

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
DECEMBER 8, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, December 8, 2008 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. Members present were Donald Huseman, John Alessia, Phillip Kuiper and David Gard. Councilman Shane Tucker was absent. Also present were Town Attorney Greg Sobkowski, Greg Guerrettaz of Financial Solutions Group, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, Park Superintendent Tom Sullivan, two members of the media, and eight interested citizens.

**APPROVAL OF MINUTES**

Councilman Gard made a motion to approve the minutes from the November 24<sup>th</sup> regular meeting, seconded by Councilman Alessia. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2244-2296, Water Vouchers #2722-2744 and Waste Water Vouchers #3574-3592 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Alessia. The motion carried by voice vote.

**MONTHLY REPORTS**

Councilman Gard made a motion to approve the monthly reports from November, 2008 as submitted, seconded by Councilman Huseman. Councilman Huseman asked about an item on the Town Administrator's report regarding FEMA and beginning the application process for federal assistance to help defray the expenses incurred during the September 13<sup>th</sup> and 14<sup>th</sup> flood. Administrator Peterson explained that the town can get reimbursed for some of the losses that include overtime expenses, salt and sand. She said she has a meeting scheduled for Wednesday afternoon to go over some final figures. The motion carried by voice vote.

**ORDINANCES & RESOLUTIONS**

Public Hearing - 2<sup>nd</sup> Reading - Ordinance #2008-25 - an Ordinance to amend Water Rates & Charges for Lowell Water Utility - President Kuiper opened the public hearing regarding Ordinance #2008-25, an Ordinance to amend Water Rates & Charges for Lowell Water Utility. Greg Guerrettaz gave a brief explanation that the point of the two ordinances is to do a simultaneous change in the water and wastewater rates. The goal is to even out an increase in the water rates with a decrease in the sewer rates, with the hope that the realignment will be revenue neutral to the consumer. He explained that there are detailed studies that show when rates are changed, usage patterns change. The current

water bill for approximately 5,000 gallons is \$29.40 and the current sewer bill is \$49.60. This is because the water and wastewater bill is determined on the same common gallonage but the rates are totally independent rates. That would be a total of \$79.00. The proposed rates, as restructured and if they are approved by the Council, will have the water, for the same 5,000 gallons, go to \$38.20 and for the wastewater \$40.80 for a total combined bill of \$79.00. This was explained in detail in the three reports that were presented in October. He also advised the Council to revisit this within six months. He said he almost makes it mandatory to look to see if there are changes in usage. As those changes in usage occur, it could become a positive or negative. They want to be sure to review this after six months of usage so they do not tilt either one of the utilities in a bad way. He also recalled that in the past, this has been one borrowing vehicle when the County did not levy their property taxes on a timely basis. He cautioned that, to a certain degree, will go away because as they take some of the surplus that would have been available in the wastewater, put it over into water and then have projects to meet in the water, it could have a tendency to evaporate some of the opportunity. That is something they will need to be cautious of because over the next two years, they have got to have strong utilities. The property tax storm is coming and it is going to get cloudier and murkier as they go. That is the goal of the ordinances and how they have structured it at this point in time with a review coming in six months. They should be able to report back if they need to do any 'damage control'. This gives an overall safeguard. There were no comments or questions from the public and President Kuiper closed the public hearing. Attorney Sobkowski asked that the motion be as amended for the amended rates in Ordinance #2008-25. Councilman Huseman made a motion to adopt Ordinance #2008-25 by name and title only as amended, seconded by Councilman Gard. Roll call vote carried with four ayes.

Public Hearing - 2<sup>nd</sup> Reading - Ordinance #2008-26 - an Ordinance to amend Sewer Rates & Charges for Lowell Wastewater Utility - President Kuiper opened the public hearing regarding Ordinance #2008-26, an Ordinance to amend Sewer Rates & Charges for Lowell Wastewater Utility. There being no questions or comments from the public, President Kuiper closed the public hearing. Councilman Alessia made a motion to adopt Ordinance #2008-26 by name and title only, seconded by Councilman Huseman. Roll call vote carried with four ayes.

2<sup>nd</sup> Reading - Ordinance #2008-27 - amend Chapter 75 - Traffic Code - President Kuiper reminded that this was regarding the snowfall restriction on parking. Councilman Gard made a motion to adopt Ordinance #2008-27, amend Chapter 75 of the Traffic Code, by name and title only, seconded by Councilman Huseman. Roll call vote carried with four ayes.

Resolution #2008-22 - Town of Lowell Emergency Operations Plan - President Kuiper read Resolution #2008-22. Councilman Huseman made a motion to adopt Resolution #2008-22, seconded by Councilman Alessia. The motion carried by voice vote.

Resolution #2008-23 - Transfer of Funds - MVH - Fire - President Kuiper read Resolution #2008-23 to transfer funds within the MVH Fund in the amount of \$10,000 and within the General Fund Fire budget in the amount of \$10,000. The transfer does not affect the balance in either fund. Councilman Huseman made a motion to adopt Resolution #2008-23, seconded by Councilman Alessia. The

motion carried by voice vote.

Resolution #2008-24 - Reduce 2008 Appropriations - President Kuiper read Resolution #2008-24 to reduce the 2008 Appropriations by a total of \$118,000. Councilman Gard made a motion to adopt Resolution #2008-24, seconded by Councilman Huseman. Councilman Huseman asked if that reverts back into the regular fund. Clerk-Treasurer Walters explained that it becomes part of the cash balance and reduces the 16-line statement. 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 2<sup>nd</sup> Reading - Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements

### **NEW BUSINESS**

Act on construction engineering agreement with DLZ for Rt 2/Burr Street Project - President Kuiper reported that the total project is \$947,900 with a federal grant paying \$905,610 and the Town of Lowell being responsible for \$42,290 of the actual construction costs, construction engineering and inspection costs in the amount of \$118,211.63, as well as materials and testing in the amount of \$23,697.50. The town's total cost is \$184,199.13. Councilman Gard made a motion to approve the construction engineering agreement with DLZ for the Rt 2/Burr Street Project and appoint Greg Shook as the Project Coordinator, seconded by Councilman Huseman. The motion carried by voice vote.

Set deadline for Board/Commission Applications - Following discussion, the Council set January 5<sup>th</sup> as the deadline to receive Board/Commission applications for consideration at the January 12<sup>th</sup> regular meeting.

### **ANNOUNCEMENTS**

President Kuiper announced that the Parade of Lights went very well. He gave kudos to the Park Department, the Street Department and the Lowell Women's Club for their efforts.

President Kuiper announced that last week when the Street Department was putting up town decorations, the bucket truck broke down. They put a call in to Illini Reach, Larry Workman, for assistance. Mr. Workman, who is from Lowell, gave the Street Department the use of a replacement at no charge. He gave a special thanks to Mr. Workman.

President Kuiper announced the next regular meeting to be held on Monday, December 22<sup>nd</sup> at

7:00 P.M.

President Kuiper asked Mr. Guerrettaz if he had any comments to make. Mr. Guerrettaz said that the first thing he wanted to comment on was a newspaper article from the county on a number of municipalities' budgets that gave certain people red lights and yellow lights. This was based upon a one page document that had to be turned in. He said he wanted the taxpayers to know, because Lowell was red-lighted, that he and Clerk-Treasurer Walters worked very hard on the budget and the town has safeguards in place. One that he really likes is that the town does not automatically give raises on January 1<sup>st</sup>, the town waits until it is sure there is the ability to pay them. That is one critical item that is not disclosed in any of those documents. Also, the Town of Lowell, like thousands of municipalities throughout the state, advertises the budget at a high side because of maximum flexibility and then it is brought back down once the 1782 Notice is received. That process is well in place and Clerk-Treasurer Walters and he are very familiar with that. That one page sheet tells nothing about the safeguards that the town has in place. Had they known that a document like this would come out, they would have been more than happy to share the safety nets that are in place to work through the process. One of the things that it did bring to light, and he and Clerk-Treasurer Walters spoke at length about it during the time they were putting together the 2009 budget and is one of the recommendations they are making to their clients, that is the town needs to project beyond one budget year. They have an Excel spreadsheet model that they have put together for cities, towns and counties. What it basically does is, once the books and records are closed for 2008, they will use 2006, 2007 and 2008, put in the 2009 budget and will be able to project 2010, 2011 and 2012. They are able to project the cash balances based upon specific growth factors that they are able to change on both the revenue and expense sides. He said this is something they would like to offer and would like the Council to give serious consideration to. It is easy to look at where you stand for 2009, but you don't know how certain actions taken in 2009, like granting a raise, will impact following years. Adding a new employee has a compounding effect as years go by. With the storm coming down state and in Lake County because property taxes have not been collected in a realistic way, this will help project what the cash balance is going to be for the major tax-supported funds as well as some of the other funds. President Kuiper asked if Mr. Guerrettaz just needed the blessing of the Council. Mr. Guerrettaz said that he would send up a letter agreement with a not-to-exceed amount so the Council would know what they are incurring.

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

A member of the media asked for a copy of the exact rules for the snowfall restrictions as well as a copy of the Emergency Operations Plan. She also said she missed the figures for the Burr Street project and asked for them again. President Kuiper reviewed the numbers he provided earlier in the meeting. Clerk-Treasurer Walters reported that the costs are being paid out of the Gaming Revenue Fund.

Another member of the media asked if the Chief could comment on whether there has been an increase in the number of accidents at the Burr Street/Rt 2 intersection since there has been a delay of a couple of years for the project. She wondered if the number of accidents has increased

or decreased since at the time the project was proposed, the intersection was listed as the most dangerous intersection in town. Chief Shelhart said he would have to go back to check the exact numbers, but Burr Street is certainly one of their more active intersections as far as crash reports. Hopefully, the construction that is going to take place will alleviate some of those problems. She asked for confirmation if the deadline for applications for boards and commissions is January 5<sup>th</sup>.

Martha Burger-Farrellbegg, 515 Illinois, asked about the old school next to the Town Hall as she has done at previous meetings. She asked where they are in the process and what the options are. President Kuiper explained that he has been speaking with Director Cox and the town attorney about this matter. He said they want to get all of the options out to the public, but it seems like every time they get things together, they get another option thrown at them. He is hoping in the very near future, they can put all of the options on the table in the public so everybody knows where the town stands. At this point, it seems like every option has several dollars attached to it for the town.

Councilman Huseman said that Area Towing was on his mind. He said he did not know when they appoint towing for the town and did not see where the town owed any towing outfit anything. He said Area Towing doesn't do their towing but he is a graduate of Lowell High School, he has contributed to many athletic functions, he participates in the Labor Day Parade and he gave the town a semi van to make the reviewing stand out of. President Kuiper said that technically, it was not given to the town but it was a very good deal. Councilman Huseman asked why the town could not give some towing business to Area Towing. President Kuiper said that he and the Chief have had some conversations about that and they plan to make that happen. Councilman Alessia asked if that was determined by the Police Commission. President Kuiper said he thought that would come from the Police Commission based on a recommendation from the Chief.

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 Huseman at 7:33 P.M.

Attest:

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Phillip Kuiper, President

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Judith Walters, Clerk-Treasurer