

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



March 6, 2018

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 Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC HEARING**

**1. Ordinance No. 1286- Dutko Platted Easement Vacation – 5842 Tahoe Place**

- a. **Attorney Review of Legals:** Town Attorney Austgen stated the legals are in order. Notices were duly published in a timely manner.
- b. **Opening Remarks:** This is before the Council to rectify a mistake of non-inclusion of a side property line upon a home in the Lakeside development. This will reduce the side yard easement from 12 feet to 8 feet. No adverse impact was identified to the surrounding properties. He asked to clarify in the legal description is the addition of the common street address and the key number so it is more easily identifiable. The Glenn Kracht, land surveyor, apologized for the mistake. Mr. Austgen added that Mr. Kracht has been incredibly forthright and cooperative.
- c. **First Reading of Ordinance No. 1286** – Council Member Parker read by title only.
- d. **Remonstrators:** None
- e. **Town Council Discussion:** Council Member Foreman mentioned it was dealt with at the Plan Commission and voted on favorably. Council Member Carnahan stated most of the time he votes against vacations, when it involves roads, but this is different so he will support it.
- f. **Town Council Decision:**  
A motion to approve the first reading of Ordinance No. 1286 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, Niemeier – Yes. Vote: 7 to 0.

A motion to suspend the rules and allow for a second reading 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.

Council Member Parker read Ordinance No. 1286 by title only.

A motion to adopt Ordinance No. 1286 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. Mr. Austgen asked for Council to execute the ordinance before they leave and Amy can attest it, they'll record it tomorrow. Mr. Kracht and Mr. Dutko thanked everyone involved for their help in fixing this mistake.

**2. Ordinance No. 1287 – Exner Platted Easement Vacation – 15022 Carey Street**

- a. **Attorney Review of Legals:** Mr. Austgen stated the legals are in order and have been published timely.
- b. **Opening Remarks:** This is before the Council after an assessment of how rear yards and building lines lined up in the former portion of Lynnsway. This rear property line requires a reduction of 7.5 feet. Todd Kleven, Vice-President of Diamond Peak Homes, apologized for his absence at Plan Commission. They are here this evening seeking a vacation of the easement. This came about when Mr. Exner was doing repairs and it was discovered the covered porch encroaches the rear building line and easement. It was discovered multiple lots on the west side of the project nearly all have this situation. It was noted that none of the utilities would be affected by a reduction of the easement.
- c. **First Reading of Ordinance No. 1287** – Council Member Parker read by title only.
- d. **Remonstrators:** None

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e. **Town Council Discussion:** Council Member Foreman added it was before the Plan Commission and met with favorably. Town Administrator Murr added this one will have the common address and tax id added to the exhibit before it's recorded.

f. **Town Council Decision:**  
A motion to approve the first reading of Ordinance No. 1287 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, Niemeyer – Yes. Vote: 7 to 0.

A motion to suspend the rules and allow for a second reading was made by Greg Parker 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. 1287 by title only.

A motion to adopt Ordinance No. 1287 was made by Ralph Miller 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.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

1. **Minutes:** February 20, 2018 Public Meeting and February 20, 2018 Fire Territory Public Hearing
2. **Claims:** All Town Funds \$193,860.55, Wastewater Operating \$154,529.78, Water Utility \$16,690.91, Storm Water \$20,927.58, Payroll February 22, 2018 & March 1, 2018 \$173,896.25
3. **Donations:** Crown Point Community Foundation – Police \$2,759.00
4. **Manual Journal Entries:** February 1 – 28, 2018
5. **2017 Utility Adjustments**

John Foreman moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed. Second was made by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**ORDINANCES**

1. **Ordinance No. 1284 – Text Amendment to Subdivision Control Ordinance 498**

Council Member Parker read by title only. Mr. Austgen explained this addresses two items. First is the subdivision signage infrastructure. Last fall Town staff recommended upgrades to the subdivision street signage for directional and aesthetic purposes. The second item is for the dimensions on the eaves on new homes in new subdivisions. Mr. Kubiak explained this requests a minimum overhang on all new homes. The gable ends overhang is a minimum of twelve inches. The normal front to rear overhang on a house is a minimum of eight inches. They have a couple other roof styles with minimum dimensions. All are around twelve inches. They took into account the overhang could be a minimum of six feet from the property line. Council Member Carnahan asked about the signage and if they would do it gradually. Mr. Kubiak stated as they can or as necessary. They're not going to go out and change every sign in Town. As upgrades or repairs are done they will be updated.

A motion to approve the first reading of Ordinance No. 1284 was made by Ralph Miller 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. **Ordinance No. 1285 – Sewer Refunding Bonds of 2018**

Council Member Parker read Ordinance No. 1283 by title only. Town Administrator Murr explained previously they approved an engagement agreement with London Witte to refund some bonds for a cost savings. This is the ordinance to refund the bonds. Currently, this will allow a savings of just over \$55,000 a year for a total of over \$400,000 in savings. The net percentage savings is almost 5.5%. That is after the costs of refunding the bonds are included. This is to move the process forward.

A motion to approve the first reading of Ordinance No. 1285 was 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.

A motion to suspend the rules and allow for a second reading 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, Niemeyer – Yes. Vote: 7 to 0.

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Council Member Parker read Ordinance No. 1285 by title only.

A motion to adopt Ordinance No. 1285 was 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.

**BZA**

**1. KaLee Veldkamp – 7000 W. 139<sup>th</sup> 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. This item was previously deferred. Council Member Foreman stated there was a remonstrator present. Brian Donnelly, represents Branch Towers and T-Mobile Wireless, stated the proposal before them was for a new telecommunications facility with a 150' monopole tower. T-Mobile is requesting this tower to improve signal and quality of coverage for T-Mobile customers. He gave a brief explanation on the tower, site, and some cell phone statistics. Mr. Austgen stated the public hearing on the matter was conducted by the BZA. Council Member Rivera asked if there were any remonstrators at the BZA meeting. Mr. Austgen stated not at that meeting but a couple of people attended the first meeting. Council Member Carnahan stated there are only two counties in the state of Indiana that the Town Council would approve this. That's Lake and St. Joseph Counties. The other counties once the BZA passes an item it is law. Council Member Foreman stated they recently denied business use in a residential area. That is his thoughts. A brief discussion occurred on the timeline for making a decision.

A motion to deny was made by John Foreman with second by Julie Rivera. Mr. Foreman based his motion on the residential zoning district as well as the insufficient infrastructure in the form of a public roadway. Mr. Austgen asked Mr. Foreman to elaborate on the infrastructure item. Mr. Foreman stated the road that is considered a road is not really a road. Many of the streets in Town that residents use are owned by some of the residents that live alongside them. Some have asphalt on them as well as road signs. South of 139<sup>th</sup> there is a property owner that has to put in a private driveway in order to access a new house he wants to build due to the fact that he doesn't have rights to drive on what looks like a road. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 6 to 1.

**OLD BUSINESS**

**1. 2018 Ambulance/EMS and Fire Protection Services Agreement**

This item was previously deferred. President Niemeyer stated at that meeting they were given requested revisions to the agreement by the Hanover Township Trustee. The revisions would be the contract amount paid to the Town of Cedar Lake would be \$115,000 and up to \$65,000 of expenditures. The Township would disburse those funds directly to the vendor for equipment and supplies, upon request from the Fire Chief. The Town approved a budget that contemplated \$180,000 of revenue coming from the Township. This doesn't guarantee that \$180,000 of revenue. Council Member Foreman commented they should make a motion to ask the attorney to draft a revision having the funds disbursed for equipment be for this year only and not make it an ongoing template into the future. President Niemeyer added they revise it to remove the words up to \$65,000 since they have a budget approved by the DLGF that included that source of revenue.

The motion was made as stated by John Foreman with second by Richard Sharpe. President Niemeyer asked if approved could Mr. Austgen have it ready for consideration at the next meeting. Mr. Austgen answered yes. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**NEW BUSINESS**

**1. Barnes and Thornburg Agreement – Sewage Works Bond Refunding**

Town Administrator Murr explained this is the agreement for the bond refunding attorney. The fee for services is in an amount not to exceed \$35,000. This fee is already considered in the net value savings. She recommended they approve the agreement.

A motion to approve the Barnes and Thornburg Agreement was 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.

**2. Code Red Notification System Agreement**

Town Administrator Murr explained herself and staff have been working on an alert system. This would be to alert residents if there is a road closure, water utility issue, Nipsco, etc. Similar to how schools notify folks if there is a closure. They researched several systems such as Reach Alert, Code Red, and Nixle. Code Red offers more

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services and for the cost. Their database can be incorporated into the utility database. Any notices from any department can be sent out including non-emergency notices. One feature is departments can select a certain area of Town to receive certain notices only. For example, if South Shore had an issue, they can select those homes in the subdivision and they would be the ones alerted. Quarterly they will update their database with ours. The cost for these services is \$4,850 a year. It is a three year agreement. It was confirmed with the Clerk-Treasurer that funding is available. Training is available online or in-house. President Niemeyer discussed a previous conversation about utilizing an alert system. He stated this can be an extremely useful tool. Town Administrator Murr added this service is not one that folks don't necessarily have to sign up for. It will be integrated with the billing software. People will be able to set up how they want the notices to be sent to them. A flyer will go out and a link will be set up on the website. Council Member Carnahan asked if the cost would remain the same for each year of the agreement. It was answered yes.

A motion to approve the Code Red Notification System Agreement was made by Robert Carnahan with second by Ralph Miller. A motion to adopt Ordinance No. 1285 was 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.

**3. Elimination of Sewer Utility Billing - 13505 Cedar Street, 12922 Fulton Street, and 9303 W. 133<sup>rd</sup> Avenue**

Clerk-Treasurer Gross stated the notices are available in the packets. Inspections were performed and signed off on by Public Works. Everything is in order for approval.

A motion to approve the elimination of sewer utility billing as listed was made by Greg Parker with second by John Foreman. Council Member Carnahan asked if everything was checked off on and everything is in order. It was answered yes. 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** – The next Fire Territory meeting will be March 22<sup>nd</sup> at 7PM. Here at the Town Hall.
- 2. Park and Recreation** – Spring soccer registration will begin Friday, March 9<sup>th</sup>. They will also be accepting registrations at the Business Showcase on March 24<sup>th</sup>. The Easter Egg Hunt is March 23<sup>rd</sup> and registration is currently underway. The committee will be meeting shortly to discuss Bartlett-Wahlberg Park and the Tourism fund requests.
- 3. Redevelopment** – Town Council work sessions have occurred with the Veridus Group. The next meeting date will be forthcoming. The Veridus Group and Town staff will meet on March 20<sup>th</sup> to discuss Work Order #2, which is the policy and process review.
- 4. Planning** – The Plan Commission will meet tomorrow evening and the BZA will be Thursday. Both have full agendas.
- 5. Council Affairs** – None
- 6. Utility** – The Water Utility storage expansion is still ongoing. The next JMOB meeting with Lowell will be March 21<sup>st</sup>.
- 7. Street** – High Grove is scheduled to begin again on March 19<sup>th</sup>. Nipsco is still completing work in the area. The South Shore work schedule is being finalized. Nipsco is finishing up their work. The work schedule for Parrish Avenue from 141<sup>st</sup> to 151<sup>st</sup> is currently underway. The Cline and Lake Shore Drive Roundabout is scheduled to begin in the fall. The Lincoln Plaza project schedule is currently being coordinated.
- 8. Ecosystem** – A meeting with Army Corps and the engineer, Kay Whitlock, will occur tomorrow.

President Niemeyer stated it's pretty great to hear a list like that read off. The eight years he's been on the Council they have started, completed, and planned a lot of projects including neighborhoods and major road projects, and infrastructure projects. That doesn't count the projects done in house by Public Works. They've been able to tackle a good bit of inventory in the last decade under some tough circumstances when it comes to revenues. He discussed the transformation to come this year. He thanked Town staff and everyone involved.

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**TOWN COUNCIL REPORTS**

1. **Town Council** – Council Member Rivera stated Jessica Chick had a great idea for a drawing for a free soccer registration at the Business Showcase. She asked for an amendment to the agenda to vote on waiving the soccer registration fee for whoever wins at the Business Showcase.

A motion to amend the agenda to allow for consideration of waiving the fees for a winner at the Business Showcase for a soccer registration was made by Julie Rivera 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.

A motion to approve the item for the waiver of the registration fee was made by John Foreman with second by Ralph Miller. Mr. Foreman asked if they could do a second place. Mrs. Rivera asked if they could do two. Mr. Foreman asked to amend it to include two. Town Administrator Murr added those who coach a team get half of their child's registration fee refunded at the end of the season. Mrs. Rivera stated they would amend it to raffle off two soccer registrations for those who register at the Business Showcase on March 24<sup>th</sup>. Mr. Foreman and Mr. Miller concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Mr. Foreman commented that with the nicer weather people need to be aware of those riding on motorcycles.

2. **Town Attorney** – None
3. **Clerk-Treasurer** – The annual report for 2017 was submitted to the state on time. Also, the Inn-Keeper's Tax Report to the convention and visitor's bureau as well as the Lake County Solid Waste Report for the grant received each year.
4. **Town Administrator/Staff** – Mr. Kubiak reported that over the last month Public Works staff has been making renovations to the Cedar Lake Clubhouse. It will be much more functional for those renting it. He stated the guys did the work in between all the snow plowing. President Niemeyer stated he received a lot of positive comments on the roads during all the snow days. He congratulated Tim and the staff and Public Works.

**WRITTEN COMMUNICATION**

1. **Christopher B. Burke Engineering Report** – Previously Reported.
2. **Building Department Report** – Year to date there have been twelve new home permits with a residential value of approximately \$1.5 million. There have been 34 alteration permits with an approximate value of \$873,000.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:03 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

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

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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

\_\_\_\_\_  
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.