

LOWELL TOWN COUNCIL
WORK SESSION
MARCH 13, 2023

A Work Session of the Lowell Town Council was called to order on Monday, March 13, 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 6:03. 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 four citizens. The purpose of the work session was general town business.

Lowell Chamber of Commerce - Nancy Frigo, President, Vice-President Lisa Wojcik, and Joe Svetanoff representing the Board of Directors of the Lowell Chamber of Commerce were present to discuss teaming up with the Town to help each other and improve the communication dialog. She stated the Chamber gets a lot of people asking for information and if they could meet monthly to keep everyone informed as to what is going on in town. Ms. Frigo said they would like to be included in the emails when agendas are sent out for Plan Commission and BZA meetings. She spoke of their new website and social media platform that is being done. Ms. Frigo stated they have plans to renovate the Chamber building and create work hub stations/incubators for everyone to enjoy and use. They have a tentative agreement with Ohio/Kentucky Carpenters and will be having the local Carpenters Union and their apprentice doing the work pro-bono. The Chamber was asking for a monetary donation from the Town and all building permit fees be waived, but at this time they did not have an estimate of what the remodeling would cost. The time line to begin the remodeling is this summer. Discussion followed on past Chamber meetings and the hostile environment when town representatives attended. Ms. Frigo stated that is all in the past and they are looking forward to working together.

Water Proceeds Investment - Barnes Thornburg/Peoples Bank/ Attorney Westland - At the last work session, Attorney Jake German of Barnes & Thornburg had given the opinion the Town of Lowell should not invest in equity securities, but can invest in the same manner as the Next Generation Trust Fund, and it would be best advised to avoid mutual funds, even funds that invest in otherwise permissible asset classes. The legal opinion had been forwarded to Peoples Bank for their review and they were to contact Attorney German to discuss. Town Manager Hendrix said we have been working on this since last November and asked where the legal opinion was then, and asked about sending to the Attorney General for review. Attorney Westland stated Barnes & Thornburg met with the Treasury Department and State Board of Accounts and Attorney German is 100% confident in his opinion, as they also had their legislative team and corporate investment team review. Discussion followed. Council members again asked what the special legislation got them. Attorney Westland stated before the Town was only to invest in treasury bills and notes and now they can include fixed income assets, real assets or corporate bonds. Council agreed to have Peoples Bank at the next work session to see if they agree with Attorney German's opinion and if they will need to come up with a new financial plan. Council discussed the possibility of going back to State legislators to try to get the law changed. Attorney Westland said Representative Alysworth and Senator Niemeyer's intention when the law was passed was to do what you wanted, but they can't go around the constitution.

Request by Austgen to reduce PUD fees - Mike Austgen is requesting that the PUD fee of \$2500 be waived as it was not in affect when they purchased the property from the town and started the PUD zoning process. Discussion followed. Mr. Hendrix stated the rezoning application was submitted on May 9, 2022, and the PUD application was submitted October 19th. In June of 2022 new fees were established. Mr. Hendrix stated the PUD Ordinance was supposed to be created by the Austgen attorney, but our attorney Nicole Bennett, had to prepare the ordinance and spends a lot of time making sure all the petitioners paperwork is in order before Plan Commission meetings. Attorney Westland said the Town tries to accommodate the petitioner to get them through the process, when it should be up to the petitioner to make sure all the paperwork is completed and done right. He stated other towns would table the petitioner until they have the correct paperwork and Lowell is trying to move the process along and it is costing them in attorney fees that should be paid by the petitioner. It was noted that our town attorney fees probably exceeded the \$2500 application fee. This item is on regular agenda and hopefully Mr. Austgen will be present to answer questions and come up with a compromise.

136 W. Washington Street - (Patricia's Dance) Discussion - Mr. Hendrix asked if the Council was interested in pursuing the property that is adjacent to the Liberty/Nassau park property since the Legion property seems no longer an option. He stated he had been approached by the owner that they may be interested in selling, and felt it would be a good location for a park office/activity room thus leaving the old distribution plant for a EMA building. Discussion followed. Council agreed to have initial appraisal of property done and if interested the owner could get the second appraisal. Council discussed use of water sale proceeds that had been put aside to remodel the old distribution plant or other proceeds to purchase the property.

Freedom Trail/SR2 Sidewalk - LPA/Consultant Agreement for RW Services - Mr. Hendrix stated he had spoken with INDOT and they agreed we could forego the sidewalk project and move the funds to the trail project. The preliminary engineering work done for the sidewalk project will have to be reimbursed to INDOT, but the project will continue in house. The trail project will be in 2025. Mr. Hendrix said the environmental documents are on line. President Angerman stated that residents of Timbersprings will be at the next meeting to discuss their concerns on the trail. Mr. Hendrix asked for action on the right of way phase service agreement for the trail with SEH during the regular meeting.

Public Works Maintenance Facility Funding Discussion - Mr. Hendrix stated the architect is completing the plans for the project to be traditional bid as opposed to a design build and lease. The plans are to bid the project in May.

Fire - Chief Gamblin stated the commissionaire ceremony of the new fire truck will be held on Friday, April 14th.

Mike Austgen, 801 E. Main Street, Griffith, arrived and requested the PUD fee be what was the schedule at the time the agreement was entered into. He stated his attorney thought the approval of the zone change included the PUD. Councilman Alessia stated the town attorney did a lot of work on the PUD Ordinance and asked if there was a compromise on the cost, as she spent a lot of time preparing the ordinance in excess of the \$2500 fee. Mr. Austgen said he would be willing to compromise and stated he had already spent \$10,000 for a PUD zone.

No further discussion, the work session adjourned at 7:03 P.M.

Attest:


Judith Walters, Clerk-Treasurer


Todd Angerman, President