

**LOWELL TOWN COUNCIL
REGULAR MEETING
JUNE 13, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, June 13, 2011 at 7:00 P.M. by President John Alessia, he asked that everyone keep the Meadows family in their thoughts. The Pledge of Allegiance was recited and a moment of silence was observed. Town Administrator Susan Peterson called the roll. Members present were Donald Huseman, Robert Philpot, Phillip Kuiper, David Gard and John Alessia., absent was Clerk-Treasurer Judith Walters. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox and Police Chief John Shelhart, three members of the media, and eight interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the May 23rd regular meeting, seconded by Councilman Kuiper and carried by voice vote.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #1585-1662, White Police #4052-4058, Water Vouchers #2324-2363 and Waste Water Vouchers #3254-3285. Councilman

Huseman made a motion to approve the vouchers as listed, seconded by Councilman Gard the motion carried by voice vote.

STANDING COMMITTEES

Annexation Committee - Community Development Director Wilbur Cox announced that they have a meeting tomorrow.

ORDINANCES & RESOLUTIONS

1st & 2nd reading - Ordinance #2011-06 An Ordinance Amending Chapter 99 - Clean Air Standards - President Alessia read the ordinance. Councilman Kuiper made a motion to hold it over for a second reading, Councilman Gard seconded the motion. The motion carried by voice vote. Councilman Kuiper made a motion to set the rules aside, seconded by Councilman Gard. The motion carried by voice vote. Councilman Kuiper made a motion to approve Ordinance #2011-06 by name and title, seconded by Councilman Gard. Roll call vote carried with five ayes. Councilman Kuiper made a motion to set the rules back in order, seconded by Councilman Gard. The motion carried by voice vote.

UNFINISHED BUSINESS

Enter into agreement with Financial Solutions Group for Budget and Sustainability Analysis - Councilman Kuiper made a motion to approve the agreement, seconded by Councilman Gard. The motion carried by voice vote.

Enter into agreement with Commonwealth Engineers to evaluate groundwater and surface water resources. Director of Public Works Greg Shook stated that this is something we need to look into for another water source besides the wells we have. As you clean the shallow wells every year they don't come back as well as when you cleaned them the last time. Before we get to the point that we are low on water he asked Commonwealth to put together a cost to study the well field we have. The estimated cost is \$11,000.00. Councilman Huseman asked how we lost Bergstroms water and Director of Public Works Greg Shook stated that he thinks they put a ditch in. Councilman Huseman stated that there is a well under it and he can restrict and he thought he was going to give it to the Town and we were going to put a pump on it and test out and we never did, Director of Public Works Greg Shook stated that he was going to check with his family and get back to him and he never did, so that is something he will look into and try to get an answer from him. He went on to explain that this is this first step into the Master Water Plan. Councilman Gard made a motion to enter into the agreement, seconded by Councilman Kuiper. The motion carried by voice vote.

NEW BUSINESS

Enter into agreement for weed control at WWTP - Tom Keithly - Councilman Kuiper made a motion to enter into the agreement, seconded by Councilman Huseman.

Councilman Philpot asked how many acres that involved and Director of Public Works Greg Shook stated that it is about ten acres and about eight of it is tillable. The motion carried by voice vote

Forward 2010 Annual Water Operating Expenses to Rural Development per Water Loan - Director of Public Works Greg Shook stated that this is something that has to be done every year. It is water revenue and expenses for 2010 and once the Council approves it we send it to the Rural Development because we have an outstanding loan through them. It is part of the bond issue that was done years ago. Councilman Huseman made a motion to approve forwarding the report, seconded by Councilman Kuiper. The motion carried by voice vote.

ANNOUNCEMENTS

President Alessia stated the next regular meeting will be on Monday, June 27th at 7:00 PM.

President Alessia asked if Town Attorney Greg Sobkowski could explain what is going on with the building next door. He explained that the appeal has been reinstated, what happened is we had our first hearing last November and at that hearing the judge entered an order staying the Town's order of demolition based on conditions that the property owner was supposed to accomplish. In December Ms. Bodar filed an appeal, then because she had not met any of the conditions imposed by the court he, on behalf of the Town filed a motion to lift the stay. There was a hearing on that in January and at the end of January the judge granted the motion lifting the stay and affirming the demolition order. Ms. Bodar obtained legal council after that hearing and that council filed a second appeal in February. What happened was the court of appeals, when they dismissed the appeal calculated the deadlines that were missed from the date of December notice of appeal instead of February. When her attorney filed the second appeal the court found that he was right and there was a clerical error with the dates. The appeal was reinstated by order date of about June 3, 2011, so now Ms. Bodar has thirty days to file her brief to support her position after that is filed we will have thirty days to file a response, once that is done she will have fifteen days to file a reply to that. Then it is before the court of appeals and they will decide if there will be an oral argument. The appeal doesn't affect the Town's ability with the demolition. There will be a meeting on June 22, 2011 for the 106 review process and that has to be followed because federal funds are going to be used for the demolition. After the 106 review is complete and we do not receive an order from the court of

appeals we can move forward with the demolition.

President Alessia read a letter from State Representative Shelli VanDenburgh to INDOT Commissioner Michael Cline addressing concerns regarding the intersection at State Road 2 and Burr St. traffic lights with turn arrows. She has spoken to the Police Chief who confirmed a significant decrease in the amount of traffic accidents since the installation of the turn signals. She asked that the plans to remove the turn signals be reconsidered.

Police Chief John Shelhart stated that he was notified by a representative from INDOT that the turn arrows would be removed and he suggested that if the Town did not want this to happen that we need to move on this quickly because they may start as early as next week. Chief Shelhart then contacted Representative VanDenburgh and Senator Landske and asked them to make contact with Mr. Cline who is the person who has the decision making abilities. Councilman Kuiper asked if there was someone we can contact about the timing of the arrow light and the arrow lights with the other two lights because it doesn't seem like they are in sync. Chief Shelhart stated that he will make contact with INDOT.

Councilman Philpot stated that he designed highways for 22 years in Arizona along with roads with traffic signals. He asked what the reasoning is for wanting to remove the turn arrows. Chief Shelhart stated that he would have to ask INDOT that question because all they indicated to him was they felt the turning arrows were slowing down the flow of traffic, the person he talked to did not know anything else he just wanted to give the Town a heads up that they were planning to do that. Councilman Philpot stated that in his experience there is certain criteria that has to be met for stop signs, lights and turn signals to be put in, and he thinks they would have had to do a study and the criteria would have had to be met for them to put the turn lights in originally.

He went on to state that he is very interested in what the criteria was and the reasons they want to remove them now. President Alessia stated that he doesn't think that the wait system is working on them. Councilman Philpot stated that they can eliminate that with loop defectors and if they are there then there is something wrong in the cabinet or it's not set right.

Director of Public Works Greg Shook stated that when we were in the process of designing that project for that intersection INDOT did do a traffic count, that was a requirement and at that time the requirements were met. There are loop defectors there and also Burr Street used to be hard wired into the light at Joe Martin Road, during project that was eliminated. They put in some kind of a radio control and it should still communicate with Joe Martin, but they will look into it with INDOT to see

what is going on.

Tom Grant and Dan Klien from Habitat for Humanity of Northwest Indiana, they stated that they now have the deed from 303 Burnham Street. He thanked the Council for the opportunity and went on to say that a family has been determined. They are now looking for crew leaders and they will begin the process of identifying people that want to help with the build, the home is built by all volunteers. They are looking for people that have skills in the building industry that will step up and volunteer to be a crew leader, they do have a general contractor from Habitat for Humanity. They will have a formal ground breaking, and hope to start building the last week in July. They will build on Thursday, Friday and Saturday for three consecutive weeks and will need 20 to 25 workers. There will be more information coming out soon.

Councilman Huseman stated that he doesn't know how a semi can make a left turn on Burr Street, they have to run over the median and that is why the sign is always broke.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked what town the family who got the habitat home is from and was told that they are from Lowell.

A member of the media asked about the terms of the agreement with Financial Solutions and was told it is not to exceed \$5,500.00. She also asked about the contract with Commonwealth and if the only thing that had not been completed in the ten year agreement was an additional water tower. Director of Public Works Greg Shook responded that is the only thing that needs to be done and has not been done yet due to funding. She then asked what happened with the quarry and President Alessia explained that he thinks the issue was we were not allowed to enter into an agreement that they wanted to time wise. Councilman Kuiper stated that the company was offering the water to us over the time of their lease and there was about 18 years left on that lease.

A member of the press asked for a copy of the ordinance amendment and a copy of the letter written by Shelli VanDenburgh and was given a copy.

A member of the press asked Chief John Shelhart what the percentage was in the decrease in accidents from 2009 to 2010 and was told it was a significant amount but he did not know the exact number.

Ray Raszewski, Downing Dr., thanked the Town for their quick response during the heavy rain on Friday.

Councilman Huseman stated that he has a complaint about the Hodges and Davis billing time wise, there is contact four different times about a contract with the Police Chief and he asked why he or Councilman Philpot had not been made aware of this or been invited to participate. Councilman Kuiper stated that he believes that was a recommendation by the Police Commission and right now it is just being reviewed and it is not something for the Council yet. No one has any copies of it yet.

There being no further business or discussion, Councilman Kuiper made a motion to adjourn, seconded by Councilman Gard at 7:34 P.M.

John Alessia President

Attest:

Susan Peterson, Town Administrator