

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



May 15, 2018

**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
Absent	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	

OATH OF OFFICE

Police Officer Eric Godoy received the Oath of Office from Clerk-Treasurer Gross. President Niemeier stated the Town is blessed with the law enforcement and first responder's team that we have. He thanked Eric for joining us.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: May 1, 2018 Public Meeting

Docket: May 15, 2018 – All Town Funds \$179,190.52, Wastewater \$48,261.18, Water \$52,232.13, Storm Water \$6,319.76, Payroll 5/03/18 \$238,170.37

Donations: DARE – Cofhen/Econo Storage - \$250

Greg Parker moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Julie Rivera. Council Member Carnahan asked for an explanation about a claim for \$13,865 for work at Bartlett/Wahlberg Park. Town Administrator Murr stated this was for the installation of lighting at the park. Seven lights as well as a 200 amp electric service were installed for future expansion of the park. Mr. Carnahan asked about the funds paying for it. Mrs. Murr stated it was coming from park impact fees. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

ORDINANCES

1. Ordinance No. 1288 – Birchwood Farms Voluntary Annexation

Council Member Parker read by title only. Mr. Austgen explained this is the adoptive reading of the annexation ordinance which has been in process since the filing was made by the property owner. It is approximately 68 acres in the northwest part of the Town just west of Wicker Avenue and north of the current Town boundaries. Upon adoption if they complete the action tonight by approval, there will be a publication in the newspapers with the notice of adoption. Thirty days must pass before the ordinance takes effect and the parcel is annexed.

A motion to adopt Ordinance No. 1288 was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeier – Yes. Vote: 6 to 0.

BZA

1. Dennis Protega – 7502 Lake Shore Drive – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Petitioner to only use the two (2) farthest south parking spaces for outdoor grilling and sales. By a vote 4 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on May 10, 2018. Council Member Carnahan explained that is the old Personal Touch property. If you're facing the building it is the two lots to the right. They are looking to do outdoor cooking. Mr. Austgen stated the petitioner was present. It was a very interesting petition to the BZA. Mr. Protega and his wife specialize and will use the property to do a business of shish kabobs. It's a custom business and a unique use of the property. Mr. Protega explained they are moving their business out of Chicago. They have been making the transition out this way. They didn't need a big facility because they specialize in production of fresh meat product for people to buy retail and take home to cook. They have extra parking spots that are not needed according to the permit. They would like to be able to use those spots on the weekends, holiday weeks, and at their discretion to bring out a couple grills and showcase their product to the public. Council Member Rivera asked if this would be year round. Mr. Protega stated they will make the product year round but the outdoor cooking is dependent on weather. President Niemeier asked the name of the business. Mr. Protega stated it is called Dragobobs. A brief discussion continued.

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A motion to approve the special use variance was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

2. Joel Wagner – 12937 Wicker Avenue – Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the use variance to allow the owner; Joel Wagner to have six (6) businesses on a lot in a Community Business B-2 Zoning District. By a vote 4 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on May 10, 2018. Mr. Carnahan stated this is near AT&T. They've always had businesses. It's like a strip mall to him and he sees no problem with it. Mr. Austgen stated this was part of a very interesting evening with the BZA.

A motion to approve the use variance was made by Ralph Miller with second by Greg Parker. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Jean K. Lahm – 12937 Wicker Avenue – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Petitioner: Jean K. Lahm to operate "Locked In at the Lake"; an escape room seven (7) days a week from 9:00 am to 10:00 pm. By a vote 4 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on May 10, 2018. Mr. Carnahan stated he's never heard of this but has heard others say excellent things about the location in Valparaiso. President Niemeyer asked what an escape room was. Ms. Lahm explained that an escape room is where eight people enter a room and have 60 minutes to solve an objective through the use of many physical and mental clues that intertwine. The 60 minutes is very exciting and chaotic. It takes a lot of teamwork and communication to reach the objective. There will be two rooms at the location. One geared towards adults and the other for children ages 8 to 13. A lengthy conversation continued on the business.

A motion to approve the special use variance was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

NEW BUSINESS

1. National Police Week 2018 – Proclamation

President Niemeyer read the proclamation into the record. The proclamation can be found at the end of the minutes. Mr. Carnahan stated he asked Chief Coulson to put this together. He thanked the Chief for putting the proclamation together and asked him to explain what's going on this week.

A motion to approve the proclamation was made by Robert Carnahan with second by Ralph Miller. President Niemeyer stated it was humbling to read the proclamation. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0. Chief Coulson gave a little background on the origins of Police Week. May 15th is known as Peace Officers Day. Flags in Town are at half-staff. He stated the Cedar Lake Chamber of Commerce has been very generous this week in providing something different each day to remember those officers that have lost their lives. They are very appreciative. The Eagles provided a check of \$250 to be utilized this week. He thanked the Council for reading the proclamation into the record and recognizing this week.

2. Christopher B. Burke Engineering LLC Proposal Amendment – Town Club Ditch

Town Administrator Murr stated in February the original contract was approved. In reviewing the proposal they realized that DNR sent over the wrong reporting requirements needed as part of the LARE Grant for the Town Club Ditch. This proposal is for a reduction in cost of \$3,300. The current proposal is for \$27,000 to provide services.

A motion to approve the Christopher B. Burke Engineering LLC Proposal Amendment was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. Tourism Funds

Town Administrator Murr stated the Park Committee met to discuss the Tourism Funds and requests received for the funds for this year. Annually they receive \$4,725 in Tourism Funds. It was recommended to give the \$4,725 to the Cedar Lake Chamber of Commerce for the symphony. They also recommend no charge to them for the use of the Town Grounds. That would be the \$1,000 in-kind as done in previous years. Additionally, they discussed the Cedar Lake Summerfest and fees charged for use of the Town Grounds. It was recommended to reduce that fee for the use of the Town Grounds by \$2,000 as an in-kind donation. That would reduce the cost to Cedar Lake Summerfest for use of the grounds for the event from \$5,000 to \$3,000. President Niemeyer asked if the use of the grounds includes Police, Fire, and Public Works staff. Mrs. Murr stated yes

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and it also includes electric. President Niemeyer stated this was discussed in a conference call with the Park Committee. It is a way to make sure we are supporting the local events that bring a lot of people into the community and showcase the community. Funds this year are minimal as the Town promotion line was cut. The extra wiggle room just wasn't there to do everything they would like to do but he thinks it was a balanced approach.

A motion to approve the allocation of Tourism Funds as listed was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

TOWN COUNCIL REPORTS

1. **Town Council** – Mr. Carnahan announced on May 25th at Schererville Town Hall at 9am the United States District Attorney will be speaking at the 16 Plus meeting. It is open to the public.
2. **Town Attorney** – Mr. Austgen stated he had three items for Council consideration. First, consideration of approval of a change order to the South Shore Road Improvement Project. This would add 45 days to the contract and 15 days to the final completion. Taking substantial completion to August 15th and final completion to October 1st. President Niemeyer asked if all of the items would need consideration. Mr. Austgen answered yes.

A motion to amend the agenda to allow the attorney's items for consideration was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Mr. Austgen stated the approval of change orders for time periods of completion on the South Shore Road Improvement Project. 45 days for substantial completion to approximately August 15th and October 1st for final completion.

A motion to approve the change order as listed by the Town Attorney was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Mr. Austgen stated the second item is a resolution to the Tokar lawsuit. The Tokar lawsuit was over sewer tap connections to the property at Westdale Commercial at 159th and Morse. He stated he is seeking approval to complete the settlement resolution of the lawsuit. The property owner will agree to seven taps and pay in advance the sewer capacity fees and tap charges in exchange for full dismissal with prejudice and completion of the lawsuit. Mr. Carnahan asked if that is being reduced from twelve to seven. Mr. Austgen stated they didn't have any but the beginning of negotiation there was a discussion of twelve.

A motion to approve the resolution of the lawsuit was made by Greg Parker with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Mr. Austgen stated the third item involves the acquisition of property adjacent to the Wicker Meadows subdivision project in furtherance of the storm drainage improvements. Mr. and Mrs. Alders are the property owners to whom the uniform land acquisition offer was made based upon appraised value. The Alders have and are in the process of preparing a counter proposal. It appears the counter proposal will pertain to in-kind improvements or replacements to their property. They are planning on using the property for storm drainage purposes. The owners would like basics like restored landscaping, engineering assurances water won't be stored but channeled, and appropriate landscaping. President Niemeyer asked about the electric fence. Mr. Austgen stated they would like that moved to the new boundary of the parcel once the sale transaction is completed. The purchase based upon appraisals is \$15,200. Mr. Austgen stated that number is good.

A motion to approve the recommendation of the Town Attorney in relation to the Alder's property adjacent to Wicker Meadows and to authorize the Town Council President or Clerk-Treasurer to execute documents and the uniform land acquisition as countered to be finalized was made by Greg Parker with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

3. **Clerk-Treasurer** – None
4. **Town Administrator/Staff** – Town Administrator Murr reported that Parrish Avenue is anticipated to start the first full week of June. Looking at the schedule they were tying that with the end of school so that there was no interruption in bus service. When the contractors are done doing the excavating work in Lincoln Plaza they will head over to Parrish Avenue. Chief Wilkening stated the Fire Department will be doing training at the

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old Project Love Food Pantry building. They will be inviting neighboring departments to do some simulated rescue training with them. There will be no live fires. This training will occur on weekends and some evenings. Council Member Carnahan stated he was impressed with what Nick showed him. They will begin training this Thursday. President Niemeyer discussed a conversation he had with David Warne from the Crown Point Community School Corporation. He discussed the growth of Cedar Lake and the importance of communicating with each other better as public entities. He proposed a joint work session among the Town Council, Hanover Community Schools, Crown Point Schools, and Tri-Creek Schools. They're looking to get that coordinated and it will help with planning information for all entities. He further discussed growth and stated he will ask for dates in the future to put something together. He also discussed an editorial in The Times about the transformation of the Town of Griffith. He discussed a proposal from Context Designs for planning services. This is meant to find the right combination of things for the Town as it begins redevelopment. This planning process will help them decide what the best use of lands, location, types of developments, and marketability. It will help put together a platform that addresses some of the concerns that citizens have brought to them in the public forums. He thinks they have the same opportunity as Griffith. A chance to build upon what they have.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report
2. Building Department Report

PUBLIC COMMENT

Brian Kubal commended the Council for what they are trying to do with the Town. He stated the progress in Town is good. He discussed the improvements with drainage. He thinks sometimes the accomplishments are overlooked. He discussed the roads and keeping up with maintenance of the road and crosswalks. Mr. Carnahan discussed road improvements and some heat scarification previously done. He stated he's talked with the Clerk-Treasurer to see if they have enough money possibly in the garbage fund to redo some. He stated they have a crack sealer to help with maintenance upkeep. Mr. Parker stated the heat scarification only has a ten year lifespan. It's not like putting down new asphalt. A brief conversation continued on the previous maintenance work done. Mr. Kubal stated he knows it's tough to keep up with the maintenance especially with the traffic today. He discussed gravel previously put along the edge of the roads for walkers and bikers. He voiced concerns with all of the walkers in the road and asked if they could possibly put a temporary path down sometime in the near future. President Niemeyer thanked Mr. Kubal for his ideas and stated they appreciate the positive thoughts. The main thoroughfare has been a point of discussion many times and the plan for when it is all redone is to add a partial lane for biking/walking.

Diane Jostes, Cedar Lake Chamber, thanked the Council for their help with the symphony. She stated the cost of the symphony has increased to \$12,000. She stated she was at the symphony on Friday and Kirk Muspratt complimented Cedar Lake in front of a large group. He encouraged everyone to come to Cedar Lake. President Niemeyer stated they wish they could do more and always hope they can do more leading up to the event. He stated it's been a pleasure to be a part of the event. He thanked Mrs. Jostes for bringing the even to Town.

Nick Werley thanked the police officers for their service. He thanked Chief Coulson. Mr. Carnahan thanked Nick for his help with cleaning up trash on the side of Morse. Nick stated he just wanted to make the Town look nicer. Nick voiced concerns with his road and the pot holes. Mr. Kubiak stated the road crew is making their way around the lake.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 7:59 PM.

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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.