

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 10, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, November 10, 2014 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, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, SEH Representative Craig Hendrix, two members of the media, and seventeen citizens.

TREASURER'S REPORT - October 2014

Councilman Earley made a motion to approve the September 2014 Treasurer's Report, seconded by Councilman Parker and carried with five ayes.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the October 27th regular meeting and executive session, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #2068 - #2117, White-Police #4220 - #4229, Water #2766 - #2807, Waste Water #3600 - #3630, Stormwater Utility #5110 - #5116, and recommended all of the vouchers for payment. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Sump Pump Discharge - Lowell Stormwater Management Board - Councilman Parker made a motion for the correspondence to be forwarded to the Plan Commission and Jim Mandon for review and stated they should also address Councilman Kuiper's concerns regarding the sump pump discharge. The motion was seconded by Councilman Philpot and carried with five ayes.

MONTHLY REPORTS - October 2014

Councilman Parker made a motion to approve the October 2014 reports, seconded by Councilman Earley and carried with five ayes.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2014-22 - amend chapter 74, Stop Intersection/delete Yield Street - Councilman Kuiper made a motion to approve the first reading of Ordinance #2014-22 by name and title only, seconded by Councilman Earley and carried by roll call vote with five ayes.

1st Reading - Ordinance #2014-23 - an Ordinance for Site Plan Review - Councilman Earley made a motion to approve the first reading of Ordinance #2014-23 by name and title only, seconded by Councilman

Philpot and carried by roll call vote with five ayes.

Resolution #2014-16 - transfer of funds - within the General Fund and Adult Probation Fund - President Corns read Resolution #2014-16. Councilman Parker made a motion to adopt Resolution #2014-16, seconded by Councilman Philpot and carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated the JMOB meeting that was supposed to be held tomorrow has been moved to next Tuesday, November 18th at 2:00 PM at the Cedar Lake Town Hall. He reported the Powell Ditch project started today, the work at the Fire Station has been completed except for the striping out front, and the paving in town is 99.9% done. The only thing left is a little bit of striping. Councilman Parker stated he had heard there were mold issues in the trailer at the town garage and asked what was going to be done. Director Shook stated we suspect there is, but it has not been tested. We are looking to replace that trailer with a temporary trailer until we can hopefully build a new street garage. Councilman Parker asked if they would need to go through DNR to do that. Director Shook stated they would not have to get a permit through DNR because it would be temporary, not attached to the building like the current one. He stated they have been looking at trailers, but the cost was a bit high, so are looking in to possibly leasing something.

C&D Landfill - Councilman Parker stated a few months ago Councilman Kuiper, himself, and a couple of people from Republic met at Republic's attorney Jim Wieser's office with our Counsel regarding voluntary annexation. They have submitted a letter outlining the terms of those conditions, and after talking with our attorney and a few people at Republic, this letter is not in the best interest of the town. He stated based on the letter, he did not believe we should respond on the terms of a voluntary annexation. Councilman Parker then made a motion to begin the process of annexing the C&D Landfill along with the 80 acres next to it, the Stoller farm, for future annexation. Councilman Philpot seconded the motion. Councilman Earley asked how that was any different than what they proposed. Councilman Parker stated they are wanting to control what happens on the 80 acres, and stated this way we can control it and there are no guarantees. He stated they will have to come to the Board of Zoning Appeals and the Plan Commission. He stated that they did discuss tipping fees and Republic feels their taxes will go up by \$35,000 - \$40,000, which is money that will come to the town. Councilman Parker stated in their proposal they have the guarantee of expanding, but this way they would have to go for zone changes and the decisions will be made by the town. Councilman Earley stated Mr. Wieser has asked that this be reviewed by the committee, and asked if it had been reviewed. Councilman Parker stated the committee is Councilman Kuiper, himself, and Mr. Langben who is no longer with the County. Attorney David Westland stated the process will have to be introducing an ordinance at some point, then within sixty days holding a public hearing. He stated Mr. Guerrettaz needed to update the fiscal plan as well, which he assumed was part of the motion made. Attorney Westland went in to detail regarding the steps of annexation. Councilman Earley stated he disagreed with drafting an ordinance before we had an updated fiscal plan and voting on it. Councilman Parker stated his motion was to begin the process of annexation. After some discussion, the motion carried three to two by roll call vote with Councilman Earley and Councilman Kuiper voting nay.

NEW BUSINESS

Set holiday hours at Town Hall - Clerk-Treasurer Judith Walters asked for permission to close the Town Hall on Friday, December 26th and Friday, January 2nd. She stated they will not be paid holidays,

employees will have to use Personal or Vacation time if they would like it paid. Councilman Kuiper made a motion to approve the holiday hours, seconded by Councilman Parker and carried by roll call vote with five ayes.

Councilman Philpot asked what the status of the annexation of the Water and Wastewater Treatment Plants was. Clerk-Treasurer Walters stated the second reading will be held December 8th.

ANNOUNCEMENTS

President Corns announced that the next regular meeting will be held Monday, November 24, 2014 at 7:00 P.M.

ADJOURNMENT

Councilman Philpot made a motion to adjourn at 7:20 P.M., seconded by Councilman Parker and carried with five ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer

