

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



May 18, 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
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	

**PRESENTATION – Commendation for Good Samaritans**

Chief Fisher commended two citizens that came to the aid of a couple after their car went into Cedar Lake. The good Samaritans witnessed an elderly couple drive into the lake and jumped into the lake to pull them out before emergency services arrived. He presented Christopher Witter of Schererville with a certificate of appreciation for his heroic act. Chief Fisher commended John Guzzo as well, who was unable to attend the meeting. He also thanked the Fire Department and Sunrise Pier and Lift for their prompt responses.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

- 1. Claims:** All Town Funds: \$198,252.98; Wastewater Operating: \$19,097.49; Water Utility: \$12,052.34; Storm Water: \$9,447.62; and Payroll: May 13, 2021 - \$290,459.58
- 2. Manual Journal Entries:** April 1 – 30, 2021
- 3. Donations:** Dare Donations: Glover & Sons, Inc. - \$100; Sikma & Sons Plumbing Co., Inc. - \$250; St. John Paving - \$500; McAllister General Contractor - \$250; Nagy's Automotive - \$250; Fraternal Order of Eagles - \$500; Bunge & Co - \$250; Westend Development Company - \$250; Caribbean Pools, Inc. - \$100; Sheehy Well & Pump - \$50; Action Plumbing - \$250; Olthof Homes, Inc. - \$250; Sterling Machine Co, Inc. - \$250; Cedar Lake Commercial, LLC - \$250; Christopher B. Burke Engineer - \$100; Indiana Grocery Group, LLC - \$250; James Chrysler Dodge Jeep Ram - \$250

A motion to accept the consent agenda as listed was made by Julie Rivera with second by Colleen Schieben. Mr. Carnahan asked Mr. Kubiak about a purchase for chip seal. He asked if it was materials. Mr. Kubiak answered in the affirmative. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**ORDINANCES & RESOLUTIONS**

- 1. Ordinance No. 1385 (Second Reading) – Amending Ordinance No. 1161, Rules and Regulations for the Water Utility to Establish and Prescribe Water Sprinkling Usage Regulations**

Council Member Sharpe read by title only. Mr. Eberly explained this ordinance will restrict sprinkling and water usage of certain types for residents who are part of the Town's municipal water utility. Even number addresses shall have use on Mondays, Wednesdays, and Fridays for activities such as sprinkling lawns, filling pools, or other similar uses. Odd number addresses will have use on Tuesdays, Thursdays, and Saturdays. There are no restrictions on Sundays. That was one of the changes made from the original reading. They also removed the provision on washing automotive so that it is allowed. Mr. Austgen added the form of ordinance within the packet does not describe the changes as accurately stated by Mr. Eberly. Mr. Kubiak clarified this is simply an effort to balance out the usage. There is no current shortage. With all the new homes going in, most of the sprinklers are set to the same days and times. This is simply a management tool. Mr. Foreman asked Mr. Eberly if other communities had something similar. Mr. Eberly stated yes. Dyer and St. John have similar ordinances and have had to apply them. They don't necessarily always apply them. Mr. Austgen stated conservation is something they always need to be aware of. This is an important management tool. A brief discussion continued.

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A motion to adopt Ordinance No. 1385 with the comments made by the Town Manager on the types of usage and dates of usage was made by Ralph Miller with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Resolution No. 1282 - Joint-Interlocal Cooperative Agreement with Lake County Animal Control for Services**

Council Member Sharpe read by title only. Council Member Rivera explained they heard from the director of Lake County Animal Control at the last meeting. Questions were asked and answered. She feels this is something they need to enter into. It might not be the perfect agreement. She asked them to keep the following in mind when they vote. There is a stipulation where they have thirty days to respond in writing if they wish to get out of the contract. She thinks going into an agreement with another town is not realistic at this time. If the fees get out of control, they do have an option to get out of the agreement. It doesn't have to be permanent. This is what residents want and what she thinks is fair. Mrs. Schieben asked if they could put a limit on what they spend per animal. She voiced concerns with potentially spending thousands of dollars on a stray. Chief Fisher stated he believes they will call if there is an exorbitant amount needed for services. He stated he would confirm with them. A brief discussion continued on the terms of the contract. Mr. Eberly stated the agreement says the initial term shall be for a term of two years, commencing January 1, 2021 and through December 31, 2023. That is a three-year period. As mentioned, you can get out of the contract with a thirty-day notice. They don't have an ability to change the agreement. That is part of the language. He hopes that wouldn't include the term, which he likens to a scrivener's error. Mr. Carnahan briefly discussed how they've been criticized by residents by not having animal control. Mr. Niemeyer stated he had a discussion with Mr. Tippy about the vagueness of the contract. But it was presented with the thirty-day notice to get out if things get out of control. A brief discussion continued.

A motion to approve Resolution No. 1282 was made by Julie Rivera with second by Robert Carnahan. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – No, Sharpe – No, Niemeyer – Yes. Vote: 5 - 2.

**PLAN**

**1. Performance Letter of Credit: Summer Winds Commercial**

Mr. Eberly explained this letter of credit comes with a recommendation from the Town engineer to accept. Mr. Austgen concurred. He reviewed the form and content.

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

**2. Performance Letter of Credit: Beacon Pointe Unit 3**

*(This will extend their existing Performance Letter of Credit to July 12, 2021.)*

Mr. Eberly this is the same as the previous item with the extension of the expiration date as noted above. Mr. Austgen stated the form and content is fine.

A motion to approve the Performance Letter of Credit was made by Colleen Schieben with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**NEW BUSINESS**

**1. 2021-1 CCMG Agreement – Fairbanks Street from 129<sup>th</sup> Avenue to 133<sup>rd</sup> Avenue**

Mr. Eberly explained the Town was successful in getting the 50/50 grant from the State in order to do Fairbanks from 129<sup>th</sup> Avenue to 133<sup>rd</sup> Avenue. It includes some sidewalk and curb work. The total grant is for \$101,474. The Town will match the same. They expect it to be a summertime project this year. Mr. Eberly stated he spoke with Christopher B. Burke Engineering about a construction observation contract for this project. They stated it would be such a minor work product that they would do it under the general services agreement with the Town.

A motion to approve the 2021-1 CCMG Agreement – Fairbanks was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Ambulance Financing**

Clerk-Treasurer Sandberg stated last October the ambulance bid was awarded to North Central/Osage. Delivery was anticipated to take seven months. Financing waited as any financing at that time would've cost interest as the funds sat in an escrow account. The

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unit is scheduled to be delivered next month. Ms. Sandberg stated she reached out to three entities for updated financing quotes. This would be for a five-year lease, with the first payment in arrears. She received a response from Tax-Exempt Leasing Corp. and Republic First National. Tax-Exempt Leasing Corp. quoted an interest rate of 2.38% and Republic First National quoted a rate of 2.85%. She didn't receive a response from DeMotte State Bank. She recommends they enter into a lease-purchase agreement with Tax-Exempt Leasing Corp. as they were the lowest responsive and responsible bidder. Mr. Austgen questioned Ms. Sandberg if they were any other banks in Town. She stated the last time she reached out to Tech Credit Union they didn't have a lease program in place.

A motion to approve the recommendation of the Clerk-Treasurer was made by Richard Sharpe with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**3. Tourism Funds Request – Summerfest 2021**

Mr. Eberly stated they received a request from the Summerfest Committee for some of the Tourism Funds. At the last meeting, they awarded the Farmers Market \$1,000 from the Tourism Funds. At this time, they are still uncertain how much they will receive. Typically, the Town receives \$4,725. They think it may be less this year. Summerfest did not ask for a specific amount. Mrs. Rivera asked if they think it would be safe to give them \$1,000. Mr. Niemeyer stated they don't know if they'll have it by the time Summerfest comes around. Clerk-Treasurer Sandberg stated last year they received the funds in late July. Mr. Niemeyer voiced concerns with committing money they don't yet have. His recommendation would be to defer until they receive the funds.

A motion to defer was made by Julie Rivera with second by Colleen Schieben. Mr. Niemeyer stated if they get the funds prior to the Steam Through History Event on the lake, he would like to see some funds go towards that event. It is a tourism magnet. He discussed the improvements made at the museum and the steam boat that is scheduled to make an appearance. It will be a huge draw. If they don't get those distributions, he discussed possibly using Town Promotion. Ms. Sandberg stated they have \$4,000 available in Town Promotion. A brief discussion continued. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**4. Appointment of New Member to the Board of Zoning Appeals**

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

**5. Agreement for the Elimination of Sewer Utility Billing – 14623 Huseman Street**

Clerk-Treasurer Sandberg stated they received confirmation from Public Works that the sewer tap at 14623 Huseman Street was capped and inspected. This item is ready for their consideration.

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

**REPORTS**

1. Town Council – Mr. Carnahan stated the Chamber held a luncheon on Monday and the Town Manager was the speaker. Mr. Eberly stated he reported on a number of things from the Lake Project to the upcoming road projects. He discussed commercial developments eyeing the Town. He updated them on the pier projects as well as the pavilion at Bartlett-Wahlberg Park. Everything was well received. A brief discussion continued on development.
2. Town Attorney – No report.
3. Clerk-Treasurer - Ms. Sandberg discussed her proposed additional appropriation and reduction. Due to the prior personnel salary items that were approved earlier this year, some line items within the General Fund need a little more to get them through the end of the year. The PSAP/Schererville costs also increased for 2021. They have also received the Community Crossing Grant Funds for the 129<sup>th</sup> Avenue project. An additional appropriation is necessary so they can spend those allotted funds come construction. The total proposed additional appropriation for the General Fund is \$73,200. The Community Crossing Grant additional appropriation is \$343,963.88. The appropriation reduction will be in the amount of \$50,000 from General, Police Department's budget. Mr. Niemeyer stated he had a great conference call the Jen and the financial consultant. They discussed some of the additional appropriations and how they have a lot of extra activity this year.

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He discussed the necessity of cuts as they make changes elsewhere. It was recommended they make additions in the budget for personnel rather than continue to make changes mid-year. They have a lot of opportunities to look at the budget for next year. He discussed taking a sustainable approach. The sustainability report was all about staying consistent. He stated the importance of building a foundation during the budget process and to stick with it for the year. Mr. Niemeyer credited Ms. Sandberg on her growth from her start in her position. He appreciates how she's been managing everything. He discussed having good resources and a good team of people. He thinks they need to put a pause on the continual additions and look at the necessary appropriations to fill holes. Ms. Sandberg added that many commitments have already been made. All personnel commitments for 2021 were within the General Fund. That commitment was over half a million dollars. She discussed the changes continuing to add up. The sustainability plan was a course forward that was approved by the Council. She voiced concerns with making a lot of changes. Current expenditures are outpacing what they would like to see. Right now, the General Fund has expended approximately 37% of the budget for 2021. She again voiced concerns with making a lot of changes when they were already planning to make significant changes in the years to come. Mr. Niemeyer stated it was about prioritizing things. Chief Wilkening has presented the need for reformulating his budget. Instead of hiring a new full-timer he wants to spread that among current staff for more competitive salaries. Chief Fisher did something similar last year. Those are things that are priorities. They are considering that still for a July start date. Mr. Niemeyer continued to discuss prioritizing personnel needs within each department. Mr. Foreman asked if Council Affairs would have another meeting to discuss the disbursement of that full-time person and if someone will see changes before July. Mr. Niemeyer stated the intention is to move forward with those salary increases but not with another person. Right now, they are at such an area with overtime, especially within the fire department, they will need another additional appropriation to get them through the year. Ms. Sandberg agreed with the conversation but was adamant they continue to watch expenditures and keep it all in consideration as that July 1<sup>st</sup> date comes.

4. Town Manager – Mr. Eberly stated he took a ride through Lynnsway today and quite a bit of the ADA curb cut work has been completed. They will make the deadline for completion of work. He discussed some persons being interested in Town owned properties. He would like permission to work with Mr. Austgen and prepare those for sale. These are lots that were picked up over the years that the Town doesn't have any particular use for. Mr. Carnahan asked where the money would go from the sale. Ms. Sandberg stated she would receipt it into the General Fund. Mr. Austgen asked where the money came from to acquire the property. That's where it should go back to. Mr. Eberly stated Jen is working on compiling the lien information on the parcels. Ms. Sandberg stated she should have an update by the end of the week. Mr. Niemeyer asked if the Council had an objection. It was answered no. Mr. Niemeyer told Mr. Eberly he could proceed with that.
5. Director of Operations – No report.
6. Police Department – Chief Fisher stated they sold the old pier for \$8,500. The minimum bid was \$2,000. The sale completed on May 13, 2021. Ms. Sandberg stated GovDeals sends a check for the sales. It could take a while to receive. The pier is gone. It was picked up today. A brief discussion continued on the pier. Mr. Miller asked that the \$8,500 received from the sale go to the Eco-Restoration Account. This way they'd be able to put it into the project. He discussed the possibility of matching grants. Mr. Niemeyer stated at the last meeting they approved the engineering to kick off the project. They do have the money planned out in the sustainability plan. Mr. Miller again discussed the possibility of matching grants. He discussed the possibility of growing the project. Mr. Niemeyer discussed making that an agenda item for the next Council meeting. He asked Ms. Sandberg and Mr. Eberly to work on that. Chief Fisher discussed the monthly call report for the department. Chief Fisher discussed bringing back the code enforcement officer. He shared a report with the Council. He stated FICA/Med is overfunded. Of that \$85,000 that is overfunded, the Clerk-Treasurer will be reducing it by \$50,000. That reduction will help in other areas of the General Fund where additional funds are needed. He asked to be allowed to move approximately \$14,000 from the FICA/Med line to the part-time line and bring the part-time code enforcement officer back for the remainder of the year. He understands they have issues with sustainability but would like to have a discussion come budget time, that way they can look at it for ensuing years. He would like to bring her back. She only averages about 18 hours a week. She's trying to be as beneficial as possible. Over the last year she has issued over 500 citations and almost 900 warnings. He asked the Council to consider letting her come back for the remainder of the year and they can discuss the position for future years. Mr. Niemeyer stated they discussed this in the conversation with Corby today. He would recommend they discuss this in the budget season because they are so tight on expenditures. He stated having a little bit of cushion in the budget to make a transfer for a needed expense somewhere down the line has more value than bringing on a part-time

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person for the rest of the year. He discussed the conversation with Jen and Corby and the importance of having a little bit of cushion. Chief Fisher stated he respected Mr. Niemeyer's statement but he will still have a little bit of cushion in his budget. With the reduction of the \$50,000, approximately \$35,000 will be left over and he is only asking for \$14,000. He stated he runs a tight budget. He's been working really hard at this so they can maintain that person. It's a part-time position and doesn't taking anything more than hours worked. She does a good job out there. She's just trying to clean the Town up and those are the complaints they receive all of the time. He stated they've had 156 house permits to date. In 2016, that number was for the entire year. They are expanding. He again asked them to consider bringing her back through the end of the year. Mr. Foreman stated he thinks having the ability to move those citations through the court system is important. He asked if she needed to be present at court. Chief Fisher stated yes or they'll be dismissed. Mr. Niemeyer, Mr. Austgen, and Chief Fisher went back and forth about whether or not she needed to be present in court. Mr. Foreman asked Ms. Sandberg if the dollars that Bill has identified were legitimate. Ms. Sandberg stated as of two weeks ago this is what was identified based on the expenditure report. She discussed averaging out the remaining pays to come up with the numbers. She ran another report this morning and the numbers are similar. Mr. Kubiak added they get multiple calls a day in the Building Department for code enforcement. Citizens are used to having code enforcement now. A brief discussion continued on building and enforcement. Mr. Niemeyer discussed police officers having the authority to enforce codes. He briefly discussed the added expenditures and commitment to the new police department hires. Chief Fisher stated he's replacing retirees and adding one new officer as was budgeted. Mr. Niemeyer voiced his disagreement with returning a position that was previously eliminated. A lengthy discussion continued on the position. Mr. Foreman stated he liked the cleverness of what he was trying to do. He made a motion to amend the agenda to add the item for consideration. A second was made by Colleen Schieben. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 2. Motion carries. The item for consideration is for the part-time code enforcement officer to be transferred out of FICA/Med in the amount of \$14,713 to the part-time line item. A motion to approve moving forward with the part-time code enforcement position not to exceed \$14,713 for the remainder of 2021 was made by John Foreman with second by Colleen Schieben. Mr. Niemeyer stated they just had this discussion with the financial advisor and Clerk-Treasurer and had this report and it means nothing. The fact the position was eliminated and carried on is going against everything that is recommended as part of the sustainability plan. He stated it is an interesting move. Mr. Foreman asked about the extra FICA/Med dollars and if that was discussed. Mr. Niemeyer stated Jen had that discussion with Margo. He asked her to report. Ms. Sandberg stated upon review they realized that FICA/Med had a surplus. After running some numbers, it looks like 77 Fund members were included in the calculations for 2021. This was in error. 77 Fund members do not pay social security taxes. She stated they looked at the expenditures and estimates and that is how they came up with the approximate surplus of \$85,000. She continued to discuss how she came up with the \$50,000 reduction and the anticipated remaining funds available. She stated it could be used for part-time or it could be a back-up for overtime. Police have some additional overtime due to the COVID clinic in Gary. She added that they will receive 100% reimbursement for those expenditures. Mr. Niemeyer stated what they looked at overall was the impact of the raises for the fire department. That will be more than just the reduction of the salary line item for the one officer. They will have an additional appropriation not just for overtime but for that additional raise. Mr. Foreman asked about the 77 Funds being used for that. Mr. Niemeyer further discussed having this talk in the budget season. A lengthy discussion continued on surplus funds and the motion on the table. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – No, Miller – Yes, Schieben – Yes, Sharpe – No, Niemeyer – No. Vote: 3 - 4. Motion failed.

7. Fire Department – Assistant Chief Mager stated the new ambulance is supposed to be delivered on June 8<sup>th</sup>. He stated the call volume is increasing. They received a nice letter from the City of Gary for their assistance in a particularly difficult evening for the city. They had 22 structure fires in one evening. The marine unit has been up to Hammond a couple of times to assist in the search of a missing boy. A brief discussion continued.

**WRITTEN COMMUNICATION**

1. Building Department Report – Mr. Eberly stated 156 building permits have been issued as of the end of April. March and April were record months.
2. Christopher B. Burke Report – Projects updates are included in the report.
3. Correspondence from Mayor Jerome Prince, City of Gary- A letter of thanks was received for mutual aid.

## PUBLIC COMMENT

Deborah Nelson, 8605 W. 131<sup>st</sup> Avenue, stated she knows the Council doesn't get involved in neighbor issues but she has a concrete retention wall issue. She brought it to the attention of the building department. She was instructed that she would need a land survey. She discussed the wall at Bartlett-Wahlberg Park. She has had difficulty in getting help with the wall. She stated it is on her fence now. She stated it is someone else's property. Mr. Kubiak stated he instructed her to get a survey as that is the only way to figure out the property line. Mrs. Nelson stated the last stake couldn't be placed due to the wall. She continued to voice concerns with the wall on her fence and the project completed by her neighbor. Mr. Kubiak stated their project was plenty off of the property line and that is why the BZA approved the variance. A lengthy discussion continued on the wall and property line. Mr. Foreman asked Mr. Eberly to look into the situation. Mr. Kubiak stated he would like to see the survey. A brief discussion continued.

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

Ralph Miller, Ward 4

Jennifer N. Sandberg, IAMC  
Clerk-Treasurer

- (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.