

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



**March 15, 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
Absent	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 HEARING**

**1. Resolution No. 1162 - Additional Appropriation – General Fund - Fire Department**

- a. Clerk-Treasurer Comments – Clerk-Treasurer Gross stated legal notices were published in the Northwest Indiana Times on March 3<sup>rd</sup> and in the Post-Tribune on March 4<sup>th</sup>.
- b. Reading of Resolution No. 1162 – Additional Appropriation – General Fund Fire Department – Clerk-Treasurer Gross read by title and summarized as an additional \$50,000 appropriation to 101-005-445 Fire Equipment.
- c. Remonstrators - None
- d. Town Council Discussion – Council Member Carnahan asked where this money was coming from. Clerk-Treasurer Gross explained this is from a surplus in the General Fund Budget.
- e. Town Council Decision

Motion to approve Resolution No. 1162 - Additional Appropriation of \$50,000 to the General Fund – Fire Department made by Greg Parker with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**PUBLIC COMMENT**

Jerry Wilkening, 10826 W 131<sup>st</sup> Avenue, discussed the BZA application from Henn. He asked the Council for further explanation regarding contingencies put in at the BZA or if Plan Commission has control. Town Attorney Austgen discussed the zone change application to a B-3 classification and if granted, it could be used for anything within the zone uses permitted. He also discussed a variance of use application. He discussed conditions being imposed at each level. Mr. Wilkening asked for it to be returned to the BZA. Mr. Austgen stated that the Council could impose final contingencies.

Susan Lindz, 13104 Osborne Street, voiced concerns regarding a B-3 Zone approval and what that would mean for her property and view. Mr. Carnahan discussed that at the meeting they indicated they were going for a variance of use not a rezone. Ms. Lindz stated she agreed with that but became concerned when the B-3 change was brought up again. Mr. Austgen discussed confusion because two processes are ongoing. There is still a blanket zone change pending as well as the variance of use request.

Robert Henn, 13733 Wicker Avenue, discussed the concern regarding the blanket zone change. The original intention is for the storage facility. After further discussion, he stated they are prepared to drop the zone change request. He discussed concerns with outside storage and stated when they go before the Plan Commission they will have a full set of plans regarding fencing and screening.

Loretta Di Biase, 11011 W 129<sup>th</sup> Avenue, voiced concerns about the outside storage.

Jerry Wilkening, 10826 W 131<sup>st</sup> Avenue, discussed making the favorable recommendation for the storage facility proposed. He stated he wanted to make sure everything is harmonious with the adjacent properties. A lengthy discussion continued on details regarding the property and variance of use.

Kathryn Hart, 13318 Rocklin Street, voiced concerns regarding the street in front of her home and neighboring homes. She stated the road is in dire need of repair.

Mike Ross, 14519 Lee Street, voiced concerns regarding a property on Bryan Street in the South Shore Subdivision in desperate need of cleaning up. Operations Director Kubiak commented he will look at the property.

Mark Gross, 6307 W 136<sup>th</sup> Place, voiced concerns regarding the water quality in Robin's Nest and possible changes in regards to the test wells dug to the east. Some folks have been reporting a sulfur smell. Town Administrator Murr stated the two wells are not connected together. The sulfur smell is coming from the test wells. Robin's Nest water is the same water it has been. The quality has not changed.

Leslie Norway, 11229 W 140<sup>th</sup> Avenue, discussed bringing an idea to the community regarding healthy living practices. She is beginning a health and wellness workshop at the Hanover Trustee's Office the third Friday of every month. She discussed an upcoming meeting with the

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Town Administrator and Events Coordinator. President Niemeyer stated he looked forward to hearing a report from them.

Mike Toth, 14605 Lee Street, voiced concerns regarding other houses in the South Shore Subdivision that are in disarray. He also briefly discussed bidding for garbage service.

**CONSENT AGENDA**

**Minutes:** March 1, 2016 Public Meeting Minutes

**Docket:** March 15, 2016 – All Town Funds \$249,883.38, Wastewater \$115,822.95, Sewer Sinking \$398,516.25, Water \$39,174.23, Storm Water \$110,840.93, Payroll 03/10/16 - \$232,866.49

**DARE Donations:** Cofhen, Inc. \$250, Crown Point FOP Lodge #176 \$250

**Refund for Clubhouse:** Ms. Hogan - \$80.25

Julie Rivera 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: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**BZA**

**1. Henn, 13109 Wicker Avenue, Variance of Use**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Variance of Use to allow Storage Units in R-2 and B-2 Zoning Districts.

Motion to approve Variance of Use based on the recommendation of the BZA made by Robert Carnahan with a second by Ralph Miller. Council Member Parker wondered if they should consider restrictions regarding outside storage to eliminate any concerns going forward. Mr. Austgen added that Council may impose conditions if they see fit. He discussed confusion again with the zone change pending and the Variance of Use application. He suggested they ask the Henn's if they're going to withdraw the zone change application. Mr. Robert Henn stepped forward and requested to drop the zone change application. He only asked for the Variance of Use. Roll call vote: Carnahan – Yes, Rivera – No, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 1.

Council Member Miller asked for clarification regarding the details moving forward.

**2. Frey, 14527 Lake Shore Drive, Variance of Use**

The Board of Zoning Appeals sent a Favorable Recommendation to the Town Council for the requested Variance of Use to allow the Petitioner to have two (2) outdoor electric/amplified events a month, with quiet hours starting at 10:00 p.m. on weekdays, and 11:00 p.m. on weekends. A conditional recommendation is hereby further certified for public way and safety crossing improvements to be made in conjunction with the Town, by and through its Engineering Consultant and Director of Operations. Council Member Carnahan added that they would like to have a review in 6 months.

Motion to approve Variance of Use based on the recommendation of the BZA made by Robert Carnahan with a second by Richard Sharpe. Mr. Austgen asked about adding the stipulation for the 6 month review. Mr. Carnahan amended his motion to add a 6 month review. Mr. Sharpe concurred. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – No. Vote: 4 to 2.

**ORDINANCES**

**1. Corrective Ordinance No. 1235A – Floodplain Management**

Council Member Parker read by title. Town Attorney Austgen explained that in December the Town received a request from DNR to consider adopting replacement storm water management regulations. The replacement ordinance was drafted and updated per the request. DNR checked off on the ordinance. After another review, some minute changes were requested. On Page 3, removal of two words in 155.03 (F), *federally subsidized* is removed and *federal* is inserted. On Page 14 sub (F) sub (3) inserts *and not in the flood way*. On Page 25, sub (3) second and third lines, *will* is changed to *shall*.

Motion to approve first reading of Corrective Ordinance No. 1235A made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

President Niemeyer asked for a motion to suspend the rules and allow for a second reading. Motion by Richard Sharpe with a second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

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

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Motion to adopt Corrective Ordinance No. 1235A made by Ralph Miller with a second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**NEW BUSINESS**

**1. LWG Engagement Letter for the Municipal Sewer Utility Rate Sufficiency Analysis Report (Strategic Plan: A Secure Future)**

Clerk-Treasurer Gross explained that based on previous discussion with Council, it's been years since the sanitary sewer utility has received a financial analysis for its rate structure and also to make sure the Town complies with debt service and any future growth. The London Witte Group has proposed the analysis for \$10,000.

Motion to approve an amount of \$10,000 for LWG Municipal Sewer Utility Rate Sufficiency Analysis made by Richard Sharpe with a second by Greg Parker. Council Member Carnahan asked what drove the need to do this. Mr. Austgen answered that it's for sufficiency of rates. Clerk-Treasurer Gross clarified that this will ensure the Town does have capacity to cover debt expenses and also for future growth. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**2. LWG Engagement Letter for the Municipal Storm Water Utility Rate Sufficiency Analysis Report (Strategic Plan: A Secure Future)**

Clerk-Treasurer Gross explained that there has been no analysis for the storm water utility since the bonds were approved in 2007. This would follow the same structure as previous; they would do a financial analysis to make sure the Town meets capacity for future growth, debt service, and operating and maintenance. This analysis would be \$10,000.

Motion to approve an amount of \$10,000 for the LWG Municipal Storm Water Utility Rate Sufficiency Analysis made by Ralph Miller with a second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**3. Unsafe Building Town Council Member Appointment (Strategic Plan: A Secure Future)**

President Niemeyer stated this is to ratify the appointment of Council Member Sharpe to the Unsafe Building Committee.

Motion to approve appointment made by Greg Parker with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**4. 133<sup>rd</sup> Avenue Phase II – Change Order No. 18**

Town Administrator Murr explained this was received the previous evening from Christopher B. Burke Engineering. INDOT approved the change order for the redesign. The current change order amount is for \$437,355.09. Of that \$92,085.63 is participatory with INDOT. \$345,269.46 based on initial review, is recoverable as part of the errors and omissions. Mr. Austgen stated that is part of the damages summary being compiled for dialogue and negotiation with American Structurepoint.

Motion to approve Change Order No. 18 made by Greg Parker with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**5. NIES Engineering – West Side Sanitary Sewer Interceptor Feasibility Analysis**

Neil Simstad discussed the scope of work for the continuation for the West Side Sanitary Sewer Feasibility Analysis. The proposal is for a not to exceed amount of \$38,400. Clerk-Treasurer Gross confirmed it would be paid from the wastewater fund. Town Administrator Murr added that the proposal included an estimated 16 week delivery.

Motion to approve West Side Sanitary Sewer Interceptor Feasibility Analysis for \$38,400 made by Richard Sharpe with second by Greg Parker. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**TOWN COUNCIL REPORTS**

1. Town Council – Council Member Carnahan reminded everyone that Saturday the Chamber Business Showcase would be at Hanover High School. Council Member Rivera reminded everyone of the Hanover Wildcats Bingo Fundraiser Saturday at the Eagles. President Niemeyer discussed the Redevelopment Commission approving funding for the Economic Development Committee to travel to Lake Geneva for economic research.
2. Town Attorney – No Report.

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3. Clerk-Treasurer – Clerk-Treasurer Gross stated each Council Member has a copy of Ordinance 1234 – Material Threshold Policy before them. All employees of the Town including elected and appointed officials are required to sign for auditing purposes.
4. Town Administrator/Staff – No Report.

**WRITTEN COMMUNICATIONS**

1. Events Coordinator’s Report – Town Administrator Murr highlighted upcoming events.
2. Christopher B. Burke Engineering – Town Administrator Murr stated the Hanover/Jane Ball Safe Routes to School Project was awarded to Walsh & Kelly for \$186,873.58. Work is anticipated to begin this summer.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:09 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.

**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

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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.