

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



December 5, 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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

*\*President Niemeyer announced an executive session would occur after the meeting and all department heads were expected to be in attendance. Item 2 from the agenda was removed.*

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**Minutes:** November 21, 2017 Public Meeting

**Docket:** December 19, 2017 – All Town Funds \$199,550.33, Wastewater \$264,315.82, Water \$11,952.83, Storm Water \$9,573.63, Payroll 11/30/17 & 12/01/17 \$171,237.82

**Manual Journal Entries:** November 1 - 30, 2017

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

**ORDINANCES & RESOLUTIONS**

**1. Confirming Resolution No. 1210 – Appropriation Transfers**

Clerk-Treasurer Gross read by title only and explained. This is a confirming resolution to transfer money within the Economic Development Fund. The transfer is needed to complete the road striping project and to continue with the November and December debt service transfers to be consistent with the annual activity. The following transfers will be made:

Economic Development Fund #111		
\$ 28,595.00	From: 445 – Construction	To: 500 – 2015 CEDIT Bond
\$ 6,500.00	From: 445 – Construction	To: 396 – Misc. Services

A motion to approve Resolution No. 1210 was made by Robert Carnahan 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.

**2. Ordinance No. 1278 – Stormwater Amendment**

Council Member Parker read by title only. Town Administrator Murr explained this is the amendment to the current credit policy and procedures in section 6 of the ordinance. This is for credit availability. Financial and legal research has been completed and they have identified a non-residential property credit. They listened and looked at all of the accounts and they are able to provide a non-residential property credit of 20% of the ERU's computed and applied to a non-residential property for each parcel(s). A non-residential property owner may elect the greater of the alternative credit or the direct discharge credit or quantity reduction credit. A property owner cannot receive both it is whichever is greater. In no event shall the stormwater utility user fee under this alternative be less than 1 ERU being charged to that property. Council Member Rivera summarized that if a customer has 10 ERU's they'll be charged for 8. If an owner cannot create a retention pond or something of that nature, they'll automatically get the 20% credit beginning in January. If an owner elects to create a retention pond on their property, the Town will look it over and the credit may be more. Council Member Carnahan asked if the intent of the Council was if it passes unanimously to go ahead with a second reading this evening. Town Administrator Murr stated no. President Niemeyer added that a public hearing needs to occur at the next meeting. Town Attorney Austgen stated a public hearing must be conducted. It has been advertised and will be on the next agenda as a public hearing. Town Administrator Murr added that the anticipated effective date will be with the January 1, 2018 billing.

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A motion to approve the first reading of Resolution No. 1278 was made by Ralph Miller with second by Richard Sharpe. Mr. Austgen added that section four of the ordinance will be clarified to add the effective date of January 1<sup>st</sup>. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

**3. Ordinance No. 1279 – Weapons Regulation**

Council Member Parker read by title only. Town Attorney Austgen stated this ordinance has been under consideration since late summer in terms of issues presented by residents concerning the indiscriminate use of firearms and weapons throughout the Town. This ordinance clarifies the regulations and specifically in section one prohibits the discharging of any firearm within Town limits and defines firearm consistent with Indiana code. Section two carves out the exceptions to the prohibition. He read the following into the record.

**SECTION TWO:** That this Ordinance shall not prohibit the discharge of firearms by certain exempted persons, namely:

1. Any legally appointed local or federal law enforcement officer acting within the capacity of his or her authorized duty;
2. Any person, who is legally authorized and licensed to own and possess a firearm, is acting in self-defense, the defense of their dependents, or the defense of a fellow citizen(s), if the circumstances are such that a reasonable and responsible adult, would determine that discharging the firearm is of absolute and immediate necessity, and that no alternative and less dangerous solution is feasible at the time, and in doing so, does not violate any local, state, or federal laws.
3. Any duly licensed hunters, provided all applicable hunting laws and regulations are adhered to.
4. Any person discharging a weapon at lawfully operated shooting range, skeet range, or gun club.
5. That this Ordinance shall not be construed to restrict or otherwise prohibit the legal possession, purchase or use of firearms in accordance with applicable Indiana law, the Indiana Constitution or the United States Constitution.

Council Member Foreman asked about those with multiple acres and being able to use firearms on their property for hunting or target practice. Town Attorney stated there is no distinction in the statute about acreage amounts. A lengthy conversation continued on weapons use in Town.

A motion to approve the first reading of Ordinance No. 1279 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 5 to 2.

**NEW BUSINESS**

**1. South Shore Subdivision Improvement Project – Change Order #1**

Town Administrator Murr explained that this change order is for a decrease in contract costs of \$21,440. This is because they are taking into effect the economies of scale and having two road construction projects going at the same time. They will be utilizing the same construction trailer for both projects.

A motion to approve Change Order #1 was made by Robert Carnahan with second by Ralph Miller. Council Member Foreman asked if it was two different engineering firms. Town Administrator Murr stated it is the same engineering firm but two different contractors. 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** – Several fire territory meetings have occurred. There was an information session last Monday that was well attended. Many good ideas have been put out there. They are working diligently to put together the right plan to provide service for the community.
2. **Park and Recreation** – Winter program flyers have been distributed to the schools and included in the newsletter.
3. **Redevelopment** – None.
4. **Planning** – 159 new home permits year to date with values just under \$27 million and one commercial at \$250,000. In 2016 there were only 152 new home permits with a value of \$21.3 million. \$5.9 million in improvements have been made this year whereas only \$4.5 million in improvements were made in 2016.
5. **Council Affairs** – Awaiting information on the 2018 budget from the DLGF.
6. **Utility** – Work continues on the televising of the wastewater interceptor line from the EQ basin to the plant. Weekly progress meetings are occurring with the contractor to try and bring that project to completion.

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7. **Street** – High Grove is underway. Asphalt and curbs have been installed. Restoration work is underway but will not be completed until spring. NIPSCO still finishing their work in South Shore. Parrish Phase II will start in the spring. Options for 127<sup>th</sup> Avenue are being reviewed and looking to do something in the spring.
8. **Ecosystem Restoration** – More information has been discussed to respond to the comments submitted by headquarters to the Chicago District Office. Anticipated this rebuilt will be completed this winter. A design agreement review is underway. It's awaiting signature of the colonel to be submitted.

President Niemeyer added that Jill, himself, and Julie will be having a meeting with a potential development partner for the introduced downtown project. It is a hotel developer out of Vancouver. He expressed some interest and wanted to fly out and see what the Town is all about.

**TOWN COUNCIL REPORTS**

1. **Town Council** – Council Member Miller discussed a recent meeting for the golf cart ordinance. Hopefully, they will have a final draft within the next couple of meetings. Council Member Carnahan reminded everyone that the Chamber of Commerce is having the Jean Eberle Parade of Lights on Saturday at 7PM. Council Member Foreman added that the Historical Association has some upcoming events. He encouraged those interested to visit their website.
2. **Town Attorney** – None
3. **Clerk-Treasurer** – None
4. **Town Administrator/Staff** – None

**WRITTEN COMMUNICATIONS**

1. **Christopher B. Burke Engineering Report** - Previously reported.
2. **Building Department Report** – Previously reported.
3. **Letter** – Town Administrator Murr discussed a letter she received today from Ms. Dee Ward asking if it would be possible to place a bench honoring her parents at Potawatomi Park. She added that she hasn't been able to discuss this with Public Works. She just wanted to present the information to the Council. Council Member Carnahan added that they currently have a bench at Potawatomi Park in honor of Joan Torrence. This would just be adding another which he sees no problem with. President Niemeyer asked when they would like to place the bench. Town Administrator Murr stated no date was given but they stated they would like to do it as a Christmas gift for their father. A brief discussion followed on scheduling and talking with the family.

**PUBLIC COMMENT**

Chris F. (last name inaudible) stated he owns half of Arrowhead. His uncle has reached out to the planning committee in regards to subdividing and annexing Arrowhead to Cedar Lake. He stated there is no way he would allow this to happen. The property is very important to his family. If it comes before the Council he urges them to contact him. He asked if Mr. Austgen has his contact information and his attorney's contact information. Mr. Austgen stated he has returned his call but has not connected with him. Mr. Austgen added that the discussion with the plan commission was nothing more than a discussion. Mr. Paulson brought an engineer to discuss the piece. There was no commitment and no application filed. A brief discussion continued.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 7:36pm.

An Executive Session was advertised and conducted 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.

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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.