

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



February 20, 2018

Public Meeting Advertised for 6:00 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 Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: January 31, 2018 Fire Territory Public Hearing and February 6, 2018 Public Meeting
Docket: February 20, 2018 – All Town Funds \$83,776.30, Wastewater \$175,013.50, Water \$36,641.59, Storm Water \$6,718.12, Payroll 2/08/18 \$237,326.17

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Ralph Miller. Council Member Carnahan noted there was a claim for \$6,000 to London Witte Group for the Fire Territory. He asked if the Town is paying that or if part is covered by the Township. Clerk-Treasurer Gross stated it will be paid from the Town's General Fund. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

BZA

1. KaLee Veldkamp – 7000 W. 139th Place – Special Use Variance/Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the Special Use Variance/Use Variance to allow the Petitioner to install a new telecommunications facility with a new 150' monopole tower on a residential R-2 lot with a current residence including the statutory findings of fact. By a vote of 4 in favor and 0 against, upon motion duly made and seconded at the public meeting held on January 11, 2018. Town Attorney Austgen stated the received a letter dated February 13th from legal counsel for Branch Communications LLC. It requested that Mr. Niemeier and Mr. Austgen review the matter with a keen eye. Mr. Austgen stated he has not yet had a chance to review it. They are still within the timeframe for review and recommended they defer the item to the March 6th Public Meeting.

A motion to defer 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, Niemeier – Yes. Vote: 7 to 0.

2. Prodigy Construction, LLC – 10501 W. 133rd Avenue – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Owner: RSC Properties, LLC and the Petitioner: Prodigy Construction, LLC to run a commercial carpentry company with an office; warehouse space to store tools; carpentry materials, small equipment and vehicles. By a vote 4 in favor and 0 against, upon motion duly made and seconded, at the public meeting held on February 8, 2018. Council Member Foreman asked which facility this was. Operations Director Kubiak stated it was in the industrial park.

A motion to approve the Special Use Variance was made by Greg Parker with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

NEW BUSINESS

1. 2018 Ambulance/EMS and Fire Protection Services Agreement

Hanover Township Trustee Mitch Lopez explained they would like to make a couple of changes to the contract. Under covenants, section 3 – amount and manner of payment, they would like it to read that the Township will be obligated to pay the Town \$115,000. The Township will commit \$65,000 for equipment and repair purchases. They would like payments to be made to the vendor directly by the Township after the Township board approves the purchase. Any additional funds received by the Township over the \$180,000 committed will have to be requested through the Township board for any additional purposes. A lengthy discussion occurred on emergency purchases and

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authorization, invoicing, and communication. Mr. Austgen recommended the item be deferred to the next meeting after review.

A motion to defer 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.

2. SealMaster Crack Sealer

Town Administrator Murr explained Public Works requested quotes for new and used crack sealers. Quotes were received from SealMaster, Brown Equipment, and Sherwin Industries. Staff reviewed submitted quotes and it is recommended to approve the quote in the amount of \$51,000 for the used SealMaster crack sealer. It has been confirmed with the Clerk-Treasurer that funds are available for the purchase. It is part of the 2018-2022 Capital Plan and was a planned purchase for the year 2018. Council Member Carnahan asked about the 1000 hours listed and a warranty. Town Administrator Murr stated that is not a warranty but the hours on the equipment. Council Member Carnahan asked what they would have if they bought a new one. Town Administrator Murr stated a new one would have no hours.

A motion to approve the SealMaster used crack sealer for \$51,000 was made by Robert Carnahan with second by John Foreman. Council Member Foreman briefly discussed an ordinance passed in Porter County that restricts trucks on certain roads during wet weather. 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 Parker stated he received a phone call from Becky Govert commending Public Works for keeping her property and the surrounding area from flooding. Council Member Carnahan praised the street department for snow removal. President Niemeyer briefly discussed a heavy truck ordinance. He spoke of clarity for specific truck routes. Not only is it urgent to have them for the Town but for the trucking companies as well. Mr. Parker asked Mr. Austgen about fines and who would get the money. Mr. Austgen stated Lake County would probably get most of it. He stated he is going to draft an ordinance that attempts to capture the money for the Town. A brief discussion continued on truck routes and fines.
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – None
- 4. Town Administrator/Staff** – Town Administrator Murr stated road projects are beginning pre-construction meetings. Construction on High Grove, South Shore, Lincoln Plaza, and Parrish from 141st to 151st should be starting up mid to late March. Mr. Parker asked about the cost of reconstruction projects this year. He asked if it was in excess of ten million. Town Administrator Murr answered easily. President Niemeyer thanked Mr. Parker for his leadership with getting those projects started. Mrs. Murr added High Grove costs are approximately \$4.2 million, South Shore is \$3.1 million, Parrish Avenue is \$1.2 million, and Lincoln Plaza is about \$400,000.

WRITTEN COMMUNICATIONS

- 1. Christopher B. Burke Engineering Report** – Previously Reported.

PUBLIC COMMENT

Richard Niemeyer, 13339 Calumet Avenue, commented on heavy trucks and discussed other areas requiring permits for trucks. A brief discussion continued on special rates and charges. Carol Kerr, 9800 W 129th Place, voiced concerns with trees obstructing the view of drivers on 129th Avenue as well as over by Lynnsway Subdivision. She asked if there was an ordinance. Mr. Austgen stated if there is an obstruction within the public right of way, the Town has control over that. Discussion continued on verifying the obstruction and process for possible removal. Ms. Kerr voiced concerns with the hill on Parrish Avenue and if they will level it with the upcoming reconstruction. Operations Director Mr. Kubiak stated they are working on lowering that stretch of road to take some of the crown out of the hill for better sight coming out of Ledgestone. Ms. Kerr voiced concerns with a corn field on 129th Avenue and the mess associated with it. She voiced concerns with a gun shop in a neighboring city and the items they sell such as silencers. She asked if there was anything the Town Council could do. She continued to voice concerns and asked about working with the school board. President Niemeyer stated gun laws are federal and there's not much the Council can do. 2nd Amendment rights are fiercely defended. Adam Wornhoff, 13702 Parrish Avenue, stated federal background checks are required for purchasing a silencer. President Niemeyer added there is currently a lot of discussion with the tragedies that have occurred recently. At the local level there is not much that can be done to regulate things. Council Member Rivera thanked Ms. Kerr for bringing the tree issue to their attention. She stated they will look into the matter.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 6:43 PM.

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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.