

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



December 2, 2014

**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 Vice President	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer President	Ward 5
Absent	Gregory L. Wornhoff Council Member	Ward 3	Present	Amy J. Gross, IAMC, MMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	David Austgen Town Attorney	
Present	Greg Parker Council Member	Ward 7			

PRESENTATIONS

Cal Bellamy, Shared Ethics Advisory Commission

This item was on the agenda; however Mr. Bellamy was not present.

Kay Whitlock, Christopher B. Burke Engineering

Ms. Whitlock presented an update to the Council on the Ecosystem Restoration project. There are two options: NER being the Army Corps of Engineers recommendation, and LPP being the Town's preference. See PowerPoint presentation at end of minutes for details.

President Niemeyer moved to an item on the agenda relating to the Ecosystem Restoration discussion. An updated letter was needed and signed by the President to show continued support for the project. This letter was submitted to the new colonel of the Army Corps (ACOE). Letter appears at end of minutes.

Motion to ratify execution of the letter to ACOE.

Motion: John Foreman		Second: Patsy Casassa			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

President Niemeyer read an email from a citizen who was grateful for Cedar Lake EMT's lifesaving efforts during a recent call.

PUBLIC COMMENT

Gordon Dickson, 8711 West 132nd Place – inquired about the Summerfest contract not on the agenda. President Niemeyer stated it was an oversight and will be discussed this evening.

CONSENT AGENDA

Minutes: November 18, 2014 Public Meeting
Claims: All Town Funds: \$165,007.63 Wastewater: \$255,322.42
 Waterworks: \$13,278.36 Storm Water: \$3,292.96
 Payroll #115: \$132,077.13

Motion to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed.

Motion: Ralph Miller		Second: Greg Parker			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

ORDINANCES & RESOLUTIONS

1. Resolution No. 1129 – Reductions to Appropriations

Clerk-Treasurer Gross read by title and listed the reductions by budget and fund as follows. She concluded by explaining that this is typically done to increase the cash balance at year end, thereby assisting with the 2015 budget. Total General Fund reductions \$185,500; grand total reductions \$376,500.

NUMBER	DESCRIPTION	REDUCTION
DLGF #0101 GENERAL FUND		
101-001-111	CT - CLERK-TREASURER	700.00
101-001-112	CT - FULL TIME	4,000.00
101-001-116	CT - OVERTIME	200.00
101-001-122	CT - FICA/MED	500.00
101-001-123	CT - PERF	600.00
101-001-124	CT - LONGEVITY	45.00

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101-001-211	CT - OFFICE SUPPLIES	115.00
101-001-331	CT - PRINTING SERVICES	100.00
101-001-394	CT - INSTRUCTION/TRAINING	400.00
101-001-396	CT - MISC SERVICES	5.00
101-001-397	CT - MEMBERSHIP DUES & SUBS	70.00
	Total Clerk-Treasurer Reduction	6,735.00
101-002-111	TOWN - ADMINISTRATOR	8,000.00
101-002-114	TOWN - CUSTODIAN	350.00
101-002-121	TOWN - GROUP HEALTH	7,500.00
101-002-122	TOWN - FICA/MED	4,000.00
101-002-123	TOWN - PERF	6,200.00
101-002-124	TOWN - LONGEVITY	80.00
101-002-125	TOWN - UNEMPLOYMENT	9,350.00
101-002-212	TOWN - POSTAGE	740.00
101-002-232	TOWN - TIRE REPLACEMENT	500.00
101-002-312	TOWN - ENGINEER	9,500.00
101-002-313	TOWN - OTHER PROF SERV	500.00
101-002-321	TOWN - PHONES	1,000.00
101-002-322	TOWN - TRAVEL EXPENSES	540.00
101-002-331	TOWN - PRINTING SERVICES	420.00
101-002-361	TOWN - EQUIP REPAIRS	545.00
101-002-362	TOWN - VEHICLE REPAIRS	1,050.00
101-002-363	TOWN - MAINT AGREEMENTS	80.00
101-002-394	TOWN - INSTRUCT/TRAINING	870.00
101-002-397	TOWN - MEMBER DUES & SUBS	710.00
	Total Town Council Reduction	51,935.00
101-003-118	PD - RESERVE OFFICER COURT	100.00
101-003-122	PD - FICA/MED	12,000.00
101-003-123	PD - PERF	20,000.00
101-003-321	PD - PHONES	1,360.00
101-003-322	PD - TRAVEL EXPENSES	1,000.00
101-003-445	PD - MACHINERY & EQUIP	3,250.00
	Total Metropolitan Police Reduction	37,710.00
101-004-111	PZB - BLDG COMMISSIONER	30,000.00
101-004-122	PZB - FICA/MED	3,000.00
101-004-123	PZB - PERF	4,000.00
101-004-211	PZB - OFFICE SUPPLIES	1,225.00
101-004-311	PZB - ATTORNEY	14,650.00
101-004-312	PZB - ENGINEER	12,025.00
101-004-313	PZB - PROF SERVICES	1,000.00
101-004-322	PZB - TRAVEL EXPENSES	500.00
101-004-331	PZB - PRINTING SERVICES	800.00
101-004-332	PZB - LEGAL ADS/PUB.	800.00
101-004-394	PZB - INST/TRAINING	1,000.00
101-004-396	PZB - MISC SERVICES	450.00
101-004-445	PZB - MACHINERY & EQUIP	1,000.00
	Total Planning, Building, Zoning Reduction	70,450.00
101-006-221	PW - FUEL	3,500.00
101-006-222	PW - OPERATING SUPPLIES	200.00
101-006-231	PW - REPAIR PARTS	100.00
101-006-232	PW - TIRE REPLACEMENT	200.00
101-006-233	PW - VEHICLE MAINTENANCE	500.00
101-006-361	PW - EQUIPMENT REPAIRS	300.00
101-006-362	PW - VEHICLE REPAIRS	500.00
101-006-394	PW - INSTRUCTION/TRAINING	300.00
101-006-396	PW - MISC SERVICES	1,300.00
101-006-397	PW - MEMBERSHIP DUES & SUBS	100.00
101-006-445	PW - MACHINERY & EQUIP	650.00
	Total Public Works Reduction	7,650.00
101-007-321	PK - PHONES	420.00
101-007-351	PK - NIPSCO	5,300.00
	Total Parks & Recreation Reduction	5,720.00
101-008-110	USB - HEARING OFFICER	150.00
101-008-119	USB - INSPECTOR	1,000.00
101-008-122	USB - FICA/MED	90.00
101-008-241	USB - MISC SUPPLIES & MATL	750.00
101-008-311	USB - ATTORNEY	2,000.00
101-008-313	USB - PROFESSIONAL SERVICES	900.00
101-008-332	USB - LEGAL ADS	200.00
101-008-396	USB - MISC SERVICES	210.00
	Total Unsafe Building Reduction	5,300.00

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Total General Fund Reduction		185,500.00
DLGF #0708 MOTOR VEHICLE HIGHWAY		REDUCTION
201-001-321	MVH - PHONES	1,200.00
201-001-322	MVH - TRAVEL EXPENSES	500.00
201-001-394	MVH - INSTRUCT/TRAINING	1,850.00
201-001-445	MVH - MACHINERY & EQUIPMENT	85,050.00
201-001-446	MVH - TRUCK LEASE	1,900.00
201-001-447	MVH - NEW TRUCK LEASE	5,000.00
Total MVH Reduction		95,500.00
DLGF #0706 LOCAL ROAD & STREET		REDUCTION
202-001-234	LRS - ASPHALT	35,000.00
202-001-238	LRS - EMULSION	20,000.00
Total LRS Reduction		55,000.00
TOWN #210 LAW ENFORCEMENT CONTINUING EDU		REDUCTION
210-001-241	LEEF - MISC SUPPLIES	5,000.00
210-001-445	LEEF - EQUIPMENT	5,000.00
Total LEEF Reduction		10,000.00
DLGF #2391 - CUMULATIVE CAPITAL DEVELOP		REDUCTION
402-001-452	CCD - 2014 DUMP TRUCKS	10,000.00
402-001-453	CCD - 5 TON DUMP TRUCK	10,000.00
Total CCD Reduction		20,000.00
DLGF #2430 - REDEVELOPMENT DISTRICT GENERAL		REDUCTION
404-001-111	RDC - TOWN MGR	250.00
404-001-114	RDC - SECRETARY	350.00
404-001-122	RDC - FICA/MED	350.00
404-001-123	RDC - PERF	350.00
404-001-211	RDC - OFFICE SUPPLY	200.00
404-001-212	RDC - POSTAGE	295.00
404-001-241	RDC - MISC SUPPLY & MATL	200.00
404-001-311	RDC - ATTORNEY	600.00
404-001-312	RDC - ENGINEER	350.00
404-001-322	RDC - TRAVEL EXPENSES	200.00
404-001-331	RDC - PRINTING SERVICES	175.00
404-001-394	RDC - INSTRUCTION	180.00
404-001-396	RDC - MISC SERVICES	800.00
404-001-397	RDC - MEMBERSHIP DUES & SUBS	200.00
404-001-445	RDC - EQUIPMENT	6,000.00
Total RDC Reduction		10,500.00
Total All Reductions		376,500.00

Motion to approve Resolution No. 1129.

Motion: Robert Carnahan		Second: Ralph Miller		Roll Call Vote: 6 to 0		
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

NEW BUSINESS

1. Republic Services Contract Renewal

Mr. Carnahan contacted the Town of Lowell who provided him with their proposal from Republic a year ago. Lowell was offered \$16.00 per unit per month from 2013 to 2014 term. Their highest amount is \$16.89 from 2015 to 2016. Mr. Carnahan also noted that Lowell uses Lake County Solid Waste funds to subsidize .70 cents per month per citizen, so Lowell pays \$15.70. Lowell's current rate is \$16.40. Clerk-Treasurer Gross added that the Cedar Lake charges \$17.00 per month to customers and the Town's cost from Republic is \$16.96 per unit per month. The Town could subsidize for 2 to 3 years the additional cost proposed by the contractor, but after that, rates may have to increase to the customers.

Cedar Lake's proposal would be for two (2) 96-gallon totes; one marked for trash and the other for recycling. Recycling would change from weekly to biweekly due to the low recycling participation by residents. Mr. Jim Metros of Republic was present and stated that historically when the 96-gallon recycling tote is provided, the residents will recycle more. The contract would renew April 1, 2015 for one (1) year with subsequent years up to four (4) with an incremental increase in the charge to the Town; \$17.47, \$17.99, \$18.53 and \$19.09 respectively. The Town's Garbage Fund balance is currently \$520,246.

Discussion ensued among Town Council members and Attorney Austgen regarding the need to bid. Mr. Metros explained that in Crown Point, they had a transfer station for Republic which was part of the negotiation of the contract when he was mayor. Lowell is in the process of annexing where a landfill exists. Republic would be investing \$500,000 in totes for Cedar Lake.

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Motion to start the bid process for a garbage contract.

Motion: Robert Carnahan Second: Ralph Miller Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

2. Huseman Farm Lease Agreement

The Agreement encompasses the usage of 110 acres of land owned by the Town for tillable agricultural purposes by the Huseman Farm. The contract would be from March 1, 2015 to February 28, 2016. The rate will increase from \$120 to \$150 per acre for a total of \$16,500 paid semi-annually to the Town.

Motion to approve the lease agreement.

Motion: Robert Carnahan Second: John Foreman Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

3. Lease-Finance for Public Works Trucks

Clerk-Treasurer Gross received three (3) quotes from leasing companies: PNC Equipment Finance, Tax-Exempt Leasing Corp., and First Republic National. The lowest quote was for 2.57% interest rate by Tax-Exempt Leasing for 4-year semi-annual payments in arrears; principal \$114,054.00, interest \$6,693.36, and total \$120,747.36. A payment would be \$15,093.42 twice per year.

Motion to approve proceeding with lease-finance agreement with Tax-Exempt Leasing Corp.

Motion: Robert Carnahan Second: Ralph Miller Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

COMMITTEE REPORTS

None

TOWN COUNCIL & STAFF REPORTS

A draft copy of **Resolution No. 1130** was presented for motion. This is the agreement for the Summerfest Committee with revision of dates as requested by the organization.

Motion to approve Resolution No. 1130 Summerfest Agreement.

Motion: Patsy Casassa Second: Ralph Miller Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

The Town Attorney drafted a counter offer for a parcel acquisition at the Lincoln Plaza/Broadway thoroughfare. The amount offered is \$18,653 to Keith and Kathy Piszro. This amount has been negotiated and reviewed by legal counsel.

Motion to accept the counter offer and submit to the property owner.

Motion: Ralph Miller Second: Patsy Casassa Roll Call Vote: 5 to 1

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	NO

There is a request by Cedar Lake Ministries to utilize the ice rink as approved last year. This rink will be open to the public. President Niemeyer noted that his business has the ability to haul water to fill the rink so this will not cost the Town. Last time it took 20 truckloads to fill the rink. He would be able to fill it in 6 loads.

Motion to approve usage of ice rink as requested.

Motion: John Foreman Second: Ralph Miller Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

Robert Carnahan reported that MacArthur School is having their 2nd Annual Holiday Bazaar this Thursday at After Four Club. They want to raise \$40,000 for playground equipment. He has tickets for those who are interested.

John Foreman commented that the Lincoln Plaza thoroughfare was never owned by the Town. They have been making an effort to acquire land from curb to curb in order to maintain the roadway for safety of drivers and access to businesses.

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Greg Parker requested to remove from the table the item from last meeting regarding the museum lease for the Cedar Lake Historical Association.

Motion to remove from the table.

Motion: Greg Parker		Second: Ralph Miller			Roll Call Vote: 5 to 1	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
NO	YES	ABSENT	YES	YES	YES	YES

Discussion ensued regarding concerns that Mr. Parker had from a previous Town Council vote. He was not in favor of approving a lease without legal review. Attorney Austgen stated that he did review the old lease due to the discussion. The lease should be brought current since it goes back to 1979 and there are stale and outdated items such as use of facility, caretakers and the like. There was some confusion as to the description of the extension requested by the Historical Society. The extension request was given due to the fact that the Society does not own the building and it would be easier to qualify for grants if there was documentation of longevity and commitment to their vision. The old lease was never recorded. Structural repairs are needed and the Society would like to pursue grant funding. It was determined that the organization should meet with a Town Council Committee to carve out a vision for the future of the museum. A revised lease could then be drafted.

Motion to approve meeting with the Cedar Lake Historical Society, outlining a museum plan, and then submitting such plan to Attorney for a lease review.

Motion: Greg Parker		Second: Ralph Miller			Roll Call Vote: 5 to 1	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
NO	YES	ABSENT	YES	YES	YES	YES

President Niemeyer commented on the Garbage Fund (current balance of \$520,246) and a need to focus on getting benefit for the ratepayers. Clerk-Treasurer Gross commented that when the former town manager was present, he suggested that surplus funds could be used towards smaller road projects. Mr. Niemeyer agreed. Mr. Carnahan added that a recent business forecast reported the area's residents lost \$3,000 in wages due to the economy.

Greg Parker introduced the pickup truck for the Building Department. Commissioner Kubiak was in contact with various vendors to obtain pricing for a used truck with low mileage that would be capable of handling a plow. He contacted Bobb Auto Group who did not have any used vehicles available that would work within the price range. Mike Raisor Automotive Group offered a 2013 Chevy Silverado with 12,526 miles for \$36,128 less trade in of the passenger van at \$10,500. The final cost would be \$25,628. Mike Raisor Group also offered a 2013 GMC Sierra for \$35,142 with 19,781 miles. Mr. Kubiak also searched internet sales within a 150-mile radius for a ½ ton and ¾ ton truck. He recommended the 2013 Chevy Silverado with trade in of the van as the best value for the price. Some discussion occurred regarding the difficulty to prepare bid specs for a used vehicle. Attorney Austgen stated that the purchase should go out to bid.

Motion to proceed with bid for Building Commissioner truck.

Motion: Robert Carnahan		Second: Greg Parker			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

Attorney Austgen asked if there were any bids submitted for the sale of the used ambulance. Clerk-Treasurer Gross did not receive any bids. Comments were made regarding the transfer of the ambulance to another department or offering it to a smaller community. This was the second attempt to advertise for bids.

President Niemeyer requested Engineer Mark Kaiser to explain the paving situation at the 133rd and Wicker Phase II project. Mr. Kaiser presented the following options to improve the winter driving condition at the entrance to Bobb Auto Group and CVS Pharmacy.

Option 1 – Leave as is, install a no left turn sign on 133rd into CVS. Dodge dealership would have to shift there west entrance more east.

Option 2 – Install asphalt through entire low area up until almost flush. Would give access to both businesses where existing entrances are, and level travel lanes up to US 41. Asphalt would have to be milled in the spring. Sta 3+50 to Sta 7+00, 225 Tons @ \$75 = \$16,875, 620 SYS @ 12.00 = \$7,440.

Option 3 – Leave west bound traffic in north lane then install asphalt ramps across middle area into both businesses, keeping existing maintenance traffic as is. In the spring, the contractor would have to mill out ramps. CVS Entrance – 58 Tons, Dodge Entrance – 12 Tons, 70 Tons @ \$75 = \$5,250 for asphalt 175 SYS @ 12.00 = \$2,100 for milling.

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There is still a potential for accidents but option 2 and 3 would likely lessen the severity. Prices are estimates and are no way agreed upon prices from the Contractor; Mr. Kaiser is hopeful that they would agree to the INDOT prices. Also, travel lanes east of the Norfolk Southern Railroad can be discussed. Discussion ensued regarding the area at railroad tracks, switching lanes, ability to turn onto US 41, seasonal maintenance, snow plowing, traffic flow for fire and police responses, and access to businesses. After much dialogue, and input from various persons in attendance, it was decided to follow Option 2.

Motion to proceed with Option 2 for 133rd to Wicker Phase II project winter conditions.

Motion: Robert Carnahan		Second: Patsy Casassa			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

Again, more questions, concerns and discussion ensued resulting in a 4th option to fill the center lane with stone in the low areas where a drop exists. Use center lane for emergency only. The stone will damage the asphalt if driven over continuously. The area in front of LaGaviota Supermercado has a lower center lane also. Finally, it was determined by President Niemeyer to authorize Building Commissioner Tim Kubiak to develop a plan in conjunction with Mark Kaiser, Police Chief Jerry Smith and Fire Chief Todd Wilkening. Implement a plan for public safety and Town will cover the cost.

Motion to authorize Building Commissioner to implement plan for 133rd to Wicker Phase II winter driving conditions.

Motion: John Foreman		Second: Patsy Casassa			Roll Call Vote: 6 to 0	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	YES	ABSENT	YES	YES	YES	YES

WRITTEN COMMUNICATIONS

Christopher B. Burke Engineering Report – provided to Town Council for review.

PUBLIC COMMENT

Jerry Reiling, 7201 West 140th Place – needs a copy of the Summerfest Resolution to take back to the Committee. The document was marked draft so a clean copy needs to be provided for signatures, and Town will forward to the Committee.

Next meeting December 16, 2014 at 7:00 PM.

ADJOURNMENT: Approximately 9:16 PM President Niemeyer called the meeting to adjournment.

An Executive Session was advertised and conducted before the Public Meeting 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.

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

Gregory L. Wornhoff, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, Ward 7

Amy J. Gross, IAMC, MMC, 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.

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- (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.

