

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



August 16, 2016

**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	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	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	Randell Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

DEDICATION OF YEARS OF SERVICE – CAPTAIN ROGER PATZ

Chief Smith recognized retiring Captain Roger Patz. Captain Patz has been a full-time officer since 1983. He's held every position on the department, including serving as Chief for eight years. Chief Smith and President Niemeier awarded Captain Patz with a plaque commemorating his years of dedicated service to the Town. President Niemeier spoke a few words about Captain Patz's commitment to the Town.

PUBLIC HEARING

SEWER RATE AMENDATORY ORDINANCE

System Development Charge Payment

- Legal Notices – Town Attorney Austgen stated legal notices are in order.
- Attorney's Comments – This is an amendment to the sewer rate charge ordinance in regards to the timing of payment of fees and charges for lots that are connected to the Town sewer system. Current ordinance requires payment in full for the number of lots that are approved in a plat. The timing of payment will be changed by this ordinance. Payment in full will not be required but made at the time the permit is pulled.
- Town Council Comments – Council Member Foreman stated this will streamline developments. He stated it was a timely suggestion.
- Public Comments – None
- Reading of Ordinance No. 1248 – Council Member Parker read by title only. A motion to approve the 1st reading of Ordinance No. 1248 made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

A motion to suspend the rules and allow for a second meeting was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0. Council Member Park read Ordinance No. 1248 by title only.

A motion to adopt Ordinance No. 1248 – Sewer Rate Amendatory Ordinance – System Development Charge Payment, made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: August 2, 2016 Public Meeting Minutes

Docket: August 16, 2016 – All Town Funds \$170,921.24, Wastewater \$133,866.20, Water \$63,344.46, Storm Water \$46,006.58, Payroll 08/11/16 \$247,536.79

Clubhouse Waiver of Fees: Girl Scouts – October 7, 2016

Richard Sharpe 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: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1247 – Residential Sales – Second Reading

Council Member Rivera read by title only and gave an explanation. She stated this was created in regards to complaints of persons having sales in their yards for days/weeks on end. The ordinance would have it so a person would be allowed to have three sales per year, three days at a time, and there would be a \$5 permit fee. Council Member

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Carnahan asked they make a motion to deny. He received concerns from citizens regarding some of the aspects of the ordinance. He stated it seems a shame to penalize everyone in Town and why not just go after the abusers. Council Member Carnahan made a motion to deny. Council Member Parker stated he doesn't feel right legislating on people's property rights for the masses for a couple of violators. He voiced concern with the vagueness of the ordinance. He also expressed concern over tasking this with the police department. Council Member Parker made a second to the motion. Council Member Foreman asked about possibly amending the ordinance to not have a fee and include certain provisions. A lengthy discussion continued on the subject matter.

Motion to deny Ordinance No. 1247 made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – No, Miller – No, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 2.

A motion to amend the agenda to allow for consideration of an item was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

The item to be considered is to send the item back to committee to readdress the fee and include certain provisions. Have this as a work session item at a future meeting. Council Member Rivera asked Council Member Parker to be on the committee. He agreed.

A motion to send the item back to committee as stated above was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Ordinance No. 1249 – Amending Traffic Code – Placement of Stop Signs

Council Member Parker read by title only. Chief Smith explained that this is to correct a traffic hazard at the intersection of 137th Avenue and Parrish Avenue. It would become a 3-way stop intersection.

Motion to approve Ordinance No. 1249 made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 2. Second Reading will be at the next meeting.

3. Resolution No. 1172 – Temporary Loan to General Fund

Clerk-Treasurer Gross read by title only and explained. This will allow \$500,000 to be transferred from the Wastewater Treatment Plant Special Fund to the General Fund. It will be payable with the fall tax settlement which will be on or before December 31st. This is in order to meet the necessary expenses for the rest of the year.

Motion to approve Resolution No. 1172 made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

BZA

1. Use Variance – Michael Wick, St. John Paving

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner to operate St. John Paving in a Community Business (B-2) Zoning District and to allow two businesses on a lot in a Community Business (B-2) Zoning District. Mr. Kubiak stated that Mr. Wick is looking to move his vehicles behind Hoosier Overhead. A couple trailers will be located outside with other equipment being indoors. He stated it's a similar use to what it was previously. Town Attorney Austgen added that there was one condition that there are not to be more than five trailers parked outside.

Motion to approve Use Variance for Michael Wick, St. John Paving based upon the findings and conditions of the Board of Zoning Appeals made by John Foreman with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

NEW BUSINESS

1. NIES Engineering Proposal – Lakeside Water System

Town Administrator Murr stated that discussions have occurred with the developer but she has not heard back as of their last conversation on Friday. Other options are being looked at to get the development started but eventually that water will still need to be treated. President Niemeyer stated there's a substantial change to needs of treatment of that water because of its makeup. This changes the scope and scale of the project. Which needs a lot more consideration from everyone to make sure the quality of the water is protected. A motion to defer was made.

Motion to defer NIES Engineering Proposal made by Robert Carnahan with second by Greg Parker. Mr. Austgen added that legal documents are not able to be completed

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based upon the change of circumstances. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. GMI Refuse & Recycling Contract Amendment #1

Town Administrator Murr discussed a proposed contract amendment from GMI Refuse & Recycling. The original contract that began on June 1, 2015 was for two years and allowed for an additional four years of renewal. The amendment would keep the rate at \$14.28 per month for the next five years. As of today, GMI didn't raise the rate as was allowed in the original contract.

Motion to approve GMI Contract Amendment #1 made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. London Witte Group Engagement Letters

- a. Sewage Works Revenue Bonds, Series 2016
- b. Storm Water Revenue Bonds, Series 2016
- c. Lease Rental Revenue Bonds, Series 2016

Clerk-Treasurer Gross explained that our financial advisor, London Witte Group, has presented letters of engagement based on a ruling by the Securities and Exchange Commission. This is protocol of disclosure purposes. This is before the Council for approval for further financing with the 2016/2017 road projects. This will be at a cost of \$25,000 per series.

A motion to approve Items A, B, and C of the LWG Engagement Letters made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. CMAQ Grant Agreement – Alternative Fuel

Town Administrator Murr stated that they were able to again secure a Congestion, Mitigation, and Air Quality (CMAQ) Grant which pays for the alternative fuel used primarily by the Police Department for the E-85. This is an 80/20 share. The grant was in the amount of \$86,400 of which total federal participation is \$72,000. This will go through June 30, 2019.

A motion to approve the CMAQ Grant Agreement made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

5. Proclamation Childhood Cancer Awareness Month – September 2016

Council Member Rivera discussed her previous participation at a County wide event where members from many Lake County Communities agreed to declare September 2016 Childhood Cancer Awareness Month. Council Member Rivera read the proclamation in its entirety.

A motion to declare September 2016 Childhood Cancer Awareness Month was made by Ralph Miller with second by Richard Sharpe. President Niemeyer added that other than looking at statistics, they need to look at what organizations like NICK do to make a positive impact on the lives of children affected by cancer. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Carnahan let everyone know that the Cedar Lake Chamber of Commerce will be having a luncheon at Harry O's on September 22. The keynote speaker will be Speros Batistatos.
2. **Town Attorney** – No Report.
3. **Clerk-Treasurer** – No Report.
4. **Town Administrator/Staff** – Town Administrator Murr reminded everyone that the public comment period for the Ecosystem Restoration Project will end on August 22, 2016. Road paving will begin weather pending, tomorrow, after school buses go through. The schedule is to finish the south side first and move north. Chief Smith discussed a previous letter he sent in regards to a stop sign in Robin's Nest at 135th Avenue and Cardinal Lane that is completely blocked by a tree. They've trimmed the tree as much as possible but it still obstructs the sign. Upon review of the area, he recommends relocating that stop to 135th Place and Cardinal Lane. He recommends they relocate the 3 way stop now and make it in the ordinance as a four way stop, that way it will not have to be addressed when the road is tapped into the new development. Discussion continued on tree placement within developments and addressing these concerns at the planning level. President Niemeyer suggested Chief Smith coordinate with Mr. Austgen and the Town

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Administrator in drafting the ordinance for future Council consideration. Operation Director Kubiak discussed Kiwanis Park and the creation of an entrance/exit to the park and approximately a seventy space parking lot with the millings from Parrish. Discussion continued on the future of the Town owned lot on 133rd Avenue across from Holy Name.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – The geo-technical reports have been received for South Shore and High Grove roadway and drainage improvement projects. They are incorporating those results into the reports and pavement designs.
2. Building Department Report – As of the end of July, there have been 74 new home permits with a residential value of \$10,312,364. There have been 241 alteration permits with a total value of \$2,626,589.

PUBLIC COMMENT

Chuck Becker, 6100 W 136th Place, agreed with Chief Smith's evaluation of the stop sign in Robin's Nest. He voiced concerns regarding the Residential Sales ordinance and how it would affect annual subdivision sales.

Nadia & Junior Paun, Owen Furman, Adelyn Miller, & Addison Boger, presented the Council with a cash donation for the Police Department. The children went around their subdivision and asked for donations in exchange for blue ribbons. They raised approximately \$163 for the Police Department. President Niemeyer asked if the Council would consider a motion to accept the donation of \$163 on behalf of the Monastery Woods Cop Money Program. A motion to accept was made by Robert Carnahan with second by John Foreman. Mrs. Paun added that they had approximately 15 children that walked for two nights to raise money. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Chief Smith added that this is a great thing that kids of the community can think this up and support the department. It shows great character. He also announced that the Cedar Lake Florist and True Value east side will be donating blue lights to the police department. These lights will be available soon for those who want to support the department.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:10 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

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.