

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 13, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, October 13, 2008 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Deputy Clerk-Treasurer Elaine Anderson called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia and Phillip Kuiper. Councilman David Gard was absent. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Director of Community Development Wilbur Cox, Police Chief John Shelhart, Park Superintendent Tom Sullivan, and one member of the media and twelve interested citizens.

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the minutes from the September 22<sup>nd</sup> regular meeting, seconded by Councilman Alessia. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2022-2099, White Police Vouchers #4119-4139, Water Vouchers #2581-2623 and Waste Water Vouchers #3462-3504 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

**MONTHLY REPORTS**

Councilman Alessia made a motion to approve the monthly reports from September, 2008 as submitted, seconded by Councilman Huseman. The motion carried by voice vote.

**UNFINISHED BUSINESS**

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer Easements, Street/Sidewalks.

Tabled from previous meetings:

7/14 Release Letter of Credit for engineering for water main extensions - KM&N  
8/25 Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements

## **NEW BUSINESS**

Act on favorable recommendations from Plat Committee:

The Preserves, Phase 5 - accept Maintenance Letter of Credit - #00947 - \$222,000 - President Kuiper read a letter of favorable recommendation from the Plat Committee for the acceptance of improvements and the acceptance of Maintenance Letter of Credit #00947 in the amount of \$222,000 to be in force for the required 2-year period. Community Development Director Wilbur Cox stated that he made a mistake in the letter and failed to include the release of the Performance Bond in the amount of \$887,962.80, of which Mr. Cripe posted \$750,000 in a Letter of Credit and a \$137,962.80 cash escrow. Councilman Huseman made a motion to act on the favorable recommendation from the Plat Committee to release the Performance Bond and Cash Escrow in the amount stated by Director Cox and accept the Maintenance Letter of Credit #00947 in the amount of \$222,000, seconded by Councilman Tucker. The motion carried by voice vote.

Lowell Investors of Indiana - release Maintenance Letter of Credit #424120701 - \$9,767.99 - President Kuiper read a letter of favorable recommendation from the Plat Committee for the release of Maintenance Letter of Credit #424120701 in the amount of \$9,767.99 since inspections confirmed that the work was performed and completed to the Plat Committee's satisfaction. Councilman Huseman made a motion to act on the favorable recommendation from the Plat Committee to release Maintenance Letter of Credit #424120701 in the amount of \$9,767.99, seconded by Councilman Alessia. The motion carried by voice vote.

Carriage Crossing, Unit II, Phase III - release Maintenance Letter of Credit #545 - \$42,000 - President Kuiper read a letter of favorable recommendation from the Plat Committee for the release of Maintenance Letter of Credit #545 in the amount of \$42,000 since all improvements have been done and are recommended for acceptance by the Plat Committee. Councilman Alessia made a motion to act on the favorable recommendation from the Plat Committee to release Maintenance Letter of Credit #545 in the amount of \$42,000, seconded by Councilman Huseman. Councilman Huseman noted for the record that this does not include the pond back in the southwest corner of the subdivision. Director Cox stated this does not include the pond. The motion carried by voice vote.

Approval to place information signs for Freedom Park at corner of Rt 2/Nichols Street - President Kuiper read the request from the Freedom Park Committee and the Lowell Park Department to place information signs for Freedom Park on the existing stop sign posts at the intersection of Rt 2 and Nichols Street. Councilman Huseman asked if there was any ordinance against placing anything on stop sign poles. Director Cox explained that because this is a town function and it is in a town right-of-way and the town is the holder of the public property, it needs Council approval. Councilman Tucker confirmed that the request is coming from the Freedom Park Committee. Councilman Huseman made a motion to grant approval for the placement of information signs for Freedom Park on the stop sign poles at the intersection of Rt 2 and Nichols Street, seconded by Councilman Tucker. The motion carried by voice vote.

Act on Memo of Understanding regarding Automatic Meter Reading Project - Johnson Controls - President Kuiper read a letter from Clerk-Treasurer Judy Walters regarding the Automatic Meter Reading Project. She requested the Council to consider granting approval of the Memo of

Understanding with Johnson Controls to perform a feasibility study on the project cost of switching over water meters to automatic reads. The study would be performed at no cost to the town and no obligation to Johnson Controls once the study is done. Councilman Huseman made a motion to approve the Memo of Understanding with Johnson Controls regarding the Automatic Meter Reading Project, seconded by Councilman Tucker. Councilman Alessia asked if this was being done just to secure the cost. Director Shook confirmed that it was being done just to secure the cost and to find out if it would be possible for Johnson Controls to actually handle the project, change it all out and collect their portion of payment through savings. All of the meters would be changed over to radio read type meters and would be read by a drive-by vehicle which would save on manpower. It would be more efficient as far as accuracy of the meters and in the billing office where every reading would no longer have to be manually input. He said they have been working on this for several years. The motion carried by voice vote.

### **ANNOUNCEMENTS**

President Kuiper announced the next regular meeting will be held on Monday, October 27, 2008 at 7:00 P.M. There will be a public hearing regarding the 2009 budget held at that meeting.

President Kuiper announced the grand opening of the Lowell Bark Park at Freedom Park on Saturday, October 18<sup>th</sup> from 10:00 A.M. until 2:00 P.M.. There will be many vendors and activities going on. Park Superintendent Tom Sullivan stated they anticipate a huge crowd and encouraged people to bring their dogs since it is free for the day of the grand opening.

Councilman Alessia announced that the Historic Preservation Commission met on October 7<sup>th</sup> and they have scheduled an informal public meeting on November 3<sup>rd</sup> at 6:00 P.M. at the Lowell Town Hall to discuss the creation of a Lowell downtown historic district.

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

A member of the media asked for clarification about the Freedom Park information signs. Park Superintendent Sullivan explained that there will be a sign on either side of the post to show the direction to turn for Freedom Park.

Councilman Huseman asked if there was a committee to entice business to town since there are a number of empty store fronts downtown. President Kuiper stated that Matt Riorden will be joining the Council at the next meeting to discuss TIF districts, development and redevelopment.

Councilman Huseman commented about 274 Washington Street where a 911 call lead to a number of arrests for drug possession. He said the house is in complete disarray and needs code enforcement to get something done to either repair or tear down the house. Director Cox stated he would look into the matter. Police Chief Shelhart explained that there were five arrests made for possession of cocaine.

Bob & Sue Hansen, 17703 Downing Drive, thanked the Council, the town, the neighbors and all of the volunteers who came out to sandbag in their neighborhood the day of the flood. He said

they were fortunate in that they did not get water in their home, but without the sandbags, they could have sustained a lot of damage. He gave a special thanks to President Kuiper for being a point man in the project.

Councilman Huseman asked Director Shook if they had any more problems with the lift station on Downing Drive. Director Shook said not in several years.

There being no further questions or comments from the media or public and no further business or discussion, Councilman Huseman made a motion to adjourn, seconded by Councilman Alessia at 7:17 P.M.

Attest:

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Phillip Kuiper, President

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Elaine Anderson, Deputy Clerk-Treasurer