

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



April 4, 2017

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	

PUBLIC HEARINGS

1. Ordinance No. 1259 – Public Way Vacation – 14400 Lakeshore Drive

- a. **Attorney’s Review of Legals** – Legal notices were published according to state statute.
- b. **Opening Remarks** – Town Attorney Austgen discussed the petition for the public way vacation. Underneath the parcel is the Town’s sewer line. Any action considered should be subject to the execution and delivery by the property owners to the Town of a utility easement.
- c. **Reading of Ordinance No. 1259** – Council Member Parker read by title.
- d. **Utility Easement Agreement** – Town Attorney Austgen stated that this is a standard form agreement prepared for execution and delivery by the owner to the Town as consideration for the vacation of the public way. He added that this public way vacation does not go to the property line so there will be no traffic here through Surprise Park.
- e. **Remonstrators** - None
- f. **Town Council Discussion** – None

A motion to approve the first reading of Ordinance No. 1259 with the contingency that it not be finalized until the receipt of the granted utility easement agreement was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 1. Second reading will occur at the next meeting.

2. Resolution No. 1193 – Community Development Block Grant 2017-2018

- a. **Opening Remarks** – Town Administrator Murr discussed the Community Development Block Grant (CDBG) application process and common uses of the funds. Town Administrator Murr discussed past use of CDBG funds by the Town. Most recently storm water improvements in the High Grove Subdivision with the plan for roadway improvements. Tim Brown, Executive Director of the Lake County Community Economic Development Department, discussed uses as well. Town Administrator Murr added that potential projects have been discussed and they hope to use the potential funds for ADA curb cuts and detectable warning tiles as part of the ADA transition plan.
- b. **Reading of Resolution No. 1193** – Town Administrator Murr read by title.
- c. **Remonstrators** – Lucy Griffin, 13704 Birch Street, voiced concerns about the condition of Birch Street and nearby railroad tracks. Mr. Brown discussed the possible elimination of the Community Block Grant funds.
- d. **Town Council Discussion** - None

A motion to approve Resolution No. 1193 was made by Julie Rivera 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.

3. Resolution No. 1191 – Additional Appropriation

- a. **Clerk-Treasurer’s Comments** – Clerk-Treasurer Gross commented that this additional appropriation was published in the Post Tribune on March 22, 2017 and The Times on March 23, 2017. This is per previous discussions regarding the 2017 budget. This \$310,000 is what is anticipated to be collected in additional miscellaneous revenues.
- b. **Reading Resolution No. 1191** – Clerk-Treasurer Gross read by title and briefly explained.
- c. **Remonstrators** - None
- d. **Town Council Discussion** - None

A motion to approve Resolution No. 1191 was made by Julie Rivera with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

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PUBLIC COMMENT

Mitch Dudlak, 12801 Oak Street, voiced concerns about the American flag still not being illuminated at night. Ryan Kuiper, Water Superintendent, stated that it is being looked into and new poles have been ordered. Council Member Foreman suggested possibly removing the flag each night.

Lucy Griffin, 13704 Birch Street, suggested the use of solar lighting for the flag.

CONSENT AGENDA

Minutes: March 21, 2017 Public Meeting Minutes

Docket: April 4, 2017 – All Town Funds \$306,146.68, Wastewater \$47,047.39, Water \$32,407.64, Storm Water \$4,936.57, Payroll 3/23/17 & 3/31/17 \$179,285.23

Manual Journal Entries: March 1 – 31, 2017

Donations: DARE: Christopher B. Burke Engineering - \$100, Hanover School Corp. - \$1,000, Fraternal Order of Eagles - \$250, Kubiak Development \$500, SLG Millennium Group - \$500

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Council Member Carnahan questioned the use of vendors not in Town. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

ORDINANCES

1. Ordinance No. 1260 – Annexation – Wenzel – Introductory Reading

Council Member Parker read by title only. Town Attorney Austgen stated this is a petition by the parcel owner for voluntary annexation. This is the initial reading. A public hearing will occur next month with fiscal plan.

A motion to approve the introductory reading of Ordinance No. 1260 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. 1261 – EMS Rates

Council Member Parker read by title only. Town Administrator Murr stated at the end of last year the Town engaged the financial advisor to review and analyze the EMS rates billed to residents and non-residents. The proposed rates have been reviewed by the committee and are presented in ordinance.

A motion to approve the first reading of Ordinance No. 1261 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.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council Member Parker read by title only.

A motion to adopt Ordinance No. 1261 was made by John Foreman 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. Town Attorney Austgen reminded them that the Ordinance with need to be published.

3. Resolution No. 1192 – Reduction of Current Balances

President Niemeyer stated Council Affairs has a committee meeting scheduled for next week to discuss the budget. He asked for a motion to defer.

A motion to defer Resolution No. 1192 was made by Greg Parker 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.

NEW BUSINESS

**President Niemeyer stated one item would be added to the agenda for new business in regards to a sewer lien. It will be presented at the end by Mr. Austgen.*

1. Cedar Lake Chamber, NWI Symphony Orchestra – Town Grounds Use Request

President Niemeyer discussed a written request by the Chamber of Commerce for use of the Town Grounds and stage for the NWI Symphony Orchestra's July 22nd event. He briefly discussed the cost and future request for funds. He stated that would be discussed at the budget meeting. He asked for a motion for the use request.

A motion to approve the Town Grounds Use Request by the Chamber of Commerce for the NWI Symphony Orchestra on July 22nd was made by Julie Rivera with second by Ralph Miller. Town Administrator Murr added that part of the request was for alcohol

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usage on the Town Grounds that evening. President Niemeyer read through the list of use requests.

Council Member's Rivera and Miller amended their motions to include all use requests. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. LWG – Engagement Agreement

President Niemeyer stated discussions are ongoing with Hanover Township for the creation of a fire territory between the Town and township. This engagement agreement would provide consulting and advising services concerning the creation of a fire territory. The proposal is not to exceed \$6,000.

A motion to approve the LWG – Engagement Agreement in an amount not to exceed \$6,000 was made by Greg Parker 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.

3. 2017 Police Vehicle Replacement

Chief Smith presented his recommendation for the replacement of three police vehicles. He recommends the purchase of three Ford Explorer SUV's with two of the optional NOPTIC Thermal Imaging Cameras. The total amount for purchase including the two cameras would be \$112,783.28. The vehicles will be made to order and take approximately eight weeks. This will be done as a lease purchase with payments in arrears as to not impact the 2017 Budget.

A motion to approve the three SUV's inclusive of the two NOPTIC Cameras was made by Robert Carnahan with second by John Foreman. Council Member Foreman asked Chief Smith about the pricing difference between the SUV's and sedans. A lengthy discussion occurred among the Council and Chief Smith in regards to pricing, vehicle preference, and the current department vehicles. Council Member Carnahan amended his motion to include the purchase of sedans should the SUV's be unavailable. Council Member Foreman concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Parrish Avenue – 141st to 151st – Engineering Proposal

Town Administrator Murr stated proposals for engineering services on Parrish Avenue from 141st to 151st were solicited. NIES Engineering responded with \$135,750, Christopher B. Burke Engineering with \$236,500, and VS Engineering with \$158,300. Proposals include design, bidding, and construction observation for the project. It is recommended to accept the NIES Engineering proposal and direct them to begin design. The proposal calls for a 90 day design time.

A motion to approve NIES Engineering Proposal for \$135,750 was made by Robert Carnahan with second by Ralph Miller. Town Administrator Murr and Council discussed indirect costs and billing. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

5. Sewer Lien*

Town Attorney Austgen stated a sewer lien at 7317 W 126th Place is uncollectable. This is a result of the billing process that didn't reach certification stages. It fell in an interim time period and a tax sale occurred. Property transferred to the new owner and it is current. It has an uncollectable lien of \$648.25. He requests they consider waiving it.

A motion to waive the sewer lien was made by Greg Parker 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.

COMMITTEE REPORTS

- 1. Public Works and Safety** – President Niemeyer requested that the Public Works and Safety committee meet in the near future with the Chief Smith and Chief Wilkening.
- 2. Park and Recreation** – Council Member Rivera reminded everyone that September 16th is the Town's 50th Anniversary celebration. President Niemeyer stated that soccer began this evening with 188 registered participants. Town Administrator Murr stated it is a new record with only 163 last spring. Improvements have begun at Bartlett-Wahlberg Park. Pricing is being obtained for a parking lot.
- 3. Redevelopment** – Town Administrator Murr stated the Roundabout project property acquisition is almost complete. She is working with NIRPC on the project construction and funding timetable. It is slated for fiscal year 2021. She does have a quarterly meeting at the end of the month. There is a chance if another project falls out, construction could begin sooner.
- 4. Planning** – Building fee rates were received last evening and will be reviewed by staff.

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5. **Council Affairs** – None
6. **Utility** – JMOB will be meeting on April 19th. The Lakeside Well Profiling Report has been received and is being reviewed by NIES Engineers and staff.
7. **Street** – Road bond financing is moving forward for High Grove and South Shore Subdivisions as well as Parrish between 141st to 151st. There will be a joint meeting April 10th between the Redevelopment Commission, Redevelopment Authority, Storm Water Board, and Town Council. She is awaiting information on the 2017 Community Crossings Program to see what other funding is available for other road projects. She added she has a teleconference tomorrow with US Army Corps and Christopher Burke Engineering on the status of the Ecosystem Restoration Project. President Niemeyer added he has meeting with Congressman Visclosky on April 12th and will be sure to bring up the Ecosystem Restoration Project.

TOWN COUNCIL REPORTS

1. **Town Council** - None
2. **Town Attorney** - None
3. **Clerk-Treasurer** - None
4. **Town Administrator/Staff** – Previously reported.

WRITTEN COMMUNICATIONS

1. **Christopher B. Burke Engineering Report** – Previously reported.
2. **Building Department Report March 2017** – Town Administrator Murr stated there were 35 new home permits year to date. March set a new record with 24 new home permits with an approximate value of \$6,049,729. There were 75 alteration permits with an approximate value of \$839,932.

PUBLIC COMMENT

Brenda Deruntz, 7314 W 143rd Lane, asked if she could get a copy of the map of the public way vacation. Mr. Parker handed her a copy.

Mitch Dudlak, 12801 Oak Street, voiced concerns with the removal of a stop sign at Foster and 128th Avenue. He discussed it being a dangerous area. Chief Smith stated he will look into it. Mr. Dudlak also voiced concerns with rolling stops in the Meyer Manor neighborhood.

Lucy Griffin, 13704 Birch Street, voiced concerns about a home on Morse Street selling items in their yard year round and payment of sales tax. A discussion occurred on zoning laws, permits, and enforcement.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:00pm.

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.