

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



January 17, 2017

Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence

Roll Call:

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|---------|--------------------------------------|--------|---------|---|--------|
| 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 | Absent | Jill Murr, CPM, IAMC, MMC Town Administrator | |
| Present | Randell Niemeyer Council Member | Ward 5 | Present | David Austgen Town Attorney | |

**President Niemeyer added a change to the agenda. Under New Business, item 1, Appointments to Boards and Commissions, an appointment for Unsafe Building was added for consideration. Also, direction on an ordinance as it regards to the makeup of Unsafe Building.*

PUBLIC COMMENT

Gene Wiler, 102 Winesap Drive, Hebron, asked if the municipality was a home rule municipality. President Niemeyer answered that it was a limited home rule by the Indiana statutes. He commented that there were no complaint forms in the office. He asked if the departments operated under the standard operating procedures or guidelines. Mr. Austgen answered that the Police and Fire Department operate under standard operating procedures and policies. Mr. Wiler stated that there is a difference between procedures and guidelines. Mr. Austgen stated that wasn't true under Indiana Code. He asked if he could get a copy of the standard operating procedures. Mr. Austgen stated he could fill out a public records request.

CONSENT AGENDA

Minutes: January 3, 1017 Public Meeting Minutes

Docket: January 17, 2017 – All Town Funds \$461,479.67, Wastewater \$32,676.32, Water \$36,526.14, Storm Water \$109,730.37, Payroll 1/12/17 \$237,575.00

2017 Clerk-Treasurer's Bond

2016 EMS Non-Reverting Transfer from General Fund: \$32,086.95

2016 CEDIT Fund Report

John Foreman 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 – Abstain, Niemeyer – Yes. Vote: 6 to 0.

RESOLUTIONS

1. Resolution No. 1183 – 2016 EMS Bad Debt Write-Offs

Clerk-Treasurer Gross read by title and explained that this is an annual resolution to write-off EMS bad debt. As of the Cedar Lake Fire Department Write-Off Report dated 1/1-12/31/16, the amount of \$51,090.28 is requested to be written off. President Niemeyer asked what makes an item a bad debt. Mr. Austgen answered that bankruptcy's, deceased individuals, Medicaid/Medicare final payments, make items considered bad debt write-offs. Council Member Foreman asked if some of these to collections the Town will possibly see. Mr. Austgen stated that this is exhaustion of everything.

A motion to approve Resolution No. 1183 was made by Robert Carnahan 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. Resolution No. 1184 – Temporary Loan to Cumulative Capital Development Fund

Clerk-Treasurer Gross read by title and explained. This resolution authorizes \$102,685 to be transferred from the Wastewater Treatment Plant Special Fund to the Cumulative Capital Development Fund. This is payable with the Spring Tax Installment on or before June 30, 2017. This is to keep up with cash flow for current obligations to lease payments. President Niemeyer asked if this fund was reestablished in the new budget. Clerk-Treasurer Gross answered yes, the Town is waiting to hear from the state for where they stand on the tax levy on the CCD. President Niemeyer asked if this amount would be covered by the current tax levy. Clerk-Treasurer Gross answered yes.

A motion to approve Resolution No. 1184 was made by Julie Rivera 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.

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3. Resolution No. 1185 – 2017 Summerfest Agreement

Council Member Parker read by title only. This resolution establishes the Town's participation in the 2017 Cedar Lake Summerfest Event. President Niemeyer explained that this also includes a previous item of charging \$1000 for each of the five running days of the Summerfest. This is to remunerate for the Town's services. Mr. Gordon Dickson added that the Summerfest Committee passed the draft as it was written. He asked about how quickly they could get it signed, if it passes, so they could get it to the committee for signatures. President Niemeyer stated that if the Council passes it tonight, it'll be signed tonight. He asked about the blank spaces with missing dates for fireworks. Mr. Dickson answered that they couldn't get those dates without the agreement being passed.

A motion to approve Resolution No. 1185 contingent upon the entry of the dates of the fireworks, made by Greg Parker 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.

BZA

1. Environmental Assurance LLC – 10501 W. 133rd Avenue – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council to allow the Petitioner to operate a construction company that performs interior demolition, asbestos removal, HVAC restoration, mold remediation, and for the storage of equipment and supplies. With two (2) dumpsters along the back northeast corner of the parking lot in an M-1 Zoning District.

A motion to approve the Special Use Variance for Environmental Assurance LLC with the findings of fact was made by Greg Parker. A second was made by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

NEW BUSINESS

1. Appointments to Boards and Commissions

President Niemeyer stated that there was one applicant for the democrat opening on the Plan Commission. He asked for a motion to appoint Heather Dessaurer to the Plan Commission.

A motion to approve the appointment was made by Ralph Miller 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.

Council Member Parker nominated Charles Kouder to the Unsafe Building. A motion to approve the appointment to Unsafe Building was made by John Foreman 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.

President Niemeyer discussed the item of directing the Town Attorney to update the Unsafe Building Ordinance for the Town. A motion was made by Greg Parker with a second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Acceptance & Acknowledgement – Lake Shore Drive/Cline Avenue Project Parcel 12

Town Attorney Austgen stated this is for the final parcel for the Lake Shore Drive/Cline Avenue Roundabout Project. He stated that Town Administrator Murr has worked through this with the land acquisition agent and property owners.

A motion to accept and acknowledge Parcel 12 as presented was made by John Foreman 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. Robin's Nest Water Well Pump Recommendation

Neil Simstad with NIES Engineering presented a recommendation for the expansion of the Robin's Nest production capacity. Four quotes were solicited and received with a range of \$22,780 to \$44,300. A recommendation was made to award the project to Sheehy Well Company in the amount of \$22,780. Mr. Simstad stated that at a later date the need for additional programming may come.

A motion to approve the recommendation for Sheehy Well Company in the amount of \$22,780 was 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.

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4. Equipment Purchase – Kobelco 160 LC

Operations Director Tim Kubiak discussed the purchase of a used excavator for tearing down unsafe buildings, sewer work, and other projects. He discussed the previous mid-sized backhoe was traded in and used towards the purchase of a brand new mini excavator. This machine would allow them to get jobs done efficiently and safely. Discussion continued on the possibility of the process of unsafe buildings becoming a self-funded activity.

A motion to approve the purchase of the Kobelco 160 LC from Ronson Equipment Company in the amount of \$58,000 was made by Greg Parker with second by Richard Sharpe. President Niemeyer asked if other quotes were solicited. Mr. Kubiak stated quotes were not solicited but comparison pricing was done at the surrounding dealers. The Clerk-Treasurer's office has those prices. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

5. 133rd Avenue Phase II American Structurepoint Agreement

Town Attorney Austgen reported that resolution of the dispute with American Structurepoint in relation to the second phase of the 133rd Avenue project has occurred. President Niemeyer added that this was to redesign the area to the east of the tracks where it was flooding after it was redesigned. The Town went through a lengthy process of making a claim that the design was deficient. The amount of reimbursement to the Town will be \$465,000. Mr. Austgen added that American Structurepoint was professional and cooperative with handling this circumstance.

A motion to approve the 133rd Avenue Phase II American Structurepoint Agreement in the amount of \$465,000 and to execute the release instrument was made by Robert Carnahan 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.

6. 2014 Governmental Ambulance Payment Adjustment Agreement

Town Attorney Austgen stated that this is an annual reimbursement opportunity of funds to the Town regarding ambulance services related to Medicaid payments. Approximately, \$18,835.62 is due to the Town. In 2015, the Council approved an engagement with Blue & Company for a 20% contingency fee. Blue and Company will be due \$3,767.12 upon receipt of the reimbursement.

A motion to approve the agreement and payment to Blue and Company in the amount of \$3,767.12, inclusive of the signatures of the Council President and Clerk to ratify the document was 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.

TOWN COUNCIL REPORTS

- 1. Town Council** – Council Member Rivera discussed the possibility of using tourism funds to commemorate the Town's 50th Anniversary later this year. Council Member Miller discussed the Historical Association's 2nd Wine Tasting Event at the Lighthouse Restaurant on February 4th. President Niemeyer added that they will be scheduling a meeting soon to discuss updating the Museum's lease. He apologized for the delay. Council Member Foreman discussed the possibility of a commuter lot at the corner of 133rd Avenue and Osborne. Council Member Carnahan stated he opposed that idea. He also discussed the Cedar Lake Chamber's upcoming luncheon.
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – None
- 4. Town Administrator/Staff** – Chief Wilkening added that it is the Fire Department's 75th Anniversary. They are hoping to bring back the Firemen's Ball. President Niemeyer added that this Saturday at the Town Hall at 11am there will be a joint meeting to discuss the development of a Fire Territory.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report
2. Building Department 2016 Annual Report

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at 7:47 PM.

An Executive Session was advertised and conducted at 6:00 PM and 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

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
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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.