

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
NOVEMBER 13, 2012**

The regular meeting of the Lowell Town Council was called to order on Tuesday, November 13, 2012 at 7:00 P.M. by President Phillip Kuiper. 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, Phillip Kuiper, Donald Parker and Edgar Corns. Also present were Town Attorney Gregg Sobkowski, Town Administrator Susan Peterson, Director of Public Works Greg Shook, Police Chief John Shelhart, Building Official Tom Trulley, two members of the media, and eleven citizens.

APPROVAL OF MINUTES

Councilman Corns made a motion to approve the minutes of the October 22nd meeting, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #2246 - #2318, White-Police #4197 - #4211, Water #2642 - #2695, and Waste Water #3559 - #3596 and recommended them for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

MONTHLY REPORTS - October 2012

Councilman Philpot made a motion to approve the October 2012 Monthly Reports, seconded by Councilman Corns and carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2012-21 - amending Chapter 31 - Collection of Town Court Obligations - Councilman Parker made a motion to approve the 2nd reading of Ordinance #2012-21 by name and title only, seconded by Councilman Earley and carried by a roll call vote.

Public Hearing - Ordinance #2012-22 - Additional Appropriation - Gambling Revenue - 1st & 2nd Reading - \$204,000 - Councilman Corns made a motion to approve the 1st reading of Ordinance #2012-22, seconded by Councilman Parker, and carried by voice vote.

Ordinance #2012-22 was read by President Kuiper. President Kuiper then opened the public hearing. With no one to speak for or against Ordinance #2012-22, President Kuiper

closed the public hearing. Councilman Corns made a motion to set the rules aside, seconded by Councilman Philpot, and carried by voice vote. Councilman Parker made a motion to approve the 2nd reading of Ordinance #2012-22 by name and title only, seconded by Councilman Corns and carried by a roll call vote. Councilman Earley made motion to set the rules back in to place, seconded by Councilman Corns and carried by voice vote.

Resolution #2012-25 - ADA - Grievance Procedure - Resolution #2012-25 was read by President Kuiper naming Town Administrator Susan Peterson as the ADA Coordinator to allege a complaint within 60 days. Councilman Parker made a motion to adopt Resolution #2012-25, seconded by Councilman Philpot and carried by voice vote.

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Resolution #2012-27 - Transfer of funds within General Fund and Freedom Park budget - Resolution #2012-27 was read by President Kuiper. Councilman Corns made a motion to adopt Resolution #2012-27, seconded by Councilman Earley and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update -Public Works Director Greg Shook stated the piezometer wells at the well field have been installed. He stated they will be monitoring those through the winter and will have a report for the Town Council in the spring, and then the Council can decide which direction to go for an additional water source. Mr. Shook stated in regards to the Powell Ditch, the Army Corp of Engineers is requesting additional information, which is being compiled and will be submitted to them. IDEM responded stating they have some concerns about the project and that it may cause filming or drainage of the existing wetlands. They are wanting to come and do a site visit, but there is no set date for that yet. Mr. Shook stated the striping on North and South Nichols will be done before the end of this year.

WWTP Improvement Project - Approve Change Order #2 - \$5,277.00 - Thieneman Construction - wood framed roof system - Mr. Shook stated this is a structure that is about fourteen feet by eighteen feet, and it has four thirty-six inch butterfly valves that will give the operators different alternatives as far as where they will send the flow to. This structure originally was a one piece concrete structure with one roof. We requested them to give us a price to not use concrete with reinforcement on the top, but to come up with a different design so we can access the valves if there are any issues. The valves weigh anywhere from 1,500 - 2,000 pounds each, and trying to maneuver them around in a tight space would be impossible, so we came up with a shingle roof with four hatches so if there are issues, the valve can be pulled out using the crank. Councilman Philpot made a motion to approve Change Order #2, seconded by Councilman Earley. Councilman Corns asked why the structure was not engineered with the removable roof, if this is an issue. Mr. Shook stated if you get down there and measure, as far as the measurements go, you can get the valve out

of the one hatch, but the question is how are you going to move a 1,500 pound valve. He stated if we go with what we have, somewhere down the line, someone will have an issue with it. The motion carried by voice vote.

WWTP Improvement Project - Approve Pay Request #22 to Commonwealth Engineers for engineering services - \$27,326.87 - and forward to SRF for payment - Councilman Corns made a motion to approve pay request #22, seconded by Councilman Parker and carried by voice vote.

Enter into Master Lease Purchase Agreement for street sweeper - Public-Finance.com - Resolution #2012-28 - Councilman Parker made a motion to allow President Kuiper and Clerk-

Treasurer Judith Walters to enter in to the lease purchase agreement and Resolution #2012-28, seconded by Councilman Earley and carried by voice vote.

NEW BUSINESS

Request for Tax Abatement - Approve Form SB-1 - Real Estate Improvements - Trilogy Health Services - Act on Resolution #2012-26 - Peter Massey, Trilogy Health Services, stated they are requesting a tax abatement for the long term care facility that will be constructed in Lowell. He stated that it will be a skilled facility with assisted living and memory care. Councilman Parker made a motion to approve Resolution #2012-26 based on a three year tax abatement, seconded by Councilman

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Earley and carried by voice vote.

Permission to use South Municipal Parking Lot for Clean Air Car Check Mobile Testing Pilot - Jennifer Kharchaf, Public Information Manger for the Clean Air Car Check Emissions Testing Program, stated as a pilot program, we are planning on a mobile testing unit that will visit locations that are more then ten miles or fifteen minutes from the nearest testing site where we can do emissions tests on a vehicle that is 1996 or newer. Councilman Earley asked how often this would happen. Ms. Kharchaf stated we anticipate having a set schedule, but right now it is just a test pilot, and we will be starting on a Monday since the current test site is closed on Mondays. Councilman Philpot asked what the times would be. Ms. Kharchaf stated that was not worked out yet, but they can work with the Town to create the times. Councilman Philpot asked if they had any anticipated volumes. Ms. Kharchaf stated they did not since they have never done a mobile unit like this before. Councilman Earley asked when they would start. Ms. Kharchaf stated they are putting the final pieces together in the unit itself and the payment mechanism as well. There will be a convenience fee charged to the motorist that they would normally not pay if they went to a testing site. She stated once those pieces are put together, we could start by the early part of December, if not late

November. Councilman Earley asked what the fees would be. Ms. Kharchaf stated they would charge fifteen dollars. Councilman Earley asked if there was enough room in the parking lot for them. Ms. Kharchaf stated this parking lot would be the best lot for the truck, which is an F-350 with a large box on the back of it, and another vehicle to sit beside it with enough room in case there would be a line of vehicles needing to be tested. Councilman Philpot made a motion to allow them to use the parking lot as a test site, seconded by Councilman Corns. Mrs. Walters asked for a copy of a certificate of insurance from them. Ms. Kharchaf stated she would get that. The motion carried by voice vote.

Permission to advertise for board/commission applications for 2013 - Councilman Corns made a motion to give permission to advertise until December 31st, seconded by Councilman Earley and carried by voice vote.

Set holiday closing and last meeting of 2012 - Clerk-Treasurer Walters stated Christmas Eve and Christmas Day are paid holidays for all Town employees. She stated the last meeting would have been on December 24th, so we need to set the meeting for Wednesday or Thursday of that week. There is no court on Wednesday the 26th. She stated since New Years Day, which is a paid holiday, is on a Tuesday, she also asked that the Town Hall be closed on Monday, New Years Eve, which is not a paid holiday, and employees can use a personal or vacation day to be paid that day. The Council decided the last meeting of the year will be held Thursday, December 27th at 7:00 PM. Councilman Parker made a motion to approve the Town Hall being closed on Monday, New Years Eve, seconded by Councilman Corns, and carried by voice vote.

President Kuiper stated the Austgen's, who bought Reiter, are asking for an extension on a temporary permit that we granted them which will expire on November 29th. Dave Austgen stated we brought material in from the I-65 and Route 2 job, which we finished, and we also did some additional demolition. We have also moved our plant up to Cline Avenue and by the first of the year, we can bring it back to finish the forty-fifty loads that are sitting there. Councilman Parker made a motion to extend the permit to March 1st, 2013, seconded by Councilman Earley, and carried by voice vote.

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ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be held Monday, November 26, 2012. at 7:00 P.M., and Public Hearings at 6:00 PM - EDC - TIF Bonds - Medical Office Building; and 6:30 PM - Storm Drainage Board - Storm Water Fee.

President Kuiper announced the Parade of Lights will be held in downtown Lowell on Friday, November 23rd at 6:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, The Times, asked what the cost to the Town was for the street sweeper. Mrs. Walters stated it is for a five year term, \$200,000, at 2.34% interest. She also asked if we have tracked what the MS4 and storm drainage requirements are costing the Town. Mr. Shook stated not completely. The MS4 program is currently being done by several departments right now, which we will be consolidating because we are pulling things away from other departments. We have developed a budget, which will be presented at the meeting on November 26th.

Angie Fletcher, Lowell Tribune, asked if the additional funds from the gambling revenue fund was for the curb replacement. Mrs. Walters stated that is for our 20% of the engineering portion from our grant that we received from INDOT.

Carl Ferro, 1310 Harrison St., stated a couple of meetings ago, he had brought the issue of the free papers that are thrown on people's lawns that no one picks up to the Council, and nothing has been done about it. He was wondering if people could get charged littering fees. He also asked if the money the Town gets from hotel/motel has to go to a non-profit organization. Mrs. Walters stated you have to be a 501C organization and you have to use the money to promote tourism in Lowell. Mr. Ferro stated he has a statement through the Lowell Downtown Merchants Association showing in 2005, they did not file anything with the government, but they collected \$4,300 in wages. The last time they filed anything with the government was in 2004. Mrs. Walters stated the guidelines are, you have to show proof that the year prior to that, you have spent money to show tourism in the Town of Lowell. For a number of years, the Lowell Downtown Merchants have advertised in the South County Visitors Magazine. Mr. Ferro stated there has been nothing shown to the government except wages.

Mr. Ferro stated a water tanker was in front of Gas City with a hose from the hydrant to the tanker about four weeks ago, with no meter on it. He asked how the water was being monitored and how they would know what was taken out. Mr. Shook stated he would look in to that. President Kuiper asked that if he sees something in the future to call the Town Hall or Police at the time he sees the incident.

Mr. Ferro also wanted to let the Council know the contractor who is working on the duplexes behind where George's new hall will be, have very sloppy foundations when they are being poured. He asked if how they were pouring the foundation was even legal because it looks like they have put back fill in there, trenched a hole, and poured concrete. Mr. Kuiper stated they will check in to that.

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Jeff Austgen, partner and property manager for JDM, 101 Oakley, LLC, stated if the traffic is too much for the municipal lot for the emission testing site, they would be willing to let them use the lot at the former Rieter site. Mr. Austgen stated there were also some questions in relation to permits issued and we have made ourselves available for any questions or concerns anyone has. He stated they have been working diligently to clean the area and to get someone in there to lease it. Councilman Corns wanted to compliment them on the work that has been done on the building. Councilman Earley also thanked them for offering the lot for the emissions test. Mr. Austgen stated he has completed the state form SB-1 and he was wondering who to talk to in relation to that and going for abatement. Mr. Kuiper stated he could go to Mrs. Walters with questions.

Mr. Philpot asked what the status was on repainting the handicap parking spaces downtown. Mr. Shook stated Frank Lovely will take care of that, he just has not had the time to yet. The state had painted some spaces there, but realized that it is not their responsibility.

Mr. Parker stated that he wanted to commend the Lowell Police Department. He stated the Town of Lowell has recently lost two major citizens, former police officers Dan Williams and Chief Phillip Wleklinski. He stated they were dedicated to this Town and it is a true loss for this Town. Mr. Parker stated on behalf of the Town Council he sends his condolences to the families.

ADJOURNMENT

With no further questions or comments, Councilman Earley made a motion to adjourn at 7:37 P.M., seconded by Councilman Corns and carried by voice vote.

Phillip Kuiper, President

Attest:

Judith Walters
Clerk-Treasurer