

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



**October 16, 2018**

**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 Town Administrator	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**Minutes:** September 18, 2018 Public Meeting

**Docket:** October 16, 2018 – All Town Funds \$583,703.72, Wastewater \$293,027.82, Sewer Sinking \$48,071.11, Water Utility \$45,891.45, Storm Water \$36,241.85, 2017 RDA A & B Construction \$23,496.25, Payroll 9/20/18, 10/1/18 & 10/4/18 \$417,086.05

**Manual Journal Entries:** September 1 – 20, 2018

**Town Ground Use Request:** Cub Scout Pack 48 – October 27-28, 2018

**Cedar Lake Clubhouse Waiver Request:** October 29-31, 2018

**Nonfunctional Equipment for Disposal**

**Fire Prevention Week Proclamation:** October 7-13, 2018

**Lake County Board of Elections:** Town Hall Use for Election Day November 6, 2018

Randell Niemeyer moved to accept and waive the reading of the Minutes, and to accept the Consent Agenda. Second was made by John Foreman. Mr. Miller asked Mrs. Murr to call Cub Scout Pack 48 and remind them there is an event on the grounds after their use. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1308 – 2019 Budget**

Mr. Foreman read by title only. Ms. Sandberg explained the total amount to be approved is \$7,929,246. The proposed tax rate is .9855. It was anticipated the insurance renewal would be at 10% but the Town received word that the insurance would be renewing at 4.8%. Employees will see a minimal increase to their contributions. No changes to the dental and long-term disability insurance. Mrs. Murr stated currently market trend for dental and long-term disability is 5%. The proposed budget is anticipating a 2% increase in salaries for all employees.

A motion to adopt Ordinance No. 1308 was made by Ralph Miller with second by Richard Sharpe. Mr. Niemeyer spoke with the Wes Bennett, the Director of the DLGF, in regards to submitting inflated budgets. Policies in use by the DLGF internally are more favorable to zero based budgeting. A brief conversation continued. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**2. Ordinance No. 1309 – Rezone – Cedar Lake United Methodist Church**

Mr. Foreman read by title only. Mr. Austgen explained the church is cleaning up their property in terms of land use. This is in planning for the construction of the replacement Project Love Food Pantry facility. This ordinance changes the zoning district classification from residential R-2 and Neighborhood business B-1 to Neighborhood Business B-1 in its entirety.

A motion to adopt Ordinance No. 1309 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**3. Ordinance No. 1310 – Voluntary Annexation Beacon Pointe – 13830 Parrish Ave**

Mr. Foreman read by title only. He briefly explained the location of the property. Mr. Anderson, attorney for Beacon Pointe, explained this is owned by Indiana Land Trust 147 and Beacon Pointe of Cedar Lake is the petitioner. It is a Schilling Development project. It's right across from Beacon Pointe. This is approximately 55 acres. It's surrounded by the Town of Cedar Lake on all sides. The property will be annexed as agricultural. A lengthy discussion occurred on the proposed voluntary annexation and future planning.

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A motion to approve the first reading of Ordinance No. 1310 was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – No, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – No. Vote: 5 to 2.

**4. Resolution No. 1228 - Transfers**

Mr. Foreman read by title only. Ms. Sandberg briefly read through the transfers as follows:

<b>GENERAL FUND #101</b>		<b>Total Transfers: \$11,000.00</b>	
Fire Department 005			
\$ 4,000.00	From: 112 – Full-Time Officers	To: 396 – Misc. Services	
\$ 2,000.00	From: 116 – Overtime	To: 396 – Misc. Services	
\$ 5,000.00	From: 362 – Vehicle Repairs	To: 241 – Misc. Supplies	
<b>CCI FUND #401</b>		<b>Total Transfers: \$100.00</b>	
\$ 100.00	From: 445 – Equipment	To: 313 – IT Contract	

A motion to approve Resolution No. 1228 was made by Randell Niemeyer with second by John Foreman. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**BZA**

**1. Cedar Lake Commercial, LLC – 12615 Wicker Avenue**

**a. Special Use Variance – Michael Sylvester and Abbey Sylvester – Petitioners**

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested Special Use Variance to all the Petitioners Michael Sylvester and Abbey Sylvester to operate multiple businesses: Beverly Glass Service and 2 Old Goats Market on a lot in a B-2 Zoning District by a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on October 11, 2018.

**b. Use Variance – Michael Sylvester – Petitioner**

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner, Michael Sylvester, to operate Beverly Glass Service, a glass and aluminum materials and fabricating business with no outdoor storage in a B-2 Zoning District by a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on October 11, 2018.

Mr. Carnahan moved for both A & B to be read and approved at the same time. He motioned for approval for the Petitioners to operate Beverly Glass Service and 2 Old Goats Market Special Use Variance plus Use Variance of Beverly Glass Service. They will have two employees and be open Monday thru Friday from 6AM to 6PM. 2 Old Goats Market will have two employees and be open Tuesday thru Saturday from 10AM to 5PM. No upstairs use of the building. No outside storage and will submit a parking lot plan for the 28 spaces. A second was made by Ralph Miller. Mr. Foreman asked where this is located. The Petitioners explained it was on US 41 by Hoosier Overdoors. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**2. Fraternal Order of Eagles 2529 – 7124 W. 137<sup>th</sup> Place – Use Variance**

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner: Fraternal Order of Eagles 2529 to have outdoor seating food and alcohol with the following stipulations: all three (3) sides of the seating area have bollards with a maximum spacing of five feet (5') apart, constructed out of ¼" steel pipe at least six inches (6") diameter; and placed at a depth of at least four ft. (4') in the ground with at least four ft. (4') of said bollard exposed above the surface. By a vote 5 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on October 11, 2018. Mr. Carnahan explained this item was before the BZA once before.

A motion to approve the Use Variance was made by Robert Carnahan with second by Randell Niemeyer. Mr. Austgen asked if the approval was with the conditions stipulated. Mr. Carnahan answered yes. Mr. Niemeyer concurred. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**3. Frank's Backyard BBQ – 9720 W. 133<sup>rd</sup> Avenue – Use Variance**

The Board of Zoning Appeals sends a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioners: Rob & Patty Schrum dba Frank's Backyard BBQ to have outdoor dining. By a vote 5 in favor and 0 against, upon motion duly made and seconded, at the Public Meeting held on October 11, 2018. A brief discussion occurred on the use request and parking.

A motion to approve the use variance as requested was made by Robert Carnahan with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

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**NEW BUSINESS**

**1. High Grove Subdivision & Roadway Improvements Substantial Completion**

Mrs. Murr explained this is the substantial completion document for High Grove Subdivision Project. It was completed by the Town engineer on September 14<sup>th</sup>. This is the first step in closing out the project. There is a punch list of items that are still being completed. It is recommended they approve. Mr. Carnahan asked what happens if they don't complete the items. Mrs. Murr stated there is a 10% retainage. They won't sign off on final completion until the items are addressed.

A motion to approve the High Grove Subdivision & Roadway Improvement Substantial Completion was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**2. South Shore Subdivision & Roadway Improvements Substantial Completion**

Mrs. Murr explained this is the same as the previous item. This is the substantial completion document for the South Shore Subdivision Project. It was completed by the Town engineer on September 20<sup>th</sup>. Punch list items are still being addressed. It is recommended they approve. Mr. Niemeyer stated he walked through South Shore before and after the project. The change is amazing. A brief discussion continued.

A motion to approve the South Shore Subdivision & Roadway Improvement Substantial Completion was made by Randell Niemeyer with second by John Foreman. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**3. South Shore Subdivision Change Order #5**

Mrs. Murr explained this change order is for adjusted quantities for added specialty striping on Lake Shore Drive, Cline Avenue, and 145<sup>th</sup>. It increases the project amount by \$2,240. It is recommended to approve. Mr. Carnahan commented that Mr. Kubal has been asking for a crosswalk by the Sandbar Grill for a number of years. Crosswalks are located by Bugaboo's, 129<sup>th</sup> Avenue, and 137<sup>th</sup> Avenue. He voiced concerns with not having a crosswalk by the Sandbar Grill. A brief discussion continued on analyzing the location for a crosswalk.

A motion to approve South Shore Subdivision Change Order #5 was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**4. Cedar Lake Historical Association – Construction & Fee Waiver Request**

Mrs. Murr explained the Historical Association wants to improve the kitchen facilities and create additional flexible use gathering rooms within the museum. They would like to remove four interior walls between adjacent rooms. Their engineer will determine if they are load bearing walls after they remove the plaster. They are seeking to do this at the end of October and ask that the permit fees to be waived. Mrs. Murr stated more information is needed before a permit can be issued. Mr. Parker stated he doesn't have an issue with fee waivers but asked if they have a functional kitchen in the museum. Mr. Kubiak stated that is the concern. They want to turn it into a commercial kitchen with commercial use. The building is far from just tearing down three or four walls and putting in a sink. Electrical, plumbing, a grease trap, etc. is needed. Currently nothing is there. He continued to voice concerns with possibly needing a state release for the building and making it ADA compliant. The permit is for a three compartment sink and tear down of a few walls. Mr. Parker stated what he listed is concerning but he went through the museum this summer and the upgrades so far have been phenomenal. Mr. Kubiak continued to voice concerns with rumored use of the facility. A very lengthy discussion continued.

A motion to approve the construction and fee waiver request contingent upon building department approval was made by John Foreman with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**5. Engagement Agreement – Utility Legal Service – Water System Development Charge & Engagement Agreement – Utility Financial Services – Water System Development Charge**

Mrs. Murr explained these two items go hand in hand. It is for utility legal services and utility financial services for the water system development charge. Previously it was requested they look at system development fees and tap on fees. This is an item that will need to be prepared and go in front of the IURC. They require these services to review testimony, financial documents, etc. Mr. Austgen stated these are two separate proposals. These are the administrative proceedings that occur after the ordinance is introduced in Town and a petition is made to the IURC for rate amendment consideration and approval. Mr. Carnahan asked about the charge and if it was for new housing. Mrs. Murr stated he was correct. Mr. Carnahan stated because they didn't opt out of the IURC

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they are now faced with the extra expenses. Mr. Austgen stated this is the requirement. A lengthy discussion continued on the specialty work and prices.

A motion to approve the Engagement Agreement for Utility Legal Service and the Engagement Agreement for Utility Financial Services for the Water System Development Charge was made by Randell Niemeyer with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**6. Engagement Agreement – Utility Financial Services – Wastewater System Development Charge**

Mrs. Murr explained this engagement agreement is with London Witte Group for utility financial services for the updating and recalculation of the wastewater system development charge. This is the growth paying for the growth. This is for an amount not to exceed \$6,000. Mr. Carnahan asked if this was required by law for them to have a financial consultant. Mr. Austgen stated yes it is in the statute. Mrs. Murr added the last time the system development charge was calculated was 2006. Mr. Niemeyer discussed the difference between the water and wastewater proposals from London Witte. While they are two different scopes of work the sewer utility is managed in house. There is no regulatory oversight. The sewer proposal is for a not to exceed of \$6,000 but the water is a \$15,000 to \$25,000 range because of the extra layer of regulation. Mr. Austgen stated this will be done in a fraction of the time once the report is prepared. The public hearing will be held here.

A motion to approve the engagement agreement was made by Randell Niemeyer with second by Ralph Miller. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0.

**TOWN COUNCIL REPORTS**

- 1. Town Council** – Mr. Parker discussed the Highland Subdivision and possible reconstruction. He thinks it's important to get it underway as well as taking a look at Noble Oaks. He would like to begin the process of looking into funding and getting these projects slated for 2019. He asked Mr. Kubiak if a scope of work is needed. Mr. Kubiak stated he would like to see a scope of work. Mr. Niemeyer stated a few years ago an asset management plan was completed for the Community Crossing Grant. He believes it is worth utilizing what they have in house to move forward with projects. Discussion continued on the correct path forward.

A motion to amend the agenda and allow an item for consideration; the item being to direct the Town Administrator to work with the Town engineer for a design agreement and begin work for Highland Subdivision was made by Robert Carnahan with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Rivera – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Foreman – Yes, Parker – Yes. Vote: 7 to 0. Mr. Parker asked if they needed the scope of work. Mrs. Murr stated yes because there is a storm water component to the project.

Mrs. Murr stated she will work with the Financial Consultant and Clerk-Treasurer to determine the availability of funds for this project as well as Noble Oaks and future projects. A lengthy conversation continued on the asset management plan.

Mr. Foreman discussed the AIM Conference and the different classes offered. Mr. Carnahan announced the Jean Eberle Parade of Lights will be on November 10, 2018. It will begin at 7PM at Lemon Lake Park and will go to Hanover Central High School. Applications are currently being taken for the Wonderland of Trees.

Mr. Niemeyer stated he visited with Adam Wornhoff in regards to flooding issues in an easement next to his property. Neil Simstad with NIES Engineering met with Mr. Niemeyer at the site in question and they began to discuss possible remediation. He suggested putting additional signage in South Shore Subdivision to mark the dead end street. Further dead end streets lacking signage were discussed. Mr. Kubiak asked if the drainage issue for Mr. Wornhoff needed to go before the storm board. It was suggested it go to the Storm Board for review. Mr. Foreman commended Mr. Kubiak and his team for the clean-up efforts around Town. Mr. Parker concurred.

- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – 2018 Budget Reductions are anticipated for the next meeting. Trunk or Treat will be at the Town Grounds on October 20<sup>th</sup> from 10AM to 1PM.
- 4. Town Administrator/Staff** – Punch list items are still being completed for High Grove and South Shore. Parrish Avenue is still on schedule to have surface down before Halloween. Chief Coulson reported the Police Department applied for a grant from the Indiana Department of Homeland Security requesting funds to purchase a utility vehicle to be used by the Police and Fire Departments. They were granted that award and will be receiving over \$35,000 for the vehicle and trailer.

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**WRITTEN COMMUNICATIONS**

1. Building Department Report – September 2018 – A total of 125 new residential permits with a value just over \$21.2 million and 365 alteration permits with a value just over \$4.7 million.
2. Christopher B. Burke Engineering Report – Previously reported.

**PUBLIC COMMENT**

Dori Taylor, 13039 Fulton Street, stated she was looking for a no parking on pavement sign for her street. She stated she is on a dead end street that is big enough for one vehicle. She voiced concerns with a neighbor blocking the road with their vehicle. A brief discussion continued on the correct signage and updating the ordinance. Ms. Taylor voiced concerns with snow plowing in the winter and water collection as snow melts. Mr. Kubiak stated he would look into it. Pastor Ken Puent, 13641 Morse, stated the Cedar Lake United Methodist Church has begun to host meetings for Narcotics Anonymous on Thursdays at 7PM.

**ADJOURNMENT** President Parker called the meeting to adjournment at 8:50 PM.

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

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Greg Parker, President, Ward 6

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John Foreman, Vice President, Ward 2

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Robert H. Carnahan, Ward 1

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Julie Rivera, Ward 3

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Ralph Miller, Ward 4

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Randell Niemeyer, Ward 5

**ATTEST:**

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Richard Sharpe, Ward 7

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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.