

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
AUGUST 13, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday August 13, 2012 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll.

Members present were Craig Earley, Robert Philpot, Phillip Kuiper, Edgar Corns and Donald Parker. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Police Chief John Shelhart, Town Administrator Susan Peterson, Building Official Tom Trulley, two members of the media and twelve citizens.

**APPROVAL OF MINUTES**

Councilman Parker made a motion to approve the July 23<sup>rd</sup> regular meeting and the August 6<sup>th</sup> work session, seconded by Councilman Corns and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated he reviewed White Vouchers #1845 - #1935, White-Police #4133 - #4139, Water #2443 - #2493, Waste Water #3403 - #3435. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Memorial donation - Three Creeks Historical Preservation - Mr. Kuiper read a letter from the Three Creeks Historical Preservation that stated their plans for building a nine foot memorial for the Town which would incorporate some pieces of limestone from the Oakley St. High School. The letter stated the memorial will be displayed at the Halsted House this fall. Clerk-Treasurer Judith Walters stated they were looking for a one hundred dollar donation towards the memorial.

Councilman Corns made a motion to approve the one hundred dollar donation, seconded by Councilman Earley and carried by voice vote.

**MONTHLY REPORTS - July 2012**

Town Administrator, Building Department/Code Enforcement, Water Department, Street Department/Sewer Transmission, Waste Water Treatment Plant, Police Department, Park

Department, Town Court, and Public Works - Councilman Parker made a motion to approve the Monthly Reports for July 2012, seconded by Councilman Earley and carried by voice vote.

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### **STANDING COMMITTEES**

Annexation Committee - Councilman Parker stated there was an opening on the Annexation Committee. He stated Don Huseman had stepped down from his position on the Committee due to personal obligations. Mr. Parker made a motion to have Edgar Corns take his place on the Annexation Committee, seconded by Councilman Philpot and carried by voice vote.

### **UNFINISHED BUSINESS**

Public Works Update - Mr. Shook gave a reminder that there is a JMOB meeting tomorrow at 1:00 PM. JMOB members along with members from the Lowell and Cedar Lake Town Councils are invited to take a tour of the waste water plant at noon before the meeting.

WWTP Improvement Project - Approve Pay Request #16 Payment #4 to Thieneman Construction - \$444,001.77 (\$421,801.69 to Contractor - \$22,200.08 to retainage) and forward to SRF for payment Approve C.O. #1 - \$9,549.70 - removal and disposal and seal pipes - Councilman Earley made a motion to approve the pay request, seconded by Councilman Corns and carried by voice vote.

Mr. Kuiper asked Greg Sobkowski, town attorney, where he was in the process of the 80 acres. Mr. Sobkowski stated the Council needs to decide if they are ready to proceed or not. He stated the fiscal plan contemplates no taxes being paid by the property owner on the bases that they consent to the annexation. He stated if that is the premise we are operating from then we need to approach the property owner. Mr. Kuiper stated he was in contact with the property owner. Mr. Sobkowski stated we need to get something in writing from the property owner before we move forward with the annexation. Mr. Earley asked if there was a time length on the abate of taxes. Mr. Sobkowski stated he believed it was ten years.

### **NEW BUSINESS**

Discuss purchase of one police car from Cum Capital Development Fund and transfer 2008 Chevy Malibu to Police Department - Mrs. Walters stated last year when we purchased new police cars we were able to use the Tax Abatement Fund so there were no tax dollars used to purchase the last two police cars. This year there is no money budgeted to purchase new police cars so they are asking for the purchase to come from our Cum Fund. She stated we are asking that one be paid out of the Cum Development Fund, and the 2008 Chevy Malibu that was purchased for the Town is no longer being used, so we are asking that car be transferred to the

Police Department. Chief Shelhart stated the 2008 Malibu would be used for an administrative car. He stated we have two vehicles nearing 100,000 miles which we would retire. Mr. Corns asked what type of rotation they were trying to maintain. Chief Shelhart stated we are trying to replace two a year to avoid any major repair costs. He stated we usually hit around 100,000

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miles on a couple of cars each year. Mr. Corns stated you're basically talking about seven years if you're replacing two cars a year. Chief Shelhart stated some cars go longer than others depending on the milage, but yes we are trying to maintain that seven year rotation. Councilman Corns made a motion to approve the purchase from the Cum Capital Development Fund and the transfer of the 2008 Chevy Malibu, which was seconded by Councilman Parker and carried by voice vote.

Discuss need for upgrade of federal weather warning systems - Mrs. Walters stated this is to upgrade to the narrow band receiver. The Fire Department Budget does not have it and neither does the Emergency Management Budget, so they are asking for help from the Town. She stated with Mr. Gorbball not being at the meeting, she is not sure if there is a way to split it between the Cum Funds. Councilman Corns made a motion to table the discussion until Mr. Gorbball could make it to a meeting, seconded by Councilman Earley and carried by voice vote.

Mr. Kuiper stated he received a letter from Mr. Tom Vanes asking questions about the fireworks. He had asked if there was a way to stop fireworks from being discharged on the side of the streets. Mr. Sobkowski stated we can not enact an ordinance to govern where fireworks are lit off. He stated the only thing we can govern is dates and times they are set off. However, the state law provides that fireworks can only be set off at a display site, on the user's own private property, or on other property not owned by the user but with consent from the owner. Under that state law, we can ticket people lighting off fireworks on a public streets.

Mr. Kuiper stated from what he gathered at the Fire Territory Work Session, if we proceed with the Fire Territory, that's when we will find out if the Fire Territory is good for what we are trying to do. He stated his question to the Council was if we are willing to proceed to the next meeting and if we are willing to pay our fare share to the attorney. Mr. Kuiper stated he is not asking if you are for or against it, just if you are interested in finding out if it suits our needs. Mr. Earley stated he would be contacting the other Townships to see if they would like to proceed. He stated once he gets in contact with them, he will call another meeting with Mr. Buschman's advice on the outline and what steps need to be taken next. Mr. Earley asked if the Council was prepared to be a part of that next meeting. A discussion followed on what the next steps were for meetings. Mr. Corns stated he is not in favor of proceeding. Mr. Earley and Mr. Kuiper stated they were willing to proceed. Mr. Parker stated he still has more questions, so he is not opposed to having another meeting. Mr. Philpot stated he would like another meeting as well. Councilman Earley made a motion to schedule another meeting with Mr. Buschmann, seconded by Councilman Parker and carried by voice vote with four ayes and one nay.

## **ANNOUNCEMENTS**

Mr. Kuiper stated the next Public Hearing for the 2013 Budget will be Monday, August 27<sup>th</sup> at 6:00PM, and the next regular meeting will be Monday August 27<sup>th</sup> at 7:00PM with a Public Hearing on Annexation as well.

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## **MEDIA QUESTIONS/PUBLIC COMMENTS**

Don Huseman, 362 Gwens Cove, asked after the demolition at Reiter, if there is an air quality permit, why it wasn't posted, and if there was not a permit issued, why doesn't he have one. He also stated there is no silt fence around the back of the project. Mr. Kuiper stated that is something they would have to look in to. Mr. Huseman also asked Mr. Shook for an update on Providence. Mr. Shook stated he did not have an update. Mr. Kuiper asked to make sure that someone followed through on that issue with Joe Kirk the Code Enforcer.

Mr. Corns asked where we are on the Powell Ditch. Mr. Shook replied we have submitted the early coordination to the Army Corp., DNR, and IDEM and we are waiting on replies from them.

Mr. Corns stated he thought we need to push them a little because winter is coming up. Mr. Shook stated he would talk with Roger and see if he knows someone to contact to give a nudge to.

Mr. Corns asked where we are on the old grade school. Mr. Sobkowski stated he just had a conversation with Mr. Trulley about that, and in order to get specs to demolish the building, someone needs to get inside to see what is left. He stated he would write a letter to the property owner's attorney stating we need to get in there to do demolition specs so that she has a certain period of time to get her things. Mr. Sobkowski stated he was going to give her fourteen days to remove her belongings. A discussion followed about where we were in the aspect of getting the funds from the county for the demolition.

## **ADJOURNMENT**

Councilman Parker made a motion to adjourn the meeting at 7:32 PM, seconded by Councilman Corns and carried by voice vote.