

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
Memoranda & Minutes of the Cedar Lake Town Council**

June 17, 2014

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

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Patsy Casassa Vice President	Ward 6
Absent	John Foreman Council Member	Ward 2	Present	Randell Niemeyer President	Ward 5
Present	Gregory L. Wornhoff Council Member	Ward 3	Present	Amy J. Gross Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	David Austgen Town Attorney	
Present	Greg Parker Council Member	Ward 7			

PRESENTATION BY EAGLE SCOUT AUGUST STEININGER

August Steininger proposed to build a memorial for Obadiah Taylor, Revolutionary War Veteran, and asked the Council to waive any electric fees associated with this project once it is complete. Council directed Mr. Steininger to work with the Staff for coordination during this project.

UPDATE ITEMS BY NEIL SIMSTAD-NIES ENGINEERING

Neil Simstad presented the Council with a memo update on the Westside Sanitary Sewer Project Proposal. This proposal includes a scope of work for choosing a possible site for the project and review after the site has been chosen minimizing the engineering review but maximizing the benefit of this work to be completed. Mr. Simstad asked the Council to consider this proposal and asked for Staff coordination on the project. David Austgen stated that this is one of the first steps in developing a plan for the west side sanitary as Cedar Lake continues to grow and develop.

UPDATE ITEMS BY MARK KAISER-CBBEL

Mark Kaiser from Christopher B. Burke Engineering reported that the utility work is completed on the eastside of 133rd Avenue. Walsh and Kelly will begin paving the temporary drive lanes on Thursday and will have two lanes remaining open on 133rd during Summerfest activities. There will be no long term road closures on the Westside of 133rd during construction, a five day maximum closure will take place for work to be performed on the railroad.

PUBLIC COMMENT: None.

CONSENT AGENDA:

1. **Minutes:** June 3, 2014 Public Meeting
2. **Claims for June 17th:** All Town Funds \$332,255.79, Wastewater Operating \$111,005.04, Water \$35,695.72, Storm Water \$385.89, Payroll #98- \$187,581.61.
3. **Donations:**
 - a. DARE (Monetary)
 - i. Austgen, Kuiper & Jasaitis - \$150.00
 - b. TOWN (In-Kind)
 - i. Wahlberg Photography - \$480.00 (Pictures and Framing)

Motion by Greg Parker and seconded by Robert Carnahan to accept and waive the reading of the Minutes, accept the Consent Agenda as listed contingent that the requested revisions be made to the minutes.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

BZA:

1. **Jim Verduin- 11719 W. 143rd- Special Use Variance**

The Board of Zoning Appeals sends a favorable recommendation to allow the Petitioner to operate an automobile service center and repair shop with an overnight parking of eight (8) car maximum and to include the findings of fact. Motion made by Robert Carnahan and seconded by Greg Parker to approve the special use variance at 13933 Lauerman Rd.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

FIRE DEPARTMENT SWORE IN NEW HIRES

Chief Todd Wilkening presented Andrew Semethy, Jason Besse to be sworn in by Clerk-Treasurer, Amy Gross.

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ORDINANCES & RESOLUTIONS:

1. Resolution No. 1115- Interlocal Agreement E911 Consolidation

Patsy Casassa read Resolution No. 1115 by title only. David Austgen stated that this Resolution is required by Indiana Code when an entry is made into an interlocal agreement. The proposed agreement is for the towns of Schererville, Cedar Lake, and St. John to form together a single PSAP under Indiana law for providing the consolidated dispatch for those three units. Bob Carnahan shared a quote from Ed Soliday that was in the paper. Bob Carnahan also expressed his concern about the legality of having multiple PSAPs signed. Randy Niemeyer shared some information gathered from source www.fcc.gov/encyclopedia/9-1-1-master-psap-registry that lists numerous communities that have entered into multiple PSAPs for consolidation. Randy Niemeyer shared information on other counties who have successfully entered into other PSAPs and share the same concerns for employee pay rates and lack of representation on boards from Council and Town Employees. Greg Wornhoff stated that by 2017 all Police/Fire Departments are required to move to a new frequency and acquire new equipment regardless of these PSAPs. David Austgen stated that the opinions and council from Barnes & Thornburg will state that this second PSAP is valid, legal, binding, usable, enforceable, and implementable as they represent the State 911 Commission. David Austgen stated that it is legal to enter into two PSAPs, the one at Lake County if they so choose, and a back-up PSAP for those communities which chose to participate in it. David Austgen stated that this is the first step in the process but a lot has to still be accomplished such as defining a capital budget, operating budget, and protocols. Motion made by Greg Parker and seconded by Patsy Casassa to approve Resolution No. 1115 Interlocal Agreement E911 Consolidation.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

NEW BUSINESS:

1. Barnes & Thornburg Engagement Letter

David Austgen stated that this is a proposal for legal services by Barnes & Thornburg to the entity in a not to exceed amount of \$10,000 for E911 Consolidation representation. Motion made by Gregory L. Wornhoff and seconded by Patsy Casassa to approve the Barnes & Thornburg Engagement letter in an amount not to exceed \$10,000.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

2. Pay Request No. 1 Town Complex Restrooms

Neil Simstad reviewed the pay request for \$85,875 to be paid along with Staff. Neil Simstad stated that there is not a request of payment to be made to the contractor at this time. The CDBG grant's portion will follow along with administration's approval that the project has been completed. This is an acceptance that 75% of the project has been completed and acknowledgement that those funds are to be paid. Motion made by Ralph Miller and seconded by Greg Parker to approve Pay Request No. 1 for the Town Complex Restrooms.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

TOWN COUNCIL REPORTS:

1.) **Town Council-** None.

2.) **Clerk-Treasurer-** Amy Gross stated the budget process has started and a request has been made to Department Heads to have their budget submitted by July 15th for review.

3.) **Town Attorney-** David Austgen stated that the Council has authorized the issuance of a Uniform Land Acquisition Offer for the property at 7425 Lake Shore Dr. and was accepted with three conditions: moving expenses to be paid in the amount of \$17,000, right to remove any and all improvements or property within the structures that are currently used, and a commemorative plaque with some specific language regarding the Wahlberg family and history of ownership and relationship to the community. Robert Carnahan motioned to approve the counter offer as presented contingent that the park be named Barlett-Wahlberg park and seconded by Ralph Miller.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

David Austgen shared an update on the Calloway vs. Greece case in allowing prayer in public meetings such as Town Council meetings. Austgen recommended that this item be up for consideration as it was a historical practice in the Town of Cedar Lake prior to Town meetings.

4.) **Staff-** Jerry Smith stated that the Public Safety Committee met along with many others to discuss the new radio equipment needed and the cost associated with purchasing such equipment. Smith stated that there

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are a number of portal and stationary radios that need to be purchased. Smith stated that the original proposal was \$470,000 but the new quotes for 26 radios for the cars and 32 portables, batteries, and shoulder clips came in at \$187,171.44 and Fire Department equipment totals \$122,627.40. Motion made by Robert Carnahan and seconded by Greg Parker to direct Clerk-Treasurer Amy Gross to secure the financing to the proposed equipment.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

Todd Wilkening stated that the ambulance bids were opened this week and the lowest bidder was Fire Service, Inc at \$139,250. Wilkening recommended approval of Fire Service, Inc bids. Motion made by Robert Carnahan and seconded by Ralph Miller to approve Fire Service, Inc.'s ambulance bid.

Roll Call Vote: 6 to 0

Carnahan	Foreman	Wornhoff	Miller	Parker	Casassa	Niemeyer
YES	ABSENT	YES	YES	YES	YES	YES

WRITTEN COMMUNICATION:

1.) Christopher B. Burke Engineering Report

PUBLIC COMMENT: None.

ADJOURNMENT: The meeting was adjourned at approximately 8:25 pm.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before the meeting with discussion consisting of land acquisition. Those in attendance were Randell Niemeyer, Patsy Casassa, Ralph Miller, Gregory Wornhoff, Greg Parker, Robert Carnahan, Clerk-Treasurer Amy Gross, and Town Attorney David Austgen.

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

Randell Niemeyer, President, Ward 5

Patsy Casassa, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Gregory L. Wornhoff, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, Ward 7

Amy J. Gross, IAMC, MMC 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.