

**LOWELL TOWN COUNCIL
REGULAR MEETING
May 10, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday ,May 10, 2010 at 7:00 P.M. by President Phillip Kuiper. In the moment of silence he asked that everyone keep the Szfranski and the Curless family in their thoughts. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Council members present were Donald Huseman, Shane Tucker John Alessia, David Gard ,and Phillip Kuiper. Also present were Town Attorney Gregory Sobkowski , Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, three members of the media, and twenty interested citizens.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the April 26th regular meeting, seconded by Councilman Gard. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1529-15612 White Police Vouchers #4042-4047 Water Vouchers #2252-2284 and Waste Water Vouchers #3222-3253 and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation - Fibromyalgia Awareness Day - May 12, 2010 - Councilman Alessia made a motion to accept the Proclamation, seconded by Councilman Huseman. The motion carried by voice vote. Jodi Phelan, Founder of Fibromites, thanked the Council for making May 12th Fibromyalgia Awareness Day and helping in their goal to raise awareness and understanding.

Monthly Reports

Councilman Alessia made a motion to accept the monthly reports from April 10, 2010 as presented, seconded by Councilman Gard. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

1st and 2nd reading - Ordinance #2010-01 - Additional Appropriation Freedom Park, Gambling Revenue - Total appropriation for Freedom Park is \$18,000.00 and the total

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appropriation for Gambling Revenue is \$300,000.00. Councilman Gard made a motion to hold Ordinance #2010-01 for a second reading, seconded by Councilman Tucker. The motion carried by voice vote.

Public Hearing - President Kuiper opened a public hearing on Ordinance #2010-01 - Additional Appropriation. There being no public comments, President Kuiper closed the public hearing. Councilman Gard made a motion to set the rules aside to pass the ordinance, seconded by Councilman Tucker. The motion carried by voice vote. Councilman Gard made a motion to adopt Ordinance 2010-01 by name and title only, seconded by Councilman Tucker. Roll call vote carried with five ayes. Councilman Gard made a motion to put the rules back in order, seconded by Councilman Tucker. The motion carried by voice vote.

1st reading - Ordinance #2010-02 - amend Chapter 150 - Contractor Registration - Town Attorney Gregory Sobkowski explained that the ordinance repeals the existing provisions of code 150.15 through 150.24 and replaces them. There have been a number of changes made. The exemptions for those who are not required to carry a license have been expanded, it addresses the issue of the owners of commercial buildings and what work they can do. It adds examination procedures. Lowell will now do license exams in house, a person can come here take a test, pass the test and a license can be issued. The revised ordinance also expands the grounds for a license to be revoked. It establishes a Board of Contractors Licensing, the BZA will hear complaints against license holders and to resolve those complaints. These are the major changes to the ordinance. Councilman Gard made a motion to hold it over for a second reading, seconded by Councilman Alessia. Councilman Huseman stated that he just got the amended ordinance and would like time to review it, and asked if contractors can get a copy of the amended ordinance, he was told yes that they can come in and get a copy at the Town Hall. The motion carried by voice vote.

Resolution #2010-06 - Temporary Loan to General, MVH and Park Fund - President Kuiper read Resolution #2010-06 a temporary loan from the Sewer Improvement Fund to General Fund for \$200,000.00, MVH Fund for \$150,000.00 and Park Fund for \$50,000.00. Councilman Tucker made a motion to accept the temporary loan, seconded by Councilman Huseman. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Update - Main Street Bridge - Director of Public Works Greg Shook stated that he received an e-mail from the County Highway Department stating that they are having a pre-construction meeting on Tuesday, May 18th at 1:00 PM and he will be attending that meeting and will then have more information about the scheduling.

West Side Sewer for the new Middle School - Director Greg Shook explained that it is estimated that there are some additional costs, the school already has the driveways in and

don't want to cut them so they will have to do some boring. The school has no problem with the additional costs. Greg Shook asked the Council for permission to proceed, and stated that there will be a change order at the end of the project to cover any additional expenses or credits because it is a materials quality contract. Councilman Huseman made a motion to proceed with the project, seconded by Councilman Gard. The motion carried by voice vote.

President Kuiper asked Greg Shook if Mill Street will be blacktopped. Mr. Shook responded that it will be from the bridge to Main Street. They have applied for a grant to do the bridge north and Nichols Street. The County is going to do Morse Street from Lowell to Cedar Lake.

Distribution of Hotel/Motel Tax Funds from 2009 - The committee recommended the disbursement of the following funds: \$250.00 to Three Creeks Historical Association for the promotion of their Apple Fest and their monthly open-house at the Halsted House; \$250.000 to the Freedom BMX for the promotion of four major events to be held this year; \$700.00 to the Chamber of Commerce for the Cobe Cup, monthly car shows and shopping in Lowell; \$1,200.00 to the Lowell Downtown Merchants Association for advertising in the Lake County Visitors Guide; \$600.00 to the Lowell Parks Department for the promotion of the Christmas Candy Cane Hunt, the Parade of Lights and visiting with Santa Claus; and \$2,400.00 to the Labor Day Committee for the promotion of the festival and parade. Councilman Alessia made a motion to approve the disbursements of those funds, seconded by Councilman Gard. The motion carried by voice vote.

Enter into Contract with Office of Energy Development for Energy Grants - Councilman Alessia made a motion to enter into the agreement for the \$249,000 grant received, seconded by Councilman Gard. The motion carried by voice vote.

Approve Agreements with Vendors: Duane's Electric - Town Attorney Gregory Sobkowski explained that there are three contracts with the grant money, heating and air, electric, and windows and doors. The electrical work is below the bidding requirement, three proposals were solicited and Duane's Electric is the lowest proposal received in the amount of \$46,451.00. The other two exceed the amounts in the statute so we would need to authorize a notice to bidders. Councilman Alessia made a motion to approve Duane's Electric proposal in the amount of \$46,451, and to bid out the other two parts, seconded by Councilman Tucker. The motion carried by voice vote.

Tabled from previous meetings

3/22 Discussion of bidding out garbage contract – Councilman Gard made a motion to remove the discussion of the garbage contract, seconded by Councilman Tucker. The motion carried by voice vote.

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4/12 Enter into agreement with INDOT for curb and sidewalk grant on Route 2 - Public Works Director Greg Shook stated that he has talked with legal council and he has reviewed it and had some more questions, so he would like this matter to continue to be tabled.

NEW BUSINESS

Enter into annual agreement with Keithly Farms for weed control at the Waste Water Treatment Plant - Councilman Huseman made a motion to enter into the annual agreement for 2010 for \$500, seconded by Councilman Tucker. The motion carried by voice vote.

Act on Compliance with Statement of Benefits for Tax Abatement of Personal Property (2) - Midwest Accurate Grinding - Dan Conley from Midwest Accurate Grinding was present. Councilman Alessia made a motion to approve the abatement, seconded by Councilman Gard. The motion carried by voice vote.

Request to waive building permit fee for expired building permit - Two Uncles Remodeling and Peters Land Development - Community Development Wilbur Cox explained that the permits were issued for two years, both companies went past the two years and did not call for final inspections and did not receive CO's. At the time that they called for final inspections they were informed that they needed new permits, then the inspections will be done and the CO's will be issued. In the case of Two Uncles Remodeling they paid the fees and are hoping to get the fee refunded. Peters Land Development was sent a letter last June advising that the permit had expired but they never heard from Wedding Construction, who did the construction for Mr. Peters. Councilman Huseman asked if the Wedding property was sold and he was told that they have a renter. Councilman Huseman stated that he understood that Two Uncles Remodeling had a permit for two years and because of hard economic times he had to lower the price and it took two years and eight months to sell the house and he does not think that they should be penalized for not being able to sell his house. Councilman Huseman made a motion to waive 100% of both of the permit renewal fees, seconded by Councilman Tucker. Councilman Gard stated that he supports waiving the fee due to these economic times, communication from the builder would have helped this and while he is in complete support of waiving these fees he did not appreciate the tenner of the letter from Two Uncles Remodeling. The motion carried by voice vote.

Hot Dog Vendor at Evergreen Park - President Kuiper stated that he went to visit her last week and while he was there several people came and bought hot dogs and asked if she sold drinks, she told her customers that she did not and there was pop machine across the park, and the customers got in their car and drove away. President Kuiper felt that no one wins in that case, the customer did not buy drinks from the machine and the vendor did not get

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anything. President Kuiper explained the Town gets 25% commission of the pop that is sold from the machine, he then asked the vendor if the Council agreed would she be willing to sell beverages and give the Town 25% of the commission and she said she is willing to do that. Councilman Huseman made a motion to allow the vendor at Evergreen to sell beverages, seconded by Councilman Tucker. The motion carried by voice vote. Public Works Director Greg Shook will follow up with the hot dog vendor.

ANNOUNCEMENTS

President Kuiper congratulated Patrolman John Chase for graduating from the first Northwest Indiana Law Enforcement Academy Class at the top of the class. He received the Gary Martin Mental Attitude Award and other certifications.

Account for donations set-up at Centier Bank for Indiana State Jr. Miss Cassie Schnelle - . Councilman Alessia made a motion to donate \$100.00 from the Community Relations Fund, seconded by Councilman Gard. The motion carried by voice vote.

President Kuiper announced the next regular meeting will be on Monday, May 24th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the press asked for a copy of the Fibromyalgia Proclamation.

Councilman Huseman expressed his concern about the Powell Ditch. Greg Shook stated that they have shot grades in the area. Councilman Huseman said that he will call Commonwealth Engineers for more information.

Bob Philpot, Main Street, asked when the Main Street bridge work will start Greg Shook stated that the pre-construction meeting is next Tuesday and he will know the schedule then.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:40 P.M.

Phillip Kuiper, President

Attest:

Judith Walters
Clerk-Treasurer