

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
APRIL 28, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, April 28, 2014 at 7:00 P.M. by Vice President Donald Parker. 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, and Donald Parker. Phillip Kuiper and Edgar Corns were not in attendance. Also present were Town Attorney David Westland, Building Administrator Tom Trulley, Police Chief Erik Matson, SEH Representative Craig Hendrix, two members of the media, and sixteen citizens.

**APPROVAL OF MINUTES**

Councilman Philpot made a motion to approve the April 14, 2014 regular meeting minutes and executive session minutes, seconded by Councilman Earley and carried with three ayes.

**APPROVAL OF VOUCHERS**

Vice President Parker stated President Corns had reviewed White Vouchers #1345 - #1398, White-Police #4086 - #4093, Water #2277 - #2302, Waste Water #3215 - #3234, and Stormwater Utility #5042 - #5046, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with three ayes.

**ORDINANCES & RESOLUTIONS**

2<sup>nd</sup> reading - Ordinance #2014-06 re-establish Cumulative Capital Development Fund - Councilman Philpot made a motion to approve Ordinance #2014-06 by name and title only, seconded by Councilman Earley and carried by roll call vote with three ayes.

2<sup>nd</sup> reading - Ordinance #2014-07 re-establish Cumulative Fire Fund - Councilman Earley made a motion to approve Ordinance #2014-07 by name and title only, seconded by Councilman Philpot and carried by roll call vote with three ayes.

Resolution #2014-06 - temporary loan from Sewer Improvement to General, Park, MVH in the amount of \$500,000 - Councilman Philpot made a motion to approve Resolution #2014-06, seconded by Councilman Earley and carried by roll call vote with three ayes.

**UNFINISHED BUSINESS**

Public Works Department Update - SEH Representative Craig Hendrix stated he would like to

give a status report on a few projects they have been working on, the most notable being Powell Ditch. He stated they have received the permits needed so that project and the Public Works Department can begin installing the pipeline, head walls, and duckbills. Councilman Earley asked if a representative from SEH would be at the meeting Wednesday to discuss the water source. Mr. Hendrix stated he would be in attendance. Councilman Earley asked if the report that he has is all that there is up to this point. Mr. Hendrix stated you have all of the work that was done by the previous engineer, but what we are working on is trying to quantify your needs and looking at where those needs would be. He said they will be able to quantify the amount of water that the Town will need for the Town proper plus the annexation areas, and that will give us an idea of where we will need to get water from. Councilman Philpot asked if they were looking in to the pit that has been discussed at Freedom Park. Mr. Hendrix stated we have not looked at any water sourcing yet, but have looked at the pond next to the treatment plant for a temporary measure, but that is all we have looked in to. There is some testing the Town needs to do in order to see the water quality.

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Job Description Proposal - Vice President Parker stated there is a memo in your packets from Clerk-Treasurer Judith Walters suggesting that we move forward with having HR Unlimited Resources to do the job descriptions for a price not to exceed \$5,000. Clerk-Treasurer Walters stated she and Public Works Director Greg Shook will show them the job descriptions that we currently have, and have the firefighter's job description as their top priority. We will ask that it does not exceed \$5,000 for them to start the proposal, and if you like their work and would like for them to go further, then we can add on to it. The cost would be divided among the departments that the job descriptions are being written for. Councilman Earley made a motion to approve the proposal, seconded by Councilman Philpot. Councilman Earley asked if there were any thoughts as far as the Fire Department. This is all new ground for the Council and the Fire Department. He asked if the Council would accept what comes out of the Fire Department seeing as the firefighter will actually be a Town employee. Vice President Parker stated we do need to sit down with the Fire Department and have a work session to discuss how the process will go because it will take a good month to hire someone. Discussion followed. The motion carried by roll call vote with three ayes.

### **NEW BUSINESS**

Act on release of Performance Letter of Credit, (\$488,020) and accept cash escrow of \$10,000 for removal of stockpile and accept Maintenance Letter of Credit (\$97,603.83) by May 6<sup>th</sup> - Lowell MOB, LL - Lowell Medical Office - Building Administrator Tom Trulley stated everything has been completed at the job site for the medical center except for a pile of dirt in the back that will be spread out. The \$10,000 they are giving us in escrow is for the removal of that dirt. By releasing the performance bond, we will be accepting the maintenance letter of credit, which is 25% of the public improvements for two years. Councilman Philpot made a motion to approve the release of the performance letter of credit, accept the cash escrow of \$10,000, and accept the maintenance letter of credit, seconded by Councilman Earley and carried with three ayes.

Enter into street sweeping agreement (\$2,088 annually) with INDOT for Route 2 - Clerk-Treasurer Walters stated the Town of Lowell will sweep Route 2, and then INDOT will reimburse us. This is a set fee based on how many miles we have in Town, and it is a four year contract at the set price of \$2,088 annually. Councilman Philpot made a motion to allow Clerk-Treasurer Walters to enter in to the agreement, seconded by Councilman Earley and carried by roll call vote with three ayes.

Circus at Freedom Park grounds - Lowell Lion's Club - Jeff Greco, President of the Lowell Lion's Club, and Cliff Tetrault, second Vice President of the Lowell Lion's Club, introduced themselves. Mr. Greco stated a gentleman from the Kelly-Miller Circus recently attended one of the board meetings and proposed bringing the circus to Town. They scouted some areas in town and said that there were two areas they would be interested in, Freedom Park and the American Legion grounds. After doing background checks on the company and doing some research, we have found that there have been nothing but good things said about this circus and its team. We then went to the Freedom Park Board for approval and it was approved unanimously. We are pleased to announce that the circus will be coming to town on August 29<sup>th</sup> and there will be two shows held. The first show will be at 4:30 P.M. and the second will be at 7:00 P.M. Mr. Greco stated the fundraising is fantastic, and we have dedicated 50% of the proceeds to the Lowell High School Decathlon Team, which is going to Hawaii to compete. The other half of the proceeds will go back in to the community as always. Vice President Parker asked what was needed from the Town. Mr. Greco stated we have appointed Mr. Philpot as the committee chairperson so as we gather more information it will be passed on. Currently we just need to come up with 1500 gallons of water and two dumpsters, which we are providing. Discussion followed. Councilman Earley asked if there had been any discussion of liability insurance. Mr. Greco stated they do have a certificate which will be named to the Town of Lowell, Freedom Park, and the Lowell Parks Department. Attorney David Westland stated he would like to look at that in advance.

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#### **ANNOUNCEMENTS**

Vice President Parker announced that there will be a Work Session to discuss the JMOB Agreement and water source on Wednesday, April 30<sup>th</sup>, 2014 at 7:00 P.M. He also stated that the next regular meeting will be held Monday, May 12<sup>th</sup>, 2014 at 7:00 P.M.

#### **MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga asked if she could get the figures for the temporary loan that was passed. Clerk-Treasurer Walters stated the loan will only be until we get our tax draw and is in the amount of \$500,000.

Carl Ferro, 1310 Harrison Street, asked what the Town is going to do about the Costas building. Vice President Parker stated there have been some discussions as to who owns it, which we will look in to. Mr. Ferro stated we have also had some issues with water leaks that are taking a while to get fixed and the fact that the streets are in rough shape. He asked if there was any plan to start going block by block and replacing the water and sewer lines along with the street. Vice President Parker stated there is money that we have allocated for some street repairs, and we are also looking in to improving our development standards to help in the future. He stated without Public Works Director Greg Shook there, he could not give a clear answer, but he would bring it up to him when he gets back.

**ADJOURNMENT**

Councilman Earley made a motion to adjourn at 7:27 P.M., seconded by Councilman Philpot and carried with three ayes.

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Donald Parker, Vice President

Attest:

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Judith Walters, Clerk-Treasurer

