

**LOWELL TOWN COUNCIL
REGULAR MEETING
MAY 14, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday May 14, 2012 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 Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shelhart, Town Administrator Susan Peterson, Tom Trulley, two members of the media and fourteen citizens.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the April 23rd regular meeting, the April 23rd work sessions, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1488 - #1540, White-Police #4065 - #4080, Water #2242 - #2296, Waste Water #3229 - #3275 and recommended them for approval. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

MONTHLY REPORTS – April, 2012

Councilman Earley made a motion to approve the monthly reports for April, 2012, seconded by Councilman Corns and carried by voice vote.

SPECIAL COMMITTEES – Annexation Committee

ORDINANCES & RESOLUTIONS

1st reading – Ordinance #2012-06 – amending Chapter 71 – regulation of school grounds. President Kuiper read Ordinance #2012-06, amending Chapter 71 – regulation of school grounds. Councilman Earley made a motion to hold Ordinance #2012-06 for a second reading, seconded by Councilman Corns and carried by voice vote.

1st & 2nd reading – Ordinance #2012-07 – adopting a replacement Zoning Ordinance. Recommendation for Plan Commission. President Kuiper read Ordinance #2012-07 –

adopting a replacement Zoning Ordinance. Councilman Philpot made a motion to hold Ordinance #2012-07 for a second reading, seconded by Councilman Corns and carried by voice vote. Councilman Parker made a motion to set aside the rules, seconded by Councilman Corns and carried by voice vote. Councilman Parker made a motion to approve Ordinance #2012-07, adopting a replacement Zoning Ordinance by name and title only, seconded by Councilman Corns and carried by roll call vote.

1st & 2nd reading – Ordinance #2012-08 – amend Salary Ordinance – part-time building inspectors. President Kuiper read Ordinance #2012-08 – amend Salary Ordinance – part time building inspectors. Councilman Corns made a motion to hold Ordinance #2012-08 for a second reading, seconded by Councilman Parker and carried by voice vote. Councilman Parker made a motion to adopt Ordinance #2012-08 by name and title only, seconded by Councilman Philpot and carried by roll call vote. Councilman Parker made a motion to set the rules back, seconded by Councilman Corns and carried by voice vote.

Resolution #2012-04 – Temporary Loan. President Kuiper read Resolution #2012-04 – Temporary Loan from the Sewer Improvement Fund \$400,000 to MVH Fund \$100,000, Park Fund \$50,000 and General Fund \$250,000. Councilman Earley made a motion to adopt Resolution #2012-04, seconded by Councilman Corns and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update

Mr. Shook asked the Council to approve the proposal from Cardno JFNew for the Wetland Delineation to move forward with Powell Ditch. Councilman Parker made a motion to approve the proposal, seconded by Councilman Earley and carried by voice vote.

Mr. Shook asked the Council to approve proposals from Odle Inc. and Stonehard for the coating of the softening clarifier basins at the Water Treatment Plant. He explained they were looking at doing this a year ago, but the company they were going to use backed out. They have found two and he has included the minimum requirements he sent out to the two companies requesting proposals because he knew it would be over \$25,000. He has spoken to the Clerk-Treasurer and funds are available. Legal counsel reviewed the proposals and did not have any problems with it. Mr. Shook asked the Town Council to approve the proposal from Odle, Inc. in the amount of \$99,930 to do the clarifiers, inside and out would be water blasted, cracks and voids would be filled in and sealed and the whole outside would be coated. Councilman Parker wanted to know how frequently will this need to be done. Mr. Shook stated this was the first time it has ever been done and this is something that has been requested by IDEM. Councilman Earley asked how long will this last. Mr. Shook stated it has a two-year warranty. Councilman Parker made a motion to approve the proposal from Odle, Inc., seconded by Councilman Corns and carried by voice vote.

Clerk-Treasurer Walters asked permission to advertise for additional appropriation from the Cum Sewer Fund for the Powell Ditch project so when they decide to do the project the money would be there for them to use. Councilman Corns made a motion to give permission to the Clerk-Treasurer for the additional appropriation, seconded by Councilman Earley and carried by voice vote.

WWTP JMOB Requests
Water Infrastructure Improvement Plan
Streets/Sidewalks

*Act on 2011 hotel/motel tax distribution requests. President Kuiper explained he had a meeting with Councilman Corns, Clerk-Treasurer Walters, and Town Administrator Susan Peterson on the tax distribution and the distribution they came up with was \$250.00 to the Three Creeks Historical Association, \$700.00 to the Lowell Chamber of Commerce, \$1200.00 to the Lowell Downtown Merchants Association, \$600.00 to the Lowell Parks Department for the promotion of the Parade of Lights and \$2400.00 to the Lowell Labor Day Committee for the promotion of the Festival and Parade. Councilman Earley made a motion to approve the distributions, seconded by Councilman Parker and carried by voice vote.

*CDBG Projects for 2012-2013. President Kuiper stated they held a public hearing on April 23rd and received input and \$49,060 has been allocated for ADA (handicapped accessible) playground equipment and also for the installation of handicapped sidewalk ramps for some of the intersections in Town. Town Administrator Peterson explained these funds would be divided equally for both projects and the playground equipment would be used at Liberty Park because they need the most updating because their playground equipment is the most outdated. Councilman Earley made a motion use the funds for ADA playground equipment and installation of handicapped sidewalk ramps, seconded by Councilman Corns and carried by voice vote.

*Approve Pay Request #10 – Commonwealth Engineers - \$7982.29 and forward to SRF for payment for WWTP Improvement Project. Councilman Parker made a motion to approve pay request #10, seconded by Councilman Philpot and carried by voice vote.

Discussion of Fire Territory. President Kuiper explained at the last meeting Councilman Earley asked for approval to try to get everyone together again to discuss the Fire Territory. Councilman Philpot stated the request was made a month ago and it was for Councilman Earley to attend the Fire Territory meetings and it is his understanding is that there have been no fire territory meetings since April 9th. Councilman Earley explained since the last meeting he attended where Alice Dahl invited them, she brought an attorney for them to meet and spoke briefly about the fire territories. The attorney explained to them his association with writing fire territories with the State of Indiana and after that meeting nothing else has been brought forward. Mrs. Dahl told him she would not have any further meetings on this. Councilman Earley stated he wanted to get all of the entities back together Eagle Creek, Cedar Creek and West Creek with representatives from the Town to discuss whether they are going to pursue the Fire Territory. He further

stated he called Councilmen Philpot and Corns and informed them of the meeting and asked if they had any questions that could be brought forward at this early stage of the game and obviously cannot answer any detailed questions because there isn't anything to ask. President Kuiper asked if there were any objections with Councilman Earley getting people together. Councilman Corns stated they should appoint a representative from the Town Council so it's legal. President Kuiper explained this was already done in the beginning of the year and Councilman Earley was appointed. Councilman Philpot expressed concern regarding the Republican aspect is not represented in this meeting and he thinks they should be represented. His second objection is that Councilman Earley is sitting on two other boards, Fire Dept and Ambulance and those two may have a little conflict of interest and if he is sitting on the Fire Territory board in which contracts will be awarded to Fire Dept or the Ambulance service, this screams out conflict of interest. Councilman Earley stated they were not creating any kind of board here all they are trying to do is find out if the Town and Townships are going to pursue a Fire Territory to be able to help fund the Fire Department and has absolutely nothing to do with the ambulance service, just the Fire Department. He further stated the ambulance service couldn't be included in the Fire Territory. Councilman Philpot stated according to the attorney's recommendation, the Fire Department and/or ambulance would be put out to bid by the Fire Territory. President Kuiper stated the only thing they are doing tonight is to give Councilman Earley permission to call on all the townships to have a meeting to talk about the Fire Territory. Councilman Parker asked if this would be a public meeting. Councilman Earley stated this meeting would not be a public meeting; it is just to figure out if they are even going to pursue it. He further stated this is not a board it's not a voting board and it doesn't need a Democrat or Republican and when or if they form a representatives to sit on a financial board for a Fire Territory, then there might be some political things that will have to be ironed out. A discussion followed as to who was appointed to the Fire Dept. Clerk-Treasurer Walters explained Councilman Earley represents the Town with Fire Department and Ambulance boards.

Tabled from previous meetings:

NEW BUSINESS

*Act on Compliance with Statement of Benefits for Personal Property – Midwest Accurate Grinding. Jack Conley Jr. representing Midwest Accurate Grinding 17211 Morse St., is asking for continuation of the current abatement that they have. President Kuiper asked how many years were they in it right now. Clerk-Treasurer Walters stated this was a ten-year note expiring in 2013, they had a total of three and this is the last one. Councilman Parker made a motion to approve the request, seconded by Councilman Philpot and carried by voice vote.

*Enter into Agreement for CDBG Entitlement program years 2013 through 2015. President Kuiper read Resolution #2012-05 and Coop Agreement Commitment to continue. Town Administrator Peterson explained this is to show our commitment to Lake County to continue with the CDBG program. Councilman Parker made a motion to approve the request, seconded by Councilman Corns and carried by voice vote.

ANNOUNCEMENTS

The next regular meeting will be Tuesday, May 29th at 7:00 P.M.

MEDIA QUESTIONS / PUBLIC COMMENTS

Melanie Csepiga, The Times, wanted a copy of the amended High School ordinance. She asked about the new zoning ordinance adopted this evening, could someone give highlights to those changes. Attorney Sobkowski stated they were going back to the old zoning ordinance, which existed prior to September 27, 2011. Ms. Csepiga asked why they were doing that. Tom Trulley explained when the new zoning ordinance was adopted it was done so without a zoning map and there are some clerical errors. He further stated the best solution would be to go to the old ordinance until they can fix the new one and get a new zoning map to coincide with the new ordinance.

Don Huseman, 362 Gwen's Cove, stated the maintenance pond at Providence is now gone and never was fixed, it was a dry bottom pond that never held water and needs to be mowed. Mr. Shook stated he would look in this.

Marcia Carlson, 240 W. Main, thanked the Council for honoring the request from the Lowell Historical Association for the hotel/motel tax distribution. She asked if the volume of the microphones on the podium could be turned up so the voices could be heard in the audience. Clerk-Treasurer Walters stated there was too much feedback when the microphones are turned up. Mrs. Carlson asked if the Community Development money was going to Liberty Park. Town Administrator Peterson explained that half would go to Liberty Park for ADA playground equipment and the other half would go for handicap curbs. Mrs. Carlson stated everything that was available is already allocated for some specific purpose and there is not extra money. President Kuiper stated they were looking to use it all. Mrs. Carlson stated her concern is the railroad crossing on Main St. as she was coming to the meeting there were four very young children trying to get across the railroad tracks with cars coming. How much money could it cost to put blacktop between the rails and gravel so those kids could get off the highway. President Kuiper asked Mr. Shook to look into this matter.

There being no further business or discussion, Councilman Earley motioned to adjourn, seconded by Councilman Corns at 7:45 P.M.

Phillip Kuiper, President

Attest:

Judith Walter, Clerk-Treasurer

