

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



June 1, 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	

PRESENTATION

Chief Bill Fisher presented commendations to two retirees. He presented plaques of appreciation to Darlene Sund and Lt. Robert Forsell. He congratulated Lt. Forsell for 36 years of dedicated service and Ms. Sund for 35 years of dedicated service. Chief Fisher read a letter he received praising the dedication of the Technology Director. Chief Wilkening expressed his admiration for Mr. Wroe and all of his help. Chief Fisher presented Technology Director Cliff Wroe with a certificate of appreciation.

President Niemeyer asked if Mr. Forsell or Ms. Sund would like to address the audience. Mr. Forsell expressed his appreciation and thanked everyone for their support. Ms. Sund stated she appreciated the support and enjoyed her 35 years with the Police Department. Mr. Niemeyer thanked the both of them for their service.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Claims:** All Town Funds: \$285,559.42; Wastewater Operating: \$181,344.87; Water Utility: \$58,016.31; Storm Water: \$23,123.81; and Payroll: May 27, 2021 and May 28, 2021: \$226,143.02.

Clerk-Treasurer Sandberg noted the payroll date should read May 27th not 7th. A motion to accept the consent agenda as listed 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.

ORDINANCES & RESOLUTIONS

1. Resolution No. 1283 – Ambulance Financing

Council Member Sharpe read by title only. Clerk-Treasurer Sandberg explained this is to enter into the lease agreement with Tax-Exempt Leasing Corp. for the ambulance. This would be Schedule No. 02 of the Master Lease Agreement the Town already has with Tax-Exempt Leasing Corp. All documents are in place and ready for execution. Mr. Carnahan asked about the interest rate. Ms. Sandberg confirmed it was 2.38%.

A motion to approve Resolution No. 1283 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. Chief Wilkening added the ambulance will be delivered next week. They will be having a dedication ceremony sometime in the near future.

2. Ordinance No. 1387 – Beacon Pointe East PUD Rezone

Council Member Sharpe read by title only. Mr. Eberly explained this comes with a favorable recommendation from the Plan Commission. Mr. Austgen stated it only requires a single reading. This is an amendment to the previous PUD for the parcel.

A motion to adopt Ordinance No. 1387 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.

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BZA/Plan Commission

1. Beacon Pointe East PUD Contract – Expansion of Proposed Phase 3

Mr. Eberly explained this goes along with the previous item. It is a contract amendment for the PUD rezone. Mr. Austgen stated it should be appended to the ordinance if approved.

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

2. Beacon Pointe West of Cedar Lake, Unit 5 – Performance Letter of Credit

Mr. Eberly stated this comes with the recommendation of the Town Engineer. He has looked over the letter of credit and the amount is sufficient. It is in an amount of \$259,330.23.

A motion to approve was made by John Foreman with second by Ralph Miller. Mr. Foreman added that a performance letter of credit basically makes a developer perform or do what they say they will do. If they don't, the letter of credit gives the Town the ability to pull on it and finish the project. They have had to do that in the past. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

3. Henn, 13212 Wicker Avenue – Performance Letter of Credit

Mr. Eberly explained this is similar to the previous item. It comes with the recommendation from the Town Engineer. It is an amount of \$9,548.

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

4. Hanover Community School Corporation – Performance Letter of Credit

Mr. Eberly stated this is similar to the last two items. It is in an amount of \$373,557.25. The Town Engineer has reviewed.

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

NEW BUSINESS

1. Preliminary Annexation Discussion – 12416 Wicker Avenue – Rory Ravens

A preliminary discussion occurred on the potential annexation of 12416 Wicker Avenue. Mr. Ravens stated this is the property to the northwest of his. Mr. Henn owns it. He has a contingent purchase agreement in place. Mr. Ravens stated his thoughts are in the preliminary stages but he hopes to put as big a building as possible on the property. He estimated approximately 20,000 square feet. He's having DVG take a look at the property. A lengthy discussion occurred on the current zoning and the potential zoning if annexed into the Town. Mr. Foreman discussed the type of business belonging on US 41. Discussion occurred on whether or not when petitioning for annexation, Mr. Ravens could request a specific zoning at that time. The ordinance states it comes should come in as agricultural but the option is there for Council to rezone upon annexation. Mr. Niemeyer discussed concerns from a Plan Commission member about approving the zoning of B-3 before plans are in front of the Plan Commission and whether or not the use could be flipped. A lengthy discussion occurred on the potential annexation and zoning. Mr. Niemeyer discussed being in favor of a memorandum of understanding, that if petitioned for annexation under a B-3 zoning, Mr. Ravens would follow through on the planning process. A lengthy discussion continued on the potential zoning classification. The Council expressed their support for Mr. Ravens and his potential business expansion.

2. Preliminary Annexation Discussion – Parcel on 141st Avenue Next to Tracks by Middle School – Mike Neubauer

A preliminary discussion occurred on the potential annexation of a parcel on west 141st Avenue next to the railroad tracks. Mr. Neubauer shared some information with the Council on the proposed project. He stated the parcel is in a unique location. They would like to put up a storage facility on it and have some greenspace. They would put up something a little more upscale since it would be next to Rose Garden Subdivision. It is in the back and a low area. They've done some preliminary engineering with DVG to look at the storm water runoff. A very lengthy discussion occurred on the proposed business use and annexation.

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3. Discussion – American Legion Post #261 – John Lepper

Mr. Carnahan introduced Robin from the American Legion Post #261. She spoke alongside John and Don. They were before the Council a year ago for their rally but it was cancelled due to COVID. They will be hosting the rally this year, June 17th through the 20th. They received a donation of rubber ducks. They would like to do a duck race on the lake. A permit has been applied for with IDNR. They originally thought the best location would be at the Chamber launch but due to the increased traffic it was suggested they request use of the pier and lakefront at the Town Grounds. They asked for permission to hold their duck race on June 19th. They don't anticipate the event taking more than a couple of hours. A brief discussion continued.

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

4. Pier Sale Funds Allocation to Fund 807, Non-Reverting Eco-System

Mr. Niemeyer asked if the pier has been sold and if the funds have been received. Mr. Eberly stated the pier has been sold but the funds have not yet been received. They did sell it for \$8,500. Clerk-Treasurer Sandberg stated she reached out to the State Board of Accounts for their audit position. They stated due to the passage of time and lack of documentation in regards into the purchase of the original pier, the funds should be receipted into the General Fund. Once there, the Council can appropriate it for the restoration project. It cannot be receipted directly into Fund #807.

A motion to receipt it into the General Fund was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

5. Cedar Lake Summerfest – Daily Grounds Use Fee and Fireworks Permit Fee Waiver Request

Mr. Eberly stated this is standard operating procedure. The Town is recognized for sponsorship in exchange for granting the waivers.

A motion to approve the grounds use fee and fireworks permit fee waivers was made by Richard Sharpe with second by Ralph Miller. Mr. Foreman asked if the parking fees were changing. Mrs. Dickson stated the parking fee would be increasing from \$5 to \$10. Mr. Foreman asked the Chiefs if the Town was ever compensated for that or if it just hit the budget. Chief Fisher stated it was always overtime. In the past they've made laptop donations to the VIPS. Mrs. Dickson stated it was part of the contract. Mr. Foreman voiced concerns with the growth of the event. Mr. Carnahan stated two years ago the Summerfest Committee paid for improvements to the electrical box. Mr. Niemeyer voiced his support. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

6. Ratification of Hanover Middle School PUD Contract

Mr. Eberly stated this is the item Mr. Austgen referred to earlier. If they take action on the item, Mr. Austgen would like a final review. Mr. Austgen added they can certainly consider approval and signature tonight. He requested a final review before recordation. It's a large project. Mr. Eberly stated he would make sure to get the documents to Mr. Austgen.

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

7. Lynnsway CY2017-19 CDBG Project – Change Order

Mr. Eberly explained the change order. It is in an amount of \$2,088.30. The project came in at a total of \$79,981.30. They had a little bit over \$76,000 available in CDBG Project funds. The Town will have to pick up the difference. It is anticipated to be paid out of Local Road and Streets. Ms. Sandberg stated they'll need to approve a small transfer resolution to move the money from emulsion to contract services. The project was completed on time. Mr. Carnahan asked about taking funds from emulsion. Mr. Eberly stated there was \$25,000 budgeted and they only need a small portion for the project. But if they found a better line item, they can certainly put that forward. They don't expect to get that back from County for some time.

A motion to approve the change order and the recommended payment line item was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0.

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8. Lynnsway CY2017-19 CDBG Project – Final Pay App

Mr. Eberly stated this authorizes the payment for the project that they just approved the change order for. A motion to approve 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.

9. Contribution of \$1000 to CLHA from the Town Promotion Fund to Support the Historical Steamboat Limited Feature Event – “Steam Through History”

Mr. Niemeyer stated this is to approve a contribution of \$1,000 to the Cedar Lake Historical Association for the Steamboat event. Mr. Foreman asked if they received the money. Mr. Niemeyer stated it is not the tourism dollars this would be from the Town Promotion line item.

A motion to approve 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.

10. Cedar Lake – Eastside Water Lighthouse Restaurant Property Transaction

Mr. Austgen reported on the negotiated settlement of the eminent domain lawsuit proceeding with the Lighthouse Restaurant property owners. This is for the approximate one-acre parcel upon which it contains a well and well housing equipment. It is right down on Morse. Mr. Austgen briefly discussed the negotiation. The summarized terms include the Lighthouse Restaurant entity will convey to the Town the one plus acre parcel where the well supply is located. In return, the Town will convey Lot 3 next to the lake, subject to the retention of an easement for access to the lake. The purchase price from the Town to the Lighthouse is in an amount of \$327,825 less the \$70,000 appraised value of Lot 3. The net purchase price is \$257,825. The Town will issue a zoning compliance letter to the Lighthouse Restaurant entity that all of the parcels they retain are in compliance with current zoning laws. The settlement also includes the termination of charge for inactive sewer taps. The annual maintenance bond will be terminated. An adequate water supply will be retained for the Lighthouse Restaurant property including the restaurant. All interests the Town has in Lot 3 will be conveyed in a perpetual access agreement/easement will be obtained. Lift Station #5 will be constructed and completed and the lawsuit will be dismissed. A lengthy discussion continued on the settlement transaction and the water development and infrastructure improvements to commence on the east side.

A motion to approve the Cedar Lake Eastside Water Restaurant Property Transaction as well as allow the Council President to sign the required documents and the Clerk-Treasurer to attest the signature and pay for it from the appropriately identified funds was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 0. Mr. Niemeyer commented on the multiple meetings he and Rick attended with White Lodging. He commented they were very good negotiating partners. He appreciated the good business done.

11. Appointment of New Member to the Board of Zoning Appeals

Mr. Foreman nominated Ray Jackson for the vacant seat on the Board of Zoning Appeals.

A motion to approve the appointment of Ray Jackson contingent on his application and residency confirmation was made by John Foreman with second by Richard Sharpe. No other nominations were made. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 – 0.

REPORTS

1. Town Council - Mr. Carnahan stated the Chamber will hold their kids fishing derby this Saturday. The first 100 participants will receive a can pole. Mrs. Rivera addressed a rumor about the Council axing the YMCA development in favor of a subdivision. She stated this is untrue. The YMCA project never even came before the Town Council. She stated she was personally in favor of the YMCA project. Mr. Foreman stated they brought some engineering plans to a Plan Work Session and between the work session and the next meeting where there could have been a vote, they pulled their petition. Mrs. Rivera added that the owners of the golf course have the right to sell their property to whoever they wish too. Mr. Niemeyer stated when the YMCA presented the original concept, there was mostly supportive comments made by Council about the development. A brief discussion continued on the golf course. Mr. Niemeyer discussed overgrown areas along Morse and 145th as well as other development parcels around Town that are not maintained. He voiced concerns with weeds growing out of control and nothing being

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done. Chief Fisher stated they do write tickets. He asked for the specific areas of concern. He would look into it. A lengthy discussion continued on maintenance of these parcels.

2. Town Attorney - No report.
3. Clerk-Treasurer - No report.
4. Town Manager – No report. Mr. Niemeyer asked Mr. Eberly when the Building Committee would meet. Mr. Eberly stated on June 10th at 2:00pm.
5. Director of Operations – No report. Mr. Carnahan stated he is receiving complaints about the playground at Krystal Oaks. The mulch is no good. Mr. Kubiak stated they have been trying to order the proper mulch but are not having much luck. Everyone is sold out. It has to be an approved playground mulch. Staff is working on it. A brief discussion continued on mulch.
6. Police Department – No report.
7. Fire Department - Chief Wilkening discussed the water system on the east side. He stated his excitement for the fire hydrants on the east side. ISO ratings should improve and it should also help the taxpayers with their insurance rates as well. A brief discussion continued on fire hydrants.

PUBLIC COMMENT

Nick Worley, W. 137th Place, expressed his appreciation for the Fire Chief and the Police Department. They came to his father's aide recently.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:47 PM.

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.