

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



June 16, 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	

**Council Member John Foreman arrived after the Oath of Office was given to Patrick Scoleri & Michael Whiltshire.*

OATH OF OFFICE

Medic/Firefighter, Patrick Scoleri and Volunteer Firefighter, Michael Whiltshire received the oath of office by Clerk-Treasurer Gross.

PUBLIC COMMENT

Mitchell Dudlak, 12801 Oak Street, commented that he has almost been hit, twice, near the basketball court at the corner of 132nd Avenue and Marquette Street. He's mentioned a few times that a stop sign might be a good idea there.

John Schutz, 13522 Schneider Court, commented that with the road project a lot of traffic is diverted through Hanover Park. Vehicles are driving through stop signs.

Kathryn Hoover, 13240 Truman Circle, commented that as you turn on to Washington Street, a house that was recently rehabbed and has a new yard, has water running from it that is damaging the road and ruining the yard across the street.

CONSENT AGENDA

Minutes: June 2, 2015 Public Meeting Minutes.

Docket: June 2 – All Town Funds \$146,445.73, Wastewater \$114,011.17, Water \$27, 269.67, Storm Water \$1,203.36, Payroll #136 & #137 - \$222,481.79.

JMA Architects Invoice - \$8,500.00

Shelter Request - Holy Name Catholic Church use of Band Shell and Cardinal Roost Shelter Waiver Request on September 12, 2015

Permit Fee Waiver Request – Cedar Lake Summerfest request waiver of permit fee for fireworks.

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 commented on the final payment due to Allied Waste Services. Roll call vote: Carnahan – Yes, Foreman – Yes, Julie Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

ORDINANCES & RESOLUTIONS

1. Resolution No. 1140 – Transfers within General Fund – Fire & EMS

Clerk-Treasurer Gross read by title and summarized as transfers within the General Fund to be done at the request of Chief Wilkening to promote two officers to Captain position. This will also help cover other necessities that may arise for Fire & EMS operating expenses during the rest of the year. As well as, a transfer within Town Council department from group health for new recording secretary line. Monies to be transferred within the General Fund as follows:

\$	1,800.00	From: 110 – Commission	To: 112 – Full-Time
\$	700.00	From: 111 – Fire Chief	To: 112 – Full-Time
\$	5,000.00	From: 221 – Fuel	To: 112 – Full-Time
\$	3,500.00	From: 231 – Tools	To: 112 – Full-Time
\$	500.00	From: 231 – Tools	To: 123 – PERF
\$	1,000.00	From: 232 – Tire Replacement	To: 123 – PERF
\$	1,500.00	From: 121 – Group Health	To: 115 – Recording Secretary

Motion to approve made by Greg Parker with second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Ordinance No. 1219 – Police Equipment Non-Reverting Fund Amendment

Council Member Casassa read by title only and brief explanation given by Clerk-Treasurer Gross. This is an ordinance amending Ordinance No. 1127. Clerk-Treasurer Gross explained that this was a request by Chief Smith to utilize the Police Equipment

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

Non-reverting fund for training purposes. Town Attorney Austgen commented that this adds the law enforcement education component to the permitted uses of the funds.

Motion to approve first reading made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

President Niemeyer stated he would consider a motion to suspend the rules that allow for a second reading. Motion made by John Foreman with second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Second reading by title only from Patsy Casassa. **Motion to adopt Ordinance No. 1219** made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Ordinance No. 1220 – Salary Ordinance Amendment Part Time Clerks Pay Distributions

Council Member Casassa read by title only and brief explanation given by Clerk-Treasurer Gross. Clerk-Treasurer Gross stated that this is a housekeeping item for the Clerk-Treasurer's office. There is currently a town part time utility billing clerk position, this is to evaluate and see if there is a need to change the allocation of pay. Also, the position of town utility support assistant was added. Clerk-Treasurer Gross stated it was previously in an ordinance and added it, based upon how staffing proceeds over the course of the year. That way the position is there if need be. The rate of pay does not change.

Motion to approve first reading made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

President Niemeyer stated he would consider a motion to suspend the rules that allow for a second reading. Motion made by Greg Parker with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Second reading by title only from Patsy Casassa. **Motion to adopt Ordinance No. 1220** made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Ordinance No. 1221 – Bond Ordinance – Road Improvements 2015 CEDIT Bonds

Council Member Casassa read by title only and brief explanation given by Town Attorney Austgen. Town Attorney Austgen stated this was the capital funding source for the Town Council's anticipated 2015 road project. These funds are to be raised in the amount not to exceed \$1.3 Million at an interest rate not exceeding 5% over a term of +/- 10 years. The ordinance authorizes the issuance of the bonds for the purpose of the road project. It was stated that this was an introduction of the ordinance, next meeting would take place on July 7, if processed favorably. The terms and probations are standard and it's anticipated that this would be a single purchase bond issue by a sophisticated investor. The town is on task and on time for early August funds for commencement of the road project.

Motion to approve first reading made by Julie Rivera with second by Patsy Casassa. President Niemeyer asked if the list will be available for public viewing. Town Attorney Austgen stated that yes it would. President Niemeyer asked for clarification from Council Member Parker why these roads were sighted for repair. Council Member Parker stated they could be resurfaced because the drainage and infrastructure works on these roads.

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

5. Ordinance No. 1222 – Additional Appropriation Ordinance – Road Improvements 2015 CEDIT Bonds

Council Member Casassa read by title only and brief explanation given by Town Attorney Austgen. Town Attorney Austgen stated this was the bond authorization to expend the funds once they are raised. Standard form, \$1.3 Million dollars, a public hearing will be held next month and a meeting of Town Council will be duly advertised. Council Member Carnahan questioned the 10 year time frame it would take to pay the money back. Town Attorney Austgen stated it was plus or minus 10 years, depending on the interest rates.

Motion to approve first reading made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

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

BZA

1. Yvonne Taves – 13424 Morse Street – Special Use Variance

The Board of Zoning Appeals sent a favorable recommendation to the Town Council for the requested Special Use Variance to allow the Petitioner to operate Wahlberg Photography, a photography studio, out of a residential property. The hours of operation would be Monday-Friday from 9AM-5PM and weekends by appointment only. Parking would be in front of the residence for the company vehicles and a few customer parking spots. Any parking lot expansion is to be approved by the Building Commissioner and to include the findings of fact. Yvonne Taves stated she bought the company a couple years back and is trying to build the company up again. The business has grown and it's becoming harder to accommodate customers. She would like to be able to accommodate customers and make it safer for them to park at the residence. President Niemeyer stated that it was exciting that Ms. Taves has decided to carry on the well know name of Wahlberg Photography. Council Member Carnahan stated that he was at the BZA meeting and everyone there supported it with the findings of fact.

Motion to approve made by Robert Carnahan with second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

NEW BUSINESS

1. Town Hall Building Corp. 1995 Mortgage Bonds Maturity (Strategic plan: An Effective Organization)

Clerk-Treasurer Gross explained that the 1995 Mortgage Bonds which were used for expansion and remodeling the Town Hall have now matured. They were paid off early. The funds were returned to us from US Bank and the recommendation from Town Attorney Austgen was to place them in the General Fund, with the potential to do an additional appropriation for these funds. Total amount is \$50,238.42 because of the unused debt service of \$26,353.57 and the unused Operation & Reserve Fund at \$23,884.85. Town Attorney Austgen commented that the excess funds need to be put back in the general fund, with additional appropriation. The bond issue is the authority to spend the cash and have a plan for use of the funds. He also stated that the Building Corporation Board of Directors needs to meet to discuss release of the mortgage that partially secured the financing and make sure that the entirety of the property is free and clear in the name of the Town. Request to approve dormant funds transfer. Request to proceed with additional appropriation.

Motion to approve made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Clerk-Treasurer Gross added that there has been some discussion in the office for the use of funds. She recommends that the funds go back into the maintenance and improvement of the building. Town Attorney Austgen concurred.

2. Engagement Agreement – Blue & Co., LLC – Ambulance Billing Medicaid Reimbursement (Strategic Plan: An Effective Organization)

Town Administrator Murr commented that this is an agreement proposal to recapture some of the Medicaid ambulance costs. There is a free standing government ambulance provider cost report from the years ending 2013, 2014, 2015 where we can recapture some of the money that we don't collect on ambulance calls that are made for Medicaid patients. It is currently anticipated that we could collect about \$9,000.00 for 2014 with the fee being a contingent fee of 20% of the money collected. Council Member Carnahan made a motion to defer. Council Member Parker asked if it would create a problem for the Town Administrator. Town Administrator Murr stated that it would because an extended deadline for 2014 of July 15, 2015 has already been given. Town Administrator Murr would recommend a favorable action occur being subject to Town Attorney Austgen final review. Motion withdrawn from Council Member Carnahan.

Motion to move forward with recommendation made by Town Administrator Murr made by Greg Parker with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Agreement – Lake County Soil and Water Conservation District – Public Education, Outreach, Participation and Involvement – MS4 Water Quality Program Outreach (Strategic Plan: An Engaged Community)

Town Administrator Murr commented that this is an agreement with Lake County Soil and Water Conservation District to provide public education and outreach at local schools for our storm water program. It is for a cost of \$1,278.00, this would be an annual fee. This would be in compliance with part of the Town's MS4 requirement to have community outreach. Town Administrator Murr reiterated that the Town recently had the MS4 Good Housekeeping Audit and had no unfavorable marks against the Town. Council Member Carnahan commented that NIRPC was doing this prior and asked if the pricing was equivalent. Town Administrator Murr stated that it was.

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

Motion to approve the agreement made by Patsy Casassa with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Parrish Avenue Phase 1 Design Engineering Proposal – Nies Engineering (Strategic Plan: A Secure Future)

Town Administrator Murr commented that at the last council meeting direction was given to begin design for Parrish Avenue, from 137th Avenue to the current Town Limits. With timing and wanting to have some completion this year, Town Administrator Murr stated that after discussion among her and Mr. Simstad it was determined to put together Phase 1. After Phase 1 goes to construction, the design for the other Phases will follow. Other areas of Parrish Avenue are in need of wastewater and storm water infrastructure planning. Mr. Simstad agreed with Town Administrator Murr and stated this was a follow up from the June 2 meeting. After discussion, an accelerated schedule was reviewed. The utilities are in good shape but the road needs improving. The work for this year was phased for 137th Avenue and through, to include 141st Avenue. President Niemeyer asked if this would be able to be included with the neighborhood street projects. Town Administrator Murr stated this would be in addition to. President Niemeyer asked if the Town would be able to leverage purchasing ability of asphalt and other materials. Town Administrator Murr commented that would be discussed. Mr. Simstad commented that there is a difference in scope of work between the two street projects. When asked about the project timeline, he stated it would be accelerated. With projected schedule of plan and preparation to be advertised the first week of August, Bid openings toward the third week of August, and a bid award going to the last week of August. Mr. Simstad stated his recommendation for other phases being designed after the completion of Phase 1. Proposal amount for \$42,150.00, to possibly be paid from Storm Utility or Garbage funds, with a projected 45-70 day construction schedule.

Motion to move forward with Phase 1 Design Proposal made by Greg Parker with second by Patsy Casassa. Motion amended by Greg Parker to include August 3 as the date to have proposal prepared. Council Member Patsy Casassa concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

TOWN COUNCIL REPORTS

1. Town Council – President Niemeyer stated that at last meeting there was a deferred item about tag day planning. Council Member Miller stated he had not heard from anyone. No action at this time. President Niemeyer also spoke on the Town's new logo and suggested Council consider giving direction to legal counsel to file trademark papers of the Town's new brand to protect taxpayer investment and have authority over it.

President Niemeyer stated he would consider a motion to amend the agenda to consider the item. Motion made by John Foreman to amend the agenda and move forward with the vote to direct legal counsel to move forward, with a second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council discussed the recent rainfall and flooding among different areas in Town. Talk ensued about inviting the County Surveyor to a future meeting to discuss water flow in certain areas and the county owned ditches.

2. Town Attorney – No Report.
3. Clerk-Treasurer – Clerk-Treasurer Gross stated that the Town was in receipt of the annual Innkeepers Tax distribution of \$4,725.00. With \$3,225.00 going to the Cedar Lake Conference Association, also known as Cedar Lake Ministries and \$1,500.00 to the Cedar Lake Summerfest Committee. This is according to approval by Council on the date of March 3, 2015.
4. Town Administrator/Staff – Town Administrator Murr reported that garbage and recycling containers started being delivered to residents. At last meeting she was directed to draft a letter of interest for storm water projects. She stated a draft letter had recently been emailed.

Council Member Foreman spoke about the greatness of the community and how local athletes have excelled recently. He spoke about the Hanover High School Football Program golf outing on Saturday, June 20 at Pheasant Valley and one for the boys and girls golf teams on July 18 at Hanover Central.

Police Chief Jerry Smith updated Council that Officer Brumbaugh had tenured his resignation. The Police Commission Board held a special meeting to accept the resignation and sought permission to do an emergency hire. Accepting applications only from academy certified persons. Chief Smith also spoke about the E-85 fund. The money has been building in the account and has to be used for air quality. Chief Smith requested to the Police Commission because of the addition of the officers last year, to purchase an extra vehicle. The request for the purchase would be an outright purchase in the amount of \$34,458.44. The Police Commission board voted 3-0 in favor of the proposed

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

purchase. The funds would be distributed from within the police department's federal E-85 reimbursement funds. There is currently \$48,000.00 in the fund.

Motion made by Robert Carnahan to amend the agenda and move forward with the vote with a second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Request to purchase the vehicle outright, a Ford Police Interceptor E-85 Flex Fuel, Motion made by Julie Rivera with a second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – No. Vote: 6 to 1.

Building Commissioner Tim Kubiak reported that LGS Plumbing and Town & Country Paving are asking Council to consider shutting down one lane of the West Side Project for one day to pave the road. The company has a new tool that is able to pave 19 feet in one pass. Approximately two weeks out from paving. Building Commissioner Tim Kubiak recommends moving forward. Public Works Superintendent James Cornett concurred.

Motion made by John Foreman to amend the agenda and move forward with the vote with a second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – No. Vote: 6 to 1.

Motion to move forward with recommendation by Building Commissioner made by John Foreman with a second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – No. Vote: 6 to 1.

PUBLIC COMMENT

Kathryn Hoover, 13240 Truman Circle, spoke about Council discussing storm drainage issues but not Meyer Manor. She stated that Don LaTulip has all the natural drainage stopped up and going into the street. She thinks Cedar Lake should take a look at LaTulip and see why drainage is being stopped up. Build Commissioner Tim Kubiak Stated that DNR is currently looking into it.

Mitchell Dudlak, 12801 Oak Street, stated that the microphones don't seem to be set up. Some might be hard to hear. He also commented on the possibility of ticketing for cell phone and texting usage while driving.

Larry Stover, 13971 Orchard Drive, spoke about 140th Avenue and Binyon having potholes and patching not doing anything. The area flooded during the recent rains and no one opened the gate to allow residents to get out. Council discussed to have the gate automatically opened when it rains and floods.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Town Administrator Murr reported that a coordination teleconference meeting is scheduled for the Ecosystem Restoration Project to continue the project. Safe Routes to School right of way clearance is expected from INDOT mid-July. Once that clearance comes in Christopher Burke will finalize the plan set. 133rd Avenue Eastside Project is expected to close soon.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:51 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

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, 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.