

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



November 19, 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	

President Forman added the following items to the Agenda, Rose Gardens PUD as item number four under Plan, 2019 Salary Ordinance Amendment as item number five under Ordinances and Resolutions and Moto on Ice as item number six under New Business.

PUBLIC COMMENT (*on agenda items*): None

CONSENT AGENDA

- 1. Minutes:** October 15, 2019
- 2. Claims:** All Town Funds: \$379,341.11; Wastewater Operating: \$214,071.16; Water Utility: \$55,572.70; Storm Water: \$33,389.40; 2017 A, B & C Construction: \$18,003.10; and Payroll: October 17, October 31, November 1, November 14 - \$588,966.98
- 3. Manual Journal Entries:** October 1-31, 2019
- 4. Donations:** Trunk or Treat 2019
- 5. St. John Evangelist Request:** St. John Festival (July 9-12, 2020) and Oktoberfest (Sept 25-27, 2020)
- 6. CLHA Request:** December 1, 2019 (Dec 8 backup)

A motion to accept and waive the reading of the Minutes and accept the Consent Agenda as listed was made by Randy Niemeyer with second by Julie Rivera. Roll call vote: Carnahan – No, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 1.

PLAN

- 1. Offshore Estates Letter of Credit** – Ms. Murr stated this is the acknowledgement and acceptance of the Offshore Estates Letter of Credit. It has been reviewed by staff, the Town Attorney, and Town Engineer. It is recommended to approve.

A motion to accept the letter of credit was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 2. Ledgestone Letter of Credit** – Ms. Murr explained this is the letter of credit for Ledgestone. This is for a reduction. It has been reviewed by staff, the Town Attorney, and Town Engineer. It is recommended to approve.

A motion to accept the letter of credit was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 3. Rose Garden Estates Letter of Credit Ratification** – Ms. Murr explained Council approved the Rose Gardens Estates letter of credit at the October meeting pending final format. This is the ratification of the acknowledgment and acceptance of the letter of credit. Mr. Austgen further explained this is a \$6,067,695.25 letter of credit. The condition for final plat approval needs one more signature that will be addressed at the next Plan Commission meeting.

A motion to accept the letter of credit ratification was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – No. Vote: 6 - 1.

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- 4. Rose Garden Estates PUD** – Mr. Austgen discussed a PUD contract is required. The contract has been a point of discussion at Plan Commission meetings. The developer has executed the contract. An update to the key numbers is needed. A brief discussion continued.

A motion to accept the Rose Gardens Estates PUD with the key number change from 013 to 014 was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – No. Vote: 6 - 1.

ORDINANCES & RESOLUTIONS

- 1. Ordinance No. 1345 - Summer Winds Commercial Rezone – Lot 6** – Ms. Rivera read by title only. Mr. Austgen explained a parcel was not in the original development proposal presented to the Town. The developer determined the need for the connection of the parcel to the development. Mr. Carnahan asked if the location was on 133rd. Mr. Austgen concurred.

A motion to adopt Ordinance No. 1345 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.

- 2. Resolution No. 1247 - Y2020 Summerfest** - Ms. Rivera read by title only. Ms. Murr stated this was deferred pending any statement or changes by the Summerfest Committee. The use of the grounds will be June 26, 2020 through July 10, 2020. A brief discussion continued.

A motion to approve Resolution No. 1247 was made by Ralph Miller with second by Randy Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 3. Resolution No. 1248 – Confirming Transfer Resolution** - Ms. Rivera read by title only. Clerk-Treasurer Sandberg gave an explanation for the necessary transfers. She stated the transfers were necessary for operating expenses.

A motion to approve Resolution No. 1248 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 - 0.

- 4. Resolution No. 1249 – Repeal and Rescind Resolution No. 1174** - Ms. Rivera read by title only. Mr. Austgen explained this as a bookkeeping item. The Town did not need to borrow or require a temporary loan from the Wastewater Treatment Plant Special Fund for the 2016 Road Improvement Project and wastewater components; necessitating the need to repeal and rescind Resolution No. 1174.

A motion to approve Resolution No. 1249 was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 5. 2019 Salary Ordinance Amendment** – Ms. Murr explained the custodian position is not in the 2019 Salary Ordinance. The part-time contractual custodian will be leaving. Ms. Murr requested council to direct the Town Administrator and Town Attorney to prepare an ordinance to amend Salary Ordinance Number 1312.

A motion to have an amending ordinance prepared was made by Randy 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 - 0.

NEW BUSINESS

- 1. 2020 Boards & Commissions** – Ms. Murr explained the draft press release for vacancies on the Boards and Commissions. Applications have a deadline of December 12, 2019. The Redevelopment Commission has five vacancies; Plan Commission, one vacancy; Police Commission, one vacancy; Storm Water Board, one vacancy.

A motion to approve the draft press release was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 2. Midwest Training & Ice Center: Open Gym Contract** - Ms. Murr explained the Town will be partnering with Midwest Training & Ice Center to hold an open gym event on December 7, 2019 from 4 to 6 pm. The cost of the event is \$10.00 per child. Any

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proceeds from the event will be put into the Parks non-reverting fund to support the Town's soccer program. A brief discussion continued.

A motion to approve 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 - 0.

- 3. Agreement for Elimination of Sewer Utility Billing 8514 W 131st Lane** – The house at 8514 W. 131st Lane was demolished in 2017. The owners have decided not to rebuild. The sewer has been capped off and inspected by staff. A brief discussion continued on updated the document used.

A motion to approve the agreement for elimination of sewer utility billing was made by Randy Niemeyer with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 4. New Focus HR Agreement** – Ms. Murr explained the proposal from New Focus HR was to update the Town's Personnel Policy. The cost is for \$4,800 for the handbook. Additional items can be added on such as annual updates for \$125 per year. They also provide HR consulting services for \$150 per hour and anti-harassment and discrimination training for \$2,800 for the session. Mr. Niemeyer asked if the proposal could be ala carte. Ms. Murr stated yes it could be. Mr. Niemeyer stated Mr. Austgen and his staff have an update of the personnel policy manual that is ready. Mr. Austgen stated it is. Mr. Niemeyer voiced concerns on paying twice for something. Ms. Murr stated another service they offer is reviewing our personnel files and making sure they meet guidelines. Mr. Austgen stated the revision would be provided at no cost to the Town. He's been working on it for a while elsewhere. A brief discussion continued.

A motion to defer was made by Randy Niemeyer with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 5. Change Order No. 6 – South Shore Subdivision Improvements** – Ms. Murr stated this is the closing change order for the South Shore Improvement Project. It was drafted and prepared by Mr. Oliphant at Christopher Burke Engineering. It is for a negative amount. The change is \$18,320.13. The project came in lower than it was bid at.

A motion to approve was made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0.

- 6. Moto on Ice** – Mr. Foreman stated last year, Moto on Ice utilized a private ambulance service. This year they've discussed some changes with Chief Wilkening. Chief Wilkening would utilize the third ambulance the Town owns and staff it with two to three staff members to be parked at each event. It's anticipated to be every Sunday. Chief Wilkening stated for personnel each Sunday they could do it for \$500. A brief discussion continued on the event and their community outreach.

A motion to approve the Moto on Ice for a fee of \$500 per Sunday was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 - 0. Chief Wilkening stated they'll be working on staffing. President Foreman asked Chief Wilkening that his assumption is those dollar amounts would go into his budget above his yearly budget due to the fact that they are paying people outside of what they had budgeted. Chief Wilkening stated it would have to go into his budget in order for them to afford it. Clerk-Treasurer Sandberg stated the 2020 budget has already been set. Whatever is received will go into the General Fund but the line item totals for the year will not increase without an additional appropriation request. Those requests must go to the state and be approved before an adjustments to the budget can be made. She stated they would look within his budget and make transfers if necessary. A brief discussion continued on the number of races. Mr. Austgen briefly discussed the procedure to the state for the additional appropriation.

REPORTS

- 1. Town Council** – Mr. Niemeyer reported on a meeting with Speaker Bosma. It was questioned why the lake is a State owned lake. Speaker Bosma didn't think it was a problem to have Cedar Lake be in charge of the lake. At a subsequent meeting, IDNR stated that even if the Town owned the lake, IDNR would still be in charge of management of the lake. Every public lake in Indiana is owned by the state and managed

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by IDNR. He further discussed how they've been looking at ways to start the lake project. The Army Corps project is very large with a huge price tag. EverBlue Lakes takes a more sustainable approach and utilizes microbiology and oxygenation technology. It's a much lower cost compared to the Army Corps project. A brief discussion continued on a future lake project and costs. Further discussion occurred on the potential for a project with the Army Corps and control of the project design. Mr. Carnahan wished everyone a Happy Thanksgiving. Mr. Niemeyer discussed his meeting with the 4th Grade Jane Ball Robotics Club and their final report. The work they are performing on sidewalks in Cedar Lake is amazing. He asked Principal Ryan Eckert to bring the team to the next meeting to present their report to the Council. He thinks it would be great to do some sort of project with them in the future.

2. Town Attorney - No report.
3. Clerk-Treasurer – Clerk-Treasurer Sandberg stated she is finishing the 2020 Salary Ordinance and anticipates having budget reductions as well.
4. Town Administrator/Staff – Chief Brittingham reported on the incident calls for last month. Mr. Carnahan asked for Ms. Murr to update them on the Roundabout. Ms. Murr stated NIPSCO is still working on pole relocation. Once those are in place the additional curb work will begin as well as grading and asphalt. Chief Wilkening stated they have a total of 1322 calls for the day.

WRITTEN COMMUNICATION

1. St. John Evangelist Thank you letter – Received a thank you letter for the use of picnic tables for their Oktoberfest event.
2. Building Department Report – 163 new home permits just under \$29 million in value and 447 alteration permits just over \$5.3 million in value.
3. Christopher B. Burke Engineering Report – Community Wide Bicycle and Pedestrian master plan. Indiana State Department of Health and grant opportunities. Ms. Murr will work with Mr. Oliphant on this item. To provide assistance in preparation of a community wide bicycle and pedestrian master plan to facilitate more active living. This goes along with efforts on a future path around the lake. Developing a master plan would help.

PUBLIC COMMENT

Richard Cribari, 13940 Hobart Street, thanked Bob and Greg for their help with a tree issue. He voiced concerns with his street and patch work as well as poor lighting in the neighborhood. He stated they are considering moving from the area. He voiced concerns with safety in the area. Mr. Parker asked about streetlights and savings. He asked if they could now add streetlights. A brief discussion continued.

Brad Lambert, Summer Winds Commercial, asked about Ordinance No. 1345 and if a second reading was needed. Mr. Austgen stated no second reading was necessary.

Debra Howe, 13800 W. 135th Avenue, a few months back they were notified by the zoning board about a new business going in next door and they wanted some changes. There were conditions to the recommendation approved. She voiced concerns with work being done on the building with permits and lack of a site plan. As far as she knows nothing was approved and work was done. She asked about oversight. Mr. Foreman stated the pavement was laid but he doesn't believe they don't have green tags for moving forward. Ms. Murr stated it's been approved by the BZA and is going through the building department. Michelle is in communication with an engineer working on the site plan and the rest of the items to be addressed. There is no certificate of occupancy. Mr. Niemeyer stated his conversation with Mr. Kubiak was that the only work going on was painting and clean-up. Mrs. Howe stated she can't imagine that a building of that age wouldn't have any further work to be done. Mrs. Howe continued to voice concerns. A very lengthy discussion continued on the matter.

Pastor Ken, Cedar Lake Methodist Church, after five years and several adjustments and with the support and effort of the community, they are dedicating the Project Love Food Pantry on Thursday evening. A ribbon cutting ceremony will be conducted the following Saturday. He thanked the community for their support.

ADJOURNMENT Council President Foreman called the meeting to adjournment at approximately 8:25 PM.

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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, IAMC
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.