

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



February 5, 2019

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, CPM, IAMC, MMC Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC HEARING**

**1. Ordinance No. 1317 - Public Way Vacation - Rago**

**a. Attorney's Review of Legals** – Town Attorney Austgen stated the notices were published but the proofs of publication have not yet been received. Any action taken should be contingent upon receiving the newspaper affidavits. The adjourning owners were notified by certified mail.

**b. Opening Remarks** – Town Administrator Murr brought up the 15 foot public alleyway on the Lake County GIS to show the location being considered. Mr. Parker asked if this was a walkway. Mrs. Murr stated yes. The Town has vacated other portions at prior meetings. A brief discussion continued on the area.

**c. Reading of Ordinance No. 1317** – Council Member Rivera read by title only.

**d. Remonstrators** - None

**e. Town Council Discussion** – Mr. Niemeyer asked where it was in relation to other neighborhoods or with access to the lake. Mr. Kubiak stated it was at the end of 139<sup>th</sup> Avenue by Huseman Street. He described the location being close to the lake access for the neighborhood. It will not disrupt others from having access to the lake.

A motion to approve Ordinance No. 1317 contingent upon receipt of the newspaper affidavits was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – No, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 6 to 1.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**Minutes:** January 15, 2019 Public Meeting

**Claims:** All Town Funds: \$485,324.05; Wastewater Operating: \$80,406.82; Water Utility: \$46,806.57; Storm Water: \$19,204.55; 2017 RDA A, B & C Construction: \$176,361.30; Payroll 1/24/19 & 2/1/19: \$184,176.44

**Donations:** \$50 from Mary Jo Blankley to the Cedar Lake Fire Department

**Clubhouse Waiver:** CL Keenagers Motion to accept and waive the reading

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. Mr. Carnahan commented on Parrish Avenue and Lincoln Plaza being in the claims and asked if they were the final payments. Mrs. Murr stated Lincoln Plaza is completed. Parrish Avenue is not complete. The Redevelopment Commission approved the claim for Lincoln Plaza at their last meeting. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1315 – Fire Pension Board**

Council Member Rivera read by title only. Mrs. Murr explained in September 2018 there was a resolution for full-time firefighters to be able to join the 1977 Police Officers and Firefighters Pension Disability Fund. This ordinance is to establish the pension board. It is statutorily required. They are still addressing vacancies in the ordinance. It is recommended they approve the first reading and they will have the update for the next meeting. Mr. Carnahan asked Mr. Austgen if the Town were to be in such bad shape and only had enough money to pay for police pensions, that it would be their first obligation

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

no matter what. Mr. Austgen stated that is correct. Mr. Carnahan asked if the same was true for fire pensions. Mr. Austgen stated the same would apply.

A motion to approve Ordinance No. 1315 was made by Julie Rivera 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.

**2. Resolution No. 1233 – Summerfest 2019**

Council Member Rivera read by title only. Mr. Gordon Dickson asked about Section 11 and the additional insurance requirement. Mrs. Murr explained the Town's insurance representative reviewed the agreement. One of the things the Town doesn't have from Summerfest is the insurance coverage for their workers or volunteers. The Town has the liability for the property. Summerfest itself should have coverage for their entity. This is similar to the museum entity having coverage. Mr. Carnahan asked who the Town's agent was. Mrs. Murr stated it was Henriott Group. Mr. Dickson stated that is a considerable expense. He voiced concerns with the amount of money it would cost. Mr. Foreman suggested they brainstorm some ideas. The Town's hands may be tied with this item coming from the insurance company. Mr. Foreman asked if it was possible to cut costs by having one evening of fireworks. Mr. Dickson stated they rely on the parking costs of those evenings. Mr. Niemeyer asked what kind of insurance coverage they currently have for their workers in case someone gets injured. Mr. Dickson stated they were under the impression that Section 14 of the resolution covered them. A brief discussion continued on coverage. Mr. Foreman asked about the possibility of a rider. Mr. Austgen stated an alternative would be to review with Henriott and the carrier to see if an umbrella is possible. Mr. Dickson stated they can't move forward with any contracts until this Resolution is signed. He asked about getting this settled within the week. A brief discussion continued on the financial state of the Summerfest and the ability to cover additional insurance. Mr. Foreman asked what prompted this item this year. Mrs. Murr stated they began a review of it last year and updated Exhibit A with some items that hadn't been updated in over five years. Mr. Dickson stated the standards of the amounts aren't unheard of it's just an expense they haven't had before. A brief discussion continued.

A motion to approve Resolution No. 1233 contingent upon Section 11 and some sort of umbrella being agreed upon by all parties including the insurance company was made by Randell Niemeyer with second by Richard Sharpe. Further discussion continued on fireworks and traffic during Summerfest. A gentlemen in the audience suggested increasing the fee for parking. It was stated that would be up to the discretion of the Summerfest committee. 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.

**NEW BUSINESS**

**1. Town Club Ditch Change Order #1**

Mrs. Murr explained Change Order #1 is for an increase of \$11,622. This is due an extension of the project. They improved a culvert and changed some of the stabilization stone out to boulders. This is part of the LARE Grant the Town obtained. This is a storm water and wastewater project. Mr. Carnahan stated the project is a little over 700 feet long and there are ten full size boulder step pools and two smaller ones. The area takes water that comes from up by MacArthur School. It also stops some of the sediment from getting into the lake.

A motion to approve Town Club Ditch Change Order #1 was made by Ralph Miller with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**REPORTS**

- 1. Town Council** – Mrs. Rivera mentioned that Town Hall was a warming center during the cold snap. As far as she knows no one had to utilize it. She voiced concerns with the warming center lacking a generator. She knows it is costly but thinks they should look into it. Mrs. Murr stated they are looking into costs. A FEMA grant is being looked into as well. Mr. Kubiak stated they are looking at the cost of a generator for the Clubhouse. There is more space at the Clubhouse as well as larger bathrooms. Mrs. Rivera suggested the Town Hall still be looked at as a secondary location. A brief discussion continued. Mr. Foreman stated he met with Chief Coulson and Chief Wilkening to discuss how to better utilize resources for public safety. They will be working on some of these ideas and reporting in the weeks to come. Mr. Niemeyer stated he's been following state legislature and there are some items that could be damaging to municipalities. He read a synopsis of Senate Bill 472. This law goes into depth about utilities and the criteria that must be met

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
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or a utility may be taken over. The Town by definition could be considered an offered utility. He feels this bill is in favor of a utility monopoly and doesn't give the ratepayers the say they have through their Town Council. He proposed the Council formalize their function as a utility board and hold monthly meetings. A brief discussion continued. Mr. Niemeyer made a motion to amend the agenda and allow an enabling ordinance for a utility board to be considered. A second was made by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

A motion to direct the Town Attorney to create the ordinance to enable the utility board be formed and function under their statutory authority was made by Randy Niemeyer 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.

Mrs. Rivera commended the street department on their hard work during the inclement weather.

**2. Town Attorney – None**

**3. Clerk-Treasurer** – Ms. Sandberg stated she is continuing to cross-train staff in her office to improve skills and create efficiency in the office. Recently a few staff members traveled to Highland for a cash handling training through the Associate of Public Treasurers. It was a beneficial training to help them improve upon skills. Mr. Carnahan added that Ms. Sandberg is running the office one person short. She never hired another after taking over the position of Clerk-Treasurer.

**4. Town Administrator/Staff** – Mrs. Murr stated they are coordinating a Chicago Cubs group trip for July. More information will be forthcoming. Soccer registration will begin next month. Mr. Carnahan asked if someone would be at the Chamber Business Showcase to do soccer sign-ups. Mrs. Murr stated yes they would be doing registrations again. An update call will be held tomorrow on the Ecosystem Restoration Project. Mrs. Murr and Mr. Oliphant are attending NIRPC committee meetings in regards to trail projects and improvement grants available. They will be attending those meetings and reporting back on how those projects stack up against others in the area. Chief Coulson reported that INDOT did a traffic study on US 41 in regards to the previous speed limit of 55mph by Burdan Funeral Home. The speed has been reduced to 45mph in both directions. There will be a meeting Friday with DNR regarding the pier. There is a possibility of a grant being available through DNR to update and expand the pier.

**WRITTEN COMMUNICATION**

- 1. Christopher B. Burke Engineering Report** – Previously reported.
- 2. Hanover Community School Corporation** – Re-Appointment of Denny Wilkening

**PUBLIC COMMENT**

Diane Jostes, Chamber of Commerce, reported the annual Business Showcase will be Saturday, March 23 in the west gym at Hanover Central High School. They hope the Town will participate again. She discussed the various door prizes such as Amazon Echo Dots and a Fire Tablet. There will be no charge to get in. Mrs. Jostes asked about the insurance for the Summerfest and if it would affect the symphony. Mrs. Murr stated she would ask. Mrs. Jostes stated the symphony will be in Town of July 20<sup>th</sup>.

Gordon Dickson, 8711 W. 132<sup>nd</sup> Place, asked about the request for some of the tourism money. Mrs. Murr stated she hasn't seen a request. She asked for a copy of the letter. Mrs. Rivera stated they haven't allocated any of the money yet.

**ADJOURNMENT** President Foreman called the meeting to adjournment at approximately 8:10 PM

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

\_\_\_\_\_  
John Foreman, President

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Julie Rivera, Vice President

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Robert H. Carnahan

\_\_\_\_\_  
Ralph Miller

\_\_\_\_\_  
Randell Niemeyer

\_\_\_\_\_  
Greg Parker

ATTEST:

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Richard Sharpe

\_\_\_\_\_  
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.