

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



May 2, 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
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 Niemeier Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC HEARINGS**

**1. Lease and Additional Appropriation**

- a. **Attorney's Review of Legals** – Town Attorney Austgen stated the public hearing notifications were made in a timely manner in the newspapers as required.
- b. **Opening Remarks** – This is an additional appropriation and approval of the lease that will permit the road improvement financing that will occur by and between the Storm Board through revenue funds and the RDA by and through lease rental revenue bonds.
- c. **Reading of Ordinance No. 1262** – Council Member Parker read by title.
- d. **Remonstrators** - None
- e. **Town Council Discussion** – None
- f. **Town Council Decision**

A motion to adopt Ordinance No. 1262 was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

**2. Wenzel Voluntary Annexation**

- a. **Attorney's Review of Legals** – Town Attorney Austgen stated the legals are in order and were advertised on behalf of the petitioner and the direction of Town staff.
- b. **Opening Remarks** – These are the actions needed to be taken to further the voluntary annexation request of the petitioner. This is in the area of Alexander and 125<sup>th</sup>.
- c. **First Reading of Ordinance No. 1260** – Council Member Parker read by title.
- d. **Remonstrators** - None
- e. **Town Council Discussion** – None
- f. **Town Council Decision**

A motion to approve the first reading of Ordinance No. 1260 was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0. The adoptive reading will take place at the June 6<sup>th</sup> Town Council Meeting.

**g. Resolution No. 1195 – Fiscal Plan and Policy for Annexation - Wenzel**

Council Member Parker read by title only. Town Attorney Austgen stated this was introduced at the last meeting. The action to approve the resolution is the next step. A motion to approve Resolution No. 1195 was made by Ralph Miller with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 7 to 0.

*\*President Niemeier amended the agenda to add an item before Committee Reports in regards to ratifying a JMOB action.*

**PUBLIC COMMENT**

Dale Holsti, 14323 Colfax Street, voiced concerns regarding the Town's lack of an emergency weather alert system. He stated he couldn't hear the tornado siren by his home. He discussed the Town of Ottawa, Illinois and their usage of the Nixle system. He stated he is a subscriber to the Nixle system and called them to get some information on subscribing for weather alerts. He stated that Nixle told him that it would cost an additional \$3,500 or 40 cents per resident to upgrade the system. He recommended that the Council consider upgrading the system.

**CONSENT AGENDA**

**Minutes:** April 10, 2017 Joint Meeting and April 18, 2017 Public Meeting

**Docket:** May 2, 2017 – All Town Funds \$309,486.01, Wastewater \$45,626.03, Water \$12,015.36, Storm Water \$4,644.95, Payroll 04/20/17 & 05/01/17 \$170,661.78

**Manual Journal Entries:** April 1 – 30, 2017

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**Donations:** DARE – Jane Ball \$1,000 and Cedar Lake Lions Club \$100

**Annual Operational Report for Local Roads and Streets 2016**

**St. John Evangelist Festival:** Use of picnic tables for July 11-17, 2017

**Town Ground Usage:** Cub Scouts Pack 129 July 14-15, 2017 Overnight Campout

**Proclamation:** Fibromyalgia May 12, 2017

**50<sup>th</sup> Anniversary Band Contract:** High Noon

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Council Member Carnahan asked if Pay Request #5 for Rieth-Riley was the final payment. Clerk-Treasurer Gross stated all that is expected now is retainage. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**ORDINANCES**

**1. Ordinance No. 1263 – Storm Water Ordinance Amendment – Second Reading**

Council Member Parker read by title only. Town Attorney Austgen explained that the Storm Board met last week and conducted a public hearing on these rates and charges. They recommend the Council consider adoption. They also discussed at the public meeting, the necessity of the inclusion of terms for a special improvement fund.

A motion to adopt Ordinance No. 1263 was made by Julie Rivera with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**2. Ordinance No. 1264 – Subdivision Control Ordinance Amendment – Streetlights**

Council Member Parker read by title only. A spelling correction was made to the ordinance. Town Attorney Austgen explained this is a project that the Plan Commission undertook with staff. The lighting regulations are now uniform and modern. They will be applied across the board. There is a companion ordinance in the zoning ordinance after this item so that there is no misunderstanding for anyone erecting or considering erecting streetlights in the Town.

A motion to approve the first reading of Ordinance No. 1264 was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council Member Parker read Ordinance No. 1264 by title only.

A motion to adopt Ordinance No. 1264 was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**3. Ordinance No. 1265 – Zoning Ordinance Amendment – Outdoor Lighting**

Council Member Parker read by title only. Town Attorney Austgen stated this is the same as the previous ordinance except it is implemented into the zoning ordinance. Council Member Carnahan asked if anyone out there that does not comply with this ordinance if they are covered by the grandfather clause. Town Attorney Austgen answered that they are.

A motion to approve the first reading of Ordinance No. 1265 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

A motion to suspend the rules and allow for a second reading was made by Richard Sharpe with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

Council Member Parker read Ordinance No. 1265 by title only.

A motion to adopt Ordinance No. 1265 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**4. Ordinance No. 1267 – Zoning Ordinance Amendment – Lynnsway**

Council Member Parker read by title only. Town Attorney Austgen explained this is a processed application through the Plan Commission for a rezone of lots 1-4, 7-10, and 13-23 in Lynnsway. This is to increase the size and change from multi-family to single family zoning. It will be a reduction in the number of homes from 96 to 48. The Plan Commission certified a unanimous favorable recommendation. Town Attorney Austgen stated this only requires one reading.

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A motion to adopt Ordinance No. 1267 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**5. Resolution No. 1192 – Reduction of Current Balances**

Clerk-Treasurer Gross read by title only. She explained that based upon previous discussion with the budget committee she went back and reviewed some of the line items that were originally going to be reduced. She made some revisions that were forwarded to the members for final verification. Reductions are as follows:

Clerk-Treasurer's Budget	\$ 4,300.00
Police Department Budget	\$ 62,000.00
Fire Department Budget	\$ 34,000.00
Park & Recreation Budget	\$ 26,760.00
Total General Fund Reductions	\$ 127,060.00

A motion to approve Resolution No. 1192 was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**6. Resolution No. 1194 – Transfer of Property to RDA**

Council Member Parker read by title only. Town Attorney Austgen stated that statutorily they are entitled as the fiscal legislative body of the Town to transfer property. By this resolution they are doing so to the RDA which will become the owner of the property. The RDA will use their statutory powers to fund lease rental revenue bonds which will be the result of their entry into the lease agreement with the RDC.

A motion to approve Resolution No. 1194 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**7. Resolution No. 1196 – Storm Water Bond Issue Approval**

Council Member Parker read by title only. Town Attorney Austgen stated this resolution is the Council's approval of the determination by the Storm Board last week to issue bonds in an amount not to exceed \$3.5 million dollars for the application of debt service and allocated responsibilities to the three road projects. The numbers come from the financial advisor of the Town as well as the Town engineers who have identified the allocated portions of storm responsibility to those road projects.

A motion to approve Resolution No. 1196 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**NEW BUSINESS**

**1. JMOB Agreement Ratification**

Town Administrator Murr stated that at the last JMOB meeting, representatives Ralph Miller and Richard Sharpe approved the phosphorus removal and trash rack installation that needs to be done at the plant. The engineer estimates the cost at \$875,000. The Town would be responsible for half of that. They are seeking ratification of the approval. Council Member Sharpe added that they are fortunate to have people like Mrs. Murr, Mr. Kubiak, and Mr. Simstad working for the Town of this project. President Niemeyer asked if Mr. Simstad recommended to-go forward with this. Mr. Miller answered yes. Town Administrator Murr added that the phosphorus is part of the IDEM requirement to upgrade at the plant.

A motion to ratify the action of the JMOB members and recommendation of Town Administrator Murr was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**COMMITTEE REPORTS**

- 1. Public Works and Safety** – Town Administrator Murr stated as she was able to secure an additional \$20,000 in federal funding for alternative fuel purchases for 2018 and 2019. This will bring total federal funding to \$92,000. All of the newer police vehicles and a few of the vehicles at Public Works are flex fuel capable.
- 2. Park and Recreation** – Registration for Summer Day Camp will begin on May 15<sup>th</sup>. Summer camp will run June 12 – July 28, 2017. The Lions Club has donated four picnic tables for Bartlett/Wahlberg Park specifically. They'll be installed as part of the ongoing improvements there. Council Member Foreman asked if there was Wi-Fi available at the Clubhouse. Town Administrator Murr stated yes. He asked if they will have published hours with personnel at the Clubhouse. She stated no they will be on the Town Grounds with day camp because they tie outdoor activities with the lake. They will be at the Clubhouse during the week of Summerfest. Mr. Foreman discussed the possibility of offering tennis lessons in conjunction with Hanover.

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3. **Redevelopment** – On the Cline and Lake Shore Drive Roundabout project an additional \$74,580 in federal right of way acquisition funding has been secured. This increases the total federal award for the right of way on the project to \$374,580.
4. **Planning** – The Plan Committee met on Monday to discuss the building permit fee analysis. A recommendation will be forthcoming.
5. **Council Affairs** – Budget reductions were previously discussed and approved.
6. **Utility** – JMOB action was previously discussed and ratified. On May 4<sup>th</sup> there will be an interceptor construction progress meeting.
7. **Street** – The road bond financing is moving forward. Those projects will be going to bid soon. The RDA and RDC are meeting on May 8<sup>th</sup> as part of the road financing.
8. **Ecosystem** – A teleconference was held Monday. The ASA Civil Works is communicating with the Chicago district on the feasibility report. Communication is ongoing.

**TOWN COUNCIL REPORTS**

1. **Town Council** – Council Member Foreman discussed the *On the Table* Legacy Foundation project on September 26<sup>th</sup> and the possibility of the Town co-hosting with the Cedar Lake Ministries Mr. Foreman recommended the Town help to promote this event. Council Member Carnahan discussed a recent conversation on the price of gas in Town compared to other local communities. Council Member Parker discussed a comment made at the last public meeting in regards to a street vacation. He was concerned by the comment made and the possibility of the action being construed as irresponsible. President Niemeyer summarized the recent actions of the Council in regards to upcoming infrastructure and road projects and future maintenance.
2. **Town Attorney** – Mr. Austgen discussed the circumstances of the Cedar Lake Park Foundation Entity. There are no more members. He stated with the help of Megan Brown they will file an extension on the tax returns. He asked the Council what they would like to do. He stated he'd be happy to keep working on the foundation as long as he knows that they want to work and find people with an interest to be on the foundation. President Niemeyer stated he feels it is a worthy cause. The biggest challenge is recruitment. Clerk-Treasurer Gross stated she may know one person with an interest to join. The discussion continued on next steps and finding new membership.

Mr. Austgen discussed Ordinance No. 1266 that was adopted at the emergency meeting last Friday. He suggested there be some analysis put into this. The stop gap measure they adopted was to establish the district that forced any utility entity coming along to place structures underground. He stated there was probably more work to be done. He discussed the state legislators having a different view of what this means than the Town does. He stated further acts may occur in the general assembly related to this. Some preemptive review and additional proactive protection and use of the Town's police power in the planning code should be considered. Further discussion occurred on the matter.

3. **Clerk-Treasurer** - None
4. **Town Administrator/Staff** – Mr. Kubiak updated the Council on the previous speeding concerns reported. He looked into radar speed signs. It is anywhere from \$3,000-3,500 for the sign. Funds are available. They are still narrowing down the specific sign. He discussed it being portable and being able to move it around to the trouble spots.

**WRITTEN COMMUNICATIONS**

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

**BID OPENING**

1. **13513 Dewey Street**  
President Niemeyer stated that a notice of sale of real estate was published by the Town for 13513 Dewey Street. The deadline was noon on May 2, 2017. The price was no less than \$5,821. One bid was received on April 28<sup>th</sup>. It was from Milorad Ivanovic of 855 Stonegate Court, in the amount of \$8,500. The 10% surety was enclosed. Mr. Austgen stated he would review and suggested a motion to accept the bid and authorize staff to engage in the sale transactions.

A motion to accept the bid and follow the Town Attorney's recommendation was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1.

**PUBLIC COMMENT**

None

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:13pm.

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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**

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Randell Niemeier, 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

\_\_\_\_\_  
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.