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

June 21, 2016

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	Amy J. Gross, IAMC, MMC, CPM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Jill Murr, CPM, IAMC Town Administrator	, MMC
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

Special guests present were Kay Whitlock, Christopher B. Burke Engineering and Imad Samara, US Army Corps of Engineers.

PRESENTATION: ECOSYSTEM RESTORATION - US ARMY CORPS OF ENGINEERS

US Army Corps of Engineers, Project Engineer, Imad Samara, gave a presentation on the status of the Ecosystem Restoration Project.

PUBLIC HEARING

2017 Proposed CCD Rate Re-Establishment

- **a.** Legal Notice Town Attorney Mr. Austgen stated the proofs of publication were received from the Post-Tribune and The Times.
- b. Clerk-Treasurer's Comments Clerk-Treasurer Gross discussed this being a reestablishment of the Cumulative Capital Development Fund rate. You have to reestablish the rate because the maximum is five cents per \$100.00 of assessed value and every year the rate goes down. This is a requirement in order to bring the rate back up to the maximum of five cents.
- c. Town Council Comments None
- d. Public Comments None
- e. Resolution No. 1168 Clerk-Treasurer Gross read Resolution No. 1168.

Motion to approve Resolution No. 1168 made by Richard Sharpe with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

PUBLIC COMMENT

None

CONSENT AGENDA

Minutes: June 7, 2016 Public Meeting Minutes

Docket: June 21, 2016 - All Town Funds \$288,600.88, Wastewater \$41,756.74, Water

\$32,461.92, Storm Water \$7,851.62, Payroll 06/16/16 \$155,185.98 **Donations:** VIPS – Hanover Central Band Boosters \$275.00

Ralph Miller moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1244 - Zoning Amendment - Monastery Woods Development, LLC (Strategic Plan: A Secure Future, An Effective Organization)

Council Member Parker read by title only. Town Administrator Murr reported that at the last meeting the Council voted to approve the favorable recommendation that was sent to rezone this property from R-M to R-2. This ordinance clears that up legally.

A motion to approve the 1st reading of Ordinance No. 1244 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

Council Member Parker Read Ordinance No. 1244 by title only.

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Motion to adopt Ordinance No. 1244 made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0

BZA

1. Variance of Use - Mark Lesniak, 13300 Lincoln Plaza

The Board of Zoning Appeals sent an Unfavorable Recommendation to the Town Council for the requested Variance of Use to allow the Petitioner to have Entertainment and Alcohol. Town Attorney Austgen stated that the area is zoned B-1 but the uses requested are B-2. Based on the findings of fact, the BZA sent an unfavorable recommendation. Council Member Foreman discussed the Lincoln Plaza area and there being a lack of adequate parking. He made a motion to defer. No second made. Motion died. Council Member Carnahan gave a brief history on the area. President Niemeyer asked if a petitioner was present. No petitioner was present. Council Member Foreman made a motion to send the item back to the BZA, with the direction to re-evaluate the occupancy. No second made. Mr. Kubiak added that the petitioner began construction without approval or proper permits. There are 58 parking spaces for the entire Lincoln Plaza. This business would require 80 parking spaces. Mr. Kubiak asked the petitioner to begin by putting together a parking plan and the petitioner still has not attempted to do so.

Motion to deny the variance of use based on the unfavorable recommendation made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – No, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 6 to 1

NEW BUSINESS

1. 133rd Avenue Phase II – Change Order Nos. 24 & 25 (Strategic Plan: A Secure Future; An Engaged Community)

Town Administrator Murr discussed that as the Phase II project is winding down change orders are being finished up. Change Order No. 24 is for the handrail, which is part of the redesign, in the amount of \$9,118.08. Change Order No. 25 is for curb ramps and concrete work, also part of the redesign, in the amount of \$878.08.

Motion to approve Change Order Nos. 24 & 25 as listed made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

2. CEDIT Fund Transfer (Strategic Plan: An Engaged Community; A Thriving Community)

Council Member Foreman stated that he would like to make a donation into the newly established fund for the Ecosystem Restoration Project by transferring County Economic Development Income Tax money in the amount of \$15,000.

Motion to approve CEDIT Fund Transfer in the amount of \$15,000 to the Ecosystem Restoration Project made by John Foreman with a second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

3. Summerfest Donation Request (Strategic Plan: An Engaged Community, A Thriving Community)

Town Administrator Murr drafted a donation request letter after direction to, was made at the last Council meeting. President Niemeyer read the letter requesting the Summerfest consider a donation to the Ecosystem Restoration Project.

Motion to approve Council Member Niemeyer's signature on the request letter made by John Foreman with a second by Greg Parker. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

4. Equipment for Destruction (Strategic Plan: An Engaged Community)

Town Administrator Murr stated that at the Public Works Department there is a 1972 ASM Arrow Warning Sign Trailer that is non-functional. It is recommended to scrap the item. Complaints have been received about the trailer sitting there.

Motion to approve equipment destruction made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes. Vote: 7 to 0.

5. Town Hall HVAC Replacement (Strategic Plan: A Thriving Community)

Town Administrator Murr discussed an aging HVAC unit at the Town Hall. Quotes were solicited from four companies. Two were received back. The first quote received by Davco Refrigeration for \$7,486. The other quote was received from Illiana Heating and Air Conditioning, Inc. for \$8,494. She recommended that they ratify the purchase and installation of the Town Hall HVAC unity by Davco Refrigeration. She stated she applied for a NIPSCO Energy Incentive Grant to help offset the cost.

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Motion to approve Town Hall HVAC replacement by Davco Refrigeration in the amount of \$7,486 made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Parker – Yes, Niemeyer – Yes, Vote: 7 to 0.

TOWN COUNCIL REPORTS

- 1. Town Council Council Member Carnahan gave a brief report on the Flag Day Services held June 14. President Niemeyer stated he received a comment from someone from Lowell who stated they love coming into Cedar Lake this time of the year because of the patriotic feel with all the flags around the lake. Mr. Carnahan added that the flags were a donation from Mr. Charlie Kaper at the Cedar Lake Florist. Council Member Foreman asked about the mowing done at the Eller Brady Funeral Home. Mr. Kubiak stated Public Works did part of the lot. Mr. Foreman stated it looks much better.
- 2. Town Attorney None
- 3. Clerk-Treasurer Clerk-Treasurer Gross stated she will be picking up the Spring Tax Distribution tomorrow and then the temporary loans can be repaid.
- 4. Town Administrator/Staff Operations Director Tim Kubiak gave a brief update on the Public Works Department.

WRITTEN COMMUNICATIONS

1. Christopher B. Burke Engineering – The Safe Routes to School Project is underway.

PUBLIC COMMENT

Rebecca Govert, 11521 W 127th Lane, voiced concerns with Wicker Meadows and disclosing information for those who may seek to sell their home. She asked for an update regarding Wicker Meadows. Council Member Rivera asked when they could expect the appraisals. Town Administrator Murr stated she anticipates the appraisals being ready by the next Council meeting.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 8:10 PM.

An Executive Session was advertised and conducted at 6:00 PM and following the meeting, pursuant to IC 5-14-1.5-6.1(b). Refer to Memorandum of Meeting for topics discussed and those in attendance.

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		
Amy J. Gross, IAMC, MMC, CPM 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.