

**LOWELL TOWN COUNCIL
REGULAR MEETING
DECEMBER 22, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, December 22, 2014 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Phillip Kuiper, and Edgar Corns. Donald Parker was not in attendance. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, one members of the media, and twenty-seven citizens.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the December 8, 2014 regular meeting minutes and the December 15, 2014 executive session minutes, seconded by Councilman Earley and carried with four ayes.

APPROVAL OF VOUCHERS

President Corns stated he had reviewed White Vouchers #2223 - #2271, White-Police #4248 - #4258, Water #2879 - #2916, Waste Water #3675 - #3700, and Stormwater Utility #5129 - #5136, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with four ayes.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2014-26 - additional appropriation - Police Grant Hours - Councilman Philpot made a motion to approve the second reading of Ordinance #2014-26, seconded by Councilman Earley and carried by roll call vote with four ayes.

2nd reading - Ordinance #2014-27 - amend Chapter 150 - Building Regulations - Councilman Earley made a motion to approve the second reading of Ordinance #2014-27, seconded by Councilman Kuiper and carried by roll call vote with four ayes.

1st & 2nd reading - Ordinance #2014-28 - create TIF - ASA Fund - Councilman Kuiper made a motion to hold over Ordinance #2014-28 for the second reading, seconded by Councilman Earley. Clerk-Treasurer Judith Walters explained that the fund is for the Lowell Medical Center outstanding bonds from when we created a TIF district. This fund will now put that portion of that tax key number in to a special fund to help repay the bonds. The motion carried by roll call vote with four ayes. Councilman Kuiper made a motion to set the rules aside, seconded by Councilman Philpot and carried by roll call vote with four ayes. Councilman Earley made a motion to approve the second reading of Ordinance #2014-28, seconded by Councilman Philpot

and carried by roll call vote with four ayes.

1st & 2nd reading - Ordinance #2014-29 - create Stormwater Utility Improvement Fund - Councilman Kuiper made a motion to approve the first reading of Ordinance #2014-29, seconded by Councilman Earley. Clerk-Treasurer Walters stated we created a Stormwater Utility Fund in 2013 and we would now like to create an improvement fund. At the end of the year, we will determine a six month average that helps run the operating expenses of the Stormwater Utility, and any funds outside of that will be transferred to the improvement fund to help fund projects for storm drainage. The motion carried by roll call vote with four ayes. Councilman Kuiper made a motion to approve the second reading of Ordinance #2014-29, seconded by Councilman Earley and carried by roll call vote with four ayes.

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1st & 2nd reading - Ordinance #2014-30 - Complete Streets Policy - Councilman Kuiper made a motion to approve the first reading of Ordinance #2014-30, seconded by Councilman Philpot and carried by roll call vote with four ayes. Councilman Kuiper made a motion to approve the second reading of Ordinance #2014-30, seconded by Councilman Philpot and carried by roll call vote with four ayes. Councilman Earley made a motion to set the rules back in to place, seconded by Councilman Kuiper and carried by roll call vote with four ayes.

Resolution #2014-19 - Transfer of Funds - M.V.H. Fund - President Corns read Resolution #2014-19. Councilman Earley made a motion to adopt Resolution #2014-19, seconded by Councilman Kuiper and carried by roll call vote with four ayes.

UNFINISHED BUSINESS

Tabled from previous meetings:

12/8 - Consent to Assignment of Cell Tower Lease from Magnum Wireless to Surf Air Wireless - Councilman Earley made a motion to approve the Consent to Assignment of the Cell Tower Lease from Magnum Wireless to Surf Air Wireless, seconded by Councilman Kuiper. Town Attorney David Westland stated the assignment is fine, but this original agreement was adopted in January of 2009. Although the original agreement does not state a beginning date, it is logical to assume that it began January 1, 2009 with a five year term. It would have been up December 31, 2013 and it then goes in to one year renewable terms with a thirty day period where you could terminate, which we are beyond. He suggested to calendar this forward to the late summer/early fall because it is only a \$250 rental, and you may want to look at renegotiating it. Clerk-Treasurer Walters stated it will be added to the Town calendar. The motion carried by roll call vote with four ayes.

NEW BUSINESS

Town Council Members submit Annual Compliance with Nepotism Policy - Clerk-Treasurer Judith

Walters explained that the forms needed to be signed by each Council member and returned to her so that they are on file for when the State Board of Accounts does their audit.

Release performance bond of \$75,000 and accept Maintenance Bond - \$18,750 - Public Improvements - Lowell Nursing Center - Ramsey Development - Councilman Kuiper made a motion to approve the release of the performance bond for \$75,000 and acceptance of the maintenance bond for \$18,750, seconded by Councilman Philpot and carried by roll call vote with four ayes.

Enter into annual firefighting agreement with LVFD - \$133,350 - Councilman Earley made a motion to approve the agreement, seconded by Councilman Kuiper. Councilman Philpot asked Attorney Westland if these were automatic renewals. Attorney Westland stated in this year's agreement, it states unless the agreement is terminated, it is automatically renewed yearly. Councilman Philpot asked if he could ask for a thirty day extension on the existing contract so that the new Council could review the contract and make a decision on it. Attorney Westland stated technically you cannot because in paragraph seven it discusses if you are going to renegotiate, you must give a sixty day notice. The motion carried by roll call vote with four ayes.

Enter into agreement for continuing disclosure filings - Financial Solutions Group - Councilman Kuiper made a motion to approve the agreement, seconded by Councilman Earley. Councilman Philpot made a motion to extend the existing contract for thirty days so that the new Council could review it and decide. Clerk-Treasurer Walters stated continuing disclosure files have to start being filed after January 1st, it is an annual agreement, not a new agreement. Councilman Philpot withdrew his motion. Discussion

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followed. The motion carried by roll call vote with four ayes.

Swearing In Ceremony - New Police Officer - Clerk-Treasurer Walters swore in Neil Olson as the 15th police officer of the Lowell Police Department.

Councilman Philpot stated he is aware that Clerk-Treasurer Walters has received a renewal for the Ethics Commission that has increased to \$300. Councilman Philpot made a motion to renew the agreement for 2015, seconded by Councilman Earley and carried by roll call vote with four ayes.

Thank You and appreciation to outgoing Council members - President Corns extended a thank you to Councilman Philpot for his service and presented him with a plaque. Clerk-Treasurer Walters stated that it had been an honor and a privilege to serve with Councilman Kuiper over the past twelve years. She stated when he ran twelve years ago, he just wanted to serve his home town, and believes he has done that to the best of his ability. Councilman Kuiper was also presented with a plaque honoring his services and his leadership as President by

Clerk-Treasurer Walters.

ANNOUNCEMENTS

President Corns announced that the next regular meeting will be held Monday, January 12, 2015 at 7:00 P.M., and asked if he could get a quorum for an executive session on December 29th at 5:00 P.M. Councilman Earley asked what the meeting was in regards to. President Corns stated the attorney. Councilman Philpot stated he did not understand because the Town already has a highly qualified attorney to take care of annexations. President Corns stated he took the advise from other people that are "in the know" to look in to attorneys that specialize in annexation. Councilman Earley stated as far as annexation, we have not even sat down as a Council and decided which direction we are going to go. We have not given our own attorney the chance to give his opinion in a discussion with the Council. At this meeting, there should be enough people there to answer all of the questions we have including Jim Mandon, Attorney Westland, and Mr. Shook. President Corns stated they would be there.

President Corns wished everyone a Merry Christmas and Happy New Year and stated he believed it had been a great year for the Town of Lowell.

Councilman Kuiper stated that it has been an honor to serve the town that he grew up in. He said a lot of times the Council gets the credit for things that they have very little to do with. He stated he had learned that we have some of the best employees that a town could ask for. Mr. Kuiper touched on his appreciation for the employees mentioning Clerk-Treasurer Walters, Public Works Director Greg Shook, Building Administrator Tom Trulley, and the employees of the Street Department. Councilman Philpot echoed Councilman Kuiper's appreciation and stated he has appreciated his four years of service as well. He also welcomed the new Council members that where there and stated the only thing he could say was to enjoy it.

MEDIA QUESTIONS/PUBLIC COMMENTS

Scott Pickering, 1608 Dewey Drive, stated he would personally like to thank Mr. Kuiper for his time of service and stated that he has done a lot behind the scenes to benefit the Town with no thank you or pat on the back.

ADJOURNMENT

Councilman Earley made a motion to adjourn at 7:28 P.M., seconded by Councilman Kuiper and carried with four ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer

