

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
MARCH 22, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, March 22, 2010 at 7:00 P.M. by President Phillip Kuiper. President Phillip Kuiper welcomed home Sergeant Brandon McDonald from Afghanistan. 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, Community Development Director Wilbur Cox, Mark Downy from Commonwealth Engineers, three member of the media and one interested citizens.

**TREASURER'S REPORT**

Councilman Gard made a motion to approve the Treasurer's Report for February 2010 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 March 8<sup>th</sup> regular meeting, seconded by Councilman Huseman. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1311-1379, Water Vouchers #2147-2172 and Waste Water Vouchers #3116-3146 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.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

House Bill 1059 – Provision Bills – State Representative Shelli VanDenburgh – President Phillip Kuiper read a letter from State Representative Shelli VanDenburgh regarding House Bill 1059 that will require county treasurers to issue provisional bills if the spring tax bills are behind schedule.

Illiana Expressway – President Phillip Kuiper read a letter authored by Councilman Gard regarding the Illiana Expressway requesting a meeting with the sponsors of the project so we can voice our concerns. President Kuiper asked that Clerk-Treasurer Judith Walters send a copy of the letter to our Governor and our State Representatives, and South County Communities. Councilman Tucker made a motion to forward the letter, seconded by Councilman Gard. The motion carried by voice vote.

**UNFINISHED BUSINESS**

Public Works Department Update – Public Works Director Greg Shook stated that a permanent repair would be made to the pothole on SR2/Burr St. on Wednesday March 24, 2010. From 10:00 P.M. on Wednesday night to 10:00 A.M Thursday morning the west bound lanes will be closed. When the repair is made a steel plate will be placed over it until the concrete is cured.

West Side Sewer project to New Middle School – Town Attorney Greg Sobkowski explained now that we have received the final easement we can go back to the original route for this project. The first step to take is for the Town Council to adopt a motion rescinding it's previous action to reject the bids received for the West Side Sewer Project. Councilman Gard made a motion to rescind the motion to reject the bids at the previous meeting, seconded by Councilman Tucker. The motion carried by voice vote.

Accept VanDrunen sanitary easement – Lake County Trust #4746 - Approve Voucher #3147 in the amount of \$6656.00 - Town Attorney Greg Sobkowski explained that the next action would be to accept the easement and approve Voucher #3147 in the amount of \$6656.00. Councilman Alessia made a motion to accept the easement, seconded by Councilman Huseman. The motion carried by voice vote.

Recommendation from Commonwealth Engineers – Award bid to the lowest and most responsive bidder and authorize President Kuiper to execute all documents - Town Attorney Greg Sobkowski explained the recommendation from Commonwealth Engineers is to accept the lowest bidder, Robert J. Delco Inc. - B&D Sewer. in the amount of \$319,092.00. - Councilman Huseman made a motion to approve the bid to B & D Sewer and authorize President Kuiper to execute all documents, seconded by Councilman Tucker. The motion carried by voice vote.

Enter into agreement with NIPSCO for extension of service – Freedom Park - Public Works Director Greg Shook stated that the agreement is for a new transformer and power line to extend to Freedom Park that is big enough to take us into the future. The cost of the agreement is \$11,688.00. Councilman Tucker made a motion to enter into the agreement with NIPSCO, seconded by Councilman Alessia. The motion carried by voice vote.

Discussion of bidding out garbage contract - Clerk-Treasurer Judith Walters explained that our garbage contract with Allied Waste expires on June 30, 2010 and we took the option two years ago to take an extension of two years, now we need to decide id we want to see if we can take another extension or do we want to bid it out. President Kuiper asked when the last time we bid it out and Clerk-Treasurer said four years ago. Councilman Gard said he would make some calls to other communities to who recently went through the bid process. The discussion was tabled until the next meeting.

Permission to list old water property on Liberty Street for sale with realtor – President Kuiper said that Langen Realty offered to lower his commission to 5% and not to exceed 90 days. Councilman Gard made a motion to list the property, seconded by Councilman Tucker. The motion carried by voice vote.

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President Kuiper said that there is a perception out there that some of our citizens believe that we are the owners of the property on Burnham/Michigan and we are not the owners at this time. Originally the owner offered to donate that to us and now he is asking for us to pay the taxes, so we will have to call him and talk to him a little more and see what the situation is.

Tabled from January 25, 2010 - Clarification of Ordinance #150 pertaining to requiring licensed contractors on Commercial buildings – Discussion of amended ordinance - President Kuiper asked the Council to review the amended ordinance submitted by Director of Community Development Wilbur Cox and we will have the first reading at the next meeting.

### **NEW BUSINESS**

Approve Police Commission bond – Sharon Patterson – Councilman Alessia made a motion to approve the bond, seconded by Councilman Gard. The motion carried by voice vote.

Offer to donate property to Town of Lowell – MDCS Corporation – President Kuiper read a letter from Paul Schultz, President of MDCS Corporation that said he acquired a vacant lot in Lowell from the Lake County Commissioner Tax Sale that was listed as residential and it is commercial, it was listed as the wrong address and it is landlocked, therefore MDCS cannot use the property and would like to donate it to the Town of Lowell. Community Development Director Wilbur Cox stated that the property is located on Grant Street, it is not zoned commercial but it is zoned residential, it is a half-acre square and is located right next to the railroad tracks. President Kuiper asked what the Town could do with the property. Mr. Cox said that we could accept it and then talk to the neighbors and see if they would want it. Council decided to go look at the property and further investigate. Discussion was tabled until the next meeting.

Permission to close Mill Street for monthly Car Shows – Chamber of Commerce – Deanna Sutton, Chamber of Commerce, explained that the Chamber of Commerce is looking to use the first Saturday of May, June, July, August and September and requested that Mill Street be closed from 4:00 P.M. to 10:00 P.M. between Commercial Ave and Main Street. They are asking that the Town provide the barricades and they will take the responsibility of setting them up. The Chamber of Commerce will notify the businesses of the schedule of the upcoming season for the car show, they are also talking with Centier Bank about closing their parking lot off and using it to sell food. It will be the responsibility of any food vendor to come to the Town Hall and obtain any permits they might need and to notify the Chamber of Commerce if they have acquired these permits. President Kuiper said that he loves the car show but he was under the assumption that they would not bring in food vendors but let the local restaurants benefit from this. President Kuiper said that the Council had some concerns about this because they had a problem in the past. Deanna Sutton said that they will not bid out to food vendors it is just for local food vendors. Councilman Alessia made a motion to allow the car show to close Mill Street, seconded by Councilman Huseman. Discussion followed. Rich Meadows, a member of the Chamber of Commerce, stated that there was an issue with the food vendors last year because the Lions Club sells brats and so does Athens Grill but the Lions Club is setting up on private property. President Kuiper suggested that the Chamber reach out to the Lion's Club and see if they can work it out. The motion carried by voice vote.

**ANNOUNCEMENTS**

The Lowell Street Department will begin the town-wide spring leaf pick-up for two weeks beginning on Monday April 5, 2010 and ending on Friday April 16, 2010. Residents are asked to place the leaves along the curb. It is important that they are not placed in the streets, as rain will wash them down the catch basins, which could result in flooding of the streets. Leaves cannot be picked up in bags or any kind of containers. Branch pick-up will begin on Monday April 26, 2010. Residents are reminded the branch pick-up is intended for tree trimming and storm debris only. Tree stumps, tree roots and dirt cannot be accepted.

President Kuiper announced the next regular meeting to be held on Monday, April 12, 2010 at 7:00 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

A member from the Post Tribune asked the time for the road closure at RT2/Burr Street., Public Works Director Greg Shook said it will be 10:00 P.M. Wednesday night until 10:00 A.M Thursday morning.

Melanie Cespiga asked about the sewer bid that was awarded to Robert J. Delco, Inc., and wanted to know where they were from. She was told Schererville and that they are called B & D Sewers and there were ten bidders.

Connie Schrombeck asked for a copy of the letter from Shelli VanDenburgh. She also asked if the Council letter will make any difference since the Illiana has already passed, the Council said they didn't know.

Councilman Alessia made a motion to adjourn, seconded by Councilman Tucker at 7:32 P.M.

ATTEST:

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Phillip Kuiper, President

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Judith Walters, Clerk-Treasurer