

**LOWELL TOWN COUNCIL
REGULAR MEETING
MAY 11, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, May 11, 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, Christopher Salatas, and Edgar Corns. Donald Parker was not in attendance. Also present were Town Attorney David Westland, Police Chief Erik Matson, Public Works Director Greg Shook, Building Administrator Tom Trulley, MS4 Coordinator Greg White, Town Hall Intern Andrew Hochmuth, SEH Representative Craig Hendrix, Commonwealth Engineering Representative Roger Kottowski, two members of the media, and eleven citizens.

TREASURER'S REPORT- April 2015

Councilman Corns made a motion to approve the April 2015 Treasurer's Report, seconded by Councilwoman Angerman and carried with four ayes.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the April 27, 2015 regular meeting and work session minutes, seconded by Councilwoman Angerman and carried with four ayes.

APPROVAL OF VOUCHERS

President Salatas asked for approval of White Vouchers #1428 - #1481 - \$333,679.75, White-Police #4093 - #4104 - \$6,367.54, Water #2274 - #2320 - \$103,522.78, Waste Water #3235 - #3272 - \$189,071.50, and Stormwater Utility #5056 - #5064 - \$18,183.07. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilwoman Angerman and carried with four ayes.

MONTHLY REPORTS- April 2015

Councilman Earley made a motion to approve the April 2015 Monthly Reports as submitted, seconded by Councilman Corns and carried with four ayes.

UNFINISHED BUSINESS

Public Works Department Update - No report given.

Rt2 Curb/Sidewalk Project - Act on Supplemental Agreement No. 2 - right of way acquisition - Commonwealth Engineering Representative Roger Kottowski stated currently we are at a point where the plans have been sent to INDOT for a Stage 2 review, and are ready to begin the right of way acquisition process. The environmental was approved early this year, and the public has been given the chance to ask any questions regarding the project. There was an amendment in front of the Council that allowed the Town to join other sub-consultants such as the title company, which will look for actual ownership of the parcels, pre-approved appraisers, the appraiser reviewer, the buyer above the title company, and First Group Engineering who is pre-qualified to do project management for right of way acquisitions. Mr. Kottowski gave an overview of the process that will take place for the right of way acquisitions. He stated that the acquisitions of the fifty-one parcels have to be done by February of 2016, some of which may be owned by the same party, and until the title work is done, we will not know how many actual owners we are working with. Mr. Kottowski showed the Council an estimated cost for the project, valued at \$375,000 and explained each rate that is involved in the estimate. President Salatas

LTC REGULAR MEETING - 5/11/15 - Page 2 of 3

asked what the final cost of the Supplemental Agreement No. 2 was. Mr. Kottlowski stated the increase is \$375,500. Amendment No. 1 was \$502,000 total, so it is now \$877,500. The project is being funded because there are right of ways that have not been acquired, and we are going through the additional process and that is why INDOT has provided additional funds. This money still requires a 20% match, the other 80% being covered by Federal Highway money. If these are approved, then Mr. Shook will transmit these through INDOT, they will review it and give the okay on the agreement so that you can proceed. Clerk-Treasurer Judith Walters stated the 20% has already been budgeted in the Gambling Revenue Fund, and has been for the past five years.

Attorney David Westland asked what would happen if there were fifty-one separate owners, and owner number twenty-five says they will not sell. Mr. Kottlowski stated you have the choice of seeing if the sidewalk can be built without that property, or you may have to consider condemnation unless the sidewalk can be moved. Attorney Westland stated the budget is not taking in to account the problematics that could occur. He stated he appreciated the line item for unforeseen costs, but INDOT may or may not match that additional portion that it would take to acquire that property, and what is budgeted in that line item may not be enough. Mr. Kottlowski stated there is another \$55,000 in the original budget on top of the \$10,000 that is in that line item. Discussion followed regarding what has been budgeted and how that budget could be affected once the process begins and they start talking to owners. Councilman Corns asked if we would have to go to court for the right of eminent domain. Attorney Westland stated you will have two appraisals that will be presented to the landowner, and they will have the right to accept, reject, or counter. The counter proposal could include anything from more money to moving the right of way. The owner has thirty days to accept or reject the offer, but if you do not hear from them you can either move forward around that parcel, or move forward with the project while filing for eminent domain. Discussion followed regarding the issue of an owner not wanting to sell and what could be done. Councilman Earley stated that people would be getting a brand new sidewalk and that he did not think it would be but maybe a small percentage of people that would have an issue with the acquisitions. Councilman Earley made a motion to approve the Supplemental Agreement No. 2, seconded by Councilman Corns and carried with four ayes. Councilman Corns asked what the timeline would be for the project. Mr. Kottlowski stated the acquisitions have to be done by February 2016, and it is actually on a fall letting for next year. INDOT likes those large windows in there because it takes time to get it ready for bidding. Councilman Corns asked what the total cost of doing the work was. Mr. Kottlowski stated the estimate is \$650,000.

NEW BUSINESS

Request recycling funds for rubber mulch for Freedom Park - Clerk-Treasurer Walters stated the Freedom Park Committee is requesting recycling funds to purchase rubber mulch for the playground. Public Works Director Greg Shook stated we received a quote for the rubber mulch that comes in one-ton bags and costs around \$500 per ton. They would need at least \$10,000 worth to do the playground, not exceeding \$12,000. Discussion followed regarding the funds available how the motion should be set. Councilwoman Angerman made a motion to set aside the funds necessary to provide the rubber mulch for Freedom Park out of the recycling funds, seconded by Councilman Earley and carried with four ayes.

Launch of New Town of Lowell Website - Andrew. Hochmuth explained that he had been interning with the Town and working on recreating the Town's website, and gave a brief presentation of the website and highlighted the different functions that make it more user friendly including the calendar of events, minutes and agendas, news articles related to the Town, the Code of Ordinances, contacting the Town Hall, and the location of various departments. He also highlighted the links under the Redevelopment Commission that show available properties throughout the Town and County through the Lake County Economic Alliance. Clerk-Treasurer Walters stated Mr. Hochmuth contacted the Town in February in

LTC REGULAR MEETING - 5/11/15 - Page 3 of 3

regards to a possible internship, so this really worked out since we have been trying to update the website for a while now, and he did a great job. The Council thanked Mr. Hochmuth and wished him luck in his college graduation and acceptance of a full-time job.

ANNOUNCEMENTS

President Salatas announced that the next regular meeting will be held Tuesday, May 26, 2015 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

ADJOURNMENT

Councilman Corns made a motion to adjourn at 7:40 P.M., seconded by Councilwoman Angerman and carried with four ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer