

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 9, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, November 9, 2009 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed remembering the victims of the Fort Hood tragedy. Clerk-Treasurer Judith Walters called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia, David Gard and Phillip Kuiper. 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 six interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the October 26th regular meeting and October 22nd joint meeting, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #2444-2504, White Police Vouchers #4108-4117, Water Vouchers #2660-2702 and Waste Water Vouchers #3550-3586 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 Gard made a motion to accept the monthly reports from October, 2009 as presented, seconded by Councilman Huseman. Councilman Huseman questioned if there were any problems with Bruce Septic dumping at the wastewater treatment plant and if it is profitable for them to do so. Public Works Director Greg Shook stated there have been no problems, they monitor what is being dumped. Clerk-Treasurer Judith Walters stated it generates approximately \$5,000-\$7,000 monthly to the wastewater operating fund. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2009-21 - amend 2009 Salary Ordinance - Councilman Alessia made a motion to adopt Ordinance #2009-21, which adds the position of Assistant Chief, by name and title only, seconded by Councilman Huseman. Roll call vote carried with five ayes.

1st reading - Ordinance #2009-22, amend Section 157.26, Downtown Historic District Map, was read by Vice-President Alessia. Councilman Gard moved to hold for a second reading, seconded

by Councilman Alessia. The motion carried by voice vote.

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UNFINISHED BUSINESS

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

Water Line Relocation - A notice to proceed has been issued to H & G Underground Utilities to begin relocating the water line on Morse Street.

West Side Sewer to New School - Mark Downey, Engineer from Commonwealth Engineers had reported that all the easements are complete and as soon as they receive the permit from IDEM they will be ready to bid out the project.

Burr/Rt 2 Project - Approve Change Order #2 -Contractor request for forty-nine additional days- Public Works Director Greg Shook explained that Gariup Construction has requested an additional forty-nine day time extension due to the delay in AT& T relocating their lines. It was anticipated that AT&T needed 30 calendar days but it took 79 calendar days to relocate their underground lines. INDOT has approved the extension. The adjusted completion date will be April 19, 2010 as INDOT does not count work days during the months of December, January, February and March due to the weather. If the weather stays goods, the only thing left to do in the spring will be the stripping and restoration, as they hope to get the paving and median done next week. Councilman Alessia moved to accept Change Order #2, seconded by Councilman Gard and carried by voice vote.

2009 Paving Project - Director Shook reported that a number of streets have been paved. Any not complete this year due to the weather will be done in the Spring.

Act on recommendation from Traffic Commission - The Lowell Traffic Commission had met on October 5th and forwarded a number of requests to the Town Council to act on. After a quick review of the requests being made, Councilman Tucker moved, and seconded by Councilman Gard to approve the following requests:

- 1) stop signs at Nichols Street at south junction of Meadowbrook Drive - no stop sign will be installed but additional signage will be erected to designate the area as a school zone, including painting the information on the surface of the roadway to alert drivers to slow to 20 mph. Public Works Director Greg Shook will look into the cost of installing a flashing yellow light at this location.
- 2) No left turn Mill Street North of Commercial in Centier Bank - A double yellow line will be painted on Mill Street from the intersection at Commercial Avenue north to the north border of Centier Bank that there is no left turn from northbound Mill Street into the bank driveway and a street sign will be erected indicating no left turn into the bank entrance from northbound Mill Street.

3) Yellow curb, no parking Washing Street north side of street east of Liberty Street -
No parking will be allowed on the north side of Washington Street for a distance of sixty feet from the east curb of Liberty Street. The motion carried by voice vote.

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Tabled from previous meetings - 8/10 Mavis program - remains tabled.

NEW BUSINESS

Request variance for basketball pole in public right of way - Michael Smith, 17551 Brookwood Drive, was present to request permission to place a permanent structure in the town right of way to erect a basketball hoop. He provided pictures showing the slope of his driveway which prohibits him from placing the basketball hoop in his driveway. Councilman Huseman asked why he was not requesting a variance from the Board of Zoning Appeals. Attorney Sobkowski stated he is actually asking permission to erect a permanent structure in a town easement and the Town Council is the only one that could give permission for that. Discussion followed.

Mr. Smith stated he felt that he was being sought out as there are other basketball hoops within town on right of ways. Councilman Tucker stated the Code Enforcement Officer was responding to a complaint. As a police officer, you can only respond to the complaint you received. He said he had concerns that a driver could hit the pole, someone might be killed and the town could be held liable.

Councilman Huseman stated the code does not allow you to build anything within the 60 foot setback. President Kuiper reminded everyone that this is the subdivision that residents had requested stop signs be installed a couple years ago to slow down traffic. Attorney Sobkowski stated from a legal standpoint you are opening the town up to a liability by allowing a permanent structure be placed in a town right of way. You don't want to set a precedent for future requests. Councilman Gard stated now that we are aware of these other structures we will have to take the proper action and not allow even the portable structures facing the street. Councilman Huseman moved to deny the request, seconded by Councilman Alessia. The motion carried by voice vote.

Set deadline for applications for Boards/Commissions - A deadline of December 30th at 4:00 P.M. was set to receive applications for citizens interested in serving on a board or commission.

ANNOUNCEMENTS

President Kuiper announced a ceremony for Veterans Day to be held at the War Memorial at 11:00 A.M, Wednesday, November 11th.

President Kuiper stated he and the Mayor of Hammond would be having a friendly rivalry over the football game for Lowell High School vs. Hammond Morton for Regional Title to be held Friday, November 13th.

President Kuiper announced the next regular meeting to be held on Monday, November 23rd at 7:00 P.M.

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MEDIA QUESTIONS/PUBLIC COMMENTS

The Post-Tribune reporter asked if the street bid had come into high and streets had to be cut. President Kuiper stated Walsh & Kelly received the bid and the bid came in higher than the engineer anticipated but was still within our budget, so no streets would be cut. A member of the media asked for a list of the streets to be paved.

Ed Bradbury, 5704 W. 171st Avenue, commented on the drop-off near the bridge on Morse Street. Public Works Director Greg Shook stated they filled that in today. Mr. Bradbury stated that traffic is hard to see when you are pulling out of Liberty onto Washington and you look west if cars are parked in front of the Post-Office also.

There being no further business or discussion, Councilman Alessia made a motion to adjourn, seconded by Councilman Gard at 7:32 P.M.

Attest:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer