

LOWELL TOWN COUNCIL
WORK SESSION
MARCH 27, 2023

A Work Session of the Lowell Town Council was called to order on Monday, March 27, 2023, at 5:30 P.M., by President Todd Angerman. Members present were Michael Gruszka, Todd Angerman, John Alessia, John Yelkich, and Shane Tucker arrived at 6:08. Also present were Clerk-Treasurer Judith Walters, Town Manager Craig Hendrix, Town Attorney David Westland, GIS Director Greg White, and Police Chief Jim Woestman and Fire Chief Chris Gamblin. Also present were three citizens. The purpose of the work session was general town business.

Freedom Trail - Town Manager Hendrix explained the process for the environmental study is a very formal process and all comments or questions will be reviewed and a formal response will be forwarded to INDOT by our consultant Ben Harvey of Stantec. Mr. Hendrix stated during the regular meeting, when residents of Timbersprings Subdivision plan to attend with their questions and concerns, Mr. Harvey will be present via Zoom, and will record those questions and responses will follow at a later date. Mr. Hendrix stated currently Mr. Harvey has received three questions from the public hearing notice and they will be addressed all together.

Water Proceeds Investment - Barnes Thornburg/Peoples Bank/ Attorney Westland - Peoples Bank representatives Tom Devine and Jim Dunne had spoken with Jake German of Barnes & Thornburg regarding their legal opinion that the Town is not allowed to invest in any type equity or equities type mutual fund. Mr. Devine said they were told the history of why it was not allowed and that it is against the constitution. Mr. Devine suggested contacting Senator Niemeyer and seeing about getting the legislation changed. Councilman Yelkich asked about potential rate of return as this will be a much different portfolio with fixed income vs. equities. Mr. Dunne said there are still fixed investments that will make better interest, but will have a longer turn down. Town Manager Hendrix asked what the special legislation got us if we are not able to invest like the Next Generation Trust Fund. Mr. Devine said we can invest like the pension funds do. Discussion followed. Attorney Westland said at a previous meeting it was asked what if the Town invested anyway, and he advised not to go against legal opinion as it could be a potential problem if the market takes a dive and public funds were lost. Councilman Gruszka asked how this would affect the collateral to borrow for the public works facility. Mr. Devine stated the funds of the portfolio will still cover the funds. Councilman Gruszka noted the interest earned was to pay back the loan. Mr. Dunne said the Town can still invest broader than other communities as they can invest in treasury bills and corporate bonds and said a lot can still be done, it will just be slower rate. Discussion followed on taking the White Foundation funds and creating a non-profit foundation and using those funds for investment opportunities as long as it was used for promotional of recreation in town and had bylaws to follow. Peoples Bank will review and come back with a new investment portfolio at the next work session.

Request by Austgen to reduce PUD fees - At the last work session Mike Austgen had asked that the \$2500 PUD fee be waived as it was not in effect when they started the process to make the Mohawk property a PUD Zone. A long discussion had followed that the town attorney had done a lot of work on the PUD Ordinance that should have been done by the petitioners attorney. In reviewing Attorney Nicole Bennet's time, it has cost approximately \$4,000

to date for all the work she has done. Discussion followed. Attorney Westland stated most municipalities will make the petitioner come back the following month if the paperwork isn't complete. He understood the Town was trying to work with the developers and keeping the projects moving, but in the long run you are paying more in legal fees because she is having to do things at the last minute to get ready for the meeting. Town Manager Hendrix stated staff had met and came up with a time line that developers will have to follow. He said if they are not ready at the TAC meeting they won't be ready for meeting, and said they also are going to begin using the agenda builder site where documents will become public before the meeting. Discussion followed on the fee being waived, and the Council was willing to compromise since the fee was enacted during his path and agreed to lower to \$2,000.

136 W. Washington Street - (Patricia's Dance) Discussion - Mr. Hendrix will meet with the owner next week and will be scheduling an appraisal and inspection.

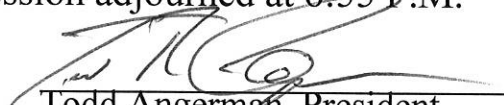
Freedom Trail/SR2 Sidewalk - Repayment of matching funds to INDOT - As discussed, INDOT has agreed the Town can forego the sidewalk project and move the funds to the trail project, but the preliminary engineering work already reimbursed at 80% will have to be repaid to INDOT. An invoice had been received in the amount of \$205,604.70. Clerk-Treasurer Judy Walters is reviewing invoice to town records and stated funds are not available in the gambling fund to repay. Discussion followed and the invoice will be repaid from the Cumulative Capital Fund.

Discussion of Priorities for Street Rehabilitation - Town Manager Hendrix reported the two INDOT grants he had applied for to reconstruct Washington and Mill Street had not been successful. He stated the next round of funding will be for budget year 2029 and would like to see Washington and Liberty Street done before the park is completed. He would like to use all of the one million from the Community Crossing Grant in 2024 to do Washington Street, and would have to know the priorities of the Council because he would have to start designing the street to have it ready to submit in January 2024. He stated the matching funds for the CCG grant could come from a new revenue bond, since the current one is falling off this year. He stated the 2023 CCG grant is being used for Union Street.

Public Works Maintenance Facility Funding Discussion - The contract for architectural design with Neri Architects will be acted on during the regular meeting.

President Angerman asked about the Ward map that was to have been signed and returned to Lake County Election Board. Greg White stated he had left a message for a correction and not heard back from them.

No further discussion, the work session adjourned at 6:55 P.M.


Todd Angerman, President

Attest:


Judith Walters, Clerk-Treasurer