

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



January 20, 2015

**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, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

TOWN ADMINISTRATOR

President Niemeyer announced that the Town Administrator position has been filled by Chief Deputy Jill Murr as of January 12, 2015. Robert Carnahan moved to ratify the appointment with second by Greg Parker. 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		

PRESENTATION

Congressman Pete Visclosky was present this evening to discuss support for the South Shore Rail Extension. There have been 11 out of 20 communities that have committed to match the federal funding. The first leg of the expansion would be to Dyer or St. John, which the study ends at State Road 231. Additionally, the Transit Authority is working on an environmental assessment. Fundamentally, this is a "jobs" issue. Between 1970 and 2013 the population of Lake County, Illinois increased by 83.7% while Lake County, Indiana declined by 10%. The household median income rose by 35.1% in Lake County, Illinois while the median income declined by 19.2% in Lake County, Indiana. One of the differences he attributes to the transit-developed rail line and travel time. The County Option Income Tax allows for a portion to go back to Lake County and the communities. He doesn't deny there is an investment from \$571M to \$615M. The Redevelopment Authority has a portion of revenue appropriated for the development of the South Shore line expansion. The South Shore has existed for over 100 years, and the rail in this region can be attributed to John Rockefeller. J.P. Morgan was also mentioned for investing in the steel mill.

Councilman Greg Parker asked what is being done to address the abandoned properties (off the tax rolls) where people once lived and worked in Gary that contributed to the County Income Tax. He believes it is going to increase to 3%. We have needs in Cedar Lake that haven't been addressed in 50 years; we finally get a funding source and the federal and county governments are the first ones to put their hands out for it. Why doesn't someone tell the folks in Illinois to move here for the better tax breaks? Congressman answered that the Mayor of Gary is working on addressing the issue of the abandoned properties, and the city is helping itself. He mentioned the Gary Airport runway, and it would be completed by Independence Day. He agrees that Cedar Lake and the other communities don't have the funds for potholes. The federal government is not asking for money. There is a match to protect the interests of Cedar Lake. He respectfully disagrees with the increase in the County Option Income Tax. There is a percentage requested from the County Economic Development Income Tax distribution. This money would be dedicated to the expansion. The City of Gary is spending \$6.6M to address the abandonment issue, East Chicago is spending \$1.3M, and Hammond is spending about \$300K to \$400K. Mr. Parker asked why the jobs aren't being brought here. Congressman responded that the rail expansion will attract young people as it did in the western suburbs.

Councilman Carnahan has a son who went to Chicago to work because the type of job he specialized in was not available here. He caught the train to go downtown for a law firm, but now lives in California. Another resident works for ABC News and commutes daily, someone else works for an engineering firm and it was a 4-hour per day commute. He eventually took a pay cut to work closer. Greg Parker said he has a brother who is in the back of the room and moving to Porter County because the taxes are higher in Lake County. Councilman Foreman said one of the biggest priorities is the Ecosystem Restoration for Cedar Lake. He believes the CEDIT monies could be a source for this funding mechanism. He went on to explain his situation moving back home from Chicago and suburbs, and traveling to other parts of the world for business. Transit-oriented development is a great concept and express trains are a benefit elsewhere. He is torn on the request to use CEDIT funds for the South Shore when Cedar Lake has needs affecting the watershed, drainage and the like. Discussion ensued as Congressman Visclosky reiterated the benefits of investing in the South Shore expansion. Some ideas on the floor were to recruit larger manufacturing jobs, work with colleges and incubator programs, and collaborate with Illinois to attract employers. Greg Parker said he drove from Dyer to East Chicago and it took 19 minutes so there is no reason to spend so much on the South Shore. He is unaware of much

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manufacturing in the area. Robert Carnahan added that the Congressman was fighting for Northwest Indiana and did not support NAFTA.

Ralph Miller said that last year a motion was made to donate \$15,000, and annually there would be a decision to donate or not. The Town was turned down for the donation. Congressman Visclosky explained that for bonding purposes, they need to have a fixed, anticipated source of funding. Patsy Casassa agreed with Mr. Miller. She would rather do a flat rate. Roads in Cedar Lake subdivisions are in bad condition. The Congressman said that the Town needs to be comfortable with the percentage. Mr. Parker then asked why we keep borrowing from China. The Congressman answered that the federal government ran a deficit. He voted against a number of issues such as the Iraq war. Mass transit development is a priority for the government now. Randy Niemeyer confirmed that the commitment is 1/3 of the CEDIT funds. The Congressman added that the state legislature is meeting and a commitment from the communities would assist with the fact-finding mission (abstract). The bond issuance breaks down to about ½ non-federal, RDA 1/3, State of Indiana 1/3; \$8M total from the 19 communities. The depository would be Lake County. If something happens that the expansion doesn't go through, the funds would be returned with interest earned. President Niemeyer concluded that the time frame would be a contributing factor to review if this matter will be on the agenda again. If the train were to come to Cedar Lake, what would the additional cost be? Most of the citizens he has spoken with are not in favor of the train coming to Cedar Lake. There exists about \$205,000 in the CEDIT fund. Parker added that the rail will be a burden for years to come and will never fund itself. All forms of transportation in America are subsidized. Appreciation was extended to Congressman Visclosky for his time. He left the building with his representative Mark Lopez.

PUBLIC COMMENT

John Schutz, 13522 Schneider Court – commented about the national debt. He thanked the Council for spending money wisely, and congratulated Jill Murr.

Chuck Becker, 6100 West 136th Place – thanked the Council for spending the funds appropriately and expressed his opinion of people leaving northern Lake County, moving from Illinois to Indiana, and Lake County residents moving to Newton County for better taxes.

Brenda Roberts, 15008 Morse Street – commended the Congressman on his passion and heard the arguments for and against. She is perplexed by the request for monies when Mr. Visclosky did not support the Illiana Expressway. She has the newspaper clipping from the NWI Times back in about 2007. The Illiana would bring economic development. Mrs. Roberts' request would be taken by another attending representative to the Congressman for an answer.

Kevin Toth, 10040 West 130th Lane – grew up in East Chicago. The South Shore has been nothing but a tax-subsidized train, we don't need it.

Gloria Hendricks, 8012 West 146th Avenue – moved here from South Holland. It was a good town, but the properties began selling and there was an influx of Chicago residents moving in. Before she moved to Cedar Lake, kids were in the street with lead pipes walking past cars. There's hardly anything left in South Holland. She was paying \$1,700 in Cedar Lake for taxes and now it has gone up to \$3,000. She believes taxes will go up again with the South Shore.

George Lewis, 7001 West 127th Place – is against the extension. The County Income Tax just started and now they want it back. We don't need it. He isn't concerned if people elsewhere get to work or not. No one helped pay his way. Why subsidize the train?

Tom Parker, 13027 Schubert Street – He is here on behalf of his father and mother. He likes the undeveloped area as it is. If they had known Council were in favor of the South Shore extension, the campaign signs would not have been in their yards. He moved back to Cedar Lake, and does not want this, no one he spoke to wants this.

Chuck Becker – what would stop them from coming to get more funds? Mr. Niemeyer said that's why he posed that question to the Congressman.

CONSENT AGENDA

Minutes: January 6, 2015 Public Meeting

Claims:	All Town Funds	\$543,271.75	Wastewater	\$202,267.09
	Waterworks	\$77,128.81	Storm Water	\$118,187.43
	Payroll #121	\$203,797.93		

Donation: Cedar Lake Police Department Non-Reverting Equipment Fund
\$50.00 from William and Dianne Kozlowski

Participation: Leadership Northwest Indiana (South Shore Leadership Center) Town Administrator Registration for Program \$1,800.00

Tag Days:		Tag Day	Rain Day
Cedar Lake Fire Department Hoosier Burn Camp		Apr 4	Apr 11
American Legion Auxiliary Unit 261		May 16	May 23
Hanover Central Varsity Pom Cats		Jul 25	Aug 1
Cedar Lake Girls' Softball		Aug 8	Aug 15
Hanover Central Junior Varsity Dance Team		Aug 22	Sep 1
Cedar Lake Fire Department Annual Food Drive		Sep 5	Sep 12
Cedar Lake Kiwanis		Sep 19	Sep 26
Cedar Lake Fire Department		Oct 3	Oct 10

John Foreman 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

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Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

ORDINANCES AND RESOLUTIONS

1. Ordinance No. 1215 – Salary Amendment for Deputy Clerk with CMC Designation

Clerk-Treasurer Gross read by title only with a brief explanation that there are two deputy clerks with 29 years of combined experience. This knowledge would be hard to replace. In order to be fair being that the Building Coordinator and Town Administrative Assistant are making \$16.79 per hour, Clerk-Treasurer requested an increase for a Deputy with Certified Municipal Clerk credentials to make from \$16.74 to \$17.09 per hour, or at least consider \$16.79 to match the other two positions mentioned. Motion made by Ralph Miller to approve the first reading of Ordinance No. 1215 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		

First reading was unanimous. President Niemeyer requested to suspend the rules, and amend the agenda, for a second reading. John Foreman made the motion 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		

Clerk-Treasurer Gross read by title for second reading. Patsy Casassa moved to adopt 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		

2. Resolution No. 1132 – Temporary Loan for Redevelopment Authority 2011 A&B Bonds

Clerk-Treasurer Gross read by title only and explained that the fall tax distribution arrived and there was a 97% collection rate; however the 2011 A&B RDA Bonds are not exempt from circuit breaker credits. There was not enough money collected to pay the recent debt payment. This loan would be from the Wastewater Operating Fund in the amount of \$20,943.13. Motion to approve made by Ralph Miller 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		

BOARD OF ZONING APPEALS

1. Special Use Variance – Petitioner: Son Nguyen

Address: 13140 Wicker Avenue

The Board of Zoning Appeals sent a favorable recommendation to the Town Council to allow the Petitioner to occupy the apartment for residential use that is attached to a business in a B-2 Zoning District contingent on Fire Department inspections and occupancy permits issued for the business with a firewall protection for residential use, and to include the findings of fact. Motion made by Robert Carnahan to approve the special use variance 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		

NEW BUSINESS

1. South Lake County Community Services Payment Request

An invoice was presented to the Town Council in the amount of \$2,862.00 with the trip report from June 1, 2013 to May 31, 2014. The organization is asking for municipalities within its service area to donate \$3.00 for each trip provided during this time period. Robert Carnahan noted that one trip was out of the Town's limits. Ralph Miller moved to approve payment 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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2. AT&T Work Request

Request to perform work in the Monastery Woods subdivision as per the plan provided to the Town Council. Motion to approve work was made by Julie Rivera 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		

3. Cedar Lake Youth Baseball Fee Waiver Request

The organization is requesting to use the Monastery Clubhouse on February 17 and April 14 with a waiver of the fees. Motion made by John Foreman to allow waiver with second made 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		

4. Amendatory Annexation Ordinance No 1212A – US 41 South Corridor

Attorney Austgen read by title only with explanation. In the preparation of the upcoming public hearing, consultants and staff gathered to review the technical data of the fiscal plan, legal description and all details within. It was discovered that there had been a Scrivener's error in the mapping on the area proposed to be annexed in the vicinity of 155th and Magoun wherein two 10-acre parcels had been included that should have been part of the description and two 10-acre parcels a quarter of a mile south of that parcel had not been included. This discrepancy requires an amendment so the affected property owners will be served proper notice. Also, near the vicinity at the Hanover Middle School property there was a transposition in "southeasterly" versus "southwesterly". The surveyors concluded this was not proper closure for the legal description. The fiscal plan contains a map with the legal description and should be consistent with the legal ordinance. According to the statute, the public hearing would be April 7 rather than February 17. There will be notification to each of the 242 affected parcels with the revised date. The information will be posted on the Town's website tomorrow if approved. Robert Carnahan moved to approve the first reading with second 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		

5. Resolution No. 1128A Fiscal Plan – US 41 South Corridor

Attorney Austgen ready by title, which amends Resolution No. 1128. Robert Carnahan moved to approve the Resolution with second by Patsy Casassa. John Foreman commented that last meeting the public records request was waived, and if they concur. Mr. Carnahan concurred, but then withdrew due to Attorney Austgen's suggestion that this should be a separate motion. 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		

John Foreman moved to waive fees for public records requests with second by Robert Carnahan. He then concurred as did Mr. Carnahan to waive the actual request procedure as done previously for the annexation. 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		

Tuesday, April 7, 2015 would be the public hearing for the annexation. Jill Murr will contact Hanover High School to confirm if this date agrees with their schedule to conduct the hearing, or if needed, select another venue.

TOWN COUNCIL AND STAFF REPORTS

Ralph Miller attended the recent Keenagers meeting and they would like to request a waiver of fees for July 21 and August 18 from 11:30am to 2:00pm at the Monastery Clubhouse. Mr. Miller made a motion to waive the fees with second by Julie Rivera. Nicole Hoekstra will check to make sure the dates are available. Roll call vote:

Carnahan, Ward 1	Yes	Parker, Ward 7	Yes
Foreman, Ward 2	Yes	Casassa, VP, Ward 6	Yes

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Rivera, Ward 3	Yes	Niemeyer, Pres., Ward 5	Yes
Miller, Ward 4	Yes		

President Niemeyer addressed the Council explaining that at the meeting for appointing committees, they neglected to appoint three Council Members to the Plan Commission. He asked for nominations. Patsy Casassa nominated Greg Parker, John Foreman and herself. President Niemeyer requested any other nominations three times, and there were none. Nominations were closed. Greg Parker made the second on the motion. Roll call vote was taken.

Carnahan, Ward 1	No	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		

President Niemeyer and Council Members Miller and Casassa met with the Cedar Lake Historical Association last night to discuss the museum lease. Notes were taken and will be provided to Attorney Austgen for a draft of the revised lease.

Councilman Greg Parker mentioned that he heard blue lights were being placed on porches in support of law enforcement. He believes we need more support for our officers and the military and encouraged participants.

Fire Chief Todd Wilkening was present to discuss the year-end review, aerial ladder truck proposal and community study as presented to the Town Council. Fire Officers Mager and Kuiper were also present to explain their visit to Louisiana for the ladder truck review. Some discussion ensued about funding mechanisms such as economic development, options of new versus refurbished and leasing. Another visit will take place in early February. The Council agreed they pre-approved the remaining visits.

WRITTEN COMMUNICATIONS

Christopher B. Burke Engineering Report – provided to Town Council for review.
 Letter from Elaine D. Howes – due to the nature of the letter, Attorney Austgen suggested this be turned over to the Town’s carrier. Jill Murr was requested to forward this information.
 NICK Foundation – Childhood Cancer Awareness Month, August proclamation and request to sponsor an event. Information was provided to Council Members. Event will be held February 28 from 6pm to 11pm at Halls of St. George.

PUBLIC COMMENT

Kevin Toth, 10040 West 130th Lane – understood that Council received a packet from the Fire Department. He asked the council to look into this very carefully. He was a 29-year firefighter with East Chicago. The ISO rating improvement is a bit of a stretch, and this is based on numerous factors such as: manpower, training, dispatch, and water capability. He was on a ladder truck for many years. This Town has a lot of small streets and the truck would not get through. He understands there are water supply issues and this truck could not be supplied at 1,500 to 2,000 gallons per minute. He suggested buying an engine. Get the truck refurbished so you can use it the few times it will be used. He is concerned about saving money for the taxpayers. Councilman Foreman suggested that the Fire Department and Mr. Toth could work on this project.

Next meeting February 3, 2015 at 7:00 PM.

ADJOURNMENT: At approximately 9:30 PM President Niemeyer called the meeting to adjournment.

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.

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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.