

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



September 19, 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
Absent	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 COMMENT

Michael Rice, 14738 Bryan Street, stated he opposes the variance of use requested by Don Frey.

CONSENT AGENDA

Minutes: September 5, 2017 Public Meeting

Docket: September 19, 2017 – All Town Funds \$60,651.73, Wastewater \$17,212.73, Water \$35,167.85, Storm Water \$2,449.82, Payroll 09/07/17 \$230,758.95

Donations: 50th Anniversary Celebration

Clubhouse Rental Request: Cub Scout Pack 129

Town Grounds Request: Cub Scout Pack 48

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Ralph Miller. Council Member Carnahan asked if the Town was sponsoring Cub Scout Pack 129. Town Administrator Murr stated she believes Jane Ball is their sponsor. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

NEW BUSINESS

1. Parrish Avenue – 141st to 151st – Improvement Project Award

Neil Simstad with NIES Engineering presented. The bid opening was on September 14th. The engineer's opinion of cost for the project is \$1,411,509.00. Three bids were submitted for the project and ranged from \$1,114,099.62 to \$1,383,228.58. All of the bids were in order and reviewed by the engineer and staff. It was recommended to award to Walsh & Kelly in the amount of \$1,114,099.62. A brief discussion occurred on the Community Crossing Grant Application submitted. Town Administrator Murr added that the recommendation would be contingent upon the financing closing.

A motion to award the Parrish Avenue Improvement Project to Walsh & Kelly in the amount of \$1,114,099.62 was made by Robert Carnahan with second by John Foreman. Town Attorney Austgen added that it is subject to the financing closing. The motion and second were concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

2. Interim Police Chief

President Niemeier discussed the upcoming retirement of Police Chief Jerry Smith. He stated they are in the process of hiring a new chief. He discussed continuity of leadership. He stated he reached out to Deputy Chief Carl Brittingham about serving during this transition. He asked the Council to consider the appointment of Carl Brittingham as Interim Police Chief effective October 3, 2017.

A motion to appoint Carl Brittingham as Interim Police Chief effective October 3rd was made by Greg Parker with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

3. Cleaning Services Contract

Town Administrator Murr discussed a cleaning services contract that the Town is entering into with Dawn Rastovski. She briefly discussed budget cuts to the General Fund. By outsourcing cleaning services, it will save the Town \$17,500 annually. This contract is for the sum of \$212.50 per week for cleaning the Town Hall and Cedar Lake Clubhouse. She recommends entering into the contract. It would be retroactive to September 15, 2017.

A motion to approve the recommendation to enter into the Cleaning Services Contract with Dawn Rastovski was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

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4. Golf Cart Ordinance

President Niemeyer stated this is a discussion piece to create some direction. Council Member Miller discussed conversations with residents in regards to golf cart usage in subdivisions. Recently, he read that Crown Point has passed an ordinance for golf cart usage. He stated he would like to have the attorney look into drafting an ordinance for use of golf carts in Town. President Niemeyer stated the state does allow for golf carts to be licensed if they meet certain criteria. He added that the ordinance would have to be reflective of that state legislation as well as some best practices for usage on certain streets and not on main thoroughfares.

A motion to direct the attorney to look into an ordinance for golf carts in Cedar Lake was made by Ralph Miller with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

5. 10833 W. 133rd Avenue

Town Administrator Murr stated that the property was advertised for sale based on statutory requirements but no bids were received. The next legal step to follow would be to solicit a broker/real estate agent to list that property. She would like approval to move forward with that next step and bring a recommendation to the next meeting.

A motion to approve was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

6. Personnel Assessment Engagement Agreement

Town Administrator Murr stated she received an engagement agreement to do personnel assessment as discussed at the beginning of the meeting. It would be at a cost of \$190 per hour. She is seeking authorization to sign and enter into the agreement. President Niemeyer asked who this is with. Town Attorney Austgen answered it is with Jerome Ezell.

A motion to approve the item as presented by Town Administrator Murr for Personnel Assessment Engagement Agreement with Jerome Ezell at \$190 per hour for the purpose of background checks for police chief candidates was made by Richard Sharpe with second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

BZA

1. Don Frey – 14527 Lake Shore Drive – Variance of Use

The Board of Zoning Appeals sends an Unfavorable Recommendation to the Town Council for the requested Variance of Use to allow the petitioner to allow two (2) businesses on a lot in a Community Business B-2 Zoning District. By a vote of 2 in favor and 3 against, upon motion duly made and seconded, at the public meeting held on September 14, 2017.

Council Member Foreman made a motion for a favorable recommendation. He briefly discussed allowing the corn vendor by True Value and Tom and Ed's having two businesses. He briefly discussed economic development searching. A discussion occurred on the wording of the motion. Council Member Carnahan asked if he would need to list the findings of fact. Town Attorney Austgen stated he may reference the meeting minutes and the proceedings that were had where the BZA has already made a record. Council Member Carnahan noted that it states by a vote of 2 in favor and 3 against but the unfavorable recommendation was 3 for that and 2 against. Town Attorney Austgen stated that Mr. Carnahan was correct. Three voted for an unfavorable recommendation and two voted against that.

A motion to approve the Variance of Use including the findings of fact in the record was made by John Foreman with second by Greg Parker. Roll call vote: Carnahan – No, Foreman – Yes, Miller – No, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 4 to 2.

TOWN COUNCIL REPORTS

- 1. Town Council** – President Niemeyer discussed the ongoing budget committee meetings. The budget committee has been meeting diligently. They are scheduling meetings on Thursday with department heads. It was recognized that significant cuts are needed this year. They are finding ways to do that but to also reinvest in employees. There has been some turnover in public safety that needs to be addressed. A goal has been set for cutting \$300,000 and solving some of the issues being faced. He stated the budget committee has done a great job. He added it's been Ralph, Rick, himself, Clerk-Treasurer Gross, Town Administrator Murr, Jennifer Sandberg, and Margo Nagy. He stated they put a lot of time into it and look forward to bringing them a product for consideration soon. He added that the 50th Celebration was an extremely successful evening. He stated he was proud to be a part of it. He discussed meeting with the families of the founding members. Council Member Foreman added his thanks to everyone that participated, donated, and put on a great community event. President Niemeyer discussed Council Member Rivera's vision for the celebration and Town Administrator Murr and Jessica Chick running with

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that vision. He thanked Public Works, the Police Department, and all those who helped. Town Administrator Murr added that it was a team effort and there was no way it could have been done without everyone's help. President Niemeyer added that there was a great deal of money that was donated for the event and it was funded privately. He thanked all of those who contributed.

2. **Town Attorney** – None
3. **Clerk-Treasurer** – None
4. **Town Administrator/Staff** – Town Administrator Murr discussed looking forward to 2018 projects. She stated she is working with NIES Engineering and the Redevelopment Commission for putting Lincoln Plaza out to bid. Council Member Foreman asked about the South Shore project meeting. Town Administrator Murr stated it was the previous meeting. Many people attended and NIPSCO was present to answer questions. A contact list was set up for notifying people. That project will start up in a few weeks. A brief discussion continued on the reconstruction of neighborhoods in Town. Town Administrator Murr added High Grove is underway. She discussed ongoing meetings on Ecosystem Restoration and the next steps. Operation Director Kubiak added that last Wednesday Public Works received the new camera truck. He added it's out front for anyone who wants to take a look at it.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Previously Reported.
2. Crown Point Corvette Club – A thank you letter was received for use of the park venue for their event.

PUBLIC COMMENT

Becky Govert, 11521 W 127th Lane, asked for an update on Wicker Meadows. She discussed speaking with a neighbor who stated they sold land to the Town. Town Attorney Austgen stated the Council has authorized him to reestablish dialogue with the attorney for the Weigel's. Mrs. Govert asked if they sold the property to the Town. Town Attorney Austgen stated no. Mrs. Govert asked how it would work if they sold it. Town Attorney Austgen stated there would be a successor owner and they would use the eminent domain statute. President Niemeyer discussed the next steps and getting a project back in front of the Council. Mrs. Govert asked about a timeline. Town Attorney Austgen couldn't give a timeframe. Mrs. Govert commented on golf carts. She voiced concerns with the age of some of the drivers. She also thanked the police department and first responders for their help with a neighbor.

Mark Gross (address inaudible), stated that he would like the Council to consider a horseless carriage when discussing any golf cart ordinance. A brief discussion continued on the horseless carriage.

Denise (inaudible), 14734 Lee Street, stated she is disappointed in the board for their approval of the variance of use for Mr. Frey. She doesn't agree with a shed being built on the lake selling liquor to boaters with the park next to it.

John Dessauer, 13125 Polk Street, thought the 50th Celebration was fantastic. He stated each and every person involved should be proud of the Celebration. He suggested making it an annual end of the summer party. He stated he was very proud of the Town. He discussed being a critic of unsafe buildings and congratulated the Town for taking down the Meyer house.

Jerry Smith stated he stayed in the shadows Saturday evening and is amazed at what was pulled off. He admired the behind the scene stuff with the Clerk's Office, Jessica and Jill, and Public Works. He stated a lot of people never get to see what Public Works and the Parks Department did. What they put together in a matter of a few short days and took apart, everything still looks amazing. He thanked his fellow co-workers for a great event. Council Member Parker expressed to Mr. Smith it has been a pleasure to know him and serve with him. He admires everything he has done here.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 7:54 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

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.