

LOWELL TOWN COUNCIL
WORK SESSION
MARCH 14, 2016

A work session of the Lowell Town Council was called to order on Monday, March 14, 2016, at 5:35 P.M. by President Christopher Salatas. Members present were Michael Gruszka, LeAnn Angerman, Will Farrellbegg, Christopher Salatas, and Edgar Corns. Also present were Clerk-Treasurer Judith Walters, Attorney David Westland, Public Works Director Greg Shook, and SEH Representative Craig Hendrix. The purpose of the work session was General Town Business.

Mr. Hendrix began a discussion of the need for curbs and sidewalks depending on the project. He stated with a project such as the Journey Church, the necessity for curbs and sidewalks right away may not be there, but it is important for them to at least participate. Mr. Hendrix shared an example of how Portage had handled a similar situation in the past, making the developer pay money to the Town that could be used in areas that were of higher priority for curbs and sidewalks. This forever waives the developer of having to put curbs and sidewalks in, so it then becomes the responsibility of the Town if they ever feel that curbs and sidewalks are necessary on Belshaw. Discussion followed. Mr. Hendrix stated if the Plan Commission and Town Council would decide to go this route, the church would not only be waived from the curbs and sidewalks, but the widening of Belshaw as well, which would save them a lot of money. Discussion was held regarding the need to establish an ordinance in regards to the possible waiving of the curbs and sidewalks as well as a fund to receive the money. Mr. Hendrix stated the Plan Commission could approve the church's waivers contingent on the ordinance for the curbs and sidewalks passing since their special meeting will be held on March 28th. Attorney Westland stated you cannot accept a request like that without having the proper ordinance in place first. He stated they could act on the ordinance at the regular Town Council meeting on the 28th, before the special Plan Commission meeting. Discussion followed regarding the time needed to draft and pass such ordinances. Mr. Gruszka stated he had heard there was a Complete Streets policy in place that makes the sidewalks wider, and asked if the developers should be following that. Mr. Hendrix stated five feet is a typical pedestrian walk, but if you want something for bicyclists, that is usually about eight feet wide. Clerk-Treasurer Walters pulled Ordinance #2014-30, which stated the width should be considered at all times, but the Council has the right to grant exemptions.

President Salatas asked Attorney Westland if he could touch on some of the ordinances he had discussed with Attorney Bennett that need to be cleaned up. Attorney Westland stated essentially there are a couple of issues with the way your penalty provisions for the Town Court are set up that are somewhat inconsistent. The first issue deals with ordinances that state fines of \$100 - \$300, but on the website or somewhere else fees were published as \$25, so the court was following the \$25 fine and not getting what the ordinance had established. Once we discussed this with Judge Buckley, he stated he would be happy to fine the higher amount if it removes the inconsistency. There is also an issue with the officer's crib sheet and it not matching the specific code sections. They may issue a failure to yield, but there are several spots in the ordinances that have to do with what kind of failure to yield. If their crib sheet does not match the section number, that case gets dismissed. The ordinances should be rewritten so that all of the failures to yield should be listed in one section so that the right section can be cited and the person can be prosecuted correctly. The third item is the inconsistencies in the penalty section versus the master list of penalties. They want to clean that up as well as categorize the sections with the penalty sections in order for the officer to have a case that will uphold in court. Judge Buckley also wanted to make more penalties payable in order to do away with the packed court nights and having to pay employees extra to sit through court. Discussion followed. Councilwoman Angerman suggested beginning with cleaning up the fines and the non-payables, and then reevaluating and moving forward from there. Attorney Westland stated he would agree with that. The Council agreed to allow Attorney Westland to start on clearing up the penalty fees, and then seeing where they need to go after that is completed.

Mr. Hendrix gave an update on the Water Project stating that after the projects that are listed in the bond are complete, you may have money left over. He stated he was not sure if the Council wanted to look at other projects or look in to surface water. Attorney Westland stated he would say you could use the extra money for any capital improvement to the Town's water system. Discussion followed regarding other projects that the extra money could be used for including surface water. Mr. Hendrix listed further updates stating the well is drilled and the test well is in, the pump house is being built, the water tower will have its pre-construction meeting tomorrow and is on track to be completed by July 2017, the water main design is currently being prepared which will be started this summer, and that pump upgrades to the plant will begin in the late fall in order to be able to fill the tower next summer. Councilman Farrellbegg asked when the new well will be working since the plant is struggling for water. Mr. Hendrix stated it will probably be up by June. Director Shook stated that he believed the meter on Well #4 was faulty because it was showing a low reading, but when they turned it off and back on again after the weekend, it gained one hundred gallons per minute. Councilman Corns asked if anyone had any idea of how much water the bakery will consume. Director Shook stated he did not. Mr. Hendrix stated the new tower will be up by the time they open which will help a lot. Discussion followed.

Mr. Hendrix stated he wanted to bring up the new changes on annexation that the legislators have passed, which says that we need to establish our town boundary as of a certain date, and then start tracking annexations by date. We need to review that law and make sure that the recent annexations become part of the town. Discussion followed regarding the possible changes that were made to the annexation law. Councilman Corns stated, as he understands, the Town has annexed the Russel Farm but did not actually have the contiguity to do it so it is illegal as of right now. Farm Bureau has the slice of property next to the tracks that we need. He stated he had called them many times but has not been able to get their board to tell him if the Town could annex that slice or not. Attorney Westland stated we had the thirty acres of the C&D Landfill that was not part of that annexation, which is on the agenda tonight for the first reading along with the fiscal plan. Mr. Guerrettaz had also finished this 2.7 acres for that Farm Bureau piece, which we had a hard time finding out who owned. There is a fiscal plan done for that and an initial draft of an ordinance because the thinking was to get the C&D Landfill started tonight. Attorney Westland stated that Attorney Wieser will be at the regular meeting tonight, and he believed that if he is allowed to speak, he would say that they are in favor of the annexation even though a petition was never filed. We will be able to move on that 2.7 acres as soon as the Council wants to. Councilman Corns asked if they needed approval from Farm Bureau for that. Attorney Westland stated no. Councilman Corns stated Farm Bureau's concern is that in the fall they vent their anhydrous tanks, which is against the Clean Air Act. He stated those have to be vented in to a water tank, and they are concerned that if we build houses there, people will complain about those fumes, but the Landfill has already been complaining about those fumes. He stated he talked with Farm Bureau again last week and they said they would meet the third or fourth Tuesday to see if they would okay the Town annexing. Attorney Westland stated if they would file a petition for annexation, the time frame would be cut in half. If they do not want to do that, we just move forward as is. Councilman Corns stated he spoke with Town Planner Jim Mandon and asked if it would be possible to just go around Farm Bureau if they protest. Attorney Westland stated he would just take them, they have no legal basis for objecting the annexation, and they will continue to violate the clean air act whether they are in town or not. President Salatas stated if we start the process without them putting in a petition and they remonstrate, with the 2015 annexation law, we would loose and not be able to try again for a period of time. Also, we have to set up some sort of petition signing station. Attorney Westland stated if we can use our persuasive powers, it would be much better. Discussion followed.

President Salatas stated, regarding the Street Garage, we could help pay for it using Sewer Improvement Funds, if we move the Sewer Utility over to that building. He stated he had spoken with Director Shook about possibly moving them over there from their current location on Liberty, but the concern was needing more bays. Director Shook stated if you move water and sewer over there, the building is not large enough. Right now those two buildings equal 18,000 square feet, but we are currently building a

16,000 square foot building. You would need to increase the size of the project if you want to move them now. Discussion followed regarding how the project is currently laid out and options to develop the property so that water and sewer could move over immediately, along with further cost saving options. Councilwoman Angerman asked how much money would be opened up if water and sewer moved over there. Clerk-Treasurer Walters stated there is money in Sewer Improvement, but thought that is being saved for the interceptor line. Councilwoman Angerman stated that was her concern. Director Shook stated one thing you have to do is make sure you have sewer running to the interceptor. President Salatas stated we have partners in that as well. Clerk-Treasurer Walters stated they are quoting \$12 million for the project and we have \$3 million. President Salatas stated we would not do the whole project at once anyway. A discussion was had regarding the high cost of excavation on the property, what all is entailed, and which areas could be cut back. Mr. Hendrix stated right now we are running square footage prices, once we get in to the final engineering, we will narrow it down.

No further discussion, the work session adjourned at 6:56 P.M.

Christopher Salatas, President

Attest:

Judith Walters
Clerk-Treasurer