

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



April 19, 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	

OATH OF OFFICE

Full-time Police Officer Ryan Miller received the oath of office by Clerk-Treasurer Gross.

PUBLIC COMMENT

John Schutz, 13522 Schneider Court, thanked the Council and Town Staff for all of their help with his property matters.

Wally Boilek, 12620 Marsh Landing Parkway, thanked the Council and Town Staff for their assistance with his contractor issue he brought before the Council at the last meeting.

Janice Boilek, 12620 Marsh Landing Parkway, voiced concerns regarding pedestrians walking on the roadway at night. She asked if anything could be put in the newsletter asking folks to be more cautious. Town Administrator Murr was asked to add something in regards to pedestrian safety in an upcoming newsletter.

CONSENT AGENDA

Minutes: April 5, 2016 Public Meeting Minutes, including the corrective date of La Gaviota Cinco de Mayo Event to May 7, 2016

Docket: April 19, 2016 – All Town Funds \$136,506.74, Wastewater \$147,497.17, Water \$40,563.48, Storm Water \$25,916.72, Payroll 04/07/16- \$227,868.38

DARE Donations: Cedar Lake Kitchen \$25, Burdan Funeral Home \$100

Clubhouse Rental Waiver Request: Boy Scouts – April 18, 2016

St. John the Evangelist Festival: Usage of Picnic Tables July 14-17, 2016

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

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1238 – Personnel Policy Amendment – Drug Testing (Strategic Plan: A Secure Future, An Effective Organization)

Council Member Parker read by title. Town Administrator Murr explained that as our Town continues to grow, so do our policies need to. This amendment will modernize the personnel policy. This will include pre-employment testing and random drug testing for anyone in a public safety position, not just CDL holders. Town Attorney Austgen added the staff did a great job on the initiative and the policy is now modernized.

Motion to approve first reading of Ordinance No. 1238 made by Richard Sharpe with second by Ralph Miller. 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 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.

Council Member Parker read Ordinance No. 1238 by title only.

Motion to adopt Ordinance No. 1238 made by Julie Rivera 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.

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2. Ordinance No. 1239 – Personnel Policy Amendment – Payment of Municipal Obligations (Strategic Plan: A Secure Future, An Effective Organization)

Council Member Parker read by title. Town Administrator Murr explained that this is an item that was in Town code but was not transparent in the personnel policy. Employees who are residents of the Town and have municipal obligations with wastewater, water, ambulance billing, and the like, are responsible for paying those obligations and staying current.

Motion to approve first reading of Ordinance No. 1239 made by Ralph Miller with second by Richard Sharpe. 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 Greg Parker 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 Ordinance No. 1239 by title only.

Motion to adopt Ordinance No. 1239 made by Ralph Miller with a second by Richard Sharpe. Council Member Miller asked if this also pertains to elected officials and board appointed members. Town Attorney Austgen answered yes. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Ordinance No. 1240 – Zoning Amendment – Goc & Cox, 8505 W 139th Street (Strategic Plan: An Engaged Community)

Town Attorney Austgen stated that there was a request from the attorney of the petitioners to defer this matter. A motion to defer was made.

Motion to defer Ordinance No. 1240 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. Resolution No. 1163 – Temporary Loan to the Cumulative Capital Development Fund (Strategic Plan: A Secure Future)

Clerk-Treasurer Gross read by title and explained. This will allow \$99,212 to be transferred from the Wastewater Treatment Plant Special Fund to the Cumulative Capital Development Fund upon adoption. This is to meet the cash flow for the existing lease payments. This will be repaid with the tax distribution in late June.

Motion to approve Resolution No. 1163 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.

5. Resolution No. 1164 – A Resolution to Reduce Current 2016 Balances (Strategic Plan: A Secure Future)

Clerk-Treasurer Gross read by title and explained. Council Affairs met and discussed budget reductions. This is a requirement of the Department of Local Government Finance. The final reduction for the General Fund is \$238,650 and the Redevelopment Commission General will have to reduce \$6,154. President Niemeyer thanked the Council Affairs Committee for their work and getting the number right.

Motion to approve Resolution No. 1164 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.

6. Resolution No. 1165 – A Resolution Authorizing a Temporary Loan for the General Fund of the Town of Cedar Lake (Strategic Plan: A Secure Future)

Clerk-Treasurer Gross read by title and explained. This is for \$250,000 to be transferred from the Wastewater Treatment Plant Special Fund to the General Fund. This will be repaid when the tax distribution is received in late June. She reminded them that they just did a temporary loan for \$500,000. So it will be a total of \$750,000 to be repaid. This will assist with the cash flow for operating expenses.

Motion to defer Ordinance No. 1240 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.

NEW BUSINESS

1. Sweet Corn Sale Request – Mark Christenson (Strategic Plan: An Engaged Community)

Town Administrator Murr explained that this request is similar to the one presented at the last meeting. Mark Christenson has received permission from Bobb Auto Group to set up in their lot for sweet corn sales. Council Member Carnahan and Operations Director

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Kubiak voiced concerns about increased traffic and the safety of setting up sales on such a busy highway. A motion to defer was made.

Motion to defer Sweet Corn Sale Request made by Greg Parker 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.

2. Cedar Lake Ministries Tourism Fund Request (Strategic Plan: An Engaged Community, A Thriving Community)

Town Administrator Murr discussed a written request from Cedar Lake Ministries for a portion of the innkeeper's tax monies received. They are requesting \$3,800 for radio and internet marketing. Town Administrator Murr stated they pay into this tax and this is the only request received this year. Council Member Miller made a motion to approve but amended it to include that the remaining monies come back to the Town to be used for promotion. President Niemeyer commented that he believes that to be \$4,725 a year. Clerk-Treasurer Gross stated yes.

Motion to approve Cedar Lake Ministries request for \$3,800 with an addition of the additional funds returning to the Town for promotional purposes 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. Town Hall Building Corporation – Satisfaction, Discharge, and Release of Indenture, Warranty Deed and Termination of Lease (Strategic Plan: A Secure Future, A Thriving Local Community)

Clerk-Treasurer Gross explained that the Town Hall Building Corporation Board of Directors met with her and Attorney Austgen recently. Town Attorney Austgen added that this is in regards to the funding that was used for the Town Hall addition. Clerk-Treasurer Gross reported last fall that the bond issue had been satisfied. This is for the security instruments to be satisfied also and the trust indenture and financing documents released. The building corporation members met and agreed to return ownership to the Town without encumbrance. They approved and executed the instruments and now they need the Council's approval to be recorded and processed into the archives.

Motion to approve Satisfaction, Discharge, and Release of Indenture, Warranty Deed, and Termination of Lease 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. Town Attorney Austgen added that credit needed to be given to the Clerk-Treasurer who rounded up the members and got them together. Over the years, Clerk-Treasurer Gross and her predecessors have handled the funds and the process well. The Council thanked her.

4. Easement Agreement – (Strategic Plan: A Secure Future, An Engaged Community)

Town Attorney Austgen explained that he had received an instrument from the Hanover Community School Corporation and Lake County Library Entity in regards to storm drainage control on the high school and adjoining library property. He added he had not had a chance to look over the items. He requested the item be deferred until the next meeting. Mr. Nicholas Otis, attorney for Hanover Community School Corporation, added that the only additional language of the indemnification clause, the school had given to the library. Other than that, he believes it's what was presented from the Town to the school and the library. Beth Brown, attorney for the Lake County Public Library, concurred with Mr. Otis. Mr. Austgen stated he'd have a recommendation ready at the next meeting.

Motion to defer Easement Agreement 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.

TOWN COUNCIL REPORTS

1. Town Council – Council Member Carnahan spoke of an upcoming luncheon on May 24th held by the Cedar Lake Chamber. Chief Smith will be the speaker. May 9-15, is National Police Officer Memorial Week. All Police Officers are invited for lunch with the Chamber. Council Member Miller thanked all the department heads and everyone for working together to come up with the budget. Council Member Sharpe added special thanks to Clerk-Treasurer Gross. President Niemeyer gave a brief update on the Economic Development Committee's trip to Lake Geneva. They gleaned a lot of tips and ideas for economic development to use as the Town moves forward. He briefly spoke about the passing of his grandfather, Adolf Niemeyer, and how we should approach the future with a positive attitude.
2. Town Attorney – No official report. He thanked everyone for their well wishes. His nephew is the alternate for the Olympic Wrestling Team.
3. Clerk-Treasurer – Clerk-Treasurer Gross discussed redeeming investments this month from Centier Bank. A total of \$25,275 in interest was collected that encompasses three

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years of a savings account at Centier bank. She's awaiting the analysis from London Witte Group in regards to the wastewater and storm. She will probably reinvest with Trust Indiana, which is a state pool for government entities. Their interest rates are comparable. There was also a \$400,000 fee offset account that was non-interest bearing that we had to open to increase the interest rate for these investments. That money has been returned to the Wastewater Operating Fund. The direct deposit is now through Demotte State Bank. There is no charge with Demotte. The other bank wanted to charge fees.

4. Town Administrator/Staff – Town Administrator Murr added that as the Town moves forward there will be ongoing updates to the Personnel Policy.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering – Town Administrator Murr stated we're still waiting on ASA Darcy to be briefed on the Ecosystem Restoration Project. Our engineer had a brief discussion with Colonel Drew who is cautiously optimistic. The Jane Ball Safe Routes to School Project is moving forward. At the next meeting, she will have the Lake County Soil Water Conservation District agreement to continue providing MS4 Public Education and Outreach services. For the 2015 Street Program, the roadway list was forwarded, and they are in the process of scheduling those and cleaning up punch list items. 133rd Avenue was milled today, as weather gets better, they will move forward. Currently, the week of May 2nd, is scheduled to do concrete work.
2. US 41 – Town Administrator Murr added that the project on US 41 is an INDOT project but she is meeting with the INDOT engineer to discuss the project because Cedar Lake was inadvertently left off of the memos and notifications for the project. That project does not have a substantial completion until mid-September.

Council Member Parker asked if someone could give an update to the Govert's regarding their ongoing issues. Council Member Rivera added that they have been able to make contact with one of the property owners to discuss the project and they are playing phone tag with the other property owner. Letters have been sent and door to door contact has been made. Council member Parker asked if appraisals have been ordered for the August Oaks parcels. Town Attorney Austgen added that they have not been ordered but they are in communication with the appraiser's office.

PUBLIC COMMENT

None

ADJOURNMENT President Niemeyer called the meeting to adjournment at 7:48 PM.

An Executive Session was advertised and conducted at 6:00 PM and following 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.