

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

April 20, 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	Absent	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	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC HEARINGS

1. Ordinance No. 1381 – Public Way Vacation – Vis

- Review of Legals - Mr. Austgen stated the legals were in order. Publication occurred in two newspapers timely and adjacent property owners were notified.
- Opening Remarks - Mr. Austgen stated this is a public way vacation application in the vicinity of west 126th Avenue. These are public walkway vacations in an old Town subdivision.
- Reading of **Ordinance No. 1381** - Mr. Sharpe read by title only.
- Remonstrators - None
- Town Council Discussion - Mr. Foreman stated this property to the north is the new subdivision. A lot of these walkways were pre-platted but never improved. This is an example where these old areas will never be used.
- Town Council Decision - Mr. Niemeyer asked if there were any utility crossings that would encumber this. Mr. Eberly added 125th Avenue to the east is where the Council was considering vacating the entire right of way to CL Vending.

A motion to approve the first reading of Ordinance No. 1381 was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 1. Second reading will be at the May 4th meeting.

2. Community Development Block Grant (CDBG)

- Review of Legals - Mr. Eberly stated the legals are in order. Proof of publication is in their packet.
- Opening Remarks - Mr. Eberly stated Mr. Brown is in the audience this evening. Mr. Brown stated this is for the 2021 CDBG Program award. This is the normal process. This occurs every other year. This is for the use of the CDBG funds. Normally, this is for ADA or park related projects. Funds should be available come September.
- Remonstrators - None
- Reading of the Affirmative Action Program - Mr. Sharpe read the Affirmative Action Program in its entirety.
- Reading of Section 3 Understanding
Mr. Austgen suggested the Council President solicit a motion for approval of the Affirmative Action Program as well as Section 3 Understanding and all appropriate signatures. A brief discussion continued.

A motion to include in the record the Affirmative Action Program as well as the Section 3 Understanding and approve acceptance and appropriate signatures was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

- Reading of **Resolution No. 1278** - Mr. Sharpe read by title only.
- Town Council Discussion – Mr. Niemeyer asked if there was a plan for the utilization of the monies. Mr. Eberly stated they plan to continued the ADA curb cuts and sidewalk ramps.
- Town Council Decision

A motion to approve Resolution No. 1278 was made Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

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

3. Ordinance No. 1382 – Establishing the American Rescue Plan Fund Number

Mr. Sharpe read by title only. Mr. Carnahan asked for an explanation. Mr. Niemeyer stated in order to receive the funds there has to be a fund established. This is the money from the American Rescue Plan. A lengthy discussion continued on the funds and permitted uses.

A motion to approve Ordinance No. 1382 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

Mr. Sharpe read Ordinance No. 1382 by title only.

A motion to adopt Ordinance No. 1382 was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

4. Ordinance No. 1383 – S-31 Supplement to the Town Code

Mr. Sharpe read by title only. Mr. Austgen stated this is the regular codification update. Probably worked on by Jennifer with the Town's code company. Ms. Sandberg stated this encompasses everything from the S-30 update to current. Mr. Carnahan commented on the listing provided and added this includes up to Ordinance No. 1372.

A motion to approve Ordinance No. 1383 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

Mr. Sharpe read Ordinance No. 1383 by title only.

A motion to adopt Ordinance No. 1383 was made by Robert Carnahan with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

BZA

1. Feege – Special Use Variance, 13934 Pickett Way

Note: Favorable recommendation from the BZA to operate a home-based FFL (Federal Firearms License) allowing the transfer of firearms to individuals and do minor gunsmithing work.

Mr. Eberly reported this comes to the Council with a unanimous favorable recommendation from the BZA for the special use variance request. Mr. Niemeyer stated there are five findings of fact included. Mr. Foreman asked where this is located. Mr. Eberly stated it is a home-based business. Mr. Feege, the applicant, spoke to his request. He applied for his federal firearms license with the ATF in order to do firearms transfers. His intention is for the majority of the work to be online sales and drop ship directly to the persons FFL of choice. A brief discussion continued on federal firearm transfer requirements. Mr. Feege believes there will be more of a demand for this type of transfer activity. He will be doing some minor gunsmithing work in the garage. Such as adjusting or selling sights. Mr. Foreman asked about the home structure. Mr. Feege stated it is a paired villa but the garage is at the opposite end of the structure from his neighbor. Mr. Niemeyer noted this went through the BZA and there were no remonstrators. Mr. Foreman voiced concerns with safety and this type of business in a subdivision. Mr. Feege discussed the requirements to have a home-based FFL, such as secured storage and logs of firearms. He can be inspected by the ATF at any point.

A motion to defer was made by John Foreman. He stated he wanted more time to review. He thinks this needs to have some type of review included. Mr. Niemeyer stated the BZA recommendation includes a review by the board. A second was made by Ralph Miller. Mrs. Rivera asked Chief Fisher for his opinion. Chief Fisher stated to get an FFL is very difficult. This petitioner is going the legal route. A lot of people don't. He usually gets a copy of the application during this process. Mr. Sharpe asked if he was okay with it. Chief Fisher answered in the affirmative. Roll call vote: Carnahan – No, Foreman – Yes,

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

Rivera – No, Miller – Yes, Sharpe – No, Niemeyer – No. Vote: 2 - 4. Motion fails to defer.

A motion to approve the Special Use Variance as certified by the BZA with the five findings of fact was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

2. Henn - Use Variance, 13212 Wicker Avenue

Note: Favorable recommendation from the BZA to allow 3 businesses on a B-2 Zoning District lot, contingent upon Town Council approval and Subdivision Plat approval from the Plan Commission.

Mr. Eberly stated this is the former Gard Laundromat. The BZA has sent a favorable recommendation. This is to conduct three different uses from the same building. Mr. Niemeyer added there were five findings of fact listed as well.

A motion to approve the Use Variance as certified by the BZA with the five findings of fact was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

NEW BUSINESS

1. 2021 Garbage and Recycling Bid Award

Mr. Niemeyer stated this is a carryover from the last meeting. Mr. Austgen stated he has reviewed the technical data in the contract. He asked them to consider approving the contract subject to one final detail that was exchanged today. Substantively it is where they want it.

A motion to approve contingent on the one final item for review was made by John Foreman with second by Richard Sharpe. Mr. Eberly clarified that they all have the copy of the contract within their packet. He asked for Mr. Austgen to advise whether Mr. Niemeyer should sign or wait for final review. Mr. Austgen stated based on the signature block he could sign tonight. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0. A brief discussion continued on the contract.

2. Agreement for the Elimination of Sewer Utility Billing – 14621 Huseman Street

Ms. Sandberg stated they have received confirmation from Public Works that the sewer tap has been inspected and capped off. This item is ready for their consideration.

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

3. Selling the Town's Old Pier

Mr. Niemeyer discussed the partnership with the historical association and the new placemaking pier that is to be installed. Mr. Eberly stated this is to dispose of the old pier that is being replaced with the new one. The contractor had no interest in the pier as a trade in. They are looking to be able to sell it as opposed to storing it. Mr. Foreman asked how they would sell it. Chief Fisher stated they could auction it off on GovDeals.com. Some sections are bad and unable to be used. Mr. Foreman wanted to make a motion to offer it to non-profits on the lake. Chief Fisher asked that a motion include removing the bad sections and give the ability to get rid of it. A brief discussion continued on piers.

A motion to pursue the auction of the Town's old pier was made by John Foreman with second by Ralph Miller. Chief Fisher asked if they cannot get any bids, could they have permission to get rid of it. Mr. Foreman and Mr. Miller concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

4. Tourism Funds Requests - Kelly Dykstra requested funds for the Musical Performances at the Farmers Market

Mr. Eberly explained the only tourism fund request received so far is from Kelly Dykstra. This item was deferred from the last meeting. Mr. Niemeyer added that according to Mr. Batistatos, the Town would most likely not receive the normal allocation due to COVID. We just don't know yet. Mr. Foreman asked if the symphony would be performing. Mr. Carnahan asked Diane Jostes to speak. Mrs. Jostes stated she doesn't think the symphony would be having any outdoor events. However, the Lakeside Artists Guild has interest in

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

performing. Mr. Carnahan stated they performed at Faith Church last Friday. It was amazing. Mrs. Jostes added that they are local performing artists who have been affected by COVID. Mr. Carnahan stated they used to have music in the park years ago. Mr. Niemeyer suggested he could work with Kelly about incorporating some of that. A lengthy discussion continued.

A motion to approve the tourism funds request to Kelly Dykstra for the full amount the Town receives was made by John Foreman with second by Ralph Miller. Mrs. Rivera stated since they don't know how much they are getting or maybe if someone else will request, she asked for the motion to be for \$1,000 only. Mr. Foreman amended his motion to approve an award not to exceed \$1,000. Mr. Miller concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – No. Vote: 5 - 1.

5. Sustainability Plan

Corby Thompson with O.W. Krohn and Associates presented the Sustainability Plan to the Council. It is a comprehensive look at what the Town does and form some projections for the next five years. He discussed some of the key assumptions and findings. The plan is for the Council to be able to review the document and discuss further at a later date. Mr. Thompson went through a lengthy powerpoint which discussed key points such as revenue, expenditures, and projections. Mr. Thompson reiterated that this is a working document and can be molded and updated however the Council wishes. Mr. Niemeyer added this comes from the strategic objectives the Council outlined a while ago. He had a conference call with Corby and Buzz about a week ago. Some ideas on quality of place have been discussed. Mr. Niemeyer discussed projects that have been previously discussed that he would like to see adopted by the Council at the next meeting. The four projects he discussed were neighborhood reconstructions, a new municipal complex, lake ecosystem restoration, and park and recreation. He discussed the importance of getting the right working group together and taking action on items. A lengthy discussion continued.

A motion to defer the Sustainability Plan was made by Robert Carnahan with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – No, Rivera – No, Miller – Yes, Sharpe – No, Niemeyer – No. Vote: 2 – 4. Motion fails.

A motion to accept the Sustainability Plan as presented was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 1.

REPORTS

1. Town Council – Mr. Foreman discussed receiving phone calls on loose dogs. He thinks they need to work with Lake County on animal control. Mr. Eberly stated they received a contract from Lake County. Mr. Austgen stated it was wholly inappropriate. The contract indemnifies them from everything. It is the second time he has received the same contract. He advises against it. Mr. Foreman continued to voice concerns. Chief Fisher discussed the money previously spent on animal intakes. They have an issue and need to do something. Mrs. Rivera stated other communities are in contract with Lake County. She would like to see this item on the next agenda. She suggested they try it for one year. She doesn't see another way. The Town cannot have its own animal control and to partner with another community may take some time. Mr. Foreman asked about the contract terms. It was stated it was a blanket form sent to the Town Attorney. A very lengthy discussion continued on the contract received, previous partnership, and possible partnership with another community.
2. Town Attorney - No report.
3. Clerk-Treasurer - Clerk-Treasurer Sandberg discussed the submitted salary proposal from Chief Wilkening for his staff. She has reviewed the proposal, gone over the department budget, as well as reviewed expenditures to date. At this time, with the overtime at the level it is she doesn't see the proposed increase as being feasible. Mr. Foreman stated he respects that. He would like to see the Council Affairs Committee review it. It was a surprise to him. He knows they had some folks on administrative leave which made for mandatory overtime. He knows there was also an issue with the snowstorms. He appreciates her efforts. He asked about the salaries she shared. Ms. Sandberg explained she shared with them a copy of the 2021 Salary Ordinance as well as the 2020 and 2021 Master Salaries and Wages Comparison as created by Mr. Thompson. It details 2020 versus 2021 salaries. The second to last page is a comparison of all with the proposed increases. It shows the proposed increase as a percentage as well as what the base salary estimates were for 2020 and 2021 and what the proposal would mean as an increase to the current budget. Mr. Niemeyer suggested this is an opportunity to use the sustainability report to see what they can do. Mr. Foreman agreed. Chief Wilkening

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

stated this is the first time he's seen the Clerk-Treasurer's report. Mr. Niemeyer stated maybe the Chief's proposal as presented may not fit but maybe there is something that can fit. Mr. Foreman stated that's what he'd like Council Affairs to look at. Chief Wilkening stated he didn't have any issues splitting the numbers. Do partial now and partial later. Mr. Niemeyer stated he thinks there may be an opportunity. Chief Wilkening stated he hopes he's at the table. Mr. Niemeyer asked why wouldn't he be. Chief Wilkening stated he wasn't on this. Mr. Niemeyer stated this is Jen's report based on what was requested. Ms. Sandberg stated this includes taking the expenditure reports from the system and putting all the information together. Chief Wilkening stated it was a recommendation not to move forward with it. Mr. Niemeyer stated that is based on the current proposal. They all received the report this evening. This is an opportunity for all to review it. This is an opportunity to sit down and see what kind of flexibility they have. A brief discussion continued on scheduling a Council Affairs meeting. Mr. Foreman stated he thought Chief asked if his request could include not hiring a full-time employee and splitting that amongst the current staff. Mr. Niemeyer stated that was included in Jen's report. Chief Wilkening discussed the overtime issues within the Fire Department. Discussion continued on overtime, the sustainability plan, and the future.

4. Town Manager - No report.
5. Director of Operations - No report.
6. Police Department - Chief Fisher reported that Officer Dills will be graduating from the academy this Friday. She will be on the road beginning next week. They are moving along well with Lexipol.
7. Fire Department - Chief Wilkening stated the Township did agree to buy a tanker for the Fire Department. The Township Trustee will be meeting with the manufacturer soon. Two people were sent to review the new ambulance at the manufacturer in Missouri. It is on track to be completed on time. They reviewed the air pack masks. The manufacturer has not issued a recall. There are some masks that are splitting or damaged. It's difficult to see the stress cracks. They are hoping to get the masks repaired under warranty. Mr. Carnahan asked if they ordered new masks would it continue to be a problem. Chief Wilkening stated the new masks are a different style. He gave kudos to the medics who saved someone on a call the other day. They are still receiving many covid related calls. They are also moving forward with their Lexipol policy updates. They are on track for a June 1st completion on all policies. He estimates approximately 180 policies for the department.

WRITTEN COMMUNICATION

1. Building Department Report - The monthly report is included in their packet. Year to date there have been 98 new permits issued with a total value of approximately \$23.1 million. A brief discussion continued on building records.
2. Christopher B. Burke Report - The monthly report is included in their packet. Mr. Carnahan asked for an ecosystem updated. Mr. Foreman stated they've received some analysis. The engineers have some ideas. A lengthy discussion continued on ecosystem and scheduling a presentation for the next meeting.

PUBLIC COMMENT

Mary Joan Dickson, 8711 W. 132nd Place, mentioned the house fire on Morse and another that occurred on Parrish. She asked about the timeframe of clean-up. It was different for both. Chief Fisher stated the structure on Parrish was due to safety. It needed to come down quickly before it would collapse. The one on Morse was being worked on with the owner. A brief discussion continued on costs to remove and recouping those costs.

ADJOURNMENT President Niemeyer called the meeting to adjournment at 9:19 PM

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

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

Randell Niemeyer, President, Ward 5

Richard Sharpe, Vice President, Ward 7

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

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.