

**LOWELL TOWN COUNCIL
REGULAR MEETING
MAY 12, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, May 12, 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, Shane Tucker, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Sue Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, Park Superintendent Tom Sullivan, Code Official Tom Trulley, and one member of the media and eleven interested citizens.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the April 28th regular meeting, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1454-1510, White Police Vouchers #4037-4063, Water Vouchers #2253-2287 and Waste Water Vouchers #3214-3239 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

MONTHLY REPORTS

Councilman Gard made a motion to approve the monthly reports from April, 2008 as submitted, seconded by Councilman Huseman. President Kuiper commented that he knew there was more traffic in Freedom Park with soccer taking place and asked if the roads could be graded because of some holes that had formed. Park Superintendent Sullivan stated he was going to try to borrow a backhoe from one of the departments to grade and fill in the holes. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2008-09 - Amending Section 35.25 Fixed Asset Capitalization Policy - Councilman Huseman made a motion to adopt Ordinance #2008-09 an Ordinance to amend Chapter 35 of the Lowell Municipal Code by name and title only, seconded by Councilman Gard. Roll call vote carried with five ayes.

2nd Reading - Ordinance #2008-10 - Amending Chapter 37.085 Travel Expense - Councilman Gard made a motion to adopt Ordinance #2008-10 an Ordinance amending the Town of Lowell Personnel Policies concerning travel expense by name and title only, seconded by Councilman Huseman. Roll call vote carried with five ayes.

UNFINISHED BUSINESS

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

HES Grant for the Intersection of Burr Street and State Road 2 - Director Shook referred to a status report from Butler Fairman & Seufert that was placed in each of the Council members' mail boxes. There were five right-of-ways needed for the intersection. They have received four of them. There is one hold-out, which is McDonald's. Butler Fairman & Seufert reports that they are working with McDonald's trying to get this resolved. Director Shook said the only thing he knows about it is it has something to do with their driveway entrance. The next activity is to receive bids and INDOT has it on the bid letting for September 6th.

Brush Chipping - Director Shook reported that they are out chipping brush. By the end of next month, the fuel budget will be empty and they will be having to take monies from other line items and transfer them into the fuel budget to cover it. They have discussed beginning in June, going to a once-a-month pick up. At the current time, they are out every week. He asked for input from Council members on what week they should choose. They had thought about the third full week of the month. Director Shook reported that when they started chipping this year, it took them two weeks to make it through town one time. If they go to one week a month and it takes longer than one week to finish the whole town, they will continue until they cover the entire town. They would also send the chipper out if there was a severe storm with high winds that caused branches to come down. They are trying to find a way to conserve some fuel. President Kuiper commented that there isn't much choice since they cannot continue to go out every week. Director Shook said he brought it before the Council to try to make the media and public aware. They will also send out press releases and put something in the water bills to notify the public.

Councilman Huseman ask what would happen if McDonald's said no on the right-of-way issue. Attorney Sobkowski replied that they would have to use eminent domain which takes quite a while since the rules have changed some. Attorney Sobkowski asked if a formal uniform land acquisition offer been sent to all of the property owners. Director Shook replied that it had and all of that was being handled by INDOT and Butler Fairman & Seufert. Attorney Sobkowski stated that eminent domain would be the next step. Director Shook stated he would follow up on this to get additional information for the next meeting.

Councilman Alessia asked if there was a place that people could take branches if they had the ability to do it themselves. Director Shook stated they were trying to stay away from that. They used to have people bring branches to a central location and it gets piled up and tangled up and it is difficult to chip once they do get the time. That is why they went to the weekly pickup throughout the summer. They have found that during the months of June and July, the volume of branches does usually diminish since most people do their tree trimming in the spring.

Total Patcher - President Kuiper asked Director Shook to update the Council on the work that was done with the Total Patcher at the intersection of State Road 2 and Burr Street in front of

KFC. Director Shook reported they made a transition there but it still has a high spot. He said that when they patched that hole this past winter, it was so cold that the hot patch cooled off and set up before they could get it rolled out flat. Since there has been a significant delay in the work at that intersection because of the right-of-way issue, they are going to cut it out and hot patch it again. He said that Walsh & Kelly is planning to open an asphalt plant down near the quarry which is supposed to be open twenty four hours. They want to get the hot patch at night and do the repair when traffic is reduced and feel they can do a better job.

Councilman Gard said that they, as a Council, have been talking with the financial consultant about fees and charges and he would like to make a motion to allow Greg Guerrettaz to prepare the adjustments to the water and sewer fees as discussed, lowering the sewer fees and raising the water fees, trying to keep the overall package the same but re-allocating the resources between the two utilities. Along with that, there were other fees discussed and he wanted the motion to include authorization to Mr. Guerrettaz to do that and come back with some recommendations and to do his due diligence to make sure the fees are not higher than other communities but still raising them as they need to be. Councilman Tucker seconded the motion. The motion carried by voice vote.

Approve invoice for CDBG sidewalks in the amount of \$21,662.55 from C&S Concrete and forward to Lake County Economic Development for payment - Town Administrator Peterson referred to a memo and reported that the sidewalk project for this year is now completed. She asked for approval of the invoice to C & S Concrete in the amount of \$21,662.55 which leaves \$1,010.50 from this year's allocation that can be held over and applied to next year's project. Councilman Huseman made a motion to approve the invoice for the CDBG Sidewalk Project from C&S Concrete in the amount of \$21,662.55 and forward it to Lake County Economic Development for payment, seconded by Councilman Tucker. Councilman Huseman asked who is responsible for restoration. Administrator Peterson stated the property owner is responsible. She said she sends a letter to each property owner explaining the procedure before any work is done. The motion carried by voice vote.

NEW BUSINESS

Act on recommendation for hotel/motel tax distribution - Administrator Peterson reported that after a review of the requests, the committee would like to make the following recommendations: \$1,550 to Lowell Downtown Merchants Association for their advertising in the Lake County Visitors Guide, \$250 to the Three Creeks Historical Association for the promotion of their various functions throughout the year, \$550 to the Lowell Chamber of Commerce for the promotion of the "Cobe Cup Race" and the "Duck Race", \$600 to the Lowell Park Department for the promotion of the annual "Parade of Lights", \$137 for the promotion of the Soccer tournament over Memorial Day Weekend, and the remainder of the funds to be designated for the promotion of the Labor Day "Harvest of Fun" Festival and Parade. Councilman Alessia made a motion to approve the recommendations for the distribution of hotel/motel tax funds, seconded by Councilman Gard. The motion carried by voice vote.

Act on Annual Compliance with Statement of Benefits Forms (4) for Personal Property Tax

Abatement - Manufacturing Equipment - Midwest Accurate Grinding - Councilman Gard made a motion to approve the Annual Compliance with Statement of Benefits Forms (4) for Personal Property Tax Abatement on Manufacturing Equipment for Midwest Accurate Grinding, seconded by Councilman Huseman. Clerk-Treasurer Walters reported that this is the last year for one of the abatements. The motion carried by voice vote.

Act on Quitclaim Deed - HJH Construction - Director Cox reported that this is a small triangular piece of ground that was deeded from Whiteco Industries to HJH Construction which is for the entrance into the new Beverly Estates Subdivision. They are now deeding the triangular piece over to the town because it involves the right-of-way. Since the town is the holder of right-of-ways, the deed needs to be in the name of the town. Discussion followed regarding the location of the subdivision. Councilman Huseman made a motion to accept the Quitclaim Deed, seconded by Councilman Gard. Attorney Sobkowski asked if a minimum title search had been done to confirm that the town is not accepting liability, that the title to the property is clear and that they really own what they are purporting to give to the town. Director Cox reported that he has seen the deed from Whiteco to them but he has not had any title search done. Attorney Sobkowski commented that he realized it is a very small piece of property, but he felt it would be prudent to make sure the town is not taking on some liability or find out there is some problem later. He felt a minimum title search to confirm there are no liens against the property should be done. Director Cox said that this will probably also be part of the entrance into the Whiteco project when they develop it because they have the twenty acres north of the subdivision. So far, everything they have done with the town has been legitimate and it is part of the twenty acres that they are deeding. Attorney Sobkowski asked if the transfer of the deed from Whiteco to HJH was recent. Director Cox stated it was probably done in March. Attorney Sobkowski suggested that maybe HJH got title work done when that transfer was done and if they could show it to the town, that would suffice. Councilman Huseman amended his motion to be subject to the title search. Councilman Gard seconded the amended motion. The motion carried by voice vote.

Appointment to Lake County Homeland Security/Emergency Management Agency - President Kuiper read a letter of request from Jodi Richmond, Interim Director of the Lake County Homeland Security/Emergency Management Agency for him or someone he appoints to sit on the board. President Kuiper said he thought it would be best if Chief John Shelhart sat on the board, unless one of the Council members would like to sit on the board or had another suggestion. President Kuiper appointed Police Chief John Shelhart to represent the Town of Lowell on the Lake County Homeland Security/Emergency Management Agency.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be held on Tuesday, May 27, 2008 at 7:00 P.M. because of the Memorial Day holiday.

President Kuiper announced congratulations to Jake Tucker, the State Freestyle Wrestling Champion for 2008. He had eight matches in two days and won over competitors in his division who were a year older than him.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked about the sewer fee decrease and water fee increase. President Kuiper explained that this is a recommendation based on discussion that took place at the April 14th meeting. They will approve it after seeing it. Money is needed in the water utility and at this point in time, there is plenty of money in the sewer utility. It has been recommended to raise the water and lower the sewer. It is their hope that it will result in a wash as far as overall charges to ratepayers. She also asked for a total dollar amount for the remainder of the hotel/motel tax distribution. Clerk-Treasurer Walters reported that there is a total of \$7,000 to distribute in 2008..

Martha Burger-Farrellbegg, 515 Illinois, asked what the status or progress was with the old school building next door to the Town Hall. Director Cox reported that they have a draft letter from the architect as well as the estimate to restore the building to an occupiable position. This week they should have the appraisers report. At that time, they will be formulating their ideas on what to do and go forward from there. The estimates to repair the building will be anywhere from \$750,000 to \$1.1 million. Ms. Farrellbegg asked what the alternatives are and commented that she felt the building was a public nuisance and an eyesore. She said she also thought it was a danger to children in the community as well as de-valuing the neighboring properties. President Kuiper stated that there are several opinions on what to do and he is not sure which are right and which are wrong. Some of the opinions involve money and they will put it out to the historical people, but something needs to happen. Ms. Farrellbegg said that she thought the town has languished for many years in this and she was glad to hear something was being done.

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 7:28 P.M.

Attest:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer