

**LOWELL TOWN COUNCIL
REGULAR MEETING
MARCH 28, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, March 28, 2011 at 7:00 P.M. by President John Alessia. The Pledge of Allegiance was recited and a moment of silence was observed. Town Administrator Susan Peterson called the roll. Members present were Donald Huseman, Robert Philpot, Phillip Kuiper, David Gard and John Alessia. Clerk-Treasurer Judith Walters was absent. Also present were Town Attorney Gregory Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox, Police Chief John Shelhart, three members of the media, and approximately forty five interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the March 14th regular meeting, seconded by Councilman Kuiper. The motion carried by voice vote. Councilman Philpot stated that he did not receive a copy of the 3-14 minutes, Town Administrator Susan Peterson replied that he should have received them by e-mail.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #1296-1347, Water Vouchers #2169-2201 and Waste Water Vouchers #3125-3147 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Kuiper . The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

Ordinance #2011-01 - An ordinance to create the Tri-Creek Fire Territory - Public Hearing and 2nd Reading. President Alessia read ordinance #2011-01 and opened the meeting to a public hearing. Councilman Philpot stated that he had two concerns with this, he read a prepared statement about the legality of a governmental unit entering into an agreement with a non governmental unit. President Alessia asked if his question was the legality of entering into an agreement with the fire department. Councilman Philpot responded that he was concerned with entering into an agreement with any non governmental entity and would not specify. Town Attorney Gregory Sobkowski explained that the parties in the inter local agreement are the two towns, two townships and three volunteer fire departments. The towns and townships are governmental entities and the only entity he can see that Councilman Philpot could be referring to as a non governmental entity is the volunteer fire department. Town Attorney Gregory Sobkowski went on to explain that in the most current ordinance, that President Alessia had just read, the volunteer fire department is not a participating unit. The participating units are the Town of Lowell, the Town of Schneider and the two Townships, from a legal stand point that is not an issue. The volunteer fire departments are no longer participating units they are

cooperating members under the inter local agreement. He went on to explain that he has not seen anything that says the volunteer fire department cannot be part of this agreement, it is his understanding that DLGF has approved territories before where the volunteer fire departments are members. President Alessia asked if there were any other questions or comments, there being none he closed the public hearing. Councilman Kuiper made a motion to adopt ordinance #2011-01 as read, seconded by Councilman Gard. Councilman Huseman made a statement that he has a lot of friends here and in the country and he has to stand for something, he might get some people mad at him but he is voting for the territory. Roll call vote carried with four ayes and one nay from Councilman Philpot.

Ordinance #2011-04 - An ordinance granting rezoning and changing the zoning map from PUD to R-3D Residential. President Alessia read the ordinance as presented. Town Attorney Gregory Sobkowski explained that since this is a zoning ordinance that has been recommended by the Plan Commission the rules do not need to be suspended nor do you have to have two readings, they just need a motion to adopt the ordinance. Councilman Kuiper made a motion to adopt ordinance #2011-04, seconded by Councilman Gard. The motion carried by voice vote.

UNFINISHED BUSINESS

Director of Public Works Greg Shook requested permission from the Council to advertise for a hot dog vendor for the Park. Councilman Kuiper made a motion to approve the advertisement for a hot dog vendor, seconded by Councilman Gard. The motion carried by voice vote.

Water Plant Building on Liberty Street - Purchase Offer - Town Attorney Gregory Sobkowski explained that this property has been for sale for some time and there have been two previous offers that were not accepted by the Town. The appraised value as of last September was \$39,250.00 per state statute the Town cannot accept an offer that is less than 90% of that appraised value. The offer that was made at \$35,500.00 is slightly higher than 90%. Councilman Kuiper made a motion to accept the offer, seconded by Councilman Huseman. The motion carried by voice vote.

Community Development Director Wilbur Cox stated that Don Cripe is now the owner of Beverly Estates and he is working with him to get that project back on track.

NEW BUSINESS

Approval of voucher from Underground Pipe & Valve in the amount of \$163,200.00 for the purchase of water meters and forward to SRF for payment. Director of Public Works Greg Shook explained that this is the final shipment for water meters for the meter project. Out of the 3200 meters that needed to be installed we have done approximately 1600 so far, he hopes to have it complete by the end of this year. Councilman Gard made a motion to approve the payment, seconded by Councilman Kuiper. The motion carried by voice vote.

Approve Memorandum of Understanding from Board of Commissioners of Lake County for the

purchase of liquid asphalt. Director of Public Works Greg Shook explained that this is the same as last year, we provide the emulsion for the road repairs for Lake County and they pay us cost plus .10 cents per gallon for handling. Councilman Kuiper made a motion to approve the purchase of liquid asphalt, seconded by Councilman Huseman. The motion carried by voice vote.

Request from Great Oaks Builders to waive fees for expired building permit in the amount of \$680.57. Roy Mason 4607 W. 173rd Ave, stated that he built a house on a nice lot next to a pond and could not get any interest in it. He finished the outside and most of the inside but waited to finish it until someone was interested in it, he ended up sitting on it for three years and when he sold it he took a \$14,000.00 loss. When he came in to get the occupancy permit he found out it was going to cost him \$687.00 because it was a year past his building permit. He went on to say that under normal times they would not be having this discussion because he would have sold it within a year and he thinks that is a lot for the Town to ask since all they have to do is come in and look at it one last time, he asked the Council to waive the fee. Community Development Director Wilbur Cox stated that this will be the sixth one that has been waived. Councilman Huseman asked Mr. Mason what inspections were left, he responded that just the final inspection needed to be done. Community Development Director Wilbur Cox stated that he paid for his inspection because he needed it done before he could close on the house last Friday. He is now asking for a refund of the fee. Councilman Kuiper stated that Mr. Cox made the point that the Council has done this several times before and therefore he made a motion to waive the fee, seconded by Councilman Gard. The motion carried by voice vote.

ANNOUNCEMENTS

President Alessia announced the next regular meeting will be held on Monday, April 11th at 7:00 P.M.

Councilman Kuiper stated that on March 18th he attended the tenth annual District meeting for law enforcement officers. There were two officers from Lowell that were recognized, one was Aaron Crawford who has two and a half years of service, he was nominated for his efforts in consistently demonstrating a high degree of initiative and productivity. He is a very productive officer who produces a high level of self-initiated work, as is evident from his extremely high number of traffic citations and arrests. Many of his citations and arrests are for Operating While Intoxicated, Excessive Motor Vehicle Speeds, Driving while Suspended and Reckless Driving. During the 2010 year, Officer Crawford made 83 Driving While Intoxicated arrests, issued 909 Traffic Tickets and overall had 156 total arrests. This productivity is noteworthy, especially given a straight midnight shift working in poor weather conditions during several months. Neither deterred his enthusiasm or self-initiated productivity. Officer Crawford's high productivity, especially in self-initiated work, is commendable, His monthly productive levels are significant and represent his continuous efforts each month to keep the streets of Lowell, Indiana safe. Officer Crawford's enthusiasm and dedication to duty is evident in his daily work and appreciated by the Lowell Police Department. Also recognized was a lifetime achievement award to John T. Shelhart for thirty-four and a half years of service. The Lowell Police

Department is honored to nominate Chief of Police John T. Shelhart for his exemplary talents and contributions as demonstrated by his dedication, loyalty, ability and integrity for outstanding lifetime professionalism to law enforcement and public safety. Shelhart's law enforcement philosophy, commitment to excellence for the Towns of Lowell and Merrillville along with the Colville Indian reservation has forged positive change and incorporates innovative into policing while maintaining the highest ethical standards. His generosity and unselfishness to all citizenry earns him the respect from the community he serves and those he has served.

John began his career in law enforcement for the Town of Merrillville and served 30 and a half years earning his way through the ranks from Patrolman to Chief of Police. Shelhart continues his stellar record of service at the Lowell Police Department as the Chief of Police since 2006. In addition to his law enforcement duties in the State of Indiana, Chief Shelhart served as a tribal police chief in the State of Washington where he was honored by the tribal council for his efforts while at the Indian reservation. Shelhart has spent nearly four decades protecting citizens and taxpayers while equipping his officers with the state-of-the art technology, the latest training advances, and seeking the best quality law enforcement equipment to insure that the officers under his command are always prepared and safe.

Chief Shelhart has attended many law enforcement related schools throughout the country, mastering the most effective techniques, and supervising and training law enforcement officers from statewide departments. Shelhart has been recognized by the Merrillville Police Department, Merrillville Exchange Club and Dunes Club for Law Enforcement Officer of the Year and Crime Prevention. Also, the Colville Indian reservation tribal council bestowed upon him their second highest honor during the tribal ceremony. Shelhart's services on numerous boards include the Lake County Sheriffs Merit Board and the Northwest Indiana Law Enforcement Academy Board of Directors.

With all this said, Shelhart always manages family time with his wife Pamela and their two sons Sam and Scott. Chief Shelhart is a dedicated police officer, manager, and leader in the law enforcement field. He consistently achieves the goals of protecting and serving the citizens in a professional manner. His contributions to all are unsurpassed!

Councilman Kuiper added that as a Councilman he believes that one of the reasons the Commission hired him at the time is because we do have such a young police department. He believes that John has surpassed everyone expectations. Councilman Kuiper also pointed out that the Town Court has been around for about ten years and in the last three years they have been running in the black, and have grown with each year. He thanked Chief Shelhart for leading that group of officers.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked for a copy of the program that Councilman Kuiper had read from about the officers and asked how many meters were in this last shipment and was told it was 960 meters.

A member of the media asked who bought the water plant building at 241 N. Liberty and was told his name is Marvin Fleener and the amount is \$35,500.00.

Councilman Gard stated that he received a phone call last Thursday from a citizen that had heard

that Speedway was upset with the Town because of the building department giving them a hard time about the remodel job they are doing at the Burr Street Speedway. Councilman Gard explained that April 4th Speedway will begin an extensive make over. That phone call troubled him so he reached out to the construction specialist for this project and he sent Councilman Gard an e-mail that stated they are waiting for a design release from the state and they have been working with the building department for a few months about obtaining permits and they have been very helpful. They are looking forward to starting the project and continuing the positive relationship they have with the Town of Lowell.

There being no further business or discussion, Councilman Kuiper made a motion to adjourn, seconded by Councilman Gard at 7:34 P.M.

John Alessia, President

Attest:
Susan Peterson, Town Administrator