

**LOWELL TOWN COUNCIL
REGULAR MEETING
MARCH 8, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, March 8, 2010 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. Present were Council Members Donald Huseman, Shane Tucker, John Alessia, David Gard and Phillip Kuiper. Also present were Town Attorney Gregory Sobkowski, Public Works Director Greg Shook, Police Chief John Shelhart, Community Development Director Wilbur Cox, two members of the media and twelve interested citizens.

APPROVAL OF MINUTES

Councilman Alessia made a motion to approve the minutes from the February 22nd regular meeting, seconded by Councilman Huseman. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1251-1310, White Police #4016-4026, Water Vouchers #2122-2146 and Waste Water Vouchers #3093-3115 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation – State of Indiana – Severe Weather Preparedness Week – March 14th to March 20th was read by President Kuiper. A warning siren will sound between 10:15 and 10:30 A.M and again between 7:30 and 7:45 P.M on Wednesday, March 17th. Councilman Alessia made a motion to approve the proclamation, seconded by Councilman Gard. The motion carried by voice vote.

MONTHLY REPORTS

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

ORDINANCES & RESOLUTIONS

Resolution #2010-04 – Sanitary Sewer Line - Phillip's Easement - President Kuiper read Resolution #2010-04 accepting a 30-foot wide permanent and 20-foot temporary easement for the sanitary sewer line to the new middle school. Councilman Gard made a motion to adopt Resolution #2010-04, seconded by Councilman Tucker. The motion carried by voice vote. Town Attorney Gregory Sobkowski explained that if we need to change the route of the sewer line we need to acquire an additional easement from the Phillip's property. It is unclear what the

LTC REGULAR MEETING - 3/8/10 - PAGE 2 OF 5

value of the easement will be, under state law if the value is in excess of \$25,000, the town has to adopt a resolution indicating an interest in acquiring the property and then appoint two appraisers. In the event that the value of the easement exceeds \$25,000 the resolution is in place to comply with State statute. Councilman Huseman stated he had spoke with Phillips and they will not accept the \$25,000 offer. The motion carried by voice vote

UNFINISHED BUSINESS

Public Works Department Update –

East Side Sewer – Release of Maintenance Bond – Public Works Director Greg Shook stated since the last meeting we have received a check for \$3,000.00 from Spring Run LLC for the restoration of the hillside. They have asked that the maintenance bond be released retroactive to September 5, 2009. Councilman Huseman made a motion to release bond retroactive to September 5, 2009, seconded by Councilman Gard. The motion carried by voice vote.

Burr St/Rt 2 Project – DLZ extension to engineering agreement - Director Shook spoke with INDOT about the possible use of left over funds to help pay for the additional engineering. INDOT would like to look at the agreement at this point, so we have no choice but to approve the agreement in order to finish this project. He stated we should have some funds leftover, we are running below budget. Councilman Huseman made a motion to accept the agreement, seconded by Councilman Tucker. The motion carried by voice vote. Councilman Alessia stated that it is a shame to have to spend money for a project that should have been done, but it is not DLZ's fault.

Main Street Bridge – County Commissioners are receiving bids on the 17th of March, 2010.

West Side Sewer Project to the New Middle School - Director Shook stated if we do not get the easement, we will have to take the alternate route and go up Cline Avenue and have to be re-bid the project. He asked if we should reject all the bids and authorize a re-bidding of the project.. Town Attorney Gregory Sobkowski stated that an offer was made to Mr. VanDrunen on February 8, 2010 and that offer expires on Wednesday the 10th. One option is to authorize condemnation, the other option is the alternate Phillip's easement, the third option is re-bid the project, re-route the sewer line. If we were going to abandon the Phillips and VanDrunen options then it would be appropriate to reject the bids and re-bid the project. Councilman Huseman asked if it was in the hands of the attorneys or can we ask the school to talk to Mr. Van Drunen. President Kuiper stated that because of a lawsuit we don't know who can talk to whom. President Kuiper stated that if they don't put it out tonight then it would be two weeks before we can re-bid. Councilman Alessia asked if County will allow occupancy if we can pump out the lift station. Community Development Director Wilbur Cox stated that it would be up to the County Health Department, but we are only looking at 17 days to go thru the whole bid process. Councilman Alessia made a motion to reject all bids and re-bid the project, seconded by Councilman Gard. The motion carried by voice vote. Town Attorney Gregory Sobkowski stated that in light of this action it would be appropriate for him to contact Mr. VanDrunen's counsel and tell them that our offer has been withdraw because now there is no need for the easement.

LTC REGULAR MEETING - 3/8/10 - PAGE 3 OF 5

Discussion of Illiana Expressway - President Kuiper stated votes were already taken but said that it would be nice if we responded as a Council down state. President Kuiper stated that he is opposed to the Illiana Expressway because there is no information on this, we don't know where it's going to go, I don't know how they voted, most of the legislators that voted yes don't have a clue where it is going. They were shown three routes, there is rumor that there is another route. President Kuiper stated the he doesn't know how we are supposed to prepare as a community. Three out of five Council members were at the meeting in Crown Point when the Expressway was discussed. Councilman Huseman agreed that they are not informing us, we may not be a host community but it is a long path. Councilman Gard stated how can people who are down in Indianapolis dictate what they are going to do around our community without getting at least our input and include us in the conversation. President Kuiper stated that two of our local representatives voted no, that was Shelly Vandenberg and Don Lehe. Senator Sue Landske doesn't not know where the route is. President Kuiper asked if Councilman Gard or Councilman Alessia would author a letter and send downstate. Councilman Tucker stated that one of the routes is very close to Freedom Park, and he is completely against that route. President Kuiper stated that none of the three proposed routes are very detailed, one will be between Lowell and Cedar Lake, one will be between Cedar Lake and Crown Point, and the other will be between South Route 2 and the Kankakee River, but we don't know if any of these are the routes. Councilman Tucker said that he would like to know more. Councilman Alessia said the you would have to get off at 80/94 to I-65 and pay \$16.00, go west to 57 North to I-80, that has to be 50 plus miles, how can that be a bypass? Somebody is not telling the whole story and that is what I have a problem with. Councilman Tucker stated that on a positive side, somebody has to build it so there will be jobs for people. Councilman Gard said the he would author a letter to send down state.

Michael Jordan, 16459 Harrison St. stated that he moved here five years ago and loves this place. He stated we need to demand a level playing field and sending out a letter is not going to do it, he has collected over 1,000 signatures and we handed it to them at what I will call a "union meeting" at Crown Point High School. President Kuiper said the he was at that meeting and he thinks that is a little unfair, there were about 50% of the people union, but he appreciated the meeting and wishes they would have more like that. They had three lines and let the citizens speak, everyone was welcome. Mr. Jordan stated that he has been on the radio three times trying to educate South County residents on what this means. You have put together a Master Plan that could become meaningless. Morton Marcus was on the radio last week and he said this is not an economic development project. This is going to deflect sales in new subdivisions and they have not addressed what they are going to do about ambulances and police. Mr. Jordan said he went to a meeting in Illinois and they can't wait for this but they will need our help, their secondary roads are torn up and they can't afford the tax levy to repair them. Mr. Jordan is also concerned about noise, pollution and wellheads. As a town we should be able to get an audience together with these people and he is more than willing to help out. President Kuiper made a motion to send a letter opposing the Illiana Expressway and ask for a meeting, seconded by Councilman Alessia.

LTC REGULAR MEETING - 3/8/10 - PAGE 4 OF 5

Tabled from previous meetings:

President Kuiper stated that he asked Community Development Director Wilbur Cox to have ordinance #150 pertaining to requiring a licensed contractors on commercial buildings ready for the next meeting.

NEW BUSINESS

Permission to purchase a vehicle for water/waste water - Director Shook stated with the meter project and other things that are going on in the water department we have been short one vehicle, we had one go bad about a year ago. He went to Smith Ford and drove a Ford Transit Connect which gets about 22 miles per gallon, that would save us about \$1800.00 per year. He proposed that we purchase the vehicle for \$21,262.28 and split the cost between Water and Waste Water. Councilman Huseman made a motion to accept the proposal, seconded by Councilman Tucker and carried by voice vote

ANNOUNCEMENTS

President Kuiper announced that he got a letter late today from the Office of Energy Development and we have been selected for a \$249,000 grant that is a no match grant. It will be used for air conditioning and furnaces at the Town Hall, Street Department and Water Department, and also includes insulation at the Street Department and doors and windows at the Water Treatment Plant. Legacy was working on this for us and Tom Trulley did an incredible amount of work, he is going to Indianapolis on Friday to try and firm up the other grant.

President Kuiper stated that he has had several people ask about the smoke free survey, we have not got them all back, but as of last Friday we have had about 813 turned in and 646 were yes, in support of Lowell going smoke free which is about 80%. We had 156 that said no and about 70% of them were signed.

President announced that the next regular meeting will be held on March 22, 2010 at 7:00 P.M

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked if the survey excluded certain facilities. President Kuiper responded that no, we had a comment section and signature is optional, there are no exclusions we wanted to see what they say. When they are all turned back in we will tally them up and have a discussion.

A member of the media said the she did not get the amount of the grant and President Kuiper stated it was for \$249,000.

Linda Savich, 238 Ruth Street, stated that she was pulled over while driving through town and felt like she was being harassed, she said the officer came to her vehicle and asked her how she liked the bright light being shone in her face, she said she did not know what he was talking about. Her passenger asked the officer what they were being pulled over for and the officer responded that she had her bright lights on and she said they were not. The officer stated that he was going to give her a warning ticket, her passenger asked why he would give her a warning

LTC REGULAR MEETING - 3/8/10 - PAGE 5 O F 5

ticket for something she did not do and she said the officer responded we'll see you in court. Ms. Savich stated that she felt like she was being harassed driving through town, she stated that she understood that it was late, but she got pulled over by the firehouse and walked over to the police station where she was told there was nothing they could do about it. She stated that she did not have her bright lights on, she was driving a truck and was sitting up higher, but she should not have been treated that way. She took her truck to Smith Chevy to see if her lights were out of alignment and they were not. President Kuiper said that she could go and talk to the police chief and/or go to a police commission meeting. Councilman Alessia said there is a formal complaint process and Chief Shelhart could tell her about that process. Councilman Alessia also stated the he hoped that one incident of 25 years of good experiences wouldn't jade her. President Kuiper said that he would follow up with Chief Shelhart also.

Sharron Patterson, 5301 BelAire Lane, stated in response of the Illiana Expressway she is still in favor, she believes that for the soccer fields this could be very beneficial, it would make getting to the fields much easier and would bring more people to town to do business. As for secondary roads, she does not think they will be affected; the whole idea is getting from point A to point B the fastest.

Councilman Alessia made a motion to adjourn, seconded by Councilman Gard at 7:40 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer