

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

The regular meeting of the Lowell Town Council was called to order on Monday, October 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 Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper and Edgar Corns. Also present were Town Attorney David Westland, Town Administrator Susan Peterson, Public Works Director Greg Shook, Police Chief Erik Matson, Building Official Tom Trulley, MS4 Coordinator Greg White, Attorney Jim Shannahan from Shannahan and Shannahan, two members of the media, and forty citizens.

TREASURER'S REPORT - September 2013

Councilman Parker made a motion to approve the September 2013 Treasurer's Report, seconded by Councilman Kuiper and carried with five ayes.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the October 14, 2013 regular meeting minutes, seconded by Councilman Parker and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #2128 - #2177, White-Police #4223 - #4234, Water #2689 - #2709, Waste Water #3561 - #3584, Stormwater Utility #5047 - #5054, and recommended all of the vouchers for payment. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Presentation to Boy Scout Troop #697 - President Corns explained that the Boy Scout Troop had been working on cleaning the cemetery ditch as a community project. Member of Boy Scout Troop #697 and MS4 Coordinator Greg White stated November 26, 2012 was the first Town Council meeting that he had attended as becoming employed by the Town of Lowell. He stated at that time, there were discussions about the ditch behind the Lowell Cemetery holding a lot of rubbish and trash, but he did not realize how much trash was back there until he went and looked at it himself. He stated through the Stormwater Program, and with the Town Council's permission, we put together this service project for the Boy Scouts to clean out that ditch. Mr. White explained that about two weeks ago the group went out to the cemetery and cleaned the ditch out, beautifying that area of the Town and making that waterway healthier. President Corns presented Troop #697 with a Certificate of Appreciation from the Town.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2013-07 - Holm annexation - 80 acres - Councilman Parker made a motion to approve Ordinance #2013-07 by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes.

2nd reading - Ordinance #2013-08 - Kasenga annexation - 27 acres - Councilman Philpot made a motion to approve Ordinance #2013-08 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes.

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2nd reading - Ordinance #2013-09 - Umlauf annexation - 10 acres - Councilman Parker made a motion to approve Ordinance #2013-09 by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes.

2nd reading - Ordinance #2013-15 - amend Lowell Zoning Ordinance - building permit fees - Councilman Philpot made a motion to approve Ordinance #2013-15 by name and title only, seconded by Councilman Kuiper and carried by roll call vote with five ayes.

1st reading - Ordinance #2013-16 - annexation of Novak property - 4.20 acres - Attorney Dave Westland stated the Novak property at 18007 Holtz Road had some discussion about Mr. Novak filing a petition for annexation and possibly asking to be brought in friendly. He stated they had sent a petition for him to sign to get the ball moving, and other than writing more letters, there is nothing we can do besides move forward. After discussion the Council instructed them to move forward with the Ordinance that has been drafted. Councilman Kuiper asked if Mr. Novak could still come in friendly at any time during this process. Mr. Westland stated that he could. Councilman Kuiper asked how it was zoned. Mr. Westland stated he is zoned agricultural, and leads him to believe that he will be talking to us because there are some issues there with how he is using the property currently so at some point that needs to be addressed. Councilman Parker stated that he had spoken to Mr. Novak and he is aware of this and has said that his attorney will be getting in contact with us. Councilman Kuiper made a motion to hold Ordinance #2013-16 over for a second reading and to set a public hearing, seconded by Councilman Earley and carried by roll call vote with five ayes.

1st & 2nd reading - Ordinance #2013-17 - Issuance of General Obligation Bonds - \$800,000 - Mr. Westland stated about forty-five to sixty days ago we were instructed to solicit some bids for bond counsel in regards to refinancing the Town's General Obligation Bonds. Mr. Shannahan has prepared a time line of events in regards to what needs to happen in order to be able to close on these bonds before the end of the year. The time line does include the action that will be taken tonight on the Ordinance, and the publication period. Attorney Jimmy Shannahan, Shannahan and Shannahan, stated the project that is being financed has two parts. The first is refinancing some notes that were done in 2009 that were issued to pay for some road

improvements, and the second piece is to fund some additional road improvements. The Bond Ordinance in front of you sets forth the parameters for the sale and authorizes the Clerk-Treasurer to publish notice of the sale. Beyond that there are some interest rate parameters and use parameters. If you decide to move forward tonight, that will authorize the sale, and then we will publish notice of the sale twice, and hold an appropriation hearing at the next meeting to appropriate the proceeds since they were not included in your original budget.

Attorney Shannahan stated we will then be able to close in December, which will allow the Town to take advantage of the interest rate savings, pay off the notes that come due early next year, and set up a tax levy to start paying the debt service and the bonds moving forward. Councilman Kuiper asked what the length of the bond was. Clerk-Treasurer Judith Walters stated it will be for seven years. She stated it is not a new tax levy, it is a continuation of the current tax levy. Mr. Shannahan agreed, the Town financial advisor has set it up so that it will maintain your rate and there will be no impact felt by the taxpayers. President Corns stated that was the first reading and we will now hold it over for the second reading. Councilman Kuiper made a motion to suspend the rules, seconded by Councilman Earley and carried by roll call vote with five ayes. Councilman Kuiper made a motion to adopt Ordinance #2013-17 by name and title only, seconded by Councilman Earley and carried by roll call with five ayes. Councilman Kuiper made a motion to set the rules back in to place, seconded by Councilman Philpot and carried by roll call vote with five ayes.

Resolution #2013-14 - enlarging PERF coverage - Clerk-Treasurer Judith Walters stated in our 2014 budget we have budgeted for a full-time firefighter and at that time, when we were preparing the budget, we had figured in that he would become a civilian PERF employee. Whether you do that or not, we have LTC REGULAR MEETING - 10/28/13 - PAGE 3 OF 6

to pass a Resolution to enlarge our coverage by November 1st to include that position. She stated she was not sure if the Council had thought about if they would like him in the firefighters pension or the civilian pension, but to put him in the firefighters pension, it would be a new submission and we would have to enact a Resolution to start a fire pension fund since we do not have one right now. We would also have to have a board of works established before that time. She stated at the time we met with the fire department, it seemed the best thing would be to put the employee in the civilian PERF, which is what we budgeted. Councilman Earley asked if the ambulance employees were in the civilian PERF. Clerk-Treasurer Walters stated only the police and firefighters are in the 77 pension fund. Councilman Philpot asked if a safety board would have to be created under the civilian PERF. Mrs. Walters stated no, it would not. A fire pension would have to follow the same guidelines as the police, there is an age limit and a physical that they have to pass in order to be accepted, which under the civilian PERF they would not have to do that, and the rate is less than the police. Discussion followed. Councilman Kuiper made a motion to pass Resolution #2013-14, seconded by Councilman Parker and carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated we currently have four residents left that need their meters changed to the radio read. One has been scheduled for installation this week, but the other three are adamant about not letting us in to change the meter. Instead of shutting their water off, we would like to draw up an Ordinance to charge an additional fee to read those meters manually. Director Shook asked for permission to talk to the attorney and draft an Ordinance to present to the Council. Councilman Kuiper made a motion to grant that permission to Director Shook, seconded by Councilman Earley and carried by roll call vote with five ayes.

WWTP Improvement Project - This item was not discussed.

Freedom Park Committee - Alice Dahl, President of the Freedom Park Committee, stated she is present to make a recommendation to the Town Council from the Freedom Park Committee to review the Little League contract. Councilman Philpot stated that he would like to make a motion to set a work session in order for the Town Council to sit down with the Lowell Little League and the Freedom Park Committee to discuss changes to the current contract. Councilman Kuiper seconded the motion, and the motion carried by roll call vote with five ayes.

Tabled from previous meetings:

9/9 South County Community Services - This item was not discussed.

NEW BUSINESS

Town Christmas Tree - President Corns stated the Christmas tree that we set up by Legion Park is in need of replacement, and we have found out that we would have to pay \$18,000 for new limbs. We would like to see if anyone would like to donate a tree to save the Town the cost of a new tree. Director Shook stated we are actually looking for a live tree. He stated the Street Department Superintendent and himself went to Chicago Heights, because they have been putting up a real tree for a number of years, but recently have transplanted a large tree in front of their Town Hall. Since they have done this, they are offering to let us use their Christmas tree stands and loan us their guide wires. We would have to first find someone with some sort of pine tree that they would like to donate, and we could go and cut it down. We are looking for something that is around twenty-five to thirty feet tall. Carl Ferro, 1310 Harrison Street, stated that his neighbor may have a tree about that size that he has been looking to get rid of. Mr. Shook stated he will keep that in mind.

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Permission to close Mill Street for car shows for 2014 - Lowell Lion's Club - John Piper, 5948 W. 172nd Ave., stated on behalf of the Lowell Lion's Club, they would like to thank the Town for allowing them to have their Mill Street Cruise Nights this year. He stated their numbers have increased and would like to make a little amendment to their previous request. They are asking permission to close down Mill Street from 5:00 PM - 9:00 PM beginning the first Saturday of May

through August, with our last event on August 30th to coincide with the Labor Day Festival, and if necessary, to close down Jefferson Street from Mill Street to Clark Street. They have spoken with the owners of Lowell Glass and Trim and the Mobil gas station, and they are both on board.

Mr. Pipe stated the rain date would be the following Saturday. Councilman Parker asked Chief Matson's opinion. Police Chief Erik Matson stated they have never had any issues with this event. Councilman Kuiper asked if there are any other businesses that may be affected. Mr. Piper stated Athen's Grill is open during that time, and they have approved of the event, and we also have spoken with Lump Insurance and Centier Bank. Councilman Earley stated there is a residence on Jefferson which we will need to keep in mind when closing that road. Mr. Piper stated the intent is to just use the south side of Jefferson and leave the north side open for traffic to Mobil and that residence. Councilman Philpot made a motion to approve the request, seconded by Councilman Kuiper and carried by roll call vote with five ayes. Councilman Philpot recognized John Piper's Man of the Year award and Paul Palmer's Melvin Jones award that they had received this year. He also stated that he had requested that the Lion's Club plant some trees out at Freedom Park, and they have generously donated ten trees that they will be out there to help plant. Mr. Philpot stated we are looking for new members and there is a new program out there for people interested in joining. Paul Palmer stated Lion's International has offered to give any veteran of any war who wants to join the Lion's club, one-third off of their dues for the first year. Mr. Palmer explained a little bit of the background regarding the number of members. Discussion followed.

Presentation from Northwest Indiana Forum - Councilman Earley stated he had the opportunity to meet with the Northwest Indiana Forum Economic Development Director, Don Koliboski, and the Communications Director, Karen Lauerman. It did not take long to understand that what the organization does can bring a lot to our community. Mr. Koliboski explained that the primary focus they have is to create new business and push for public policies that allows existing businesses to thrive in the community, expand, and create more local jobs. The work of an economic development organization results in economic impact such as the Family Dollar coming in and places like Ashland being renewed. There are a lot of communities that are not able to have a full-time Economic Developer on staff, so the Northwest Indiana Forum serves as that. Mr. Koliboski referred to page three on the hand-out explaining that the local government has a big impact in attracting business. He also explained some conferences that they attend and how they promote and market available land spaces in Northwest Indiana.

Karen Lauerman, Marketing and Communications Director, stated on average they attend between ten and twelve conferences a year and meet with site consultants that are interested in Northwest Indiana. The communities, counties, state and various alliances along with the forum membership of about one hundred and thirty organizations have put together this marketing campaign and we have been able to sustain it for the last several years and have been very successful. He stated this includes everything from national advertising, to media releases, and they have been in USA Today, and more. One of Mr. Koliboski's main jobs is to work with those site selectors, but in order to do that, they have to make an in-road with them and develop those relationships, which is where those conferences come in to play. Ms. Lauerman explained the

cost analysis that was done that compares Northwest Indiana to other regions. She also explained that if Lowell becomes actively engaged in the forum, the trade shows and conferences are open to attend so that you can have a representative from your Town. Ms. Lauerman stated in order to have your property leads answered, it does need to be on Zoom Prospector. Both Ms. Lauerman and Mr. Koliboski explained what Zoom Prospector was and how people can find land space

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through other sites. Ms. Lauerman spoke about how they can work with the Town to get some pictures with the listings and extra information. Mr. Koliboski stated if you go on their website you can pull up Lowell, Indiana and it will show data that is updated twice a year. This is important when people are looking at areas to relocate or expand so they can compare. He stated they also run a business retention and expansion program. In economic development, you need to attract new business, create new jobs, and train the community to fill those jobs. He stated you also need to focus on existing businesses and help them grow and thrive. And to do that, they offer Executive Plus software which is a managing software that offers a communication portal between businesses and the Town. Ms. Lauerman explained that they also hold programs for people who are interested in becoming involved in a more active role if the Town decides to partner with the forum. Discussion followed on some brokers that they are currently working with in the area and the potential opportunities of the area.

Mr. Koliboski stated they are also available to come out and do workshops on tax abatement laws or vacant building tax abatement laws at no cost. President Corns asked in a Town like Lowell, who are you most likely to work with. Mr. Koliboski stated your Redevelopment Commission, the Town Administrator, etc. We have no preference, but a lot of times it is a broker. Councilman Kuiper asked what the requirements would be to be a part of the forum. Mr. Koliboski stated we do this for communities that are being a little left out, but it helps to have someone who is engaged and to have a point of contact. The municipal fee is \$1500 per year. Councilman Earley stated in his opinion Lowell is moving in a direction that would benefit from being a part of this forum and he added that he would be very interested in being the Council representative for this. He also stated that he would like to bring Mr. Koliboski and Ms. Lauerman down again to meet with the Redevelopment Commission and Plan Commission as well. Councilman Parker agreed with Councilman Earley. It was decided that a date would be planned for everyone to meet.

Act on favorable recommendation from Plan Commission:

Accept Performance Bond - \$411,864 - Providence Townes of Lowell - Phase II - Councilman Kuiper made a motion to accept the performance bond, seconded by Councilman Earley. Councilman Parker asked if the detention pond was fixed. Building Official Tom Trulley stated they are working on it right now. That is what part of the bond is for. Discussion followed on how the motion was made at the Plan Commission meeting regarding the completion of the pond and the acceptance of the bond. Councilman Parker stated he wanted to make sure that the pond is fixed. Attorney Westland stated the bond expires on October 18, 2014. The

performance bond will cover you, but it will only cover you to the extent that you have some sort of check before October 18th. There has to be some mechanism on the follow up to all of the things that they are supposed to do before October 18th. Councilman Kuiper stated there was a conversation that the pond needed to be done first. Councilman Parker stated the motion stated that the issue needed to be corrected before we would take anything. Mr. Trulley stated they understand that they cannot build anything on this property until the pond is done and inspected by their engineer and our engineer. Councilman Parker stated they need to follow through on what the proposal is. Councilman Earley asked if any work has been started. Mr. Trulley stated the pond is almost done. Councilman Earley stated they are working on the pond now, and they have not started building anything. Mr. Trulley stated that was correct. The motion carried by roll call vote with five ayes.

ANNOUNCEMENTS

President Corns announced that the next regular meeting would be held Tuesday, November 12, 2013 at 7:00 P.M.

President Corns also announced that there will be an executive session held Tuesday, October 29, 2013 at 4:30 and there will also be a bike trail meeting at the Town Hall Tuesday, November 5, 2013 at 7:00 PM.

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Councilman Kuiper asked if the Novak property second reading had to be thirty or sixty days. Attorney Westland stated it has to be between thirty and sixty days after the public hearing meeting. The earliest you would get it done is probably the first meeting of next year.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga asked if Mr. Novak had filed a lawsuit regarding the annexation. Attorney Westland stated he was not aware of any lawsuits.

ADJOURNMENT

With no further questions or comments, Councilman Kuiper made a motion to adjourn at 8:02 PM, seconded by Councilman Earley and carried by voice vote with five ayes.

Edgar Corns, President

Attest:

Judith Walters, Clerk-Treasurer