

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



September 18, 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	Jennifer N. Sandberg Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

APPOINTMENTS

1. Appointment of Town Council Officers

- A motion to approve Greg Parker as Town Council President was made by Randy Niemeyer with second by Ralph Miller. No other nominations were made. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Parker – Yes, Sharpe – Yes. Vote: 7 to 0.
- A motion to approve John Foreman as Town Council Vice-President was made by Ralph Miller with second by Richard Sharpe. No other nominations were made. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Parker – Yes. Vote: 7 to 0.

PUBLIC HEARING

1. Ordinance No. 1308 – 2019 Budget

- Gateway Notice** – Clerk-Treasurer Sandberg stated the notice to taxpayers was submitted in Gateway on September 7, 2018 per DLGF requirements. A copy was posted in the Town Hall and a web link is available on the Town's website.
- Clerk-Treasurer Introduction** – Clerk-Treasurer Sandberg stated the budget was completed with the help of the previous Clerk-Treasurer. Realistic estimates were a large part of discussions while creating the budget. It was noted that the Town is still in a position where the revenue doesn't meet the growth requirements of the Town. That's primarily the General Fund. Public Safety is a majority of the General Fund. Cash reserves are being used to fund those budgets. Reductions will be forthcoming. A goal of \$200,000 in reductions will help with a favorable 2019 Budget. Mr. Carnahan asked about the total budget amount. Ms. Sandberg explained the total budget to be approved is \$7,929,246. She read aloud the proposed amounts and rate. *A copy of the ordinance can be found at the end of these minutes.
- Reading of Ordinance No. 1308** – Council Member Foreman read by title only.
- Public Comment** - None
- Council Discussion** – Council Member Niemeyer asked about the sources for miscellaneous revenue. Town Administrator Murr stated a majority of the miscellaneous revenues in the General Fund are building permits and EMS fees.
- Council Decision**

A motion to approve the first reading of Ordinance No. 1308 was made by Ralph Miller with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0. Mrs. Murr added the adoptive reading will be at the October 16, 2018 meeting.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: September 4, 2018 Public Meeting

Docket: September 18, 2018 – All Town Funds \$162,347.86, Wastewater \$109,884.42, Water \$56,792.17, Storm Water \$432,397.52, 2017 RDA A, B, C Construction \$692,746.43, Payroll September 6, 2018 \$243,851.22

Manual Journal Entries: August 1-31, 2018

Little League Request: Trunk or Treat October 27, 2018 4pm – 7pm

Richard Sharpe moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by John Foreman. Council Member Carnahan commented on the number of claims for High Grove, South Shore, and Parrish Avenue projects. He asked if they were final pays or if more was to come. Mrs. Murr stated more would be forthcoming. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

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ORDINANCES

1. Ordinance No. 1299 – Lennar Annexation

Council Member Foreman read by title only.

A motion to adopt was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

2. Ordinance No. 1306 – Emergency Response Reimbursement

Mrs. Murr suggested they defer this item to the next meeting as items are being reviewed. A motion to defer was made by Robert Carnahan with second by Ralph Miller. Mr. Niemeyer asked what items need clean-up. Mr. Austgen explained statutory interpretation of entitlement of the Town and its municipal Fire Department to collect fees. There's a lot of language about Volunteer Fire Companies. The ordinance as presented has a mix of fees and charges. A brief discussion continued. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

3. Ordinance No. 1307 – Summer Winds Commercial LLC - PUD

Mr. Austgen explained this is an amendatory ordinance consideration based upon a recommendation from the Plan Commission which conducted a public hearing. They made a favorable recommendation of the zone change for the PUD with conditions of attorney review of the development agreement. The amendment would be from B-1 Zoning to Title XI – Commercial Planned Unit Development Zoning District Classification. The parcel is approximately four acres. The zoning ordinance requires ten acres minimum for such a project. The Board of Zoning appeals approved a developmental variance to reduce the area. There is a right to develop a maximum of 12 businesses within the project which have parameters on the type of businesses allowed. Subject to conditioned approval the legal description will be changed. Currently it is a meets and bounds description but will become a simple one-lot subdivision legal description. Exhibit B references it as the preliminary plat he suggested they change it to final plat. He recommended the time period of plan implementation be a condition of approval of the zone map amendatory ordinance. A brief explanation continued. Mr. Foreman added the PUD would change back to the B-1 zoning in the event nothing happens with the development within the specified time period. Mr. Austgen stated it would be a contractual act. Mr. Weiser, attorney for the developer, commented on the position of the developer. He explained the owner and developing company are both highly successful companies. They have proven track records of doing what they say they will do. A very lengthy discussion continued on the possibility of zoning conditions and the benefits of such. Council Member Foreman read by title only.

A motion to approve Ordinance No. 1307 with the contingency that if ground is not broken within two years (24 months) the rezoning will be reconsidered was made by Randell Niemeyer. Mr. Austgen suggested that before the document is executed they make certain that everyone agrees on the exhibits so there is no misunderstanding. Mr. Niemeyer concurred. A second was made by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

Mr. Austgen asked they consider a motion to approve entry into the development agreement. A motion to approve was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

BZA

1. JCT Holdings LLC – 11222 W. 132nd Avenue – Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Special Use Variance to allow the Petitioner/Owner: Charles J. Guhl to run an electrical wiring business Monday-Friday from 8:00 am – 5:00 pm; with five (5) designated parking spots; outdoor storage of customer property not to exceed seven (7) days; and permitted signage only. By a vote 5 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on September 13, 2018. Council Member Carnahan stated based on what he's read and what he's heard, this individual keeps the property immaculate.

A motion to approve the Special Use Variance was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

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2. Cedar Lake United Methodist Church – 7124 W. 137th Place - Special Use Variance

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Special Use Variance to allow the Petitioner: Ken Puent to operate multiple businesses on a lot. By a vote 5 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on September 13, 2018. Mr. Austgen stated it is going down the right path to get it compliant with code. A public hearing was conducted. A brief discussion continued.

A motion to approve the Special Use Variance was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

NEW BUSINESS

1. Parrish Avenue Project – Change Order No. 1

Town Administrator Murr explained this is for soil stabilization. The findings were discovered after soil analysis was completed by ATC and Rock Solid. The change order total is for \$70,449.90. Mr. Simstad explained they found the soil issues on the south end of the project for approximately the first 3800 feet. They looked at several stabilization options. Fifteen inch deep cement stabilization was the most cost effective. It ended up being about \$35,000-40,000 cheaper than a full dig out with undercuts. They knew during the design process they would have some of these issues. Fortunately, the contract came in well below budget. A brief discussion continued. Mr. Simstad added they would likely have base challenges with the northern part of the project.

A motion to approve Parrish Avenue Change Order No. 1 was made by John Foreman with second by Julie Rivera. Mr. Niemeyer asked when the road would be passable. Mr. Simstad stated technically the southern portion is possible. The contractor has until the end of the year to finish the project but they are anticipating it will be open around Halloween. A brief discussion continued on change order allowances. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

2. Cedar Lake Summerfest – Town Grounds Request 2019

Town Administrator Murr explained this is the use request for the Town Grounds for the 2019 Summerfest. Obtaining the dates and completing the resolution will come later. This request is for contracting purposes. Mr. Foreman asked the Chief's if they were okay with the five day event. Both answered yes. Mr. Carnahan commended Chief Coulson for being at each day of the event from morning until night.

A motion to approve the Town Grounds Request for 2019 was made by Robert Carnahan with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

3. Dixon Engineering Professional Services Agreement

Town Administrator Murr explained a few meetings ago the engaged NIES Engineering to prepare the design for an elevated tank for the east side water system. Part of that agreement included having a coating specialist review the bid specifications for the project. Dixon Engineering will look at the specifications NIES Engineering is going to include in their design. The cost will be an hourly rate of \$160 with an estimated not to exceed total of \$1,000. Mr. Carnahan asked why they hired a company in Michigan and not in Indiana. Mr. Simstad stated he would recommend they hire the best regardless of zip code. Dixon is the best. Every community that works with Dixon speaks highly of their work. Mr. Foreman commented on the low estimate. Mr. Simstad stated it is not a lot of work but it is specialized work. Mr. Carnahan asked if they put the well over there will they drain the neighborhood wells in the area. Mr. Simstad stated they will not be putting a well there. This is strictly a storage tank to deal with peak hour flow and provide a moderate increase to average day demands. Mr. Carnahan asked where the water will come from. Mr. Simstad stated the production facility as it exists in Robin's Nest and they are looking at additional facilities to acquire to the south of this area. A brief discussion continued.

A motion to approve the professional services agreement was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

TOWN COUNCIL REPORTS

- 1. Town Council** – Mr. Parker discussed two locals that are battling cancer. Josh is a local who previously served in the military and is battling lymphoma. A gofundme has been set up to help with medical expenses. There is an upcoming benefit for the VanDrunen family. All monies raised will go towards medical expenses. Mr. Parker asked for an update for Mrs. Govert on Wicker Meadows. Mrs. Murr explained they were working with an adjacent property owner and those communications are ongoing. As it stands now the owner of the parcel that is needed for the proposed project and the alternative has not participated yet. They are having the engineer look at possible alternatives. Mr. Kubiak

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reported that since they put the overflow in the detention pond has helped. It was installed about two years ago. It was never installed originally with the development and that was a major part of the water problems. He stated he's been out there in hard rains since installation and there have been no problems. A brief discussion continued on disclosure. Mr. Carnahan stated he would like to get a proclamation prepared for Fire Prevention Week. Mr. Parker asked Chief Wilkening if he figured out how to participate with all the schools. Mr. Wilkening stated they are going to have Fire Prevention Month. This way they will be able to visit each school. Mrs. Rivera reported that Charlie Kaper has agreed to the Southcom PSAP executive board appointment.

2. **Town Attorney** – None
3. **Clerk-Treasurer** – Ms. Sandberg reported as they wait for the budget adoption and approval from the DLGF her office will go through the 2018 budget and determine possible reductions.
4. **Town Administrator/Staff** – Mrs. Murr stated there is no status update for the ecosystem restoration feasibility report. They will cancel the scheduled conference call. It is normal for the review process to take a little while. Road projects are ongoing and coming to completion. High Grove finishing up drives and restoration work. The surface layer is being completed in South Shore. Mr. Carnahan asked about the cancellation of meetings for the ecosystem restoration project. Mrs. Murr stated they are still communicating by email. It doesn't make sense to waste dollars to call and say there is no update. Mr. Carnahan asked about the Jane Ball safe routes to school project. Mrs. Murr stated the project is complete they are awaiting the INDOT closure. Mr. Niemeyer added with the closing of the three projects currently being done will be approximately \$18 million spent on road projects. A lot of progress had been made in the last eight years. Mr. Carnahan asked about the roundabout. Mrs. Murr stated the project let for \$1.38 million. That is approximately \$30,000 under the engineer's estimate. The process is going through INDOT process now. Walsh & Kelly was the low bidder. That project will be working its schedule out as they move forward. Chief Coulson mentioned they are co-sponsoring an On the Table Event with the Chamber at St. Michael's on September 26, 2018.

WORK SESSION

1. **Weapons Ordinance** – Chief Coulson stated he has been discussing the matter with Mrs. Murr. They are looking over the prior ordinance. Mrs. Murr added they previously adopted an ordinance on weapons regulation. They previously asked for it to be reviewed again to discuss some of the regulations that were in prior ordinances but not in the updated ordinance. This includes items such as acreage, shooting ranges, and special events. A very lengthy discussion continued on weapons regulations and calls in regard to shots fired or other related incidents.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering Report – Previously reported.
2. Building Department Report – As of 8/31/18, there have been 116 new permits for a total residential value of \$19,515,731 and 319 alteration permits with a value of \$4.4 million.
3. Josh's Journey Against Lymphoma - Previously discussed.

Mrs. Murr recommended they cancel the October 2, 2018 meeting due to most of the Council attending the 2018 AIM Summit. A motion to cancel the October 2, 2018 meeting was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0. She reminded them that garbage service dates will be changing beginning October 1, 2018. West of Cline Avenue will be on Mondays and east of Cline Avenue will be on Tuesdays.

PUBLIC COMMENT

Carol Van Dorp commented she loves it out here but she doesn't think she would tell anyone to move out here. She voiced concerns with the growth and the plans and stated they will be turning this place into a suburb like you find in Cook County. She thinks it's sad they are destroying a safe area to live in. A brief discussion continued.

Austin J. Verbeek, 14230 Magoun Street, commented he thinks to help with the growth would be the inclusion of public municipal broadband. He read a proposal aloud. Mr. Niemeyer asked if research has been done on cost or implementation. Mr. Verbeek stated he has not but wanted to throw out the idea to them.

Jeremy, 7008 W. 149th Avenue, asked for clarification on the weapons ordinance. Mr. Parker stated they are still bouncing around ideas. Jeremy asked about the burning ordinance. Mr. Parker stated that is a Lake County ordinance. Mr. Niemeyer asked Chief Wilkening about the law. Chief Wilkening stated it is a state law through IDEM. He believes there are a total of five counties included. Mr. Parker commented on the citizen having infested trees. Chief Wilkening stated there are provisions for infestations. Further research would need to be done. Discussion continued on local and state burning laws.

Pastor Ken Puente commented that on October 13th they will be having a Nelson's Chicken fundraiser with the Knights of Columbus.

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ADJOURNMENT President Parker called the meeting to adjournment at 9:00 PM.

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

Greg Parker, President, Ward 6

John Foreman, Vice President, Ward 2

Robert H. Carnahan, Ward 1

Ralph Miller, Ward 4

Julie Rivera, Ward 3

Randell Niemeyer, Ward 5

ATTEST:

Richard Sharpe, Ward 7

Jennifer N. Sandberg
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.

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ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/12/2018 12:25:32 PM

Ordinance Number: **1308**

Be it ordained/resolved by the **Cedar Lake Town Council** that for the expenses of **CEDAR LAKE CIVIL TOWN** for the year ending December 31, **2019** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **CEDAR LAKE CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Cedar Lake Town Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Cedar Lake Town Council	Town Council	10/16/2018

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$0	\$0	0.0000
0101	GENERAL	\$4,511,414	\$2,935,006	0.7036
0283	LEASE RENTAL PAYMENT	\$301,450	\$581,714	0.1394
0342	POLICE PENSION	\$198,750	\$0	0.0000
0706	LOCAL ROAD & STREET	\$278,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$600,050	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$54,800	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$261,128	\$208,580	0.0500
2430	REDEVELOPMENT - GENERAL	\$44,700	\$27,692	0.0066
2482	REDEVELOPMENT BOND	\$332,000	\$53,116	0.0127
2487	REDEVELOPMENT BOND EXEMPT FROM CIRCUIT BREAKERS	\$365,500	\$305,562	0.0732
		\$6,947,792	\$4,111,670	0.9855

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	Lake County Solid Waste	\$75,477
9501	Casino Gaming	\$249,000
9502	Park Non-Reverting Operating	\$45,000
9503	Law Enforcement Continuing Education	\$40,000
9504	CEDIT	\$362,450
9505	Tourism Innkeeper's Tax	\$4,725
9506	LOIT Public Safety	\$204,802
9507	LOIT 2016 SPECIAL DISTRIBUTION	\$0
		\$981,454