

**LOWELL TOWN COUNCIL
REGULAR MEETING
JANUARY 23,2023**

The regular meeting of the Lowell Town Council was called to order on Monday, January 23, 2023 at 7:00 P.M. by President Todd Angerman. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Michael Gruszka, John Alessia, John Yelkich, Shane Tucker and Todd Angerman. Also present were Town Manager Craig Hendrix, Police Chief Jim Woestman, GIS Director Greg White, Town Attorney David Westland, one member of the press, Fire Chief Chris Gamblin, and three interested citizens.

APPROVAL OF MINUTES

Councilman Tucker made a motion to approve the regular meeting minutes from January 9th, seconded by Councilwoman Alessia and carried with five ayes.

APPROVAL OF VOUCHERS

President Angerman stated he had reviewed White Vouchers #10028 - #10081, White-Police #1005 - #1013, Water #2000-2000, Waste Water #4042 - #4072, and Stormwater Utility #6001 - #6003 and recommended for payment. Councilman Gruszka made a motion to approve the vouchers as listed, seconded by Councilman Tucker and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

The following town employees were recognized for perfect attendance in 2022 - Fred Erb, Tim Henke, Craig Hendrix, Frank Lovely, Joe Lucas, Dan Myers, Matt VanDrunen, Rich Oman, and from the Police Department - Erik Matson, Robert Corning, Aaron Crawford, Matthew DeYoung, Robert Hornickel, Joseph Knight, David Lee, Joe Nowocin, Christopher Thompson, Mark Tonevich, James Woestman, and Cynthia Bergstrom.

ORDINANCES & RESOLUTIONS

None

UNFINISHED BUSINESS

WWTP Improvements - Approve Pay Request #5 to Bowen Engineering - \$230,149.00 less retainage and approve WW Voucher #4072 to Bowen Engineering - \$218,641.55 - Councilman Gruszka moved to approve Pay Request #5 and Wastewater Voucher #4072 to Bowen Engineering, seconded by Councilman Alessia and carried with five ayes on roll call vote.

WWTP UV Project - Approve Pay Request #2 to Austgen Electric - \$105,082.00 less retainage, and approve Wastewater Voucher #4061 to Austgen Electric - \$90,827.90 - Councilman Alessia moved to approve Pay Request #2 and Wastewater Voucher #4061 to Austgen Electric, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

Tabled from previous meetings -

11/28 - Resolution #2022-15 Investment Policy Statement

12/12 - Act on recommendation from BZA-Variance of Use - 106 E. Main Street

01/09 - Approve 2022 Encumbrances into 2023 Budget

Councilman Gruszka moved to untable 12/12 - Act on recommendation from BZA, and 01/09 - Approve 2022 Encumbrances, seconded by Councilman Alessia and carried with five ayes.

Act on recommendation from BZA - 106 E. Main Street - Town Manager Hendrix explained the petitioner requested a variance to build another building on the site. At the BZA meeting in error, staff stated he could not operate at site without getting a variance, when actually he was considered legal non-conforming as the zone had been changed to Town Center. The BZA did not want him to lose his ability to operate his business and approved a variance, but an actual approval of the BZA recommendation would allow the petitioner to build another building. Attorney Westland stated the vote must be limited to the findings of fact and an additional structure would not be allowed without a use variance. He stated a no vote on the recommendation from the BZA would allow the petitioner to continue as legal non-conforming, but a yes vote to the recommendation would allow the petitioner to expand and build an additional structure. Councilman Yelkich asked if it was legal to decline the BZA recommendation. Attorney Westland said the petitioner could appeal to the Circuit Court, but they usually don't get involved in legislative decisions. Council members agreed what the petitioner is wanting to do doesn't fit in the Town Center zone, and that is why the zoning in that area was changed. Attorney Westland stated the petitioner could re-apply in one year. Councilman Alessia moved to deny the variance, seconded by Councilman Yelkich and carried with five ayes on roll call vote.

Approve 2022 Encumbrances into 2023 Budget - Clerk-Treasure Judy Walters had provided a list of purchase order from 2022 in the amount of \$ 338,413.22 from the General, MVH, Local Road & Street, Cumulative Capital Development, and Stormwater Water Funds, to be paid in the 2023 budget. Councilman Alessia moved to approve the encumbrances, seconded by Councilman Tucker and carried with five ayes on roll call vote.

NEW BUSINESS

Act on unfavorable recommendation from Board of Zoning Appeals - BZA #22-13 Variance of Use - 214 E. Lincoln Avenue - Town Manager Hendrix explained the petitioner was requesting a variance to allow for outdoor storage, which is not a permitted use in Town Center zone. The location is adjacent to the south parking lot and is in a floodway. The BZA sent an unfavorable recommendation to not allow. Councilman Tucker moved to accept the unfavorable recommendation from the BZA and not allow the variance, seconded by Councilman Yelkich and carried with five ayes on roll call vote.

Approve annual professional agreements with McMahon & Associates for 2023 - Councilman Alessia moved to approve the agreements for water/wastewater general ledger review with McMahon & Associates, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

Approve Joint Interlocal and Mutual Aid Agreement for NW Regional SWAT Team and approve White Voucher #10082 in the amount of \$4,000 for annual dues - Police Chief Jim Woestman stated they are requesting to rejoin the Northwest Regional SWAT Team with other surrounding communities as they have relied on Lake County SWAT team the last few years but they are stretched too thin. Councilman Tucker moved to approve the Joint Interlocal Agreement with NW Regional SWAT Team and approve White Voucher #10082 for annual dues, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

Approve agreement for sludge removal at WWTP with Stuhlmacher Soil Service - The current vendor was unable to continue their contract, and staff sought other companies and was recommending Stuhlmacher Soil Service. Councilman Alessia moved to approve the agreement for sludge removal at WWTP with Stuhlmacher Soil Service, seconded by Councilman Gruszka and carried with five ayes on roll call vote.

ANNOUNCEMENTS

President Angerman announced that the next regular meeting will be Monday, February August 13, 2023 at 7:00 P.M.

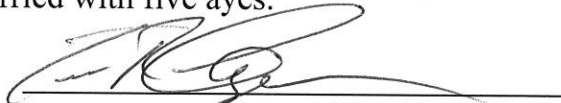
MEDIA/PUBLIC COMMENTS


Chuck Abraham, Lowell Tribune, asked what other communities belong to the NW Regional SWAT Team.

ADJOURNMENT

No further business, Councilman Alessia made a motion to adjourn at 7:23 P.M., seconded by Councilman Tucker and carried with five ayes.

Attest:


Todd Angerman, President


Judith Walters, Clerk-Treasurer