

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



**July 16, 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<br>Council Member | Ward 1 | Present | Greg Parker<br>Council Member                   | Ward 6 |
| Present | John Foreman<br>Council Member       | Ward 2 | Present | Richard Sharpe<br>Council Member                | Ward 7 |
| Present | Julie Rivera<br>Council Member       | Ward 3 | Present | Jennifer N. Sandberg<br>Clerk-Treasurer         |        |
| Absent  | Ralph Miller<br>Council Member       | Ward 4 | Present | Jill Murr, CPM, IAMC, MMC<br>Town Administrator |        |
| Present | Randell Niemeyer<br>Council Member   | Ward 5 | Present | David Austgen<br>Town Attorney                  |        |

**PUBLIC COMMENT** (*on agenda items*) - None

**CONSENT AGENDA**

**1. Minutes:** July 02, 2019

**2. Claims:** All Town Funds: \$593,609.16; Wastewater Operating: \$123,571.33; Water Utility: \$28,574.86; Water Bond 2010B: \$10,135.00; Storm Water: \$156,003.52; 2017 RDA B Construction: \$126,456.47; Payroll: July 11, 2019 - \$249,809.82.

**3. Manual Journal Entries:** June 1-30, 2019

A motion to accept and waive the reading of Minutes and accept the consent agenda was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1341 – Water System Development Charge – East Side**

Council Member Rivera read Ordinance No. 1341 by title only. Town Administrator Murr gave an explanation of the IURC's favorable order. Attorney Austgen further explained this began in January with Ordinance 1316. The IURC commission granted the rate relief as requested on July 10, 2019. Mr. Niemeyer added the charge applies to permits and not to current taxpayers. Mr. Parker discussed the recommendation to raise the rates. Mr. Austgen elaborated on OUCC's insistence on a term stipulation that the Town come back for a rate increase review inside three years. Further discussion continued.

A motion to approve Ordinance No. 1341 was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Carnahan – No, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 - 1. Second Reading will be on the next agenda.

**2. Confirming Resolution No. 1242 - Temporary Loan**

Ms. Rivera read Resolution No. 1242 by title only. Clerk-Treasurer Sandberg explained sufficient funds for debt payment obligations for the 2017 RDA A, B, & C Bonds were not available due to a shortfall of the spring tax settlement.

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A motion to approve Resolution No. 1242 was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 – 0

**3. Confirming Resolution No. 1243 - Transfer**

Ms. Rivera read Resolution No. 1243 by title only. Ms. Sandberg explained the need for transfers within the Fire Department budget to meet operating costs.

A motion to approve Resolution No. 1243 was made by Richard Sharpe with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 – 0

**4. Resolution No. 1244 - Wastewater Reimbursement**

Ms. Rivera read Resolution No. 1244 by title only. Ms. Murr explained expenditures for future Wastewater Utility capital improvements prior to the issuance of any Bonds, may be recaptured with proceeds of bonds when issued.

A motion to approve Resolution No. 1244 was made by Greg Parker with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 – 0

**5. Resolution No. 1245 - Water Reimbursement**

Ms. Rivera read Resolution No. 1245 by title only. Ms. Murr explained expenditures of future Water Utility capital improvements prior to the issuance of any bonds, may be recaptured with proceeds of bonds when issued. Mr. Austgen discussed capital financing is still up for council's decision. There may be temporary borrowings. This will allow reimbursement for capital project financing expenditures.

A motion to approve Resolution No. 1245 was made by Randy Niemeyer with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 – 0

**BZA**

**1. Al Murawski of Nick's Tavern, Owner and Petitioner – Use Variance**

The Board of Zoning Appeals certified a favorable recommendation for requested use variance to allow petitioner Al Murawski to have outdoor activities with contingencies; proof of annual parking agreement with revocation if no annual parking agreement in place, signs for additional parking, two events per weekend ending at 10:00 p.m. Mr. Murawski discussed the parking contingencies and Mr. Carnahan discussed insurance liability coverage.

A motion to support the BZA recommendation with contingences as listed was made by Randy Niemeyer with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**NEW BUSINESS**

**1. LWG Proposal – Storm Water Utility Rate Sufficiency Analysis**

Ms. Murr explained the letter of engagement from LWG. The review analysis, by ordinance, is to be done every two years.

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A motion to accept the engagement proposal was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**2. Peterson Consulting Services Inc. Proposal – Capital Asset Report**

Clerk-Treasurer Sandberg explained Peterson Consulting Services would help put together a Capital Asset Policy for compliance with GASB-34, state, and federal reporting standards. Such a policy is currently not in place. It is necessary for proper reporting requirements. Several cities, towns, counties and fire territories in Indiana use the firm.

A motion to accept the proposal was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**REPORTS**

- 1. Town Council** – Mr. Niemeyer discussed flooding in Lemon Lake Estates and looking at increased problematic areas since new development. Mr. Carnahan reported that the Storm Board is working on the issue as well as Mr. Oliphant and Mr. Kubiak. Mr. Niemeyer commented on the loss of lives in an unincorporated area during a fire Sunday. He further discussed the need for joint effort among communities. He revisited the matter of fire territories with surrounding entities.
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – Clerk-Treasurer Sandberg reported work on the 2020 budget has begun. A meeting with the DLGF field rep is near. Meetings with department heads and Ms. Murr will be scheduled in the next few weeks. Council members were invited to attend. Mr. Foreman asked that available council members be included in milestone meetings.
- 4. Town Administrator/Staff** – Ms. Murr talked of budgeting and planning for projects/goals and replacement plans. One of the goals looked at was the hot in place/heat scarification for the main loop around the lake and possibly applying for a Community Crossing Grant. The Asset Management Plan will be presented at the next meeting. Discussion followed on the utility relocates for the roundabout.

**WRITTEN COMMUNICATION**

- 1. Walgreens** – A letter of recognition for Joan August was read. Ms. August celebrated forty-five years as a pharmacy tech and is currently working at the Cedar Lake Walgreens. Mr. Foreman asked Jill Murr to write a letter to Ms. August on behalf of the Council.
- 2. Faith Church** – Rick Riddering invited the public to a movie night on church grounds August 03, 2019. Future church sponsored community events were discussed.
- 3. Cedar Lake Chamber** – A letter from the Chamber was received commending the Police Department, VIPS and Public Works for helping Summerfest run smoothly.
- 4. Christopher B. Burke Engineering Report** – Jill Murr stated many of the items are under review.

Mr. Foreman announced the Cedar Lake Fireman's Ball, put on by the Firefighter's Association, will be held on August 17, 2019.

**PUBLIC COMMENT**

Indy Gonzales, 13808 Flagstaff, asked about a crosswalk at Hanover Middle School. Mr. Niemeyer replied only crosswalks by Dairy Belle and Hanover High School were discussed. Ms.

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Gonzales commented on the high traffic volume near the middle school. She asked Council to work with the PTSO to find a solution. Discussion followed on getting engineering documentation and information from the Police Chief. Mr. Niemeyer asked Ms. Murr to follow-up on all crosswalk areas.

Mary Joan Dickson, 8711 W 132<sup>nd</sup> Place, presented a \$13,142.00 invoice from Summerfest for replacement of the electrical box on Town Grounds. Ms. Dickson reported a light needs to be finished. Mr. Kubiak replied the light has been replaced. Mr. Niemeyer thanked the Summerfest Committee for supporting that project.

Roberta Lindemulder, 10032 W. 128<sup>th</sup> Ave., on behalf of the Hanover Central Middle School PTSO, is looking for a partnership with the Town to raise \$2,000.00 for the DARE program supplies and advertising. Discussion followed on funding and advertising sources.

Andrew James from Mad Bomber Fireworks Productions requested permission to put on a fireworks display at the grand opening of Summer Winds on August 3<sup>rd</sup>. Fire Chief Wilkening spoke against the request. Discussion followed on logistics and safety. A motion to amend the agenda to add the fireworks request was made by Julie Rivers with second by Randy Niemeyer. Roll call vote: Carnahan – No, Parker – No, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 4 - 2. A motion to deny the Summer Winds Residential Kickoff Fireworks request was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – No, Foreman – No. Vote: 4 - 2.

Mr. James' \$100.00 application fee will be reimbursed.

Richard Thiel, 13513 Industrial Drive, discussed taking into consideration the surrounding businesses and their contents that could be affected by a nearby fireworks display.

Marsha Mendry, 7532 Lake Shore Drive, discussed the unbelievable amount of fireworks on 129<sup>th</sup> Ave. in the Hilltop area. Discussion followed on state law and enforcement.

**ADJOURNMENT** Council President Foreman called the meeting to adjournment at approximately 8:30 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:

\_\_\_\_\_  
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.