

**LOWELL TOWN COUNCIL
REGULAR MEETING
OCTOBER 11, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, October 11, 2010 at 7:00 P.M. by President Phillip Kuiper. The Sea Cadets lead in the Pledge of Allegiance and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Members present were Donald Huseman, Shane Tucker John Alessia, David Gard ,and Phillip Kuiper. Also present were Town Attorney Gregory Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, three members of the media, and eighteen interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the September 27th regular meeting, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #2313-2381, White Police #4093-4097, Water Vouchers #2599-2625 and Waste Water Vouchers #3546-3573,. President Kuiper recommended approval voiding Water Voucher #2614 because it is a duplicate. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Huseman and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Presentation - 2010 Labor Day Parade Winners - President Kuiper read the names of the winners from the Labor Day parade and presented those in attendance with their awards. Best Color Guard or Military Unit - A tie between WWII Historical Re-Enactment Society and The U.S. Naval Sea Cadet Corps; Best Organizational Musical Group - Cedar Lake Summerfest; Best Union Float - Operating Engineers Local 150; Best Motorized Entry - Lowell's Jr. Miss & Indiana's Jr. Miss; Best Non Musical Organization Float - First Assembly of God; Best Youth Organization Group - Boy Scout Troop #105; Best Business Entry - Harvest Tyme Pumpkin Patch. The entry that best depicted the theme of the parade, which was "Green is Groovy", was presented to First Assembly of God. The Best Entry Overall of the parade was a tie between Miss Pat's School of the Dance & Mi Ranchito.

Proclamation - October - Domestic Violence Awareness Month - The Proclamation was read by President Kuiper. Councilman Gard made a motion to approve October as Domestic Violence Awareness Month, seconded by Councilman Alessia and carried by voice vote.

MONTHLY REPORTS

Councilman Alessia made a motion to accept the monthly reports from September, 2010 as presented, seconded by Councilman Tucker and carried by voice vote.

STANDING COMMITTEES

Annexation Committee - Appointment of Doug Niksch. Councilman Alessia made a motion to appoint Doug Niksch as a member of the annexation committee, seconded by Councilman Gard and carried by voice vote.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2010-04 - Amend Chapter 71 - Pedestrian Regulations - President Kuiper read Ordinance #2010-04. Councilman Gard made a motion to hold Ordinance #2010-04 for a second reading, seconded by Councilman Tucker. The motion carried by voice vote.

1st Reading - Ordinance #2010-05 - Amend Chapter 90 - Junk Vehicles Prohibited - President Kuiper read Ordinance #2010-05 and Councilman Alessia made a motion to hold Ordinance #2010-05 for a second reading, seconded by Councilman Gard. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Update - Director of Public Works Greg Shook stated that at the last meeting there was concern from Sara Pierce, 111 E. Main St., about the sidewalk for the new Main Street bridge near her property. He met with Councilman Huseman, Sara Pierce, representatives from the engineering firm that designed the bridge, Lake County Highway and the contractor and he thinks they came up with a solution. Her other concern was drainage because there was no catch basins installed. County officials stated that there was none before so there was none installed this time. Mr. Shook proposed that when they put the sidewalk in next year they will remove the sidewalks at the dead end of her property and raise the elevation of the sidewalk to carry the drainage to the nearby existing catch basin. He asked that the Council have a legal document stating those facts and also hold Sara Pierce harmless of any cracks or damage to the sidewalk due to settling and have a time frame to review the condition of the sidewalk. Mr. Shook asked that if the Council agrees to those terms to approve them so that it can be drafted and signed. Councilman Huseman asked what can be done between taking out the old sidewalk and putting in the new one so that water does not run into Sara Pierce's basement. Mr. Shook suggested that they can put in a temporary curb. Councilman Huseman made a motion to approve the conditions, seconded by Councilman Gard. The motion carried by voice vote.

Utility Payment in Lieu of Tax Calculations from Water and Wastewater - At the Public Hearing for the 2011 Budget the Council had requested financial consultant, Greg Guerrettaz of Financial

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Solutions Group, to calculate the maximum permitted payment in lieu of taxes for each utility. The recommended amount for Water Utility was \$15,000 and for Wastewater Utility was \$35,000. This item will be reviewed by Council and a proposed ordinance will be discussed at a future date.

Old Water Property - 241 N. Liberty Street - President Kuiper asked for a motion to table at this time. There was an offer made on the property of \$37,500.00. We recently received a new appraisal from one appraiser but need to get another appraisal done before it can be accepted. Councilman Gard made a motion to table, seconded by Councilman Alessia and carried by voice vote.

Accept deed for 127 S. Fremont Street - Donald & Bonnie Cripe - Councilman Huseman made a motion to accept the deed, seconded by Councilman Tucker. The motion carried by voice vote. Donald Cripe stated that on May 21, 1952 there was a terrible train accident in Lowell and he was working for the railroad and they tore the depot down that night and in 1954 he and his wife came to town. He then got his real estate license and stated a subdivision, what is now known as Flower Hill Subdivision and the Town Council was kind enough to extend the water main into the subdivision. He went on to say that this community has been wonderful to him and his family, the Town Boards over the years have been very cooperative to him and he has not forgotten the people who have helped him and his family over the years. He stated that he wanted to return something to the community and that is why he is donating this property that is zoned for business. Mr. Cripe stated he will pay the taxes due this fall and the taxes for this year that are payable next year. He once again thanked everyone and the community for all they have done for him and his family. President Kuiper stated that this was only one of many things that he has given back to the Town and he thanked him very much.

TABLED FROM PREVIOUS MEETINGS:

9/27/2010 - West Side Sewer Project to New Middle School - C.O. #3 - \$25,462.60 - Extra crew time due to narrowed working area and wet conditions - Mr. Delco of B&D Sewer stated that Commonwealth staked the field, his engineers staked it as well and it was in the same spot. In a meeting with Mr. Delco, Director of Public Works Greg Shook, and Councilman Huseman it was discovered that the easements were put on the print wrong. Mr. Delco stated the in hind sight he should have stopped the project and asked for a Change Order but he kept going and tried to keep the cost down. Councilman Huseman stated that is where the 40' right of way instead of the 80' came down to be 20' and 20'. Mr. Huseman stated when he got the easements from the farmers he promised that the manholes would be close to the right of way, so that made the original stakes when they bid the job 24' further in the field then what they are now so Mr. Delco had his engineers change it. Councilman Huseman made a motion to send a recommendation to the school so they will pay C.O. #3, seconded by Councilman Gard. Councilman Huseman stated that if the school doesn't understand he will explain it to them. The motion carried by voice vote. Public Works Director Greg Shook will contact the School.

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NEW BUSINESS

Set closing for Christmas holiday- Town Hall and Town Departments will observe the 23rd and 24th of December for the Christmas holiday. The regular Town Council meeting will be held on Monday, December 27th.

ANNOUNCEMENTS

Halloween Trick or Treat Hours - Sunday, October 31st - 5:00 P.M. to 7:00 P.M.

President Kuiper announced the next regular meeting will be on Monday, October 25th at 7:00 P.M., the 2011 budget will be adopted that evening.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked what prompted the pedestrian and the junk vehicles ordinances. Chief Shelhart responded that the pedestrian ordinance stems from juveniles crossing Route 2, mostly in front of the High School. By amending the ordinance it will become a town ordinance as opposed to a state statute. He went on to say the problem still persists to this day, they are making more announcements at the school. Town Attorney Gregory Sobkowski stated that Judge Vanes has expressed a concern in the ordinance for junk vehicles so he asked for an amendment to resolve that issue.

A member of the press asked for a copy of the pedestrian and junk vehicle ordinances and also the Domestic Violence Awareness Proclamation.

A member of the press asked what type of fine there is for jay walking, and she was told the judge sets the fines but the minimum for a town ordinance is \$100.00.

Carl Ferro, 306 E. Commercial Ave, asked if the downtown section where people cross from store to store is in violation of jay walking and he was told yes it is. He asked if he witnessed someone jay walking could he make a citizens arrest. Chief Shelhart stated that he would prefer that he call the police department

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

Phillip Kuiper, President

Attest:

Judith Walters, Clerk-Treasurer

