

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
DECEMBER 9, 2013**

The regular meeting of the Lowell Town Council was called to order on Monday, December 9, 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, Police Chief Erik Matson, Building Official Tom Trulley, Public Works Director Greg Shook, two members of the media, and ten citizens.

**APPROVAL OF MINUTES**

Councilman Kuiper made a motion to approve the November 25, 2013 regular meeting minutes, and the December 4, 2013 work session, seconded by Councilman Parker and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Corns stated he reviewed White Vouchers #2263 - #2313, White-Police #4264 - #4274, Water #2787 - #2823, Waste Water #3645 - #3673, Stormwater Utility #5065 - #5072, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Kuiper and carried with five ayes.

**MONTHLY REPORTS - November 2013**

Councilman Parker made a motion to approve the November 2013 monthly reports, seconded by Councilman Kuiper and carried with five ayes.

**STANDING COMMITTEES -**

Annexation Committee - Doug Niksch, 5524 W 173<sup>rd</sup> Place, stated that the Council has a copy of a letter addressed to the Lake County Parks Department from the Annexation Committee requesting the start of a dialogue for friendly annexation on the three parcels that are adjacent to Route 2. Councilman Earley asked if Mr. Niksch could elaborate as to why the Committee was making this request. Mr. Niksch stated there is no negative impact at all, and it also makes it so that we have more congruency so if we want to do any more annexation to the north or south, we have the available room. Discussion followed regarding a possible meeting with the Lake County Park Board once the letter is sent, if needed. Councilman Kuiper made a motion to approve the letter going to the Lake County Parks Department, seconded by Councilman Parker

and carried with five ayes.

Novak Annexation - President Corns stated the Council has the revised petition for annexation of the Novak property. Attorney David Westland stated this is in there for informational purposes only. Mr. Novak has not signed this or formally requested annexation.

## **ORDINANCES & RESOLUTIONS**

1<sup>st</sup> & 2<sup>nd</sup> Reading - Ordinance #2013-20 - amend Ordinance #2013-14 Salary Ordinance add police college credit/amend Park - Attorney Westland explained that Ordinance #2013-20 will amend the Salary Ordinance for this year. This Ordinance will give certification pay for the highest degree achieved by a Police Officer from an accredited college or university, and it also amends the Parks Department salary for the Park Recreational Director to be capped at \$13.00 per hour. Councilman Kuiper made a motion to hold

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Ordinance #2013-20 over for a second reading, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Earley made a motion to suspend the rules, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Kuiper made a motion to accept Ordinance #2013-20 by name and title only, seconded by Councilman Parker.

Councilman Kuiper stated if someone is hired in with a Bachelor's Degree, after a year of continuous service, they will receive \$600. He then asked, what if that person goes on to receive their Master's Degree. Attorney Westland stated they would then be paid accordingly for the highest degree. Clerk-Treasurer Judith Walters stated it would only be paid out on December 1<sup>st</sup>. Councilman Kuiper stated that is not what he believed was discussed before. Discussion followed regarding how the certification pay would be decided. Councilman Parker asked if there was a policy that covers this. Chief Matson stated there is. The motion carried by roll call vote with five ayes. Councilman Philpot made a motion to set the rules back in to place, seconded by Councilman Earley and carried by roll call vote with five ayes.

1<sup>st</sup> Reading - Ordinance #2013-21 - 2014 Salary Ordinance - Councilman Kuiper made a motion to hold Ordinance #2013-21, an Ordinance to set wages and salaries for 2014, seconded by Councilman Earley. Clerk-Treasurer Walters stated we budgeted for a two percent increase, except on the Corporal. This is a correction to your copy that you have. We spoke at budget time about increasing their pay \$.50 per hour plus the two percent. She stated the Corporal should read \$26.43 instead of \$25.93. You will also see under Town Administration, a Special Events Coordinator has been added, but there is no maximum hourly rate so a suggestion needs to be made for that. This Ordinance also includes the Police College Credit and the Boards and Commissions that are paid annually, except for the Storm Drainage Board, which is not included.

Councilman Kuiper stated the Park Board should not be on there, so we could put the Storm Drainage Board on there instead. Clerk-Treasurer Walters stated this will be effective for 2014 as of January 5<sup>th</sup>, but it will not be paid until we have received an approved certified budget from the Department of Local Government Finance. Councilman Kuiper asked Clerk-Treasurer

Walters if she had a suggestion for the maximum hourly rate of the Special Events Coordinator. Clerk-Treasurer Walters suggested \$22.00 an hour maximum. Councilman Kuiper made a motion to amend the ordinance to include a \$22.00 an hour maximum for the Special Events Coordinator, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Parker made a motion to amend the ordinance to include a \$300 per year salary to the Storm Drainage Board members, seconded by Councilman Kuiper and carried by roll call vote with five ayes. The motion to hold over Ordinance #2013-21 for a second reading, with the amendments noted, carried by roll call vote with five ayes.

### **UNFINISHED BUSINESS**

Amendment to Little League Agreement at Freedom Park - Councilman Philpot stated that the Little League's President has requested a work shop to discuss this amendment. He stated he would receive input from the Little League President and the Council members to decide when to set up a date. Councilman Earley stated that the Vice-President and President of the Little League were present and asked if they may speak on the topic. Brian Roney, 16364 Broadway, President of the Lowell Little League, stated they were approached with the letter to get off of the lease agreement and we had discussed previously that we would like to do a work shop to discuss further what could be done with Freedom Park and baseball. He stated he has spoken with the Board and they are prepared at this time to sign the agreement, but if the Council feels that a work shop would be beneficial, the Board would be in agreement to do that as well. Discussion followed. Mr. Roney stated that the league has not been able to come up with the funds to move forward with plans at Freedom Park, and they do not want to hold any future plans up any longer. He stated they would still be open to discuss how they could be a part of Freedom Park, but at this time they are willing to sign the termination of the lease agreement. Councilman Earley stated that he appreciated the fact that they came to an agreement with the Board and if at any time in the future they would like to take on a project like this to let the Council know. Discussion followed. Mr. Roney submitted the sign copies of the

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agreement to the Council. Councilman Philpot made a motion to approve the amendment for the termination of the Freedom Park lease agreement with Lowell Little League, seconded by Councilman Kuiper. Councilman Kuiper thanked the Little League and stated that he understood the task they had at hand. Mr. Roney stated he wanted to open up relations with the Town and change the way that things have been done in the past. The motion carried by roll call vote with five ayes.

Act on Supplement Number 2 - SR 2 Curb and Sidewalk Reconstruction - Public Works Director Greg Shook stated we have had discussions before about INDOT pushing our project out a little further as far as the funding becoming available. This supplement to the original contract states that our money will become available between July 1, 2015 and March 31, 2016. By the end of next year, early part of 2015, we will have to have all of our rite-of-way acquisitions in

order for our project to be ready to go out for bid. He stated the supplement is an amendment to the original contract that needs to be approved by the Council and sent back to INDOT to show that we are planning on continuing with this project, and we will have it available and ready between July 1, 2015 and March 31, 2016. Councilman Kuiper made a motion to approve the supplement, seconded by Councilman Parker and carried by roll call vote with five ayes.

Public Works Department Update - WWTP Improvement Project - Director Shook stated at the Wastewater Treatment Plant, we are getting ready to do the performance test. The actiflow system will be turned on and start running around Wednesday. In the mean time, the Lake County Building Department came out and did the final inspections on the building, and they found some minor things wrong, but they did say that we could continue on with running the equipment. In order to get the Certificate of Occupancy, there are some items that need to be corrected. Director Shook stated there will also be a \$200 reinspection fee, and he asked if the Council could approve and allow Clerk-Treasurer Walters to issue the check if Thieneman Construction gets their corrections made between now and the December 30<sup>th</sup> meeting. Mr. Shook stated that \$50 of the \$200 is on an electrical service that we are working on, but the other \$150 will be deducted from our final payment to Thieneman. Councilman Kuiper made a motion to allow Clerk-Treasurer Walters to issue a check for \$200 for the reinspection fees, seconded by Councilman Earley and carried by roll call vote with five ayes.

## **NEW BUSINESS**

Enter in agreement with James Mandon, Consultant for 2014 - Councilman Earley made a motion to approve the agreement, with the same hourly rate of \$55.00 as in 2013, seconded by Councilman Philpot and carried by roll call vote with five ayes.

Accept Letter of Credit - Ramsey Development - Building Official Tom Trulley stated their letter of credit expires on the 14<sup>th</sup> of this month, but they still have not done their public improvements, so we requested another letter of credit for another year. Councilman Kuiper approved the letter of credit for \$75,000, seconded by Councilman Earley and carried by roll call vote with five ayes.

Accept request to reduce bond for Manhard - Phase 2 Project to \$351,576.00 - Mr. Trulley stated that all of their earth work has been done at this point. The retention pond has been built, but we have not given final approval because the grass has to be up before we can give that. Councilman Earley made a motion to approve the request, seconded by Councilman Philpot and carried by roll call vote with five ayes.

Town Council Members submit annual compliance with Nepotism Policy - President Corns stated that the Council needs to fill out and submit the annual Nepotism Policy paperwork.

Councilman Kuiper stated that he would like to put together a proposal for installing security cameras out at the park and is waiting on a phone call from Officer John Chase to help him with

that. He stated in the past few months we have seen at least \$4,000 - \$5,000 worth of damage done in the various parks.

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President Corns stated that the old hardware store has recently been purchased, and the new owners are opening an antique mall, and are requesting to put up a banner in front of the store, but currently this is against the ordinance. Mr. Trulley stated they purchased the banner not knowing that they were not allowed to. They want to re-do the front of the building next spring and did not want to put up a permanent sign until that was done because there will be some masonry work that has to be done. He stated that he had spoken to Planning Consultant Jim Mandon about it because there are no provisions for temporary banners. We would like to ask the Council to grant them permission for a temporary banner until the repairs are made in the spring and they are able to install a permanent sign. Kathy and John Stefanski, owners of the store, requested to have until June 1<sup>st</sup> with the temporary banner. Councilman Kuiper made a motion to grant permission for the temporary banner to be in place until June 1<sup>st</sup>, 2014, seconded by Councilman Parker and carried by roll call vote with five ayes.

#### **ANNOUNCEMENTS**

President Corns wished everyone a Merry Christmas and announced that the next regular meeting will be held Monday, December 30<sup>th</sup> at 7:00 PM. He also stated that there will be an open house celebrating Sue Peterson's retirement on December 19<sup>th</sup>, from 2:00 PM - 5:00 PM.

Councilman Kuiper stated looking at the law firm's fees, on November 18<sup>th</sup>, there was an item where two Councilmen met with representatives of Republic, which is the active landfill on Route 2. He stated a few days ahead of that, President Corns had called him and asked if he would support President Corns and Councilman Parker negotiating a friendly annexation of the landfill. Councilman Kuiper stated that he had told President Corns that he would not support that and gave him several reasons why. He stated that since it has happened anyway, he must have been the only Councilman that did not support that decision, which is why they moved forward. Councilman Kuiper stated if they are considering coming in friendly, there should not be anything to negotiate unless it is a negotiation for an eighty acre expansion to their landfill, and if that is the case he does not support that at all and is insulted if we are out there negotiating that. He stated we should be focused on new businesses that are going to bring in a lot of jobs. He was not positive that those were the negotiations being made, but he was disappointed that he was the only one that was against it. Councilman Parker stated there were no negotiations, there was just discussion to see what it would take to get them in friendly. If something happens, you will hear about it. Councilman Kuiper stated that he hopes the public will hear about it too. Councilman Parker stated it will come before the Council and we will see what the majority says. Councilman Earley stated he was not aware of this either, and had received a similar phone call asking if he would support, and the words were negotiating, with

the landfill. Councilman Earley stated that he had said absolutely not as well, and has not heard anything else about it. He stated he does not have a problem with two of the Councilmen wanting to go and discuss or negotiate, but we have employed our attorney, and if that is the case, we should all be privy to exactly what happened in that meeting. There was also an e-mail sent to Attorney Weiser that Councilman Earley requested a copy of. He stated that he had told President Corns if they would like to discuss coming in friendly, then let them come in and we will all sit down in a work session to discuss it, which is what should have happened here.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga, Times reporter, requested a copy of the amended agreement between Freedom Park and the Little League. Ms. Csepiga also asked the name of the new antique mall. Kathy Stefanski stated it is Treasure’s Found.

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**ADJOURNMENT**

No further business, Councilman Kuiper made a motion to adjourn at 7:45 P.M., seconded by Councilman Parker and carried with five ayes.

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Edgar Corns, President

Attest:

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Judith Walters, Clerk-Treasurer

