

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



September 15, 2015

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	Patsy Casassa Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Randell Niemeyer Council Member	Ward 5
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	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

PUBLIC COMMENT

John Schutz, 13522 Schneider Court, shared a picture of the old car dealership on 133rd Avenue. He stated he's here because he's been told he needs a partial vacation of the easement. He has a buyer for the property and would like to expedite this as quickly as possible so the new owner can take over.

CONSENT AGENDA

Minutes: September 1, 2015 Public Meeting Minutes.

Docket: September 15, 2015 – All Town Funds \$213,406.07, Wastewater \$278,051.85, Water \$62,702.08, Storm Water \$24,539.92, Payroll #147 & #148 - \$221,972.99.

Donations: VIPS from Hanover Central High School \$500.00

St. John Oktoberfest: Request for use of picnic tables from September 30 – October 5, 2015

Boat dock and pier: Request for use for bridal aisle on June 11, 2016

Julie Rivera moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Greg Parker. Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

NEW BUSINESS

1. Public Works Truck Bid Award (Strategic Plan: A Secure Future, A Thriving Local Economy)

Town Administrator Murr stated that bids were solicited for two 2016 Single Axle Chassis Equipped with all-purpose body, snow plows, and hydraulic system. Four bids ranging from \$330,900 to \$343,580 were opened on September 8th, by the Town Administrator, Clerk-Treasurer, and Public Works Superintendent. It is recommended to award the bid to Truck City for \$330,900 and to authorize the Clerk-Treasurer to seek financing quotes as the delivery date approaches.

Motion to approve the Public Works Truck Bid Award to Truck City for \$330,900 made by Robert Carnahan with second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Authorizing Purchase of 7509 Lake Shore Drive (Strategic Plan: A Secure Future, An Effective Organization, An Engaged Community, Extraordinary Natural Resources)

Town Administrator Murr specified this is to expand Bartlett-Wahlberg Park. An offer of \$126,000 plus closing costs has been made and accepted by the property owner. The purchase would be made from the Park Impact Fees. Council Member Foreman commented on the council following through with opening up the lake front for the public to enjoy.

Motion to authorize the purchase of 7509 Lake Shore Drive for \$126,000 plus closing costs, made by Patsy Casassa with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Reduction Request – Faith Church (Strategic Plan: A Thriving Local Economy, A Secure Future)

Town Administrator Murr stated that a letter was submitted by Ed Welch, Chairman of Faith Church Building Committee, requesting any concessions the Town would be willing to make towards the permit fees. Council Member Foreman discussed a fire suppression system being required by the Plan Commission. He commented on it being a substantial cost and he acknowledged that past policy has been to not budge on the subject but since they are in front of the public water and at the time it wasn't adequate to provide fire suppression, he would like to make a motion that a portion of the permit fees be deducted. Council Member Rivera made a second. Council Member Parker stated he is not comfortable with not knowing the exact percentage. Council Member Foreman rescinded his motion. Council Member Rivera concurred. Phil Mulder spoke about the project. The church postponed construction by one year for funding purposes. The

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original intent was that the water would be upgraded by then and this was an unforeseen situation. Mr. Mulder indicated that building permit fees are about \$40,000 and water/sewer development fees are \$17,000. They were simply requesting the Town consider doing something to reduce the fees. At this time there is not adequate water to service the fire protection system. They will need some type of pump and tank system to supply adequate water to protect the building. He stated it's an unexpected hardship. President Niemeyer stated it hasn't been the policy of the Town Council to reduce or refund any building permit fees. He's not in favor of a reduction. He said what we're seeing in the lack of available water for fire suppression is an example of a developing utility. It's an unfortunate timing issue.

Motion to defer made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Storm Water Contractor (Strategic Plan: An Effective Organization)

Town Administrator Murr stated this item is not ready for consideration. She requested it be deferred until the next meeting. Local vendors are being looked at to complete the additional work that Public Works may be overwhelmed with. Lengthy discussions continued regarding the scope of work and prioritizing problem areas.

Motion to defer made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

OLD BUSINESS

1. Park & Recreation Impact Fee Committee Member Appointments (Strategic Plan: A Secure Future, An Effective Organization, An Engaged Community, Extraordinary Natural Resources)

President Niemeyer stated that at last meeting a member list had started including: John Dessauer and Shelly Faber. After the meeting, Brenda Roberts and Krysta Casassa volunteered. Council Member Foreman stated that Kim Doolin was interested as well.

Motion to approve the committee list as read made by Ralph Miller with second by Patsy Casassa. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Park & Recreation Impact Fee Consultant (Strategic Plan: A Secure Future, An Effective Organization, An Engaged Community, Extraordinary Natural Resources)

Town Attorney Austgen stated that a not to exceed proposal of \$19,000 has been received by The Arsh Group, INC. He and Town Administrator Murr met with Taghi Arshami, Principal of the firm, to discuss procedures, scope, and services to be provided. He stated time is tight to move forward and meet statutory deadlines in order not to have a gap in the ability to collect the fee, with a renewal of the five year ordinance. He reiterated it is a piece of legislation that is five years in duration and requires renewal in the same manner every five years to keep it continuously in effect. If the ordinance is not adopted and in place by February 29, 2016, there will be a gap in the ability to collect the fee.

Motion to approve recommendation to hire The Arsh Group for a not to exceed of \$19,000, including the development of a contract, made by Robert Carnahan with second by Ralph Miller. Town Attorney Austgen stated that if the Council see's favorably on the item now, The Arsh Group will start tomorrow. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Holy Name Parrish Request (Strategic Plan: An Effective Organization)

Town Administrator Murr discussed this item being deferred from the last meeting. Holy Name had requested placing paper recycling bins on the lot across the street from the church on 133rd Avenue. Building Commissioner Kubiak was to have a meeting with the church. She stated one of the issues is that it is still an active construction site. The adequacy of room to get in and out of this location safely is not feasible. At this time they don't see how they can approve use of that lot. Wayne Stoll stated it is a community service that now generates a lot of traffic. He discussed concerns about the increased traffic and the daycare on site. He spoke with Tim about using the southwest corner of the lot. Council Member Carnahan discussed multiple areas in Town that have similar recycling bins. Council Member Foreman had concerns about having them on the main street and the possibility of them being used for trash instead of recycling. Multiple conversations occurred on the use of the bins and placement. Mr. Kubiak discussed concerns about the bins being on the main thoroughfare and the condition of the lot at this time. Multiple, lengthy discussions continued on the recycling bins regarding use and placement.

Motion to not consider the request as stated at this time due to the active construction site made by Patsy Casassa with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

TOWN COUNCIL REPORTS

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1. Town Council – President Niemeyer discussed receiving an Enhanced 911 Service Agreement from AT&T. Town Attorney Austgen stated this is an agreement that is related to the service function for the 911 PSAP. It is a technical and sophisticated agreement. He suggested having the Chief's and the joint board check off on the technical, the services, and the equipment. The balance of the agreement provides for monthly costs, responsibilities, and a high degree of adherence clauses such as no waivers, no warranties, no recovery, etc. He said that without the agreement, however, AT&T won't consider servicing.

Motion to amend the agenda made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 7 to 0.

Motion to enter into agreement with AT&T for Enhanced 911 Service, contingent on review of technical and legal aspects made by Greg Parker with second by Patsy Casassa. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Parker – Yes, Casassa – Yes, Niemeyer – Yes. Vote: 6 to 1.

Council Member Parker asked for an update on E911. President Niemeyer stated that as of the last update, we will be completely transferred over to the Schererville Dispatch Center in the next week to two weeks. The negotiations are ongoing between the Attorney Representative for Schererville and Cedar Lake, Andrew Norris, and Lake County Attorney Representative Nicole Bennett. Lake County does have the proposal from Schererville and Cedar Lake. Status is in review at this time. We have provided everything they have requested in a written proposal and at this time it's up to Lake County for when a meeting will commence to work out the fine points so we can have a partnership in the ongoing process. The goal is to have two concurrently running PSAP's backing each other up to best serve the citizens of Lake County. He discussed the costs requested for next year's budget for Lake County's E911. A total increase from the 2015 original appropriation to the 2016 recommended appropriation, just for personnel and services, of about \$2.5 million dollars from what they originally projected. He stated us joining that would be nothing but an opportunity to shrink our ability to provide our own services.

2. Town Attorney – No Report.
3. Clerk-Treasurer – Clerk-Treasurer Gross stated the public hearing for the 2016 budget will be at the next Town Council Meeting on October 6 and then the adoption will be at the next meeting.
4. Town Administrator/Staff – Town Administrator Murr said signage is in the process of being designed for the Sue Landske Memorial Park. Production will take 6-8 weeks. Hanover Community Schools approved the early warning siren and lift station agreements that were previously approved by Council. The 2015 Road Projects pre-construction meeting is scheduled for Thursday. Immediately thereafter construction will begin. On Truman Circle work has been done on the right of way from the road to the lake. She stated she has received positive feedback from residents in the area and they're working with the Town to clean up that right of way area and get the drainage water out of there. In Wicker Meadows some restoration work has been started on but not finished yet. Town staff is working on a joint project with Lake County to replace piping on 129th. Town Attorney Austgen added that the bond closing successfully completed on September 8th. Building Commissioner Kubiak discussed all the new sidewalks immediately adjoining the roadway. He voiced concerns with snow being plowed up on the sidewalks on the east and west sides. He did preliminary looking into ATV's with snow plows and heated cabs. It's approximately \$21,000. It would be used in the business districts and to make the sidewalks more accessible for kids to get to school and help the businesses out. He stated it's a battle every year getting the sidewalks cleared. Council Member Parker said that if we are going to spend the money on something like that he would like to see it have multiple uses. Mr. Kubiak stated he's talked to a few people and Crown Point has something similar that's used for the sidewalks in the winter and also by the parks department. He just wanted to get Council's opinion on it before he went out to get other quotes. Council Member Foreman discussed the possibility of finding a used one. President Niemeyer discussed that business owners and residents have always understood that they are responsible for the area in front of their homes. He believes this item to be a luxury item. Council Member Carnahan discussed the plows constantly burying the sidewalks in front of MacArthur School. Town Attorney Austgen added that schools and businesses generally take care of their own. Chief Smith added that with how the sidewalks are set-up on the corners, it makes it difficult for business owners to keep clean. The snow is constantly being thrown back up on the sidewalks. The idea of this is just for the business districts in extreme situations. Chief Wilkening stated that the hydrants are not being dug out each year. The new hydrants on 133rd and in the subdivisions need to be maintained and the water department is limited. He stated a plan needs to be developed. Mr. Kubiak said it was just an idea and something he wanted everyone to think about.

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WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Town Administrator Murr stated she has an upcoming phone conference with Army Corps regarding the status of Ecosystem Restoration. Jane Ball Safe Routes to School still waiting on approval of right of way. President Niemeyer received a written communication from Cedar Lake Ministries. Cedar Lake Ministries would like to again enter into a lease agreement with the Town of Cedar Lake for the installation and use of the ice rink on the Cedar Lake Ministries property from December 1, 2015 through February 29, 2016. The rink would be open to the public. President Niemeyer discussed putting it on the agenda for the next meeting.

PUBLIC COMMENT – John Schutz, 13522 Schneider Court, stated he wanted to point out the building was there in 1952 and the road was dirt and it was long before Cedar Lake was a Town in that area. He stated he’s been working well with Jill and Michelle in the Building Department. He gave congratulations on buying the house to extend Bartlett-Wahlberg Park. He’s a member of the Lions Club and they’re planning on building picnic tables for the park.

President Niemeyer discussed the Town working on action plans last year for road projects. He discussed Parrish Avenue being done, \$1.1 million being dedicated to neighborhood street projects, and a couple major projects coming to a close. A lot of great improvements being done, a lot of construction, and building permits are on the rise. Yet, there is no action plan for Wicker Meadows. He stated it was developed poorly and now we own it and need to fix it. This is another call to task, that by next spring, a substantial plan should be in place for a permanent fix. Multiple, lengthy discussions occurred on possible solutions.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:08 PM.

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

Patsy Casassa, Vice President, Ward 6

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Greg Parker, 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.