February 16, 2021

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



<b>Roll Call</b>				
Present	Robert H. Carnahan	Ward 1	Present	Colleen Schieben Ward 6
	Council Member			Council Member
Present	John Foreman	Ward 2	Present	Richard Sharpe Ward 7
	Council Member			Council Member
Present	Julie Rivera	Ward 3	Present	Jennifer N. Sandberg, IAMC
	Council Member			Clerk-Treasurer
Present	Ralph Miller	Ward 4	Present	Jill Murr, CPM, IAMC, MMC
	Council Member			Town Administrator
Present*	Randell Niemeyer	Ward 5	Present	David Austgen
	Council Member			Town Attorney

\*Present via Zoom Call. President Niemeyer announced he would relinquish the role of Chairman to Mr. Sharpe for the evening.

### PUBLIC HEARING: Ordinance No. 1376 - Annexation - Bultema CLBD South, LLC

- a. Review of Legals Mr. Austgen stated the legal notices were duly published.
  - **b.** Opening Remarks Mr. Austgen stated this is a parcel that was presented via petition in late January. It has had the introductory reading of the ordinance. You are conducting the public hearing for the fiscal plan. It is a proposed commercial/industrial development. It needs annexation for Town services. It meets contiguity. The adoptive reading of the ordinance will be at the March 2<sup>nd</sup> meeting.
  - c.
  - d. Remonstrators Greg Bouwer, on behalf of CLBD South, briefly discussed the petition for annexation. A lot layout and potential uses were shared with the Town. Mr. Carnahan asked what kind of businesses they would have. Mr. Bouwer stated the uses are quite expansive. Significant demand is there. They don't wish to disclose those who have expressed interest until the site moves forward. A brief discussion continued.
  - e. Town Council Discussion A brief discussion occurred on the public hearing as well as the resolution and ordinance. Mr. Austgen clarified they have conducted the public hearing for the resolution. The adoptive reading of the ordinance will be conducted at the March  $2^{nd}$  meeting.
  - Reading of Resolution No. 1277 Council Member Foreman read by title only.
  - Town Council Decision on Resolution No. 1277 g.

A motion to approve Resolution No. 1277 was made by Colleen Schieben with second by Julie Rivera. Roll call: Carnahan - Yes, Foreman - Yes, Rivera - Yes, Miller - Yes, Schieben - Yes, Sharpe - Yes, Niemeyer - Yes. Vote: 7 - 0. Mr. Austgen added the public hearing was just conducted on the annexation as required by law. The fiscal plan was considered for approval with this. They've conducted the public hearing and will come back on March 2<sup>nd</sup> and consider the ordinance for adoption. After the ordinance is adopted, there is a newspaper publication and 30 days must lapse before the parcel is annexed.

### **PUBLIC COMMENT**

#### None

#### **CONSENT AGENDA**

- 1. Minutes: February 2, 2021
- 2. Claims: All Town Funds: \$168,896.54; Wastewater Operating: \$137,736.61; Water Utility: \$50,017.97; Storm Water: \$8,638.50; and Payroll: February 4, 2021 -\$286,812.06
- 3. Manual Journal Entries: January 1 31, 2021
- 4. Tag Day Requests: Hanover Central Pom Cats, August 21, 2021

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Julie Rivera with second by Ralph Miller. Mr. Carnahan commented on the claims and an advertisement for garbage service. He asked if the Town would be reaching out to all companies to get the best rate. Mr. Eberly stated they haven't reached out to any waste haulers personally. They just advertised the notice of bid. Mr. Carnahan asked if he could reach out. He wants the citizens to get the best rate. Mr. Austgen stated he could ask staff to do that for him.

Mr. Carnahan asked for staff to please do that. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

#### ORDINANCES

#### 1. Ordinance No. 1377 – Hanover Central Middle School Campus PUD Rezone

Mr. Austgen stated two weeks ago the Plan Commission acted on this matter by certifying the recommended zone change for the Hanover Middle School parcel. There were 85.58 acres in the existing parcel. The school purchased an additional 21 acres. They desire to build a campus. They propose the campus build on the entirety of acreage, approximately 106 acres. That requires processes under the Town's Code to merge the acreage to a single lot for the variety of uses. It requires an amendment of the PUD that is in existence. When this is all done and the campus is permitted to be built, there will be a 1-Lot subdivision, a re-plat, and there will be an amended planned unit development (PUD) zoning district classification. The Plan Commission certified the favorable recommendation with conditions. He asked to read the ordinance to be clear on the record. Mr. Austgen read Ordinance No. 1377 into the record. A copy of Ordinance No. 1377 can be found at the end of the minutes. Mr. Foreman noted that many member of the school board were in attendance. He asked to allow them to speak if they have any comments. Mary Tracy-MacAulay, Superintendent of the Hanover Community School Corporation, thanked the Council for the opportunity to speak. In regards to the contract and the information that Mr. Austgen shared, the school conferred with their bond counsel. Hanover has learned that bond money can only be used on facilities owned by the school corporation. The proposed sidewalk mentioned is not on school property. The sidewalk was not mentioned as part of the school bond. The sidewalk is outside of the advertised project that was voted on. The school corporation asked that the PUD be approved with the sidewalk located on the high school property be removed. Mr. Foreman stated this is an interesting situation. He asked for clarification. The sidewalk that was discussed, debated, and approved by the Plan Commission is null and void because some of the sidewalk is off the school property. Part of the benefit is the ability for students to utilize the sidewalk and walk to school. Mrs. Tracy-MacAulay answered that some of the sidewalk is off school property. Legally they cannot pay for it. She also added that the neighborhood off of the proposed sidewalk has very little children in that particular area. Presently there are no walking zones. Mr. Foreman agreed but added they are trying to create better walking zones. Monastery North is filled with families and children. This could be an opportunity. He stated it was interesting to hear this after it was approved by the Plan Commission. He asked if they had reached out to the Town once they learned of this. Mr. Austgen stated a letter was received Friday afternoon from Mr. Otis's office. Mr. Sharpe added the sidewalk was heavily vetted at the Plan Commission meeting. Mr. Carnahan added it was so they wouldn't have to add the sidewalk at the middle school property along US 41. Mr. Niemeyer discussed previous sidewalk discussions between the Town and school board. The discussion was the Town would pay for the sidewalk on their property and the school would pay for that on their property. It never went further. He discussed the sidewalk possibly being a joint effort. Have it meet the timeframe previously discussed and each entity would cover their portion. A very lengthy discussion continued about the sidewalk mentioned in Section I of the PUD ordinance. Mr. Otis spoke on behalf of the school corporation. He asked about the potential costs the school would incur for the campus project. He asked for an estimate for a project this size. Mr. Austgen stated there was no way to estimate the cost. They've never had a project such as this. Mr. Niemeyer added in a previous meeting they talked about the ordinance the Town passed following the last Hanover School Corporation project. That ordinance created a reduction in those fees. Mr. Otis stated the complaint he heard in the past was the high costs. He stated the board is in attendance but they cannot vote on anything this evening. He confirmed the bond money cannot be used for the sidewalk. A brief discussion continued. Mr. Austgen discussed updating the wording for Section I of the PUD ordinance. Mr. Foreman discussed the language he was considering. A brief discussion continued on the description of the motion.

John Foreman made a motion to adopt Ordinance No. 1377 with the recommendation of the Plan Commission with the exception of Section I. Section I should be amended to include the school getting the sidewalk to a point, the northeast corner of their property, and the Town would agree to making a connection point from the monastery woods corner to the school's proposed sidewalk. Mr. Austgen asked for clarity of the motion. Mr. Foreman added the motion to include the sidewalk location be as agreed upon by the engineers of both parties and making a terminus at Monastery Woods South sidewalk within the two year period as agreed upon by the favorable recommendation of the Plan Commission. Josh Sudbury, 13976 W 132<sup>nd</sup> Place, asked who would be responsible for keeping the sidewalk clean on the Town's portion. It was answered the Town owns that and would be. Mr. Austgen suggested that signature be withheld pending attachment of the appropriate exhibits and completion of amendments. Mr. Foreman concurred with the

legal suggestion. Mr. Carnahan asked if this was contingent on the school board approving it. Mr. Austgen stated the Council is acting on the ordinance. The school will act on either doing it or not doing it. A second was made by Randy Niemeyer. A brief discussion continued on the proposed sidewalk. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

#### NEW BUSINESS

#### 1. Y2021 Farmers Market Agreement

Mr. Eberly thanked Mr. Austgen for putting this together. Kelly Dykstra is in attendance and wishes to continue with the Farmers Market this year. He explained this is the annual agreement. He asked what the start date was. Mrs. Dykstra stated May is the official start. She asked if they could have an early start in April if the weather is good. Mr. Austgen stated they can take action at a future date. Mr. Foreman asked what the end date was. Mrs. Dykstra stated October. She asked about the soccer program. Mr. Eberly stated they would have an update at the next meeting. Someone has expressed interest in running a soccer program. Mrs. Dykstra stated last year parking and traffic became an issue between soccer and the market. It got very busy. They are trying something new with student entrepreneurs this year but she was unsure how much additional space they would have. A brief discussion continued on parking and safety. Chief Fisher added it is a popular event and the department helps with the traffic. Mrs. Dykstra asked about signage and if they could have smaller signs out all season long. Mr. Niemeyer asked about the ordinance for small signs. Mr. Austgen stated they aren't permitted. The ordinance is clear. Mr. Austgen discussed adding a bit of language within the agreement to cover this. A brief discussion continued.

A motion to approve the agreement as presented with the consideration of language being added that addresses the temporary signage on the day of the event was made by Randy Niemeyer with second by John Foreman. Mr. Miller asked Mrs. Dykstra if that was what she wanted. Mrs. Dykstra clarified that she was looking at doing larger signs at US 41 or where advertisements are place at the school administration building. Mr. Austgen stated that was different. It sounds like a business to hi. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 – 0.

### 2. Capital Improvement Plan

Mr. Eberly stated each year they need to submit a capital improvement plan of potential projects that utilize the economic development income tax to the Lake County Auditor. He asked for their approval to submit. He stressed these are only potential projects.

A motion to approve the capital improvement plan and submittal to the Lake County Auditor was made by Julie Rivera with second by Ralph Miller. Roll call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

### 3. Agreement for the Elimination of Sewer Utility Billing

- a. 9710 W 133<sup>rd</sup> Avenue
- b. 8518 W. 131<sup>st</sup> Lane

Clerk-Treasurer Sandberg explained this is for the elimination of sewer utility billing. Both addresses have been inspected by Public Works and both are ready for their consideration.

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

#### REPORTS

- **1.** Town Council
  - a. Council Affairs Mr. Eberly reported that the committee met with Chief Wilkening, Clerk-Treasurer Sandberg, and himself to talk about issues the Fire Department continues to face. There are dispatching issues. Chief Wilkening stated Southcom is facing delays in regards to dispatching mutual aid. They are at an impasse right now on how to fix the problem. He stated he has quite a bit of data to support the delays and issues at hand. The quickest way to fix it would be to join the Lake County Central dispatch. Mr. Niemeyer stated these are concerning issues. Data is being shared and discussions are occurring with Schererville as well as dispatch personnel. Mr. Niemeyer has asked legal to dive

into the code and the rules in regards to the systems utilized and shared. These entities should be supporting one another. A brief discussion continued.

- 2. Town Attorney No report.
- 3. Clerk-Treasurer No report.
- Town Manager No report.
  Director of Operations- No report.
- 6. Police Department Chief Fisher briefly went over the monthly call report. He briefly discussed updates to the Police boat for the upcoming season. The Lexipol update is moving forward.
- 7. Fire Department Chief Wilkening asked for help with getting fire hydrants cleared out. Public Works is swamped and can't get to them all. There are many buried hydrants. They are asking for the community's support. He stressed the importance of clearing sidewalks and driveways so medical personnel can access homes when they are called out. Chief Wilkening reported that staff helped deliver a healthy baby during the snow storm.

### WRITTEN COMMUNICATION

1. Christopher B. Burke Report – Mr. Foreman stated they are working on the proposal for the next step of the Ecosystem Project.

#### **PUBLIC COMMENT**

None

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

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

HCSC Middle School Campus PUD Zoning Ordinance

#### TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

#### ORDINANCE NO. 1377

AN ORDINANCE RECLASSIFYING CERTAIN LANDS IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, FOR ZONING PURPOSES, AND AMENDING TOWN ORDINANCE NO. 496, BEING:

"AN ORDINANCE REPLACING ZONING ORDINANCE NO. 278, ENTITLED CEDAR LAKE, INDIANA, ZONING ORDINANCE, PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF CEDAR LAKE, INDIANA, AND ALL AMENDMENTS PASSED SUBSEQUENT THERETO, REPEALING ZONING ORDINANCE NO. 278, ALL AMENDMENTS THERETO, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, ESTABLISHING NEW COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF CEDAR LAKE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA STATE STATUTES."

#### PASSED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THE 13TH DAY OF DECEMBER, 1989, AND ALL AMENDMENTS PASSED SUBSEQUENT THERETO.

WHEREAS, the Owner of the land hereinafter described has heretofore developed and completed a Middle School Facility and Development Project, commonly known as "Hanover Middle School", located in a parcel of real property at 10631 West 141<sup>st</sup> Avenue, Hanover Township, Cedar Lake, Indiana; that said existing Hanover Middle School was developed and constructed in 2010 as part of a one (1) lot subdivision Planned Unit Development land use approval Petition and proceeding; and

WHEREAS, the HANOVER COMMUNITY SCHOOL CORPORATION, an Indiana Municipal School Corporation (hereinafter, the "Owner", or the "Developer"), completed its land use approvals for said existing Middle School in 2010, and thereafter; the existing Hanover Middle School parcel legal description is officially recorded as Lot 1, Hanover Central Middle School Subdivision, an Addition to the Town of Cedar Lake, Lake County, Indiana, recorded in Plat Book 104 page 83, in the Office of the Recorder of Lake County, Indiana; further that the existing Hanover Middle School exists on 85.58 acres, which parcel is presently zoned B-2 Community Business Planned Unit Development Zoning District; and

WHEREAS, the Owner and Developer has recently purchased an additional 21.26 acres, which parcel is zoned (A) Agricultural Zoning District classification, and which is contiguous with the aforementioned 85.58 acres upon which the existing Hanover Middle School project referenced above was developed; that the additional 21.26 acres has been legally annexed into the Town of Cedar Lake in November, 2020; and

WHEREAS, the existing Hanover Middle School property and newly acquired additional property by the Owner and Developer is proposed by the Owner and Developer for expansion of the existing Hanover Middle School, and improvements, along with the construction of a new additional Elementary School, Bus

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HCSC Middle School Campus PUD Zoning Ordinance

Service Area, Bus Barn and Administration Building, all of which is collectively referred to hereinafter as the "Hanover Middle School Campus" development; and

WHEREAS, the Owner and Developer has applied to the Town for approval to develop the entire 106.84 acres, which parcel hereinafter shall be referred to as the HANOVER COMMUNITY SCHOOL CORPORATION MIDDLE SCHOOL CAMPUS PLANNED UNIT DEVELOPMENT PROJECT, and whereby the zoning of the existing Hanover Middle School parcel and subject property into a single one lot subdivision is petitioned for together with the Zone Map Amendment to Planned Unit Development Zoning District, with all to be expressly contingent upon terms and conditions of approval from each of the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, on the amended and combined one (1) lot subdivision, and the Town Council of the Town of Cedar Lake, Lake County, Indiana, on the Planned Unit Development Zoning Map parcel classification petitioned for; and

WHEREAS, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, the "Plan Commission"), has heretofore, on the 16<sup>th</sup> day of December, 2020, held a Public Hearing pursuant to notice as prescribed by applicable law, on such Petition of the Owner and Developer, and all other matters pertaining thereto; and

WHEREAS, the Plan Commission, at the conclusion of the afore-described Public Hearing, has certified its FAVORABLE RECOMMENDATION on such Petition to the Town Council of the Town of Cedar Lake, Lake County, Indiana, related to said petition for rezoning, with substantial conditions, as set forth hereinafter.

## NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

**SECTION ONE:** That the Zoning Ordinance of the Town of Cedar Lake, Lake County, Indiana, the same being Town Ordinance No. 496, as amended, and the Zoning Map of the Town of Cedar Lake, Lake County, Indiana, each be, and the same are hereby amended to reclassify the entire following described parcel of real estate from (A) Agricultural Zoning District Classification, and B-2 Community Business Planned Unit Development Zoning District Classification, to Planned Unit Development (PUD) Zoning District Classification to-wit:

The North 21.25 acres of the Northwest Quarter of the Southwest Quarter of Section 33, Township 34 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, being more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 33; thence South 89° 14'33" East along the North line of said Southwest Quarter, 1330.02 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence South 00° 08' 59" West along the East line of said Northwest Quarter, 696.50 feet; thence North 89° 14' 33" West parallel to the North line of the Southwest Quarter of said Section 33; thence South 00° 05' 45" East along said West line 696.51 feet, to the Point of Beginning. (Containing 21.25 acres more or less), and

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HCSC Middle School Campus PUD Zoning Ordinance

Lot 1, Hanover Central Middle School Subdivision, an Addition to the Town of Cedar Lake, Lake County, Indiana, recorded in Plat Book 104 page 83, in the Office of the Recorder of Lake County, Indiana. (Containing 85.58 acres more or less).

The Zoning District Classification Amendment granted hereby is expressly contingent upon conformance to and compliance with the following terms and conditions, namely:

A. All terms and conditions of adopted Town Council Annexation Ordinance No. 1359, dated October 6, 2020, attached hereto as Exhibit "A".

B. All terms and conditions of approved Town Council Resolution No. 1265, approving the Fiscal Plan, for the parcel being annexed, with the Resolution and approved Fiscal Plan attached hereto as Exhibit "B".

C. The approved HANNOVER COMMUNITY SCHOOL CORPORATION MIDDLE SCHOOL CAMPUS PLANNED UNIT DEVELOPMENT PROJECT CONTRACT, dated \_\_\_\_\_\_, 2021, presented by the Owner/Petitioner and approved by the Town Plan Commission and Town Council. The approved HANNOVER COMMUNITY SCHOOL CORPORATION MIDDLE SCHOOL CAMPUS PLANNED UNIT DEVELOPMENT PROJECT CONTRACT presented and dated \_\_\_\_\_\_, 2021, is attached as Exhibit "C" hereto, and is incorporated herein.

D. All other terms and conditions of the One (1) Lot Subdivision Plat Approval by the Town Plan Commission. (A copy of the Primary Subdivision One (1) lot Amended Plat, with copy of approved minutes of the public meetings of the Cedar Lake Plan Commission at which terms and conditions for each of the Zone Map Amendatory Ordinance and Amended One (1) Lot Subdivision Plat Approval were made and issued are attached hereto and incorporated herein as Exhibit "D").

E. All terms and conditions of the Town Board of Zoning Appeals pertaining to parking, approved on December 10, 2020.

F. Compliance by the Owner/Petitioner with all of the rules, regulations, and requirements for Project Development in the Town of Cedar Lake, as well as all Town Ordinances, as same are all amended from time to time.

G. This Planned Unit Development Zoning District Classification Zone Map Amendment is expressly contingent upon payment by the Petitioner/Owner of all fees, costs, and charges incurred by the Town related to this Application, including engineering, legal, and all related.

H. Compliance with all terms and conditions set forth in the Town Engineering review letter of CBBEL for said project parcel dated the 2<sup>nd</sup> day of February, 2021, a copy of which is attached hereto.

I. Design and construction of a sidewalk in designated location at the Hannover Central High School property to Parrish Avenue, with exact routing of said constructed sidewalk be determined by the Town and Owner/Petitioner before Final Permit issuance of the Primary Subdivision One (1) Lot Amended Plat and project parcel.

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HCSC Middle School Campus PUD Zoning Ordinance

J. That the sidewalk requirement for the Hanover Central Middle School Subdivision Lot One (1), from the main campus to U.S. Route 41 is hereby waived.

SECTION TWO: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and compliance with all approval conditions aforestated, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS \_\_ DAY OF \_\_\_\_\_, 2021.

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

Randell C. Niemeyer, President

Richard Sharpe, Vice-President

Robert H. Carnahan, Council Member

John C. Foreman, Council Member

Colleen Schieben, Council Member

Ralph Miller, Council Member

Julie A. Rivera, Council Member

ATTEST:

Jennifer N. Sandberg, IAMC, Clerk-Treasurer

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