

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
DECEMBER 27, 2012**

The regular meeting of the Lowell Town Council was called to order on Thursday, December 27, 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 Director of Public Works Greg Shook, Police Chief John Shelhart, Building Official Tom Trulley, Town Administrator Susan Peterson, MS4 Director Greg White, Town Attorney Gregg Sobkowski, two members of the media, and seven citizens.

TREASURER'S REPORT - November 2012

Councilman Corns made a motion to approve the November 2012 Treasurer's Report, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the December 10th regular meeting, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #2432 - #2505, White-Police #4234 - #4247, Water #2756 - #2790, and Waste Water #3643 - #3672 and recommended them for payment. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2012-25 - amending Chapter 99 - Clean Air Standards - changing the public entrance from a public place to 8 feet where smoking is prohibited - Councilman Earley made a motion to adopt Ordinance #2012-25 by name and title only, seconded by Councilman Parker and carried by a roll call vote.

2nd reading - Ordinance #2012-26 - establishing Designated Downtown Area - Councilman Corns made a motion to adopt Ordinance #2012-26 by name and title only, seconded by Councilman Earley and carried by a roll call vote.

Resolution #2012-30 - transfer of funds within the General, MVH, and Adult Probation Funds - President Kuiper read Resolution #2012-30. Councilman Earley made a motion to approve Resolution #2012-30, seconded by Councilman Corns and carried by voice vote.

Resolution #2012-31 - reduce 2012 budget - President Kuiper read Resolution #2012-31.

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Councilman Corns made a motion to approve Resolution #2012-31, seconded by Councilman Earley and carried by voice vote.

1st & 2nd reading - Ordinance #2012-28 - Reaffirming Town Wards - President Kuiper stated there will be no changes to the Town Wards. Councilman Earley made a motion to approve the 1st reading of Ordinance #2012-28, seconded by Councilman Philpot and carried by voice vote. Councilman Philpot made a motion to set aside the rules, seconded by Councilman Earley and carried by voice vote. Councilman Parker made a motion to adopt Ordinance #2012-28 by name and title only, seconded by Councilman Earley and carried by a roll call vote. Councilman Earley made a motion to set the rules back in to place, seconded by Councilman Parker and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Greg Shook stated there was a progress meeting on the Waste Water Treatment Plant expansion and the project is 80% complete. Mr. Shook listed the things that the project was still waiting on. He stated the substantial completion date is February 25th with a total completion of March 27th.

WWTP Improvement Project - Approve Pay Request #25 - Partial Payment #8 to Thieneman Construction - \$452,500.00 (\$429,875 to Contractor, \$22,625 to retainage) and forward to SRF for payment - Councilman Corns made a motion to approve Pay Request #25, seconded by Councilman Philpot and carried by voice vote.

WWTP Improvement Project - C.O. #3 - Actiflo Security Fence Proposal - \$14,397.00 - Mr. Shook stated there is a brand new building outside of the existing chain link fence at the Waste Water Treatment Plant and is bordered by a creek on one side and a wetland area on the other, but if you wanted to walk around the fence you could get to the building. In talking with Thieneman Construction and Commonwealth, we asked for a price on what it would be to extend the fence around that building, and that is what this change order is for.

Mr. Shook stated this change order would not increase the SRF loan, but instead it would be paid out of contingencies. Councilman Corns made a motion to approve Change Order #3, seconded by Councilman Parker and carried by voice vote.

Approve Claim #3 for preliminary engineering for curb and sidewalk grant and forward to INDOT for 80% reimbursement - \$21,900. - Mr. Shook stated it is moving slow, but we hope to go to bid sometime around the end of 2013, if not early 2014. We expect in the middle of January that INDOT will schedule a site visitation and that is where we will invite other utilities and those involved in the project to meet on site and discuss the final details before the rest of the engineering is complete. Once that is approved, we will start rite away acquisitions. Councilman Parker made a motion to approve Claim #3, seconded by Councilman Earley and carried by voice vote.

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Recommendation from Lowell Police Commission - Dispatching Consolidation Contract - President Kuiper stated the Commission wrote a letter on their recommendations, but there is one question we may have. Mrs. Walters stated the employees want to be able to transfer all of their unused sick, vacation, and personal days. She stated our policy allows you to use your unused vacation and personal days, but you do not get any sick days unless you have been here over twenty years. Those sick days do not have any cash value, they are just available to use as a benefit. Mr. Parker asked if it would be appropriate to accept their time frame and take the other terms under advisement so the meetings can begin to be scheduled. Mr. Kuiper stated that was fine with him and that the recommendation did not have to be approved tonight. Councilman Parker made a motion to accept the recommendation of the time frame that is outlined in the report, to enter into an agreement on or before January 31st to enter into a contractual agreement with the Lake County Sheriff and Board of Commissioners for the cost of taking responsibility of the dispatching duties on or before March 1, 2013, and to take the terms and conditions for the employees under advisement and finalize it within the next couple of weeks. The motion was seconded by Councilman Earley and carried by voice vote.

NEW BUSINESS

Permission to purchase 1-ton truck for Street Department - Mr. Shook stated earlier the Council approved a transfer of funds in to the MVH fund, and we would like to use that transfer to replace a 1-ton dump truck for the Street Department. He stated they had sent

out specs to local dealers and received back two quotes from Arnell Commercial Fleet Division out of Burns Harbor, and one quote from Smith Chevrolet in Lowell. Arnell had a low quote of \$43,976.23 and the highest quote was from Smith Chevrolet at \$48,044.99. We are asking to purchase a 1-ton dump truck from Arnell at the low quote of \$43,976.23. Councilman Earley made a motion to approve the purchase of a 1-ton dump truck from Arnell, seconded by Councilman Corns and carried by voice vote.

Enter into agreement for sludge removal - Harper Bros. Farms - Mr. Shook stated Harper farms are the only ones that we have found that are interested in doing the sludge removal at the Waste Water Treatment Plant. Mr. Shook stated that Dan Harper gave him a price of \$17.50 per yard. Before we were paying \$250 per 20 cubic yard load, but he is now asking \$350 per load. Mr. Shook stated you can not find this price anywhere else. This new contract would be from January 2013 through December 2017. Councilman Earley made a motion to approve the new five year sludge removal agreement with Harper Bros. Farms, seconded by Councilman Parker and carried by voice vote.

Discuss proposal for Geographic Information System to comply with ADA - Mr. Shook stated there is a request to purchase video known as street view. He stated we would have a company called Geo-Span that would come in with a tall van that has cameras mounted on the top, and they would drive up and down all of the streets in Town and video the view straight ahead and off to the side. As the truck moves through Town, it has a GPS system that tracks it's points

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everywhere it drives. Once you have that video you can put it in to a computer and it is like driving down the street. When you see a curb corner where the handicap ramps are supposed to be, you can point at that ramp and it will figure what that GPS point is for that corner. Mr. Shook stated it would do the same thing for problems with the sidewalks and where sidewalks are missing. We can also use it for depicting points for hydrants and light poles. Mr. Shook stated he is requesting to purchase this street view video and put in a GIS system at a cost not to exceed \$32,000. This price is based on the milage that they do, so if there are areas we would like to add, we can do so at an additional cost. Mr. Kuiper asked where that money would come out of. Mrs. Walters stated it will come out of the cumulative funds. Mr. Corns asked if the traffic sign inventory validation service was included in the \$32,000. Mr. Shook stated that is included. If we go with the package they are proposing, we will have the video and database for the ADA and the traffic sign

inventory database. From there we can develop the database for fire hydrants, street lights, etc. Councilman Parker made a motion to approve the proposal, seconded by Councilman Corns and carried by voice vote.

Approve Park Quarterly Fees and Charges - Mr. Shook stated most of the fees have went up minimally. The only thing that went up significantly was the shelter rental, which was increased by \$10 for residential and \$10 for non-residential. The increase is based on surrounding areas. The shelter rental fee will be \$60 for residential and \$70 for non-residential. Councilman Parker made a motion to approve the Park Quarterly Fees and Charges, seconded by Councilman Corns and carried by voice vote.

Town Council Members submit annual certification on Nepotism Policy - Councilman Parker made a motion to for the approval of the annual certification on the Nepotism Policy, seconded by Councilman Corns and carried by voice vote.

ANNOUNCEMENTS

Mr. Kuiper wished everyone a Happy New Year, and stated Congressman Peter Visclosky will be holding a Town Hall Forum on Thursday, January 10th - 12 Noon at the Lowell Town Hall. He also announced the next regular meeting will be held on Monday, January 14, 2013 - 7:00 P.M.

Mr. Kuiper stated last week he was advised that this would be the last meeting with Mr. Sobkowski as the Town Attorney, and also that there has been a new attorney hired. He stated that he believed when they were interviewing attorneys, Hodges & Davis was a great fit for the Town's needs and Mr. Sobkowski has been very successful in his five years with the Town. Mr. Kuiper stated that the Redevelopment Commission was formed with the help of Mr. Sobkowski and he has also been a huge part in getting our TIF district and revitalization area put in place, and taking care of the old grade school. Mr. Kuiper thanked Mr. Sobkowski and wished him luck in the future. Mr. Kuiper stated this process was new to him because normally the attorney is interviewed by the entire Council, and he assumed the new attorney would be starting the next meeting. He also stated that this will be his last meeting as Town Council President and due to

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his lack of involvement in hiring the new attorney, President Kuiper made a motion to

nominate Councilman Parker as the new Town Council President beginning January 1st, 2013, seconded by Councilman Earley. Councilman Parker stated because it is not on the agenda to appoint officers at this time, he will decline the nomination. Mr. Kuiper stated it was not on the agenda to interview attorneys as well, but he does realize it is something that can be done, even though it may not be the fairest thing. He then stated the motion died due to lack of a vote.

Mr. Earley thanked Mr. Sobkowski for his time and mentioned that he was not informed of the decision either. He stated that he had been put on this Council by the community to be one-fifth of the decision making, and that did not happen. Mr. Earley stated when he was informed of this decision he was told that it was a done deal and that is how politics work. He stated he did not agree with that statement and that is not how a government should work. Mr. Earley stated the people that have put him on the Council have not been represented and he is worried for the future if these decisions continue to happen. He stated there was no reason everyone could not sit down and discuss this as a Council.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, Times reporter, asked who made the decision. Mr. Kuiper stated he did not. Ms. Csepiga asked again who did and how the decision was made. Mr. Kuiper stated if he did not and Mr. Earley did not, that narrows it down. Ms. Csepiga asked if one of the remaining gentlemen from the Council would like to comment on how the decision was made. She asked if attorneys were interviewed. Mr. Parker stated he did not believe there was a new attorney appointed yet and that there will be a meeting on January 3rd where this will be discussed. Councilman Corns and Councilman Philpot had the same response.

Ms. Csepiga asked if she could receive a copy of the recommendation from the Police Commission regarding the Lake County Dispatch. Mr. Kuiper handed a copy to her. She also asked how soon the ADA database was due. Mr. Shook stated it is due by the end of December and they that have everything done besides the actual sidewalk inventory. Ms. Csepiga asked where Geo-Span is from. Mr. White stated they are from Minneapolis, Minnesota. Ms. Csepiga asked when the reaffirmation of the Town Wards is normally done. Mr. Sobkowski stated it is every ten years.

ADJOURNMENT

With no further questions or comments, Councilman Parker made a motion to adjourn at 7:35 PM, seconded by Councilman Corns, and carried by voice vote.

Phillip Kuiper, President

Attest:

Judith Walters, Clerk-Treasurer