

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
JANUARY 30, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday January 30, 2012 at 7:00 PM 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 Craig Earley, Donald Parker, Phillip Kuiper, Edgar Corns and Robert Philpot. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Asst. Chief Scott Tokach, Town Administrator Susan Peterson, four members of the media and eleven citizens.

**TREASURER'S REPORT – December 2011**

Councilman Corns made a motion to approve the Treasurer's report, seconded by Councilman Philpot and carried by voice vote.

**APPROVAL OF MINUTES**

Councilman Earley made a motion to approve the January 16<sup>th</sup> regular meeting minutes, seconded by Councilman Parker. Councilman Corns asked that the printed minutes be the same as what is on the recording because it missed his original intent of what he said at the meeting that night. President Kuiper asked if he wanted the minutes verbatim. Councilman Corns answered no, to change the printed minutes as a public record to show what he said on these particular minutes. Councilman Corns stated that his intention was not to push the smoking ban, but push for the right to say yes or no to the smoking ban in a business. Because he spent six years in military service to protect the people's God given constitutional rights and this was not reflected in the minutes. Councilman Parker stated he would withdraw his motion and asked if it could be tabled until the next meeting. Clerk-Treasurer Walters stated they can make a motion to approve the minutes and she can change that portion of the minutes. Councilman Corns stated he listened to the tape and the minutes and the recording are not the same. Attorney Sobkowski asked if Councilman Earley wanted to withdraw his motion to approve the minutes. Councilman Earley withdrew his motion and Councilman Parker withdrew his second. Councilman Corns made a motion to have the Clerk-Treasurer change the minutes and make the recording match the minutes, seconded by Councilman Parker and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated he reviewed White Vouchers #1095 - #1156, Water #2021 - #2058, Waste Water #3021 - #3072. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

## **PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

### **SPECIAL COMMITTEES - Annexation Committee**

Status Update on Annexation Pockets – Doug Niksch

Doug Niksch was not present.

## **ORDINANCES & RESOLUTIONS**

### **UNFINISHED BUSINESS**

Public Works Department Update – None.

WW Project – Approve Pay Request #6 (Hodges & Davis - \$7,000) & Pay Request #7 (Commonwealth Engineers - \$3,989.92) and forward to SRF for payment. Councilman Earley made a motion to approve the pay requests, seconded by Councilman Corns and carried by voice vote.

Police Commission – Attorney Sobkowski. Attorney Sobkowski stated at the last meeting he was asked to look at whether actions taken by the Police Commission during the last year may have been invalid. He concluded that as long as the members of the commission were properly appointed, the commission's actions would not be illegal.

Tabled from previous meetings:

### **NEW BUSINESS**

Approve annual Conflict of Interest Statements. President Kuiper stated that they had two statements to be approved, James Konradi and James Langen. Councilman Earley made a motion to approve the two conflict of interest statements, seconded by Councilman Corns and carried by voice vote.

Release Letter of Credit – KM & N Properties – Heritage Falls Subdivision and accept \$1,000 escrow to be held until May 15<sup>th</sup>. Councilman Philpot made a motion to release the letter of credit and accept \$1,000 escrow, seconded by Councilman Earley. Councilman Corns asked if \$1,000 was enough to cover what they released. Public Works Director Shook stated he inspected it and it is a road cut about two feet wide and thirty two feet long and toward the end of last year the weather got too cold to hot patch it so they used cold patch. The motion carried by voice vote.

Permission to move forward on refinancing of 1994 waterworks bonds. Clerk-Treasurer Walters explained that Greg Guerrattaz did a study on the water utility and sewer utility and one of things they talked about was refinancing the 1994 water bond. She stated that she wants permission to have him do due diligence report and the motion should also include to appoint Ice Miller as the bond counsel. Councilman Earley made a motion to move forward on refinancing the 1994 waterworks bond and appoint Ice Miller as the bond counsel, seconded by Councilman Parker and carried by voice vote.

### **ANNOUNCEMENTS**

Next regular meeting – Monday, February 13<sup>th</sup> – 7:00 PM

Redevelopment Commission – Meeting date change – Tuesday, February 21<sup>st</sup> - 6:00 PM.

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

Carrie Napoleon, Post Tribune asked how much money would the Town save by refinancing the water bond and how much did they save on the wastewater bond. Clerk-Treasurer Walters stated that the wastewater bond and they are hoping to shorten the length of the loan and hope to save about one hundred thousand dollars.

President Kuiper stated that there was not going to be an executive session on Wednesday night for Lowell and Cedar Lake nor will there be any work session with Lowell and Cedar Lake.

Connie Shrombeck, Lowell Tribune wanted to know what the Conflict of Interest Statement was. Attorney Sobkowski explained the Statement is filed just to give notice that the person giving the statement has an interest in a company or a business that might do some business with the Town.

Attorney Sobkowski asked permission from the Town Council to publish notice for a public hearing on February 27<sup>th</sup> to vacate some easements for the Lowell Church of Christ. Councilman Earley made a motion to give permission to publish notice for a public hearing on February 27<sup>th</sup>, seconded by Councilman Philpot and carried by voice vote.

There being no further business or discussion, Councilman Parker motioned to adjourn, seconded by Councilman Earley at 7:15 PM.

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Phillip Kuiper, President

Attest:

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Judith Walters, Clerk-Treasurer

