

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
JULY 22, 2013**

The regular meeting of the Lowell Town Council was called to order on Monday, July 22, 2013 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Town Administrator Susan Peterson called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Director of Public Works Greg Shook, Police Chief Erik Matson, Building Official Tom Trulley, Town Attorney David Westland, two members of the media, and twelve citizens.

JUNE TREASURER'S REPORT

Councilman Parker made a motion to approve the June 2013 Treasurer's Report, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1728 - #1784, White-Police #4142 - #4155, Water #2460 - #2489, Waste Water #3380 - #3398, Stormwater Utility #5008 - #5015, and recommended all of the vouchers for payment. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the July 8th, 2013 regular meeting and study session, and the July 9th, 2013 joint work session, seconded by Councilman Parker. Councilman Philpot stated the minutes from the joint work session were not sent out to the Townships that were present at the meeting. Town Attorney David Westland stated you can go forward with the minutes that Mrs. Walters has taken, but you can still send the minutes to the other Townships to get their feedback. You are approving the minutes based on what Mrs. Walters took and what your recollection is, but it is up to you if you want to have the other communities' input. Councilman Philpot stated he e-mailed a copy to Alice Dahl, and Mrs. Walters e-mailed back stating she is going to e-mail a copy to everyone after tonight's meeting. Mrs. Peterson stated she did not believe the minutes could be sent out to anyone else until they are approved by the Council. Councilman Earley stated the Council called the meeting, and the Council is approving or dis-approving the minutes to the meeting. The other communities were in attendance, but is it necessary for them to approve the minutes. Councilman Philpot stated they are not the Council's minutes, they are everyone's minutes. Mr. Westland stated the appropriate way to do it would be to approve your minutes, making it your official record of what happened, and then have Mrs. Walters send the minutes out to see if there is any more input. You have to make your minutes official, and then there could be further action to send

these to other people. Councilman Earley asked if the Townships could come back and amend the minutes if they see any issues. Mr. Westland stated yes you could. The motion carried by voice vote.

STANDING COMMITTEES - Redevelopment Commission

President Corns read a statement from the Redevelopment Commission and Clerk-Treasurer Judy Walters regarding the balance in the TIF Allocation as of June 30th was \$3.82.; and there were no outstanding obligations.

LTC REGULAR MEETING - 7/22/13 - Page 2 of 4

ORDINANCES & RESOLUTIONS

Resolution #2013-11 - Transfer of Funds - President Corns read Resolution #2013-11 a transfer withing the Cumulative Capital Improvement Fund from capital services to professional services in the amount of \$12,000 for the bike trail study. Councilman Earley made a motion to approve Resolution #2013-11, seconded by Councilman Kuiper and carried with five ayes on roll call vote.

Resolution #2013-12 - Temporary Loan - President Corns read Resolution #2013-12, a temporary loan from the Sewer Improvement Fund to the Park Fund in the amount of \$75,000.00. Councilman Parker made a motion to approve Resolution #2013-12, seconded by Councilman Philpot and carried with five ayes on roll call vote.

UNFINISHED BUSINESS

Public Works Department Update - Director Shook stated there will be a meeting Wednesday with the Lake County Surveyor's office to discuss Powell Ditch as far as maintenance.

WWTP Improvement Project - Director Shook stated the project is about 95% complete. We are waiting for Krueger Company to schedule a start-up date where they will come visit and we will go through the motions of starting up and running the equipment.

CDBG Projects - Approve Invoices for Hook's Concrete - \$32,500 and Kidstuff Playstations - \$16,030 and forward to County for payment - Councilman Earley made a motion to approve the invoices as listed, seconded by Councilman Philpot and carried by roll call vote.

Novak Annexation - Councilman Parker stated there has been some talk between our attorney and Mr. Novak's attorney, and he would like to make a motion to move forward with the annexation process of Novak's property. The motion was seconded by Councilman Philpot and carried four to one by roll call vote with Councilman Kuiper voting nay.

NEW BUSINESS

Enter into Agreement with Keithley Farms at WWTP for 2013 - President Corns read a letter from Mr. Keithley. Councilman Earley made a motion to approve the agreement, seconded by Councilman Parker and carried with five ayes on roll call vote.

Permission to waive sidewalk permit fees for Sidewalk Days - August 31st - Councilman Earley made a motion to waive the sidewalk permit fees for Sidewalk Days, seconded by Councilman Parker and carried with five ayes on roll call vote.

Permission to use recycling funds for rubberized mulch for parks - President Corns read a statement from Mrs. Walters regarding the recycling funds for the rubberized mulch. Councilman Kuiper made a motion to approve using the recycling funds for rubberized mulch, seconded by Councilman Earley and carried with five ayes on roll call vote.

Requesting permission to place signage on Old Grade School Property site - Bud Ballou, 1256 Montigue Place, Valparaiso, IN, stated they would like to incorporate some remnants from the old Grade School in certain projects that we have going on. The first is a ten foot by twenty-two inch plaque that says "Public School" that we would like to place on the bank about eleven feet up from the curb. We would place some gravel below it to take care of the water run-off as well. They also have four other pieces they

LTC REGULAR MEETING - 7/22/13 - Page 3 of 4

would like to place at the entrance way along the driveway, and may need some help excavating down so that we can get some stone in there before we place the plaques. Councilman Kuiper asked what those plaques read. Mr. Ballou stated they list the old township trustees and the officials. Those will be placed at the Halsted House. Councilman Kuiper made a motion to approve the request and asked Mr. Shook to see what would be needed for this project to be done. Councilman Earley seconded the motion. President Corns stated he spoke with Three Creeks Historical Society about putting a bronze plaque there as well below the "Public School" plaque that would commemorate the old school. Councilman Kuiper asked where the plaque would go. Mr. Ballou stated you could attached below or to the side of the sign. Discussion followed about the placement of the plaque, what it would say, and finding out the cost. The motion carried with five ayes on roll call vote.

Act on favorable recommendation from Plan Commission - Town of Lowell Zoning Map and Future Land Use Map - Councilman Philpot made a motion to approve the favorable recommendation from the Plan Commission regarding the change in the Zoning Map, PC #13-006, seconded by Councilman Earley and carried with five ayes on roll call vote. Councilman Parker made a motion to approve the favorable recommendation from the Plan Commission regarding the approval of the Land Use Map, PC #13-007, seconded by Councilman Philpot and carried with five ayes on roll call vote.

ANNOUNCEMENTS

President Corns announced the next regular meeting - Monday, August 12th, 2013 - 7:00 P.M.

Councilman Earley stated looking back, he cannot see anything that has been discussed during the study sessions that cannot be discussed during the regular meeting. Also, during that session we cannot legally make any decisions, therefore the legal council does not need to be present. Councilman Earley made a motion to discontinue the study sessions for the Lowell Town Council, seconded by Councilman Kuiper. The motion carried on roll call vote with three ayes, two nays, with Councilman Parker and President Corns voting nay.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga asked if all of the money from CDBG is being used at Liberty Park. Mrs. Peterson stated part of it was used for the ADA curbs, and the other part was used for Liberty Park. Ms. Csepiga asked if the \$75,000 was being transferred to Parks for anything in particular. Mr. Shook stated no, but Mrs. Walters would be able to give more information on that.

Doug Zubrenic, 17339 Oak Valley Drive, stated he was before the Council to ask for some changes to the Zone Code regarding the parking and storage of recreational vehicles on residential properties. He stated his developer did not put the covenants through regarding this issue, and he is now having an issue with a neighbor and how he is storing his boat and trailer. Mr. Zubrenic stated he would like to see a change of only allowing one item stored outside on the property instead of three or four. There are houses that range anywhere from \$100,000 to \$400,000 and with the Town growing, these issues need to be addressed more seriously so that we do not have neighbors calling the cops or threatening one another. He stated this issue went to the court, but it was thrown out and the Judge would not give him a reason as to why it was thrown out. The second item is if they do store a boat in their driveway, it should be put closest to their front door so that they get the same view that their neighbor is getting. Mr. Zubrenic stated finally, he would like to incorporate a setback from the back setback of fifty feet and three feet from the property line with the vehicle being stored on a concrete pad so that it looks nice. This is just the right thing to do in a growing Town.

LTC REGULAR MEETING - 7/22/13 - Page 4 of 4

Councilman Kuiper asked if it is legal to have a boat hooked up to a vehicle in the street. Building Official Tom Trulley stated it is legal out on the street if they are hooked up to a vehicle. Until October, they are allowed to park their recreational vehicles in front of the house. Councilman Kuiper stated if you have enough of those parked on the sides of the street, you are just asking for someone to get hit because they will not be able to see someone coming. He asked what the current setbacks are. Mr. Zubrenic stated currently the setback is behind the front of the building, but he is asking for it to be from the back of the building. Discussion followed. Councilman Kuiper asked who decides who does the citing. He stated he had

heard before that if it was on the street the police take care of it, and if it is on the yard, the Town takes care of it. Police Chief Erik Matson stated it is not official, it is just an understanding that we have always had with the Ordinance Officer. Councilman Earley stated he has a very small yard, so if those parameters were approved, then he could not keep his camper in his yard. We have much smaller homes with smaller lots if you are looking at imposing this on the entire community. He stated if there was nothing against code, then that is why it was thrown out. Mr. Zubrenic stated it was on the side of his house when he was cited. Councilman Earley stated he has two trailers on the side of his house. Mr. Zubrenic stated according to the Ordinance, it states that you can have it three feet from the front setback. Councilman Earley stated during the summer, it can be in front of the lot line. Mr. Trulley stated that was correct. Mr. Zubrenic stated he is just asking for them to be placed more in view of their home. He stated when he looks out, he sees a construction trailer plus boats. Discussion followed. Councilman Parker asked if Mr. Zubrenic had talked to Code Enforcer Joe Kirk regarding this situation. Mr. Zubrenic stated that he has and Mr. Kirk stated he was getting no feedback from the court as to why they kicked it out. Councilman Parker stated he had spoken with Mr. Kirk about the violations and that he will sit with Mr. Kirk and Mr. Trulley to look at why the court did not look at the violation. Also, the Town does have a responsibility to make sure that covenants are in place if a developer comes in and says it in a public meeting and the Plan Commission accepts that before the bond is released. We are working on that, and we will work with Code Enforcement on getting it amended. Mr. Zubrenic asked if the covenants would have been in the minutes. Councilman Parker stated it would have been, but since the bond has been released, the Town bears the responsibility.

Mr. Trulley stated Mr. Kirk did go back out to the site to cite the homeowner, but the violation had been corrected. Also, there are a lot of items that people store for the winter, but then in the summer the only place they have to park them is in their driveway or street with their vehicle. Not every lot accommodates for backyard parking.

Councilman Parker stated there were some issues with a developer and a forty-eight inch storm sewer that is not completed. Mr. Trulley stated we are working on it.

ADJOURNMENT

With no further questions or comments, Councilman Earley made a motion to adjourn at 7:44 PM, seconded by Councilman Kuiper and carried by voice vote.

Attest:

Edgar Corns, President

Susan Peterson, Town Administrator