



**Lafayette Common Council Agenda**

Lafayette City Hall: Common Council Chambers

Caucus is Cancelled

**Public Comment On Agenda Items May Be Submitted No Later Than One (1) Hour Prior To The Meeting Start Time Via Email To [Web-Clerk@Lafayette.In.Gov](mailto:Web-Clerk@Lafayette.In.Gov) Comments Must Include Name And Address.**

**Regular Session**

Monday, March 7, 2022 @ 6:00 PM

**Pledge Of Allegiance**

**Roll Call**

**Public Hearing**

Ordinance 2022-01 (An Ordinance Reestablishing The Cumulative Capital Development Fund)

Ordinance 2022-05 (An Ordinance For Additional Appropriation Of American Rescue Plan Grant Fund (Fund #1760))

Ordinance 2022-06 (An Ordinance For Appropriation Reduction Of General Fund (Fund #1010) And For Additional Appropriation Of General Fund (Fund #1010))

**Approval Of Minutes**

Regular Meeting February 7, 2022

**Presentation And Disposal Of Claims**

**Presentation Of Petitions And Communications**

**Reports Of City Offices On File In The City Clerk's Office**

Fleet Maintenance Monthly-January

Water Works Department Monthly-January

Renew Department Monthly-January And 2021 Annual Report

**Ordinances For Second Reading**

Ordinance 2022-01 (An Ordinance Reestablishing The Cumulative Capital Development Fund)

Documents:



Ordinance 2022-02 (An Ordinance To Amend Ordinance 2021-54-An Ordinance Fixing The Salaries Of The Sworn Protective Occupation And Law Enforcement (POLE) Members Of The Police And Fire Departments For The Year 2022

Documents:

[ORDINANCE 2022-02 DRAFT.PDF](#)

Ordinance 2022-03 (An Ordinance To Amend Ordinance 2021-53-An Ordinance Fixing The Salaries Of The Appointed Officers And Employees Of The City Of Lafayette, Indiana For The Year 2022. Excluding The Sworn Protective Occupation And Law Enforcement Members Of The Police And Fire Departments)

Documents:

[ORDINANCE 2022-03 DRAFT.PDF](#)

Ordinance 2022-05 (An Ordinance For Additional Appropriation Of American Rescue Plan Grant Fund (Fund #1760))

Documents:

[ORDINANCE 2022-05 DRAFT.PDF](#)

Ordinance 2022-06 (An Ordinance For Appropriation Reduction Of General Fund (Fund #1010) And For Additional Appropriation Of General Fund (Fund #1010))

Documents:

[ORDINANCE 2022-06 DRAFT.PDF](#)

### **Ordinances For First Reading**

Ordinance 2022-04 (An Ordinance To Amend Sections Of Title 12 Historic Preservation And Protection)

Documents:

[ORDINANCE 2022-04 DRAFT.PDF](#)

### **Resolutions**

Resolution No. 2022-03 (A Resolution Approving The Transfer Of Appropriations Within The Water Utility Operation Fund And Water Pollution Control Operating Fund)

Documents:

[RESOLUTION 2022-03 DRAFT.PDF](#)

Resolution 2022-04 (A Resolution Of The Common Council Of The City Of Lafayette Amending Resolution 2021-33 Approving An Amended And Restated Lease Between The Lafayette Redevelopment Authority And The Lafayette Redevelopment Commission, Authorizing The Lafayette Redevelopment Commission, Authorizing The Issuance Of Bonds By The Lafayette Redevelopment Authority And Other Matters Related Thereto (Consolidated Creasy/Central Economic Development Area Project)

Documents:

[RESOLUTION 2022-04 DRAFT.PDF](#)

Resolution 2022-05 (A Resolution To Transfer Appropriations Between Major Budget Classifications)

Documents:

[RESOLUTION 2022-05 DRAFT.PDF](#)

Resolution No. 2022-06 (Resolution To Opt Back In To Opioids Settlement Pursuant To Indiana Code 4-6-15-2)

Documents:

[RESOLUTION NO. 2022-06 DRAFT.PDF](#)

**Reports Of Standing Committees**

**Reports Of Special Committees**

**Reports By The Mayor**

**Miscellaneous And New Business**

Council Appointment Fire Merit Commission-4 Year Term: John Henk

**Reports Of Councilmen**

**Public Comment**

**Adjournment**

**Public Comment:** We welcome public comment and encourage active participation at this meeting. However, in order to proceed efficiently, public comment will be limited to two areas of this meeting. First, there will be an opportunity for public comment on ordinances or resolutions currently before the Council. These comments should be limited to three (3) minutes in length and be germane and relevant to the Ordinance or Resolution. All participants will be required to maintain a high level of civility, respect, and courtesy for everyone present. Any participant, who after being advised, persists in a discourteous or hostile manner which may disrupt the meeting will be asked to leave.

At the end of the meeting, time will be reserved for public comment on any issue or concern you may have. Please remember to keep your comments concise and limited to three (3) minutes. Finally, the open comment section is not an opportunity for you to make inappropriate comments about, or personally attack council members or city officials. Again, all participants are required to maintain a high level of civility, respect, and courtesy for everyone present. Any participant, who after being advised, persists in a discourteous or hostile manner which may disrupt the meeting will be asked to leave. This is your opportunity to contribute to the community and assist the council in addressing issues that are important to the City of Lafayette.

**ORDINANCE 2022-01**

**AN ORDINANCE REESTABLISHING THE CUMULATIVE CAPITAL DEVELOPMENT FUND**

WHEREAS, IC 36-9-15.5 allows municipalities to establish a Cumulative Capital Development Fund;

WHEREAS, the City of Lafayette first established the Cumulative Capital Development Fund in 1984 through the adoption of Ordinance 84-27 as codified as Lafayette Municipal Code Section 2.13.070;

WHEREAS, the City last reestablished the Cumulative Capital Development Fund in 2020 through the adoption of Ordinance 2020-03 with a maximum rate of levy of \$.05 per \$100 of assessed valuation but such rate has been administratively reduced by the Department of Local Government Finance as part of adjustments per Indiana Code 6-1.1-18-12;

WHEREAS, the City finds the Cumulative Capital Development Fund is necessary and prudent for the municipality;

WHEREAS, the City desires to reestablish the Cumulative Capital Development Fund rate in order to establish the rate of five cents per hundred dollars (\$0.05/\$100) for 2023;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE AS FOLLOWS:

1. Lafayette Municipal Code Section 2.13.070 Is re-adopted and amended to reestablish the Cumulative Capital Development Fund as follows:

Section 2.13.070 – Cumulative Capital Development Fund

- A. There is established a cumulative capital development fund.
- B. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Lafayette cumulative capital development fund.
- C. The maximum rate of levy under subsection B will not exceed \$0.05 per \$100 of assessed valuation. A tax rate of \$0.05 per \$100 of assessed valuation will be levied beginning with property taxes for 2022 due and payable in 2023 and thereafter, continuing until reduced or rescinded.
- D. The funds accumulated in the cumulative capital development fund will be used for any purpose allowed under Indiana Code 36-9-15.5-2.

- E. Notwithstanding subsection D, funds accumulated in the cumulative capital development fund may be spent for purposes other than the purposes stated in subsection D, if the purpose is to protect the public health, welfare, or safety in an emergency situation which demands immediate action. Money may be spent under this subsection E only after the Mayor issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund.
2. The Controller is directed to submit Proof of Publication of the Notice of Public Hearing to be held on March 7, 2022, a certified copy of this Ordinance, and Proof of Publication of Notice of Adoption to the Department of Local Government Finance as provided by law. Said Cumulative Capital Development Fund is subject to the approval of the Department of Local Government Finance.
3. This Ordinance shall be in full force and effect from and after the date of its passage, signing by Mayor and such publication as is required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Sponsored by: Mayor Tony Roswarski

2022 JAN 27 A 11: 05

CINDY MURRAY

**ORDINANCE 2022-02**

**AN ORDINANCE TO AMEND ORDINANCE 2021-54  
AN ORDINANCE FIXING THE SALARIES OF  
THE SWORN PROTECTIVE OCCUPATION AND LAW  
ENFORCEMENT (POLE) MEMBERS OF THE POLICE AND FIRE DEPARTMENTS  
OF THE CITY OF LAFAYETTE FOR THE YEAR 2022**

WHEREAS, on October 21, 2021, the Council adopted Ordinance 2021-54 which established the salaries, specialty pay, longevity pay and clothing allowance for POLE members of the Police and Fire Department;

WHEREAS, subsequent to adoption a scrivener's error was discovered which resulted in an incorrect amount listed for the 2022 clothing allowance and the ordinance as amend by Ordinance 2021-62 adopted by the Council on December 6, 2021;

WHEREAS, subsequent to the adoption of Ordinance 2021-54 and Ordinance 2021-62 an additional scrivener's error was discovered which result in an incomplete listing of the police department specialty field compensations;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

1. Ordinance 2021-54, as previously amended by Ordinance 2021-62, is hereby amended to replace Exhibit A with the attached Exhibit A.
2. All other terms and conditions of Ordinance 2021-54, an Ordinance Fixing the Salaries of the Sworn Protective Occupation and Law Enforcement (POLE) Members of the Police and Fire Departments of the City of Lafayette for the Year 2022, as previously amended by Ordinance 2021-62, shall remain in full force and effect.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk



Presented by me to the Mayor of the City of Lafayette, Indiana, on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Sponsored by: Jacque Chosnek, Corporation Counsel

**Amended Exhibit A - Ordinance 2021-54**  
**2022 Salaries for Sworn POLE Members of the Police Department**

Rank	Bi-weekly Salary
Deputy Chief	\$3,333.24
Captain	\$3,175.22
Lieutenant	\$3,024.75
Sergeant	\$2,881.45
Detective	\$2,744.93
Technician	\$2,744.93
1st Class Patrol Officer	\$2,614.98
2nd Class Patrol Officer	\$2,355.00
Recruit / Probationary Officer	\$2,225.00

Specialty Fields Compensation:	Annual Supplement
> K-9 Unit	\$1,250
> Field Training Officer (FTO)	\$1,200
> Special Weapons and Tactics Team (SWAT)	\$1,000
> Crisis Negotiation Team (CNT)	\$500
> Fatal Alcohol Crash Team (FACT)	\$500
> Mobile Field Force (MFF)	\$500
> Polygraph Examiner	\$500
> Accident Reconstruction Specialist	\$500
> Indiana Law Enforcement Academy (ILEA) Certified Generalist Instructor	\$500
> ILEA Certified Defensive Tactics Instructor	\$500
> ILEA Certified Firearms Instructor	\$500
> ILEA Certified Emergency Vehicle Operations	\$500
> Street Crime Unit	\$500
> Criminal Interdiction Unit	\$500
> Crime Scene Investigator	\$500
> School Resource Officer	\$500
> Community Officer Program	\$500
> Spanish Speaking Unit	\$500
> Dive Team	\$500
> Motorcycle Unit	\$500
> Bicycle Patrol	\$500
> Honor Guard	\$500
> Armorer	\$500
> Unmanned Aircraft Systems (UAS) Pilot/Operator	\$500
> Any other certifiable specialty approved by the Office of the Chief of Police	\$500

Specialty Fields Compensation based on performance in specific categories with maximum aggregate specialty pay of \$2,500, paid annually in lump sum at year-end; Specialty Fields Compensation shall be pro-rated for specialty fields held less than a full year.

Longevity Compensation - Paid in quarterly installments to eligible members; \$250 additional compensation upon attainment of 4 years of service, additional \$250 compensation increment per year for 5 - 19 years of service; additional and final increment of \$750 upon attainment of 20 years of service resulting in maximum longevity pay of \$4,750.

Longevity Compensation shall be pro-rated for service less than a full year.

Clothing Allowance - \$1,500 per year; Paid in quarterly installments to eligible members. Allowance shall be pro-rated for service and/or eligibility that is less than a full year.

Overtime Pay - 1 ½ times regular pay as per contract

**ORDINANCE 2022-03**

**An Ordinance to Amend  
Ordinance 2021-53**

**An Ordinance Fixing the Salaries of the Appointed Officers and Employees  
Of the City of Lafayette, Indiana, for the Year 2022,  
Excluding the Sworn Protective Occupation and Law Enforcement Members of  
The Police and Fire Departments**

WHEREAS, the Common Council of the City of Lafayette, Indiana adopted Ordinance 2021-53, An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana for the Year 2022, Excluding Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments; and

WHEREAS, the Mayor and City Attorney have determined the needs of the City will be best served by converting the City Attorney position from an Independent Contractor position to a full-time employment position which will provide greater accessibility, communication and efficiencies without increasing the overall budget needs for legal services; and

WHEREAS, the Facilities Director, in consultation with Human Resources and Controller's Office, has determined, the needs of the Facilities Department and the needs of the City will be best served by changing one Custodian position (LTC I) to a Senior Custodian position (LTC II) and such reclassification will not result in an increase of the overall salary budget for the facilities department; and

WHEREAS, the Mayor has consented to the proposed changes; and

NOW THEREFORE, Be it Ordained by the Common Council of the City of Lafayette, Indiana:

1. Exhibit "A" of Ordinance 2021-53, An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana for the Year 2022, Excluding Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments, is hereby amended to add a Legal Department and add the following position within the Legal Department:

<u>Position</u>	<u>Classification</u>
City Attorney	SO

2. Exhibit "B" of Ordinance 2021-53 is hereby amended to add the following SO (Special Occupation) Bi-Weekly Wage Scale for the City Attorney Position:

	Initiation	Step 1 (1 year)	Step 2 (3 years)	Maximum
City Attorney		as determined by Mayor		\$4,621.33

2. Exhibit "A" of Ordinance 2021-53, of Lafayette, Indiana for the Year 2022, Excluding Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments, is hereby amended to reclassify one Custodian (LTC I) position to a Senior Custodian (LTC II position). The reclassification of the Custodian position to a Senior Custodian position shall be retroactive to January 1, 2022.

3. All other terms and provisions of Ordinance 2021-53, An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana for the Year 2022, Excluding Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments shall remain in full force and effect.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
PERRY E. BROWN, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

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CINDY MURRAY, City Clerk

Sponsored by: Mayor Tony Roswarski

**Ordinance No. 2022-05**

**AN ORDINANCE FOR ADDITIONAL APPROPRIATION OF  
AMERICAN RESCUE PLAN GRANT FUND (FUND #1760)**

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (“ARP”) was enacted; and

WHEREAS, the ARP provides \$350 billion in emergency funding to state and local governments and the City of Lafayette will be a recipient of an estimated Sixteen Million Seven Hundred Thousand Dollars (\$16,700,000) of said funding (“ARP Funds”) which will be distributed in two tranches of fifty percent, one each in 2021 and 2022;

WHEREAS, the City received its first tranche of funding in the amount of Seven Million Nine Hundred Forty Thousand Five Hundred Twenty-nine and 50/100 Dollars (\$7,940,529.50) in June 2021; and

WHEREAS, the ARP funds must be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the U.S. Department of Treasury issued an Interim Final Rule providing guidance on allowable expenditures of ARP Funds and issued its Final Rule in January 2022 which final rule delivers broader flexibility and simplicity in the ARP program; and

WHEREAS, the Indiana State Board of Accounts provided additional guidance to Indiana governmental units on accounting for use of ARP funds in a Memorandum dated May 12, 2021 which mandates that a recipient establish a separate fund by ordinance for its ARP funds;

WHEREAS, on June 7, 2021, the City adopted Ordinance 2021-28 which established the American Rescue Plan Grant Fund (Fund #1760), listed the purposes of the fund and its permitted uses and provided the City shall adopt a plan providing the details for the proposed use of ARP Funds;

WHEREAS, on February 7, 2022, the City adopted Resolution 2022-02 which adopted the American Rescue Plan Act, City of Lafayette, Indiana, Community Investment Plan which details proposed ARP Fund expenditures and which plan may be amended from time to time as and when the Common Council approves additional appropriations from American Rescue Plan Grant Fund for the benefit of the community;

WHEREAS, the Mayor hereby brings this request for additional appropriation of funds from the American Rescue Plan Grant Fund in the amounts specified herein for the benefit of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

1. That for the expenses for the City of Lafayette the following additional sums of money are hereby appropriated out of the American Rescue Plan Grant Fund (Fund #1760)), for the purpose specified below, subject to the laws governing the same, to-wit:

From:  
Fund 1760 American Rescue Plan Grant Fund      \$7,940,530.00

To:  
Fund 1760 American Rescue Plan Grant Fund  
Line 644160 Capital Asset Purchase      \$7,940,530.00

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

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Cindy Murray, City Clerk

Sponsored by: Mayor Tony Roswarski



**Ordinance No. 2022-06**

AN ORDINANCE FOR APPROPRIATION REDUCTION OF  
GENERAL FUND (FUND #1010)  
AND FOR ADDITIONAL APPROPRIATION OF  
GENERAL FUND (FUND #1010)

WHEREAS, the Mayor and City Attorney have determined the needs of the City will be best served by converting the City Attorney position from an Independent Contractor position to a full-time employment position which will provide greater accessibility, communication and efficiencies without increasing the overall budget needs for legal services;

WHEREAS, appropriation reductions and additional appropriations are necessary in order to fund the newly established Legal Department (Department 057) without an increase in the overall budget for legal services; and

WHEREAS, the additional appropriations and appropriation reductions are in the best interest of the City of Lafayette;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

1. That the following sums of money are subject to an appropriation reduction from the General Fund (#1010), to wit:

From:  
Fund 1010 General Fund  
Department 005 City Council  
Line 431010 Prof. services – Legal \$ 950.00

From:  
Fund 1010 General Fund  
Department 007 Engineering  
Line 431010 Prof. services – Legal \$ 5,500.00

From:  
Fund 1010 General Fund  
Department 008 Board of Works  
Line 431010 Prof. services – Legal \$47,895.00

From:  
Fund 1010 General Fund  
Department 011 Police  
Line 431010 Prof. services – Legal \$ 1,800.00  
TOTAL \$56,145.00

To:  
Fund 1010 General Fund \$56,145.00

2. That for the expenses for the City of Lafayette the following additional sums of money are hereby appropriated out of the General Fund (Fund #1010) for the purpose specified below, subject to the laws governing the same, to-wit:

From:  
Fund 1010 General Fund \$56,145.00

To:  
Fund 1010 General Fund  
Department 057 Legal  
Line 412010 Salaries/Wages \$40,301.00  
Line 413010 Payroll Taxes \$ 3,080.00  
Line 413030 PERF \$ 4,514.00  
Line 413110 Instructional \$ 750.00  
Line 421050 Office Supplies – General \$ 200.00  
Line 431080 Prof. Services – Contract Svc \$ 5,500.00  
Line 432030 Comm/Trans – Travel Expenses \$ 300.00  
Line 433020 Print/Advertise – Legal Notice \$ 750.00  
Line 439030 Dues and Subscription \$ 750.00  
TOTAL \$ 56,145.00

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Sponsored by: Mayor Tony Roswarski

**Ordinance 2022-04**

**An Ordinance to Amend Sections of Title 12 Historic Preservation and Protection**

WHEREAS, the City has adopted Title 12 concerning Historic Preservation and Protection.

WHEREAS, the ordinance sets forth the membership of the Historic Preservation Commission must contain an architect or architect historian, one regional or local historian and a contractor;

WHEREAS, it can be difficult to find eligible residents to serve on the Commission because of the specific requirements;

WHEREAS, there should be such professionals on the Commission to the extent they are available in the community;

WHEREAS, Indiana Code authorizes the City to adopt by ordinance a process to establish a Local Historic District in two phases and the City finds it is in the best interest of the City to authorize this two-phase approach;

WHEREAS, the Historic Preservation Commission considered the proposed ordinance amendments at its February 28, 2022 meeting and recommended that the Common Council adopt the ordinance as presented;

NOW, THEREFORE, BE IT ORDAINED, of the Common Council of the City of Lafayette, Indiana as follows:

1. Section 12.01.030(B) is hereby amended to change the voting members qualifications and as amended shall read as follows:

**12.01.030 - Historic Preservation Commission establishment and organization.**

B. The Commission shall consist of nine voting members which must be residents of the City. The voting members shall be appointed by the Mayor subject to the approval of the City Council and should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation to the extent those professionals are available and residents of the City. Nonvoting, advisory member(s) may be appointed to the Commission by the Mayor with approval by the City Council. Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

2. Section 12.01.050 is hereby amended to add a new subsection authorizing a two-phase approach to the establishment of Local Historic District and as amended shall read as follows:

**12.01.050 Local Historic Districts, Conservation Districts and Guidelines**

A. All recommendations for the establishment of a local historic district (LHD) shall be in the form of a written report and must be based on criteria outlined in this section. A recommendation for establishing an LHD may be initiated from either of the following two sources:

1. Based on its survey, the Commission may draw and submit LHD maps to the City Council for approval.

2. Owners of real property wishing to establish an LHD which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the City Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

B. The Commission may recommend, and the City Council may provide, that the establishment of an LHD occurs in two phases. Under the first phase, called a Conservation District, a Certificate of Appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principle building or accessory building, or structure subject to view from a public way.

1. The first phase shall last three years;

2. At the end of the first phase, upon the expiration of the three-year period, the Conservation District shall become an LHD, subject to subsection (3); and

3. The Conservation District may continue past the three-year term, thereby avoiding the designation of an LHD, if a majority of property owners in the district object to the Commission, in writing, to the elevation to an LHD. Said objections must be received by the Commission not earlier than one hundred eighty days or later than sixty days before the adoption of the Conservation District.

C. In order to establish an LHD or Conservation District, the Commission shall first prepare a map describing the district in accordance with the following:

1. The map shall be based on a survey conducted by the Commission which identifies historic buildings, structures and sites located within the City.

2. A district may be limited to the boundaries of a property containing a single building, structure or site.

D. The Commission shall classify and designate on the map all buildings, structures, and sites within each historic district described on the map. Buildings,

structures, and sites shall be classified as historic or non-historic. Historic buildings, structures and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Commission shall further classify and designate all buildings and structures within a property district as follows:

1. Outstanding;
2. Notable; or
3. Contributing

Non-historic buildings, structures and sites are those not classified on the map as historic.

E. Before a district is established and building classifications take effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance, by the City Council.

F. The map establishing the boundaries of an LHD or Conservation District must be recorded in the Office of the Tippecanoe County Recorder.

3. This Ordinance shall become effective upon passage and approval of the Mayor.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this 4th day of April, 2022.

\_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this 4th day of April, 2022.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this 4th day of April, 2022.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

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CINDY MURRAY, City Clerk

Sponsored by: Kevin Klinker

**RESOLUTION NO. 2022-03**

**A RESOLUTION APPROVING THE TRANSFER OF  
APPROPRIATIONS WITHIN THE WATER UTILITY OPERATION FUND  
AND WATER POLLUTION CONTROL OPERATING FUND**

**WHEREAS**, the Mayor and City Attorney have determined the needs of the City will be best served by converting the City Attorney position from an Independent Contractor position to a full-time employment position which will provide greater accessibility, communication and efficiencies without increasing the overall budget needs for legal services; and

**WHEREAS**, legal services will be provided by the Legal Department on behalf of Water and Renew Departments;

**WHEREAS**, it is necessary to transfer appropriations from one major classification to another within the Water Utility Operating Fund and Water Pollution Control Operating Fund;

**WHEREAS**, on March 1, 2022, the Board of Works and Public Safety approved the transfers through the adoption of Resolution 02-2022

**NOW THEREFORE, BE IT RESOLVED**, that the following transfers from one major classification to another are hereby approved:

From:	
Fund 6010	
Department 046 Water Admin & General	
Line 633370 Contract Services Legal	\$35,922.00

To:	
Fund 6010	
Department 046 Water Admin & General	
Line 603380 Payroll Officer/Directors	\$30,226.00
Line 604000 Payroll Taxes	\$ 2,310.00
Line 604380 Employee Pension & Benefit	<u>\$ 3,386.00</u>
Total	\$35,922.00

From:	
Fund 6060	
Department 052 WP Administration & General	
Line 633370 Contract Services Legal	\$35,922.00

To:	
Fund 6060	
Department 052 WP Administration & General	
Line 703580 Payroll Officers/Director	\$30,226.00
Line 704000 Payroll Taxes	\$ 2,310.00
Line 704580 Employee Pension & Benefit	<u>\$ 3,386.00</u>
Total	\$35,922.00



ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this  
7<sup>th</sup> day of March, 2022.

By: \_\_\_\_\_  
Perry E. Brown, President

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 7th day of March, 2022.

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Cindy Murray, City Clerk

Signed and approved by me, the Mayor of the City of Lafayette, on the 7th day of  
March, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

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Cindy Murray, City Clerk

**Sponsored by:** Tony Roswarski, Mayor

**RESOLUTION NO. 2022-04**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF LAFAYETTE, INDIANA AMENDING RESOLUTION 2021-33 APPROVING  
AN AMENDED AND RESTATED LEASE BETWEEN THE LAFAYETTE  
REDEVELOPMENT AUTHORITY AND THE LAFAYETTE REDEVELOPMENT  
COMMISSION, AUTHORIZING THE ISSUANCE OF BONDS BY THE LAFAYETTE  
REDEVELOPMENT AUTHORITY AND OTHER MATTERS RELATED THERETO**

**(CONSOLIDATED CREASY/CENTRAL  
ECONOMIC DEVELOPMENT AREA PROJECT)**

WHEREAS, the Lafayette Redevelopment Authority (the “Authority”) has been created pursuant to Indiana Code 36-7-14, Indiana Code 34-7-14.5, and Indiana Code 36-7-25 (the “Act”), as a separate body corporate and politic, and as an instrumentality of the City of Lafayette, Indiana (the “City”) to finance local public improvements for lease to the Lafayette Redevelopment Commission (the “Commission”), the governing body of the Lafayette Department of Redevelopment (the “Department”) and the Lafayette Redevelopment District (the “District”), existing and operating under the provisions of the Act;

WHEREAS, the Authority and the Common Council of the City of Lafayette, Indiana (the “Common Council”) have been previously advised that market conditions may permit the advance refunding and defeasance of the Authority’s outstanding Lease Rental Bonds of 2014 (Consolidated Creasy/Central Economic Development Area Project) (the “2014 Bonds”) in order to reduce the annual lease rental payments made by the Commission on a prior lease which will, in turn, result in substantial savings and reduction of interest costs to the City and the Authority;

WHEREAS, the Common Council adopted Resolution No. 2021-33 on November 1, 2021 (the “Initial Resolution”), a copy of which is attached hereto as Exhibit A, which Resolution authorized the issuance of certain Refunding Bonds (as defined in the Initial Resolution) in an aggregate principal amount not to exceed Sixteen Million One Hundred Thousand Dollars (\$16,100,000) for the purpose of providing funds to (a) effect the advance refunding and defeasance of the 2014 Bonds, (b) fund a debt service reserve or pay the premium for a debt service reserve surety policy, if necessary, and (c) pay the cost of issuing the Refunding Bonds and the advance refunding and defeasance of the 2014 Bonds;

WHEREAS, following the adoption of the Initial Resolution, Baker Tilly Municipal Advisors, LLC, the municipal advisor to the Authority (the “Municipal Advisor”), solicited proposals from lenders, qualified bankers, brokers, investment banks, institutional investors and others to purchase the Refunding Bonds;

WHEREAS, based upon a review of the proposals received and upon the advice of the Municipal Advisor, the Authority determined pursuant to Resolution 2022-01, adopted on February 24, 2022, that it is necessary, desirable and in the best interest of the City to issue the Refunding Bonds to be acquired by Capital One Public Funding, LLC (the “Lender”) pursuant to the terms and conditions of a term sheet or commitment to be executed by the Lender and the Authority;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended (the “Code”), it is necessary to issue the Refunding Bonds on a taxable basis, while also maintaining the ability to convert the Refunding Bonds into tax-exempt obligations when and if permitted by the Code;

WHEREAS, the Common Council now finds that the issuance, sale and delivery of the Refunding Bonds will result in substantial savings and reduction of interest costs to the City and the Authority; and

WHEREAS, the Common Council desires to amend the Initial Resolution to authorize the ability to convert the Refunding Bonds into tax-exempt obligations when and if permitted by the Code and as agreed upon by the Authority and the Lender.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:

Section 1. Section 3 of the Initial Resolution is hereby deleted and replaced with the following:

Section 3. The Authority is hereby authorized to issue the Refunding Bonds in one or more series, any series of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed Sixteen Million One Hundred Thousand Dollars (\$16,100,000), in the form and subject to the terms and conditions set forth in the Trust Indenture, for the purpose of providing funds to effect the advance refunding and defeasance of the 2014 Bonds and pay the cost of issuing the Refunding Bonds and the advance refunding and defeasance of the 2014 Bonds. The Refunding Bonds shall initially be designated the “Lafayette, Indiana Redevelopment Authority Lease Rental Revenue Refunding Bonds of 2022 (Federally Taxable Convertible – Consolidated Creasy/Central Economic Development Area Project)” (with such further or different designation determined to be necessary or appropriate, including such designation to indicate the year in which the bonds are issued and subject to change upon Conversion (as defined herein)), shall bear interest at a rate or rates not exceeding six percent (6.0%) per annum payable semi-annually on each February 1 and August 1, commencing August 1, 2022 or thereafter, through the final maturity of the Refunding Bonds, shall be numbered consecutively, shall be dated as of the first or fifteenth day of the month in which the Refunding Bonds are delivered, or the date of delivery, as determined by the City Clerk with the advice of the Municipal Advisor. The Refunding Bonds shall be issued in minimum denominations of Two Hundred Fifty Thousand Dollars (\$250,000) and in any integral multiple of One Thousand Dollars (\$1,000) in excess thereof, or in such higher minimum denominations at the option of the Lender and the President of the Authority, may be issued as one or more term bonds subject to mandatory sinking fund redemption prior to maturity at such dates and in such amounts as determined in the Trust Indenture, which Trust Indenture is hereby approved substantially in the form submitted to this meeting, with such changes and modifications as such officer of the Authority deems necessary or appropriate to consummate the sale of the Refunding Bonds.

Upon satisfaction of the conditions set forth in the Trust Indenture, the Refunding Bonds shall become tax-exempt obligations and the interest thereon shall be excluded from the gross income of the holders thereof for federal income tax purposes (the “Conversion”). If all of the conditions precedent set forth in the Trust Indenture are not satisfied, there will be no Conversion and the Refunding Bonds will continue to bear interest at the taxable rate and the interest thereon will continue to be included in the gross income of the holders thereof for federal income tax purposes. Notwithstanding the forgoing, no Conversion shall occur prior to May 3, 2023, unless a change in the Code would permit a Conversion of the Refunding Bonds on an earlier date, in which case a Conversion would be permitted with the prior written consent of the Lender.

Section 2. If any part of this Resolution shall be adjudged to be invalid by a court of proper jurisdiction, it shall be conclusively presumed that the Common Council of the City would have passed the remainder of the Resolution without such invalid part.

Section 3. All other provisions of the Initial Resolution shall remain in full force and effect.

Section 4. This Resolution shall be in full force and effect immediately upon its passage.

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PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA on this 7<sup>th</sup> day of March, 2022.

COMMON COUNCIL,  
CITY OF LAFAYETTE, INDIANA

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Perry E. Brown, President

ATTEST:

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Cindy Murray, City Clerk

Presented by me the undersigned City Clerk of the City of Lafayette, Indiana, to the Mayor of said City this 7th day of March, 2022 for his consideration and action thereon.

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Cindy Murray, City Clerk

Having examined the foregoing Resolution, I do now, as Mayor of the said City of Lafayette, Indiana, approve said Resolution and return the same to the City Clerk of the City of Lafayette this 7th day of March, 2022.

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Tony Roswarski, Mayor  
City of Lafayette, Indiana

EXHIBIT A

RESOLUTION NO. 2021-33

*(Attached)*

**RESOLUTION 2022-05**

**A RESOLUTION TO TRANSFER APPROPRIATIONS  
BETWEEN MAJOR BUDGET CLASSIFICATIONS**

WHEREAS, Indiana Code 6-1.1-18-6 authorizes the City to transfer appropriations from one major budget classification to another within the same fund and department when the transfer is necessary and does not require the expenditure of more money than the total amount set out in the adopted budget;

WHEREAS, the Controller's Office has determined that it is necessary to transfer certain 2021 budget appropriations from major budget classifications to another within the departments and funds set forth herein;

WHEREAS, the transfer of appropriations from certain major budget classifications to another within said departments and funds will not require the expenditure of more money than the total amount set out in the adopted 2021 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, that the transfer of appropriations from one major budget classification to another within the departments and funds set forth on the attached Exhibit "A" are hereby approved.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA on this 7<sup>th</sup> day of March, 2022.

COMMON COUNCIL,  
CITY OF LAFAYETTE, INDIANA

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Perry E. Brown, President

ATTEST:

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Cindy Murray, City Clerk

Presented by me the undersigned City Clerk of the City of Lafayette, Indiana, to the Mayor of said City this 7th day of March, 2022 for his consideration and action thereon.

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Cindy Murray, City Clerk

Having examined the foregoing Resolution, I do now, as Mayor of the said City of Lafayette, Indiana, approve said Resolution and return the same to the City Clerk of the City of Lafayette this 7th day of March, 2022.

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Tony Roswarski, Mayor



**RESOLUTION NO. 2022-06**

**RESOLUTION TO OPT BACK IN TO OPIOIDS SETTLEMENT  
PURSUANT TO INDIANA CODE 4-6-15-2**

**WHEREAS**, the City of Lafayette has been actively engaged in pursuing damages caused by the manufacture, sale, and distribution of opioids through outside counsel in multidistrict litigation; and

**WHEREAS**, recent legislation amending Indiana Code 4-6-15 (House Bill No. 1193) has been adopted by the Indiana legislature and is awaiting the Governor's signature; and

**WHEREAS**, City of Lafayette, Indiana, after due consideration of said legislation, has determined that it is in the best interest of its citizens to opt back in to the opioids' settlements under Indiana Code 4-6-15-2.

**NOW, THEREFORE, BE IT RESOLVED** by Common Council of the City of Lafayette, Indiana that City of Lafayette, Indiana, having considered whether to elect to opt back in to the opioids settlements under Indiana Code 4-6-15-2, hereby resolves that City of Lafayette now exercises its election to opt back in to the opioid settlements, and orders its duly authorized agent to submit a certified copy of this Resolution to the Indiana Attorney General by July 15, 2022. This Resolution shall be effective upon the date amended Indiana Code 4-6-15 (House Bill No. 1193) becomes law.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA** on this 7<sup>th</sup> day of March, 2022.

**COMMON COUNCIL,  
CITY OF LAFAYETTE, INDIANA**

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Perry E. Brown, President

ATTEST:

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Cindy Murray, City Clerk

Presented by me the undersigned City Clerk of the City of Lafayette, Indiana, to the Mayor of said City this 7th day of March, 2022 for his consideration and action thereon.

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Cindy Murray, City Clerk

Having examined the foregoing Resolution, I do now, as Mayor of the said City of Lafayette, Indiana, approve said Resolution and return the same to the City Clerk of the City of Lafayette this 7th day of March, 2022.

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Tony Roswarski, Mayor