

LOWELL TOWN COUNCIL
WORK SESSION
JUNE 13, 2016

A work session of the Lowell Town Council was called to order on Monday, June 13, 2016, at 5:00 P.M. by President Christopher Salatas. Members present were Michael Gruszka, LeAnn Angerman, Will Farrellbegg, Christopher Salatas, and Edgar Corns. Also present were Clerk-Treasurer Judith Walters, Attorney David Westland, Town Manager Jeff Sheridan, Public Works Director Greg Shook, Building Administrator Carl Ferro, SEH Representative Craig Hendrix and Dan Botich, one member of the press and two interested citizen. The purpose of the work session was General Town Business.

Charles Lehman, of Lehman & Lehman, gave a presentation on recreation impact fees and the need for a Park Master Plan that would need to be updated every five years. . He explained that fees must be based on infrastructure needed to serve new development, not to remedy existing deficiencies, and that businesses will not be assessed as they do not impact the parks. The study would begin by collecting information from park staff and residents for future plans, and would show a ten year growth forecast. The impact fee would be collected at the time of obtaining a building permit for new residential development, and should be considered as an “entrance fee” for new residents to build and live in the community, and funds are applied directly to the infrastructure needs caused by growth. He stated there is an option for the developer to pay their development’s impact fee up front and pass on the cost to the builder or home buyers. He went on to explain that an advisory committee must be established to assist with the adoption of an impact fee, with at least 40% representing the real estate industry. Mr. Lehman had a list of cities and towns that currently have a recreation impact fee with a average cost of \$1,055. After the study is complete the advisory committee would make a recommendation to the Park, Plan Commission and Town Council. The Plan Commission would hold the public hearing and recommend an adoption of a Recreation Impact Fee Ordinance to the Town Council. He explained that state statute requires that collections of impact fees not be collected for six months after the adoption of the ordinance.

Councilman Farrellbegg stated the town currently has a Park Development fee that has to be paid by developers in lieu of donating park space for any development over five acres, and asked if this wasn’t the same type of fee and would be considered “double dipping”. Mr. Lehman agreed the two may cross and serve the same purpose so they would have to look into that. Mr. Lehman estimated the cost for preparing a impact fee to be between \$18,000-\$25,000, a feasibility study between \$6,000- \$8,000; and a five-year master plan between \$15-22,000, but would be discounted if ran concurrent. Mr. Lehman stated before he committed he would like to get to know the community.

Town Manager Sheridan had prepared an amendment to the Resolution opposing the construction of the Great Lakes Basin Rail Line, that was to be acted on during the regular meeting. Mr. Sheridan stated that the Surface Transportation Board had extended their comment

period from June 15th to July 15th.

Town Manager Sheridan gave an update on the Journey Church project. He stated there was an issue with the right-of-way where their drainage tile was to be installed with some miscommunication on the drawing and they are in the process of getting an easement to correct the problem.

Town Manager Sheridan stated there is 50/50 state funding available for road projects, but to qualify the Town must have a transportation asset management plan approved by INDOT and had received proposals from three engineering companies to do the plan. The proposals were from Robinson Engineering - \$16,580, DLZ - \$14,500., and SEH - \$18,212. Mr. Sheridan stated these funds can also be used to address the lack of drainage that is causing the deterioration of the roads. The Town is eligible for up to one million dollars but we will need to determine where our match will come from. He stated the Town needs to act quickly on this plan as the grant application will be very competitive.

An update was given on the new well. Public Works Director Greg Shook stated the new well is behind schedule and due to the hot weather, the water towers are down. He stated we need to stress to our residents to conserve water. The water conservation ordinance that request customers of the Water Utility with street addresses ending in an even number to water on even numbered dates of the month and street addresses ending in odd number water on odd numbered dates of the month, has been placed on the town website and inserted in the utility bills. Craig Hendrix of SEH, stated they hope to have the well up and running by next week.

A discussion followed on a senate bill regarding the Motor Vehicle Inspection and Maintenance Programs in Lake and Porter Counties sponsored by State Senator Rick Niemeyer and passed by the Indiana Senate. Senator Niemeyer was asking the Town to act on a Resolution supporting the effort to urge the Environmental Protection Agency to revise or eliminate the requirements under which the motor vehicle inspection and maintenance programs in Lake and Porter Counties are operated. After discussion, it was agreed to add the resolution to new business during the regular meeting.

Town Manager Sheridan stated the Council had requested additional information concerning the permit to expand the landfill vertically an additional nine feet at the C&D Landfill in front of IDEM. He received information from Republic Services, who owns the facility, on the solid waste facility permit history that he presented to the Council. At the time they submitted their permit, they were under county jurisdiction and the increase to the height was not allowed in their zoning district, but since they are now annexed in the Town. they are inquiring if the Town of Lowell had any height restrictions. Discussion followed. The Town currently has no restrictions in their zoning ordinance. Attorney Westland stated as he understood, operations on the existing property will potentially be expanded if they are not allowed to go up. They are asking for a letter from the Town confirming that there is no established height restriction. Council members agreed they would like time to review information provided by Republic Services and would add to the agenda for the meeting in two weeks.

A discussion followed on the new aerator for the water treatment plant that has been discussed in the past. The equipment proposed to be purchased in the amount of \$49,200, is the same manufacturer as the existing, and will require less repiping and electrical modifications. The Indiana Code allows purchases to be made without bidding or quotes for purchases under \$50,000, but the Town Ordinance is more restrictive. Attorney Westland stated Town Code Chapter 38 states that three quotes must be received, but stated that Section 38.09 allows in the event of an emergency, the Town Executive, may authorize the purchase of supplies which may be required without receiving bids or quotes. He had prepared a Resolution approving the purchase of the aerator to be acted on during the regular meeting. A discussion followed on the need to have a purchasing policy more restrictive than the State and agreed to look at taking the Ordinance off the books. Mr Hendrix told the Council that the equipment will take sixteen weeks to deliver and we won't bid out the labor to install until the fall as it needs to be installed during times of low flow.

Town Manager Sheridan stated he had spoken with Town Attorney Nicole Bennett regarding the town enforcing private covenants for subdivisions. He stated he had never heard of a town getting involved with covenants and was asking for a policy that the Town will only enforce local building regulations. He explained that currently if there are covenants in a subdivision, the building department calls the developer and has them sign off on certain permits before they are issued. Attorney Westland agreed the Town should not be involved in enforcing developer covenants, that is between the owners of the land and the property owner. He stated the Town should only be involved if it is an agreement between the landowner and town. Mr. Sheridan will work with Staff and Attorney Bennett to enact a policy.

A discussion followed on the status of the Street Garage facility. Mr. Hendrix stated he could design the building two ways but it will cost more money. It was decided a list of decisions to be made on what items to include or not will be prepared to review at the next work session. Councilmember Angerman asked that consideration be made to include solar panels. Mr. Sheridan stated he was working on other solar panel projects for the Town.

Attorney Westland will prepare a Resolution to accept the small parcel of land, on the east side of the creek, donated to the Town by Austgen Properties.

Town Manager Sheridan stated he and Clerk-Treasurer Walters had met with the town insurance representative and he will be working with Chief Matson and the wastewater personnel on a policy on how to operate the gun range and security at the WWTP facility. He stated he will have a recommendation back in 60 days.

Councilman Farrellbegg asked about the wheel tax that other communities are enacting to help fund road projects. He was informed the Town of Lowell is not eligible because you have to have a population over 10,000 people.

Councilwoman Angerman stated she had information on a 3M product that will extend the life of signage and will get the information to Mr. Sheridan since that Town has a grant to replace street and traffic signs.

Councilman Gruszka stated he was approached about the Town enforcing the stop signs at the Meadowbrook Apartments, which is on private property. After discussion, it was agreed to discuss with Chief Matson to see if there is a problem in that area.

No further discussion, the work session adjourned at 6:45 P.M.

Christopher Salatas, President

Attest:

Judith Walters
Clerk-Treasurer