

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
MARCH 23, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, March 23, 2009 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, Police Chief John Shelhart, Community Development Director Wilbur Cox, one member of the media and six interested citizens.

**TREASURER'S REPORT**

Councilman Gard made a motion to approve the Treasurer's Report for February, 2009 as presented, seconded by Councilman Alessia. The motion carried by voice vote.

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the minutes from the March 9<sup>th</sup> regular meeting, seconded by Councilman Huseman. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1336-1398, Water Vouchers #2148-2181 and Waste Water Vouchers #3118-3147 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

President Kuiper recognized Officer Woestman who was in attendance and explained that last week, he was awarded a \$5,000 scholarship for the Police Department. Chief Shelhart explained that every year there is an annual awards banquet recognizing police officers throughout the county for outstanding achievements and departments for different initiatives that they have done throughout the year. Lowell was fortunate, through the efforts of Corporal Woestman, to have won this year because last year they had undertaken the task of completely re-writing the Emergency Operations Plan for the town. That was submitted to the Calumet College of St. Joe as an initiative that Lowell had done and Lowell was recognized with a \$5,000 scholarship that can be utilized by any of the officers that are attending the school toward their education. There are seventeen different departments throughout the county and he felt Lowell was fortunate to be recognized for such an outstanding achievement and it was Corporal Woestman's hard work that put that plan together. He thought it was good to recognize Corporal Woestman for that effort. President Kuiper called Corporal Woestman to the front for photographs and congratulations.

## **ORDINANCES & RESOLUTIONS**

Resolution #2009-04 - Temporary Loan to General Fund - President Kuiper read Resolution #2009-04 for a temporary loan from the Gambling Revenue Fund to the General Fund in the amount of \$150,000. Councilman Gard made a motion to adopt Resolution #2009-04, seconded by Councilman Alessia. The motion carried by voice vote.

## **UNFINISHED BUSINESS**

Public Works Department Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer Project, Streets/Sidewalks.

Burr St/Rt 2 Project - Forward Invoice #68387 to DLZ Engineering to INDOT for payment - Director Shook requested approval to forward invoice #68387 received from DLZ Engineering in the amount of \$1,407.93 to INDOT for payment. The process will work similar to an SRF loan in that all of the bills for the Burr Street/St Road 2 Project will come before the Council for approval then forwarded to INDOT for payment. Councilman Huseman made a motion to approve invoice #68387 from DLZ Engineering and forward to INDOT for payment, seconded by Councilman Tucker. The motion carried by voice vote.

Councilman Huseman said he would like to thank Director Shook and his men for working on a water main on Main Street over the weekend. Director Shook stated that Duane Alverson, Lake County Highway Department, will be coming out to inspect the culvert. They think there may be a problem with the culvert and that the culvert may have moved somewhat and has pushed the culvert up into the water main. President Kuiper also noted that with respect to the discussion that took place at the last regular meeting regarding the Hilltop area, the Public Works staff has dug the ditches back along Hilltop and hopefully that will provide some relief.

IAC & INDOT - Director Shook reported that the town had received notice that IAC is working with INDOT and the state purchasing department and they are all getting together and looking at the road salt situation for next winter. There are a number of communities throughout the state that are in the same situation that the town is in and there has been a lot of discussion about why they all can't purchase salt through the state's bid, like they do squad cars and other equipment. They are going to hold a teleconference regarding the subject and communities can join in and listen to what is being proposed on Friday from 10 to 11. He said he plans on joining and listening in with Street Superintendent Lovely and Clerk-Treasurer Walters. After the teleconference, the state will be sending a notice out in early April. The town will then have five to seven days to decide whether or not to participate. At that time, the town will have to guarantee taking a certain amount of salt. Currently, they are discussing 80% of what is requested. For example, if the town requests a thousand ton, they have to take at least eight hundred, but they can go up to about 120% if it is needed. Part of what the teleconference is about is discussion on how it is going to be negotiated. Since there will only be five to seven days to decide after notice is received, the Council will either have to call a special meeting or grant permission for Council President Kuiper, Clerk-Treasurer Walters and Director Shook to get together, discuss it and make a decision. He suggested that President Kuiper could poll the Council for their input after the teleconference takes place. Council members indicated that they

were in agreement with the suggestion.

## **NEW BUSINESS**

Enter into annual agreement for 2009 with Keithley Farms for weed control at Wastewater Property - President Kuiper read a letter of request from Tom Keithley to once again enter into an agreement for 2009 for weed control at the Wastewater property in the amount of \$500. Councilman Huseman made a motion to enter into the annual agreement for 2009 with Keithley Farms for weed control at the Wastewater property in the amount of \$500, seconded by Councilman Gard. It was noted that the amount is the same as last year. The motion carried by voice vote.

Act on favorable recommendation from Plan Commission: Accept \$80,984.90 Letter of Credit No.5181262 and personal guarantee - Heritage Falls - President Kuiper read a letter of favorable recommendation from the Lowell Plan Commission to accept the \$80,984.90 Letter of Credit No. 5181262 and a personal guarantee in lieu of a letter of credit for Maintenance requirements in the amount of \$200,000 pending approval by the town attorney for Heritage Falls Phase I. Attorney Sobkowski reported that he had received a form of personal guarantee which he revised and submitted back to counsel for the developer. The personal guarantee has now been signed by all of the owners of the LLC and by their spouses. He recommended approval, subject to correcting the one personal guarantee where some language got dropped for some reason. Councilman Gard made a motion to act on the favorable recommendation from the Plan Commission for Heritage Falls Phase I, seconded by Councilman Alessia. The motion carried by voice vote.

## **ANNOUNCEMENTS**

President Kuiper announced the next regular meeting to be held on Monday, April 13, 2009 at 7:00 P.M.

## **MEDIA QUESTIONS/PUBLIC COMMENTS**

Councilman Huseman asked about the meeting regarding Powell Ditch. Director Shook reported that the conclusion from the meeting is that Commonwealth Engineers is going to go back and do a lot more detail on Powell Ditch, as far as modeling it to go along with the floodway of Cedar Creek. They will then come back with proposals. If they were to try to carry all of the water from a 100 year rain, it would take four 60 inch pipes. Councilman Huseman asked why it was not a legal drain and where else is that water supposed to go. Director Shook said that it was his understanding for it to become a legal drain, that is a county issue. If it is a legal drain, it is controlled by the County Surveyor's Office. If it's not, it comes through town so it is the town's. Councilman Huseman asked if the town made it a legal drain by adding storm sewers. President Kuiper commented that it is a ditch that just stops. Director Shook pointed out that Evergreen Pond ends up going through Powell Ditch because the overflow from Evergreen Pond goes across the highway to the ditch behind the cemetery and the library, which comes down to Prairie, back across State Road 2 in front of Mid Town Plaza and ends up in Powell Ditch. If they do Joe Martin Road and take more water off of there, it is going to send it down Powell Ditch. They also do have Commonwealth Engineers going back to look at Joe Martin Road and that will play into it.

Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:13 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer