

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



July 7, 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	

**INTRODUCTION**

Meeting began with the introduction of Lake County Surveyor Bill Emerson. Mr. Emerson briefly discussed his office's role in maintaining items such as county maps, the GIS, and the county storm water drainage system. He wanted to make himself available to the community for discussion on drainage issues, or any map or GIS questions. President Niemeyer spoke about Wicker Meadows, its drainage issues, and recent work to the pond. Discussion continued about Wicker Meadows and future work needed to alleviate flooding and the potential for the town and county to coordinate and work together and resolve the problem.

**PUBLIC COMMENT**

Ila Gallagher, 14133 Rocklin Street, commented on garbage service and the size of the toter. Stated they are too large for her to move after recent health issues. Would just like to set the bag of trash out. Was told she couldn't do that. President Niemeyer suggested Ms. Gallagher continue discussion with GMI Services Representative for resolution.

Richard Stech, 13514 Osborne, and Cecilia Rahaw, 11104 W 133<sup>rd</sup> Avenue, gave pictures to council and voiced concerns about accessibility at Ms. Rahaw's residence to the new sidewalk installed on 133<sup>rd</sup> Avenue. Spoke about the difficulty coming down the high slope and having access to the mailbox as well as access to the driveway.

James Laud, Sr., 15797 Stevenson Place, commented on being a representative of the Knights of Columbus and running their tag days. Discussed concerns about possible changes to the way Tag Days are conducted.

**PUBLIC HEARING**

**Ordinance No. 1222 – Additional Appropriation Ordinance – Road Improvements 2015 CREDIT Bonds**

**Attorney Review of Legals** – Attorney Austgen stated that the hearing was appropriately advertised. Notice appeared in the NWI Times and Post-Tribune on June 26, 2015.

**Opening Remarks** – Attorney Austgen explained that this is an additional appropriation for the bond issue so that authorization may be made for the road project financing.

**Reading of Ordinance No. 1222** – Council Member Casassa read by title only.

**Remonstrators** - None

**Council Discussion** - None

**Council Decision** – Motion to adopt Ordinance No. 1222 made by Greg Parker with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Julie Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

**CONSENT AGENDA**

**Minutes:** June 16, 2015 Public Meeting Minutes.

**Docket:** July 7 – All Town Funds \$817,475.84, Wastewater \$141,980.09, Water \$41,800.00, Storm Water \$80,666.04, Payroll #138,139,140 - \$392,458.96.

**June Journal Entry Report**

**D.A.R.E Donations** – Austgen Kuiper Jasaitis - \$300.00

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Patsy Casassa. Council Member Carnahan commented on the use of local businesses. 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. 1142 – Authorizing a Temporary Loan for the Redevelopment Authority 2011 A&B Bonds**

Clerk-Treasurer Gross read by title and summarized as the spring 2015 installment arrived late June, the Town received less than anticipated. Clerk-Treasurer Gross stated that as of June 30, ending cash balance was \$255,846.19, less repayment of the loan from previous Resolution No. 1132, \$20,943.13. This left a balance of \$234,903.06. Payment for the bonds of \$330,000 is due July 15. Clerk-Treasurer Gross stated that they had to borrow money just to end in a zero balance. The amount is \$95,096.94 from

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Wastewater Operating Fund to 2011 RDA A&B Bond Fund. Will be repaid with the Fall Installment by the end of December. Attorney Austgen commented that it was a standard resolution.

Motion to approve Resolution No. 1142 with the recommendations of the Clerk-Treasurer 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.

**2. Ordinance No. 1221 – Bond Ordinance – Road Improvement 2015 CEDIT Bonds (2<sup>nd</sup> Reading)**

Council Member Casassa read by title. Attorney Austgen stated that this authorizes the issuance of \$1.3 million of bond financing and at no more than 5% interest rate for the 2015 road improvement project. A list of roads can be found in Exhibit A. Council Member Carnahan commented on the blank spaces on Page 6. Attorney Austgen stated that this was a specimen of the bond to be issued at the closing of the bond transaction.

Motion to approve the second reading of Ordinance No. 1221 made by Julie Rivera 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.

Attorney Austgen recommended that a motion be made to place the Exhibit A list into the CEDIT Capital Plan.

Motion to include Exhibit A into the CEDIT Capital Plan 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.

**NEW BUSINESS**

**1. Sewer Utility Billing Elimination Agreement – 8029 Lake Shore Drive (Strategic Plan: An Effective Organization)**

Town Administrator Murr explained that Mr. Harkabus at 8029 Lake Shore Drive, had two residences at one property, one of the residences was removed and the sewer was capped, and he would like the sewer billing to end for said demolished property. Council Member Foreman reiterated that the residence has been demolished and properly capped. Building Commissioner Kubiak concurred.

Motion to approve Sewer Utility Billing Elimination Agreement made by Julie Rivera with second by Ralph Miller. Clerk-Treasurer Gross asked council to provide the official date of elimination of utility, as June 22, 2015. Motion amended to include the date of June 22, 2015 by Julie Rivera and concurred by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

**2. Hanover Central 2015 Football Advertising Sponsorship (Strategic Plan: An Engaged Community)**

Town Administrator Murr commented that Council received a request from Hanover Central Football for a donation in advertising. President Niemeyer stated that last year this was done as part of the brand roll out. Usually advertising with local or civic organizations is not done. President Niemeyer stated his opinion was not to move forward with it or we would have to advertise with everyone. Council Member Foreman stated that he thinks the school brings in a lot of tax revenue for the town and if utilized for marketing purposes this would be good marketing for the town.

Motion to move forward with advertising sponsorship made by John Foreman. No second was made. Motion did not carry. No action taken by the Council at this time.

**3. Public Works Truck Bid Award (Strategic Plan: An Effective Organization)**

Clerk-Treasurer Gross stated that three bids arrived. Town Administrator Murr commented that the bids were opened on June 30 and the item was not ready for recommendation. Town Administrator Murr stated that she and Building Commissioner Kubiak would like to review the bids further.

Motion to defer until next meeting 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.

**COMMITTEE REPORTS**

- 1. Public Works and Safety** – President Niemeyer commented that Chief Wilkening had discussed with him the organization of a public safety committee meeting to discuss equipment needs of the fire department. Discussion continued about the coordination for a meeting in the upcoming weeks. Council Member Carnahan voiced concerns about water that sits in the road to the East side of the viaduct on Lake Shore Drive. Discussion continued about the area and possible solutions. Council Member Carnahan also commented on water not getting to the drain in the area near 134<sup>th</sup> going into Cedar Point Park and the area near the golf course and flooding issues. A lengthy discussion

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continued on the matter. President Niemeyer asked Town Administrator Murr to present the items to the Storm Board to work towards a solution.

2. **Park and Recreation** – Council Member Casassa commented that the committee looked over the plan for Bartlett Wahlberg Park that was presented to them and it was out of budget. It has been officially named and the plaque has been ordered. After seeing a design idea, it has been scaled back a little. Town Administrator Murr stated that she spoke with Mr. Doniger and the design team was going to work on the suggested changes and get back to her within the week. President Niemeyer asked if parking was included. Town Administrator Murr answered yes. Council Member Carnahan commented on a resident who yelled at him about the current state of the park by the softball fields. Building Commissioner Kubiak discussed that he was out there recently looking into replacement of destroyed parts of the park. President Niemeyer commented on the possibility of Public Works staff having a checklist for an examination of equipment at local parks. Council Member Foreman commented that he and Town Administrator Murr met with a couple interested in working with the town to get an outdoor ice arena set up. They are going to present at the next park committee meeting. Town Attorney Austgen commented on the park and recreation impact fee. The current ordinance has an expiration date of October or November of next year. A drop dead date to have a seamless transition of the five year park and recreation impact fee of February 28 next year. Some action will be needed at the next meeting. Funds of \$175,000 are there and could be used towards park and recreation. President Niemeyer commented on the use of the public beach.
3. **Redevelopment** – No report.
4. **Planning** – No update on the progress of the zoning ordinance, it was postponed to the next meeting. President Niemeyer asked if the ordinance needed to incorporate exemption provisions that were part of the annexation ordinance. Town Attorney Austgen stated the ordinance worked for the exemptions. A lengthy discussion continued about zoning. Council Member Carnahan spoke about other communities passing ordinances allowing chickens. Discussion continued on the subject.
5. **Council Affairs** – Clerk-Treasurer Gross spoke about beginning work on next year's budget. She would like department heads to start doing their own budgets. She stated her department could help with review of the budgets. Discussion continued about meeting with department heads and Council Affairs.
6. **Utility** – President Niemeyer asked about maintenance of the water tower. Council Member Foreman asked about action on getting the water tower cleaned. Town Administrator Murr commented on cleaning being completed recently. President Niemeyer asked about painting the outside of the water tower. Town Administrator Murr stated it was a funding issue.
7. **Street** – President Niemeyer commented on the road project list being adopted this evening. Council Member Carnahan commented on the community block grant. Discussion continued on the legal requirements needed for easement documents. President Niemeyer stated that a process needs to be followed. Engage first, meet with engineers for design concept, committee meets to determine tools needed, information goes to legal, and wait for approval. Town Administrator Murr commented on the Public Works staff beginning installation of culverts for the road projects approved in Ordinance 1221 in preparation for paving. President Niemeyer stated that a large pot hole on 133<sup>rd</sup> Avenue West of Forestdale in the South lane has opened up again. Town Attorney Austgen reported that Parrish Ave Phase I is on task and on time.

**TOWN COUNCIL REPORTS**

1. Town Council – No Report.
2. Town Attorney – Town Attorney Austgen discussed closing in on the ownership of the Safe Routes to School sidewalk project, the Meyer Property. Four quitclaim deeds have been returned and need to be paid out to the Meyer Family. Town Attorney Austgen asked Council to consider a motion to accept the quitclaim deeds from C. Ronald Meyer, Mary M. Wilbar, Robert L. Meyer, and Terry R. Meyer. Town Attorney Austgen asked Council to consider a separate motion to accept the amounts of consideration to be paid to C. Ronald Meyer for \$299.07, Mary M. Wilbar for \$299.07, Robert L. Meyer for \$251.85, and Terry R. Meyer for \$550.93.

Motion to amend the agenda and consider the items 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.

Town Attorney Austgen repeated the first item for consideration.

Motion to accept quitclaim deeds as listed 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.

Town Attorney Austgen repeated the amounts for consideration.

Motion to approve to pay the amounts as listed made by John Foreman 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.

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Town Attorney Austgen commented on two tort claims related to 133<sup>rd</sup> Avenue Phase II. President Niemeyer asked if Town Attorney Austgen was going to ask for consideration of the items. He replied yes.

Motion to amend the agenda and consider the items made by John Foreman 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.

Town Attorney Austgen continued that the first claim was for property at 10819 W 133<sup>rd</sup> Avenue, for a supply part for repair at the property that was damaged by the project. It's an invoice for Leep's Supply Company in the amount of \$44.75. He continued that the second claim was for substantial structural damage at the property at 10929 W 133<sup>rd</sup> Avenue. There are four invoices, PGX, INC for \$6,324.98, Turkstra Electric LLC for \$418.90, Davco Refrigeration for \$540.70, and Home Depot for \$334.80 for a total of \$7,619.38. Town Attorney Austgen stated he has reviewed the matters and recommends the council consider acting on payment of the invoices, subject to a full release by the property owners for any further claims. Council Member Carnahan asked about turning things like this over to the insurance company. Town Attorney Austgen stated we usually do and will probably seek some recovery. This was a consequence of short notice and further action needing to be taken before further property damage occurs. Council Member Carnahan voiced further his concerns about being consistent in handling matters like this.

Motion to approve the payments as listed with contingency included for full release made by Ralph Miller 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.

3. Clerk-Treasurer – 2016 Budget was discussed during Council Affairs Report.
4. Town Administrator/Staff – Town Administrator Murr commented on June being an unprecedented month for the Building Department, with sixty permits for new homes and alterations. For the year this brings the town to 179 alteration permits and 50 new construction permits, \$6,789,760.00 worth of permits. Town Administrator Murr commented that the Town continues to participate in meetings with Christopher Burke Engineering and the Army Corps of Engineers on the Ecosystem Restoration Project. This project is moving forward toward the review board. On East Lake Shore Drive, handicapped ramps and cross walks are moving forward. Chief Wilkening commented on wanting to have a meeting with the Summerfest Committee to discuss traffic issues during the holiday weekend. Traffic was overwhelming on both evenings of the firework shows. Chief Wilkening stated that an emergency vehicle would not be able to have access. Police Bike Patrol was answering calls. Discussion continued on putting a better plan together.

**WRITTEN COMMUNICATIONS**

1. Christopher B. Burke Engineering Report – Town Administrator Murr reported during Council Reports.

**PUBLIC COMMENT - None**

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:39 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.

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

\_\_\_\_\_  
Randell Niemeyer, President, Ward 5

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Patsy Casassa, 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:

\_\_\_\_\_  
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.

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EXHIBIT A

Project Description

The capital and economic development projects that will be funded or reimbursed from the proceeds of the 2015 Bonds consists of improvements, repairs and replacements to certain roads and streets within the municipal corporate boundaries of the Town, including, but not limited to, the following roads and streets:

Street Name	From	To
130th Court	End	Dodge Street
Washington Street	Lake Shore Drive	American Legion
Washington Street	Marquette Street	LSD
Grimm Street	End	Bend
136th Court	Cedar Street	Morse Street
127th Place/Woodland	Parrish Avenue	End
Doffin Street	142nd Place	141st Avenue
Burr Street	142nd Place	141st Avenue
Burr Street	143rd Place	142nd Place
143rd Place	Burr Street	E. End
135th Place	US-41	E. End ROW
Schneider Street	133rd Avenue	N. End
Schneider Street	133rd Avenue	S. cul-de-sac
Osbourne Street	133rd Avenue	S. End
134th Avenue	Schneider Street	E. End
133rd Lane	Schneider Street	Osbourne Street
133rd Lane	Osbourne Street	E. End
140th Avenue	Binyon Street	W. End
133rd Lane	Woodmar Place	E. End
142nd Avenue	Parrish Avenue	Doffin Street
142nd Avenue	Burr Street	Lauerman Avenue
133rd Drive	E. of RR Tracks	End
134th Avenue	Morse Street	Sherman Street
140th Place	Morse Street	W. End
135th Place	US-41	Muir Street
142nd Avenue	Morse Street	W. End
Woodmar Place	133rd Avenue	S. End
136th Lane	Parrish Avenue	W. End
135th Place	Parrish Avenue	NW cul-de-sac
134th Court	Woodmar Place	W. End

as well as other infrastructure improvements, repairs and replacements in the Town, including, but not limited to, improvements, repairs and replacements to curbs, sidewalks and storm drainage facilities within the Town, any and all items related to such projects.