

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
DECEMBER 10, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday, December 10, 2012 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited followed

by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Attorney Ben Ballou, Director of Public Works Greg Shook, Police Chief John Shelhart, Building Official Tom Trulley, Town Administrator Susan Peterson, MS4 Director Greg White, two members of the media, and sixteen citizens.

**APPROVAL OF MINUTES**

Councilman Parker made a motion to approve the November 26<sup>th</sup> regular meeting, seconded by Councilman Earley and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated he reviewed White Vouchers #2359 - #2431, White-Police #4226 - #4233, Water #2708 - #2755, and Waste Water #3612 - #3642 and recommended them for payment. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Corns. Councilman Corns sent his regards to Mrs. Williams who recently lost her husband, and asked how we handle the Death Benefit Pension. Mrs. Walters stated there are three officers that retired under the 1925 Pension Fund, and we get a distribution from the State. We have to budget every year for those three death benefits if one were to happen. The Town is required to pay because we pay their pension. We will now pay Mrs. Williams based on her husband's retirement. We only have three that are retired under the 1925 Pension Fund, the rest are retired under the 1977 Pension Fund which will come directly from the State. Councilman Corns stated the claim from Lowell Glass and Trim to have the seats and head liner replaced seemed expensive. He stated that we may be better off looking at purchasing a new vehicle instead. Mr. Shook stated that was for the Parks Department's van and it is cheaper to refurbish it rather than find a used one.

Councilman Corns also asked what the final refund claims were for. Mrs. Walters stated every water customer makes a water and sewer deposit and once they move we use that deposit towards their final bill and if that deposit is more than what is owed, we give them a refund of the difference. The motion carried by voice vote.

### **MONTHLY REPORTS - November 2012**

Councilman Corns made a motion to approve the monthly reports for November 2012, seconded by Councilman Philpot and carried by voice vote.

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### **ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> reading - Ordinance #2012-23 - authorizing the Town to issue Economic Development Revenue Bonds, Series 2012 (St. Anthony Project) - President Kuiper stated this Ordinance was written for the maximum of twenty-two years and/or 7%. When we talked about it the last meeting, the representative from HSA was asking for the twenty-two year term at 5%. Councilman Corns asked if the Town is better off with the 7% or the 5%. Mr. Kuiper stated our financial consultant was fine with the 5%. Councilman Parker made a motion to issue the Bonds for the twenty-two year period at 5%, seconded by Councilman Philpot and carried by roll call vote.

2<sup>nd</sup> reading - Ordinance #2012-24 - establishing a Storm Drainage Fee (as amended) in the amount of \$7.00 residential, with a maximum of \$28.00 for commercial, churches, and schools - President Kuiper read Ordinance #2012-24. Councilman Earley made a motion to approve Ordinance #2012-24 by name and title only, seconded by Councilman Corns. Councilman Parker stated that he does not agree with the rates. He stated the rates for commercial, schools, and churches are too high, but since it is what the financial consultant recommended, he will go along with it. The motion carried by roll call vote. Mrs. Walters stated the fee will probably start March 1<sup>st</sup> because it will take about six weeks to two months for the software to be updated.

1<sup>st</sup> reading - Ordinance #2012-25 - amending Chapter 99 - Clean Air Standards - President Kuiper read Ordinance #2012-25. Councilman Parker made a motion to approve the first reading of Ordinance #2012-25 and hold for the second reading, seconded by Councilman Corns and carried by voice vote.

1<sup>st</sup> reading - Ordinance #2012-26 - establishing Designated Downtown Area - President Kuiper read Ordinance #2012-26. Councilman Earley made a motion to approve the first reading of Ordinance #2012-26 and hold for the second reading, seconded by Councilman Corns and carried by voice vote.

1<sup>st</sup> & 2<sup>nd</sup> reading - Ordinance #2012-27 - amend Salary Ordinance - establishing bonus pay for employees - President Kuiper read Ordinance #2012-27. Councilman Parker made a motion to approve the first reading of Ordinance #2012-27 and hold for the second reading, seconded by Councilman Philpot. Councilman Corns asked if Mrs. Walters said to get this money, they had to cut everyone's budget. President Kuiper stated they cut about every line item for next year. Mrs. Walters stated there was no salary ordinance adopted in 2012, everyone is still at the 2009 salary rate. This is money from the 2012 budget in health insurance that can be transferred, but the 2013 budget cuts were made. The motion carried by voice vote. Councilman Parker made a motion to suspend the rules, seconded by Councilman Corns and carried by voice vote. Councilman Parker made a motion to adopt Ordinance #2012-27 by name and title only, seconded by Councilman Corns. The motion was carried by roll call vote with Councilman Earley abstaining due to his wife and father-in-law being employees. Councilman Parker made a motion to put the rules back in order, seconded by Councilman Philpot and carried by voice vote.

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Resolution #2012-29 - Transfer of funds - General Fund & Law Enforcement Training Fund - President Kuiper read Resolution #2012-29. Councilman Earley made a motion to approve Resolution #2012-29, seconded by Councilman Parker and carried by voice vote.

### **UNFINISHED BUSINESS**

Public Works Department Update - Mr. Shook stated he had several inquiries about the storm water fee over the last couple of weeks. When this began with the Storm Water Management Board, we were looking at residential and non-residential. Non-residential pays a multiplier based on their size. The average school is eighty-four times the size of the average home. In the very beginning that fee was going to be \$588 a month. The Storm Water Management Board recognized that was too much. He stated they decided to cap the ERU's, Equivalent Residential Units, at four so the most anyone pays is four times the \$7.00.

WWTP Improvement Project - Approve Pay Request #24 to Commonwealth Engineers for engineering services - \$32,596.91 - and forward to SRF for payment - Councilman Parker made a motion to approve Pay Request #24, seconded by Councilman Corns and carried by voice vote.

Update on Fire Territory - Councilman Earley stated the committee's outlet was originally to find a solution that would address many issues that the local officials have brought to them. He stated that sometime mid-year, it was learned that the Cedar Creek Township Trustee did not want to be involved in the Fire Territory. Since West Creek and Lowell are contiguous, the committee was able to continue and a budget was submitted for financial review to the Financial Solutions Group and the results have been received. The financial draft showed an increase tax rate of .3251% for a territory excluding unincorporated Cedar Creek. Over one half of a million dollars would have to be cut from the budget to maintain the .2349% tax rate, which is the rate that was used during the last attempt. After reviewing this cut, the committee and the emergency officials agreed that the territory would not perform as proposed, and we were not satisfied with raising taxes any higher. With the window closing to apply for the territory with the State, along with the financial results of a higher tax rate required to sustain a territory, the committee will no longer proceed with its attempt. Serious emergency issues are still on the table and have been for over three years. Comments were made publicly by those against the fire territory stating, "Officials from all three townships must come together and look harder for ways to solve the problems without raising taxes". Mr. Earley stated that he could not agree more. He stated that he hoped that it would not be a different tax that would solve the same problems that a fire territory would have. He thanked everyone that supported the committee and stated that he hopes when the Townships meet to discuss a resolution that he would be involved since he currently represents the Town of Lowell on the Ambulance and Fire Board.

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### **NEW BUSINESS**

Enter into agreement with McMahon & Associates to conduct financial statements for 2012 Sewer financial records & computation of Cedar Lake charges for 2013 - Mrs. Walters stated this is an annual housekeeping routine that we need to do to determine

what Cedar Lake would owe over 2012 and if their monthly estimated operating charge would need to be increased for 2013. Councilman Parker made a motion to enter in to the agreement, seconded by Councilman Corns and carried by voice vote.

Enter into facilities lease agreement between Town of Lowell and Lowell Water Utility and Lowell Sewer Utility - Mrs. Walters stated the water and sewer utility is housed in the Town Hall and currently they do not pay rent to the Town, so tax dollars are paying for them to be in this building. This is an agreement between the Town and the Water and Sewer utility where they will pay a monthly rent to the Town of Lowell which will help to pay the NIPSCO bill, water bill, and phone bill, etc.. The amount of \$1,125. monthly is based on rent that is being charged here in Lowell on the square footage of the building. Councilman Corns made a motion to approve the lease agreement, seconded by Councilman Parker and carried by voice vote.

### **ANNOUNCEMENTS**

President Kuiper announced the next regular meeting will be held on Thursday, December 27<sup>th</sup> - 7:00 P.M.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

Ms Csepiga asked if she could have a copy of Councilman Earley's written statement on the Fire Territory. A copy was handed to her.

Councilman Parker stated NIRPC has an executive board meeting this Thursday and one of the topics of the agenda is a presentation for the Illiana Expressway. This meeting is open to the public if anyone is interested. Mr. Parker stated when Chief Shelhart hired in there were some terms that he would get the benefits of a twenty-year police officer in Lowell. He stated he would like to honor the agreement and make a motion that the Chief be treated as a twenty-year police officer by the Police Department. President Kuiper seconded the motion. Councilman Corns stated the Police Commission did approve to give a twenty-year benefit to the Chief and the details were thought to have been worked out between him and Mrs. Walters. The motion carried by voice vote.

Councilman Earley stated he was contacted by Jeff Austgen and he has a piece of property that is located east of the Creek on Route 2 that they are interested in giving to

the Town. Mr. Earley stated it may be a nice piece of property for some sort of signage for the Town. Mr. Kuiper s

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stated they could check in to it.

Councilman Philpot stated that the American Legion has a new commander, Dan Cooper, and they are looking to restructure. He stated he would like the support of the Town as they try to rebuild.

**ADJOURNMENT**

With no further questions or comments, Councilman Parker made a motion to adjourn at 7:30 P.M., seconded by Councilman Earley, and carried by voice vote.

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Phillip Kuiper, President

Attest:

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Judith Walters  
Clerk-Treasurer