

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



April 18, 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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC COMMENT

Vicki Delaney, 13306 Lemoore Street, voiced concerns with neighbors using minibikes and ATV's on the roadways. She's concerned about the noise and the young children riding on the roadways. She asked if there were any rules or ordinances against such use. Deputy Police Chief Brittingham stated there is state law and ordinance against such use. They cannot ride on the roads and if they ride on property other than their own they have to be registered. President Niemeyer asked them if they called the police. Mrs. Delaney answered no because they didn't know the nonemergency number. Deputy Police Chief Brittingham stated they could still call 219-374-5416 and follow the prompts or call 219-322-5000 to get in touch with Southcom dispatch. Mrs. Delaney also voiced concerns about 133rd Place from Morse to Rocklin being a blind corner with speeders. She asked if the one way stop could become a three way. President Niemeyer answered that would be up to the police chief and the message would be relayed.

Angel Valentine, 9725 Flagstaff Street, asked about getting additional signage for Centennial Subdivision. He voiced concerns about many cars not obeying the speed limit in the subdivision. He's concerned about children crossing the road to the park getting hurt. Further discussion occurred on possible signage that can be placed within the subdivision as well as updating the ordinance. Eric Hicks, 9715 Flagstaff Street, further discussed the problem with speeders in Centennial Subdivision. Mr. Austgen recommended for the Police Department and Street Department to go out and assess the sign locations, sign messaging, and speed limit. This will provide more information before amending the ordinance.

CONSENT AGENDA

Minutes: April 4, 2017 Public Meeting Minutes

Docket: April 18, 2017 – All Town Funds \$73,885.83, Wastewater \$138,792.04, Water \$35,490.29 Storm Water \$2,053.82, Payroll 04/06/17 \$234,882.81

Sweet Corn Sale Request: Mark Christenson

Cinco de Mayo Event: May 5 & May 6, 2017 – La Gaviota Mexican Restaurant

Donations: DARE: Economy Well \$250, In-Kind: Allstate Insurance 30 Filled Easter Eggs

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Mr. Carnahan asked about the wording of the Cinco de Mayo request and if it mattered that it stated City instead of Town. Mr. Austgen replied it sounds like a simple error. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

BZA

1. Keith Piszro – 111 Broadway – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Special Use Variance with the required findings of fact to allow the Petitioner outdoor dining in a B-1 Zoning District with ten (10) tables maximum, no dancing, no music, no service, and no alcohol. Mr. Kubiak briefly discussed the findings of the Board of Zoning Appeals. He commented that outdoor seating without service doesn't make sense but Mr. Piszro agreed to the recommendation. Council Member Foreman made a motion to approve but allow for service. Mr. Kubiak and Mr. Austgen briefly discussed the issues with such a motion. Mr. Foreman removed his motion.

A motion to approve the Special Use Variance as recommended by the Board of Zoning Appeals 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.

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ORDINANCES & RESOLUTIONS

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

President Niemeyer stated this is the second reading. The first reading was April 4, 2017. Council Member Parker read by title only.

A motion to adopt Ordinance No. 1259 was made by Ralph Miller with second by Richard Sharpe. Mr. Carnahan asked Town Administrator Murr if anyone had contacted her regarding the potential purchase of the roadway. She stated no. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1. A brief discussion occurred on Mr. Carnahan's previous comment.

2. Resolution No. 1192 – Reduction of Current Balances

Clerk-Treasurer Gross and Town Administrator Murr discussed the item not being ready.

A motion to defer Resolution No. 1192 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.

3. Ordinance No. 1262 – Lease and Additional Appropriation

Council Member Parker read by title only. Mr. Austgen briefly explained this ordinance permits the lease rental revenue financing arrangement that will fund the High Grove, South Shore, and Parrish Avenue Projects. It also permits upon the adoptive reading for the appropriation of additional funds.

A motion to approve the first reading of Ordinance No. 1262 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.

4. Ordinance No. 1263 – Stormwater Ordinance Amendment

Council Member Parker read by title only. Mr. Austgen explained this is the ordinance that increases the Stormwater fees collected monthly from \$5.00 to \$10.00. This is for the purpose of satisfying the debt service needed for capital funds for the Storm portions of the projects previously discussed. President Niemeyer added this is also to develop and maintain and capital list of projects going forward that benefit the entire community. It is not just a project focus fee increase. This is a broad scope attack on consistent issues in the Town with flooding. A financial analysis was done by the financial advisors and found that the current rate was in deficit. Mr. Austgen stated that if adopted an improvement fund within the stormwater funds will be established. This builds the funds necessary to do capital work.

A motion to approve the first reading of Ordinance No. 1263 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. Mr. Austgen added that the Storm Board and Redevelopment Commission will meet next Tuesday, April 25th in a public meeting to conduct public hearings to address the two separate items just addressed by ordinance. The public is invited and it is a component of that process.

NEW BUSINESS

1. Cedar Lake Historical Association Request

Town Administrator Murr stated the Cedar Lake Historical Association has requested permission to serve wine and punch at several upcoming events. As the events are on the grounds and with the lease, they need the Council's permission to serve alcohol.

A motion to approve the Cedar Lake Historical Association's request 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. Development Standards

Operations Director Kubiak discussed updating the development standards manual. They would like to have standard street signs, manhole cover requirements, water infrastructure improvement guidelines, and sewer utility testing updates. They are seeking to create a mold of the Town logo to place on the manhole covers. The initial investment for the mold is \$2,500 and the first 50 covers at an estimated cost of \$5,000. He is seeking permission to continue with the manual update and approve the investment into the manhole covers. Further discussion continued on updates needed for the development standards manual and MS4 requirements.

A motion to approve the recommendation to update the Development Standards Manual and approve the investment into the mold and manhole covers was made 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. Mr. Kubiak introduced Scott Hutchinson as the newest Public Works Superintendent. He's been taking care of the new signage and manhole covers.

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3. Chamber of Commerce – NWI Symphony

President Niemeyer discussed the NWI Symphony coming to Town each year. It is co-sponsored by the Chamber of Commerce and Town of Cedar Lake. They request \$7,500 from the Town annually for sponsorship. A budget committee meeting occurred to discuss the item. It was discussed that since Summerfest is charged \$1,000 a day for services for events, that the same consideration be made for this request. That would reduce the Town's sponsorship to \$6,500. It was also discussed that they weren't certain of which funding source would be used. He stated some money is available in the Town Promotion line or a possible combination with the Tourism funds. The item is being presented to agree to an amount of sponsorship and not necessarily the source of funding. Council Member Foreman discussed it being a great event and worth the effort. Council Member Rivera asked that since they are unsure of how much of the Tourism funds will be needed for the 50th Anniversary she asked if the item could be deferred. President Niemeyer stated the contract needed to be signed by the end of the month and they require a commitment.

A motion to approve the NWI Symphony sponsorship of \$6,500 was made by Richard Sharpe with 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.

4. Barnes & Thornburg Engagement Agreements

- a. Lease Rental Revenue Bonds Series A, B, and C**
- b. Stormwater Bond**

Town Administrator Murr stated this is the paperwork catching up. This is to engage Barnes & Thornburg to do the legal work needed for the bonds for the road projects previously discussed this evening. President Niemeyer asked if there was a not to exceed amount. Town Attorney Austgen stated this is fairly time and materials but they have a cap and have estimated the costs. They know the amount of time and energy needed. Town Administrator Murr added that the costs are included in the cost of issuance on the bond.

A motion to approve the Barnes & Thornburg Engagement Agreements was made by Ralph Miller with second by Greg Parker. Town Administrator Murr added that these will go on to the respective boards and commissions for their approval as well. 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 announced Exploring the South Shore will be held on Saturday, April 29th at the South Shore Convention Center. The Cedar Lake Chamber, Cedar Lake Summerfest, and Cedar Lake Historical Associations will have booths there. President Niemeyer commented on a meeting with Congressman Pete Visclosky where they discussed the South Shore expansion and the Ecosystem Restoration Project.
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – None
- 4. Town Administrator/Staff** – Town Administrator Murr discussed a request she made to NIRPC for additional funding for the Cline and Lake Shore Drive project as well as money for E-85 fuel purchasing. She asked for \$72,000 for Cline and Lake Shore Drive and \$20,000 for the E-85 fuel purchasing. The requests have been approved through their committee's and will be going to the full commission for approval. She anticipates approval at the full commission. This will add to the funding for fuel available for some of the police cars and water department cars. She announced that the logo for the 50th Anniversary was created by Scott Hutchinson.

WRITTEN COMMUNICATIONS

- 1. It's Gary's Time** – Roger Hayward presented his idea for helping local youth keep busy by repairing and restoring bicycles. A lengthy discussion occurred on Mr. Hayward's previous community work in Gary and the possibility of him partnering with local businesses for this project. President Niemeyer asked about individuals being able to make donations to his established 501(c)(3), It's Gary's Time. The address is 2600 W 93rd Avenue, Lake County Community Corrections Building, Crown Point, IN 46307. The website is www.garystime.com and his phone number is 219-775-6898.
- 2. Christopher B. Burke Engineering Report** – South Shore and High Grove projects are ready for bid. President Niemeyer stated this is an exciting time and approximately \$8 million worth of stormwater and road projects will be started and possibly completed this year.

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PUBLIC COMMENT

Jake Huppenthal, 13628 Drummond Street, stated he appreciates the projects on the table and being done in the Town. He voiced concerns about updating the manhole covers. He believes the cost could benefit elsewhere.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:06 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.