

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



August 7, 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	Absent*	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	

*Chief Deputy Clerk Margo Nagy was present.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: July 17, 2018 Public Meeting

Claims: All Town Funds \$202,875.65, Wastewater Operating \$94,907.04, Water Utility \$19,494.08, Storm Water \$57,075.98, 2017 RDA A&B Construction \$30,227.75, Payroll 07/26/18 and 08/01/2018 \$180,277.78.

Manual Journal Entries: July 1 – 31, 2018

Election Site Request: November 6, 2018 – Community Center & Town Hall

Bandstand Request: May 18, 2019; Hanover Band Program an “Evening of Music”

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda as listed. Second was made by John Foreman. Council Member Carnahan asked about a claim for approximately \$7,000 to Illiana Heating and Air Conditioning. He asked where the replacement unit was for. Chief Wilkening stated the replacement was made at the Fire Station. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 0.

ORDINANCES

1. Ordinance No. 1300 – Committees

Council Member Parker read by title only. Mr. Austgen stated this was the requested amendment to the Town Code provisions that establish Town Council Committees. It was reviewed and at the last meeting it was directed to amend only a portion. This ordinance allows the establishment of committees on an ad hoc basis.

A motion to approve Ordinance No. 1300 was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – No, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – No, Niemeyer – Yes. Vote: 4 to 2.

2. Ordinance No. 1301 – Town Zoning Outdoor Lighting Regulation Amendment

Mr. Austgen suggested that Ordinance No. 1301 and 1302 be read together. Council Member Parker read Ordinance No. 1301 and 1302 by title only. Mr. Oliphant explained the provision is the same for both ordinances. The change is to mid-block lighting. The current ordinance is vague when it comes to the minimum distance for mid-block lighting. Anything less than 275 feet will not require mid-block light but there will still be lighting on each corner. Anything greater than 275 feet will require a mid-block light. Mr. Carnahan made a motion to defer the item and stated he would like to sit down with the Council to go over some of the technical terms. Mr. Foreman briefly explained the amendment. A second to the motion was made by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – No, Miller – No, Sharpe – No, Parker – Yes, Niemeyer – No. Vote: 4 to 2. Motion failed. Mr. Foreman added it was determined when looking at the Summer Winds subdivision that a block was defined by one corner to another corner. In that case it was a short distance and may have been too much lighting. Mr. Oliphant stated it left too much interpretation. Mr. Austgen stated the Plan Commission granted waivers from the current requirements to be consistent with what the proposed amendments are. President Niemeyer asked Mr. Parker what he thinks needs to be looked at with the ordinance. Mr. Parker stated he didn't think anything needs to be looked at but he thinks it's important that everyone on the Council understands things. A lengthy discussion continued on the proposed amendment.

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A motion to approve Ordinance No. 1301 was made by Richard Sharpe with second by John Foreman. Mr. Parker voiced concerns with Council Members possibly feeling pressured to vote on things without a clear understanding. 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 to allow for a second reading was made by John Foreman with second by Ralph Miller. 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. 1301 by title only.

A motion to adopt Ordinance No. 1301 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.

3. Ordinance No. 1302 – Town Subdivision Control Outdoor Lighting Regulation Amendment

A motion to approve Ordinance No. 1302 was made by John Foreman with second by Ralph Miller. 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 to allow for a second reading was made by Ralph Miller with second by John Foreman. 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. 1302 by title only.

A motion to adopt Ordinance No. 1302 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.

PLAN:

1. David & Debra Carey, Ryan Dykema – 13430 Morse Street – Rezone

The Cedar Lake Plan Commission sends a Favorable Recommendation to the Town Council for the requested Rezone being sought from Zoning Ordinance No. 496, from the current zoning of said property, Title VII – Residential (R-1) Zoning District, Title VIII – Residential (R-2) Zoning District, and Title XII – Neighborhood Business (B-1) Zoning District to Title VIII – Residential (R-2) Zoning District, and Title XII – Neighborhood Business (B-1) Zoning District, contingent upon existing Lot 5 being utilized only for ingress and egress purposes. By a vote 5 in favor and 2 against, upon motion duly made and seconded, at the Public Meeting held on July 18, 2018. Mr. Parker explained that Mr. Carey bought a vacant lot and a distressed piece of property, demolished and combined the lots. He developed a site plan that includes residential lots and one commercial business to be proposed later. The residential lots will be R-2. The biggest issue was one lot has access to 136th and no one wanted business traffic. That isn't a deal breaker for Mr. Carey. He doesn't need the zoning change on that lot but the zoning change is needed for the Morse Street property. Mr. Austgen asked if there was a copy of the ordinance for the Council. Mrs. Murr stated it was overlooked in the packet. The item will need to be deferred. Mr. Austgen stated he had a copy of the ordinance and could read it. Mrs. Murr stated it would be Ordinance No. 1303. Mr. Austgen read Ordinance No. 1303 by title only. He explained the ordinance goes on to identify the zone map amendments.

A motion to approve Ordinance No. 1303 was made by Robert Carnahan with the contingency that copies of the ordinance are given to Council Members. A second was made by Greg Parker. 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 to allow for a second reading 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.

Mr. Austgen read Ordinance No. 1303 by title only.

A motion to adopt Ordinance No. 1303 was made by Greg Parker 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. Property Acceptance

Town Administrator Murr stated this is to accept the property acquired for the Wicker Meadows project. The property is located between the southern boundary of Wicker Meadows and 129th. She is looking for a motion for the Town Council President to sign the appropriate documents.

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A motion to accept 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.

2. Property Donation

Town Administrator Murr stated Cedar Lake Ventures One is requesting to donate two 50 foot strips of land to the Town. The two parcels run along easements in the area of Lincoln Plaza. It would give better access to various structures such as storm water. It is recommended they approve the donation and authorize Mrs. Murr and Mr. Austgen to prepare the necessary documents. A brief discussion continued on the property.

A motion to approve the property donation 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.

3. Highgrove Subdivision Change Order #3

Town Administrator Murr stated this change order is to move the substantial completion date to September 15th with final completion being October 1st. There are no cost changes. It was recommended to approve. Mr. Carnahan asked Mr. Oliphant to discuss previous complaints. Mr. Oliphant stated they met with Grimmer the next morning to discuss site cleanliness and some of the other complaints. Some of the complaints were warranted and some were not. It is a tight job with some right of ways only 15 feet. The contractor does a good job trying to keep it clean. Mr. Foreman asked if the complaints were voiced with upper management. Mr. Oliphant stated it was. They went out and walked the entire job and noted areas to be cleaned up. The complaint about private electrical use happened in April. It should never have been done and to their knowledge hasn't occurred since. Nails are involved on a job like this. It's impossible to get them all but they do their best. Mr. Foreman asked if there were conversations with the school. Mr. Oliphant stated they have. They made it clear to Grimmer and their subcontractors that 129th has to be fully open by the start of school. Mr. Carnahan voiced concerns with two areas that were replaced with asphalt instead of concrete. Mr. Oliphant stated those areas may have been NIPSCO. They have been in contact with NIPSCO in regards to issues outside of the Town's project. NIPSCO wants to wait to address them once Grimmer is in their restoration phase. Mr. Carnahan added he spoke with Mr. Harden who is very happy with the work done in High Grove. A brief conversation continued on the project and the completion date.

A motion to approve High Grove Change Order #3 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.

4. Cedar Lake Historical Association Request

Town Administrator Murr stated Mr. Foreman received a request from the Historical Association to use the Town pier on August 21 and 28 and September 4 and 11. This is to provide Cedar Lake Historic Cruises. Dave Harkabus with Cedar Lake Sunset Cruises will be providing the cruises. This request is to allow passengers to get on and off the boat on the pier. Mr. Foreman stated Julie Zasada contacted him with the request. They are trying to promote the arts. He feels they should be thinking about how to expand that pier. He discussed possibly moving the Fire boat to the other side of the pier for use by the association. Mrs. Murr stated they are working with DNR and discussing grant opportunities to make that a public pier. Mr. Carnahan asked for comments from Chief Coulson and Chief Wilkening. Chief Coulson stated they had a similar request some months back from the Chamber of Commerce. Upon inspection of the pier they realized there were some issues with the pier. It's not as sturdy as they would like it to be. They are trying to secure a grant for a new pier. Chief Wilkening concurred with Chief Coulson. He added he is against moving the fire boat. A lengthy conversation continued on usage of the pier, possible liability, and insurance coverage. A motion to approve the request with contingencies was made by John Foreman. No second.

A motion to defer was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – No. Vote: 5 to 1.

TOWN COUNCIL REPORTS

- 1. Town Council** – Mr. Miller stated he has talked with Indianapolis and they are back on the board talking about the possibility of having the inflatables on the lake. He stated there are no specifics just talk but asked if they wanted to vote now and make sure this is something they want moving forwards. President Niemeyer stated Mr. Miller's pursuit is fantastic but at this point it is just discussion. Mr. Parker asked if this was Amy's last meeting. President Niemeyer stated that Clerk-Treasurer Gross has officially submitted her letter of resignation. He briefly discussed the process for filling the vacancy. Mrs. Murr stated she has been with the Town over 20 years. She was first elected to office in 2008. President Niemeyer stated she has been here through good times and bad and has grown with the position as the Town has grown. He gave her credit for her guidance and leadership in getting the Town to a financial state where they have a consistent AA-

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bond rating. Her leadership will be missed. She is not an easy person to replace. He wished her luck and happiness in her next position. Whatever people she is around she will have a positive impact. You can't replace that type of institutional knowledge. He thanked her for her dedication to and love of the community. Mr. Parker stated she was elected at the same time he was. They had a rocky start but got aligned. He thinks she did a phenomenal job for the taxpayers. It's a sad day and he hates to lose her. He wished her the best of luck on her next position. Mr. Foreman added she did a phenomenal job for them. In the last few years she has furthered her education and completed her degree. He wished her luck in the future. Mr. Carnahan concurred. Mrs. Nagy stated she will miss her. She has learned a lot from her. She has been working hard the last few weeks to make sure the transition is as smooth as possible. Ms. Sandberg stated she will very much miss her. She has worked with her the last few years and gained a lot of knowledge from her. She stated no one realizes how valuable she was to the Town. Mr. Kubiak stated she did a great job. She was always there helping. They will miss her. Chief Coulson stated in his short tenure they developed a great working relationship. Chief Wilkening stated she worked hard to keep everyone in check. She steered everyone in the right direction all the time. He wished her all the luck in the world and stated she will be an asset wherever she goes. President Niemeyer asked Mrs. Murr to add to the next agenda an item to appoint an interim Clerk-Treasurer. He also asked that a written invitation be sent to Amy and her family so they can properly honor her for her service.

2. Town Attorney – None

3. Clerk-Treasurer – None

4. Town Administrator/Staff – Mrs. Murr stated she has been working with Chief Wilkening on software upgrades for Fire/EMS reporting. They have negotiated some prices and are working on a contract. They anticipate having the contract on the next agenda. Parrish Avenue is moving along. Stone is being placed. INDOT is beginning work on US 41 south as well as the bridge on 135th. A brief conversation continued on all the road work and closures. The feasibility report for the ecosystem restoration project has been reviewed by the office of management and budget. Comments were sent back to the Chicago district and responses were sent last Thursday. The next meeting will be August 23rd. President Niemeyer stated some time ago they talked about developing a cumulative capital fire fund. He asked if there was any movement. Mrs. Murr stated Amy had requested some information from London Witte Group and as of their conference call last week they were still awaiting the information. She stated she will follow-up tomorrow. President Niemeyer asked about a previous request to schedule a budget workshop. Mrs. Murr stated she will discuss dates with staff and get them out to him. Mr. Carnahan asked if they get money from Comcast and what is it supposed to be used for. Mrs. Murr stated usually for maintenance along right of ways. She could get him some more information by the next meeting.

WRITTEN COMMUNICATION

- 1. Christopher B. Burke Engineering Report –** Previously reported.
- 2. Hanover Central Athletic Department – Varsity & JV Pom Cats –** A donation request was sent for their information.
- 3. Building Department Report –** Through July there were 95 new home permits and 271 alterations. Residential value of the commercial and residential new permits is \$16,305,518 and the value of the alterations is \$3,969,650.

PUBLIC COMMENT

Glen Pool, 136th Avenue, asked what kind of business was planned for Ordinance No. 1303 and asked about the access from 136th Avenue. Mr. Parker stated there would be no access from 136th Avenue. Currently, the business would have to be whatever fits into the B-1 zoning. They are working on the plat which has the site plan. A site plan will have to be presented for the business. Mr. Pool voiced concerns with the business sitting further back. A brief discussion continued on the depth of the plan and zoning. Mr. Foreman added that B-1 is usually small residential type businesses. Mr. Pool continued to voice concerns about 136th and business traffic. It was stated that was just secondary. The main entrance will be on Morse.

Mike Peak, 7211 W. 136th Avenue, stated he has a problem with the access road on 136th. The houses on the south side have a lot of children. The road has no sidewalks but people do a lot of walking. He voiced concerns with the extra traffic.

Joe Bakker, 12709 Colfax, voiced concerns with the proposed water tower in Krystal Oaks. He asked why they chose that location. He voiced concerns about property values and stated it would be an eyesore. He asked if it does come in could the Council work with them for some upgrades at the park. He stated the street is filled with kids as there is no sidewalk. Mr. Foreman stated park improvements are a good suggestion. President Niemeyer added he doesn't think property values will decline. Some beautification and access points are a good idea. Mr. Carnahan added that by improving the water in that area that should lift the value of the homes. He's in favor of improving the park. A lengthy discussion continued on the proposed water tower, possible upgrades to the park and the existing water tower on the west side of Town.

Mike Bakker, 12802 Colfax Street, stated he picked his lot because they were told nothing would be built in the empty lot across the street. They like the view without the water tower. Mr.

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Carnahan asked where he got that information. Mr. Bakker stated it was on the subdivision plot survey from Hall Brothers. From what he understands there is a water tower described on the plot survey from the old builders. Mr. Carnahan stated they had planned to put a well for the system on that property but the IURC told them they couldn't. He asked if they looked into other sites. President Niemeyer stated they did fracture trace analysis in areas around Lakeside Subdivision. It was determined that water quality was an issue in that area. High levels of sulfur were found. Through all of those analyses over the last several years that area came back as the most feasible. Mr. Bakker asked about an area by MacArthur School. Mr. Carnahan stated MacArthur School's water was full of arsenic and that is one of the reasons they got rid of their well and hooked up to Krystal Oaks water. A brief conversation continued on other sites and water quality. Tony Wilson, Krystal Oaks, asked about the water quality. President Niemeyer stated the water quality should be excellent. It will be treated. Mr. Foreman stated it ended up where it did because the water quality was so poor elsewhere. A brief discussion continued.

Nick Werley, 127th Place, stated he has known Amy the last few years and kept her updated on the neighborhood. He stated his neighbors are having issues with the garbage service. He stated his road needs to be repaved. President Niemeyer stated the roads are being worked on. There is a list of roads to be repaved.

Josh Rivera, 6738 W. 130th Avenue, asked about the previous Chamber request to use the pier. He asked if the request by the Chamber was granted. Chief Coulson stated they didn't receive permission to use the pier. He stated he's talked with Jill and Randy in regards to Kiwanis Park. He would like to see the park opened again. He'd like the support of the Council to get the park open again. Key Club International is interested in seeing it opened. Mr. Foreman stated they've been adding dirt to bring the level up. Many ideas have been kicked around for the park. Mr. Rivera stated the original plan from 2011 included a community garden, a playground, and a bridge connecting it to the neighboring subdivision. They'd like to see that plan come to fruition. He met with Jill to ask about the Town's plans. She stated she wasn't aware of any current plans. President Niemeyer stated he supports Mr. Rivera's efforts. Mr. Rivera stated there are possible grant opportunities for the park. Mr. Carnahan asked if they could use Park Impact Fees. Mr. Austgen stated they may for improvement from where it is currently at to increase service level. Mr. Carnahan asked if they could do that at Krystal Oaks too. Mr. Austgen stated same policy applies. A brief discussion continued.

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

A motion to approve the offering of support for Key Club International to work with Town staff to improve Kiwanis Park 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.

Dave Harkabus, 8029 Lake Shore Drive, stated he runs Cedar Lake Sunset Cruises. He is very busy. He has permission to pick up people at the Lighthouse. The museum asked him to help out with history tours on Tuesdays. They were adamant about him picking up at the Police Pier. It doesn't matter to him. He knows it is their call. He looked at the pier himself. It's clear that it is too shallow. It's not safe. He stated that to the museum. The museum was thinking it might be too far of a walk for some of the guests. He took another look and thought maybe if they moved the fire boat he could get in there to reach guests. He stands behind the Council whatever their decision is. A brief discussion continued.

Bob Relinski, 7209 W. 136th Avenue, voiced concerns with the traffic on the street. He discussed the proposed development and the zoning. Questioned what happens if the owner doesn't get the zoning and needs variances. President Niemeyer stated if he needs variances it will go in front of the BZA and he encouraged those to attend if they wish to remonstrate. A brief discussion continued.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 9:01 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.

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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

Margo Nagy
Chief Deputy 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.