

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

The regular meeting of the Lowell Town Council was called to order on Monday February 13, 2012 at 7:00 PM by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed.. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Donald Parker, Phillip Kuiper, and Robert Philpot. Absent was Edgar Corns. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shelhart, Town Administrator Susan Peterson, four members of the media and thirteen citizens.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the January 30th regular meeting, February 6th executive session, and work session, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1157 - #1220, White-Police #4011 -#4018, Water #2059 - #2083, Waste Water #3073 - #3093. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

MONTHLY REPORTS – January, 2012

Councilman Earley made a motion to approve the monthly reports for January, 2012, seconded by Councilman Parker and carried by voice vote.

SPECIAL COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

1st & 2nd reading – Ordinance #2012-02 – Refunding Water Bond Ordinance. Clerk Treasurer Walters explained the reason for the 1st & 2nd reading was because the financial consultant wanted to close on this before the rates went up. Councilman Philpot made a motion to hold this ordinance for a second reading, seconded by Councilman Earley and carried by voice vote. Councilman Philpot made a motion to set the rules aside, seconding by Councilman Earley and carried by voice vote. Councilman Earley made a motion to approve the ordinance by name and title only, seconded by Councilman Parker and carried by roll call vote. Councilman Earley made a motion to set the rules back in order, seconded by Councilman Philpot and carried by voice vote.

Resolution #2012-01 – temporary loan. President Kuiper read the resolution for a temporary loan from the Sewer Improvement Fund to MVH Fund, Park Fund and General Fund. Councilman Earley made a motion to adopt the resolution, seconded by Councilman Parker and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - none

Water Meter Replacement Project – Approve Pay Request #14 and forward to SRF Funding for payment - \$49,668 – Underground Pipe & Valve, Inc. Councilman Parker made a motion to approve the pay request, seconded by Councilman Earley and carried by voice vote. Clerk Treasurer Walters explained that this would close out the SRF loan with the water replacement project and that is the final drawdown number. Mr. Shook stated they are still installing meters and should be finished by mid to late summer.

Tabled from previous meetings:

Councilman Philpot stated there was a correction to the January 18th meeting that Councilman Corns asked for. Attorney Sobkowski stated that it was not tabled but there was a motion to approve the minutes with the correction made.

NEW BUSINESS

Enter into agreement for professional services for planning/zoning – James Mandon. President Kuiper explained the changes to the agreement, which were a 30-day termination notice and 30 days for invoicing. Councilman Philpot wanted to know if this was 30 working days or 30 calendar days. Attorney Sobkowski stated it would be 30 calendar days. Councilman Earley made a motion to enter into the agreement, seconded by Councilman Philpot and carried by voice vote. Attorney Sobkowski stated this was effective today.

Acting as Board of Finance – void outstanding checks over two years old. Councilman Parker made a motion to void outstanding check over two years old, seconded by Councilman Philpot and carried by voice vote.

Sick Bank Policy. Clerk Treasurer Walters explained she was asking for the Town Council to waive a day of their own sick day to the bank because it has not been utilized in the last couple years and the ordinance states that they have to give one day on their anniversary date. Councilman Earley made a motion to waive the Sick Day Policy only for 2012, seconded by Councilman Philpot and carried by voice vote.

ANNOUNCEMENTS

Next regular meeting – Monday, February 27th – 7:00 PM

Redevelopment Commission Meeting, Tuesday, February 21st – 6:00 PM

MEDIA QUESTIONS / PUBLIC COMMENTS

Carrie Napoleon, Post Tribune wanted to know what professional services for zoning and planning and was James Mandon an engineer. President Kuiper stated James Mandon is the Planner for the community of Munster in a full time position. He further stated Mr. Mandon also does a few other communities and this was exactly what the Town was looking for. He will be working with the BZA and Plan Commission. Ms. Napoleon wanted to know if there were specific planning and zoning issues that they need to accomplish right now or would he be used on an as needed basis. President Kuiper stated he was going to do both; there are some projects out there like the possibility of a medical center, any small issues that come up with the Plan Commission as well as the BZA. Ms. Napoleon wanted a copy of the agreement. Connie Schrombeck and Melanie Csepiga also wanted copied of the agreement.

Connie Schrombeck Lowell Tribune wanted to know what was wrong with Councilman Corns. President Kuiper stated he had heard it was pneumonia. Ms. Schrombeck asked for a copy of the 2012-02 Ordinance.

Melanie Csepiga asked how many employees are in the Sick Bank. Clerk Treasurer Walters stated there were 44 civilian employees, which do not include Police. Ms. Csepiga asked if Mr. Mandon would be picking up those areas that would have been done by Mr. Cox. President Kuiper answered as far as planning, yes not all that he did just the planning.

Carl Ferro stated in regard to the Sick Bank Policy the Council voted on, the State just passed a law that someone on the Council cannot vote for any raises or money for an employee related to them. Attorney Sobkowski stated he was not aware of the law Mr. Ferro was talking about and does not see any conflict with Mr. Earley voting for Sick Bank Policy. Mr. Ferro stated the law does talk about a conflict of interest for families. Mr. Ferro stated he had a question for the Chief Shelhart regarding a drug bust in Creekside with an officer having a search warrant for marijuana sales. Chief Shelhart stated this was an ongoing investigation. Mr. Ferro asked what authority does the officer when called to the scene to arrest or call for a search warrant if they smell marijuana or suspect drug sales. Chief Shelhart stated there are a lot of circumstances that the officer has, such as if the drug is in plain site, he certainly would have the right to make an arrest at the site and if there was enough probable cause for the Judge to issue the search warrant. Mr. Ferro asked who makes that call the officer or the judge. Chief Shelhart stated the Judge makes the call, the officer can only provide the information that he has and the Judge makes the determination as to whether a search warrant is issued. Mr.

Ferro wanted to know if the officers are going through a special training for drugs. Chief Shelhart stated there is continually on going training which is State mandated. Mr. Ferro wanted to know if there was a difference for an officer going through a vehicle and a residence. Chief Shelhart explained that probable cause guarantees personal property and vehicles are moveable and there are different laws that apply vehicles vs private property. Mr. Ferro wanted to see the officers have more rights to investigate more to stop the drug problem that is going on. He further stated he did not see the officers doing their job other than giving tickets. President Kuiper stated a lot of his concerns are better suited at the Police Commission meeting.

There being no further business or discussion, Councilman Parker motioned to adjourn, seconded by Councilman Earley at 7:21 PM.

Phillip Kuiper, President

Attest:

Judith Walters, Clerk-Treasurer