

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
DECEMBER 28, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, December 28, 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. Members present were Donald Huseman, Phillip Kuiper and David Gard. Councilman John Alessia was absent. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Police Chief John Shelhart, three members of the media, and two interested citizens.

**TREASURER'S REPORT**

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

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the minutes from the December 14<sup>th</sup> regular meeting, seconded by Councilman Huseman. The motion carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2654-2725, Water Vouchers #2774-2812 and Waste Water Vouchers #3637-3663 and recommended them for approval, with the exception of #2718, #2788, and #3653 because they were duplicated. Councilman Tucker made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

**ORDINANCES & RESOLUTIONS**

1<sup>st</sup> & 2<sup>nd</sup> Reading - Ordinance #2009-23 - amend Section 37.060 adding Veteran's Day as a paid holiday. - President Kuiper read Ordinance #2009-23 to amend Section 37.060 adding Veteran's Day as a paid holiday. Councilman Gard made a motion to hold over Ordinance #2009-23 for second reading, seconded by Councilman Huseman and carried. Councilman Gard made a motion to suspend the rules to move forward, seconded by Councilman Tucker. Councilman Gard made a motion to adopt Ordinance 2009-23 by name and title only, seconded by Councilman Tucker. Roll call vote carried with four ayes. Councilman Tucker moved to put the rules back in order, seconded by Councilman Gard and carried.

Resolution 2009-20 Transfer of Funds - From General Fund and , MVH Fund was read by President Kuiper. Councilman Gard made a motion to adopt Resolution 2009-20, seconded by Councilman Huseman. Roll call vote carried with four ayes.

Resolution 2009-21- Reduce 2009 Budget - Total of General fund \$62,000.00, MVH \$18,000.00, Park \$5,000.00, Grand total \$85,000.00. Clerk-Treasurer Judith Walters explained by reducing the 2009 budget it changes the cash on hand for the 2010 budget, since these are appropriations we have but are not going to spend. Since we are looking at a shortfall of \$300,000 in miscellaneous revenue for 2010, this reduces that amount to \$215,000. Clerk-Treasurer Walters commended the department heads for watching their spending throughout the year. Councilman Gard made a motion to adopt Resolution 2009-21, seconded by Councilman Huseman. Roll call vote carried with four ayes.

### **UNFINISHED BUSINESS**

Burr/RT 2 Project - Approve Pay Request #10 to DLZ - \$14,877.68 and forward to INDOT for 80% payment - \$11,902.14. Councilman Gard made a motion to approve Pay Request #10, seconded by Councilman Huseman. The motion carried by voice vote.

Approve C.O. #3 to DLZ - \$206.16 - Additional work item - reconnect storm sewer line. Public Works Director Greg Shook stated that we will still end up \$2,098.00 below award bid. Councilman Gard made a motion to approve the request, seconded by Councilman Huseman. The motion carried by voice vote.

### **NEW BUSINESS**

Enter into annual contract with McMahon and Associates to conduct financial statement for 2009 Sewer financial records and computation of Cedar Lake charges for current year -. Councilman Tucker made a motion to approve the request, seconded by Councilman Gard. The motion carried by voice vote.

Enter into annual contract with the Lowell VFD for fire protection for 2010, in the amount of \$116,750.00, the same as 2009. Councilman Guard made a motion to approve the contract, seconded by Councilman Huseman. The motion carried by voice vote.

### **ANNOUNCEMENTS**

Town Council would like to welcome home Cpt. Scott Rumisek. Congratulations to Richard Schmal for receiving the Hubert Hawkins Award, he received it for preserving our rich past and making it accessible to all.

Attorney Sobkowski spoke with Wilbur Cox in regards to the donation of the property at 303 Burnham from Mr. Christ, the property has been appraised so that he can get credit for his donation. Attorney Sobkowski made a recommendation that the donation be accepted, subject to the title work coming back showing that the Town has a clear title. Councilman Gard made a

motion to approve the request seconded by Councilman Huseman. The motion carried by voice vote.

President Kuiper set an executive session to review applicants for the boards and commission on January 7, 2010 at 6:00 p.m.

Councilman Gard asked for an update on the old schoolhouse. Wilbur Cox stated that a few weeks ago someone was there taking stuff out of the building. Frank Legacy and Marie Bodar were both sent 30 day notices, that time is now over. We don't have an address for her but Mr. Legacy is getting contractors license and has the notice that it has to come down.

Councilman Huseman noted that the leaves are going to a compost station. President Kuiper stated that they are going to a satellite station for South County, the County is loading and hauling away at no charge.

President Kuiper wished a Happy New Year to all!

President Kuiper announced the next regular meeting will be held on Monday, January 11<sup>th</sup> at 7:00 P.M.

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

A member of the media questioned if she could get a list of the transfer of funds and budget reductions.

A member of the media asked how many paid holiday's and was told there are 10.

A member of the media wanted to know how much the property at 303 Burnham appraised for and it was \$30,000.00

There being no further business or discussion, Councilman Tucker made a motion to adjourn, seconded by Councilman Gard at 7:24 P.M.

Attest:

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Phillip Kuiper, President

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Judith Walters, Clerk-Treasurer