

**LOWELL TOWN COUNCIL
REGULAR MEETING
FEBRUARY 8, 2016**

The regular meeting of the Lowell Town Council was called to order on Monday, February 8, 2016 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 Michael Gruszka, LeAnn Angerman, Will Farrellbegg, and Christopher Salatas. Edgar Corns was not in attendance. Also present were Town Attorney Nicole Bennett, Police Chief Erik Matson, Public Works Director Greg Shook, Building Administrator Carl Ferro, SEH Representative Craig Hendrix, one member of the media, and twenty citizens.

TREASURER'S REPORT - January 2016

Councilman Gruszka made a motion to approve the January 2016 Treasurer's Report, seconded by Councilwoman Angerman and carried with four ayes.

APPROVAL OF MINUTES

Councilman Farrellbegg made a motion to approve the January 25, 2016 regular meeting minutes, the January 21, 2016 and January 25, 2016 executive session minutes, and the January 25, 2016 work session minutes, seconded by Councilman Gruszka and carried with four ayes.

APPROVAL OF VOUCHERS

President Salatas stated he had reviewed White Vouchers #1115 - #1169, White-Police #4022 - #4033, Water #2075 - #2115, Waste Water #3067 - #3097, and Stormwater Utility #5012 - #5018. Councilman Gruszka made a motion to approve the vouchers as listed, seconded by Councilman Farrellbegg and carried with four ayes.

MONTHLY REPORTS - January 2016

Councilman Farrellbegg made a motion to approve the January 2016 Monthly Reports, seconded by Councilwoman Angerman and carried with four ayes.

ORDINANCES & RESOLUTIONS

Act on rescinding 1st reading of Ordinance #2015-43 - Flood Hazard Areas - Attorney Bennett stated this was originally addressed in December and it was discussed at that time that it needs to go through the Plan Commission. To clean up your record so that you do not have an open ordinance number from 2015, we recommend rescinding the first reading of Ordinance #2015-43, and then it will be assigned a 2016 number at that point for your review in March. Councilman Farrellbegg made a motion to rescind the first reading of Ordinance #2015-43 Flood Hazard Areas, seconded by Councilman Gruszka and carried by roll call vote with four ayes.

UNFINISHED BUSINESS

Public Works Department Update - This item was not discussed.

Award Water Tank Bid - SEH Representative Craig Hendrix explained that on January 22nd the Town accepted two types of tank bids, a steel tank and a composite tank. The bids collected for the steel tanks were as follows: one from CBI at \$2,108,000 and one from Caldwell at \$2,941,000. For the composite

tank, Landmark was the low bidder at \$2,079,000, Caldwell was \$2,449,500 and Phoenix was \$2,903,544. Their estimate for the steel tank was \$3,070,000 and for the composite tank it was \$2,910,000 so are well under projection of \$3,000,000 that was originally budgeted. He stated there is not much difference between the steel and composite tank, and since they are so far below our estimates, they started asking questions of the bidders just to make sure that they did not forget anything, which they responded in writing they were comfortable with their numbers. He stated they also went back through the documents to make sure they did not forget anything in the bid that could be brought up later, but the bid documents are clear that if there is any discrepancy in the bid, it needed to be clarified during the bidding process. Mr. Hendrix stated SEH's recommendation is to go with the steel tank since that is what the Council wanted to begin with. Discussion followed regarding the details of the steel tank including the esthetics and the life of the tank. Councilwoman Angerman made a motion to use the spheroid tank from CB&I, Inc. for the lump sum bid price of \$2,108,000. Mr. Hendrix stated we also spoke about logos on the tank and alternate "A" was to add the Lowell logo, but that does not include the Freedom Park logo. Also, alternate "B" was the accelerated schedule, but CBI did not provide a bid for that. This bid is on track for June of 2017. We can revisit the alternate later when we know the exact logo or we can include it in the motion now. Councilwoman Angerman amended her motion to award to CB&I, Inc. with the logo amendment, seconded by Councilman Farrellbegg and carried by roll call vote with four ayes.

NEW BUSINESS

Approve annual Public Officials Bonds - for Clerk-Treasurer Judith Walters, Town Judge Christopher Buckley, the five Council members as Redevelopment Commission, and Police Commission members Lynn Adams and Raymond Borchert. Councilwoman Angerman made a motion to approve the annual Public Officials Bonds, seconded by Councilman Farrellbegg and carried by roll call vote with four ayes.

Acting as Board of Finance - void outstanding checks over two years old - Clerk-Treasurer Walters explained that there were three outstanding meter deposit refund checks that are over two years old and have not been cashed. This money will go refunded back in to the Operating and Maintenance Fund, and if they would come in and inquires about these refunds, we will issue them a new check. Councilwoman Angerman made a motion to void the outstanding checks over two years old, seconded by Councilman Gruszka and carried by roll call vote with four ayes.

Enter into encroachment agreement - Perfection Bakeries, Inc. - Director Shook stated just north of the old Ashland building is a detention pond that the Town owns. The fence on the south side of that pond is encroaching on to the property that is now owned by Perfection Bakeries. This agreement is recognizing that there is an encroachment of the fence by a few feet and if the Town ever goes to make repairs or takes it down for any reason, the Town would put it back up on the Town's property. Councilman Farrellbegg made a motion to enter into the encroachment agreement with Perfection Bakeries, Inc., seconded by Councilman Gruszka and carried by roll call vote with four ayes.

Agreement for professional services - Cender & Company - Councilwoman Angerman made a motion to enter into an agreement for financial services with Cender & Company, seconded by Councilman Gruszka. Clerk-Treasurer Walters stated that Financial Solutions Group has been Lowell's financial consultant for nineteen years, and they have always done an excellent job and looked out for the best interest of the Town. She stated that she believed she should have been included in hiring a new consultant and that this decision was made without her knowledge. She stated "As the chief financial officer that works with the financial group the most, I should have been included in that discussion." Clerk-Treasurer Walters stated she understood that Council members want to change professional services all the time, but it was unprofessional of the Council to not consult her or notify Mr. Guerrettaz of the decision. No further discussion, the motion carried by roll call vote with four ayes.

Enter into employment agreement - Town Manager - Councilman Farrellbegg made a motion to enter into an employment agreement with D. Jeffrey Sheridan for the Town Manager position, seconded by

Councilman Gruszka and carried by roll call vote with four ayes.

ANNOUNCEMENTS

President Salatas announced that the next regular meeting would be Monday, February 22, 2016 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Ms. Csepiga, The Times, asked for the spelling of the Town Manager's name and where he was from. President Salatas stated he is currently the Economic Development Director for Tipton County and is from Culver, Indiana. Ms. Csepiga asked if Mr. Sheridan was present. President Salatas stated he was not. Ms. Csepiga asked where Cender & Company was located. President Salatas stated Crown Point. Ms. Csepiga asked what the terms of their agreement was. Carl Cender, President and owner of Cender & Company, stated the contract is on an hourly basis ranging from \$65.00 per hour to \$220.00 per hour. If there are specific financing through a bond issue, we would give you a quote. He stated they are looking forward to serving the Town of Lowell. Ms. Csepiga asked if Cender and Company was currently consulting for any other municipalities. Mr. Cender stated we do exclusively public sector consulting with cities, towns, counties, and schools. We do work quite a bit with Lake, Porter, and LaPorte County entities.

Clerk-Treasurer Walters asked about an email she had sent the Council members that included information on an advertisement for The Times for \$1200. She noted that they needed to know by tomorrow if the Town would like to place the ad. Councilman Farrellbegg stated he believed last year they ran an eighth of a page. Clerk-Treasurer Walters stated the quarter page is \$1275. Councilman Farrellbegg suggested going with the same ad as last year. Councilwoman Angerman stated she would question the return on investment. Clerk-Treasurer Walters stated an eighth of a page is \$975. This goes in to the "Northwest Indiana Then and Now" and will be published three Sundays, March 13th, 20th, and 27th. Councilwoman Angerman stated she would prefer to hold-off. She stated if we are going to do something that runs three Sundays she would prefer that it run some time towards Labor Day since it is such a significant investment. The Council agreed.

Clerk-Treasurer Walters stated they have also received the Certified Budget for 2016 from the DLGF, and it is fully funded, but they did overstate our operating budget, which will be corrected. She stated the Council could review it, but it does have to be back to the DLGF by Thursday. She noted that the Town's assessed value has increased for the second straight year in a row, and that the town's portion of the property tax rate has decreased. Mrs. Walters stated since a Town Manager was hired tonight with more than what we budgeted in 2016, the Council needs to decide where money will be transferred from in order to pay for the position, and we will also need to amend our salary ordinance. Councilwoman Angerman stated she believed it would come from three or four different lines, and asked if the discussion could be tabled until the next meeting so they could give actual figures from each line. Clerk-Treasurer Walters also stated that when the budget was prepared for 2016 it was based on what the department heads at that time said they needed, and in the Planning and Building budget we have budgeted \$2500 total for education and travel, which was all the previous Building Administrator needed. The new Building Administrator will need to take some classes and this will not be enough for even the first class he wants to take, so the Council needs to decide where to transfer money from in order to cover his expenses. Clerk-Treasurer Walters asked Building Administrator Carl Ferro if he could wait two weeks to register, after the next meeting. Mr. Ferro stated he believed he could.

ADJOURNMENT

Councilman Farrellbegg made a motion to adjourn at 7:28 P.M., seconded by Councilman Gruszka and carried with five ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer

