

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



June 7, 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 HEARING**

**Partial Utility Easement Vacations  
12920 Grasselli Street (Lot 18)  
9810 A&B West 129<sup>th</sup> Place (Lot 223)**

- a. **Attorney Review of Legal Notices** - Town Attorney Austgen stated he received the proof of publication and notices were posted on 5/23/2016 in the The Times and The Post Tribune. He also added that there is consent to partially vacate the utility easement of Lot 18. There has been a change of ownership.
- b. **Petitioner's Comments** – Mike Anderson, attorney for Monastery Woods Development LLC, discussed the petitioner seeking to vacate the south two feet of a fifteen foot utility easement on Lot 18. For Lot 223, the petitioner is seeking to vacate two feet of a twelve foot utility easement. He briefly discussed setback requirements.
- c. **Remonstrators - None**
- d. **Town Council Discussion** – Mr. Parker discussed the purpose of easements and asked how this happened. Doug Rettig, Land Technologies, answered that Lot 18 was an inadvertent mistake by the concrete company and Lot 223 was an honest mistake by the surveyor.
- e. **Town Council Decision**  
A motion to approve the partial utility easement vacations for Lot 18 and 223 was made by John Foreman with second was made by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeier – Yes. Vote: 5 to 2.

**PUBLIC COMMENT**

Laura Sechen, 13405 Morse Place, voiced concerns regarding excessive garage sales. She asked about the possibility of creating an ordinance regarding the number and length of garage sales allowed. A lengthy discussion occurred on limitations and the logistics of creating and enforcing such an ordinance. John Foreman made a motion to amend the agenda and allow items for consideration. A second was made by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

First item is the consideration of the development of a garage sale ordinance. Giving direction to Council Members Rivera and Miller, Town Administrator Murr, and Town Attorney Austgen to work together to develop the parameters of the ordinance and draft it for Council consideration.

Motion to approve the direction made by John Foreman 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.

Josh Govert, 12550 Tall Oaks Drive, asked for a status update on Wicker Meadows and the appraisal of the parcel in August Oaks. Council Member Rivera stated that the two property owners in Wicker Meadows have been contacted. One has agreed to the easement agreement and they are awaiting an appraisal on the other. Town Attorney Austgen updated that the appraiser has been retained for the parcels in August Oaks. They should know numbers within the next week.

**CONSENT AGENDA**

**Minutes:** May 17, 2016 Public Meeting Minutes

**Docket:** June 7, 2016 – All Town Funds \$213,010.30, Wastewater \$76,297.28, Water \$48,133.68, Storm Water \$9,052.65, Payroll 05/19/16, 06/01/16, & 06/02/16 \$409,130.65

**Manual Journal Entries:** May 1-31, 2016

**Donations:** VIPS - Elmwood Funeral Home \$40.00, Lady Lioness \$50.00  
Cedar Lake Soccer – Strack & Van Til – In-Kind \$94.65

**Refund for Gazebo:** Teruel \$26.75

**Eagles Nest and Town Grounds Waiver of Fees:** Gateway Church's Field Day May 24, 2016

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**Town Ground and Stage Waiver of Fees:** Cedar Lake Historical Association August 28, 2016

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**ORDINANCES**

**1. Ordinance No. 1240 – Zoning Amendment – Goc & Cox, 8600 W. 139<sup>th</sup> Court (Strategic Plan: An Effective Organization)**

Council Member Parker read by title only. Town Attorney Austgen summarized as a zone map amendment ordinance that received a favorable recommendation from the Plan Commission, with conditions. Mike Weiser, discussed the written commitments and the petitioner agreeing to all of them but one. They disagree with the condition of removing the overhead doors. A discussion continued on zone change reasoning, the ordinance, and the overhead doors. Town Attorney Austgen discussed the tools being available and stated if there was an additional reference to the use, with an exception, this could be resolvable. A discussion continued on reforming the written commitment, to add the exclusion of and the acceptable or approved uses.

Motion to adopt Ordinance No. 1240, with the zoning commitment and amendment of rhetorical paragraph 6 to exclude use on the property of the specified objectionable uses to be identified by the attorneys', 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

**2. Ordinance No. 1234A – Amendment to Materiality Threshold (Strategic Plan: A Secure Future, An Effective Organization)**

Council Member Parker read by title only. Clerk-Treasurer Gross discussed an amendment to the Materiality Threshold being needed. After the financial consultant spoke with the auditors at the firm, it was determined that the threshold should be a calculation based on revenues. It was determined that the Materiality Threshold for Government Activities and Sewer Utility will be \$3,000. For the Water Utility the threshold will be \$1,000. For the Storm Water Utility the threshold will be \$500.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1234A was 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

A motion to suspend the rules and allow for a second reading was 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

Council Member Parker Read Ordinance No. 1234A by title only.

Motion to adopt Ordinance No. 1234A 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

**3. Ordinance No. 1243 – Job Description Amendment (Strategic Plan: A Secure Future, An Effective Organization)**

Council Member Parker read by title only. Town Administrator Murr stated this is an update to the job descriptions of the Fire Chief, Assistant Fire Chief, Fire Department Captain, and Fire Department Lieutenant. This allows for more flexibility in their assignment and cross training responsibilities.

A motion to approve the 1<sup>st</sup> reading of Ordinance No. 1243 was 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

A motion to suspend the rules and allow for a second reading was 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

Council Member Parker Read Ordinance No. 1243 by title only.

Motion to adopt Ordinance No. 1243 made 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

**PLAN COMMISSION & BZA**

**1. Monastery Woods Development, Zoning District Amendment (Strategic Plan: A Secure Future)**

Plan Commission sends a Favorable Recommendation to the Town Council to amend the zoning district classification from R-M to R-2. Mr. Kubiak stated this is in regards to a

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couple lots on the southwest side of Monastery Woods South. Council Member Foreman added that originally the lots were designated as a walking path but the school decided they didn't want the path in that area on the school property. The plan is to shift the path more towards the east.

Motion to approve Monastery Woods Development, Zoning District Amendment 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. Town Attorney Austgen asked if there was an ordinance prepared for the item. Town Administrator Murr stated one would be prepared for the next meeting.

**NEW BUSINESS**

**1. Asset Management Plan (Strategic Plan: An Engaged Community, An Effective Organization)**

Town Administrator Murr stated at the last Council meeting, VS Engineering presented a Maintenance and Improvement Plan, which encompasses the Asset Management Plan. After the last meeting, Christopher B. Burke Engineering also presented an Asset Management plan proposal. The cost for VS Engineering is \$26,000 and Christopher B. Burke Engineering is for \$12,240. Council Member Foreman asked if this was necessary. Town Administrator Murr answered that a current asset management plan is needed in order to apply for future federal funding. It is also needed for the application for the Community Crossroads Grant. President Niemeyer asked Mrs. Murr to explain the disparity in the proposal amounts. She answered the VS Engineering would be starting from scratch to develop the plan and Christopher B. Burke Engineering would be updating roadway data from a prior plan. President Niemeyer asked how this was brought to Mrs. Murr's attention. She answered that by attending NIRPC meetings, INDOT meetings, and speaking with Julia Surber at these meetings. A brief discussion continued on the need for the plan, state compliance, and the opportunity for money for road projects.

Motion to approve Asset Management Plan with VS Engineering for \$26,000 made by Greg Parker with second by Ralph Miller. Council Member Foreman stated that it wouldn't be very responsible. It's a lot of money. He asked that the motion be removed and the road committee address this with the Public Works Director and Mrs. Murr. Roll call vote: Carnahan – No, Foreman – No, Rivera – No, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 4 to 3.

**2. Monastery Woods South Property Transfer (Strategic Plan: An Engaged Community)**

Town Administrator Murr stated that at the last meeting it was presented to potentially convey property back to the development and have sidewalks installed along the Town water tower property. This would convey people across the water tower property up along the edge of the school property. The school property as part of their master plan has plans to install a sidewalk that goes along their practice fields. There would be a connection from Parrish Avenue, across the water tower property, and potentially behind the library and into the school. This would get people into the business district. The feasibility of putting sidewalks on Parrish is slim as previously discussed. Space is limited. Previously, Attorney Anderson offered approximately \$10,000 in sidewalks to be installed and the property would be conveyed back to Monastery Woods Development.

Motion to approve Monastery Woods South Property Transfer in the amount of \$10,000 and have Mr. Austgen draft the necessary documents made by Robert Carnahan with second by John Foreman. Discussion continued on whether payment would be in value of sidewalks or cash. It was amended to be \$10,000 cash payment. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**3. Water Tower Grout (Strategic Plan: A Secure Future, An Effective Organization)**

Town Administrator Murr explained that quotes were solicited for the Parrish Avenue Water Tower for grout repairs. Four quotes were received back. C&S Concrete Construction gave the lowest quote at \$4,290. However they have no experience with water towers. She recommends awarding the project to Pittsburg Tank & Tower Maintenance for \$9,200. The project will be paid out of the Water Utility Fund.

Motion to accept the proposal of Pittsburg Tank & Tower Maintenance for \$9,200 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.

**4. Senate Resolution No. 12 (Strategic Plan: A Secure Future)**

President Niemeyer stated a letter was sent to him from Senator Rick Niemeyer. He is asking for support in the recently passed Senate Resolution 12, regarding the Motor Vehicle Inspection and Maintenance Programs in Lake and Porter Counties.

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Motion to support Senate Resolution 12 made by Robert Carnahan 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.

**5. Drainage Proposal for 137<sup>th</sup> Avenue & Lauerman Street**

Town Administrator Murr explained that before them is a proposal for drainage improvements in the area of 137<sup>th</sup> Avenue and Lauerman. The Storm Water Board approved this proposal at their last meeting. The goal is to have it installed before the Safe Routes to School Project gets to that intersection. Cedar Lake Ministries has agreed to put the outlet storm sewer within their property and are offering \$6,000 towards costs. Christopher B. Burke Engineering recommends having an access agreement prepared by the Town for use in the property. The proposal from Christopher B. Burke Engineering is for \$8,400.

Motion to approve Drainage Proposal Agreement with Christopher B. Burke Engineering for \$8,400 made by Greg Parker with second by Julie Rivera. It was clarified that the \$6,000 would go towards construction costs not the proposal. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**COMMITTEE REPORTS**

- 1. Public Works and Safety** – President Niemeyer discussed another meeting on the proposed fire territory. It would include the entities of Schererville, St. John Township, St. John, Hanover Township, and Cedar Lake. It was productive and they should be getting a proposal soon from Umbaugh and Associates for financial work on the territory.
- 2. Park and Recreation** – No report.
- 3. Redevelopment** – No report.
- 4. Planning** – No report.
- 5. Council Affairs** – No report.
- 6. Utility** – No report.
- 7. Street** – Council Member Parker discussed wanting to keep road reconstruction projects moving forward, especially for High Grove and South Shore areas. Discussion continued on keeping the lines of communication open and funding options.

**TOWN COUNCIL REPORTS**

- 1. Town Council** – Council Member Parker discussed the Ecosystem Restoration item being tabled at the last meeting. He asked for it to be removed from the table. Council member Foreman asked for it to be put back on the agenda. Council Member Rivera made a motion to remove the item from the table. A second was made by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

The item to be discussed is the fund designated to the Ecosystem Restoration Project. For two budget cycles now, there has been an open budget item of \$15,000 designated to the train. Council Member Foreman discussed his thoughts of placing monies in the Ecosystem Restoration fund. Discussion continued on CEDIT collections and the possibility of moving money to the Ecosystem Restoration fund. Council Member Parker made a motion to amend the agenda to consider the elimination of the train fund. No second was made, motion died. Council Member Foreman asked for it to be added to the next agenda. He added that Council Member Carnahan did a great job with his speech at the Memorial Day Observance. He asked to make a motion to amend the agenda to get the grass cut at the old Eller Brady Funeral Home. Town Administrator Murr stated that the legal process is being followed. Mr. Foreman discussed having Town Administrator Murr draft a letter to the Summerfest Committee asking them to make a donation to the Ecosystem Restoration Project. President Niemeyer suggested adding that to the next agenda. Council Member Foreman asked for an update on the Roundabout Project and Mr. Harkabus's concerns. Town Administrator Murr stated she is working with the engineer to get Mr. Harkabus answers. Council Member Foreman discussed complaints from Havenwood residents in regards to the smell coming from the Public Works. He discussed the possibility of improving policies in place in regards to yard waste.

- 2. Town Attorney** – No report.
- 3. Clerk-Treasurer** – Clerk-Treasurer Gross discussed the tax advance arriving in the amount of \$459,990. \$313,779 goes to the General Fund but the General Fund owes the Wastewater Utility for temporary loans of \$750,000. The Innkeeper's Tax Distribution came in at \$4,725. \$3,800 of that will be going to the Cedar Lake Conference Association as previously approved. LOIT money has been received in an amount of \$188,453.49. It

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has all been put into one fund with the thought that they would like to spend it all on roads. The IACT Budget Workshop was last week. Financial Consultants encourage budgeting based on realistic revenues and maintain cash reserves. The CCD Rate reestablishment will be on the next agenda. Contract reporting is another state requirement effective July 1, 2016. President Niemeyer thanked Cedar Lake Ministries for stepping up for the drainage project.

4. **Town Administrator/Staff** – Town Administrator Murr added that Soccer was successfully completed with 168 participants. Hanover Community Schools recently had a successful outdoor concert on the Town Grounds. They've already reserved a date for next year. In regards to the Ecosystem Restoration Project, the Army Corps will be at an upcoming meeting to update the Council on the project. Jane Ball SRTS Project is underway. Construction should be starting on Monday. Finishing up on 133<sup>rd</sup> Avenue. Working on scheduling the walk through. Chief Wilkening updated the Council on the beginning of a Veterans Affairs Committee. To date, there are over 200 Veterans in our community. They are working on plans and programs for helping the Veterans of the community. The ladder truck should be back tomorrow. Repairs have been substantial but the fleet will be in good shape once those are done.

**WRITTEN COMMUNICATIONS**

1. Christopher B. Burke Engineering Report – Previously reported.
2. Building Department Report – For the month of May, there were 17 new permits. This is a new record. For the year, there have been 45 new residential permits totaling just over \$6.2 million. There have been 151 alteration permits year to date with a value of approximately \$1.1 million.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:48 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.