

LOWELL TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 10, 2022

The regular meeting of the Lowell Town Council was called to order on Monday, October 10, 2022 at 7:06 P.M. by President Todd Angerman. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Todd Angerman, Michael Gruszka, John Alessia, Shane Tucker, and John Yelkich. Also present were Town Manager Craig Hendrix, Police Chief James Woestman, GIS Director Greg White, and Attorney David Westland. Also present was one member of the press, and two interested citizens present, and Corby Thompson, Krohn& Associates via Zoom.

**TREASURER'S REPORT** - September 2022

Councilman Gruszka made a motion to approve the September 2022 Treasurer's Report, seconded by Councilman Alessia and carried with five ayes.

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the regular meeting and work session minutes from September 26<sup>th</sup>, seconded by Councilman Yelkich and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Angerman stated he had reviewed the following vouchers: White Vouchers #11090 - #11152, White- Police - #1136-#1142, Water #2261-#2264, Waste Water #4691- #4750, and Stormwater Utility #6130 - #6135. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

**ORDINANCES & RESOLUTIONS**

Ordinance #2022-21 2023 Budget & Tax Rates - Public Hearing - The 2023 budget had been presented to Council and posted on line. The proposed budget for tax levied funds in the amount of \$6,879,704, includes a 5% cost of living increase for employees, adds one full time police officer and reinstates the full time park director; and includes other increases due to costs of goods and services. It was noted during the work session that our assessed value increased by approximately 28% and the tax rate will drop sixteen cents. President Angerman opened the Public Hearing. There being no comments, the Public Hearing was closed. Councilman Alessia moved to hold Ordinance #2022-21 over for a second reading, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

1<sup>st</sup> reading - Ordinance #2022-22 - Establish Opioid Settlement Funds - The Town will be receiving an annual distribution from the State and the State Board of Accounts asked that we establish a Restricted and Non-Restricted Fund. Councilman Gruszka moved to hold Ordinance #2022-22 for a second reading, seconded by Councilman Yelkich and carried with five ayes on roll call vote.

1<sup>st</sup> reading - Ordinance #2022-23 - amend Stop Sign Ordinance - Thirty one new stop signs will be added to the traffic schedule that includes new subdivisions and the additional signs on Sarah Avenue - Councilman Alessia moved to hold for second reading, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

1<sup>st</sup> reading - Ordinance #2022-24 - amend speed limits - Thirty-six streets are being designated as twenty miles per hour; Harrison Street at twenty-five miles per hour; and twelve streets at 30 miles per hour; and Belshaw Road within town limits at thirty-five miles per hour - Councilman Gruszka moved to hold for a second reading, seconded by Councilman Yelkich and carried with five ayes on roll call vote.

Councilman Gruszka moved to suspend the rules to act on Ordinance #2022-23 and Ordinance #2022-24 so they can be published and enforced. The motion was seconded by Councilman Alessia and carried with five ayes.

Councilman Alessia moved to adopt Ordinance #2022-23, amend Stop Sign Ordinance, seconded by Councilman Gruszka and carried with five ayes on roll call vote. Councilman Gruszka moved to adopt Ordinance #2022-24, amend speed limits, seconded by Councilman Tucker and carried with five ayes on roll call vote. Councilman Gruszka moved to put the rules back in order, seconded by Councilman Alessia and carried with five ayes.

### **UNFINISHED BUSINESS**

Police Commission appointment - Councilman Alessia moved to remove Becky Ruiz-Harbinson from the Police Commission for lack of attendance at meetings, seconded by Councilman Gruszka and carried with five ayes. The position will be advertised for applicants.

### **NEW BUSINESS**

Act on waiving transient merchant fees for Chamber of Commerce Winterfest - The Chamber of Commerce is requesting the background check fees and permit fee be waived for vendors for the Winterfest to be held on Saturday, December 3<sup>rd</sup>. Councilman Gruszka moved to waive fees, seconded by Councilman Tucker and carried with five ayes on roll call vote.

Release and Accept Bond Recommendations -  
Heritage Falls Phase 3 1B - Release Maintenance Bond K0951688 - \$200,000  
Staff has inspected and accepted constructed improvements.  
Heritage Falls Phase3 Unit 2 - Release Maintenance Bond 7901022732 -  
\$23,641.30 - Staff has inspected and accepted the improvements for street

paving.

Heritage Falls Phase 3 Unit 3 - Release Performance Bond 7901022740- \$89,143.59 - Maintenance bond for asphalt surface coat was received so performance bond can be released

Councilman Gruszka moved to release the Heritage Falls bonds as stated, seconded by Councilman Alessia and carried with five ayes on roll call vote.

Sierra Ridge Unit 2 - Phase 2 - Release Cash Performance Bond - \$341,07.00

Sierra Ridge Unit 2 - Phase 2 - Approve Letter of Credit - \$68,214.00 -for maintenance of lift station and roadway improvements. Councilman Alessia moved to release performance bond and accept letter of credit, seconded by Councilman Gruszka. Town Manager Hendrix asked if the motion could include releasing the cash bond immediately. Clerk-Treasurer Judy Walters stated it would have to be listed on claim docket for five days then she could make payment. Councilman Alessia rescinded his motion. Councilman Yelkich moved to release cash performance bond to Sierra Ridge and make payment within five days, and accept letter of credit, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

Preserves Phase 6 - Release Maintenance Bond 41423271- \$246,492.00 - Staff has inspected and accepted the constructed improvements. There is an existing performance bond in the amount of \$92,713.00 - Councilman Alessia moved to release maintenance bond for Preserves, seconded by Councilman Yelkich and carried with five ayes on roll call vote.

Approve purchase of loader - Councilman Gruszka moved to approve the purchase of a front end loader for street department in the amount of \$160,000, seconded by Councilman Yelkich and carried with five ayes.

## **ANNOUNCEMENTS**

President Angerman announced the next regular meeting will be held on Monday, October 24<sup>th</sup>, at 7:00 P.M.

## **MEDIA QUESTIONS/PUBLIC COMMENTS**

Chuck Abraham, Lowell Tribune, asked for a copy of the 2023 Proposed Budget Ordinance.

Angela Panozzo, 17235 Donald Court, stated they had recently moved to Lowell and she saw golf carts around the neighborhood so she purchased a golf cart, and then was stopped by a police officer that golf carts aren't permit on town streets. She asked what she could do to get the ordinance changed. Councilman Yelkich said he was opposed to allowing golf carts on town streets. Councilman Tucker and Councilman Gruszka said they were willing to revisit the ordinance. Councilman Gruszka stated we are unique that we have a state highway in our town. Attorney Westland stated they would have to review golf carts vs. four-wheelers. Attorney Westland will review current ordinance.

## **ADJOURNMENT**

No further business, Councilman Yelkich made a motion to adjourn at 7:27 P.M., seconded by Councilman Gruszka and carried with five ayes.

  
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Todd Angerman, President

Attest:

  
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Judith Walters, Clerk-Treasurer