

**LOWELL TOWN COUNCIL
REGULAR MEETING
DECEMBER 22, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, December 22, 2008 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. President Kuiper asked the audience to remember the Rick Niemeyer family during the moment of silence. 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, two members of the media and seven interested citizens.

TREASURER'S REPORT

Councilman Gard made a motion to approve the Treasurer's Report for November, 2008 as presented, seconded by Councilman Huseman. The motion carried by voice vote.

APPROVAL OF MINUTES

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

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #2297-2365, Water Vouchers #2745-2777 and Waste Water Vouchers #3593-3619 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

Resolution #2008-25 - Transfer of funds - General Fund - President Kuiper read Resolution #2008-25 to transfer \$9,750 within the General Fund Fire budget and \$35,000 within the General Fund Police budget. The transfers do not affect the balance in the General Fund. Councilman Huseman made a motion to adopt Resolution #2008-25, seconded by Councilman Alessia. Clerk-Treasurer Walters explained that there is a new state mandate that the firemen have to have their physicals annually now and they are more in-depth. This is going to be an almost \$10,000 expense. The transfer of \$6,500 will be encumbered and the \$3,500 is what is normally budgeted. Starting in 2010, they will have to budget \$10,000 for physicals. The transfer in the Police budget will pay for both new police cars out of the 2008 budget. 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 Easements, Streets/Sidewalks.

Tabled from previous meetings:

7/14 - Release Letter of Credit for engineering for water main extension - KM&N
8/25 - 2nd Reading - Ordinance #2008-19 - Repealing Chapter 111 - Commercial Window Covering Requirements - Clerk-Treasurer Walters asked the Council members if they were interested in removing the tabled items from the agenda since they are going into a new year and addressing the items when they are ready in 2009. Councilman Gard made a motion to remove the tabled items from the agenda, seconded by Councilman Tucker. The motion carried by voice vote.

NEW BUSINESS

Accept donated materials from Big D Construction - Director Shook reported that earlier this year, Mr. Cripe, owner of Big D Construction, decided to retire and get out of the business. Mr. Cripe approached Director Shook with the offer to donate some excess materials that he had to the Town of Lowell. Those items were inventoried and a list was provided to Council members with values that were assigned based on 2008 pricing. The total value of materials is \$10,558.15. He asked that the Town Council accept the donation. Councilman Huseman made a motion to accept the donation of materials from Big D Construction/ Don Cripe and also send him a letter, seconded by Councilman Gard. The motion carried by voice vote.

Enter into agreement with Financial Solutions for Sustainability Analysis - Councilman Huseman asked for a definition of sustainability. Clerk-Treasurer Walters explained that this was what Mr. Guerrettaz discussed at the last regular meeting and it would mean doing a review for the next three years instead of just doing annual budgets. Councilman Gard made a motion to enter into the agreement with Financial Solutions Group for Sustainability Analysis, seconded by Councilman Huseman. Councilman Alessia asked if the rates were going to be the same. Clerk-Treasurer Walters stated it would be the same hourly rates. The motion carried by voice vote.

Enter into agreement with LVFD - 2009 - President Kuiper stated this item needed to be added to the agenda since this is the last meeting of the year. This agreement is for services provided by the Lowell Volunteer Fire Department for the year 2009. Clerk-Treasurer Walters reported that the contract is the same contract with the only difference being the annual amount which is \$116,750 and will only be paid if the 2009 budget is approved. The annual amount of the contract for 2008 is \$113,350. Councilman Gard made a motion to enter into the agreement with LVFD, seconded by Councilman Alessia. President Kuiper announced that as of January 1, 2009, Charlie Scott will be the new Fire Chief and Clint Gorball will be the Assistant Fire Chief. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper congratulated Scott Tokach on his graduation from Staff & Command School.

He also thanked Sheriff Dominguez for financing that for him.

President Kuiper announced that the next regular meeting will be held on Monday, January 12, 2009 at 7:00 P.M.

President Kuiper announced that Congressman Visclosky will be holding a Town Forum at the Lowell Town Hall on Saturday, January 10, 2009 at 10:30 A.M.

President Kuiper said that the Town Council would like to wish everyone a Merry Christmas and Happy New Year.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked if there was an estimate of the cost of the Sustainability Analysis. She was informed that the agreement had a not-to-exceed \$7,500 cap.

Linda Gunning, 1249 Driftwood Drive, commented that the minutes have not been available on the internet for many months and she wanted them to be available. Clerk-Treasurer Walters explained that the town had to change internet providers and also had to find someone to put the minutes on the internet. They are still working with that company and as soon as it is ready they will be put on the internet. She said the minutes are available at the town hall any time. She also said she does not have to post the minutes on the internet, she chose to do that.

President Kuiper said that even though it did not become a crisis because the power came back on, he wanted to thank the Police Department, the Fire Department and Cedar Creek Township Trustee Alice Dahl for opening up her office as a warming station. He said they had discussion today regarding the CAN System. They put out the announcement about the power outage and where warming stations were set up but the problem is if the phones are not working, if someone does not have a land line or someone is not on the cell phone list, you will not get a message. President Kuiper said if someone wants their cell phone on the CAN System list, they have to call the Police Department and let them know. Chief Shelhart further explained that if someone has an unlisted phone number or has recently moved and has a new phone number, they need to call the Police Station to request that their number be added to the CANS calling list. President Kuiper also thanked the Tri-Creek School Corporation for opening up the high school which was a very nice place for people to go.

Councilman Tucker said he had a quick question. He said he read about a matter of public concern in the Lowell Tribune regarding a squad car at the Middle School and asked Chief Shelhart for more information. Chief Shelhart reported that it was determined that there was a squad car parked at the Middle School while the officer participated in coaching for a youth event. The Police Department encourages the officers to interact with the youth in the community and to be part of the community as far as coaching, leaders and acting as role models for the kids. That was what the officer was participating in. Councilman Tucker said that was him and he has been coaching since 1991 for track, wrestling, football at the High School and the Middle School. If anyone is in fear of vandalism of the squad car, for the 18 or 19 years he has been involved in those activities, there has never been a scratch on the squad car. Councilman Huseman said he was the one that got called on that from Community Watch and it was the

second time. He said he did not know why the lights were not on in the parking lot because they have been lit in the past but it appeared that the squad car was just sitting there waiting to be vandalized. Councilman Alessia said he would find out why the lights in the parking lot were out.

Councilman Gard made a motion to adjourn, seconded by Councilman Huseman at 7:15 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer