

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

March 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	

**OATH OF OFFICE**

Clerk-Treasurer Sandberg gave the Oath of Office to Firefighter/Paramedic Michael Ciesielski.

**PUBLIC HEARING**

**1. Ordinance No. 1323 – CCDF Re-Establishment**

Attorney Austgen reviewed the legal notices and they are in order. Notices were published two times as required. Clerk-Treasurer Sandberg explained the maximum rate is five cents of every one hundred dollars of assessed value. Every year the rate goes down slightly. The last time the rate was re-established was 2016. The 2019 rate is .0476 cents. The Town is required to follow this process to bring the rate back up to the maximum. Attorney Austgen explained the purpose of this fund is detailed in section five of the ordinance. It may be used for public roadway improvements, alleys and sidewalks, as well as for capital purchases such as public safety vehicles.

Council Member Rivera read Ordinance No. 1323 by title only. Council President Foreman called for remonstrators. There were none.

A motion to approve Ordinance No. 1323 was made by Robert Carnahan with second by Randell Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0.

A motion to suspend the rules to allow for a second reading was made by Randell 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.

Council Member Rivera read Ordinance No. 1323 by title only.

A motion to adopt Ordinance No. 1323 was made by Randell 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.

A motion was made by Randell Niemeyer to amend the consent agenda to add item seven (7) to change a paid holiday. Second was made by Richard Sharpe. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0.

**PUBLIC COMMENT**

Sheri-Lyn Schubert, 7204 W. 136<sup>th</sup> Avenue, commented on BZA item 1. She is not in favor of the variance request by Julie Sadler. Ms. Schubert is a neighbor of the property. The proposed fence will be right on the property line which is up against her driveway. It would be a huge inconvenience. The vehicles stored in the fenced area would be an eyesore. Ms. Schubert stated she is concerned about the possibility of increased crime in the area because of all the vehicles. She feels the area is too small for storage. There is an underground storage tank and its contents are unknown. She wants to know why it is there and why it had not been removed.

**CONSENT AGENDA:**

**Minutes:** February 19, 2019 and March 05, 2019

**Claims:** All Town Funds: \$228,787.59, Wastewater Operating: \$208,680.00, Water Utility: \$68,945.11, Storm Water: \$39,546.80, 2017 RDA B Construction: \$11,932.49

**Payroll:** March 7, 2019 - \$237,089.76

**Manual Journal Entries:** February 1 – 28 2019

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**DARE Donations totaling \$700.00:** DeMotte State Bank \$250.00, Christopher B. Burke Engineering \$100.00, Phil & Sons, Inc. \$250.00, Pine Crest Marina \$100.00

**Town Grounds Use & Fee Waiver Request,** Arlen Bradley Car Show

**Paid Holiday:** May 07, 2019 moved to July 05, 2019

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

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1333 – Utility Board Establishment**

Council Member Rivera read Ordinance No. 1333 by title only. Randell Niemeyer briefly described the purpose of the ordinance. The Town Council currently serves in the roll as Utility Board Members. This will dedicate a certain amount of meeting time each month to deal with utility issues only. It professionalizes and modernizes what is being done. Attorney Austgen explained this is a Home Rule ordinance premised upon IC 8-1.5-3. Elected municipal officials are also utility officials when you have a Municipal Utility. The statute provides express and clear definitions of what the duties and responsibilities are when you are overseeing municipal utilities. The next steps to organize the board would be to post notice of scheduled meetings. The board would organize itself every year just as with the council body. And you would commence with an agenda on utility related items.

A motion to approve Ordinance No. 1333 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: 7-0.

A motion to suspend the rules to 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: 7-0.

Council Member Rivera read Ordinance No. 1333 by title only.

A motion to adopt Ordinance No. 1333 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: 7-0.

**2. Ordinance No. 1334 - Weapon Usage – Organized Events**

Gregory Parker made a motion to defer Ordinance No. 1334 with a second by Julie Rivera. Roll call vote: Carnahan – No, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6-1.

**BZA**

**1. Julie Sadler, Owner and Petitioner – 13536 Morse St, Cedar Lake, IN 46303 – Use Variance**

The Board of Zoning Appeals certifies an Unfavorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner: Julie Sadler, to have a second (2nd) use for outdoor storage of boats and equipment for Lakefront Maintenance with six feet (6') privacy screen fence on the side property line with no buffer and to include the findings of fact: the approval will be injurious to the public health, safety, morals and general welfare of the community; the use and value of the area adjacent to the property will be affected in a substantially adverse manner; there is no unnecessary hardship. By a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on March 14, 2019. Randell Niemeyer asked Mr. Austgen to clarify for the record since no Council Members were at the BZA meeting. Mr. Austgen stated this was a very substantial public hearing. The draft minutes of the BZA public meeting that contained the portion of the public meeting reflect four (4) pages, single spaced, in length in which the BZA assessed and reviewed the petition. The petitioner was present. The draft minutes are very reflective of what happened during that meeting. A brief discussion continued.

Robert Carnahan moved to support the BZA's unfavorable recommendation with the inclusion of the approved BZA minutes 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.

Gregory Parker asked Mr. Austgen if the Town had any jurisdiction over underground storage tanks. It was stated IDEM has jurisdiction. Based on the limited information that

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we have, we do not know if the tank is functional or what its contents may be. Chief Wilkening stated IDEM has been to the site. All underground tanks should have been removed after 1987. There is a possibility the tank was installed after 1987 or missed by IDEM. Chief Wilkening was granted permission to look into the matter with the State.

**2. Scott A. Burdan, Owner and Petitioner, Burdan Brothers Building LLC – 12901 Wicker Avenue, Cedar Lake, IN 46303 – Use Variance**

The Board of Zoning Appeals certifies an Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner: Burdan Brothers Building LLC to operate a crematorium with an existing funeral home on a lot in a B-2 Zoning District contingent upon submittal of site plan to the Building Department with maximum parallel parking spaces on south side of building. By a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on March 14, 2019. Mr. Austgen stated a public hearing was conducted on this particular application as a component to the existing Funeral Home. The addition will be onsite with a rearrangement of parking spaces. Director of Operations, Tim Kubiak, will be overseeing the permitting and approval of the parking plan. Mr. Austgen recommends that the minutes of the meeting be attached to the recommendation.

Randell Niemeyer made a motion to approve the use variance with the BZA to include all findings of facts and contingencies as well as the record being clarified by the Town Attorney. A second was made 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. Fire Department Training Reimbursement Agreement**

Town Administrator Murr explained this is a reimbursement training agreement. The Town is investing in the future of incoming Firefighter EMTs and Paramedics and this is an agreement similar to the Police Department's reimbursement agreement. Mr. Carnahan commented this was deferred from the last meeting due to the employment not yet being in effect.

Motion to accept the reimbursement agreement 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

**2. Town Grounds Use – Region Rides: 4<sup>th</sup> Annual American Muscle Car, Truck, and Bike Show**

This is event generates support for Operation Combat Bikesaver. The event date is July 13, 2019 with a rain date of July 14, 2019.

Motion to approve the Town Grounds use 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: 7-0

**3. Y2019 Hanover Township Fire/EMS Agreement**

President Foreman stated at the beginning of the year they started with an agreement but there were some concerns with mutual aid. Hanover Trustee Toth suggested automatic mutual aid. Conversations among Fire Chief Wilkening, Trustee Toth, St. John Fire Department and Crete Fire Department resulted in an agreement for automatic mutual aid. The boundaries will remain the same as in 2018. The Town will receive two payments, semi-annually, for a total of \$150,000 per the agreement. The Township will work closely with the Chief to reimburse the Town for necessary major repairs made to the Township owned firetruck.

A motion to approve the agreement 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: 7-0

**4. Letter of Credit Reduction – Beacon Pointe**

The Plan Commission held a special meeting on February 05, 2019. The Replacement Letter of Credit for Beacon Pointe, in the amount of \$63,022.93 for the purpose of insuring proper construction and installation of the improvements in Beacon Point Subdivision was reviewed by the Commission and Engineer Don Oliphant. The Plan Commission approved the item by a vote of 7-0.

A motion to approve was made by Richard Sharpe with second by Julie Rivera.

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Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0

**5. Tourism Fund Request**

The Town received three written requests for donations from the Town's Tourism Fund. The Town receives \$4,725.00 annually. Cedar Lake Summerfest did not specify a dollar amount for sponsorship. Cedar Lake Historical Association requested \$2,500.00 to enhance 2019 events. The Cedar Lake Chamber requested an unspecified amount to help with the 2019 Northwest Indiana Symphony that will be held on July 20, 2019 on the Town Grounds. Julie Rivera felt the funds should be split three (3) ways since there is such a small amount available. Randell Niemeyer suggested an in-kind donation to the Summerfest Committee of \$5000.00 in lieu of cash for recognition as a major sponsor. The \$4,725.00 could be split between the Historical Society and the Chamber.

A motion was made by Julie Rivera with second by Gregory Parker to split the tourism money three ways. Roll call vote: Carnahan – No, Parker – Yes, Miller – Yes, Niemeyer – No, Sharpe – No, Rivera – Yes, Foreman – No. Vote: 3-4. Motion failed.

A motion was made by Randell Niemeyer with second by Ralph Miller to waive \$5,000.00 in use fees and make an in-kind contribution to the summerfest contingent upon the Town being listed as a major sponsor. The tourism funds would be split two (2) ways between the Cedar Lake Historical Society and the Cedar Lake Chamber of Commerce. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0

Robert Carnahan made a motion to amend the agenda to add a new item to allow adding police data to the Town's website. A second was by Randell Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0

Commander Fisher was asked to give an explanation of the process. He stated it will add transparency for citizens in regard to Police dispatch activity. The data goes to a reporting system and is automatically updated on the website every morning. Provided data is for demographics and contains no personal information.

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

President Foreman made the direction to modify the agenda to add an item for approval of the purchase of three (3) new police vehicles.

A motion made by Gregory Parker with a second by Julie Rivera to direct the Clerk-Treasurer to secure the best rates and Mr. Austgen to prepare a resolution to enter into a lease agreement for the purchase of said vehicles. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7-0

**REPORTS**

1. **Town Council** – John Foreman commented on the quotes received for the purchase of three (3) new police vehicles. Commander Fisher gave an explanation of the process. John Jones Dealership in Jeffersonville, Indiana had the best quote. They deal with public safety vehicles only. Local dealerships' quotes came in substantially higher. The agenda was modified to approve the purchase of said vehicles. Randell Niemeyer commended Commander Fisher for his role in finding the vehicles at a great price. Robert Carnahan reminded everyone of the Business Showcase on Saturday, March 23<sup>rd</sup> at Hanover Central High School from 11:00 AM to 3:00 PM. Tomorrow night there will be a meeting at St. Michael's Catholic Church with Police Chief Coulson and members of Homeland Security to discuss Active Shooters. Mr. Carnahan urged everyone to attend. Commander Fisher added that it is a civilian version of training for Active Shooters. Robert Carnahan reported that the Regional Representative for the U.S. Census will be speaking at the 16 Plus meeting on Friday at Schererville Town Hall.
2. **Town Attorney** – None
3. **Clerk-Treasurer** – Last week Clerk-Treasurer Sandberg attended the ILMCT Institute and Academy. She gained valuable information and heard from wonderful speakers and looks forward to making some changes and updating policies.
4. **Town Administrator/Staff** – Jill Murr reported the Asset Management Plan is being updated and should be available next week. She will be catching up on items from the last meeting and will report at the next meeting. Randell Niemeyer asked Administrator

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Murr if the Asset Management Plan will be posted online and include estimated dollar values. Ms. Murr responded that is part of the plan. It will also help with budgeting for street improvements. Discussion followed. President Foreman stated it is time to readdress the master plan. With so many new homes going up and with the infrastructure needs, he feels it's time to update the plan. Director of Operations Kubiak reported on an opportunity to purchase a couple of trucks from the Porter County Highway Department. Funds are available in the Public Works budget to purchase one of the trucks. The trucks are \$45,000 each. The most recent trucks purchased by Public Works were similar to these and cost \$171,000. Discussion followed on the condition of the trucks, mileage and motor. Mr. Kubiak asked for permission to place a \$1,000 deposit to hold the second truck until this summer while funds are looked into. Town Administrator Murr commented that the purchase of this truck could get them by for another few years. It was also noted that a new lease purchase was budgeted for this year.

President Foreman made an executive direction to add an item to the agenda to approve the purchase of the 2006 truck. A motion to place a \$1,000 deposit 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: 7-0

## WRITTEN COMMUNICATION

## 1. Building Permits & Alterations - February 2019

Ten (10) new permits were issued with an estimated value of \$2.1 million dollars and twenty-seven (27) alteration permits valued at \$288,863.

**2. Meals on Wheels - Thank you note received.**

3. **Christopher B. Burke Engineering Report** – Mrs. Murr reported that projects are still ongoing or being finished up. She is working with NIRPC on the 133<sup>rd</sup> and King Street improvements. She is working with Mr. Oliphant on a grant for the Farmer’s Creek Trial.

## PUBLIC COMMENT

Mary Joan Dickson spoke on behalf of the Summerfest Committee. The in-kind donation would make the Town a stage sponsor with a banner. The Town would be listed on the Summerfest Committee website as a stage sponsor. The committee meets on Monday and she will forward all of the information to make it official.

## ADJOURNMENT

President Foreman called the meeting to adjournment at approximately 8:30 PM

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

John Foreman, President

Julie Rivera, Vice President

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Robert H. Carnahan

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Ralph Miller

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Randell Niemeyer

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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.