

**LOWELL TOWN COUNCIL
REGULAR MEETING
OCTOBER 12, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, October 12, 2015 at 7:03 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 David Westland, Police Chief Erik Matson, Public Works Director Greg Shook, Building Administrator Tom Trulley, Financial Advisor Greg Guerrettaz, SEH Representative Craig Hendrix, two members of the media, and fifteen citizens.

TREASURER'S REPORT - September 2015

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

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the September 28, 2015 regular meeting, Budget Hearing, executive session, and work session, seconded by Councilman Corns and carried with five ayes.

APPROVAL OF VOUCHERS

President Salatas asked for approval of White Vouchers #2017 - #2076, White-Police #4223 - #4233, Water #2665 - #2717, Waste Water #3541 - #3573, and Stormwater Utility #5130 - #5139. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

President Salatas stated he had received a letter from John Russell, 418 Commanche, asking the Town to redo their portion of Holtz Road since the County has just finished their portion, and asked Public Works Director Greg Shook to look in to the cost so that it could be addressed at a work session.

MONTHLY REPORTS- September 2015

Councilwoman Angerman made a motion to approve the September 2015 Monthly Reports, seconded by Councilman Corns and carried with five ayes.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2015-15 - Annexation of Russell Farms - Councilman Parker made a motion to adopt Ordinance #2015-15 by name and title only, seconded by Councilwoman Angerman and carried four to one by roll call vote with Councilman Earley voting nay.

2nd reading - Ordinance #2015-25 - Authorizing the construction of \$4,500,000 Water Improvements - Councilman Parker made a motion to adopt Ordinance #2015-25 by name and title only, seconded by Councilman Corns and carried four to one by roll call vote with Councilman Earley voting nay.

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2nd reading - Ordinance #2015-26 - Appropriation and tax rate for 2016 Budget - Councilman Parker made a motion to adopt Ordinance #2015-26 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

1st reading - Ordinance #2015-27 - Additional Appropriation - Police Grant Hours - Councilman Corns made a motion to approve the 1st reading of Ordinance #2015-17 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes.

Resolution #2015-14 - temporary loan from Sewer Improvement to purchase 17 acres parcel & Approve Voucher #3574 to IN Title for payment - \$\$238,695.74 - Councilman Corns made a motion to adopt Resolution #2015-14 and Voucher #3574, seconded by Councilman Parker and carried by roll call vote with five ayes.

Introduction of Rate Ordinance #2015-28 - Water Project - Financial Advisor Greg Guerrettaz presented the first draft of the Water Rate Ordinance, which was explained in detail at the work session. He stated there were six options that he would like to summarize and then make a recommendation. Mr. Guerrettaz proceeded to summarize the six options which ranged from a 25% to a 35% increase in the water rate, noting that keeping the cash on hand in the improvement and operating fund was something that needed to be maintained. After summarizing the options, Mr. Guerrettaz stated that his recommendation was to go with Option #6, which is a 27% rate increase using the wrap around option, with a bond of \$4.5 million, providing \$4.105 for construction costs. With this option you would see an increase of about \$8.24 on 4,000 gallons. This will be lowering the rates that have been presented to you in the introduction since the introduction was on the high side because we knew we could go down if we wanted. He stated after the work session, this would be the recommendation that would serve in keeping the rates as reasonable as possible, but also keeping in mind that the cost of providing water and sewer services continue to go up around the State. Mr. Guerrettaz stated that he wanted to make it clear that they are not raising sewer rates at this time, only the water rates due to the work that needs to be done. President Salatas asked for a motion to approve the first reading of Ordinance #2015-28, not to exceed 35% with the modification as found on page 36 subject to the final numbers, which reflects a 27% increase, and to set a public hearing for the November 9th meeting. Councilman Parker made a motion to approve the first reading of Ordinance #2015-28, not to exceed a 35% rate increase, but to include the modification as found on page 36 which reflects a 27% increase, and to also set the public hearing for Ordinance #2015-28 for the November 9th meeting, seconded by Councilwoman Angerman. Clerk-Treasurer Judith Walters asked if the ordinance needed to be advertised as what it states currently since the Council is wanting to amend it before the public hearing. Attorney Westland stated it would need to be advertised as introduced, but everyone understands what the intent is and when you go to adopt it you will adopt it as amended, but what is before you is the 35% that you are approving in the first reading. Clerk-Treasurer Walters stated there are five properties outside of town that will be sent a letter regarding the public hearing. In that letter can we state that we are going with Option #6, the 27% increase, or does it need to show the current Ordinance that states 35%. Attorney Westland stated you have to send them the ordinance as is because until it is amended, it stands as is. The motion carried four to one by roll call vote with Councilman Earley voting nay.

Introduction of Rate Ordinance #2015-29 - Tap Charges - Mr. Guerrettaz explained that the tap charges are for either new construction or someone who is within town, but not currently hooked up to town water and chooses to hook up to town water. This fee will not be paid by current ratepayers, only new users. In order for the current ratepayers to not subsidize new development, he stated they have recommended a pretty significant rate increase in those tap charges. President Salatas asked for a

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motion to accept the first reading of Ordinance #2015-29. Councilman Parker made a motion to approve the first reading of Ordinance #2015-29, seconded by Councilman Corns. Clerk-Treasurer Walters asked if the public hearing for this ordinance should be held on November 9th as well. Attorney Westland stated you should do them the same day. The motion carried four to one by roll call vote with Councilman Earley voting nay.

Resolution #2015-15 - Approving Form of Lease and Intent to Finance Project - Attorney Westland stated this would approve a lease agreement between a building corporation and the Town for the public works project. He stated once we close on the property, it will be in the Town's name, but it will then be transferred over to a building corporation and you will have a lease. This resolution approves that lease so that we can move forward with the financing. Councilman Parker made a motion to approve Resolution #2015-15, seconded by Councilman Corns and carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - No report was given.

NEW BUSINESS

Act on extension of Performance Bond No.K08830150 - Providence Real Estate from October 18, 2015 to October 18, 2016 - \$24,840.00 - Councilman Parker made a motion to extend the performance bond for Providence Real Estate from October 18, 2015 to October 18, 2016, seconded by Councilman Corns and carried by roll call vote with five ayes.

Enter into agreement for professional services for Economic Development Bonds - not to exceed \$22,500 and Waterworks Revenue Bonds - not to exceed \$18,750 - Westland & Bennett - Councilwoman Angerman made a motion to enter into the agreements with Westland & Bennett, seconded by Councilman Parker and carried four to one by roll call vote with Councilman Earley voting nay.

Enter into agreement for professional services for Economic Development Bonds - not to exceed \$30,000 - Shanahan & Shanahan - Councilman Corns made a motion to enter into the agreement with Shanahan & Shanahan, seconded by Councilman Parker and carried four to one by roll call vote with Councilman Earley voting nay.

Recommendation from Traffic Commission: stop signs/Langen Street - Police Chief Erik Matson stated the Traffic Commission would like to make a recommendation for Langen and Apache, Langen and Cheyenne, and Langen and Mohawk to become four-way stops. Councilwoman Angerman asked where the stop signs are currently. Police Chief Matson stated there are only stop signs for the east/west traffic, but Langen Street does not have any stop signs on it. Councilman Parker made a motion to accept the recommendation and have Attorney Westland draft an ordinance, 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, October 26, 2015 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Don Cripe, 17430 McKinley Place, stated he has purchased the Reel Farm and has been in the process of getting it rezoned to single family residential. He stated, in that time, he understood new rules have been set in place which will cause a large expense in developing the subdivision which is currently one hundred and three lots. He stated there is a work session at 4:00 P.M. on Monday for the Plan

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Commission, and asked that the Council members who are not on the Plan Commission to attend so that they could possibly work out the details. Mr. Cripe mentioned that he has been developing in town for fifty-seven years and has always kept a good relationship with the Town Boards. He thanked the Council for their effort and stated he hoped they could work something out in order for him to move forward with the new subdivision.

Councilman Corns stated that since President Salatas attended the IACT Convention, he should be reimbursed for his expenses. He should not have to pay for something that helps the Town. Councilman Corns made a motion for President Salatas to be reimbursed for the convention, seconded by Councilman Parker and carried four to one by roll call vote with President Salatas abstaining. Clerk-Treasurer Walters stated she would like to note that it is already in the Town Code that if any of the Council members or employees go to any sort of schooling that benefits the town, the town will reimburse them for their cost and mileage.

ADJOURNMENT

Councilman Corns made a motion to adjourn at 7:30 P.M., seconded by Councilwoman Angerman and carried with five ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer