

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
DECEMBER 28, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, December 28, 2015 at 7:00 P.M. by President Christopher Salatas. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, LeAnn Angerman, Donald Parker, Christopher Salatas, and Edgar Corns. Also present were Town Attorney David Westland, Police Chief Erik Matson, Public Works Director Greg Shook, Building Administrator Carl Ferro, SEH Representative Craig Hendrix, and twenty-four citizens.

**APPROVAL OF MINUTES**

Councilman Corns made a motion to approve the December 14, 2015 regular meeting and work session, seconded by Councilwoman Angerman and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Salatas stated he had reviewed White Vouchers #2307 - #2353, White-Police #4292 - #4303, Water #2884- #2910, Waste Water #3695 - #3720, and Stormwater Utility #5164 - #5167. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried with five ayes.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Proposal to extend current rate for 3-year extension - Republic Services - Councilman Parker asked if that included no rate increase. President Salatas stated the rate will stay the same for the next three years. Councilman Parker made a motion to approve the 3-year extension with Republic Services, seconded by Councilman Corns. Councilman Earley stated he believed that previously the Council had discussed putting this out to bid and did not see a reason why it should not be put out to bid in the best interest of the people in this community. Republic can then submit the bid that they have offered us. President Salatas stated he felt, as did the majority of the Council, that they have been a good service provider so far as well as a local business now, and they have been very patient with our annexation projects. Councilman Earley asked what would happen if we could get a better price. President Salatas stated what if we do not get a better price. Councilman Earley stated we would then go with Republic. President Salatas thanked Councilman Earley for his discussion. The motion carried by roll call vote four to one with Councilman Earley voting nay.

**ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> reading - Ordinance #2015-38 - Establish responsible bidding - Councilman Parker made a motion to adopt Ordinance #2015-38 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

2<sup>nd</sup> reading - Ordinance #2015-39 - Additional Appropriation - Police Grant Hours - Councilman Earley made a motion to adopt Ordinance #2015-39 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

2<sup>nd</sup> reading - Ordinance #2015-40 - Establish Levy Excess Fund - Councilman Corns made a motion to adopt Ordinance #2015-40 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

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2<sup>nd</sup> reading - Ordinance #2015-41 - 2016 Salary Ordinance (as amended) - Clerk-Treasurer Walters explained that the amendment included a change in the maximum salary for the Probation Officer from \$24.65 to \$28.25, which is greater than a 3% increase, but this position's salary is determined by the State. Also the Court Clerk was originally increased to a maximum of \$15.00, but the judge asked for it to be increased to \$17.00. This is the maximum allowed, not what currently will be paid. She stated the First Class Patrolman is also now listed as Special First Class Patrolman. Councilwoman Angerman made a motion to adopt Ordinance #2015-41 as amended, seconded by Councilman Earley and carried by roll call vote with five ayes.

Councilman Corns made a motion to set the rules aside, seconded by Councilwoman Angerman and carried with five ayes.

1<sup>st</sup> & 2<sup>nd</sup> reading - Ordinance #2015-42 - Establishing application fee for Tax Abatement - Councilman Corns made a motion to approve the first reading of Ordinance #2015-42, seconded by Councilwoman Angerman. Attorney Westland stated this ordinance establishes a non-refundable filing fee for when someone files for a real property or personal property tax abatement. It will cost \$500 for each category, but if a single applicant applies for both categories, it will cost \$750. With development on the horizon, it is suggested to do the first and second reading tonight so if someone applies after tonight, you have that fee established. Councilman Corns asked if the new bakery was taken in without this. Attorney Westland stated they have not formally applied yet. The motion carried by roll call vote with five ayes. Councilman Parker made a motion to adopt Ordinance #2015-42 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

Councilwoman Angerman made a motion to set the rules back in to place, seconded by Councilman Parker and carried with five ayes.

1<sup>st</sup> reading - Ordinance #2015-43 - amend Flood Hazard Areas - Councilman Corns made a motion to approve the first reading of Ordinance #2015-43, seconded by Councilman Parker. Attorney Westland stated this was the ordinance that Mr. Trulley had received, and it was his understanding that it had to be verbatim and then get DNR approval. He stated we do have the DNR approval for this form, however he believed that Mr. Ferro should now go through it because we can modify it. He recommended passing it on a first reading tonight, but you may want to look at amending it since you do have until your first meeting in March to adopt it. Councilman Parker stated what is in front of you now was adopted in 2012, and a lot of the data in here was put in by FEMA or DNR. He said this is where the original problem came from in the Meadows of Cedar Creek because we did not review this the last time. Councilman Parker suggested holding off the second reading until the new ordinance is looked at thoroughly. The motion carried by roll call vote with five ayes.

Resolution #2015-20 - Transfer of Funds - Clerk-Treasurer Walters explained which line items were in need of the transfer of funds, most of which were lines to purchase equipment with this year's appropriation. Councilman Parker made a motion to approve Resolution #2015-20, seconded by Councilman Earley and carried by roll call vote with five ayes.

Resolution #2015-21 - Reduce 2015 Appropriation - Clerk-Treasurer Walters stated after going through the budget today, these particular line items can be cut. Originally when we prepared the 2016 budget we said we would spend this money, but now that we are not it will become part of our cash line item. When the DLGF is looking at our budget for 2016, our cash line item will be higher than we originally thought. In the General Fund there will be a total of \$92,500 reduced, in the Park Fund \$17,000, and in the Cum Capital Development Fund \$40,000. Councilman Earley made a motion to approve Resolution #2015-21, seconded by Councilman Corns and carried by roll call vote with five ayes.

**UNFINISHED BUSINESS**

Public Works Department Update - An update was not given.

Act on recommendation from SEH -

Award Well House project - Austgen Equipment - \$253,558.00 - SEH Representative Craig Hendrix stated on December 14<sup>th</sup> we opened up bids for two projects of the Stage 1 Water Distribution Improvement Projects. He explained what the Well House project would entail and five bids had been received, and recommended awarding the bid to Austgen Equipment since they came in the lowest at \$253,558.00, and because they are currently licensed in Lowell and the Town has done previous projects with them. Councilman Parker made a motion to award the Well House Project to Austgen Equipment for the sum of \$253,558.00, seconded by Councilman Corns and carried by roll call vote with five ayes.

Award Well No. 9 - Ortman Drilling - \$43,250.00 - Mr. Hendrix stated we received three bids for the Well No. 9 project, and the lowest bid was from Ortman Drilling for \$43,250.00. In reviewing the bids they noticed that Ortman supplied a 5% Bid Bond instead of the 10% Bid Bond per specifications, another company had a map error, and none of them submitted the required Affirmative Action Statement. He stated you can either accept Ortman's bid with the 5% Bid Bond, or reject their bid as not being complete and go with the next bidder, which has an \$18,000 difference in the bid. He stated his recommendation was to waive the 10% Bid Bond requirement, save the \$18,000, and require that they submit an Affirmative Action Statement. Councilman Parker asked if the bid could be accepted contingent upon an extra 5% Bid Bond. Attorney Westland stated you have the right to waive any technical deficiencies, and are within your rights to waive the 10% Bid Bond, especially when you are talking about a savings of \$18,000, but all of the bidders failed to supply an Affirmative Action Statement so any award you give would be subject to them doing that. Councilman Parker made a motion to award the Well No. 9 project to Ortman Drilling in the sum of \$43,250 contingent upon them supplying the Town with an Affirmative Action Statement, seconded by Councilman Corns and carried by roll call vote with five ayes.

Permission to re-bid Storage Tank - Mr. Hendrix stated since the Responsible Bidding ordinance has been passed, we are asking to re-bid the Storage Tank to include the new ordinance and the form for the bidders. The bidders that have picked up the plans will be sent the new ordinance and form, but any new company will be required to purchase the plans. Councilman Parker made a motion to allow SEH to re-bid the Storage Tank project, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

Enter into agreement to provide inspection and contract management - Mr. Hendrix stated in the contract, \$60,000 has been set aside for contract management which could include some project management or inspections and, per this agreement, would be done by SEH on an hourly basis and at the discretion of Public Works Director Greg Shook. This was accounted for in the original budget and includes all of the projects. Councilman Parker asked if Attorney Westland had reviewed the agreement. Attorney Westland stated he just received it, but what is attached is their standard hourly billing rate for the oversight and it is at the discretion of the Public Works Director so it is up to Mr. Shook to monitor what he needs them for. Discussion followed regarding possible projects that may need assistant from SEH. Councilman Parker made a motion to approve the agreement, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

Tabled from previous meetings:

Approve quarterly fees for Park Department - Clerk-Treasurer Walters stated the Rec Director hopes to find a sponsor for the soccer picnic so that the fees will not have to change. Councilman Earley made a motion to approve the quarterly fees for the Park Department, seconded by Councilwoman Angerman and carried by roll call vote with five ayes.

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**NEW BUSINESS**

Act on recommendation from Plan Commission:

-Commercial Avenue Corridor Study - Route 2 Overlay - Councilwoman Angerman made a motion to accept the favorable recommendation from the Plan Commission for the Commercial Avenue Corridor Study, seconded by Councilman Corns and carried by roll call vote with five ayes.

Act on release of Performance Bond #K08830150 - \$24,840 and accept Maintenance Bond - \$5,175 - President Salatas asked for a motion to table the release of Performance Bond #K08830150 until Providence has installed their street lights, which they have been informed of. Councilman Parker made a motion to table the release of Performance Bond #K08830150, seconded by Councilman Corns and carried by roll call vote with five ayes.

Act on annual agreement for McMahon & Associates for annual sewer calculation - Councilman Corns made a motion to approve the agreements with McMahon & Associates, seconded by Councilman Earley and carried by roll call vote with five ayes.

Thank You to outgoing Councilmembers - President Salatas thanked Councilman Earley and Councilman Parker for their services. Clerk-Treasurer Walters stated both Council members requested to not have a plaque made, so with what we would have spent for a plaque, donations were made to the American Legion in Mr. Parker's name and to the Tri-Creek EMS in Mr. Earley's name. Councilman Earley thanked the people of Lowell for offering him this opportunity for the past four years and that he hoped he had served them well. Councilman Parker thanked the people that had elected him as well as the professional staff and the Town Hall staff. He also thanked Doug Niksch and Jim Langen for the work they have done with Redevelopment and Annexation.

Swearing In Ceremony of Newly Elected Officials - Deputy Clerk-Treasurer Gena Knapp swore in Clerk-Treasurer Judith Walters. Clerk-Treasurer Walters swore in Ward 3 Councilman Will Farrellbegg and Ward 1 Councilman Michael Gruska.

Councilman Corns stated he would like to welcome the new Building Administrator Carl Ferro.

**ANNOUNCEMENTS**

President Salatas wished everyone a Happy New Year and announced that the next regular meeting will be January 11, 2016 at 7:00 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

**ADJOURNMENT**

Councilman Parker made a motion to adjourn at 7:37 P.M., seconded by Councilman Earley and carried with five ayes.

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Christopher Salatas, President

Attest:

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Judith Walters, Clerk-Treasurer

