

**LOWELL TOWN COUNCIL
REGULAR MEETING
APRIL 13, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, April 13, 2015 at 7:00 P.M. by President Christopher Salatas. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, LeAnn Angerman, Donald Parker, Christopher Salatas, and Edgar Corns. Also present were Town Attorney David Westland, Police Chief Erik Matson, Financial Consultant Greg Guerrettaz, two members of the media, and thirty-five citizens.

PUBLIC HEARING

Ordinance #2015-02 - An Ordinance annexing certain Real Estate a part of Town of Lowell Re: C&D Landfill - President Salatas opened the public hearing and asked that any comments be kept to three minutes, per the Ordinance, and anyone making comments not be repetitive for the sake of time.

Patricia Mussman, 11821 W. 185th Ave, stated she did not have land in the proposed annexation area. She stated, "We have seen Cedar Lake try to annex a large portion of the West Creek Township without speaking to anyone who represents or will be effected by the annexations. I feel that Lowell is now trying to do the same thing. It would only be right and just if the people in the proposed annexation areas be spoken to along with their representative, which would be the township trustee. I do not see why the C&D Landfill should be a part of the town when there is already an industrial park west of Casey's that was annexed years ago, but still does not have the town services. Where we live our view on the east side is the landfill, and although they are supposed to cover it every night, they do not. We already know what happened with the Feddeler landfill on the north side of Route 2 and what a disaster that is. You are looking at the same thing if you think you are going to do something worth while."

Linda Savage, 9312 W. 181st Ave., Lowell Concrete Products, stated her business is just outside of Lowell, which is where they would like to stay. "I do not believe that Lowell had anything good to offer the businesses, except higher taxes, which is something they do not want. We are not interested in the town water or sewer because we are taking care of our own, and we would like it to stay that way. I know the town is just doing it to get the tipping fees from the landfill, but the neighbors feel the same way, that they do not want to be annexed."

Herbert Quill, 9306 and 9308 W. 181st Ave., stated he was in full agreement with Ms. Savage and not wanting to be annexed. "We do not want you out there telling us when we can paint a building or when we cannot, like you do in the Town of Lowell." Mr. Quill stated they were not interested in the town's services or taxes either.

Financial Consultant, Greg Guerrettaz, stated the Council has the fiscal plan for the C&D Landfill, which was created per request from the Council. He stated there are approximately one hundred and forty-eight acres that are being considered in this annexation along with fifteen structures. There is proposed no change in the structures, and an estimated population of six people. Mr. Guerrettaz stated on page four of the report you will see the estimated assessed value, which is \$1.3 million, and the applicable tax rate between the township tax rate and the Lowell tax rate. Mr. Guerrettaz highlighted other areas of the fiscal plan including Town services, anticipated revenue and expenses, police protection costs, and fire protection costs. He stated on a net basis, the revenue of this annexation will be around \$11,000 and cost the Town approximately \$9,000 - \$10,000.

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Attorney David Westland stated he would like the record to note that written correspondence was received April 10, 2015 from Attorney James L. Wieser who represents the Lake County C&D Partnership supporting the petition for annexation. With no further public comments, President Salatas closed the public hearing.

Councilman Earley stated late last year when this annexation was first proposed, it was said the effect of the tax advantage to the town would be somewhere around \$30,000 - \$40,000. After the fiscal study, the net is \$1,000. He stated he has asked the question of what the reason is for annexing this property, and the answer he has received from members of the Council was that we need to control this property for future development. Currently the landfill plans on expanding the landfill, so there would be no advantage to us to increase industrial development or something that would be advantageous for the Town of Lowell. Councilman Earley asked what the meaning of "controlling the property" is because it could be taken many ways. He said we could control the property and say that the landfill cannot expand because we want frontage for industrial or commercial, or we can say that they can expand. He stated he would like to know what the Council intends on doing.

Councilman Corns stated he believed there was just cause to annex the landfill. We have talked with them for two years and there is other property that we want to annex, that would be voluntary, but to get to them we have to have the landfill in between. Councilman Earley asked again what the Council intends to do with this "control". He asked, "Are we going to allow the landfill to expand, or are we going to say we need frontage for industrial and commercial? That is a question for this Council not the people in the audience." Councilman Parker stated Mrs. Mussman touched on part of the reason that the Town needs to be involved because of the Feddeler Landfill. He explained the issue with the Feddeler Landfill and stated that if the Town is involved there can be conversations with the landfill to make sure it is maintained properly, there is a closure plan in place, and that the property is usable and turned in to a park or something similar. He stated whether they expand or not, that will be up to the Council and the Board of Zoning Appeals and said the taxes were never a main issue, it was always about the

control of the property and future expansion. Councilman Earley asked if this Council will allow the landfill to expand. Councilman Parker stated he has not seen anything that the landfill wants to expand. Discussion followed.

TREASURER'S REPORT- March 2015

Councilman Corns made a motion to approve the March 2015 Treasurer's Report, seconded by Councilwoman Angerman and carried with five ayes.

APPROVAL OF MINUTES

Councilman Corns made a motion to approve the March 23, 2015 regular meeting, work session, and executive session minutes, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF VOUCHERS

President Salatas asked for approval of White Vouchers #1311 - #1373 - \$370,973.11, White-Police #4067 - #4082 - \$9,001.65, Water #2195 - #2246 - \$103,947.25, Waste Water #3178 - #3213 - \$198,896.10, and Stormwater Utility #5038 - #5050 - \$5,645.97, Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Corns and carried with five ayes.

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PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Support USW Oil Workers - Councilman Parker made a motion to approve the proclamation, to support the USW Oil Workers currently engaged in a labor dispute for fair contracts and safer communities, seconded by Councilwoman Angerman and carried with five ayes.

May 12th Fibromyalgia Awareness Day - Councilman Parker made a motion to approve the proclamation recognizing the needs of those chronically ill people and proclaiming May 12th as Fibromyalgia Awareness Day and supporting the search for a cure, seconded by Councilman Corns and carried with five ayes.

Police Memorial Week - May 10 - May 16 - Vice-President Angerman read the proclamation expressing appreciation to the men and women who are willing to risk their personal safety to serve and protect our community in that capacity every day, and listed the Indiana officers that died in the line of duty in 2014 including Merrillville Police Officer and Lowell resident Nicholas Schultz. Councilwoman Angerman made a motion to approve the proclamation, seconded by

Councilman Parker and carried with five ayes.

MONTHLY REPORTS- March 2015

Councilman Earley made a motion to approve the March 2015 Monthly Reports, seconded by Councilwoman Angerman and carried with five ayes.

SPECIAL COMMITTEES

Annexation Committee - Recommendation on Option 6 - Doug Niksch, Annexation Committee Chairman, stated the recommendation has been reviewed by the Committee and they have made the arrangements to be contiguous to all of the property that are available. He would also like for the Council to include the expenses of a water and sewer study all the way to Route 41 down Route 2. Their recommendation is to proceed and begin the process of annexing the proposed area. Mr. Niksch stated he has been a member of the Annexation Committee for twenty-five years, and this annexation has been on the books for a better part of twenty-five years. He stated, "Annexation is not about going after revenue, it is about control and promoting quality future development." President Salatas stated they would take the recommendation under advisement.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2015-05 - Additional Appropriation - Freedom Park - \$12,000, Gambling Revenue - \$250,000, Law Enforcement - \$25,000, Clerk Perpetual - \$20,000 - Clerk-Treasurer Judith Walters explained the need for the additional appropriations in each fund. Councilman Corns made a motion to adopt Ordinance #2015-05 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

1st & 2nd reading - Ordinance #2015-08 - Additional Appropriation - Police Grant Hours - Clerk-Treasurer Walters explained the need for the additional appropriation to pay the police officers while working on police grant hours, and then reimbursed by the grant. Councilman Earley made a motion to approve the first reading, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilman Earley made a motion to suspend the rules, seconded by Councilman Corns and carried with five ayes. Councilman Corns made a motion to adopt Ordinance #2015-08 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes. Councilman Corns made a motion to set the rules back in to place, seconded by Councilwoman Angerman and carried with five ayes.

Resolution #2015-04 - Temporary Loan - Park Fund - \$50,000 - Clerk-Treasurer Walters explained the need for the temporary loan in the Park Fund for expenses prior to a tax draw received June 30th. Councilman Earley made a motion to approve Resolution #2015-04, seconded by Councilwoman

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Angerman and carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - No report given.

Appointment to Historic Board, & Economic Development Commission - President Salatas recommended appointing Don DeFrance to the Historic Board, and Ryan Thiele to the Economic Development Commission. Councilman Corns made a motion to approve the recommendation, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

Act on recommendation from committee to disburse hotel/motel tax distribution - Councilman Corns made a motion to approve the recommendation on the distribution of 2014 funds, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

Clerk-Treasurer Walters stated of the hotel-motel tax disbursement, \$2,000 is going to the Lowell Labor Day Parade Committee. She stated there have been some rumors that the Town is not having a Labor Day Parade this year, but we are planning the Labor Day Parade, fireworks, and Kiddie Parade through the Town Labor Day Parade Committee.

NEW BUSINESS

Approve Quarterly fees for Park Programs - Councilman Earley made a motion to approve the quarterly park fees from May through August 2015, seconded by Councilman Corns and carried by roll call vote with five ayes.

Permission to use Recycling Funds for playground mulch/equipment at Reservation Park - Clerk-Treasurer Walters explained the two options available to replace the slide that was damaged at Reservation Park. Councilwoman Angerman made a motion to approve the second option for the open slide, plus the quote for mulch at a not to exceed figure of \$5,000, seconded by Councilman Earley and carried by roll call vote with five ayes.

Containment of Canine Pets - Councilman Corns stated he spoke with Attorney Westland this morning and he will study it and come back with something. President Salatas stated, for the record this is in regards to invisible fences.

ANNOUNCEMENTS

President Salatas announced that the next regular meeting will be held Monday, April 27, 2015 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, The Times, asked for a geographic description of the "Option 6" recommendation from the Annexation Committee. Mr. Nicksch stated it runs from the town property's west border on the north side of Route 2, west to Route 41, but not including the west side of Route 41, and north to where the proposed Illiana Highway is located. On the south side of Route 2, it travels west to the Russell Farm. He stated they did not go across Route 41 because it would just be more difficult to split property lines, but have tried to make it so that there are as few people as possible, and with our Right to Farm Ordinance, we feel it is much more susceptible for people to be in Lowell rather than in Cedar Lake. President Salatas stated

to be clear, that is only being taken under advisement right now. Councilman Earley asked how many parcels were included. Mr. Nicksch stated he did not have that number with him.

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Ms. Csepiga asked if she could get a copy of the letter from Attorney Wieser in regards to the C & d Landfill. President Salatas stated he would give her one.

Burt Bell, West Creek Township, asked if the map for "Option 6" would be available to the public. President Salatas stated it will be made available tomorrow.

ADJOURNMENT

Councilman Corns made a motion to adjourn at 7:37 P.M., seconded by Councilwoman Angerman and carried with five ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer