

**LOWELL TOWN COUNCIL
REGULAR MEETING
April 12, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, April 12, 2010 at 7:00 P.M. by President Phillip Kuiper. President Kuiper welcomed Jason Favors and Bobby Davis home from Afghanistan. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Present were Council Members Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Gregory Sobkowski, Town Administrator Susan Peterson, Police Chief John Shelhart, Community Development Director Wilbur Cox, Code Official Tom Trulley, three members of the media and thirty-one interested citizens.

APPROVAL OF MINUTES

Councilman Tucker made a motion to approve the minutes from the March 22nd regular meeting and the April 5th work session, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1380-1470, White Police #4027-4041, Water Vouchers #2173-2220 and Waste Water Vouchers #3148-3190 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Presentation to Lowell Police Department – Lowell Moose Lodge – Chief Shelhart stated that the Lowell Moose Lodge has been very generous to the Lowell Police Department as they have donated more than \$5,000.00 over the last three years. The Police Department is in the process of getting new uniforms and ran short of funds for the equipment to go with the uniforms and reached out to the Lowell Moose Lodge and they generously presented them with a check in the amount of \$2,030.00.

MONTHLY REPORTS

Councilman Alessia made a motion to accept the monthly reports from March 2010 as presented, seconded by Councilman Gard. The motion carried by voice vote.

LTC REGULAR MEETING 4/12/10 - Page 2 of 6

UNFINISHED BUSINESS

Public Works Department Update – Water Infrastructure Improvement Plan – Water Meter Project - Councilman Alessia made a motion to approve an invoice to Underground Pipe & Valve for \$22,000.00 and forward to SRF for payment, seconded by Councilman Gard. The motion carried by voice vote.

Streets/Sidewalks – Enter into agreement with INDOT for curb and sidewalk grant - Public Works Director Greg Shook was not present but asked this be tabled as he is waiting for more information. Councilman Gard made a motion to table the agreement, seconded by Councilman Huseman. The motion carried by voice vote.

Burr St/Rt 2 Project – Approve Pay Request #13 to DLZ in the amount of \$7481.71 and forward to INDOT for 80% payment. Councilman Huseman asked if there was any report on when Walsh & Kelly was going to start grinding, he was told they started on Friday but they will find out if there is more to be done. Councilman Tucker made a motion to approve payment, seconded by Councilman Alessia. The motion carried by voice vote.

Tabled from previous meetings:

1-25-2010 Clarification of Ordinance #150 pertaining to requiring licensed contractors on commercial buildings - Town Attorney Gregory Sobkowski made some changes to the ordinance and Community Development Director Wilbur Cox has not had a chance to review it, the item remained tabled.

3-22-2010 Discussion of bidding out the garbage contract remained tabled.

Offer to donate property to the Town of Lowell – MDCS Corporation - Community Development Director Wilbur Cox is waiting for more information, the item remained tabled.

NEW BUSINESS

Act on proposals for hot dog vendor for Evergreen Park – Two proposals had been received, one from Charlene Hall of Lowell and another from Pat Toomey of Cedar Lake. Ms. Toomey was present. Mrs. Hall was the vendor in the park two years ago. Both proposals has the minimum requirements of free hot dogs at the soccer picnic and fishing derby. Mrs. Hall offered a free box lunch at the summer rec program. The item was tabled until the next meeting for staff review.

Request from Lowell Little League with municipal bonds – Tim Griesmer, President of Lowell Little League, presented the Council with a fifteen-year financial plan. He also stated that he does not fully understand the process of obtaining municipal bonds. They have been seeking financial assistance from four major banks

LTC REGULAR MEETING - 4/12/10 - Page 3 of 6

and two major lenders that do loans for fields and golf courses, all of which have denied them because they don't own the land. Mr. Griesmer explained that they are looking for two million dollars to develop the baseball fields at Freedom Park on the property they lease. . President Kuiper stated that the last bond the town tried to get was for \$500,000.00 and we were turned down the first time, it took a lot of maneuvering and collateral to get it. Mr. Griesmer said that they do not qualify for any grants because they are not a 501-3C, and they have collected too much money in the last five years. Councilman Alessia asked where these new fields would be. Mr. Griesmer said that they would be east of the soccer fields, south of the BMX and north of the dog park. Town Attorney Gregory Sobkowski asked if he was asking the Town to use part of its bonding capacity to build fields. Mr. Griesmer said the Little League needs a municipality to co-sponsor with them. Town Attorney Sobkowski asked what the source of repayment would be. Mr. Griesmer said that they would like to host baseball and softball tournaments on the weekends, which will bring in quite a bit of income and people into Lowell. The hope is that in about three years the local league players won't have to pay to play in the league anymore. Town Attorney Sobkowski asked if they have had a financial consultant review what the debt service will be on two million dollars worth of bonds. Mr. Griesmer said that they had assistance from Turf Solutions. The Council looked the proposal over and Clerk-Treasurer Judith Walters asked if they would be paying \$177,000.00 per year. Mr. Griesmer said yes and that is based on 4%. Clerk-Treasurer Walters stated the Town currently has a bond out on Freedom Park with West Creek and Cedar Creek Townships paying one third, if they don't pay the town is responsible for the debt. Town Attorney Sobkowski stated the projection starts in 2011 and goes forward, he asked if anyone has done an analysis of the last five years of revenue and expenses. Mr. Griesmer said they have. Councilman Alessia asked if the Little League can get some kind of bond insurance, much like a mortgage insurer gets a PMI in the event they default so that the Town is not out? Town Attorney Gregory Sobkowski said that you could purchase insurance, it is generally done to make bonds more marketable. Without seeing previous dollars he would be surprised if these bonds would be saleable without the town pledging it's tax revenue to repay them in the case the Little League has a bad year or couple of bad years. Town Attorney Gregory Sobkowski stated that from the Towns standpoint there are a couple of questions that need answered, first being do we have two million dollars in excess bonding capacity, the other question is would the town be willing to pledge it's tax revenue for payment as a backup. We need to talk to our financial advisor about this. Councilman Alessia asked if Bluebird Softball would also be involved and he was told it will be Little League Softball. President Kuiper said that the Town would be willing to have our financial consultant review this proposal to see if he has any ideas for them, but cautioned during these economic times he wasn't sure what the Town could do for them.

LTC REGULAR MEETING - 4/12/10 - Page 4 of 6

Act on agreement for street sweeping agreement with INDOT – This is an annual agreement, the state reimburses \$1,740.00 a year to sweep State Route 2. Councilman Tucker made a motion to enter into the agreement, seconded by Councilman Alessia. The motion carried by voice vote.

Request to waive building permit fees for historic signs - Sue Riley, Lowell Main Street, asked the Council to treat the forty-seven buildings as one project and consider payment for one permit and waive the remaining permit fee's to hang the historic plaques on the buildings in the historic district. Councilman Gard made a motion to make this one project, seconded by Councilman Alessia. The motion carried by voice vote.

Act on recommendation from the Plan Commission – Amended PUD – Providence Townhomes of Lowell – John Borucki,, Chief Operating Officer, Providence Real Estate Development, stated Providence Town Homes of Lowell has a vacant lot that is currently zoned as commercial, originally George's Restaurant wanted to build a banquet hall, now they want to build it in a different spot. There are some small businesses along Deanna Drive that back up to this lot and they want to protect the residential character of the land. What they are proposing are twelve lots that are deep that range in size for ranch style town homes that won't change the character of the neighborhood. Councilman Gard made a motion to accept the favorable recommendation from the Plan Commission, seconded by Councilman Alessia. The motion carried by voice vote.

Permission to advertise for additional appropriation – Freedom Park – Clerk-Treasurer Judith Walters stated last year when doing the 2010 budget the Freedom Park thought they were going to use the money they had appropriated in 2009 in the 400-capital fund and they did not. In order to give them permission to spend the money in 2010 we need to do an additional appropriation. She also asked for permission to appropriate any additional funds in the Gambling Revenue Fund. Councilman Gard made a motion for additional appropriation, seconded by Councilman Tucker. The motion carried by voice vote. A hearing will be scheduled for May.

Acting as Board of Finance – cancel outstanding warrants over two years old – There were two checks over two years old, one in the Water Meter Deposit Fund to Michael McGarry in the amount of \$6.50 and one in the Sewer Improvement Fund to Jonathan Lotton in the amount of \$10.00. Councilman Alessia made a motion to cancel the outstanding warrants, seconded by Councilman Tucker. The motion carried by voice vote. If these people inquire about their checks within the time period allowed by state statute, they will be issued a new check.

LTC REGULAR MEETING -4/12/10 - Page 5 of 6

Approve 2009 annual Water Report per Farmers Home Administration Loan - Clerk-Treasurer Judith Walters explained the report is a requirement of the 1994 Water Loan. She pointed out the net income revenue for 2009 in the amount of \$99,787., as opposed to 2008 in the amount of \$5,625. Lowering the sewer rates and increasing the water rates helped the utility. Councilman Alessia made a motion to approve the report, seconded by Councilman Huseman. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper said that Cassie Schenelle was the state winner of Junior Miss and he would like Town Administrator Susan Peterson to reach out to her and see if she could come to a meeting and we would do a proclamation honoring her.

Energy Grants – Code Official Tom Trulley introduced Brian Olenik from Graybar; he has been helping write grants for the Town at no charge. The Town received an 100% energy grant for HVAC and windows at the water treatment plant, power control at the waste water plant, and insulation at the street garage in the amount of \$249,412. They are working on four more grants in the amount of \$700,000.00. We found out last week there are grants available for small businesses that are 50/50 for energy efficiency, that includes boilers, heat pumps, lighting and insulation. The grant information is available along with business cards in case anyone has any questions, it is due by April 30, 2010, and whoever is applying for the grant has to show financial means for their 50%. There is four million dollars available for these grants.

MEDIA QUESTIONS/PUBLIC COMMENTS

Bob Philpot, East Main St., stated that if the Council entertains the bond for the Little League they are setting a precedent for every organization to ask for these bonds. President Kuiper responded that the Town comes first but we want to try and help. Councilman Gard said that he would consider helping any organization that helps our children, we will share any knowledge that we can. President Kuiper said that he would also set precedent if Pop Warner has financial questions, they will try and get them some answers.

Rich Meadows, 317 E. Commercial Ave, said that he wanted to commend the Council for the smoking issue and that they did a wonderful job with that. He asked why the issue about Ordinance 150 was never open to the public and the fact that the council sent a letter down state about the Illiania Expressway because they were never asked for their input. President Kuiper explained that

LTC REGULAR MEETING - 4/12/10 - Page 6 of 6

the letter sent explained that as a municipality when a developer comes in and wants to develop something he has to go in front of the BZA and the Plan Commission and before anything can be approved he has to tell us where he is going to put it. Our letter was in reference to that because how are we suppose to govern our town when they approve to build a highway and as far as we know they have no idea where they are going to build it. Mr. Meadows said the business owners had no input on this new ordinance. Councilman Tucker said that the Council did receive his input along with other business owners. President Kuiper explained at this time the ordinance is in draft form. Mr. Meadows asked if he could see it and he was told it is a public document. President Kuiper said that there was a work session and they did ask for input and Mr. Meadows was present. After the meeting Community Development Director Wilbur Cox drafted the ordinance and then the attorney did a second draft.

Bill Carlson asked if the public would be able to comment on this, he was told yes when the ordinance is ready.

Mr. Meadows commented that after fourteen years in business last week someone in the building department told a customer that his wife could no longer do flooring in Lowell because she does not have a license.

Carl Ferro said that he agrees with Mr. Meadows.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:46 P.M.

Phillip Kuiper, President

Attest:

Judith Walters, Clerk-Treasurer