

LOWELL TOWN COUNCIL  
WORK SESSION  
FEBRUARY 13, 2023

A Work Session of the Lowell Town Council was called to order on Monday, February 13, 2023, at 5:35 P.M., by President Todd Angerman. Members present were Michael Gruszka, Todd Angerman, John Alessia, John Yelkich, and Shane Tucker arrived at 6:00. Also present were Clerk-Treasurer Judith Walters, Town Manager Craig Hendrix, Town Attorney David Westland, GIS Director Greg White, and Police Chief Jim Woestman and Fire Chief Chris Gamblin. Also present were Thomas Devine and Jim Dunne and a lending agent from Peoples Bank and Attorney Jacob German of Barnes & Thornburg via Zoom and two citizens. The purpose of the work session was general town business.

Water Proceeds Investment - Barnes Thornburg/Peoples Bank/ Attorney Westland - Attorney German of Barnes & Thornburg had prepared a draft ordinance on investing the proceeds from the sale of a capital asset. The ordinance states the funds will only be invested in accordance with the Next Generation Trust Fund. The final product of the investment policy with Peoples Bank will become an attachment as part of the ordinance. Discussion followed. Councilman Yelkich asked about the special legislation granted to Lowell. Attorney Westland stated he understood the special legislation for Lowell includes the special investing allowed within the Next Generation Trust Fund that was approved for the toll road, that is not allowed for regular investing within cities and towns. Peoples Bank will forward the Investment Policy and portfolio approved to Attorney German. The portfolio includes 65% of equities in mutual funds and 35% fixed, individual equities are not included. The ordinance also states that any expenditures of the principal shall require a vote of four out of five members of the Council, but Attorney Westland reminded that future councils could amend the Ordinance. The water sale money is currently being held in a money market fund at 4.4% interest and Council agreed they are eager to have the ordinance acted on to allow Peoples Bank to invest to make better interest. The ordinance and policy will be reviewed and added to the February 27<sup>th</sup> regular meeting for adoption.

Public Works Maintenance Facility Funding Discussion - Town Manager Hendrix stated the Public Works facility is ready to move forward, the permit is ready to submit for state release. The project is estimated at five million, and he stated we need to decide how the project will be financed. The town currently has \$1.5 million cash on hand. The lending representative from Peoples Bank, stated they would be able to use the \$17 million as collateral to secure the note. She explained different options that could be used to borrow the 3.5 million, such as amortizing the payment over 25 years with a flexible rate, but additional principal could be paid, or taking a construction loan or line of credit and drawing down and only paying when funds are used. Discussion followed. Councilman Gruszka stated he hoped to pay off any financing for the facility within seven years. Council agreed we should use cash on hand and look at different funding within the Sewer, Street, and Stormwater funds. It was noted that \$3.5 million has already been earmarked to Liberty/Nassau Park. So the balance of the 14 million invested could be used for the annual payment. Mr. Hendrix asked for permission to bid out the project and said they could possibly break ground by August. He said the building is concrete and companies that set up the walls are seven-eight months behind. Peoples Bank said it would take about three weeks to get funding. It was noted that the Town

will have to solicit quotes from other agencies also.

Change Order #2 WWTP Upgrades - Mr. Hendrix explained Change Order #2 to Bowen Engineering in the amount of \$15,577.00, which included modifications to the existing EQ Basin drain line in lieu of full replacement.

306 E. Commercial Avenue - At a previous meeting, it was agreed to accept the last offer of \$75,500 from the owner instead of going ahead with eminent domain. Mr. Hendrix stated after the meeting the owner had asked that the taxes on the building she owned be waived; and she also hired an attorney and came back with a counter offer of \$80,000. Mr. Hendrix asked for a signed offer from the owner, which she has provided, before bringing back before Council. Mr. Hendrix stated we could go forward with condemning the property and was confident in the appraisal we had received of \$65,000. The hearing is scheduled in Crown Point tomorrow. Discussion followed. Council Alessia felt we have made many offers to the property owner and she just keeps coming back and had misgivings of paying more than we should since it isn't a piece of property we actually need. Attorney Westland explained the property owner has an appraisal in the amount of \$88,000, and said the court will require the town to hire three different appraisals, and if they average the appraisal to \$75,000, and you add the cost of the three appraisals doing the work of \$6,000, plus his attorney fees, you may be paying more to take to court. Mr. Hendrix stated if we settled now the building could be demolished by town staff, including the lean-to, by April, and if we take to court it could take up to six months to condemn. The offer of \$80,000 will be acted on during the regular meeting.

Discussion of Primary Election - Since there is no contested race in the Primary Election the Council had been approached by County if they wanted to cancel the election to save the Town the cost of holding a primary election of about \$8,000. President Angerman stated after review it was determined that it is up to the Chairman of the Democrat and Republic Committee to decide if an election will be held, and the Republic Chairman stated that one of the candidates on the ballot has requested the primary be held, so it will be held. The School was willing to pay for the election costs for their referendum questions if the Town had canceled the election.

Agreement with Donald Woodard - WWTP Consultant - Mr. Woodard's contract needs to be renewed and he is asking for \$95,000 per year for the next two years, a slight increase of the \$90,000 currently being paid. The contract will be on the next meeting agenda. It was noted that employees at the WWTP are working on their certification.

INDOT LPA Projects Funding Discussion - SR 2 and Freedom Trail - Mr. Hendrix explained we currently have two INDOT projects - SR 2 Sidewalk project to be completed in 2026 and Freedom Park trail to be completed in 2025. He said both projects are underfunded because of increased costs and INDOT is not funding additional funds. He explained that INDOT requires purchasing right of ways for sidewalks, where the town can use right of way because the sidewalk is already there which saves quite a bit of money, and suggested that we fund the sidewalk project ourselves in phases and transfer those funds to the trail project for 2025. Mr. Hendrix said he had already spoken with INDOT and they were ok with the transfer, but we will have to pay back the engineering costs they had reimbursed us. Council member agreed for Mr. Hendrix to pursue the funding for the trail project and the sidewalk project would be done

in house. The company doing the sidewalk study would be asked to complete the study.

**NIPSCO Tree Trimming Discussion** - Mr. Hendrix explained NIPSCO trims trees in the right of way if under a wire, and now offers an incentive to remove trees in the right of way if the homeowner wants removed. They then will offer them a free tree to be planted somewhere else. If the homeowner doesn't want the tree, the tree can be given to the Town to be planted in one of the parks.

**RW Tree Clearing Discussion** - Mr. Hendrix stated the Town has trimmed trees in the right of way but it is really not our responsibility. He has a list of 200 homes that need to be trimmed and asked Council if they want to notify homeowners that are responsible or have street department staff continue trimming with limited staff. Councilman Alessia asked about a shared costs with homeowners. Council is to review and will discuss at a future work session.

**Fire Department Coverage Discussion** - A discussion of daytime coverage will be discussed at a future work session, but Fire Chief Gamblin gave the Council an update on the 5-alarm fire that occurred on Friday at Saco Industries. He stated the State Fire Marshall was there today and determined the fire was accidental and Nipsco will be returning their power. They have agreed to weekly inspections to be done by our fire inspector until their sprinkler is back on line because it was damaged in the fire. The fire started in the dust collector unit and was labor intensive and Chief Gamblin stated they had 18 fire agencies responded who also helped cover other calls. Mr. Hendrix stated the new employee in the street department is a volunteer fire department and Chief Gamblin will be setting up a program when he will be called out to help with a fire.


**CCMG Discussion** - Mr. Hendrix stated he had applied for funding for Union Street repaving and should hear back in April.

**Other** - Mr. Hendrix stated that the title company is asking the escrow be released on the SR project with the water company and will have President Angerman sign the release.

No further discussion, the work session adjourned at 7:12P.M.

Attest:

  
Judith Walters, Clerk-Treasurer

  
Todd Angerman, President