

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
NOVEMBER 12, 2013**

The regular meeting of the Lowell Town Council was called to order on Tuesday, November 12, 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 Attorney David Westland, Town Administrator Susan Peterson, Police Chief Erik Matson, Building Official Tom Trulley, Public Works Director Greg Shook, two members of the media, and twenty-two citizens.

President Corns stated he would like to thank the American Veterans. He said to see the World War II Veterans at the Legion memorial ceremony on Monday to most people would not mean much, but he knew and had heard of those people because they went to high school with his brothers and sisters and they never came back. They made the ultimate sacrifice. Mr. Corns thanked the various organizations that put on ceremonies and dinners to honor the veterans.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the October 28, 2013 regular meeting minutes, and the October 29, 2013 and November 6, 2013 executive sessions, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #2178 - #2226, White-Police #4235 - #4248, Water #2710 - #2761, Waste Water #3585 - #3624, Stormwater Utility #5055 - #5060, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Swearing-In Ceremony - Police Officer Christopher Thompson and Police Officer Nicholas Kaczmarczyk - Police Chief Matson welcomed the two new officers to the Town of Lowell and stated that both officers are Purdue graduates and both finished at the top of the hiring process.

Clerk-Treasurer Judith Walters swore-in officers Thompson and Kaczmarczyk. President Corns welcomed the two new officers.

MONTHLY REPORTS - October 2013

Councilman Earley made a motion to approve the October 2013 monthly reports, seconded by Councilman Parker and carried with five ayes.

SPECIAL COMMITTEES - Traffic Commission

Police Chief Matson stated at the Traffic Commission meeting last month, we discussed putting a stop sign at the intersection of Lucas Parkway and Deanna Drive. The Stormwater Director has received multiple complaints about that intersection. We are asking for approval to install a stop sign at southbound Deanna and Lucas Parkway. Councilman Kuiper made a motion to approve the request, seconded by Councilman Parker and carried with five ayes.

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ORDINANCES & RESOLUTIONS

Resolution #2013-15 - transfer of funds - General Fund & M.V.H. Fund - President Corns read Resolution #2013-15. Councilman Earley made a motion to adopt Resolution #2013-15, 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 regarding Powell Ditch, the DNR may request that we file a mitigation plan. He stated he is not sure what that all entails, but we will be discussing that with Craig Hendrix from SEH this week along with some of the other projects. Director Shook stated he will let the Council each know individually what he finds out since there is a bit of a time delay before the next Council meeting. Councilman Kuiper asked if we will need to wait for that before we can do the clean-up. Director Shook stated they would have to wait. Because of what we submitted and what we are planning on doing is a smaller part of that project, we are trying to put together a plan to submit to DNR to see if we can avoid the mitigation.

Director Shook stated that the Council had appointed Donna Kronsell and Sean O'Connell to the Ethics Committee, and that he went along with them to the training seminar. He stated we will be putting on some training for the employees sometime during the month of December. President Corns asked to be kept up to date on the training because Marcia Carlson will be out of town for the winter and she needs someone to take notes while she is away. Director Shook stated there is a survey at the end of the training that will be handed in to the Council when it is completed. Councilman Philpot asked if he could take Ms. Carlson's place while she is away. Discussion followed regarding if that was allowed.

Councilman Parker asked about the Town Standards that are going to be updated. Director Shook stated we have plans in doing that. Councilman Parker stated we had that done some years ago, but we do not have a copy. Director Shook stated we do have a hard copy, but not the digital files. Director Shook stated we are working with Craig Hendrix to see if we could do something a little different so that we can update the files in-house ourselves so that we would

not need an engineer. Councilman Parker stated he is ready to send a letter to the firm that was used stating that those files are our's since we paid for them. Director Shook stated he would speak with Mr. Hendrix to see if that is something worth pursuing.

WWTP Improvement Project - This item was not discussed.

Tabled from previous meetings: South County Community Services - This item was not discussed.

NEW BUSINESS

Permission to advertise for applicants for board/commission appointments - Councilman Kuiper made a motion to approve advertising for applicants for board/commission appointments for 2014, seconded by Councilman Earley and carried with five ayes.

Schedule last meeting of the year - Clerk-Treasurer Walters requested that the last meeting be December 30th. Councilman Kuiper made a motion to approve the request, seconded by Councilman Earley and carried by roll call vote with five ayes.

ANNOUNCEMENTS

Councilman Parker stated on June 12, 1999 Lake County police officer, Paul Mitchell, was responding to **LTC REGULAR MEETING - 11/12/13 - page 3 of 4**

a call outside of Town, and ended up hitting some high water and crashing in to a guardrail on the corner of Route 2 and Austin Avenue where he passed. He stated at that time he was a police officer and has passed the site and always thought that was just a makeshift monument. That area has recently been annexed and is now in Town. Councilman Parker made a motion to take steps to name that portion of Route 2 and/or Austin Avenue in honor of Lake County Officer Paul Mitchell. He also asked for permission to be involved in putting together a Resolution, if needed, since it is a State Highway. Councilman Philpot seconded the motion and it carried by roll call vote with five ayes.

President Corns announced that the next regular meeting would be Monday, November 25th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Councilman Earley stated that Councilman Parker is the NIRPC representative, specifically representing Lowell. NIRPC will be voting in early December in regards to including a toll road in their 2040 plan. He stated you should also remember that several weeks ago the Council voted four to one in not supporting the toll road, with Mr. Parker supporting the toll road. That particular vote has raised some questions from the public in how Mr. Parker will represent Lowell with this vote in December. Mr. Earley stated that he could not answer that question and asked

if Mr. Parker could explain how he was going to vote so there is no question if he will vote for it, abstain from it, or vote as the Council has expressed, which is against it.

Councilman Parker stated he is waiting on the report from NIRPC and their recommendation, but unless that report comes back as a negative he will, at the Council's request, not vote for the toll road, but he will not vote against the Illiana, he would abstain. Councilman Earley stated it is his opinion that if anyone is appointed to a Committee by the Council to represent the rest of the Council it should reflect the wishes of the majority of the Council, especially in a vote as important as this one. The Council has said, in a four to one vote, that we do not support the toll road. He stated he hoped he could convince Mr. Parker to go and vote in the conscience of the rest of the majority. Councilman Parker stated as a representative of NIRPC, the purpose is to look at what their mission statement is and look at this as a regional concept. The toll road is coming, we do not like where it is coming, but it is coming. We should be looking at the data that is out there, and my position will be based on the report that will be released from NIRPC. He stated he will respect the Council's decision and not vote for the toll road, but he will not vote against it. Councilman Kuiper stated the report should make no difference because you would not have a vote on NIRPC if this Council did not appoint you to NIRPC. You are representing the Town of Lowell on NIRPC. It does not matter if the toll road is coming in for sure, or if it is not coming in for sure. The point of this was you representing the Town of Lowell on the NIRPC board, and that representation was a four to one vote against it. Councilman Parker stated that the Council has heard what he has had to say, and if they need to take action against it, then they can and there will be no hard feelings. Councilman Earley stated he felt it is important that our representation on that Commission reflects the majority of this Council. He stated he has to understand that is what the community wants. Councilman Parker stated he has had a large number of people call him that are in favor of the toll road. Councilman Earley stated that does not stand in the way of the fact that you are there to represent the Commission. Discussion followed on the bylaws of NIRPC and appointing a representative.

Councilman Earley made a motion to reappoint someone from the majority of this Council that will reflect the vote that this Council has taken locally at the December meeting at NIRPC, seconded by Councilman Kuiper and carried by roll call vote with four ayes and Councilman Parker abstaining. Councilman Earley made a motion to appoint Council President, Edgar Corns, to represent the Council at the NIRPC meeting, seconded by Councilman Philpot and carried by roll call vote with five ayes.

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Ms. Csepiga asked if she could receive some information about the two officers sworn in. Police Chief Matson stated he would get with her after the meeting.

Brenda Roberts, 15008 Morse Street, stated she did not understand why Mr. Parker was not allowed to have freedom of speech and opinion in voting for the toll road. She stated that she was personally for it as well. Councilman Parker stated he has had freedom of speech and

appreciates the comment, but this is a very touchy subject. Five years ago steps should have been taken, but we are beyond that. Ms. Roberts stated she is for it because she has property to sell and thinks that it will benefit the town of Lowell and Cedar Lake. Discussion followed.

Councilman Parker stated that Toys For Tots has started and announced some of the places where boxes will be, including the Town Hall.

Wayne Bartleman Jr., 17340 Cleveland Street, stated he agreed with Ms. Roberts, but disagrees as well. As Town Councilmen you should not exercise free speech, but the will of the people in this community. Councilman Earley stated people of this town do not give up in a fight just because someone says they will not win anyway. Mr. Bartleman stated he appreciated that and encouraged the Council to use every procedure to frustrate what is about to happen because he believes the majority of this town does not want it. Councilman Earley stated he does respect the opinion of Mr. Parker and when and if we lose, we have a ton of work to do that we have to prepare for, and he has brought that up. Councilman Kuiper stated we are missing the point. We all have freedom of speech and this was not really about being for or against the Illiana, it is about the appointment on NIRPC. This is a tough vote for him to make. He can have his opinion and no one is arguing that. The point of this is the vote that represents Lowell.

Clerk-Treasurer Judith Walters stated we have found a live Christmas tree that was donated by a family in the Dahl Estates subdivision.

Councilman Philpot stated the Lion's Club has purchased the ten trees for Freedom Park and they have been delivered and planted.

ADJOURNMENT

Councilman Parker made a motion to adjourn at 7:36 P.M., seconded by Councilman Kuiper and carried with five ayes.

Edgar Corns, President

Attest:

Judith Walters, Clerk-Treasurer