

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

The regular meeting of the Lowell Town Council was called to order on Monday, September 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 Administrator Susan Peterson, Director of Public Works Greg Shook, Town Attorney David Westland, Police Chief Erik Matson, two members of the media, and seven citizens.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the August 26, 2013 regular meeting minutes and executive session minutes, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1934 - #1978, White-Police #4180 - #4187, Water #2576 - #2611, Waste Water #3470 - #3498, Stormwater Utility #5031 - #5036, and recommended all of the vouchers for payment. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

MONTHLY REPORTS - August 2013

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

SPECIAL COMMITTEES - Recommendation from Traffic Commission - Police Chief Matson stated at the last Traffic Commission meeting, we did come up with some recommendations for signage in certain areas of Town. The first is in Freedom Springs subdivision. On 174th Avenue, there are no speed limit signs so we are requesting twenty mile per hour speed limit signs be put on either side of the street between Cline Avenue and Redbud Lane. He stated the second is in the Beverly Estates subdivision. There are currently no permanent stop signs posted in the construction area of the subdivision. The Street Department has posted some temporary stop signs to prevent the construction workers from driving through there without stopping, but we are requesting that the six temporary stop signs in that subdivision be replaced with permanent ones. Discussion followed. Councilman Kuiper asked if that amount will take care of all of Beverly Estates. Police Chief Matson stated it would unless they expand south. Councilman Kuiper made a motion to accept the recommendations from the Traffic Commission, seconded by Councilman Philpot. Councilman Parker asked if the items needed to be put in to an Ordinance. Town Attorney David Westland stated if the motion carries, he will take the list and create an Ordinance for it. The motion carried by roll call vote.

ORDINANCES & RESOLUTIONS

1st and 2nd Reading of Ordinance #2013-10 - Zone Change from B3 to R4Q - President Corns read Ordinance #2013-10. Councilman Parker made a motion to adopt Ordinance #2013-10, seconded by Councilman Earley. Councilman Kuiper asked if this is one particular lot or the whole development. Public Works Director Greg Shook stated it is the area between Lucas Parkway and the property line behind Tech Credit Union and George's Banquet Hall. It is just the undeveloped area back there. Councilman Parker stated there was a lot of discussion regarding the retention pond and how it has not

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been put in correctly in Providence Subdivision. Director Shook stated they are waiting on some final approval from the Plan Commission, but we have told them that they can start working on that retention pond. He stated he had spoken with Craig Hendrix and once the pond is done, we will have SEH come out and shoot the grades of the pond, just to verify the as-builts that we get. Councilman Kuiper stated we need to let them know that we would like this done sooner rather than later. Director Shook stated they have made them aware of that. The motion carried by roll call vote. Councilman Earley made a motion to set the rules aside, seconded by Councilman Kuiper and carried by roll call vote. Councilman Earley made a motion to adopt Ordinance #2013-10 by name and title only, seconded by Councilman Parker and carried by roll call vote. Councilman Kuiper made a motion to set the rules back in to place, seconded by Councilman Earley and carried by roll call vote.

UNFINISHED BUSINESS

WWTP Improvement Project - Approve Pay Request #41 to Commonwealth Engineers - \$22,732.54 and forward to SRF for payment - Councilman Parker made a motion to approve Pay Request #41, seconded by Councilman Earley and carried by roll call vote.

Approve Substantial Completion - Director Shook stated there are three large items that are left for the project. The first is getting electric to the new stormwater pumps, the performance testing of the actiflow system, which we actually have to have rain and extra flow in order to do that, and the third is getting check valves for some of the pumps. If you look at the punch list, there are a lot of small items that need to be done as well. Councilman Kuiper made a motion to approve the substantial completion report, seconded by Councilman Parker. Councilman Earley stated in the back of the packet, they are asking for a reduction in the retainage and asked if that is included in this motion. Director Shook stated we are not requesting to have any retainage released. The motion carried by roll call vote.

Approve Austgen Electric proposal - \$25,997 - Director Shook stated this proposal is for the electrical work that needs to be completed to the new stormwater pumps. Austgen Electric is a sub on the job, but since this is a separate job, we do not have to run this through Theineman

Construction. He stated that he spoke with Austgen Electric and they will hold the same price that they gave Theineman Construction, which will save us about \$9,000. Councilman Parker made a motion to accept the proposal, seconded by Councilman Earley and carried by roll call vote.

Act on revised Engineer's Contract - SR Curb and Sidewalk Project - Director Shook stated the Town Council has already approved this, it is just on INDOT's forms. Councilman Kuiper made a motion to approve the revised Engineer's Contract, seconded by Councilman Parker and carried by roll call vote.

Act on Release final retainage and forward to County for payment - Old Grade School - Councilman Earley asked if this was the final payment. Clerk-Treasurer Judith Walters stated this is for the \$1,000 that the County has been holding. Councilman Kuiper made a motion to release the final retainage, seconded by Councilman Earley and carried by roll call vote.

Adoption of ADA Transition Plan - Councilman Philpot made a motion to adopt the ADA Transition Plan, seconded by Councilman Parker and carried by roll call vote.

Explanation of Thoroughfare Plan - President Corns stated he spoke with Clerk-Treasurer Walters, and she pointed out that we had approved the thoroughfare plan, but we have never received any information on how much it will cost. Mr. Corns stated that he spoke with Town Planner Jim Mandon and he said that he will try to have a figure for our next meeting. Councilman Parker made a motion to table the thoroughfare plan, seconded by Councilman Kuiper and carried by roll call vote.

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Tabled from previous meetings: South County Community Services - Margo Sabato, Executive Director of South County Community Services, stated she understands that there are some questions regarding the request letter that was sent. Councilman Earley stated the numbers seemed kind of high and asked if these were customers from just the Town of Lowell corporate limits. Ms. Sabato stated she brought in the dispatch list from the month of August that shows the streets that have clients on them, just not the specific addresses due to client confidentiality. Ms. Sabato went through the list of streets. Discussion followed on how the trips were broken down. Ms. Sabato stated the issue is that the Lake County Council, several years ago, had promised to provide \$80,000 to the agency, but with the property tax crisis they had to back off of that, and we have only been receiving \$15,000. We were also receiving \$20,000 from the Regional Bus Authority, but they closed their doors last year. Currently we are at a loss of \$85,000 between the two. She stated we were okay last year because the FTA stepped in and had allowed the transit operators to use part of the money that is usually used for preventative maintenance for fuel. Our fuel bill for last year was \$170,000. We had applied for a \$200,000 grant in fuel to be used half last year and half starting this year, but unfortunately NIRPC had made a mistake in making out the application, and we were informed in July that the second \$100,000 will not be made available to us. Ms. Sabato stated we have submitted a public notice

stating that we are looking to scale back on our services. We operate in eleven different municipalities in Lake County, and currently only one municipality provides any sort of donation to our agency. We also operate in nine different townships, and currently only have two that provide any funding. All of the other municipalities and townships have received similar letters regarding funding.

Councilman Kuiper stated one of the obstacles that he is aware of is if a client is not able to get out of his or her house in a wheel chair, your staff member is not able to go inside and pick them up physically to get them to the bus. He stated the only reason he brought that up is because Habitat for Humanity is now taking on that project of providing ramps to homes that need them.

Ms. Sabato stated out of the seventeen vehicles, nine vehicles are wheel chair equipped. Councilman Kuiper asked where we could take the money out of. Clerk-Treasurer Walters stated \$5,000 is a lot of money to come up with when you are not budgeted for it. Councilman Earley stated the issue we are having is that this used to come out of the CDBG fund. Ms. Sabato stated years ago the Town of Lowell used to give us \$5,000 Community Development Block Grant and about four years ago Community Development decided to move us to a line item under their social services, which relieved all of the cities and towns the necessity of giving us part of their Community Development budget. Back then \$30,000 - \$40,000 covered our fuel bill, but it does not now. She stated she understands that it is out of the blue and does not need an answer tonight, but asked that the Council think about it. We are going to be announcing the service reductions, which will probably be two buses out of the eight. A lot of people will be without service and in this area that is pretty critical since you do not have a taxi service or an ambulance service that will handle ambulatory cases.

President Corns stated it is hard this time of year to find that kind of money. If we knew two months ago, we could have budgeted that item. He asked what the total budget would be for the whole year. Ms. Sabato stated it typically costs about \$60,000 per year to keep one of our buses running. Councilman Parker stated there is a State Statute that states you have to advertise thirty days ahead of time that you are going to take public comment, and then take public comment for thirty days. NIRPC met the public comment thirty day window, but they did not advertise thirty days ahead of time. This item will remain tabled.

Lowell Professional Parcel - Dedication of Public Easement - Councilman Earley made a motion to approve the Lowell Professional Parcel public easement, seconded by Councilman Kuiper. Attorney Westland stated it had been tabled from the last meeting for his review. The motion carried by roll call vote.

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NEW BUSINESS

General Obligation Bonds - 2009 Street Ban - Clerk-Treasurer Walters stated she had talked to Financial Consultant Greg Guerrettaz about the 2009 Street Bonds. We have a levy for paying this payment, and to continue that we could refinance the bonds now, pay off the current bond,

and either go out for a five year bond or ten year bond to do road work in town. If we went for a five year bond, we would pay off the existing 2009 bond that we owe \$230,00 on, and we would get about \$370,000 cash to spend. If we went to ten year, we could pay the bond off and have \$875,000. We could also do a seven year, which would give us about \$500,000. This would be our opportunity to do some road work in town. She stated the bonds now are at 3.75%, and we could refinance at 1.75 - 3.00%. Councilman Parker asked what Mrs. Walters would recommend. Clerk-Treasurer Walters stated she spoke to Director Shook and we believe the seven year would be fine. You do not have to spend it all at once, either. We have up to three years to spend it, and we also have some money from our Local Road and Street to put in with it as well. Councilman Earley asked about how many miles the \$1 million project got us in 2009. Director Shook stated he would have to look and get back to them. Councilman Kuiper made a motion to re-finance the bonds for seven years, seconded by Councilman Parker and carried by roll call vote.

Review joint agreement with Cedar Lake for Law Enforcement - Personnel & Equipment - President Corns stated about three or four months ago the Cedar Lake Town Council President called and asked if Councilman Parker and himself would meet with him and Ralph Miller. At this time we were going through all of the turmoil with the Police Department and Police Commission. He stated in the Council packet is a rough agreement that the Cedar Lake attorney wrote up. All we are asking is that you take the packet home and read through it. Councilman Kuiper asked if the Police Chief was involved in the discussion or has seen the agreement. President Corns stated he has seen it, but he was not in on the discussion. If we decide to go with it, we need to go through the Police Chief. Councilman Kuiper asked if the Commission has seen it. President Corns stated they have not. Councilman Earley asked Police Chief Matson if he was aware of any other community that has an interlocal agreement like this and why it would be beneficial to enter in to one. Police Chief Matson stated he is aware of other communities that have interlocal agreements, but he does not know enough about it to say what has happened before with them. Councilman Philpot asked Attorney Westland if he had reviewed the agreement. Attorney Westland stated he has not. President Corns stated he will review it along with everyone else and then at the next meeting we can turn it over to Police Chief Matson and he can review it with the Commission if we decide to go with it.

ANNOUNCEMENTS

President Corns announced the next regular meeting will be held on Monday, September 23, 2013 at - 7:00 P.M., and the Public Hearing on the 2014 Budget will be at 6:00 P.M. He stated a work session with St. John to discuss the E-911 will be held on Wednesday, September 11, 2013 , at 7:00 P.M.

Councilman Kuiper commented on the Labor Day wanted to thank the parade committee headed by Sue Peterson and Judy Walters, the festival committee headed by Carrie Austgen and her team, the Parks Department staff who was involved with getting tables, the Police staff who did a

great job, Eric Barnhill and his men for working on the water main break that happened in the middle of the parade, and a special thanks to the Austgen brothers because without them it would not have happened. He stated he had a special thanks to the Street Garage, who are the unsung heroes every year of the Labor Day Parade. They do just about every dirty work they have to. They not only help with the festival, but they make Route 2 look so good, and after the parade when you wake up Tuesday morning, you would never know there was a parade that went through. Mr. Kuiper also stated that the fireworks were the best he has seen

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since he has been on the Council. President Corns also thanked the Street Department stating that he was amazed at how quickly all of the trash was picked up and all of the barrels were removed. Town Administrator Sue Peterson added that the Street Department Superintendent's wife was also out picking up trash right after the parade.

Councilman Earley stated he would like the Council to know that the Fire Department currently has five or six applications in for daytime volunteers. Those applicants will be given agility tests tomorrow evening. Those that pass will be interviewed, and then those that pass the interview will be signed up for training which will start in late September or October. It will be about three months before they can answer calls with limited activity and about five or six months before they are considered firemen.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, The Times, asked about the joint agreement with Cedar Lake. President Corns stated when we were having problems with the Police Department and Police Commission, the town of Cedar Lake said that we should maybe come up with a joint agreement so that if they ever need extra help, we can trade off. Ms. Csepiga asked if it was like a mutual aid agreement. President Corns stated yes. Councilman Earley stated he would not comment on calling it a mutual aid agreement because of what he has read so far, it

talks about reconciliation of whoever spends the most time in the other community. Ms. Csepiga asked if she was correct in saying that this is an agreement for the Council to look at that was drawn up by Attorney Austgen. President Corns stated that was correct.

Councilman Parker asked Director Shook if there were any updates on Powell Ditch. Director Shook stated Craig Hendrix came in with an estimated cost for Powell Ditch based on INDOT quantities of \$222,000. He stated in his conversation with Mrs. Walters, we just do not have that much money to spend on Powell Ditch. Director Shook stated in looking at it and talking with Mr. Hendrix, he would ask the Council to allow himself to continue on with the project of cleaning the ditch and seeing where we are with the twenty-four inch pipes. It appears there may be a problem with some of them, and if there is, we can replace the pipes, outlets, and put a structure in where the sanitary crosses. If we do this in house as we can, we can do it for around \$50,000. The crews we will be using are the Street Department and Sewer Department

so there may be times that they get started and we will have to pull them due to a main break, or when it is leaf season the Street Department tends to be short handed. Councilman Parker asked if there was good flow coming through the pipes. Director Shook stated we have flow coming through the thirty-six inch pipe. There may be some cleaning and repairs that need to be done, but, even though there is not an easement, Mr. Carlson said once his crops are removed we can go in there and make whatever repairs need to be made. He stated the two twenty-fours from the pit to Cedar Creek are open, but the question is if the two twenty-fours from the pit to Powell Ditch are open because when we went to tv it, it was under water. There may be some blockages now where Powell Ditch meets the pipes. Mr. Shook stated the Street Department is going to take out some trees so we can access the pipe, and we will clean up the pit so we can actually see where we are at. He stated the DNR permit is good for two years so that will give us time to go back and work on the north/south branch or where it crosses Lincoln Street.

Mr. Shook stated he is looking for approval from the Council to proceed with using the in house crew to work on the project. Councilman Kuiper asked if there was \$50,000 available to spend there. Clerk-Treasurer Walters stated there is \$150,000 in the Cum Sewer Fund. Once that money is gone for whatever project we use it for, it is gone. Our Stormwater Drainage Fund just does not have enough money accumulated yet to do any large projects. Mr. Shook stated depending on what we find, we will

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probably let it run during a rain storm so we can see how the twenty-fours work if we can get them open. The biggest issue we have is when Cedar Lake comes up, it backs up in to Powell Ditch, so the biggest thing is getting some check valves put on the end. Councilman Kuiper stated he agreed, but the project should be not to exceed \$50,000 at this time. President Corns asked if the \$50,000 included the forty-two inch pipe. Director Shook stated that was correct. Between the thirty-six and forty-two you will not see a lot of cost. It is normally the ditch work that it takes to get that pipe in is where the biggest difference is. When you look at the \$222,000 about \$100,000 of that is excavating Powell Ditch. My recommendation is that we only clean out Powell Ditch on the east/west branch for now and work on the outlet piping to get better piping going in to the creek and putting check valves on them. Councilman Earley stated the photographs that were shown showed the two twenty-fours coming from Cedar Creek to the pit where the sanitary sewer crosses and they were open. He asked which direction they would work first in. Mr. Shook stated he wanted to get the ditch opened up and check the twenty-fours to see if he could get more water flowing. During that he will keep the Council up to date with the project and you may say to stop there because we may not gain anything else. Councilman Earley stated you just talked about check valves and in the whole system, those are very important to get done before spring. Mr. Shook stated to get those on, you will have to change the pipes that are there. Once you start messing with the pipes, you will have to put in the head walls, which cost around \$10,000 a piece. Worse case scenario is \$80,000 and that is based on INDOT's numbers. That does not include the labor in house that we will be paying. Councilman Kuiper made a motion to allow Director Shook to move forward with the project in

house, but to not exceed \$50,000 at this time, seconded by Councilman Parker and carried by roll call vote.

Clerk-Treasurer Walters stated she wanted to make the Council aware that they do have the 2014 budget in their packets and if there are any questions to let her know before the public hearing.

Councilman Parker wanted to make the Council aware that he will not be attending the September 11th meeting due to two memorial services.

ADJOURNMENT

With no further questions or comments, Councilman Kuiper made a motion to adjourn at 7:55 PM, seconded by Councilman Parker and carried by voice vote.

Edgar Corns, President

Attest:

Judith Walters, Clerk-Treasurer

