

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
JANUARY 12, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, January 12, 2009 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Park Superintendent Tom Sullivan, one member of the media, and ten interested citizens.

**ELECTION OF OFFICERS**

Councilman Huseman made a motion to retain Councilman Phillip Kuiper as President, seconded by Councilman Gard. Councilman Alessia commented that this was his first year on the Council and said he would like to let people know how much time and effort President Kuiper puts in and that it has been a pleasure to work with him. The motion carried by voice vote.

Councilman Gard made a motion to nominate Councilman John Alessia as Vice President, seconded by Councilman Tucker. Councilman Huseman commented that he thought he would stay as Vice President and that this was the first he heard about it. President Kuiper said there was some discussion last week about it. Councilman Huseman said that he understood that Councilman Alessia was interested in it but he said he wanted to stay as Vice President. President Kuiper responded that it would go according to motion. Councilman Huseman made a motion that he stay as Vice President. The motion died for lack of a second. The motion to nominate Councilman John Alessia as Vice President carried by voice vote with Councilman Huseman voting nay. President Kuiper asked Councilman Huseman to change chairs with Councilman Alessia.

**APPROVAL OF MINUTES**

Councilman Alessia made a motion to approve the minutes from the December 22<sup>nd</sup> regular meeting and the January 5<sup>th</sup> executive session, seconded by Councilman Gard. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1000-1052 and #2366-2374 from 2008, White Police Vouchers #4000-4010, Water Vouchers #2000-2032 and #2778-2784 from 2008 and Waste Water Vouchers #3000-3024 and #3620-3623 from 2008 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Alessia. The motion carried by voice vote.

## **PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Letter of resignation - President Kuiper read a letter of resignation from Councilman John Alessia from the Historic Preservation Board, effective immediately. Councilman Gard made a motion to accept the letter of resignation, seconded by Councilman Tucker. The motion carried by voice vote.

Letter of resignation - President Kuiper read a letter of resignation from Wilbur Cox from his position as Director of Community Development, effective January 1, 2009. Councilman Alessia made a motion to accept the letter of resignation, seconded by Councilman Gard. The motion carried by voice vote.

## **MONTHLY REPORTS**

Councilman Gard made a motion to accept the monthly reports from December, 2008 as presented, 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.

Street/Sidewalks - President Kuiper complimented the Street Department on the good condition of town roads. He said everywhere he has gone in town lately, people have commented on how good the road conditions are in town. A town forum was held at the Town Hall on Saturday morning with Representative Pete Visclosky and many people in attendance complimented the condition of town roads. Director Shook reported that the price of salt has tripled this year. He said that Clerk-Treasurer Walters was able to encumber some funds from 2008 and that gave them a budget of about \$64,000 for use in 2009. At the current time, there is only about \$30,000 left. To try to save on salt, they are mixing sand with the salt. The public is going to notice that in some areas, they are just going to be spot salting and ask that everyone be extra careful while driving. They are making sure that intersections and hills get salted. President Kuiper added that it has always been a struggle with State Rt. 2 and he feels the town has done a good job in keeping it clean. He said he made a request of State Representative Shelli VanDenburgh to see if she could get a hold of someone in the state highway garage and get a little more help from the state along Rt. 2.

Director Shook reported that the State Rt. 2/Burr Street project was still on schedule for March. The next step is for DLZ to schedule a pre-construction meeting and said he would let all Council members know when that is scheduled.

Powell Ditch - Director Shook reported that they had a meeting with all parties involved about Powell Ditch. He has received some information from Commonwealth Engineers and expects to get more information later in the week. He would like to schedule another meeting with all parties since it takes a while to get everyone together and they will see where they go from there.

Amendments to Town Ordinance/Fee Structure - Chief Shelhart reported that he has submitted a suggestion and request to the Council in reference to the fine structure on parking violations. The fee structure that is in place now has been in place since the 70's and does not even cover the ticket cost for the officers to go out and write them. He had suggested that the fine structure be raised to a minimum of \$25 for the first parking violation and then progressively escalate from there, as more violations occur during the year. President Kuiper read from the memo that the suggestion is to increase the fine to \$50 if a second violation occurs within 90 days. If a third or any additional violation is committed within one year, the minimum fine would be not less than \$100. Councilman Tucker made a motion to direct counsel to prepare an amendment to the ordinance, seconded by Councilman Gard. The motion carried by voice vote.

### **NEW BUSINESS**

President Kuiper commented that some of the appointments to be made are by Presidential appointment and some by Council appointment. He said he would like to continue what was started by Councilman Gard and make them all Council appointments.

Appointment of Department Heads - Council appointment - Councilman Gard made a motion to appoint Greg Shook - Director of Public Works, Susan Peterson - Town Administrator, Dan Myers - Water Superintendent, Terry Wright - WWTP Superintendent and Frank Lovely - Street Superintendent, seconded by Councilman Alessia. The motion carried by voice vote.

Board Representatives (all Presidential appointments) -

Lake County Economic Opportunity Council - Councilman Alessia made a motion to appoint Dorothy Gwyn-Maas, seconded by Councilman Tucker. The motion carried by voice vote.

Board of Finance - President Kuiper said by state statute, those positions are filled by Council President Phillip Kuiper and Clerk-Treasurer Judy Walters. Councilman Gard made a motion to confirm those appointments, seconded by Councilman Alessia. The motion carried by voice vote.

Lake County Solid Waste District - Councilman Gard made a motion to appoint Phillip Kuiper, seconded by Councilman Alessia. The motion carried by voice vote.

N.W. Indiana Cities & Towns - Councilman Alessia made a motion to appoint David Gard, seconded by Councilman Tucker. The motion carried by voice vote.

Cable T.V. Consortium - Councilman Tucker made a motion to appoint Susan Peterson, seconded by Councilman Gard. The motion carried by voice vote.

Northwest Indiana Regional Planning Commission - Councilman Gard made a motion to appoint Judy Walters, seconded by Councilman Alessia. The motion carried by voice vote.

Freedom Park Committee - Councilman Alessia made a motion to appoint Shane Tucker, seconded by Councilman Gard. The motion carried by voice vote.

Annexation Committee - Councilman Tucker made a motion to appoint Don Huseman, Al Bachman, Mike Walters, Marcia Carlson, the Plan Commission President and the BZA Chairman, seconded by Councilman Alessia. The motion carried by voice vote.

Appointment of Emergency Management Director (Council appointment) - Councilman Alessia made a motion to appoint Fire Chief Charlie Scott, seconded by Councilman Gard. The motion carried by voice vote.

### **Appointment to Boards & Commissions:**

Plan Commission - Town Council Members - Town Council appointment (3) - 1-year term - Councilman Tucker made a motion to appoint Don Huseman, Frank Lovely and Greg Shook, seconded by Councilman Alessia. The motion carried by voice vote.

Plan Commission - Presidential appointment (1) - 4-year term - Councilman Alessia made a motion to appoint James Konradi, seconded by Councilman Gard. The motion carried by voice vote.

BZA - Presidential appointment (1) - 4-year term - Councilman Alessia made a motion to appoint James Konradi, seconded by Councilman Gard. The motion carried by voice vote.

Police Commission - Town Council appointment (2) - 3-year term - President Kuiper commented that there were two positions open on the Police Commission, one for a Republican representative and one for a Democrat representative. Councilman Gard made a motion to appoint Robert Hatch to the Republican position, seconded by Councilman Alessia. The motion carried by voice vote. Councilman Alessia made a motion to appoint John Ammons, seconded by Councilman Tucker. The motion carried by voice vote. Clerk-Treasurer Walters said that there were forms that needed to be signed in order for the new Police Commission members to be sworn in by the Lake County Circuit Court.

Economic Development - Presidential appointment (1) Council appointment(1) - 4-year term - President Kuiper stated they have one to appoint at this time. Councilman Gard made a motion to appoint Gigi Krause, seconded by Councilman Tucker. The motion carried by voice vote.

Traffic Commission - Presidential appointment (5) - 1-year term - Councilman Alessia made a motion to appoint John Shelhart, Chairman, Jim Konradi, Dennis Rosengard, John Ammons and Eric Barnhill, seconded by Councilman Gard. The motion carried by voice vote.

Historic Preservation Board - Town Council appointment (2) - 3-year term (1) 1-year term - Councilman Gard made a motion to appoint Martha Burger and Kenneth Floyd to 3-year terms, seconded by Councilman Alessia. The motion carried by voice vote. Councilman Tucker made

a motion to appoint Connie Schrombeck to a 1-year term, seconded by Councilman Gard. The motion carried by voice vote.

Storm Drainage Board - Presidential appointment (3) - 2-year term - Councilman Gard made a motion to appoint Tom Cartwright, Paul Kristina and Paul Grabstanowicz, seconded by Councilman Alessia. The motion carried by voice vote.

Ambulance Board - Councilman Alessia made a motion to appoint David Gard, seconded by Councilman Tucker. The motion carried by voice vote.

Permission to hire Terry McMahon & Co. to conduct financial statement for 2008 Sewer financial records & computation of Cedar Lake charges for current year - Councilman Gard made a motion to grant permission to hire Terry McMahon & Co. to conduct the financial statement for the 2008 Sewer financial records & prepare the computation of Cedar Lake charges for the current year, seconded by Councilman Alessia. The motion carried by voice vote.

Permission to invest excess funds during 2009 - President Kuiper read a memo from Clerk-Treasurer Walters requesting permission to invest excess funds during 2009. In 2008, even though the town was not receiving regular tax draws and money had to be borrowed with an interlocal loan from the Sewer Utility to the General, MVH and Park Funds, investments made the following interest: General/Town Funds \$30,584.04, Water Funds \$28,691.38, Wastewater Funds \$106,207.43 for total interest earned \$165,482.85. Councilman Gard made a motion to grant permission to the Clerk-Treasurer to invest excess funds during 2009, seconded by Councilman Tucker. The motion carried by voice vote.

Set Lowell Tribune/Pilcher Publishing - publication requirement - Councilman Tucker made a motion to set the Lowell Tribune/Pilcher Publishing as a publication requirement, seconded by Councilman Alessia. The motion carried by voice vote.

Appoint committee to disburse 2008 hotel/motel tax funds and set deadline for requests - President Kuiper stated that in past years, the committee has been made up of himself, Councilman Alessia, Clerk-Treasurer Walters and Town Administrator Peterson. A deadline of March 31<sup>st</sup> was set for requests to be received.

Act on agreement with Air-Baud for tower lease rental on east water tower - Attorney Sobkowski explained that Air-Baud approached the town about placing some of it's equipment on the town's water towers. A lease has been negotiated with an initial five year term with options for Air-Baud to renew for five additional one year terms for ten years total. As rental, a cash rent of \$250 per month in year one and then that amount will increase by 3% in each year after year one. In addition to cash rent, Air-Baud is agreeing to provide the town with two internet connections, including installation and the monthly internet service at no cost to the town during the term of the lease. There are other provisions dealing with things such as providing liability insurance and Attorney Sobkowski said he would be happy to answer any questions about the agreement. He recommended approval of the agreement. Councilman Alessia asked if this alleviates some of the need that was created when the town lost service from XVI. Clerk-Treasurer Walters

explained that the two free connections will go to the Water Plant and the WWTP since Comcast Cable was not able to provide them service. Director Shook pointed out that the lease is \$250 per month per tower. Attorney Sobkowski explained that this lease is only for one tower and a separate lease will be needed for the other tower. The second lease will only provide cash rent. Clerk-Treasurer Walters said that the cash rent will be used to offset what is being spent for internet service at the other locations. Councilman Alessia made a motion to accept the agreement with Air-Baud for tower lease rental, seconded by Councilman Tucker. The motion carried by voice vote.

Permission to sell Water 1990 Chevy 4x4 pick up truck - Director Shook reported that the pick up truck was originally in the waste water treatment facility and was moved over to the water department when waste water got a new truck because the water department did not have funds to purchase a new truck. The truck is actually in poor condition, but he rated it as fair because that is as low as you can go and still get a price from the Kelly Blue Book. Even at fair condition, the value is rated at \$1,450. The problem is the truck has many rusted holes, the floor board is missing and the transmission no longer works. A re-manufactured transmission with torque converter is estimated to cost about \$1,000 and he does not feel it is a good idea to put any more money into the vehicle. Councilman Alessia made a motion to grant permission to sell Water 1990 Chevy 4x4 pick up truck, seconded by Councilman Tucker. The motion carried by voice vote.

Permission for Clerk to enter into agreement with Keystone to store off-site Disaster Recovery Storage - Clerk-Treasurer Walters explained that she currently backs up the Keystone programs that include Payroll, Billing, Budget and Ledger. She takes a backup weekly to store off-site at the bank. Keystone, who is our software provider, is offering an off-site location at their business, which is down near Indianapolis. They also will hold so many checks for the town. This is in case of a disaster, natural or other, that takes out everything at the Town Hall. Most likely, she will send them a backup quarterly. This is something that is recommended by the State Board of Accounts. Councilman Gard made a motion to grant permission for Clerk-Treasurer Walters to enter into an agreement with Keystone to store off-site for Disaster Recovery Storage, seconded by Councilman Tucker. The motion carried by voice vote.

Discussion of a resolution in support of a 1% food and beverage tax for public transportation initiatives of the Regional Development Authority - President Kuiper stated this matter has been written about in the local newspapers. He said he could call for a motion on this and Councilman Gard commented that he didn't feel there was a need to call for a motion. President Kuiper said he felt the Council was not in support of a 1% tax.

### **ANNOUNCEMENTS**

President Kuiper announced the next regular Town Council meeting will be held on Monday, January 26<sup>th</sup> at 7:00 P.M.

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

A member of the media asked for the spelling of the names of John Ammons and Gigi Jackson-Krause.

Sara Pierce, 111 E. Main St., commented that she would appreciate it in future if President Kuiper would instruct the members to speak directly to the public instead of having private conversations during the meeting. She said the public is not privy to those private discussions as they are supposed to be at a public meeting. President Kuiper said he would be happy to ask them to do that, but on the contrary, the Council meetings are technically not public meetings, they are meetings held in public, so if the members don't want to, they won't.

There being no further questions or comments from the media or public and no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:32 P.M.

Attest:

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Phillip Kuiper, President

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Judith Walters, Clerk-Treasurer