

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



March 21, 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	Absent	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	Absent*	David Austgen Town Attorney	

*Mr. Carnahan left due to an emergency at approximately 7:30pm.

*Mr. Ryan Deutmeyer was present from the attorney's office.

PUBLIC COMMENT

Mr. Carnahan commented on the recent passing of a member of the community. Nick Tieri, Lynnsway, voiced concerns about the state of Parrish Avenue from 141st to 151st Avenue. President Niemeyer stated the road has been in disrepair for some time. When the first stretch of Parrish between 137th and 141st was done it was discovered that the soil subgrade was gone. The same situation exists in the second stretch. The difference is that stretch is a little longer and the county owns a section. Any projects done need to be in conjunction with Lake County. Mr. Tieri asked about getting in contact with Lake County. Mr. Niemeyer stated that conversation has been started and the Town Administrator will update. Council Member Foreman added that plans for a West Side Sewer Interceptor have slowed down reconstruction. Town Administrator Murr discussed a recent meeting with Commissioner Tippy and Lake County Highway Staff. They are looking at the road standards between Cedar Lake and Lake County and coming up with a formula to develop cost sharing options, a design agreement, and funding solutions to pave the road. To date, all conversations seem favorable between the Town and Lake County to get the road repaired.

Charlotte Wiedeman, 8705 W. 139th Ct, voiced concerns about the BZA special use variance by Julie Sadler. She understands an unfavorable recommendation has been made and she wanted to follow up and make sure the unfavorable goes through. Council Member Carnahan briefly discussed the BZA meeting. President Niemeyer stated the item is on the agenda and will be voted on tonight.

OATH OF OFFICE

Full-time Fire Fighter Robert Van Kuiken Jr. received the oath of office by Clerk-Treasurer Gross.

CONSENT AGENDA

Minutes: March 7, 2017 Public Meeting Minutes

Docket: March 21, 2017 – All Town Funds \$233,733.06, Wastewater \$105,221.83, Water \$34,556.90, Storm Water \$31,421.66, Payroll 3/9/17 \$232,034.39

Donations: Nagy's Automotive \$100, Phil & Son, Inc. \$250, Cedar Lake Kitchen \$50

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, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 to 0.

BZA

1. Julie Sadler – 8600 W. 139th Court – Special Use Variance

The Board of Zoning Appeals sends an Unfavorable Recommendation to the Town Council for the requested Special Use Variance with the required findings of fact to allow the Petitioner to operate a construction company in a B-1 Zoning District. Mr. Kubiak stated that Ms. Sadler filled out an application for one construction business and at the meeting she discussed three separate businesses operating out of the building. Her request was denied due to the size of the business. Mr. Kubiak also noted that the property was recently rezoned from R-2 to B-1. Owner Terri Cox, 8505 W. 139th, and Petitioner Julie Sadler, 13337 Truman Circle, commented that they took into consideration some of the comments made at the BZA meeting. They discussed why they believe the special use variance should be granted. They discussed possibly adding a privacy fence or trees to the site. Mr. Foreman asked for clarification if it was one business or three. Ms. Sadler stated she owns Pelton Enterprise and Pelton has three different divisions. A lengthy discussion continued about the business and the previous zoning granted. Council Member Foreman discussed the possibility of contingencies. He made a motion to approve the special use variance with contingencies of a privacy fence, no activity before 7am, and quarterly inspections. No second was made.

Council Member Miller made a motion to send the item back to the BZA with the new information presented this evening. A second was made by Richard Sharpe. Mr. Kubiak

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clarified that at no point in time has Ms. Sadler applied for the multiple business on the property. If a motion is made it's not on the three but Pelton Enterprises. Also, the BZA decision was final so she would need to reapply and they would be waiving the one year time frame. Roll call vote: Foreman – Yes, Rivera – No, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 4 to 1.

RESOLUTIONS

1. Resolution No. 1189 – Equipment lease Purchase Agreement

Clerk-Treasurer Gross read by title only and explained. This is a confirming resolution to enter into an agreement with Tax Exempt Leasing Corp. based on the action of the Council at the last meeting for the wood chipper lease purchase agreement.

A motion to approve Resolution No. 1189 was made by Ralph Miller with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

2. Resolution No. 1190 – Temporary Loan for the General Fund

Clerk-Treasurer Gross read by title only and explained. This is a temporary loan from the Wastewater Treatment Plant Special Fund to the General Fund in the amount of \$500,000. It will be repaid by the end of the year.

A motion to approve Resolution No. 1190 was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

NEW BUSINESS

1. Town Ground Use Request – Operation Combat Bikesaver (OCB)

Town Administrator Murr discussed a Town Ground Use Request by Operation Combat Bikesaver. President Niemeyer asked if there have been discussions with them regarding the logistics and requirements for use. Town Administrator Murr stated that discussions have been limited but they are aware of the fees for using the grounds. They would still need to coordinate with the Police Department. They are aware of the insurance requirements. Jason Zaideman stated they are requesting use for a one day event on July 8th. They are willing to pay all fees and work on necessary logistics with the Town. They have received a quote for insurance on the grounds. Activities for the event are contingent upon what the rules for the grounds are. President Niemeyer asked if they were aware of licensing requirements for food vendors and a beer garden. Mr. Zaideman stated they were.

A motion to approve the Town Ground Use Request for Operation Combat Bikesaver was made by Julie Rivera with a second by Richard Sharpe. Town Administrator Murr suggested the motion be contingent upon insurance requirements being met. Mrs. Rivera and Mr. Sharpe concurred. Mr. Miller asked that there be an update within the next few meetings. Chief Smith stated they'll work out the logistics and make sure the right manpower is there. A motion to approve Resolution No. 1189 was made by Ralph Miller with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 to 0.

2. Little League Request

Town Administrator Murr discussed a request from Mr. Jeff Austgen for the Town to partner with the Little League to do some improvements to the park. Mr. Austgen stated they have been selected for the 12 year old state tournament through Babe Ruth International in July. Mr. Austgen discussed wanting to do paving and a façade renovation to the concession area. Discussion occurred on the parking area of Hanover Park and where the Town's property meets the Little League. Mr. Austgen stated the Little League has saved up for renovation of the dug outs. He discussed conversations with Walsh & Kelly for the paving and costs associated. President Niemeyer asked him what he wanted the Town to contribute. Mr. Austgen stated as much as possible. A lengthy conversation continued on what the partnership would involve, drafting a written agreement, and funding options.

TOWN COUNCIL REPORTS

1. Town Council – None

2. Town Attorney – None

3. Clerk-Treasurer – Clerk-Treasurer Gross stated that on the next meeting agenda will be a resolution for additional appropriations and reductions to the 2017 budget.

4. Town Administrator/Staff – Town Administrator Murr reported on the business showcase. At the showcase they had 36 register for soccer bringing the total registered to 179, surpassing last year's sign ups.

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WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – The Ecosystem Restoration Project is moving forward
2. Police Vehicle Bids – Chief Smith discussed bids received from Smith Ford of Lowell and Fieldhouse Ford of Demotte. No Dodge dealers replied. He discussed the preferred vehicle specifications and equipment estimate. He discussed the possibility of purchasing a Noptic Camera as well. The equipment outfitter was able to reach an agreement with the camera provider. This would increase the equipment price by \$3,900, the cost of the camera. He briefly discussed the production timeline. After further discussion it was decided to add this item to the next agenda.

PUBLIC COMMENT

Nick Hoffman, Boy Scouts Troop 129, stated he was present tonight to work towards a merit badge. It is an Eagle requirement. He asked for Mr. Niemeyer's signature. Paul Hoffman, assistant cub master, stated the other boys in the audience were here for a similar requirement. Glenn Wiedeman, 8705 W 139th Court, asked about the special use variance going back to the BZA and if they'll have a chance for remonstrations. President Niemeyer stated they'll have to start the process from the beginning. Mr. Kubiak asked if they were notified the first time. Mr. Wiedeman stated he is not an adjacent property owner but he lives on that street. State statute and public notices were briefly discussed. President Niemeyer stated Mr. Wiedeman could stay in touch with Town staff for meeting dates for the opportunity to speak.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:25 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

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.