

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 10, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, November 10, 2008 at 7:00 P.M. by Vice President Donald Huseman. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia and David Gard. President Phillip Kuiper was out of town. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, and two members of the media and ten interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the October 27th regular meeting, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF VOUCHERS

Vice President Huseman stated that White Vouchers #2139-2193, White Police Vouchers #4140-4157, Water Vouchers #2653-2684 and Waste Water Vouchers #3524-3548 were reviewed and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

MONTHLY REPORTS

Councilman Tucker made a motion to approve the monthly reports from October, 2008 as submitted, seconded by Councilman Gard. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2008-23 - 2009 Appropriations & Tax Rates - Clerk-Treasurer Walters reported that the public hearing was held at the last regular meeting. The budget is being approved in the amount of \$5,154,802. Councilman Tucker made a motion to adopt Ordinance #2008-23, 2009 Appropriations & Tax Rates, seconded by Councilman Alessia. Roll call vote carried with four ayes.

1st Reading - Ordinance #2008-25 - an Ordinance to amend Water Rates & Charges for Lowell Water Utility (Set Public Hearing) - Councilman Gard made a motion to hold over Ordinance #2008-25, an Ordinance to amend Water Rates & Charges for Lowell Water Utility for second reading, seconded by Councilman Tucker. The motion carried by voice vote.

1st Reading - Ordinance #2008-26 - an Ordinance to amend Sewer Rates & Charges for Lowell Wastewater Utility (Set Public Hearing) - Councilman Gard made a motion to hold over

Ordinance #2008-26, an Ordinance to amend Sewer Rates & Charges for Lowell Wastewater Utility for second reading, seconded by Councilman Alessia. The motion carried by voice vote.

Clerk-Treasurer Walters requested permission to set the a public hearing for the first meeting in December. Councilman Gard made a motion to grant permission to set a public hearing for the December 8th meeting, seconded by Councilman Tucker. The motion carried by voice vote.

Resolution #2008-19 - Transfer of Funds - General-Fire & Police, MVH - Vice President Huseman read Resolution #2008-19 to transfer funds within the General Fund- Fire budget in the amount of \$2,000, within the General Fund- Police budget in the amount of \$24,000 and within the MVH Fund in the amount of \$10,000. The transfers do not affect the balance in either fund. Councilman Tucker made a motion to adopt Resolution #2008-19, seconded by Councilman Gard. The motion carried by voice vote.

Resolution #2008-20 - Temporary Loan from Gambling Revenue to General Fund - Vice President Huseman read Resolution #2008-20 to make a temporary loan from the Gambling Revenue Fund to the General Fund in the amount of \$250,000, to be repaid on or before December 31, 2008 or until the 2008 tax settlement draw is received. Councilman Alessia made a motion to adopt Resolution #2008-20, seconded by Councilman Tucker. The motion carried by voice vote.

UNFINISHED BUSINESS

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer, Street/Sidewalks.

Tabled from previous meetings:

7/14 Release Letter of Credit for engineering for water main extensions - KM&N

8/25 2nd Reading - Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements

NEW BUSINESS

Act on agreement for extension of electric service with NIPSCO for Water Booster Pump Station on N. Nichols - Director Shook reported that NIPSCO is ready to put the electric and gas services in for the new water booster pump station on N. Nichols. In order for that do be done, there is going to be an expenditure of \$8,742 and payment will be made over a period of 30 months based on annual payments. As the town uses electric and gas, the amount paid in bills will come off of the expenditure amount. The town will still have to pay the difference at the end of the 30 months. The idea is for NIPSCO to recover their expenses within the first 30 months. Vice President Huseman summarized that it is similar to developing a subdivision, calling NIPSCO, paying them first and then they rebate the developer as services are used. Councilman Gard made a motion to act on the agreement for extension of gas and electric service with NIPSCO for the Water Booster Pump Station on N. Nichols, seconded by Councilman Tucker. The motion

carried by voice vote.

Request waiving of building fees - You Shouldn't Have Gift Shop - Renee Helton, representing You Shouldn't Have Gift Shop, addressed the Council and said that her business is now located at 302 E. Commercial Avenue. Previously, they were located at 222 E. Commercial Avenue. She said they lost thousands of dollars of merchandise during the flood in September. Her landlady made them an offer to move from the building they were occupying to the new building. She said that two years ago, they moved from 403 E. Commercial Avenue to 222 E. Commercial Avenue. At that time, they paid all of the related building fees. She requested that the new fees be waived and those they paid two years ago be applied to the new building. She said all they did was move their current sign from one building to another within the same structure. It is not an electric sign, it is just made of wood. She said when they paid the fire inspection fee two years ago, they were told it would be re-inspected every year after that with no additional fee. She recognized the importance of fire inspections being done and requested that fee be transferred to the new site. She said that like everyone else, they are experiencing some very difficult economic times. Vice President Huseman said that he did not have a problem with the \$75 sign fee since it was just a matter of a few bolts to move the sign. He said he didn't know what to say about the \$100 fire inspection fee since the ordinance was made for the fire department and he didn't know if that could be taken away from them. Councilman Gard commented that this is actually an inspection of a different unit in the building and it is a separate inspection. He wondered if the fire department would come back to the town to be reimbursed for that. He said if anyone would waive that, it would have to be the fire department since it is actually not the town's fee, it is the fire department's fee. He said he thought they could waive the fees that are under their control, especially since the sign was such a minor change. Attorney Sobkowski said that if the \$100 fee is set by town ordinance, the Council can waive the fee if they see fit. He cautioned that the fire department may come to the town and say they did an inspection and they are not getting paid for it, which affects their budget. Following discussion, it was recommended that Ms. Helton petition the fire department to waive their inspection fee. Director Cox commented that the building department is a fee-based department. They try to stay within their budget, using user fees, not tax dollars. He did not think the department would go broke over a \$75 fee. The fire department fee is a change of occupant permit, not occupancy. Every time a building is vacated and a new person moves into it, there is a requirement to have an inspection done. He referenced an extensive discussion about inspections at the last Historic Preservation Board meeting but said he would not have a problem with it either way. Vice President Huseman commented that he felt it would be setting a precedent and felt they should talk to the fire department. Councilman Gard made a motion to waive the \$75 sign fee and send the other matter to the fire department, seconded by Councilman Alessia. The motion carried by voice vote.

Set Holiday hours for Town Hall/Departments - Clerk-Treasurer Walters stated that Christmas Eve and Christmas Day are on Wednesday and Thursday and are paid holidays for town employees. She requested closing the Town Hall on Friday also. It would not be a paid holiday and if employees want to be paid for the day, they would have to use their own vacation or personal day. The other departments would like to have the same opportunity. If there is nothing going on in their department and employees would like to have the day off, they would use their

own vacation or personal day to be paid. She said the last time the holiday fell on the calendar like that, the Town Hall was closed on Friday. Councilman Gard made a motion to close the Town Hall on Friday, December 26th and allow the other departments to be off with employees using vacation or personal time to be paid, seconded by Councilman Alessia. The motion carried by voice vote.

ANNOUNCEMENTS

Vice President Huseman announced the next regular meeting will be held on Monday, November 24th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked about the first readings of the ordinances regarding water and wastewater rates and if the ordinances reflected the figures that were discussed by Mr. Guerrettaz of Financial Solutions Group at the last meeting. She was informed that they do and was provided copies of the ordinances.

Connie Schrombeck, 115 Halsted, asked if the town or the county was going to do anything to make sure the flooding downtown didn't happen again. She said someone from the county told her husband a couple of weeks after the flood that they were planning to do something. She and her husband have been so busy dealing with cleaning up from the flood that they have not spoken to anyone since then. She said she was sure the flood cost the town something and thought it would be in everyone's best interest that it didn't happen again. Director Cox explained that Cedar Creek is a regulated drain and is under the jurisdiction of the Lake County Board of Commissioners, which is also the Lake County Drainage Board. The Surveyor's Office advises the Lake County Drainage Board about any improvements that are done in that area. It would be up to the county to do any of the work. Even if the town did any work, the town would have to go through the same approval process with the county as anyone else. Dan Gossman is the contact person with the Lake County Drainage Board. Director Shook and Director Cox will work together to get in touch with Mr. Gossman to discuss possible plans.

Vice President Huseman asked Director Shook if he had made any progress with Mr. Gossman regarding Powell Ditch. Director Shook reported that he was still in the process of contacting people, but it looked like they would be able to have a meeting on November 21st.

Bob Philpot, 111 E. Main St., commented that he made a request of the Police Commission and they told him he needed to make the request at the Town Hall. He said that Town Council meeting agendas are posted on the front window and inside the hallway. He said the Police Commission agendas are only posted in the hallway of the Town Hall which is not accessible when the building is closed. He asked if the Police Commission agendas could be posted on the front window as well. Clerk-Treasurer Walters said that would be no problem.

There being no further questions or comments from the media or public and no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at

7:25 P.M.

Attest:

Donald Huseman, Vice President

Judith Walters, Clerk-Treasurer