

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



November 7, 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	Absent*	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	

*Chief Deputy Clerk Margo Nagy was in attendance.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: October 17, 2017 Public Meeting

Docket: November 7, 2017 – All Town Funds \$244,382.49, Wastewater \$50,129.13, Water \$25,027.99, Storm Water \$12,806.43, Payroll 10/19/17, 11/01/17, & 11/02/17 \$404,275.90

Manual Journal Entries: October 1 -31, 2017

Clubhouse Request: Girl Scouts – Wednesday, December 13, 2017

Donations: Monetary Donations \$975.00; Cedar Lake Lions Club, Bobb Auto Group, Holiday Liquors, Fraternal Order of Eagles, Franciscan Alliance, Nagy's Automotive, and Harvest Tyme Pumpkin Patch

In-Kind Donations: Sunstar GUM, Albanese Candy, Harvest Tyme Pumpkin Patch, Kregel's Pumpkin Patch, Nagy's Automotive, Casey's General Store, and Strack & Van Til

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

ORDINANCES & RESOLUTIONS:

1. Ordinance No. 1274 – Job Descriptions – Fire Department

Council Member Parker read by title only. Town Administrator Murr explained this ordinance is to update the job descriptions of the Fire Department. This is in anticipation of the Fire Territory.

A motion to adopt Ordinance No. 1274 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.

2. Ordinance No. 1275 – Salary Amendment

Council Member Parker read by title only. Town Administrator Murr explained that section one amends the salary of the Fire Chief. This brings his annual salary up to \$60,000 a year. Section two amends the salary of the Planning and Building Administrator. It was a position created about two years ago. It has been reviewed and additional duties are being undertaken by that position. It is an increase of approximately \$5,000 a year. No distributions are changing and funds are available.

A motion to approve the first reading of Ordinance No. 1275 was made by Julie Rivera 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.

A motion to suspend the rules and allow for a second reading 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.

Council Member Parker read Ordinance No. 1275 by title only.

A motion to adopt Ordinance No. 1275 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.

3. Resolution No. 1205 – Confirming 2017 Budget Reductions

Chief Deputy Clerk Nagy read by title. She explained that Clerk-Treasurer Gross found a total of \$331,850.00 to reduce for year-end 2017.

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

A motion to approve Resolution No. 1205 was made by Ralph Miller with second by Richard Sharpe. Council Member Carnahan voiced concerns with reducing Lake County Solid Waste Grant money. Chief Deputy Clerk Nagy explained those funds will not be expended this year. She explained some of the uses of the funds received. Town Administrator Murr added that the money would help carry the budget for next year. Council Member Carnahan continued to voice concerns. Mrs. Nagy stated there was also a surplus last year. Town Attorney Austgen stated they wouldn't take the money away. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Resolution No. 1206 – Confirming Budget Transfers

Chief Deputy Clerk Nagy read by title and explained. This is a confirming resolution to transfer money within the General Fund, Motor Vehicle Highway Fund, and Economic Development Fund. The following transfers will be made in the following funds:

General Fund #101

Fire & EMS Budget

\$3,000.00 From: 116 Overtime To: 351 NIPSCO

Motor Vehicle Highway #201

\$2,000.00 From: 112 Full-Time To: 445 Equipment

Economic Development #111

\$21,450.00 From: 445 Construction To: 396 Misc. Services

A motion to approve Resolution No. 1206 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, Niemeyer – Yes. Vote: 7 to 0.

5. Resolution No. 1207 – Y2018 Summerfest

Town Administrator Murr read by title and explained. The 2018 Summerfest is anticipated to run from July 4 - 8, 2018 on the Town Grounds. Fireworks will be on two nights still to be determined. Everything else in the resolution remains the same as last year.

A motion to approve Resolution No. 1207 was made by Ralph Miller with second by John Foreman. President Niemeyer commented on this being the earliest this resolution has ever been done. Town Administrator Murr stated she had previously discussed it with June Cole. Council Member Foreman asked Mr. Dickson if they were able to handle the additional cost of the grounds. Mr. Dickson stated they had a small shortfall. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

BZA

1. Telamon/GES – 10120 W. 133rd Avenue – Variance of Use

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Variance of Use to allow the Petitioner to install a 200kw solar system on the east side of the Hanover High School property within the dry detention pond area, contingent site plan approval by the Plan Commission and to include the findings of fact. By a vote of 3 in favor and 0 against, upon motion duly made and seconded, at the public meeting on October 13, 2016. President Niemeyer asked Mr. Austgen if he had anything to add. He stated no. There was careful vetting of this at the multiple meetings. Mr. Parker concurred.

A motion to approve the Variance of Use as listed with findings of fact 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. TKR, INC. – 14719 Morse Street – Special Use Variance

Mr. Austgen stated the Petitioner's attorney asked that the item be deferred to the next meeting.

A motion to defer was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 6 to 1.

NEW BUSINESS

1. Town Ground Use Request – Region Rides, Operation Combat Bikesaver, & Calumet Harley Davidson

Town Administrator Murr discussed a use request received from the above mentioned entities for the 3rd Annual American Muscle Car, Truck, & Bike Show on Saturday, July 14, 2017 from 9 to 3. Last year they held the same event. They were able to raise nearly \$10,000 for Operation Combat Bikesaver. They do rent all of the facilities and coordinate with what needs to be done.

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

A motion to approve the use request 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.

2. Town Ground Use – Cedar Lake Historical Association

Town Administrator Murr discussed a use request received from the Cedar Lake Historical Association for a Family Fun Fest in August 2018. They would like to bring in History on Wheels. It is a semi-truck that is a museum. Auto Indiana will supply a certificate of insurance. They are still determining the location for the truck. It was discussed to place it on the access road between the museum and the VIPS building.

A motion to approve the use 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.

3. 2018 Meeting Schedule

Town Administrator Murr discussed the 2018 Meeting Schedule.

A motion to approve the 2018 Meeting Schedule was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 2. Council Member Carnahan stated he voted no because he doesn't like the Storm Board Meeting start time of 5:30pm. President Niemeyer agreed with Mr. Carnahan. Further discussion occurred on the possibility of changing that start time.

4. Christopher B. Burke Engineering Proposal – 129th Avenue

Town Administrator Murr explained that as they look forward to next year's Community Crossing Grant Application and preparing the roadways for improvement, one of the roadways identified was 129th Avenue from US 41 to Parrish Avenue. This engineering agreement would include the survey work in getting it ready for bid. The proposal is for \$26,600. This will be a 2018 project that will be submitted for the Community Crossing Grant.

A motion to approve the Christopher B. Burke Engineering Proposal for 129th Avenue was made by Greg Parker with second by Richard Sharpe. Council Member Foreman asked the area of the project. Town Administrator Murr stated US 41 to Parrish Avenue. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

5. Letter of Intent – USACE Ecosystem Design

Town Administrator Murr asked for authorization to send the Letter of Intent to Colonel Ressinger, the commander of the Chicago District. This is to restate their commitment to the project. It is to the point where the design agreement has to go through the Army Corps Chain of Command approval. She stated Mr. Austgen and their attorney have reviewed the agreement. This is part of the package and submission of the design agreement. This is the next step and will run parallel as the feasibility study is going through the Corps review process. Council Member Foreman stated this is an updated letter from July. Town Administrator Murr stated this is an updated letter but it is more for the design and the costs. Council Member Carnahan stated this is like what they've done two or three other times. Town Administrator Murr stated yes but this is the next step. She added the design agreement and the format is because it is not a model design agreement because of the locally preferred plan. A letter of intent has to go with the submission package.

A motion to approve the letter of intent as written 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.

WORKSESSION

1. Town Center Presentation

President Niemeyer stated last Friday he, Mr. Foreman, and Mrs. Murr met with the RDA and Commissioner Tippy where they discussed the first parts of the Ecosystem Restoration project. They proposed to them an economic development plan to run parallel with the lake project as a reason why the RDA may want to fund it. He stated they didn't say no and there was much enthusiasm with the presentation. Council Member Foreman briefly discussed the newer businesses and developments and future developments in Town.

President Niemeyer and Council Member Foreman presented the plan for two possible livable center areas to the audience that was presented to the RDA and Commissioner Tippy. One of the areas is the current Town Grounds and the other Midway Gardens. President Niemeyer discussed growth of the community at length.

2. Golf Cart Ordinance

Council Member Miller briefly discussed the draft of a golf cart ordinance. He asked if anyone in the audience wanted to discuss the initiative.

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

Frank Brongiel, 7504 W 134th Place, stated he thinks it's an excellent idea. He discussed many other communities that are putting in similar ordinances. He did ask that they consider adding review mirrors to the ordinance.

Irene Rokaitis, 13418 Cedar Street, stated she didn't see the ordinance and asked if lights and turn signals would be required. Town Attorney Austgen stated that's how it's drafted. Mrs. Rokaitis added that most golf carts are not used at night. She voiced concerns with the possible cost to owners to equip golf carts with lights.

3. Animal Control

Council Member Rivera discussed complaints about pets excessively barking and those being left out in the cold without shelter. She spoke with the deputy director of the Lake County Animal Control and got ideas for a strict ordinance with fines. She discussed the current ordinance in place and stated she would like to work with staff to update it. She discussed having weather specific conditions in the ordinance. Town Attorney Austgen added there are some very carefully worded and described statutory violations he is intimate with. There is some protection already in the statutes. By home rule legislation they can create local regulations for the community.

COMMITTEE REPORTS

1. **Public Works and Safety** – A fire territory meeting will be held on November 13, 2017 at the Town Hall. It is a public work session. Town Administrator Murr added that Chief Coulson began last week.
2. **Park and Recreation** – Town Administrator Murr stated soccer finished on Saturday. Trunk or Treat was held last Saturday. It was a great success with participation from staff and coordination by Jennifer Sandberg who volunteered her time to put a lot of that together. We had volunteers from Public Works, Police, and Town Hall. Many different businesses donated items and participated. Equipment was available for the kids to go through. Hamburgers and hot dogs were served to all.
3. **Redevelopment** – The RDC approved the Lincoln Plaza improvement project. It is currently out to bid. It's anticipated to be awarded in December. It will be a 2018 project. The Cline and Lake Shore Drive Roundabout all of the right of way has been acquired. That project will move forward. NIRPC approved it at their executive board meeting last month. They amended the Transportation Improvement Plan and moved the project into Fiscal Year 2019. It was reaffirmed at the quarterly tracking meeting last Wednesday. That project will probably begin with utility relocation in the fall of next year. INDOT's fiscal year runs July through June.
4. **Planning** – For the year we are at 148 new home permits with a residential value of just under \$25.5 million. Last year, there were 152 new home permits for the entire year with a residential value of \$21.3 million. Alterations year to date currently have a value of \$5.5 million. That's residential and commercial. Businesses and people are investing in our community. The Board of Zoning Appeals meets on Thursday and has a full schedule.
5. **Council Affairs** – Will be having more meetings soon.
6. **Utility** – Cedar Lake and Lowell Town Council's met on August 29th and will be getting back together in December. The next JMOB meeting is on November 15th. They are continuing on the televising of the wastewater interceptor line from the EQ basin to the plant. Chemical phosphorus removal facility and the mechanical trash rack construction are underway.
7. **Street** – High Grove Subdivision improvements are underway. NIPSCO is working on the gas main and service line improvements in South Shore. As of now, construction in South Shore won't occur until spring. Parrish Avenue work will begin in 2018. The bonds closed last week. Costs are being looked at for 127th Avenue. Public Works has been working diligently. It will be a 2018 project. Some work can probably be done in house but it needs a little bit more than a band-aid put on. It doesn't need a full reconstruction. Some work can be done before winter but most will take place in the spring. Council Member Foreman asked where they are at with 80,000lb trucks on the roadways. Town Administrator Murr stated she has some drafts.
8. **Ecosystem Restoration** – Comments have been received on the feasibility report by the Chicago District's office from the ASA's office in Washington. Those responses are being addressed in bi-weekly meetings. They are anticipating the review will be completed this winter. The design agreement review is underway. The letter of intent will be sent to the Army Corps for submission of their design agreement package for review with an anticipated submission date of November 15th. A coordination meeting will be held that morning.

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

TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Carnahan stated the Jean Eberle Parade of Lights will take place on Saturday, November 18th. It will leave Lemon Lake Park at 7pm. It will be concluding at the old Holy Name School. The Town Hall just became too small for the crowd. President Niemeyer discussed concerns the public may have with the plan presented tonight. He discussed challenges with the tax base, revenue streams, and lack of an economic engine in Town.
2. **Town Attorney** – No report. President Niemeyer asked Mr. Austgen about statutory consideration as it relates to a comprehensive plan and economic development updates. Mr. Austgen advised to amend the comprehensive plan. That would require an amendment to the comprehensive plan with a public hearing before the Plan Commission and certification to the Council for public meeting action. He also advised that the entire comprehensive plan be looked at. He also suggested contact with economic engines down in Indianapolis for funding sources. Discussion continued on updating the comprehensive plan with the plan presented this evening.

A motion to amend the agenda to allow for consideration of an item that relates to the insertion of the economic development plan and economic development areas into the current comprehensive plan while the other one is being done 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.

A motion to amend the Town's current comprehensive master plan to include the presentation given this evening as part of an economic development plan and future planning areas for development was made by Ralph Miller 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. **Clerk-Treasurer** – None.
4. **Town Administrator/Staff** – Chief Todd Wilkening gave an update on the 800 MHz system. A lengthy discussion occurred on the system, patching, and the ability to communicate with other departments. Chief Wilkening reported that the annual boot drive was a success. \$3,784 was raised for the local food pantry. Chief Coulson reported on his first week. He thanked them for the opportunity to move the department forward and make changes as necessary.

WRITTEN COMMUNICATIONS

1. **Christopher B. Burke Engineering Report** - Previously Reported.
2. **2018 Boards & Commissions** – Open positions have been advertised. They are looking for applications to be in by December 8th.
3. **Building Department Report** – Previously reported.

PUBLIC COMMENT

Gordon Dickson, 8711 W. 132nd Place, he thanked the Council and Town Administrator Murr for working with the Summerfest Committee and getting to the contract quickly this year. He agrees with the animal control brought up this evening but he cautioned that not all animals are the same. Some animals love the cold and snow. He asked if there is any thought to feral animals that are running around. He voiced concerns with many stray cats in his neighborhood. Council Member Rivera stated at this time the Lake County Animal Control cannot contract with any communities until 2019 due to their budget. She stated she has talked to Chief Coulson about reaching out to other communities that do have animal control and possibly partnering with them. Diane Jostes, Cedar Lake Chamber of Commerce, asked if the projects were separate. President Niemeyer answered they are two separate projects but both would be part of the plan to enhance the area for public use as well as some commerce. The main focus would be the Midway Gardens area. Mrs. Jostes discussed citizen concerns with lack of boat space in Town. People call all summer looking for boat slips. President Niemeyer stated as discussions continue that idea needs to be considered. Further discussion continued on the increased growth of Cedar Lake.

Council Member Carnahan asked Chris Salatas to introduce himself. Mr. Salatas is a Councilman in Lowell and works for Senator Todd Young. He stated he is available to listen to the public and report comments and concerns back to Mr. Young. He praised the Council on the economic plan presented.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:40pm.

An Executive Session was advertised and conducted after 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
MINUTES OF THE TOWN COUNCIL**

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.