

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
MAY 13, 2013**

The regular meeting of the Lowell Town Council was called to order on Monday, May 13, 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 Director of Public Works Greg Shook, Interim Police Chief Erik Matson, Building Official Tom Trulley, Town Administrator Susan Peterson, Town Attorney Jack Kramer, two members of the media, and fifteen citizens.

**APPROVAL OF MINUTES**

Councilman Kuiper made a motion to approve the April 22<sup>nd</sup> regular meeting and study session, and the April 29<sup>th</sup> and May 6<sup>th</sup> executive sessions, seconded by Councilman Earley and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Corns stated he reviewed White Vouchers #1416 - #1481, White-Police #4076 - #4094, Water #2257 - #2310, Waste Water #3218 - #3262, and Stormwater Utility #5002 - #5004 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 by voice vote.

**MONTHLY REPORTS** - April 2013

Councilman Parker made a motion to approve the April 2013 monthly reports, seconded by Councilman Philpot and carried by voice vote.

**STANDING COMMITTEES** - Annexation Committee

President Corns stated we have decided to table the memorandum from the Annexation Committee until Doug Niksch, Annexation Committee President, can attend a meeting to clarify what exactly he wants.

**ORDINANCES & RESOLUTIONS**

1<sup>st</sup> reading & 2<sup>nd</sup> reading - Ordinance #2013-06 - Additional Appropriation Public Hearing - President Corns read Ordinance #2013-06 appropriating additional funds in the General-Town Court, Adult Probation, Gambling Revenue, Cum Sewer, and Freedom Park budgets and opened the Public Hearing. With no one to speak for or against the Ordinance, President Corns closed the Public Hearing. Councilman Kuiper made a motion to suspend the rules, seconded by Councilman Earley and carried by roll call vote. Councilman Earley made a motion to adopt Ordinance #2013-06 by name and title only, seconded by Councilman Parker and carried by five

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

Resolution #2013-05 - transfer of funds - M.V.H. Fund & Freedom Park - President Corns read Resolution #2013-05. Councilman Parker made a motion to adopt Resolution #2013-05, seconded by Councilman Philpot and carried by five ayes on roll call vote.

### **UNFINISHED BUSINESS**

WWTP Improvement Project - Approve Pay Request #34 - Commonwealth Engineers - \$18,614.06 and forward to SRF for payment - Councilman Kuiper made a motion to approve Pay Request #34, seconded by Councilman Earley and carried by five ayes on roll call vote.

WWTP Improvement Project -

C.O. #4 - \$15,335.00 - relocate hydrocyclones, repair influent line, eliminate concrete ramp at Actiflo building and credit for lighting

C.O. #5 - \$225,295.00 - credit for Storm Pump Station allowance, Nipsco allowance, eliminate piping modifications and costs to rehabilitate and install storm pumps in existing headworks wet well - Al Stong, Commonwealth Engineers, introduced himself and Josh Harner as the two engineers that have been working on the Waste Water Treatment Plant Improvement Project. Mr. Stong stated that they have a brief summary for the Council regarding the status of the project. The original schedule shows that the final completion date was supposed to be April 26<sup>th</sup>, but there have been delays due to Nipsco. The new substantial completion date will be July 24<sup>th</sup>, and the final completion date August 24<sup>th</sup>. They are working with IDEM to make sure the appropriate changes within the agreed order are satisfied. Mr. Stong reviewed the work that has been completed to-date and the work that is remaining on the project. He also explained the projected construction budget, and the change orders that have been made. Mr. Stong explained that Change Order #4 is for the relocation of the hydrocyclone, repair of the 30" influent line, eliminating light poles (per the

owner's request), and eliminating the ramp at the UV structure and modifying the handrail (per owner's request). He then explained the reason for Change Order #5 and all of the steps that were needed to get the Storm Pump Station running.

Public Works Director Greg Shook stated it is important to point out that the \$225,000 change order is actually the mandatory alternate where we cut the other pump station building. He asked how much the other pump station building was that was cut out. Mr. Stong stated it was two million dollars. He stated, "We had a new headworks facility we were putting in and we save two million dollars by cutting it out. We budgeted \$300,000 in contingency money to take existing pumps and rehabilitate them and to reconstitute the structure with instrumentation control and electrical. That estimate came in at \$269,000, but the problem was that the structure had failed." Councilman Parker made a motion to approve Change Order #4, seconded by Councilman Philpot and carried with five ayes on roll call vote. Councilman Philpot made a motion to approve Change Order #5, seconded by Councilman Earley and carried with five ayes on roll call vote.

Garbage proposal from Republic Services - President Corns read a memo from Town Administrator Susan Peterson that had an attached letter from Jim Metros, Municipal Services

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manager at Republic Services, with a new 3-year proposal that asked Mrs. Peterson to review the proposal with the Town Council and if the Council rejects the proposal, he will consider a six month extension of the current contract. Councilman Kuiper made a motion to decline the proposal and to go with the original 5-0 vote to put the garbage contract out to bid. It has been seven years since we have put this out to bid. Councilman Parker stated Mrs. Peterson reached out to Republic to see about the dumpsters and the rates, and this letter is in response to that. In the second meeting in March, it was discussed to possibly go out to bid, and at that time, Mrs. Peterson was asked to contact them to see if they would consider an extension. Councilman Kuiper stated it was not impossible to go out to bid, it was a 5-0 vote to go out to bid. Councilman Parker stated he did not read the minutes that way. He asked if in 2010 we had them review their rates. Mrs. Peterson stated no, we renewed our contract with them in 2010. Councilman Parker stated the people he has talked to around here have had good service, and other towns have ended up with Republic as well after going out to bid. Councilman Parker made a motion to approve the proposal, seconded by Councilman Philpot.

Councilman Earley stated we are not saying that we are not going with Republic, we are saying we would like to get prices, and as a Council we should be doing that for the

residents of Lowell. If they come back to be the lowest, then we will go with them. Councilman Parker stated he would agree with that, but the other communities have all gone through the bidding process. When you get a good vendor that is providing a good service and their rates are comparable, you have accomplished what you are looking for. Councilman Kuiper stated if you want to talk about customers, not saying they are not a good vendor, there is probably a reason the whole County switched from Republic to another vendor. We saw that first hand on our recycle collection. There is competition out there that we should give a shot. President Corns asked if there have been any other bids. Mrs. Peterson stated she has not sent it out to bid because she was waiting on a reply from Republic for the extension. Councilman Philpot stated we voted 5-0 to go out to bid, but now we do not have an answer for the extension, and the present contract is up next month. By the time we go out for the bid process, we are looking at about another two months. He stated he would hate to be in a position where we have no garbage pick up because we did not get an extension, and there is no new company in place yet. Councilman Philpot stated he did not really like the savings in this proposal, and they are also proposing a whole new system. There will be a new truck that picks up the garbage and recycling cans, and the recycling trucks will be in one part of town one week and the other half of town the next week. Those trucks are heavy and can beat up a street pretty good. He stated he did not want to be caught without garbage, which is why he is going for the proposal. Councilman Kuiper stated we will never put it out to bid then if that is what we are going to worry about. We will not be without garbage. Councilman Philpot stated if the bids would have gone out at an appropriate time, we would not have been in this situation. Discussion followed. Attorney Jack Kramer stated if the Council decides to go forward with this proposal, that would override the previous decision to put it out to bid.

Councilman Kuiper stated something has obviously changed between then and now because the original motion was a 5-0 vote to go out to bid. Councilman Parker stated the motion was to find a proposal from Republic first and then talk about an extension. Discussion followed on how the original motion was made. The motion to approve the proposal from Republic for a three year contract carried with three ayes and two nays. Councilman Earley and Councilman Kuiper voted

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no. Mrs. Walters stated she will not have time to change the software program before July 1<sup>st</sup> to reflect the lower rate for the first year. President Corns stated the first year will be \$16.00, the second year \$16.40, and the third year \$16.89 per unit per month. Mrs. Walters stated currently the Town Council pays \$.70 per month per citizen towards their garbage bill out of our recycling funds. She asked if the Council would like to keep doing that, or make

the difference up with what they are lowering our bill to. Councilman Parker stated if they lower the bill, then the Town would take that money back. President Corns stated he has been very happy with the service from Republic and that the new schedule could help with wear and tear on the roads. Mrs. Walters asked if President Corns would like to read the proposal so the citizens know about the new schedule. President Corns read the proposal from Republic that states each resident will receive one ninety-five gallon container for trash and one ninety-five gallon container for recycling. Due to the larger recycling container, recycling will be picked up every other week, but trash will continue to be picked up every week. The rate structure is as follows: 7/1/2013 - 6/30/2014 - \$16.00 per unit per month, 7/1/2014 - 6/30/2015 - \$16.40 per unit per month, and 7/1/2015 - 6/30/2016 - \$16.89 per unit per month.

### **NEW BUSINESS**

Request for donation Halsted House - Three Creeks Historical Association - President Corns read the request for donation from the Halsted House regarding the agreement reached in 2007 concerning the water usage and billing for the Halsted House Museum. President Corns stated last year in 2012, we donated from the Community Relations Fund \$545.28, and for 2013 we would propose \$629.28. Councilman Earley made a motion to continue the agreement, seconded by Councilman Parker and carried with five ayes on roll call vote.

Act on Compliance with Statement of Benefits Form CF-1 - Midwest Accurate Grinding - Councilman Kuiper made a motion to approve the compliance statement, seconded by Councilman Parker and carried with five ayes on roll call vote.

Lake County Solid Waste - Jeff Langbehn, Director of the Lake County Solid Waste Management District, stated he would like to explain a program that has been used in two other communities in Lake County that Lowell is being considered for. The city of Hobart came to us a few years ago because their recycling rate was at 33%, and they had a desire to increase it. We said we would put together a program to help them, but that it would take effort from the entire community. He explained the "My Green Team" program that used kids from Preschool to High School to get the message out to recycle. Mr. Langbehn explained the different contests that were held in the schools to encourage recycling. The net result that Hobart received was going from 33% to 96%, and they continue to see that same pace. We have also designed a program for Whiting where their commercial recycling was very low. Whiting is now the only community in the state of Indiana that has 100% recycling both residential and commercial. He stated that Councilman Kuiper has been on the board for quite some time, and he has asked for us to get a program together for the Town of Lowell. The only way this will work is if the whole community commits to this program, but first we need the Council's approval. Currently Lowell's recycling rate is quite low, right around 30%. Mr. Langbehn stated there is a great parade for Labor Day

every year, and we would love for that parade to be part of this program. We would also hold contests like we have with the other programs that would have some great

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grand prizes for the kids and also the families that get involved. As long as we can get the commitment from everyone, we will set a program in place to get you to that 90% recycling rate, or whatever rate you decide that is achievable. This program will not cost you any extra money unless you choose. We will pay for the t-shirts and sweatshirts. He stated we have even talked about buying green spikes for your football team to wear, or paying admission for everyone at the football game one night if they bring one recycled item. Mr. Langbehn stated it is up to the Council, we can only tell you about our experience with the other communities. President Corns stated he believed it was a great idea, and if we can teach the kids, they can bring it home to mom and dad. Mr. Langbehn stated he is excited to work with the Town of Lowell if they decide to move forward. Councilman Kuiper made a motion to move forward with the partnership of this program, seconded by Councilman Parker and carried with five ayes on roll call vote.

### **ANNOUNCEMENTS**

President Corns announced the next regular meeting will be held on Tuesday, May 28, 2013 at 7:00 P.M., and a Study Session at 6:30 P.M.

A Special Meeting on CDBG funding will be held on Monday, May 20, 2013 at 4:00 P.M., with an Executive Session at 4:15 P.M.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga stated Mrs. Walters mentioned she would not have time to change the software regarding the garbage proposal and asked what she would do. Mrs. Walters stated the \$.70 that the Town is paying will be reduced. Ms. Csepiga asked if it will not be the problem that was anticipated. Mrs. Walters stated she would have to look at some figures, but she did not think so.

Councilman Philpot stated we have passed the Ethics Committee, and asked what the status was on educating the employees. Mrs. Peterson stated the meeting that was in April was for department heads and managers. The next step is the Council appointing two or three employees to go to training. The meeting we went to in April was not training. Councilman Kuiper made a motion to allow Greg Shook and Susan Peterson to appoint three or four employees to go to training, seconded by Councilman Parker. Mrs. Walters stated the motion has to be in writing and you have to appoint a citizen as well. Mrs. Peterson

stated you have to appoint a citizen to be on the Board, and you have to appoint one of the Council members to be on the Board as well. Councilman Parker asked if Mrs. Peterson could come to the next meeting with recommendations for those positions that need to be appointed.

James Boylan, 1510 Harrison Street, stated he was representing the American Legion. He stated there have been rumors that the farmers market that was going to be held at the Legion has been canceled, but that is not true. There will be a farmers market on the second and fourth Saturday of each month starting in July at the American Legion.

Carl Ferro, 1310 Harrison Street, stated the Council has just entered in to an agreement with the Lake County Solid Waste, but you also entered in to a contract for garbage and recycling. Councilman Parker stated the program through Lake County Solid Waste helps to increase the

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amount of recycling. Mr. Ferro asked if we were going to have two recycling pick ups. Councilman Parker stated no, this program is just to increase the amount of recycling that the Town does. Mr. Ferro stated the Council knew two months ahead of time about the contract being up, so why did you not go out to bid in February instead of waiting until the last minute. He stated he believed someone dropped the ball. Mr. Ferro stated when the Historical Society came in and they were talking about what we could do for our downtown area, someone mentioned the parking fees in the back, but there has been no talk about dropping the fees for the people that live downtown. The fees are still \$25 a year per permit. Councilman Earley stated those fees are only for the people living there. Mr. Ferro stated he would like to see the \$25 fee waived because we are trying to rent out these buildings, but the Town is making it hard when they require an extra \$25 on top of the other things that these renters have to pay for. Councilman Earley stated if he remembered, it was the merchants that brought that up to the Town. That is why the parking spots were designated for the residents because they were parking in front. Mr. Ferro stated they had found people leaving their vehicles in the lot which is why the Town started charging the fee. It will not break the Town to lift the fee. Councilman Earley asked where the tenants would park. Mr. Ferro stated in the back parking lot. Councilman Earley asked how we could make sure the residents park where they are supposed to if we do not make them get the parking permits. Mr. Ferro stated they are parking right now on the east side of the parking lot, if they do not, they will get a ticket. You cannot tell them where to park because it is advertised as a free parking lot. Councilman Earley stated he would take it in to consideration. President Corns stated we will discuss it at our next meeting.

Mr. Ferro stated there has just been a ton of dirt removed next door that is now at Reiter, but

he has not seen any silt fence or straw down and the dirt is draining in to our sewer systems.

He asked if there was a special permit that was pulled to put all of that clay down.

Councilman Parker stated there are silt rolls out there. Mr. Ferro stated he has not seen them. Councilman Kuiper stated it is the Austgens who are doing the work, and he is here tonight. Dave Austgen, Austgen Equipment, told Mr. Ferro to mind his own business and that he had applied for the demolition permit that was needed, but not to move the clay from one side to another. Mr. Ferro asked if there was a special permit needed for that. Building Official Tom Trulley stated for what he is doing, there is no permit needed. He was using the clay to back-fill where they are going to lay sod down. Mr. Ferro accused the Town of giving Mr. Austgen special treatment.

Councilman Parker stated the Plan Commission has scheduled a public hearing regarding the new future land use map and zoning map. Mr. Trulley stated both maps are on the website for people to view or they can come to the office as well. Councilman Parker stated there will be a public hearing on those maps at the next Plan Commission meeting.

### **ADJOURNMENT**

With no further questions or comments, Councilman Parker made a motion to adjourn at 8:08 P.M., seconded by Councilman Earley and carried by voice vote.

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Edgar Corns, President

Attest:

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Judith Walters, Clerk-Treasurer

