

**LOWELL TOWN COUNCIL
REGULAR MEETING
JANUARY 26, 2009**

President Phillip Kuiper called the regular meeting of the Lowell Town Council to order on Monday, January 26, 2009 at 7:00 P.M. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Present were Council Members Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Public Works Director Greg Shook, Town Administrator Susan Peterson, Police Chief John Shelhart, Code Official Tom Trulley, two members of the media and eighteen interested citizens.

TREASURER'S REPORT

Councilman Huseman made a motion to approve the Treasurer's Report for December 2008 as presented, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Alessia made a motion to approve the minutes from the January 12th regular meeting and the January 12th and January 15th executive sessions, seconded by Councilman Gard. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1053-1137, Water Vouchers #2033-2065 and Waste Water Vouchers #3025-3050 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

1st reading - Ordinance #2009-01 - an Ordinance restructuring the Department of Parks and Recreation - President Kuiper read Ordinance #2009-01. Councilman Gard made a motion to hold over Ordinance #2009-01 for second reading, seconded by Councilman Alessia. President Kuiper explained that there would be no changes in personnel in the Park Department at all. The only thing that changes is that the Superintendent will be re-assigned under Greg Shook, the Public Works Director and the only way of doing that is by ordinance. The motion carried by voice vote.

Resolution #2009-01 - annual transfer from Sewer Operation to Sewer Improvement Fund - President Kuiper read Resolution #2009-01 to make the annual transfer of funds from the Sewer Operation Fund to the Sewer Improvement Fund. The amount to be transferred in 2009 is \$250,000. Councilman Huseman made a motion to adopt Resolution #2009-01, seconded by Councilman Tucker. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer Project, Streets/Sidewalks.

Recommendation for bids received for Post-Framed Building for Water/Sewer Depts - Director Shook explained that at a previous meeting, he had requested permission to go out for bids for a replacement for the Water Department garage on Liberty St. Specifications were drawn up, it was advertised and one bid was received from FBi Buildings. The bid is in the amount of \$149,054 for a 60x104 post-frame building. He referred to pictures of the old building and what the new building would look like that were provided in information packets to Council members. The building would be paid for by both the Water and Waste Water Departments, split 50/50, which would be approximately \$75,000 from each department. This would completely replace what is there, allowing the Water Department more space, putting sewer equipment under a roof of it's own and allowing more space at the Street garage. He recommended that the Council award the bid to FBi Buildings. Councilman Huseman made a motion to award the bid to FBi Buildings, seconded by Councilman Alessia. Councilman Huseman asked what the bid includes since he knew there was sixteen foot interior clearance. Director Shook and Official Trulley explained that the bid includes the plumbing, wiring, concrete, ceiling and insulation. The motion carried by voice vote.

NEW BUSINESS

Appointment to Board of Zoning Appeals (2-year term) - President Kuiper read a letter of resignation from the Board of Zoning Appeals from Jeff Harbrecht due to his relocation out of town. Councilman Gard made a motion to appoint Chad Evenhouse to complete the term vacated by Mr. Harbrecht, seconded by Councilman Huseman. The motion carried by voice vote.

Appointment to Joint Management Oversight Board (JMOB) - Councilman Alessia made a motion to re-appoint Randy Santy to the Joint Management Oversight Board, seconded by Councilman Gard. The motion carried by voice vote.

Appointment to Freedom Park Committee - President Kuiper stated that with the changes being made in the Park Department, there will no longer technically be a Park Board. Their plans are to establish an Advisory Park Committee and asked interested people to come forward. The changes also create a vacancy on the Freedom Park Committee, which becomes an appointment of the Town Council. Councilman Huseman made a motion to appoint Roberta Thomas to the Freedom Park Committee, seconded by Councilman Alessia. The motion carried by voice vote. President Kuiper asked any interested people to apply for the Advisory Park Committee within the next two weeks.

Accept Annual Conflict of Interest Statements - Councilman Alessia made a motion to accept the Annual Conflict of Interest Statements from Councilman Huseman, Councilman Tucker and Plan Commission member Jim Konradi, seconded by Councilman Gard. The motion carried by voice

vote.

Permission to advertise for Additional Appropriation - Freedom Park Budget - Clerk-Treasurer Walters explained that when she was preparing the budgets last year, the dog park expenses were appropriated in the Park Fund. The Freedom Park Committee would like those expenses to be paid out of their budget. The money that has been collected from dog park fees in the amount of \$1,300 needs to be appropriated in the Freedom Park Fund in order to give them permission to spend it on dog park supplies. Any additional cash they may have on hand right now, she would do an additional appropriation so they have permission to spend it in 2009 and she has to advertise that. Councilman Tucker made a motion to grant permission to advertise for an additional appropriation in the Freedom Park Fund, seconded by Councilman Alessia. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be held on Monday, February 9th at 7:00 P.M.

President Kuiper announced that one day last week, there were two fire calls at once. The response was incredible. One fire was at the Lowell Healthcare facility. Chief Shelhart added that there were two early morning fire calls. One was a residential fire on Washington Street. Then, ten minutes or less later, a call came in from Lowell Healthcare. The Lowell Volunteer Fire Department responded with assistance from Crown Point, Lake Dalecarlia and Cedar Lake. Ambulances were sent in to help from Newton County as well as some private services. The Tri-Creek School Corporation sent a school bus in case evacuation was necessary. Fortunately, that was not necessary since the fire ended up being a dryer in the lower level of the health care facility, which was quickly extinguished. There was a little bit of smoke which was evacuated and no one suffered any serious consequences from that. Additional ambulances and assistance were being sent from Porter County and they were able to stop them before they got any farther because there ended up being no need for them. It was a tremendous job done by the Fire Department and Ambulance service, coordinating with the school corporation.

President Kuiper announced an informational public meeting on the Waste to Ethanol Plant will be held on Tuesday, January 27th at 7:00 P.M. at the Lowell Middle School. He said this is a public forum. There has been an approval for the Waste to Ethanol Plant to be placed in Lake County. The question now is where in Lake County is it going to go. He said he and the Town Council, along with Rick Niemeyer and the Lake County Solid Waste District will be there, as well as the owner of the ethanol plant. The owner of the plant will be giving a power point presentation and there will be a question and answer period.

President Kuiper read a statement before opening the meeting up for questions and comments. He said the statement was from him and no one on the Council had seen it. The Council was welcome to do what they want with it. He stated, "The Town Council recently received a copy of a letter and related documents alleging that Scott Tokach violated Police Department rules and regulations concerning the use of his assigned police vehicle and that Chief Shelhart and Lieutenant Tucker authorized the violations. Neither the Town Council nor the Police Commission authorized the investigation described in the letter and related documents. In fact,

neither the Town Council nor the Police Commission was aware, as far as I know, that individual citizens were observing Sargent Tokach from October 31, 2008 through December 31, 2008. Furthermore, the Council does not condone the activities engaged in by the participants during the observation period. I believe the Council has complete confidence in the ability of the Police Commission to appropriately address the allegations contained in the letter. Thank you.” Councilman Gard made a motion of support from the rest of the Council for the statement, seconded by Councilman Tucker. Councilman Alessia requested a roll call vote. Councilman Huseman asked if they were trying to trap him in something. President Kuiper stated there was no attempt to trap anyone. No one had seen his statement before he read it and it was simply a motion of support of the statement for the record. The roll call vote carried with four ayes, one nay, Councilman Huseman voting nay.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked for a copy of Ordinance #2009-01 and the statement that was read by President Kuiper. She asked if there were pictures of the new garage building. Director Shook explained that he had a drawing.

Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:21 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer