

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



**January 3, 2017**

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

**Roll Call:**

Absent	Robert H. Carnahan Council Member	Ward 1	Absent	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**

None

**CONSENT AGENDA**

**Minutes:** December 20, 2016 Public Meeting Minutes

**Docket:** January 3, 2017 – All Town Funds \$830,761.62, Wastewater \$263,326.49, Water \$28,581.51, Water Bond Payments \$63,803.75, Storm Water \$68,896.46, Payroll 12/29/16 \$180,459.64

**Manual Journal Entries:** December 1 – 31, 2016

**2016 Cancellation of Old Outstanding Warrants:** \$46.68 to General Fund

**2016 Forwarding Encumbrances:** \$43,352.55

**2016 Utility Adjustments:** \$9,112.65

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

**RESOLUTIONS**

- 1. Resolution No. 1180 – Extend Repayment of Temporary Loan – TIF Allocation Fund**  
Clerk-Treasurer Gross explained that this is a resolution extending the repayment of a temporary loan in the amount of \$345,269.46 to the Wastewater Treatment Plant Special Fund. It will be repaid on or before June 30, 2017. This is for the TIF district and the change order that was to take place at 133<sup>rd</sup> Avenue Phase II project. Town Attorney Austgen added that Indiana Code permits this and repayment will be able to be made shortly.

A motion to approve Resolution No. 1180 was made by Ralph Miller with a second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

- 2. Resolution No. 1181 – Temporary Loan and Extend Repayment – 2007 RDA Bond Fund**

Clerk-Treasurer Gross explained that this is a resolution authorizing a temporary loan for the 2007 RDA Lease Rental Bonds and extending the repayment of the temporary loan to the Wastewater Treatment Plant Special Fund. This extends the amount of \$622 from last year's temporary loan. Repayment was able to be made on all but that amount. The repayment will be made by June 30, 2017. The temporary loan in the amount of \$177,500 is in order to make timely payment to the trustee for the debt payment due this month. That will be repaid by December 31, 2017.

A motion to approve Resolution No. 1181 was made by Richard Sharpe with a second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

- 3. Resolution No. 1182 – Temporary Loan – 2011 A&B RDA Bond Fund**

Clerk-Treasurer Gross explained that this resolution authorizes a temporary loan of \$252,040 from the Wastewater Treatment Plant Special Fund to the bond fund in order to make timely payment. This occurs because typically the Town is shorted on property tax collections.

A motion to approve Resolution No. 1182 was made by Julie Rivera with a second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

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**NEW BUSINESS**

**1. Appointments to Boards and Commissions**

President Niemeyer explained that three appointments were left outstanding. One member each is needed for the Plan Commission, Storm Water Board, and Board of Zoning Appeals. He added that Council Member Parker was working on a possible Plan Commission member. Council Member Rivera nominated Scott Leslie for the Storm Water Board, pending a complete application. Council Member Foreman nominated Nick Recupito for the BZA. Council Member Miller seconded that nomination.

A motion to approve the appointments of Scott Leslie and Nick Recupito, pending completion of applications was made by Ralph Miller with a second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

**2. Austgen Kuiper Jasaitis PC: Contract Agreement**

Town Administrator Murr stated that this is the agreement with the Town Attorney. Since the last contract, the firm's name has been updated. The attorney's providing service has been updated. The cost for reference law books has been removed. The costs have remained the same. Town Attorney Austgen added that it's the same document with these type changes for about twenty years.

A motion to approve the contract agreement with Austgen Kuiper Jasaitis PC was made by John Foreman with a second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

**COMMITTEE REPORTS**

**1. Public Works and Safety – None**

**2. Park and Recreation – None**

**3. Summerfest –** President Niemeyer discussed a recent meeting with Summerfest Committee members in which the costs associated with use of Town services for the Summerfest and a draft proposal for recouping some of those costs was discussed. He added that he doesn't think the policy is quite ready yet nor has the impact to certain events in Town been measured. The Summerfest Committee has offered \$1000 a day, for the five running days of the 2017 Summerfest, to help recoup some of the costs. President Niemeyer added that he thought that was a good way to do it and it keeps the partnership aspect but helps to close the gap. He recommended to the Council to accept that proposal of \$1000 a day to be included in the resolution agreement with the Summerfest Committee. Council Member Foreman added that he thinks that is fair. He believes it's a community event and the Town should be responsible for a portion.

A motion to direct the Town Attorney to draft the resolution based on President Niemeyer's recommendation was made by Richard Sharpe with a second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

**4. Redevelopment – None**

**5. Planning – None**

**6. Council Affairs – None**

**7. Utility – None**

**8. Street - None**

**TOWN COUNCIL REPORTS**

**1. Town Council – None**

**2. Town Attorney - None**

**3. Clerk-Treasurer - None**

**4. Town Administrator/Staff –** Chief Smith updated the Council on one of the 2016 Explorers involved in an accident. The vehicle has been deemed a total loss by the insurance company. He stated he was asking permission to work with the Clerk-Treasurer to work on getting a replacement vehicle. The quoted price is \$28,216.10. It will be an additional \$2,355 to have the equipment removed from the old vehicle and put on the new one. Towing fees are approximately \$500, for a total cost of \$31,071.10. The payment offer from the insurance company was \$33,958. A motion to amend the agenda to allow for consideration of Chief Smith's request was made by John Foreman with a

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second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

A motion to approve Chief Smith’s recommendation to move forward with the purchase of a replacement vehicle at an approximate cost of \$31,071.10 was made by Ralph Miller with a second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0. Chief Smith briefly updated the Council on the recovery of the officer involved.

**WRITTEN COMMUNICATIONS**

1. **Christopher B. Burke Engineering Report** – South Shore and Highgrove projects are progressing. The plan is for bidding by the beginning of February.
2. **Cedar Lake Summerfest Tourism Fund Request** – Summerfest put in a request for tourism fund monies. Council was reminded that the Historical Association put in a request at the last meeting. It was discussed to take this under advisement. President Niemeyer discussed a portion possibly for the Summerfest since they didn’t receive funds last year.

**PUBLIC COMMENT**

Mark Stenger, 13925 Wicker Avenue, voiced concerns with the annexation and costs. He asked about the running total of attorney fees and getting that information. Town Attorney Austgen stated that a public records request can be made at the Town Hall.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 7:30 PM.

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

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

\_\_\_\_\_  
Randell Niemeyer, President, Ward 5

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Greg Parker, Vice President, Ward 6

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Robert H. Carnahan, Ward 1

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John Foreman, Ward 2

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Julie Rivera, Ward 3

\_\_\_\_\_  
Ralph Miller, Ward 4

ATTEST:

\_\_\_\_\_  
Richard Sharpe, Ward 7

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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.