

**LOWELL TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 13, 2021**

The regular meeting of the Lowell Town Council was called to order on Monday, September 13, 2021 at 7:03 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, John Alessia, Shane Tucker, and John Yelkich. Councilman Michael Gruszka was absent. Also present were Town Manager Craig Hendrix, Police Chief Jim Woestman, GIS Director Greg White, Town Attorney Nicole Bennett, and two interested citizen.

TREASURER'S REPORT - August 2021

Councilman Yelkich made a motion to approve the August 2021 Treasurer's Report, seconded by Councilman Alessia and carried with four ayes.

APPROVAL OF MINUTES

Councilman Alessia made a motion to approve the regular meeting minutes from August 23rd, seconded by Councilman Tucker and carried with four ayes.

APPROVAL OF VOUCHERS

President Angerman stated he had reviewed White Vouchers #10961 - #11059, White-Police #6134 - #6142, Water #2643 - #2714, Waste Water #4550- #4609, and Stormwater Utility #7093 - #7106. Councilman Yelkich made a motion to approve the vouchers as listed, seconded by Councilman Tucker and carried with four ayes on roll call vote.

ORDINANCES & RESOLUTIONS

2nd reading - Ordinance #2021-23 - authorizing increase in Garbage Administrative Fee to .90 cents per month - Councilman Alessia moved to adopt Ordinance #2021-23 by name and title only, seconded by Councilman Tucker and carried with five ayes on roll call vote.

1st reading - Ordinance #2021-24 - Additional Appropriation - Police Grant - \$9,120.34 - Councilman Yelkich moved to hold over Ordinance #2021-24 for a second reading, seconded by Councilman Alessia, and carried with four ayes on roll call vote.

1st reading - Ordinance #2021-25 - create GO Bond Construction Fund - The fund was needed to transfer the proceed from the GO Bond for 2020 until construction is complete. Councilman Tucker moved to hold Ordinance #2021-25 over for a second reading, seconded by Councilman Yelkich and carried with four ayes on roll call vote.

Resolution #2021-12 - Temporary Loan from Sewer Improvement and Stormwater Improvement Funds to Water Improvement Fund - \$800,000 - until sale of Water Utility for SR Water Main Replacement Project - Councilman Alessia moved to approve Resolution #2021-12, seconded by Councilman Yelkich and carried with four ayes on roll call vote.

Resolution #2021-13 - Adopting revised Title VI Plan/Non-Discrimination Agreement - Town Manager Craig Hendrix had explained the Resolution during the work session that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation or be denied in any program or activity receiving federal assistance. Town Manager Hendrix also conducted training for council members and staff present. Councilman Yelkich moved to adopt Resolution #2021-13, seconded by Councilman Tucker and carried with four ayes on roll call vote.

Resolution #2021-14 - transfer of funds - M.V.H. Fund - \$20,000 - needed for the expense of flood insurance at the street garage. Councilman Alessia moved to adopt Resolution #2021-14, seconded by Councilman Yelkich and carried with four ayes on roll call vote.

Added to Agenda:

Resolution #2021-15 - Appointing a Special Prosecutor to represent Lowell in OV matters transferred from Lowell Town Court to Lake Superior Court County Division III Due to Conflict of Interest - Councilman Tucker moved to adopt Resolution #2021-15, seconded by Councilman Alessia and carried with three ayes on roll call vote. Councilman Yelkich abstaining.

1st reading - Ordinance #2021-26 - An Ordinance to correct Scrivener's Errors in Ordinance #2020-05 of the Lowell Flood Hazard Ordinance - Councilman Yelkich moved to hold Ordinance #2021-26 aside for a second reading, seconded by Councilman Tucker and carried with four ayes on roll call vote. Attorney Bennett had asked to have second reading tonight to forward the Ordinance to the DNR. Councilman Alessia moved to suspend the rules, seconded by Councilman Yelkich and carried with four ayes. Councilman Alessia moved to adopt Ordinance #2021-26, by name and title only, seconded by Councilman Yelkich. The motion carried with four ayes on roll call vote. Councilman Alessia moved to put the rules back in order, seconded by Councilman Yelkich and carried with four ayes.

Resolution #2021-16 - Petition to Appeal for an increase above the Maximum Levy to the Department of Government Finance for a 3-year Growth Factor in the amount of \$37,468.00 for 2022 budget - Councilman Yelkich moved to adopt Resolution #2021-16, seconded by Councilman Alessia and carried with four ayes on roll call vote.

UNFINISHED BUSINESS

Appointment to B.Z.A. - One application had been received from Kimberly Gruszka. Council members discussed re-advertising for the appointment to see if they receive more applicants. Clerk-Treasurer Judy Walters stated the press release had gone out to the papers, but she did not see it in any paper. She also stated that it did not get on town webpage due to the new system going on line. Council members agreed they had respect and nothing against Mrs. Gruszka but felt they would be questioned if they appointed two members of the same family within a month to another board. Councilman Tucker said if we re-advertise and don't get any other applications, she has the right as a citizen to be appointed. Councilman Alessia moved to table, seconded by Councilman Tucker and carried with four ayes on roll call vote. The appointment will be re-advertised for two weeks.

S.R. 2 Water Main Replacement - Task Order No. 2 Construction/Observation Services - with DLZ - \$25,000 - Councilman Alessia made a motion to approve the contract with DLZ at a not to exceed price of \$25,000., seconded by Councilman Tucker and carried with four ayes on roll call vote.

Well House Improvements - Approve Bowen Pay Request #2 - \$121,261.00 less retainage and approve Water Voucher #2715 to Bowen Engineering in the amount of \$109,224.90 & approve Change Order #1 - \$8,892 for electrical modifications - Councilman Yelkich moved to approve Pay Request #2 to Bowen Engineering and Change Order #1, seconded by Councilman Tucker and carried with four ayes on roll call vote.

S.R. 2 Water Main Replacement Project - Sign contract with Grimmer - Town Manager Hendrix explained the bid had been accepted at the last meeting and this was to approve the contract with Grimmer. He stated he will not be issuing a Notice to Proceed until we determine when Grimmer can get the materials and if the work can be done before the sale of the Water Utility to Indiana American Water. Councilman Alessia moved to accept the contract with Grimmer, seconded by Councilman Tucker and carried with four ayes on roll call vote.

WWTP UV Disinfection Replacement Project - Award bid to Austgen Electric - \$324,607.00 - Two bids had been received and opened on September 1st, with Austgen Electric the lowest and most responsive bidder. Wessler Engineering had reviewed the bids and stated they are capable and qualified to perform the work required. Their estimate of the project was \$400,000. The project is shared with Cedar Lake and Mr. Hendrix had notified Cedar Lake that we would be awarding the bid tonight. Councilman Tucker moved to accept the bid of Austgen Electric in the amount of \$324,607.00, seconded by Councilman Yelkich and carried with four ayes on roll call vote.

Tabled from previous meetings:

03/22 - Contract with Lake County Sheriff's Department for animal control service -

04/26 - Propose a Community Garden

Councilman Alessia moved to continue to table both items, seconded by Councilman Yelkich and carried with four ayes.

NEW BUSINESS

Permission to advertise additional appropriation - Clerk-Treasurer Judy Walters asked for permission to advertise for an additional appropriation for fiscal charges for the Debt Service Fund. Councilman Alessia moved to grant permission to advertise, seconded by Councilman Tucker and carried with four ayes on roll call vote.

Act on unfavorable recommendation from B.Z.A. - 256 Prairie Street - Special Use - The Board of Zoning Appeals heard a petition from Patriot Partners for a Special Use to erect a multi-family dwelling of four units at 256 Prairie. The property is in a R3 zoning. The findings of fact includes Staff recommendation that the petition not be approved. Attorney Bennett stated issues included parking spaces, access, and driveways, since it is located on a dead-end street. Town Manager Hendrix stated it is zoned for single family or duplexes. Councilman Alessia moved to accept the unfavorable recommendation from the B.Z.A., seconded by Councilman Tucker and carried with four ayes on roll call vote.

ANNOUNCEMENTS


President Angerman announced the next regular meeting will be held on Monday, September 27th at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

None

ADJOURNMENT

No further business, Councilman Alessia made a motion to adjourn at 7:22 P.M., seconded by Councilman Tucker and carried with four ayes.



Todd Angerman, President

Attest:



Judith Walters, Clerk-Treasurer