



April 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 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**

Firefighter/EMT Bradley Biegel and Volunteer Firefighter James Molenda received the Oath of Office from Clerk-Treasurer Sandberg.

**PUBLIC HEARING**

**a. Ordinance No. 1321 – Ravens Public Way Vacation**

**b. Attorney’s Review of Legals** – Town Attorney Austgen verified that the notice of public hearing was timely and duly published as well as the notice to adjacent property owners has been provided.

**c. Opening Remarks** – President Foreman stated the location was Cedar Lake on the south and Lake County on the north. It’s to the north of Cofhen Business Park.

**d. Reading of Ordinance No. 1321** – Council Member Rivera read by title only.

**e. Remonstrators** – Rory Raven, CL Vending, stated his business is experiencing rapid growth. The issue they have is with lack of a good parking area. The trucks can’t turn very well. He’s looking to create a turnaround in the area and widen the entryway. He discussed it being a safety issue and how they currently use part of the easement for parking. Jerry Wilkening, 10826 W. 131<sup>st</sup> Place, asked about the frontage on US 41. Mr. Foreman stated the frontage would be about 30 feet. Mr. Wilkening asked how far west the property went. Mr. Foreman stated he didn’t have that information without looking at the GIS. He guessed a quarter of a mile and that Mr. Ravens would only be vacating maybe 800 feet. Mr. Wilkening commented on wanting to know how much US 41 frontage they were giving away. Mr. Foreman stated it would be half of what the entire easement is. Unless you own the property on both sides of the pre-platted road you are not allowed to vacate the entire pre-platted property. Mr. Ravens stated when he received the survey he was told all of that property came out of Cedar Gardens. He’s not sure where the property line is but he’s under the impression that all 30 feet would come back. Mr. Foreman deferred to legal. Mr. Austgen stated the property would get split if the vacation was approved. The north side goes to the north owner and the south side would go to the owner on the south. Mr. Niemeyer asked if that was because of the division between incorporated and unincorporated. Mr. Austgen stated that is his understanding. Further discussion continued on the unique situation. Mr. Austgen stated there needs to be strong consideration by the Council whether a vacation of this public way in this location is appropriate under the circumstances. Mr. Niemeyer stated by vacating the public way essentially puts it in the jurisdiction of County. It would be out of the Town’s hands.

**f. Town Council Discussion**

Mr. Foreman asked if they would be legally allowed to dedicate the easement in such a way that Mr. Ravens would be able to utilize it. Mr. Austgen stated he’s already doing that by his own admission. As long as this is an unused, unimproved platted parcel with no other uses, carrying on is probably fine. Further discussion continued on the use of the area. Mr. Niemeyer voiced concerns that by vacating the area it would lead to a more confusing situation. Mr. Ravens asked about getting permission to use the area as is for a parking lot. Mr. Austgen stated there could be a license agreement by the Town with Mr. Ravens that would permit use of the parcel. Mr. Niemeyer stated that sounded reasonable and asked if Mr. Austgen could draft something like that.

A motion to defer and direct Mr. Austgen to draft an appropriate instrument was made by Greg Parker with second by Randy Niemeyer. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

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

**PUBLIC COMMENT**

Charlotte, 8311 Lake Shore Drive, voiced concerns with increased traffic and speeding in the area around her home. She previously spoke with the Police Chief in regards to these concerns. He suggested she speak with the Council and discuss additional signage. She discussed possible changes and increasing safety in the area. Mr. Foreman asked her to connect with Town Administrator Murr. Mrs. Murr stated she would work with Charlotte.

Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, asked for an update on a violation of a special use variance. Mr. Foreman stated they would be moving forward with a letter to the occupant and owner. Mr. Wilkening asked why it wasn't taken care of on April 1<sup>st</sup> by Mr. Kubiak. He doesn't understand why it hasn't been given to the people who can take care of it. Mr. Parker stated no one thinks it's okay and not all parties were originally notified. Mr. Wilkening stated that was a question he asked originally. Mr. Parker stated he was not given the correct answer and it will be corrected immediately tomorrow. Mr. Wilkening asked if they would be delivered to the correct people. Mr. Austgen stated they would be given by hand delivery. Mr. Niemeyer stated there was a ten day timeline given to be in compliance. Mrs. Murr stated they are at the end of that window. Action will be taken tomorrow. Mr. Niemeyer stated this would be face to face action and notice of violation given. Mr. Wilkening asked if that meant it's time to leave. Mr. Niemeyer stated yes. It's enforcing of the law. If they don't leave they can expect continued visits daily until it gets to the point where there is no movement and they take the next step. They will attempt to make sure they do this face to face in a professional manner. Mr. Wilkening asked if all parties involved would be notified. It was answered yes. Mr. Parker stated that is the direction.

Jennifer Wilson, 8337 W. 128<sup>th</sup> Place, voiced concerns with code enforcement. She stated the letters received are very subjective and she has an issue with binoculars being used. She doesn't believe they are a necessary tool. Mr. Niemeyer asked if she was cited for a violation. Ms. Wilson stated sort of kind of. She received a notice via mail. No one ever knocked on her door. Ms. Wilson stated she tried for ten days to speak with the code enforcement officer but never talked to her. She called and contacted the Police Chief for clarification on the violation. A very lengthy discussion continued on the need for code enforcement and the proper procedures in regards to code violations.

George Lewis, 7001 W. 127<sup>th</sup> Place, voiced concerns with no parking signage in his neighborhood. The front of his house faces Edison Street. He's lived there for 49 years and has always had the ability to park on the street. Same amount of room. Cars can easily pass still. He asked why the change. Whose authority was it to put up the signs? Mr. Foreman stated when they redo neighborhoods the engineers give a plan to make traffic flow to the best of its ability. Mr. Foreman asked about the signage location and stated they would look into it. Mr. Parker stated he spoke with Mr. Lewis. Mr. Parker asked whose authority it was to put up the signage. He stated he needed to know the answer tonight. Mr. Carnahan stated those signs are normally part of an ordinance. Multiple conversations overlapped. Mr. Lewis discussed the length and width of the street. He voiced concerns with family visiting and having nowhere to park. Mr. Parker continued to voice disagreement with the signage and wanting to know who allowed it. Mr. Foreman stated they would look at the road improvement plans and find the answer for Mr. Lewis. A very lengthy discussion continued.

Scott Carter, 12805 Wrightwood Street, voiced concerns with code enforcement. He was cited for excessive chairs, a campfire pit and wood, and his flagpole. Mr. Parker asked if this is how they would treat their citizens. Mr. Carter stated he keeps his property clean. Mr. Niemeyer asked if she knocked on his door. Mr. Carter stated no. He spoke with her on the phone but ended the call by hanging up on her. It wasn't a good call. Mr. Niemeyer stated this seems to be happening more and more with code enforcement not talking with folks. Mr. Carter continued to voice concerns. Mr. Niemeyer stated this is frustrating. As public servants we need to be responsive to citizens. Mr. Foreman asked the Police Chief to look into the concerns. He stated he would. A lengthy discussion continued.

Jeff Frazee, 12804 Oak Street, voiced concerns with code enforcement and the timeframe. He was never given the opportunity to discuss the situation. He feels as though his neighborhood is being targeted. He thinks his house looks pretty good. He wishes she would've knocked on the door. He fixed the problem in ten minutes. He voiced concerns with lack of a phone extension and ability to talk with code enforcement.

Mr. Lewis voiced concerns with code enforcement. The Town never previously had code enforcement. He asked why it's even needed. Mr. Niemeyer stated with the growth of the Town the need for Police Officers to actually handle law enforcement has grown. A code enforcement officer was on staff in the past. It was revitalized as the Town grew to get more coverage out of the police officers. When you have police officers chasing down code enforcement it creates inconsistencies. When approached right this is a simple resolution to the problem. Mr. Parker stated this has been going on for a year and has gotten worse not better. Mr. Lewis discussed having officers patrolling the neighborhood in the past and them having a conversation with you if they saw something wrong. They are no longer patrolling. He stated the officer he saw drive by last Sunday was the first in a month.

Bruce Kimbrel, 7321 W. 138<sup>th</sup> Lane, he commented that all the codes might not be up to date. With everything he's heard this evening maybe some items could be updated and made clearer. He recommended they perform a review of the Town Code. Mr. Parker voiced concerns with a

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

lack of common sense in government. He continued to voice concerns with being disrespectful to the citizens. Mr. Niemeyer suggested that every Council Member receive a copy of the Town Code and read through so they understand them. If any are ambiguous they should be fixed or eliminated.

Mr. Parker asked Mr. Kubiak if his department put up the signage in Mr. Lewis's neighborhood. Mr. Kubiak stated yes. Mr. Parker asked who told them to. Mr. Kubiak stated he is fairly certain they were a part of the plans related to the road improvements and due to the activities in the neighborhood in regards to traffic flow. It was more or less for the daytime in regards to access for the garbage trucks and leaf trucks. The new roads now have curbs and the bigger equipment would drive into yards. Chief Coulson stated they have received complaints that garbage trucks were driving through yards because they couldn't navigate due to vehicles parked on the road. A lengthy discussion continued.

**CONSENT AGENDA:**

**1. Minutes:** April 2, 2019

**2. Claims:** All Town Funds: \$75,837.77; Wastewater Operating: \$140,724.50; Water Utility: \$45,456.79; Storm Water: \$9,134.91; 2017 RDA C Construction: \$2,350.26; Payroll: April 4, 2019 - \$235,526.60.

**3. Manual Journal Entries:** March 1-31, 2019

**4. Fire Department Training Reimbursement Agreement - Firefighter/EMT Bradley Biegel**

**5. Donations:**

**a. Town Easter Egg Hunt – April 5, 2019**

- i. CVS-5 medium sized bags of candy
- ii. Strack & Van Til- \$40.00 gift card
- iii. Sandbar-5 pounds of candy
- iv. Casey's-2 twenty five pound bags of parade mix
- v. Frank's BBQ-6 pounds of candy
- vi. State Farm-16 pounds of candy
- vii. Midwest Training Center-150 half off open skate and 4 dollar off coupon
- viii. Jennifer Sandberg – 300 plastic eggs and candy

**b. DARE**

- i. Fraternal Order of Eagles \$250.00
- ii. Ray & Wally Towing \$250.00
- iii. CL Vending \$100.00
- iv. Nagy's Automotive \$150.00
- v. Strack & Van Til \$250.00

**6. Proclamation:** Fibromyalgia Awareness Day – May 12, 2019

**7. Town Grounds Request:** Firefighter's Association: Fireman's Ball: August 16-18, 2019

**8. Use Request:** The Hill - Operation Combat Bikesaver Fundraiser

A motion to accept and waive the reading of the Minutes and to accept the consent agenda as listed with the removal of the claim for Nies Engineering in the amount of \$1,094.50 was made by Robert Carnahan with second by Randy Niemeyer. Mr. Carnahan stated this is due to an error with the ward map. Mr. Niemeyer stated the polling locations listed on the ward map was incorrect. Polling locations for Wards 1 and 4 were updated by the Board of Elections. Mr. Austgen noted on the Firefighter's Association Ball is the not for profit volunteer fire department. Not the Town's municipal fire department. It is the volunteer entity. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 7 to 0.

**ORDINANCES**

**1. Ordinance No. 1318 – Olthof-Birchwood Farms PUD - Completed**

Mr. Austgen stated this ordinance was part of the development process that included many steps. Last week they met with representatives last week to compile all the correct and completed documents that would make this a final ratification of the action already taken. Council Member Rivera read Ordinance No. 1318 by title only.

A motion to ratify Ordinance No. 1318 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 – Yes. Vote: 7 to 0.

**BZA**

**1. Heather Dessauer, Owner and Petitioner – 8600 W 139<sup>th</sup> Ct, Cedar Lake, IN 46303 – Use Variance**

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested Use Variance to allow the Petitioner: Heather Dessauer to operate two (2) businesses: Anton Agency and Safari Marketing on a lot in a B-1 Zoning

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

District. By a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on April 11, 2019.

Mr. Parker stated the subject property has been the course of a lot of dysfunction in the past. He asked Mr. Austgen if there was any conflict with anything denied in the past. Mr. Austgen stated no. As a reminder when a commercial use is proposed adjacent to residential zoning, there are safeguards in the code related to protecting those various uses. The BZA carefully vetted the use at its public hearing. Mr. Carnahan stated there were no remonstrators. It's going to be another office within the building. A very lengthy discussion continued on the use.

A motion to approve the use variance based on the favorable recommendation and findings of fact by the BZA 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 to 0.

**2. Zbigniew & Malgotzata Czyzewski, Owner and Petitioner – 13130 Wicker Avenue, Cedar Lake, IN 46303 – Special Use Variance**

The Board of Zoning Appeals certifies a Favorable Recommendation to the Town Council for the requested Special Use Variance to allow the Petitioner: Zbigniew & Malgotzata Czyzewski to operate a used car dealership Monday-Friday 10:00 am – 6:00 pm, Saturday 10:00 am – 4:00 pm in a B-2 Zoning District; contingent upon 1-lot Subdivision and Site Plan approval by the Plan Commission. By a vote of 5 in favor and 0 against, upon motion duly made and seconded at the public meeting held on April 11, 2019.

Mr. Carnahan stated he would like to make a motion to defer until the Plan Commission takes a look. There was some concern. Mr. Austgen stated the conditions the BZA imposed are for reason. There are storm drainage issues, use issues related to storm issues, and issues with parking lot ingress and egress. A one lot subdivision with the appropriate site plan approval is a requirement. Mr. Niemeyer asked about the location. Mr. Austgen stated if they moved it from here on the petitioner would have to go to the Plan Commission and deal with the technical issues.

A motion to defer was made by Robert Carnahan with second by Greg Parker. Roll call vote: Carnahan – Yes, Parker – Yes, Miller – Yes, Niemeyer – No, Sharpe – No, Rivera – Yes, Foreman – No. Vote: 4 to 3.

**NEW BUSINESS**

**1. Garbage & Recycling Service – Assignment, Assumption and Consent Agreement**

Mrs. Murr explained this agreement is to re-assign the contract with GMI Recycling Services to Republic Services. This is to maintain our contract as is and with the amendments. Mr. Carnahan asked when the contract ends. The contract is until May 31, 2021. Mr. Carnahan stated he's glad they're keeping that because the savings each month with GMI have been approximately \$20,000. Doug Rosenbaum, General Manager for Republic Services, stated the asset purchase of GMI included all current contracts. All terms and conditions of current contracts are in place. He asked if they could go back to one day service on Monday. They look to do that as soon as possible. They would take care of a mailer notification to residents. They look to begin this change on May 6, 2019. A lengthy discussion continued on service dates, size of trucks used, and recycling. Mr. Niemeyer discussed a conversation several years ago before GMI. At the time a massive increase was proposed to Cedar Lake. He wants to make sure when this contract ends, they are treated fairly. Mr. Rosenbaum stated he didn't recall all the details. He understands what they are saying. Mrs. Murr asked they help remind residents as they speak with them to have their receptacles out by 6AM. With this transition there is the possibility that some routes may change.

A motion to approve the assignment, assumption, and consent agreement with the additional of moving pick up date for all to Monday was made by Randy 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 to 0.

**2. Indemnity Agreement – Removed from the agenda.**

**REPORTS**

- 1. Town Council** – Mr. Parker stated he doesn't want to move forward on capital expenses until they have a plan for Morse Street and some places east of Morse. Mr. Niemeyer stated the Redevelopment Commission has put that on their agenda. Morse Street is a part of the TIF District and the Redevelopment Commission is interested in financing. Mr.

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

Parker asked about anything to the east of Morse. Mr. Niemeyer stated that would be for the Town Council to discuss. Mr. Foreman stated VS Engineering is in the process of updated the Asset Management Plan. He doesn't think they should jump off the priority list of roads. Mr. Parker stated he is asking for an expansion. A lengthy discussion continued on the roads, prioritizing projects, and utilizing programs like the Community Crossing Grant. Mr. Carnahan stated the Chamber Luncheon will be at noon on Thursday at the Cedar Lake Ministries. The discussion will be on Cyber Security. Mr. Miller stated he received a phone call from Crown Point Community Schools. He was asked to sit on the committee to help choose the Teacher of the Year. Chief Wilkening stated they've been looking at a used ladder truck from Country Club Hills. Information was previously sent to them. He's asking them to consider moving forward. It's a good deal for the truck and would serve the community well. It's a pumper truck as well. It's a 2008 and they are asking \$275,000. Brand new is approximately \$1,000,000. A very lengthy discussion continued on the truck in regards to financing and legality of the purchase. Mr. Niemeyer asked Chief Wilkening for a roster of his department equipment, age, and useful life. He stated he's for this truck purchase and hopes they can get some financing in place. Mr. Foreman stated he would like to give a commitment. Mr. Carnahan stated this is a great opportunity. They don't want to lose out on it. Discussion continued.

A motion to amend the agenda and allow an item for consideration was made Robert Carnahan with second by Julie Rivera. Mr. Parker commented that they knew about this two weeks ago and it didn't make it to tonight's agenda. He has no specifications or paperwork and you want to vote on it. Mr. Foreman stated they aren't voting on the truck. They are awaiting answers on the financing. This is for earnest money. Roll call vote: Carnahan – Yes, Parker – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 to 1.

A motion to put \$2,000 earnest money on the fire apparatus was made by Randy Niemeyer with second by Richard Sharpe. Mr. Carnahan asked about losing the earnest money if the financing can't be done. Chief Wilkening stated they would give the money back. Mr. Niemeyer asked the record reflect that statement. Mr. Parker stated they need that in writing before making the payment. Roll call vote: Carnahan – Yes, Parker – No, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 to 1. Chief Wilkening thanked them for the consideration. He stated he would get them the documents as requested. Mr. Niemeyer asked him to get them updated on his roster.

Mr. Foreman stated he had a conversation with the township trustee on their cumulative fund and it would be a few years before they are in a position to do something in regards to a vehicle purchase. Mr. Niemeyer discussed pursuit of financial compensation for aid to other entities. Chief Wilkening stated he doesn't think it would be fair. They utilize their department as well. Unfortunately, they are an all-volunteer department and like everyone, they struggle to get volunteers during the day. They struggle for funding as it is. A lengthy discussion continued on fire services, mutual and automatic aid, and compensation.

**2. Town Attorney – None**

**3. Clerk-Treasurer – None**

**4. Town Administrator/Staff –** Mrs. Murr reported in their packet is the building permit report for March and their Christopher Burke Engineering report. Most of the items are the update items since the last meeting. She stated on April 24<sup>th</sup> she will be attending the AIM Budget Workshop in Munster with Clerk-Treasurer Sandberg.

**WRITTEN COMMUNICATION**

**1. Christopher B. Burke Engineering Report –** Previously discussed.

**PUBLIC COMMENT**

Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, asked for clarification on the next Town Council Meeting. It was stated on the 21<sup>st</sup>. Mr. Wilkening stated he was looking for a little more detail on the past conversation. Mr. Niemeyer stated Mr. Kubiak will be visiting Mr. Henn first. They can enforce the noise part first. Once it gets into zoning it becomes legal. If it gets to that point they will take action as they have in the past with violators. Mr. Wilkening asked about Mr. Kubiak's authority. Mr. Niemeyer stated he has the authority to enforce the ordinance but not necessarily to force Mr. Henn to comply. Further discussion continued on the matter and action to occur.

Mr. Parker asked about activity on Mr. Lewis's property with family visiting and if they would ensure him that he wouldn't receive a ticket. Council Member Rivera referred to Mr. Kubiak and

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

the possible removal of the sign. Mr. Kubiak stated he would remove the sign in the morning. He asked how they want to move forward with signage and the roadways. Edison Street is probably the only feasible roadway that can have street parking. Discussion continued on signage in needed locations and taking a sensible approach to no parking in neighborhoods.

**ADJOURNMENT** President Foreman called the meeting to adjournment at approximately 9:15 PM.

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  
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.