

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE TOWN COUNCIL**



January 6, 2015

The first meeting of 2015 was called to order by Clerk-Treasurer Amy Gross.
Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer Council Member	Ward 5
Present	Julie Rivera Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	David Austgen Town Attorney	
Present	Greg Parker Council Member	Ward 7			

PRESIDENT AND VICE PRESIDENT NOMINATIONS

Clerk-Treasurer Gross asked for nominations for President of the Cedar Lake Town Council. Ralph Miller nominated Randy Niemeyer with second made by Julie Rivera. Other nominations were called for three times, and there were none. Councilman Carnahan commented that there are 5 members who have never served as President, and he would have liked to have seen one of them step up to the plate. Roll call vote was taken.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

President Niemeyer took his place as President, and asked for nominations for Vice President. Julie Rivera nominated Patsy Casassa with second made by Ralph Miller. The President asked for any other nominations three times, and there were none. Roll call vote was taken.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

OATH OF OFFICE

Clerk-Treasurer Gross gave Probationary Patrolman Marcus McDowell his oath of office. He is the 21st officer of the Cedar Lake Police Department.

TOWN COUNCIL COMMITTEE APPOINTMENTS

Vice President Casassa read the list of names as follows:

- Public Works and Safety – Niemeyer, Rivera and Casassa
- Parks and Recreation Committee – Casassa, Miller and Niemeyer
- Redevelopment Committee – Foreman, Niemeyer and Carnahan
- Planning Committee – Parker, Foreman and Casassa
- Council Affairs Committee – Niemeyer, Miller and Greg Parker
- Ecosystem Restoration – Rivera, Carnahan and Foreman
- Northwest Indiana Regional Planning Commission (NIRPC) – Carnahan
- Lake County Solid Waste (LCSW) – Carnahan
- South County Community Development Services – Miller

John Foreman moved to accept the appointments as listed with second by Patsy Casassa. Roll call vote was taken.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

BOARD AND COMMISSION APPOINTMENTS

Police Commission: Vice President Casassa made a motion to reorganize and restructure the Commission by reducing the number of members from 5 to 3 thereby eliminating the remaining terms held by Mike Taborski and Mike DeFrancesco, and to appoint Kevin Toth to serve a full 3-year term. Second was made by Greg Parker with roll call vote. Attorney Austgen added that the motion should include an amendment to the ordinance for changing the structure of the Commission. Casassa and Parker concurred.

Carnahan, Ward 1	No	Miller, Ward 4	No	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	No	Casassa, VP, Ward 6	Yes		

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Motion carried 4 in favor and 3 against.

Redevelopment Commission: Vice President Casassa moved to appoint Nathan Vis, Jeff DeVries, Jolie Covaciu, Eric Burnham and Doug Spencer. Second was made by Julie Rivera with roll call vote.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

Board of Zoning Appeals: Patsy Casassa moved to appoint Jeff Bunge to the BZA with second made by John Foreman. Roll call vote followed.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

Storm Water Board: Patsy Casassa moved to appoint William Thompson to serve the remaining term vacated by Glenn Sechen, and to appoint Daniel Enright to serve a full 3-year term. Roll call vote was taken.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

Council Appointment from Plan Commission to Board of Zoning Appeals: Motion made by Patsy Casassa to appoint Jerry Wilkening to the BZA with second by Greg Parker. Roll call vote followed.

Carnahan, Ward 1	Yes	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

Clerk-Treasurer Gross stated that Board and Commission Members would require the oath of office. Police Commission would be assisted by the Police Chief as they are to go to County for their oaths, and the others will have their oaths prior to their respective meetings.

Due to rotation of the Lake County E-911 Commission, Police Chief Jerry Smith requested Council to decide if they wanted an elected official or a chief to sit on the Commission. Robert Carnahan read in the paper that St. John joined Lake County. He made a motion to join them as well for E-911. President Niemeyer called for a second, but there were none. Motion was denied. President then asked for a motion to select an elected official or the Chief to sit on the E-911 Commission. Robert Carnahan moved to appoint Chief Smith with second by Ralph Miller. John Foreman wanted to make a motion, but there was already one on the floor. Niemeyer asked for roll call vote. Greg Parker wanted to hear Mr. Foreman's opinion. John Foreman added that he thought it would be best to appoint Randy Niemeyer to the Commission since he has worked diligently to address various issues facing the County and its municipalities. Mr. Niemeyer said he would make time for this appointment. Roll call vote was taken for the motion on the floor.

Carnahan, Ward 1	Yes	Miller, Ward 4	No	Niemeyer, Pres., Ward 5	No
Foreman, Ward 2	No	Parker, Ward 7	No		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	No		

Motion did not pass as the vote was 5 against and 2 in favor. John Foreman then moved to appoint President Niemeyer to the E-911 Commission with second by Greg Parker.

Carnahan, Ward 1	No	Miller, Ward 4	Yes	Niemeyer, Pres., Ward 5	Yes
Foreman, Ward 2	Yes	Parker, Ward 7	Yes		
Rivera, Ward 3	Yes	Casassa, VP, Ward 6	Yes		

Motion passed 6 in favor and 1 against to appoint Randy Niemeyer to the E-911 Commission.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: December 16, 2014 Public Meeting

Claims:	All Town Funds	\$1,104,918.81	Wastewater	\$89,591.05
	Waterworks	\$21,367.81	Storm Water	\$14,024.52
	Payroll #118,119,120	\$289,103.83		

Tag Days: Cedar Lake VIPS: April 18 with Rain Date April 25
Knights of Columbus: May 2 with Rain Date May 9
Cedar Lake Summerfest: June 13 with Rain Date June 20

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Forwarding Encumbrance: INDOT/LGS Plumbing Change Order Claim for \$12,000 payable from Cumulative Capital Development (CCD) Fund.

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Patsy Casassa. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

ORDINANCES AND RESOLUTIONS

1. Resolution No. 1311 – Equipment Lease Purchase – Public Works

Clerk-Treasurer Gross read by title only with a brief explanation that this Resolution was to enter into a Lease-Purchase Agreement with Tax-Exempt Leasing Corp. for two (2) heavy-duty Public Works Trucks. Motion made by Robert Carnahan to approve with second by Ralph Miller. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

2. Ordinance No. 1213 – Salary Amendment – Water Utility

The Clerk-Treasurer read by title only with explanation that the newest member of the Water Utility received his certifications, and it was recommended he be paid comparable to the Public Works Foreman. Building Commissioner Tim Kubiak was present to confirm the recommendation. There was also a Crew Worker position that would be paid 100% from Water Utility. Motion made by John Foreman to approve first reading with second by Patsy Casassa. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Vote was unanimous 7 to 0. President Niemeyer requested motion to suspend the rules for a second reading of Ordinance No. 1213. John Foreman moved to do so with second by Greg Parker. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Clerk-Treasurer Gross read by title. Ralph Miller moved to adopt Ordinance No. 1213 with second by Julie Rivera. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

3. Ordinance No. 1214 – Salary Amendment – Fire Department

Clerk-Treasurer Gross read by title. It was explained that this amendment was to adjust the work hours of the Assistant Chief from 106 hours to 80 hours for days during the work week. This would assist with the daily schedule. Fire Chief Todd Wilkening was present to confirm the recommendation. The Ordinance includes a stipulation for a clothing allowance of \$300 annually for full-time sworn officers, and an emergency response definition for Town employees who volunteer for the Fire Department. Motion made by John Foreman with second by Greg Parker to approve first reading. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Vote was unanimous 7 to 0. President Niemeyer requested motion to suspend the rules for a second reading of Ordinance No. 1214. Greg Parker made the motion with second by John Foreman. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

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The Clerk-Treasurer read by title only. Greg Parker moved to adopt Ordinance No. 1214 with second by John Foreman. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

NEW BUSINESS

1. Property Purchase Approval 13725 Morse Street – Woody’s Barber Shop Parcel

This matter is to approve the purchase agreement for the amount of \$19,500 to acquire the N.M. Walls Cedar Lake Subdivision Lots 7 and 8 commonly referred to as Woody’s Barber Shop parcel across from the Town Complex. Motion made by John Foreman to approve the agreement with second by Ralph Miller. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

WORK SESSION

Shared Ethics Interlocal Agreement

The agreement was not available for this meeting so there was no discussion.

COMMITTEE REPORTS

President Niemeyer commented that he would like to see the Committees utilized more as the Town has plans for furthering economic development with annexation and other issues.

TOWN COUNCIL AND STAFF REPORTS

Robert Carnahan received a request for the Town’s warming centers from NIPSCO. It was determined that the Town Hall, Clubhouse and Methodist Church were available. The email was forwarded to the Clerk-Treasurer to notify them of the locations.

John Foreman asked the Clerk-Treasurer about the CEDIT funds and using them for Ecosystem Restoration. Amy Gross commented that there was no further discussion, and Attorney Austgen added that some discussion was to take place among Council. The item was never brought back to the meeting. An ordinance would be required for the Clerk-Treasurer to deposit such funds into an account, perhaps non-reverting. Mr. Foreman was asked to work with Mrs. Gross.

Mr. Carnahan accepted an award for Dr. Scholl and the Wall of Legends. Dr. Scholl began his career in Cedar Lake. This item relates to the Cedar Lake Historical Association.

President Niemeyer commented that due to the CEDIT fund availability, there needs to be an updated inventory list of roads requiring maintenance; not overall reconstruction. Foreman moved to have Christopher B. Burke Engineering create the inventory list. Second was made by Robert Carnahan.

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Attorney Austgen distributed bid specs for the garbage service. He also commented on the updates being made to the Fire Department policies. TIF neutralization was completed and it’s been estimated that the collections would be \$970,000, which is better than previous reports.

Clerk-Treasurer Gross stated that her office is working on the annual reporting that is due, and Council Members were provided year-end cash balances and expenditures along with proposed 2015 budget.

Building Commissioner Tim Kubiak asked if the Utility Committee was still in existence. Niemeyer answered that this was an oversight and asked for volunteers. John Foreman, Robert Carnahan and Ralph Miller accepted. Motion made by Greg Parker with second by Patsy Casassa.

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Commissioner Kubiak continued that there have been complaints about Zip Foods concerning tobacco-related items being sold that are questionable. Attorney Austgen recommended that he discuss this with the Police Chief. The matter of whether or not the paraphernalia is legal is rather vague in the laws due to chemical formulations and the like.

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Fire Chief Todd Wilkening explained that his staff was invited to Louisiana, all expenses paid, to review a ladder truck. This is typical to visit vendors throughout the country in order to start the fact-finding and spec-building process for capital fire expenditures. They are interested in a 100ft platform at about \$1M. It would take a year for the truck to get built. He asked for approval for two of his firefighters to go to see this truck. Mr. Carnahan said that a 1982 ladder truck was bought by someone for \$18,000. Chief Wilkening said that is not comparable to what they need, and would not trust its safety. Our truck goes out on every structure fire. It does affect the ISO (insurance) rating. The Town is growing up and out, and there are more limitations being placed on the Department. A comprehensive study took place and he has a binder he could deliver tomorrow. Mr. Parker asked if we could partner with another community. Wilkening stated that the surrounding communities have their own ladder trucks, most 100ft platforms. The problem is the trucks are too far away for adequate response. Foreman asked about rehab on the existing truck. The cost would be about \$200,000 for the existing truck. The problem is the ladder, the drivetrain, and the engine is about to go per Chief Wilkening. Attorney Austgen added that through economic development, developers have agreed to purchase such equipment through financing channels based on increment in a TIF District. The Town could also lease-purchase or bond. St. John did an agreement with Strack & VanTil for about \$12M to \$14M, which included a ladder truck.

John Foreman moved to allow Assistant Chief Mager and Captain Kuiper to attend the educational visit at the expense of the vendor. Discussion continued about doing a blanket motion since there will be more visits ahead, about 5 or 6 vendors. Niemeyer asked Foreman if the motion could include a blanket informing a Council Member of the future visits so there is some transparency. Clerk-Treasurer Gross added that they need to decide if the staff would be paid by the Town during this visit, or if they are to use paid time off. Foreman added to his motion that this visit would be with pay. Greg Parker made the second. Austgen requested that Chief Wilkening report on the visits and their findings. Wilkening added that two packages will be ready for the next Council meeting being a 5-year plan for the Department and a study on the ladder trucks. It will be distributed before the meeting so there is time to review it. Parker brought up the refurbishing of the existing truck again. The factories being explored can do this as well. The lease on a ladder truck is 20 years, and its life expectancy. The current truck is a 1993 model year. It passes the UL regulations, but even with a refurbished one it could be a year or more. The staff will be looking at a demo model in Louisiana saving \$400,000 if the Town purchases it. Roll call vote was finally taken for the motion on the floor.

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes
Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

Robert Carnahan asked about the recently purchased Marshall building and demolition. Commissioner Kubiak added that there would be Fire Department training this week, and it would be demolished soon after.

Chief Smith added that Crown Point Community School Corporation cancelled school tomorrow due to the weather conditions. Someone added that Hanover was cancelled too.

WRITTEN COMMUNICATIONS

Christopher B. Burke Engineering Report – provided to Town Council for review. Mark Kaiser commented that the sign was being made for the center lane on the west side project. It should be installed this week.

PUBLIC COMMENT

Jerry Wilkening, 10826 West 131st Avenue – commented that if the Town is going to through down asphalt, please consider the ditches and drainage matters so the water stays off the roads.

Next meeting January 20, 2015 at 7:00 PM.

ADJOURNMENT: At 8:35 PM President Niemeyer called the meeting to adjournment. An Executive Session took place after the room cleared and ended at 9:50 PM to discuss land acquisition, litigation and personnel matters pursuant to IC 5-14-1.5-6.1(b).

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An Executive Session was advertised and conducted before the Public Meeting at 6:00 PM pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

Randell Niemeyer, President, Ward 5

Patsy Casassa, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, Ward 7

Amy J. Gross, IAMC, MMC, Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

(b) As the meeting progresses, the following *memoranda* shall be kept:

- (1) The date, time and place of the meeting.
- (2) The members of the governing body recorded as either present or absent.
- (3) The general substance of all matters proposed, discussed, or decided.
- (4) A record of all votes taken, by individual members if there is a roll call.
- (5) Any additional information required under IC 5-1.5-2-2.5.