

**LOWELL TOWN COUNCIL
REGULAR MEETING
JUNE 22, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, June 22, 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, Phillip Kuiper and David Gard. 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, three members of the media and fifteen interested citizens.

TREASURER'S REPORT

Councilman Huseman made a motion to approve the Treasurer's Report for May, 2009 as presented, seconded by Councilman Gard. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Alessia made a motion to approve the minutes from the June 8th regular meeting, seconded by Councilman Gard. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1757-1844, Water Vouchers #2352-2376 and Waste Water Vouchers #3292-3323 and recommended for approval.

Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Huseman. The motion carried by voice vote. Clerk-Treasurer Walters stated that there were seven vouchers approved for refunds for Dahl Estates. She requested the Council to terminate the agreement with Harold and Lois Dahl to continue the half street. President Kuiper said that the town had a very old agreement to continue Hawthorne Street and that agreement is being discontinued. Clerk-Treasurer Walters explained that the town has been holding an escrow in the amount of \$33,000 since 1983 and now the street can no longer be extended because it has been purchased by private property owners. The town is releasing the funds to the heirs of Harold and Lois Dahl. They have requested that the checks be written to seven individuals and now the town needs to terminate the agreement that the street will never be extended. Councilman Gard made a motion to terminate the agreement, seconded by Councilman Huseman. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2009-07 - reestablishing the tax rate for CCD Fund -PUBLIC HEARING - President Kuiper opened the public hearing regarding Ordinance #2009-07 to reestablish the tax rate for the CCD Fund. There being no public comments for or against the ordinance, President Kuiper

closed the public hearing. Councilman Gard made a motion to adopt Ordinance #2009-07, an ordinance increasing the tax rate for the Lowell Cumulative Capital Development Fund, by name and title only, seconded by Councilman Tucker. Roll call vote carried with five ayes.

Resolution #2009-13 - transfer of funds - Park budget - President Kuiper read Resolution #2009-13 to transfer funds within the Park budget in the amount of \$3,510. The transfer does not affect the balance in the Park Fund. Councilman Alessia made a motion to adopt Resolution #2009-13, seconded by Councilman Huseman. The motion carried by voice vote.

UNFINISHED BUSINESS

Public Works Department Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer Project.

Director Shook reported that the 1,300 feet of 30" storm sewer pipe that the Council approved be put in on the east side of town has been completed. The utility relocations for State Rd 2 and Burr Street have been completed but south Burr Street is still closed. All they are waiting on is for Walsh & Kelly to come in and put the asphalt down and then south Burr Street will be re-opened. He expected that to happen today, but since it didn't, he will be contacting AT&T tomorrow.

Streets/Sidewalks - 2009 Street Paving Project - Director Shook reported that for the paving that the Council has approved in the amount of \$300,000, it looks like they are going to be able to do sixteen streets that vary in length from one block to eight blocks long. He said he has a list for anyone that might be interested. This comes out to about two and a half miles of service. President Kuiper said that on that subject, he and Clerk-Treasurer Walters will be asking for the town to apply for a bond for paving. They would like to bond an additional \$500,000 over five years to be paid back out of Local Road & Street and Gambling Revenue funds. That will provide a total of \$800,000 and hopefully all streets that need paving can be paved, as well as some curbs that need repair. After discussion with financial consultant, Greg Guerrettaz, the project is very doable. Councilman Tucker made a motion to grant permission to enter into a bond for paving and curbs, seconded by Councilman Huseman. The motion carried by voice vote. President Kuiper asked Director Shook to begin to prepare another list of additional streets to be considered for the bond. Director Shook stated he already has another list started which he will make available for the Council. President Kuiper asked him to keep in mind that Nichols Street and Mill/Morse Street are not to be included at this time since the town has applied for stimulus package money to do work on them. Councilman Huseman asked about the Main Street bridge. President Kuiper reported that he had put a call in to Mark Malczewski, Superintendent of Highway for Lake County. He told him about what was being asked and about the discussion of sending letters and asked him for his opinion before any letters actually got sent. Mr. Malczewski told him it wasn't a problem at all. If the town wants sidewalks, they can put sidewalks in, it is not an issue whatsoever. He said they will be a guest in town and if sidewalks are needed, the town will get sidewalks. Mr. Malczewski cautioned President Kuiper that the current project is about a \$550,000, six-month project when they start. With additional sidewalks, the money is not the issue, but because of right-of-way easements and other issues, it could take up to a year and he just wanted the town to know that. There is no doubt it will take a little longer. President Kuiper said for him, it is an easy decision, if sidewalks are offered, then

the town should take them up on the sidewalks. President Kuiper commented that there has been a perception put out that Councilman Alessia didn't care about kids and he would like to talk about that a little bit. He said he and Councilman Alessia haven't always been the closest of friends, but if there is one thing he does know about John Alessia, whether they were friends or not, that the job he has done at the Lowell Middle School has paid dividends to this town over and over and over. He said his two kids went to the Middle School when John was the principal, but before John was the principal, there was all kinds of talk about the Middle School. John Alessia changed that. So whether you like him or don't like him, and President Kuiper said John happens to be a good friend of his now, but regardless of whether he likes him or not, he has the highest respect for what he has done for our kids in that Lowell Middle School. President Kuiper said anyone that wants to start any perception about Councilman Alessia not caring about kids should call him on his cell phone. He said he would tell them all about how Councilman Alessia has devoted his life to kids and how it has paid dividends that he has seen first hand. He said he has heard nothing but good things about the Middle School since John took over and said that was a person thing he wanted to get off his chest. Councilman Huseman made a motion to take the County up on the sidewalks, with the understanding that it could take up to a year, seconded by Councilman Alessia. The motion carried by voice vote. President Kuiper said he would call Mr. Malczewski.

Approve Police Commission Bond for Sharon Patterson - Councilman Gard made a motion to approve the Police Commission Bond for Sharon Patterson, seconded by Councilman Alessia. The motion carried by voice vote.

Approve invoice from Konradi Concrete - \$29,702.10 - and forward to County for CDBG Sidewalk Project - Councilman Huseman made a motion to approve the invoice from Konradi Concrete in the amount of \$29,702.10 and forward it to the County for payment through the CDBG Sidewalk Project, seconded by Councilman Tucker. Administrator Susan Peterson reported that the project has been completed and inspected. The motion carried by voice vote.

NEW BUSINESS

Request waiving of solicitor's permit fee for Taste of Lowell 7/25 - Main Street Assoc. - Diane Boylan, President of Lowell Main Street Association, requested the waiver of solicitor's permit fees for the Taste of Lowell to be held on July 25th to try to encourage more restaurants and crafters to participate. President Kuiper said they would like to do that with the understanding that the vendors still have to get a permit but the fees would be waived. Councilman Alessia made a motion to waive the solicitor's permit fee for the Taste of Lowell, seconded by Councilman Gard. The motion carried by voice vote.

Health and Safety Issues in Meadowbrook area - Adam Gutjahr, 420 Greenbrier Lane, representative of the Meadowbrook POA, thanked the Council for their time in allowing him the opportunity to present a major problem within the community and for their past cooperation. He commended Director Cox and his staff for their interest and taking the time to listen. He said that they understand the legal problems that the town is involved with the Harris Bank of Canada. He provided pictures to the Council as part of his presentation. Mr. Gutjahr said he requested the name of the individual at Harris Bank of Canada from Director Cox. He said he was willing to go there, at his own expense, to meet with that individual to discuss the issues. Director Cox

was able to provide him with a name and phone number of a local representative. He said he immediately contacted Mr. Dick Watham, who informed him that Harris Bank was unable to do any cutting of weeds because of liability. He said that after July 10th, following the Sheriff's Sale, whoever owns the lots will be responsible for their maintenance. Mr. Gutjahr said that Mr. Watham told him that they intend for the five to seven parcels to go up as individual lots rather than a block at the Sheriff's Sale. The lots are going up for back taxes and what the bank considers their value. The high weeds, up to four feet, standing water with algae and mosquito population present a very serious health problem to those in Meadowbrook and to the community. There are many residents of Meadowbrook who, due to aging, have health issues related to breathing, asthma, heart and lung problems and other medical problems, all of which are aggravated by the weeds and grass not being cut, in spite of the ordinance on the Lowell town books to prevent such. Mr. Gutjahr said that if Harris Bank owns any of the properties involved in the sale, they will level them, according to Mr. Watham. He said there has been no citation issued in line with the Lowell town ordinance about the grass and weeds being cut once reaching the height of eight inches this year. He said that mosquitos are a source of West Nile Virus and standing water and high grass and weeds are good breeding grounds for those nasty creatures. Mr. Gutjahr said he thought the Council would not let things go in the way of preventing the health and safety of the taxpaying citizens of the town but that common sense would prevail. He asked if common sense prevails over liability and if tragedy was going to be prevented before it occurs. He said all should work together in securing the health and safety of the community. At that time, he presented a newspaper clipping from the June 19th issue of the Post Tribune regarding a story of a man from Hammond who was learning to walk again after being bitten by a mosquito and falling ill to West Nile Virus. He encouraged the weeds and grass be cut now and bill the responsible individual later and requested that the matter remain on the agenda until it is resolved. President Kuiper said that they have already started discussions and asked Director Cox to comment. Director Cox said that they have gone out and surveyed all of Meadowbrook, as of today, mapping all of the lots that need to be built and/or mowed. They found dirt piles out back on Sweetbrier that they can take dirt from to fill in the lots. With Council permission, they will go out, take care of the problem, file liens against the property and hope for the best. Councilman Huseman asked if a motion was needed. President Kuiper said he didn't think they needed a motion, just direction to get started. Mr. Gutjahr asked when this will start. Director Cox said this is a collaborative effort between his office and Public Works Director Shook's office. The Street Superintendent went out today with Code Official Trulley to review all of this. They now will need to prepare equipment to start the job. Director Shook said they will be out there pretty quick to walk the high weeds before starting to mow. They will be checking for junk items that might have been disposed of that are now hidden by the weeds that could cause damage if hit by the bush hog. Director Shook said they would probably get started later this week.

Act on annual price quotes for bulk chemicals - Director Shook reported that every year, they go out to get quotes on chemicals used at the Water Treatment Plant. This year they solicited nine different companies and received quotes back from five. He requested approval of Alexander Chemical Corporation for chlorine at \$63.75/cylinder for 150 lb cylinders and sodium hypochlorite at \$7.45/pail for 5 gallon pails; Hawkins Inc. for sodium silicate at \$180.53/drum for 55 gallon drums; Carmeuse Line Inc. for hydrated lime at \$162.95/ton for 18 ton deliveries and Grant Hagberg Company for carbon dioxide - CO₂ at \$0.09/lb for 10 ton deliveries. He reported that there were slight increases for chemicals this year, but the biggest one was in the

lime itself. That was because they use a lot of lime in the softening process. With the tonnage that they use, the cost increased approximately \$6,000 on the year. Councilman Huseman made a motion to approve the quotes as listed, seconded by Councilman Tucker. The motion carried by voice vote.

Act on quotes for stone - Director Shook said that in past years, they have gone out for quotes for stone. Last year, they started having a problem with price fluctuations in fuel so delivery charges could not be determined and they could not get any fixed quotes. As of this year, they started going to the quarry and hauling themselves, trying to keep stock piles built up. Now, when a stock pile of sand or stone starts getting a little low, they have one of the guys go to the quarry, pick up a couple of truck loads and bring it back into town. The only quote he has is from Vulcan Materials Company, the local quarry. He checked and the prices are still good. He requested approval from the Council to use Vulcan as the supplier for these materials. This will save a little paperwork since they won't have to pull purchase orders every time they go out to get a load or two. President Kuiper noted that Vulcan donated about 100 ton of stone to the parks this year also. Councilman Alessia made a motion to approve Vulcan Materials Company as the supplier for various sand and stone supplies, seconded by Councilman Huseman. Councilman Huseman commented that the price listed for 53s was good, but cautioned that they make sure they get 53s since the quarry has two kinds. Director Shook said he would have them check into that when they go out there next time. Councilman Huseman said they have one that does not meet state specs and one that does. The motion carried by voice vote.

ANNOUNCEMENTS

President announced the next regular meeting to be held on Monday, July 13, 2009 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked if she could get some information about the tax rate for the CCD Fund. She said later in the week would be fine. She also asked if she could get a list of the streets that are to be repaired. Director Shook said he could give her a list of the streets they are sure on.

Linda Gunning, 1249 Driftwood Dr., commented about a recent Council decision made at the April 27th meeting where only one permit was allowed for a hot dog vendor instead of allowing permits for both who had applied. She said the Council effectively limited her freedom by limiting her choice and the freedom of the other vendor was also infringed upon. She felt the Town Council created a monopoly. She felt this implies that the Council does not support free markets or free competition and that the free market was one of the principal goals of the founding fathers and one of the principal causes of the first revolution of this country. The Council thanked her for her comments.

Councilman Huseman asked for an update on Powell Ditch. Director Shook said he would check with Roger at Commonwealth Engineers to find out how far along they are with the modeling of Powell Ditch.

Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:38 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer