

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



December 16, 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
Present	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			

OATH OF OFFICE

Clerk-Treasurer Gross gave Volunteer Fireman Tim Swanson his oath upon return from military leave.

PRESENTATIONS

Cal Bellamy, Shared Ethics Advisory Commission

Mr. Bellamy presented the Council with an overview of the Shared Ethics Advisory Commission purpose. The organization trains municipal employees and elected officials. The Town has an ordinance and continues to follow it. President Niemeyer stated that the Council will review this information to consider a membership.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: December 2, 2014 Public Meeting

Claims:	All Town Funds:	\$231,125.17	Wastewater:	\$173,323.18
	Waterworks:	\$35,683.20	Storm Water:	\$9,473.04
	Payroll #116, 117:	\$222,349.90		

Motion to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed. Mr. Carnahan questioned the purchase made at Menards for LED lights and a fan. He felt the local vendor could have been utilized.

Motion: John Foreman Second: Ralph Miller Roll Call Vote: 7 to 0

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

BOARD OF ZONING APPEALS

1. Special Use Variance – 13115 Wicker Avenue

Petitioner: Tiffany Evans

The Board of Zoning Appeals sent a favorable recommendation to the Town Council to allow the Petitioner to operate a holistic healing business to perform chakra balancing, aura cleansing, meditations, tea leaf reading, color therapy and related New Age remedies. Hours would be from 9am to 10pm Monday through Saturday, and Sundays by appointment. The zoning district is B-2 and it would include the findings of fact. Parking was ample for this location. Commissioner Kubiak stated that there was some discussion among BZA regarding the hours stated on the agenda. It was a window of 6am to 12am.

Motion to approve Special Use Variance.

Motion: Greg Wornhoff Second: Patsy Casassa Roll Call Vote: 7 to 0

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

2. Special Use Variance – 10101 West 133rd Avenue, Suite 2

Petitioner: Ron Reeves

The Board of Zoning Appeals sent a favorable recommendation to the Town Council to allow the Petitioner to operate a church in a B-2 zoning district, allowing for 10 parking spaces and hours up to 10pm with findings of fact. The location sets behind Subway and used to house a tanning salon.

Motion to approve Special Use Variance.

Motion: Greg Wornhoff Second: Patsy Casassa Roll Call Vote: 7 to 0

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

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NEW BUSINESS

- 1. Approval of 2015 Meeting Dates**
See the end of minutes for schedule.
Motion to approve meeting dates.

Motion: Robert Carnahan Second: Ralph Miller Roll Call Vote: 7 to 0

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

OLD BUSINESS

- 1. Sewer Tap & Development Fee Refund Request – Stephen Tokar III
Westdale Estates Lots 41 and 42**
Mr. Carnahan said that the only action here is that we have pending litigation and should not discuss the matter. Greg Wornhoff said due to pending litigation, Council should table it. This item was deferred from November 18 meeting.
Motion made to table item due to pending litigation.

Motion: Greg Wornhoff Second: Greg Parker Roll Call Vote: 6 to 1

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

Robert Carnahan did not feel the tabling was necessary.

COMMITTEE REPORTS

None

TOWN COUNCIL & STAFF REPORTS

Robert Carnahan informed Council that NIRPC (Northwest Indiana Regional Planning Commission) has a new program for police and street department vehicles for biodiesel. It has an 80/20 match. Town may apply for the program with assistance by NIRPC. This should not affect our current grant. The diesel vehicles are not equipped for biodiesel; however this was just a reference and it includes ethanol used by various vehicles. Council consensus appeared in favor for ethanol.

Motion to apply for NIRPC ethanol grant.

Motion: Robert Carnahan Second: John Foreman Roll Call Vote: 7 to 0

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

Mr. Carnahan noted that the classification system through NIRPC needs to be updated and suggested Mark Kaiser of Christopher B. Burke Engineering to perform such update.

Motion to update NIRPC classification.

Motion: Robert Carnahan Second: John Foreman Roll Call Vote: 7 to 0

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

President Niemeyer presented Councilman Greg Wornhoff with a plaque for his years of service on the Council from 2003 to 2006 and 2013 to 2014.

Clerk-Treasurer Gross gave the oath of office to Randell Niemeyer who will be serving another term on the Council beginning January 1, 2015.

Councilman John Foreman commented on an event today consisting of: Councilmen Ralph Miller, Robert Carnahan and him; Clerk-Treasurer Gross, Chamber Director Diane Jostes, Senator Rick Niemeyer, State Representative Mike Aylesworth; CLEA President Bob Gross, CBBEL Engineer Kay Whitlock; among others. The group attended the City Club of Chicago luncheon. Governor Mike Pence was the speaker. Afterwards, the group met with the new colonel of the Army Corps of Engineers to show support for the aquatic ecosystem restoration project.

Chief Jerry Smith noted that the 20th sworn police officer will begin the academy January 20, 2015. The 21st officer paid from LOIT (Local Option Income Tax) funds begins his testing requirements, and should have his oath for the first meeting of January.

Building Commissioner Tim Kubiak noted that the church special variance will need an assessment for occupancy by the Fire Department. Motion made by Greg Wornhoff with second by Patsy Casassa to include this as a contingency on the original motion approving the special variance.

Motion to add contingency to Special Variance at 10101 West 133rd Avenue.

Motion: Greg Wornhoff Second: Patsy Casassa Roll Call Vote: 7 to 0

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

Mr. Kubiak presented the Council with quotes for the purchase of a used pickup truck having the lowest from Mike Raisor GM in Lafayette for a 2013 Chevy Silverado. There is a stipulation in the

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Purchasing Policy Ordinance that allows for quotes by three (3) vendors known to deal in such business between \$25,000 and \$50,000. Attorney Austgen was provided a copy by the Clerk-Treasurer but he did not have the opportunity to review it for this meeting. Bidding in the traditional manner for a used vehicle is cumbersome, and the vendor cannot hold the vehicle for a long period of time without a deposit. Discussion ensued concerning the 10-passenger Ford van that had not been utilized for over a year. It was used today to transport officials and representatives to a meeting in Chicago today. Mr. Carnahan felt it could be retained by the Town for such uses. John Foreman drove the vehicle and stated it does not drive well and needs some work. The chance of using this vehicle in the future is slim. It was finally determined to purchase the Chevy Silverado and trade in the Ford van for a total cost of \$25,128. Motion made contingent upon review and execution of documents by the Clerk-Treasurer.

Motion to purchase 2013 Chevy Silverado for Building Commissioner with trade in of 2007 Ford Econoline van.

Motion: Greg Parker		Second: Greg Wornhoff			Roll Call Vote: 6 to 1	
Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
NO	YES	YES	YES	YES	YES	YES

Councilman Foreman mentioned the Moto on Ice event and stated there was more liability for the Town than realized. This matter would be discussed with the Town’s insurance agent, Clerk-Treasurer Gross and Attorney Austgen on Thursday.

WRITTEN COMMUNICATIONS

Christopher B. Burke Engineering Report – provided to Town Council for review. Mark Kaiser commented on recurring review of winter conditions for the 133rd and Wicker project. A barrier wall was constructed and barrels are present to guide the traffic. The cost was considerably less to have the Town devise the plan and implement. The specs for the Opticom are being worked out. Attorney Austgen advised on the need for an official letter from American Structurepoint on their recommendations.

PUBLIC COMMENT

Stephen Tokar III – commented that what the Council has done is discriminatory against him and his project.

Next meeting January 6, 2015 at 7:00 PM.

ADJOURNMENT: Approximately 7:59 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.
 - (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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Town of Cedar Lake 2015 Meeting Schedule

2015 Planning Commission Work Session Wednesday 7:00 p.m.	2015 Planning Public Meeting Wednesday 7:00 p.m.	2015 Board of Zoning Appeals Public Meeting Thursday 7:00 p.m.	2015 Town Council Work Session Tuesday 7:00 p.m. Executive Session 6:00p.m and after Work Session, if necessary	2015 Town Council Public Meeting Tuesday 7:00 p.m. Executive Session 6:00p.m and after Public Meeting, if necessary
January 7	January 21	January 8	January 6	January 20
February 4	February 18	February 12	February 3	February 17
March 4	March 18	March 12	March 3	March 17
April 1	April 15	April 9	April 7	April 21
May 6	May 20	May 14	No Meeting *	May 19
June 3	June 17	June 11	June 2	June 16
July 1	July 15	July 9	July 7	July 21
August 5	August 19	August 13	August 4	August 18
September 2	September 16	September 10	September 1	September 15
October 7	October 21	October 8	October 6	October 20
November 4	November 18	November 12	No Meeting *	November 17
December 2	December 16	December 10	December 1	December 15
January 2016	January 2016	January 2016	January 2016	January 2016

*unless noted due to holiday or meeting date change

2015 Storm Water Board Work Session Tuesday 7:00 p.m.	2015 Storm Water Board Public Meeting Tuesday 7:00 p.m.	2015 Police Commission Public Meeting Wednesday 7:00 p.m.	2015 Unsafe Building Department Wednesday 6:30 p.m.	2015 Redevelopment Commission Public Meeting Monday 6:00 p.m.
January 13	January 27	January 28	January 21	January 12
February 10	February 24	February 25	February 18	February 9
March 10	March 24	March 25	March 18	March 9
April 13	April 28	April 22	April 15	April 14
May 12	May 26	May 27	May 20	May 11
June 9	June 23	June 24	June 17	June 8
July 14	July 28	July 22	July 15	July 13
August 11	August 25	August 26	August 19	August 10
September 8	September 22	September 23	September 16	September 14
October 13	October 27	October 28	October 21	October 12
November 10	November 24	November 25	November 18	November 9
December 8	December 22	December 23	December 16	December 14
January 2016	January 2016	January 2016	January 2016	January 2016

*unless noted due to holiday or meeting date change