

**LOWELL TOWN COUNCIL
REGULAR MEETING
April 26, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, April 26, 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. Members present were Donald Huseman, John Alessia, David Gard ,and Phillip Kuiper. Councilman Shane Tucker was absent. Also present were Town Attorney Gregory Sobkowski , Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, two members of the media, and thirty interested citizens.

TREASURER'S REPORT

Councilman Alessia made a motion to approve the Treasurer's Report for March 2010 as presented, seconded by Councilman Huseman. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the April 12th regular meeting, and April 12th work session, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1471-1528, Water Vouchers #2221-2251 and Waste Water Vouchers #3191-3221 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation honoring Cassandra Schnelle – Indiana State Jr. Miss – President Kuiper read the proclamation honoring Lowell High School senior Cassie Schnelle who had been named Indiana Jr Miss. Cassie Schnelle thanked everyone for their generosity and support.

Certificate of Recognition – IDEM MS4 Program – President Kuiper read the certificate that recognized the state of the art dog park.

CDBG PUBLIC HEARING

Resolution #2010-05 – Authorizing and directing Town Council President to submit project proposal for Community Development Block Grant Funds for 2010/2011 – President Kuiper read the opening remarks for CDBG. The Town of Lowell CDBG allocation for 2010/2011 is \$46, 450.00, the most common use for the funds is infrastructure and must be done according to HUD guidelines. Three documents need to be read and adopted, the affirmative action program, section 3 understanding, and a resolution authorizing the town executive to submit a project proposal for CDBG funding. President Kuiper opened the public hearing. There being no public comments, the public hearing was closed.

Resolution #2010-05 authorizing and directing the Town of Lowell to submit a project proposal for Community Development Block Grant Funds for federal fiscal year 2010, was read by title only. Councilman Gard made a motion to adopt the resolution, seconded by Councilman Alessia. The motion carried by voice vote.

Councilman Alessia made a motion to adopt the Affirmative Action Program implementing section 3 of the Housing and Urban Development Act of 1968, seconded by Councilman Huseman. The motion carried by voice vote.

Councilman Gard made a motion to adopt the Section 3 understanding Lake County Indiana, seconded by Councilman Alessia. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated that the Burr/RT 2 Project is near completion, he will be meeting with DLZ, INDOT, and Gariup to put together a punch list.

Main Street Bridge Project - Director Greg Shook stated that he spoke with the Lake County Highway Department, and the project was awarded to Gariup Construction. They are in the process of signing contracts, the Town will be invited to attend their pre-construction meeting then we will know more about the schedule.

Director Shook requested the Council to have a Clean Up Day, to be held Saturday, June 19th from 9:00 A.M until 2:00 P.M at the street garage in conjunction with the Lake County Household Hazardous Waste Clean Up at the Lowell Middle School. The Town of Lowell has forty-one dumpsters and will use about ten on that day. Councilman Alessia made a motion to have a Clean Up Day on June 19th, seconded by Councilman Gard. The motion carried by voice vote.

Councilman Huseman asked who was responsible for some of the failures on RT2 before the Burr St. project. Public Works Director Greg Shook responded that Street Superintendent Frank Lovely called the state highway department and they said that they would get someone here as soon as possible to fix that problem.

Tabled from previous meetings

1/25 Clarification of Ordinance #150 pertaining to requiring licensed contractors on commercial buildings – Discussion of amended ordinance – President Kuiper stated that they are going to leave Ordinance #150 tabled because there were a couple other changes made to it.

3/22 Discussion of bidding out garbage contract – Councilman Dave Gard spoke with Jim Metros and he stated that the standard extension is a 5% increase but he is trying to hold it to 3.5%. He is also trying to offer a longer term extension, if he can get it approved by his supervisors. If he can get it to extend to four years he may be able to freeze the cost for next year at this years number and then the 3.5 or 5% increase after that. He will get back with a written proposal.

Offer to donate property to the Town – MDCS Corporation – President Kuiper read a letter that was sent to Mr. Schultz, President of MDCS Corporation from Director of Community Development Wilbur Cox thanking him for the offer to donate a parcel of land but the Town has no use for the parcel and therefore is not interested in becoming the owner.

4/12 Enter into agreement with INDOT for curb and sidewalk grant on Route 2 - Public Works Director Greg Shook requested this remain tabled because he has not met with INDOT.

Act on proposals for hot dog vendor at Evergreen Park - President Kuiper read a recommendation from Public Works Director Greg Shook and Parks Superintendent Tom Sullivan to approve Patricia Toomey as the vendor for 2010. Councilman Huseman asked what does the Town or the Parks Department get out of having this vendor, and it was explained that in return for letting her sell hot dogs, etc. at Evergreen Park she will donate hot dogs, etc. for the kids at the fishing derby and soccer events. Councilman Gard made a motion to accept the recommendation, seconded by Councilman Alessia. The motion carried by voice vote.

NEW BUSINESS

Act on Compliance with Statement of Benefits for Real Estate Improvements (2) - Saco Industries - Attorney Herman Barber, representing Saco Industries, reported that they are in the ninth year on one ten-year abatement and in the sixth year on the second ten-year abatement. As the years progress the amount of the abatement goes down. Saco Industries now has 454 employees, with a payroll of \$7,776,238.00. He stated that they are a strong industry in Lowell. He requested approval of the Compliance with Statement of Benefits for Real Estate Improvements for both abatements. Councilman Huseman made a motion to approve the Compliance with Statement of Benefits for Real Estate Improvements (2) for Saco Industries, seconded by Councilman Gard. The motion carried by voice vote.

Approve quarterly user fees for Parks Department - May - July - Public Works Director Greg Shook stated that there are three new programs and that the other program fees remain the same with the exception of the BMX Camp, that had an increase of \$5.00 for instructor fee. Clerk-Treasurer Judy Walters explained the cost is for the actual expense of the program. Councilman Alessia made a motion to approve the fees, seconded by Councilman Huseman. The motion carried by voice vote.

Presentation for creation of Water Trail along Cedar Creek – Mitch Barloga, NIRPC stated that a few years ago they preformed a region wide plan called a greenway and a blueway or water trail routes in the region. He has been working along with Ders Anderson and has identified fifteen water trails in Northwest Indiana. They passed out plans and posters showing the planned route. Mr. Barloga explained that they had a very good experience on Cedar Creek. They started at Faustino’s Deli and went all the way down Belshaw Road. Ders Anderson from Openland explained that if the community wanted to go forward with the water trail they could fund the preparations, brochures and signage with grant money. He went on to explain that the access points need are not owned by the Town of Lowell, they are the VFW and American Legion property, an easement would be needed for one or two parking spots to pull out a canoe. It would be a one-mile community paddling trail with the potential for growth. The difficulty of the second phase would be the need to negotiate a portage easement where the pipelines crosses the creek. Ders Anderson introduced Gina Darnel from the Northwest Indian Paddling Association, they are a non-profit group with about 200 members who are helping to implement the blueways plan by helping communities open up the creeks, remove log jams and set up access points. Ms. Darnel offered the Council a fun float to see what the creek is like and passed out hand outs with information and their website address. The Council agreed to consider the idea and take her up on her offer.

ANNOUNCEMENTS

President Kuiper announced that Thursday, May 6, 2010 is National Day of Prayer at 12:00 noon at Evergreen Park.

President Kuiper announced the next regular meeting will be on Monday, May 10th at 7:00 P.M., and at 6:00 P.M there will be a work session on the smoking policy.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the press asked whom Councilman Gard spoke to about the garbage contract and was told it was Jim Metros, the town liaison with Republic. She also asked for a copy of the park user fees and a copy of the waterway handout.

Another member of the press asked where Patricia Toomey was from and was told Cedar Lake.

Carrie Austgen, West 182nd Avenue, Lowell stated that she was there representing the Chamber of Commerce and over the past three years since she has been President of the Chamber they have had opportunities to work with the Town on projects to support, strengthen and promote the local businesses. The Town has always been very helpful in working with the Chamber and they are appreciative of all the corporation and help that was received from the Town Council.

Councilman Gard stated, "The greatest gift our nation has is freedom of speech and everyone has a right to say what he or she thinks and what they believe to be true. That is why Lowell has one of the few Town Councils that allows people to stand up at the end of a meeting and say what they think. We do ask that it be done in a respectful manner and most of the time it is. The Lowell Town Council also never bans anyone from coming to the meetings. I was hearing over the weekend that the Council was banning people from meetings and I want to go on record as saying that we have never done that and never will, everyone is welcome, regardless of their opinion. In reference to things that were published in the local newspaper, I would like to explain the Towns position on these issues. First of all we keep hearing reference to this new ordinance, and the ordinance that is being referred to is the ordinance prohibiting people from working on downtown buildings that are not licensed contractors. This ordinance is not new, it has been on the books for a long time, the question has been enforcement. There have been issues with enforcement in this Town, not under the current group but under the previous group. No one will ever forget the situation with Carriage Crossings and a building commissioner that was not doing his job, the embarrassment in Town, the financial strain it brought to homeowners and some contractors. Since then the Council has made changes and part of that change is reviewing the ordinances, making sure that they are current and being enforced. This ordinance is not

new, what this Council is trying to do is make it more user friendly by modifying it and allowing some of the things that were prohibited under the old ordinance to be done by the property owners, working with them in a corporative fashion. The change to the ordinance is not finished, it is a work in progress, but it is a work that is going to get done and soon. Actually the Council is diluting the ordinance to help building owners. The responsibility of this Town Council is to provide a safe environment for all patrons, all businesses, all buildings that have public access, the Council takes that responsibility seriously especially since this society becomes more litigious. Everyone knows how easy it is to file a lawsuit, and usually the suit ends up going after the deepest pockets and in most cases it is the municipality. In regards to the issue of Town employees working on Town structures, that is a different issue, there is no personal gain at all, that is a public building being improved by a public employee to save taxpayer dollars, that is wise use of skills. The problem with creating an ordinance that allows people to work on buildings means that everyone can work on the buildings and not everyone is qualified, there are some people that are qualified but the problem with that is that one law allows everyone to do that and not everyone qualifies.”

Councilman Gard continued. “There was also a comment made that people see other communities flourishing with the help of their Town Council while our community is described as struggling and dwindling and we are going to become a ghost town. But the facts are in the past five years there have been forty-two businesses open in the Town of Lowell, three that have closed, another one that closed due to retirement, but the balance of them are still open. There are twenty more Chamber members than there were four years ago, so the Chamber is growing and there are new businesses coming to Lowell. This is a rough economy and many communities are suffering, not just this one, not many communities are flourishing. In regards to the comments being made about the smoking ordinance, there isn’t one, there hasn’t even been one prepared. Some have described the Council as a dictatorship, if that was the case no one would have listened to the 800 plus ratepayers who thought it was a good idea. The Councils response was not to draft an ordinance and jam it down anyone’s throat, but to open the chamber to the public and ask them what they thought, without anything being prepared or written, there was just an open discussion with neighbors, friends and business owners. The discussion continues, it is a valid point, it is something people want to talk about and the Council wants to hear what they have to say, regardless of the opinion. Gathering information is not a dictatorship, a dictatorship does not care about information they just do what they want, and that is not what is being done in this community.”

Councilman Gard went on to state, “Everyone wants to know what is the Council doing, what has been done in the past eight years is to bring over seven million dollars to the community in grants, there is also a long list of the accomplishments of this Council for anyone who wants to see it and those are the important things. There was a very dismissive comment made by a candidate for office about roads and sewers and the Council takes that

very seriously because there are problems with the roads and sewers. It is something that will continue to be worked on. I am very proud of the Council and its accomplishments, there are a lot of them. I am proud of the fiscal management of this Town, I give credit to Judy Walters and her predecessors for the incredible job they do managing your finances, your tax dollars. She treats those dollars like babies and she is a treasure to this community. I cannot remember a time when a local business came to the Council and asked for assistance and we said no. The Council cares about you, they are also taxpayers and if this business district goes down hill then their prosperities are worth less money and the Council understands that and that is why we have fought the big box stores who wanted to come into the Town because they will put the little guys out of business. The Council wants a strong local merchant base, mom and pop businesses because that is what makes Lowell the great little Town it is. I do agree with a comment in the letter to the editor that said that the truth needs to be heard and that is what I tried to explain tonight.”

There being no further business or discussion, Councilman Alessia made a motion to adjourn, seconded by Councilman Gard at 7:50 P.M.

Phillip Kuiper, President

Attest:

**Judith Walters
Clerk-Treasurer**