

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



May 21, 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

Ordinance No. 1335 – Rietveld Public Way Vacation

- Attorney’s Review of Legals** – Town Attorney Austgen stated legals are in order and the notice of public hearing was duly published. The notice to the adjacent property owners was made.
- Opening Remarks** – Town Administrator Murr noted that the property to the north, in 2011, a vacation similar to this one was approved.
- Reading of Ordinance No. 1335** – Town Council Member Rivera read by title only.
- Remonstrators** - None
- Town Council Discussion** – President Foreman stated he looked at this on the GIS. He stated it is a small, narrow strip of land between properties Mr. Rietveld already owns. President Foreman noted the petitioner was present.

A motion to approve Ordinance No. 1335 was made by Randell Niemeyer with second by Julie Rivera. Roll call vote: Carnahan – No, Parker – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 to 2. Mr. Austgen noted the second reading would be on the next agenda.

PUBLIC COMMENT (*on agenda items*)

Sheri-Lyn Schubert spoke on behalf of the Farmers Market Agreement on the agenda. She thinks it is something our Town needs. Kelly has compiled over 50 vendors for the event. She asked the Town to consider giving a portion of the innkeeper’s money toward advertising and small fees. It was stated the funds had already been allocated for the year. She asked them to keep the market in mind for next year. Mr. Parker asked what month would be best to put in a request. Mrs. Murr stated January.

CONSENT AGENDA:

- Minutes:** April 16, 2019; April 30, 2019
- Claims:** All Town Funds: \$547,457.53; Wastewater Operating: \$139,880.20; Water Utility: \$83,967.52; Storm Water: \$33,927.19; 2017 RDA A,B, & C Construction: \$680.27; Payroll: April 18, 2019; May 1, 2019; May 2, 2019; May 16, 2019 - \$574,859.65
- Manual Journal Entries:** April 1-30, 2019
- Donations (Total: \$2650.00):**
 - DARE: \$1,000 (Douglas Macarthur); \$100 (Elmwood Funeral); \$100 (Austgen Kuiper Jasaitis); \$100 (Casey’s General Store); \$100 (Burdan Funeral Home)
 - Police: \$200 (Fraternal Order of the Eagles)
 - VIPS: \$867.29 (Tag Day) and \$132.71 (Judith & Ricky Aumock)
 - Cubs Bus Donation: \$50 (Cedar Lake True Value)
- Sweet Corn Sales:** June 22 – September 15, 2019 in True Value parking lot
- Town Grounds Use:**
 - Iron Horse 4x4s August 25, 2019
 - Cub Scout Pack #129 overnight camp June 14 and June 15, 2019
- Clubhouse Waiver Requests:** Cub Scout Pack 129 on Mondays 5:30-7:30 pm from August 26, 2019 – May 18th, 2020
- Nonfunctional Equipment for Disposal**

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Council Member Parker requested the claims be exempted. A motion to approve the claims except for the claim for the Veridus Group was made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – No, Sharpe – No, Rivera – No, Foreman – No. Vote: 3 to 4. Motion failed.

A motion to waive the reading of the minutes and accept the consent agenda as listed was made by Julie Rivera with second by Randell Niemeyer. Roll call vote: Carnahan – No, Parker – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 to 2.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1321 – Ravens Public Way Vacation

Mr. Ravens withdrew his application.

2. Ordinance No. 1337 – Beacon Pointe PUD Amendment

Council Member Rivera read by title only. Mr. Richard Anderson spoke on behalf of Beacon Pointe. Beacon Pointe Phase IV was approved for 72 units of quad buildings. That is being changed and their will only be 38 units. This is for a reduction of 34 units. Mr. Carnahan asked about possibly changing the names of Beacon Pointe East and West. Mr. Anderson stated the names are geographically correct. He thinks it gives continuity to the project.

A motion to adopt Ordinance No. 1337 was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

3. Ordinance No. 1338 – Beacon Pointe West Rezone

Council Member Rivera read by title only. Jack Slager, Schilling Development, stated this is the 95 acre parcel on the west side of Parrish. It was annexed into Town at the end of last year. They've been before the Plan Commission with the master plan showing primarily single family zoning with one road of duplexes. A small piece they would like to zone as business utilizing the existing historical barn on the property. A brief discussion continued on the barn. Mr. Slager stated they've spent a significant amount of time marketing the Beacon Pointe name. They'd like to continue capitalizing on that success with that continuing on both sides.

A motion to adopt Ordinance No. 1338 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

4. Ordinance No. 1336 - S-30 Town Code Codification

Council Member Rivera read by title only. Clerk-Treasurer Sandberg explained this as standard procedure. This is supplement 30 to the Town Code. This ordinance accepts Ordinances 1277-1316, which have already been passed, and places them within the Town Code. American Legal Publishing has formatted them and returned them to the Town for the code book. Mr. Carnahan asked if someone has reviewed the codification for accuracy with all the different items passed. Mr. Austgen stated it cuts out all the recital and precatory language and pulls the core out of the ordinance and codifies it for the legislative code. Mr. Carnahan asked Ms. Sandberg if it was okay. Ms. Sandberg stated it was correct.

A motion to approve Ordinance No. 1336 was made by Randell 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 to 0.

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

Council Member Rivera read Ordinance No. 1336 by title only.

A motion to adopt Ordinance No. 1336 was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

5. Resolution No. 1238 - CCD Temporary Loan

Council Member Rivera read by title only. Ms. Sandberg stated this is a confirming resolution. This is for a temporary loan of \$18,600 from Fund #633 WWTP to Fund #402

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CCD. This is to meet necessary operating expenses. She noted she will be receiving a tax advance at the end of the week and the repayment will be made at that time.

A motion to approve Confirming Resolution No. 1238 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

6. Resolution No. 1239 - 2020 Complete Count Census Committee

Council Member Rivera read by title only. Mr. Carnahan discussed the committee he brought together for the 2020 Census. He stated he needs everyone's help to make sure the census forms are filled out. This is crucial to funding the Town receives. The form is available via mail, phone, or online beginning in March 2020. A brief discussion continued.

A motion to approve Resolution No. 1239 was made by Julie Rivera with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

7. Resolution No. 1240 - Special Purchase Authorization: Country Club Hills Fire Truck/Equipment Apparatus

Council Member Rivera read by title only. A motion to approve Resolution No. 1240 with the contingency that a pre-purchase inspection is done on the apparatus first was made by Greg Parker. Chief Wilkening asked who would do such an inspection. President Foreman asked if Fire Service or someone would do such an inspection. Mr. Wilkening stated they did discuss it with Fire Service and received all the records on the truck. It recently passed the annual ladder and pump inspections/tests. Town staff went and inspected the truck as well. They talked to two people at Fire Service about the history of the truck and they thought it was a great truck in great shape. Mr. Parker stated no one disputes that but who would inspect the truck if the Town owned it already. Mr. Wilkening stated the recent pump inspection was done by Fire Service. They are awaiting the paperwork to come back. Mr. Parker stated they want to know the truck has been inspected and is ready to go into service. Mr. Wilkening stated it was in service at Country Club Hills right before they began purchase discussions. They kept perfect maintenance records. The truck is inspected and maintained by the local Fire Department per standards. He stated all history records are at the station. He sent a picture of the documents and invited everyone to come down and review them. Mr. Parker stated he would like something in writing from a fire truck professional that says the truck meets all the guidelines and standards it needs to operate in public safety. Mr. Wilkening stated he's not sure they could sell it if it didn't meet certain standards. Mr. Parker again stated he wanted something in writing. Mr. Wilkening stated he didn't know who would do that. Discussion continued on different vehicles and expected standards and maintenance records. Mr. Niemeyer compared this purchase to other real-world major equipment purchases. Mr. Wilkening stated they bought the last truck without a pre-inspection. Mr. Niemeyer asked when that was. Mr. Wilkening stated approximately 15 years ago. Mr. Niemeyer stated it's a little different time than 15 years ago. Mr. Wilkening stated they buy used vehicles all the time that aren't pre-inspected. It's the disadvantage of buying a used truck. He's not saying it's a perfect truck but overall it's solid. Mr. Niemeyer asked if it would be worth it to ask Fire Service. Mr. Wilkening stated they can but he's not sure they'd put it in writing for them. Mr. Parker stated he just wanted assurance before they spend \$275,000. Mr. Wilkening asked if this was standard with all equipment they buy. Mr. Niemeyer stated public works trucks have DOT inspections. Mr. Kubiak suggested they call Austgen Electric. Austgen Electric recently certified the bucket truck for public works. Austgen Electric went through a checklist of items and gave certification that it's up to standards. Chief Wilkening stated he would call Austgen Electric in the morning and see what they can do. A lengthy discussion continued on the truck.

A motion to approve Resolution No. 1240 with the contingency of a pre-purchase inspection as discussed was made by Greg Parker with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

8. Resolution No. 1241 - Master Equipment Lease Purchase Agreement

Council Member Rivera read by title only. Mr. Austgen stated the public purchasing laws of Indiana require competitive and open bidding for public purchases. The previous resolution showed a delineation of the exception to the requirements of Indiana law that are valid and legal for special purchases to be made. This resolution is the authorization for financing for the unit. The Town is going to refinance two (2) current apparatuses and finance the purchase of the unit from Country Club Hills in a lease-purchase transaction. The company for financing has been used before, Jen has vetted them, and it's

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approximately a \$316,000 refinance/finance transaction. It will be payable over an eight (8) year period and will be at approximately the same amount of debt service that you make now. Mr. Carnahan added the Clerk-Treasurer has done an excellent job with the financing and the Town will be saving approximately \$1,000 a year. President Foreman agreed.

A motion to approve Resolution No. 1241 was made by Randell 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 to 0.

NEW BUSINESS

1. License Agreement for Parking – 12528 Wicker Avenue

Mrs. Murr stated with the help of Mr. Austgen, they put together a licensing agreement for parking utilizing the platted roadway. Mr. Ravens has reviewed the document. One of the items included is the installation of a parking lot to Town standards and the second is a fee. Mr. Niemeyer discussed looking at the actual value of that piece of property and the fee would be charged based on whatever the taxable value would be. He believes that to be a fair way to go about it because if it was vacated he would pay taxes on it. The engineer will look at the parcel and do a study to come up with the taxable value so that amount can be inserted into the agreement. Mr. Ravens asked if they would mark the property for use. Discussion occurred on the usable property. Mr. Austgen stated there is a legal description appended to the ordinance. They can use that and have staff or engineers stake that without doing a survey. A brief discussion continued.

A motion to approve the licensing agreement contingent upon engineer review and assessment of a fee based upon the taxable value of the property was made by Randell Niemeyer with second by Ralph Miller. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

2. Farmers Market Independent Contractor Agreement

Town Administrator Murr stated Kelly Dykstra approached the Town with the possibility of putting together a Farmers Market for the Town. This would be an independent contractor agreement for that function. It would be held on the 2nd and 4th Wednesday of each month through the end of October from 3:00 to 7:00 PM. No two vendors would be alike. Handcrafted items, food vendors, and family friendly events would be showcased. President Foreman asked if it was free to the public. Ms. Dykstra stated it was. Mr. Niemeyer asked about conflicts with summer camp and soccer. He asked about having enough parking. Mrs. Murr stated they have discussed that. There are two soccer practices left for the spring season. They will look into possibly changing dates for fall soccer. The bulk of summer campers leave around 3:00PM, when the event starts. They will work together to make sure the campers are safe and leave designated areas for the campers only. Mr. Niemeyer stated he is excited for this. Mr. Parker stated he had a conversation with Jill this morning about the property across the street that the Town owns. He discussed possibly making it into an extra parking lot for special events. A brief discussion continued.

A motion to approve the Farmers Market Independent Contractor Agreement was made by Greg Parker with second by Randell Niemeyer. Mr. Niemeyer asked about insurance. Mrs. Murr stated Ms. Dykstra has already sent over a quote. It has been sent to the Town's agent for review. There are requirements incorporated in the document, which are the standard insurance requirements. Mr. Kubiak asked about having someone clean the bathrooms at the end of the evening. Mrs. Murr stated it is part of the agreement. They also set it up so that after 40 vendors, an additional fee will be paid. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

3. Patti's All-American Partnership Proposal

Town Administrator Murr stated this proposal is similar to the agreement with Midwest Ice for programming. The Town advertises and gets a percentage of the program fees. Patti's made an offer for advertising/placing a coupon in the newsletter, residents would be able to use that coupon to waive the membership fee. Patti's would write a check for the \$39.00 for each resident that uses the coupon. This is for programs such as gymnastics, dance, swim, gym and learn, educational preschool classes, and more. This is not for current members. The coupon code would change monthly. A brief discussion continued.

A motion to approve the Patti's All-American Partnership was made by Randell Niemeyer with second by Julie Rivera. Mr. Niemeyer discussed partnerships and them

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yielding good results. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

REPORTS

1. Town Council – Mr. Carnahan stated on Memorial Day the American Legion will do multiple programs throughout the community. The parade will start at 10:30 AM and it will end at the American Legion site across from the Boys and Girls Club. Mr. Niemeyer discussed action on a TIF request at the Redevelopment Commission. They developed a TIF Expenditure Procedure and a Developmental Matrix. The Veridus Group helped to create the items. They proposed that over a seven (7) year period the Redevelopment Commission would support the \$270,000 in infrastructure. It will help to shore up the public infrastructure that is already there. It's a public benefit investment that turned into an incentive package for a business development. The development is a 13 unit commercial center that will be to the west of Strack and Van Til. The developer has been patient with the commission and it was an exciting night for the commission. This standalone commercial development went through the process and scored 460 out of 950 points on the matrix. It all worked well. It was a great process that took approximately five months to complete. These are tools they look to use as they move forward to help business development in the area. A brief discussion continued. Mr. Niemeyer stated he and Mr. Foreman met with representatives from Republic Waste. He stated he addressed some things with Mr. Rosenbaum and learned some things on the waste marketplace. They talked about what they are looking for in service. He expects there to be some changes at the end of the contract. Mr. Carnahan stated Lake County Solid Waste used to have twenty-seven (27) recycling sites and they are down to nine (9). He's been going down to Public Works and folks are dumping items that are not allowed. He discussed being close to shut down. Lake County Solid Waste pays approximately \$30,000 a month to get rid of the stuff. He's going to meet with the Executive Director tomorrow afternoon at Public Works. A brief discussion continued on the trash service.
2. Town Attorney - No report.
3. Clerk-Treasurer - Ms. Sandberg anticipates bringing some capital asset management items to the Council next month.
4. Town Administrator/Staff - Mrs. Murr stated in 2017 she secured an E-85 Grant for \$72,000. She was able to secure an additional \$20,000 at the end of 2017. She was able to secure an additional \$40,000 bring the total up to \$132,000. This helps out the General Fund budget. Mr. Parker asked about the electric car the Town had. Mrs. Murr stated they just approved to get rid of it. Mr. Parker stated he may know someone who's interested in purchasing it. Mrs. Murr stated they will look at the options. She added approximately twelve weeks ago they approved the proposal with Christopher Burke Engineering for the design of Highland Subdivision. Additional surveying was required. Design is continuing and they look to see it in June. Chief Wilkening introduced Christopher Craft as Paramedic of the Year. He was chosen out of 180 paramedics in the St. Anthony's system. He thanked the Cedar Lake PD and VIPS for their help with the tragedy on US 41 that morning. Chief Coulson recognized six employees who received awards at the May 10th District One Law Enforcement Association. Sergeant Kilgore, Officer Smoot, Officer Machalk, and Officer Sulski received the Lifesaving Award. Officer Sulski also received a heroic award based on a shooting incident he was involved in in 2018. Lieutenant Forsell and Darlene Sund received the Lifetime Achievement Award. Chief Coulson stated a significant drug arrest was made a few weeks ago by Sergeant Kilgore. Based on his actions five pounds of methamphetamines were taken out of the vehicle and off the streets. A cyber security and internet scam training will be held at St. Michael's Church at 6:00PM on May 30th.

WRITTEN COMMUNICATION

1. Building Department
2. Cedar Lake Ministries – Picnic at the Lake Event
3. Christopher B. Burke Engineering Report – Previously reported.

PUBLIC COMMENT

Sheri Harbin, Shades Addition, commented on the horrendous condition of her road. She's with a lot of her neighbors. She lives on Wheeler Street and she's contacted Mr. Parker. She wants to know when they'll get the roads done in their subdivision. President Foreman discussed the asset management plan, road conditions, and how they finance road projects. Mrs. Harbin discussed drainage issues in her neighborhood making travel difficult. President Foreman discussed the different areas of Town being on the list. Mr. Parker stated her neighborhood wasn't a part of the list. Mrs. Harbin asked them all to take a ride down their roads. She continued to voice concerns with the state of the roads. Mr. Parker stated a plan needed to be put in place to continue funding these projects. A lengthy discussion continued.

Caleb Bernard, 14438 Wheeler, voiced concerns on the condition of his road and shared pictures of the multiple pot holes with the Council. He stated it is dangerous for him to walk his road to the bus stop with all of the holes. He stated no one can ride a bike through their neighborhood due

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to the state of the roads. Mr. Niemeyer asked when public works was last out patching. Mr. Kubiak stated they are trying to work on all of those roads up there. They are as bad as they say. They're going to try and put some millings down and do some chip and seal. He would classify them as some of the worst roads in Town. Discussion continued on the state of the roads and bonding for road projects.

Herlinda Klug, 14406 Hobart, voiced concerns with the rock used for filling the holes in the road. She voiced concerns with all of the rocks landing in her driveway and piling up. Mr. Kubiak discussed the plan to try and seal the road. Mrs. Klug stated they are not being taken care of in their neighborhood. President Foreman stated they are doing their best with what they have. The reconstructions need to be done properly. Mr. Niemeyer stated in the first forty years of the Town's history not a lot was done with streets. In the last decade a lot of progress has been made. It's based on the scoring system. They're going by that list and as soon as they get the money they're doing it.

Rachelle Bernard stated in the seventeen years she's lived there the roads haven't been done. They've never been fixed. She voiced concerns with the state of the roads and the danger of walking the roads. She stated it is not safe. People drive through yards to avoid the pot holes. She continued to voice concerns with the road.

Andrew Robarge, 104 North Main, Commonwealth Engineers, introduced himself and the firm. The just opened an office in Crown Point. Mr. Niemeyer stated they had a previous issues with that particular firm. A brief discussion continued.

Mr. Parker asked where they are at with a policy for road bonds and the funding of road projects. Did they get a policy drafted? Mr. Austgen stated no but they don't necessarily need to. Mr. Parker stated he wanted a vehicle to make it automatic. Mr. Austgen stated through their legislative action and a public meeting forum is the way. Mr. Parker stated he wants a policy in place. Mr. Niemeyer asked Mr. Parker to work with the attorney and get something on the agenda. Mr. Austgen discussed a previous policy adopted around 2006. The previous Council declined to consider extra jurisdictional sewer connections unless annexation occurred. That policy is held to this day.

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

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

John Foreman, President

Julie Rivera, Vice President

Robert H. Carnahan

Ralph Miller

Randell Niemeyer

Greg Parker

ATTEST:

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.