

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 29, 2011**

The regular meeting of the Lowell Town Council was called to order on Tuesday, November 29, 2011 at 7:00 PM by President John Alessia. The Pledge of Allegiance was recited. Clerk-Treasurer Judith Walters called the roll. Members present were Robert Philpot, John Alessia, Phillip Kuiper, David Gard and Donald Huseman. Also present were Town Attorney Ben Ballou, Director of Public Works Greg Shook, Asst. Chief Scott Tokach, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Commonwealth Engineer Mark Downey, three members of the media and twenty citizens.

TREASURER'S REPORT – October 2011

Councilman Huseman made a motion to approve the October, 2011 Treasurer's Report, seconded by Councilman Kuiper and carried by voice vote.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the November 14th regular meeting minutes, seconded by Councilman Huseman and carried by voice vote.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #2374 - #2429, Water #2709 - #2741, and Waste Water Vouchers #3568 - #3597. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Kuiper and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

STANDING COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

Resolution #2011-15 – Transfer of Funds – General – Fire / Law Enforcement Training. President Alessia read the Resolution. Councilman Kuiper made a motion to approve Resolution #2011-15, seconded by Councilman Huseman and carried by voice vote.

UNFINISHED BUSINESS

Act on recommendation from Commonwealth Engineers on bids for WWTP Project. Mark Downey, Commonwealth Engineers was present and explained that at 10:00 AM

today they had received bids on the Wastewater project and he has submitted a recommendation and certified bid tabulation to the Council so that they could see what was submitted by the contactors. He explained that the purpose of this project was to satisfy a ten-year long-term control plan that had about five phases of work elements to be incorporated within a fifteen-year period of time. They were able to amend that after the last treatment plant project to get to where there was only one phase left to complete this requirement to meet the long term control plan and that was to put in a wet weather treatment at the Treatment Plant. Secondly, they determined within the last three or four years with different directives coming out of IDEM, that there was a new treatment technology available to allow expansion and plant capacity to allow for future growth and development both for Lowell and Cedar Lake. Each community will get about 1900 additional connections. This project draws significant benefits; once completed they will be done with the long term control plan requirements and it would provide the economical means of getting a lot of capacity to the Treatment Plant. One of the key criteria of this project is that there will be no rate increase these monies have been planned for and have been set aside and the monies are there to handle this and the citizens will not see a rate increase for resolving the mandates through IDEM. He explained that letter of recommendation and that they got six bids. The funds that they had available was six million eight hundred thousand dollars, the lowest bid came from Thieneman Construction with taking out the screening structure was six million one hundred thousand dollars, leaving seven hundred thousand dollars available that they don't need to use. Contingent upon Legal review and acceptance, and review by the funding and permitting agencies, IDEM and SRF, it is the Engineer's recommendation that Thieneman Construction being the lowest responsive, responsible bidder for this project. He further stated that by incorporating the deducts that would take out the screening structure that would cost this project to come under seven hundred thousand dollars below the budget approved by SRF. Mr. Downey stated that they had a meeting with Terry Wright, Superintendent of the WWTP and Greg Shook Public Works Director and they concurred that the added construction cost that were in the bid came in at about two and one half million dollars to include the screening structure that these costs for that automated screening is excessive and proposed to investigate alternative solutions to the confined space entry issues associated with the mechanically cleaned trash rack that exists. These alternatives will be submitted to the Town Council prior to any implementation. Mr. Downey stated that at this time, the screening project should be deferred. The Engineer's estimate for the wet weather treatment component five point five million dollars and the difference between the five point five million and the six point one of the Thieneman bid was because when they started the design about two months ago, it was determined that the old storm water pumps were inadequate and not going to be functional and they had to design in new pumping facilities. This is now included in the contractors bid and that's what took the estimate from five point six to six point one million for the wet weather treatment. Therefore, Commonwealth recommends that the Council accept Thieneman's six point one million dollar bid with incorporation of mandatory alternative deduct to bid items 1 thru 4 and the Council authorize the Council President to execute the appropriate documents with Thieneman once the funds are available. President Alessia asked why the dollar amount was two and one half million. Mr. Downey explained that this project has been sitting at the table for at least

five to six years and there was a perpetuation of estimates that date back to 2005 and all along in the estimates, there were two storm water pumps that were set aside and preserved in the last project that they were planning on using these pumps for the EQ Basin and wet weather treatment. He stated that after they started the design and went back to look at the pumps it was decided that the pumps would have to be replaced, so there was some added costs of about six hundred thousand that were unexpected when they started the design. The original design of the screening structure was one point six million dollars and when the six hundred thousand dollars is added you start approaching the two and one half million that the contractors bid for those devices. The issue was not that they don't have screening, because there is screening in the existing head works, it was an issue that there was a structure that required the utilization of safety hoists, tripods, gas detection equipment before they could enter to clean the screens and the intent was to try to avoid that as an occurrence. A resolution to that problem is to change the bar spacing from narrow at two and one half inches to cut every other bar out and take it to five inches and then it would do what it was intended to do. He stated that the Superintendent has had a five-foot round eight foot long tree and a bicycle come down the sewer. The rack is intended to collect objects like this. Councilman Kuiper asked if these changes would satisfy the long range growth. Mr. Downey answered that the IDEM mandates would be satisfied, there will be no rate increase to the citizens, they are getting more capacity and they are doing it within the way that the financial was set up six or seven years ago by the Clerk-Treasurer and the Financial Consultant. Councilman Gard stated that he reached out to Cedar Lake's Attorney Austgen to talk about the concerns that Cedar Lake has and the attorney suggested that both councils meet with the attorneys present without consultants. Lowell's President made himself available but Mr. Carnahan stated that he was not available and have made several calls with no response from Cedar Lake. He stated that he did not know what their position was but did reach out to them as council to council. Mr. Downey stated that as he understood it through various news releases, they were not in favor of the wet weather treatment because it gained a lot of capacity and it was always an issue with the screening. Now, the screening is out and they are back to the original project and in 2009 both councils were in agreement that the original project was good for both communities. President Alessia stated that this still needs to be done by the end of the year. Mr. Downey stated that the closing is scheduled for December 15th. Councilman Kuiper made the motion to accept Thieneman's \$4,100,000 bid with incorporation of mandatory alternate deductive bid items 1 thru 4 and authorize the Council President to execute the appropriate documents with Thieneman once the funds are available, seconded by Councilman Gard and carried by voice vote.

Tabled from previous meeting:

9/26 Park Rules – set for December 12th meeting

10/24 Act on favorable recommendation from Plan Commission – adopt Lowell Zoning and Subdivision Ordinance. – set for December 12th meeting

NEW BUSINESS

Act on favorable recommendation from Board of Zoning Appeals: Approve Special Exception for Lowell Church of Christ – 299 Burr Street. Mr. Cox stated that this recommendation is for the expansion of the church. He further stated that there will be other hearings such as vacation of the easement as part of the plat along with the retention pond. Councilman Huseman made a motion to approve the Special Exception for the Lowell Church of Christ, seconded by Councilman Kuiper and carried by voice vote.

ANNOUNCEMENTS

The next Town Council Meeting will be on Monday, December 12th at 7:00 PM.
The second meeting which would be Monday December 26th because of the observance of the Christmas Holiday the meeting will be Tuesday December 27th at 7:00 PM

MEDIA QUESTIONS / PUBLIC COMMENTS

Carrie Napoleon, Post Tribune wanted to clarify that the preliminary engineering for the bar screen component to the tune of seven hundred thousand dollars and now they were not doing the bar screen component. Mr. Shook explained that the engineering cost for the whole project and the preliminary engineering was done two years ago.

Connie Schrombeck, Lowell Tribune wanted to know if the Town was doing anything to support the Pop Warner Cheer Team and the Football Team that is going to Florida. President Alessia answering that no one from Pop Warner has reached out to the Town for any support, but he does wish them Good Luck.

Karen Coulis, 507 Creekside Dr. stated that Thomas Vanes was retiring as Judge after 12 years and is asking the Town Council and consider passing a Resolution for his excellent service to the Town Court. Councilman Kuiper made a motion to prepare a resolution for Thomas Vanes, seconded by Councilman Huseman and carried by voice vote.

There being no further business or discussion, Councilman Kuiper motioned to adjourn, seconded by Councilman Gard at 7:22 PM.

John Alessia, President

Attest:

Judith Walters, Clerk-Treasurer

