

LOWELL PLAN COMMISSION MEETING MINUTES
March 12, 2009 @ 7:00 PM

President Kelley called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Don Huseman, Elias Karras, Frank Lovely, Matt Felder. Absent were James Konradi, Richard Kelley, Greg Shook and Christine Marbach. Also present was Director of Community Development Wilbur Cox, Attorney Steele.

Approval of Consent Agenda:

- a) President Huseman asked for a motion to approve the December 18, 2008 special meeting minutes. Mr. Karras moved to approve the meeting minutes. Seconded by Mr. Lovely. Voting was **all in favor**. Mr. Cox stated that there was an error on the agenda and the February 12, 2009 meeting minutes also need to be approved. Mr. Carras moved to approve the meeting minutes. Seconded by Mr. Lovely. Voting was **all in favor**.
- b) **Claims or expenditures – None.**
- c) **Staff Reports or Comments – None.**

Public Hearings:
None.

Old Business:

Petitioner: KM & N Properties, LLC
Request: Accept \$80,000 Letter of Credit and \$200,000.00 Personal Guarantee in lieu of letter of credit for maintenance requirements for Heritage Falls Subdivision Unit I.

Attorney Jim Wieser was present representing KM & N stated that he has been working with the Town Attorney, Greg Sobkowski regarding this letter of credit. They do have the letter of credit for \$80,984.00 and the difference between the required maintenance bond and this letter of credit would be posted as personal guarantees by all the Principles with KM & N Properties, LLC in the amount of \$199,016.00. He stated that he had in his possession all the personal guarantees of all the principles and is asking for a favorable recommendation to be made to the Town Council. Attorney Steele was asked if the letters of credit and guarantees were all in order. Attorney Steele stated that he believed that they were and suggested that the commission recommend to the Town Council that they send a favorable recommendation to accept the letter of credit in the amount of \$80,984.00 and that the personal guarantee of \$199,016.00 from the Principles of KM & N Properties, LLC as well as the spouses of the principles that were married, and that Attorney Sobkowski has the opportunity to look at the final executed copies. Attorney Wieser stated that he did not have a problem with this and just found out that day that the spouses would have to be included in the personal guarantees and this would be provided. Mr. Carras moved to adopt the language used by Attorney Steele. Seconded by Mr. Felder. Voting was **all in favor**.

New Business:

Petitioner: KM & N Properties, LLC

Request: Defer \$35,000 sidewalk payment required from the development of Phase I to Phase II to install electric service to the Water Booster Station building.

Attorney Wieser stated that given the current state of the economy, they are asking to defer payment on Phase I to Phase II for the sidewalk to use the money to extend the electric service to the Water Booster Station building. The agreement would be that the town would do all the digging and backfill and they would do the rest. He stated that he and the town attorney would touch up the agreement and have it ready for the next Town Council meeting. Mr. Cox stated that the \$35,000 figure was a figure that Mr. Kovich is throwing out and it is not the figure that the town has agreed to because there has not been any agreements drawn up with a definite figure. This is what Mr. Wieser and Mr. Kozlowski are going to be drawing up. Mr. Felder moved to accept the request to defer whatever the payment is to Phase II. Seconded by Mr. Carras. Voting was **all in favor**.

Public Comments:

Mr. Cox stated that there will not be a meeting next month.

Adjournment: Mr. Felder moved to adjourn.

Donald Huseman, President

Elias Carras, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes by the Plan Commission.

Christine Marbach – Recording Secretary