

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
FEBRUARY 10, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, February 10, 2013 at 7:00 P.M. by Vice-President Donald Parker. 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, and Phillip Kuiper. President Edgar Corns was absent. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Police Chief Erik Matson, Building Official Tom Trulley, MS4 Coordinator Greg White, SEH representatives Craig Hendrix and Rich Oman, two members of the media, and sixteen citizens.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the January 13th regular meeting, January 9th executive session, January 22nd work session, and January 29th special meeting minutes, seconded by Councilman Philpot and carried with four ayes.

APPROVAL OF VOUCHERS

Vice-President Parker stated he reviewed White Vouchers #1095 - #1149, White-Police #4017 - #4029, Water #2068 - #2111, Waste Water #3054 - #3084, Stormwater Utility #5010 - #5016, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with four ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Detention Ponds - Lowell Stormwater Board - Vice-President Parker stated that the Council had received two letters from the Lowell Stormwater Management Board. One letter was in regards to the municipality maintained ponds, and the second was in regards to the Eastview Terrace pond. Vice-President Parker stated he would like to set the letters aside and schedule a joint study session with the Stormwater Board to discuss the letters. Councilman Kuiper made a motion to set the letters aside for a future meeting, seconded by Councilman Earley and carried with four ayes.

Honor Flight Presentation - Vice-President Parker stated that he had asked Pete Stenberg and Len Sherwinski, who are involved in the Veterans Honor Flight Chicago, to do a presentation of what the program is and how people can get involved. Mr. Stenberg introduced himself and Mr. Sherwinski. He gave an overview of what the program is and stated that it includes a round-trip charter flight to Washington D.C. and luxury motorcoach while in D.C. to go and see the World War II Memorial Wall, all at no cost to the Veterans. He stated that they are currently taking applications for World War II Veterans for the trip, and will eventually be taking

applications for Korean War Veterans. Mr. Sherwinski stated that their focus is on the Veterans of Northwest Indiana and to make sure that the estimated 18,000 World War II Veterans of the Chicagoland area get the opportunity to take this trip. Mr. Sherwinski presented a short slide show of past experiences. Mr. Sherwinski stated that Honor Flight Chicago is a non-profit organization that was founded in February of 2008 by three women whose fathers served in World War II. Mr. Sherwinski shared some facts about the program and explained how people could get involved with everything from fundraisers and sponsorship, volunteering for the trips as guardians, medical support, or part of the welcome home committee, to applying as a Veteran for the trip. Mr. Sherwinski also explained everything that goes in to planning for the trip, the schedule of the trip, and future flight dates. Vice-President Parker thanked Mr. Stenberg and Mr. Sherwinski for their time and presentation.

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MONTHLY REPORTS - January 2014

Councilman Earley made a motion to approve the January 2014 Monthly Reports, seconded by Councilman Philpot and carried with four ayes.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2014-01 - Adopting CEDIT Capital Plan - Councilman Earley made a motion to hold over Ordinance #2014-01 by name and title only, seconded by Councilman Philpot and carried by roll call vote with four ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated that the Council has received an update from Craig Hendrix at SEH and that he was present at the meeting if anyone had any questions. No one from the Council had questions.

Approve Police Commission and Redevelopment Commission Bonds - Councilman Earley made a motion to approve the Police Commission and Redevelopment Commission Bonds, seconded by Councilman Kuiper and carried by roll call vote with four ayes.

Tabled from previous meeting:

1/13 - Permission to invest excess funds during 2014 - Clerk-Treasurer Judith Walters stated in order to invest funds outside of the regular banking accounts, permission needs to be given from the Town Council. She stated that she normally puts the money in to a savings account that is giving the best interest right now. Councilman Philpot made a motion to allow Clerk-Treasurer Walters to invest the excess funds during 2014, seconded by Councilman Earley and carried by roll call vote with four ayes.

NEW BUSINESS

Acting as Board of Finance - void outstanding checks over two years old - Clerk-Treasurer Walters stated that there is a check in the Park Fund and a check in the Water Meter Deposit Fund that are over two years old and have not been cashed. These checks will be voided and put back in to the appropriate fund, but if that person comes forward in the next seven years, we would have to reissue that check. Councilman Kuiper made a motion to void the outstanding checks, seconded by Councilman Earley and carried with four ayes.

Permission to advertise additional appropriation - Cum Sewer Fund - \$157,739.48 - Clerk-Treasurer Walters stated that the Cum Sewer Fund no longer has a tax rate to it. We had planned to spend the money on the Powell Ditch project last year, but it has not been spent. In order for us to spend the money, we need to appropriate the funds. Councilman Kuiper made a motion to allow the Clerk-Treasurer to advertise for the additional appropriation of those funds, seconded by Councilman Earley and carried with four ayes.

Enter into agreement with SEH to update Town Standards - Public Works Director Shook stated we would like to not only update the Town Standards, but also get them in a format where we can continue to update them ourselves. The cost is approximately \$8,000 - \$10,000. Councilman Kuiper asked what the estimated time would be to complete the project. SEH representative Craig Hendrix stated that they would start with the water first and find a pattern that the Town likes to setting up these standards, and then move to sewer and stormwater. He stated they could probably get through water in a week, have the Town review it, and then make any changes that need to be made, and then move forward with for the sewer and stormwater. Vice-President Parker asked if it will not exceed \$10,000. Mr. Hendrix stated that is correct for right now.

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He stated he had a feeling that the Town would like to see more than just drawings for stormwater. Councilman Kuiper made a motion to enter in to an agreement with SEH to update the Town Standards that will not exceed \$10,000, seconded by Councilman Earley and carried by roll call vote with four ayes.

Enter into agreement with FSG for updating Sustainability Analysis, Redevelopment Report and adopting CEDIT Capital Plan - Clerk-Treasurer Walters explained the Sustainability Analysis was to update revenue and expenses by each department and project impact of circuit breaker for budget year 2014. The CEDIT Plan is to specify how County Economic Development Funds will be used, and the Redevelopment Report is a new report required by the DLGF. She also stated that the Town's financial consultant, Greg Guerrettazz had found a \$40 million error that had been made in the Town's net Assessed Valuation for taxes payable in 2014. The error was related to the creation of the TIF District and totaled the base assessed value instead of the captured assessed value. The Auditor's Office has corrected the error and a new 1782 Budget

Notice for 2014 should be received in the next few days. Councilman Kuiper made a motion to enter in to the agreements with Financial Solutions Group, seconded by Councilman Philpot and carried by roll call vote with four ayes.

Advertise for Annexation Committee/Economic Development Commission - Councilman Philpot made a motion to allow the advertisement of an open position on the Annexation Committee and Economic Development Commission, seconded by Councilman Kuiper and carried with four ayes.

Permission to purchase generator for Town Hall from CCD Fund - Councilman Kuiper made a motion to allow the purchase of a generator for the Town Hall using CCD funds, seconded by Councilman Earley and carried with four ayes.

Permission to purchase copier for Police Station & Park Department from CCD Fund - Councilman Kuiper made a motion to approve the purchase of a copier for the Police Station and Park Department using CCD funds, seconded by Councilman Earley and carried with four ayes.

Discussion of Emergency Operations Plan and/or Snow Policy - Councilman Philpot stated there have been a few people that have written a letter to him stating that there is an issue with the snow piling up in front of the storefronts downtown on the sidewalks making it difficult for people to walk down the sidewalks. Renee Helton, Aunt Nae's Gift Shop, 302 E. Commercial Avenue, stated this has been a major issue this winter since it has been an unusual winter. We cannot get customers in due to the snow, and it is also a safety issue. She stated that she did appreciate the two times that the Town was out and removed the snow, but she asked if there could be some sort of Ordinance made that states after any depth of snow the Town will come out and clear the sidewalks. Councilman Philpot stated that this has been an ongoing issue since he has moved to the area. He stated he would like to start the discussion of erecting permanent signs that after a certain amount of snow fall no parking will be allowed on these streets so that the Street Department can come by and remove the snow. Councilman Philpot stated that he knew that the Police Department had posted signs so that the Street Department could come and clear out the snow, but the task took about five or six hours, which becomes an expense. Councilman Kuiper asked if that sign is something different than what we have now downtown. Councilman Philpot stated we currently have an Ordinance that should be corrected and state that all roads are snow routes and that signs should be posted. Councilman Earley stated everyone understands that we have had an unusual winter, but to put up a sign and give a time period may be a problem. In that first dramatic event when the County closed down, the State closed down, and then the Town closed down, there is no way that we would have been able to get out there to do that work and keep the rest of the main routes open. You have to be careful posting signs with specific hours when we may not be able to capably do that. In an average snow event, we may be able to. Councilman Philpot stated in an average snow event, he did not believe we would have to worry about it. The sign should state a certain amount of snowfall, whether it is two, three or four inches. Councilman Earley stated he had spoken with Director Shook in regards to the first time that the guys were able to

go out and remove the

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snow from the sidewalks and that was literally the first time that they were available to do that. They were not out doing other things that could have waited, they were keeping streets clear and that was the first available time that they were able to get to the downtown area. He also stated that Director Shook had told him that it was not just a few guys out for a few hours, it was Policemen, the Street Department and other trucks involved for five or six hours trying to clear the snow out.

Attorney David Westland stated he understood that there were issues with how the Ordinance was codified, but that the Ordinance that was adopted in December of 2008 states, "It shall be unlawful for any person to park any vehicle on the paved and traveled portion of any street within the Town for a period of twelve hours after a snowfall of two or more inches."

Councilman Philpot stated under what is in the book in section B, it states that all of the streets will have signs posted. Attorney Westland stated he understood the issue with the codification, but what you have adopted is twelve hours after a two inch snowfall you cannot park on the streets. The question becomes one of enforcement and what type of policy you want to set. Councilman Philpot stated he did not disagree with that, but we need to still address the issue of the snow that is piled up on the sidewalks. Councilman Kuiper stated that one thing we cannot overlook is that it is not so much an expense, but these guys are like the walking dead at the Street Department. They have been out all night trying to keep streets clear for people to get to work, and we do not have the man power that after every snow we go out and dig the sidewalks out. Sooner or later these guys have to go home and sleep. Vice-President Parker agreed with Councilman Kuiper. Councilman Kuiper stated we have barely had the man power to keep the streets open this year, and call it unusual, but next year could be the same. Vice-President Parker stated if there is a time limit like forty-eight hours after a two inch snow, that means no one can park there for forty-eight hours after a two inch snow fall. Discussion followed.

Director Shook stated each snow storm is different. He stated he had been thinking about it for a while and originally was thinking along the same lines as Councilman Philpot, but if you get a two inch snow now and a three inch snow later, that can add up unless there are periods of melting in between. It is more of a judgement call than anything. Mr. Shook stated when we were supposed to have the last meeting, he had passed through the downtown area and noticed how high the snow was in between the parking spots and the sidewalks, which is when he made the decision to do some clearing until an agreement had been made on how to handle it in the future. Councilman Philpot stated he is not discussing doing every street, but just the businesses downtown that have written in stating that people cannot get in to their stores. Mr. Shook stated the areas they did is where the parking is directly adjacent to the sidewalk. We also did a spot on Washington Street and Mill Street. To do those areas, it took ten guys and various amounts of equipment five hours to remove those spots. In overtime, that area cost us \$1800.00. He stated if the Council is okay with paying the bill, then we, as the Public Works

Department, will go down there and clean the downtown area when we believe it needs it. We cannot say that when we get a four inch snow, we will go clean the night after. Vice-President Parker stated he believed downtown was a priority, but getting all of the streets in Town open is also important. Mr. Shook stated he believed they should get the roads clean, let the guys rest, and then work on the sidewalks downtown. Councilman Kuiper stated we also have to take into account that we have had to have a snow plow on standby to get the ambulance where it needs to be this year as well, which costs money. Councilman Philpot stated he believed, from what was said, that we need to appropriate an extra amount of money for emergency services to do things like this when it is needed. Councilman Kuiper stated you would have to put something together that is not just overtime but fuel as well. Vice-President Parker stated the issue is that we want the downtown to be booming, but we still have to get the other streets open as well. Councilman Philpot asked Mr. Shook if he believed we should just leave it as is for right now and if the downtown merchants have a concern then they can call in. Mr. Shook stated if they call, then we can evaluate the situation. He stated he would also get some better numbers as far as what it costs and how much we are willing to spend.

Councilman Earley stated this subject comes up every year, but there is a plan when the guys go out to plow. When we get to the point where we can possibly free our guys up to do it, then we can figure out a

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time to get it done. Vice-President Parker stated the cost of cleaning downtown is not relevant, but the question is at what point do you take all of your man power out there to get it done. Councilman Earley stated he understood why Mr. Shook is clearing the parking spots, but there are more businesses up and down Route 2 that have sidewalks. He asked if other businesses come down and ask about their sidewalks, will we clear them as well? Councilman Philpot stated he believed it was clear that we will only do businesses with parking spots in front of their stores. Councilman Kuiper stated it is also an issue when store owners do not shovel their sidewalks period. Jim Sickinger, Sickinger's Jewelry, 314 E. Commercial, stated that he clears more than just his sidewalk because others don't. He stated he agreed with everything that Mr. Shook has said and thanked him for doing such a wonderful job on the streets and the sidewalks the two times that they have been out there. He stated, "We are not here asking you to shovel our sidewalks or for special treatment, but to recognize the unique situation that the downtown area has. You have streets, sidewalks, and then the building. It is a safety issue since people have fallen not only this year, but past years as well. We do try to keep our sidewalks clear for people, but we face the huge obstacle of the snow from the road being piled in between the parking spot and the sidewalks. In the past it has been discussed that the Town has to be careful to not put themselves in a situation where they would be at risk for a lawsuit. If snow piles up and ice is a concern on the sidewalks, but the Town chooses to ignore it, are you not putting yourself and the merchants in the position of a possible lawsuit? Other towns have the trend where they automatically do the clearing as a safety issue. He stated he hoped that the Town shares the concerns of the safety for the citizens of Lowell, and believed that they did since this issue has been brought up. We understand that the guys need rest after plowing all

night, but if they could then come out and clear our curbs, we would appreciate it.”

Charlie Reel stated when it snows, you cannot walk on the bridge area downtown. He stated that he has heard that it is a State issue, but if the sidewalk is not cleared, then you have to walk on the road. Mr. Shook stated when we cleaned the downtown area, we did clean that area as well, but we do not clean it every time it snows.

Set committee to review Code of Ordinances - Clerk-Treasurer Walters stated this committee would go chapter by chapter and review the codification versus the actual Ordinance that was passed, and also review what needs to be updated. She stated that the committee would be the department heads and the attorney. Vice-President Parker stated he has contacted the Police Chief to make him aware of the discrepancy in the Snow Ordinance, so that should limit tickets that are written until we figure this out.

ANNOUNCEMENTS

Vice-President Parker announced that the next regular meeting would be Monday, February 24, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

No questions.

ADJOURNMENT

Councilman Kuiper made a motion to adjourn at 8:18 P.M., seconded by Councilman Philpot and carried with four ayes.

Attest:

Donald Parker, Vice-President

Judith Walters, Clerk-Treasurer

