

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



June 5, 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
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	

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: May 15, 2018 Public Meeting

Claims: All Town Funds \$214,794.98, Wastewater Operating \$71,926.96, Sewer Sinking \$410,816.25, 2018 Sewage Escrow \$2,836,411.07, Water Utility \$22,103.04, Water Bond 2010B \$11,441.25, Storm Water \$540,448.51, 2017 RDA A&B Construction \$408,287.54, Payroll May 17th and May 31st, 2018 \$318,323.97.

Manual Journal Entries: May 1 – 31, 2018

Donations: Police Week: Fraternal Order of Eagles \$200.00, VIPs: Kubal's Holiday \$100.00, Hanover Band Boosters \$250.00 and Tag Day \$1,176.66.

Nonfunctional Equipment for Disposal

Cedar Lake Youth Baseball Fireworks Permit & Fee Waiver

Cedar Lake Florist Donation Acceptance

Julie Rivera moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed. Second was made by Ralph Miller. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1. Mr. Carnahan stated he's voting no because of the claims for the Veridus Group.

ORDINANCES

1. Ordinance No. 1294 – Tow Release Fee Amendment

Council Member Parker read by title only. Mr. Austgen explained this is an update of the vehicle tow release fee. It will bring fees in line with current costs and conditions of administering. The last time the fee was updated was 2008. President Niemeyer asked how it was discovered there was a deficiency. Mr. Austgen stated Chief Coulson and Mrs. Murr were working on fee assessments. This takes the fee from \$20.00 to \$40.00.

A motion to approve the 1st reading of Ordinance No. 1294 was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 6 to 1. The second reading will be at the next Town Council meeting.

2. Ordinance No. 1295 – Finger Print Service Fee Amendment

Council Member Parker read by title only. Mr. Austgen explained this increases the fee for finger print services from \$5.00 to \$7.00.

A motion to approve the 1st reading of Ordinance No. 1295 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 6 to 1. The second reading will be at the next Town Council meeting.

3. Ordinance No. 1296 – Police/Case Report Fee Amendment

Council Member Parker read by title only. Mr. Austgen explained this updates a 2003 ordinance to increase the police/case report fees. It is still \$5.00 for a case report but the disk component or electronic copy is \$10.00. There previously was no fee for a disk.

A motion to approve the 1st reading of Ordinance No. 1296 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 6 to 1. The second reading will be at the next Town Council meeting.

4. Ordinance No. 1297 – Truck Route

Council Member Parker read by title only. Town Administrator Murr stated at the Council's direction she worked with staff to prepare a truck route ordinance. This is to

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protect current infrastructure. This defines what a truck is, where the route is*, and prohibits travel of trucks over 26,000 pounds. It doesn't include emergency vehicles such as fire trucks. Deliveries traveling off the main route will need to have proof of the delivery. President Niemeyer voiced concerns with the proof of route stipulation. Some companies may not have a purchase order or bill of lading. Mrs. Murr stated the truck driver should have something from the company for the delivery. A lengthy discussion continued on having to provide proof of route.

A motion to approve the first reading of Ordinance No. 1297 was made by John Foreman with second by Richard Sharpe. Mr. Foreman stated they are getting ready to rebuild Parrish to the south by Lynnsway. Those folks over that way have been dealing with an awful road for a long time. The last thing they want to do is get it properly repaired and then have it fall about because large trucks are using it to connect to Route 2. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 6 to 1. The second reading will be at the next Town Council meeting.

NEW BUSINESS

1. South Shore Subdivision Improvement – Change Order No. 2

Town Administrator Murr explained this change order is to change the contract time. No change in price. It changes the substantial completion date from July 1, 2018 to August 15, 2018. Final completion is being changed from September 15, 2018 to October 1, 2018. It is recommended to approve. Mr. Carnahan asked why the contractor wants an extension. Mrs. Murr stated the change of the substantial completion date was made as part of the delayed claims settlement. Some of those delays resulted from NIPSCO being out there and the gas lines and service replacements. Mr. Carnahan asked Mr. Austgen if there is any justification for consideration for future rejection of bids by the contractor. Mr. Austgen stated that would require a determination of the Council in consideration of a bid made by the company. That it would not be a responsible bidder. That determination would be made on a factual basis. They would have to make public record of facts, conditions, and circumstances that give rise to the determination.

A motion to approve Change Order No. 2 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. Cedar Lake Historical Association – Construction & Fee Waiver Request

Town Administrator Murr stated the Historical Association is installing a new children's exhibit. They expect it to be open by Summerfest. It would necessitate the removal of two interior walls between adjacent rooms. They weren't able to identify if the walls were load bearing. Julie was supposed to be communicating with staff. Mr. Parker asked if Mr. Kubiak looked at it. Mr. Kubiak stated no. He was not contacted. He will check it out as soon as she contacts him. Mrs. Murr recommended they defer the item.

A motion to approve the Historical Associate Construction and Fee Waiver Request contingent upon the Building Department approving it. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1. Mr. Miller asked Mrs. Murr to call Julie and let her know she has to contact Mr. Kubiak.

3. Lighthouse Restaurant Request

Mr. Foreman explained the general manager of the Lighthouse Restaurant asked for permission to use the Town's land right next to the restaurant's outdoor patio gate for a single performer. They may put flat panels on the ground for the performer to set up on. Those panels would be set up and taken down each night. They are not permanent.

A motion to approve the Lighthouse Restaurant Request was made by Ralph Miller 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.

COMMITTEE REPORTS

1. Public Works and Safety – The fee amendments were part of tonight's agenda. Town Administrator Murr attended a meeting regarding Lake County's hazard mitigation plan update. This is updated every 5 years. This will open up for future FEMA mitigation grants. Once the plan comes to its final state it will come to the Council for a resolution to adopt.

2. Park and Recreation – Summer Camp registration is underway. Soccer is finishing up. President Niemeyer discussed a committee teleconference about Bartlett/Wahlberg Park. They discussed improvements to finish the park. They discussed a picnic shelter, station for grilling, and a small bathroom. He would like to get an idea of cost for the Council to consider those things. Park impact fee money would be used. He discussed having something sensible that doesn't take away the great view and accessibility. A brief discussion continued on the park and amenities.

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3. **Redevelopment** – Lincoln Plaza reconstruction is underway. Mr. Carnahan stated it was pointed out to him that no work was being done during nice weather. He asked if they had a completion date. Mr. Foreman stated he checked with the engineer today. They are ahead of schedule but ran into some issue with the soil. Mr. Kubiak stated the subgrade was bad. They had to meet to decide on the next steps. Mr. Foreman stated they are about to pour the curbs and they need to cure for about a week before they can move forward with the asphalt. A brief discussion continued on businesses in Lincoln Plaza.
4. **Planning** – Plan Commission will meet tomorrow for a work session.
5. **Council Affairs** – Budget preparations for 2019 will start soon.
6. **Utility** – JMOB met on May 23rd. A flow monitoring service was approved for a total of \$57,240 with ADS. Lowell's portion will be \$49,005 and Cedar Lake's will be \$8,235. That was based on percentages attributable to Cedar Lake's flow. The next meeting is scheduled for August 15th in Lowell. East side water utility expansion work is continuing.
7. **Street** – High Grove improvements are continuing. It is anticipated that 129th Avenue will be closed to through traffic on or after June 18th. The contractor will keep them informed as it moves forward. South Shore's change order was part of this evening's agenda. Parrish Avenue project is anticipated to start June 12th.
8. **Ecosystem** – A coordination meeting was held on May 30th. The feasibility study is still currently at the ASA's office in Washington D.C. Feedback from the Chicago Corps has been positive. Tomorrow the Chicago District Representatives will be meeting with Mrs. Murr and Mr. Foreman.

TOWN COUNCIL REPORTS

1. **Town Council** – Mr. Parker stated he wants to go on record that he no longer supports the Midway Garden's project. He will vote with Bob going forward to not spend any money on Veridus claims. Mr. Carnahan stated Flag Day will be at the American Legion on June 14th at 6PM. Both United States Senators have been invited. Senator Rick Niemeyer has confirmed he will attend. County Councilman Eldon Strong will also be in attendance. Mr. Foreman cautioned Public Works and others to use their seat belts and roll cages on tractors after a tragic accident involving a local man.
2. **Town Attorney** – Water system development charges have been discussed with staff and Council members intermittently. If that is an initiative they want to proceed with they have reports from the financial advisors and they are ready to move forward if they want. Sewer system development charges will possibly need further review analysis. Permit fee amendments have been discussed at various points as well. Those three items are still open and awaiting the Council's direction.

A motion to amend the agenda and allow items for consideration was made by Greg Parker with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

President Niemeyer stated direction on the water system development fees, sewer system development fees, and building permit fee structures. This discussion and these items are being considered so the growth is funding the growth. There is a lot of pressure on the community right now with the growth. They don't want to see that trickle back to those already paying the bill. Mr. Carnahan added they don't want to put the burden on the residents already in Town. They want to pass it on to the new residents coming into the community.

A motion to direct the attorney to begin the necessary process to analyze and develop the fees and charges as listed was made by Greg Parker with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. **Clerk-Treasurer** – Business as usual. The tax advance has been received and the spring installment is being awaited so temporary loans can be repaid. As Mrs. Murr stated the 2019 budget will soon approach. President Niemeyer asked Mr. Carnahan to provide Mrs. Murr with a schedule so they may schedule work sessions for budget purposes.
4. **Town Administrator/Staff** – Previously reported.

WRITTEN COMMUNICATION

1. **Christopher B. Burke Engineering Report** – Previously reported.
2. **American Legion Donation Request** – The legion submitted a request for a donation on improvements they are looking to make to the building. It is for their information. Mr. Carnahan stated he will put \$25 towards it and asked the other Council members to join him. They all agreed to participate.

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- 3. Building Department: January – May 2018** – There were 24 new home permits for May with a residential value of \$4,511,705 and 66 alteration permits with a value of \$686,028. That brings the year to date total to 63 new home permits with a value of \$10,364,094 and 170 alteration permits with a value of \$2,240,405. President Niemeyer discussed a report of the 15 fastest growing communities in Indiana and only 3 were located in Northwest Indiana. Cedar Lake, St. John, and Winfield were listed in the report. The community is on the move and they need to keep up with it.

PUBLIC COMMENT

Ed Wawrzyszuk, 12625 Tall Oaks Drive, stated he is the commander for the Sons of the American Legion #261 and asked if there is a possibility for them to amend the amendment for the gun regulations so they can still have turkey shoots. Mr. Parker stated that is an interesting request. He thinks that ordinance got passed with almost no thought and based on almost no complaints. It has created a lot of problems and taken away property rights. Mr. Wawrzyszuk stated this was their first time. Now that they know what they are doing they can generate a lot of money with the event. All the money goes back into the community. He briefly discussed what they could do. President Niemeyer asked if there is a way to reduce the noise. Mr. Wawrzyszuk stated there really isn't that much noise. They go one at a time and they are above board for safety. President Niemeyer asked if it is possible to move it to a shooting range. It was noted there is no range nearby. Mr. Carnahan asked if other communities do this. Mr. Wawrzyszuk stated yes. Crown Point has one and it is on the main road by the little league fields. They don't have any problems. Mr. Parker stated he would like to ask the Council to consider repealing the ordinance. A lengthy discussion continued on the ordinance and possible waiver requests for the event.

A motion to consider repealing the gun control ordinance was made by Greg Parker with second by Robert Carnahan. Mr. Foreman asked if would consider changing it to amending the ordinance rather than repeal. Mr. Parker and Mr. Carnahan concurred. Mrs. Rivera stated there were complaints in regards to the event. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – No, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 2.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:06 PM.

An Executive Session was advertised and conducted before 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

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.