

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



**February 16, 2016**

**Public Meeting Advertised for 7:00 PM  
Conducted at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence**

**Roll Call:**

Absent	Robert H. Carnahan Council Member	Ward 1	Present	Greg Parker Council Member	Ward 6
Absent	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	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

President Niemeyer asked Council to consider an amendment to the consent agenda to allow for the consideration of the Dare Donations. Ralph Miller made a motion to amend. Second was made by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0.

**Minutes:** February 2, 2016 Public Meeting Minutes

**Docket:** February 16, 2016 – All Town Funds \$92,054.39, Wastewater \$157,227.18, Water \$33,844.87, Storm Water \$1,507.33, Payroll 02/11/16 - \$224,488.53

**Tag Days:**

<u>Organization</u>	<u>Tag Date</u>	<u>Rain Date</u>
Cedar Lake Girls Softball VIPS	September 3, 2016 April 16, 2016	September 10, 2016 April 23, 2016

**DARE Donations:** Demotte State Bank \$100, Casey’s General Store \$100, Sterling Machine \$100, Cedar Lake Lions Club \$100, Jane Ball PTO \$1,000, and Phil & Son, Inc. \$250.

Julie Rivera moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0.

**ORDINANCES & RESOLUTIONS**

**1. Resolution No. 1158 – Lease-Purchase Agreement for Public Works Trucks**

Clerk-Treasurer Gross read by title only and summarized. Quotes were solicited from Tax-Exempt Leasing Corp., Republic First National, and PNC Bank. Tax-Exempt Leasing Corp. responded with the lowest rate for a 5 year term, advanced annual payment of \$70,307.77 at 2.88%. This is for the trucks on order that will not be delivered until March/April. The agreement would be processed and money put in escrow until it’s time to make payment to the vendor. Total principal and interest paid would be \$351,538.50. This is payable from the Motor Vehicle Highway, Wastewater, and Stormwater funds.

Motion to approve Resolution No. 1158 made by Richard Sharpe with second by Julie Rivera. Town Attorney Austgen asked if Clerk-Treasurer Gross prepared the document. She answered yes. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0.

**2. Ordinance No. 1233 – IURC OPT OUT – Introductory Reading (Strategic Plan: An Effective Organization)**

Council Member Parker read by title only. Town Attorney Austgen explained that Indiana Code 8-1.5-3 provides the mechanism and procedure for opt out from the jurisdiction of the Indiana Utility Regulatory Commission of the municipal water utility. The provision requires the introduction of an ordinance that announces to the citizens and current rate payers of the intent to opt out. It also requires a public hearing to hear comments by those who may be affected. That is anticipated to be conducted at the April 5, 2016 meeting. Persons will be notified specifically of that meeting date.

Motion to approve Introductory Reading of Ordinance No. 1233 made by Ralph Miller with second by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0.

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
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**OLD BUSINESS  
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. Town Attorney Austgen stated he has reviewed the variance of use application. There was previously a variance of use granted to the property owner in 2013. The record reflects that there was a violation of the 2013 variance conditions. He stated he personally had a review discussion with the Fire Chief regarding the painting side. On October 28<sup>th</sup>, Town Administrator Murr issued a notice of violation to the property owner. Shortly after, Mr. Kubiak spoke with the property owner to remedy that issue. A request was made in December for an amendment to the variance of use to increase the number of vehicles for sale, repair, and the amount of vehicles on site. The petitioner is required to follow the requirements of the Indiana Code and the Zoning Ordinance. Based upon review, the petitioner did not meet the requirements of the Town Ordinance or the Indiana Code for the variance of use to be amended.

Motion to deny the variance of use made by Ralph Miller with second by Richard Sharpe. Mr. Austgen asked if the motion was based upon the recitation of the record and recommendation of Mr. Austgen. Council Members Miller and Sharpe concurred. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0. Mr. Austgen recommended that the property be inspected to make sure it is in compliance with the 2013 variance approval.

**NEW BUSINESS  
BZA**

**1. Lindemulder, 12634 Wicker Avenue, Special Use Variance**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Special Use Variance with the required findings of fact to allow the Petitioner to operate a three uses in three units in a B-3 Zoning District. Conditions on approval: the uses on the property may only be business, office, or professional uses and any uses different than those specified require an additional Use Variance approval due to the limited number of parking spaces on the property. Mr. Eric Lindemulder stepped forward and stated the first business will be an insurance agency. The other two are presently undecided but will meet the use requirements.

Motion to approve made by Richard Sharpe with second by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0.

**2. Hansen, 10501 W 133<sup>rd</sup> Avenue, Lot 5, Cedar Lake Industrial Park, Special Use Variance**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Special Use Variance with the required findings of fact to allow the Petitioner to operate a warehouse for storage of spare parts for wheel washing systems. Conditions on approval: Outside storage allowed only in back of building. Mr. Phipps stepped forward on behalf of Mr. Hansen. He stated it's for wheel washing systems for big trucks.

Motion to approve made by Ralph Miller with second by Julie Rivera. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**3. Asche, 10501 W. 133<sup>rd</sup> Avenue, Lot G or Lot 7, Cedar Lake Industrial Park, Special Use Variance**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Special Use Variance with the required findings of fact to allow the Petitioner to operate Lifted Life Custom Shop, to build custom trucks and install lifts, wheels, and accessories. Condition on approval: No painting allowed and outside storage allowed only in back of building. Mr. Asche stepped forward and discussed the business.

Motion to approve made by Greg Parker with second by Richard Sharpe. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**NEW BUSINESS**

**1. Acceptance and Acknowledgement – Lake Shore Drive/Cline Avenue Parcel 15 (Strategic Plan: A Secure Future, An Effective Organization, An Engaged Community)**

Town Administrator Murr 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 Parcel 15 made by Richard Sharpe with second by Ralph Miller. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

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**2. Monastery Clubhouse Renaming (Strategic Plan: An Engaged Community)**

This item was deferred from the last meeting. Discussion took place regarding the Park and Recreation Committee meeting with the Events Coordinator to further discuss name ideas.

Motion to defer Monastery Clubhouse Renaming made by Greg Parker with second by Julie Rivera. Council Member Miller asked about deferring indefinitely until the committee reports back. Motion amendment was concurred by Council Members Parker and Rivera. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**3. Use of Town Hall for Election Day, May 5, 2016 (Strategic Plan: An Engaged Community)**

President Niemeyer discussed this item being an annual event.

Motion to approve Use of Town Hall for Election Day made by Richard Sharpe with second by Ralph Miller. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**4. Use of Town Grounds for Chamber of Commerce hosting the 9<sup>th</sup> Annual Northwest Indiana Symphony Orchestra, July 23, 2016 (Strategic Plan: An Engaged Community)**

President Niemeyer discussed this being an annual event. Town Administrator Murr discussed the Chamber request for financial consideration, in the amount of \$7,500. She read a list of other requested items from the letter received by the Chamber, a copy can be found at the end of the minutes. President Niemeyer asked Clerk-Treasurer Gross if funds were available for contribution to the event. She answered that they could be made available. There is \$15,900 available in Town Promotion.

Motion to approve Use of Town Grounds for Chamber of Commerce hosting the 9<sup>th</sup> Annual Northwest Indiana Symphony Orchestra and yearly contribution of \$7,500 made by Ralph Miller with second by Greg Parker. Mr. Austgen asked if these were the normal considerations just reiterated in the request. President Niemeyer answered yes. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**5. Use of Town Grounds for Chamber of Commerce hosting Hanover Central Middle and High School Bands for “An Evening of Music” May 28, 2016 (Strategic Plan: An Engaged Community)**

Town Administrator Murr stated that this is a similar request to the previous item. The group would like to use the shelter adjacent to the bandstand to sell concessions. No alcohol will be allowed. The group has plans for a 50/50 raffle and anticipates charging \$5 for parking to raise money for their band programs. Parents would be the parking attendants. Opening ceremony would begin with a gun salute by the Cedar Lake American Legion. It was noted that the school's insurance is on file. A brief discussion occurred on event specifics. Mr. Austgen suggested Town Administrator Murr meet with School Officials to discuss event details.

Motion to approve made by Richard Sharpe with second by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

**TOWN COUNCIL REPORTS**

1. Town Council – Council Member Miller discussed a meeting between him, Mr. Sharpe, and Mr. Austgen about recognizing past Town founders and those who've made a difference. A dinner/fundraiser was discussed with funds going to the Parks Foundation. They were looking for the approval of the Council to keep moving forward. President Niemeyer discussed his idea of renaming 133<sup>rd</sup> Avenue. He thinks it would be good to tack that onto this committee. Mr. Miller added that they were looking for a joint effort with the Events Coordinator.

A motion to amend the agenda was made by Julie Rivera with a second by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

Council Member Miller stated his request was for the Council's approval for the committee to move forward with a dinner/fundraiser for recognizing those who've helped the Town grow.

A motion to approve was made by Greg Parker with a second by Julie Rivera. President Niemeyer stated that Mr. Miller didn't need the Council's approval each time to keep moving forward. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

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Council Member Rivera discussed an upcoming event March 19<sup>th</sup> at the Eagles for Hanover Wildcats Football. Council Member Parker asked about the Eagles hosting a St. Baldrick's. He was told they took a pass this year and hope to bring it back next year. Council Member Rivera mentioned the Northwest Indiana Cancer Kids Foundation is hosting a St. Baldrick's event. She would bring the information to the next meeting.

2. Town Attorney – Mr. Austgen discussed a joint effort with the property owners of the Lakeside development on a water supply extension. The Town needs to be the applicant for the test well with IDEM for the parcel where the test well will be located. The property owner needs to convey the parcel to the Town. A draft deed has been received from the developer. Mr. Austgen asked for an amendment to the agenda to consider acceptance of the proposed deed upon attorney review.

A motion to amend the agenda was made by Ralph Miller with a second by Greg Parker. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

Mr. Austgen stated his request was for the Council to approve the deed from Lakeside Development for purposes of Town ownership of the Parcel upon which a test well will be drilled.

Motion to approve made by Richard Sharpe with second by Ralph Miller. Roll call vote: Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 0

3. Clerk-Treasurer – Clerk-Treasurer Gross discussed the Department of Local Government Finance acknowledging the late December reductions of \$210,000. That increases the 2016 Budget for the General Fund. Revenues from July through December of last year can be included for this year's budget. This would bring us up \$131,964. There will still need to be reductions of \$238,650. The next step is to go through the line items and discuss with department heads where the cuts will come from within those seven budgets. President Niemeyer discussed Council Affairs meeting with the Clerk-Treasurer after she meets with department heads.
4. Town Administrator/Staff – No Report.

**WRITTEN COMMUNICATIONS**

1. Christopher B. Burke Engineering Report – Town Administrator Murr discussed LGS Plumbing being on site February 4<sup>th</sup> to install wingwalls north of the roadway on the new box culvert on 133rd. Safe Routes to School project will be take place this summer.
2. Christopher B. Burke Engineering – Wicker Meadows Stormwater Analysis – Mr. Kubiak discussed a couple of project ideas to help divert water. President Niemeyer discussed the importance of this project needing to be brought to the attention of the Stormwater Board. Mr. Austgen asked about continued collaboration with other government entities like the Lake County Surveyor and Highway Department. President Niemeyer stated that collaboration is important to the project.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 7:54 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

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

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

\_\_\_\_\_  
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.

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



**CEDAR LAKE  
CHAMBER OF COMMERCE**

Cedar Lake Town Council  
7408 Constitution Ave.  
Cedar Lake IN 46303

February 11, 2016

Dear Council Members,

The Cedar Lake Chamber of Commerce has once again been invited to host the Northwest Indiana Symphony Orchestra as part of its summer concert series. While this will be the 9th anniversary of the symphony coming to our community, 2016 will also be Indiana's Bi-Centennial year and the concert will be geared to Indiana composers and musicians. It promises to be a spectacular event.

Cedar Lake will be the first community of the concert series and our date has been scheduled for July 23. In recent years we have asked your financial help in bringing these wonderful musicians to town and we must ask for your support again. Our cost will be \$10,000.00 to bring the Symphony to Cedar Lake plus the additional expenses for advertising, portable restrooms, programs, fireworks, decorations etc. Last year we estimated 2500 people attended the event despite the threat of rain for most of the day. As it turned out, the evening was beautiful and everyone enjoyed listening to the music and viewing the lake from where they sat.

In addition to seeking your approval for use of the town grounds and stage, we also need your approval for the following:

- parking lots behind the town hall for musicians
- the town hall meeting room to serve musicians
- the small meeting room for musicians to get ready

**"We're Sailing Ahead"**

7925 Lake Shore Drive • P.O. Box 101  
Cedar Lake, IN 46303

Ph: 219/374-6157

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- an office space for Maestro Muspratt to change into his tuxedo
- use of the town hall restrooms
- allowing alcoholic beverages to be brought to the town complex grounds
- the use of portable restrooms
- plant flower pots to beautify the area
- use of the Police Department and Volunteers in Police Service to help with crowd control
- the use of the lakefront to shoot off a fireworks show following the concert
- the use of the Public Works Department to help move bleachers and lay down a portable stage
- the use of the shelter adjacent to the stage to have light concessions

We will also provide additional help crowd control and will meet with the public works superintendent, and police and fire chiefs to help facilitate the event to make sure everything runs smoothly.

This could not take place without your generous support.

Thank you for your consideration of this project,

Sincerely,

Diane Jostes, Executive Director

Lester Kaper, Chairman