

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



May 19, 2020

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

In an effort to maintain transparency and accessibility while keeping accordance with the Governor’s Executive Orders relating to COVID-19, the Town Council meeting limited in person attendance, but the live broadcast was streamed and can be viewed at <https://cedarlakein.org/view-town-meetings/>. Questions and comments were accepted electronically, and instructions can be found on the Public Meeting Agenda, a copy of which can be found at <https://cedarlakein.org/wp-content/uploads/2020/05/5.19.20-Town-Council-Agenda-Supplemental-Documents.pdf>.

Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Colleen Schieben 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	

**Council members Carnahan and Sharpe participated remotely.*

PUBLIC COMMENT – None

CONSENT AGENDA

1. Minutes: May 05, 2020
2. Claims: All Town Funds: \$177,047.94; Wastewater Operating: \$129,723.95; Water Utility: \$29,558.07; Storm Water: \$6,673.28; and Payroll: May 14, 2020 - \$238,952.86
3. Manual Journal Entries: April 1-30, 2020
4. Tag Days – Update
5. Grounds/Clubhouse Use Summary/Update
6. Lion’s Den Use Request & Fee Waiver: June 13, 2020
7. Town Grounds Use Request & Fee Waiver: October 3, 2020

A motion to accept the consent agenda was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

President Niemeyer added an agenda item.

Increased Transparency

President Niemeyer introduced the added agenda item for consideration. To improve public communication, all public meeting documents are to be available in print or for the public to download prior to the beginning of public meetings.

A motion to accept the item for consideration as presented was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1353 – Public Safety Board Establishment

Mr. Austgen explained the Public Safety Board will become the governing body over the Police and Fire Departments, incorporating the current Police Commission Board. Content is mostly statutory with some local custom, drafted to meet law requirements. Mrs. Rivera read Ordinance No. 1353 by title only.

A motion to defer was made by John Foreman Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – No, Schieben – No, Sharpe – Yes, Rivera – No, Niemeyer – No. Vote: 3 - 4. Motion failed.

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A motion to approve the first reading of Ordinance No. 1353 was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – No, Miller – Yes, Schieben – Yes, Sharpe – No, Rivera – Yes, Niemeyer – Yes. Vote: 4 - 3. Motion carried.

2. Ordinance No. 1354: Weeds, Noxious Growth, Rank Vegetation and Other Environmental Nuisance Regulations Amendment

Mrs. Rivera read Ordinance No. 1354 by title only. Mr. Austgen explained Title 9 of the Town Code has been in existence since the beginning of the Town. This replaces the dated, non-detailed ordinance for regulations inclusive of enforcement provisions and penalty provisions. It's a recodification for modern regulations and control.

A motion to approve was made by Colleen Schieben with second by Julie Rivera. Discussion followed on the need for consistency and fair enforcement. Enforcement should be on vacant property as well as taxpayers' property. Chief Fisher commented enforcement has been fair. They understand when issues such as the weather prohibit mowing. Tickets are issued but the timeline to get to court could take a few months.

Roll call vote: Carnahan – No, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 - 1.

3. Resolution No. 1257 – Summerfest 2021

Mrs. Rivera read Resolution No. 1257 by title only. Mrs. Murr explained an update was needed to the 2020 Resolution due to the Summerfest cancellation this year. The dates were updated and notice that insurance regulations could change at any time was added to Section 15.

A motion to approve was made by Julie Rivera with second by Colleen Schieben. Mr. Foreman would like to have fireworks on only one night. Roll call vote: Carnahan – Yes, Foreman – No, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 - 1.

BZA

1. James C. Thorn and Pamela J. Thorn – 14101 Lauerman St. – Special Use Variance

The Board of Zoning Appeals certifies a favorable recommendation for the requested special use variance to allow petitioner, Jeremy A. Larson, to operate an automobile repair center with a B-3 use in a B-1 zoning district, with the following conditions of recommendation: 1. No more than ten (10) vehicles will be parked outside overnight; 2. No heavy equipment will be parked on the property overnight; 3. The interior heating stack shall be extended for elimination of off-site odors; 4. The hours of operation will not exceed Monday-Friday 8:00 am to 5:00 pm and Saturday, by appointment only and no later than 1:00 pm.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. A brief discussion followed regarding green space, heavy equipment and heating fuel source. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

NEW BUSINESS

1. Coronavirus Relief Fund Acceptance Certification

Mrs. Murr explained funds are available for reimbursement of certain COVID-19 related expenses from the CARES Act; working with the Clerk-Treasurer and departments to get figures. Requesting Council's approval for Council President to sign all documents as needed.

A motion to approve was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7-0.

2. Operations During Covid-19 Emergency and all Matters Related

Mrs. Murr explained the detailed re-opening plan distributed to Council. Beginning next week, in accordance with social distancing guidelines, a limit of two (2) customers will be allowed at any given time with a limit of one (1) for Utility/Clerk Office business and a limit of one (1) for Building Department business. Doors will continue to be locked and customers will be buzzed in. A re-opening guideline document will be distributed to staff. Public Works has started allowing use of dumpsters at their facility on Saturday mornings. Parks restrooms will be opening this weekend. Exercise class will start back up on June 2nd. The Town Hall will open at 10:00 am on June 3rd to allow for cleaning after

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the June 2nd Primary Election. The office will open to the public for normal operations without restrictions after July 4th. *A copy of the plan can be found at the end of the minutes.*

A motion to approve the changes to the COVID-19 Operations and all matters related was made by John Foreman with second by Rick Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

PRESENTATIONS

1. Stormwater – 142nd Place

President Niemeyer asked Jake Viehman, 9208 W. 142nd Place, to address the council with his drainage concerns. Mr. Viehman spoke of flooding in his back yard that started after a home in the neighborhood was renovated about a year and a half ago. Pictures and survey shots were provided to Council. The excavating and storm/sewer companies he consulted recommend a catch basin in the back corner of his yard. Mr. Viehman pointed out three of the survey shots showing the surrounding elevations compared to his property. He asked for the Town's help to alleviate the flooding. Mr. Foreman asked if the problem was presented to the Storm Board. Storm Board meetings have been cancelled due to the COVID situation. Mr. Kubiak agreed a catch basin would help but the issue is on private property, there are no drainage easements in the area. There is no place for the Town to install infrastructure. Mr. Viehman would agree to a temporary easement if something could be done. Mr. Carnahan spoke of a similar problem at 137th and Lauerman. Lengthy discussion followed on the lack of storm drainage infrastructure in older subdivisions and possible remedies. Don Oliphant, Town Engineer, participated in the discussion via Zoom. It is not uncommon for older pre-platted subdivisions to have no storm drainage regulations. There are hundreds of similar scenarios throughout the Town. It makes it difficult from the Storm Board perspective for handling lack of public easements and rights of way. Mr. Austgen agreed standards of the day weren't very good. More strict standards and government functions have developed over time. A storm water management board with exclusive jurisdiction over control of storm water was created. While there are no easements in some areas, the Town is still responsible for water and has the right to enter to alleviate the situation. The Storm Board needs to be energized as an action step. Mr. Niemeyer announced the next Storm Board meeting will be May 26th at 6:30 PM. Mr. Foreman asked if our engineer and staff could be directed to look at the area and offer direction to the Storm Board. Mr. Niemeyer added we want not to look at the exception but to look at the rule. Discussion continued for finding a mid-term solution for the area not just for an individual property. Mr. Oliphant added work is in progress on a subdivision roadway master plan with storm water being part of that plan. They are working on seven subdivisions but unfortunately this one is not one of those. Mr. Niemeyer suggested directing the staff and engineer to look at subdivision mid-term and short-term solutions that fit into a larger plan that is neighborhood based. Discussion ensued on benefits of having a member of the Street Committee attend Storm Board meetings.

A motion directing staff and consultants to review the drainage at 142nd Avenue and add the item to the Storm Board agenda was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 7 - 0.

Mr. Carnahan has a similar situation. A house was built next to his property on what used to be the low spot, now he gets water close to his door. Mr. Kubiak stated ordinances are in place to have foundations sixteen inches above the road. New houses in old neighborhoods are detrimental to somebody. Now drainage is looked at and steps taken to alleviate issues before new home permits are issued.

2. Presentation by Joshua Palmer

President Niemeyer gave some context and background on the vacant property at 132nd and Morse Street near the NIPSCO substation. Mr. Palmer is proposing a food truck court on the property. He discussed several options for the land to enhance accessibility, walkability and increase options for food in that area. Many different layout options were discussed. Mr. Niemeyer discussed many of the challenges related to food truck courts and coming up with a policy to allow for creative platforms without discouraging brick and mortar businesses. A lengthy discussion followed on necessary site improvements, parking, permitting and fees, licensing, health code requirements, impact on nearby restaurants, mobility, setting policy and parameters. Mr. Austgen cautioned not to mistake the business model for the land use. Because we are a seasonal community, there could be a seasonal usage zoning overlay developed. Mr. Kubiak suggested a daily fee or weekly permit fee. Mr. Foreman suggested taking the proposal to the Plan

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Commission and possibly the BZA to go through proper channels. Mr. Austgen discussed the need for parameters and regulations such as distinction between undeveloped and developed parcels along with zoning regulations. Criteria need to be developed. Mrs. Murr discussed the Town Club's desire to host vendors that will be displaced by the cancellation of Summerfest. Mr. Kubiak suggested the Town develop a food truck permit. Direction was given to Town staff and Mr. Austgen to look at Town code, special event permits, and develop a fee structure. Mr. Palmer was asked to present a site plan to the Plan Commission.

REPORTS

1. Town Council

a. Stormwater

- (1) **Wicker Meadows:** Mr. Niemeyer discussed the need to put it writing that the flooding issue has been addressed and given a 100-year level of protection. We still have a project to do if it is not fixed. Mr. Oliphant gives a 25 to 50-year level based on January's analysis. Mr. Niemeyer asked about the impact on selling a home in the area. Mr. Austgen spoke of a required seller discloser checklist that includes storm problems, water damage. Discussion followed on recent torrential rains of an estimated 7.6 inches in four days, approximately a 25 to 50-year event based on data used, and the mild effect on Wicker Meadows. Mr. Kubiak discussed the three projects that have been done in Wicker Meadows and the positive effect on the Govert property. Ms. Govert's basement hasn't flooded since then. There is more water in 70% of the yards than what is there. Other neighborhoods have bigger issues. Mr. Niemeyer again asked how we get to the point we can say it is addressed and are done. Mr. Kubiak replied we are done. Mr. Austgen asked Mr. Oliphant about the criteria in town ordinances for subdivision rain event design. Mr. Oliphant replied Wicker Meadows was developed prior to current storm water ordinances. He has significant concerns for submitting a letter to any resident stating there are no flooding issues and then years later that letter is on record and something out of the ordinary happens that causes flooding. Mr. Oliphant could lay out criteria that exclude extreme events not included in the criteria. He suggested they look at their modeling since changes have been made since the subdivision was developed. Mr. Niemeyer asked Don to review the base model and report to Council.
- (2) **13225 Colfax Street:** Mr. Niemeyer visited the property. According to Mr. Dust, he had no flooding until Public Works paved the road when James Cornett was Superintendent. The survey marker had been paved over and the road was raised. Mr. Dust put in a drain across the driveway and an asphalt berm to try to redirect water. The drainpipe on the east side of the property is almost completely plugged and the catch basin that feeds the pipe is often covered with grass. Mrs. Murr reported the issue was brought to the Storm Board at the November meeting. There has not been a meeting since then. There were some alternatives discussed. Mr. Oliphant added the alternatives were to be presented at the next Storm Board meeting. Very little storm drainage structures are in the area and a restore of what is there is needed. He is of the opinion that raising the road wouldn't cause a significant difference, topography will be looked at. Mr. Niemeyer asked Mrs. Murr to make sure a Storm Board meeting is scheduled.
- (3) **Havenwood:** Mr. Niemeyer reported Mr. Defrancesco has water shooting up in his yard in three separate places. Mr. Kubiak reported pitching is not the problem. The culvert under the road is still draining properly. The water coming up in the yard is actually following the sanitary sewer trench and when it gets to the bottom of the hill, it pops up. A plan is in place to put a drain in at the top of the hill. The ditch needs to be cleared out. Most waterways have grown up and need to be cleared. People need to clean their area. Mr. Foreman opined that Havenwood was not engineered well. Mr. Niemeyer discussed the Town's Storm Water contractors, increased rates and available funds; questioned what the funds were being used for. Mr. Niemeyer asked for an accurate accounting of the funds. The funds should be used to alleviate some of these drainage issues.
- (4) **Surprise Park:** The access road that Kils built causing drainage issues at the corner of 142nd was discussed. Mr. Kubiak added that the Kings built a pole barn but did not do the storm water drainage that was part of the building permit. The Kings contribute more water than the Kils. Mr. Niemeyer was informed that truckloads of fill were coming in. Mr. Kubiak has seen loads of brick but no fill. Plans are in place improve the drainage system. Mr. Oliphant discussed the survey at 142nd and Morse and draining the hilly bowl area.

2. Town Attorney

Mr. Austgen is still working on Ordinance No. 1352 – Emergency Response Billing.

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3. Clerk-Treasurer

Clerk-Treasurer Sandberg reported on continuing work with financial advisors. Revenues are being monitored diligently.

4. Town Administrator/Staff – No report.

5. Police Department

Chief Fisher reported, via Zoom, the April stats are down due to COVID restrictions placed on the officers. There was slight flooding in the department due to the recent rains. Keyless entry was installed at the Town hall allowing utility clerks to unlock entry doors from their computers.

6. Fire Department

Chief Wilkening reported, via Zoom, offices flooded for the third time this year from water coming in through the cracked foundation. The whole side of the station needs to be torn up to get to the foundation for repair. A firefighter paramedic is off due to COVID-19 symptoms. Their alternative location is set up if they need it. COVID related expenses are being tracked. The ordinance for fire billing is coming along. Ambulance Bids are going out soon.

WRITTEN COMMUNICATION

1. Christopher Burke Report

Mr. Oliphant reported INDOT has agreed to include a right-turn lane at 129th and US-41. NIPSCO has procured six of sixteen easements for the Highgrove project. They are on track to have all the easements by August. NIRPC issued notice of assistant funds available through the U.S. Economic Development Administration; typically, 50/50 matching. CBBEL is continuing design for 133rd Avenue/King Drive Intersection project.

2. Building Department Report

Mrs. Murr reported 67 occupancy permits were issued, 61 new permits with a value of just under \$13 million and 117 alteration permits valued at just over \$1.8 million.

3. May 9, 2020 Letter

Mrs. Murr reported Mr. Sexton sent a letter with the request to consider the drainage issues on Lauerman when going forward with the road project.

PUBLIC COMMENT

Kathy Broomhead, via email, asked if the BZA board members check on new business on a regular basis. Mr. Foreman replied that the BZA is done once it is approved. Mr. Niemeyer added any violations would be under code enforcement.

Mary Joan Dickson, via email, asked if Cedar Lake still issues peddlers licenses. Chief Fisher replied yes. Clerk-Treasurer Sandberg added very few peddler permits are issued. Citizens are encouraged to call the police department when solicitors are present.

ADJOURNMENT Council President Niemeyer called the meeting to adjournment at approximately 10:00 PM.

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

Randell Niemeyer, President

Julie Rivera, Vice President

Robert H. Carnahan

John Foreman

Ralph Miller

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

Jill Murr

From: Kathy Broomhead <kathybroomhead66@gmail.com>
Sent: Tuesday, May 19, 2020 7:58 PM
To: Jill Murr

Does the BZA Board Members check on New Business on a regular basis?

Jill Murr

From: Mary Joan Dickson <maryjoandickson@yahoo.com>
Sent: Tuesday, May 19, 2020 8:16 PM
To: Jill Murr
Subject: Peddlers Lis.

Does Cedar Lake still issue Peddlers Lis.?

Thanks Mary Joan

Sent from Yahoo Mail on Android