

**LOWELL TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 8, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, September 8, 2014 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. President Corns asked that during the moment of silence, everyone keep the family of Merrillville Police Officer Nicholas Schultz in there thoughts and prayers, who was recently killed in the line of duty. Following the moment of silence, Councilman Parker stated that on behalf of the Council, he would like to extend his deepest sympathy and prayers to the Schultz family, mother Colleen and father Dale. As many people know, Nicholas was from Lowell and played on the football team and baseball team in high school. He also went on to be the captain of his football team in college, and about a year ago joined the Merrillville Police Department. While responding to a call Friday night for assistance, he was fatally shot. He was a good kid and our deepest sympathy goes out to the family. President Corns stated that is well taken for the Town Council. A lot of people in Lowell have been hurt by this perhaps more than anyone in Merrillville because they did not know Nicholas. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, and Edgar Corns. Phillip Kuiper was not in attendance. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Police Chief Erik Matson, two members of the media, and twelve citizens.

TREASURER'S REPORT - August 2014

Councilman Parker made a motion to approve the August 2014 Treasurer's Report, seconded by Councilman Philpot and carried with four ayes.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the August 25, 2014 regular meeting, work session, and executive session minutes, seconded by Councilman Earley and carried with four ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1854 - #1909, White-Police #4169 - #4177, Water #2607 - #2643, Waste Water #3479 - #3507, and Stormwater Utility #5091 - #5095, and recommended all of the vouchers for payment. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried with four ayes.

MONTHLY REPORTS - August 2014

Councilman Philpot made a motion to approve the August 2014 reports, seconded by Councilman Earley and carried with four ayes.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2014-16 - additional appropriation - Police Grant Hours - \$ 4,743.83 - Councilman Earley made a motion to approve Ordinance #2014-16, seconded by Councilman Parker and carried by roll call vote with four ayes.

1st Reading - Ordinance #2014-17 - annexation of Wastewater Plant property (Set Public Hearing) - Councilman Parker made a motion to approve the first reading of Ordinance #2014-17, seconded by Councilman Philpot and carried by roll call vote with four ayes.

1st Reading - Ordinance #2014-18 - annexation of Water Plant property (Set Public Hearing) - Councilman

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Philpot made a motion to approve the first reading of Ordinance #2014-17, seconded by Councilman Earley and carried by roll call vote with four ayes. President Corns stated we will set the Public Hearing for October 27th, 2014. After that, it will be possible for us to adopt the two ordinances on December 8th, 2014.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated he had spoken with Craig Hendrix from SEH regarding the repairs for the parking lot at the Fire Station, and the cost. To replace the concrete apron, which will be longer than what it is right now, and to mill and asphalt the parking lot it will cost approximately \$54,000. This does include the Police Department, but not the rear parking lot. In looking at it, the asphalt could get by with being crack sealed and the whole parking lot being resealed with some patch work, which would cost about \$34,000. If we go that route, we could crack seal and reseat the entire parking lot in the rear as well for around \$40,000. Originally we were looking at putting these costs in to the paving bond, but if we do that, it will probably take paving away from at least one street. Clerk-Treasurer Judith Walters stated since it is an improvement, it could be taken out of the CCD Fund. At the beginning of the year, there was \$200,000 appropriated for that fund. We have currently spent \$85,000, and we have \$35,000 appropriated for the Police cars, which leaves a balance of \$80,000 for the rest of the year. Councilman Parker asked how much would be budgeted for the street paving project. Director Shook stated the money available is \$860,000. With the number of streets that we have looked at and lined up, we may have to pull a street out anyway. SEH Representative Craig Hendrix stated there are probably more streets on the list than there is money available. He stated they have made it so we can pull one out to adjust the project to fit in to the budget. Typically the engineers are the high bidders so we want to make sure that we have enough streets in the project so that if our bids come in really good, then you would have enough project to spend the \$860,000. Councilman Parker asked if the bids come in below the \$860,000, could we take the parking lot improvements out of that money? Clerk-Treasurer Walters stated you could do that. Director Shook stated if you would like to wait until the paving is done to see if there is anything left over, then that is fine.

Director Shook stated he would recommend that we do not have the parking lot done by the same person who gets the paving because there is a lot more concrete work involved. We would separate that in the proposals, one for the concrete and one for the paving. The Council still needs to decide

which direction to take. Discussion followed. Councilman Earley stated from the quote they received regarding the money in the CCD Fund, we have enough to do the entire front parking lot at the \$54,000 regardless if there is money left over or not from the paving project. He stated we could address the issues in the back at a later date. He stated he was in favor of the mill and paving and concrete work in front. Discussion followed regarding the steps that would be done to the front parking lot with the \$54,000 quote versus what would be done if they just resealed. Director Shook stated if we wait until the paving is bid, we may find out that there will be a little money left. There is no doubt that you will have to mill and pave it in the future, but if you do not at least crack seal it, eventually chunks of pavement will come out and you will have to re-pave. Councilman Parker stated he was in favor of doing the entire project now since we have the money because we will have to address the rear in the future. Mr. Hendrix asked if it would make sense to wait until Monday when the bids are opened, to see if there is left over money and then completing it with the CCD Funds. We can always add this project in as a change order to the current contract. Councilman Parker made a motion to table the decision until September 15th's special meeting, after the bids for the paving are opened, seconded by Councilman Earley. Discussion followed regarding getting a quote together for the back parking lot as well to have an idea of pricing. The motion carried by roll call vote with four ayes.

Act on proposal for Powell Ditch Project - Mr. Hendrix stated the Town contacted five licensed contractors in Lowell that are known to do this work. Three companies picked up the bid packages, two showed up for the pre-bid meeting, and only one company came back with a bid of \$134,199, which was from Austgen Equipment. The engineers estimate was approximately \$109,000 for the work. He stated that Mr. Shook and himself met with Mr. Austgen last Friday regarding the difference in price. The only difference in the

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price was in the duck bill check valves. Mr. Hendrix went on to explain the difference in the duck bills and flap gates that were quoted. He stated if the contractor were to use the other flap gates instead of the duck bills, he would issue a credit of \$16,748. Since the project is right by the garage, the employees would be able to keep an eye on it to make sure that the flap gates are functioning correctly. This would bring the price down to \$117,450, which is in the Town's budget to do the work if the Council sees fit. Mr. Hendrix stated he would recommend awarding the contract to Mr. Austgen at the reduced price. Councilman Parker made a motion to award the bid to Austgen Equipment in the amount of \$134,199, contingent upon immediately executing a change order crediting the contract with \$16,748.15, so the total cost of the project will be \$117,450.85, seconded by Councilman Philpot and carried by roll call vote with four ayes.

Mr. Hendrix stated the contractor will not begin work until all of the materials are in stock, which will take about six weeks. He will also be bypassing, so once the bypassing of the sewer begins, he cannot leave the site until the sewer is back in service. We will also include an affidavit stating that he will not be using the Town's sales tax exemption for any other project except this one. President Corns asked if the manholes were found that they could use to bypass pump it. Mr. Hendrix stated they did find them and went on to explain how they will be used.

Mr. Hendrix stated the next Plan Commission meeting will be held September 18th, which after that meeting he hopes to have an update on the water project.

NEW BUSINESS

Set special meeting for Monday, September 15th to award street paving project - President Corns asked if he could get a quorum for September 15th at 4:00 P.M. The majority of the Council agreed they could attend.

Permission to dispose of old Batwing Mower at Freedom Park - Councilman Parker made a motion to allow Director Shook to dispose of the mower, seconded by Councilman Earley. Councilman Earley asked if it was our responsibility to sell that. Director Shook stated we will follow the same procedure as we did for the trucks that we recently sold. The motion carried by roll call vote with four ayes.

ANNOUNCEMENTS

President Corns announced that the next regular meeting will be held Monday, September 22, 2014 at 7:00 P.M. There will also be a public hearing for the 2015 Budget held on September 22, 2014 at 6:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga asked if the ability to annex the Water and Wastewater Treatment Plants was due to the special legislation that recently passed. Councilman Philpot stated the legislation allows towns to annex utilities that they own, but are not contiguous to the Town. Ms. Csepiga asked if we could only annex the property that the Town owns and nothing in between. Councilman Philpot stated that was correct, and that it was his understanding that we could not use that property as contiguous property to annex further. Ms. Csepiga asked if she could have a physical description of acreage that would be annexed. Attorney David Westland stated there is 68.5 acres included in the Wastewater Treatment Plant and 218.5 acres included in the Water Treatment Plant.

ADJOURNMENT

Councilman Parker made a motion to adjourn at 7:32 P.M., seconded by Councilman Philpot and carried with five ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer

