

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



September 6, 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	Absent	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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

OATH OF OFFICE

Firefighter/EMT Steve Gressmire received the Oath of Office by Clerk-Treasurer Gross. President Niemeyer congratulated Mr. Gressmire and thanked him for his service to the community.

PUBLIC COMMENT

Stephanie Kimbrell, 7321 W 138th Lane, voiced concerns regarding vehicles traveling at high speeds on 138th Lane. She discussed a petition she gathered asking for speed bumps to be placed on the road. Deputy Chief Brittingham stated speed bumps cannot be placed on public roads. Council Member Carnahan pointed out there are small ones on 129th Avenue. Ms. Kimbrell discussed the possibility of cutting off the road or placing more speed limit signs. President Niemeyer advised Ms. Kimbrell to discuss this matter with Chief Smith, who is in charge of traffic control devices within the community. They exchanged contact information.

CONSENT AGENDA

Minutes: August 16, 2016 Public Meeting Minutes

Docket: September 6, 2016 – All Town Funds \$197,168.00, Wastewater \$151,153.21 Water \$19,456.95, Storm Water \$16,373.99, Payroll 08/25/16 & 09/01/16 \$174,700.08

Manual Journal Entries: August 1-31, 2016

Conflict of Interest Disclosure Statement: Douglas Machalk

Clubhouse Rental Waiver Request: Mariah Montella, Cub Scout Pack 129, waiver of fee for October 3rd and November 7th

Cardinal Roost Rental Waiver Request: Kevin Miller, Cub Scout Pack 48, waiver of fee for overnight on October 28th-29th, due to rain out in July

Julie Rivera moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Council Member Foreman briefly discussed the possibility of a blanket request at the beginning of next year for all scout packs. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

ORDINANCES

1. Ordinance No. 1249 – Amending Traffic Code – Placement of Stop Signs – 1st Reading August 16, 2016

Council Member Rivera read by title only. President Niemeyer stated that this is for the stop signs placed at 137th Avenue and Parrish Avenue.

A motion to adopt Ordinance No. 1249 based on Chief Smith's recommendation, was made by Robert Carnahan with second by Julie Rivera. Council Member Carnahan asked that Chief Smith's letter from the previous meeting be added to the record. Roll call vote: Carnahan – Yes, Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – No. Vote: 4 to 2.

2. Ordinance No. 1250 – Salary Amendment: FLSA Regulations & Distribution Change

Council Member Rivera read by title only. Clerk-Treasurer Gross stated that beginning December 1, 2016; the Fair Labor Standards Act will be making changes to how employees will be paid hourly versus a salaried exempt employee. Two employees on the salary ordinance were previously considered exempt but the salary ordinance will be amended so that it complies with FLSA Regulations. There is no change to the rate structure or distributions. The position type will be full-time hourly opposed to salaried. The Town's Mechanic is also listed on the ordinance. This is for changes to pay distributions only, MVH 33%, WW 34%, and SWD 33%. Based on the fact that he's doing more repairs for the public works instead of general Town vehicles. Town Administrator Murr added that they would like this retroactive to September 4th, the beginning of the pay period. Town Attorney Austgen asked if Clerk-Treasurer Gross prepared the ordinance. She answered yes.

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Motion to approve Ordinance No. 1250 retroactive to September 4th, made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Rivera read Ordinance No. 1250 by title only.

Motion to adopt Ordinance No. 1250 made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Ordinance No. 1251 – Amending Traffic Code – Placement of Stop Signs – Robin’s Nest

Council Member Rivera read by title only. Town Administrator Murr explained that in reviewing Town records, none of the stop signs in Robin’s Nest were adopted by ordinance. This is to update the Town code for that subdivision. She is working with the police department to update other sections of Town. There will be forthcoming amendments.

Motion to approve Ordinance No. 1251 made by Robert Carnahan with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to suspend the rules and allow for a second reading was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Rivera read Ordinance No. 1251 by title only.

Motion to adopt Ordinance No. 1251 made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

OLD BUSINESS

1. NIES Engineering Proposal – Lakeside Water System

Neil Simstad stated that staff and the developer have reviewed and modified the Hydraulic Network Analysis and determined that if they can provide 200 gallons per minute out of Well #2 at Robin’s Nest, they can yield an additional 58 homes. The test was approved by Town Administrator Murr. If it is positively reviewed it will be added to the Hydraulic Network Analysis and it will be a supplement to the existing Robin’s Nest system with the further development of Lakeside requiring additional supply and or storage. That storage has been included in that same report from July 2015. The additional supply is what they are currently working on with the developer. President Niemeyer asked if there were any developments on the design or concept for Lakeside. Mr. Simstad stated there are not. The concept is solid. The design has been submitted but is pending the results of this test. Council Member Foreman asked about previous discussions regarding additional treatment and further analysis at the proposed Lakeside. Mr. Simstad stated it was considered but has been put to the side while they work on the test at Well #2 to get through the next 12-18 months, in terms of demand. He stated that the results of the well test will determine the next steps. A lengthy discussion continued on the water utility at Robin’s Nest versus the proposed Lakeside, treatment, and future supply possibilities. Town Attorney Austgen suggested that the Council ratify the actions of Town Administrator Murr related to the testing discussed.

A motion to ratify the action of Town Administrator Murr in relation to the testing described by Mr. Simstad was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0. It was decided to remove Lakeside from future agendas until an actionable item has occurred.

NEW BUSINESS

1. Safe Routes to Schools Change Orders #1, 2, 3, and 4

Town Administrator Murr explained the four changed orders for the Safe Routes to School project are for traffic control, top soil, sidewalks going through driveways, and changed conditions at Kiwanis Park. The plan was developed back in 2008 so some conditions had changed. NIRPC agreed to participate with the Town in an 80/20 cost share on the change orders. The total amount of all four change orders is \$43,366.50. The Town’s portion is approximately \$8,675. President Niemeyer asked which funds would be available to pay the change orders. Clerk-Treasurer Gross stated that the Casino Gaming Fund has had appropriation available that will cover the project.

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A motion to approve the Safe Route Schools Change Orders #1, 2, 3, & 4 at \$43,366.50 with the Town portion being approximately \$8,675 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. Donation Request – Southlake County Community Services, Inc. – Special Olympics Lake County

Town Administrator Murr discussed a staff member being involved in the Special Olympics of Lake County and gave the proposal to her to submit to Council. The Special Olympics has an upcoming golf scramble and is requesting a \$100 donation to sponsor a hole. President Niemeyer asked if there was money available in Town Promotion. Council Member Carnahan discussed the Lions Club asking for donations in the past and the Council has personally contributed rather than the Town. Clerk-Treasurer Gross stated budget cuts were just discussed but she could locate \$100 out of Town Promotion. Council Member Carnahan made a motion to deny the request. He encouraged Council Members to contribute. No second was made. Council Member Sharpe made a motion to approve with second by Council Member Rivera. Council Member Foreman asked about the funds being from Town Promotion. Clerk-Treasurer Gross explained that it would come out of the General Fund which needs to make cuts. It would be out of the Town Promotion line item out of the Council's budget. Council Member Carnahan added that he would hope when others come in asking for money the Town open its pocket book.

A motion to approve Special Olympics donation request for \$100 made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – No, Rivera – Yes, Miller – No, Sharpe – Yes, Niemeyer – No. Vote: 3 to 3. Motion is a tie. Clerk-Treasurer Gross was asked to make the deciding vote. She agreed and voted no. Based on the fact that it is taxpayer money and other organizations come in and ask for donations and don't get it. Council Members asked where individual donations could be made. The final vote was 4 to 3. The motion was denied.

3. Cedar Lake Chamber of Commerce Request

Bill Kuhn presented a request from the Chamber of Commerce. The Chamber proposes a three flag pole system. Two would be at 20 feet and one at 25 feet. The cost is approximately \$4,460 with half being for installation. Mr. Kuhn stated the Chamber wanted to see if the Town would be interested in a joint venture on this project. He stated the Chamber would pay for materials, if the Town would consider an in-kind donation of staff for installation. Council Member Rivera stated the request letter was worded differently. Discussion continued on monetary versus in-kind donation. Mr. Kuhn stated he could get solid numbers for them or go back to the Chamber and let them know that the Town would be interested in an in-kind donation of staff. President Niemeyer asked Operations Director Kubiak for his thoughts on the project. He stated it sounded like a possible project for his staff. Discussion continued on a donation towards the project.

A motion to approve an in-kind donation of labor by the Public Works Department for flag poles at Senator Sue Landske Memorial Park was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – No. Vote: 5 to 1.

COMMITTEE REPORTS

1. Public Works and Safety

- a. Police Squad – Deputy Chief Brittingham presented options for a replacement vehicle in regards to a recently totaled squad. Currently, they are not producing the traditional Ford Taurus. Chief Smith located a black Ford Taurus for \$23,899.10. It would remain an unmarked squad. There is also a 2017 Ford Explorer available for \$28,216.10, which does not include the price of additional equipment. Mr. Brittingham discussed the difference in cost for equipment between the two vehicles. President Niemeyer asked if Chief Smith had a recommendation. Mr. Brittingham stated he was leaning more towards the unmarked vehicle. They could take immediate possession of the vehicle. Clerk-Treasurer Gross stated once the settlement from the insurance company of \$10,288 is received, it would go towards payment of the vehicle and the rest would come from the E-85 funds. The car would be bought outright.

A motion to approve the purchase of the black Ford Taurus at a cost of \$23,899.10 was made by John Foreman with second by Richard Sharpe. Council Member Miller asked if this worked into this year's budget. Clerk-Treasurer Gross stated that this would be E-85 funds. They are not appropriated nor part of the General Fund. Town Administrator Murr discussed monies for equipment. Mr. Brittingham stated that they are able to use equipment from the wrecked vehicle. Clerk-Treasurer Gross stated that the police department does have a non-reverting fund that can be utilized for additional equipment. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. Park and Recreation – None

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3. Redevelopment – None

4. Planning – None

5. Council Affairs

- a. 2017 Budget – President Niemeyer discussed incredible participation by all recently during meetings regarding the upcoming budget and the need to make cuts. Clerk-Treasurer Gross stated after reviewing projections from departments and preparing documents for the State, there was a deficit of \$400,000 for the General Fund. She stated what needs to be done between cutting next year's proposal and/or cutting a portion of the remainder of this year in order to make that balance. That is just to get a budget approved for what is had this year. She discussed increased demands, decreased revenues, and maximum levy limitations. She discussed good cooperation by all and trying to make the cuts necessary so that we can balance and have a budget for next year. President Niemeyer added why he previously voted no for the in-kind donation. He stated there were discussions on increased revenue opportunities and the amount of services that are given away each year. He stated as the Council they need to look at some of the policies and how they are going to handle requests for donations of even in-kind, because those do have real value to them.

6. Utility

a. JMOB

Council Member Miller discussed recent JMOB meetings and that repairs at the sewer plant have not been kept up to date. He discussed repairs needed now have been approximated at \$487,000, which the Town is required for half. Mr. Simstad added there are regulatory issues with phosphorus removal that are needed within the next couple of years and maintenance issues with clarifiers that have been long needed and the plant operator is finally getting the support he needs to get the issues addressed. Will Farrellbeg, Lowell Town Council, added that the maintenance has not been kept up to where it should have been and now it's at the stage where items need to be repaired or replaced. President Niemeyer asked why these requirements not being planned for. Mr. Farrellbeg stated he feels that these items have been kicked down the road. He discussed unwillingness to commit. He added that they have a new engineer firm that is taking a proper interest in the plant. A lengthy discussion continued on updating contracts to be proactive, responsibilities, and the next steps within the partnership.

7. Street – None

TOWN COUNCIL REPORTS

1. **Town Council** – No Report.
2. **Town Attorney** – No Report.
3. **Clerk-Treasurer** – No Report.
4. **Town Administrator/Staff** – No Report.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Projects are moving forward. Working on a schedule with the US Army Corps. Safe Routes to School punch list items have been identified. Paving of streets from the 2015 street program are being finished up. Design for South Shore and Highgrove drainage projects are being worked on.
2. Building Department Report – August brought 11 new home permits, for a total of 85 permits with a residential value of \$12,000,312. August brought 38 new alteration permits, for a total of 279 permits with a value of \$2,905,649.

PUBLIC COMMENT

Bill Kuhn, 13951 Huseman, he stated he enjoys going to all the local events and seeing the Council Members adding in on their own for these events and the Town. He added the Eagles are having a golf outing at South Shore for the Special Olympics Lake County on September 24th. He added that for the flag poles, think of it as the Chamber donating the materials and it's one of the main focal points of the Town. It will be a great improvement to the Town.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:11 PM.

An Executive Session was advertised and conducted before 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.

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Cedar Lake Police

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(219) 374-5416 FAX (219) 374-9231



www.cedarlakein.org

August 11, 2016

To: Randall Niemeyer, President, Cedar lake Town Council
From: Jerry Smith, Chief of Police

Ref: Creation of a 3 Way Stop Sign Controlled Intersection for 137th Ave and Parrish Ave.

Dear Council Members,

As I had stated in my email to the members of the Town Council on July 16, 2016 and at the July 19, 2016 Public Meeting of the Cedar Lake Town Council, that it had been brought to brought to my attention that there is a Traffic/ Public Safety condition that exist.

At the intersection of 137th Ave and Parrish Avenue there is a blind spot that is there mostly because of an environmental issue.

For West bound 137th Avenue traffic at the intersection of Parrish Avenue. Traffic is having a difficult time seeing the north bound Parrish Ave traffic because of a line of Cedar Trees that have been allowed to grow along Parrish Ave, but south of 137th Ave.

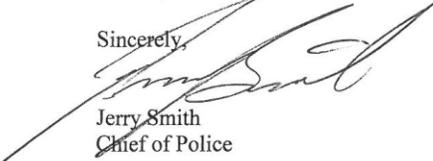
The issue is now intensified by the new improvements to Parrish Avenue, partly because there is no break in traffic flow for north and south bound traffic. The hazard is more prevalent when you are in a larger vehicle that has the occupants sitting up higher from the road than that of a standard passenger car, such as a truck or large SUV.

My position as Chief of Police includes that of the Town's Traffic Safety Engineer to deal with matters relating to Public Safety and Traffic Hazards. I have been in conversation with Tim Kubiak and Chief Wilkening regarding to this matter as well. I feel, and they concur, that there should be a Three Way Stop Sign Controlled intersection be installed at this location.

This matter was approved at the July 19, 2016 meeting and I am now officially requesting that this be permanent and that it be reflected as so in the Cedar Lake Town Code.

Thank you for your time and consideration to the safety concern.

Sincerely,



Jerry Smith
Chief of Police

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