

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



**June 19, 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
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 Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**Minutes:** June 5, 2018 Public Meeting

**Docket:** June 19, 2018 – All Town Funds \$175,855.23, Wastewater \$248,305.28, Water \$31,655.18, Storm Water \$310,617.37, 2017 RDA A&B Construction \$214,990.78 Payroll 06/07/18 & 06/14/18 \$274,025.89

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Richard Sharpe. Council Member Carnahan discussed an approximate savings of \$20,000 a month with the current garbage service versus the previous company. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**ORDINANCES**

**1. Ordinance No. 1294 – Tow Release Fee Amendment**

Council Member Parker asked if they could exempt those who have expired license plates due to not passing emission testing. He voiced concerns for those who may have their vehicle towed due to not having plates because they can't pass emissions. Mr. Parker stated that's not a criminal offense. Increased fees for criminal offenses are okay but not those who have expired plates because they can't pass emissions. Mr. Carnahan clarified they would still get a ticket for the expired plates but their car wouldn't be towed. Mr. Parker continued to voice concerns with emission testing being a burden on lower income households. Mr. Foreman asked Chief Coulson if an officer pulled someone over with expired plates would they automatically tow the vehicle. Chief Coulson stated no. It is open to discretion. A lot of it is based on how long the plates have been expired. Not in every instance is the car towed. A brief discussion continued on expired license plates and tow releases. Council Member Parker read Ordinance No. 1294 by title only.

A motion to amend Ordinance No. 1294 to include the exclusion of vehicles that are towed for expired license plates due to failure of an emission test was made by Greg Parker with second by Robert Carnahan. Mr. Foreman voiced concerns with having exclusions. He asked about having a time limit. Mr. Parker stated they would still get the ticket. President Niemeyer asked Chief Coulson what the release fee covers. Chief Coulson stated processing and administrative costs. President Niemeyer added if this was abolished the taxpayers would be picking up the cost by other means. Chief Coulson voiced concerns with having proof. It was stated a notice is given showing whether a vehicle passes or fails emissions. A brief discussion continued. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 1. President Niemeyer asked Mr. Austgen if he had clear direction on how to amend the ordinance. Mr. Austgen stated he's going to add a couple sentences to the provision for the fee. He will get it to them as soon as possible for review.

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

Council Member Parker read by title only.

A motion to adopt Ordinance No. 1295 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

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

Council Member Parker read by title only. President Niemeyer stated this includes something that didn't previously exist. Digital media or computer discs containing requested photographs are \$10 per disc and the hard copy is still \$5.

A motion to adopt Ordinance No. 1296 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.

**4. Ordinance No. 1297 – Truck Route**

Council Member Parker read by title only. Town Administrator Murr explained after much discussion they received a request to establish a truck route. This is to help preserve and maintain the roadways. The route starts at 133<sup>rd</sup> Avenue from the east up Morse to Lake Shore Drive to Cline Avenue. It continues on Lake Shore Drive to 133<sup>rd</sup> Avenue up to US 41. Once the ordinance is adopted, they will communicate with trucking companies and other businesses this may affect. President Niemeyer stated this is to address the trucks that are using pass through routes not to impede local business. A brief discussion continued.

A motion to adopt Ordinance No. 1297 was made by Richard Sharpe with second by Ralph Miller. Council Member Parker read by title only.

A motion to adopt Ordinance No. 1295 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**5. Ordinance No. 1298 – Salary Ordinance Amendment**

Council Member Parker read by title only. Town Administrator Murr explained after discussion with the Director of Operations, this is to amend the secretary/administrative rate to a not to exceed rate of \$17.29 per hour. Review and analysis was done in the department. With the growth and development as well as the loss of one of the superintendents, this role has taken on more responsibilities. This allows for incremental increases.

A motion to approve the first reading of Ordinance No. 1298 was made by John Foreman with second by Greg Parker. Council Member Parker read by title only.

A motion to adopt Ordinance No. 1298 was made by Ralph Miller with second by Richard Sharpe. Mr. Sharpe asked for clarification. This is being done mid-year because of the loss of a superintendent. Mrs. Murr stated yes so they are not adding another superintendent. Rolls and duties have been reviewed. Funds are available within the budget. This recommendation comes from the Director of Operations. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

Council Member Parker read Ordinance No. 1298 by title only.

A motion to adopt Ordinance No. 1298 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**NEW BUSINESS**

**1. Appointment – Unsafe Building**

Town Administrator Murr stated at their direction it was discussed to appoint Council Member Julie Rivera to the unsafe building committee. President Niemeyer stated that is in place of Greg Parker. Mr. Carnahan stated he was unaware of Mr. Parker leaving. Mr. Parker stated it was a difficult decision. He believes in property rights. He was accused of being libertarian only conducting business for his friends and family. He has decided to step away from dealing with unsafe properties.

A motion to approve the appointment of Julie Rivera to Unsafe Building was made by John Foreman with second by Ralph Miller. Council Member Parker read by title only.

A motion to adopt Ordinance No. 1295 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**2. Elimination of Sewer Utility Billing – 13621 Morse Street**

Clerk-Treasurer Gross explained this is in regards to the property at 13621 Morse Street. It has been signed off by Public Works. Mrs. Murr added it was signed off on January 9<sup>th</sup>.

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A motion to approve the elimination of sewer utility billing at 13621 Morse Street was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

**3. Memorandum of Understanding – Crown Point Community School Corp.**

Town Administrator Murr explained this is an agreement with Crown Point School Corporation particularly Douglas MacArthur Elementary School. This is for access for Police and Fire in emergency situations. Chief Coulson has been working with the school corporation on this agreement. Unfortunately, this comes in light of all the incidents across the country. It is for emergency situations so officers would be able to access the building. This is for MacArthur only.

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

**TOWN COUNCIL REPORTS**

**1. Town Council** – Mr. Carnahan stated the groundbreaking for the food pantry will be on Sunday at noon. Everyone is welcome to attend. Mr. Foreman reported the new Colonel from Army Corps visited and took a look at the ecosystem restoration project. President Niemeyer stated he received a call from a constituent in Havenwood questioning water utility access and responsibility. He's looking for clarification of responsibility of the water utility as it relates to the valve by the street and shut off. Mr. Austgen asked if it was in the right of way. Mr. Niemeyer stated he said it was at the street. Mr. Austgen stated if in the public right of way it is the Town's responsibility. Mr. Foreman added there was a fire hydrant issue in Havenwood a while back. Quite a bit of water washed out sidewalks and driveways. Mr. Kubiak has looked at it. It looks like the sand and area below the sidewalks and driveways washed out. They want to have a company come and level the concrete. He was sent some pictures. Mr. Austgen stated the sidewalk and water line are all within the Town's easement. If the water line and hydrant caused residual damage to the property the Town is responsible. Mr. Niemeyer stated he met with a gentleman in Woods of Cedar Creek. That subdivision is very close to being completed. The HOA is concerned that it is not up to Town code. The thickness of the sidewalks is about an inch shy of Town standards. The area by the detention pond has issues and the area designated for a park has no sidewalks and no grass. It is clay and rocks. Mr. Niemeyer stated he also witnessed concrete on the sidewalks and driveways that is flaking. The developer told residents it's because of the salt. Mr. Foreman asked about a performance bond. Mr. Austgen stated that developer is long gone. Mr. Carnahan asked about checking others in the area. Mr. Niemeyer stated the issue is consistent. He also voiced concerns with a storm drain that is welded shut. It's impossible to get into it to maintain. Mrs. Murr stated there is work going on in Woods of Cedar Creek. In the Christopher Burke report some of those issues are addressed. Personnel have been out in the subdivision and inspected the revised detention basin and the as-built survey. The detention basin is to be seeded and blanketed. Mr. Niemeyer stated blankets are being placed over clay and rock. Further discussion continued on review of Woods of Cedar Creek. Mr. Austgen stated the Town would end up being responsible for everything within the easement or right of way. That would be inclusive of sidewalks and storm drainage infrastructure. Mr. Niemeyer stated the problem is if sidewalks are brought to the correct thickness they will be higher than the driveway. The items should've never passed inspection. Mr. Austgen stated it needs to be looked at. Mr. Niemeyer asked that it be looked into and a report given at the next meeting.

**2. Town Attorney** – None

**3. Clerk-Treasurer** – Mrs. Gross stated \$633,697 is to be repaid in temporary loans. This should be occurring soon as the spring installment should arrive soon. She will be working with the Town Administrator to plan strategy for getting together with department heads to discuss the 2019 budget. The goal is to have ample reserves available to keep the bond ratings with S&P consistent.

**4. Town Administrator/Staff** – On June 7th, Colonel Reisinger with the Chicago District Army Corps was out to discuss the Ecosystem Restoration Project. They were able to take a boat tour of the lake and discuss improvements that have been made to help preserve the lake. The Colonel sent a thank you letter discussing the benefits of him seeing the improvements up close. He hopes they can see some Army Corps and federal movement on the project this year. He's pushing hard to move the project quickly. Mrs. Murr stated it was a great meeting and really felt like forward movement was made. The next meeting will occur on June 27<sup>th</sup>. She's hoping Kay and Ahmad will come to the July meeting with an update. Parrish Avenue milling has begun. The binder in Lincoln Plaza has been put in place. Landscaping will occur and then the final coat of asphalt. Surface will be weather pending. Right now they are about a week and a half ahead of schedule. Mr. Niemeyer stated at the last meeting it was stated the business owners in the plaza were doing fine. The owner of Q-Ball Electronics contacted Mr. Niemeyer and stated he is not on a voluntary vacation. He couldn't afford his NIPSCO bill due to the lack of traffic. He is going by appointment only. They are hoping the project gets done quickly. He

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received an email from the nail salon requesting remuneration from the Town for lost business. He asked about an adopted truck route when Strack and Van Til opened. It was for trucks to enter off of Parrish. When Lincoln Plaza was open they were using that road. He discussed posting a truck route with the new road. The designated truck route was approved with the development of the store but it's not used nor is it enforced. Mr. Carnahan stated the developer will have it so they eventually go down the alleyway. Further discussion continued on the truck route and the new road. Mrs. Murr stated they will reach out to the store and reopen the lines of communication. Mr. Foreman asked who will be responsible for the landscaping. Mrs. Murr stated it will be in the Town's right of way. Mr. Niemeyer asked about signage for Lincoln Plaza. Mrs. Murr stated signage was discussed with the Redevelopment Commission and the engineer. It was discussed to have it as a separate project. That will be the next step to discuss signage with the Redevelopment Commission and look at the funding available. Mr. Niemeyer stated that is something they need to get done. It's important to have identifiers in a plaza. Mrs. Murr stated 129<sup>th</sup> in High Grove is anticipated to be open to local traffic only on June 25<sup>th</sup> for the milling and surface. That closure is weather pending. South Shore is continuing. The trenches in front of Bugaboo's were filled in. They had to stop work because of the rain. They will continue as soon as weather allows.

**WRITTEN COMMUNICATIONS**

1. Christopher B. Burke Engineering Report – Mrs. Murr stated part of the summer camp program is doing some of the MS4 learning and outreach.

**PUBLIC COMMENT**

Adam Sworden, legal counsel for Don Frey, stated Mr. Frey has been attempting to get a building permit for his lakefront rental shed as approved by the Council last September. The issue is he is not being given a copy of the permit that was issued. The inspection of the concrete pad for the building was scheduled for May 7<sup>th</sup> but it was determined by the building inspector that they weren't going to go out and inspect the pad. Mr. Frey needs additional permits for electric to get occupancy by the one year deadline but he is unable to come in and get a copy of the permit. Mr. Frey made a public records request as of last week but he has to wait ten days to get a copy. Mr. Sworden doesn't believe that is reasonable. They are worried about the time frame. They don't understand what the issue is. The project was approved. The variance was granted. They want to know what the issue is so they know what to do as they approach the deadline. Mr. Austgen stated it is not that simple. A permit was applied for and inspections were done. There was discussion about whether or not the permit was valid. Staff has been looking into it. They did receive the public records request. It's part of the review that took place. It's being addressed and will be done as timely as can be. It will be reviewed with the Building Commissioner. The Building Commissioner issues permits. The commissioner has the authority to issue or not issue and follow the approvals of the BZA. Mr. Niemeyer stated the Town Council approved a use variance and the BZA denied a developmental variance. That may be where some of the confusion lies. Mr. Austgen concurred. Mr. Sworden voiced concerns that it was indicated to his client that the permit was signed and the inspection was scheduled. He asked if there was an issue why it was not communicated. Mr. Foreman stated it was for them to get clarity. Mr. Sworden asked how long it would take to get clarity. Mr. Foreman stated they are working on it. Further discussion continued on the concerns presented.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 6:43 PM.

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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.