

**LOWELL TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, September 28, 2009 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was led by the Girl Scout Ladybugs 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, Community Development Director Wilbur Cox, Police Chief John Shelhart, one member of the media and twenty six interested citizens.

TREASURER'S REPORT

Councilman Gard made a motion to approve the Treasurer's Report for August, 2009 as presented, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Tucker made a motion to approve the minutes from the September 14th regular meeting and executive session, seconded by Councilman Huseman. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #2230-2293, Water Vouchers #2566-2601 and Waste Water Vouchers #3474-3503 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.

PRESENTATION OF LABOR DAY PARADE WINNERS

President Kuiper announced the winners of the Labor Day Parade categories and Clerk-Treasurer Judy Walters and Town Administrator Sue Peterson presented the awards. The Best Color Guard Unit was awarded to the Crete American Legion Post #1291, the Best Union Entry was awarded to the Operating Engineers Local 150, the Best Youth Organizational Group was awarded to the Girl Scout Ladybugs, the Best Organizational Non-Musical Float was awarded to Freedom Bark Park, the Best Organizational Musical Float was awarded to Freedom BMX, the Best Motorized Entry was awarded to the Crown Point Corvette Club, the Best Business Entry was awarded to Harvest Time Pumpkin Patch, the Best Vintage Tractor Group was awarded to South Lake Agricultural and Historical Society, the Best Entry that Depicted the Theme of the Parade was awarded to McNally Dental Service, and the Best Overall Entry of the Parade was awarded to Mi Ranchito.

UNFINISHED BUSINESS

Public Works Department Update - 2009 Paving Project - Director Shook reported that the award has been given to Walsh & Kelly and there is a pre-construction meeting set for Thursday afternoon. Following the meeting, Director Shook said he would know what the completion schedule would be.

Powell Ditch - Director Shook reported that he has spoken with Commonwealth Engineers and the proposal is \$19,900 to do the study, the evaluation, the mapping, the surveying, and the drainage calculations. From that information, Commonwealth Engineers will develop two different alternatives and make a recommendation on which one they think is best. In order to move forward, Director Shook said he needs Council approval to authorize President Kuiper to sign off on the proposal. President Kuiper asked where the project would be paid from. Director Shook said he thought it would be paid out of the Cum Sewer Fund which was confirmed by Clerk-Treasurer Walters. Councilman Gard made a motion to authorize approval of the proposal, seconded by Councilman Alessia. Councilman Huseman asked if there was a feasibility to proceed to correct. Director Shook explained that Commonwealth Engineers will do a computer model on Powell Ditch itself once they determine exactly how much water is coming in there. The mapping and surveying includes the area east of Joe Martin, most of Joe Martin on the east side that goes down to Evergreen Pond and flows through a pipe across State Road 2 past the library, the library water discharges into a ditch behind there, then that comes down Prairie and then follows on over State Road 2 to Powell Ditch. Councilman Huseman asked if they would come up with a solution. Director Shook said that they will develop two different solutions and the town will get to pick one. He said he thought the two solutions will be basically how many pipes and what size versus a swale or taking the ditch on down to Cedar Creek. He said they have looked at it enough that they know that there is an awful lot of water going in there. The motion carried by voice vote.

Main Street Bridge - President Kuiper commented about the Main Street Bridge, saying that it is the county's responsibility and that they have agreed to put sidewalks in. The latest information from the county is that the bridge won't get done until Spring, 2010. There are right-of-way issues and by the time they get through that, it will be spring. Director Shook confirmed that he had heard the same information. He said that Duane Alverson in Engineering told him that it took an extensive amount of research just to determine where the right-of-ways presently are, let alone any additional. They also have to obtain permits from Lake County Drainage, DNR and IDEM, so it is going to take a lot longer than was anticipated. Director Shook again pointed out that the bridge belongs to the county, not the town, because he is getting people questioning him as to why the town isn't doing anything. President Kuiper commented that would probably continue. Director Shook said that the county hopes to have some sort of a conceptual proposal this week and then they will get a hold of him to review their plans and get a better time frame. President Kuiper asked Director Shook if the county is working on the bridge on Morse Street. Director Shook said that NIPSCO is relocating their gas main and this is the same bridge where the town will be relocating the water main as soon as NIPSCO is done. That bridge will then be coming out.

Tabled from previous meetings:

8/10 - Mavis Program

NEW BUSINESS

Information on Northwest Indiana Regional Planning Commission - NIRPC Representatives Gary Evers and Lauren Wright addressed the Council to explain a few things. Mr. Evers said that two of them came to speak because they each have different areas of expertise. His specialty is federal funds and Lauren's is census geography. He said it was their understanding that there was a question about the stimulus funding and how that came through, especially for roadways. He explained that there were \$17 million allocated within the Indiana portion of what is known as the Chicago urbanized area. Unfortunately, Lowell is not a part of that area, yet, but Lauren would walk the Council through that process. They expect that is going to change at some point in the near future. In terms of the stimulus dollars, Lowell was qualified already for the state-wide competitive pool of dollars otherwise known as STP Group 3. That was a very competitive program and he didn't know that they had anyone from outside of the urbanized area that applied for any of that funding. Some other sources of funding that Lowell is already eligible for include the Highway Safety Improvement Program, which is the funding that is going into the Burr Street project. He said Lowell has a beautiful downtown street scape compliments of the Federal Transportation Enhancement Program. These are sources of funding that Lowell already has access to. There is a third source of funding called Congestion Mitigation Air Quality. What they are doing with that program in recent years is funding a lot of motor vehicles, switching them over to alternative fuels like E85 and purchasing hybrid vehicles. At this point, they are specializing in police vehicles. They will be doing a solicitation for all of their funding categories next year and will make sure that an application form gets to Lowell. CMAC is for projects that result in improved air quality. If there is a problem intersection, a school that doesn't have sidewalks leading up to it, and all kinds of other things, if there is an alternative fuel project that Lowell is interested in pursuing, that is the place to go for that funding. As it stands now, Lowell is still within the non-urbanized area funding pool for the basic highway grant programs, that being the surface transportation program from federal highway administration. The boundary, unfortunately, is at Lake Dale at this point in time. If Lowell is interested in a highway project, it is a state-wide competitive pool that Lowell would be looking at applying for. All of the federal funds, with the exception of the safety program, are 80/20 money. The safety program is 90/10. They will be soliciting for new safety proposals again next year. President Kuiper said with regard to the Burr Street Project, they didn't know what they would have done without them and it was a very big help. Mr. Evers said that was a good project and he could see the need for a few other things on Commercial Avenue, but that was a good start. Ms. Wright said she wanted to give a little background on the urbanized area delineation. Following Census 2000, the Census Bureau delineated the urbanized areas. For this region, it does not encompass Lowell. The urbanized area is set as places and areas that meet a population threshold that is fairly specific at 1,000 persons per square mile with some adjacent census blocks which can be 600 persons per square mile. They only have to meet at one point so the situation for this urbanized area went down and encompassed Cedar Lake and Lake Dale because Lake Dale met Cedar Lake at one point. The area between Lake Dale and Lowell, at that time, did not have the population density to attach it to the urbanized area. That urbanized area actually is in Lake and Porter Counties, so it is a two-county urbanized area. It did not meet the population threshold. Places of 5,000 to 49,999 are considered urban clusters and Lowell fell into the urban cluster category as a census designated place, along with Lakes of the Four Seasons and Lake Dale. Lowell, as an urban cluster, had an urban area and subsequent to the Census Bureau delineating these urbanized areas for the distribution of federal funds, the line is smoothed out in an urban

area boundary by INDOT for places of 5,000 to 49,999 and NIRPC does the smoothing out for the places for that area that is 50,000 or more, which is the area north of Lowell. It is now less than 190 days until Census 2010 and in all probability, the density will increase between Lowell and that Lake Dale area and Lowell has a good chance of making an attachment to the newly drawn urbanized area. Mr. Evers said that this does not really mean a whole lot to Lowell. In terms of federal funds, Lowell would be a part of the pool that battles it out every other year for allocating out the highway dollars to various types of projects, including bridges. He said that they funded a project for Lake County, just north of Lowell, where Morse Street is going to be re-paved with stimulus dollars. He thought this was from 147th to the Lowell corporate limit. Lake County has applied for a number of other projects in this end of the county through the state-wide competitive pool and he wasn't sure if they are going to be successful. Council members thanked Mr. Evers and Ms. Wright for giving their presentation.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be held on Monday, October 12th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked if there was a reason the Council had NIRPC come to the meeting and if there were concerns that Lowell had missed out on stimulus dollars or if they weren't sure how they were being applied. President Kuiper stated that they were more interested to understand why Lowell wasn't in the urbanized area so they asked them to come explain it. Regardless, NIRPC has been very good to Lowell.

Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:25 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer