

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
SEPTEMBER 24, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday, September 24, 2012 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited followed

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

TREASURER'S REPORT - August 2012

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

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the September 10th regular meeting, and the September 12th executive session seconded by Councilman Philpot and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed the White Vouchers #2060 - #2112, White-Police #4161 - #4172, Water #2554 - #2576, and Waste Water #3487 - #3505 - Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

ORDINANCES & RESOLUTIONS

Resolution #2012-22 - Councilman Corns made a motion to approve Resolution

#2012-22, seconded by Councilman Parker and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Mr. Shook stated he would like to bring the Council up to date on the water meter change out project that was started a couple of years ago. From the 3400 plus meters we needed to change out, we only have about 150 left to do. We have tagged those left a couple of times to let them know we need to set up a time to come out and change their meter, but we have not had any luck with that. He stated he was going to send out a letter to the homeowners with a thirty day notice stating if they did not set up an appointment within the thirty days, their water would be shut off. The public should know that these meters are at no cost to them, and it is also no cost for the meters to be installed even if the guys have to come out on a Saturday. Mr. Philpot asked if the letters could be sent out certified mail so that we get the green cards back. Mr. Shook stated he could do that. He stated he was hoping the newspaper would pick up on it and that they would get some response that way. Mr. Kuiper asked how long ago the project was started. Mr. Shook stated it was April of 2010. We have some areas right now where the meter reader has to go out to read a few meters, but everything else is radio read.

Mr. Kuiper stated Mrs. Walters, Mr. Shook, and himself have been discussing Nichols Street and the fact that it needs to be paved. It would cost us about \$80,000 for just North Nichols. In 2009 - 2010 we finished just shy of one million dollars for blacktopping, and we also bonded \$500,000 over five years. Nichols was not done even though it needed it at the time. Mr. Shook was pretty confident that we could get a grant for that, which unfortunately did not happen. He stated Mrs. Walters has been looking for a way to find some money for Nichols, which she believes she has, and Mr. Shook has contacted a paver who quoted around \$78,000 - \$80,000. Mr. Shook stated that was correct. He stated that would cover from Commercial to the North side of Deere Way. Mr. Philpot asked how much paving would be laid down. Mr. Shook stated an inch and a half. We will mill it, and then put an inch and a half back down. Mr. Kuiper asked Mrs. Walters if she would like to explain where the money is going to be coming from. Mrs. Walters stated when we took out the 2009 debt, we were paying that back out of our local street and gambling fund, and we had split the \$110,000 annual payment. Last year when we did the 2012 budget, we advertised for a debt outside of our maximum levy, which was approved by the DLGL. That bond payment will now be paid out of our debt fund. The hope is when that bond gets paid off, we will have money available in our debt fund to do more paving. Mr. Kuiper stated he is asking for a motion to approve that project of paving North Nichols.

Councilman Philpot made a motion to approve the project, seconded by Councilman Earley. Mr. Parker asked if there was someone in mind, or if the project was going out to bid. Mr. Shook stated he already priced it through Town and Country Paving. The motion carried by voice vote.

WWTP Improvement Project - Approve Pay Request #19 - Payment #5 to Thieneman Construction - \$385,875.70 (\$366,581.91 to Contractor - \$19,923.79 to retainage) and forward to SRF for payment - Councilman Corns made a motion to approve Pay Request #19, seconded by Councilman Parker and carried by voice vote.

Permission to advertise additional appropriation - Gambling Revenue Fund - Mrs. Walters stated we had a \$340,000 grant for engineering, which was used for our curb and sidewalk project, and 80% of that will be paid for by INDOT and the other 20% by the Town. In order to pay the bills and be reimbursed, we have to appropriate all of the \$340,000 instead of just the 20% that will be paid by the Town. She stated as we get reimbursed from INDOT, we will put that back in to the fund. Mrs. Walters asked for permission to appropriate \$272,000 so that the bills can be paid as they come in. Councilman Earley made a motion to approve the appropriation, seconded by Councilman Corns and carried by voice vote.

Tabled from previous meetings -

8/27 - Storm Water Utility Fee - Mr. Shook stated the Storm Water Management Board is recommending the Council follows through with the report done by Financial Solutions Group, in which they propose a budget and a storm water fee of \$7.00 per month for residential, and the non-residential, based off of that, will be \$28.00 maximum a month. We are asking tonight for the attorney to draft an ordinance and we will schedule a public hearing which Mr. Guerrettaz will be present to answer any questions.

Councilman Parker made a motion to draft the ordinance, seconded by Councilman Corns. Mrs. Walters asked for the public hearing to be set for November 14th. The motion carried by voice vote.

9/10 - Street Sweeping Bids - remained tabled.

NEW BUSINESS

Permission to enter into agreement with Capital Recovery Systems to collect outstanding ordinance violations, infractions and criminal misdemeanor's - Town Judge Karen Coulis - Ms. Coulis stated the first packet that was handed out consists of the outstanding fines, court costs, and fees for infractions. The outstanding infractions

total up to \$78,719. On the ordinance violations there are outstanding fines, court costs, and fees in the amount of \$41,721. She stated she needs an ordinance that does two things. First is to give the Town Court the ability to collect through collection agencies the ordinance violation outstanding court costs and fees. There is a state code, 5-22-6.5, that allows the Town Court to collect the infractions and misdemeanors, but our Town Court does not have an ordinance that allows us to collect ordinance violation fees. In this case, the state legislature does not have the authority to tell the Town what to do. Secondly, we would like the authority to enter in to a contract to collect those fees through Capital Recovery Systems. Several of the Indiana Town Courts use this company to collect their fines. This agency takes our materials and has their people track the violators down to get the money that is owed. The Court will get their money before this agency does and the Town is not charged anything for this. Right now we are sitting on around \$120,000 of uncollected fees that the Town could do a lot with. Ms. Coulis stated earlier Mr. Parker asked if we were suspending licenses, and in some cases we can and we are, but some of these people are out of state and the license suspension may not be picked up. The judges that were contacted have been very satisfied with this agencies services. We are asking for the authority to have Mr. Sobkowski draft an ordinance in order to get these taken care of. If we need to have a public hearing with a representative from Capital Recovery Systems, we can set that up for maybe the November 14th meeting. Mr. Kuiper asked if Ms. Coulis was asking for both the ordinance and to enter in to an agreement with this agency. Ms. Coulis stated there has to be two parts to the ordinance, one to allow the Town Court to enforce and collect ordinance violations, court costs, and fees, part two would be for the Town Court to be able to enter in to a contract with this particular collection agency. Councilman Parker made a motion to grant Ms. Coulis both parts of the request in a drafted ordinance from the attorney, seconded by Councilman Earley and carried by voice vote.

ANNOUNCEMENTS

Next regular meeting - Monday, October 8th - 7:00 P.M.

Mr. Kuiper announced there will also be a Civil War Monument ceremony on October 13th at 9:30 A.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Don Huseman, 362 Gwens Cove, stated he had a complaint against Mr. Trulley telling David Austgen that Mr. Huseman had contacted IDEM in regards to Mr. Austgen not having a permit. He stated the only correspondence he has had with IDEM or the DNR

was when Mr. Trulley called them about the First Baptist Church project that Mr. Huseman was working on. Mr. Trulley stated that was not what was said.

Mr. Parker asked if before the next meeting they could call an executive meeting to talk about some personnel with the Police Commission and the Chief. There are some things the Police Commission has never gotten back to us with from a previous meeting, and with the movement to consolidate the police dispatch, the Council should be brought up to speed on how that will impact the dispatchers. He stated he believes this could be going forward as soon as the end of the year, or the beginning of next year. Mr. Kuiper stated we can do that before the next meeting.

Carl Ferro, 1310 Harrison St., stated there is a paper that people have been throwing on homeowner's properties that just sit there and no one is picking them up. He stated he would like to see an ordinance to somehow take care of that. Mr. Ferro stated during the last meeting he picked up the white piece of paper that was sitting out for everyone and noticed that the Town was buying Hinckley Smith water and he questioned that purchase. Mr. Shook stated it is not drinking water, but distilled water for the Waste Water Treatment Plant. Mr. Ferro asked if there was any way to go back to the contractor and charge them for the maintenance of the retention ponds instead of charging each homeowner \$7.00 a month. Mr. Kuiper stated in some cases the contractor is not around anymore. Mr. Ferro asked if we could put up some kind of performance bond for the subdivision. Mr. Kuiper stated that has been brought up more than once, but between legal and planning, they say that will be next to impossible to do. Mr. Ferro asked also about the purchase of a new street sweeper. He asked if there was possibly another way to cover the new federal regulations without purchasing one, and if it would maybe be cheaper to contract it out. Mr. Shook stated it is an ongoing process. It has to be a street sweeping program set up because of federal regulations. Mr. Ferro asked if we have something to clean the storm sewers. Mr. Shook stated to clean the drains, yes, but not the streets. Not all drains have catch basins in them. Mr. Ferro stated after we purchased the first street sweeper, it was seen a couple of times, and then it was never seen again. Mr. Shook stated he could show Mr. Ferro a log of when it was used and where. He stated within the past couple of years, the machine was blowing out more dust than it was sucking in.

Mr. Corns asked instead of having a bond on the retention pond, could we set up an escrow account from the developer to maintain the pond. Mr. Kuiper stated the question would be how much do you put in there to cover the life of the pond. Mr. Corns stated Mr. Trulley would have more of an idea of how much it would cost to re-build the pond if need be and if we could get something from the developer, it is better than nothing. Mr. Philpot stated instead of an escrow account, it should be

some sort of investment account to earn some money. Mr. Kuiper stated that Jim Mandon said he did not even realize we have not taken them in. Mr. Parker stated one thing he did say is we need to get more strict with the building of these retention ponds from the start. What we can do in the beginning could help with the maintenance in the future. Mr. Philpot stated he would like to bring Mr. Mandon in on this to get his opinion. The Council decided to invite Mr. Mandon to the public hearing.

ADJOURNMENT

With no further comments or questions Councilman Parker made a motion to adjourn, seconded by Councilman Earley and carried by voice vote at 7:34 P.M.

Phillip Kuiper, President
Attest:

Judith Walters
Clerk-Treasurer.