

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
FEBRUARY 8, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, February 8, 2010 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, Code Official Tom Trulley, Police Chief John Shelhart and Community Development Director Wilbur Cox, one member of the media and fifteen interested citizens.

**APPROVAL OF MINUTES**

Councilman Alessia made a motion to approve the minutes from the January 25<sup>th</sup> regular meeting, and the January 25<sup>th</sup> executive session, seconded by Councilman Gard. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1126-1192, White Police Vouchers #4000 - 4015, Water Vouchers #2057-2090 and Waste Water Vouchers #3039-3065 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 Gard made a motion to accept the monthly reports from January, 2010 as presented, seconded by Councilman Alessia. The motion carried by voice vote.

**ORDINANCES & RESOLUTIONS**

Resolution #2010-03– Supporting the rebuilding of the Cline Ave Bridge-President Phillip Kuiper read the resolution and explained that all communities within Lake County were being asked to adopt. Councilman Alessia made a motion to adopt, seconded by Councilman Gard. The motion carried by voice vote.

**UNFINISHED BUSINESS**

Public Works Department Update - Public Works Director Greg Shook explained that we had been notified that we received an INDOT award of \$342,000.00 to be used for curbs and sidewalks along Commercial Avenue from Fremont to Burr Street. He asked Council's permission to allow to proceed, once given permission from INDOT we will put out for RFP's to

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hire an engineer to do the preliminary engineering, that will be paid out of these funds. He explained it is an 80/20 % match with an estimated \$160,000.00, our 20% will be about \$32,000.00, that will be enough for engineering and right of way. Next year we will go back during the federal group highway grants for the actual construction. Councilman Gard made a motion to grant permission to proceed, seconded by Councilman Alessia. Councilman Huseman asked what if we don't get the funding next year and we are in the middle of something. Public Works Director Greg Shook responded that we can try to get the funding from other sources, or we can put it aside until the funding becomes available. Councilman Alessia asked if they will want all that money expended before we can ask for more. Greg Shook said no, some funds may not be enough, we don't know the amount for the right of ways because we don't know how many we need. The motion carried by voice vote.

Accept Easements for West Side Sewer project from John and James Phillips and John and Judy Keithley. & Approve Wastewater Vouchers #3066 and #3067 for the appraisals that were done for the construction of a sewer line to the new middle school. The cost of the easements were \$8500.00 for the Phillips and \$3200.00 for the Keithley's. It was noted since this is a cost of the project the school will reimburse the town for this expense. Councilman Huseman made a motion to approve the easements and vouchers, seconded by Councilman Gard. The motion carried by voice vote.

Public Works Director Greg Shook stated the Westside Sewer Project is out to bid and the bids will be opened on February 26<sup>th</sup> at 1:30 P.M. He asked the Council to appoint a committee to hold a public meeting to allow the bid opening and refer to engineers for recommendation. Greg Shook, Al Strong from Commonwealth Engineers, Philip Kuiper, and Don Huseman will be the committee to open the bids on Friday, February 26th at 1:30. Bid specifications will be available from Commonwealth or for review at the Town Hall. Councilman Huseman made a motion to approve, seconded by Councilman Alessia. The motion carried by voice vote.

Tabled from 1-25-2010, Clarification of Ordinance 150 pertaining to required licensed contractors on commercial buildings - President Kuiper reached out to Council for any recommendations. There was some confusion about the ordinance, it is understood that it pertains to commercial buildings but there were more people at the last meeting about duplexes and the ordinance already allows for owners to work on their own homes.

Don Huseman stated that he was on the fence at the last meeting and he is no longer, he feels like he is in the building owners shoes and we need to help them. He stated that he met with Wilbur Cox and Tom Trulley and they came up with some good ideas.

Philip Kuiper stated that the insurance carrier requires an experienced tradesman do the work, and the owner can get licensed and bonded to do their own work.

Dave Gard stated that he was also confused at the last meeting because owners of single-family homes and duplexes are able to do their own work. He disagrees with getting a contractor and going around the rules to get a permit. He spoke with building inspectors from other communities, there are some things that commercial building owners are allowed to do on their own, they can do maintenance, like put in new windows, change a door, etc. but not structural changes. A contractor should be brought in for structural changes as a consultant, he outlines

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what needs to be done and he inspects it so it is done correctly. There should be room in the ordinance to make changes; we should be able to come together to help building owners to do routine maintenance.

Councilman Alessia stated he is not sure he is ready to have a concrete opinion tonight, he does not want to rush to judgment. If the ordinance is to be changed, he wants to get it right, do it one time and have it workable for everyone.

Councilman Tucker agrees that they should be allowed to do some things on their own, but at the same time the safety of the public is a balancing act.

President Kuiper asked John Alessia what his thoughts were and he stated that we need a work session to talk about it.

Rich Meadows stated he appreciates the Council thinking this over, in his case he wants to build apartments and has a licensed architect and has been approved by the state. He had two meetings and was told by Tom Trulley that you have to live in the dwelling. He said Wilbur Cox told him he would like to get the wording changed and that is why duplex owners were at the last meeting. They want to be able to work on rental units that they don't live in.

President Kuiper stated that he thought the issue was commercial buildings. Rich Meadows stated that rental houses are not an issue. President Kuiper agree that was never an issue in his head. David Gard said he understood that you would work with a contractor and he is responsible, he is bonded. He stated that the wording of the ordinance reads that the tenant could work on the building and they want that changed. Rich Meadows said he still disagrees with getting a contractor, and said that Lafayette just requires a commercial building owner to post a bond. Wilbur Cox responded that Lafayette requires a general contractor bond, you need to a general contractor to get a bond.

Carl Ferro, Mid-Town Hardware, stated that the building that Doris Stack is in has walls that are crumbling and needs to be torn down. He also stated that big commercial buildings like Avery and Rieter have their own maintenance workers who are not licensed contractors working on those buildings and they are not inspected. Mr Ferro asked when the police department was built was it inspected by the town or by the state. He understood it was inspected by the state, he said it has cracked walls and still passed inspection. He stated he was a contractor for many years and doesn't want to be told he can't do work on his buildings. He stated he doesn't feel the downtown building owners were getting enough cooperation from the town. John Alessia said there are rules in place and we are trying to work with you, but don't come up here with the attack approach. Dave Gard said that you can't make a blanket statement about everyone who owns commercial property being able to fix it themselves. We want to work with you and protect the public.

Pat Starcevich stated that we all need to work together, he can't pay any more to take care of his buildings, tenants don't pay their bills, and he is taking money out of his pocket.

Council members set a work session for February 15, 2010 at 6:00 P.M. to further discuss this matter.

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**NEW BUSINESS**

Approve Quarterly fees for Park & Recreation Programs - Councilman Tucker made a motion to approve program fees for February, March, April 2010, seconded by Councilman Guard. The motion carried by voice vote.

President Kuiper announced that Corporal Matson received Police Officer of the year from American Legion Post 101, for his dedication to the town.

**ANNOUNCEMENTS**

President Kuiper announced the next regular Council meeting will be held on Monday, February 22, 2010 at 7:00 P.M.

President Kuiper announced that we are still taking donations for Haiti as a town.

President Kuiper announced the JMOB meeting on February 8, 2010 was canceled and will be rescheduled at a future date.

President Kuiper announced a Joint Meeting – Lowell Town Council / Tri-Creek School Board on Monday, February 15, 2010 at 7:00P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

A member of the media asked about the grant received and was told it was for \$342,000.00 for the Commercial Avenue project for curbs and sidewalks from the Federal Highway Group.

There being no further business or discussion, Councilman Alessia made a motion to adjourn, seconded by Councilman Gard at 7:40 P.M.

ATTEST:

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Phillip Kuiper, President

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Judith Walters, Clerk-Treasurer