

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



March 20, 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
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	

*Mr. Parker arrived at approximately 7:10PM.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: March 6, 2018 Public Meeting

Docket: February 20, 2018 – All Town Funds \$90,221.95, Wastewater \$284,002.41, Water \$56,063.86, Storm Water \$43,747.88, Payroll 03/08/18 \$237,713.70

Lake County Board of Elections: Cedar Lake Town Hall Usage for Election Day May 8, 2018

Sweet Corn Sales: July 1, 2018 – September 16, 2018 at True Value Parking Lot

Richard Sharpe 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 – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 4 to 1.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1288 – Annexation – Birchwood Farms

Council Member Rivera read by title only. Town Attorney Austgen explained this is the introductory reading to annex the Olthof property at the intersection of 125th and Wicker Avenues. It's approximately 68 acres. This project parcel has been before the Plan Commission for conceptual review of a residential development project. It is his understanding they are on track and seek annexation to begin a development project this year. It's a ninety day process. Council Member Carnahan asked how far north it will go out of the corporate limits. Mr. Austgen stated to the bottom of the hill. Mr. Carnahan asked if he had any idea if it was a mile or more. Mr. Austgen stated no. It's only 68 acres.

A motion to approve the first reading of Ordinance No. 1288 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0. Mr. Austgen stated the public hearing will be advertised and noticed for the second public meeting in April. They will not act on the ordinance that night but they will have the fiscal plan. The adoptive meeting will be at the second meeting in May.

2. Resolution No. 1216 – Temporary Loan for General Fund

Council Member Rivera read by title only. Chief Deputy Clerk Nagy stated this resolution is for a not to exceed amount of \$700,000 from the Wastewater Treatment Plant Special Fund to the General Fund. This is so they can borrow incrementally based on necessity and not estimation. All that is borrowed will be repaid with the spring tax distribution. President Niemeyer added that as of the end of 2017 all of the temporary loans had been repaid.

A motion to approve Resolution No. 1216 was made by Ralph Miller with second by Richard Sharpe. Council Member Carnahan asked if it would be a maximum amount of \$700,000 they would borrow. It was answered yes. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Resolution No. 1217 – Temporary Loan for Cumulative Capital Development Fund

Council Member Rivera read by title only. Chief Deputy Clerk Nagy stated this resolution is for a temporary loan of \$81,580 from the Wastewater Treatment Plant Special Fund to the Cumulative Capital Development Fund. This is to meet operating expenses before the spring tax distribution is received. Council Member Carnahan asked if that was for \$81,500. Mrs. Nagy stated it was for \$81,580.

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A motion to approve Resolution No. 1217 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

BZA

1. ARDT III, Thomas Tylka – 11109 W. 133rd Avenue – Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the Use Variance to allow the Petitioner: Grand Prize Cars, Ltd. To store a maximum of twenty-five (25) vehicles ready for sale, no parking signs next to Route 41, viewing of vehicles with proprietor of business only and to have three (3) businesses on a lot in a Community Business B-2 Zoning District including the statutory findings of fact. By a vote 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on March 8, 2018. President Niemeyer asked if Mr. Austgen had anything to add. Mr. Austgen stated no the BZA vetted the item carefully for the restrictions at their meeting. President Niemeyer asked about the location. Mr. Carnahan explained it was the old Center Garage lot where Tom & Ed's is located as well as Enterprise. He briefly discussed the BZA meeting.

A motion to approve the use variance for 11109 W. 133rd Avenue was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

OLD BUSINESS

1. 2018 Ambulance/EMS and Fire Protection Services Agreement

President Niemeyer stated this was previously deferred while revisions were discussed by the Township Trustee. He asked if the revisions were drafted. Mr. Austgen stated the revisions were drafted and sent out. President Niemeyer asked if the Council has had time to review the revised draft.

A motion to defer was 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. President Niemeyer addressed Mr. Lopez. He stated some of the things in question with the revision are the extra steps. It's okay if the Fire Chief is okay with requesting the funds from the Township. However, in light of the well broadcast need for the Fire Department to have access to the funding available, not all of the funding that is available is being made available as part of the contract. President Niemeyer thinks they need to have a meeting with Mr. Lopez and the Township Board President to discuss how it will work before they have a contract in place. Mr. Lopez stated he understands and appreciates the Council's work.

NEW BUSINESS

1. Police Squad

Chief Coulson stated this item pertains to an automobile accident that involved one of the squad cars on February 20th at 133rd and Parrish. The accident was a result of the vehicle pulling in front of the squad car. The collision resulted in injury to both the officer and the other driver. State Farm Insurance is handling the claim for their driver. They have deemed the squad vehicle totaled. They will be covering the cost of the vehicle as well as the equipment, and towing. President Niemeyer asked if there was any depreciation. Chief Coulson stated no. Mr. Parker asked if the officer was okay. Chief stated he was. President Niemeyer asked if the motorist was at fault. Chief stated yes and the insurance company has made that determination as well. Chief Coulson requested to replace that squad with one of equal value.

A motion to replace the vehicle was made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. Engagement Agreement – EMS Billing Medicaid Reimbursement

Town Administrator Murr explained this is an agreement with Rooney & Co, LLC to compile the 2017 Medicaid Freestanding Cost Report. This report is needed in order to recoup and recover some of the Medicaid costs. This has been done for 2014, 2015, and 2016. The company previously used is no longer allowing the Town the option of a contingency fee. This company does. This is a 25% fee based on what the Town collects. This agreement is to get the report compiled for 2017 and submitted. They will pay Rooney after the Town receives payment. President Niemeyer asked what the maximum would be. Mrs. Murr stated the maximum would be \$10,000. She recommended they approve the agreement.

A motion to approve the Engagement Agreement with Rooney & Co. was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

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TOWN COUNCIL REPORTS

1. **Town Council** – Council Member Carnahan stated he had several. The Business Showcase will be Saturday, March 24th at Hanover High School in the east gym. The Share Ethics will be at Avalon Manor on March 29th. Lake Shore Public Media is trying to get input from the Community. They are asking people to listen to the radio and television programs to rate them. Council Member Rivera stated the Town will have a booth at the Business Showcase and it will be the last day to register for soccer. Those who register at the showcase will be entered to win one of two free registrations for soccer.
2. **Town Attorney** – None
3. **Clerk-Treasurer** – None
4. **Town Administrator/Staff** – Mrs. Murr stated they have been working diligently with NIPSCO and their contractors to finish up the gas service line and meter switches. If anyone knows of someone in the High Grove or South Shore areas that have not had their gas meters switched out make sure they contact NIPSCO so they can get that done. Those road projects have started up again. Contractors have already been seen in High Grove and South Shore will be starting soon. President Niemeyer stated he received a call from a Lynnsway resident that voiced concerns with a large pile of dirt from the Ledgestone Development that is producing runoff during storms and blowing dust. Mr. Kubiak stated that area was an approved stock pile area. They did notice it was getting excessive and they have been stopped. They now have to haul the dirt out.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – There will be a bi-weekly coordination meeting for the Ecosystem Restoration project on Thursday.

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at 7:29 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.

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.