

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



August 21, 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	Margo Nagy Chief Deputy Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC, MMC Town Administrator	
Absent	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PRESENTATION

Greg Parker presented former Clerk-Treasurer Amy Gross with a plaque in recognition of her service to the Town over the past twenty years.

PUBLIC HEARING

1. Lennar Homes Voluntary Annexation
 - a. Attorney's Review of Legals – The notices are in order and were published timely. Mr. Austgen explained this is the public hearing on the annexation application of Lennar Homes. The area is commonly known as Fritz Farm. 104.5 acres are proposed to be annexed. A residential community is planned by the developer for that property upon annexation. The fiscal plan is before them. Mr. Bill Robinson with Lennar Homes and Attorney Jim Weezer were present. Mr. Carnahan stated they were proposing 373 housing units. 181 single family, 96 cottages, and 96 townhomes. Mr. Robinson stated the unit count has stayed the same. They have lowered the single family homes and are offering more of what they call active adult homes. They've added a clubhouse and pool to the plan. Mr. Austgen stated the plan won't go to the Plan Commission until after the annexation is approved.
 - b. Reading of Ordinance No. 1299 – Lennar Homes
 - c. Resolution No. 1226 – Fiscal Plan and Policy for Annexation – Chief Deputy Clerk-Treasurer Nagy read by title only.
 - d. Remonstrators: None
 - e. Town Council Discussion: None
 - f. Town Council Decision on Resolution No. 1226

A motion to approve Resolution No. 1226 was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: August 7, 2018 Public Meeting

Docket: August 21, 2018 – All Town Funds \$251,748.24, Wastewater \$124,464.43, Water \$12,757.41, Storm Water \$362,193.55, 2017 RDA A&B Construction \$615,788.23 Payroll 08/08/18 \$246,901.95

Donations: DARE – Lighthouse Restaurant \$1,035

Clubhouse Waiver Requests: Cub Scout Pack 129

St. John Oktoberfest: Picnic Table Request, September 19-24, 2018

Julie Rivera 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 asked if the claim to Walsh & Kelly for \$214,120.08 for Lincoln Plaza was the final payment. Mrs. Murr stated no. He asked what two claims for The SpyGlass Group were for. Deputy Clerk Sandberg explained the SpyGlass Group was a consulting firm that helped the Town breakdown their internet and phone services to identify areas that could be eliminated for annual savings as well as getting retroactive credits for erroneous taxes and fees. Mr. Carnahan asked about a claim to LGS Plumbing for \$171,538.49 for South Shore and if it was a partial payment. Mrs. Murr stated that is the storm water bond utility component of the projects. Mr. Carnahan added the claim for Grimmer was \$184,624.52. Mrs. Murr explained the 900 series is for the roadway improvements. Mr. Carnahan added Grimmer was paid \$158,123.92 and LGS was paid \$459,664.31 out of those funds. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

ORDINANCES

1. **Ordinance No. 1300 – Committees**

Chief Deputy Clerk-Treasurer Nagy read by title only.

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A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – No, Rivera – Yes, Miller – Yes, Sharpe – No, Parker – Yes. Vote: 3 to 2. No action. The item will be on the next agenda.

2. Ordinance No. 1304 – Water Utility Rules & Regulations Amendment

Chief Deputy Clerk-Treasurer Nagy read by title only. Mrs. Murr explained the Director of Operations and Water Utility staff have reviewed the Town's rules and regulations for the water utility and recommend the following amendment:

"Rule 1.11 Service Connections

(b) In addition:

(4) All service pipe shall be Type "K" copper, Municipex or approved PEXa equivalent, from the curb stop to the meter. No service pipe shall be less than one inch (1") nominal diameter. Larger services may be used upon approval by the Utility. All installations shall conform to applicable State and Local Codes.

- a. When using Municipex, non-metallic stiffeners must be used at all connection points.
- b. Tracer wire must be used in all Municipex applications and must be Copperhead 12 AWG solid HS-CCS tracer wire or approved equal. Tracer wire must be fixed to the pipe every three feet (3') and run from the top of the buffalo box (on exterior) to within six inches (6") of water meter."

and

"Rule 1.17 Meter Tampering

Any person or entity who disables or tampers with a meter installed by the Water Utility of the Town of Cedar Lake shall be subject to fines and penalties not to exceed one hundred dollars (\$100.00), plus all costs of the Utility to repair or replace a disabled or tampered meter. Each and every day of any violation of this Section shall constitute a separate offense, subject to the fine and penalty for each day. In the event that a meter needs to be replaced due to disabling actions or tampering, said person or entity is also subject to current replacement cost of meter with installation."

A motion to approve Ordinance No. 1304 was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 4 to 1. Mr. Carnahan stated he voted no due to the fact this was a late item and he hasn't had a chance to read it.

NEW BUSINESS

1. Boat Bash 2018 Request

Chief Wilkening stated Pine Crest asked the Fire Department if they would provide the fire boat and personnel at their event. This will be to help with boat traffic. They will also display the dive/rescue equipment. Volunteers will be manning the boat.

A motion to approve the request was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

2. JMOB Update/Ratification

Mrs. Murr reported on the August 15th JMOB meeting. The chemical phosphorus removal facility and mechanical trash rack project is complete. It came in under budget by \$20,000. It was approved to repair the EQ Basin Liner with 100mil liner at a cost of \$173,200. That is capital costs split 50/50 between Cedar Lake and Lowell. They approved the long term control plan flow monitoring update. The hydrologic and hydraulic model proposal has Cedar Lake paying \$9,812.40 and Lowell paying \$53,087.60. NIPSCO electric service line replacement has been an ongoing item with JMOB. The electric line going to the plant and issues with the generator were originally to be repaired in 2016 by Sweeney Electric at a cost of \$24,000. Lowell's Town Manager has been working with NIPSCO and got them to come down to approximately \$14,000 to put in an overhead line. Grit removal equipment is in need of replacing. It was authorized to purchase at a price not to exceed \$110,000. That will be a 50/50 split. The headworks building furnace is going to be replaced in an amount not to exceed \$29,400. They are working on replacing water lines in the headworks building. They are still working on that item as they may be able to do the work in house. Mr. Carnahan asked that a copy of the minutes be placed in his mailbox.

A motion to ratify the JMOB update and recommendations was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

3. Right of Entry License & Construction Agreement – 9810 W. 136th Lane

Mrs. Murr stated this is for storm water work at 9810 W. 136th Lane. It is recommended they approve. It will expire with the completion of the project.

A motion to approve the right of entry license and construction agreement was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

4. South Shore Subdivision Improvement – Change Order No. 4

Mrs. Murr explained Change Order No. 4 is for adjustments to quantities for revised pavement on Peterson/Coffin based on existing conditions. Additional undercut quantity to reflect usage in the field. These updated quantities will increase the cost by

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\$17,513.58. It moves substantial completion from August 23rd to August 31st. Mr. Carnahan asked if they will be able to complete South Shore this year. Mrs. Murr stated yes. Substantial completion is August 31, 2018. A brief discussion continued on the positive comments received.

A motion to approve South Shore Change Order No. 4 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

5. Town Club Ditch Project

Mrs. Murr stated two quotes were received of the sixteen vendors solicited. The quotes have been reviewed by staff. The engineer estimated cost of the project was \$134,067, which included contingencies. Emerald Site Services came in at \$149,568 and Metro Excavating came in at \$149,768. It was recommended to award the project to Metro Excavating being an approved local contractor as well as an Indiana corporation. It has been reviewed with Mr. Austgen. Mr. Austgen added the recommendation is solid and the preference for an Indiana business is solid. They have the discretion to select the Indiana contractor versus the other. The difference is only \$200. A brief discussion continued on previous work done on Town Club Ditch. Mrs. Murr added the Town was previously awarded a LARE Grant for the project. 61% of the project up to \$100,000 will be paid for by the grant. The remainder will be paid out of wastewater and storm water utility funds.

A motion to award the project to Metro Excavating for a total of \$149,768 was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

OLD BUSINESS

1. Cedar Lake Historical Association Request

Town Administrator Murr explained at the last meeting the Historical Association had requested use of the Town pier for their historic tours. She spoke with the insurance agent and the Town would have coverage but it is a public safety pier. It is not meant for public use. Both public safety officers didn't recommend using the pier for the events. Mr. Carnahan added the Chamber made a similar request and was denied.

A motion to deny based on recommendations was made by Ralph Miller with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

TOWN COUNCIL REPORTS

- 1. Town Council** – Mr. Carnahan stated RDC met last night and approved a claim for Barnes & Thornburg for \$15,525.60. He discussed a TIF report Mrs. Gross prepared before she left. He discussed the forecasted TIF balance. He asked Mrs. Murr what the \$4,800 spent was for. Mrs. Murr explained they had an agreement with Context. The \$4,800 was for an additional two community engagements/pop-up activities. Mr. Carnahan asked if they approved anything from VS Engineering. Mrs. Murr stated no. VS Engineering gave a brief presentation to introduce themselves to the RDC. Mr. Parker asked what Context is doing. Mrs. Murr explained they are doing community engagement work to refine the economic development plan. They will attend various other community events or activities to gather what people are looking for. To see if folks are for or against economic development. They are a neutral company that is gathering information to report to the RDC. Mr. Miller stated they had an issue with an easement and standing water in Cedar Point Park. It is no longer a problem. He thanked Mr. Kubiak for his help with correcting the issue. Mr. Carnahan announced a caucus will be held on August 31st at 6:30PM at the Hanover Township Trustee's Office. Anyone interested in filing for Clerk-Treasurer needs to do so before the caucus. Mrs. Rivera stated others have said to go to the Lake County Board of Elections at least 72 hours before the caucus.
- 2. Town Attorney** – Mr. Austgen stated the Barnes & Thornburg invoice is important because the results of the services rendered may be that the Town recovers for the RDC TIF funds that were overpaid. That amount is approximately \$45,000. That engagement related to the bankruptcy of Strack and Van Til, Central Grocers, and the 2012 bond issue that resulted in Strack and Van Til being obligated for the repayment. It is anticipated to recover funds. Mr. Austgen briefly discussed the tragic event on August 15th with the death of Attorney T. Edward Page. A local resident, Bill Landske is accused in the death. He asked for everyone to keep the family and friends of Mr. Page as well as the Landske family in their prayers.
- 3. Clerk-Treasurer** – None
- 4. Town Administrator/Staff** – Mrs. Murr stated she spoke with London Witte Group and with Mrs. Gross's resignation, they have offered to assist the Town with the 2019 Budget. They anticipate there would be no charge for the assistance.

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A motion to amend the agenda and authorize London Witte Group to assist the Town was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes. Vote: 5 to 0.

Mrs. Murr stated at the last meeting Mr. Carnahan had asked about the Comcast Franchise Fees. Mrs. Gross reported on the Video Franchise Fee report that those fees are put into the General Fund and for the maintenance of easements and streetlight maintenance. Mr. Carnahan asked if it has to be used for promotion of the Town. Mrs. Murr stated no not that she was aware of. She added they anticipate having paving crews out tomorrow to assess High Grove and South Shore. Mr. Carnahan asked if 129th is not open by Wednesday could they get assistance in setting up another location for school drop-off and pick-up. Mrs. Murr stated she would work on that tomorrow with Chief Coulson after they get an update. Chief Coulson added they purchased a pet scanner and are in the process of how they will utilize it. All officers have been issued narcan. They have had training. The School Resources Officer has begun at Hanover Central Middle School. Two officers attended a four day training on proper installation of baby/child safety seats. They are in the process of determining how they will offer this service to the public. Mr. Carnahan asked about the accident outside of the Dairy Belle. He asked if extra patrols could be dispatched to the area to monitor speeding cars. Chief Coulson stated he would check into it.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Road projects are the forefront. Closing is still coming on 133rd and the Safe Routes to School project. The next scheduled Ecosystem Restoration conference call is August 23rd.

PUBLIC COMMENT

Carol Van Dorp, 7345 W. 128th Place, praised the Paramedics and Police Department for their help when she called 911 and passed out. She stopped breathing and the paramedics resuscitated her. She thanked them for coming to her aid. Cedar Lake should be proud of them. Jeremy Lee, 7008 W. 149th Avenue, voiced concerns with the Town ordinances in regards to open burning and use of firearms on his property. He lives on 16 acres and would like to use his property to shoot and use as he sees fit. He received a ticket from Cedar Lake for open burning. He asked what can be done so he is not part of the Town. He would rather be unincorporated. Mr. Austgen stated there is a disannexation statute. He suggested they take another look at the legislation. A lengthy conversation continued. Mr. Parker asked that it be an item for discussion on the September 18th agenda.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:20 PM.

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.