

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



March 1, 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 COMMENT

None

CONSENT AGENDA

Minutes: February 16, 2016 Public Meeting Minutes

Docket: March 1, 2016 – All Town Funds \$239,667.51, Wastewater \$45,017.31, Water \$40,254.87, Storm Water \$8,639.14, Payroll 02/25/16 & 03/01/16 \$171,946.55

Manual Journal Entries: February 1-29, 2016

DARE Donations: Douglas Mac Arthur PTO \$1,000

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Greg Parker. Council Member Carnahan emphasized his agreement with the motions of the previous Council meeting from which he was absent. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

ORDINANCES & RESOLUTIONS

1. Confirming Resolution No. 1159 Temporary Loan to General Fund (Strategic Plan: A Secure Future, An Effective Organization)

Clerk-Treasurer Gross read by title only and summarized. At the previous meeting, through signature authorization, the majority of Council Members signed the document to borrow \$500,000 from the Wastewater Treatment Plant Special Fund to the General Fund. This is to confirm that.

Motion to approve Confirming Resolution No. 1159 made by Richard Sharpe 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.

2. Resolution No. 1160 – EMS Bad Debt Write-Off (Strategic Plan: A Secure Future, An Effective Organization)

Clerk-Treasurer Gross read by title only and summarized. According to the Fire/EMS Department there was a write-off total of \$57,613.69 per attorney instructions, due to deaths, discharges, settlements, dormant accounts, unable to locate patients, and not cost effective to pursue. There is also a write-off \$145,177.12 due to Medicare, Medicaid, and Anthem Assignments. This is a housekeeping item. Total write-offs for August 1, 2014 to February 11, 2016 are \$202,790.81.

Motion to approve Resolution No. 1160 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.

3. Resolution No. 1161 – Internal Controls (Strategic Plan: An Effective Organization)

Clerk-Treasurer Gross read by title only and summarized. This is to establish a system of internal controls. This is a state requirement that needs to be completed by June 30, 2016. Once adopted, any employees involved in cash handling or purchasing will be required to go through training and then sign off that they received the training. That will then be reported to the State Board of Accounts for compliance purposes.

Motion to approve Resolution No. 1161 made by Richard Sharpe 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.

4. Ordinance No. 1234 – Material Thresholds (Strategic Plan: A Secure Future, An Effective Organization)

Clerk-Treasurer Gross read by title only and summarized. This is to establish a policy regarding erroneous or irregular variances, losses, shortages, and thefts. This is a state

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requirement for municipalities to establish a policy so that there is a threshold and any losses or shortages will be reported directly to the State Board of Accounts. All Town employees will have to receive the policy and sign off. The threshold is \$100.

Motion to approve Ordinance No. 1234 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.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion to suspend was made by Ralph Miller 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.

Clerk-Treasurer read Ordinance No. 1234 by title only.

Motion to adopt Ordinance No. 1234 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.

5. Ordinance No. 1235 – Floodplain Management Regulations (Strategic Plan: A Secure Future)

Council Member Parker read by title only. Town Administrator Murr discussed that the Indiana Department of Natural Resources has updated their floodplain maps. This affects certain communities within Lake County. Cedar Lake is not really affected by the map changes but in order for the Town Zoning Ordinance map to match up with their map it had to go through the public hearing process at Plan Commission, which was approved on February 17th. They sent over their favorable recommendation which is included in the ordinance. Mr. Austgen added this is regular periodic activity and is a replacement of the particular section in the Town Zoning Ordinance. It has been checked off by the Town Engineers as well.

Motion to approve Ordinance No. 1235 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.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion to suspend was made by Richard Sharpe 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.

Council Member Parker read Ordinance No. 1235 by title only.

Motion to adopt Ordinance No. 1235 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. Mr. Austgen reminded the Council that it needs to be published for adoption purposes.

6. Ordinance No. 1236 – Job Description Amendment (Strategic Plan: A Secure Future)

Council Member Foreman read by title only. Town Administrator Murr explained that the Park Committee met and discussed having some of the recreation programs being done by program instructors. In order for the Town to employ them they needed to establish a job description. This also includes a description for recreational aides. President Niemeyer added that the purpose of this is to provide high level recreation services to citizens.

Motion to approve Ordinance No. 1236 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.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion to suspend was made by John Foreman 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.

Council Member Parker read Ordinance No. 1236 by title only.

Motion to adopt Ordinance No. 1236 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.

7. Ordinance No. 1237 – Salary Ordinance Amendment (Strategic Plan: A Secure Future)

Council Member Parker read by title only. Town Administrator Murr explained that this is so we can pay any program instructors. This would be a temporary position, paid bi-weekly, in an amount not to exceed \$50 per program/instruction session. This is payable

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from the General Fund. President Niemeyer explained that this flat fee was created on the concept of hiring people for specific activities that an hourly rate may not attract. Council Member Foreman questioned the payable line. Town Administrator Murr and Clerk-Treasurer Gross clarified that for 2016 the Park budget was incorporated into the Town budget. There are specific line items for event services, supplies, and part-time help.

Motion to approve Ordinance No. 1236 made by Julie Rivera 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.

President Niemeyer asked if there was a motion to suspend the rules and allow for a second reading. Motion to suspend 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. 1236 by title only.

Motion to adopt Ordinance No. 1236 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.

OLD BUSINESS

1. Monastery Clubhouse Renaming (Strategic Plan: A Secure Future)

Council Member Miller explained that the Park Committee met to discuss the renaming of the Monastery Clubhouse. It was recommended to name the facility the “Cedar Lake Clubhouse.” They agreed that a sign needed to be placed at the building. Events Coordinator Casassa discussed with them people passing the building because there was no signage. The Public Works department is repurposing the old signage from the Town Grounds for utilization at the Cedar Lake Clubhouse. Council Member Foreman questioned the renaming when folks already know it as the Monastery Clubhouse. Discussion occurred among the Council regarding naming of the building. President Niemeyer stated that a simple name to start was considered so that the events coordinator could better advertise the building. Possibly, at a later date, the legacy committee would discuss another name.

A motion to deny the renaming as “Cedar Lake Clubhouse” was made by John Foreman with second by Robert Carnahan. Council Member Parker asked how that would solve the problem. Council Member Foreman stated he would change his motion to include the name being “Cedar Lake Monastery Clubhouse.” Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – No, Miller – No, Sharpe – No, Parker – No, Niemeyer – No. Vote: 2 to 5.

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

NEW BUSINESS

1. Walk for Williams Syndrome Association on May 21, 2016 (Strategic Plan: An Engaged Community)

Town Administrator Murr stated last year a resident did a fundraiser/walk for a grandchild with Williams Syndrome. They are asking for permission to do that again and waiver of shelter rental fees for May 21, 2016.

Motion to approve the Walk for Williams Syndrome and waiver of shelter rental fees 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 Administrator Murr also noted that the group does provide a certificate of insurance for the event.

2. Holy Name Church Use Request for September 10, 2016 (Strategic Plan: An Engaged Community)

Town Administrator Murr stated that Holy Name has asked to use the band shell and Town Grounds on September 10, 2016 from 9am to 10pm for a free concert event. They are asking for shelter rental fees to be waived as well.

Motion to approve Holy name Church Use Request and waiver of shelter rental fees 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. Faith Church – Outreach Request for March 3, 2016

Town Administrator Murr explained that Faith Church is asking permission to pass out promotional cards and candy on Thursday, March 3rd from 1 to 5pm to advertise the

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church's grand opening on March 6th. They would be at the corners of 133rd Avenue/Fairbanks and 133rd Avenue/Morse.

Motion to approve Faith Church Outreach Request 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.

4. UpCycle Products Municipal Rain Barrel Event Agreement (Strategic Plan: An Engaged Community, Extraordinary Natural Resources)

Town Administrator Murr stated this is an annual program. Residents can purchase rain barrels and pick them up at the Town Hall. The Events Coordinator is combining this event with other Earth Day Events on April 15th and 16th. It has been successful in the past. It's also part of outreach requirements with the MS4 agreement.

Motion to approve UpCycle Products Municipal Rain Barrel Event made by Ralph Miller 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.

5. Wicker Meadows – Storm Water Board Recommendation (Strategic Plan: A Secure Future)

Operations Director Kubiak stated the Storm Water Board sent a favorable recommendation for Option 1, which is to obtain an easement on the property to the south and west to try and divert some of the water around the subdivision before it enters. They have obtained a list of adjacent property owners to contact to discuss options for moving forward. Town Administrator Murr added the recommendation from the Storm Water Board was included in the packet and that Option 1 had an estimated engineering cost of \$36,000. That is contingent upon acquiring easements. Council Member Rivera asked if this was something that would be completed by Town Employees. Mr. Kubiak discussed a possible joint effort with Town Employees and a contractor. It all depends on what they obtain and find. Discussion occurred amongst Council Member Carnahan and Mr. Kubiak regarding the mechanism in place for outside contractors to help with drainage projects. Mr. Kubiak again stressed its dependent upon participation of adjacent property owners.

Motion to approve Storm Water Board Recommendation for Wicker Meadows Option 1 made by Robert Carnahan with second by Julie Rivera. Town Administrator Murr asked for Clerk-Treasurer Gross to confirm available funds. She stated yes they were available in the Storm Fund. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

6. Fairbanks – Storm Water Board Recommendation (Strategic Plan: A Secure Future)

The Storm Water Board sends a favorable recommendation to the Town Council to research funding availability to acquire the property at 14001 Fairbanks to remedy the situation. Mr. Kubiak stated this was another item looked into by Christopher Burke Engineering. Unfortunately, there is no quick solution for the issue. Mr. Ron Bailey of 14001 Fairbanks stepped forward and discussed the flooding issues. President Niemeyer stated appropriate statutory action would be to seek appraisals before researching funding availability.

Motion to seek appraisals for the property at 14001 Fairbanks 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.

7. 219 Project Authorization (Strategic Plan: A Secure Future)

President Niemeyer stated this is an item from the Ecosystem Restoration Committee. Council Member Foreman stated they'd like to authorize Town Administrator Murr to work with the Army Corps of Engineers and Town Engineers for research and development of this section of the 219 Project for wastewater improvement projects that impact water. He stated it's very similar to the Utopia project.

Motion to approve 219 Project Authorization made by John Foreman with second by Robert Carnahan. Council Member Carnahan stated he believes the Westside Sanitary Interceptor and South Shore Subdivision Reconstruction projects are shovel ready which should help with acquiring funding. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

COMMITTEE REPORTS

- 1. Public Works and Safety** – None
- 2. Park and Recreation** – Previously reported.
- 3. Redevelopment** – None
- 4. Planning** – Town Attorney Austgen stated there is an upcoming meeting regarding the Zoning Ordinance Draft.

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5. **Council Affairs** – None
6. **Utility** – None
7. **Street** – None
8. **Economic Development** – President Niemeyer stated Council Member Foreman put together a presentation regarding a B-1 Zoning District around the lake to spur economic activity. The idea is to convert houses into businesses. It's a low cost way to start up business and improve the tax base and TIF district. Council Member Foreman discussed utilizing recently purchased property for parking in the event that the house may not meet parking requirements based off Subdivision Control Ordinances. He discussed moving forward to the Plan Commission.

TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Foreman asked about authorizing Town Administrator Murr to contact CSX Railroad regarding crossing gates on 141st Avenue and 142nd Place. He also discussed the large snowfall the other day and possibly putting together a list of snowmobile owners that would be able to help the Fire Department with rescues during severe snow events. President Niemeyer recognized Town Emergency Services Personnel and the Public Works Department for their outstanding work during the blizzard. Council Member Carnahan discussed the possibility of crossing gates being a project through NIRPC.
2. **Town Attorney** – No Report.
3. **Clerk-Treasurer** – Clerk-Treasurer Gross discussed continuation of work on reductions to the General Fund. She will be meeting with the Town Administrator soon to discuss cuts. It's going to be difficult but they'll manage. She's working on an additional appropriation for the Fire Department for equipment repairs to the trucks.
4. **Town Administrator/Staff** – The building department will be advertising soon for some part-time inspectors. The Events Coordinator is working on some events, including soccer, she should have dates soon. President Niemeyer discussed a call from Chris Salatas, Lowell Town Council President, requesting help with building inspections. President Niemeyer asked Mr. Kubiak if he could share his contact information with Mr. Salatas so they can exchange ideas. Mr. Kubiak agreed.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Previously discussed.

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:05 PM.

An Executive Session was advertised and conducted at 6:00 PM pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance

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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.