

**LOWELL TOWN COUNCIL
REGULAR MEETING
MAY 12, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, May 12, 2014 at 7:00 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 Jack Kramer, Public Works Director Greg Shook, Building Administrator Tom Trulley, MS4 Coordinator Greg White, Police Chief Erik Matson, two members of the media, and seventeen citizens.

TREASURER'S REPORT - April 2014

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

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the April 28, 2014 regular meeting minutes, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1399 - #1452, White-Police #4094 - #4103, Water #2303 - #2347, Waste Water #3235 - #3273, Stormwater Utility #5047 - #5052, 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

Excellence in GIS Award for Town of Lowell - Indiana Geographic Information Council - President Corns presented the plaque to GIS Coordinator Greg White, that had been awarded to the Town of Lowell at the annual GIS Conference. Lowell was awarded for the project done on the Americans With Disabilities Act Transition Plan.

MONTHLY REPORTS - April 2014

Councilman Kuiper made a motion to approve the April 2014 reports, seconded by Councilman Earley and carried with five ayes.

ORDINANCES & RESOLUTIONS

1st Reading - Ordinance #2014-08 - an Ordinance for Water Conservation - Councilman Parker made a motion to hold Ordinance #2014-08 over for a second reading, seconded by Councilman Philpot. The Ordinance would ensure that a water shortage is not created by asking all customers with street addresses to water every other day depending on house numbers. Councilman Parker asked about new development being exempt. Public Works Director Greg Shook stated he had forgotten to ask Town Attorney David Westland about adding certain exemptions to the Ordinance. He stated we were hoping to get through the first reading tonight, and then add those exemptions, such as laying new sod or hydro seed and businesses like car washes, before the second reading. Discussion followed regarding how the motions should be made. Councilman Earley stated last year there was an emergency resolution that we set in place for the

LTC REGULAR MEETING - 5/12/14 - Page 2 of 5

summer months that was similar to this. He asked if this Ordinance would be in effect all year long. Director Shook stated we did the emergency resolution last year because the Department of Environmental Management and the Department of Natural Resources had asked us to due to the water shortages around the State. At that same time, they did ask water utilities to look in to water conservation measures. Councilman Parker asked if the Council would need to take steps to repeal the previous Ordinance, or if it should be left on the books. Town Attorney Jack Kramer stated the Ordinance that may be passed at the next meeting will be in effect all year long. The one that is on the books now will be for emergency situations where even this measure will not address the situation. If there happens to be a time where you are not able to water for a week or a month, then both will be on the books. Discussion followed. Councilman Parker withdrew his motion, and Councilman Philpot withdrew his second.

UNFINISHED BUSINESS

Permission to bid out 2014 Street Paving Project - Director Shook stated before the Council is a list of streets that is somewhat prioritized to be paved. Until we get the calculations and some bids, we are not sure how far the money is going to go. We can always add to that list, but we may have to take some away. Councilman Kuiper asked if Director Shook knew how many miles the list was. Director Shook stated that Greg White was working on the GIS now to do some of those calculations. Once we have those we will be able to estimate cost and put it out to bid. Councilman Kuiper asked what type of time frame they were looking at. He stated the past couple of projects we had, we waited so long and ended up running in to Labor Day. Director Shook stated he was not sure, but none of the roads should interfere with that except for South Burr Street. Councilman Parker made a motion to allow Director Shook to put the list out for bid, seconded by Councilman Earley and carried by roll call vote with five ayes.

Purchase of Police Portable & mobile Radios for 911 Consolidation - Police Chief Erik Matson stated what is in your packet is what we, himself and the 911 Committee, thought would be best. Councilman Parker asked if there was a recommendation on the vendor. Chief Matson stated

that according to Attorney Nicole Bennett, the price should not be any different between the two vendors. He stated he preferred Minor Electronics. Councilman Earley stated the purchase will probably be through the County, and we may be able to improve on those prices a bit. Chief Matson stated since this has been compiled there has been some discussion between the Consolidation Committee and the two Motorola vendors, so these numbers could go down a little bit. Clerk-Treasurer Judith Walters stated we will need to lease-purchase them and asked if that would be through the vendor or the County. Councilman Earley stated he is supposed to be getting some prices, but he was not sure about lease-purchasing them. He stated it sounds like we can, but we may have to go through a vendor. Discussion followed regarding the prices for both the Police Department and Fire Department's radios and how they will be purchased. Councilman Kuiper made a motion to allow Clerk-Treasurer Walters to bid out for the purchase of the radios once the final numbers are in, seconded by Councilman Earley and carried by roll call vote with five ayes.

Lowell-Cedar Lake JMOB Agreement - President Corns stated there were two items that were left out of the amendment that Cedar Lake sent back to us in response to our amendment that we sent to them. He stated, in his opinion, we should stick to the original language and have a Council member on the Committee. Councilman Earley stated the amendment we sent to them had three requests in it. They responded, agreeing with one request and not addressing the other two. He asked if we could reaffirm our amendment and send it back to them. Councilman Parker stated we cannot just keep sending amendments back and forth. The only amendment that they have approved is the makeup of the board, which took two and a half years to get to. Even if we do not want to pass that amendment, we will have to sit down with them. After some discussion, the Council decided not to make a motion.

LTC REGULAR MEETING - 5/12/14 - Page 3 of 5

NEW BUSINESS

Discussion of IACT Medicaltrust - Clerk-Treasurer Walters stated our insurance is currently with United Healthcare through a private carrier. In February we saw a 19% increase and changes in our co-payment and out of pocket expenses that we did not agree to. She stated in March she contacted IACT regarding the Medicaltrust which is a pool of cities and towns that they go out and get prices on for medical insurance. We become part of their pool, but the renewal is based on the individual town's history, not the whole pool. The bid we have is comparable to what we have right now with United Healthcare, but it is better coverage than right now and the rate is good for eighteen months. The best thing for us to do at this time is to go with the Medicaltrust. She stated they do require a three year commitment, but the towns that belong to it right now saw no more than an 8% increase this year. You also get their expertise on the health care reformats, which is a lot to keep up with when you do not have a Human Resource Director. Councilman Kuiper asked if there would be an increase in cost to the employees.

Clerk-Treasurer Walters stated in February the rate went up 19%, but she had not planned on changing the withholdings from the employees pay while looking for a new insurance company. We have looked at other insurance companies, but we have not found anything less than what we are paying. The only other thing we could do is change our coverage. We currently pay the employees insurance and we pay 80% of their dependent coverage. Discussion followed. Councilman Kuiper made a motion to approve the change to IACT Medicaltrust, seconded by Councilman Earley and carried by roll call vote with five ayes.

Discussion of EMS Services - Councilman Earley stated this Council has had many discussion regarding the shortage of volunteer firefighters, and we have taken measures to hire a full-time firefighter, but this will only be a band-aid. We have also advertised for volunteers that would be available during the daytime, worked on six candidates, and hired none of them. Our roster is currently thirty-one, and the budget can handle up to thirty-five. He stated he would like to throw out a proposal that would not only assure daytime responders, but guarantee faster response times to fire calls. We currently have five full-time ambulance staff, four of which are firefighter certified. The balance of the ambulance staff is taken care of by part-time employees, many of which are also firefighter certified. Merging these two entities would immediately solve our daytime problems for fire calls. He stated he has spoken with the Fire Chief, Fire Department Board President, both ambulance directors from Tri-Creek Ambulance, and several members of the board. Everyone is in support of this merge and it coming under the responsibility of the Town of Lowell. We would be the governing entity. Councilman Earley stated he believed this is something that the Council should pursue. Councilman Earley made a motion to pursue the merge of the Tri-Creek Ambulance services and the Lowell Fire Department and become the responsible governing entity over a new Town of Lowell Fire Department and Ambulance Service. Councilman Kuiper seconded the motion. Councilman Parker stated the Tri-Creek Ambulance service is a private corporation, and asked how you could roll a private corporation into a municipality. Mr Parker stated this hiring is a band-aid, which is what we were trying to do, but as early as next year, depending on the numbers, we could look at two firemen and maybe in three to four years we could bring an ambulance on board. Right now the Tri-Creek Ambulance employees are paid out of the general fund of the township trustees. Councilman Earley stated they are taken out of the assessed valuation of Cedar Creek. Councilman Parker stated it is out of the General Fund. We would need to enter in to an agreement with the township trustees that they would take that money and pay the Town of Lowell. Mr. Parker asked what would happen if they don't pay their portion like one townships doesn't pay theirs towards Freedom Park. Councilman Earley stated that is exactly what they do now. Discussion followed regarding the funding and contracting between the Town of Lowell and the townships. Councilman Parker stated they are a private corporation, not a municipality, whether it is Prompt, or Tri-Creek or Bud. Councilman Earley stated so is the Lowell Volunteer Fire Department and the town contracts with them.

Attorney Kramer stated it most likely can be done, but it would involve a substantial amount of legal work. Whether or not it should be done is up to the Council. Councilman Earley stated that Cedar Lake has just done the same thing. Councilman Parker stated their ambulance was part of their volunteer fire department. The motion failed three to two by roll call vote with Councilman Philpot, Councilman Parker, and Councilman Corns voting nay and Councilman Earley and Councilman Kuiper voting aye. Councilman Earley stated he would beg the Council to try and figure out how they will fix the problem we have right now. Councilman Parker stated let the trustees do their job and come in here with some ideas, let them hire

LTC REGULAR MEETING - 5/12/14 - Page 4 of 5

Prompt or Bud, or whoever they want to. We should have the trustees and executive board there to make sure that things are done the right way, not advocate for any corporation that is out there. Councilman Earley stated he is not advocating, he is trying to solve a problem. Councilman Parker stated that Councilman Earley is on the corporation board and it is a conflict of interest. Councilman Earley asked how it was a conflict of interest. Councilman Parker stated you are trying to negotiate for the corporation. Councilman Earley asked Attorney Kramer if he was in conflict.

Attorney Kramer stated the most honest answer he can give is that he did not know. There are conflict of interest statutes that apply, but those are not in front of me. Attorney Kramer stated he understood Mr. Earley was on the board because he was appointed by the Council. Councilman Parker stated that is not the issue, everything is legal, it has been voted on and we need to just move forward with hiring a full-time fireman. Councilman Earley asked the Council how they were planning on adding to the service, then. Councilman Parker stated hopefully by the next meeting we will have the second reading and hire a full-time firefighter, and then we can look in to hiring a second. Councilman Kuiper stated to keep in mind that the last suggestion we had was to put out for daytime volunteer firemen, which has not worked. Between now and who knows how long before we can hire a second firemen or third, it could be a very important issue.

Councilman Earley stated during his research he had to do to find out whose responsibility it would be for the radios, he found out that the Town of Lowell currently pays 60% of the Lowell Volunteer Fire Department's budget. This full-time fireman will increase that to 65% - 70% of the total annual funding. He asked if they thought that was fair to the people in Cedar Creek that the Town of Lowell pay that percentage, but do not get that much service. Councilman Parker stated he believed it was fair and that they do it in other communities and it works fine. He stated the bottom line is that the vote is over and we should not be contracting with the township trustees for what may or may not get paid.

Permission to purchase computers for Park Department from CCD Fund - Director Shook stated the Park Department does not have the money in their existing budget for the computers and that the cost would not exceed \$1,000 for the both of them. Councilman Kuiper made a motion to approve the purchase, seconded by Councilman Parker and carried by roll call vote with five ayes.

ANNOUNCEMENTS

Councilman Parker stated on May 3rd there was a dedication at the corner of Route 2 and Austin Avenue for the Lake County officer who died there, and he wanted to commend Tom Trulley, Greg Shook, Frank Lovely, and all of his crew for doing an outstanding job.

President Corns announced that the next regular meeting will be held Tuesday, May 27, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga stated she did some research online regarding the GIS award and asked if Lowell was the only small community that was recognized. Greg White stated the Town was in competition with the city of Columbia and we were selected because of the nature of the work that we were doing with the American Disabilities Act. Ms. Csepiga asked if there was only one community chosen annually. Mr. White stated that was correct.

Carl Ferro, 1310 Harrison Street, stated there is some concern regarding the background checks on the employees of the carnival and making sure that those would be done. Councilman Philpot stated the question was raised by Councilman Parker if the Indiana State Police required a criminal background check. Our police department cannot do a criminal background check. We will have more discussions with our attorney to see what we can do with this. Mr. Philpot stated the Lion’s Club is going to meet and a gentlemen that has had this circus before will be there to share his experience, and Mr. Kramer will be in attendance at that meeting. Mr. Ferro stated he does understand both sides of having a full-time firefighter

LTC REGULAR MEETING - 5/12/14 - Page 5 of 52

and having a volunteer department. He stated he has spoken to quite a few firemen in Lowell that quit because of bad blood within the department and Town. There are guys that put applications in to be on the daytime department, but were not hired because they were not in the clique. He said they are turned down by the Chief or whoever interviews them. A discussion followed on funding being transferred from the townships Mr. Ferro stated he spoke with the Fire Chief about three months ago and he agreed. He stated he understood that this was important, but we do have Lake Dale for backup if they are available. Mr. Ferro stated he is not knocking the Fire Department, but the whole thing has been blown out of proportion. Councilman Kuiper stated we do not have Lake Dale to fall back on because they are cutting their daytime hours due to lack of help. Councilman Earley stated if Mr. Ferro had information that applicants had been turned down, he would like that information.

ADJOURNMENT

Councilman Parker made a motion to adjourn at 7:58 P.M., seconded by Councilman Earley and carried with five ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer

