

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
JANUARY 28, 2013**

The regular meeting of the Lowell Town Council was called to order on Monday, January 28, 2013 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed

by a moment of silence. Clerk-Treasurer Judith Walter 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, Town Attorney David Westland, three members of the media, and twenty-two citizens.

**APPROVAL OF MINUTES**

Councilman Kuiper made a motion to approve the January 14<sup>th</sup> regular meeting and the January 16<sup>th</sup> executive session, seconded by Councilman Parker and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Corns stated he reviewed White Vouchers #1061 - #1103, White-Police #4012 - #4018, Water #2048 - #2074, and Waste Water #3034 - #3061 and recommended them for payment. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

**ORDINANCES & RESOLUTIONS**

1<sup>st</sup> & 2<sup>nd</sup> reading - Ordinance #2013-01 amending Ordinance #2012-23 - Economic Revenue Bonds - Mr. Westland stated this Ordinance is time sensitive, this Ordinance changes the interest rate on the bond issue that was approved last year. If it is the Council's pleasure, you would need a motion to suspend the rules to consider it on first reading, and if that would pass five to nothing, you could actually act on this Ordinance tonight as opposed to waiting. Councilman Parker made a motion to hold Ordinance #2013-01 by name and title only for second reading, seconded by Councilman Earley and carried by roll call vote. Councilman Kuiper made a motion to set the rules aside, seconded by Councilman Philpot and carried by five ayes on roll call vote. Councilman Kuiper made a motion to adopt Ordinance #2013-01 by name and title only, seconded by Councilman Parker and carried by five ayes on roll call vote.

Councilman Earley made a motion to set the rules back in order, seconded by Councilman Kuiper and carried by five ayes on roll call vote.

Resolution #2013-01 - temporary loan from Sewer Improvement Fund to Park Fund and Debt Fund - President Corns read Resolution #2013-01. Councilman Kuiper made a motion to adopt Resolution #2013-01, seconded by Councilman Philpot and carried by five ayes on roll call vote.

### **UNFINISHED BUSINESS**

Public Works Department Update - Mr. Shook stated he met with Craig Hendricks from SEH last week and brought him up to date on some of the projects including Powell Ditch. After the

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Council approves the schedule of fees for SEH tonight, they will be taking that project over. Mr. Corns stated he did sign the contract the other day for NIPSCO to do electrical upgrade at the Waste Water Treatment Plant.

WWTP Improvement Project - Approve Pay Request #27 - Commonwealth Engineers - \$14,158; Pay Request #28 - Partial Payment #9 to Thieneman Construction - \$579,866 (\$550,873 to Contractor, \$28,993 to retainage) and forward to SRF for payment - Councilman Earley made a motion to approve the pay requests, seconded by Councilman Parker and carried by five ayes on roll call vote.

Approve Claim #4 for preliminary engineering for curb and sidewalk grant and forward to INDOT for 80% reimbursement - \$20,731 - Councilman Kuiper made a motion to approve Claim #4, seconded by Councilman Parker and carried by five ayes on roll call vote.

Approve agreement with SEH for engineering services for 2013 - Councilman Parker made a motion to enter in to the agreement, seconded by Councilman Philpot. Councilman Earley asked if there was clarification on what SEH was going to take over from Commonwealth. Mr. Shook stated SEH will take over all projects that are not under contract currently and Commonwealth will continue on those projects that they are contracted under. The motion carried by five ayes on roll call vote.

### **NEW BUSINESS**

Approve annual Conflict of Interest Statements - Councilman Parker made a motion to approve the Conflict of Interest Statements for James Konradi, James Langen and Craig Earley, seconded by Councilman Earley and carried by five ayes on roll call vote.

Accept escrow in amount of \$123,938 for extension of Burr Street - Beverly Estates - Don Cripe - Councilman Kuiper made a motion to accept the escrow, seconded by Councilman Philpot and carried by five ayes on roll call vote.

Presentation on Shared Ethics Advisory Commission - Cal Bellamy - Mr. Bellamy stated this Commission has existed since November of 2005. The Commission is not an adjudicatory body. We do not replace the policies of the Town of Lowell, but we train every full time employee on ethical decision making. We ask each community to designate one- three employees to be trained by us, and then those designees go back and train the rest of the employees. He stated we take practical circumstances and through discussion, work through to the right decision. Every year in March we hold a public meeting. The idea of this meeting is to address on a broader basis ethical issues and the importance of ethics in government. This membership does come with a cost for the training and being on the Commission. The cost of maintaining membership for a Town that has fifty to one hundred employees is \$750 for the first two years. In the third year and beyond it would be \$250 per year. Mr. Bellamy stated we are all volunteers on this Commission, and every Town that is involved can designate a member of the Commission. In the packet that has been handed out, you can see the qualifications and duties of the Commission members. The Commission member has to be a private citizen and cannot be in the local

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government. We do also have a Joint Board of Delegates that create a budget for the Commission. He stated the most important thing about the Commission is making the commitment to have your employees trained. You would be devoting employees time to be trained and whatever time it takes to get all of your employees together from time to time to go through the courses. The steps to getting started are first to adopt the Inter-local Agreement, enact the shared ethics code, and pay the enrollment and annual membership fees. On the administrative side, you would need to appoint a private citizen to serve on the Commission to represent their community and designate a public official to serve on the Joint Board of Delegates. You would then need to designate a few employees to be trained as Ethics Trainers and then commit to providing ethics training to all employees. At the present time we have seven communities that are members, but we would love to have more.

Mr. Philpot asked if these communities have been involved for several years in the Commission. Mr. Bellamy stated the three founding communities of Munster, Crown Point and Highland since 2005, Whiting and Schererville for about three years, and then Dyer and East Chicago just joined this past year. Mr. Philpot asked if they found it to be successful. Mr. Bellamy stated in 2009 we conducted a poll of the employees of the communities that are involved, and we found a significant difference between those who have been trained and those who have not been trained on their awareness of the ethics code, how to process a claim, and a feeling that someone would take this seriously. He stated we can justify and prove that this training has an impact. Ethical decision making is a learned skill. Most public employees want to do the right thing, but some do not know what that is.

Mr. Corns asked if there has been any bad experiences. Mr. Bellamy stated for an example, there is an important official in a neighboring County who is a business person. She accepted an offer from a vendor to fly to a political event in Indianapolis and when she was questioned about it, she stated no one ever told her it was wrong. When someone wants to use that excuse, we take that away from them. If a person is committed to doing wrong, it won't matter how much training we give. He stated we are focused on the people that want to do right and we help them figure it out. Mr. Philpot stated if we passed out a paper among the people here and asked what ethical behavior was, we would get a lot of different answers. This program brings everyone together with a common understanding. Mr. Bellamy stated we get a lot of statements from people that they know what right and wrong is, but this is something you need to practice in order to know how to do it. That is why we use the case studies and real life examples.

Mr. Earley stated it is interesting that you have been brought to us to speak of ethics right now, and you did mention something about training other Councils. He asked how many times he has done that and how it has turned out. Mr. Bellamy stated a Director of Public Works can order his employees to attend ethics training, but no one can order an elected official, all we can do is offer. Our first focus is on full time employees, our second focus is on the broad community meetings which we invite every public official to from Lake County. For the first time in October, we had a meeting for Boards and Commissions members. We would like to have something specific for elected officials, but we have to find a time and place for people to come and an incentive for them to go. Mr. Earley asked if we choose to become a member of this Commission, do we choose who becomes trained. Mr. Bellamy stated you can choose who your trainers are, but every full time employee will be trained every other year in

ethics. Mr. Corns

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stated this will be taken under advisement and thanked Mr. Bellamy for his time.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga, Times, asked what the rate changed to for the bond Ordinance that was passed. Mr. Westland stated it went from 5% to 6%. Mr. Corns stated the company requested this change, if you take less interest you get more money, if you take more interest you get less money. It was at the request of HSA who is doing the project. Ms. Csepiga asked what the terms of the SEH agreement were. Mr. Corns stated he could give her a copy of the agreement.

Mr. Earley stated himself and Ron Brown had spoken several months ago about people that are interested in developing a walking/biking path through our community and trails that could connect to the communities north of us. We would like to form a Committee and look in to this project. Mr. Brown stated he had approached Mr. Earley about a conference he had been to that talked about some of the health problems we have today and that part of the problem deals with being active. He stated he has talked to people in the community that have said if there were safe bike trails, they would ride to Town. We are hoping that we could get the blessing of the Council for this Committee. He spoke about the Lake County track that goes all the way up to the lake and how many people use it. He stated he would love to see this come to Lowell so we can continue with these trails. Mr. Earley stated he would like to see in Town a designated bike route through our side streets that could connect the parks and the library. He stated a Committee that an outsider would form would not have the expertise of the Traffic Commission and Police Department which is why he would like to partner with Mr. Brown on this. Mr. Corns stated if Mr. Brown would like to work with Mr. Earley any information that they come across can then be taken back to the Council.

**ANNOUNCEMENTS**

President Corn announced the next regular meeting will be Monday February 11<sup>th</sup> at 7:00 P.M., with a Study Session at 6:30 P.M.

**ADJOURNMENT**

With no further questions or comments, Councilman Parker made a motion to adjourn at 7:47 PM, seconded by Councilman Philpot, and carried by voice vote.

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Edgar Corns, President

Attest:

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Judith Walters  
Clerk-Treasurer