

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
AUGUST 25, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, August 25, 2008 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed with President Kuiper asking the audience to remember Joe Mika. Clerk-Treasurer Judith Walters called the roll. Present were Council Members Donald Huseman, Shane Tucker, Phillip Kuiper and David Gard. Council Member John Alessia was absent. Also present were Town Attorney Greg Sobkowski, Town Administrator Susan Peterson, Police Chief John Shelhart, Community Development Director Wilbur Cox, Code Official Tom Trulley, two members of the media and ten interested citizens.

**TREASURER'S REPORT**

Councilman Huseman made a motion to approve the Treasurer's Report for July, 2008 as presented, seconded by Councilman Gard. The motion carried by voice vote. Clerk-Treasurer Walters updated the Council on the 2009 Budget by reporting that she and the financial consultant had met with all department heads and have budgets ready. The state has changed the dates for adopting budgets. In the past, budgets had to be adopted by September 30<sup>th</sup>, but they have extended it this year until December 1<sup>st</sup>. As a result, the financial consultant has recommended taking the next 60 days, hoping an approved 2008 budget is received within that time that would provide better figures to work from. She said budget hearings would probably be held in November.

**APPROVAL OF MINUTES**

Councilman Gard made a motion to approve the minutes from the August 11<sup>th</sup> regular meeting, seconded by Councilman Tucker. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1835-1905, Water Vouchers #2482-2509 and Waste Water Vouchers #3395-3418 and recommended them for approval. Councilman Tucker made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Thank you for assistance during storm - Town of Highland - President Kuiper stated that after the tornado hit Highland, they heard that the town could use some help and the Town of Lowell sent a crew to Highland for several days. President Kuiper read a thank you letter from the Town of Highland for the assistance that was provided.

President Kuiper stated that State Representative Shelli Vandenburg contacted him the other night and was asking questions about the town. She has written a letter to INDOT regarding the unsafe intersection at Burr Street and Route 2, requesting a minimum of upgraded traffic lights with turn signals. She included a request for curbs along Route 2 as soon as funding can be made available. She indicated she felt it was a matter of public safety and requested a meeting with INDOT officials as soon as possible.

## **ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> Reading - Ordinance #2008-17 - Amending Town's Purchasing Policy - Councilman Gard made a motion to adopt Ordinance #2008-17, Amending the Town's Purchasing Policy, by name and title only, seconded by Councilman Huseman. Councilman Huseman asked if this was the ordinance they were going to add a few extra words to as was discussed at the previous meeting. Attorney Sobkowski stated that upon reviewing the minutes from the previous meeting, there was a request to insert the language 'any and all' with regard to rejecting quotes. He explained that the language that is currently in the ordinance is from the town's existing purchasing policy. The public purchasing statute does not say reject any and all quotes, it says the same thing the current purchasing policy says. This is to either accept the lowest responsive quote, may reject all quotes or if a valid quote is not received the purchase may be made in the open market. This is state statute and he would not recommend inserting the phrase 'any and' because it does not appear to be consistent with what the state purchasing statute says. He said the town policy now says the town must reject all quotes. They could make it permissive and say the town may reject all quotes since that is the language in the state statute. Councilman Huseman asked what if they wanted to reject one or two of the quotes and not all of them. Attorney Sobkowski explained that it does not prohibit the town from rejecting a quote which does not comply with the specs. The town has the right under the statute to reject an individual quote that is not responsive. He gave the example if the quotes come in too high and the town wanted to reject all of the quotes to re-bid it after changing some of the specs to tighten them up or eliminate some things. The language in the proposed ordinance is consistent with how the state law reads so he did not think the Council should make the modifications as suggested. Roll call vote carried with four ayes.

2<sup>nd</sup> Reading - Ordinance #2008-18 - Amending Chapter 150 - Revocation of Registration - Councilman Gard made a motion to adopt Ordinance #2008-18, Amending Chapter 150 - Revocation of Registration, by name and title only, seconded by Councilman Huseman. Roll call vote carried with four ayes.

2<sup>nd</sup> Reading - Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements - President Kuiper asked if it would be appropriate to request that the second reading on Ordinance #2008-19 be tabled. He said he has concerns with the store front windows being open. He said he received a phone call today with some suggestions of what could be done as an alternative. He said he would like to have more discussion on the matter before making a decision. Councilman Huseman made a motion to table, seconded by Councilman Tucker. The motion carried by voice vote.

2<sup>nd</sup> Reading - Ordinance #2008-10 - Additional Appropriation - Adult Probation Fund - Councilman Tucker made a motion to adopt Ordinance #2008-20, An Additional Appropriation to the Adult Probation Fund, by name and title only, seconded by Councilman Gard. Roll call

vote carried with four ayes.

## **UNFINISHED BUSINESS**

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests; Water Infrastructure Improvement Plan; East Side Sewer Project; Streets/Sidewalks.

Act on agreement with INDOT for Rt 2/Burr Street Project - Councilman Gard made a motion to accept the agreement with INDOT for the Rt 2/Burr Street Project, seconded by Councilman Huseman. Councilman Huseman asked if there was any updated information regarding when this might start and the status of funding. Clerk-Treasurer Walters reported that NIRPC did not hold a meeting in August so they should know in September about their funding, she thought the project was going out for bid in September and she did not know a start date yet. The motion carried by voice vote.

Tabled from previous meetings:

7/14 - Release Letter of Credit for engineering for water main extension - KM&N - The item remained tabled.

## **NEW BUSINESS**

Permission to sell 1995 Ford Taurus - Councilman Huseman made a motion to advertise the sale of the 1995 Ford Taurus, seconded by Councilman Tucker. The motion carried by voice vote.

Discuss waiving transient merchant license fee for Dog Park Opening 10/18 - Clerk-Treasurer Walters reported that on the day of the grand opening of the Dog Park on October 18<sup>th</sup>, they are having a fair at Freedom Park and they are inviting vendors to take part. According to the ordinance, any vendor in town would have to get a transient merchant license. They are requesting that the license fees be waived. She informed them that the vendors would still have to complete the license application paperwork, they just wouldn't charge them the fee if the request was approved. Councilman Gard made a motion to approve the request to waive transient merchant license fees for the Dog Park opening, seconded by Councilman Huseman. The motion carried by voice vote.

Discuss waiving building permit fees for Rebuilding Together 9/13 - Town Administrator Peterson reported that this is Christmas in September, which will be held on September 13<sup>th</sup> in Lowell. She knows that there is going to be at least one building permit and perhaps two needed for the work that is planned for that day. One house needs a complete new electrical service and an electrical drop. At the same house, the existing porch is going to be taken off of the house and a handicap-accessible porch is going to be built in its place. That work would require two separate permits. There is also another house that is going to get roof repair, but they are not sure how extensive the work will be. They know they have to go down to the plywood, but they won't know if they need to replace sheeting until they begin the project. Councilman Gard made a motion to waive the building permit fees for the Rebuilding Together project on September 13, seconded by Councilman Huseman. The motion carried by voice vote.

Act on favorable recommendation from Plan Commission:

Adoption of New Town Standards - Director Cox reported that the Plan Commission has forwarded favorable recommendation that the Town Council adopt the new Town Standards that they have been working on for quite a while. There are a couple of things that still need to be completed, but they need to get rid of the old standards and get the new ones adopted. The Plan Commission will then forward the amendments as they complete them. This will bring up-to-date many things that have been out-of-date. President Kuiper asked if there would be a lot to amend and Director Cox said no. Councilman Huseman made a motion to act on the favorable recommendation from the Plan Commission to adopt the new Town Standards and prepare in ordinance form, seconded by Councilman Tucker. The motion carried by voice vote.

Act on favorable recommendation from Plat Committee:

Preserves Subdivision Phases 3 & 4 - release cash escrow and accept Letter of Credit #55642596 - \$46,200 & approve Voucher #1906 - Councilman Tucker made a motion to act on the favorable recommendation of the Plat Committee to release the cash escrow and accept Letter of Credit #55642596 in the amount of \$46,200 for Preserves Subdivision Phases 3 & 4 and approve Voucher #1906, seconded by Councilman Gard. The motion carried by voice vote.

Town Hall roof repairs - President Kuiper stated that the Town Hall roof is in very bad shape and Tom Trulley has been working to come up with some type of solution. Mr. Trulley reported that they discussed the project with contractors on how to do the roof in the most economical way since the town cannot afford to remodel the entire building. They came up with putting down a rubber membrane or PTO membrane over the top on the flat part and re-doing the metal on the Mansard with new gutters. They got three bids and the bid that he felt was the most economical and the best prepared was from AMH Roofing. He said he received a bid from one contractor that had the lowest price, but nothing was spelled out in the bid as to what materials would be used or what type of work would be done. Further checking determined that the contractor had only done one other commercial roof and he did not feel safe with that bid so he went with the next lowest bid. Mr. Trulley explained that AMH had two different materials listed in their bid. The black rubber membrane was in the amount of \$49,500 and the white PTO membrane was in the amount of \$54,800. He stated that since the roof is flat he felt it would be in the best interest of the town to go with the white PTO membrane since it would reflect the heat of the sun instead of going with the black membrane which would absorb the heat into the building. Council members asked Clerk-Treasurer for funding information. She explained that the only place funds were available is the CCD Fund. They have been trying to build up that fund but she didn't think they had any choice since every time it rains more ceiling tiles are getting ruined from the leaks. She said she has a temporary loan out which will have to be repaid and the money will come from the CCD Fund. Mr. Trulley said they patched the deck in the spring and it started leaking about three months later. The roof has a membrane on it that is just a coating and the screws that go into the framework are working through the coating, allowing the water to get underneath the membrane. Eventually, this will rust out the deck which would require replacement of the entire deck. Discussion followed about the possibility of saving and re-using the aluminum gutters that were just replaced a couple of years ago. Councilman Huseman made a motion to approve AMH Roofing with the stipulation to check the gutters to see what can be re-used, seconded by Councilman Gard. Attorney Sobkowski asked that the minutes reflect that the low bid from Precision Exteriors was rejected because it was not responsive by not having

enough detail. The motion carried by voice vote.

### **ANNOUNCEMENTS**

President Kuiper announced that the Harvest of Fun Festival and the 89<sup>th</sup> annual Labor Day Parade are being held this coming weekend.

President Kuiper announced the next regular meeting on Monday, September 8, 2008 at 7:00 P.M.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

A member of the media asked about the Rt 2/Burr Street project. She asked what length of time they have been working on the project and she was informed that it was at least eighteen months. She asked if the NIRPC grant is received, where would the balance of the approximately \$55,000 come from to pay for the project. Clerk-Treasurer Walters explained it would come out of the Gaming Revenue Fund.

Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:30 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer