

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 24, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, November 24, 2008 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. Present were Council Members Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Public Works Director Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox, one member of the media and eight interested citizens.

**TREASURER'S REPORT**

Councilman Tucker made a motion to approve the Treasurer's Report for October, 2008 as presented, seconded by Councilman Alessia. The motion carried by voice vote. Clerk-Treasurer Walters commented about a recent newspaper article regarding the 2009 budget. She wanted to let the Council know that the town is not on the brink of financial trouble as the article said. This is the first year that the town had to send their 2009 budget to the County Council for review. In the past, it has always gone straight to the Department of Local Government Finance. Last year, a law change required that the Lake County Council has to review the budget and all they do is review it. The County Council placed the Town of Lowell in the red zone, saying the town's projected spending is more than what is being brought in. No one from the county called to ask her about it and she explained that the town advertised the 2009 budget high. There are still cuts to be made in the 2008 budget and she will be providing a resolution to the Town Council to make those cuts in December. Once those cuts are made, she believes the town will be okay. They also know that there will need to be cuts made in 2009 and they are prepared to do that. Council members said that they were not worried about it but Clerk-Treasurer Walters said she was concerned about the article.

**APPROVAL OF MINUTES**

Councilman Huseman made a motion to approve the minutes from the November 10<sup>th</sup> regular meeting, seconded by Councilman Gard. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2194-2243, White Police Vouchers #4158-4173, Water Vouchers #2685-2721 and Waste Water Vouchers #3549-3573 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Huseman. The motion carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Presentation to Town - Toys for Tots - A token of appreciation was presented to the town for allowing a collection box to be placed at the Town Hall for the Toys for Tots program. It was

explained that they work very closely with the Cedar Creek, Eagle Creek, Hanover and Center Township Trustees as well as Lake County Family Services to distribute the toys. They also work with St. Jude House. The program is all volunteer and no one in any of the 50 states receives any payment whatsoever. Their collection boxes do not sustain the program so any donations they receive go toward purchasing additional toys. They use the Cedar Creek Township Trustee's office to distribute the toys and in the past have taken care of about 300 children. Last year, it bloomed to over 600 children and this year they anticipate going beyond that. Distribution time this year is set for December 13<sup>th</sup> from 9 until 6. President Kuiper asked how long the Marine Corps had been involved with the Toys for Tots program. He informed him that they had been involved since 1948 through the Marine Corps Reserves. He asked that monetary donations be in the form of checks made payable to Toys for Tots Quantico. It was explained that the train logo is a registered trademark that was designed in 1947 by Walt Disney for the program.

## **ORDINANCES & RESOLUTIONS**

1<sup>st</sup> Reading - Ordinance #2008-27 - amend Chapter 75 - Traffic Code - President Kuiper read Ordinance #2008-27, an Ordinance amending Chapter 75 of the Town of Lowell Code of Ordinances, making it unlawful for any person to park any vehicle on the paved and traveled portion of any street within the Town for a period of twelve hours after a snowfall of two or more inches. Councilman Gard made a motion to hold over Ordinance #2008-27, amending Chapter 75 of the Traffic Code for second reading, seconded by Councilman Huseman. Discussion followed about notifying the public. The media was requested to put the information in the newspapers and Clerk-Treasurer Walters said it would be put on the water bills. The motion carried by voice vote.

Resolution #2008-21 - transfer of funds - Law Enforcement Training - President Kuiper read Resolution #2008-21 to transfer \$700 within the Law Enforcement Training Fund. The transfer does not affect the balance in the fund. Councilman Gard made a motion to adopt Resolution #2008-21, seconded by Councilman Alessia. The motion carried by voice vote.

## **UNFINISHED BUSINESS**

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer Easements.

Director Shook reported on the Burr Street/State Road 2 project to update the Council. He said that he spoke with DLZ today and they will have their agreement ready by the next Council meeting. Once an agreement is reached with DLZ to do the construction inspection, the agreement will be turned in to INDOT and they will issue a notice to proceed to Gariup Construction. President Kuiper commented that there had been some question about additional funds being needed for the project since prices had increased over the past couple of years. He said that Councilman Alessia had made a couple of phone calls to NIRPC and the town will be getting the additional funds. Director Shook stated that from what he has seen that has come back from INDOT, that portion of construction costs that was over will be 90/10%. He has been trying to speak to the INDOT representative to confirm that, but he has not actually gotten confirmation yet. The town will have to pay the construction inspection costs, which is

anticipated to be just over \$100,000. Director Shook reported that DLZ has informed him that the project should start around March, 2009 and will hopefully end in July.

Road Salt - Director Shook stated that even though we haven't had any snow yet, he wanted to make everyone aware of the salt situation due to the increase in price. The town has salt which has been mixed 50/50 with slag sand. He asked the public to drive aware and try to slow down a little bit because the town will be trying to stretch the salt supply the best it can. Councilman Huseman said he thought he heard that the Town of Dyer was limiting their snow plowing time from 8-4 to avoid overtime costs.

### **Tabled from previous meetings:**

7/14 - Release Letter of Credit for engineering for water main extension - KM&N - President Kuiper asked Director Cox where things stand with this matter. Clerk-Treasurer Walters explained that they want their bond back but the town does not have an agreement with them. The item remains tabled until an agreement is reached.

8/25 - 2<sup>nd</sup> Reading - Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements - The item remained tabled.

### **NEW BUSINESS**

Permission to bid out project for water/sewer distribution building - Director Shook reported that the water distribution garage is located on Liberty Street and sits under the water tower. The garage is very small compared to what is actually needed. In order to get all of the equipment in the garage, one of the backhoes has to be parked sideways and the dump truck has to have the back end parked through a doorway into the back room. The biggest problem now is that the roof has several leaks in it. In the back part of the garage, one of the ceiling joists has fallen and is going to come completely loose. He had Director Cox and Mr. Trulley come take a look at it and see what it would take to put a pitched roof on the building. The cost to do that would be approximately \$50,000, which they thought was a lot of money to put into an old building. He said some of the Council members were in office back when they discussed that the Street garage is also very limited on space. He reported that after discussion, some of which was with Clerk-Treasurer Walters, they decided to look into what it would cost to build a new building. A pole-type structure, the same size as the current building, with a concrete floor, electric and some plumbing was going to be approximately \$100,000. Looking at a bigger building which would be big enough to put the sewer equipment in, freeing up space at the Street garage, the cost would be approximately \$150,000. They are proposing specing out and taking bids on a pole-type building with a concrete floor, some electric and some plumbing. They would put the water and sewer department vehicles in this particular building and the cost would be split between water and sewer at approximately \$75,000 each. Several years ago, the town considered selling the old water plant property when the Town of Schneider expressed an interest in the old oxidation tower. Since that time, they have informed Director Shook that they have put that project on the back burner and are no longer interested in the oxidation tower. He suggested again looking into the possibility of selling the old water plant to help pay for the new building. Director Shook said that Attorney Sobkowski recommended updating the old appraisals that were done several years ago on the old water plant building so he will take care of contacting the same appraisers that did it last time to see if they can just be updated. If a new building is put in, they will do the

demolition of the old building in-house, which will save some money on that end of it. Councilman Gard made a motion to grant permission to spec and bid out the project for a water/sewer distribution building, seconded by Councilman Huseman. Councilman Huseman asked if some of the work could be done in-house to reduce the cost. Director Shook explained that some can be done in-house and some cannot. For example, since it is a public building, the plumbing has to be done by a licensed plumber. The work that can be done in-house will be. The work that cannot be done in-house will be bid in the project as part of the total cost. The motion carried by voice vote.

Act on favorable recommendation from Plat Committee:

Freedom Springs - accept Letter of Credit #5179671 - \$283,548 - President Kuiper read a letter of favorable recommendation from the Lowell Plat Committee to accept Letter of Credit #5179671 in the amount of \$283,548 for Freedom Springs. Director Cox requested the acceptance of the maintenance bond and the improvements that were installed that have been inspected and approved by the town. Councilman Huseman made a motion to act on the favorable recommendation of the Lowell Plat Committee to accept Letter of Credit #5179671 in the amount of \$283,548 for Freedom Springs and the installed, inspected and approved improvements, seconded by Councilman Tucker. The motion carried by voice vote.

President Kuiper stated that Cedar Lake would like to meet with the Council next week in Lowell. Director Shook explained that at the JMOB meeting that took place earlier in November, there was some discussion regarding the acti-flow process to handle peak flows when it rains. He said that when Mr. Guerrettaz made his presentation of the capital improvement plan, the acti-flow system or expansion of the waste water treatment plant was part of that presentation. Since that time, he, WWTP Superintendent Terry Wright, Cedar Lake Town Administrator Ian Nikolini and Cedar Lake's engineer all toured a facility in Greenfield, Indiana that installed the acti-flow system. He said it looks like it works very well. The Cedar Lake Council wants to meet with the Lowell Council to discuss the options, acti-flow versus biological treatment, and what the costs are. He suggested having Mark Downey of Commonwealth Engineers at the meeting since he can explain the process better than anyone else. Director Shook said that Mr. Nikolini informed him that the last joint meeting was held in Cedar Lake so it was Lowell's turn to host a meeting. Cedar Lake asked that the Lowell Council choose a couple of dates and they would try to make one of those dates. Following discussion, it was determined that Monday, December 1<sup>st</sup> would be the best day next week if Mark Downey could make it.

## **ANNOUNCEMENTS**

President Kuiper announced the next regular meeting on Monday, December 8, 2008 at 7:00 P.M., at which time a public hearing will be held regarding Water & Wastewater Rates and Charges.

President Kuiper congratulated the Lowell High School football team for a good season.

## **MEDIA QUESTIONS/PUBLIC COMMENTS**

Councilman Huseman asked for a briefing on the meeting regarding the Powell Ditch. President Kuiper reported Mr. Carlson was very cordial and agreed to allow Mark Downey and Greg Shook go on their property. They already did some televising last week to further get into the situation and come back with a recommendation. Director Shook reported that he met with Mr. Campbell on Hilltop Drive that morning to explain how the meeting went and to look around his property to review the situation. President Kuiper said that they acknowledged completely that they know there is a problem. Director Shook said that the Lake County Surveyor's Office sent a couple of representatives, one of whom was Dan Gossman. Mr. Gossman said that this week, they would start looking along Cedar Creek for any kind of obstructions and get those removed to make sure that Cedar Creek can take the water once it gets there. President Kuiper reported that Mr. Gossman informed them that there are only two people doing that job and they really rely on the public to notify them of problem areas. Director Shook added that Mr. Gossman told them they have 600 miles of ditches and creeks that they oversee. Councilman Huseman asked if they are only going to look at Cedar Creek and not the Powell Ditch. President Kuiper explained that Mr. Gossman said that they can work hand in hand since the Powell Ditch empties into Cedar Creek. Director Shook added that Mr. Gossman made a point at the beginning of the meeting that the Powell Ditch is not a legal drain, but once it dumps into Cedar Creek, it is their jurisdiction.

Councilman Gard made a motion to adjourn, seconded by Councilman Huseman at 7:28 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer