

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

The regular meeting of the Lowell Town Council was called to order on Monday, October 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 and Phillip Kuiper. Councilman Gard was absent. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox, Police Chief John Shelhart, three members of the media, and eight interested citizens.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the September 28th regular meeting, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #2294-2364, White Police Vouchers #4099-4107, Water Vouchers #2602-2632 and Waste Water Vouchers #3504-3527 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Alessia. The motion carried by voice vote.

MONTHLY REPORTS

Councilman Alessia made a motion to accept the monthly reports from September, 2009 as presented, seconded by Councilman Tucker. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

1st & 2nd Reading - Ordinance #2009-20 - amend Section 51.085 - Summer Sprinkling Rate - President Kuiper explained that the ordinance currently reads 'New customers will receive the summer sprinkling rate only if they can show proof of actual gallons used for the months of January, February and March from a previous utility company.' and they are replacing that with 'New customers will receive the summer sprinkling rate based on the use of 7,000 gallons per month.' He requested first and second reading of the ordinance if possible. Councilman Alessia made a motion to hold over Ordinance #2009-20 for second reading, seconded by Councilman Tucker. The motion carried by voice vote. Councilman Alessia made a motion to set the rules aside, seconded by Councilman Tucker. The motion carried by voice vote. Councilman Tucker made a motion to adopt Ordinance #2009-20 by name and title only, seconded by Councilman Huseman. Roll call vote carried with four ayes. Councilman Alessia made a motion to set the rules back in order, seconded by Councilman Tucker. The motion carried by voice vote.

Resolution #2009-19 - Transfer of funds - Park, General-Police - President Kuiper read Resolution #2009-19 to transfer \$48,000 within the General Fund-Police budget and \$2,500 within the Park Fund. The transfer does not affect the balance in either fund. Councilman Alessia made a motion to adopt Resolution #2009-19, seconded by Councilman Tucker. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Updates were reported for the following:

Burr/Rt 2 Project - Approve Pay Request #8 to DLZ in the amount of \$16,462.51 and forward to INDOT for 80% reimbursement - \$13,170.01 - Director Shook requested approval of Pay Request #8 to DLZ in the amount of \$16,462.51 and forward it to INDOT for 80% reimbursement in the amount of \$13,170.01. Councilman Alessia made a motion to approve the request, seconded by Councilman Tucker. Councilman Alessia asked if there was any time line on when the project will be done. Director Shook stated the contractor reports that they are still on schedule to be finished by the end of this month. He said they are entitled to some additional days, but they have not asked for them. The motion carried by voice vote.

Water Meter Replacement Project - Director Shook requested approval of Pay Request #4 to Underground Pipe & Valve in the amount of \$4,200 and forward it to SRF/Indiana Finance Authority for payment. He said they will be getting more of these requests as time goes on since they are now starting the project. They had to order 24 meters for the normal supply that will be paid for out of the SRF loan. Councilman Huseman made a motion to approve the request, seconded by Councilman Alessia. The motion carried by voice vote.

Liberty Street Water Property - Director Shook reported that it was his understanding that there have been no bids received for the sale of the property. He asked for direction as to what to do next. Councilman Alessia asked if there were costs incurred on a monthly basis. Clerk-Treasurer Walters stated that there had been a water bill and she has asked that the water be turned off. Director Shook reported that the only thing they are using the building for at this time is to store some materials. Discussion followed about the economy and the possibility of listing or auctioning the property. Clerk-Treasurer Walters said that she has had a few phone calls from adjoining property owners who acted interested, but they are not willing to pay the listed price. Attorney Sobkowski explained that even if the property is listed or auctioned, there are restrictions under state law that the property has to be sold for not less than the appraised value. He said he would look into whether the property can be listed in order to be more actively marketed. Another option would be to sell or transfer the property to a non-profit organization on other terms where they wouldn't have to do it for appraised value. He didn't know if the building would be attractive to any non-profit organization. Councilman Alessia asked if the statute allowed for a commission to be paid for a sale. Attorney Sobkowski said he would have to look into it.

West Side Sewer for new school - Director Shook reported that he received a County Utility Agreement that afternoon. This is an agreement with the County Board of Commissioners to allow the town to put 150 feet of 12 inch sewer line under Belshaw Road. The sewer lines run

along the south side of Belshaw and once it gets to Cline, it is going to go diagonally under the intersection from the southeast corner to the northwest corner. The sewer line is going to be in easements that they are going to acquire, except for where it crosses under the intersection. When he spoke with Duane Alverson of Lake County Highway, he didn't think the town would have to have any kind of easement or agreement, but Al Stong of Commonwealth Engineers felt it would be a good idea to get Council approval to enter into an agreement with them and go ahead and file it so that a request later on won't slow the project down. Councilman Alessia made a motion to approve entering into an agreement with the Lake County Board of Commissioners, seconded by Councilman Tucker. Councilman Huseman asked why they are going diagonally across the intersection since he thought they always worked on right angles. Director Shook explained that they found when they get across to the southwest corner, it would have more than a 90 degree angle to come back to go north. They also found out that corner has more utilities on it. The motion carried by voice vote. Councilman Huseman asked Director Shook if the curbs that needed repair would be done before paving starts. Director Shook reported that when he spoke with Walsh & Kelly, they have determined that they will not be able to complete the entire paving project by the end of the year due to weather. He does not know which parts will be completed in 2009 and which parts will be carried over to 2010. President Kuiper asked if they knew when paving would begin. Director Shook said he would have to give them a call because he thought they were going to begin on Monday, but that didn't happen. He said he would notify Council members as soon as he had more information.

NEW BUSINESS

Recommendations from Lowell Traffic Safety Commission - President Kuiper read a list of recommendations from the Lowell Traffic Safety Commission. 1. Stop signs at Lucas Parkway and Deanna Drive - The commission agreed that no action should be taken on any additional traffic control device at this location. 2. Stop signs on Nichols Street at the south junction of Meadowbrook Drive - The commission recommended that this area does not warrant stop signs at this time but agreed that additional signage should be erected to designate the area as a school zone, including school zone information to be painted on the surface of the roadway (Nichols Street) to alert drivers to slow to 20 mph when children are present. The commission also suggested that a flashing yellow light be erected at the south intersection of Meadowbrook Drive and Nichols Street for traffic on north/south Nichols Street to alert traffic to pedestrian and vehicular traffic at that location. 3. No left turn on Mill Street north of Commercial Avenue into Centier Bank - The commission recommended that there be a double yellow line painted on Mill Street from the intersection at Commercial Avenue north to the north border of the Centier Bank property line, the double yellow line should have hash marks between the solid yellow lines. There should also be painted on the northbound lane of Mill Street at the entrance to the Centier Bank that there is no left turn from northbound Mill Street into the bank driveway. There should also be posted, on the east side of Mill Street, a metal street sign indicating No Left Turn into the bank entrance from northbound Mill Street. 4. Yellow curb, no parking Washington Street north side of street east of Liberty Street - The commission recommended that there be no parking on the north side of Washington Street for a distance of sixty (60) feet from the east curb of Liberty Street. There should be yellow curb marking, yellow hash markings and signs erected on the north side of Washington Street to alert drivers to no parking in this area. This is necessary to

remove vision obstruction of southbound drivers that are stopped at the stop sign of southbound Liberty Street. Under Old Business, the commission again recommended that street lighting be erected at the north and south intersections of Meadowbrook Drive and Nichols Street. This was recommended at an earlier Traffic Commission meeting and the commission still believes this is an important safety issue for vehicular and pedestrian traffic. President Kuiper asked if the Commission was looking for action on these matters. Chief Shelhart said he assumed the Council would take the recommendations under advisement and take action at the next meeting on the recommendations that seemed appropriate. Councilman Alessia asked what costs would be involved in a flashing yellow light. Director Shook said he didn't know since they had never put one up that he was aware of. Councilman Alessia suggested that a compromise might be just having paint on the surface of the roadway. President Kuiper said they would have to look into how this might be accomplished and what costs would be involved to determine if it was even doable and that they would take the other recommendations under advisement and revisit them.

Approve 4th Quarter Fees & Charges for Park Department Programs - Mommy & Me - \$40/\$45; Cardio & Sculpt - \$40/\$45; Basic Yoga - \$40/\$45; Tumbling - \$20/\$25; Wado-Ki Karate - \$45/\$50; Archery - \$40/\$45; Cheer - \$15/\$20 Councilman Alessia made a motion to approve the 4th Quarter Fees & Charges for Park Department Programs, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced a special joint meeting to be held on Thursday, October 22nd at 5:30 P.M. with Freedom Park, West Creek, Cedar Creek and the Town of Lowell. They will invite all board members from the townships as well and the discussion will be the inter-local agreement and the future.

President Kuiper announced the next regular meeting to be held on Monday, October 26th at 7:00 P.M.

President Kuiper announced, for the purpose of putting any rumors to rest, that the Main Street bridge has to do with County right-of-ways and doesn't have anything to do with any water lines needing to be moved by the town.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked for the appraised value of the Liberty Street water property. She was informed it was \$82,000.

A member of the media asked for a copy of the recommendations from the Traffic Safety Commission.

A member of the media asked for clarification on the transfer that was made in the General Fund. Clerk-Treasurer Walters explained that it was from lease to an actual purchase. They are not leasing a police car, they are purchasing them outright so they are just moving funds from one

line item to another.

Bob Philpot, 111 E. Main Street, commented that last week, he wrote a letter to the editor defending President Kuiper and the water department on the Main Street bridge. He said he explained fully his understanding of what took place and what the property resolutions were that are holding up the bridge progress.

Councilman Huseman asked about the police car purchase and commented that he thought there were to be no cars purchased in 2009. Clerk-Treasurer Walters explained that the police car that was purchased in 2008 was paid for from Cum Funds and that they were waiting for approval of the 2009 budget before allowing any cars to be purchased in 2009. If cuts had to be made, that was what would be cut. Since the 2009 budget was fully funded, the cars are now being purchased.

There being no further business or discussion, Councilman Alessia made a motion to adjourn, seconded by Councilman Tucker at 7:26 P.M.

Attest:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer