

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



January 19, 2016

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	Greg Parker Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Absent	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

Brenda Roberts, 15008 Morse Street, voiced concerns regarding the speed limit on Morse Street. Mr. Carnahan said he believed it to be the county's jurisdiction and suggested she follow up with them. Mr. Austgen concurred.

Dave Harkabus, 8029 Lake Shore Drive, voiced concerns regarding the roundabout project and blind spots in the roadway. Discussion continued on elevation in the area and possibly setting up a meeting with project engineers and the Town Administrator.

**CONSENT AGENDA**

**Minutes:** January 5, 2016 Public Meeting Minutes

**Docket:** January 19, 2016 – All Town Funds \$204,156.95, Wastewater \$174,128.83, Water \$35,329.11, Storm Water \$27,469.83, Payroll 01/14/16 - \$224,514.30

**Old Outstanding Warrants:** \$195.32

**2015 Utility Adjustments:** \$20,430.91

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Julie Rivera. Council Member Carnahan questioned the use of two companies for fuel. Mr. Kubiak answered it was to see who had the best pricing. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

**ORDINANCES & RESOLUTIONS**

**1. Resolution No. 1156 – Temporary Loan to 2011 A&B Bonds (Strategic Plan: A Secure Future, An Effective Organization)**

Clerk-Treasurer Gross read by title and summarized. This allows a temporary loan from the Wastewater Township Special fund to the Redevelopment Authority Bond fund in the amount of \$198,065. This is due to the Department of Local Government Finance taking away the operating balance from the budget. The operating balance is what is used to pay the ensuing year's bond payment. There is a situation where we are one day shy of making the payment to the trustee. Their policy is using the first fourteen days of the New Year as the timeframe and after that it's considered on next year's budget. Because of this one day, the balance is taken away. This situation is currently being examined. This loan will be repaid with the June installment.

Motion to approve Resolution No. 1156 made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

**2. Ordinance No. 1230 – Salary Amendment – Reinstate Dispatcher Pay (Strategic Plan: A Secure Future, An Effective Organization)**

Clerk-Treasurer Gross read by title and summarized. This is to reinstate the dispatcher pay. It had been previously discussed with the Town of Schererville to implement a budget for PSAP 2. That is going to take a little bit longer. This reinstates for the Town to continue to pay them because they are employees of the Town until further notice.

Motion to approve first reading of Ordinance No. 1230 made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

President Niemeier asked if there was a motion to suspend the rules and allow for a second reading. Motion by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

Clerk-Treasurer Gross read Ordinance No. 1230 by title only.

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Motion to adopt Ordinance No. 1230 made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**3. Ordinance No. 1231 – Job Description – Building Administrator (Strategic Plan: A Secure Future, An Effective Organization)**

Council Member Parker read by title only. President Niemeyer stated this is in order to continue with the restructuring of the organization. With moving Mr. Kubiak to Director of Operations there is a need for an Administrator in the building department. The position will be filled by Michelle Bakker who has worked in the building department for a long time.

Motion to approve first reading of Ordinance No. 1231 made by Richard Sharpe with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council Member Parker read Ordinance No. 1231 by title only.

Motion to adopt Ordinance No. 1231 made by Richard Sharpe with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**4. Ordinance No. 1232 – Park Impact Fee (Strategic Plan: A Secure Future)**

Council Member Parker read by title only. Town Attorney Austgen stated that to be in compliance with Indiana Code, the Park Impact Fee Advisory Committee convened to study a review and analysis with the Town's Consultant, the Arsh Group, to study the current level of service required for the establishment of an objective park and recreation impact fee. After research and review of data, it was concluded that a recommended appropriate level of service for an equivalent dwelling unit was \$1,879, of which 65% of that fee or \$1,215, would be appropriate for the Town at this time.

Motion to approve first reading of Ordinance No. 1232 made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council Member Parker read Ordinance No. 1232 by title only.

Motion to adopt Ordinance No. 1232 made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**BZA**

**1. Frampton, 12615 Wicker Avenue, Special Use Variance**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Use Variance for increased vehicles on the property. A lengthy discussion continued among Council Members, Mr. Kubiak, and Mr. Frampton regarding property complaints and the use variance desired.

Motion to defer made by Greg Parker with second by Julie Rivera. Mr. Austgen clarified that this is a recommendation by the BZA and the Council has the right and responsibility of making a decision. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**2. Schuhrke, State Farm Insurance, 7515 Lake Shore Drive, Special Use Variance**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner to operate a State Farm Insurance business in a residential zoning district. Council Member Carnahan stated he thought that it was strange that the area was zoned residential because RBB Real Estate has been there for years. He made a recommendation to approve. Council Member Foreman asked how many parking spots the business had. Richard Anderson spoke for Mr. Schuhrke and answered that there were 13 parking spots. Discussion continued regarding parking and consideration for making this use particular to this business venture.

Motion to approve Special Use Variance for State Farm Insurance made by Robert Carnahan with second by Ralph Miller. Discussion continued. The motion was amended so that it should remain an insurance agency only. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

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**3. Tylka, Tom, and Ed's Autobody, 11009 and 11109 W 133<sup>rd</sup> Avenue, Special Use**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner to operate multiple businesses on a single zoning lot for an auto repair, service, and painting shop and a car rental business in a Community District. This is on the condition of a privacy fence being installed between all residential areas according to the site plan with the required findings of fact. A short discussion followed regarding petition contingences and the parking area of the business.

Motion to approve Special Use Variance for Tylka, Tom, & Ed's Autobody made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**NEW BUSINESS**

**1. Huseman Farm Lease Agreement (Strategic Plan: Extraordinary Natural Resource, An Engaged Community, A Secure Future, A Thriving Local Economy)**

Town Attorney Austgen stated this is an annual agreement for the farming of the Town's unincorporated parcel on the southwest end of the lake for \$16,500.

Motion to approve Huseman Farm Lease Agreement for \$16,500 made by John Foreman with second by Ralph Miller. Council Member Foreman briefly discussed some ideas regarding use of the funds. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**2. INDOT Safe Routes to School (SRTS) Supplement 1 (Strategic Plan: An Engaged Community, A Secure Future)**

Clerk-Treasurer Gross stated this was a request to transfer funds from the Fairbanks project to the Parrish Avenue project due to the Fairbanks project not being ADA compliant. This is a recommendation from Town Administrator Murr. The amount to be transferred would be \$102,000 bringing the total Federal Funds allocated for the project to \$352,000.

Motion to approve INDOT Safe Routes to School (SRTS) Supplement 1 made by Julie Rivera with second by Richard Sharpe. Council Member Carnahan stated that there are sidewalks needed in the MacArthur school area that he was told the street department could do. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**3. Parrish Avenue Hydropneumatic Storage Tank Interior Painting (Strategic Plan: A Secure Future)**

Water Superintendent Michael Schaller discussed the tank being inspected last summer. Dixon Engineering did the inspection and quotes were solicited for the Parrish Avenue Hydropneumatic Storage Tank Interior Repainting. Quotes were received from Prism Painting Company for \$24,400 and Civil Coatings for \$53,960.00. It is the recommendation of Town Administrator Murr to award the project to Prism Painting Company.

Motion to approve project to Prism Painting Company for \$24,400 made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**4. Acceptance and Acknowledgement – Lake Shore Drive/Cline Avenue Project – Parcel 4C (Strategic Plan: A Secure Future, An Effective Organization, An Engaged Community)**

Town Attorney Austgen stated this is for the acceptance and acknowledgement of the next parcel for the Lake Shore Drive/Cline Avenue roundabout project.

Motion to accept and acknowledge Lake Shore Drive/Cline Avenue Project – Parcel 4C made by Richard Sharpe with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**TOWN COUNCIL REPORTS**

1. Town Council – Council Member Carnahan stated he checked with Lake County Solid Waste at the direction of Mr. Kubiak regarding a grant for a wood chipper. Lake County Solid Waste has approved their grant writer to look into this. They are also considering paving the ground in front of the recycling containers. President Niemeyer discussed an outstanding item regarding a citizen appointment to the Ethics Commission. He asked for an amendment to the agenda for consideration.

Motion to amend the agenda made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

President Niemeyer stated the item being considered is a citizen appointment to the Ethics Advisory Commission. He nominated Mr. Bill Kuhn. Mr. Kuhn stated he was agreeable to the nomination.

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Motion to forward the nomination to Cal Bellamy of the Shared Ethics Advisory Commission made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

President Niemeyer stated he was appointed as a delegate to that last year and has been unable to make the Friday morning meetings. He asked for a Council Member to replace him. He asked for them to consider and get back to him. He discussed economic development in the Town. He would like to appoint an economic development committee that would consist of three Council Members, two Redevelopment Commission Members, and the Town Administrator. He asked for a motion to amend the agenda for consideration.

Motion to amend the agenda made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

President Niemeyer stated the vision for the committee would be to meet as a group to have vision sessions and put into place items that are in the master plan. As well as to engage community stakeholders, current businesses, and potential new businesses. This is not to change our community but bring some of those practices to make economic development a focus to support and sustain some of the needed improvements and projects in the community. He asked the Council to consider appointing RDC Members Nathan Vis and Jolie Covaciu. As well as appointing Council Members Foreman, Rivera, Niemeyer, and Town Administrator Murr to the committee.

Motion to accept the appointments made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1. Council Member Foreman thanked the Council for the appointment and discussed it being an important step in the future of the Town.

Council Member Parker asked Chief Smith if there was a way to make folks more vigilant and aware of current IRS phone scams. Chief Smith discussed putting it on the department Facebook page again and making folks aware that the IRS will never call. They will send an official mailing. President Niemeyer discussed having it in the next newsletter. Discussion continued briefly on the subject.

2. Town Attorney – No Report.
3. Clerk-Treasurer – No Report.
4. Town Administrator/Staff – Chief Wilkening discussed a successful trip to view a 2010 mid-mount ladder truck by Assistant Chief Mager and Captain Kuiper. Once returned and after further evaluation of findings, they called the company and it was discussed that the company would completely refurbish and equip the truck for around \$600,000. While there, they looked at a 2011 pumper/tanker truck. The company agreed to refurbish that one as well for \$193,000. He discussed the department needing \$1.7 million dollars in fire truck purchases over the next few years if something is not done soon. He stated to buy the truck brand new would be \$1.2 million dollars. He further discussed truck needs and pricing. He stated they need to send a letter of intent to the company in order to hold the truck for a few more weeks. President Niemeyer discussed getting the Public Safety Committee together with Chief Wilkening and Clerk-Treasurer Gross to look into finances. He inquired with Mr. Austgen about drafting a letter of intent and asked for a motion to amend the agenda.

Motion to amend the agenda made by John Foreman with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

President Niemeyer stated the item for consideration is to clarify the intent to move forward on the discovery for what finances can be used to purchase the 2011 ladder truck and have a letter of intent drafted by Mr. Austgen.

Motion to draft a letter of intent made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

Mr. Kubiak discussed the 2015 Building Permit Report. There were a total of 126 new houses and 364 alterations totaling \$3,839,728.

Chief Smith discussed a letter from the Police Commission asking for permission to put out bids for the 2016 Police Vehicles for the replacement program. They are looking to add additional SUV's, if not, then sedans with all-wheel drive.

Motion to approve recommendation from Police Commission to put project out for bid made by Robert Carnahan with second by Greg Parker. Council Member Parker thanked Chief Smith for always adhering to the budget and planning so well for the police

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department. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

**WRITTEN COMMUNICATIONS**

1. Times – Government Corner – The Times has invited each community to have representatives write a column to share municipality news.
2. 2016 Ethics Summit – March 2, 2016
3. Christopher B. Burke Engineering Report – No update at this time.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:27 PM.

An Executive Session was advertised and conducted 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**

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Randell Niemeyer, President, Ward 5

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Greg Parker, Vice President, Ward 6

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Robert H. Carnahan, Ward 1

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John Foreman, Ward 2

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Julie Rivera, Ward 3

\_\_\_\_\_  
Ralph Miller, Ward 4

**ATTEST:**

\_\_\_\_\_  
Richard Sharpe, Ward 7

\_\_\_\_\_  
Amy J. Gross, IAMC, MMC, CPM  
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.