent on someone else, and who will have nearly an extra \$100 in regressive fees placed on them. He stated that the fee is necessary, but he is conflicted about it because there are also people in large apartment complexes, who out of the General Fund, are in effect subsidizing service they are not even eligible to receive. He wants to make sure we bring our operation to relative solvency just because it is not fair to those people, plenty of whom are under income restraint.

Clerk-Treasurer Rhodes asked if Councilor VanBogaert is willing to consider the value of scholarship grants and awards that are generally non-taxable as considered income. She stated that there are a number of grants and awards made that are considered non-taxable and are not reported to the IRS. She asked if we will consider those, just as for many people a large part of Social Security income may be non-taxable. She asked if it would say that all sources of benefits, whether taxable or not, are going to be aggregated for the income limit. The intent to address the preponderance of Purdue students who receive financial aid, if it is grants or awards—well, that will be a larger number, particularly graduate students.

Councilor VanBogaert stated that to a degree, that is making the enemy of the good. It is a very specific situation. He stated that there is a lot of graduate assistance that is taxable.

Councilor Hunt asked if Clerk-Treasurer Rhodes and Councilor VanBogaert could work together to come up with something. She stated when she spoke to each before, it sounded like the focus was on students who were seriously in need.

Councilor VanBogaert stated that for those who are claimed as a dependent and who get help from their parents are in a different situation, but in our effort to make sure that those students do not get the money it also counts out a lot of people who are not students and live in rental housing. They will be hit by not having access to this.

Clerk-Treasurer Rhodes stated that there needs to be a discussion. She stated that hypothetically, there would be a small population affected by service fees. One can, just from the demographics, suppose there is even a larger population that may be the recipient of non-taxable income, which would be difficult to capture and aggregate in terms of an income test but would be problematical to ignore. She stated that there will be more discussion, but this allowed the Councilors to have the benefit of this discussion and the types of issues that need deliberated.

Mayor Dennis stated that it would be difficult and challenging to make it completely fair. He stated that there will be some spirited debate on Monday night.

There was no further discussion.

Resolution No. 04-13 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Prepared by the Clerk-Treasurer)

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

Clerk-Treasurer Rhodes stated that this is for Police vehicles.

There was no further discussion.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment. Mayor Dennis adjourned the meeting, the time being 4:49 p.m.