

**LOWELL TOWN COUNCIL
REGULAR MEETING
July 12, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, July 12, 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. Members present were Donald Huseman, Shane Tucker, David Gard ,and Phillip Kuiper. Councilman John Alessia was absent, Also present were Town Attorney Ben Ballou, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Chief of Police John Shelhart, three member of the media, and twenty eight interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the June 28th regular meeting, and the July 7th special work session. The motion was seconded by Councilman Tucker and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1874-1943, White Police #4054-4063, Water Vouchers #2404-2427 and Waste Water Vouchers #3371-3398 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

MONTHLY REPORTS

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

ORDINANCES & RESOLUTIONS

1st Reading - *Ordinance #2010-03 - a proposed Ordinance to Establish Clean Air Standards for Workplaces and Public Places within the Town of Lowell, was read by President Kuiper. President Kuiper stated the Council had the proposed ordinance for four weeks to review. Councilman Gard stated it was a starting point for the proposed Ordinance and moved to hold for a second reading and set a Public Hearing, seconded by Councilman Tucker. Councilman Huseman stated he would be voting against the proposed Ordinance because he feels the State should enact the Ordinance. The motion to hold Ordinance #2010-03 over for a second reading carried with three ayes, one nay. Councilman Huseman voting nay.

UNFINISHED BUSINESS

Public Works Update - Water Infrastructure Improvement Plan - Approve Invoice to Underground Pipe & Valve in the amount of \$14,790.00 and forward to SRF for payment. Public Works Director Greg Shook stated this is for meters for the meter replacement program. Councilman Huseman moved to approve the invoice and forward to SRF, seconded by Councilman Gard and carried.

West Side Sewer Project to New Middle School - Act on Substantial Completion of June 22nd to B&D Sewer Director Shook stated the project is complete, there are currently doing restoration and testing the line. The lift station is on-line. Commonwealth Engineers recommended a change in the contract time for an additional two days with no additional change in contract price, so the substantial completion date would be June 22nd. Councilman Huseman moved to accept the substantial completion date of June 22nd to B&D Sewer, seconded by Councilman Gard. The motion carried by voice vote.

Tabled from previous meetings 4/12- Enter into agreement with INDOT for curb & sidewalk grant on Route 2 - remains tabled.

NEW BUSINESS

Enter into agreement with ASCAP (American Society of Composers, Authors & Publishers) copyright for Labor Day Parade - The Town had received a letter from ASCAP that stated that as a local government we must have a copyright license agreement to give legal permission to perform music by live bands over the Labor Day Festival. The \$310 annual fee will be paid by the Labor Day Committee. Attorney Ballou stated they had reviewed the agreement and it is in order. Councilman Gard moved to approve the agreement, seconded by Councilman Tucker. The motion carried by voice vote.

Request for letter of support to obtain funding from the Office of Community and Rural Affairs (OCRA) to repair the Lake Dale dams - Lake Dalecarlia Property Owners Association are applying for a grant to complete dam rehabilitation work on Lake Dale's two dams and requested a letter of support since the town is located within the Cedar Creek watershed and those repairs would improve the future chance of flooding in our area if the dam failed. The POA stated the integrity of the dams were damaged during the 2008 flood and are working to find the funding to make those repairs. A letter had been prepared from the Town in support of the work since the 2008 flood caused much damage to the street garage. Councilman Huseman moved to send the letter of support, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be on Monday, July 26th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

The Times and the Lowell Tribune both requested a copy of the proposed Ordinance 2010-03.

Sara Pierce, Main Street, asked if the Town had asked the Geminus group to get involved in the no smoking policy. President Kuiper stated they read in the paper we were considering an Ordinance and contacted the Town to see what they could do to help.

Bill Carlson, 141 W. Commercial Avenue, stated he was opposed to the proposed ordinance because as a business owner he would not be able to smoke in his own building that he pay taxes on. He stated this is a free country and we are losing more freedom every day. He would hope they would consider allowing smoking in bars. Councilman Gard stated the proposed ordinance is for discussion, there could be changes made.

Linda Gunning, Driftwood Drive, stated the proposed ordinance is about property rights and is a power grab. She stated laws that curtail the rights of one group are not good. She said people have free choice to decide for themselves if they want to patronize certain businesses.

Will Farrellberg, Illinois Street, stated he was in favor of the proposed ordinance. He stated he has seen this happen in other countries, people are always against it at first but then everyone realizes the benefits of no smoking.

Deanna Sutton, who owns Century 21 Realty, stated she hoped the Council would exempt businesses that don't serve the public and bars. She stated Crown Point's smoking ordinance still allows smoking in bars.

State Representative Shelli VanDenburgh commended the Council for hearing this topic at all. She stated it is not an easy topic. She said she is disappointed that this topic has come before the State Legislature for three years and has never passed. She stated we know so much more today than we did years ago about second hand smoke. She said this topic will come before the public health committee again on Thursday.

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

Phillip Kuiper, President

Attest:

Judith Walters
Clerk-Treasurer