

**LOWELL TOWN COUNCIL
REGULAR MEETING
MAY 11, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, May 11, 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. Members present were Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox, Police Chief John Shelhart, two members of the media, and nine interested citizens.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the April 27rd regular meeting and the April 30th executive session, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1541-1616, White Police Vouchers #4056-4063, Water Vouchers #2254-2289 and Waste Water Vouchers #3208-3234 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.

MONTHLY REPORTS

Councilman Alessia made a motion to accept the monthly reports from April, 2009 as presented, seconded by Councilman Gard. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2009-05 - Amending Chapter 71 & 72 - Traffic & Parking
2nd Reading - Ordinance #2009-06 - Amending Chapter 75 - Parking Schedule - President Kuiper stated that they had tabled the second reading on these ordinances. He said he has had some discussion with merchants, tenants and others and had a proposal that would be up for discussion. He proposed to amend the permit fee to \$25 per year or \$5 per month which would guarantee a parking spot. This is something that was never in the previous ordinance and would be that person's spot to park in for the permit period. He also proposed taking out the side street parking restrictions and see how that goes. Councilman Huseman proposed creating certain areas on side streets where parking would be allowed and certain areas where parking would be restricted. President Kuiper said he was proposing not doing anything for now and see how it goes. He said the reason this was brought up was because of concerns about people choosing to park on side streets if they thought they might get a ticket from parking in the parking lots. He

said he didn't know if that would happen or not and if it does happen, the Council can re-visit the matter. Councilman Alessia asked if there would be a certain number of parking spots allocated based on the number of dwelling units downtown. President Kuiper said it would be the number of parking spots that the tenants needed and asked if that addressed Councilman Alessia's concerns. Councilman Alessia explained that since they would be using the north and south municipal parking lots, his question was would the parking spots be prime spots or out in the distance. Chief Shelhart said he assumed they would be as close as possible to the buildings for the residents since they are the ones that need to have the access. President Kuiper said some shop owners said the tenants should park up close and other shop owners said the tenants should park in the back since customers should park up close. Councilman Alessia said he thought the suggestions made by President Kuiper were good and an effective effort to try to make it work for everyone, but he is not sure you can make it work for everyone. He said he would be disappointed if six months from now, the ordinance takes a beating because they tried to make a good compromise. Councilman Tucker asked for clarification if they were talking about the north and south parking lots or Route 2 in front of the merchants. President Kuiper said he was proposing using the north and south parking lots, not in front of the stores. Councilman Huseman asked for further clarification of the discussion. President Kuiper said that the current ordinance allows for parking permits to be issued for \$10 per year and parking fines are \$10. Very few people buy permits. He was proposing leaving the fines as they were originally proposed (\$25 for the first offense, \$50 for a second offense occurring within 90 days, \$100 for a third offense occurring within one year, and \$250 for each subsequent offense occurring within one year). The original proposed ordinance had a parking permit fee of \$100 per year and he was proposing reducing that to \$25 per year. The current ordinance at \$10 per year does not guarantee a parking spot. He was proposing a guaranteed parking spot for the \$25 per year. Councilman Alessia asked Chief Shelhart if this would help with the enforcement issues. Chief Shelhart said he expected it to because people will get permits and it gives a mechanism to enforce if people are parked in the lots between the hours of 3:00 AM and 7:00 AM without permits. Councilman Huseman questioned the concern about overnight parking. Chief Shelhart said that the whole ordinance should be done away with if the Council did not want enforcement of overnight parking without permit. Discussion followed about the purpose of the original ordinance. President Kuiper said that there has been an abundance of complaints and the Police Department has tried several different things and he felt this is just another tool to try to help them. Councilman Gard said he felt like the compromise is a good start. He said to start somewhere, give it some enforcement guidelines because some guidelines are needed and there is always latitude from there. Councilman Gard made a motion to change the parking fee to \$25 per year or \$5 per month, guarantee a parking spot, leave the fines as originally proposed and remove the side streets from the ordinance, seconded by Councilman Tucker. Councilman Huseman asked if any tenants had any comments on the ordinance. President Kuiper said he had spoken to one tenant, who actually sought him out for the purpose of finding out when the change would go into effect. The tenant said he did not have an issue with the original proposal and thought it was a good idea. Councilman Alessia said that signage would be needed, which will cost the town some expense. Director Shook reported that there are currently signs in the parking lots. Discussion followed regarding possible ways to mark the guaranteed parking spots. Director Shook stated that there are signs for designated parking spots on the east side of the south parking lot. When he first started working for the town, the spots were designated toward

the front parking lot. At some point, a similar discussion had taken place and the parking spots were moved to the back of the parking lot. He suggested marking the permit numbers on the existing signs and seeing how it works. They can always be moved at a later date. Attorney Sobkowski asked if the motion was to adopt the ordinance as amended or to direct the amendments to be prepared to be adopted at the next meeting. President Kuiper said he thought it was to adopt it as amended. Roll call vote carried with five ayes. Clerk-Treasurer Walters asked if they are doing away with Ordinance #2009-06 completely. President Kuiper said that was correct. Councilman Huseman asked if they would be discussing the amendments once they are done. President Kuiper said the ordinance has been passed. Councilman Huseman commented that he felt some public input would be a good idea. Councilman Alessia said he did not disagree, but the ordinance has been held over for a month and in a perfect world, people would come forward and only a few people have. President Kuiper said he actually reached out to people by taking the proposed ordinance downtown and that is how he got the input he got.

Resolution #2009-11 - Authorizing the Town of Lowell to enter into an agreement with Lake County in undertaking Community Development Activities - President Kuiper read Resolution #2009-11. Councilman Gard made a motion to adopt Resolution #2009-11, seconded by Councilman Alessia. The motion carried by voice vote.

Execute cooperation agreement for CDBG Funds for FY 2010, 2011 and 2012 - President Kuiper said this is the same agreement as in previous years. Councilman Alessia made a motion to execute the cooperation agreement for CDBG Funds for FY 2010, 2011 and 2012, seconded by Councilman Gard. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Nothing was reported for the following: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer.

Bridge on Main Street - Director Shook reported that the bridge on Main Street is and has been closed by the Lake County Highway Department. He contacted the engineering department today and spoke with Duane Alverson, who informed him that a consultant had come and looked at the bridge last week. He was hoping to know more this week but had not heard yet. If the consultant advises them that they can open up one lane again, they will open up one lane. They have determined that the bridge will have to be completely replaced. It is considered an emergency and they are trying to push it through as fast as they can.

Stimulus Funds - Director Shook reported that the town has made application through Congressman Visclosky's office for grants for a water tower, curbs and sidewalks on State Road 2 and paving for Nichols Street and Mill Street. Those are what INDOT considers our thoroughfares in town, or at least the two that they thought were the worst. Then directly through the American Recovery and Reinvestment Act (ARRA), the town has made applications through the SRF for the WWTP expansion, the water meter change-out program. They also have put in for curbs and sidewalks along State Road 2, hoping to get the funding for that project one way or another. Through ARRA, they have received a designation number for INDOT so it is on the

list. He has spoken with Commonwealth Engineers and they are in the process of finishing the final plans to get those submitted so they should know something on that within the next 30 days.

Paving - Director Shook referred to a memo that he provided to Council members regarding paving as a result of the discussion that took place at the last regular Council meeting. He had Street Department personnel drive through town to inspect streets and prepare a list that graded streets from needing work, bad and worst. From the list of the worst streets, Director Shook narrowed it down to sixteen streets. There are another ten that really need some work, but the sixteen that they chose were the very worst. Those sixteen streets comes up to almost two and a half miles of street. Calculating on \$72 per ton, which is based on 2007 costs when paving was last done, the cost estimate is \$248,000 for the sixteen. He has another ten, but it just depends on how much the Council wants to put into paving this year. He said they also discussed curbs. There are a lot of curbs in town that are bad. Some go up and down, some have come completely up out of the ground and some are missing, but it is kind of a patchwork type of thing. He recommended that the Council designate a separate portion of money, such as \$20,000 or \$30,000 for a curb replacement program where they would go out to concrete contractors for quotes on getting some replacement curb work done. He spoke to a local concrete contractor and according to preliminary figures, it looked like it would be somewhere around \$20 a foot, so 1,000 feet would cost approximately \$20,000. The first priority would be to inspect the curbs along the streets that would be paved so bad sections of curbs could be repaired before paving. Whatever amount of money the Council sets aside could be used for curb work in other locations where they find bad curbs. Councilman Alessia asked how much they had discussed to spend on paving. President Kuiper said he thought they had discussed \$300,000. Councilman Huseman said that as long as they have the money, he agreed with everything that Director Shook had to say. President Kuiper said he did too. Councilman Alessia and Councilman Gard discussed the option of doing a few more streets or the curbs with Councilman Gard commenting that he thought some of the curbs were becoming safety issues. Council members discussed the matter and agreed that it would depend on the bid costs of asphalt that came in. Councilman Gard made a motion to authorize Director Shook move ahead with paving bids, seconded by Councilman Huseman. The motion carried by voice vote.

Burr/Rt 2 Project - Forward Pay Request #3 to DLZ in the amount of \$3,253.09 to INDOT for payment - Director Shook requested the Council to approve Pay Request #3 to DLZ in the amount of \$3,253.09 and forward it to INDOT for payment. Councilman Huseman made a motion to approve Pay Request #3 to DLZ in the amount of \$3,253.09 and forward it to INDOT for payment, seconded by Councilman Gard. The motion carried by voice vote.

Request No Parking at Any Time Signs - Courtyards of Meadowbrook - Director Shook reported that it was discussed at the last Council meeting to set No Parking on the outside perimeter of Meadowbrook Drive as a result of a request from the Meadowbrook POA. Following the last meeting, Director Shook said he spoke with representatives of the Courtyards POA, which is the homes themselves and who would be affected the most. They are requesting that the Council set the outside perimeter of Meadowbrook Drive as No Parking. Chief Shellhart is also on board with the request. President Kuiper said that the letter also spoke about 20 mph speed limit signs and Director Shook said that had already been taken care of a while ago. They only had two

signs in there so since receiving the letter, they have gone back in and placed more signs. Parking would still be allowed on the inside perimeter, which is actually in front of the homes. Councilman Alessia made a motion to direct Attorney Sobkowski to draft an ordinance, seconded by Councilman Huseman. The motion carried by voice vote.

Open Proposals - CDBG Sidewalks - President Kuiper opened the proposals received for the CDBG sidewalk project. Konradi Concrete proposed \$5.80 per square foot to excavate and install 4" limestone base at Evergreen Park, \$5.90 per square foot to remove the old sidewalks, dispose of the old concrete and pour new sidewalk 4" thick and \$6.90 per square foot to remove old sidewalk, dispose of the old concrete, pour new sidewalk 6" thick. C&S Concrete proposed \$5.95 per square foot to excavate and install 4" limestone base at Evergreen Park, \$5.95 per square foot to remove old sidewalks, dispose of the old concrete and pour new sidewalk 4" thick and \$6.50 per square foot to remove old sidewalks, dispose of the old concrete and pour new sidewalk 6" thick. Discussion followed about the two proposals. Director Shook stated that there is only one sidewalk going through a driveway that is 6" so 99% of the project is 4" sidewalk. Director Shook recommended accepting the low bidder of Konradi Concrete so they can move forward with the project. Councilman Tucker made a motion to accept Konradi Concrete as low bidder, seconded by Councilman Huseman. The motion carried by voice vote.

NEW BUSINESS

Enter into agreement with Historic Landmarks Foundation of Indiana for professional services - Lowell Historic Preservation Commission - Director Cox reported that Tiffany Tolbert is the Director for the Historic Landmarks Foundation of Indiana and worked with them all last year and this year. The Foundation works on a pretty tight budget and they don't ask much from the communities they work with. She provides an excellent service to the town. The Historic Preservation Commission is in the downtown development guidelines already. This is a contract for her services for the year in the amount of \$3,000. Councilman Alessia made a motion to enter into the agreement with Historic Landmarks Foundation of Indiana for professional services, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be held on Tuesday, May 26th at 7:00 P.M., due to the Memorial Day holiday.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked for a list of the streets that is being considered for repair.

Chief Shelhart announced that Friday, May 15th is National Peace Officers Memorial Day. He asked that flags be ordered to half staff on Friday, May 15th pursuant to Public Law 103-22.

Councilman Huseman asked if the sidewalk project includes the part that is missing on the north side of Main Street where the bushes have been cut back. Director Shook explained that he

would like to but CDBG funds cannot be used for that. He said he would look to see if there are other funds available for that.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:36 P.M.

Attest:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer