

**LOWELL TOWN COUNCIL
REGULAR MEETING
MARCH 26, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday March 26, 2012 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Town Administrator Susan Peterson called the roll. Members present were Craig Earley, Donald Parker, Phillip Kuiper, Edgar Corns and Bob Philpot. Clerk-Treasurer Judith Walters was absent. Also present were Town Attorney Ben Ballou, Director of Public Works Greg Shook, Chief John Shelhart, MS4/Building Tom Trulley, four media and twenty-seven citizens.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the March 12th regular meeting, seconded by Councilman Corns and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1318 - #1364, White-Police #4036 -#4046, Water #2151 - #2171, Waste Water #3150 - #3171. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

STANDING COMMITTEE – Annexation Committee

Act on recommendations from Annexation Committee. President Kuiper read the list of recommendations from the Annexation Committee. Doug Nicksch, President of the Annexation Committee stated the pocket annexations were a long time coming and the hundred and nineteen acres were self-explanatory also. Doug Nicksch stated there were five parcels, the eighty acres is consistent with two parcels, one is thirty five and the other is forty five acres, and then the other three are a two acre homestead and twenty seven acres of farmland and then there is another ten acres. Councilman Parker stated Jim Mandon has been looking at ordinances relating to some of the annexation and he would like to make a motion to table the annexation until the next meeting so they could talk to Mr. Mandon and he would like to include in this motion to contact the two property owners of the eighty acres and twenty seven acres to let them know at the next meeting they would be starting the annexation and if they would like to come in as friendly annexation, seconded by Councilman Philpot. Councilman Earley stated there were four different recommendations and they should not all be under the same motion, the first two are regarding annexing and the other two are feasibility studies. Councilman Parker stated he was referring to the first two recommendations, the motion carried by voice vote.

President Kuiper read the recommendations for the two feasibility studies, one study was for five hundred acres going south of the town limits to include the Sewer and Water Plants and the other study was for the area going across Belshaw Road following the railroad tracks east to include the town wells. Councilman Earley made a motion to accept both feasibility studies, seconded by Councilman Parker and carried by voice vote.

SPECIAL COMMITTEES

ORDINANCES & RESOLUTIONS

1st and 2nd reading – Public Hearing, Ordinance #2012-04 – Additional Appropriation for Freedom Park & Gambling Revenue. President Kuiper stated the Clerk-Treasurer has asked for a first and second reading and he read the ordinance. Councilman Earley made a motion to approve Ordinance #2012-04, seconded by Councilman Parker and carried by voice vote. Councilman Earley made a motion to suspend the rules, seconded by Councilman Corns and carried by voice vote. President Kuiper opened the public hearing. There were no comments. President Kuiper closed the public hearing. Councilman Philpot made a motion to approve Ordinance #2012-04 by name and title only, seconded by Councilman Corns and carried by roll call vote. Councilman Earley made a motion to set the rules back in order, seconded by Councilman Corns and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update
WWTP JMOB Requests
Water Infrastructure Improvement Plan

Public Works Director Greg Shook explained there was a pre-construction meeting held with Commonwealth Engineering and Thieneman Construction today for the WWTP Project and Thieneman will begin construction on April 6th.

The four lane project on I-65 and Rt. 2 will begin April 1st along with the paving along Rt. 2.

President Kuiper announced he would like to schedule a work session to discuss Powell Ditch. After discussion with the other members of the Council, it was decided to have the work session on Monday, April 9th at 6:00 P.M. before the Town Council meeting. President Kuiper asked Greg Shook to contact the property owners and Commonwealth Engineering to come to the work session.

Tabled from previous meetings:

NEW BUSINESS

Approve purchase of sand and stone from U.S. Aggregates, Inc. Mr. Shook stated this was an annual purchase and the prices are up slightly from last year, but it was still worth it to go get the sand rather than pay to have it delivered. Councilman Corns asked what the freight charge would be if the sand and stone is delivered. Mr. Shook stated he had not checked the freight this year but he did last year and found that it was more cost effective to send an employee to get the sand and stone. Councilman Parker made a motion to approve the purchase of sand and stone from U.S. Aggregates, seconded by Councilman Corns and carried by voice vote.

ANNOUNCEMENTS

The next Town Council regular meeting will be Monday, April 9, 2012 at 7:00 P.M with a work session at 6:00 P.M.

Habitat for Humanity House Dedication at 303 Burnham St. will be on March 29, 2012 at 4:00 P.M.

MEDIA QUESTIONS / PUBLIC COMMENTS

Carrie Napoleon, The Post Tribune asked if the feasibility studies have already been conducted. President Kuiper stated the studies have not been conducted. Carrie Napoleon asked who would be doing the studies and would it be put out for bid. President Kuiper stated the Town's Financial Consultant Greg Guerrettaz would probably do the feasibility studies. Carrie Napoleon asked where the two areas for the studies were. Mr. Nicksch explained the first area is close to five hundred acres south of the American Legion following the CSX railroad tracks on the east and down to Belshaw Rd. across to pick up the Town Utilities and to the west on Cline to include the Lowell Middle School. The second area is approximately the five hundred acres south of Belshaw with the CSX railroad tracks bordering the west side continuing southeast to include the town wells.

Don Huseman, 362 Gwen's Cove stated he spoke to all four-property owners regarding Powell Ditch and they were all in agreement with his plan, which he is going to submit to the Town.

Carl Ferro stated he approached the Council last December regarding Meadowbrook Subdivision and the fifty five thousand dollar bond and he still has not gotten a response as to who would be responsible for that money. He further stated someone should have been made accountable for this bond and a lien should have been placed on the property before any permits were issued in this subdivision. Mr. Ferro continued by saying that a Councilman approached Mr. Cripe and asked that he pay the fifty five thousand dollars. President Kuiper stated this was incorrect as well as other statements made by Mr. Ferro. He continued by citing examples such as charging Judy Walters with being against growth in Lowell. President Kuiper read the newspaper article, which quoted Judy

Walters saying she thinks the town has a small town feel. President Kuiper stated there was also a comment made at another meeting about the businesses not putting ads in the newspaper, a full page ad costs thirty two hundred dollars, a half a page ad was seventeen fifty, a quarter page ad was nine hundred dollars and stated that due to economic times, the businesses probably could not afford to put an ad in the paper. At another meeting, Mr. Ferro stated people were afraid to come downtown because they would get a jay walking ticket, since January 1, 2009 nineteen citations were written on jay walking, eighteen were at the High School and one citation was written by the Family Video. There have been no citations written in the downtown area.

Don Huseman stated he did know the whole story of the fifty five thousand dollars and he spoke to Attorney Sobkowski to file a Federal lawsuit in Hammond and the Attorney called back after a year and said the statute of limitation had run out.

Councilman Earley stated he met with the township trustees and some of the entities that are involved in the Fire Territory along with the Attorney. He stated he would like to get the Council's feelings about being in this Fire Territory. Before he can schedule any meetings, he would need approval from the Town Council to proceed. Councilman Parker stated the Clerk-Treasurer would be the records keeper and the Council would not be the governing body. Councilman Earley stated that the Fire Dept and the EMS can not be the governing body. Councilman Parker stated he would like to meet with the attorney to answer some questions they may have. Councilman Corns stated he would like to see some figures. Councilman Earley stated he was just asking for a blessing from the Council to proceed with meetings. Councilman Philpot stated he has been against this from the beginning, but has no objections to proceeding with meetings to see what comes out of this.

There being no further business or discussion, Councilman Corns motioned to adjourn, seconded by Councilman Parker at 7:32 P.M.

Phillip Kuiper, President

Attest:

Susan Peterson, Town Administrator