

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 25, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, October 25, 2010 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, Shane Tucker, John Alessia, David Gard, and Phillip Kuiper. Also present were Town Attorney Ben Ballou, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, two members of the media, and twelve interested citizens.

**TREASURERS REPORT**

Councilman Gard made a motion to approve the Treasurer's Report for September, 2010 as presented, seconded by Councilman Alessia and carried by voice vote.

**APPROVAL OF MINUTES**

Councilman Alessia made a motion to approve the minutes from the October 11<sup>th</sup> regular meeting. The motion was seconded by Councilman Huseman and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2382-2456, Water Vouchers #2626-2662 and Waste Water Vouchers #3574-3602 and recommended them for approval. Councilman Huseman made a motion to approve the vouchers as listed, seconded by Councilman Tucker and carried by voice vote.

**ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> reading - Ordinance #2010-04 - Ordinance for Appropriations & Tax Rates for 2011, Councilman Huseman made a motion to adopt Ordinance #2010-04, an Ordinance for 2011 Tax Appropriations and Levy in the amount of \$3,763,708. seconded by Councilman Gard. As reported at the public hearing the budget is advertised high due to the fact we did not have an approved budget for 2010 at the time and cuts will have to be made. Different options for budgets cuts will be presented by our financial consultant. On roll call vote, the motion carried with five ayes.

2<sup>nd</sup> reading - Ordinance #2010-05 - Amend Chapter 71 - Pedestrian Regulations - Councilman Gard made a motion to adopt Ordinance #2010-05, seconded by Councilman Alessia. Councilman Huseman asked if there would be more crosswalks, and was told that is something they could look into. President Kuiper explained that this is not a new ordinance, it was changed from state statute to local. He went on to explain the reason is because there was so many close

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calls at the high school. Councilman Huseman stated he thought there should be sidewalks near the high school. President Kuiper stated there are sidewalks going to the high school from both intersections and the kids should cross at the crosswalks. On roll call vote, the motion carried with five ayes.

2<sup>nd</sup> reading - Ordinance #2010-06 - Amend Chapter 90 - Junk Vehicles Prohibited - Councilman Alessia made a motion to approve Ordinance #2010-06, seconded by Councilman Gard. No discussion, on roll call vote the motion carried with five ayes.

### **UNFINISHED BUSINESS**

Public Works Update - West Side Sewer Project to New Middle School -President Kuiper stated the he spoke with Director of Public Works Greg Shook about the Change Order presented by B&D Sewer. Greg Shook had a meeting with Nate Kleefisch and gave him all the information and the minutes from the Town Council Meeting and he was going to take it to the school board.

President Kuiper stated regarding the sidewalk at Sara Pierce's house, the attorney is working on writing up an agreement. There has been a temporary curb installed.

### **TABLED FROM PREVIOUS MEETINGS**

October 11, 2010 - Old Water Plant Property - 241 N. Liberty Street - The attorney advised that it needs to be advertised that it is for sale since we have had two new appraisals. Councilman Gard made a motion to advertise the sale, seconded by Councilman Alessia. The motion carried by voice vote.

### **NEW BUSINESS**

Approve 2011 Water Operating Budget per USDA Rural Development Loan. Clerk Treasurer Judith Walters explained that this is an annual housekeeping routine for the USDA loan. The 2011 operating income is estimated at \$1,978,000, and operating expenses at \$1,914,894. These figures are based on actual usage. Councilman Gard made a motion to approve the budget, seconded by Councilman Huseman. The motion carried by voice vote.

Approve Quarterly Fees for Park Department. Councilman Alessia made a motion to approve the fees for November 2010 through January 2011 for park programs, seconded by Councilman Gard. The motion carried by voice vote.

### **ANNOUNCEMENTS**

President Kuiper announced Halloween Trick or Treat Hours - Sunday, October 31<sup>st</sup> from 5:00 P.M. to 7:00 P.M.

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President Kuiper announced the next regular meeting will be on Monday, November 8<sup>th</sup> at 7:00 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

President Kuiper asked that the public comments tonight be kept to agenda items and not politicizing.

Kathleen White, 349 Gewns Cove Court, asked the Council to elaborate on Ordinance #2010-05 and #2010-06. President Kuiper stated that the pedestrian ordinance was a state statute and since we have a Town Court we can change it to a local ordinance so that if a ticket is violated it will come to our court. Town Attorney Ben Ballou explained that the ordinance for the junk vehicles was to clarify the penalty provisions. The definition of junk vehicles has changed to include un-plated, unregistered vehicles. The ordinance defines abandoned vehicles, junk vehicles and they wanted to make clear that the penalty provisions apply to all incidents. It was more of a housekeeping matter to make the ordinance more clear for the town court's stand point.

Ed Bradbury, 5704 W. 171<sup>st</sup>., asked about Councilman Huseman's questions about sidewalks on the south side by the high school. He was told they were talking about the north side by the high school.

There being no further business or discussion, Councilman Alessia made a motion to adjourn, seconded by Councilman Tucker at 7:13 P.M.

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Phillip Kuiper, President

Attest:

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Judith Walters  
Clerk Treasurer