

LOWELL TOWN COUNCIL MEETING

07-23-2012

7:00 PM

The regular meeting of the Lowell Town Council was called to order on Monday July 23, 2012 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed in remembrance of Sergio Perez and Nicholas Taylor, two National Guard's men that were killed in Afghanistan recently. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Phillip Kuiper, Edgar Corns and Donald Parker. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Police Chief John Shelhart, Town Administrator Susan Peterson, Building Official Tom Trulley, two members of the media and fourteen citizens.

TREASURER'S REPORT - June 2012

Councilman Earley made a motion to approve the treasurer's report for June 2012, seconded by Councilman Corns and carried by voice vote.

APPROVAL OF MINUTES

Councilman Corns made a motion to approve the July 9th regular meeting and the July 9th executive session, seconded by Councilman Philpot and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed White Vouchers #1786 - #1844, White-Police #4119 - #4132, Water #2418 - #2442, Waste Water #3385 - #3402. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Redistricting - Lake County Board of Elections and Registration

Clerk-Treasurer Judith Walters stated that we have to re-district our wards in 2012 and pass the new ordinance. She stated that we do not have to change the wards, but put out a new ordinance. A letter came from the Lake County board of elections offering their help. President Kuiper stated that if there are some suggestions of redistricting, then we can talk about it. Mrs. Walters stated that there is a map attached and she just thought in the next month we could set a work session to go through the map. President Kuiper asked the board if they would like to do that and all agreed.

SPECIAL COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

Resolution #2012-20 - transfer of funds - Town Court

President Kuiper read Resolution #2012-20 as presented. Councilman Corns made a motion to adopt Resolution #2012-20 seconded by Councilman Philpot and carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update

WWTP JMOB Requests

Water Infrastructure Improvement Plan

Streets/Sidewalks-

***WWTP Improvement Project - Approve Pay Request #14 - to Commonwealth Engineers for engineering services - \$19,323.66 and Pay Request #15 - Payment #3 to Thieneman Construction - \$731,406.03 (\$694,835.72 to Contractor, \$36,570.32 to retainage) - and forward to SRF for payment**

***Enter into Supplemental Contract with INDOT for curb and sidewalk reconstruction on State Road 2 from Fremont to Burr Street and Forward for 80% Reimburse to State Tabled from previous meetings:**

Mr. Shook stated the pedestrian crossing request from the last meeting has been forwarded to CSX and we received a response from them saying that they have forwarded the info to the correct department and expect to follow up with us shortly. President Kuiper asked if we had been down that road before and if they actually get back to us. Mrs. Peterson stated that she had contacted them before about weeds along the cracks, and they do usually get back to her.

Mr. Shook stated the he also received a request about the Providence pond and Tom Trulley, Councilman Earley, Mr. Huseman and representatives from Providence went out and looked at the pond. Mr. Shook stated that they were receptive and said that their engineers would look at it. He stated that they will get back to us with the corrections that need to be made. We will follow up on that, but there is no time table as to when they will get back with us.

President Kuiper stated the information about the WWTP pay requests. Councilman Earley motioned to approve the pay requests which was seconded by Councilman Corns and carried by voice vote.

President Kuiper stated the information about the Supplemental Contract with INDOT. Councilman Philpot motioned to approve the contract which was seconded by Councilman Parker and carried by voice vote.

President Kuiper asked for an update on the construction for the curbs and sidewalks. Mr. Shook stated that he does not have a time line, but it will be much later in the year than he anticipated. INDOT is saying that the bid letting will be around the 1st of August next year, providing that we finish the engineering and right of way acquisitions. Mr. Shook stated that we

did find out the anticipated 40 parcels we need the right of way from will actually be around 53 between Fremont and Burr. President Kuiper stated to keep in mind we need to keep labor in mind too. Mr. Shook stated that the one thing about the supplemental contract is that is the addition of the \$815,000 that he announced at the last meeting. You can not use this for a different project, it has to be used for this project only. President Kuiper asked if there was any other discussion needed.

NEW BUSINESS

***Accept and place Historic District Street pole downtown - Lowell Mainstreet**

***Request street light on Parkway/speed bump on Village Parkway - Divi Development**

***Sign agreement with Lake County Solid Waste District for recycling center**

***Permission to use Capital Fund to purchase computers/copier**

***Water Conservation - Public Works Director Greg Shook**

Sue Riley from the Lowell Mainstreet stated that they would like to purchase a historic sign similar to the one in Crown Point that is cast aluminum and needs to be mounted in concrete. She stated that the area selected is on Tom Lump's vacant lot. Ms. Riley stated that she needed approval to order and purchase the sign and then she will give it to the town for installation. The picture was passed around for the board to view and a discussion about the details of the sign and the sign location followed. Councilman Corns asked if it would be on the property or on the sidewalk. Mr. Shook stated that it would be on the sidewalk prior to the last street before you get to the light at Mill St. so that people would see it as they are driving by and it would not be in any line of sight from traffic. Councilman Earley made a motion to approve the sign Councilman Corns seconded, carried by voice vote.

Rose Kucksa at 712 Village Parkway, who was representing Richard Zunica who could not attend the meeting, read a letter from Mr. Zunica to the town council regarding the need for a street light on Parkway and speed bump on Village Parkway by Divi Development. President Kuiper asked if we even allow speed bumps in town. Chief Shelhart stated that we do not on public driveways, but if it is a private road or drive you can do whatever you please. Mrs. Kucksa stated that Mr. Zunica does have pictures to passed around to the council. She continued to pass the pictures out. Councilman Earley asked the chief if there was anything to add or if there was any knowledge of this. Mrs. Kucksa stated that they have knowledge of the stop sign that was shot up, but they also know about the damage the Village Green billboards. Councilman Corns stated that there is a new stop sign out there. Mrs. Kucksa replied that yes, they have always replaced it. Chief Shelhart stated that we do patrol that area, but if anyone sees or hears anything to please give them a call and we will respond out there. That is one area of the town that we try to cover, but we can not have an officer there all the time. He stated that we need someone to call and let us know what is going on out there when it's going on. We would like to see if we can narrow down a certain time that this is going on so we can be aware of it. Councilman Corns asked if 173rd St. is part of the county or town, and where does the town start out there. Mr. Shook stated that if you are talking about road miles, it is claimed by the county. We do have town limits on both lines of the street, but not North Meadow. He stated that the issue of the light came up once before with the cost of putting the light in because the electric is not there to put that in. Tom Kucksa 712 Village Parkway stated that we have a transformer and

Mr. Zunica has already received a price from TK Electric that beat our old price of \$20,000 from NIPSCO. TK Electric said that he would run the electric, which NIPSCO approved, for \$10,400. Mr. Kucksa stated that is why Mr. Zunica is asking for the town to go half and half. The lights would be facing Village Parkway instead of 173rd St. since that belongs to the county. President Kuiper stated that we had that discussion before as well, but the hang up was that we have not put a light up in a subdivision since that is usually up to the developer. Councilman Earley asked who the developer is. Mr. Kucksa stated that is Rick Zunica. Mr. Kucksa continued stating that the problem is, it is not in the subdivision. We are doing this because of what is happening in that corner that is unsafe. This area is not developed yet and will not be for a long time. If you drive by sometimes, you will see cars parked up in the corn field with people drinking. It is a dark corner. Councilman Earley stated that he is very familiar with that area. It is disturbing when there are bullet holes in signs that close to town. Councilman Earley stated that as soon as the meeting is out, he wanted to talk to the Chief to try and wrap up something out there in that respect. As far as making a statement that we will go halves with you, the next developer will come in expecting us to install or going halves on street lights throughout the community. He stated that they could have the same issues and concerns that you have, which are valid, but we need to address them in a different manor. If the developer is supposed to put the lights in, then maybe we should go back to the developer and tell them that this is what your subdivision needs. Mr. Kucksa stated that it is not just our safety or subdivision, one of the bullets may stray. President Kuiper stated that he was not sure what would solve that, but he would like to lay this on Chief Shelhart to address. Councilman Earley stated that he is concerned the street light will just light up the target for them. The area is bare. A discussion followed about the area and who hangs out there and the fact that the police need to be called when issues happen. President Kuiper asked if the Chief could follow up with them and let the council know how that goes. Councilman Philpot asked if there were loitering laws as well. Chief Shelhart answered yes that those are in place.

President Kuiper stated that they need to enter the agreement with Lake County solid waste for the new recycling center out at Freedom Park. Councilman Philpot made a motion to sign the agreement and stated that it is a good thing and it is very nice looking. He added if anyone had any concerns about mattresses or items being dumped there, Tom the park manager has guaranteed that he will take care of it. Councilman Earley seconded the motion. President Kuiper asked if there were any concerns. Councilman Corns asked if we will be receiving revenue off of the recycling. President Kuiper stated that he doesn't think we get anything because it's for the out of town folks. Councilman Corns stated that he was out to see them and they are beautiful. He also stated that Tom said that Mr. Langen would help them with new benches and paving. President Kuiper stated that he was sure, they have helped the park in the past. Councilman Philpot stated that if you look at the one in Crown Point, they have paving all around the dumpsters. He stated that we lost the other recycling bins and that the town people have been asking for one, so there finally is one. The motion carried by voice vote.

Clerk-Treasurer Judith Walters stated that most of the computers that we have are at least ten years old in the office and we are having issues backing up and things moving slow. She stated that she would like permission from the capital improvement fund to purchase new computers throughout the town hall and a new copier as well. Mrs. Walters stated that she would be asking for up to \$25,000 and that it probably would not be that much since part of the cost will be shared with the water and utility departments. The copier will be split through all three

departments as well. Councilman Philpot asked if we were replacing just the computers or servers as well. Mrs. Walters stated that we have servers that are that old as well, and we have two servers that need to be updated. Councilman Corns asked if any equipment can be moved to other parts of town. Mrs. Walters stated that we will move them to places that just use Word or E-mail, but the software we have we are having trouble with. Councilman Philpot asked if we are getting new software as well. Mrs. Walters stated no, that our software provider updates it. Councilman Philpot asked if we are getting new OS systems for the server and the computers. Mrs. Walters stated that Gigahertz does not think we need anything, but as we add them we will decide. Councilman Parker asked if we have thought of including a generator. Mr. Shook stated that we have pricing but it is kind of old now. President Kuiper stated that we should check in to prices for that. Councilman Philpot made a motion to approve the money for computers, Councilman Corns seconded and it was carried by voice vote.

Mr. Shook stated that the Indiana Department of Natural Resources and the Indiana Department of Homeland Security has issued a water shortage warning for Indiana due to drought. They are asking all municipal users to cut their consumption by 10-15%. Also a letter from the Department of Environmental Management came today. Mr. Shook stated that in the past we did the odd/even sprinkling. President Kuiper stated that he sees no reason why we shouldn't implement that. Councilman Parker stated that there is no reason why we shouldn't implement a draft ordinance from June to October where you do the staggered watering. Mr. Shook stated that there is an ordinance, but the President has to issue an executive order that is good for thirty days and then you have to issue it again. Mr. Shook asked if we can have the council do it tonight for further notice. President Kuiper asked what if we amended the ordinance to when our summer rates are. Councilman Early asked if we should begin the sprinkling ordinance at the time we begin the summer rates. President Kuiper stated yes, just include the odd/even sprinkling days in that. Councilman Earley stated asked if for now we should just use the executive order. President Kuiper stated yes, we should. Mr. Shook stated that our waters levels are down maybe three feet from last year, but last year was a wet year. He added that we are not running out of water, we're just trying to conserve it. Councilman Earley asked about developers or people putting in new lawns. Mr. Shook stated that you have to comply, but we know when you put in sod you need to establish it. President Kuiper asked if Greg can work up an amendment. Mr. Shook stated that he would. President Kuiper stated that we will put that executive order out.

ANNOUNCEMENTS

Next regular meeting - Monday - August 13, 2012 - 7:00PM

President Kuiper stated that there is also a meeting August 1st at our Middle School that is about the Illiana tier one draft. That is at our new Middle School.

Councilman Corns asked where we are on the Powell ditch. Mr. Shook stated that we completed the survey lineation and sent coordination letters to the Army Corp, Department of Environmental Management, and the Department of Natural Resources. We are waiting to hear what their concerns may be or if they even see a problem. Once we get something back then we will approach the Lake County Drainage Corp to get a permit from them. At that time we can look in to putting this out to bid. Councilman Corns asked if there would be an advantage to

getting Lake County to accept that as a legal drain. Mr. Shook stated that it does not meet their requirements right now. The way the law is written, we have to meet their standards and then at that time they would consider taking it over and it would be their responsibility to maintain. Councilman Corns asked Mr. Sobkowski if he knew anything about the old grade school. Mr. Sobkowski stated that July 27th is the date after that we can file a petition for a tax deed. Councilman Corns asked after that how long will it be until demo can start. Mr. Shook stated that he is not sure how long the process for the tax deed will take. He stated that he will look and get back to Mr. Corns.

Councilman Parker asked if the financial report for the annexation of 80 acres, has been looked in to. President Kuiper stated that is with the annexation committee and that Doug Niksch is taking it to the annexation committee. Mr. Shook stated that he has not seen it. Councilman Parker stated that we do not know the status then. President Kuiper stated no, that Mr. Niksch is taking it to the annexation committee. Councilman Parker asked what is the next step. Mrs. Walters stated that everyone needs to review it and let us know if there are any changes or updates to it.

Councilman Parker stated that we talked about some water studies in the last study session. Mr. Shook stated that he still has to talk with the county. We were trying to set this up as a work shop prior to another council meeting. Mr. Shook asked if the council was interested in having a workshop another night to coordinate this. Councilman Parker asked if we needed a work session for just the water alone. Mr. Shook stated that he wouldn't think so. The goal of this workshop was going to be to get someone from the county and Saco here so we can let them know what we are looking at doing and if they want to be involved. Councilman Parker asked if we have talked to Mr. Bergstrom yet. Mr. Shook stated no, he has not reached out to him yet due to the MS-4 audit. He stated that the audit came out better than he expected, and once he gets that report he will make sure the council gets that as well.

Councilman Parker stated that we need a work session to talk about the water supply, and a subdivision review. There is a developer that is doing something different than what was presented and there are no covenants on file at the county. Once the bond has been released and we get the as built, these properties are our responsibilities. We need to do something to make them comply with our ordinances and see how to prevent this in the future. President Kuiper asked if Councilman Parker has thought of a date for this work session. After discussion on the board, President Kuiper scheduled the meeting for August 13th at 5:00PM for the work session. Councilman Parker stated that he would like to encourage people to come to the public meeting for the Illiana road. They need the opinion from the community. We are being used as a driveway to the Illinois expressway. He stated that it is good for Illinois, but what about Indiana. The tole road won't relieve the congestion on I-55. The interest of Lake County citizens needs to be taken care of.

Councilman Earley asked if there was some way we can review how we handle the retention pond issues. President Kuiper stated that we are doing everything possible not to have those in our hands. Mr. Shook stated that eventually it will become our issue with the MS-4 stuff happening.

Councilman Earley stated that if we can't control them we need to figure out what to do with them. President Kuiper stated that somehow when the initial subdivision is planned out, it should become ownership of that development if that's even possible. Mr. Shook stated that it goes back to the subdivision ordinance. It addresses how it needs to be built, but it says nothing about what will happen to that pond once it is built and put in to service. Councilman Corns

stated that a lot of the ponds were built dirty water in and dirty water out. Mr. Shook stated that we need to look at the ordinance language, but that won't protect against a situation where the developer goes belly up and it's sold in a tax sale. No matter what, someone needs to be responsible for those ponds. Councilman Earley stated that we need to standardize it on how to handle it when it happens. Mr. Shook stated that it always comes back to the town. There are about six that don't belong to the town that we are taking care of and mowing now. Councilman Parker stated that the problem is that it's always later, and the residences are impacted by it. He understands the process of a tax sale, but maybe we need to figure out how we can go in there and take care of it while it's in litigation. Councilman Philpot asked if we could set it up like a cemetery where you pay right away for the maintenance of that lot. He asked if there was something we can set up like that with a developer. President Kuiper stated that is almost like a maintenance bond. Mr. Shook stated that the only issue with that is it expires after a couple of years. Councilman Philpot stated that if they put it in and it's invested and left alone, maybe it can pay for itself. President Kuiper stated that we will have to look in to that.

Councilman Earley stated that he met with Bill Marshall today, a representative of the Colfax Lodge, and they are interested in the historic stones on the front and the Colfax cornerstone on the side of the old grade school. As soon as we get access to those, he would like to give them permission to take the Colfax stone. Councilman Corns stated that we asked for the big sign "Lowell School" and on the arch there are three blocks that have the name of the trustees at that time, and we asked for the stained glass windows over the entry way plus the 100 bricks and the monument on the corner. Councilman Earley stated just to get it out there, before we get too involved in the demo, there are people that want to be a part of that so we can take it out and possibly use that in some way. Mr. Shook stated that is all in the memorandum of understanding. Councilman Earley stated that August 6th at 6:00PM at the Town Hall will be the fire territory work session. It is to allow the local officials to meet with Mr. Bushman from Indianapolis. He is versed in fire territories and we hope to get these officials together to get any questions answered. This is not to decide if we are going to have a fire territory or not, just to be more informed so that we can make a decision.

Chief Shelhart announced that National Night out is August 7th from 6:00PM-8:00PM. He encouraged neighbors to get out and get to know each other.

MEDIA QUESTIONS/PUBLIC COMMENTS

Angie Fletcher, Lowell Tribune, asked for the ordinance on the water. She is not familiar with that. She also asked the Chief if there was somewhere to sign up for a block party. Chief Shelhart stated that they can call the station and leave a message where the block party is. Judge Karen Coulis stated that since she has been judge they have added a Wednesday night court to reduce the hours and traffic here at the Town Hall. Also they have started the teen court with the school system which will be starting back up in September. They have also been consulted with efforts to try to collect on our default judgements. The first group is out of New Jersey and they charge the town zero to collect the debt and pay us first from the money they collect before they take their fees. Judge Coulis stated that her staff has started cataloging the outstanding judgements. She asked if we could please put this on the September meeting agenda. She stated that we can collect on the judgements for misdemeanors, but we need an

ordinance to collect on the ordinance infractions. We will be requesting language to have the power to engage this service to collect the default judgements. She stated that she is trying to get a number of paces and a dollar figure. Even if we collect on 10%, it will be money coming in for the town of Lowell. President Kuiper added this to the agenda for the September 24th meeting.

Rod Hansen - 15008 Morse St. stated that he was born and raised in Lowell. He understands Councilman Parker's issues with the Illiana toll road, but he asked to consider the work the state has gone through to determine if we need another highway and the environmental impact survey they have done to determine where it should be. Mr. Hansen stated that when he came out of church Sunday he counted eleven tractor trailers in twenty minutes, none of them probably making a delivery in town. The resurfacing we have done on Rt. 2, which is great, is already bumpy again in some spots. He asked that we reconsider the feelings about if we need an Illiana road and where it should be. He stated that he would like to see it where they purpose it to be and the revenue come to Lowell. Mr. Hansen stated that it is a great opportunity to bring great businesses here and get the traffic off of Rt. 2 and get the downtown revitalized.

ADJOURNMENT

Councilman Earley made a motion to adjourn the meeting at 8:05 PM, seconded by Councilman Corns and carried by voice vote.