

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
AUGUST 10, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, August 10, 2009 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. Present were Council Members Donald Huseman, Shane Tucker, John Alessia and Phillip Kuiper. Councilman David Gard was absent. Also present were Town Attorney Greg Sobkowski, Public Works Director Greg Shook, Town Administrator Susan Peterson, Community Development Director Wilbur Cox, Police Chief John Shelhart, two members of the media and eight interested citizens.

**APPROVAL OF MINUTES**

Councilman Alessia made a motion to approve the minutes from the July 27<sup>th</sup> regular meeting, seconded by Councilman Tucker. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1985-2054, White Police Vouchers #4079-4090, Water Vouchers #2445-2478 and Waste Water Vouchers #3386-3414 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

**MONTHLY REPORTS**

Councilman Huseman moved to approve the monthly reports as submitted, seconded by Councilman Tucker and carried.

**ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> Reading - Ordinance #2009-13 - amending Section 36.090 Law Enforcement Fund towing firm fees - Councilman Huseman made a motion to adopt Ordinance #2009-13 by name and title only, seconded by Councilman Alessia. Roll call vote carried with five ayes.

1<sup>st</sup> reading - Ordinance #2009-14, additional appropriation of \$610,000 for Street Paving Bonds, was read by President Kuiper by name and title only. Councilman Alessia moved to adopt Ordinance #2009-14 by name and title only, seconded by Councilman Tucker. No discussion, the motion carried by voice vote. President Kuiper opened the Public Hearing. There being no comments the public hearing was closed. Councilman Alessia moved to suspend the rules and hold second reading immediately, seconded by Councilman Tucker and carried. Councilman Alessia moved to adopt Ordinance #2009-14, additional appropriation of \$610,000 for Street Paving Bonds by name and title only, seconded by Councilman Tucker. On call of the roll, the motion carried with four ayes.

Councilman Huseman moved to put the rules back in order, seconded by Councilman Tucker and carried.

1<sup>st</sup> reading - Ordinance #2009-15 - Gambling Revenue - additional appropriation for street paving project and Burr Street/Route 2 Project - President Kuiper read Ordinance #2009-15 that appropriates the funds for the street paving project in the amount of \$220,000 and appropriates the 80% the State will be reimbursing the Town for the Route 2/Burr Street Project in the amount of \$758,320. Councilman Alessia made a motion to hold over Ordinance #2009-15, seconded by Councilman Huseman and carried. President Kuiper opened the Public Hearing. There being no comments, the hearing was closed.

1<sup>st</sup> Reading - Ordinance #2009-16 - 2009 Salary Ordinance - President Kuiper stated the ordinance reflects a 3% salary increase. The Council had chosen to wait until an approved 2009 budget had been received from the State before approving salary increases for 2009. Councilman Alessia made a motion to hold over Ordinance #2009-16 for second reading, seconded by Councilman Tucker. It was noted that there would be no salary increases budgeted for 2010 and possible 2011. The motion carried by voice vote. Councilman Alessia moved to hold the rules aside and hold second reading immediately, seconded by Councilman Tucker and carried. A discussion followed on when the ordinance should be effective. It was decided since this may be the last raise the town employees see for awhile the effective date would be retroactive to January 1st. Councilman Alessia moved to adopt Ordinance #2009-16 by name and title only effective January 1st, seconded by Councilman Tucker. On call of the roll, the motion carried by voice vote.

Resolution #2009-15 - transfer of funds in General - Fire Budget - President Kuiper read Resolution #2009-15 to transfer \$1,480.50 from fire equipment to 122 fire physicals. It was noted that the reason for the transfer was to cover state mandated physicals for all volunteer firemen. Physicals used to be done every other year but are now required annually. At this time the town has been paying the physicals in full and are hoping the townships will be able to contribute in the future. Councilman Alessia made a motion to adopt Resolution #2009-15, seconded by Councilman Huseman and carried by voice vote.

### **UNFINISHED BUSINESS**

Public Works Department Update - Director of Public Works Greg Shook reported that the Burr Street/Route 2 Project has started up again this week with work on the storm sewer lines. Closing of both north and south Burr Street will occur during the week. He stated a meeting was held last week with town officials and school officials to bring everyone up to date on the schedule.

2009/2010 Road Salt Bid - Public Works Director Greg Shook reported that the Town participated in the State award for road salt and the bid was awarded to Morton Salt in the amount of \$54.67/ton. Last year the Town was paying \$101.00 per ton.

Sale of Water property - The property at 241 N. Liberty has been up for sale and after the 60 day time period no offers had been received. The appraised value of the property is listed at \$82,500.

Councilman Alessia moved to advertise the property for an additional 30 days for \$82,500, seconded by Councilman Huseman, and carried by voice vote.

Mavis Program - At the last meeting Councilman Gard had reported that he attended an Ambulance Board meeting where the Mavis program was presented, which is a mutual aid system and had asked our legal staff to review the contract. Attorney Sobkowski has reviewed the contract and had a couple of concerns. Since the fire department is volunteer they would need to become a party to the agreement, and our agreement with the volunteers would need to be amended. He also recommended that we check with our insurance provider on the indemnification requirements. Attorney Sobkowski also questioned the division Lowell would be in and how the divisions are selected. Councilman Alessia moved to table pending resolution on these concerns, seconded by Councilman Huseman and carried.

Director of Community Development Wilbur Cox updated the Council on the old grade school property. Under the unsafe building law the property has been roped off and a notice stating the property is unsafe to enter. He stated he had met with Arthur Legace, owner of the building and his contractor as they want to repair the building. Currently the contractor is not licensed in Lake County but is working on getting his license. Mr. Cox stated they will proceed with the unsafe building violations and not wait to see if they do come in for a building permit.

### **ANNOUNCEMENTS**

President Kuiper announced the next regular meeting to be held on Monday, August 24, 2009 at 7:00 P.M.

Clerk-Treasurer Judy Walters announced that the new town website is up and running. Agendas and minutes are now accessible on the website at [www.lowell.net](http://www.lowell.net). Also available on line is the town municipal code of ordinances.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

A member of the media asked about the zoning on the water property on Liberty Street. Director Cox stated it was zoned DT-1. It could be light retail or residential. There is a structure on the property that has mechanical equipment inside that would have to be removed.

Sara Pierce, 111 Main Street, questioned the ordinance for towing firm fees for the Law Enforcement Fund. Chief Shelhart explained that town receives a percentage of the storage fees on vehicles that are towed at the request and direction of the Police Department within town from the towing companies and the money collected is deposited in the Law Enforcement Training Fund for education and equipment training.

No further business, Councilman Alessia made a motion to adjourn, seconded by Councilman Tucker at 7:28 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer