

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



August 2, 2016

Public Meeting Advertised for 6:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence

Roll Call:

Absent	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	Absent*	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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

*Chief Deputy Clerk Margo Nagy was present.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: July 19, 2016 Public Meeting Minutes

Docket: August 2, 2016 – All Town Funds \$79,691.18, Wastewater \$45,705.22, Water \$31,290.13, Storm Water \$7,981.25, Payroll 07/28/16 & 08/01/16 \$182,517.98

Manual Journal Entries: July 1-31, 2016

Ralph Miller 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: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

ORDINANCES

1. Ordinance No. 1247 – Residential Sales

Council Member Rivera read by title only. Town Administrator Murr explained that direction was given at a previous meeting to research residential/yard sales. Herself and Council Members Rivera and Miller researched other towns and came up with the following guidelines: each sale shall not exceed three (3) days in a row, not more than three (3) residential sales per year at any one location, there will be a \$5.00 permit fee issued by the police department, and the exemption shall be the one day event held by the Chamber of Commerce for their annual event. Town Attorney Austgen stated this sets in place guidelines for the conduct of yard and garage sales. The process is simple but provides the ability for the Town to monitor. It also put parameters around continuous residential sales. That was the objective of the regulation. Council Member Rivera added that this was in response to numerous complaints about persons using a garage sale as a tax free business. Not many are doing it but those that are, are carrying on for days on end. Council Member Parker discussed previously asking for exclusions and not seeing those in the ordinance. He stated the ordinance is very broad and you could consider anything a yard sale. A lengthy discussion occurred on the interpretation of the ordinance. Council Member Parker made a motion to defer. No second was made.

A motion to approve the 1st reading of Ordinance No. 1247 was made by Julie Rivera with second by Ralph Miller. A very lengthy discussion continued on the parameters of the ordinance. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – No. Vote: 4 to 2. Second reading will be at next meeting.

2. Resolution No. 1171 – Transfers – General and LOIT Funds

Chief Deputy Clerk Nagy read by title only. She explained this is a resolution to transfer funds to cover payroll for the remainder of the year. Monies to be transferred within the General Fund and LOIT-Public Safety:

General Fund #101

\$2,355.00 From: 396 Misc. Services To: 111 Town Admin

\$5,500.00 From: 396 Misc. Services To: 114 Custodian

\$7,000.00 From: 396 Misc. Services To: 117 Part Time Help

LOIT-Public Safety #249

\$12,500.00 From: 362 Vehicle Repairs To: 448 Fire Equipment

Motion to approve Resolution No. 1171 made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

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3. Resolution No. 1172 – Commemorating the Admission of Indiana into Statehood

Town Administrator Murr read by title only. This is to confirm participation in the Indiana First US Flag Display Legacy Project. It is a County wide project. The flag is to be raised August 5, 2016, to commemorate the 200th Anniversary of the first free elections statewide for Indiana's first governor and county officials under the first state constitution. The flag will be taken down December 11, 2016. That is when President Madison approved Indiana's admission into the Union. The cost of participation, the flag, and sign to be displayed is \$80.05. The Chamber of Commerce will vote on Thursday to pay for the Town's participation in the event.

Motion to approve Resolution No. 1172 made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

NEW BUSINESS

1. NIES Engineering Proposal – Lakeside Water System

Neil Simstad with NIES Engineering discussed the proposal for the recent investigative work regarding the Lakeside Test Well and how to effectively treat the water and put it into a manner to provide normal distribution, fire suppression, and the chemical challenges of that water. He discussed working with the Utility Committee and the proposal being quite extensive in terms of what needs to be done to incorporate it into the system for not only today but also for the next few decades. President Niemeyer asked if there was an estimated cost for the total project. Mr. Simstad answered they're in the budgetary range of \$750,000 to \$950,000. He stated what they're hoping to do is have a well profile analysis done. A well contractor would take samples of the strata within the bedrock to determine if there is better water available within the well. If so, they'll be able to seal off the worst water and that would drastically reduce the cost of construction and maintenance by the water department. Quotes are being solicited. A lengthy discussion took place. President Niemeyer and Mr. Simstad discussed the proposal not to exceed amount of \$83,500 and the scope of the project. President Niemeyer stated until the financial capability of the Town is analyzed and the financial capability of the Town's potential partner, he doesn't see how they can act on this item. Discussion continued on reaching out to the developer and coordinating with them.

A motion to defer was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 5 to 1. Town Attorney Austgen discussed the hydrology study previously done and the possibility of other locations to examine. Mr. Simstad discussed the fracture trace analysis that was done and the test well that was done, being ideal because of the location and quantity. Further discussion occurred on the test well and the project. Mr. Kubiak asked about the cost of the well profile analysis. Mr. Simstad stated initially they were looking into the \$15-20,000 range. They have reached out to other companies for similar proposals. A lengthy discussion continued.

2. St. John Oktoberfest Request

Town Administrator Murr stated a written request was received from St. John Oktoberfest to borrow 20 picnic tables for their annual event. They would pick them up Wednesday, September 28th and drop them off clean on Monday, October 3rd. This is an annual request.

Motion to approve St. John Oktoberfest picnic table request made by John Foreman with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Parrish Water Plant Electrical Upgrade

Operations Director Kubiak stated quotes were solicited from four companies for correcting the failing electrical system in the Parrish Avenue pump house. Quotes were received back from three companies. All Services Electric submitted the lowest and most complete quote at \$10,530 for a new three phase underground electric service. Additionally, there will be \$6,000 of transformer upgrades needed by NIPSCO. Water Utility funds are available.

A motion to approve the electrical upgrade proposal for All Services Electric in the amount of \$10,530 was made by Richard Sharpe with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

4. West Side Sanitary Sewer Interceptor Recommendation

Council Member Foreman and Neil Simstad with NIES Engineering discussed a previous meeting of the Utility Committee and Mr. Simstad in regards to the West Side Sanitary Sewer Interceptor. Should the project move forward, a recommendation from the Utility Committee for the first phase (Phase I) would be Trial Run 6. Trial Run 6 (Figure 5) was presented in the West Side Sanitary Sewer Interceptor Feasibility Report from July 2016. President Niemeyer asked for clarification of the recommendation. Town Administrator Murr clarified the route and discussed the next steps of directing NIES Engineering to put

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together a design proposal. President Niemeyer asked about the conceptual cost. Mr. Simstad stated it was in the report. It was estimated at \$2.5 million for construction. Further discussion continued on the estimated costs of the project, the different routes, the route proposed in regards to municipal corporate boundaries, and future development.

A motion to approve Trail Run 6 (Phase I) was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

5. Development Training Request

Town Administrator Murr requested approval to participate in the International City/County Management Association's (ICMA) Annual Conference. They are offering a virtual conference option for \$249. This will allow Mrs. Murr to participate in the training they offer without the travel expenses.

A motion to approve Development Training Request for \$249 was made by John Foreman with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Rivera stated they are looking for pictures for updating the website. They are opening it up to the public. Any photos can be emailed to her at julie.rivera@cedarlakein.org. President Niemeyer discussed a request from Charlie and Marilyn Kaper. The Cedar Lake Foundation is having their kickoff dinner at the Lighthouse Restaurant on August 23rd. There were unused explosives from the Symphony event in July. They are requesting use of the barge, as well as the police boat, and any other accoutrements needed on site to blow off the explosives at the conclusion of the inaugural Cedar Lake Foundation dinner. President Niemeyer asked for a motion to amend the agenda and allow for consideration. Motion by Greg Parker with a second by John Foreman. Chief Wilkening added that they will need an updated permit. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Item to be considered is use of the barge as well as the Town providing the Police Boat and Fire Services for the purpose of launching fireworks on August 23rd. A motion to approve was made by Greg Parker with a second by Julie Rivera. Chief Wilkening asked about a time. President Niemeyer stated he would make sure specifics would be discussed with him. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. **Town Attorney** – No Report.
3. **Clerk-Treasurer** – Chief Deputy Clerk Nagy discussed availability of training funds.
4. **Town Administrator/Staff** – Town Administrator Murr reported that the US Army Corps of Engineers has extended the deadline for public comment on the draft feasibility study to August 22, 2016.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Safe Routes to School is finishing up.
2. St. John the Evangelist – Thank you letter received from St. John the Evangelist for use of picnic tables during their annual festival.

PUBLIC COMMENT

Josh Govert, 12550 Tall Oaks Drive, asked for an update regarding properties in August Oaks and Wicker Meadows. Town Attorney Austgen stated he's drafted uniform land acquisition offers and documentation related. Now it will go to the Council for review.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 6:55 PM.

An Executive Session was advertised and conducted 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

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.