

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
JUNE 9, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, June 9, 2008 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Deputy Clerk-Treasurer Elaine Anderson 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, and three members of the media and sixty four interested citizens.

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the minutes from the May 27<sup>th</sup> regular meeting and the June 3<sup>rd</sup> and June 4<sup>th</sup> executive sessions, seconded by Councilman Gard. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #1557-1611, White Police Vouchers #4064-4071, Water Vouchers #2320-2352 and Waste Water Vouchers #3264-3285 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

President Kuiper read a letter from Gleaner Hawthorne Arbor President Dan Sutton regarding National Flag Day. He also read a proclamation naming Wednesday June 14<sup>th</sup> as National Flag Day. Mr. Sutton accepted the proclamation and photographs were taken.

**MONTHLY REPORTS**

Councilman Gard made a motion to approve the monthly reports from May, 2008 as submitted, seconded by Councilman Tucker. The motion carried by voice vote.

**ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> Reading - Ordinance #2008-11 - Amending Chapter 92 - Animals - Councilman Gard made a motion to adopt Ordinance #2008-11 Ordinance to Amend Chapter 92 by name and title only, seconded by Councilman Tucker. Roll call vote carried with five ayes.

2<sup>nd</sup> Reading - Ordinance #2008-12 - Amending Chapter 90 - Junk Vehicles - Councilman Huseman made a motion to adopt Ordinance #2008-12 Ordinance to Amend Chapter 90 by name

and title only, seconded by Councilman Tucker. Roll call vote carried with five ayes.

2<sup>nd</sup> Reading - Ordinance #2008-13 - Vacating Public Right-of-Way - Councilman Huseman made a motion to adopt Ordinance #2008-13 Ordinance Vacating Public Right-of-Way by name and title only, seconded by Councilman Gard. Roll call vote carried with five ayes.

1<sup>st</sup> & 2<sup>nd</sup> Reading - Ordinance #2008-14 - Stop Intersection - Burr/175th Avenue - President Kuiper commented that this matter was discussed at the previous meeting. Councilman Tucker commented that it was where the fence had been placed at Malibu Woods Subdivision. Councilman Gard made a motion to hold over Ordinance #2008-14 Ordinance to Amend Chapter 74 for second reading, seconded by Councilman Huseman. The motion carried by voice vote. Councilman Gard made a motion to set the rules aside in order to hold second reading, seconded by Councilman Huseman. The motion carried by voice vote. Councilman Gard made a motion to adopt Ordinance #2008-14 Ordinance to Amend Chapter 74, Stop Intersection at Burr and 175<sup>th</sup> by name and title only, seconded by Councilman Tucker. Roll call vote carried with five ayes. Councilman Gard made a motion to set the rules back in order, seconded by Councilman Tucker. The motion carried by voice vote.

Resolution #2008-11 - transfer of funds - MVH Fund - President Kuiper read Resolution #2008-11 to transfer funds within the MVH Fund in the amount of \$3,296. The transfer does not affect the balance in the fund. Councilman Tucker made a motion to adopt Resolution #2008-11, seconded by Councilman Alessia. The motion carried by voice vote.

### **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.

### **NEW BUSINESS**

Request for donation - Rebuilding Together of South Lake County - President Kuiper read a letter of request from Rebuilding Together of South Lake County for this year's Christmas in September project that will be held in Lowell. The last time the project was held in Lowell was four years ago and at that time, the town donated \$500 from the Community Relation Fund. There is currently a balance of \$4,725 in the Community Relations line item. Councilman Gard commented that it would be nice to give a little more this year and made a motion to donate \$1,000, seconded by Councilman Alessia. The motion carried by voice vote. Administrator Sue Peterson thanked the Council.

Chamber business - Bill Carlson - President Kuiper reported that the Chamber called today to request coming on a different night.

Permission to sell ST-13 - 1992 Chevy Truck - Director Shook reported that last year, a combination utility bed dump truck was purchased. He requested permission to sell ST-13 which is a 1992 Chevrolet 1-ton dump truck through sealed bids. It has approximately 66,000 miles on

it. The utility boxes are worn out but the dump bed still works. The vehicle is sitting on the grounds and is just in the way. In the past, the sale of vehicles has been handled by advertising for sealed bids with a public opening time set in the advertisement. Councilman Alessia made a motion to grant permission to advertise the sale of ST-13, 1992 Chevy truck, seconded by Councilman Huseman. The motion carried by voice vote.

Police Commission - Councilman Alessia made a motion to dismiss Mr. Edgar Corns from the Lowell Metropolitan Police Commission on the basis of conduct detrimental to the Town of Lowell, seconded by Councilman Gard. The motion carried by voice vote with Councilman Huseman voting in opposition. He commented that he felt this was a disgrace to the integrity of the Police Commission. The motion carried by voice vote.

### **ANNOUNCEMENTS**

President Kuiper announced the Lake Michigan District Household Hazardous Waste Clean-up to be held at the Lowell Middle School parking lot on Saturday, June 14<sup>th</sup> from 9:00 A.M. to 2:00 P.M.

President Kuiper announced the next regular meeting will be held on Monday, June 23, 2008 at 7:00 P.M.

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

Before opening the floor up to media questions and public comments, President Kuiper stated that they would not be fielding any questions on Police or Police Commission matters because it was a personnel issue and asked Attorney Sobkowski to explain. Attorney Sobkowski said that under state law, personnel matters are confidential and for that reason, public discussion at the meeting tonight would not be appropriate.

Ed Bradbury, 5704 W. 171<sup>st</sup> Avenue, asked what the time was for the Police Commission meeting set for Tuesday night. Councilman Huseman said it was set for 6:00 P.M.

Carrie Napoleon, Post Tribune, asked how members of the Police Commission were appointed, placed or hired. President Kuiper informed her they are appointed by the Town Council. She asked how they would be considered employees that it would not be appropriate to discuss. Attorney Sobkowski explained that Police Commission members are not employees. What President Kuiper said was that they would not discuss Police Department issues and the removal involves Police Department personnel. Ms. Napoleon asked how the removal of a Commission member involves Police Department personnel issues. Attorney Sobkowski said if they were to explain that, they would get into personnel issues which are to be confidential.

There being no further questions or comments, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:20 P.M.

Attest:

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Phillip Kuiper, President

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Elaine Anderson, Deputy Clerk-Treasurer