

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

**September 17, 2019**

**Public Meeting Advertised for 7:00 PM  
Conducted at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence**



**Roll Call:**

Absent	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, 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	

**PUBLIC HEARING**

- 1. Ordinance No. 1342 – Gluth Public Way Vacation (9505 W. 126<sup>th</sup> Place)**
  - a. Review of Legals – Town Attorney Austgen stated legals are in order.
  - b. Opening Remarks – Town Administrator Murr explained the area of vacation; a twenty foot section running into Schubert Lake.
  - c. Reading of Ordinance No. 1342 – Ms. Rivera read by title only.
  - d. Remonstrators - None
  - e. Town Council Discussion - None

A motion to approve Ordinance No. 1342 was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 0.

A motion to suspend the rules to allow a second reading was made by Randy Niemeyer with second by Ralph Miller. Motion carried by 6-0 voice vote.

Ms. Rivera read Ordinance No. 1342 by title only. Mr. Austgen commented the Gluths own both sides of the parcel with no value to the Town. President Foreman called for remonstrators. There were none.

A motion to adopt Ordinance No. 1342 was made by Greg Parker with second by Julie Rivera. Roll call vote: Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 0.

Todd Rozycki, American Structurepoint project supervisor, gave an update on the roundabout project. A solution for NIPSCO pole issues is being reviewed to keep the project on schedule with no additional cost to the Town. Mr. Parker spoke vehemently of his displeasure with the unsightly poles and why the problem can't. Mr. Kubiak spoke with a NIPSCO representative and was told the cost of locating utilities underground would be approximately two million dollars. Mr. Rozycki continued to discuss minor traffic issues that and are being addressed. Mr. Niemeyer discussed his concern with a lack of advocacy for the Town. Further discussion ensued.

**PUBLIC COMMENT:**

**Father John Kowalczyk** offered a prayer.

**Robert Gross**, 8505 W. 140<sup>th</sup> Avenue, presented a letter offering approximately \$195,000.00 from the CLEA, Pledge to Dredge fund for the Ecosystem Restoration Project if it comes to fruition. Mr. Gross estimated the value of the one hundred fourteen acre land parcel, set aside for restoration use, at over \$2.8 million. Discussion included conversations with financial advisors and funding sources. Mr. Gross offered his continued support and will continue to raise money for the project.

**CONSENT AGENDA:**

- 1. Minutes:** August 20, 2019
- 2. Claims:** All Town Funds: \$383,906.64; Wastewater Operating: \$160,582.86; Water Utility: \$73,138.54; Storm Water: \$12,744.01; Payroll: August 22, 2019, August 30, 2019 & September 5, 2019 - \$423,475.69
- 3. Manual Journal Entries:** August 1-31, 2019
- 4. Clubhouse Request:** HCSC/Resource Officer Training
- 5. Proclamation:** Childhood Cancer Awareness Month

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

**BZA**

**1. Julie Sadler, Owner/Petitioner - 13536 Morse St – Use Variance**

The Board of Zoning Appeals certified an unfavorable recommendation for the requested Use Variance by a vote of 5-0. Ms. Murr read the certification from the Board of Zoning Appeals and it is incorporated at the end of the minutes. Ms. Sadler and attorney Eric Neff were present and offered solutions to concerns discussed at the BZA meeting on August 8, 2019. A lengthy discussion occurred on whether the item and solutions presented should be presented to the BZA.

A motion to send back the Use Variance request to the BZA for further review was made by Greg Parker with second by Randy Niemeyer. Roll call vote: Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**NEW BUSINESS**

**1. USACE Design Agreement**

Ms. Murr reported discussions with London Witte Group on timing of funding and the intricacies of the design. The financial analysis, including CREDIT funds, is not 100% completed. Mr. Niemeyer favorably commented on a working document of a model payment structure provided by Ms. Murr. Mr. Niemeyer spoke of discussions with Ms. Haase, impact of employee benefits/wages paid from utility operating funds, and properly utilizing those funds. Mr. Niemeyer is in agreement with Ms. Haase, the prudent thing to do is complete the work for an exact financial impact. Discussion followed on accepting CLEA funds and deferring agreement until the financial agreement is completed.

A motion was made by Randy Niemeyer to accept the commitment of CLEA funds to the Ecosystem project, when available, as part of this agenda item along with a resolution to accept the funds if necessary. The motion was seconded by Ralph Miller. Roll call vote: Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

A motion to defer the USACE Design Agreement was made by Randy Niemeyer with second by Greg Parker. Discussion followed on timeline, analysis, and funding. Roll call vote: Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**2. Temporary Utility Easements – Woods of Cedar Creek**

*14131 Rocklin St; 14141 Rocklin St; 14133 Rocklin St; 14143 Rocklin St*

Ms. Murr explained at the March 5<sup>th</sup> meeting the town attorney presented easement documents for a Woods of Cedar Creek drainage project. The project was scaled back and easements were modified.

A motion to approve was made by Julie Rivera with second by Ralph Miller. Roll call vote: Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**3. Permanent Utility Easement – Havenwood**

*12516 Havenwood Pass; 12518 Havenwood Pass; 12517 Marsh Landing Parkway; 12515 Marsh Landing Parkway*

Ms. Murr explained these were originally temporary construction easements for a storm water project. They need to be upgraded to permanent easements.

A motion to accept the permanent utility easements was made by Randy Niemeyer with second by Julie Rivera. Roll call vote: Parker – Yes, Miller – Yes, Niemeyer – Yes, Sharpe – Yes, Rivera – Yes, Foreman – Yes. Vote: 6 - 0.

**4. Resolution No. 1246: Memorandum of Understanding**

Mr. Niemeyer discussed his meeting with Carpere Canada, a real estate developing company located in Vancouver, and their interest in developing an agricultural based industrial park in Cedar Lake. They have a project portfolio worth \$5 billion. Their focus is on agricultural products. Mr. Niemeyer explained the MOU and positive economic impact. The company expressed their desire to locate their headquarters in Cedar Lake. Mr. Austgen's firm conducted a background check and found not one single article with negative connotations. They have successful projects all over the Western World and Canada. Mr. Niemeyer further discussed his trip.

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A motion to approve Resolution No. 1246 was made by Greg Parker with second by Randy Niemeyer. A brief discussion followed. Roll call vote: Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 0.

A motion to approve the Memorandum of Understanding was made by Randy Niemeyer with second by Greg Parker. Roll call vote: Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 0.

**5. Wicker Meadows Survey Proposal**

Ms. Murr explained DVG submitted a topographic survey proposal letter for Wicker Meadows in the amount of \$3,800.00. A brief discussion continued on the proposal submitted.

A motion to approve the proposal was made by Randy Niemeyer with second by Richard Sharpe. Roll call vote: Parker – No, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera – Yes, Foreman –Yes. Vote: 5 - 1.

**6. Interim Chief of Police**

Police Commission President Lester C. Kaper reported their board accepted Police Chief Coulson's resignation. The Police Commission recommends appointing Deputy Chief Carl Brittingham as Interim Chief of Police. President Foreman thanked Chief Coulson for his service. Chief Coulson addressed the Council stating it was an honor to serve the community and appreciated the opportunity they afforded to him.

A motion to accept the resignation of Chief David Coulson and appoint Carl Brittingham as Interim Chief of Police was made by Randy Niemeyer with second by Ralph Miller. Roll call vote: Parker – Yes, Miller –Yes, Niemeyer –Yes, Sharpe –Yes, Rivera –Yes, Foreman –Yes. Vote: 6 - 0.

**REPORTS**

- 1. Town Council** – Mr. Parker cautioned current and future council members to double check any proposal documents from American Structurepoint. Mr. Parker offered his negative opinion of the company.
- 2. Town Attorney** – None
- 3. Clerk-Treasurer** – The 2020 budget will be posted in Gateway by the end of the week. Public Hearing will be at the October 1<sup>st</sup> council meeting.
- 4. Town Administrator/Staff** – None

**WRITTEN COMMUNICATION**

- 1. Christopher B. Burke Engineering Report** – Ms. Murr reported she is working with Christopher Burke Engineering on reapplying for the Next Level Trail grant.
- 2. Building Department Permits** – At the end of August there were 136 new permits valued at just over \$24 million and 357 alterations permits valued at just under \$3.9 million.

**PUBLIC COMMENT**

**Mike Bakker**, 12802 Colfax St., voiced concerns for the roundabout detour traffic on Fairbanks Street, asked about placing pedestrian signage and speed bumps in the MacArthur School area or getting another crossing guard. Mr. Bakker asked if there were plans to fix deteriorating Fairbanks and Vermillion streets. The area has been discussed and is being looked into. Mr. Foreman noted the reconstruction has to be done correctly to include drainage work. Ms. Murr and Mr. Foreman discussed work going outside the scope of the roundabout project and funding for the work. Mr. Niemeyer commented on reliance of reports from former committees adding it is unfortunate that the committees no longer exist.

**Father John Kowalczyk**, 10717 W. 134th Pl., voiced concerns with bickering by the Council. Elected members swore on an oath to uphold the United States Constitution, the State's Constitution, and to do what is best for Cedar Lake. He implored Council to bicker in their executive sessions where there is no record and asked them to just do their jobs. A brief discussion continued.

**Bill Kuhn**, 13951 Huseman, spoke of an upcoming Shared Ethics Advisory Commission seminar for managers' training.

**ADJOURNMENT** Council President Foreman called the meeting to adjournment at approximately 8:30 PM.

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

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.

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

STATE OF INDIANA        )  
                                  )SS:  
COUNTY OF LAKE        )

**CERTIFICATION**

TO: CEDAR LAKE TOWN COUNCIL MEMBERS  
TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA

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, CERTIFIES the application of Julie Sadler, Owner and Petitioner, for a Use **Variance** from Town Zoning Ordinance No. 496, as amended, in the Title XIV General Business (B-3) Zoning District, for the property located at 13536 Morse Street, Cedar Lake, Lake County, Indiana, which parcel is legally described as follows, namely:

Woodland Shores Add. Outlot D & Pt of outlot A Ly'ng N. of Outlot D

Petitioner/Owner, Julie Sadler, appears in person, and by Counsel, Attorney John Hughes, Hoepfner Wagner & Evans, Merrillville, Indiana, for the duly noticed public hearing. Remonstrators appeared on said matter in opposition to the Application.

The Board of Zoning Appeals conducted the public hearing hereon, receiving the presentation of Owner and Petitioner, as well as legal counsel, and also the presentation/remonstrances of Remonstrators in opposition. Such presentations and remonstrances are considered by the Board of Zoning Appeals.

The approved minutes of the August 8, 2019, Board of Zoning Appeals public meeting at which this Application was considered are attached hereto, and incorporated herein. At the conclusion of the public hearing, the Board of Zoning Appeals hereby certifies its **UNFAVORABLE RECOMMENDATION** to the Town Council for the requested Use Variance to not allow the Petitioner, Julie Sadler, to occupy the building with no privacy screening and to have outdoor storage of trucks, trailers, work boats, shrink-wrapped boats and boats lifts during the non-boating season with screening, based upon the findings set forth hereinafter.

1. An approval will be injurious to public health, safety, morals, and general welfare of the Town, and particularly to adjacent property;
2. The use and value of the area adjacent to the property will be affected in a substantially adverse manner by the proposed use;
3. The strict application of the terms of the Town Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which the use variance is sought.

This **UNFAVORABLE RECOMMENDATION** Certification is made by a vote of Five (5) in favor, and zero (0) opposed, upon motion duly made and seconded, at the conclusion of the public hearing in the public meeting held on August 8, 2019.

TOWN OF CEDAR LAKE  
LAKE COUNTY, INDIANA  
BOARD OF ZONING APPEALS

By: Jeremy Kuiper  
Jeremy Kuiper-Chairman

ATTEST:

Tammy Bilgic  
Tammy Bilgic, Recording Secretary