

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



September 20, 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 | 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 HEARING

Ordinance No. 1248 – 2017 Budget – First Reading

- a. Gateway Notice – The notice was submitted to Gateway per state requirements on 9/9/16. A copy is posted in front for public viewing.
- b. Council Affairs Committee Comments – President Niemeyer stated meetings were held to discuss the needs of the 2017 budget and the necessity to make some changes and cuts. They also recognized the opportunity for revenue increases. Mr. Miller thanked Clerk-Treasurer Gross for her hard work. He stated the matter was not one taken lightly. Mr. Parker expressed his gratitude to the Clerk-Treasurer. President Niemeyer and Town Administrator Murr discussed updating items for increased revenue such as ambulance fees, permit fees, shelter rentals, etc. It was stated Town Administrator Murr would provide items and direction for Town Attorney Austgen to begin updating ordinances to create those revenue streams. Town Attorney Austgen reminded them that all fees and charges are to be cost based. Discussion continued on the need for increases and development of cost comparisons. Clerk-Treasurer Gross discussed the increased growth of the community and stagnate revenue streams.
- c. Reading of Ordinance No. 1248 – Clerk-Treasurer Gross read by title and gave an explanation. She read down the list as follows:

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Ordinance Number: 1248

Be it ordained/resolved by the Cedar Lake Civil Town that for the expenses of CEDAR LAKE CIVIL TOWN for the year ending December 31, 2017 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of CEDAR LAKE CIVIL TOWN, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the Cedar Lake Civil Town.

| Name of Adopting Entity / Fiscal Body | Type of Adopting Entity / Fiscal Body | Date of Adoption |
|---------------------------------------|---------------------------------------|------------------|
| Cedar Lake Civil Town | Town Council | 10/18/2016 |

| DLGF-Reviewed Funds | | | | |
|---------------------|---|--------------------|--------------------|------------------|
| Fund Code | Fund Name | Adopted Budget | Adopted Tax Levy | Adopted Tax Rate |
| 0061 | RAINY DAY | | \$0 | 0.0000 |
| 0101 | GENERAL | \$4,358,931 | \$3,199,376 | 0.8262 |
| 0342 | POLICE PENSION | \$171,000 | \$0 | 0.0000 |
| 0706 | LOCAL ROAD & STREET | \$166,000 | \$0 | 0.0000 |
| 0708 | MOTOR VEHICLE HIGHWAY | \$574,043 | \$0 | 0.0000 |
| 2379 | CUMULATIVE CAPITAL IMP (CIG TAX) | \$30,000 | \$0 | 0.0000 |
| 2391 | CUMULATIVE CAPITAL DEVELOPMENT | \$307,328 | \$251,217 | 0.0649 |
| 2430 | REDEVELOPMENT - GENERAL | \$99,440 | \$78,419 | 0.0203 |
| 2482 | REDEVELOPMENT BOND | \$661,000 | \$850,711 | 0.2197 |
| 2487 | REDEVELOPMENT BOND EXEMPT FROM CIRCUIT BREAKERS | \$357,500 | \$523,176 | 0.1351 |
| | | \$6,725,242 | \$4,902,899 | 1.2662 |

| Home-Ruled Funds (Not Reviewed by DLGF) | | |
|---|--------------------------------------|--------------------|
| Fund Code | Fund Name | Adopted Budget |
| 9500 | Lake County Solid Waste | \$97,600 |
| 9501 | Casino Gaming | \$320,000 |
| 9503 | Law Enforcement Continuing Education | \$17,500 |
| 9504 | CEDIT | \$402,450 |
| 9505 | Tourism Innkeeper's Tax | \$4,725 |
| 9506 | LOIT Public Safety | \$190,231 |
| 9507 | LOIT 2016 SPECIAL DISTRIBUTION | \$188,454 |
| | | \$1,220,960 |

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She cautioned that it will not be the final rate that is approved by the State of Indiana. Grand total budget to be approved by the Council is \$7,946,202.

- d. Public Comment - None
- e. Council Discussion – Council Member Foreman asked Clerk-Treasurer Gross about the CEDIT Fund of \$402,450 and if it was annually. She stated it was annual. Council Member Carnahan asked about an upcoming cut from streetlights. Clerk-Treasurer Gross stated the Town Administrator has worked out a possible conversion where it's estimated that the Town will save money. Town Administrator Murr explained that NIPSCO has recently done a rate study and a rate was approved for LED streetlights. Part of that rate negotiation is retrofitting streetlights. Depending on where the Town falls on their list, it's anticipated to be a significant energy cost savings. President Niemeyer discussed the merger with the Fire Department, significant increases in the general fund, personnel growth, and stagnate revenues not meeting the community growth.
- f. Council Decision
A motion to approve the first reading of Ordinance No. 1248 was made by Ralph Miller with second made by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0. Second reading will be on October 18, 2016.

PUBLIC COMMENT

Tom Blankley, 14122 Soper St, voiced concerns regarding a large oak tree across the street from his property that drops limbs frequently. Direction was made for Operations Director Kubiak to analyze the area.

Stephanie Kimbrell, 7321 138th Lane, previously presented at the last council meeting with 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. Chief Smith stated he didn't have his full recommendation prepared yet but cautioned against a speed bump. He discussed the possibility of making the street a one-way. Daniel Pierce, 7338 138th Lane, asked about talking to the Lighthouse to get their high-frequency times to get an idea of when to have an officer patrol the area. A lengthy discussion continued on the number of vehicles traveling the road and the best times to send officers to patrol.

Gordon Dickson, 8711 W 132nd Place, on behalf of the Cedar Lake Summerfest asked about getting the contract for next year. They would like for it to be done within the next 30-60 days. The Summerfest committee asked for a breakdown of the money being spent by the Town during the festival. They would like to see where they could help out with those expenses. The next Summerfest meeting is September 26. They would like for the Town liaisons to be there with that documentation so that they can start working on that to get the contract done in a timely fashion. President Niemeyer stated that he didn't think the documentation could be gathered by the 26th. He stated it could possibly be ready for the October meeting. Council Member Foreman asked about Summerfest possibly making contributions to the Ecosystem Restoration Project. Mr. Dickson stated the committee is discussing that. Discussion continued on getting a draft contract ready.

CONSENT AGENDA

Minutes: September 6, 2016 Public Meeting Minutes

Docket: September 20, 2016 – All Town Funds \$163,121.94, Wastewater \$22,538.14, Water \$52,687.28, Storm Water \$4,726.59, Payroll 09/08/16 \$231,941.34

Conflict of Interest Disclosure Statement: Tim Kubiak

Lake County Board of Elections: Use of Town Hall for Election Day, Tuesday, November 8, 2016

Consent for Use: State Representative Michael Aylesworth to hold public meeting at Town Hall on Wednesday, September 28, 2016

Permission for Use: Boy Scouts Troop 129 for overnight camping on Town Grounds September 23, 2016 – Hometown Fest Participation

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 – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1. Council Member Carnahan opposed two docket items.

RESOLUTIONS

1. Resolution No. 1174 – Temporary Loan to Y2016 Road Improvement Project

Clerk-Treasurer Gross read by title only and explained. This is a temporary loan from the Wastewater Treatment Special Fund to the Y2016 Road Improvement Project. Mr. Austgen drafted the document and it's in relation to the future bonding for major roadway projects. Mr. Austgen added that this is the transfer that permits the payment of engineering fees for the contracts that were awarded for design on the 2016/2017 road projects. Clerk-Treasurer Gross added that \$576,300 will be temporarily borrowed and then at the closing of the bonds the money will be repaid.

Motion to approve Resolution No. 1174 made by Robert Carnahan 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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2. Resolution No. 1175 – Budget Transfers – Casino and CEDIT Funds

Clerk-Treasurer Gross read by title only and explained. This is to authorize the transferring of money within the Casino Gaming and County Economic Development Income Tax Funds. Monies to be transferred within the Casino Fund #105 as follows:

\$30,000 From: 449 – Road Improvement To: 312 – General Engineer.

Monies to be transferred within the CEDIT Fund #111 as follows:

\$15,000 From: 314 – Rail Expansion To: 500 – 2015 CEDIT Bond
\$57,420 From: 445 – Construction To: 500 – 2015 CEDIT Bond

Motion to approve Resolution No. 1175 made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1

3. Resolution No. 1176 – 2016 Budget Reductions

Clerk-Treasurer Gross read by title only and explained as a resolution to reduce current 2016 balances (reduce necessary expenditures, Form 4A). Reductions as follows:

| | |
|---|---------------|
| General Fund Reduction: | \$ 164,540.00 |
| LOIT Public Safety Reduction: | \$ 17,300.00 |
| Motor Vehicle Highway Reduction: | \$ 75,000.00 |
| Cumulative Capital Development Reduction: | \$ 50,000.00 |
| CEDIT Reduction: | \$ 48,270.00 |
| Casino Gaming Reduction: | \$ 86,000.00 |

Motion to approve Resolution No. 1176 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

4. Resolution No. 1177 – Temporary Loan to Cumulative Capital Development Fund

Clerk-Treasurer Gross read by title only and explained. This allows \$16,315 to be transferred from the Wastewater Treatment Plant Special Fund to the Cumulative Capital Development Fund for necessary operating expenses. Repayment will be made upon receipt of the fall tax distribution.

Motion to approve Resolution No. 1177 made by Robert Carnahan 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

BZA

1. Gloria Banter and Ruby Dennis-Weber, 12615 Wicker Avenue Use Variance

The Board of Zoning Appeals sends a favorable recommendation to the Town Council to allow the petitioner to operate a personal training and weight loss center in a community business (B-2) zoning district and to allow three (3) businesses on a lot in a community business (B-2) zoning district, conditioned on marking and striping of designated parking spaces as agreed upon and that there are no additional signs on the subject property for the business of petitioners herein.

Motion to approve Use Variance based on the favorable recommendation with conditions made by the BZA made by Robert Carnahan 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

NEW BUSINESS

1. Monastery Woods South Property Transfer

Mr. Anderson, Attorney for Monastery Woods Development, voiced concerns with the deed regarding the transfer of property for a pathway previously discussed at the May 17th and June 7th meetings. The Lake County Assessor wants a disclosure filed because the deed mentions the \$10,000. He proposed a change to the sales disclosure to describe what occurred. He doesn't want the assessor to view the strip of land as being worth \$10,000 and increase tax bills for those in the subdivision. Mr. Austgen stated he respectfully disagreed with Mr. Anderson about increased valuation of the lots. He stated he was directed to prepare documents commensurate with their approval action. And when you review the approved minutes of the meeting, he did exactly that and drafted accordingly. A lengthy discussion continued on the previous events that occurred, the documents that were drafted based upon the Council's direction, and the amended sales disclosure presented by Mr. Anderson.

Motion to accept the sale disclosure presented by Attorney Anderson this evening and add it in as part of the minutes made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – No, Parker – No, Niemeyer – Yes. Vote: 5 to 2

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2. Safe Routes to School – Change Order #4

Town Administrator Murr explained that there was a correction to Change Order #4. Change Order #4 was previously approved at the last Council meeting for \$3,815. After INDOT reviewed it, they reduced it to \$3,620.

Motion to accept the lower dollar amount for Change Order #4 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

TOWN COUNCIL REPORTS

1. **Town Council** – President Niemeyer thanked Clerk-Treasurer Gross, Town Administrator Murr, and Department Heads for their extra duties during the budget process and for the continuing work that will occur. Council Member Carnahan discussed the passing of Dean White.
2. **Town Attorney** – No Report.
3. **Clerk-Treasurer** – No Report.
4. **Town Administrator/Staff** – Town Administrator Murr discussed a letter from Stanley Pagorek commending Assistant Chief Nick Mager for his courtesy and professionalism when he assisted Mr. Pagorek's daughter during an automobile accident. Chief Wilkening asked to present again at the next meeting when Mr. Mager would be available. President Niemeyer read the letter into the record. Chief Smith updated the Council on the estimate of the replacement vehicle discussed at the last meeting. The price of the car may go up \$1,400. At the beginning of the year when they purchased the vehicles they were quoted \$23,900. The quote on this vehicle will be \$24,542. It still does not go over the original quote because the majority of equipment from the other vehicle can be used. Town Administrator Murr discussed a grant received from INDOT for pavement markings by railroad crossings in the amount of \$4,780. It won't take effect until October. President Niemeyer discussed the difference in Town over the last several months. He discussed the amount of small projects being done. He thanked Operations Director Kubiak and his staff.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Town Administrator Murr discussed the South Shore and Highgrove road improvement projects getting underway with survey crews.

PUBLIC COMMENT

John Couwenhoven, 14635 Euclid, discussed the recent resurface of Parrish looking good. He asked about the possibility of Parrish Avenue between 141st and 151st getting done. President Niemeyer stated it is on the list. It's quite an extensive repair because the roadbed subgrade is so damaged. It is definitely something that needs to be replaced and is on the list. Mr. Couwenhoven asked if it would be done in the springtime. President Niemeyer answered they hope to get it done in the next year or two. Council Member Foreman added that one reason for the delay is in regards to the engineering studies for the West Side Sewer Interceptor. He assured him that the project was at the forefront. President Niemeyer explained that several projects have tied into that little stretch of road that were going on at once and until the engineering studies on the sewer parts, they couldn't move forward with a strategy for the road part because of what goes underground. Council Member Foreman added that the soil samples have shown deep black dirt. It will need some limestone, possibly five foot deep, and needs to be done right.

Allie Kors, 14507 Morse St, voiced concerns regarding lot issues that came to light when she submitted a request to replace her garage. The building department told her the lots would need to be combined. She turned in the request to combine the lots but was told she could only combine two, as the third is in a TIF district. The Lake County Drafting Department told her to talk to the Town to remove the parcel from the TIF or add the other two to the TIF district. She talked to the building department again and was told she needed to follow many steps such as vacate a public way, create a subdivision, get a survey, etc. She spoke to various Council members to try and figure out what needs to be done. President Niemeyer asked Mr. Austgen to make some sense of it. Mr. Austgen answered that the lots do need to be combined. It seems to be a simple one lot subdivision that would be a plat. That could be brought to the plan commission that could have a waiver sought for everything except the plat, so that it would be a one lot subdivision, with one key. President Niemeyer asked about the process. Mr. Austgen added there is a small public hearing required. President Niemeyer talked about due process regarding the next steps and asked about having someone walk Mrs. Kors through the steps. It was decided Mr. Kubiak would help Mrs. Kors with the process. Mrs. Kors added concerns regarding weed overgrowth near 140th and Morse and by the Walgreens blocking the view of the road.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:17 PM.

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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

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

Randell Niemeier, 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.