

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
MAY 27, 2014**

The regular meeting of the Lowell Town Council was called to order on Tuesday, May 27, 2014 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. 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 Jack Kramer, Public Works Director Greg Shook, Police Chief Erik Matson, SEH Representative Craig Hendrix, two members of the media, and seventeen citizens.

**APPROVAL OF MINUTES**

Councilman Parker made a motion to approve the May 12, 2014 regular meeting minutes, seconded by Councilman Earley and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Corns stated he had reviewed White Vouchers #1453 - #1497, White-Police #4104 - #4107, Water #2348 - #2370, Waste Water #3274 - #3292, and Stormwater Utility #5053 - #5058, and recommended all of the vouchers for payment. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with five ayes.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Plaque presented to Town of Lowell - ICE Program - President Corns asked for the item to be tabled since the student who is part of the ICE program could not attend the meeting. Councilman Earley made a motion to table the presentation, seconded by Councilman Parker and carried with five ayes.

**SPECIAL COMMITTEES** - Annexation

President Corns read the memorandum from the Annexation Committee to the Town Council that recommends the annexation of the Carlson Farm and the property to the southwest that is owned by Hallmark as a no-impact annexation. Councilman Philpot made a motion to approve the recommendation. Councilman Parker stated he would second it for discussion, but he would not vote for it. He stated we need to table it for now and get Planning Consultant Jim Mandon in here to discuss his thoughts and views. Councilman Kuiper asked if anyone has spoken to the Carlson's. Councilman Parker stated he was not sure. Councilman Kuiper stated to not be able to answer that tells me it should not be in front of us. Councilman Parker stated he was not sure what the Committee has done. He suggested that Doug Nicksch and Jim Mandon should come for a meeting to discuss the property. Councilman Philpot withdrew his

motion to proceed with the annexation, and Councilman Parker withdrew his second. Councilman Parker made a motion to table the recommendation, seconded by Councilman Philpot and carried with five ayes.

### **ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> Reading - Ordinance #2013-16 annexation of real estate - 4.20 acres - Novak property - Councilman Parker made a motion to approve Ordinance #2013-16 by name and title only, seconded by Councilman Earley and carried by roll call vote with five ayes.

1<sup>st</sup> Reading - Ordinance #2014-08 - Water Conservation - Councilman Philpot made a motion to approve the first reading of Ordinance #2014-08 by name and title only, seconded by Councilman Parker and

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carried by roll call vote with five ayes.

### **UNFINISHED BUSINESS**

Public Works Department Update - Public Works Director Greg Shook stated regarding the Powell Ditch, Mr. Carlson Senior did present the request for the easement to their board, and they did approve it contingent upon a few things being added to the easement. Mr. Carlson did not want to discuss it over the phone, so we have set up a meeting for tomorrow afternoon. Director Shook stated he will also be meeting with INDOT next week regarding the right-of-way acquisition for the curb and sidewalk project along State Road 2.

President Corns stated he took the liberty of contacting Randy Niemeyer, the President of the Cedar Lake Town Council, regarding the JMOB agreement. He would like to have a preliminary discussion with just Mr. Niemeyer and himself, and then possibly bring both Town Councils together for a final discussion on it.

Councilman Kuiper stated at the last meeting there were a few things that were said and some questions that were asked that the attorney could not answer at the time. He stated he did a little checking himself because there were a few things thrown out there that bothered him. One thing that was said was the charging of Councilman Earley having a conflict of interest because he sits on a board that we appointed him to. That is no more of a conflict of interest than any of us sitting on a board or commission and coming back to the Council and asking to move forward for the board that you were appointed to. Councilman Kuiper stated he would like to put that issue to rest. He also stated that he had a discussion with the Fire Chief who knew nothing about the discussion that one of our citizens brought up regarding cliques and why certain people were not being accepted in to the fire department. He stated we have to be careful as a Council when there are public statements made like that because it is not fair to not only the person, but the Fire Department as well. Councilman Kuiper stated he also checked in

to the private entity issue, and merging happens everyday. President Corns stated he did speak with the Fire Chief and told him it would be best to contact that person directly and discuss it with him. Councilman Kuiper stated he believed it would be best that when an accusation like that is made, the President should shut it down and take control.

### **NEW BUSINESS**

Permission to install banners for Farmers Market - Chris Holsti, 1254 Southwood Drive, stated she is requesting permission from the Town Council to place temporary banners at Mill and Commercial, Nichols and Commercial, and Commercial and Holtz Road. These will be erected on the Thursday preceding the market, and removed Saturday after the conclusion of the market. They are temporary vinyl banners measuring eight feet wide by about two and a half feet deep. Councilman Kuiper made a motion to approve the banners, seconded by Councilman Earley and carried by roll call vote with five ayes.

Permission to extend Park hours at Liberty Park - Saturday night - Hockey - Joseph Ferry, 424 Nichols Street, stated he was requesting that the park hours be extended at Liberty Park primarily in the tennis court for hockey use. Director Shook stated he believed they were an organized group. Mr. Ferry stated we are not an organized group, we are just friends who get together to play hockey on Saturday nights because that is when we have off. Director Shook stated under the ordinance, you are allowed to be in the parks after hours if it is approved by the Park Superintendent as a special event that is scheduled. Other than that the hours are in the ordinance and we would have to do something to change the ordinance. Councilman Kuiper stated he is all for making an exception right now and work on changing the hours in the future. If there is a group of kids that want to use our park for something like that, it is hard to say no. Councilman Kuiper made a motion to make a special exception, seconded by Councilman Earley. Councilman Earley

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stated he has had the chance to stop at the park and talk to some of the kids that play and there are some adults there as well. He stated there are a few things to figure out because currently the lights would have to be turned on manually. Director Shook stated we would probably turn them on Saturday and turn them off Monday. Councilman Earley stated in the future we could look in to timers or other options, but there are some other concerns. The tennis court is still a tennis court. He stated he was not sure what would happen if someone is playing tennis and you guys show up to play hockey. That is something that would need to be worked out. Also, we try to keep the court surface decent, and some guys use roller blades while they are playing. Councilman Earley also asked why they only use half of the court. Mr. Ferry stated the tennis net is there and it is also easier to keep the puck in the court. Councilman Earley asked that they be careful with the surface and that there may be something that we need to work out there. He also mentioned that when the kids leave, he has not seen any trash left behind and he would like for that to keep up. Councilman Kuiper asked if for some reason this quits, please let us know so the lights are not on for no reason. The motion carried by roll call vote with five

ayes.

Faulty Water Meter - Sidetrack Saloon - President Corns asked for the item to be tabled until June 9<sup>th</sup>. Councilman Kuiper made a motion to table the item until June 9<sup>th</sup>, seconded by Councilman Parker and carried by roll call vote with five ayes.

**ANNOUNCEMENTS**

President Corns announced that the next regular meeting will be held Monday, June 9th, 2014 at 7:00 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

Ms. Csepiga asked about the exceptions to the water conservation ordinance. Director Shook stated he would give her a list of exceptions discussed at the last meeting and included in the current ordinance.

Craig Hendrix, SEH Representative, stated the Council has a copy of his status report and if there are any questions he would be able to answer them.

Martha Burger-Farrellbegg, 515 Illinois, stated she understood the water conservation, and asked if would it be possible to work a deal with the rain barrels. Schererville and Merrillville are now offering rain barrels for \$50 through a company, and this may be some incentive to the people to help with conserving water. The Council agreed that it would be a good idea to look in to. Director Shook stated he would get with MS4 Coordinator Greg White to see if we could look in to that.

**ADJOURNMENT**

Councilman Parker made a motion to adjourn at 7:25 P.M., seconded by Councilman Philpot and carried with three ayes.

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Edgar Corns, President

Attest:

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Judith Walters, Clerk-Treasurer

