

**LOWELL TOWN COUNCIL
REGULAR MEETING
APRIL 14, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, April 14, 2014 at 7:05 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Police Chief Erik Matson, two members of the media, and twenty-one citizens.

TREASURER'S REPORT - March 2014

Councilman Kuiper made a motion to approve the March 2014 Treasurer's Report, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the March 24, 2014 regular meeting minutes, seconded by Councilman Philpot and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1282 - #1344, White-Police #4070 - #4085, Water #2210 - #2276, Waste Water #3165 - #3214, Stormwater Utility #5033 - #5041, and recommended all of the vouchers for payment. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

PUBLIC HEARING - Community Development Block Grant 2014 - \$49,060 - Approve Section 3 Understanding & Affirmative Action Plan - Act on Resolution #2014-04 - President Corns read the opening remarks explaining the Community Block Grant Program. President Corns then opened the public hearing. With no questions or comments, President Corns closed the public hearing. Councilman Kuiper made a motion to approve the Section 3 Understanding by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Earley made a motion to approve the Affirmative Action Plan by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Philpot made a motion to approve Resolution #2014-04 which allows the Town Council President to submit a proposal for the CDBG funds for fiscal years 2014/2015, seconded by Councilman Earley and carried by roll call vote with five ayes.

MONTHLY REPORTS - March 2014

Councilman Philpot made a motion to approve the March 2014 reports, seconded by Councilman Parker and carried with five ayes.

ORDINANCES & RESOLUTIONS

PUBLIC HEARING -

Annexation of Real Estate - 4.20 Acres - Novak Property - Town Attorney David Westland stated tonight the public hearing will be held for the annexation of the Novak property. Once you hold the public hearing tonight, you will then have the potential for the second and final reading no earlier than thirty days, but no

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greater than sixty days from today's date. President Corns opened the public hearing and explained where the property was located. Attorney Westland stated, for the record, the property is approximately 4.2 acres and is located at 18007 Holtz Road. With no questions or comments, President Corns closed the public hearing.

1st & 2nd Reading - Ordinance #2014-05 - Additional Appropriation - Police Grant Hours \$2,922.97 - Councilman Parker made a motion to approve the first reading of Ordinance #2014-05 by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Earley made a motion to suspend the rules, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Earley made a motion to adopt Ordinance #2014-05 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Earley made a motion to set the rules back in order, seconded by Councilman Parker and carried by roll call vote with five ayes.

PUBLIC HEARING -

1st Reading - Ordinance #2014-06 - Re-establish Cumulative Capital Development Fund - President Corns read Ordinance #2014-06 which will re-establish the current Cumulative Capital Development Fund. President Corns then opened the public hearing. With no questions or comments, President Corns closed the public hearing. Councilman Parker made a motion to approve the first reading of Ordinance #2014-06, seconded by Councilman Earley and carried by roll call vote, four to one, with Councilman Kuiper abstaining.

PUBLIC HEARING-

1st Reading - Ordinance #2014-07 - Re-establish Cumulative Fire Fund - President Corns read Ordinance #2014-07, which re-establishes the current Cum Fire Fund. President Corns then opened the public hearing. With no questions or comments, President Corns closed the public hearing. Councilman Parker made a motion to approve the first reading of Ordinance #2014-07, seconded by Councilman Earley and carried by roll call vote, four to one, with Councilman Philpot abstaining.

Resolution #2014-05 - Dedicating Paul Winfield Mitchell Intersection - President Corns read Resolution #2014-05 which dedicates the intersection of Austin Avenue and Route 2 to fallen Lake County Officer Paul Winfield Mitchell. Councilman Parker made a motion to approve Resolution #2014-05, seconded by Councilman Earley. Councilman Parker explained the officer passed responding to a call. Councilman Parker stated there will be an official dedication of the intersection on May 3rd at 11:00 A.M. Both Public Works Director Greg Shook, and Building Administrator Tom Trulley have worked hard on getting this done. The motion carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated that he met with NIRPC last week regarding the State Road 2 Curb and Sidewalk Project, which is moving forward.

He stated there will be a meeting May 8th with INDOT to discuss the right-of-way for the project. He stated he also met with Carl Carlson Senior who represents Carlson Farms regarding the Powell Ditch and the easements that the Town is asking for to re-route the ditch. Director Shook stated that Mr. Carlson told him that he did not see a problem with those easements, but that he would have to bring it to the board, who's next meeting is May 8th. If we get the general permit, we hope to start construction in the middle of next month. Director Shook stated the generator for the Town Hall that was approved by the Council, has been purchased, and that they are working on installing it.

Presentation - Proposal for Job Descriptions - Mitchell Ripley, HR Unlimited Resources - Mr. Ripley introduced himself to the Council and stated that there was a proposal in front of them from his company to assist the Town in writing its job descriptions. Councilman Philpot asked if the proposal was per position.

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Mr. Ripley stated that was correct. He stated, "We will come in and determine how many different job titles you have, interview the individual that is currently in that position to get an idea of what they feel their job duties are, and then we will write the job description based on that information. After the job description is written, we will get with the department heads to review the information and see if there is anything that they would like to take out or add to those descriptions." Councilman Earley asked if Mr. Ripley could explain why they start the process with the employees rather than the administration. Mr. Ripley stated it is the person that is doing the job that knows what is in that job first and foremost. He stated he has been in Human Resources for thirty years and writing job descriptions for cities and towns going on twelve years. Mr. Ripley stated he has found that talking with the individual is the best way to get to the bottom of what is going on. Many times, the department head and the Council members do not really know what the job duties of that individual are. Councilman Earley stated we have current job descriptions for our supervisory staff and asked if that would be included in the job descriptions as well. Mr. Ripley stated he would use those for the base of

the interview. Councilman Earley asked the proposal is per job description, but if we have job descriptions that we are happy with, would that be included in the cost to us. Mr. Ripley stated if he does not do a job description or an interview, then there will be no charge. He stated he would still ask questions about the existing job descriptions such as if it designates whether it is exempt or not, if it meets OSHA requirements for that particular position, and if it meets Federal guidelines. Discussion followed.

Councilman Philpot asked if Mr. Ripley suggests creating new job descriptions if there are two people with the same job title, but have certain things that they do differently. Mr. Ripley stated in most Street Departments there are individuals that are classified as an hourly worker, but one gentleman's job is to do one thing where another person who has the same job title does something different. In that instance, we use one job description and cover both areas unless there are two distinct jobs where neither one crosses over. Discussion followed regarding examples of different job descriptions and the interview process. Mr. Ripley stated there are two purposes of a job description. One is to make sure that it complies with OSHA, and the second is, if your job description is written accurately, that can be your tool to evaluate your employees. Councilman Parker asked what the turn-around time is. Mr. Ripley stated it depends, but normally to do the interviews and put together a description, it is about two weeks. After that we will get in to sitting down with the department heads and reviewing the descriptions. However, we put no more than three months. Discussion followed.

Councilman Earley asked since we really have no idea how many job descriptions we will be creating, is there a way to do some preliminary work to see if we can come up with a better figure. Mr. Ripley asked how many employees there were currently. Clerk-Treasurer Judith Walters stated we currently have fifty-seven full-time employees. Mr. Ripley stated you will probably need about twenty-five to thirty job descriptions. Some of that number depends on how many you will need for the Police Department. Councilman Earley stated he was a little confused because he was not aware that the Police Department was going to be included in this and that we are also in the midst of trying to hire our first full-time firefighter who still needs a job description. Mr. Ripley stated we do job descriptions from Wastewater Treatment to Police to Firefighters, so if you tell me that you do not need descriptions for the Police Department, then we will not do it. Typically when we go in to an organization, we look wholesale at everything so that your job descriptions are consistent with one another so if you were ever audited, there is that flow. Councilman Earley asked if Mr. Ripley could explain more about the auditing. Discussion followed regarding the OSHA and insurance audits and when they would be called for.

Councilman Parker stated we currently have some job descriptions for department heads that are by virtue of Ordinance, but have not been changed in the book, which is one of the problems. The other problem is how they comply with Federal requirements such as ADA. He stated he believed this is something that is necessary, and believes that we may only need about twenty job descriptions which would be around \$5,000. As far as the firefighter goes, we can put together a temporary description so that the Fire Department can go ahead with the hiring process. Discussion followed. Attorney Westland stated from an ADA perspective, if someone gets hurt and wants to go back to work with reasonable accommodations, if you cannot show what their job duties are and what a reasonable accommodation would be, it makes it very difficult to refuse a person back to work even if they cannot do what the core function of the job is if you do not have that description written. Discussion followed. President Corns thanked Mr. Ripley for the information.

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Act on Hotel/Motel tax requests - President Corns listed the recommendations for the disbursement of the Hotel/Motel tax requests as follows: \$900 to the Lowell Chamber of Commerce, \$1,000 to the Lowell Downtown Merchants Association, \$600 to the Lowell Park Department for the promotion of the 2014 Parade of Lights, \$2,000 to the Lowell Labor Day Committee for the promotion of the 2014 Festival and Parade, and \$300 for Town of Lowell promotion. Councilman Parker made a motion to approve the recommendations, seconded by Councilman Philpot and carried by roll call vote with five ayes.

South Shore Rail Line Extension - President Corns stated that he has spoken with Congressman Pete Visclosky several times regarding the extension and would like to suggest that we use 15% of our CAGIT money to help the South Shore Rail Line Extension. Councilman Kuiper stated he believed the deadline was March 31st. President Corns stated there are still cities and towns that are contributing every day. Attorney Westland stated that was the date initially, but many towns did not make that deadline and are voting on it now. Councilman Parker made a motion to allow 15% towards the extension beginning June of 2015. Discussion followed regarding the amount of money. The Town currently receives \$192,000 annually, 15% would be approximately \$30,000. Councilman Kuiper seconded the motion. Councilman Earley stated this is a new tax and our particular community has no idea what this proposed Illiana is going to do. Everyone says it will bring economic growth, but we still are not sure of that or the trials and tribulations that will come with it. This particular money is coming from our tax payers, and this may be something that is good for the region, but without a guarantee that it will ever get to Lowell, that is a lot of money. It will be almost \$30,000 per year for the next thirty years. That money would be better spent in our community for economic growth. He stated he was not in favor of giving them anything at this time. If some time in the future they can guarantee that it will come to Lowell, then maybe. The motion carried by roll call vote, three to two, with Councilman Earley and Councilman Philpot voting nay.

NEW BUSINESS

Act on Memorandum of Understanding with Lake County Board of Commissioners - for storage of liquid asphalt at .10 gallon - Councilman Parker made a motion to approve the Memorandum of Understanding for 2014, seconded by Councilman Philpot and carried by roll call vote with five ayes.

Permission to purchase 2009 Chevy Silverado for Public Works Department - \$28,149 - Councilman Parker made a motion to approve the purchase, seconded by Councilman Earley and carried by roll call vote with five ayes.

Act on hot dog vendor for Park Department - President Corns stated the Council has a proposal from Charlene Hall to be the hot dog vendor at Evergreen Park this year. This is the same person that was there last year, and she is the only one who submitted a proposal. Councilman Earley made a motion to approve the proposal, seconded by Councilman Kuiper and carried by roll call vote with five ayes.

Approve Quarterly fees for Park Department - Councilman Earley made a motion to approve the quarterly fees, seconded by Councilman Parker. Councilman Philpot asked if there were any changes. Director Shook stated the only change has been noted, and the disc golf is a completely new program, so those are brand new fees. The motion carried by roll call vote with five ayes.

Councilman Parker stated he would like to set a work session to discuss different water sources before our May 12th meeting. The session would include Craig Hendrix from SEH and Public Works Director Greg Shook.

Councilman Philpot stated the Governor just signed in to law the annexation of non-contiguous property for town utilities, which will go in to effect on July 1st. Councilman Philpot stated he would like to make a motion to start on what we can now so when July 1st rolls around, we will be ready to go. Councilman Kuiper seconded the motion. The motion carried by roll call vote with five ayes.

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ANNOUNCEMENTS

President Corns announced that the next regular meeting will be held Monday, April 28, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga asked why there were two abstentions on the CCD Fund and the Cumulative Fire Fund. Councilman Kuiper stated he felt he did not have enough information to vote one way or the other. Councilman Philpot stated he wanted to know more about the new taxes that were going to be imposed before he made a decision. Clerk-Treasurer Walters stated it is not a tax increase, it is a tax we already have. This was just re-establishing the fund per the DLGF guidelines so that we do not lose the money that we are entitled to when they do property reassessments. If we do not keep up with re-establishing that fund, we lose the money. Councilman Kuiper stated so nothing is going up a nickel. Clerk-Treasurer Walters stated no, that is just the maximum that can be charged. This was recommended by our Financial Consultant so that we keep up with the funds that we are entitled to.

Councilman Earley stated last week he was able to get a meeting together between himself, Councilman Kuiper, Fire Chief Clint Gorbali, and the County representatives from the Lake County Council and Commissioners, the 911 Attorney, and their Financial Guru Larry Blanchard. The meeting was to discuss who was going to be responsible for buying the radios for the 911 consolidation for the Fire Department since our Fire Department is funded by the three townships and the Town of Lowell. There were several different ways to figure the percentages.

We were able to defend the fact that we thought it should be through the assessed evaluation since each one of these entities derives that money for fire protection from a particular line item in their budget that is directly tied to assessed evaluation. In the case of the Fire Department,

the Town of Lowell will be responsible for about 30% - 32% of the total cost for the radios. This comes out to about \$70,000 - \$80,000 which sounds like a lot, but it would have been almost double that if we did it any other way.

Michael Ensweiler, 6267 Anne Ave., addressed the Council in regards to his neighbors at 6245 Anne Avenue who dismantled a retaining wall at the extreme west side of their property, which now causes erosion on his property and creates a safety concern when he mows his property.

He has reported to Code Enforcement the safety issue and was informed that the Code Enforcement Officer is only in on Tuesday and Thursday, and has not heard back. Mr. Ensweiler stated he understood at the last Town meeting, the Helsel's were approved to install a drainage basin in their yard and that the work can be done by the Helsel's. He stated in his opinion, this is an incredible amount of trust afforded to people that have habitually disregarded codes, ordinances, and the declaration of covenants. The most recent offense was moving NIPSCO service without a permit. Councilman Parker asked if there was something at the last Council meeting that was passed. Councilman Kuiper stated we discussed approving Mr. Helsel to build the drainage. Director Shook stated he is not allowed to install the drainage himself, he has to use a licensed contractor. As of this date, he has not hired a general contractor. Councilman Earley stated maybe you could elaborate on the safety issue that is at hand. Mr. Ensweiler explained why the retention wall was built and the drop-off that has been created due to its removal. Discussion followed.

Director Shook stated there is nothing we can do about the neighbor taking the wall down, but as far as the erosion, we can discuss it with Greg White, the MS4 Coordinator, and Bill Bubness, the Code Enforcer. Councilman Philpot asked if there were plans on record about the retaining wall and its purpose. Director Shook stated there are some letters on file, but they state that Neil Wingate actually built the wall.

Attorney Westland stated what came before you last meeting was the catch basin and the storm sewer along the east edge connecting to the Town's. You approved specifically a use restriction, which said that he has to get a building permit and it has to be inspected and done per your specifications. If not, then down the line we can inspect it and issue him citations, and if he still does not do the work, then the Town can come in, do the work for him, and assess the lien on his property. Councilman Kuiper stated the concern now is not if it erodes, but the fact that it is eroding right now. Director Shook stated the sewer and drain that will

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be put in is a complete separate issue. Councilman Kuiper stated Mr. Ensweiler is worried about the eroding that is happening now, though. Director Shook stated he could get with Mr. White and Mr. Bubness tomorrow to discuss the citations. Discussion followed. The Council and Director Shook agreed that they would be looking in to it.

ADJOURNMENT

Councilman Kuiper made a motion to adjourn at 8:28 P.M., seconded by Councilman Earley and carried with five ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer