

**LOWELL TOWN COUNCIL
REGULAR MEETING
JULY 28, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, July 28, 2008 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. Present were Council Members Donald Huseman, Shane Tucker, John Alessia and Phillip Kuiper. Council Member David Gard was absent. Also present were Town Attorney Greg Sobkowski, Town Administrator Susan Peterson, Director of Public Works Greg Shook, Police Chief John Shelhart, Community Development Director Wilbur Cox, two members of the media and twelve interested citizens.

TREASURER'S REPORT

Councilman Huseman made a motion to approve the Treasurer's Report for June, 2008 as presented, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Tucker made a motion to approve the minutes from the July 14th regular meeting and executive session, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1734-1780, Water Vouchers #2430-2454 and Waste Water Vouchers #3351-3370 and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Huseman. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

President Kuiper said that at this time, he would like to address an article that appeared in the paper last week regarding proposed NIPSCO rate hikes for electric service and a request for support of a protest by all local communities from Mayor McDermott. He said that in the article, Mayor McDermott stated that the county and every community in the county had already been hit hard with the Good Government and budget issues and felt everyone should share in the protest. President Kuiper said he didn't know for sure how correct the information was, but the article stated the rate increase was proposed to be 20%. Councilman Huseman made a motion to support the protest on the proposed rate increase, seconded by Councilman Tucker. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2008-16 - Amend Chapter 153 - Unsafe Building Law - President Kuiper read Ordinance #2008-16 to amend Chapter 153 regarding the Unsafe Building Law. Councilman Alessia made a motion to hold Ordinance #2008-16 to Amend Chapter 153, Unsafe Building Law over for second reading, seconded by Councilman Huseman. The motion carried by voice vote.

UNFINISHED BUSINESS

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests; Water Infrastructure Improvement Plan; East Side Sewer Project.

Award of Meadowbrook paving to Walsh & Kelly - \$55,300 - Clerk-Treasurer Walters stated she needed the contract that came in today to be signed. Councilman Huseman commented he felt this needed to be watched very closely. By his calculations, the amount of the bid would just cover the cost of the materials and he felt they needed to watch how the butting up and cleaning up was done. He felt it was not spelled out very well in the specs, in his opinion. Discussion followed regarding the specs and Councilman Huseman said he would not be able to do the job for the amount that was bid. President Kuiper stated that Walsh & Kelly is a big company and has been doing this type of work for a long time and felt they should be able to handle the job. Councilman Tucker asked if there needed to be a vote on this action. Clerk-Treasurer Walters explained that they voted at the last meeting to give President Kuiper the approval to award and sign off on the contract. President Kuiper stated they were just awarding the bid in public.

Act on Mutual Release with Kidz World - Attorney Sobkowski explained that Kidz World sought an injunction against the town to prevent the town from making them cease operations until they complied with code. That was denied by the court. The court gave the town an opportunity to seek fees. The release provides that the town will waive it's right to seek fees against Kidz World if Kidz World will release any other claim it may have against the town related to the building and its use. He recommended approval of the release. Councilman Alessia made a motion to approve the Mutual Release with Kidz World, seconded by Councilman Tucker. The motion carried by voice vote.

Tabled from previous meetings:

7/14 - Release Letter of Credit for engineering for water main extension - KM&N - Clerk-Treasurer Walters reported that they are still waiting on paperwork. The item remained tabled.

NEW BUSINESS

Approve Police Pension Secretary Bond for Nicholas Schuyler - Councilman Alessia made a motion to approve the Police Pension Secretary Bond for Nicholas Schuyler, seconded by Councilman Tucker. The motion carried by voice vote.

Act on Agreement for 2008-09 Cooperative Salt Purchase - Approve Resolution #2008-16 - President Kuiper read Resolution #2008-16, A Resolution Authorizing the Execution of an Interlocal Cooperation Agreement for the Purchase of Bulk Salt for the 2008-2009 Season.

Councilman Huseman made a motion to adopt Resolution #2008-16 and the Agreement for the 2008-09 Cooperative Salt Purchase, seconded by Councilman Alessia. The motion carried by voice vote.

President Kuiper said that for several months, he has been discussing the status of roads with Clerk-Treasurer Walters. Over the past several years, there has been some road paving done with an approximate cost of \$300,000 spent in the last two years. He said Clerk-Treasurer Walters explained that the Gambling Revenue Fund can be used for road paving. She has been trying to build up the balance in that fund to use for the water project. It now appears that the water project will take a bit longer than expected so President Kuiper proposed using \$250,000 toward road paving this year and having Director Shook prepare a priority list for roads that needed paving the worst. Discussion followed among Council members regarding the possibility of doing some sidewalks and/or curbs as well. Director Shook said he would look into it and come back with something at the next meeting.

ANNOUNCEMENTS

President Kuiper announced that Saturday, August 2nd from 4:00 P.M. to 7:00 P.M., the first annual Music in the Air will be held at Liberty Park at the new band shelter. Clerk-Treasurer Walters stated the materials for the band shelter were donated by Tri-Creek Lumber. President Kuiper said that the entertainment for the event is provided by Lowell's own Hometown Music Studio Chris Pratt & All That, an acoustic performance by Tom Ovanek and a local band, Paint the Town Red. The public was encouraged to bring blankets and spend an afternoon with the family enjoying local entertainment.

President Kuiper announced the next regular meeting on Monday, August 11, 2008 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked if Kidz World was currently operating. Community Development Director Cox reported that they were not occupying the building. She asked how long it had been since they stopped occupying the building. Director Cox stated it took them a day to clean out the building after the court date. President Kuiper said the court date was Election Day in May.

A member of the media asked for the correct spelling of Tom Ovanek's name.

Ed Bradbury, 5704 W. 171st, asked why it was not up to the residents to replace the sidewalks. He said he thought it was up to the residents to take care of the sidewalks. Discussion followed about sidewalks being in the easement and Mr. Bradbury said he had a culvert that needed to be replaced and asked if the town would be taking care of that also. President Kuiper said he thought that if a sidewalk needed to be replaced in his neighborhood, it was the property owner's responsibility to replace it.

Bob Philpot, 111 E. Main, said he designed highways for twenty two years for the State of Arizona and a culvert is different than a sidewalk. A sidewalk adjoins a culvert. He said it was

his understanding that the town had an ordinance that it is the property owner's responsibility to take care of the sidewalk. He said he thought a culvert was not.

Councilman Huseman asked when he could sit down with President Kuiper and Director Shook to discuss the Lincoln Street matter and make a plan of attack. President Kuiper said he felt all of the Council should be involved with what is being done, if it should be done, when it should be done and what it is all about. Councilman Huseman said he thought it was a matter of \$500 versus \$100,000 and thought the sooner the better. He said he has some photographs.

Discussion followed regarding who should attend and if it would be a public meeting. Attorney Sobkowski confirmed that the two Council members could meet and it would not be an official meeting since it was not a majority of the Council and then the rest of the Council could vote later at a public meeting.

Councilman Alessia made a motion to adjourn, seconded by Councilman Tucker at 7:26 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer