

**LOWELL TOWN COUNCIL
REGULAR MEETING
APRIL 23, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday April 23, 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, Edgar Corns and Bob Philpot. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Assistant Chief Scott Tokach, Town Administrator Susan Peterson, Tom Trulley, two members of the media and eighteen citizens.

APPROVAL OF MINUTES

Councilman Corns made a motion to approve the April 9th regular meeting, the April 9th work sessions, April 11th and April 16th executive sessions, seconded by Councilman Parker and carried by voice vote.

TREASURER'S REPORT – February, March 2012

Councilman Earley made a motion to approve the February and March 2012 Treasurer's Report, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1433 - #1487, White-Police #4056 - #4064, Water #2217 - #2241, Waste Water #3208 - #3228 and recommended them for approval. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Corns and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

CDBG Public Hearing - Act on Affirmative Action Program
Section 3 Understanding
Resolution #2012-02 Authorizing Submitting
CDBG Projects for 2012-2013.

President Kuiper read the opening remarks. President Kuiper opened the public hearing. There were no comments or questions. President Kuiper closed the public hearing. Councilman Parker made a motion to approve the Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act of 1968 and the Section 3 Understanding requirements seconded by Councilman Corns and carried by voice vote. President Kuiper read Resolution #2012-02 Authorizing Submitting CDBG Projects for 2012-2013. Councilman Parker made a motion to authorize the Town Council President to submit the project proposal for Community Development Block Grant Funds for federal fiscal years 2012-2013, seconded by Councilman Earley and carried by voice vote.

SPECIAL COMMITTEES – Annexation Committee

ORDINANCES & RESOLUTIONS

1st and 2nd reading – Ordinance #2012-05 – rezoning 101 N. Nichols from B-1 to R-1. President Kuiper read Ordinance #2012-05. Councilman Earley made a motion to hold Ordinance #2012-05 for a second reading, seconded by Councilman Parker and carried by voice vote. Councilman Parker made a motion to suspend the rules, seconded by Councilman Corns and carried by voice vote. Councilman Philpot made a motion to adopt Ordinance #2012-05 by name and title only, seconded by Councilman Earley and carried by roll call vote. Councilman Philpot made a motion to set the rules back in order, seconded by Councilman Parker and carried by voice vote.

Resolution #2012-03 – annual transfer from Sewer Operating to Sewer Improvement. President Kuiper read Resolution #2012-03, a transfer of funds of \$200,000 from Sewer Operating to Sewer Improvement Fund. Councilman Earley made a motion to adopt Resolution #2012-03, seconded by Councilman Corns and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update
WWTP JMOB Requests
Water Infrastructure Improvement Plan

*Enter into agreement for analytical work on Waterworks Refunding Bonds with Standard & Poor's. Clerk Treasurer Judith Walters explained this is the second part of them rating the water utility for the refinancing of the water bonds. Councilman Corns made a motion to enter into agreement for analytical work on Waterworks Refunding Bonds with Standard & Poor's, seconded by Councilman Earley and carried by voice vote.

Tabled from previous meetings:

NEW BUSINESS

*Request for donation – Three Creeks Historical Association. President Kuiper read the request concerning water usage and billing for the Halsted House Museum. Clerk Treasurer Judith Walters explained their annual water bill is \$545.28 and they were not waiving their water and sewer bill, they are making a donation from the General Fund and the Community Relations Fund to give them a donation to what's equal for one year. Councilman Corns made a motion to give a donation of \$545.28 to the Three Creeks Historical Association, seconded by Councilman Philpot and carried by voice vote.

*Act on vendor for Evergreen Park for 2012 summer season. Mr. Shook stated there were two proposals for vendors one was from Patricia Toomey and the other from Charlene Hall and it was up to the Council to decide which proposal they will accept. Parks Superintendent Tom Sullivan stated that Mrs. Toomey was the vendor last year. President Kuiper asked if they were bidding evenly. Mr. Shook stated in the past all the town ever asked for us to allow them exclusive rights to sell hot dogs in the parks. Supt. Sullivan stated they have asked them to sell hot dogs for the two soccer picnics and the fishing derby and both of them have agreed to do that. President Kuiper asked if they have a recommendation. Supt. Sullivan stated they were both good. President Kuiper asked if there were any problems last year. Mr. Shook stated not that he was aware of. Clerk Treasurer Judith Walters explained last year was Mrs. Toomey's second year and last year was the first year the council amended her agreement to sell and she did faithfully come in every month and give us the percentages of beverages she sold at her hot dog stand. Councilman Earley wanted to know if this was just at Evergreen Park. Supt. Sullivan stated Evergreen Park is where she sets up and she comes out to Freedom Park for the two soccer picnics and the fishing derby at Evergreen Park. Mr. Shook stated if they approve Mrs. Toomey she would be under the same agreement as she was last year. Councilman Parker made a motion to renew the contract with Mrs. Toomey, seconded by Councilman Corns and carried by voice vote.

*Request for sponsorship for Rebuilding Together of South Lake County to be held in Lowell on September 15th. Clerk Treasurer Judith Walters explained four years ago when Rebuilding Together was in town they made a donation of \$1,000. Councilman Philpot made the motion to sponsor Rebuilding Together of South Lake County with a donation of \$1,000, seconded by Councilman Corns and carried by voice vote.

*Enter into annual agreement with FSG to continue disclosure filings on bond issues. Clerk Treasurer Judith Walters explained this is for the water/wastewater bonds that require an annual disclosure statement done and Financial Solutions Group has been doing this for the past two years and this is just for their annual agreement with us. Councilman Corns made a motion to enter into an agreement with Financial Solution Group seconded by Councilman Parker and carried by voice vote.

*Permission to use recycling funds to purchase mower. Mr. Shook explained they wanted to purchase a mulching mower and he has spoken to Solid Waste and it does qualify and spoke to Judy for the funds and it is available. He is asking the Town Council to approve the purchase of a zero turn type mower in the amount of \$11,725.00 to be paid for out of the recycling fund. This is the cheapest of three quotes and it is from Don Bales. And rather than trading the old mower, they propose to send it out to Freedom Park to let them use it. Councilman Philpot made a motion to approve the purchase of a zero type mower in the amount of \$11,725.00, seconded by Councilman Earley and carried by voice vote. Councilman Philpot stated as a member of the park board he thanks the Council for the mower.

*Approve quarterly fees for Park Department. Supt. Sullivan stated the fees have not really changed from last year. Councilman Parker made a motion to approve the quarterly fees, seconded by Councilman Earley and carried by voice vote.

ANNOUNCEMENTS

Next regular meeting – Monday, May 14th – 7:00 P.M. and a 6:00 P.M. Work Session for the Powell Ditch.

President Kuiper congratulated Marcia Carlson for being one of the seven inductees into the Alumni for Lowell High School.

Councilman Philpot wanted to thank Don Huseman for taking his grader out to Freedom Park.

MEDIA QUESTIONS / PUBLIC COMMENTS

Councilman Corns state he had gotten a request from a citizen to have a citizen's walk light installed on Joe Martin Road and Rt. 2 because he has lost a lot of his vision. He wanted to know what could be done. Mr. Shook stated he would contact INDOT.

Councilman Corns stated he has also gotten calls regarding the algae in the pond at Evergreen Park. Mr. Shook stated they have contracted out to have someone come in and treat the algae which will be done in early May.

President Kuiper stated there has been some information regarding the Old School and he will let the Attorney explain it. Attorney Sobkowski explained the property next door at 525 E. Main was offered a tax sale. As a result of the tax sale process the County ended up with a tax sale certificate for the property and an assignment for the tax sale certificate from the County to the Town of Lowell. He will still have to take some action to perfect the Town's title in the property but this is a big first step toward the town becoming owner of the property. President Kuiper asked if there is still a time frame where the taxes could still be paid. Mr. Trulley stated there is a ninety-day grace period where the owner has to pay the total amount of the taxes. He further stated Gerry Scheub went out of his way to help with this process. Councilman Corns wanted to know if they still had to wait for the DNR report before any demolition could take place. Attorney Sobkowski stated yes if they were going to use federal funds. President Kuiper stated that whether or not the owner pays the taxes or not, it will not stop demolition.

Councilman Earley stated due to some of the discussion they have had with the downtown merchants and the Redevelopment Commission the Police Department is going to implement a new community-policing program in the beginning of May. What this hopefully will do is create a relationship with the Police and the merchants by being able to talk to the officer about any issues they may have. President Kuiper asked if there was any possibility of this growing to include other merchants outside the downtown

area. Assistant Chief Scott Tokach explained they were going to start in the downtown area and then move forward throughout the year to talk to everyone as much as they can.

Councilman Parker stated at the April 12th Plan Commission meeting he recommended they have an executive session with the Town Council to talk about what the legal ramifications were with developers and engineers who come in and get approval from the Plan Commission and then do something totally different or don't complete what they said they would.

Melanie Csepiga, The Times, wanted to know if there was a timeframe for demolition on the building next door. Attorney Sobkowski stated not until the funds are freed up. Ms. Csepiga asked if they had any idea when that might happen. Susan Peterson stated the agreement has been signed but is still has to go to Washington D.C. Ms. Csepiga wanted to know what Mrs. Toomey's first name was and what was the name of the property owner at 101 N. Nichols.

Angie Fletcher, The Lowell Tribune, asked when the community-policing program would begin. Councilman Earley stated May 1st.

Don Huseman, 362 Gwen's Cove, stated he has gotten calls regarding Freedom Springs as you drive into Freedom Springs the first left in the cul-de-sac and the second house there is a culvert that comes across the County road there is water coming from Northmeadow Subdivision and running into Freedom Springs and not the pond on the corner.

Carl Ferro, 1310 Harrison, stated three or four years ago they tried to have the Police walk in the downtown area and have never saw them since. He asked what makes them think it would work again when they could not do it four years ago. Councilman Earley stated now they are going to do it now. Mr. Ferro again? Councilman Earley now they are going to do it now. Mr. Ferro for what, there were the same guys on the department then, what's different now? Mr. Ferro I just don't understand, they to say what they are going to say but they never do it. Councilman Earley asked what he would like us to do down there. President Kuiper stated one at a time here Carl will say something and Craig will respond. Mr. Ferro I am just trying to understand what happened four years ago. President Kuiper stated Carl that is your question, what happened four years ago, Scott can you answer that. Assistant Chief Scott Tokach stated it was done four years ago and it was successful and we got a good response Carl Ferro interrupted What? President Kuiper asked are you going to let him respond hold on a minute, Scott continued we helped out the downtown businesses, Carl Ferro interrupted You did what did you do for us? Phil let him finish, Carl Ferro, OK you done? President Kuiper when he's finished we will know he's finished, Carl Ferro, I am asking him if he is done now. President Kuiper said Carl, you are not running this meeting and said Scott anything else. Scott Tokach continued we extended it to the residential areas too at the same time and we do different programs in the Parks and the Library, once a year they have a national program. Mr. Ferro, so now can I respond what have you done? President Kuiper stated you can respond to me. Mr. Ferro you are not a cop, he is. President Kuiper stated you asked him

a question and he answered. Mr. Ferro where were you I never saw you for four years, one time you came with business cards and I never saw him since on the street. President Kuiper stated you are getting angry. Mr. Ferro I am just getting angry with you because you keep interrupting me, come on use your head. Phil laughter. Carl you think it's funny? Phil yes I do. Carl well I'm glad hope this is a good lesson for you because it might be your last. Phil don't get so sensitive. Carl I have a second question for Mr. Sobkowski. Phil do you have a question for our attorney? Carl I can't listen to you anymore. Phil anyone else, anyone else. Carl I still have a freedom of speech. Phil no you don't not anymore if you don't go by our rules, Sir, Sir if you don't go by our rules than you don't have anymore questions. Carl I have freedom of speech that's my constitutional rights. Phil Mr. Bradbury has the floor. Carl I can see that you aren't going to last very long. More laughter. Carl keep laughing.

Ed Bradbury, 574 W. 171st St., wanted to know what was it going to cost to treat the Evergreen Park Pond because it costs him \$145.00 to keep his pond clean and he does rake the top off and it stays clean.

Marcia Carlson, President of the Historic Association thanked the Council for their donation and consideration.

There being no further business or discussion, Councilman Earley motioned to adjourn, seconded by Councilman Corns at 7:41 P.M.

Phillip Kuiper, President

Attest:

Judith Walter, Clerk-Treasurer