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  
Present John Foreman  
Council Member  
Present Julie Rivera  
Council Member  
Present Ralph Miller  
Council Member  
Present Randell Niemeyer  
Council Member  
Present Greg Parker  
Council Member  
Present Richard Sharpe  
Council Member  
Present Jill Murr, CPM, IAMC, MMC  
Town Administrator  
Present David Austgen  
Town Attorney

RECOGNITION
Lieutenant Robert Forsell, Police Officer Eric Godoy, Police Officer Douglas Machalk, Firefighter/Medic Bradley Biegel, and Firefighter/Medic Amy Early were presented lifesaving awards for their actions on June 12, 2019. All were credited for saving the life of a choking victim.

PUBLIC COMMENT
Deborah Howe, 13800 W. 138th Avenue, commented on BZA item number two on the agenda. Drainage issues of that property due to blocked culverts cause saturation on her property. Ms. Howe was told by the State that property owners are responsible for maintaining culverts. Ms. Howe added the petitioner did not present a site plan at the BZA meeting. She has not attended Storm Board meetings but has discussed the issue with the Town and Town Administrator. Discussion followed on solutions.

Robert Gross, 8505 W. 140th Avenue, asked for Council’s support on the ecosystem project. Mr. Gross offered his continued support and stated he will do his best to continue to raise money to get the project done.

CONSENT AGENDA:
1. Minutes: August 6, 2019
2. Claims:  
   All Town Funds: $144,655.55; Wastewater Operating: $145,221.71; Water Utility: $33,768.00; Storm Water: $10,557.60; 2017 RDA A Construction: $50.50; Payroll: August 8, 2019 - $243,879.37
4. Clubhouse:  
a. Cub Scouts – August 22, 2019 through May 14, 2020  
b. Girl Scout Troop 30471 – September 10, 2019 through May 12, 2020
5. Use Request: St. John Evangelist Oktoberfest
6. Lake County Board of Elections – Election Day request on November 5, 2019

A motion to accept and waive the reading of the Minutes and accept the Consent Agenda as listed was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

BZA:
1. David Carey, Owner & Debra Campbell, Petitioner – 13530 Morse St. Use Variance  
The Board of Zoning Appeals certified a favorable recommendation for requested use variance. No paraphernalia or tobacco like products will be sold. Ms. Campbell explained the products are hemp based, THC free, and come from a FDA approved supplier. She continued to speak of the medical quality and uses. Mr. Parker asked if there was a site plan. Mr. Austgen stated a site plan should be considered but unfortunately the BZA made this decision without one. Mr. Kubiak felt a site plan was not needed because the former owner presented one and there will be no physical changes to the property. Mr. Austgen disagreed. Discussion followed on businesses potentially not being treated the same. Consistency was also discussed. Mr. Forman explained the petitioner went to the BZA for a zoning change from B-1 to B-2. They could have opened the business without appearing before the board if the zoning did not have to be changed.

A motion to approve the use variance based on the BZA recommendation was made by Julie Rivera with second by Robert Carnahan.
NEW BUSINESS:

2. **Midway LLC, Owner & Robert Schrum, Petitioner – 13106 Wicker Ave. Use Variance**

The Board of Zoning Appeals certified a favorable recommendation for requested use variance with set conditions. Mr. Carnahan asked petitioner how they will address the drainage issue. Petitioner will do everything they can to alleviate the problem.

Mr. Parker again raised the question of a site plan submission. Mr. Kubiak explained this item is for a use variance, permitting will dictate what conditions are to be met and if a site plan is necessary. Mr. Parker asked if Mr. Austgen concurred. Mr. Austgen replied he had an entirely different concept of planning and use variances. Discussion followed on possible lack of communication with petitioners, confusion, and interpretations of processes. Mr. Austgen discussed requirements, code and laws for variances.

A motion to approve the use variance based on the BZA recommended conditions, subtracting hours of operation, including repairs or replacement of compromised culverts was made by Randy Niemeyer with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 7 - 0.

NEW BUSINESS:

1. **USACE Design Agreement (deferred from August 6, 2019)**

Mr. Foreman spoke on the history of the project. The agreement is not necessarily theLocally Preferred Plan, but we may opt out of the agreement at any time. He also discussed involving a marketing company, seeking grants and other sources of funding.

The Town Administrator Murr stated the United States Army Corp Civil Works approved the feasibility report in April. The design agreement should include a memorandum agreement between the Town and Chicago District for transparency. Items to include are how the district would request a cash contribution, how they would spend their 65% of the design cost; the Town will obtain a design consultant and direct the attorney to prepare a reimbursement resolution for the Eco-System design cost to recapture finances.

Mr. Parker asked Mr. Austgen if we can opt-out if we have a signed agreement. Mr. Austgen replied no, that both parties would have to agree. Mr. Niemeyer stated we have no identifiable revenue fund other than federal, state and local law. Mr. Carnahan suggested involving the State for a possible Article IV of the agreement pertaining to termination liabilities. Discussion followed on possible lack of communication with petitioners, confusion, and interpretations of processes.

Ms. Murr explained Article III - Method of Payment from the agreement. Potentially the first payment may not be due until 2020. Ms. Haase anticipates they will ask for the first $200,000.00 payment and the $141,000.00 upfront for a total of $341,000.00. The Town will be billed for the continuing design along with semi-annual billing. There is no amortization schedule because there is no fixed cost for the project. Discussion ensued on projecting revenue stream, increasing fees, and cutting costs to fund the project. Ms. Haase pointed out operating costs, debt obligations, upgrades to the Lowell Plant, and dedicated projects are coming out of that fund. She estimates it will take two to five years to recapture the cost of the design project based on the 2017 analysis. Mr. Niemeyer
wants a financial analysis before voting on the agreement. Mr. Foreman deferred the USACE Design Agreement to September 17, 2019 and added an Engagement Agreement with London Witte as the next item.

1.5 London Witte Engagement Agreement
Mr. Niemeyer made a motion to engage London Witte Group to analyze the source of revenue cited for the USACE agreement, balance that against capital needs, and authorize the Town Council President to authorize the agreement with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 7 - 0.

2. Property Transfer
Ms. Murr explained the transfer of Town owned property located at 13424 Morse Street to Yvonne Taves in exchange for her property located at 13336 Morse Street. The parcels are approximately the same size and same values. Mr. Austgen added this is a simple process.


REPORTS
1. Town Council – Mr. Carnahan wants support to petition the USPS to get a mailbox in front of Town Hall and asked permission to move forward. Mr. Niemeyer made a motion to support the effort with second by Mr. Sharpe. Motion carried by a 7-0 voice vote. Mr. Parker talked with Becky Govert. She received an offer and for real estate disclosure purposes had requested documentation that her flooding issue had been fixed. She asked Mr. Parker if the Town would be responsible for damages if the property floods again. Mr. Austgen replied all we are saying is we’ve corrected conditions that caused flooding. It is not an insurance policy, no guarantee. Mr. Austgen is working on a draft letter that states conditions that caused damage to her property have been corrected and will not draft a letter guaranteeing anything.

2. Town Attorney – None
3. Clerk-Treasurer – Budget talks with department heads are continuing.
4. Town Administrator/Staff – Ms. Murr is working on dates for a budget work session. An email will go out shortly. A request letter from an adjacent property owner in Wicker Meadows was received and will be forwarded to Council and the attorney. A meeting is scheduled for September 13, 2019 with Don Oliphant, Commissioner Tippy, Mr. Emerson, and interested parties concerning the Wicker Meadows parcel. Ms. Murr asked the Council to take action on the LED road closure signs that were rented for one month. She asked if they want to continue renting the signs at a cost of $1,300.00 per sign. A motion to keep the signs was made by Mr. Carnahan with second by Mrs. Rivera. Motion carried by a 7-0 voice vote. Ms. Murr reported on the LSD/Cline Avenue project; underground work is continuing. A construction meeting with INDOT will be held tomorrow morning.

WRITTEN COMMUNICATION
1. Christopher B. Burke Engineering Report – Ms. Murr reported on the Highland project. NIPSCO wants to replace all gas mains and relocate utility poles pushing the project to spring of 2020.

Mr. Foreman commended Chief Wilkening and the volunteers on the Firemen’s’ Ball. Mr. Carnahan commended Chief Wilkening on the Wetting-Down Ceremony for the new firetruck. Mr. Parker asked about waiving fees for the Boys and Girls Club flooring project. Mr. Foreman amended the agenda to include this item. A motion to waive permitting fees for M&M Contracting and R&R Floors for this project only was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Parker – Yes, Miller –Yes, Niemeyer –No, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 1.

PUBLIC COMMENT
Jennifer Wilson, 8337 W 128th Pl, asked Council to keep in mind infrastructure is just as important as improvements. She discussed mentoring new board members and reminding them that they are there to do something. Drainage improvements in her area two years ago were not done properly and the issue has not been resolved. Her multiple requests to fix the issue have been ignored. Ms. Wilson adamantly discussed issues by Zip Foods, Hilltop area, potholes, dangers of the road closure, and attention to infrastructure.

Chuck Becker, 6100 W 136th Place, commented on two items. He requested better notification for water advisories. Discussion followed on the CodeRed system and other ways to communicate with the public. Flooding at 7513 W 136th Avenue is still an issue. He asked if the
Town would finish 136th Avenue to alleviate some of the flooding. Discussion followed on current plans for that area. **Charlie Kaper**, 8602 Lake Shore Drive, commented on the roundabout road closure. People are constantly calling to say they can’t find their building. Their walk-ins have decreased significantly. Anything the Town could do for signage would be appreciated. A brief discussion continued on signage in the closure areas.

**ADJOURNMENT** Council President Foreman called the meeting to adjournment at approximately 9:30 PM