

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



April 5, 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	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC COMMENT

Josh Govert, 12550 Tall Oaks Drive, voiced concerns regarding lost property for a park development in the August Oaks area.

Bill Landske, spoke about the passing of a longtime resident (name inaudible).

Rebecca Govert, 11521 W 127th Lane, voiced concerns regarding ongoing flooding issues in Wicker Meadows. President Niemeier discussed the recent action taken by the Council regarding a plan for resolving the flooding issues. She also, voiced concerns regarding a growing hole in the ground. President Niemeier asked Operations Director Kubiak if he was aware of the issue. Mr. Kubiak discussed his initial inspection of the hole and plans for fixing the issue.

Mary Pearson, 13025 A Drummond Street, asked what it means by opting-out of the IURC. She also asked if there was any way the water bills could go by usage instead of a minimum rate. President Niemeier gave a brief summary regarding the IURC Opt-Out. As for the minimum charges for the water, Town Attorney Austgen discussed it being the rate that was inherited when the Town acquired the utility. Ms. Pearson stated then it will not be done by an amount that a property uses. Mr. Austgen stated at this time it is by the minimum unit but the Council will have the opportunity when it is in charge of making rate decisions, to evaluate the rate structure with financial advisors.

CONSENT AGENDA

Minutes: March 15, 2016 Public Meeting Minutes

Docket: April 5, 2016 – All Town Funds \$269,738.98, Wastewater \$62,511.09, Water \$25,108.65, Storm Water \$4,813.90, Payroll 03/24/16 & 04/01/16 \$165,698.13

Donations – In-Kind:

- a. Cedar Lake Florist, US and Indiana Flags for “Street Pole Project” \$1,500
- b. Cedar Lake Florist, Flowers for Daddy/Daughter Valentine Dance
- c. LouAnn Miller, craft materials
- d. Patsy Casassa, craft materials

Manual Journal Entries: March 1-31, 2016

Clubhouse Rental Waiver Request:

- a. Cedar Lake Youth Baseball - April 14, 2016
- b. Keenagers - July 19 and August 16, 2016
- c. Girl Scouts - April 22, 2016

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by John Foreman. Council Member Foreman thanked those who made the In-Kind donations. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

ORDINANCES

1. Ordinance No. 1233 – Water Utility Opt-Out of IURC Jurisdiction (Strategic Plan: A Secure Future, A Thriving Local Economy)

Council Member Parker read by title only. Town Attorney Austgen summarized as this being the ordinance of the Town Council that authorizes opt-out of the jurisdiction of the IURC, pursuant to Indiana Code 8-1.5-3-9.1. It is a strict construction statute that must be followed in order to implement this initiative and seek the removal from the IURC. The ordinance has been drafted in accordance with.

Motion to adopt Ordinance No. 1233 made by Ralph Miller 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.

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NEW BUSINESS

1. Ratification of NIPSCO In-Charge Electric Vehicle Program (Strategic Plan: A Secure Future, A Thriving Local Economy)

- a. **NIPSCO “Around Town” Terms and Conditions**
- b. **Chargepoint – Master Services and Subscription Agreement**
- c. **Emcor Hyre Electric Installation Proposal (Option 2)**

Town Administrator Murr explained that this was an in-charge electric vehicle grant that was awarded to the Town. The agreement needed to be signed and in place by March 31, 2016. The NIPSCO agreement is for the purchase of the unit, the average cost is about \$12,000. The unit will be installed behind Town Hall. The Town will be placed on a map of electrical vehicle charging stations. There is no cost for users. The Chargepoint agreement is for data collection on the station. It's a two year agreement. The Town can choose to continue with the agreement at the end. Emcor Hyre Electric is the company that installs the units for NIPSCO. Current installation estimate is for \$7,700 and the grant is for \$10,000. The unit has been ordered and should be installed by summer. The Town had to designate two parking spots for the unit. President Niemeyer asked how this came about. Town Administrator Murr stated she heard about it a few years back at a NIRPC meeting. She put in a request and the Town was one of several communities granted a full award.

Motion to approve the Ratification of the NIPSCO In-Charge Electric Vehicle Program with the listed items made by Robert Carnahan 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.

2. Monastery Woods Development, LLC Letter of Credit (Strategic Plan: A Secure Future, A Thriving Local Economy)

Town Administrator Murr discussed this letter of credit replacing the current letter of credit on file. It's for \$325,432.44. It's about 25% of the original amount based on improvements completed. It's been reviewed by staff and the Town engineer. President Niemeyer asked if this was a recommendation for approval of the reduction request. Town Administrator Murr said yes. Council Member Foreman asked which development this was for. It was clarified that this is for Monastery Woods South.

Motion to approve Monastery Woods Development, LLC Letter of Credit made by Richard Sharpe with second by Julie Rivera. Council Member Foreman asked Town Administrator Murr if the engineers found the amount adequate. She stated yes. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Chamber of Commerce Request – Bi-Centennial Community Art Project (Strategic Plan: An Engaged Community)

Town Administrator Murr discussed a request from the Chamber of Commerce for the Town to purchase one Bi-Centennial art project state silhouette. This project was designated as one of the Legacy Bicentennial projects by the Bi-Centennial Commission. The Chamber was visited last Friday by First Lady Pence to show her the project. The silhouettes are made by a local resident, Jason Mantel, out of recycled wooden pallets. His wife has done some of the artwork on them. A brand was created by one of the Chamber members and is stamped on each silhouette. Council Member Carnahan discussed past community art projects. Town Administrator Murr discussed the silhouette's beginning to pop up around town and stated the new Town brand would look good on one. She recommended purchasing a large silhouette. Council Member Carnahan asked about purchasing two for the Town Grounds and then made the motion.

Motion to purchase two of the large silhouettes made by Robert Carnahan 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. President Niemeyer assumed that this would be purchased out of the Town Promotion line. Clerk-Treasurer Gross concurred.

4. Cedar Lake Historical Association - Craft Beer Event (Strategic Plan: An Engaged Community)

Town Administrator Murr discussed a request from the Cedar Lake Historical Association for use of the Town Grounds and permission to serve alcohol on September 3, 2016 for a Craft Beer Tasting Event. Mr. Laud with the Historical Association stepped forward and further discussed the event and the next steps to take place. President Niemeyer discussed the recent wine tasting event held by the Cedar Lake Historical Association at the Lighthouse. He congratulated Mr. Laud for the successful event.

Motion to approve Cedar Lake Historical Association Craft Beer Event Request made by Ralph Miller with second by John Foreman. President Niemeyer asked Mr. Laud about getting the proper licensing. Mr. Laud stated yes they were. 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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5. Proclamation – Fibromyalgia Awareness Day – May 12, 2016 (Strategic Plan: An Engaged Community)

President Niemeyer read a Proclamation declaring May 12, 2016, Fibromyalgia Awareness Day.

Motion to approve Proclamation made by Julie Rivera 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.

6. Sweet Corn Sale Request (Strategic Plan: An Engaged Community)

Town Administrator Murr stated Mark Christenson received permission again from Al Bunge of True Value to use his lot to sell sweet corn from June 22, 2016 to August 31, 2016. This includes having a 3x5 sign at the site.

Motion to approve Sweet Corn Sale Request 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.

7. Cinco De Mayo Event – May 12, 2016 – La Gaviota Mexican Restaurant (Strategic Plan: An Engaged Community)

Town Administrator Murr discussed a request from the owners of La Gaviota Restaurant regarding a Cinco De Mayo Event and approval of proposed outdoor seating and activity area for their event. They have put in a request to the State catering authority and excise for outside alcohol sales. The Police Department has been notified and made aware of the event, should the Council approve.

Motion to approve Cinco De Mayo Event Request from La Gaviota Mexican Restaurant on May 12, 2016 made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

8. Water Utility Van Purchase (Strategic Plan: A Thriving Local Economy, A Secure Future)

Town Administrator Murr discussed the Water Utility looking for authorization to purchase a van in an amount not to exceed \$24,000. They are looking at new 2016 cargo vans, possible demos. When a van was purchased a few years ago, a depreciation fund was established. Instead of having a lease payment go to a leasing company and paying interest, the money was put into a depreciation fund to start building a fund to purchase a new van. Currently, there are six new van quotes, but just today a new demo van came up, that falls within the criteria. President Niemeyer asked what piece of equipment this would be replacing. Town Administrator Murr stated this would not be replacing but be in addition to.

Motion to approve recommendation for Water Utility Van Purchase not to exceed \$24,000 made by Richard Sharpe with second by John Foreman. Council Member Miller asked if a pick-up truck would work as well. Town Administrator Murr stated a van would be more advantageous to protect equipment such as meters and tools from the elements. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – No, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1.

COMMITTEE REPORTS

- 1. Public Works and Safety** – President Niemeyer discussed an informative meeting in Schererville last week regarding the options for growing communities of developing a fire territory.
- 2. Park and Recreation** – Town Administrator Murr discussed the soccer program having 164 participants registered. The Public Works Department recycled the old Town Grounds sign and installed it this past week at the newly renamed Cedar Lake Clubhouse.
- 3. Redevelopment** – Council Member Carnahan discussed the Redevelopment Commission looking into their finances. He also discussed the recent 16+ Meeting and concern over big box stores trying to have their taxes reduced. A lengthy discussion continued on how this would affect TIF districts for communities in the area.
- 4. Planning** – Council Member Foreman briefly discussed growth and interest in the TIF district on US 41.
- 5. Council Affairs** – President Niemeyer discussed the committee needing to meet with the Clerk-Treasurer regarding budget reductions.
- 6. Utility** – No report.
- 7. Street** – No report.

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TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Parker brought up what Mr. Govert had discussed early about appraisals for the lost property in August Oaks. He asked if it was possible to get another appraisal. Town Attorney Austgen stated they could and they should. Greg Parker made a motion to amend the agenda and allow for that direction. A second was made by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

The item for consideration is direction for ordering another appraisal for the August Oaks Park and outlot parcels. Robert Carnahan made a motion with a 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.

2. **Town Attorney** – No legal report. He requested well wishes for his nephew who will be competing in the upcoming Olympic wrestling trials.
3. **Clerk-Treasurer** – Clerk-Treasurer Gross discussed having the final draft ready for budget cuts. She discussed meeting with one or two departments to finalize items and then she will contact the Council Affairs committee to discuss a meeting time.
4. **Town Administrator/Staff** – Town Administrator previously reported. Operations Director Kubiak discussed leftover funds from the street project that will be used to mill and resurface Parrish Avenue from 137th Avenue North to the Town limits, as well as 137th Avenue to the railroad tracks.

WRITTEN COMMUNICATIONS

1. Cedar Lake Ministries – A thank you letter was for use of the ice rink this past season.
2. Christopher B. Burke Engineering Report – Town Administrator Murr discussed an update since the report was written, ASA Darcy will be briefed this week on the Ecosystem Restoration Project. The Safe Routes to School Sidewalk Project is moving forward and anticipated for the summer. The 133rd Avenue Road Project is contingent on weather.

PUBLIC COMMENT

Mario Devila, Havenwood resident, asked about what assurances can be given regarding no rate increase once the Town opts-out of the IURC. President Niemeyer stated right now the Council could make the same request for a rate increase that they could if they were out of the IURC. While there are no assurances that it could stay the same, there are no current plans to raise it. A very lengthy discussion continued regarding the rate structure and usage, the IURC Opt-Out, and the sustainability of the Town utilities.

Trent Vanderzee, 13731 Deodor Street, complimented the Council and thanked them for their forward effort to benefit the community.

Wally Boilek, 12620 Marsh Landing Parkway, voiced concerns regarding a contractor and issues with work done on his home that failed inspection. He asked about what the Town can do to protect citizens from predatory contractors. Council Member Parker asked if he was licensed in the Town. It was answered he was not anymore. Mr. Austgen asked if the contractor had a bond on file. Mr. Kubiak stated that the contractor license expired since the bond that was on file was not renewed. He stated this has been an ongoing issue. A lengthy discussion continued on the issue and what could be done. Mr. Austgen stated that it's come to the point where Mr. Boilek needs to seek legal counsel. Mr. Boilek again asked how the Town could protect citizens. Council Member Foreman discussed bringing awareness to citizens regarding how the state law works in the next newsletter issue. Further discussion continued on the situation, building code and licensing enforcement, and repercussions regarding licensing lapses.

Trent Vanderzee 13731 Deodor Street, stepped forward and suggested possible monthly review of open permits and contractor standings.

Janice Boilek, 12620 Marsh Landing Parkway, added that she's been going through the building information online about different regulations in the Town and stated she thought there was something in there that talked about the ability to enforce penalties on contractors regarding those that don't meet their obligations. Council Member Parker asked if they had his bond then they could. Mr. Kubiak discussed fines for those that don't meet their obligations towards the permit. But in this case everything expired about the same time. Discussion continued on possible action moving forward.

Josh Govert, 12550 Tall Oaks Drive, voiced concerns regarding the ability to contact someone familiar with the flooding situation now that the non-emergency number no longer works. Chief Smith discussed that folks need to dial 911, if they dial the non-emergency number it will ring at the same place. The same policy is in place and the dispatchers have the same contact information for the street department. A lengthy discussion continued regarding the process. Mr. Govert also discussed the previous issue brought up by Ms. Rebecca Govert regarding the growing hole. It was again discussed that Mr. Kubiak would be going back out to assess the situation. A very lengthy discussion continued on that subject, the August Oaks Outlot, and the Wicker Meadows flooding issues and future action regarding each project. Chief Smith addressed Mr. and Ms. Govert regarding whom to call. A brief discussion continued regarding the consolidated communication lines and further addressing items with them. Mr. Govert briefly discussed licensing issues and enforcement as well.

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ADJOURNMENT President Niemeyer called the meeting to adjournment at 9:05 PM.

An Executive Session was advertised and conducted at 6:00 PM and following the meeting, 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

Greg Parker, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

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.