

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



January 19, 2021

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	Colleen Schieben Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Absent	Julie Rivera Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

**PUBLIC COMMENT**

Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, she asked that they remember to include the dumpsters for Summerfest in the trash agreement. The past agreements with Summerfest have always included a certain number of dumpsters for the event.

Mr. Austgen asked President Niemeyer about amending the agenda for four additional items. The Hanover Township Fire Agreement, Crowe Arbitrage Proposal, Payment of Fees to the IURC, and Legal Services Agreement with Barnes & Thornburg. President Niemeyer stated these items would be added to the end of New Business.

**CONSENT AGENDA**

**Minutes:** December 15, 2020 & January 5, 2021

**Claims:** All Town Funds \$709,438.64, Wastewater Operating \$210,986.88, Water Utility \$86,895.30, Storm Water \$205,047.27, Payroll January 7, 2021 \$292,258.24

**Cancellation of Old Outstanding Warrants**

**Forwarding Encumbrances**

**EMS Collections Transfer from General Fund:** \$43,213.28

**Clubhouse Use & Fee Waiver Continuation Request:**

- a. Rick Larsen Wrestling Group
- b. Cub Scout Pack 129

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 Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1373: Job Descriptions Amendment**

Council Member Sharpe read Ordinance No. 1373 by title only. Mr. Eberly explained this amendment to the job descriptions for Recording Secretary, Administrative Assistant and Building Inspector/Code Enforcement. Two of these are existing positions. The Recording Secretary has been updated for full-time duties. These coincide with previously discussed staffing plans. A brief discussion continued on personnel, duties, and efficiency.

A motion to approve Ordinance No. 1373 was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

Council Member Sharpe read Ordinance No. 1373 by title only.

A motion to adopt Ordinance No. 1373 was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

*President Niemeyer broke from the agenda to introduce Tracy Haskell from the Hanover Community School Board. She is the newest member of the board and liaison to the Town of Cedar Lake Town Council and Redevelopment Commission. He wished her well in her new position and stated he looked forward to a positive relationship.*

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**2. Ordinance No. 1374: Salary Ordinance Amendment**

Council Member Sharpe read Ordinance No. 1374 by title only. Mr. Eberly explained this amendment to the 2021 Salary Ordinance goes along with the preceding item. It includes making the recording secretary position full-time at a rate not to exceed \$17.00 per hour.

A motion to approve Ordinance No. 1374 was made by Colleen Schieben with second by Richard Sharpe. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

Council Member Sharpe read Ordinance No. 1374 by title only.

A motion to adopt Ordinance No. 1374 was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

**3. Ordinance No. 1375: Park Impact Fees**

Council Member Sharpe read Ordinance No. 1375 by title only. Mr. Austgen explained the purpose of the park impact fees and their use. It has met the requirements of Indiana Code. A study analysis was completed by The Arsh Group and the Impact Fee Advisory Committee. The Plan Commission certified a favorable recommendation to the Town Council. This will increase the park impact fee from \$1,215 to \$1,762. This ordinance is to adopt the new fee. If adopted, this would require publication and would be in place upon publications. Mr. Eberly stated this is the second renewal of the Park Impact Fee. It was first adopted in 2011. This fee is only on new construction, residential permits. A brief discussion continued.

A motion to approve Ordinance No. 1375 was made by Colleen Schieben with second by Ralph Miller. Mr. Niemeyer discussed making sure that these fees are invested in the community and utilized for their intended purpose. He wants to get a list of projects together and action started on said projects. Mr. Foreman concurred. A brief discussion continued. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

Council Member Sharpe read Ordinance No. 1375 by title only.

A motion to adopt Ordinance No. 1375 was made by Colleen Schieben with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

**4. Ordinance No. 1376: Annexation – Bultema CLBD South, LLC**

Council Member Sharpe read Ordinance No. 1376 by title only. Mr. Austgen explained this as a voluntary annexation of approximately 28 acres at 14520 Wicker Avenue. The property is current zoned agricultural and is vacant. Mr. Eberly stated its proposed use will be mixed commercial and industrial. Proposal includes 18 lots with six of those fronting Wicker Avenue. A brief discussion continued on the address. This property is on the east side of the highway and the address doesn't agree. Mr. Austgen stated they will verify and update before adoption.

A motion to approve the first reading of Ordinance No. 1376 was made by John Foreman with the contingency that the address be corrected. Second was made by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

**5. Resolution No. 1276: Temporary Loan**

Clerk-Treasurer Sandberg read Resolution No. 1276 by title only. She explained this as a temporary loan from Fund #633 WWTP Special to Fund #412 in the amount of \$180,780.54. This is for the 2017 ABC Bonds. This loan is necessary in order to meet the lease rental payment due. The temporary loan will be repaid by June 30<sup>th</sup> with the spring settlement.

A motion to approve Resolution No. 1276 was made by Robert Carnahan with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

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**1. Owner: Porter Bros., LLC/Petitioner: Tim Porter - 9010 W. 133<sup>rd</sup> Ave Special Use Variance – Follow-up from December 15, 2020 Town Council Meeting**

The Board of Zoning Appeals certifies a **Favorable Recommendation** to the Town Council for the requested **Special Use Variance** to allow the Petitioner to operate an indoor/outdoor storage facility for boats, RVs, cars and truck no larger than ¾ ton pickups, hours of operation 7:00am to 7:00pm, no entry beyond those hours, one hundred-nineteen (119) parking spaces and ambulances to be removed before occupancy, contingent upon Plan Commission approval of 1-lot subdivision and land use approvals with one year to complete the projects, by a vote of **4 in favor and 0 against** held January 14, 2021.

Mr. Carnahan reported on the Board of Zoning Appeals meeting and approval of 4 customer parking spaces outside the fence area. That is right next to a bus stop. He voiced concerns about children getting on and off the school bus as well as parents lined up in their vehicles. Mr. Niemeyer stated storage facilities don't normally have high traffic within parking areas. Mr. Kubiak stated they have been discussing with the property owner about moving the fence back. A brief discussion continued on the property use.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Mr. Austgen asked for the motion to include the conditions certified by the BZA. Mr. Carnahan and Mrs. Schieben both concurred for inclusion with the motion. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**PLAN**

**1. Letter of Credit: Beacon Pointe East**

Mr. Eberly explained this is for the letter of credit for Beacon Pointe East. It is in an amount of \$341,736.80. It is before them for their acceptance. This was approved at the November Plan Commission meeting.

A motion to approve was made by John Foreman with second by Robert Carnahan. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**NEW BUSINESS**

**1. Trash/Recycling Services Agreement**

Mr. Eberly explained the current contract is not up for a few months but he wanted to make sure this item was put before the Council to begin the bid process. Mr. Niemeyer discussed previous conversations had with Republic Services. One of the things in developing the bid specifications is the varying degrees of services and costs, including every other week recycling service. Most companies are moving to every other week recycling. Adequate storage is unavailable for all of the recycling. Swapping the totes out for larger sized ones was also discussed. A lengthy discussion continued on the service and costs.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0. A brief discussion continued on the dumpsters provided for in the service contract as well as utilized for the Summerfest agreement.

**2. Financial General Services Agreement with O.W. Krohn**

Mr. Niemeyer explained this as an item he asked for some direction on at the last meeting. It is for a general services agreement with O.W. Krohn for Financial Services. He stated Jen could probably best analyze the relationship thus far. Clerk-Treasurer Sandberg stated the budget process went smoothly. She's been working well with Corby Thompson. She stated she is pleased with the working relationship so far. Mr. Niemeyer stated he received a message from Buzz Krohn and Mr. Thompson has taken personal ownership of the relationship with Cedar Lake. He is driving the work product on that. A brief discussion continued.

A motion to approve the Financial Services Agreement with O.W. Krohn was made by Richard Sharpe with second by Robert Carnahan. Mr. Niemeyer briefly discussed the hourly rates and fees. A copy of which can be found in the Office of the Clerk-Treasurer. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**3. 2020 Indiana Medicaid EMS Supplemental Payment Cost Report Engagement**

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Mr. Eberly explained this is the annual engagement letter for Rooney & Co. This is for the Medicaid Supplemental Payment Cost Report. The Town has utilized them the last few years. They provide the report for a flat fee of \$4,000 or a 25% contingency. He would suggest they take the fee route as in the past.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**4. Moto on Ice Agreement**

Mr. Eberly explained that Mr. Lewis signed the agreement on behalf of Moto on Ice. The organization has provided the required certificate of insurance. There are no employees and no automobiles. Mr. Austgen gave a brief explanation. The contract memorializes the relationship with the Town. It is similar in form and content to the agreement with Summerfest. A brief discussion continued on the agreement.

A motion to approve was made by Colleen Schieben with second by John Foreman. Mr. Govert stated the organization hopes to start races soon. Everything is weather dependent, the ice is not quite thick enough yet. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**5. Right of Entry Agreement – 9208 W. 142<sup>nd</sup> Place**

Mr. Eberly stated this is a temporary construction agreement. This is for a storm water improvement project for this parcel. Jill Murr and Don Oliphant met with the property owners on Thursday evening to go over the agreement and project. The project is estimated at \$19,500. Mr. Oliphant does not expect it to go that high. Mr. Niemeyer discussed policy on improvements in areas of private property. A lengthy discussion occurred on the ongoing policy process.

A motion to approve the right of entry agreement for 9208 W. 142<sup>nd</sup> Place was made by Ralph Miller with second by Richard Sharpe. Mr. Austgen stated the need for completion of the blank terms of the agreement is needed. He suggested a term of one year. Mr. Miller and Mr. Sharpe concurred with Mr. Austgen's term suggestion of one year. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**6. Hanover Township Fire Agreement**

Mr. Austgen stated the contract was previously approved by the Council. It was sent to Mr. Toth and his advisory board for approval. It was returned to him signed and executed. He recommends they take formal action for the counter signatures.

A motion to approve was made by Robert Carnahan with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**7. Legal Services Agreement – Barnes & Thornburg**

Mr. Austgen stated this is a legislative services agreement for Barnes & Thornburg. It is related to the activity within the General Assembly this year including permits and liquor licenses for potential developments within Town. It is for a fee of \$5,000 per month during the session. It is a long session this year.

A motion to approve the agreement with Barnes & Thornburg as presented was made by John Foreman with second by Colleen Schieben. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0. Mr. Foreman explained this is a new initiative the state has allowed. A brief discussion occurred on economic development and licenses.

**8. Crowe Agreement – Arbitrage Calculation**

Mr. Austgen stated Crowe is the recommended firm for bond related items. It was recommended they be retained for the arbitrage calculation related to the 2017 A, B, and C Bonds. This is related to the unused funds from the construction accounts, specifically from the Parrish Avenue project. It came in under engineer's estimated costs. A brief discussion continued on the project.

A motion to approve the agreement for Arbitrage with Crowe was made by John Foreman with second by Richard Sharpe. Mr. Austgen noted this is not to exceed \$7,200. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

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**9. IURC Payment of Fees**

Mr. Austgen explained the IURC has rendered a ruling on the water rate petition. This is for the cost and expense incurred by the IURC and OUCC. It is an amount of \$21,623.24.

A motion to approve the payment of fees to the IURC was made by Colleen Schieben with second by Richard Sharpe. Mr. Foreman asked if this would come out of the water fund. It was answered in the affirmative. A brief discussion continued on the public forum scheduled for January 28<sup>th</sup>. Roll call: Carnahan – Yes, Foreman – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Rivera – Yes, Niemeyer – Yes. Vote: 6 – 0.

**REPORT**

- 1. Town Council** - Mr. Carnahan stated he is looking forward to the project on 129<sup>th</sup> Avenue. Mr. Niemeyer stated they will be going into the update of the Comprehensive Plan. Every community is made up of demographics. One of the needs within the community is a laundry mat. He doesn't know if it is a water or wastewater issue that is cost prohibitive for such businesses from developing. Mr. Foreman stated they don't regulate business. Mr. Niemeyer agreed but it the cost structure of services is too great, is it prohibiting these businesses. A lengthy discussion continued on basic services and needs.
- 2. Town Attorney** - No report.
- 3. Clerk-Treasurer** - Her office is working on all of the annual financial reports.
- 4. Town Manager** - No report.
- 5. Director of Operations** - No report.
- 6. Police Department** - Chief Fisher reported on the December calls for service. He briefly went over 2020 calls. Work has begun with Lexipol on updating the department sop's. Lieutenant Forsell will be retiring in August and the Administrative Assistant will also be retiring this year. Lieutenant Forsell has been with the department over 36 years and the Administrative Assistant has been with the department for 35 years.
- 7. Fire Department** - Chief Wilkening stated the annual report is almost done. It should be in their packet by the next meeting. He has three promotions he would like to do. He already has approval from the Commission. He would like to present those at the next meeting.

**WRITTEN COMMUNICATION**

1. Hanover School Corporation – Introduction of Tracy Haskell as liaison.
2. Building Department Review – There were 279 new residential permits issued for the year with an estimated construction value just over \$7 million. New records were established in six out of the twelve months. It was a blockbuster year despite the hardships.
3. Christopher B. Burke Report – Provided in their packet for their review.

**PUBLIC COMMENT**

Mr. Niemeyer discussed the Presidential inauguration. He hopes for a peaceful transition. He stated all opinions need to be welcomed in a free society. He hopes for a leveling of everything and that everyone can work together. He hopes for everyone to figure out how to best serve one another. He looks forward to the next chapters in Cedar Lake.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at 8:20 PM

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

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Randell Niemeyer, President, Ward 5

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Richard Sharpe, Vice President, Ward 7

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Robert H. Carnahan, Ward 1

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John Foreman, Ward 2

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Julie Rivera, Ward 3

\_\_\_\_\_  
Ralph Miller, Ward 4

ATTEST:

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Colleen Schieben, Ward 6

\_\_\_\_\_  
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.