

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



June 20, 2017

Public Meeting Advertised for 7:00 PM  
Conducted at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence

**Roll Call:**

Absent	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	Absent*	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	

\*Chief Deputy Clerk Margo Nagy was present.

**PUBLIC COMMENT**

Steve Matijevich, 7210 W. 131<sup>st</sup> Place, voiced concerns about the condition of his road and lack of drainage. He voiced concerns with not being able to move forward with his home improvement project because of the lack of drainage. He voiced concerns with a neighbor.

**CONSENT AGENDA**

**Minutes:** June 6, 2017 Public Meeting

**Docket:** June 20, 2017 – All Town Funds \$85,341.96, Wastewater \$42,812.42, Water \$69,349.00  
Storm Water \$22,151.99, Payroll 06/15/17 \$155,333.13

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

**BZA**

**1. Son Nguyen – 13140 Wicker Avenue – Use Variance**

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Use Variance to allow the petitioner a dual use (single family Residential/Business) in a B-2 Zoning District contingent upon the following conditions, namely: one (1) hour fire wall: inspections and approval by the Fire Department; restriped parking lot; repair of fence to Building Code standards; including statutory findings of fact.

A motion to approve the BZA Favorable Recommendation for the Use Variance at 13140 Wicker Avenue was made by Ralph Miller with second by Greg Parker. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1268 – Salary Amendment**

Council Member Parker read by title only. Town Administrator Murr explained that this is to have an additional distribution for Public Works. There will be no changes to the rates.

A motion to approve the first reading of Ordinance No. 1268 was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to adopt Ordinance No. 1268 was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**2. Ordinance No. 1269 – Regulations and Permitting Procedures for the Underground and Buried Utility District**

Council Member Parker read by title only. Town Attorney Austgen added that this follows the emergency adoption of Ordinance No. 1266 at the end of April for establishment of an Underground & Buried Utility District. This ordinance establishes procedures, requirements, permitting procedures and practices, and permit fees.

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A motion to approve the first reading of Ordinance No. 1269 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 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: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to adopt Ordinance No. 1269 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**NEW BUSINESS**

**1. High Grove Subdivision Road Improvement Project**

Town Administrator Murr stated the bids are still being reviewed by engineers and staff. She recommended the item be deferred to the special meeting on Monday, June 26, 2017.

A motion to defer was made by Greg Parker with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**2. Christopher B. Burke Engineering – High Grove Subdivision Const. Observation Proposal**

Town Administrator Murr stated as with the previous agenda item, she recommends to move this item to Monday as well.

A motion to defer was made by Greg Parker with second by Ralph Miller. Roll call vote: Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 1.

**3. Christopher B. Burke Engineering – South Shore Subdivision Const. Observation Proposal**

Town Administrator Murr stated the bids for South Shore Subdivision were opened this afternoon. As High Grove is being moved to the next meeting, she recommended moving this item to Monday as well.

A motion to defer was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 5 to 1.

**4. Lake Shore Drive/Cline Avenue Project Parcel 12 Conveyance**

Town Administrator Murr explained that this is the final conveyance document to be acknowledged for the final piece of property needed for the Lake Shore Drive and Cline Project.

A motion to approve Project Parcel 12 Conveyance and authorize execution of conveyance instruments was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**5. Hanover Park Improvement**

Town Administrator Murr explained that at the March 21<sup>st</sup> meeting, Mr. Jeff Austgen discussed the potential for the Town to do park improvements in conjunction with the improvements at the Little League Fields. They are hosting the state tournament for 12 year olds through the Babe Ruth International League in July. Quotes were solicited from three contractors for paving improvements for the Town's portion of the parking lot. Only two were received, one was Walsh & Kelly for \$48,600 and one from Town and Country for \$48,921.20. Additionally, storm drainage improvements will be made in conjunction with the paving improvements. The Town's storm water contractors were contacted but unavailable for this project. Austgen Equipment submitted a proposal for \$11,759 which includes a portion of the HDPE, excavator, dozer and roller will be donated for this project. It is recommended that they approve the quote submitted for the paving improvements by Walsh & Kelly for \$48,600 and the proposal submitted for storm drainage improvements by Austgen Equipment for \$11,759. Additionally, it was recommended that the Town waive the permitting fees for the joint project. President Niemeyer asked where the funds are located from. Town Administrator Murr stated the paving would be Casino funds and the Storm drainage improvements would be a combination of Casino and Stormwater funds. President Niemeyer asked what part of the partnership the Little League will cover. Mr. Kubiak answered that this is Hanover Park which adjoins the Little League fields. The Town will be improving the Park property and the Little League will be improving their property. Town Attorney Austgen recommended that based upon the circumstances presented, they solicit a motion to wave the strict requirements of Title 5 of the bidding statute based upon the time period and circumstances.

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A motion to waive the formal bidding requirements based upon the circumstances was made by John Foreman with second by Richard Sharpe. Discussion occurred on bidding requirements, lack of time, and value of the joint project. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to approve the proposal of Walsh & Kelly of \$48,600 for paving improvements and Austgen Equipment of \$11,759 for storm drainage improvements made by John Foreman with second by Julie Rivera. President Niemeyer asked about the relation of all the Austgen names. Mr. Jeff Austgen answered that Austgen Equipment is owned by his brother. Mr. Jeff Austgen commented that he and Town Attorney Austgen are distant relatives. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to waive the permit fees associated with the project was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0. Town Attorney Austgen commented that all this goodness aside, this should not be the norm. Discussion continued on the possibility of letting the League use the empty parking lot at the corner of 133<sup>rd</sup> and Osborne.

**TOWN COUNCIL REPORTS**

- 1. Town Council** – Town Administrator Murr stated that today they received the resignation of Scott Leslie from the Storm Water Board. President Niemeyer asked for a motion to acknowledge the resignation. A motion was made by Ralph Miller with second by John Foreman. Roll call vote: Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0. President Niemeyer discussed a recent email circulated that proposes to move the Storm Water Meeting from 7PM to 5:30PM. He disagrees with this. He stated they have the meetings at 7PM so that the general public can participate. An earlier meeting time may inhibit some from participating. He stated he would reach out to the Storm Board President to discuss. President Niemeyer added that he has been contacted by Colleen Darnell with the Hanover Central Poms. They have won multiple state championships. Signage and posts were purchased by the team. The signs were put up and then taken down and the posts purchased were not used. There was disagreement about the location. Mr. Kubiak stated that the signs were brought to Public Works. Public Works designated the six spots to place the signs based on safety and traffic. A couple days later Ms. Darnell complained about the location so Mr. Kubiak took them down. He stated Ms. Darnell never contacted him further to discuss the location. A lengthy discussion continued on working on a compromise for placement of the signage.
- 2. Town Attorney** – Mr. Austgen stated that the Storm Revenue Bonds closed today. That financing has been completed. The RDA Lease Rental Bonds Series A, B, & C are still in the queue. Everything is on task and on time. They are looking at fireworks regulations and weapon discharge regulations. Mr. Parker asked for clarification of the fireworks. Mr. Austgen stated there are two levels to that. He stated there are legal fireworks that are permitted to be discharged during certain time periods per state regulations. Mr. Austgen discussed updating the current ordinance. Discussion continued on illegal fireworks and enforcement and the discharging of a firearm within the Town limits.
- 3. Clerk-Treasurer** – No Report.
- 4. Town Administrator/Staff** – Town Administrator Murr reiterated that the bids for South Shore were opened today and are being reviewed. She anticipates having a recommendation for the special public meeting on Monday. Mr. Austgen asked if that includes the bid specifications. Town Administrator Murr stated it should include the bid specifications. Mr. Foreman asked Mr. Austgen about an easement in South Shore and fees for attorneys. Mr. Austgen stated until there is a court proceeding where a judge may award attorney fees, there is no inclusion in the damage for the value assigned for a fair market purchase. There is no provision for it.

**WRITTEN COMMUNICATIONS**

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

**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 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

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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:

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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.