

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



March 7, 2017

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
Absent	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: February 21, 2017 Public Meeting Minutes

Docket: March 7, 2017 – All Town Funds \$209,750.75, Wastewater \$143,763.86, Water \$15,359.19, Storm Water \$5,120.80, Payroll 2/23/17 & 3/1/17 \$170,618.00

Manual Journal Entries: February 1 – 28, 2017

2016 Annual Financial Report

Donations: DARE: Austgen Kuiper Jasaitis PC - \$100, Cofhen Inc. - \$250, Emerald Towing \$250

Tag Day: Knights of Columbus – June 24, 2017

Clubhouse Rental Waiver Request:

Keenagers – July 18 and August 15, 2017

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

ORDINANCES

1. Ordinance No. 1257 – 2017 Salary Amendment

Council Member Parker read by title only. Clerk-Treasurer Gross explained that this is a request from Chief Smith and discussion from previous Council Affairs meetings. This is for the Town dispatchers located in Schererville for their pay to be equal to that of their Schererville colleagues. For the full-time dispatchers it would be \$21 per hour. Chief Smith requested that it be retroactive to the first pay of the year, as stipulated in section 2 of the ordinance. President Niemeier asked Mr. Austgen if it was a one or two reading ordinance. Mr. Austgen stated it was a two.

A motion to approve the first reading of Ordinance No. 1257 was made by Robert Carnahan with second by Richard Sharpe. Council Member Foreman asked what the pay was going up from. It was answered that it was going up from \$18.32. Council Member Carnahan stated it was a good thing to do. President Niemeier added as a point of comparison that Lake County Central Dispatch is starting employees at \$14. He stated they are having trouble filling positions. Doing this helps to keep a good staff. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

A motion to suspend the rules to allow for a second reading was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

Council Member Parker read Ordinance No. 1257 by title only.

A motion to adopt Ordinance No. 1257 was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

2. Ordinance No. 1258 – Park & Recreation Activity Fees

Council Member Parker read by title only. Town Administrator Murr explained that with soccer registrations starting, one of the issues in the past is getting volunteer coaches. A proposed incentive is to offer coaches a refund at the end of the season of \$17.50, which is half the cost of their child's registration fee. Last weekend saw over 100 registrations with parents interested in the volunteer incentive. Summer camp costs were also analyzed. Last year it was a maximum of \$50 per week at \$15 per day. Those costs would not sustain the program. With the cuts in the General Fund, pricing of extended

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care was adjusted to \$5 per day at \$25 per week. All other costs remain the same from last year.

A motion to approve the first reading of Ordinance No. 1258 was made by Ralph Miller with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to suspend the rules to allow for a second reading was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Parker read Ordinance No. 1258 by title only.

A motion to adopt Ordinance No. 1258 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0. Clerk-Treasurer Gross asked Mr. Austgen if this needed to be published. He stated one time within 30 days.

NEW BUSINESS

1. Animal Control Services Agreement

President Niemeyer asked Mr. Austgen if there were significant legal updates. Mr. Austgen stated there are none. He recommended that the item be removed from future agendas until full legal review has been completed.

A motion to remove the item from future agendas was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. 133rd Avenue Phase II – Change Orders 28, 29, and 30

Town Administrator Murr stated that these are anticipated to be the final change orders for the 133rd Avenue Phase II project. Change order 28 is for the extension of time. Change orders 29 and 30 were quantities that were below the initial design quantity. Whenever there is a quantity change that carries a dollar value of more than \$20,000, a change order needs to be generated per INDOT standards. The contract amount will be adjusted accordingly.

A motion to approve 133rd Avenue Phase II Change Orders 28, 29, and 30 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Museum Lease Agreement – Cedar Lake Historical Association

President Niemeyer discussed the updated museum lease agreement. He received word the previous evening that one item needed more consideration. Section 16, insurance, states “The lease shall provide property damage and fire insurance with extended coverage endorsement on all buildings erected upon the leased property in an amount equal to the full replacement cost thereof.” Mr. Niemeyer stated there’s no way to determine replacement cost because of the historical nature. If the building is burnt to the ground it would not be replaced. Mr. Austgen stated it was a tough section to draft. There were a couple places for single incidents and occurrence totals. He suggested they receive input from Mr. Bob Bryan. Further discussion occurred on the historical nature of the building and its priceless nature. It was decided to receive feedback from Mr. Bryan.

A motion to accept the Museum Lease Agreement contingent upon review with insurance of section 16 was made by Greg Parker with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0. Mr. Austgen stated that the document will most likely need to be updated after review with insurance.

4. Public Sidewalk Easement Agreement – Monastery Woods Lot 228

Mr. Austgen reported that Mr. Kubiak negotiated a relocated sidewalk for access out of and into Monastery Woods on the east corner at Parrish and 129th Avenue. The developer has granted an additional easement and has improved the easement.

A motion to approve the Public Sidewalk Easement Agreement for Monastery Woods Lot 228 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

5. Equipment Purchase – Wood Chipper

Town Administrator Murr discussed a memo regarding the purchase of a wood chipper. The public works department is in need of a new one. They were able to utilize the collective bidding process of the National Joint Powers Alliance. Alexander Equipment sent a quote for a 2017 brush chipper in an amount of \$49,431.93 which includes the trade in of one of the older chippers. Clerk-Treasurer Gross stated she received quotes from Tax Exempt Leasing Corp and Republic First National. Mr. Niemeyer asked what

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the source of funds would be. Clerk-Treasurer Gross stated that about 50% would come from the Lake County Solid Waste Fund and the remainder would come from Garbage Funds. Tax Exempt Leasing Corp came in with the lowest amount. The total principal and interest would be \$52,761.80 for a five year annual lease.

A motion to approve the equipment purchase of a wood chipper with Tax Exempt Leasing Corp was made by Robert Carnahan with second by Greg Parker. Mr. Carnahan asked which wood chipper would be traded in. Mr. Kubiak answered that the 1998 would be traded in. Mr. Carnahan commented that it's given nothing but problems. Mr. Kubiak concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

COMMITTEE REPORTS

1. **Public Works and Safety** – Mr. Niemeyer stated that discussion continues with the Hanover Township Trustee on the creation of a Fire Territory.
2. **Park and Recreation** – Mr. Niemeyer stated the committee has met a few times to plan the Town's 50th Anniversary Celebration. They have selected a date of September 16th. It will be located at the Town Grounds. A band has already been booked. Planning is ongoing. Town Administrator Murr added that they are working on obtaining quotes for parking at Bartlett/Wahlberg Park. Soccer registrations are ongoing.
3. **Redevelopment** – A joint work session will occur in April.
4. **Planning** – During budget discussions in 2016 it was decided to look at the EMS and Building Department rates analyzed. Review is still ongoing. It is anticipated to have an update by the end of the week.
5. **Council Affairs** –
6. **Utility** – A JMOB meeting is scheduled for March 22, 2017.
7. **Street** – The bond financing for road projects is moving forward concurrently with the project design and bid document preparation by Christopher Burke Engineering for the High Grove and South Shore neighborhoods. Included as well is the identification of funds for Parrish Avenue from 141st to 151st Avenue. Proposals are being obtained from engineers for design and construction observation. Town Administrator Murr stated she is meeting with the County Commissioner next week to discuss the Parrish Avenue project as well as other ongoing projects. She added that the Ecosystem Committee will be meeting Thursday to discuss the status and next steps. She has a conference call that day as well with the Army Corps of Engineers and Kay Whitlock of Christopher Burke. Council Member Foreman added that the north side of Lynnsway Subdivision off of Parrish Avenue has been purchased. Single family homes are slated for that area. Beacon Pointe Subdivision will be going in across from Centennial Subdivision. A brief discussion continued on estimated costs of High Grove and South Shore of approximately \$7 million and streets added to the upcoming projects. President Niemeyer commented that if you add this to the list that they've done since 2007, it brings the total up to over \$30 million worth of roads. He briefly discussed a conversation he had with Commissioner Tippy and the opportunity for Community Crossing Funds for Parrish Avenue. Mr. Austgen asked about the completed bid packages and if they were being altered. Town Administrator Murr stated that High Grove has been completed and South Shore is being finalized. Town Attorney Austgen recommended that the Council consider directing the bid packages be noticed to bidders. He also recommended that if they are not clear about the financing to get a good briefing on it and give some direction to the Clerk-Treasurer and Town Administrator on getting that caught up to the projects going to bid.

A motion to suspend the rules to allow for consideration was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0

A motion to approve the notice to bidders be sent out once the bid documents are finalized was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0

TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Carnahan stated that on March 11, MacArthur School will be having their annual fun fair. They will also be competing in the state competition for robotics. On March 18, they will be a part of the Chamber of Commerce's Business Showcase demonstrating their robotics.
2. **Town Attorney** - None

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3. Clerk-Treasurer – None

4. Town Administrator/Staff

a. Building Department Reports – February 2017

The building department had 11 new permits for a residential total through February of approximately \$1.9 million. 45 alterations year to date with a value of \$332,000.

b. Police Vehicles

Chief Smith discussed the purchase of three vehicles for the police department. He requested the purchase be made from the Cumulative Capital Development Fund and it should be financed with payments in arrears, which would not require payment until the first half of 2018. He added that the explorers are quoted at \$28,216.10 and the interceptor sedan at \$24,469.00. These quoted prices are good until the dealer switches model years, which is expected at the end of March. He asked for the Council's blessing to move forward with bids. He added that it's essential the vehicles be flex fuel capable for budgetary concerns. It would be beneficial as the fuel for them be provided through the federal grant. Council Member Carnahan suggested SUV's due to previous harsh winters. The Council briefly discussed the benefit of explorers versus sedans.

A motion to suspend the rules to allow for consideration was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemyer – Yes. Vote: 6 to 0

A motion to direct Chief Smith to begin the process of purchasing three replacement vehicles. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemyer – Yes. Vote: 6 to 0

WRITTEN COMMUNICATIONS

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

PUBLIC COMMENT

Jason Zaideman, representative of Operation Combat Lifesaver, they build custom motorcycles for combat veterans. On July 8th, they will be having a car and bike show. He requested permission to use the Town Grounds on that day. President Niemyer asked if there were any conflicts. Town Administrator Murr stated there were none. The rules and regulations for use of the Town Grounds were briefly discussed. Town Attorney Austgen voiced some concerns and recommended it be further reviewed and considered on a future agenda.

Mark Stenger, 13925 Wicker Avenue, commented on rumors of Town debt and attorney fees for the annexation. He briefly discussed streets in need of paving. He commented on wasted money and stated he would like to see the Council spend money wisely.

President Niemyer commented that he's glad people had courage 50 years ago to incorporate the Town. They did it under protest and they were successful when they appealed it. He's glad there are courageous leaders in every era of history in the Town that have had to make hard decisions to support the future of the community. He is proud of this Council for everything they have done. \$30 million worth of road investments in the last ten years is not chump change. A lot of effort has been put into it, taxpayers have supported it, and the Town continues to move forward and grow.

ADJOURNMENT President Niemyer called the meeting to adjournment.

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

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.