

**LOWELL TOWN COUNCIL
REGULAR MEETING
JUNE 22, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, June 22, 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 Nicole Bennett, Police Chief Erik Matson, Public Works Director Greg Shook, Building Administrator Tom Trulley, one member of the media, and nineteen citizens.

TREASURER'S REPORT - May 2015

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

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the June 8, 2015 regular meeting, seconded by Councilwoman Angerman and carried with five ayes.

APPROVAL OF VOUCHERS

President Salatas stated he had reviewed White Vouchers #1570 - #1630 - \$362,452.52, White-Police #4129 - #4138 - \$4,787.19, Water #2388 - #2415 - \$230,984.08, Waste Water #3321 - #3350 - \$59,188.38, and Stormwater Utility #5079 - #5086 - \$2,950.62. President Salatas stated he would be voting against White Voucher #1584, which was for an IACT seminar in the cost of \$198. The seminar was about annexation in reference to SB330 that has been recently passed. Mr. Trulley and Mr. Mandon would be attending, and he believed that Mr. Mandon did not need to be compensated strictly by the Town of Lowell since he is a consultant not only for Lowell, but other towns, such as Kouts, and firms that would benefit from him going to the seminar as well. Councilwoman Angerman made a motion to approve the vouchers as listed, with the exception of White Voucher #1584, seconded by Councilman Corns. Councilman Earley asked if we were certain that the \$99 for Mr. Mandon was the entire cost of the seminar. President Salatas stated there are two receipts for \$99, one for Mr. Trulley, the other for Mr. Mandon. Councilman Earley asked for the motion to be repeated. President Salatas stated to approve all of the vouchers except White Voucher #1584. President Salatas asked for the motion to be voted on again, which carried four to one with Councilman Earley voting nay. There was some confusion on the motion, so Attorney Bennett suggested that someone make a motion to reopen the issue of White Voucher #1584 for discussion.

Councilwoman Angerman made a motion to reopen the issue of White Voucher #1584 for further discussion, seconded by Councilman Corns and carried with five ayes. Councilwoman Angerman asked what the seminar was for. Building Administrator Tom Trulley stated that Clerk-Treasurer Walters had informed him of this seminar regarding the new regulations for annexation and they both decided it would be good for Mr. Mandon to attend as our planner. Mr. Trulley clarified that Mr. Mandon did some work on the TIF program, but because someone else did not follow it up, he decided not to bill us for that and he said it would be fair since the Town was sending him to the seminar, he would not bill us for the TIF work. Councilwoman Angerman stated if he was asked to do work, he should be compensated. Mr. Trulley stated he did not want to get in to the middle of the issue. Councilman Earley stated he is basically charging us for the seminar he attended rather than the TIF work, and we will benefit from whatever he learned at the seminar. Mr. Trulley stated that was correct. Discussion followed as to how the previous motions were made. President Salatas stated there still needed to be a motion to approve

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White Voucher #1584. Councilman Earley made a motion to approve White Voucher #1584, seconded by Councilman Corns and carried by roll call vote four to one with President Salatas voting nay. Councilman Corns stated the Council should have known the situation before it was listed. President Salatas stated nothing was ever announced to him. Clerk-Treasurer Walter stated she was unaware that Mr. Mandon was not being compensated for work he did, and explained the Town has sent consultants to seminars before to benefit the Town. She stated that is why it is listed before you and it is up to the Council to approve or not, and if you would have not approved it, we would not have sent his registration in. Councilman Parker stated there are some things that we need to leave in the hands of the Department Heads, and if Mr. Trulley decided this would be beneficial to the Town for \$99, then we need to trust him and his discretion. He stated it is not a matter of trading a service, which is not right, but if our department head thinks this is beneficial in some way, then that is it. President Salatas stated he just wished there had been more information shared on that.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Councilwoman Angerman asked with the Labor Day events being scheduled not by the Town, but by other organizations, if it would be possible to have our Special Events Coordinator report to us monthly what the Town has going on. Councilman Earley stated we could just ask the Special Events Coordinator to attend the next meeting and give us an update of what is going on. After some discussion it was decided that Special Events Coordinator, Susan Peterson, would be contacted to give a report of the events being coordinated by the Town.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2015-10 - Discharging Firearms, Air Guns, Etc. - Councilwoman Angerman made a motion to table the first reading of this Ordinance until there is a work session held, seconded by Councilman Corns. Councilman Earley stated prior to the last meeting he had spoken with President Salatas regarding an invoice from our attorney which listed discussion of a firearms ordinance, and at that time President Salatas had explained that the Annexation Committee was looking in to it. He stated he had assumed they were interested in putting this in place for the people in proposed annexation areas. Until the agenda was received, Councilman Earley stated he was unaware that the ordinance had ever been addressed. Councilman Earley stated it was his understanding that the Committees and Commissions are supposed to discuss matters that they are interested in bringing forward to the Council, they come to majority, and then recommend it to the Council. He stated he would like to understand how this went from the Annexation Committee, to the attorney's desk, to a draft. President Salatas stated a firearms ordinance has nothing to do with annexation. He stated it would help with future annexation of farmland, but this had nothing to do with annexation. President Salatas stated he got the consensus of a few other Council members and asked the lawyer to draft something, which is what has been brought to us. He stated this is something that would normally be attached to a farm bill. Councilman Earley asked why he was not involved in any of the discussion prior to this for the obvious reason that he represents people in the community too and may have input. President Salatas stated that is why we are going to do a work session for more input. Councilman Earley stated that just happened now, but the intent was to have a first reading at this meeting. He stated he was frustrated that this was going to have a first reading and the first he heard about it was on this agenda. Everyone on this Council should be involved in what we plan on doing, whatever we decide on, and whatever we spend public tax money on. That bill was over \$1700, which was not just for this, but also a dog ordinance. President Salatas stated that was brought up at a Council meeting. Councilman Earley stated that was brought up, but it was never discussed. President Salatas stated it was brought up and the lawyer said he would look in to it. Councilman Earley asked if he was going to be involved in understanding what the dog ordinance is and why. President Salatas stated absolutely. Councilman Earley asked if it would be before the first draft

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because he may have input on that as well. President Salatas stated he thought Attorney Westland had sent an email to everyone stating there was already an ordinance on the books that pertains to the containment of dogs. Councilman Earley stated he was not involved in any communication with the attorney on this particular matter. He asked why we were amending the current gun ordinance. President Salatas stated in his opinion it is for future annexation. Councilman Earley stated so it does pertain to annexation. President Salatas stated and to protect the homeowner's and citizens rights for firearms, the Second Amendment. Councilman Earley stated there is nothing about protecting the Second Amendment in this draft, and stated his main frustration is finding out about this when the agenda is sent out. Councilman Earley stated there is nothing wrong with our current firearms ordinance that has been in place for years. The motion to table the ordinance carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Powell Ditch - Public Works Director Shook stated at this time we are asking the Council to release the retainage to Austgen Equipment for the project they just completed in the amount of \$6,003.44. He stated he inspected the inside of the manhole structure, which was the only thing left to do. Councilwoman Angerman made a motion to release the retainage, seconded by Councilman Earley and carried by roll call vote with five ayes.

Public Works Department Update - Director Shook stated the Council recently approved a supplemental agreement #2 for the right-of-way acquisition for the Curb and Sidewalk project, and he submitted that agreement to INDOT and they are requesting that the contract be separated in to two contracts. He stated Clerk-Treasurer Walters and himself reviewed the contracts and the dollar amount is not changing, but needed Council approval, and as soon as INDOT approves those agreements, we will begin the acquisition process. Councilman Corns made a motion to approve the two contracts, seconded by Councilman Earley and carried by roll call vote with five ayes.

NEW BUSINESS

Act on annual bulk chemical quotes for Water Utility - Director Shook stated the quotes we received are similar to last year's except the cost of chlorine, which has gone up. This year it is costing \$108 per cylinder, whereas last year it was \$72 per cylinder. We will be looking at about a \$6,000 increase for the year. He asked for approval for the purchase of chlorine at \$108.00/cylinder, sodium hypochlorite at \$16.00/case, and sodium silicate at \$410.78/drum from Alexander Chemical; hydrated lime at \$198.98/ton from Carmeuse Lime; and carbon dioxide-CO2 at .89/lb from Airgas North Central. Councilman Corns made a motion to approve the chemicals for the Water Plant, seconded by Councilman Earley and carried by roll call vote with five ayes.

Permission to purchase new phone equipment at Police Station from Cum Cap Development Fund - Clerk-Treasurer Walters stated last year the Council approved purchasing new phone equipment for the Town Hall, which was not done until this spring. The police station has also been having issues, so we had Tri-Electronics, who is installing our new system take a look at the police station's system. Clerk-Treasurer Walters explained the proposal that the Council received from Tri-Electronics in the amount of \$9,224.00 and stated that the funds were available in the Cum Capital Development Fund. Councilman Corns made a motion to approve the purchase of the new phone equipment for the police station, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

ANNOUNCEMENTS

President Salatas announced that the next regular meeting will be held Monday, July 13, 2015 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Councilman Earley stated the LP3 Committee will be hosting a Lowell bike ride the 28th of June at 2:00.

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They will be meeting at Freedom Park and there will be two routes, including a short route for family and kids, and it will also be police escorted. Councilman Earley explained each route that is being offered and stated anyone that is interested is welcome to come out.

Councilman Corns stated he attended his first Lake County Solid Waste Board meeting on June 18th and gave an overview of that meeting.

Councilman Parker stated after hearing the discussions of the firearms ordinance, it is time that we have the attorney work with our staff in getting the TIF District finalized and do what we need to do for newly annexed property to be a part of that TIF District. There is some confusion because in the March Plan Commission meeting there was a discussion about the newly annexed properties on the west side of the town and how none of it is in the TIF. He stated at that meeting he made a motion for the staff to work with SEH and the attorney to do what needs to be done for the annexed parcels to be in the TIF District. At one of the Committee meetings in April, they directed SEH to start looking at the TIF District without realizing or just disregarding the motion that was made at the Plan Commission meeting. Because of this, there is now some confusion and we are getting billed twice for the same work between Mr. Mandon and SEH. He stated staff needs to meet with the attorney on the zoning of the annexed properties, and a procedure for the BZA and Plan Commission. He stated he agreed with Councilman Earley in regards to these Committees and Commissions not having authority to direct someone to do something, and they need to make recommendations to the Town Council. Councilman Parker made a motion for the staff to work with our professional services, SEH and Mr. Mandon, and the attorney to get the TIF District straightened out. Once we get that, we need to have a procedure put in place for how these Committees to report or forward items to the Town Council. Once that is in place and we understand it, then we need to have a study session with all of the Boards & Commissions to make sure everyone is on the same page. Councilman Parker clarified his motion stating he would like the attorney, SEH, Mr. Mandon, and the Town staff to start working on getting the TIF assigned to the newly annexed property, identify the zoning for it, and have something for us by the second meeting in July. Councilman Earley seconded the motion. He stated sitting on the Redevelopment Commission, we have entertained adding to our current TIF District and there is a whole lot of confusion that needs to be ironed out as to who has been approved to do the work for the RDC, the Plan Commission, because we have two different entities billing us for doing the same thing, and he believed in some cases some of those entities have not been officially approved by the Commissions to perform the work. He stated what the RDC has been told is that we can only add to the TIF District by 20% of the current property that is in the TIF District. At the last meeting, they were told we exceed the 20% with the newly annexed areas, but by how much, no one knows, so now SEH has moved forward with creating a whole new TIF District, which will cost more money than just adding to the current TIF. He stated his issue was that they had no authority to move forward with it, but that discussion will be held at the RDC meeting this week. We need to have a work session to understand who has the authority to do what. Councilman Parker agreed and stated that in speaking with Attorney Westland we may not need a new TIF District. Clerk-Treasurer Walters asked if Councilman Parker's motion would include having Attorney Westland attend Redevelopment meetings since he currently does not. Councilman Parker stated he would like to address that separately. The motion carried by roll call vote with five ayes.

Councilman Parker stated to that point, we also need to figure out what the purpose and goals of the Redevelopment Commission are. With the TIF District, you will come in to some money, and that money should be used mainly for the improvement of infrastructure. There are a lot of legal questions that have come up, so now may be the time to assign an attorney to the Redevelopment Commission so those questions can be answered. Councilman Parker made a motion to assign an attorney to the Redevelopment Commission, seconded by Councilman Corns. Clerk-Treasurer Walters stated currently the TIF Fund has a balance of \$32,000, but on June 30th we will begin receiving our semi-annual distribution and the Redevelopment Commission wants to start spending funds, but we want to make sure we are using it in the correct manner according to law. Councilwoman Angerman asked if there was

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a change in legislation regarding the monies that come in for the Redevelopment Commission. Attorney Bennett stated she was not aware off the top of her head regarding redevelopment dollars themselves. Discussion followed. Councilman Parker stated the way our Redevelopment Commission is set up, they have sole control over their money, and the Council needs to set some procedures and the directions we want to go. He stated a lot of communities have their Council sit as the Redevelopment Commission because by statute the RDC has control over how that money is spent. . The motion to assign an attorney to the Redevelopment Commission carried by roll call with five ayes.

Mary Wilds, The Times, asked what changes were being proposed for the firearms ordinance, and why it was being changed. President Salatas stated as we annex outwards, it will protect the landowners that under County law can use firearms on their property continue to be able to do so. Ms. Wilds asked if they would be grand fathered in. President Salatas that was correct, and it would also include large property owners, such as farmers, however the current draft that we received has a low acreage amount. Ms. Wilds asked how big the parcel had to be. President Salatas stated over two acres. Ms. Wilds asked if in Town there is currently no discharge of firearms. President Salatas stated that was correct. Ms. Wilds then asked how much the new phone system would cost. Clerk-Treasurer Walters stated \$9,000.

Terri Kelly, 609 Dakota Dr., stated she was part of a group of residents that have banded together to bring the Labor Day Festival back to the American Legion. Mrs. Kelly gave an overview of the committee's plans, along with a tentative schedule for the weekend, and asked for the town's support. Councilman Earley asked if by support they meant financial support. Mrs. Kelly stated she was not sure yet because they are so new at this. At this point they are reaching out to let you know what we are planning. Councilman Earley stated support is a very vague term. We have been working on the Labor Day Parade and fireworks and asking for donations to fund that for ourselves. Mrs. Kelly stated at this point we are not asking for money, but we may need benches from the Parks Department. She stated currently they have people that are donating entertainment and their talents and just wanted the town to be aware they are planning the festival, but not to take away from the parade and kiddie parade. Councilman Earley asked if this organization was affiliated with the Legion. Mrs. Kelly stated we are a separate organization. Councilman Corns stated there are Legion members involved. Don DeFrance, 7774 W. 174th Avenue, stated we just want to see this keep going, we say we are not looking for money, but money helps. He stated they are not asking for anything more than the same support offered to Labor Day events in the past. At the end of the day if there is money left to pay for the police, water, park benches, or lighting, those are all things we will need. Councilman Earley stated hopefully we can talk soon about what you need.

ADJOURNMENT

Councilman Corns made a motion to adjourn at 7:45 P.M., seconded by Councilman Earley and carried with five ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer

