

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



December 17, 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	Absent	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, IAMC 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	

PRESENTATION

President Foreman presented a plaque for Council Member Greg Parker. He spoke of the great things Greg has done over the years on behalf of the Town and his constituents. He thanked Greg for his dedication.

Vice-President Rivera presented a plaque and asked Chief Wilkening to discuss the Fire Officer of the Year Award that was presented to Asst. Chief Nick Mager. Chief Wilkening stated the Indiana State Fire Instructor's Associate recognized Asst. Chief Mager for his outstanding service and dedication to the community. He competed against every department in the state. Chief Wilkening spoke highly of Asst. Chief Mager and accepted the plaque on his behalf.

President Foreman presented a zoning ordinance book from 1972 prepared by the Planning and Zoning Commission of Cedar Lake. He read the names of the Council Members at that time, including Ronald Austgen. President Foreman gifted the book to Town Attorney Austgen. Mr. Austgen stated it was in 1972 and that year he attended his first Council meeting. It was very inspirational.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes:** November 19, 2019 Public Meeting
- 2. Claims:** All Town Funds: \$488,013.19; Wastewater Operating: \$107,909.59; Water Utility: \$53,074.68; Storm Water: \$13,073.89; 2017 A & B Construction: \$450.00; Payroll: December 12, 2019 - \$262,838.30
- 3. Manual Journal Entries:** November 1-30, 2019

A motion to accept and waive the reading of the Minutes and accept the Consent Agenda as listed was made by Richard Sharpe with second by Randy Niemeyer. Mr. Carnahan asked about the December 3rd Minutes. Mr. Foreman stated they were scratched. Mr. Carnahan stated he was impressed to see the balance for Casino Funds. He asked about the expenditure report being over percentage. He questioned the ones over 100%. Mr. Carnahan couldn't give a specific fund. Mrs. Murr stated that it could be the utility funds that are not budgeted. It is one of the things being worked on for next year. Roll call vote: Carnahan – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 - 1. Mr. Carnahan stated he voted no because of the claim for the Veridus Group.

ORDINANCES & RESOLUTIONS

- 1. Ordinance No. 1344 – 2020 Salary Ordinance**

Council Member Rivera read by title only. Town Administrator Murr stated the Boards and Commissions were updated as discussed at the last meeting.

A motion to adopt Ordinance No. 1344 was made by Randy Niemeyer with second by Ralph Miller. Roll call vote: Carnahan – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 5 - 1.

- 2. Resolution No. 1250 – Equipment Disposal**

President Foreman stated even though the title is Equipment Disposal, this resolution gives approval to remove the item from the organization as an active piece of equipment. They would like to try and get it advertised on GovDeals. Mrs. Murr stated GovDeals is similar to Ebay but for Government. Mr. Carnahan asked if this was the fire truck. It was stated this item is specifically the 1993 ladder truck. Mr. Austgen stated this resolution gives the Council the flexibility to dispose of the equipment as surplus, scrap, or by sale. A brief discussion continued.

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A motion to approve Resolution No. 1250 was made by Randy Niemeyer with second by Ralph Miller. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

BZA

1. Use Variance – Joel Wagner (Owner) and Jesse Wilkening (Petitioner) – 12937 Wicker Avenue P11

Pursuant to the requirements of applicable law, the Board of Zoning Appeals of the Town of Cedar Lake, Lake County, Indiana, by its duly designated representative, hereby CERTIFIES the application of Joel Wagner, Owner and Jesse Wilkening, Petitioner, for a Use Variance being sought from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District, for the property located at 12937 Wicker Avenue, Suite C, Cedar Lake, IN 46303, Lake County, Indiana, and legally described as: Windy Hill Addition Lot 1; and certifies a Favorable Recommendation to the Town Council of the Town of Cedar Lake for the requested Use Variance to allow the Petitioner, Jesse Wilkening to operate two (2) businesses, namely, Thrive Training Facility and City Blends Smoothie Café on, a lot in a B-2 Zoning District, by a vote of 4 in favor and 0 against, upon motion duly made and seconded, at the public meeting held on December 12, 2019.

A motion to approve the Use Variance as recommended and the findings of fact was made by Randy Niemeyer with second by Julie Rivera. President Foreman wished the petitioner well. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

PLAN

1. Letter of Credit: Lakeside

Mr. Austgen stated Lakeside is converting its performance surety bond to a maintenance surety bond. They have taken precautions. Finale paving will be in the spring. This is a reduction and conversion. This has been vetted by the Plan Commission and checked off by the engineer. Documents are in good order. Mr. Carnahan asked for the amount. Mr. Austgen stated it was for \$66,218.48.

A motion to approve the Lakeside Letter of Credit was made by Julie Rivera with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

2. Letter of Credit: Tech Credit Union

Mrs. Murr stated the Plan Commission approved for Tech Credit Union to go from a Performance Letter of Credit to a Maintenance Letter of Credit. The Town is holding the funds. Plan Commission approved for a refund of \$57,898.96 to be given. The Town will maintain the maintenance funds of \$5,789.90 for a period of three years. Plan Commission, the engineer, and Mr. Austgen have checked off. It is recommended to approve.

A motion to approve the Tech Credit Union Letter of Credit was made by Randy Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

3. Letter of Credit: Summer Winds

Mrs. Murr stated this is for Summer Winds Unit 2. This is for an amount of \$376,950.23. This is a reduction in the amount. It will continue until December 20, 2020. It has been checked off on.

A motion to approve the Summer Winds Letter of Credit was made by Randy Niemeyer with second by Ralph Miller. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

4. Letter of Credit: Beacon Pointe Unit 4

Mrs. Murr stated this is for Beacon Pointe Unit 4. This is for an amount of \$1,073,876.87. It will continue until December 11, 2021. It has been checked off on by Plan Commission, the engineer, and Mr. Austgen. It is recommended to approve.

A motion to approve the Beacon Pointe Unit 4 Letter of Credit was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman –Yes. Vote: 6 – 0.

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NEW BUSINESS

1. Use Commitment – 13536 Morse Street

A motion to defer was made by Randy Niemeyer with second by Richard Sharpe.

Roll call vote: Carnahan – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 – 0.

REPORTS

1. Town Council – Mr. Niemeyer spoke about the award presented to Asst. Chief Mager. He's a valuable part of the team. He spoke highly of Mr. Parker. They didn't always agree but he appreciated Greg and how he would use his voice. He was always honest. He thanked Greg for his service and wished him well in the future. Mr. Carnahan wished everyone a Merry Christmas and prosperous New Year.

2. Town Attorney – None

3. Clerk-Treasurer – Clerk-Treasurer Sandberg addressed Mr. Carnahan and his concerns regarding the expenditure report. It was exactly as Mrs. Murr earlier stated. Mr. Carnahan was looking at the water utility and expenditures from professional services. The utilities previously were not budgeted. Changes will be made moving forward. The funds were available for the operating expenditures. She reported the 1782 Notice was received and the budget was approved as submitted. That is why no budget reductions were necessary. She pointed out that it was noted that the rate was reduced due to increased assessed valuation. The Town's assessed value has grown by approximately \$44 million. Mrs. Murr noted that for 2019 no internal borrowing was needed for the General Fund. It is anticipated they will finish the year without needing to borrow to the General Fund. A brief discussion continued.

4. Town Administrator/Staff – The operational analysis from the financial advisor was submitted today. Last night the Redevelopment Commission approved their first Façade Grant of \$16,449. The program is to reinvest back in the community. Mrs. Murr stated she received a question on the yield signs for the roundabout. She has communicated with the engineer and designer and they are looking at ways to modify the placement of the signs.

WRITTEN COMMUNICATION

1. Building Department Report – As of the end of November there were 178 new home permits with an approximate value of \$30 million and 465 alterations with an approximate value just over \$5.5 million. Mr. Carnahan discussed the permit totals for 2018 versus 2019.

2. Christopher B. Burke Engineering Report – A grant application for a bike path and pedestrian master plan is being worked on with Don. The draft has been prepared. They are obtaining letter of support from the community. They anticipate it being submitted on time. Highland Subdivision improvements and utilities are being discussed with NIPSCO. They are looking at subdivisions without street lighting and assessing what could be installed. They are still working on 133rd Avenue and King Drive in conjunction with the Redevelopment Commission. That is a 90/10 project.

3. Cedar Lake Farmers Market

Thank you letter received from Kelly Dykstra and specifically thanked Dale Gurgle for his help during the summer.

4. Woodland Shores HOA

Woodland Shores HOA has sent a letter requesting a street light at 136th Place and Cedar Street. She is working on that with NIPSCO at their direction. She is also working on a couple others that have been identified by officers. A brief discussion continued on the NIPSCO billing for streetlights with the change to LED.

Mr. Carnahan asked for an updated on Community Crossings Grant. Mrs. Murr stated the application period is anticipated to open in January. They will be looking to reapply for around the lake as well as 129th Avenue project. It is capped at \$1 million. Mr. Carnahan asked about Vermillion and Fairbanks. Mrs. Murr stated they will look at those areas as well. Mr. Niemeyer spoke about the Façade Grant awarded the previous evening. The total of the project is approximately \$132,000. It will be a vast improvement to the area. A brief discussion continued on the program.

Chief Brittingham briefly reported on the citations and calls for the last month.

Chief Wilkening stated he will have a year-end report in January. He asked about the Hanover Township contract not being on the agenda. It was stated it was approved at the last meeting. Chief Wilkening asked how quickly they were going to try and sell the ladder truck. He would like to donate it to the fire academy. They train there all the time and he doesn't think they'll get much money for it. It's not doing any good sitting

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outside. He would like to store it elsewhere. He asked if the Council would be committed to an AFG Grant for the department for personnel. It's a difficult grant to write but he thinks the Town could do it. Someone needs to do it or they need to hire a grant writer. He would like the Council to consider it. Mr. Niemeyer asked about the terms. Chief Wilkening stated after so many years they would have to absorb the firefighters. Mr. Niemeyer asked how many. Chief Wilkening stated they need to discuss that. He would like to see at least three. A brief discussion continued.

PUBLIC COMMENT

None

ADJOURNMENT Council President Foreman called the meeting to adjournment at approximately 7:48 PM.

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

Robert H. Carnahan

John Foreman

Julie Rivera

Ralph Miller

Randell Niemeyer

Colleen Schieben

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.