

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



June 15, 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	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	Rick Eberly	
	Council Member			Town Manager	
Present	Randell Niemeyer	Ward 5	Present	David Austgen	
	Council Member			Town Attorney	

*Present via Zoom.

PUBLIC HEARINGS

1. Resolution No. 1281 – A Resolution for Additional Appropriation

- Review of Legals - Attorney Austgen stated the legals are in order.
- Opening Remarks - Clerk-Treasurer Sandberg stated as previously discussed this additional appropriation is for previous commitments made to personnel as well as increased PSAP costs for 2021. The total proposed for the General Fund is \$73,200. This also includes an additional appropriation for the Community Crossing Grant Fund for the 129th Avenue Project. That is in an amount of \$343,963.88. We have to go through the additional appropriation process in order to spend the construction funds. The resolution includes an appropriation reduction. \$50,000 will be reduced from the General Fund, specifically from the Police Department budget.
- Reading of Resolution No. 1281 - Council Member Sharpe read by title only.
- Remonstrators - None
- Town Council Discussion - None
- Town Council Decision

A motion to approve Resolution No. 1281 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.

2. Ordinance No. 1386 – Amending Ordinance No. 1057, Fees for Garbage and Recycling

- Review of Legals - Mr. Austgen stated the legals are in order.
- Opening Remarks - Mr. Niemeyer stated this is a codification of the action that was taken in the contract that was signed with Republic Services. Mr. Austgen stated this is the legislation part to that action for pick-up costs. Mr. Niemeyer stated it was a six-year contract signed with Republic.
- Reading of Ordinance No. 1386 - Council Member Sharpe read by title only.
- Remonstrators - None
- Town Council Discussion - None
- Town Council Decision

A motion to approve Ordinance No. 1386 was made by Julie Rivera with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend the rules to allow for a second reading 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.

Council Member Sharpe read Ordinance No. 1386 by title only.

A motion to adopt Ordinance No. 1386 was made by Julie Rivera with second by Colleen Schieben. Mr. Niemeyer noted for the record that the new fee to be charged per month is \$20.00. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Austgen stated this requires publication and he would take care of that.

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PUBLIC COMMENT

Diane Jostes, Cedar Lake Chamber, addressed the second item under New Business. She discussed the Lakeside Artists Guild that is interested in bringing their program to the community. She wanted to extend her support for them and the South Shore Grant that is available. She discussed the nominal figure when compared to the Symphony that used to come. She stated there was no financial obligation to the Town and encouraged the Council to consider it. Mr. Niemeyer stated he saw the performance at the museum dedication and they were excellent.

Andy Anderson, Lakeside Artists Guild and Academy, stated they are committed to a series at a local winery in Valparaiso. They will already be preparing new concerts. His goal is to fundraise so they don't have to charge entry for these events.

CONSENT AGENDA

1. **Minutes:** May 4, 2021; May 18, 2021; and June 1, 2021
2. **Claims:** All Town Funds: \$167,795.68; Wastewater Operating: \$47,401.03; Water Utility: \$48,838.39; Storm Water: \$15,427.75; and Payroll: June 10, 2021 - \$307,413.35
3. **Manual Journal Entries:** May 1 – 31, 2021
4. **Donations: Dare Donations:** The Lawrence Property Group, \$250.00; Milestone Contractors North, \$250.00; Pine Crest Marina, \$250.00; Austgen, Kuiper, Jasaitis PC, \$100.00; Amvets Post 15, \$250.00; Ray & Wally's Towing, \$250.00; CL Vending INC, \$250.00; Sportsman's Den, \$250.00; Whites Custom Concrete, \$100.00; Kimberly George, \$100.00; Hanover Central Middle School, \$1000.00; Douglas MacArthur PTO, \$250.00; Douglas MacArthur PTO, \$1000.00; Eagle Riders, \$250.00; Phil & Sons, \$100. **Other Donations:** Fraternal Order of Eagles donated \$300.00 to the CLPD for Police Week. VIPS Tag Day received \$967.94 in donations. Dairy Queen Grill & Chill donated 200 hotdogs for the CLPD Dare graduation picnic. Welch's Stop & Shop donated 250 hotdogs for the CLPD Dare graduation picnic.

A motion to accept the consent agenda as listed was made by Richard Sharpe with second by Julie Rivera. Mr. Carnahan asked about the purchase of a 20-inch chain for \$281. Mr. Kubiak stated it was probably multiple chains. Mr. Carnahan asked about NIPSCO Lift Stations of \$4,395.04. He asked if it was the cost to run all of the lift stations for the month. Clerk-Treasurer Sandberg stated not all of them. They'd have to pull claims for exact amounts. Mr. Kubiak briefly discussed improvements at lift stations. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Chief Fisher stated Sarah did an excellent job soliciting donations for the DARE program. It was difficult during the pandemic. It is a self-sustaining program.

NEW BUSINESS

1. **Tim Kubiak – Town Promotion Fund Request in the amount of \$1000 for 4th of July Parade**

Mr. Kubiak discussed the upcoming 4th of July parade. Traditionally, they have used monies from scrap but that isn't much this year. He requested \$1,000 from the Council's Promotion Line Item in order to purchase decorations and candy.

A motion to approve the request as made was made by Robert Carnahan 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. **Special South Shore Grant for 2021**

Doug Spencer discussed the grant that is available through the South Shore CVA. The grants can be requested in an amount up to \$20,000 and be used for any festivals or tourism related events. He discussed how the funds could be used for the Lakeside Artists Guild for evening concerts this summer. He stated the funds could also be used for promotional signage. A lengthy discussion continued on the grant available and use guidelines. Mr. Niemeyer suggested the Park and Recreation Committee meet to discuss how to utilize the grant and what uses to put on the application. Mr. Anderson briefly discussed the type of concert they hope to present to the community. It was clarified that the Town would be responsible for submitting the application for the grant and use the funds appropriately towards tourism and events.

A motion to direct the application be filled out on behalf of the Town for the South Shore Grant for \$20,000 by the Town Manager's Office in conjunction with the Park and Recreation Committee was made by Richard Sharpe with second by Colleen Schieben. Mr. Foreman asked for clarification on the grant money. Mr. Niemeyer stated it would be granted to the Town and spent by the Town for the things applied for that must be tourism related. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

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REPORTS

1. Town Council – Mr. Carnahan stated yesterday was Flag Day. He went to the American Legion and led them all in the Pledge of Allegiance at 6PM. They also had the retiring of flags that evening. It was a nice service. Mr. Niemeyer discussed concerns he's heard about illegal fireworks. He asked about how they go about policing that. Chief Fisher stated they respond to all calls and complaints received but it's very hard to do more than informing people of the rules regarding fireworks and allowed days. They do write citations but it's very hard to catch folks in the act. It was recommended that they call in each time. Mr. Niemeyer discussed use variances and utilizing people already on the Town's team to follow-up and make sure those items are being followed up on properly. He asked what kind of consequences there are if not followed through properly. Mr. Eberly asked Mr. Kubiak to address it from a historical perspective. He stated in previous communities he's worked at, that was completed by the Planning Department. Mr. Niemeyer stated for the Town's case, it would be the Planning Director, Jill Murr. He asked about the steps procedurally. Mr. Eberly stated they would make sure they are not outside of the time limit granted. First action would be to contact the resident and give the opportunity to comply. Mr. Kubiak stated they have gone to residents with copies of their approval and they've gotten in compliance. He stated the Building Department is quite busy with inspections but every effort is made when a complaint is made. Most people come in to compliance when it is brought to their attention. Mr. Niemeyer stated this should be followed up with. Even if it takes a little time. He thinks something should be discussed at their next staff meeting within the department. Mr. Kubiak stated it is something they have on their radar. He doesn't believe there is anything that is way out of control. If it's brought to their attention, they get out there and check on it and remind folks of what was approved. Mr. Eberly stated he would discuss with staff.
2. Town Attorney - No report.
3. Clerk-Treasurer - Clerk-Treasurer Sandberg stated she received an email from the State Board of Accounts and the next examination for the Town has been scheduled. No start date was given but it could occur at any time. She stated she received an engagement agreement from Crowe, LLC for the Continuing Disclosure of the Town's Bonds. It is an amount of \$4,000. This must be filed before the end of the month. She asked for the Council to consider the item and allow Randy or her signature. A motion to amend the agenda and consider the item with a favorable recommendation was made by Richard Sharpe with second by Colleen Schieben. Mr. Austgen noted these continuing disclosures are contractual and made at the time of financing. Mr. Foreman asked if they had these sorts of agreements in the past with London Witte. Ms. Sandberg stated yes, London Witte always filed for the Town. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Mr. Niemeyer asked Ms. Sandberg to notify the Town Attorney when it comes time for the exit interview with the SBOA. He wants to Town Attorney to be informed and available to fight on behalf of the Town if necessary. A brief discussion continued. Ms. Sandberg stated she would inform them when the time comes.
4. Town Manager - No report.
5. Director of Operations - Mr. Kubiak stated they are nearing completion of Lift Station #5. They are getting the utilities hooked up to it. Mr. Carnahan thanked Mr. Kubiak for getting the certified mulch to Krystal Oaks.
6. Police Department - Chief Fisher reported on the call for service for the month of May. They are steadily increasing each month. They are getting ready to order no parking signage for South Shore Subdivision as previously discussed. They are nearing completion with the new piers on the Town Grounds as well as Bartlett-Wahlberg Park. They hope to have a ribbon cutting ceremony next month. He is working on getting a new Town Flag utilizing the new brand. He has been in contact with the owner of South Shore Country Club and they will be cleaning up the grass and weeds. He asked for direction when it comes to abatements. They write citations and they get fined but nothing comes of it. Mr. Eberly stated when it comes to a vacant lot, they can cut it and place a lien. As for occupied properties, that becomes a different situation. The question of abatement is an interesting one. Mr. Austgen discussed the legal process for abatements. A lengthy discussion continued.
7. Fire Department - Chief Wilkening stated their call volume is going up as well. He stated he appreciated Randy getting back to him on the increases for his guys. He did say the Council is remaining committed. He asked if something is still on for the July 7th meeting. Mr. Niemeyer stated he hasn't heard anything otherwise. He and Jen have communicated and that was discussed with Chief Wilkening. Jen had raised the concern of multiple additional appropriations. Corby sent an email today to discuss that at a certain rate and pace they will dip into the cash reserves. The raises are one thing but they need a management strategy to go with it so they aren't constantly going into the cash reserves. Chief Wilkening stated discussions with other Chief's and overtime is out of hand everywhere. Getting part-time staff is proving difficult. He just wants to make sure they are sticking to the public commitment. Mr. Foreman discussed the possibility of

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dividing the funds for what was budgeted for the full-time person among staff, similar to what Chief Fisher did last year, and asked what the hold-up is. Mr. Niemeyer stated the difference between Chief Fisher's request and Chief Wilkening's request is in the actual percent of a raise. The raise Chief Fisher gave was covered entirely by the salary. The raise Chief Wilkening is proposing requires additional money. That's why this was a little more difficult. It needs extra consideration. Chief Wilkening stated not that he recalls. Mr. Niemeyer stated that was in the reports Corby gave as well as conversations in the committee meetings. The numbers did not match. A brief discussion continued on an additional meeting of the Council Affairs committee. Chief Wilkening stated the Fire Department brought the new ambulance tonight they hope to have it on the road within the week. Chief Wilkening stated they are looking at possibly getting a price to re-chassis the ambulance. They will be evaluating the two oldest rigs to see which would be the better fit and less cost. He will put a report together. Mr. Foreman asked about getting Park and Recreation Committee together to discuss a half a basketball court in Lynnsway. A brief discussion continued on the parking signs in South Shore. It was discussed to start with Dewey Street and see if additional signage is needed later. A brief discussion continued.

WRITTEN COMMUNICATION

1. Building Report - A brief discussion occurred on year-to-date permits.
2. Christopher B. Burke Report - A brief discussion occurred on the MS4 inspections and the costs associated. Mr. Carnahan asked for an update on 129th Avenue. Mr. Eberly stated the traffic patterns are changing daily. It's a short project but it will be a headache. Chief Fisher has been out there to watch traffic.

PUBLIC COMMENT

Jim Lameeka, 12712 Meadowlark, thanked the Council for getting his driveway mud jacked and repaired after the water damage. Mr. Niemeyer thanked him for his patience during the process. He knows it took some time but it is a process. A brief discussion continued.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:25 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.