

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

The regular meeting of the Lowell Town Council was called to order on Monday, August 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 Director of Public Works Greg Shook, Police Chief Erik Matson, Fire Chief Clint Gorbali, Building Official Tom Trulley, Town Attorney David Westland, one member of the media, and eighteen citizens.

**APPROVAL OF MINUTES**

Councilman Parker made a motion to approve the July 22, 2013 regular meeting minutes and study session, and the July 29, 2013 executive session, seconded by Councilman Earley and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Corns stated he reviewed White Vouchers #1785 - #1871, White-Police #4156 - #4172, Water #2490 - #2542, Waste Water #3399 - #3444, Stormwater Utility #5016 - #5022, and recommended all of the vouchers for payment. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Proclamation - September Childhood Cancer Awareness Month - President Corns read aloud the proclamation. Nicole Yaro, Northwest Indiana Cancer Kids Foundation, stated her son Ronan who is three years old was diagnosed with leukemia in 2011 and is currently in remission and will be done with treatment in 2015. On behalf of our children and the NICK Foundation, we would like to thank you for issuing this proclamation. Since you have received it, the number of children that have passed away in Lake County has grown from seven to nine, one of them from here in Lowell, Kylie Smith. We ask the Town of Lowell to walk with us at the Lake County Fairgrounds on September 14<sup>th</sup> in recognition of Childhood Cancer Awareness month. Councilman Kuiper made a motion to accept the proclamation, seconded by Councilman Earley and carried by roll call vote.

Letter of Retirement - President Corns stated we did receive a letter of retirement from Town Administrator Sue Peterson. He proceeded to read the letter aloud. Councilman Kuiper made a motion to accept the letter of retirement and stated that it has been an honor and privilege to work with Mrs. Peterson and much luck. The motion was seconded by Councilman Parker. Councilman Earley stated he has only had a chance to work with Mrs. Peterson for the last year

and a half, but knows that she has been dedicated for the past sixteen years. He stated he had a feeling that she would still be around in the future to help and thanked her for her time. The motion carried by roll call vote.

### **MONTHLY REPORTS - July 2013**

Councilman Philpot made a motion to approve the July 2013 monthly reports, seconded by Councilman Kuiper and carried by roll call vote.

### **ORDINANCES & RESOLUTIONS**

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Resolution #2013-13 - Transfer of Funds - M.V.H. - President Corns read aloud Resolution #2013-13. Councilman Earley made a motion to adopt Resolution #2013-13, seconded by Councilman Parker and carried by roll call vote.

### **UNFINISHED BUSINESS**

Public Works Department Update - Public Works Director Greg Shook stated he still has not received a return phone call from Ron Bergstrom regarding purchasing Apple Valley Utilities.

WWTP Improvement Project - Approve Pay Request #38 - Partial Pay Request #14 - Thieneman Construction - \$428,328.25 (\$406,911.83 to Contractor and \$21,416.42 to retainage) and Pay Request #39 to Commonwealth Engineers - \$18,863.87 and Pay Request #40 - Partial Pay Request #15 - Thieneman Construction - \$179,622.75 (\$170,641.62 to Contractor and \$8,981.13 to retainage) and forward to SRF for payment - Councilman Kuiper made a motion to approve the Pay Requests as listed, seconded by Councilman Earley and carried by roll call vote.

Act on Amended Engineer's Contract - SR Curb and Sidewalk Project - Roger Kottlowski, Commonwealth Engineering, stated you may recall that INDOT did some work through the Town a little over a year ago after we had a lot of the plans done. We did have a meeting to make sure that would not happen before the project started, but their construction department did not talk with the design department, and they went through and did their thing with the curbs and gutters after we had already started. We have met with INDOT and because they have put curbs and other improvements in, you do not have to do those in this project. This represents a net zero effect on cost for you. He stated the additional cost is not only the additional survey, but it is also to do additional title work and land plat work. We thought we had twenty-five parcels initially, but we are now up to between forty-three and fifty. This is due to the fact that INDOT did not own some of the right-of-ways initially. Also there are cases where the sidewalks are on private property. Mr. Kottlowski stated all of this is required to go in with the new sidewalk which will be five feet wide so some of these sidewalks will be going on to existing property. It is a way to clean things up and make the right-of-way as it should be. We need

to go through this process because it is federal dollars that are being used. Right now the cost looks like it is a net zero increase, and we have done a cost estimate for the project which has come in under what we had originally estimated due to the improvements that do not have to be done. There is a \$162,000 increase from the original \$340,000 contract. The new contract will be \$502,000. He stated a large part of that, a little over \$90,000, is in the survey part. There is cost in here already for land acquisition which includes costs that will have to be paid for appraisers, plus there is title work that has to be done, and then you are also working with the buyer. Those four entities are pre-approved by INDOT. Our next phase will be proposals from people that can handle these appraisals. The budget is about \$149,000 for that, which hopefully the appraisals will not be that high. There are also contingencies for construction. There is a construction estimate that we have prepared and we have also added 5% to the budget. President Corns stated that one grave on there looks like it will be close. Mr. Kottlowski stated the owner of the cemetery did not see a problem with it. We are looking at replacing that sidewalk with the existing size for that reason. Councilman Parker made a motion to approve the amendment on the engineer's contract, seconded by Councilman Kuiper and carried by roll call vote. Mr. Kottlowski stated once this is signed we will pass it on to INDOT for final approval.

Act on Pay Request #4 - \$3,500.00 and Change Order #1 - \$5,768.00 and #2 - \$1500.00 for Old Grade School Project and forward to County for payment (Balance of payment \$7,768.00 to be paid by Town) - Act on motion to release retainage - Building Official Tom Trulley stated the contractor is supposed to come back forty-five days after the yard is established to fertilize it. He stated the fertilizing has not been done yet, and that he would suggest holding back \$1,000 in retainage until that is done. Clerk

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Treasurer Judy Walters stated because of these change orders, we are going over what the County has approved so there is a balance of \$7,768.00 that the Town now has to pay. She asked where the Council would want to pay this from. We have \$5,000 in unsafe building, so the balance could come from the professional services. The original contract was \$178,000 and now the total is \$182,268, but Lake County has only approved \$174,790. Councilman Parker made a motion to approve Pay Request #4 for \$3,500, seconded by Councilman Kuiper and carried by roll call vote. Councilman Parker made a motion to approve Change Orders #1 and #2, seconded by Councilman Kuiper and carried by roll call vote. Councilman Parker made a motion to recommend to Lake County to release all of the retainage but \$1,000 until the balance of the project is completed, seconded by Councilman Earley and carried by roll call vote. Councilman Kuiper made a motion to have \$5,000 from the Unsafe Building Fund and \$2,768 from the Town Council Professional Services Fund pay for the remaining \$7,768 that needs to be paid by the Town, seconded by Councilman Parker and carried by roll call vote.

Powell Ditch - Director Shook stated we have been working on Powell Ditch for a while now, and we believe we have a solution that the County would approve. Craig Hendricks, SEH, stated after surveying Powell Ditch around Lincoln Street, we have found that there is very little fall in

the ditch. There were two 24" culverts, although we never saw the two culverts in the Cedar Creek because they were filled with debris. We found them by where the sanitary sewer crosses through, but you can see that there is almost no fall in this. The only one that is working to some extent is the 36" pipe that drains, which is about half full and is keeping water in the ditch because it is not at the bottom of the ditch. He sated we started to question, what can we do with what we already have to make it drain. If there is about a half square mile of water shed, Cedar Creek pours a much larger water shed. Cedar Creek is controlled by the County so we started talking to them, and they said that we cannot up size the pipe to have more flow going in to Cedar Creek than what is getting in there right now. We just got a permit from the County to install a 36" pipe which has an equivalent area to two 24" pipes. We will install a head-wall and a ducks-bill so that when that ducks-bill is closed, it will prevent Cedar Creek from backing up in to Powell Ditch. Powell Ditch will still be able to drain down as long as the elevation of Powell Ditch remains higher than the elevation of Cedar Creek. Part of what is happening is that Cedar Creek is backing up in to Powell Ditch. Mr. Hendricks showed a diagram of the flood plane in a ten year, fifty year, and one hundred year. He explained that even in a ten year storm Cedar Creek jumps its banks and floods Powell Ditch. We are really just trying to get Powell Ditch to drain down as best as it can in smaller events, which it is not really doing right now, and also in smaller events, we may be able to stop the back-up of water in to Powell Ditch and Cedar Creek as well. We will also use the existing pipe that is there and put a head-wall and a ducks-bill on it as well. This will take a DNR and IDEM permit to complete. The rest of the project involves cleaning and grubbing the north/south portion of Powell Ditch, widening and cleaning the east/west portion, and then placing a manhole structure where the sanitary sewer will pass through.

Mr. Hendricks stated we are turning the pipe more at an angle towards Cedar Creek so that it is not fighting against Cedar Creek, but flowing more naturally instead in to the creek. This will help your problem, but not eliminate it. Anything bigger than a two year storm, Cedar Creek is going to jump and the water will run and flood Powell Ditch. Councilman Kuiper asked anything bigger than a two year. Mr. Hendricks stated you had a study done by Commonwealth prior and they were looking at a two year. We know a ten year will, and estimates are somewhere between a two and ten year. We are limited by the County because they will not allow us to increase the size of the pipe. We also tried to find a project that the Town could build on their own so that you could limit yourself on the contractors needed to keep costs down. Councilman Earley asked if Mr. Hendricks could attempt to translate a two or three year event in to inches of rainfall. He asked if we were talking about two inches of rain falling in to the category of a two year event. Mr. Hendricks stated two inches of rain in a twenty-four hour period would be somewhere around a two year event. These rain events are funny things because it could be

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happening in Cedar Lake and not in Lowell, but still affect us, or the storm could be sitting on top of Lowell and your water gets in and out and gone. It depends on the intensity of the rain event, and where it actually happens. Mr. Hendricks gave some examples of past flooding and

stated that he knew for sure that seven inches of rain in twenty four hours is a one hundred year event. You are not left with a lot of options. The options are to improve what you already have here by putting a better outlet pipe in, putting a ducks-bill or check valve in so water does not back up, by cleaning the ditch, and by excavating some to provide some storage. Councilman Earley asked what Mr. Hendricks meant by storage. Mr. Hendricks stated by widening it, you can provide some storage. When the ducks-bill closes, and if Cedar Creek is higher, water will still be coming from Powell Ditch and it will store it for a little while until Cedar Creek goes down, and then Powell will release. Councilman Philpot stated, from his understanding, even that storage will be exceeded somewhere between a two and ten year storm. This just helps the two year storm and stops Cedar Creek from pushing water back up and flooding over Powell Ditch. Mr. Hendricks stated that is correct. We are also helping to drain the ditch by putting in an outlet. The water should drain down further and at a better rate so that once the flooding from Cedar Creek subsides, the water will go down quicker. Councilman Philpot stated that is only for a two year storm or less, but once it floods, it will drain quicker and easier. Mr. Hendricks agreed.

Councilman Kuiper asked what the estimated cost is. President Corns stated \$222,764.85. Mr. Hendricks stated those are based on INDOT numbers and the Town doing none of the work. If the Town does some of the work, then that will go down. Councilman Earley stated we could save some money to do it ourselves, but that labor will still cost us as well, it is just cheaper. Mr. Hendricks stated even if we could put a larger pipe in there, it will still flood. It is still in that flood plane and unless you raise and fill the entire area and build a levy along Cedar Creek, it will still flood. Councilman Earley stated that is not an option. Councilman Parker asked Mr. Shook how much he thought the Town could save on this project. Mr. Shook stated he did not have the numbers put together yet, but we do feel that we can do the piping work and set the manhole structure, except for the head wall. We would probably hire someone to do the concrete work for the retaining wall, and as far as the excavation, if we widen it like it is shown, that will be over four hundred truck loads of dirt to take somewhere, which we are not equipped to do. He stated he has talked with Mr. Hendricks about maybe only widening it twelve feet since it is just for storage. The other problem we have, though, is where we would put that much dirt. Mr. Shook stated when the Street Department Superintendent, Frank Lovely, comes back from vacation, the three of us will sit down and discuss what sort of work we can do with what we already have. Councilman Kuiper stated he understood the \$222,000 was for the project, but asked how much money has already been spent to get to where we are right now. Mr. Shook stated he was not sure on the total. Councilman Kuiper stated he just did not feel that confident in the project since it will still be anything over a two year rain that will flood. President Corns stated the issue is, right now, that the water cannot get away. The only way we can get the water out of there right now is by evaporation. Councilman Parker asked if the numbers are from the bottom of the ditch. Mr. Hendricks stated that was correct. Councilman Parker stated the ditch is lower at the north end than it is at the south end, then. Mr. Hendricks stated by about six inches. We cannot gain slope, we can only match. You would remove the humps and mounds that are not allowing the banks to hold. You want good stable grass on the banks, not trees and roots. Whether you want it twenty feet wide or twelve

or ten feet, the pipe is only three feet wide. We were just going to match the twenty foot profile. Councilman Parker made a motion to table this decision so that Director Shook could get more numbers figured out and we could decide what to do at our next meeting. Councilman Earley agreed. The motion was seconded by Councilman Kuiper and carried by roll call vote.

Don Huseman, 362 Gwens Cove, asked about the rock dam by the trussles and if we could lower Cedar Creek in. Director Shook stated they had spoken with the County regarding that. They said they would look in to it, but we have not heard back. Mr. Huseman stated anything you could do to lower Cedar

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Creek would be a plus for the Powell Ditch. Mr. Huseman asked Carl Carlson if the pipe that goes across your property were re-laid in the same place at a proper grade, would you object to that? Mr. Carlson stated he did not know what it would do and asked if Mr. Huseman has looked to see where it gets in to Cedar Creek. Mr. Huseman stated he had. Mr. Carlson asked how it would be lowered because it would be under Cedar Creek then. Mr. Huseman stated it is currently one foot and two tenths of an inch above Cedar Creek, but it has no fall to it. If it were laid properly, it is in the direction to suck water out of Cedar Creek. Mr. Hendricks stated both pipes will be working. We are not just limiting it to just that pipe. Discussion followed. Mr. Shook stated that water does come out of that pipe. The last rain we had, we were down there and water was flowing half a pipe. President Corns stated that pipe is partially plugged, though. Mr. Shook agreed. Mr. Shook asked Mr. Hendricks if the upstream end of that had a trash rack in it. Mr. Hendricks stated it did, but there is also a flexacore wall so if you start re-laying that pipe, you will have issues. The idea is to leave that pipe alone because it will continue to drain. President Corns stated, regarding the rock at the trussle, someone from the County did say that there are how many sets of supporting columns in that and the one column to the left is plugged. He had said if we cannot get the rock out, then maybe we can clean out in between the set of columns. We are trying to do the best we can do. This plan is not as aggressive as we would like to see, but the County will not allow us to do any more work then what was permitted here.

Al Bachman stated him and his wife own most of the ditch bank along Cedar Creek that is still existing and functioning, of which is only half the ditch it once was. The entire ditch as it was built does have the fall and if you run the ditch south in to Cedar Creek, you will have more slope. This 36" tile that goes across Carlson's property does not work. He stated when he was with the Town of Lowell that pipe had holes upon holes. He stated he would like to see a camera run through there to show how it functions because he does not believe that it does. The Town of Lowell collects unprotected and polluted or possibly polluted water, flows it in to a retention area, and under certain conditions when it is flooding, this polluted water comes out on private property. When the creek recedes, that polluted water does not go back anywhere, it just percolates down in to the soil. He stated when he hears that it is flooding from Cedar Creek it bothers him because the water is running from the north over Lincoln Street. It is Town

collected, polluted water. This has been engineered over and over again, and we have the County fighting against it. Mr. Bachman stated he would give the Town all the land they want at no charge for them to dig a retention pond as big and as deep as they need it because he would like to be able to use what land is left. He asked if that would work and showed on the diagram what he did not like about the plan. He stated he would work with the Town in any way he can so that the problem can be solved. Councilman Earley stated at one point we are trying to get rid of the water, but now you are giving an option to store the water in a retention pond. Mr. Bachman stated he would like to retain it in the ditch so he does not have to worry about it flooding. Councilman Earley stated at some point, it will still have to drain. Something like that would have to be engineered again and it would be a shot in the dark. We would still have to do the work that we are doing here to get rid of the water when it needs to leave especially if we have something like a three or four year rain. Discussion followed. Councilman Philpot asked how much this proposal would improve the flood storm. Mr. Hendricks stated we are limited to a few acre feet, it is half a square mile of water shed. Councilman Philpot stated it will not impact it much then. Mr. Hendricks stated he would rather get rid of the water in to Cedar Creek as fast as we can. Councilman Philpot stated if you build the ditch you will either need to get the water out, or let it sit and evaporate. He stated he is interested in finding out how big of a ditch or retention basin you would need to raise the two year storm to a four year storm. Mr. Hendricks stated it did not matter. Either way Cedar Creek will jump the banks and flood. Discussion followed regarding extra storage.

Roger Baker, 1040 Woodland Court, asked why there is a big ditch all the way up to Cedar Creek and then you go to a ten foot pipe. That is like pouring water in to a funnel, and when the funnel is full it will overflow. Mr. Hendricks stated we are limited to what the County has said, we cannot put anything

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bigger than what is there. Mr. Baker asked why it cannot be run diagonally rather than having the ninety degree turn because it would help suck water out of the ditch. Mr. Hendricks stated Cedar Creek will not suck water out of the ditch. Discussion followed.

Al Bachman stated back in the 1970's Mr. Holtz farmed that ground, but it is not farmable now. There has been more development, more hard surfaces, and faster run off that is running in to this basin, but it is not getting out of the basin. There will be two 36" openings and the best thing you could do is to have these two openings flowing as much as possible. The existing pipe is not functioning as it should so we should correct that to get the most capacity through those pipes. Mr. Bachman continued by offering his idea of a retention pond. President Corns stated we have met with the Drainage Board and this is as aggressive as we can be. Discussion followed.

Councilman Parker stated we have discussed making it angled rather than the ninety degrees, but we are limited by what we can do with the County. We still need time to look at the plan and discuss it. Mr. Shook stated he will take the comments from tonight and talk with everyone

as far as what we can do with the project, and we will discuss the existing pipe and its condition. By the next meeting we will try to have something to propose.

Fire Department - Fire Chief Clint Gorbball stated we have discussed the problems with staffing during the day-time hours, and one suggestion was to increase our roster of volunteers with some day-time available people. We have been taking applications and advertising, but to date we have about four applications, and we are hoping to accept five. He stated he was at the meeting tonight to propose a full-time firefighter position during the day-time, Monday through Friday, approximately fifty hours a week. We are the shortest with our staffing from the hours of 6:00 AM - 4:00 PM, which would be the hours that this person would cover, minus holidays. This position would answer fire calls, perform light maintenance on trucks, equipment, and the station, check the trucks more often, and assist with fire inspections. Mr. Gorbball stated there was a copy of the job description and the proposed salary and benefits left in the Councilmen's boxes for review. The salary and benefits are based on the Police Department's salary ordinance. He stated after meeting with Clerk-Treasurer Walters and Financial Planner Greg Guerrettaz, we have been told that the position could possibly be paid for by the new Public Safety Tax portion of the 1.5% Local Income Tax. This would be pending State approval of the budget, and Lake County taking any portion of the Public Safety Tax for the 911 Consolidation Project. Mr. Gorbball went through the salary and benefits figures and the job description for the full-time employee. He stated the minimum qualifications that would be required are Firefighter 1 & 2 Certifications for the State of Indiana, Emergency Medical Technician Basic Certification, and any further schooling based on the needs that we find for that person. Councilman Kuiper made a motion to approve the proposal pending confirmation on the local income tax and funding, seconded by Councilman Earley.

Councilman Philpot stated in 2011 you put in for the fire territory and IDEM turned it down stating a government entity cannot enter in to an interlocal agreement with a private entity. Mr. Gorbball stated that was correct. Councilman Philpot stated what he hears being asked is that this be a Town employee. This would not be the townships sharing in this cost either. Mr. Gorbball stated that was correct. Councilman Philpot stated you are asking us to pay for someone who other entities are going to benefit from, but not contribute in to the cost. Mr. Gorbball stated it would be at the Council's discretion whether that position would only answer and serve the corporate limits of the Town of Lowell. Councilman Parker asked if we had mutual aid agreements with the other townships. Mr. Gorbball stated that was correct. Councilman Philpot stated other entities will suffer then. You are also a contracting service to the Town and other entities, so technically you could do anything you want to in your contract. You could hire this person on your own and rewrite the contract with the bidding cost to the Town of Lowell

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and other entities to cover your hiring of a full-time person. Mr. Gorbball stated that was correct. We will run in to the issue of the civilian pension benefit that is offered by the Town of Lowell. Even with the levy being unfrozen and even if they maximized the increase for 2014,

our contract would not be able to increase to the point of funding a full-time firefighter. Councilman Philpot stated you are asking the citizens of Lowell to afford this cost. You are asking us to subsidize your private corporation which sets up a dangerous precedence. It would be the same if someone from Mi Ranchito came in and asked us to hire a new waitress for them. Mr. Gorbail stated we are trying to fix the daytime staffing issue that we have to increase the public safety for the citizens of the Town of Lowell, not to subsidize our Fire Department. Councilman Parker stated he is in favor of hiring a full-time fireman, but we need to look over the job description before approving it. Councilman Kuiper stated that is included in the motion, or it should be. Councilman Parker stated several weeks ago the public safety issue was brought up and it does need to be fixed. Councilman Kuiper amended his motion to approve the proposal contingent upon the funding being there from the option income tax and while we are waiting on that, all of the details such as the job description, can be a work in progress. The motion passed by roll call vote with four ayes and one nay, Councilman Philpot voting nay.

## **NEW BUSINESS**

Request for Refund on Water Bill - JDM 101 Oakley LLC - President Corns read aloud the request from JDM 101 Oakley LLC. Discussion followed on the amount of the refund. Councilman Earley asked if there was an issue with the water line in that area. Director Shook stated the line on Harding was sized to feed water to Reiter Automotive. With Rieter not being there anymore, the line is oversized for that area and when the water does not get used the hydrogen sulfide that is in the water comes out. Councilman Earley stated that is the reason for the dark water, then. Mr. Shook stated that is correct. We told them to run the water because it will clear up on its own, but it took some time. The minimum for the 2" water meter is high when you are barely using any water. Councilman Earley made a motion to refund Mr. Austgen's \$306.99, seconded by Councilman Philpot and carried by roll call vote.

2014 Budget - President Corns read aloud a memo from Clerk-Treasurer Walters regarding the 2014 budget. Councilman Kuiper made a motion to have the attorney amend the budget ordinance, seconded by Councilman Earley. President Corns stated at the Joint Sewer Board meeting, it was asked that each Town start appropriating so much money to maintain the interceptor sewer that comes in from Cedar Lake because it is in bad shape. That is what this fund would create. Discussion followed. The motion passed by roll call vote.

Approve Recycling Funds for new Park Sign - Councilman Earley stated he spoke with Tom Sullivan and Kathy Fenner from the Parks Department a few weeks ago regarding a request to replace the current Parks Department sign that is in between the police station and the Little Store which is not in very good shape. They suggested and made copies of a sign that they have been looking at and forwarded them to the Council. Clerk-Treasurer Walters informed me that Sue Peterson has been working on some prices for a new sign already. He stated this particular sign that you have is partially, if not all, constructed from recycled materials so we would be able to use the recycling funds to purchase it. They were also talking about replacing

the Evergreen Park sign with the sign that is currently in between the police station and the Little Store, and then purchasing a smaller sign identifying Evergreen Park. Councilman Earley made a motion to approve looking in to prices for a new Parks Department sign, seconded by Councilman Kuiper and carried by roll call vote.

President Corns stated Councilman Earley attended a meeting at the school to talk about raising some money for Ivy Tech and asked for the highlights of the meeting. Councilman Earley stated the discussion was all based around the additional funding that Ivy Tech was going to require because of the

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apparent financial situation that they are in. There is going to be a short fall of about \$1.5 million to actually fund the purpose and installation of the equipment in to the laboratories that will be on Ivy Tech's side of the learning center. There were also two foundations there that spoke of different grant opportunities to make this one time purchase of the equipment.

Police Chief Erik Matson stated there was a Police Commission meeting this past Thursday and the topic of naming an Assistant Chief came up. The Commission voted to give him the approval to make a recommendation to the Council for their appointment. He stated he would like to recommend Corporal James Woestman be named Assistant Chief with the Council's approval. Councilman Earley made a motion to accept Chief Matson's recommendation for Assistant Chief, seconded by Councilman Kuiper and carried by roll call vote.

### **ANNOUNCEMENTS**

Utility Billing - Online through Invoice Cloud at [www.lowell.net](http://www.lowell.net)

Next Regular Meeting - Monday, August 26<sup>th</sup> - 7:00 PM

Councilman Philpot stated the Ethics Board is planning a workshop dinner at Tiebel's on September 30<sup>th</sup>. Invitations will be e-mailed out to the Town officers for an RSVP.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga asked who the retirement letter was from because she came in late. President Corns stated the letter was from Sue Peterson. Ms. Csepiga asked if she could get the details of Mrs. Peterson's time served. President Corns stated that Ms. Csepiga could receive a copy of Mrs. Peterson's letter.

Clerk-Treasurer Walters stated there were two corrections that she noticed in the paper that she would like to bring to the Council and public's attention. The first is that an article had stated that the Town's budget was \$25 million. The actual budget is \$4.5 million, \$2.9 of that coming from the tax levy. Another article spoke about the debt in Lake County among all of the

municipalities. This reported that Lowell's debt is \$30.8 million. Our actual debt is \$18 million, with \$13 million of that being shared by the Town of Cedar Lake for the Wastewater Treatment Plant project. Technically our debt is \$11.7 million, which comes out to \$1,267 per capita, not the \$3,329 that was recorded. She stated the papers got those numbers from the DLG's website, and what they took off of it was the total debt that we took at the time, but a lot of those loans are five, ten or fifteen years in so when you take in what our debt is currently, that is what it comes out to.

Doug Zubrenic, 17339 Oak Valley, stated he was at the last Council meeting and spoke about the boats and trailers in Town. The day after the meeting, the Code Enforcement officer had told me that he can no longer enforce the law pertaining to the boats being in the front of the house.

He stated he took pictures around the neighborhood of trailers and boats on the public street with no vehicles, or putting them on stone driveways. Councilman Kuiper stated he believed him, but was not aware of what law he was talking about that cannot be enforced. Councilman Earley stated his understanding was that during certain parts of the year it is all right to park trailers and these types of vehicles in front of the building line. Building Official Tom Trulley stated behind the public sidewalk you are allowed to park them between April 15<sup>th</sup> and October 15<sup>th</sup>. Other than those dates, you have to park behind the most forward part of the building on the side. Councilman Earley asked if vehicles that are parked in the street without a vehicle attached to them at any time of the year was against the Ordinance. Mr. Trulley stated that was correct. Mr. Zubrenic stated he found a copy of covenants for Meadows of Cedar Creek and asked if

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there could be a way to get them to be enforceable. Councilman Parker stated you cannot. We have talked about putting some sort of check mechanism where things like that are registered properly before the bond is released. After the bond is released for a subdivision, the Town has agreed and accepted responsibility as is. Mr. Zubrenic stated he bought a house thinking that he was going to be protected by these covenants, but he will not be. Councilman Parker stated we are all out of luck over there. He asked Mr. Trulley if he knew anything about someone telling Mr. Zubrenic that we could not enforce that Ordinance. Mr. Trulley stated he was unaware. Covenants are up to the developer to record them and send to the subdivision review committee. We as a Town do not enforce covenants. If the developer mis-represented himself, you have legal actions that you can take to go against your developer. Councilman Parker stated it is up to the Town if someone comes in and presents something to the Plan Commission, we need to make sure that we hold on to those bonds until everything is done and they follow through with what they say they will do. He asked if we could implement something that requires developers to complete what they say they will do. Town Attorney David Westland stated both of you are right, and yes you can. It depends on the type of subdivision that is presented and whether the Plan Commission and/or the Town Council take the appropriate action to make that subdivision approval contingent upon the recording of restrictive covenants. Typically, when covenants are an important issue, the primary and secondary plat approval become condition on receipt and review by your legal council. Then

secondary plat approval becomes condition upon the recording of the already approved covenants. In a situation where that does not happen, if a homeowner buys a piece of property and the bond has been released, the only remedy that the homeowner has is against the developer who sold him the lot with the promise of the covenants being in effect. When you go to buy a house, those covenants would be on the title work if the developer is telling the truth. Councilman Parker stated we are trying to make these issues better so that moving forward we do not run in to this.

**ADJOURNMENT**

With no further questions or comments, Councilman Parker made a motion to adjourn at 8:45 PM, seconded by Councilman Philpot and carried by voice vote.

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Edgar Corns, President

Attest:

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Judy Walters, Clerk-Treasurer

