

**LOWELL TOWN COUNCIL
REGULAR MEETING
FEBRUARY 27, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday February 27, 2012 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 Craig Earley, Donald Parker, Phillip Kuiper, and Robert Philpot and Edgar Corns. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shelhart, Town Administrator Susan Peterson, Tom Trulley, four members of the media and twenty three citizens.

TREASURER’S REPORT – January, 2012

Councilman Corns made a motion to approve the January 2012 Treasurer’s Report, seconded by Councilman Philpot and carried by voice vote.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the February 13th regular meeting, seconded by Councilman Philpot and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1221 - #1268, White-Police #4019 -#4027, Water #2084 - #2110, Waste Water #3094 - #3117. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Corns and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Town Employees Perfect Attendance – 2011. President Kuiper congratulated the following employees for perfect attendance: Kyle Barnhill, Debbie Earley, Frank Lovely, Tom Sullivan, Sue Sutphen, Tom Trulley, Jerry Wilk, John Shelhart, Corey Burkus, Dan Lee, David Lee, Scott Tokach, and Jim Woestman.

STANDING COMMITTEE – Annexation Committee

SPECIAL COMMITTEES

ORDINANCES & RESOLUTIONS

1st & 2nd reading – Public Hearing - Ordinance #2012-03 – Vacating easement in Christian Acres Subdivision and East View Terrace Subdivision. President Kuiper read Ordinance #2012-03. Councilman Earley made a motion to hold Ordinance #2012-03 for a second reading, seconded by Councilman Corns and carried by voice vote. President Kuiper opened the public hearing. Don Gorball, 285 Lakeland Dr., representative of the Church of Christ, asked that Ordinance #2012-03 be adopted. President Kuiper closed the public hearing. Councilman Philpot made a motion to suspend the rules, seconded by Councilman Corns and carried by voice vote. Councilman Earley made a motion to approve Ordinance #2012-03 Vacating easements in Christian Acres Subdivision and East View Terrace Subdivision, by name and title only, seconded by Councilman Corns and carried by roll call vote. Councilman Philpot made a motion to set the rules back in order, seconded by Councilman Earley and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update
WWTP JMOB Requests
Water Infrastructure Improvement Plan

Streets / Sidewalks. Public Works Director Greg Shook stated the surveyors hired by Commonwealth Engineers are currently working on the project for the streets and sidewalks along Route 2.

Enter into amended Memorandum of Agreement with Lake County Economic Development and Indiana State Historic Preservation regarding Old Grade School at 525 E. Main Street and Appoint Signatory. Attorney Sobkowski explained under Section 106 of the National Historic Preservation Act, the town would get County and Federal funds to demolish the Old Grade School. Prior to demolition, the building will be recorded in accordance with the Indiana SHPO's current Minimum Architectural Documentation Standard. An interpretive sign will be placed at the southeast corner of the property. The content of the sign will include historic photo, building description, and statement of significance. Sign location, design and content will be as approved by SHPO. Three Creeks Historical Association will salvage from the building the limestone signage, arch keystones, stained glass windows, 30 brick and yard monument. Colfax Masonic Lodge #378 will salvage the cornerstone and 30 brick. Councilman Corns made a motion to enter into the Memorandum of Agreement with Lake County Economic Development and Indiana State Historic Preservation and designate the Town Council President as the signatory, seconded by Councilman Philpot and carried by voice vote. Councilman Corns stated the building was not redeemable and was a hazard and is deteriorating every day.

Enter into agreement for updating of Sustainability Analysis – Financial Solutions. Councilman Earley made a motion to accept the agreement for updating of Sustainability Analysis with Financial Solutions seconded by Councilman Parker and carried by voice vote. The rate would be the same as last year.

Change of Building Official. The State has requested under the General Administrative Rules of the Indiana Fire Prevention and Building Safety Commission that they be notified within 30 days of any changes to the Local Inspection Program established by the local unit. Councilman Philpot made a motion to appoint Tom Trulley to enforce the local building codes, seconded by Councilman Earley and carried by voice vote.

Tabled from previous meetings:

NEW BUSINESS

Approve annual Conflict of Interest Statement – Craig Earley. Councilman Philpot made a motion to approve the Conflict of Interest Statement for Craig Earley, seconded by Councilman Corns and carried by voice vote.

Appoint Town Administrator as ADA Coordinator. The State has a new unfounded mandate to designate a coordinator. Councilman Earley made a motion to appoint Susan Peterson as the ADA Coordinator, seconded by Councilman Parker and carried by voice vote.

Permission to close Mill Street for monthly car shows – Lowell Lion’s Club. John Piper, and Paul Palmer of the Lion’s Club asked to use Mill Street for their car show on the first Saturday of the month from 5 P.M. to 9 P.M. through the month of September. Councilman Philpot made a motion to give permission to the Lion’s Club for a car show on Mill Street, seconded by Councilman Corns and carried by voice vote.

Permission to advertise for additional appropriation for Freedom Park. Councilman Earley made a motion to set a public hearing, seconded by Councilman Corns and carried by voice vote.

Enter into amendment for antenna site lease on West Water Tower – Sprint/Nextel. Attorney Sobkowski explained this is an amendment to the existing Amendment No. 1 to Antenna Site Lease dated August 11, 2011. The amendment includes; a change from Amendment No. 1 to Amendment No. 2, add a Microwave dish and 3 additional cables and remove the old cable to the current installation, increase rent two hundred dollars a month. Councilman Corns asked if they would maintain the tower and will they keep the existing mounts. Amy Valleau, 217 Woodlawn, Lansing MI representing Sprint stated the existing mounts would stay with no additional cutting. Councilman Corns asked by adding the microwave dish could this be dangerous to the public. Amy Valleau stated

she was not aware of any danger. All has been approved by the FFC and there were no safety issues found. Everything was in full compliance for one twenty four inch microwave dish. This dish will be a directional dish which is used to talk to another dish and is not a broadcast dish. Councilman Philpot wanted to know what direction it would be shooting. Amy Valteau stated with zero being north the direction would be three hundred forty. Councilman Earley made a motion to enter into the amendment for antenna site lease on West Water Tower with Spring/Nextel, seconded by Councilman Philpot and carried by voice vote.

Act on recommendations for Board of Zoning Appeals, unfavorable – variance 223 W. Main Street for an outpatient mental health services office and favorable – special exception – 7329 McConnell Ave. for a used car sales. Councilman Philpot made a motion to accept the recommendations from the Board of Zoning Appeals, seconded by Councilman Corns, Councilman Earley explained the variance for 223 W. Main Street did not show a hardship, carried by voice vote.

ANNOUNCEMENTS

Next regular meeting – Monday, March 12th – 7:00 PM

MEDIA QUESTIONS / PUBLIC COMMENTS

Carrie Napoleon, Post Tribune wanted to know what the Memorandum of Agreement was and how close where they to demolish the Old Grade School. Attorney Sobkowski answered once the funding is released to demolish the building, the State, County and local groups would all sign off on the language of the agreement. Once that is done, the next step would be to solicit a bid to demolish the building.

Carrie asked where the car show was in the past. President Kuiper stated that is was at the American Legion grounds.

Melanie Csepiga, the Times wanted to know on the unfavorable BZA ruling regarding the outpatient facility was out of her home. President Kuiper stated that it was in a residential area.

Don Huseman, 362 Gwen's Cove stated the article about Lowell in the Sunday Times and how it was only one page embarrassed him. He felt this article would not entice people to come to Lowell.

Mr. Huseman spoke about the flooding in Powell Ditch and how the Commonwealth Engineering plans did not work to solve the problem. He stated the water gets in quicker and when it rains one to two inches it backs into Powell Ditch and floods. He suggested the Town annex that property and dig the ditch and put in a piper to handle the problem. Councilman Philpot asked if the flooding goes downstream to the bridge. Mr. Huseman

stated on one occasion the water level went down to the railroad trussel and should be cleaned out to prevent more flooding. He suggested meeting with the five property owners and discuss a solution to this problem.

Carl Ferro, Harrison St stated he agreed with the promotion of the downtown district

President Kuiper stated if anyone understands the need to grow it would be the Clerk-Treasurer because she takes care of all the finances.

Councilman Philpot asked about the meeting regarding the Fire Territory. President Kuiper stated they had a meeting where an attorney was present from Indianapolis and at this time has decided to wait until next year to move forward.

Councilman Parker addressed the Powell Ditch problem suggesting a meeting with the five property owners, in either a public meeting or work session along with two Councilmen and the engineers. Councilman Earley stated he would be interested in being involved. Mr. Huseman stated he preferred he were not involved.

Mr. Shook addressed the Powell Ditch problem and stated that he will set up a meeting, get an engineer's report with copies to the Town Council and look at the Flood Map. Mr. Huseman stated the three reports from Commonwealth Engineers should be looked at.

There being no further business or discussion, Councilman Corns motioned to adjourn, seconded by Councilman Parker at 7:45 P.M.

Phillip Kuiper, President

Attest:

Judith Walters, Clerk-Treasurer