

**LOWELL TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 26, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, August 8, 2011 at 7:00 PM by President John Alessia. The Pledge of Allegiance was recited. Clerk-Treasurer Judy Walters called the roll. Members present were Donald Huseman, Robert Philpot, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shellhart, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, three members of the media and 21 interested citizens.

TREASURER'S REPORT

Councilman Huseman made a motion to approve the Treasurer's Report, seconded by Councilman Kuiper and carried by voice vote.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the minutes from the September 12, 2011 regular meeting, seconded by Councilman Gard and carried by voice vote.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #2096 - #2156, amend Water #2558 - #2606 and Void Water Voucher #2595 and Waste Water Vouchers #3449 - #3478. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Gard the motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

MONTHLY REPORTS – August, 2011

Councilman Huseman motioned to approve the monthly reports, seconded by Councilman Kuiper the motioned carried by voice vote.

STANDING COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

UNFINISHED BUSINESS

Public Works Director Greg Shook explained that the Rt. 2 project was originally going to be completed this year, he spoke with INDOT and it looks like now the portion

through Town will not be actually done until next Spring. Right now the plans are to make all the repairs out by the Norfolk Railroad, they will be the lowering the elevation and work on the drainage. They are also going to make major repairs out at I-65, once all those repairs are made, they will start milling and paving at I-65 working their way towards Lowell. They believe that once the temperature starts to fall where they won't be able to asphalt about the time they get to Holtz Road. The plan is to stop paving at Holtz Road. In the Spring they will be back to do the milling and paving out to Rt. 41. Councilman Kuiper asked about the grant for the curbs and sidewalks. Mr. Shook explained that INDOT cannot give the town approval to start spending grant funds yet, they have to have approval from Federal Highway and everything has been filed and approved at this point.

Tabled from previous meetings:

*8/22 Request to extend electric line at North Meadow to 173rd & Village Parkway. Mr. Cox stated that he has not had a chance to talk to NIPSCO; he does have a call into them but have heard back from them yet.

Interlocal Agreement – Lake County 911 Consolidation. This item is not ready at this time.

9/12 Off-site Advertising. Mr. Shook stated that this has been discussed at other meetings. He spoke with Wilbur Cox regarding the Town's Ordinance and basically all off-site advertising is illegal according to the ordinance. Even though the Parks Department has had the guidelines that always has allowed banners at Evergreen Park, for non-profits would also be considered illegal. He has spoken with the Parks Department and told them not to allow any banners unless they are for town events or functions. He has told the water and street department employees to pull the signs off of NIPSCO poles and signs that are in the right-of-ways. Councilman Kuiper stated that he thought maybe the ordinance could be amended at least for the non-for profits and he has spoken to Wilbur Cox as to what can be done regarding yard signs because they are getting worse. Mr. Cox stated that he has brought this up before about having a pre registration of yard sales at no cost so the town would know who is having them and is responsible for the signs. President Alessia stated that he thought this was a great idea but didn't know how much this will be followed. Councilman Kuiper stated that he agrees that the ordinance should be amended with the exception of non-for profits. Mr. Cox stated that there already is exclusion for service organizations. Councilman Kuiper wanted to make the exception for non-profit to post banners only at the Evergreen Park location. Councilman Kuiper motioned to make an amendment to the ordinance, seconded by Councilman Gard, and carried by voice vote

Storm Water Ordinance. President Alessia asked for a motion to have Greg Guerrettaz begin an Impact Fee Study for Storm Water User Fee. Councilman Kuiper motioned to have Greg Guerrettaz begin an impact fee study for a storm water user fee and have Attorney Sobkowski draft the ordinance, seconded by Councilman Huseman and carried by voice vote.

NEW BUSINESS

*Act on favorable recommendation from Plan Commission – Adoption of Lowell Comprehensive Plan. Mr. Cox explained that they have had at least 12 study sessions to go over the comprehensive plan since 2008 with Ball State students school of planning and school of architecture and they have also had 3 public hearings along with several other meetings. He stated that Mark Downey, the Town Engineer said that it was probably the best Comprehensive Plan he has seen. The Comprehensive Plan highlights what the Town needs to do for the future including roadways, future growth and economics. It even has a section to spruce up the downtown area with some architectural designs. He said that he was proud to present this updated Comprehensive Plan to the Town Council that was prepared by Ball State University and has worked very hard with the Plan Commission and Board of Zoning Appeals to get this done. He was asking that they adopt this first and close behind it will be the Zoning Ordinance, Subdivision Ordinances which will help perpetuate this plan and the Zoning Map. President Alessia asked if the Comprehensive plan gets approved, does each section need to be adopted. Mr. Cox stated that the Comprehensive Plan was a guideline for future development. Attorney Sobkowski stated that under the Zoning Law, the Comprehensive Plan must be adopted by resolution of this body and the appropriate action would be to authorize that the resolution be prepared by the next meeting. Councilman Huseman made the motion to authorize that a resolution be prepared by the next meeting, seconded by Councilman Kuiper, and carried by voice vote. Councilman Huseman asked if the public wanted a copy of the Comprehensive Plan how could they get it. Mr. Cox stated that it will be available on the website and there was also a copy of it at the Lowell Library.

Update of Dam Project – Lake Dale POA. Eric Neagu, of Weaver Boos Consultants representing Lake Dalecarlia was present and stated that Lake Dalecarlia had an overtopping which impacted Lowell in 2008 which was due from Hurricane Ike, subsequent to that the property owners association which is privately owned dam, decided that the dam needed to be stabilized and were tired of talking to the Indiana Department of Natural Resources came up with a strategy and it took a few years to identify the funding, luckily a grant came through and the town has been engaged for the last six months on developing a re-hab project for the dam and wanted the Town of Lowell knowing what they intend to do since they are downstream from the dam and would be impacted to whatever they do with the dam. The design would allow no more water than there is currently being passed. They are not increasing the volume of water that the Town of Lowell would receive. The resolution that they came up with was to do an overtopping protection, which protects the dam from failing in an overtopping event. They have an 18-month grant that they are six months into and are anticipating that they will be done with everything by Spring of next year and they are going out to bid in November. Mr. Shook stated that he did have Roger Kotlowski from Commonwealth come up and meet with these people and he thought that it was a good project.

* Set committee to amend Section 37.087 Medical Insurance Benefits. Clerk-Treasurer Walters explained that the Ordinance that talks about Medical Insurance has not been amended in a while, it talks about \$100 deductible, and we currently have \$250 and are talking about \$500. She stated that she needed a Councilman to sit on this committee and go through that and make a recommendation to the Town Council. She is right now going with HLR/Bekan Group filling out information to go with United Healthcare which has given us a preliminary quote which is lower than we are paying with a one year commitment. President Alessia stated that he would be happy to meet with her after hours or before a meeting and go over the ordinance.

President Alessia explained that last week when he met with the Park Board that there is a new State Law that permits to carry firearms and the concern that was expressed was that some of the ordinances we have on file are in contradiction with the State Law. He believes that none of the ordinances are in violation, but the Park Rules are in violation. So the suggestion is to clean up the Park Rules so as not to be in contradiction to the State Law. Attorney Sobkowski stated that initially what needs to happen is the offending provisions need to be deleted from the rules. He suggested that the Council needs to look at all the Rules and make sure that they still make sense and make any adjustments that need to be made before turning them into an ordinance. President Alessia suggested that Greg Shook and Chief Shelhart get together on this. Attorney Sobkowski stated that Rule 5.0 which prohibits the carrying of firearms, the Council by motion could decide to repeal that rule. Councilman Huseman asked that someone read Rule 5 in its entirety. President Alessia read Rule 5.0 and 5.2. A discussion followed regarding what should be repealed and what should be left in the rules. Councilman Gard motioned to hold this over until they have enough clarity to make a decision, seconded by Councilman Philpot and carried by voice vote.

ANNOUNCEMENTS

President Alessia announced that the next regular meeting would be on Monday, October 10, 2011 at 7:00 PM.

MEDIA QUESTIONS / PUBLIC COMMENTS

Carrie Napoleon of the The Times asked Mr. Shook if this rule was not changed, does that put the Town in a problematic position. Attorney Sobkowski stated that it would only be a problem if someone tries to enforce the rule.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Kuiper at 7:30 PM.

John Alessia, President

Attest:

Judith Walters, Clerk-Treasurer