

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



September 1, 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/2020/09/09.15.20-Town-Council-Agenda-Packet.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 member Carnahan participated remotely.*

PUBLIC COMMENT (on agenda items) – None

PUBLIC HEARING - Hanover Community School Corporation Voluntary Annexation

- Attorney Review of Legals – Mr. Austgen stated the legals were published timely and are in order.
- Reading of Ordinance No. 1359 – Voluntary Annexation – Council Member Rivera read Ordinance No. 1359 by title only.
- Reading of Resolution No. 1265 - Fiscal Plan and Policy for Annexation – Hanover School – Council Member Rivera read Resolution No. 1265 by title only.
- Remonstrators – Mr. Otis spoke on behalf of Hanover School Corporation. He discussed the 22 acres for annexation. He stated the projected bond interest rate for the \$75 million dollar referendum was 4%. The bonds sold for 1.85%. This is a significant tax savings. Mr. Scott Cherry shared a handout with the Council and briefly discussed the project plans. Mr. Cherry stated he would be presenting concept plans to the Plan Commission tomorrow evening. Mr. Austgen discussed the timeline. Tonight is the public hearing for the fiscal plan. Until the annexation is complete, the Plan Commission doesn’t have jurisdiction over approvals for the land use plan. The fiscal plan has been done before with the school corporation. This is drafted in similar fashion with similar content. Non-capital services will be provided by the Town. The capital services, such as major infrastructure improvements, will be in the wheelhouse of the school corporation as they go through the planning process. Mr. Niemeyer asked when the annexation will be official. Mr. Austgen stated it should be done in November. Mr. Niemeyer stated some of the dates given by Mr. Cherry may not match up with the Towns. Mr. Niemeyer stated discussion was previously had on Lake County offering for the school to submit an application for a waiver. He doesn’t know if it’s been pursued yet. He doesn’t know if the schools timeline meets the annexation. Mr. Austgen stated they are close. He wanted to make certain they are working off the same calendar. A brief discussion continued on the timeline and project plans.
- Town Council Discussion – Mr. Foreman stated the project looks pretty incredible.
- Town Council Decision on Resolution No. 1265

A motion to approve Resolution No. 1265 – Fiscal Plan and Policy for Annexation was made by John Foreman with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

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CONSENT AGENDA

1. **Claims:** All Town Funds: \$157,803.07; Wastewater Operating: \$68,527.92; Water Utility: \$73,152.24; Storm Water: \$44,627.31; and Payroll: August 20 & September 1 - \$203,003.70
2. **Town Grounds Usage Request & Fee Waiver:** Bethel Church (9/13/20)
3. **Clubhouse Usage Request & Fee Waiver:** Cub Scout Pack 129

A motion to accept the consent agenda was made by Richard Sharpe with second by Julie Rivera. Mr. Carnahan asked about the hours for the Cub Scout request. Mrs. Murr stated she didn't know the exact time. Traditionally it is about an hour. Mr. Carnahan asked about the 2020 Dodge Journey claim for \$9,173.50. He stated he went through the claims twice and couldn't find any additional amounts of money. Clerk-Treasurer Sandberg stated the second half of the claim can be found under Bank Code 10. Mr. Carnahan asked about the Microbac water testing claims. He wanted to know where they locations were. Ms. Sandberg stated they would need to pull the claims or speak with Mr. Kuiper for that detailed information. Mr. Carnahan asked about the PSAP claim. Ms. Sandberg stated that is the monthly invoice and it was split due to the remaining availability of LOIT – Public Safety Funds. The remainder due was paid out of the General Fund. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

ORDINANCES & RESOLUTION

1. Ordinance No. 1362 – Salary Ordinance Amendment

Council Member Rivera read Ordinance No. 1362 by title only. Mrs. Murr explained this is for the position of a part-time planning and building secretary. This position does have a job description however they haven't filled it in several years and it rolled off the salary ordinance. The rate of pay is not to exceed amount \$15.00 per hour. It is payable 25% out of the General, Wastewater, Water, and Storm water funds.

A motion to approve Ordinance No. 1362 was made by Ralph Miller with second by Richard Sharpe. Mr. Foreman asked why they wouldn't utilize all of the permits in the building department to pay for the salary. Mrs. Murr stated because they are also reviewing utility funds. This helps out the General Fund. Mr. Foreman asked if building and storm would cover it. Mrs. Murr stated this is the same breakdown they use for the Building Administrator and Coordinator. Mr. Foreman stated he's just trying to preserve the General Fund. Mrs. Murr stated that's why they are spreading it out a quarter instead of half from the General Fund. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend the rules and allow for a second reading was made by Richard Sharpe with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

Mrs. Rivera read Ordinance No. 1362 by title only.

A motion to adopt Ordinance No. 1362 was made by Ralph Miller with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

NEW BUSINESS

1. Ambulance Equipment

Mrs. Murr stated at the last meeting direction was given to authorize the purchase of ambulance equipment out of the CCD Fund. A list of equipment was requested as well as the equipment to be traded-in and the value. She stated this is for the two life-pack defibrillators, a Lucas Device, two power pro cots, and one power loader. They would be trading in a Stryker manual cot, a Stryker power cot, and two Zoll monitors. This is for a total amount of \$122,335.74. This is at 0% for 36 months. She recommended the motion include authorizing the Town Council President as well as the Clerk-Treasurer to execute any documents needed.

A motion to approve the purchase of the ambulance equipment as well as trading in the old equipment and authorizing the execution of documents by the Town Council President and Clerk-Treasurer was made by John Foreman with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller –

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Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

Mr. Niemeyer asked how they were coming along on the ambulance bid and the reimbursement agreement. Mrs. Murr stated the bid specifications have been completed by Town staff and sent over to the attorney for review. Mr. Foreman asked if they think they'll be ready in the next few days. Mr. Austgen stated no. They were just received and need to be reviewed and noticed properly. Mr. Niemeyer asked about the reimbursement ordinance. It was stated the working group will be meeting Thursday. Mr. Wilkening asked about Mr. Austgen's review. Mr. Austgen stated he would review for accuracy, legality, and correctness of the notice to bidders.

2. Monastery Woods South Subdivision Improvements Project Award

Mrs. Murr stated last October they drew on the Monastery Woods South Letter of Credit in the amount of \$130,172.97. They put the project out for bid. They came back with two project bidders. Reith-Riley had a bid of \$148,870.50 and Walsh and Kelly had a bid of \$107,223. It was recommended they award to Walsh and Kelly. It has been reviewed by the engineer, the attorney, and Town staff.

A motion to approve the project award to Walsh and Kelly was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

REPORTS

- 1. Town Council** - Mr. Foreman reported the sediment depth sampling for the Ecosystem Restoration started in mid-August. The fish survey is underway and preliminary results have been provided to the environmental technical teams. The written report should be ready in a few weeks. The bathymetric survey is underway. They'll start looking at wetland water delineation of the selected site at the end of the growing season. He wants to keep the public aware of what is going on with the Ecosystem project. Mr. Carnahan stated the Census Committee went to the Farmer's Market and it was a waste of time. No one would even speak with them. They can't seem to get numbers up. They are currently at 75.7%. Surrounding communities are higher. A brief discussion continued on the census. Mrs. Murr reported they found out that even folks with a summer home should be filling out the census. They are to put in a zero but please still report. It adds to the response rate. Mr. Niemeyer stated last week he met with representatives from Hanover Township and St. John to discuss the possibility of a Fire Territory between the entities. It was a positive conversation. Mr. Toth reached out to BakerTilly to put together an initial scope of work for the entities. A brief discussion continued on a Fire Territory.
- 2. Town Attorney** - No report.
- 3. Clerk-Treasurer** – Clerk-Treasurer Sandberg stated she is continuing work on the 2021 Budget. Mr. Niemeyer stated Council Affairs will be meeting tomorrow to discuss the budget with O.W. Krohn and Associates. They are working on scheduling a budget workshop as well.
- 4. Town Administrator** – Mrs. Murr stated the Community Crossing Grant Matching Grant/HIP Project will begin after Labor Day. One of the things Gallagher is looking at doing is possibly a promotion video of the project. It would showcase Cedar Lake. It would be shared with others looking into the program and cost savings associated with the project. It promotes not only what they are doing but our community as well. Mr. Foreman stated he was fine with it. Mr. Niemeyer stated these are public thoroughfares and anyone can videotape them. Council Affairs will be meeting tomorrow and she is coordinating dates with Lowell for a JMOB meeting as well as a joint Council meeting. 133rd Avenue Phase II has finally been approved for the final pay estimates. Close-out has been sent down to Indianapolis. They anticipate receiving approximately \$25,000 back from that project. They are anxiously awaiting callout for the second round of community crossing grants. Various storm water projects are continuing. Mr. Niemeyer asked about progress on the hot in place project and discussion on locally funding a pedestrian trail along Morse. Mrs. Murr stated that was given to Christopher B. Burke to come up with a proposed plan. They are not able to do it in conjunction with the current project. That is being worked on. She anticipates an update will be available at the Redevelopment Commission meeting. Mr. Niemeyer asked about Bartlett/Wahlberg Park. Mrs. Murr stated she reached out to a company that does shelters. She will be looking at some of the items they offer and bring it to the Park Committee for discussion.
- 5. Director of Operations** – Mr. Kubiak asked what they can do about getting the sprinkler ordinance established. What can they do to get it going? In recent days, usage is very high. Mr. Foreman discussed using CodeRed to ask customers to please follow the suggested schedule while they work on the ordinance. Mr. Niemeyer asked about the Town aquifers, private wells and depths. Mr. Kubiak stated this is for those only on the

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municipal utility. Robin's Nest has 60,000 gallons of storage. The average daily use for August was 110,000 gallons. Peak days were approximately 148,000 gallons. On the west side storage between Havenwood and the water tower is 318,000 gallons. Mr. Niemeyer asked Mr. Austgen what he needed for the ordinance draft. Mr. Austgen stated whatever the use restriction components are that staff deem appropriate. Mr. Kubiak stated they previously discussed at Utility Board having even addresses on Monday, Wednesday, and Friday. Odd addresses on Tuesday, Thursday, and Saturday. With no sprinkling on Sundays. Mr. Niemeyer asked Jill to memorialize the information and send it to Mr. Austgen for drafting. A brief discussion continued on the policy and effectiveness.

A motion to amend the agenda and consider the policy directive on sprinkling as discussed was made by John Foreman with second by Richard Sharpe. Chief Fisher asked about enforcement. A brief discussion continued on policy. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

A brief discussion occurred on the dust from the newest Beacon Pointe Development. Mr. Niemeyer has been in communication with Mr. Kubiak about the issue. Mr. Kubiak said he went out and discussed the issues with the developer. Unfortunately, dust is still going to be an issue as they work on the development and infrastructure. Mr. Niemeyer voiced concerns with the large dirt pile.

6. **Police Department** - Chief Fisher discussed the possibility of the department developing their own range. They can't use the area in Lowell at this time and have to travel to Hammond for training. A lengthy discussion continued on possible locations, permissions and use. A motion to amend the agenda and offer Council support to continue with research on the development of a shooting range was made by John Foreman with second by Colleen Schieben. Roll call vote: Robert Carnahan – Yes, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 7 - 0.

7. **Fire Department** - No Report.

WRITTEN COMMUNICATION

1. **Christopher B Burke LLC Report** – Previously reported.

Mr. Austgen presented an item for consideration. He stated a drive access agreement was drafted and is presented to them for improved access to property at approximately 8025 Lake Shore Drive. The legal access to the property is a very narrow five foot path. The Town owns property that they acquired in the development of the roundabout. The drive access permits use by the property owners to get to their property in a more appropriate manner. This property will be rehabbed by the property owners. A motion to amend the agenda and allow the item for consideration as well as make a favorable recommendation for the drive access was made by John Foreman with second by Julie Rivera. Mr. Foreman stated he would like to scratch item number five from the agreement. The parcel is pretty useless to the Town and no payment should be collected. Roll call vote: Robert Carnahan – No, John Foreman – Yes, Ralph Miller – Yes, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – Yes, Randy Niemeyer – Yes. Vote: 6 - 1.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, asked for an update on a storm item on 132nd and Marquette. The information was previously distributed to the Council for review. Mr. Niemeyer asked if it's been before the Storm Board. Mrs. Murr stated it has been part of the Street Committee discussions. It's part of the overall capital projects. Mr. Oliphant has added it as a capital plan item. Mr. Foreman stated unfortunately as of now there is no final date or plan but it is getting closer.

Brad Dykstra, 13701 Lauerman Street, asked for the Council to consider allowing a fireworks permit for a small wedding on September 12th. It would be Class C material and at 9PM. It would be on land but right on the beach front. He discussed the site map with the Fire Chief. He knows there are concerns with the dryness. They would have water cannons on site and there are hoses nearby. Mr. Niemeyer pointed out the speaker is a pyrotechnic professional. Mr. Dykstra stated he wanted to be professional and do things the proper way. Chief Wilkening voiced his disagreement with firework shows. It's a residential area. It is Class C material. A brief discussion continued on legality and policy. Mr. Niemeyer stated state law does prohibit fireworks during this time. Discussion continued on the location and access. A motion to amend the agenda and approve the fireworks show request was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Robert Carnahan – No, John Foreman – Yes, Ralph Miller – No, Colleen Schieben – Yes, Richard Sharpe – Yes, Julie Rivera – No, Randy Niemeyer – Yes. Vote: 4 - 3.

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ADJOURNMENT Council President Niemeyer called the meeting to adjournment at approximately 8:25 PM.

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